



City of North Port

ORDINANCE NO. 2019-11

1 AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY OF
2 NORTH PORT UNIFIED LAND DEVELOPMENT CODE TO ALLOW FOR URBAN MARKET
3 GARDENS BY AMENDING CHAPTER 25 – PARKING AND LOADING REGULATIONS,
4 ARTICLE II – OFF-STREET PARKING, SECTION 25-17 – MINIMUM OFF-STREET PARKING
5 REQUIREMENTS; AMENDING CHAPTER 53 – ZONING REGULATIONS, PART 2 – SCHEDULE
6 OF DISTRICT REGULATIONS TO ALLOW URBAN MARKET GARDENS AS A PERMITTED
7 PRINCIPAL USE IN THE CG COMMERCIAL GENERAL DISTRICT, CG-S COMMERCIAL
8 GENERAL SPECIAL DISTRICT, ILW LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT,
9 AND NC-HI/NC-LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICTS;
10 AMENDING PART 3 – SPECIAL DISTRICT REGULATIONS, ARTICLE XX SPECIAL
11 CIRCUMSTANCE REGULATIONS, SECTION 53-240 SPECIAL STRUCTURES; AMENDING
12 CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS TO ALLOW URBAN MARKET
13 GARDENS AS A PERMITTED PRINCIPAL USE IN PANACEA (ACTIVITY CENTER #4),
14 MIDWAY (ACTIVITY CENTER #5), THE SHIRE (ACTIVITY CENTER #6), AND THE GARDENS
15 (ACTIVITY CENTER #8); AMENDING CHAPTER 61 DEFINITIONS, SECTION 61-3
16 DEFINITIONS AND WORD USAGE; PROVIDING FOR FINDINGS; PROVIDING FOR
17 ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING
18 FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

19 **WHEREAS**, cities are increasingly recognizing that urban food production can help provide food security
20 for their residents, reduce greenhouse gas emissions, and help meet their goals to become sustainable
21 cities; and

22 **WHEREAS**, communities are looking to promote healthy eating and healthy food access; and

23 **WHEREAS**, urban market gardens can provide green space in urban areas as well as ecological and
24 environmental benefits to the community; and

25 **WHEREAS**, urban market gardens are sites where food may be grown by an individual, organization or
26 private enterprise with the primary purpose of growing food or plants for sale; and

27 **WHEREAS**, the City of North Port Commission recognizes a need for urban market gardens; and

28 **WHEREAS**, the City of North Port Planning and Zoning Advisory Board designated as the Local Planning
29 Agency (LPA) held a public hearing on March 21, 2019, with due public notice to receive public comments
30 on the revision of the Unified Land Development Code; and

WHEREAS, the Commission has held public hearings with due public notice to review the recommendations of the Planning and Zoning Advisory Board, and to receive public comments on the revision of the Unified Land Development Code; and

WHEREAS, the Commission has determined that the proposed amendments are consistent with the Comprehensive Plan and serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 - FINDINGS

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

1.02 The City Commission finds that the code amendments herein are consistent with the City of North Port Comprehensive Plan.

SECTION 2 - ADOPTION

2.01 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 25 – PARKING AND LOADING REGULATIONS

...

ARTICLE II. – OFF-STREET PARKING

...

Sec. 25-17. – Minimum off-street parking requirements.

...

B. The following minimum off-street parking requirements are applicable to all zoning districts:

Use	Number of Spaces
...	
Marinas or commercial piers	2 for each 3 boat slips or moorings (Accessory uses require added spaces).
<u>Urban Market garden</u>	<u>1 per acre or fraction thereof, plus 1 per 350 square feet of building/structure, excluding sheds.</u>
...”	

2.02 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 53 – ZONING REGULATIONS

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

63 **ARTICLE III. – CG COMMERCIAL GENERAL DISTRICT**

...
64 **Sec. 53-38. - Permitted principal uses and structures.**

...
64 A. Permitted principal uses and structures shall be as follows:

...
65 (39) Urban market gardens in accordance with Sec. 53-240(S). No urban
66 market gardens are permitted within AC #1, 2, 3, or 7.

67
68 B. If permitted uses are combined, each use will be reviewed separately.

...

69
70 **ARTICLE IV. – CG-S COMMERCIAL GENERAL SPECIAL DISTRICT**

...
71 **Sec. 53-51. - Permitted principal uses and structures.**

...
72 A. Permitted principal uses and structures shall be as follows:

...
73 (34) Urban market gardens in accordance with Sec. 53-240(S). No urban
74 market gardens are permitted within AC #1, 2, 3, or 7.

...

75 **ARTICLE VI. – ILW LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT**

...
76 **Sec. 53-77. - Permitted principal uses and structures.**

...
77 Permitted principal uses and structures shall be as follows:

...
78 U. Urban market gardens in accordance with Sec. 53-240(S). No urban market
79 gardens are permitted within AC #1, 2, 3, or 7.

...

80 **ARTICLE XIV. – NC-HI/NC-LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICTS**

...
81 **Sec. 53-179. - Permitted principal uses and structures.**

82 A. The following shall be principal (P), special exceptions (SE), or not permitted (NP) uses and structures allowable in one (1) or both of the (NC) Neighborhood Commercial Districts. All commercial uses listed herein shall be conducted within completely enclosed buildings, unless exempted herein, and shall be visible and accessible to patrons walking or driving to the site and shall hold hours of operation (including deliveries) no earlier than 5:00 a.m. to no later than 10:00 p.m.

Permitted Principal Uses and/or		
Structures/Special Exceptions	NC-LI	NC-HI

...		
(22) <u>Urban market gardens in accordance with Sec. 53-240(S)</u>	<u>P</u>	<u>P</u>

..."

2.03 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

"Chapter 53 – ZONING REGULATIONS

...

PART 3. – SPECIAL DISTRICT REGULATIONS

...

ARTICLE XX. – SPECIAL CIRCUMSTANCE REGULATIONS

...

Sec. 53-240. – Special structures

...

S. Urban market gardens.

(1) General requirements.

(a) Intent.

(i) It is the purpose of this section to create regulations for urban market gardens in specific locations with the intent that such gardens do not create adverse environmental impacts or land use incompatibilities.

(ii) Exception. This section pertains to urban market gardens that are a primary or accessory use (or as allowed by special exception) on property and where crops are grown on site. It does not apply to nurseries, botanical gardens, garden shops, or uses that are otherwise listed in the zoning and land development regulations.

(b) Location and Size.

(i) Location. Urban market gardens may be a primary or accessory use and may be located in any of Chapter 53's zoning districts where they are permitted as principal uses, accessory uses, or allowed through the special exception process in the Unified Land Development Code.

(ii) An urban market garden shall not be greater than ten(10) acres in size. The total acreage of land throughout the

114 whole of the city that may be used for urban market
 115 gardens shall not exceed twenty-five (25) acres.

116 (c) Hours and Sales.

117 (i) The produce and horticultural plants grown in the urban
 118 market garden may be sold on or off the premises.

119 (ii) Sales at an urban market garden may be conducted
 120 outdoors.

121 (d) Compliance with laws. All urban market gardens and their users
 122 must comply with all federal, state, and local laws and
 123 regulations relating to the operation, use, and enjoyment of the
 124 garden premises.

125 (e) Application process.

126 (i) All urban market gardens and their users must follow the
 127 order of application process outlined in Sec. 53-5.

128 (ii) Environmental site assessment. Any individual, group of
 129 individuals, organization, or entity that wishes to
 130 establish a garden market must complete a Phase I
 131 Environmental Site Assessment ("ESA") prior to
 132 commencement of urban market garden activities.
 133 During the ESA, soil must be tested for any contaminants
 134 that would render it unsuitable for cultivating food on
 135 topsoil, including, but not limited to lead and other toxic
 136 heavy metals, industrial solvents, gasoline, oils and
 137 greases, perchloroethylene, and other chemicals that
 138 can be transmitted to people via soil contact or
 139 consumption of foods grown in such soil. Any historical
 140 sources of contamination identified in the ESA must be
 141 tested to determine type and level of contamination. If
 142 necessary, appropriate remediation procedures must be
 143 undertaken to ensure that soil is suitable for gardening
 144 prior to commencing garden activities.

145 (iii) Urban market gardens that contain a structure are
 146 subject to the development regulations in Ch. 33, Art. II,
 147 Major site and development. Urban market gardens that
 148 do not contain a structure are subject to the
 149 development regulations in Sec. 37-7, Infrastructure plan
 150 submission requirements.

151 (2) Required planting setbacks and buffer requirements.

- 152 (a) All planting shall be located so that all vegetation including all
 153 parts of above-ground vegetation remains at least ten (10) feet
 154 away from the front, side or rear property lines, or shall meet the
 155 setback requirements for the zoning district which it is in,
 156 whichever is greater. The cultivated area shall not encroach onto
 157 adjacent properties. When adjacent to a roadway, the plantings
 158 shall comply with Sec. 21-14 and be maintained to ensure
 159 sufficient safe visibility for vehicular traffic.
- 160 (b) Gardening activities are permitted to take place outside of an
 161 enclosed structure, provided a Type C buffer, as identified in Sec.
 162 21-9, is provided.
- 163 (c) In Neighborhood Commercial (NC) zoning districts, urban market
 164 gardens that are not adjacent to residential zoning districts or
 165 residential uses are exempt from the wall or berm requirements
 166 found in Sec. 53-182.A(1).
- 167 (3) Storage.
- 168 (a) Outdoor storage. Outdoor storage of non-vegetative material
 169 must be screened from the public view.
- 170 (b) Composting. Compost materials from the garden shall be stored
 171 within the setback requirements for the zoning district in which
 172 the garden is located. The materials shall be stored in a manner
 173 that is not visible from adjacent property, controls odor, prevents
 174 infestation, and minimizes runoff into waterways and onto
 175 adjacent properties in accordance with best management
 176 practices.
- 177 (c) Storage of toxic and flammable materials. Toxic materials, such
 178 as pressure treated wood (creosote), shall not be used where
 179 they will come into contact with soils that are growing food.
- 180 (4) Sustainable gardening. Water conservation, composting, and non-
 181 polluting, integrated pest and pathogen management are strongly
 182 encouraged.
- 183 (5) Organic practices. The use of materials and practices used for organic
 184 production found in the Organic Materials Review Institute ("OMRI")
 185 guidelines is strongly encouraged.
- 186 (6) Prohibited plants. Planting Category I invasive exotics as identified by the
 187 Florida Exotic Pest Plant Council ("FEPPC") are prohibited. Planting
 188 Category II invasive exotics as identified by the FEPPC should be avoided.

(7) Livestock and animals. The raising and breeding of poultry or other livestock, fish, and the keeping of bees are prohibited unless necessary for crop production.

(8) Enforcement. The provisions of Chapter 2, Article IX – Code Enforcement, of the Code of the City of North Port, Florida, and the procedures and penalties contained therein, are hereby adopted and incorporated into and made a part hereof by reference.

...

[Current sections S. through DD. shall be renumbered.]”

2.04 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 55 – ACTIVITY CENTER DESIGN REGULATIONS

...

ARTICLE IV. – PANACEA (Activity Center #4)

...

Sec. 55-31. – Permitted principal uses and structures.

...

B. Permitted principal uses and structures shall be as follows:

...

(37) Urban market gardens in accordance with Sec. 53-240(S).

...

[Current sections (37) through (64) shall be renumbered.]

...

ARTICLE V. – MIDWAY (Activity Center #5)

...

Sec. 55-36. – Permitted principal uses and structures.

...

B. Permitted principal uses and structures shall be as follows:

...

(27) Urban market gardens in accordance with Sec. 53-240(S).

...

[Current sections (27) through (45) shall be renumbered.]

...

ARTICLE VI. – THE SHIRE (Activity Center #6)

...

Sec. 55-41. – Permitted principal uses and structures.

...

B. Permitted principal uses and structures shall be as follows:

...

(25) Urban market gardens in accordance with Sec. 53-240(S).

...

[Current sections (26) through (47) shall be renumbered.]

...

ARTICLE VIII. – THE GARDENS (Activity Center #8)

...

Sec. 55-56. – Permitted principal uses and structures.

...

B. Permitted principal uses and structures shall be as follows:

...

(17) Urban market gardens in accordance with Sec. 53-240(S).

...

[Current sections (17) through (28) shall be renumbered.]

2.04 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 61 - DEFINITIONS

...

Sec. 61-3. – Definitions and word usage.

...

GARDEN CENTER SHOP – A place of business where retail and wholesale products and produce are sold to the consumer. A retail center for the sale of plant material, landscape supply, hoses, wheelbarrows, pots, garden tools, or other garden supplies. A garden center can include outdoor areas or enclosed areas.

...

URBAN MARKET GARDEN – An area of land managed and maintained by an individual, group of individuals, business, or organization growing and harvesting food crops such as vegetables, fruits, and herbs and/or non-food, ornamental crops, such as flowers, for commercial sale. Urban market gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. It is distinguishable from other types of farming by the diversity of crops grown on a small area of land, typically from under one acre to a few acres, or sometimes in greenhouses grown on site, including but not limited to using growing methods such as hydroponics.

...

PLANT NURSERY – The use of land and buildings for the purpose of growing for sale or selling various ornamental plants, grasses, shrubs, flowers, and horticultural specialties, and including the sale of landscaping accessories such as statuary, fertilizer, tools and similar commodities as accessory to the propagation and growth of plants.

...”

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance shall take effect immediately after adoption by the City of North Port City Commission. No development order or development permits dependent on this ordinance may be issued before it has become effective.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on the 9th day of April 2019.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this 7th day of November 2019.

CITY OF NORTH PORT, FLORIDA

CHRISTOPHER HANKS
MAYOR

ATTEST

HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY