



Legislation Details (With Text)

**File #:** ORD. NO. 2019-10      **Version:** 1      **Name:** Community Gardens

**Type:** Ordinance      **Status:** Tabled

**File created:** 3/26/2019      **In control:** City Commission Regular Meeting

**On agenda:** 5/14/2019      **Final action:** 5/14/2019

**Title:** An Ordinance of the City of North Port, Florida, Second Reading, Allowing for Community Gardens in the AG Agricultural District, GU Government Use District, RSF Residential Single-Family District, RTF Residential Two-Family District, RMF Residential Multifamily District, and RMH Residential Manufactured Home District by Amending the City of North Port Unified Land Development Code, Section 53-25, Section 53-64, Section 53-121, Section 53-134, Section 53-147, and Section 53-160; Providing Regulations for Community Gardens by Amending the City of North Port Unified Land Development Code Section 53-240 – Special Structures; Providing Relevant Definitions by Amending the City of North Port Unified Land Development Code, Section 61-3 – Definitions and Word Usage; Creating a Community Garden Operation Permit Fee by Amending the Code of the City of North Port, Appendix A – City Fee Structure; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Coding of Amendments; and Providing for an Effective Date.(TXT-18-128)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 2019-10, 2. Staff Report with Exhibits, 3. Memo from 7-24-18 Meeting, 4. TXT-18-128 Presentation, 5. Revised Ordinance 2019-10 for Second Reading

Date	Ver.	Action By	Action	Result
5/14/2019	1	City Commission Regular Meeting	tabled	Pass
4/9/2019	1	City Commission Regular Meeting	read by title only	Pass
4/9/2019	1	City Commission Regular Meeting	consensus	Pass
4/9/2019	1	City Commission Regular Meeting	amended	Pass
4/9/2019	1	City Commission Regular Meeting	consensus	
4/9/2019	1	City Commission Regular Meeting	consensus	
4/9/2019	1	City Commission Regular Meeting	consensus	
4/9/2019	1	City Commission Regular Meeting	consensus	
4/9/2019	1	City Commission Regular Meeting	consensus	
4/9/2019	1	City Commission Regular Meeting	consensus	
4/9/2019	1	City Commission Regular Meeting	amended	Pass

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**SUBJECT:** Ordinance 2019-10, Amending the Unified Land Development Code to Allow for Community Gardens in the Agricultural, Government Use, and Residential Zoning Districts

## **Recommended Action**

Approve and continue Ordinance 2019-10, Petition TXT-18-128 for second reading on April 23, 2019.

*Recommended action for second reading:* Approve Ordinance 2019-10, Petition TXT-18-128.

## **General Information**

At the regularly scheduled May 8, 2018 Commission meeting a presentation was made by a local business owner regarding agriculture in the City. At this meeting, it was discussed that Commission had been interested in allowing community gardens, as well as commercial gardens. After staff research, the item was placed on the agenda for discussion at the July 24, 2018 special Commission meeting. At this meeting, Commission determined they would like to see community gardens throughout the City and commercial gardens to be permitted in specific zoning districts including Activity Center 6, neighborhood commercial high and low intensity, and the Estates. The motion as stated is below. The two topics have been split into separate ordinances.

*A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct Staff to write an ordinance to allow community gardens and commercial gardens in the City, and to bring the ordinance to PZAB and then to the Commission, based on the items discussed, ensuring that the regulations are conducive for the type of use on the commercial.*

This ordinance would add community gardens to the list of permitted uses in the agricultural, government use, residential single family, residential two-family, residential multifamily, and residential manufactured home zoning districts. It also creates specific regulations and relevant definitions for community gardens and adds a community gardens operation permit fee to the City Fee Structure in Appendix A of the Code of the City of North Port.

The Planning and Zoning Advisory Board heard this item at a regularly scheduled meeting on March 21, 2019. There was discussion related to the following:

- Concerns about the intensity of a community garden in a single-family zoning district on small lots.
- Question about the need for a fee - to cover staff time for the permit review.
- How would the regulations be enforced? Their permits could be revoked, code enforcement can issue citations.

A motion was made to recommend approval to the City Commission. The motion failed for lack of a majority.

The City Attorney has reviewed the ordinance as to form and correctness. It has been properly advertised and noticed.

## **Added for Second Reading**

Commission heard this item at a regularly scheduled meeting on April 9, 2019. Discussion ensued, and there was consensus on the following items:

- Leave the zoning districts as presented.
- Clarify Sec. 53-240.H.(1)(a) to ensure it is a one-time permit.
- Amend line 190 to state “no principal structure(s)” instead of “no building(s) or structure(s).”
- Strike Sec. 53-240.H.(1)(b) in its entirety.
- Strike Sec. 53-240.H.(2)(a) in its entirety.
- In Sec. 53-240.H.(3)(a)(i), remove size limitation, add a reference to shed code ‘blah, blah, blah,’ and amend the shed code to provide an exemption for community gardens to be allowed to have a shed without a principal structure.
- In Sec. 53-240.H.(3)(a) to add subsection (x) to provide for “any similar structure of a non-permanent nature.”
- Leave line 315 as presented.
- Leave line 327 as presented.
- Change the fee in line 369 to \$75.
- Clarify Sec. 53-240.H.(1)(a) to ensure that there is no conflict with accessory gardens that are already permitted in residential areas, so that a property in a Residential Multifamily (RMF) or Residential Manufactured Home (RMH) zoning district would be able to have a community garden if it is on the same lot as the principal structure and would not be able to have a community garden on a vacant RMF or RMH property.

Staff has made the proposed changes as directed by Commission. In preparing these revisions, it was necessary to

remove community gardens as a permitted principal use in the RMF zoning district. To ensure that a community garden would be allowed as an accessory use in this zoning district, along with the Agricultural (AG), Government Use (GU), and Residential Manufactured Home (RMH) districts, a new subsection is being added to Sec. 53-240.A. These changes ensure that the intent of the ordinance to allow for community gardens as an amenity to the RMF and RMH residents, but not as the sole use of the property, is maintained.

Additionally, it came to staff's attention that while the Warm Mineral Springs property is owned by the City of North Port, it does not have Government Use zoning. The zoning on this property is Planned Community Development, and uses are regulated by Chapter 55, Article VII, which in addition to permitted principal uses outlines specific permitted accessory uses. Given that there is an existing community garden on this site, community gardens were added to this section for second reading. The ordinance has been re-advertised.

**Strategic Plan**

Support the beautification and revitalization of our neighborhoods.

Create and sustain a safe and healthy environment for residents and visitors of North Port.

Expand access to community recreation, green space and blueways for public enjoyment.

**Financial Impact**

N/A

**Procurement**

N/A

**Attachments:**

1. Ordinance No. 2019-10
2. Staff Report, TXT-18-128 with Exhibits
3. Memo from 7-24-18 Meeting
4. TXT-18-128 Presentation
5. Revised Ordinance No. 2019-10 for Second Reading

**Prepared by:** Nicole Galehouse, AICP, Planning Division Manager

**Department Director:** Frank Miles, MPA, Neighborhood Development Services Director