



Legislation Text

File #: ORD. NO. 2019-11, **Version:** 1

TO: Honorable Mayor & Members of the North Port Commission

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

SUBJECT: Ordinance 2019-11, Amending the Unified Land Development Code to Allow for Urban Market Gardens in the Commercial General, Commercial General - Special, Neighborhood Commercial, and Industrial Zoning Districts and in the Panacea, Midway, Shire and Gardens Activity Centers

Recommended Action

Ordinance 2019-11 as presented is consistent with the Comprehensive Plan and ULDC. However, there are some potentially complex interactions with Florida Statutes as it relates to the agricultural portion of the use. For that reason, staff recommends one or more of the following actions:

1. Remove urban market gardens in the draft ordinance as a permitted principal use in any zoning district. This would allow the use as a special exception based on the criteria set out in Sec. 53-240. A special exception would allow conditions to be placed on the use, including a reiteration of the regulations that the use must comply with. It also allows the City Commission to evaluate the potential fiscal impact on a case-by-case basis.
2. Allow urban market gardens (as a permitted principal use or as a special exception) through a pilot program. The guidelines set forth in the proposed Sec. 53-240 would serve as the program guidelines, and Commission could determine a starting zoning district to pilot the use and evaluate the success of the program on an annual basis.

Recommended action for second reading: Approve Ordinance 2019-11, Petition TXT-19-208

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 urban market gardens to the list of permitted uses in the Commercial General, Commercial General-Special, Light Industrial and Warehousing, and Neighborhood Commercial zoning districts, along with the Panacea, Midway, Shire, and Gardens Activity Centers. It also creates specific regulations for urban market gardens, adds a definition, and amends the definitions for garden centers/shops and plant nurseries.

The Planning & Zoning Advisory Board heard this item at a regularly scheduled meeting on March 21, 2019. The PZAB asked for clarification in terms of the interaction with Florida Statutes. There was discussion on the options as recommended by staff, specifically if the two had to be separate or if they could work together. It was explained that the

pilot program could function as either a permitted principal use by right or as a special exception. A motion was made to recommend approval to City Commission as written with staff recommendations 1 and 2, which passed unanimously.

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 ordinance at their regularly scheduled meeting on April 9, 2019. A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, *to continue Ordinance No. 2019-11 allowing for urban market gardens to a meeting date to be determined with the following changes:*

- 1: line 62 parking one additional space per 350 square feet;*
- 2: line 89 inside and outside sales allowed in all zoning districts;*
- 3: line 120 addresses sizes in activity centers up to six acres and in neighborhood commercial up to three acres;*
- 4: line 123 remove all of (c)(i);*
- 5: line 166 strike all of three;*
- 6: line 181 outdoor storage must be screened from public view, City Attorney to craft language;*
- 7: line 190 remove (c)(i);*
- 8: line 199 (c)(ii) investigate and report back for second reading;*
- 9: line 206 remove the sentence that starts "The use of synthetic chemical...";*
- 10: line 213 staff will recraft the language with the intent that bees and fish used within use of the garden will be allowed, and to readdress the language about breeding and raising livestock being prohibited;*
- 11: line 273 remove the word "on-site";*
- 12: line 279 staff to check how the mixed use of all three definitions are going to apply within the Code.*

The motion passed unanimously. Staff addressed the motion as follows:

1. Change was made - see line 61.
2. This change was incorporated into the hours and sales items within Sec. 53-240. See line 125. By placing it here, it will fall under the "unless exempted herein" language from line 87.

In addition, in Activity Centers the Urban Design Standards Pattern Book needs to be amended to allow for outside sales for urban market gardens. After consultation with the City Attorney, the best path is to make this change through a separate ordinance. This change will be made and brought back to Commission.

3. This change has been made. See line 117.
4. Removed.
5. Removed.
6. This change has been made. See line 167.
7. Removed.
8. Staff was unable to find any other references to creosote, pressure treated wood, or toxic materials that would be duplicative of this regulation. It is recommended to leave this language in the ordinance.
9. Removed.
10. This language has been amended. See line 188.
11. Removed.
12. Nothing in the ULDC prevents multiple uses from being established on the same property. This is actually a common practice, as seen in such developments as in the Cocoplum shopping center, where restaurants, retail sales, and professional offices are all present on the same site.

Added for the Continuation of Second Reading

Commission heard this ordinance at their regularly scheduled meeting on September 24, 2019. A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, *to continue Ordinance No. 2019-11 for another second reading, to be completed before the November 7, 2019 Commission Meeting, incorporating the consensus that were given tonight.*

- *Consensus 1: There was a consensus to define an Urban Market Garden (line 248) as "An area of land*

managed and maintained by an individual, group of individuals, a business or organization, growing and harvesting food crops such as vegetables, fruits, herbs and/or non-food, ornamental crops, such as flowers, for commercial sale.” And the rest starting with “Urban market gardens may be divided into separate...” as it is presented.

- *Consensus 2: There was a consensus in line 165 to add the exemption for a buffer wall in Neighborhood Commercial as long as there is some type of buffering between the incompatible land uses.*
- *Consensus 3: There was a consensus to change line 116 from three (3) and six (6) acres to ten (10) and limiting urban market gardens to twenty-five (25) total acres within the City.*
- *Consensus 4: There was a consensus to change line 152 (iii) adding an exception, if an urban market garden does not have a structure, to utilize the Infrastructure Design Plan.*

The motion passed unanimously. Staff addressed the motion as follows:

- Consensus 1: These changes have been made and begin on line 254.
- Consensus 2: Subsection (c) was added, exempting gardens in Neighborhood Commercial zoning districts that are not adjacent to residential from the wall or berm requirements of the NC zoning district (see line 168-171).
- Consensus 3: This change has been made, reflected on line 116.
- Consensus 4: This change has been made, to allow the Infrastructure plan review process to guide the development of an urban market garden which does not contain a structure.

Strategic Plan

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

Support a vibrant and diversified economy to create local jobs and attract private investment.

Examine neighborhood commercial zoning to promote neighborhood access to services.

Financial Impact

N/A

Procurement

N/A

Attachments:

1. Ordinance 2019-11 for Second Reading 11.7.19
2. Ordinance 2019-11 for Second Reading
3. Ordinance 2019-11
4. Staff Report, TXT-18-208 with Exhibits
5. Backup from 7-24-18 Meeting
6. TXT-18-208 Presentation
7. Draft minutes from September 24, 2019 Commission meeting

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