

Damminger, Amanda

From: Damminger, Amanda
Sent: Friday, June 23, 2017 12:35 PM
To: 'CountyOrdinances@dos.myflorida.com'
Cc: McCormick, Katie; Schroeder, Connie
Subject: PAS20170620_Ordinance2017_17-19
Attachments: PAS20170620_Ordinance2017_17-19.pdf

Please find Ordinance number 17-19. If you have any questions, please contact me. Thank you.

Amanda Damminger
352-521-4274 x4911
Pasco County
Ordinance number 17-19

Amanda Damminger
Records Clerk I
Board Records Division

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
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Secretary of State

June 23, 2017

Ms. Paula S. O'Neil
Clerk and Comptroller
The East Pasco Governmental Center
Pasco County
14236 6th Street, Suite 201
Dade City, Florida 33523

Attention: Ms. Amanda Damminger

Dear Ms. O'Neil:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 17-19, which was filed in this office on June 23, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 17-19

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, ORDINANCE 89-21 AS AMENDED; PROVIDING FOR DESIGN, OPERATIONS AND MAINTENANCE STANDARDS FOR COMMUNITY GARDENS, MARKET GARDENS AND COMMUNITY FARMS IN PASCO COUNTY; AMENDING CHAPTER 500 ZONING STANDARDS, SECTIONS 503 THROUGH 529 PRINCIPAL USES, PERMITTED USES, AND CONDITIONAL USES BY ZONING CLASSIFICATION; CREATING SECTION 406.8 GARDEN PLAN PERMITS; AMENDING APPENDIX A, DEFINITIONS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, MODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Florida Constitution of 1968, and Chapters 70, 125, 163, and 479, Florida Statutes (2016), Pasco County has the authority to adopt regulations relating to the location, design, operations and maintenance standards of Community Gardens, Market Gardens and Community Farms; and

WHEREAS, the Pasco County Board of County Commissioners ("County Commission") previously adopted the Pasco County Land Development Code, Ord. No. 89-21 as amended; and

WHEREAS, the Pasco County Board of County Commissioners and the Pasco County Food Policy Advisory Council desire to:

- a. Allow the growing of crops and ornamental flowers within Pasco County while minimizing negative impacts to adjacent properties and the community;
- b. Encourage locally grown produce, promote healthy and nutritional food, and fill gaps in food accessibility within the County;
- c. Foster community engagement by providing opportunities for recreation education/training, special events, social interaction and economic potential benefits; and
- d. Provide green space and enhance community character: and

WHEREAS, the County Commission wishes to regulate the location, design, operations and maintenance standards for Community Gardens, Market Gardens and Community Farms; and

WHEREAS, the provisions of this Ordinance promote the orderly location, design, operations and maintenance standards for Community Gardens, Market Gardens and Community Farms; and

WHEREAS, the County Commission finds that the requirements set forth in this Ordinance further benefit the public health, safety, and welfare of the County by defining permitted principal uses, accessory uses and conditional uses for Community Gardens, Market

Gardens and Community Farms, clarifying their legal status, and regulating the permitting and operation of Community Gardens, Market Gardens and Community Farms; and

WHEREAS, the provisions of this Ordinance promote Community Gardens, Market Gardens and Community Farms within the County and increases local food production supplies; and

WHEREAS, the County Commission finds that Community Gardens, Market Gardens and Community Farms may be appropriate at certain locations within the County and constructed and operated within the regulatory standards established by this Ordinance; and

WHEREAS, the County Commission finds that Community Gardens, Market Gardens and Community Farms must be reasonably regulated to protect the health, safety and welfare of the County's citizens and businesses; and

WHEREAS, The Harbors West Market Redevelopment/Infill Plan adopted by the County Commission on June 25, 2013 included a Community Garden plan element and identified the following strategies:

Strategy O10:

- a. "Encourage agriculture and food production at the local or neighborhood scale" and
- b. "Help develop partnerships to establish and maintain community gardens, Community Supported Agriculture (CSA), and farmers' markets."

Strategy O11:

- a. "Evaluate the Comprehensive Plan and Land Development Code to incorporate policies, standards and regulations pertaining to urban agriculture."

WHEREAS, the County Commission finds that these amendments to the County's Land Development Code regulations are beneficial to accomplish a balance of these needs for all the citizens of Pasco County, including enhancement of the visual and aesthetic environment and natural scenic beauty of the County, and further the purpose, goals and objectives and policies of the Pasco County Comprehensive Plan, Land Development Code and The Harbors West Market Redevelopment Plan; and

WHEREAS, the Pasco County Food Policy Advisory Council has conducted noticed public meetings at which all parties in interest and citizens were afforded notice and the opportunity to be heard; and

WHEREAS, the County Commission has conducted duly noticed public hearings as required by law, at which hearings all parties in interest and citizens were afforded notice and the opportunity to be heard; and

WHEREAS, the County Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

Section 1. Recitals.

The Whereas Clauses above are true and accurate and are incorporated by reference and made part of this Ordinance.

Section 2. Chapter 400 Permit Types and Applications, Section 406 Miscellaneous Permits, is hereby amended to include Sub-Section 406.8 Garden Plan Permits as follows:

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.8 Garden Plan Permits

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient and economical method of approving community garden, market garden and community farm.

The Garden Plan Permit is used to:

1. Evaluate in detail the proposed plans for a community garden, market garden or community farm;
2. Ensure that, if approved, the garden or farm is developed and operated in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of Pasco County and its citizens;

B. Applicability

This section shall apply to all community garden, market garden and community farms.

C. Exemptions

The following are exempt from the requirements of a Garden Plan Permit:

1. Agricultural classified lands that are exempt under Florida Statutes, Chapter 193.461(3).
2. Home Gardens

D. Application Requirements

1. Applicant Information

a. Name, Address, Phone, E-Mail of Applicant

b. Engineer of Record, If Any

c. Application Fee

2. General Information

a. Type of Garden

i. Community Garden

ii. Market Garden

iii. Community Farm

b. Garden Location

i. Street Address and Parcel Identification Number

ii. Market Area

1. The Harbors

a. Anclote East District

b. Anclote West District

c. Elfers District

d. Spring District

e. River District

f. Central District

g. Gulfview District

h. Embassy District

i. Hudson District

j. Hill District

k. Sunwest District

l. Aripeka District

2. Central Market Area

a. Midlands

3. South Market Area

a. Gateway Crossing

4. North Market Area

a. Countryside

c. Garden Management

i. Garden Sponsor, if applicable

1. Name of Garden Sponsor

2. Email of Garden Sponsor

3. Phone number of Garden Sponsor

ii. Garden Manager

1. Name of Garden Manager

2. Email of Garden Manager

3. Phone

4. Paid or Volunteer

iii. Licensing of Garden Manager and/or owner. If there will be sales to the public, the garden/farm owner or manager must participate in an annual food safety program as recommended by the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) and produce a certification of such participation to the Pasco County Food Policy Advisory Council annually.

3. Narrative. A description of the overall proposed activities including the scope, the location and the nature of the proposed garden/farm. The narrative shall include:

a. An estimated duration of any gardening activity;

b. Hours of operation;

c. If for educational or charitable use;

d. If on-site structures, parking or irrigation are proposed

e. Number of projected daily vehicle trips generated by garden activities;

f. If aquaponics and/or hydroponics operations are planned;

g. Number of full-time and part-time employees & volunteers anticipated on a typical harvest day;

h. If selling or bartering of raw or processed produce is planned;

i. Garden maintenance plan, including trash and waste removal;

j. Plans for on-site tools & equipment storage; and

k. Lockable storage plans for fertilizers and pesticides.

4. Garden Plan Drawing(s): The application shall include a readable, dimensioned drawing(s) showing the details and location of the proposed garden including:

a. Location map. An aerial or survey shall be required for proposed uses involving the installation or removal of structures;

b. Proposed work to be done in the garden area;

- c. Location of any proposed driveway cuts shall be clearly marked on the plan;
- d. Location of any tree(s) five (5) inches dbh that is/are proposed for removal;
- e. Proposed parking area, if any;
- f. Proposed buffers, if any;
- g. Site drainage plan; and
- h. Signage, if any.

Gardens without New Structures:

- a. Show the property size with readable dimensions
- b. Reflect existing streets (label), easements or land reservations within the site;
- c. Include proposed fencing and screening, if any;
- d. Show setbacks to all structures and from adjoining property lines;
- e. Show existing driveways and any changes proposed to said driveways;
- f. Label adjacent property owners; and
- g. Identify the source of water that will be used for irrigation purposes.

Gardens with Structures:

- a. If new structures are proposed, a Site Plan is required, consistent with this Code, Section 530.23.
- b. Show gates, fences, walls, accessory structures such as farm stands, hoop houses, green houses, storage shed, hydroponic and aquaponics systems enclosures, irrigation systems, composting bin, parking.

5. Other Required Approvals

The following approvals may also be required in addition to a Garden Plan Permit:

- a. A right-of-way permit
- b. Tree replacement in accordance with this Code, Section 802.
- c. Traffic Impact Study and substandard Roadway Analysis or, if completed, the applicable approval statement.

d. Access management application or, if completed, the applicable approval statement.

E. Application Processing

1. An application for a Garden Plan Permit shall be reviewed by all appropriate review agencies as determined by the County Administrator or designee.

2. The County Administrator or designee shall evaluate the request for a Garden Use Permit and shall:

a. Approve the application as proposed;

b. Approve the application with conditions; or

c. Deny the application.

The approval of a Garden Plan Permit shall be subject to specific conditions deemed necessary by the County Administrator or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the permit or may be incorporated by reference into any document which shall be attached to the permit.

3. Garden Use Permits shall be evaluated with action determined pursuant to subsection E Application Processing, item 2 within 10 business days of application submittal for gardens without permanent structures absent extenuating circumstances.

Section 3. Chapter 500 Zoning Standards, Section 503, A-C Agricultural District of the Land Development Code is hereby amended as follows:

Chapter 500 ZONING STANDARDS

Section 503 A-C AGRICULTURAL DISTRICT

503.2 Permitted Uses

A. Principal Uses

9. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 4. Section 500 Zoning Standards, Section 504 AC-1 Agricultural District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 504. AC-1 AGRICULTURAL DISTRICT

504.2. Permitted Uses

A. Principal Uses

8. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 5. Chapter 500, Section 505, A-R Agricultural-Residential District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 505. A-R AGRICULTURAL-RESIDENTIAL DISTRICT

505.2. Permitted Uses

A. Principal Uses

10. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 6. Chapter 500, Zoning Standards, Section 506, AR-1 Agricultural Residential, of the Land Development Code is hereby amended as follows:

Chapter 500. ZONING STANDARDS

Section 506. AR-1 AGRICULTURAL - RESIDENTIAL

506.2. Permitted Uses

A. Principal Uses

10. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 7. Chapter 500 Zoning Standards, Section 507, AR-5 Agricultural-Residential District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 507. AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT

507.2. Permitted Uses

A. Principal Uses

8. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 8. Chapter 500, Section 508, AR-5MH Agricultural-Residential District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 508. AR-5MH AGRICULTURAL MOBILE HOME DISTRICT

508.2 Permitted Uses

A. Principal Uses

8. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 9. Chapter 500, Section 509, E-R Estate-Residential District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 509. E-R ESTATE-RESIDENTIAL DISTRICT

509.2. Permitted Uses

A. Principal Uses

8. Community Gardens and Community Farms in accordance with this Code, Section 530.23.

509.3. Conditional Use

- A. Market Gardens in accordance with this Code, Section 530.23.

Section 10. Chapter 500, Section 509, ER-2 Estate Residential, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 510. ER-2 ESTATE-RESIDENTIAL DISTRICT

510.2. Permitted Uses

A. Principal Uses

7. Community Gardens and Community Farms in accordance with this Code, Section 530.23.

510.3. Conditional Use

- A. Market Gardens in accordance with this Code, Section 530.23.

Section 11. Chapter 500, Section 511, R-MH Mobile Home District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 511. R-MH MOBILE HOME DISTRICT

511.3. Permitted Uses

A. Principal Uses

4. Community Gardens and Community Farms in accordance with this Code, Section 530.23.

511.5. Conditional Uses

A. Market Gardens in accordance with this Code, Section 530.23.

511.6. Area and Density Requirements

511.7. Yard Regulations

511.8. Streets and Roads

511.9. Existing Parks and Subdivisions

511.10. On-Site Parking Regulations

511.11. Development Plan

511.12. Neighborhood Park(s)

Section 12. Chapter 500 Zoning Standards, Section 512, R-1 MH Single Family/Mobile Home District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 512. R-1MH SINGLE-FAMILY/MOBILE HOME DISTRICT

512.2. Permitted Uses

A. Principal Uses

4. Community Gardens and Community Farms in accordance with this Code, Section 530.23.

512.3. Conditional Uses

A. Residential treatment and care facilities.

B. Market Gardens in accordance with this Code, Section 530.23.

Section 13. Chapter 500, Zoning Standards, Section 513, R-2MH Rural Density Mobile Home District, of the Land Development Code, is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 513. R-2MH RURAL DENSITY MOBILE HOME DISTRICT

513.2. Permitted Uses

A. Principal Uses

4. Community Gardens and Community Farms in accordance with this Code, Section 530.23.

513.3. Conditional Uses

A. Residential treatment and care facilities.

B. Market Gardens in accordance with this Code, Section 530.23

Section 14. Chapter 500, Zoning Standards, Section 514, R-1 Rural Density Residential District of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 514. R-1 RURAL DENSITY RESIDENTIAL DISTRICT

514.2. Permitted Uses

A. Principal Uses

4. Community Gardens in accordance with this Code, Section 530.23.

514.3. Conditional Uses

C. Market Gardens in accordance with this Code, Section 530.23.

Section 15. Chapter 500, Zoning Standards, Section 515, R-2 Low Density Residential District of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 515. R-2 LOW DENSITY RESIDENTIAL DISTRICT

515.2. Permitted Uses

A. Principal Uses

4. Community Gardens in accordance with this Code, Section 530.23.

515.3. Conditional Uses

- C. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 16. Chapter 500, Zoning Standards, Section 516, R-3 Medium Density Residential District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 516. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

516.2 Permitted Uses

A. Principal Uses

4. Community Gardens in accordance with this Code, Section 530.23.

516.3. Conditional Uses

- C. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 17. Chapter 500, Zoning Standards, Section 517 R-4 High Density Residential District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 517. R-4 HIGH DENSITY RESIDENTIAL DISTRICT

517.2. Permitted Uses

A. Principal Uses

4. Community Gardens, in accordance with this Code, Section 530.23.

517.3. Conditional Uses

- D. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 18. Chapter 500, Zoning Standards, Section 518, MF-1 Multiple-Family Medium Density District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 518. MF-1 MULTIPLE-FAMILY MEDIUM DENSITY DISTRICT

518.2. Permitted Uses

- A. Principal Uses

- 3. Community Gardens in accordance with this Code, Section 530.23.

518.3. Conditional Uses

- C. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 19. Chapter 500, Zoning Standards, Section 519 MF-2 Multiple-Family High Density District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 519. MF-2 MULTIPLE-FAMILY HIGH DENSITY DISTRICT

519.2. Permitted Uses

- A. Principal Uses

- 4. Community Gardens in accordance with this Code, Section 530.23.

519.3. Conditional Uses

- C. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 20. Chapter 500, Zoning Standards, Section 520, MF-3 Multiple-Family High Density District, of the Land Development Codes is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 520. MF-3 MULTIPLE-FAMILY HIGH DENSITY DISTRICT

520.2. Permitted Uses

- A. Principal Uses

3. Community Gardens in accordance with this Code, Section 530.23.

520.3. **Conditional Uses**

C. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 21. Chapter 500, Zoning Standards, Section 522 MPUD Master Planned Unit Development District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 522. MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT

522.3. **Permitted Uses**

R. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 22. Chapter 500, Section 523, PO-1 Professional Office District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 523. PO-1 PROFESSIONAL OFFICE DISTRICT

523.2 Permitted Uses

A. Principal Permitted Uses

4. Community Gardens in accordance with this Code, Section 530.23.

523.3 Conditional Uses

1. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

523.4. **Special Exception Use**

523.5. **Areas, Density, and Lot Width Requirements**

523.6. **Coverage Regulations**

523.7. **Yard Regulations**

523.8. **Height Regulations**

523.9. **On-Site Parking**

523.10. Development Plan

Section 23. Chapter 500, Zoning Standards, Section 524, PO-2 Professional Office District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 524. PO-2 PROFESSIONAL OFFICE

524.2. Permitted Uses

A. Principal Uses

8. Community Gardens in accordance with this Code, Section 530.23.

524.3. Conditional Uses

1. Market Gardens and Community Farms in accordance with this Code, Section 530.23.

524.4. Special Exception Use

Private Schools and Day-care Centers.

524.5. Areas, Density, and Lot Width Requirements

524.6. Coverage Regulations

524.7. Yard Regulations

524.8. Height Regulations

524.9. On-Site Parking

524.10. Development Plan

Section 24. Chapter 500, Zoning Standards, Section 525, C-1 Neighborhood Commercial District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 525. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

525.2. Permitted Uses

A. Principal Uses

13. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 25. Chapter 500, Zoning Standards, Section 526, C-2 General Commercial District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 526. C-2 GENERAL COMMERCIAL

526.1. Permitted Uses

A. Principal Uses

43. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 26. Chapter 500, Section 527, C-3 Commercial/Light Manufacturing District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 527. C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

527.3. Permitted Uses

A. Principal Uses

29. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 27. Chapter 500, Zoning Standards, Section 528, I-1 Light Industrial Park District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 528. I-1 LIGHT INDUSTRIAL PARK DISTRICT

528.2. Conditional Uses

- J. Community Gardens, Market Gardens and Community Farms in accordance with this Code, Section 530.23.

Section 28. Chapter 500, Section 529, I-2 General Industrial Park District, of the Land Development Code is hereby amended as follows:

CHAPTER 500. ZONING STANDARDS

SECTION 529. I-2 GENERAL INDUSTRIAL PARK DISTRICT

529.3. Conditional Uses

O. Community Gardens, Market Gardens and Community in accordance with this Code, Section 530.23.

Section 29. Chapter 500, Section 530, of the Land Development Code is hereby amended as follows:

500. ZONING STANDARDS

SECTION 530. SUPPLEMENTAL REGULATIONS

The provisions of this chapter shall be subject to such exceptions, additions, or modifications as provided by the following supplemental regulations.

530.23. Community Gardens, Market Gardens and Community Farms

A. Intent and Purpose

The intent of this Section is to:

- Allow the growing of crops and ornamental flowers within Pasco County while minimizing negative impacts to adjacent properties and the community;
- Encourage locally grown produce, promote healthy and nutritional food, and fill gaps in food accessibility within the County;
- Foster community engagement by providing opportunities for recreation education/training, special events, social interaction and economic potential benefits; and
- Provide green space and enhance community character.

The purpose of this Section is to establish design, operations, and maintenance standards for Community Gardens, Market Gardens and Community Farms in Pasco County.

B. Applicability

1. Community Gardens, Community Farms, and Market Gardens shall be deemed a Permitted Principal Use or Conditional Use, as per this Code Section 500, Table 530.23 - 1 "Table of Principal Uses and Conditional Uses by District – Community Gardens, Market Gardens and Community Farms". This section shall not apply to Home Gardening as defined in this Code, Appendix A.

2. Community Gardens, Market Gardens and Community Farms may be located on otherwise vacant properties, and shall be deemed the principal use until such time that the parcel is developed as per this Code. At that time, the subject Community Garden or Community Farm shall be deemed an accessory use.

C. Application, Permit and Fees

1. A permit shall be required for a Community Garden, Market Garden or Community Farm.
2. Application and permit fees shall apply in accordance with this Code, Section 400 Permit Types and Application, Section 406.8 Garden Plan Permits.

D. Registration

Community Gardens and Community Farms are required to register annually with the Food Policy Advisory Council of Pasco County.

E. Permitted Uses

The following uses, as detailed in Table 530.23-1 shall be located on private property, on the ground or on a portion of a building roof or other structure. These uses may be located on public property with the written approval of the County Administrator or Designee.

1. Community Garden

A community garden is a garden used to grow and harvest food crops or ornamental plants (including flowers) with daily vehicle trips of greater than 14 vehicle trips per day and less than 100 vehicle trips per day, with limited use of heavy vehicles. Community gardens may be any size.

2. Market Garden

A market garden primarily sells and buys produce grown on-site or off-site including fruits, vegetables and other garden derived edibles with daily vehicle trips of more than 14 vehicle trips daily, and is less than 5 acres.

3. Community Farm

A community farm primarily grows produce, fruits, vegetables and other garden derived edibles primarily for distribution off-site with daily vehicle trips of 14 vehicle trips or more daily. Community farms may be any size.

Table 530.23-1

**Table of Principal Uses and Conditional Uses by District
Community Gardens, Market Gardens and Community Farms**

Zoning Classification	PRINCIPAL USE			CONDITIONAL USE		
	Community Garden	Market Garden	Community Farm	Community Garden	Market Garden	Community Farm
A-C Agricultural District	X	X	X			
AC-1 Agricultural District	X	X	X			
A-R Agricultural Residential District	X	X	X			
AR-1 Agricultural Residential District	X	X	X			
AR-5 Agricultural Residential District	X	X	X			
AR-5MH Agricultural Residential District	X	X	X			
E-R Estate Residential District	X		X		X	
ER-2 Estate Residential District	X		X		X	
R-MH Mobile Home District	X		X		X	
R-1MH Single Family Mobile Home District	X		X		X	
R-2MH Rural Density Mobile Home District	X		X		X	
R-1 Rural Density Residential District	X		X		X	
R-2 Low Density Residential District	X				X	X
R-3 Medium Density Residential District	X				X	X
R-4 High	X				X	X

<u>Density Residential District</u>						
<u>MF-1 Multiple Family Medium Density District</u>	<u>X</u>				<u>X</u>	<u>X</u>
<u>MF-2 Multiple Family High Density District</u>	<u>X</u>				<u>X</u>	<u>X</u>
<u>MF-3 Multiple Family High Density District</u>	<u>X</u>				<u>X</u>	<u>X</u>
<u>MPUD Master Planned Unit Development</u>	<u>X</u>	<u>X</u>	<u>X</u>			
<u>PO-1 Professional Office District</u>	<u>X</u>				<u>X</u>	<u>X</u>
<u>PO-2 Professional Office District</u>	<u>X</u>				<u>X</u>	<u>X</u>
<u>C-1 Neighborhood Commercial</u>	<u>X</u>	<u>X</u>	<u>X</u>			
<u>C-2 General Commercial</u>	<u>X</u>	<u>X</u>	<u>X</u>			
<u>C-3 Commercial Light Manufacturing District</u>	<u>X</u>	<u>X</u>	<u>X</u>			
<u>I-1 Industrial Park District</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>I-2 General Industrial Park District</u>				<u>X</u>	<u>X</u>	<u>X</u>

F. Development Standards

1. Community Gardens, Market Gardens, and Community Farms are allowable as a Permitted Principal Use in all Agricultural zoning districts.
2. Uses allowable as Permitted Principal Uses or Conditional Uses are detailed in the Table of Permitted Principal Uses and Conditional Uses for Community Gardens, Market Gardens and Community Farms as detailed in Table 530.23-1 Table of Permitted Principal Uses and Conditional Uses by District for Community Gardens, Market Gardens and Community Farms.

All of these uses shall meet the requirements outlined in Table 530.23-2. Those uses that are permitted Conditional Uses, shall meet the additional requirements identified during the Conditional Use permit process, in accordance with Chapter 400, Permit Types and Applications, Section 402 Use Permits, 402.3 Conditional Uses.

Table 530.23-2
Community Gardens, Market Gardens and Community Farms
Development Standards

<u>General Standards</u>			
<u>Standard</u>	<u>Community Garden</u>	<u>Market Garden</u>	<u>Community Farm</u>
<u>A. Can be the primary use on a vacant parcel</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>B. If parcel is not vacant the garden or farm shall be an accessory to a business or residence.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>C. Educational and charitable uses pertaining to the creation and operation of gardens or community farms are allowed</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>D. All state and federal regulations shall be met.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>E. Allowed in Residential districts only if heavy vehicles do not exceed 10% of all vehicle trips</u>		<u>X</u>	<u>X</u>

<u>Design Standards</u>			
<u>Standard</u>	<u>Community Garden</u>	<u>Market Garden</u>	<u>Community Farm</u>
<u>A. Transportation review may be required in accordance with Section 901 of this Code.</u>		<u>X</u>	<u>X</u>
<u>B. A Garden Plan review is required by the County Administrator or designee. At a minimum, the Garden plan should: a) show the property size with readable dimensions; b) reflect existing streets</u>	<u>X</u>	<u>X</u>	<u>X</u>

<p>(label), easements or land reservations within the site; c) include proposed fencing and screening, if any; d) indicate any buildings to be removed or demolished; e) show setbacks to all structures and from adjoining property lines; f) show existing driveways and any changes proposed to said driveways; g) label adjacent property owners; and h) identify the source of water that will be used for irrigation purposes.</p> <p>If structures are proposed, a Site Plan is required, consistent with this Code, Section 530.23 (See Table 530.23-3 Community Gardens, Market Gardens and Community Farms Required Site Plans.)</p>			
C. Located on a vacant parcel will not require buffers	X		X
D. Accessory structures must follow set back guidelines and buffer requirements within the underlying zoning classification.	X	X	X
E. Accessory structures such as farm stands, hoop houses, green houses, storage shed, hydroponic and aquaponics systems enclosures can occupy up to one-third of the total available garden or farm area collectively. Raised bed or garden box structures should be of stone, bricks, concrete blocks, ACQ Ground Contact treated lumber, or cedar, redwood or synthetic wood. Railroad ties and old pressure treated lumber purchased prior to 2004 are prohibited for edible raised beds due to the potential for food contamination from creosote and arsenic.	X	X	X
F. Requested irrigation hook-up must use water conservation techniques (such as micro-irrigation or drip)	X	X	X
G. Gates, Fences and Walls in accordance with this Code, Chapter 1000 Miscellaneous Structure Regulations, Section 1003 Gates, Fences and Walls. No new chain linked fences permitted.	X	X	X
H. ADA accessible suitable materials may be used for disabled participants	X	X	X
I. Signs are permitted in accordance with this Code, Section 406.1	X	X	X
J. Composting plant material bins shall be located at the center or rear of the site	X	X	X
K. Must meet parking requirements of this Code, Section 907		X	X
L. Benches, Picnic Tables and garden art and similar amenities are allowed on-site. Acceptable garden art excludes recycled toilets, bathtubs,	X	X	X

sinks, tires, refrigerators and other similar items.			
M. All site drainage must be retained on-site and be in accordance with this Code.	<u>X</u>	<u>X</u>	<u>X</u>
N. All structures associated must meet Florida Building Code, unless specifically exempted by the Florida Statutes, Chapter 553.73.	<u>X</u>	<u>X</u>	<u>X</u>

<u>Operational Standards</u>			
<u>Standard</u>	<u>Community Garden</u>	<u>Market Garden</u>	<u>Community Farm</u>
A. Sales are permitted in accordance with Section 66-97 of the Pasco County Code of Ordinances		<u>X</u>	<u>X</u>
B. In accordance with the Pasco County Code of Ordinances, Article IV, Division 2 Noise, Section 66-97 Specific Noises Prohibited and this Code, Ambient noises or other noises resulting from the sales operation shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by regulation of any local, State, or Federal agency.	<u>X</u>	<u>X</u>	<u>X</u>
C. Special events are limited to a maximum of 3 days per event	<u>X</u>		
D. Raw and processed sales of produce is allowed on or off-site		<u>X</u>	<u>X</u>
E. Employee(s) or equivalent are permitted, in addition to the property owner	<u>X</u>	<u>X</u>	<u>X</u>
F. A farm manager is required and equivalent employees are allowed, in addition to the property owner			<u>X</u>
G. The property owner must apply for the permit. A principal point of contact must be provided annually through an annual garden registration application.	<u>X</u>	<u>X</u>	<u>X</u>
H. In residential zones, motor vehicles associated with the operations of a garden/farm shall be in accordance with this Code, Section 530.16 (Parking and Storage of Commercial Vehicles and Commercial Equipment in Certain Areas is Prohibited). The use or operation of power tools or portable mechanical equipment used outdoors in residentially zoned districts is prohibited between sunset and sunrise so as to avoid disturbance in the community, in accordance with this Code.	<u>X</u>	<u>X</u>	<u>X</u>
I. Aquaponics and Hydroponics operations are allowed. Water conservation practices must be followed, at minimum in accordance with county,		<u>X</u>	<u>X</u>

<u>state and federal laws</u>			
<u>J. Pest, Herbicides and Fertilizer Products must be used in accordance with the label and Article IV, Section 42 of the Pasco County Code of Ordinances.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>K. If selling or bartering raw or processed produce, a relevant license may be required to apply pest, herbicides and fertilizer products</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>L. Hours of operations shall be between sunrise to sunset.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>M. The following activities are prohibited: amplified sound above 55 dBAs in accordance with this Code and the Pasco County Code of Ordinances, Article IV, Division 2. Crops which require any agricultural appurtances related to pest mitigation above 55 dBAs as measured from the nearest adjacent property line, and crops prohibited by State or Federal law.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>N. If there will be sales to the public the garden/farm owner or manager must participate in an annual food safety program as recommended by the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) and produce a certification of such participation to the County upon request</u>	<u>X</u>	<u>X</u>	<u>X</u>

<u>Maintenance Standards</u>			
<u>Standard</u>	<u>Community Garden</u>	<u>Market Garden</u>	<u>Community Farm</u>
<u>A. Gardeners shall properly tend to the garden, for example Gardeners shall prepare planting areas for off-season in a manner that creates positive aesthetics in addition to controlling dust, erosion, and run-off. This shall include but is not limited to removal or tilling of dead plant debris, etc.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>B. Equipment, fertilizers and pesticides must be secured at all times if left on-site with a locked storage box or equipment shed</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>C. Proper handling of composting will occur regularly to reduce odor</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>D. Trash and waste will be removed from site at the minimum weekly</u>	<u>X</u>	<u>X</u>	<u>X</u>

Table 530.23-3
Community Gardens, Market Gardens and Community Farms
Require Site Plans

<u>Type</u>	<u>Site Plan Required</u>	
	<u>No Structures</u>	<u>Structures</u>
<u>Home Garden</u>	<u>No</u>	<u>Yes</u>
<u>Community Garden</u>	<u>No</u>	<u>Yes</u>
<u>Market Garden</u>	<u>Yes</u>	<u>Yes</u>
<u>Community Farm</u>	<u>Yes</u>	<u>Yes</u>
<u>If not exempt under Florida Statutes, Chapter 193.46</u>		

3. Thresholds by Use Type are detailed in Table 530.23-4 for Vehicle Trips, Parking, Heavy Vehicles, Business Tax Receipts and Special Events.

Table 530.23-4
Thresholds by Use Type

<u>Use Type</u>	<u>Vehicle Trips</u>	<u>Parking</u>	<u>Heavy Vehicles</u>	<u>Business Tax Receipt</u>
<u>Code Citation</u>	<u>Vehicle Trips in accordance with Section 901 of this Code.</u>	<u>Parking in accordance with Section 907.1 of this Code.</u>	<u>Heavy Vehicles in accordance with Section 901 of this Code.</u>	<u>Business Tax Receipt in accordance with Article II, Occupational License Tax, Section 102 of the Pasco County Code of Ordinances.</u>
<u>Community Garden</u>	<u>> 14 vehicle trips < 100 vehicle trips</u>	<u>No</u>	<u>Limited, max 2 per day</u>	<u>No</u>
<u>Market Gardens</u>	<u>> 14 vehicle trips</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Community Farm</u>	<u>> 14 vehicle trips</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>If not exempt under Florida Statutes, Chapter 193.46</u>				

G. Community Gardens on Public Land

1. Community Gardens are allowed on public lands through the use of a Land Use Agreement for non-profit entities engaged in community

development activities. Community Gardens on lands funded by impact fees shall only be allowed as an interim use.

Community Farms may be allowed through ground lease agreements with the County, for profit with payment to the County to be specifically allocated to the Food Policy Advisory Council for its stated public purpose.

2. All public infrastructures on-site must retain or provide a direct access path, five (5) foot in width from the closest right-of-way (ROW) and have a five (5) foot clear buffer around such infrastructure. A hardscape damage waiver must be filed with the Pasco County Utilities Engineering & Contracts Management Department.
3. The applicant shall register the garden and provide the County with a completed Community Garden application, which shall include:
 - a. Contact information of Garden Manager and Sponsor;
 - b. A narrative stating the purpose and objective of the Community Garden;
 - c. A not for profit entity must sponsor the garden and be the primary contracting entity for the Land Use Agreement and Insurance;
 - d. A Land Use Agreement between the applicant and the County;
 - e. Approved Site Plan

Section 30. Appendix A, Definitions, of the Land Development Code is hereby amended as follows:

Community Development. Community development is a process where community members come together to take collective action and generate solutions to common problems. Community wellbeing (economic, social, environmental and cultural) often evolves from this type of collective action being taken at a grassroots level. Community development ranges from small initiatives within a small group to large initiatives that involve the broader community.

Community Garden. A community garden is a garden used to grow and harvest food crops or ornamental plants (including flowers) with daily vehicle trips of greater than 14 vehicle trips per day and less than 100 vehicle trips per day, with limited use of heavy vehicles. Community gardens may be any size.

Community Farm. A community farm primarily grows produce, fruits, vegetables and other garden derived edibles primarily for distribution off-site with daily vehicle trips of 14 vehicle trips or more daily. Community farms may be any size.

Food. A raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

Greenhouse. A building made of glass, plastic, or fiberglass, etc. where plants are cultivated.

Home Garden. A piece of ground adjoining the dwelling for the cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock, with less than 14 vehicle trips daily, with limited heavy vehicle use...

Hoophouse. A structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop shape" that functions as a greenhouse.

Market Garden. A market garden primarily sells and buys produce grown on-site or off-site including fruits, vegetables and other garden derived edibles with daily vehicle trips of 14 vehicle trips or more daily, and is less than 5 acres.

Processing. The transporting, washing, sizing, flotation, storage, drying, grinding, and shipping of mined material and all activities reasonably related thereto. Processing also includes activities such as washing, packaging, chopping, drying, freezing, or otherwise preparing food.

Raw. Any unprocessed natural product in a natural, unrefined state not yet changed by process, by manufacture, or by preparation for consumption.

Garden Plan. An informal readable plan that: a) shows the property size with readable dimensions; b) show existing streets (label), easements or land reservations within the site; c) includes proposed fencing and screening, if any; d) indicates any buildings to be removed or demolished; e) shows setbacks to all structures and from adjoining property lines; g) shows existing driveways and any changes proposed to said driveways; f) labels adjacent property owners; and h) identifies the source of water that will be used for irrigation purposes.

Section 32. Applicability.

All provisions of this Ordinance shall apply to the unincorporated areas of Pasco County, Florida.

Section 33. Repealer.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 34. Severability.

All Sections of this Ordinance are severable and if any other section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 35. Inclusion into the Land Development Code.

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Pasco County Land Development Code and that the sections of this ordinance may be renumbered or re-lettered.

Section 36. Scrivener's Error.

The County Attorney may correct scrivener's error found in this Ordinance by filing a corrected copy of this Ordinance with Board Records.

Section 38. Effective Date.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days of the adoption of this Ordinance, and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED with a quorum present and voting this 20 th day of June , 2017.



BY:

Paula S. O'Neil
Paula S. O'Neil, Ph.D.
Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY

BY:

Mike Moore
Mike Moore, Chairman

APPROVED
IN SESSION

JUN 20 2017
PASCO COUNTY
BCC