ORDINANCE NO. 2011-62

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING), RELATING TO COMMUNITY GARDENS; AMENDING SECTION 27-77, OFFICIAL SCHEDULE OF DISTRICT REGULATIONS; AMENDING SECTION 27-177, HISTORIC DISTRICT ESTABLISHED; AMENDING SECTION 27-242, NUMBER OF OFF-STREET PARKING SPACES; AMENDING SECTION 27-267, CLASSES OF SPECIAL USE PERMITS; AGENT OR BODY RESPONSIBLE FOR EACH GENERAL PROCEDURE; AMENDING SECTION 27-272, REGULATIONS GOVERNING INDIVIDUAL SPECIAL USES; AMENDING SECTION 27-438, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; AMENDING SECTION 27-452, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; AMENDING SECTION 27-545, DEFINITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa directed the Land Development Coordination office to complete the following amendments to Chapter 27, Code of Ordinances.

WHEREAS, the Hillsborough County City-County Planning Commission conducted a public hearing on this ordinance and made a finding that it is consistent with the Tampa Comprehensive Plan;

WHEREAS, the City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and,

WHEREAS, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That **"Sec. 27-77. Official schedule of district regulations."** is hereby amended by adding the underlined language as follows:

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"Sec. 27-77. Official schedule of district regulations.

TABLE 4-1
SCHEDULE OF PERMITTED USES BY DISTRICT*

TABLE INSET:

*Legend:		
X	--	Permitted principal use
S1	--	Special use--Zoning administrator review
S2	--	Special use--City council review
A	--	Permitted accessory use
Blank	--	Prohibited use

TABLE INSET:

[redacted]																							
Use Group B																							
Community garden, private				S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1				

Section 2. That **"Sec. 27-177. Historic district established."** is hereby amended by adding the underlined language as follows:

"Sec. 27-177. Historic district established.

TABLE 8-1
SCHEDULE OF PERMITTED USES AND PERMISSIBLE SPECIAL USES

TABLE INSET:

*Legend:		
X	--	Permitted principal use
S1	--	Special use--Zoning administrator review
S2	--	Special use--City council review
A	--	Permitted accessory use
Blank	--	Prohibited use

TABLE INSET:

[redacted]									
Use Group B									
Community garden, private	S1	S1	S1	S1	S1	S1	S1	S1	S1

Section 3. That **"Sec. 27-242. Number of off-street parking spaces."** is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-242. Number of off-street parking spaces.

The number of off-street parking spaces shall be as set forth in Table 10-1. Provided, however, the number of required off-street parking spaces for property in the central business district shall be as set forth in Article XVIII, section 27-442. Provided further, the number of required off-street parking spaces for property in the Channel District shall be as set forth in Article XIX, section 27-456.

TABLE 10-1
TABLE OF REQUIRED PARKING SPACES

Use	Spaces	Per Unit
(6) Public or nonprofit uses:		
i. Community garden, private[1]	1	10 individual garden plots/beds

[1] Off-street parking is not required for gardens in the YC-, CBD-, and CD- districts."

Section 4. That **"Sec. 27-267. Classes of special use permits; agent or body responsible for each general procedure."** is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-267. Classes of special use permits; agent or body responsible for each general procedure.

(b) Classes of special permits, the agent or body responsible for each and general provisions regarding the procedure are as follows:

(3) *Contents of application for special use.* The application for a special use shall be submitted on forms provided by the zoning administrator. The application for a special use shall include at a minimum:

a. Short term S-1 special use permits (alcohol beverage sales -- temporary and vendor other than annual vendor) and S-1 permits for community gardens

1. A full and accurate description of the proposed use;

2. A detailed boundary description of the area receiving the special use permit, and a graphic (sketch) that depicts the boundaries. The graphic must delineate "north," identify street names, and identify any structures on-site with dimensions. For alcohol beverage sales – temporary

applications, the boundaries are the area where alcoholic beverages may be consumed ("Consumption Area"), and the graphic must also clearly delineate the areas where alcoholic beverages may lawfully be sold ("AB Sales Area") within the boundary;

3. The name and address of the property owner;

4. The name and address of the applicant, if different from the owner. The first application for a particular location will be considered the "master application." Any subsequent applications within the boundaries of the master application will be issued a "subpermit." The graphic for the master application must be amended to reflect the subpermit request.

b. All other S-1 special use permits (alcoholic beverage sales – sidewalk café, annual vendor) and S-2 special use permits

1. A full and accurate description of the proposed use;

2. The appearance and operational characteristics of the proposed use;

3. The name and address of the property owner;

4. The name and address of the applicant, if different from the owner;

5. All relevant information needed to show compliance with the general and specific standards governing the special use;

6. For alcoholic beverage sales ("AB permit"), the survey must include the following, as applicable:

i. A graphical depiction with square footage measurements of the location from where the sales activity will occur ("AB Sales Area") and those measurements required to demonstrate compliance with distance separation criteria; and,

ii. For locations without an existing active AB permit, then the survey required as part of the application is required to comply with 7. below; or,

iii. For locations with an existing active AB permit, where there is no expansion of floor area, outdoor/outside occupied area, or other alterations to the site are proposed, then the survey required as part of the application is required to comply with 7. below except for topographic contours or tree locations; or,

iv. For locations with an existing active AB permit, where there is an expansion of floor area, outdoor/outside occupied area, or other alterations to the site are proposed, then the survey required as part of the application is required to comply with 7. below.

7. For all other special uses under this subsection, the property survey must include boundary, topographic contours, and tree locations onsite and within twenty (20) feet of the property boundary on all sides, general property address, and legal description.

8. A site development plan that, at a minimum, represents a graphical depiction of the specifications above."

Section 5. That **"Sec. 27-272. Regulations governing individual special uses."** is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-272. Regulations governing individual special uses.

Community Garden, private: The following specific standards shall be used in deciding an application for approval of these uses:

a. Size Limitation. Within residential zoning districts, a community garden, private may not be greater in size than two acres.

b. Noise Limitations. No gardening activity may take place before sunrise or after sunset. The use of hand tools and domestic gardening tools is encouraged. The use of other machinery and other noise-emitting equipment is subject to the noise standards set forth in Chapter 14.

c. Maintenance responsibilities. The property maintenance responsibilities shall be that of the property owner and any lessee of the property, including the community garden group/organization. Standards for property maintenance are set forth in Chapter 19.

d. Agricultural chemical application. Application of fertilizer, pesticide, insecticide, herbicide and/or agricultural use chemicals shall be consistent with product label instructions and all applicable local, state, and federal laws. Integrated Pest Management and organic gardening is strongly encouraged.

e. Sale of harvested crops.

1. Within residential zoning districts, the produce and horticultural plants grown in a community garden are not intended to be offered for sale on or from the premises on a daily basis. Sales shall be allowed only when part of an event as stated in (4) below.

2. Within office and commercial districts, the produce and horticultural plants grown in a community garden may be sold from the premises on a daily basis.

f. Events. Events with sales of crops or goods on residentially zoned property will be limited to a maximum of four (4) events per year.

g. Permitted Structures. Only the following structures shall be permitted in a community garden:

1. Greenhouses, hoophouses, storage sheds, shade/water collection canopies, and planting preparation houses.

i. Location. Buildings shall be setback from property lines consistent with the minimum principal building setbacks in the front yards and accessory building setback of the underlying zoning district for all other yards.

ii. Height. No building or other structures shall be greater than fifteen (15') feet in height.

iii. Building Coverage. The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed twenty (20) percent of the garden site.

2. Fences. Fencing shall be subject to the regulations of Sec. 27-133 and any applicable Overlay District, Historic District or design district regulation. Fencing placed parallel to the front property line shall adhere to Crime Prevention through Environmental Design (CPTED) principles.

3. Outdoor furniture and garden art.

4. Planting beds raised three (3) feet or more above grade, compost bins, and rain barrel systems shall maintain the following yard (setbacks) from property lines: 20' front yard, 3' side yard, and 3' rear yard.

5. Lot coverage (use and placement of impervious materials) shall not exceed 35% of the site area.

6. Signage: Each Community Garden will have a sign indicating the name of the Community Garden and contact information of the principal operator (garden coordinator), including; name and current telephone number, web site, or e-mail address. Signage shall comply with Chapter 20.5 standards.

h. Parking. Off-street parking is not required for gardens on lots with a residential, YC-, CD-, or CBD- zoning district. For gardens on lots with an office or commercial zoning district, parking shall be provided at a rate of one (1) space per ten (10) individual plots, not to exceed fifteen (15) spaces. All parking shall comply with section 27-246.

i. Prohibited Activities. The following activities are prohibited within the Community Gardens:

1. Littering, dumping, alcohol consumption and other unlawful activities;

2. Amplified sound;

3. Pets are not allowed in the garden;

4. Storage or use of fireworks."

Section 6. That **"Sec. 27-438. Official schedule of permitted principal, accessory and special uses."** is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-438. Official schedule of permitted principal, accessory and special uses.

TABLE 18-1
SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES*

TABLE INSET:

*Legend:	
X	Permitted principal use
S1	Special use--Zoning administrator review
S2	Special use--City council review
A	Permitted accessory use
Blank	Prohibited use

TABLE INSET:

Use Group B		
Community garden, private	S1	S1

Section 7. That **"Sec. 27-452. Official schedule of permitted principal, accessory and special uses."** is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-452. Official schedule of permitted principal, accessory and special uses.

TABLE 18-1
SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES*

*Legend:	
X	Permitted principal use
S1	Special use--Zoning administrator review
S2	Special use--City council review
A	Permitted accessory use
Blank	Prohibited use

Uses	CD-1	CD-2
Group B		
Community garden, private	S1	S1

Section 8. That **"Sec. 27-545. Definitions."** is hereby amended by adding the underlined language as follows:

"Sec 27-545. Definitions.

Community Garden, private: an area of land managed and maintained by a group or a group of individuals to grow and harvest crops (food or non-food) for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals, or may be farmed collectively by members of a group, and may include common areas maintained and used by group members.

Greenhouse: a building made of glass, plastic, or fiberglass in which plants are cultivated.

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

Section 9. That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 10. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 11. That this ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 19 2011.

ATTEST:

CHAIRMAN/~~CHAIRMAN PRO-TEM~~
CITY COUNCIL

CITY CLERK/~~DEPUTY CITY CLERK~~

APPROVED BY ME ON MAY 20 2011

BOB BUCKHORN, MAYOR

APPROVED AS TO LEGAL
SUFFICIENCY BY:

E/S
JULIA MANDELL COLE
SENIOR ASSISTANT CITY ATTORNEY

K:/Debbie/Ordinances/Chapter27/July 2010 text amendment cycle – Community Gardens – 4.15.11_S-2