

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:


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

2
3 TABLE 4-1
4 SCHEDULE OF PERMITTED USES BY DISTRICT*

5
6 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

7
8 TABLE INSET:

																			
<i>Use Group B</i>																			
<u>Community</u>																			
<u>garden,</u>			<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>		
<u>private</u>																			

9
10 Section 2. That "Sec. 27-177. Historic district established." is hereby
11 amended by adding the underlined language as follows:


12
13 **"Sec. 27-177. Historic district established.**

14
15 TABLE 8-1
16 SCHEDULE OF PERMITTED USES AND PERMISSIBLE SPECIAL USES

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18 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

19
20 TABLE INSET:

									
<i>Use Group B</i>									
<u>Community garden,</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>	<u>S1</u>
<u>private</u>									

1 applications, the boundaries are the area where alcoholic
2 beverages may be consumed (“Consumption Area”), and
3 the graphic must also clearly delineate the areas where
4 alcoholic beverages may lawfully be sold (“AB Sales
5 Area”) within the boundary;
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7 3. The name and address of the property owner;
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9 4. The name and address of the applicant, if different from the
10 owner. The first application for a particular location will be
11 considered the “master application.” Any subsequent
12 applications within the boundaries of the master application
13 will be issued a “subpermit.” The graphic for the master
14 application must be amended to reflect the subpermit
15 request.
16

17 b. All other S-1 special use permits (alcoholic beverage sales –
18 sidewalk café, annual vendor) and S-2 special use permits
19

20 1. A full and accurate description of the proposed use;
21

22 2. The appearance and operational characteristics of the
23 proposed use;
24

25 3. The name and address of the property owner;
26

27 4. The name and address of the applicant, if different from the
28 owner;
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30 5. All relevant information needed to show compliance with
31 the general and specific standards governing the special
32 use;
33

34 6. For alcoholic beverage sales (“AB permit”), the survey
35 must include the following, as applicable:
36

37 i. A graphical depiction with square footage
38 measurements of the location from where the sales
39 activity will occur (“AB Sales Area”) and those
40 measurements required to demonstrate compliance
41 with distance separation criteria; and,
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43 ii. For locations without an existing active AB permit,
44 then the survey required as part of the application is
45 required to comply with 7. below; or,
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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.

- 1 d. Agricultural chemical application. Application of fertilizer, pesticide,
2 insecticide, herbicide and/or agricultural use chemicals shall be consistent with
3 product label instructions and all applicable local, state, and federal laws.
4 Integrated Pest Management and organic gardening is strongly encouraged.
5
- 6 e. Sale of harvested crops.
7
- 8 1. Within residential zoning districts, the produce and horticultural plants
9 grown in a community garden are not intended to be offered for sale on
10 or from the premises on a daily basis. Sales shall be allowed only when
11 part of an event as stated in (4) below.
12
- 13 2. Within office and commercial districts, the produce and horticultural
14 plants grown in a community garden may be sold from the premises on a
15 daily basis.
16
- 17 f. Events. Events with sales of crops or goods on residentially zoned property will
18 be limited to a maximum of four (4) events per year.
19
- 20 g. Permitted Structures. Only the following structures shall be permitted in a
21 community garden:
22
- 23 1. Greenhouses, hoopouses, storage sheds, shade/water collection
24 canopies, and planting preparation houses.
25
- 26 i. Location. Buildings shall be setback from property lines
27 consistent with the minimum principal building setbacks in the
28 front yards and accessory building setback of the underlying
29 zoning district for all other yards.
30
- 31 ii. Height. No building or other structures shall be greater than
32 fifteen (15') feet in height.
33
- 34 iii. Building Coverage. The combined area of all buildings,
35 excluding greenhouses and hoopouses, shall not exceed twenty
36 (20) percent of the garden site.
37
- 38 2. Fences. Fencing shall be subject to the regulations of Sec. 27-133 and
39 any applicable Overlay District, Historic District or design district
40 regulation. Fencing placed parallel to the front property line shall adhere
41 to Crime Prevention through Environmental Design (CPTED)
42 principles.
43
- 44 3. Outdoor furniture and garden art.
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- 46 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.

1 TABLE INSET:

<i>Use Group B</i>		
<u>Community garden, private</u>	<u>S1</u>	<u>S1</u>

2
3 **Section 7.** That “**Sec. 27-452. Official schedule of permitted principal,**
4 **accessory and special uses.**” is hereby amended by adding the underlined language
5 and deleting the stricken language as follows:

6
7 “**Sec. 27-452. Official schedule of permitted principal, accessory and special uses.**”

8
9 **TABLE 18-1**
10 **SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL**
11 **USES***
12

*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
<i>Group B</i>		
<u>Community garden, private</u>	<u>S1</u>	<u>S1</u>

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14
15 **Section 8.** That “**Sec. 27-545. Definitions.**” is hereby amended by adding
16 the underlined language as follows:

17
18 “**Sec 27-545. Definitions.**”

19
20 Community Garden, private: an area of land managed and maintained by a group or a
21 group of individuals to grow and harvest crops (food or non-food) for personal or group
22 use, consumption, or donation. Community gardens may be divided into separate plots
23 for cultivation by one or more individuals, or may be farmed collectively by members of
24 a group, and may include common areas maintained and used by group members.

25
26 Greenhouse: a building made of glass, plastic, or fiberglass in which plants are cultivated.

27
28 Hoophouse: a structure made of PVC piping or other material covered with translucent
29 plastic, constructed in a "half-round" or "hoop" shape.”

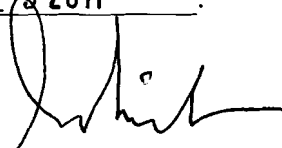
30
31 **Section 9.** That should a court of competent jurisdiction declare any part of
32 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
33 such determination as to the invalid part.
34

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

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

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

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11
12 ATTEST:

13 
14 _____
15 CHAIRMAN/~~CHAIRMAN PRO TEM~~
16 CITY COUNCIL

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18 
19 _____
20 CITY CLERK/~~DEPUTY CITY CLERK~~

21
22 APPROVED BY ME ON MAY 20 2011

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24 
25 _____
26 BOB BUCKHORN, MAYOR

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29
30 APPROVED AS TO LEGAL
31 SUFFICIENCY BY:

32
33
34 E/S
35 _____
36 JULIA MANDELL COLE
37 SENIOR ASSISTANT CITY ATTORNEY

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