

ORDINANCE NO. C-12-24

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERMITTING URBAN FARMS AND COMMUNITY GARDENS BY CREATING SECTION 47-18.41, URBAN FARMS AND COMMUNITY GARDENS, ESTABLISHING REGULATIONS FOR URBAN FARMS AND COMMUNITY GARDENS; AMENDING ARTICLE II, ZONING DISTRICT REQUIREMENTS, TO PROVIDE FOR THE INCLUSION OF URBAN AGRICULTURE IN THE ZONING DISTRICT PERMITTED USE TABLES; AMENDING SECTION 47-20, PARKING AND LOADING REQUIREMENTS, TO PROVIDE FOR PARKING REQUIREMENTS; AMENDING SECTION 47-35 DEFINITIONS, TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, First Lady Michelle Obama's Let's Move initiative includes "Ensuring that every family has access to healthy, affordable food"; and

WHEREAS, the City's Sustainability Action Plan encourages the establishment of zoning and sustainable agriculture policies that allow for sustainable agriculture land use through the City's Department of Sustainable Development; and

WHEREAS, on September 22, 2011 a public workshop was held by the City's Department of Sustainable Development to discuss the creation of an urban agriculture ordinance to further the goals of sustainability; and

WHEREAS, at its Conference meeting of November 15, 2011 the City Commission of the City of Fort Lauderdale directed staff for move forward with the creation of an urban agriculture ordinance; and

WHEREAS, the Planning and Zoning Board, at its meeting of May 16, 2012 (PZ Case No. 3-T-12), recommended approval of a proposed ordinance creating an urban agriculture ordinance; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, June 19, 2012 and Tuesday, July 10, 2012 at 6:00 o'clock P.M., in the City

Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any objections which might be made to such ordinance; and

WHEREAS, City Commission finds that locally grown and consumed produce has been shown to reduce the use of carbon-based fuels due to transportation over long distances and thereby reduces carbon emissions; and

WHEREAS, the implementation of an urban agriculture ordinance will restore agricultural business to the local economy and bring fresh produce to those areas where the population may not have the means to obtain fresh produce;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-18.41, Urban farm and community gardens, of the Unified Land Development Regulations ("ULDR") of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 47-18.41. Urban Farms and Community Gardens.

A. Purpose and Intent. The purpose of permitting Urban Agriculture is to promote local food production for local consumption and promote the health, environmental and economic benefits of having such uses. Urban Agriculture comprises of community and school gardens; backyard and rooftop horticulture; and other innovative food production methods that maximize production in a small area that may have the ability to supply urban farmers markets and community supported agriculture. Urban Agriculture is a complex activity, addressing issues central to community food security, neighborhood development, environmental sustainability, land use planning and agricultural and food systems.

Urban Farms and Community Gardens are types of Urban Agriculture. Urban Farms promote the local production of food primarily for sale to local sellers and consumers residing or doing business in Broward County, Florida. Community Gardens promote the local production of food for use or consumption by the individuals directly involved in the food production. Community Gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collective.

B. Permitted uses.

1. Urban Farm. Urban Farms shall be permitted as a principal or accessory use when the development site is located within a non-residential zoning district, with the exception of the P - Parks, Recreation and Open Space Zoning District, and the underlying City of Fort Lauderdale Comprehensive Plan land use designation is one of the following:

- a. Commercial,
 - b. Employment Center,
 - c. Employment Center-High,
 - d. Industrial,
 - e. Local Activity Center,
 - f. All Mixed Use-Residential Categories,
 - g. All Regional Activity Center Categories,
 - h. Office Park, and
 - i. Utilities
2. Community gardens. Community gardens shall be permitted as a principal or accessory use when the development site is located within any zoning district, with the exception of the P - Parks, Recreation and Open Space Zoning District, with an underlying City of Fort Lauderdale Comprehensive Plan land use designation of one of the following:

- a. Commercial,
- b. Employment Center,
- c. Employment Center-High,
- d. Industrial,
- e. Local Activity Center,
- f. All Mixed Use-Residential Categories,
- g. All Residential Categories,
- h. All Regional Activity Center Categories,
- i. Office Park, and
- j. Utilities

C. Conditional use. Subject to the issuance of a conditional use permit pursuant to Section 47-24.3, Community Gardens may be permitted to a primary recreational use on a development site located within a P - Parks, Recreation and Open Space zoning district or a development site located within any zoning district with an underlying City of Fort Lauderdale Comprehensive Plan land use designation of one of the following:

1. Commercial Recreation,
2. Community Facilities,
3. Electrical Generation Facilities, and
4. Park/Open Space

In addition to the information required by Section 47-24.3, the application for a conditional use permit shall include the information outlined in this section.

D. Applicability to Nonconforming Urban Farms and Community Gardens. Any use of land that is now defined as an Urban Farm or Community Garden and has been determined to be a nonconforming use pursuant to Section 47-3.1 shall be subject to and shall comply with the requirements of this section with the exception of the requirements of Section 47-18.41.B.

E. Process.

1. Applicant. The applicant is the owner of property proposed for the Community Garden or Urban Farm.
2. Application An application for a development permit to operate an Urban Farm or Community Garden shall be submitted to the department. The application shall include the information provided in Section 47-24.1.F and the following:
 - a. Management plan: A management plan shall be submitted to the department and shall include a drawing or sketch of the Urban Farm or Community Garden area. The following information shall be provided in the plan:
 - i. A narrative including the anticipated types of crop(s) to be grown, the hours of operation, detailed maintenance plan, and the motorized equipment to be used as part of the operation. (Hours of operation shall be limited from dawn to dusk with no machinery operated before 7:00 a.m. seven (7) days a week); and
 - ii. The number of persons to be involved in the operation ("participants"). Each participant shall receive a copy of the management plan and urban farm or community garden rules and regulations. Proof of receipt shall be provided with the initial application in the form of a signed acknowledgement; and
 - iii. A list of chemicals, pesticides, fertilizers or any combination of same to be used; the frequency of use and the pests, diseases or plants they will be applied to; and

- iv. On site water source and a water management plan addressing run off to adjoining property, waterways or rights of way; and
 - v. A description of proposed rain-capture systems including size, location and method of operation stating how water stagnation will be prevented; and
 - vi. Photograph of the proposed Urban Farm or Community Garden site; and
 - vii. Urban Farms shall provide number of vehicles associated with the use and identification of permanent parking spaces on site; and
 - viii. Description of composting activities including, location, size and means of containment; and
 - ix. Complete description of any aspects of the operation that may generate noise or odor on site and that may impact neighboring residential property;
 - x. Rules and regulations that govern the operations of the farm or garden.
- b. Community Gardens located on private property shall include a trespass affidavit from the property owner.
 - c. Community Gardens shall be required to perform an annual review of the approved management plan.
 - d. A letter of acknowledgment from the officially recognized homeowner's association, as identified by the City's Neighborhood Recognition Program, which represents the area within which the proposed Urban Farm or Community Garden is proposed to be located.

F. Review Process.

The review process for a Community Garden or Urban Farm shall be the same as required for a Site Plan Level I approval, as provided in Sec. 47-24.2, Site Plan Development Permit, subsection A.3.b., subject to a thirty (30) day Commission Request for Review (CRR). Approval of a Site Plan Level I development permit shall not be final until thirty (30) days after the

preliminary approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2. of the ULDR.

G. Notice Procedures. The following notices shall be provided within ten (10) days of submittal of application for review:

1. Mail notice to the owners of lands within three hundred (300) feet of the proposed development site for an Urban Farm or Community Garden. See Section 47-27.2.A.1.; and
2. Sign notice. See Section 47-27.2.A.3.

H. Criteria.

1. The following criteria shall apply to the approval of an Urban Farm or Community Garden:
 - a. The Urban Farm or Community Garden shall be compatible with, and preserve the character and integrity of adjacent neighborhoods and shall include improvements or modifications to mitigate adverse impacts such as noise, odor or other similar adverse effects.
 - b. The application demonstrates how the proposed use meets all of the requirements and standards as provided in this Section 47-18.41 of the ULDR.

I. Standards.

1. The following standards shall apply as a condition to the approval of an Urban Farm or Community Garden:
 - a. The development site for an Urban Farms must meet the minimum square footage required for development within the zoning district where the site is located.
 - b. One utility or tool shed may be a permitted accessory structure if in compliance with Section 47-19.2 EE if in a residential zoned district or 47-19.FF. if in a non-residential zoned district. An additional utility or tool shed may be permitted for each addition acre for an Urban Farm and an additional minimum lot size for a Community Farm but there shall be a minimum 10 feet distance requirement between accessory structures.

- c. A cistern or other rain catching device may be permitted on site consistent with the Broward County Board of Rules and Appeals *Policy #10-01, Rainwater Harvesting Guidelines for Irrigation and other Non-potable Outdoor Domestic Uses in One and Two-family Dwellings*.
- d. Equipment.
 - i. Urban Farms. Mechanical equipment used in the operation of an Urban Farm shall be limited to the following:
 - (1) Riding/push mower designed for personal use;
 - (2) Handheld tillers or edgers that may be gas or electrically powered;
 - (3) Other handheld equipment designed for personal household use that create minimal impacts related to the operation of said equipment, including noise, odors, and vibration;
 - (4) Motor vehicles associated with the operations of an urban farm shall be limited to no more than two (2) with a gross vehicle weight of 10,000 pounds or less.
 - ii. Community Gardens.
 - (1) Push mowers designed for personal household use;
 - (2) Hand-held equipment designed for personal household use;
 - (3) Loading Area consisting of minimum parking stall dimensions as indicated in Section 47-20.11, Geometric Standards. Loading area shall not be subject to Section 47-20.13, Paving and drainage, but at a minimum shall consist of a dust free surface such as grass or gravel.
 - (4) One (1) Two-Axle Vehicle with a gross vehicle weight rating (GVWR) of 14,000 pounds or less may be used in the operation of the community garden but may not remain on site overnight.

- e. Signage.
 - i. Loading Area shall be cleared marked with a sign with the maximum dimensions of 12" x 18".
 - ii. One (1) sponsorship sign shall be permitted in a community garden subject to the following criteria:
 - (1) signage shall not be visible from the public right-of-way;
 - (2) signage cannot exceed a maximum of ten (10) inches in width;
 - (3) signage cannot exceed a maximum of eight (8) inches in height; and
 - (4) signage may not be posted on higher than four (4) feet from grade.
- f. Upon approval of an application for an Urban Farm the applicant or his or her designee shall annually apply for business tax receipt.

SECTION 2. That Section 47-20.2, Parking and loading zone requirements, of the ULDR of the City of Fort Lauderdale is hereby amended to read as follows:

Sec. 47-20.2. Parking and loading zone requirements.

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TABLE 1. PARKING AND LOADING ZONE REQUIREMENTS

<i>Use</i>	<i>Standard Requirements</i>	
	<i>Parking Space Requirements</i>	<i>Loading Zone Requirements</i>
...		
<u>Community Garden</u>	<u>0</u>	<u>0</u>
...		
<u>Urban Farm</u>	<u>1/4 employees</u>	<u>Type II</u>

SECTION 3. That Section 47-35.1, Definitions, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-35.1. Definitions.

...

Code: The Code of Ordinances of the City of Fort Lauderdale, Florida which includes Volumes I and II.

Community garden: An area of land managed and maintained for the use of one or more individuals to grow and harvest food crops, non-food ornamental crops, such as flowers, or both solely for the use, consumption or donation by two (2) or more persons maintaining the Community Garden.

...

Truck sales: An establishment which provides for the sale of trailers, hauling trucks, dump trucks, concrete trucks and equipment and other similar heavy duty trucks.

Urban agriculture: The use of land for the production, distribution and marketing of food.

Urban farm: An area of land used to grow and harvest food crops, non-food, ornamental crops, such as flowers, or both primarily for sale

...

SECTION 4. That Article II. Zoning District Requirements, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to include the phrase "Urban Agriculture, (See Sec. 47-18.41)" as a district category in the respective "List of permitted and conditional uses" tables of every zoning district.

SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

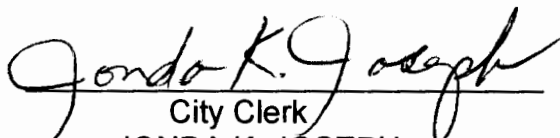
PASSED FIRST READING this the 19th day of June, 2012.

PASSED SECOND READING this the 10th day of July, 2012.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

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