

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE BY CREATING A NEW SECTION 16.50.85 PROVIDING FOR COMMUNITY GARDENS; CREATING A NEW SECTION 16.70.030.1.13 PROVIDING FOR PROCEDURES FOR REVIEW AND APPROVAL OF AN ANNUAL COMMUNITY GARDEN PERMIT; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SUSPENSIONS, REVOCATIONS AND APPEALS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The St. Petersburg City Code is hereby amended by creating a new Section 16.50.085 which shall read as follows:

Section 16.50.085 – Community Gardens

16.50.085.1 Applicability

- A. This section shall apply to community garden uses as a principal use.
- B. This section shall not apply to a residential garden which is accessory to a principal residential use.

16.50.085.2 Purpose and Intent

The purpose and intent of this Section is to establish appropriate standards which allow for a community garden use, while mitigating any associated undesirable impacts. A community garden is a use which allows neighboring residents and the permittees of the owner to grow produce and horticultural plants for their consumption and enjoyment and for the consumption and enjoyment of friends and relatives on a not-for-profit basis, except as expressly allowed herein. Community gardens may create impacts which can be detrimental to the quality of life of adjacent property owners.

16.50.085.3 Establishment

Community garden is a use of property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment and/or for the consumption and enjoyment of friends and relatives, generally on a not for profit basis. Community garden uses shall be allowed in any zoning district and shall comply with the

development standards of the zoning district, the general development standards, and this section. No accessory use, nor any other use, shall be allowed on the same property with a community garden.

16.50.085.4 Use Specific Development Standards

16.50.085.4.1 Property Maintenance

The property shall be maintained in an orderly and neat condition consistent with the city's property maintenance standards. No trash or debris shall be stored or allowed to remain on the property. Tools and supplies shall be stored indoors or removed from the property daily. Vegetative material (eg compost), additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion and shall not create a visual blight or offensive odors. Large power tools (eg mowers, tillers) shall be stored at the rear of the property. The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off of the property. Pesticides and fertilizers may only be stored on the property in a locked building and must comply with any other applicable requirements for hazardous materials.

16.50.085.4.2 Hours of Operation and Noise Limitations

No gardening activities shall take place before sunrise or after sunset. The use of hand tools and domestic gardening tools and equipment is encouraged; the use of small power equipment, such as gas powered tillers and edgers is allowed. Gas-powered equipment which is greater than 10 horsepower is prohibited.

16.50.085.4.3 Sale of Produce and Horticultural Plants

A community garden is not intended to be a commercial enterprise however there may be occasions when surplus is available. The produce and horticultural plants grown in a community garden are not intended to be sold wholesale nor offered for sale on the premises. Surplus produce and plants may be sold off the premises. .

16.50.085.4.4 Accessory Structures

Structures, including buildings or signs, shall comply with the requirements of the zoning district.

16.50.085.4.5 Trash Storage

The property owner shall coordinate the location and type of trash container(s) used on the site with the POD. Trash containers shall be located abutting the alley. If there is no alley, then they shall be located to the rear of the property unless the POD determines that another location creates less impact on the adjacent properties.

16.50.085.4.6 Fencing

All fencing shall comply with the requirements for residential uses in the Fence, Wall and Hedge Regulations (currently Section 16.40.040).

16.50.085.4.7 Required Yards

All plantings shall not be planted closer than five feet to the side or rear property line and not closer than ten feet to the front or street side property line. All plantings shall comply with the visibility at intersections requirements.

Section 2. The St. Petersburg City Code is hereby amended by creating a new Section 16.70.030.1.13 which shall read as follows:

16.70.030.1.13 Community Garden Permit

- A. Applicability. A permit shall be required for a community garden.
- B. Application. An application shall include the following information in addition to the information that the POD may generally require for a zoning permit application:
1. Letter of authorization from the property owner.
- C. Procedure.
1. The application shall be filed at least 30 days prior to the date on which the permit is to take effect. The POD may approve a lesser time period.
 2. Upon receipt of the application, the POD shall determine whether the application conforms to all applicable requirements contained in the Land Development Regulations.
 - a. Public notice to property owners within 200 feet of the proposed location shall be required. The applicant shall be responsible for all required notice to property owners. Notice shall be provided at least 30 days prior to the date on which the permit is to take effect.
 - b. The POD shall consider the concerns of the public and may impose reasonable conditions to mitigate any adverse impacts of the use at this property.
 3. If the POD determines that the application sufficiently complies with the standards for a community garden use and that appropriate conditions have been imposed to protect the public health, safety and welfare, the permit shall be issued. If the POD determines that the application does not comply or has adverse impacts which cannot be adequately mitigated, the POD shall identify the application's deficiencies and deny the application. If the POD denies the application, such denial shall be in writing and

provided to the applicant within 15 working days of receipt of a complete application or the end of the notification period. Appeals shall be heard by the CPC.

4. In order to protect the health, safety, and welfare of the general public, or to obtain compliance with local, state or federal laws, the POD may add special conditions and restrictions, which shall be binding upon the applicant, to any permit that may be issued.

D. Expiration. A community garden permit shall expire on September 30 but may be renewed on an annual basis. The application for renewal shall be made at least thirty days prior to September 30. The POD shall review any application for renewal and impose the appropriate conditions as set forth above. If the POD identifies any adverse impacts then additional conditions may be imposed to mitigate the impacts.

E. Suspension and Revocation. In addition to the grounds for suspension or revocation of a zoning permit generally, a permit issued under this section may be suspended or revoked by the POD if the property is cited for a violation of the City Code or if the property fails to comply with any condition of the permit. Decisions of the POD to deny, suspend or revoke a permit may be appealed to the CPC.

F. Variations. Requests for variations shall be reviewed by the Community Preservation Commission.

Section 3. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)