AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING SECTION 12-6.(8) OF THE CITY CODE TO LOWER FEES FOR COMMUNITY GARDEN AND ROADSIDE VENDING PERMITS; AMENDING THE USE MATRIX IN SECTION 16.10.020.1 ALLOWING AS A PERMITTED USE COMMERCIAL GARDENS AND GREENHOUSES IN INDUSTRIAL ZONING CATEGORIES; AMENDING SECTION 16.40.060.3.1 PERTAINING TO LANDSCAPE STANDARDS FOR EDIBLE PLANTS; AMENDING SECTION 16.50.020.4.1 PERTAINING TO ACCESSORY STORAGE STRUCTURES; CREATING A NEW SECTION 16.50.075 ESTABLISHING USE SPECIFIC DEVELOPMENT STANDARDS FOR COMMERCIAL GARDENS AND GREENHOUSES; AMENDING SECTION 16.50.085 PERTAINING TO COMMUNITY GARDENS; CREATING A NEW SECTION 16.50.185 ESTABLISHING USE SPECIFIC DEVELOPMENT STANDARDS FOR HOME PRODUCE SALES; AMENDING SECTION 16.50.460 TO BROADEN THE LOCATIONAL ALLOWANCE FOR ROADSIDE VENDING MARKETS LIMITED TO PRODUCE SALES; AMENDING SECTION 16.60.050.2 REGULATING ENCROACHMENTS AND SETBACKS FOR CERTAIN GARDENING STRUCTURES; AMENDING SECTION 16.70.030.1.13 PERTAINING TO COMMUNITY GARDENS PERMITS; AMENDING SECTION 16.90.020.3 TO ADD NEW DEFINITIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 12-6.(8) of the St. Petersburg City Code is hereby amended to read as follows:

(8) * Land development regulation services fees.

Community garden permit:
- New application ..... 100.00  50.00
- Renewal ..... 50.00  10.00

Roadside vending market permit:
- New application ..... 100.00  50.00
- Renewal ..... 50.00  10.00
Site plan review:
General application, by commission .....1,250.00
General application, by POD .....500.00
General application, related to special exception .....0.00
Modification, by Commission .....500.00
Modification, By POD .....250.00
Modification, Community Garden ....50.00

SECTION 2. Use Permissions for the Commercial Garden and Greenhouse use in Industrial zones in Section 16.10.020.1. of the St. Petersburg City Code are hereby amended, as excerpted in pertinent part, to read as follows:

Section 16.10.020.1 Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix.

<table>
<thead>
<tr>
<th>LDR Section 16.10.020.1 MATRIX: USE PERMISSIONS and PARKING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGEND: P = Permitted SE = Special Exception; G = Grandfathered; NC = Nonconforming; A = Accessory</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>IT: Industrial Traditional</th>
<th>IS: Industrial Suburban</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Garden and Greenhouse</td>
<td>SE</td>
<td>SE</td>
<td>Establishment for the propagation, processing and storage of plants produced for wholesale or retail sales. Typical uses include, but are not limited to, growing beds, greenhouses, vertical farming and hydroponic systems</td>
</tr>
</tbody>
</table>

SECTION 3. Section 16.40.060.3.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.060.3.1. - Maintenance of trees and vegetation for all properties within the City
A. The owner of record of the property and occupant of the property are responsible for the maintenance of trees and vegetation on the property and in abutting rights-of-way. Vegetation shall comply with all codes including visibility at intersections and requirements for hedges. Where support staking of vegetation is provided at the time of installation, the staking system shall be installed properly, avoid harming the vegetation, and be removed no later than one year after installation to prevent damage to the vegetation, unless such staking is necessary for permanent support of the plant.

SECTION 4. Section 16.50.020.4.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.50.020.4.1. - Accessory storage and gardening structures and carports.

At any use in neighborhood districts and at single family dwelling units in any district, one accessory storage structure (a pre-constructed shed), and one carport, and one gardening hoop house, cold frame,
greenhouse or vertical vegetable structure shall be allowed which are exempt from design requirements as set forth herein. Any other such structures are allowed in the buildable area provided that they comply with the design requirements and setbacks for the zoning district.

1. General requirements.
   a. Anchoring. The structure shall be properly anchored to resist wind and other forces.
   b. Utility easements. If a structure is secured to the ground by a foundation and not capable of being moved intact, no portion of the structure shall encroach into a utility easement.
   c. Right-of-way and access easements. No structure shall encroach into a right-of-way or private access easement.
   d. Use restrictions. The structure shall only be utilized for storage and shall not be used for operation of mechanical equipment.

2. Through lots. On a through lot which meets the width, depth and area requirements for a lot in that zoning district, if one front yard is determined to be a rear yard pursuant to the dimensional regulations, and lot characteristics section (currently section 16.60.010) and has a solid, not less than five-foot high, decorative wall or fence, the exempt accessory storage structure shall be setback at least ten feet from that property line.

3. Design standards for accessory storage and gardening structures.
   a. An accessory storage structure 100 square feet or less and less than ten feet in height is exempt from the requirement to utilize the architectural style and construction materials of the existing principal structure. See allowable encroachment and setback section.
   b. An accessory storage structure located within the rear one-third of a property, 200 square feet or less in gross floor area, ten feet or less in overall height to the top of roof peak, and screened by a solid masonry wall or decorative wood or vinyl fence measuring six feet or more in height is exempt from the requirement to utilize the architectural style and construction materials of the existing principal structure.
   c. All other accessory storage structures shall comply with the design and setback requirements of the zoning district.

4. Code compliance. All accessory storage structures shall comply with the Florida Building Code and St. Petersburg Fire Code (e.g. building separation and egress), including the requirement to install a backflow preventor when adding irrigation connected to the potable water system.

SECTION 5. The St. Petersburg City Code is hereby amended to create a new section 16.50.075 – Commercial Gardens and Greenhouses, to read as follows:

16.50.075 Commercial Gardens and Greenhouses

16.50.075.1. - Applicability.

This section shall apply to Commercial Gardens and Greenhouses.

16.50.075.2. - Establishment.

The establishment, expansion, or redevelopment of Commercial Gardens and Greenhouses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements Matrix and Parking Matrix and shall comply with the development standards of the zoning district, the general development standards and this section.
16.50.075.3. - Development standards.

A. Methods to control adverse effects of noise, lights, dust, fumes and other nuisances shall be required to provide appropriate mitigation based on the operational characteristics of the commercial garden or greenhouse use.
B. Outdoor Storage shall comply with Section 16.50.270, Outside Storage, Accessory Use, Industrial.

16.50.075.4 - Property maintenance.

A. The property shall be maintained in an orderly and neat condition consistent with the City property maintenance standards.
B. No trash or debris shall be stored or allowed to remain on the property outside of approved garbage containers.
C. Tools and supplies shall be stored indoors.
D. Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies, shall be kept in a neat and orderly fashion and shall not create a visual blight or offensive odors.
E. Large power tools (e.g., mowers, tillers) shall be stored at the rear of the property.
F. The commercial 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 or shed and must comply with any other applicable requirements for hazardous materials.

16.50.075.5. - Environmental compliance.

A. Soil. The commercial gardens and greenhouses shall comply with all federal, state and local regulations pertaining to agricultural production and soil suitability.
B. Water. Water conservation and stormwater runoff prevention practices shall be employed in accordance with applicable regulations adopted by the Southwest Florida Water Management District (SWFWMD) and the City. In addition, it is recommended that commercial gardens use water conservation techniques, including sheet mulching, basins and swales, and drip irrigation systems. Irrigation of edible plants shall comply with all federal and state regulations, including but not limited to those set forth in Chapter 62-610, F.A.C.
C. Pesticides and herbicides. Commercial gardens and greenhouses shall comply with all federal, state and local regulations pertaining to pesticides and herbicides.
D. Fertilizer. Commercial gardens and greenhouses shall comply with all federal, state and local regulations pertaining to fertilizer.

16.50.075.6. – Sale of produce.

On-site sale of produce shall be allowed as an accessory use.

SECTION 6. Section 16.50.085. of the St. Petersburg City Code is hereby amended to read as follows:

16.50.085.2. - Purpose and intent.

Community gardens may create impacts which can be detrimental to the quality of life on adjacent properties. The purpose and intent of this section is to establish appropriate standards that allow for a community garden use, while mitigating any associated undesirable impacts. A community garden is a
principal use that allows the growing, harvesting and in districts allowing retail sales, the incidental retail sale, of edible fruits or vegetables or other plant products intended for ingestion by neighboring residents, friends, owners, and the permittees of the owner for their consumption and enjoyment and for the consumption and enjoyment of others on a not-for-profit basis, except as expressly allowed herein.

*   *   *

16.50.085.4.3. - Sale of produce.

A. A community garden is not allowed to be a commercial enterprise; however, there may be occasions when surplus is available. On-site retail sales of products grown on-site, including value added-products such as pickles and jams, are permitted only in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Downtown Center Core and 1, 2, and 3 (DC Core, 1, 2, 3), Retail Center (RC), Employment Center (EC), Institutional Center (IC), and Industrial (IT, IS) zoning districts and shall comply with all the requirements of this section.

B. On-site retail sales of products grown on-site are not permitted in any other zoning districts in accordance with the Use Specific Standards for Home Produce Sales and for Commercial Gardens and Greenhouses.

C. Surplus produce may be sold off the premises to assist in defraying the costs of the community garden.

16.50.085.4.4. - Accessory structures.

Structures, including sheds, gardening hoop houses, cold frames, greenhouses and vertical vegetable structures, buildings or signs, shall comply with the requirements of the zoning district.

*   *   *

16.50.085.4.7. - Required yards.

Plantings shall not be planted closer than five feet to the side, street side, or rear property line and not closer than ten feet to the front or street side property line. Climbing plants, such as beans and snow peas, may encroach out of these boundaries when grown on structures allowed by this chapter. All plantings shall comply with the visibility at intersections requirements.

SECTION 7. The St. Petersburg City Code is hereby amended to create a new section 16.50.185 – Home Produce Sales, to read as follows:

16.50.185 Home Produce Sales.

16.50.185.1. - Applicability.

This section shall apply to home produce sales. A limited number of home produce sales are allowed as accessory uses in all zoning districts which permit single and multifamily dwelling units.

16.50.185.2. - Generally.

The term "home produce sale" means any public display or offering for sale to the public of one or more items of products grown on-site, including value-added products such as pickles and jams. This
shall also include sale of honey or honeybee products produced by a registered Beekeeper with an apiary certification pursuant to F.S. 586.

16.50.185.3 - Use restrictions.

No person shall display, offer for sale, or sell any produce at or in connection with a home produce sale outside any structure, except as allowed by this section. Produce shall be displayed only on private property and shall not be located in a visibility triangle.

16.50.185.4 - Signage.

One sign of no more than four square feet may be displayed on the property where a home produce sale is being conducted unless greater signage is allowed in the sign section. The sign shall only be displayed during the daylight hours on days when home produce sales are allowed to be conducted.

16.50.185.5 - Hours of operation and frequency.

At each property, home produce sale is allowed up to 36 days per calendar year. Home produce sales are prohibited Mondays through Thursdays. Home produce sales are allowed only during daylight hours.

SECTION 8. Section 16.50.460.2.E. of the St. Petersburg City Code is hereby amended to read as follows:

16.50.460.2 - Conditions of operation.

E. Roadside vending markets shall not be located upon lots or properties which are used or developed to be used solely for residential purposes and shall be located at least 100 feet from a previously permitted restaurant or retail store that sells food, not located on the same property or lot. Only one roadside vending market shall be allowed on each block face. Roadside vending markets shall only be located in the enterprise zone approved by the City and State and except for those in which vending is limited to produce only within 200 feet of one of the following intersections, if located within the enterprise zone. Roadside vending markets which are limited to produce only, may be located in all non-residential zoning districts and in Corridor Residential Traditional (CRT) and Corridor Residential Suburban (CRS) zoning districts.

SECTION 9. Section 16.60.050.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.60.050.2 - Allowable encroachments and setbacks.

<table>
<thead>
<tr>
<th>Structure/Improvement</th>
<th>F=Front</th>
<th>S=Side</th>
<th>SS=Street side</th>
<th>R=Rear</th>
<th>W=Waterfront</th>
<th>Traditional Zoning Districts</th>
<th>Suburban Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gardening Hoop House, Cold Frame, Greenhouse, Vertical vegetable structure, raised garden bed (only)</td>
<td>S, SS, R</td>
<td>No closer to property line</td>
<td>No closer to property line</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
one may encroach into the setback. The maximum size is limited to 100 s.f. in area and 10 ft. in height.

SECTION 10. Section 16.70.030.1.13.d. of the St. Petersburg is hereby amended to read as follows:

D. Expiration. A community garden permit shall expire on September 30 after the first season of produce production 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.

SECTION 11. The definition of ‘Herbaceous vegetation’ in Section 16.90.020.3. of the St. Petersburg City Code is hereby amended to read as follows:

16.90.20 Definitions

*Herbaceous vegetation* means low growing vegetation without woody stems which includes grasses, ground covers, vines, *vegetables*, wildflowers and annuals.

SECTION 12. Section 16.90.020.3 of the St. Petersburg City Code is hereby amended by adding a new definition for ‘Edible plant,’ ‘Gardening cold frame,’ ‘Gardening hoop house’ and ‘Vertical vegetable structure,’ in the appropriate alphabetical order, to read as follows:

*Edible plant* means any fruits or vegetables, or other plant products intended for ingestion.

*Gardening cold frame* means an unheated, uncooled outdoor structure consisting of a wooden or concrete frame and a transparent top, built low to the ground, in which seedlings and plants are cultivated and given protection from adverse weather.

*Gardening hoop house* means an unheated, uncooled outdoor structure made of PVC piping or other material covered with translucent plastic, constructed in a half-round or “hoop” shape, in which seedlings and plants are cultivated and given protection from adverse weather.

*Vertical vegetable structure* means a structure designed to support edible plants.

SECTION 13. Coding: As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

SECTION 14. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.
SECTION 15. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of 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 this Ordinance, in which case this Ordinance shall become effective 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:

/s/Michael J. Dema

City Attorney (designee)

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