



City of
Gainesville

City Commission
March 3, 2022

Text change to the City's Land Development
Code to allow agricultural uses within various
zoning districts

200727F

Urban Agriculture Ordinance
Legistar #200727
Department of Sustainable Development
Brittany McMullen, AICP

Background

What are the benefits of Urban Agriculture?

- Economic
- Health
- Community
- Education

Why create an Urban Agriculture Ordinance in Gainesville?

- Allow our citizens and businesses to effectively advocate for urban agriculture projects and investment.
- Ensure that efforts, such as community and educational gardens and urban farms, are protected.
- Allow the city to protect and effectively handle requests for permission to engage in urban agriculture activities and to respond to new innovations and practices that are not currently covered by the city's regulations.



Feedback on local food systems needed

The City of Gainesville supports efforts to improve our local food system. Feedback on urban agriculture needed by Friday, Feb. 21.

[Feedback Platform – open for comment](#)

Prepared by City of Gainesville Staff:
Karissa Raskin, Office of Strategic Initiatives
Yvette Thomas, Department of Sustainable Development

September 3, 2020

Feedback neighbors provided on specific items within drafted ordinance:

Neighbor #	Page #:	Line # range:	Neighbor's Specific Feedback:	City Staff Response:
1	4	83-84	For recommended irrigation include "micro-irrigation, drip or rain barrels!" This item addresses raising fowl. I think another item should address raising honey bees. Similar to fowl, there are state guidelines on the number and location of beehives permitted. I think beekeeping should be added to the ordinance. (I am a beekeeper with hives in my backyard.)	We have added "rain catchment" to the examples of recommended irrigation methods. There was some discussion surrounding beekeeping. We are pre-empted by state law regarding beekeeping.
1	3	71-72	Regarding not growing plants prohibited by the State of FL. I would suggest adding "or listed on the IFAS invasive species plants list." There are some species that are invasive that do not meet state criteria, but are still harmful to our local urban garden/forest.	Thank you for this feedback. State statute 581.083 does pre-empt the City's ability to regulate invasive species, however we have added language recommending that individuals not grow plants listed on the UF/IFAS Invasive Species Plant list.
1	5	120	The City of Gainesville allows citizens to own and keep up to 10 chickens. However, it has NO infrastructure in place to enforce this code. My neighbor had 10 chickens that he allowed to roam freely throughout the neighborhood. When I called the City to complain, I was told to contact Animal Control. Animal Control told me to contact the Sheriff, who told me to contact GPD. Even after speaking directly with the City Manager's office, nothing changed. NOBODY wanted to take responsibility for this problem that the City created. The nuisance only stopped when the neighbor took his chickens and moved away. The City cannot allow this ordinance to stand if it doesn't intend to manage it.	The City regrets that you had this experience in reporting the issue of roaming chickens. For future reference it is the City's Code Enforcement division that handles any issue of violation to the Land Development Code, as would be the case in the situation referenced. Should this violation occur in the future, you may contact Code Enforcement at (352) 334-5030.
2	1	11		

[Feedback Platform – response to neighbors](#)

Definitions

Urban Market Farm land used for the cultivation of fruits, vegetables, plants, flowers, herbs, or fowl by an individual, organization, business, or association with the primary purpose of growing agricultural products for consumption, wholesale, direct-to-consumer sale, or combination of these options.

- Properties one-half an acre or greater may keep up to 10 chickens for the first one-half acre, with two more chickens for each additional one-half acre, up to a maximum of 24 chickens.
- Chicken keeping must otherwise be in accordance with the regulations in Article V of this chapter for the keeping of fowl when accessory to residential uses.



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Subsistence Garden means land used for the cultivation of fruits, vegetables, plants, flowers, herbs, or fowl by an individual, organization, business, or association with the primary purpose of growing agricultural products for consumption or donation, neither involving the sale of products. Includes, but is not limited to, community gardens, accessory gardens, and education gardens.



Proposed Changes to Permitted Uses

200727F

Urban Transects

- Subsistence garden – Permitted
- Urban market farm, less than 5 acres – Permitted
- Urban market farm, 5 acres or greater – Special Use Permit (SUP)

Residential Districts

- Subsistence garden – Permitted
- Urban market farm, less than 5 acres – Permitted
- Urban market farm, 5 acres or greater – Special Use Permit (SUP)

Mixed-Use and Non-Residential Districts

- Subsistence garden – Permitted
- Urban market farm, less than 5 acres – Permitted
- Urban market farm, 5 acres or greater – Special Use Permit (SUP)

Special Districts

- Subsistence garden – Permitted
- Urban market farm, less than 5 acres – Permitted
- Urban market farm, 5 acres or greater – Special Use Permit (SUP)



Proposed Use Standards

A. General Standards	B. Design Standards	C. Operational Standards	D. Maintenance Standards
<p>If an urban market farm is to exceed 5 acres in size, a special use permit will be required</p> <p>The use may be the principal use on a property, or may be an accessory use to a residential or nonresidential use.</p>	<p>Applicable design standards will regulate the design and operation of urban agricultural uses, including provisions for setbacks, gates, fences, walls, signs, parking, and stormwater.</p> <p>Structures for growing food must not be made of tires, appliances, railroad ties, or pressure-treated lumber manufactured prior to 2004.</p>	<p>Adequate hand washing facilities must be provided onsite for workers and volunteers, unless there is access to facilities within one-quarter of a mile.</p> <p>The property owner must provide the City with the contact information for the designated manager.</p>	<p>Equipment not in use must be secured and must not be visible from any public right-of-way.</p> <p>Compost must be managed at least weekly to reduce odor and pests.</p> <p>Trash shall be stored in appropriate containers and will be removed from site at least weekly.</p> <p>Operations may not include practices that violate Chapter 16, Article IV – Mosquito Breeding Grounds.</p>

Staff Recommendation

Approve the proposed text change to the City's Land Development Code to allow agricultural uses within various zoning districts.

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47 **Section 30-2.1. Definitions**

48 Subsistence Garden means land used for the cultivation of fruits, vegetables, plants, flowers, herbs, or
 49 fowl by an individual, organization, business, or association with the primary purpose of growing
 50 agricultural products for consumption or donation, neither involving the sale of products. The term
 51 "subsistence garden" includes, but is not limited to, community gardens, accessory gardens, and
 52 education gardens.
 53

54 Urban Market Farm means land used for the cultivation of fruits, vegetables, plants, flowers, herbs, or
 55 fowl by an individual, organization, business, or association with the primary purpose of growing
 56 agricultural products for consumption, wholesale, direct-to-consumer sale, or combination of these
 57 options.
 58

59 [NOTE TO CODIFIER: Insert definitions into Section 30-2.1 in alphabetical order.]
 60
 61

62 **SECTION 2. Section 30-4.12. Permitted Uses** of the Land Development Code is amended as
 63 follows. Except as amended herein, the remainder of Section 30-4.12 remains in full force and
 64 effect.

65 **Section 30-4.12. Permitted Uses.**

66 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
 67 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
 68 use is not allowed. No variances from the requirements of this section are allowed.

69 Table V-1: Permitted Uses within Transects.

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
RESIDENTIAL											
Accessory dwelling unit	30-5.35 30-5.36	A	A	A	A	A	A	A	A	A	A
Adult day care home	30-5.2	P	P	P	P	P	P	P	P	P	P
Attached dwelling (up to 6 attached units)		-	P	P	P	P	P	P	P	P	P
Community residential home (up to 6 residents)	30-5.6	P	P	P	P	P	P	P	P	-	-
Community residential home	30-5.6	-	-	P	P	P	P	P	P	P	-

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Petition PB-20-00158 TCH
 CODE: Words underlined are additions; words ~~stricken~~ are deletions.

Thank You.