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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY; AMENDING SECTION 10-1.101, DEFINITIONS; REPEALING SECTION 10-6.816, COMMUNITY GARDENS; CREATING A NEW SECTION 10-6.816 TO BE ENTITLED URBAN AGRICULTURE; CREATING A NEW SECTION 10-6.821 TO BE ENTITLED URBAN EQUINE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners desires to enact an ordinance to provide for urban agriculture and urban equine in Leon County;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Amendments to Code.

Section 10-1.101 of Chapter 10 of the Code of Laws of Leon County, Florida, entitled “Definitions,” is hereby amended to read as follows:

Sec. 10-1.101. Definitions.

The following words, terms, phrases, and abbreviations and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, or a different meaning is ascribed to them under another section in this chapter. Words defined herein shall be construed as defined, whether or not the first letter of the defined term is capitalized. Words, terms, and phrases not defined herein shall be construed to have the meaning given by their common and ordinary use. When consistent with the context, words used in the present tense include the future tense, words used in the plural tense include the singular tense, and words used in the singular tense include the plural tense.

* * *

Chicken means a type of domesticated fowl of the species *Gallus domesticus*. The term chicken shall not include a duck, goose, turkey, peafowl, guinea fowl, or other poultry or fowl.

* * *

~~*Community garden:* See “urban agriculture.” means any portion of a lot or parcel managed and maintained by a group of people to grow and harvest food crops and/or non food ornamental crops for personal or group use, consumption or donation. Community gardens do not include portions of lots or parcels utilized to grow food crops and/or non food ornamental crops for the purpose of commercial wholesaling.~~

* * *

Coop means a covered house, structure, or room that will provide chickens with shelter from weather and with a roosting area protected from predators. A coop typically includes an outside exercise area to allow chickens access to foraging and sunlight.

* * *

Duck means a domesticated web-footed swimming bird.

* * *

Hen means a female chicken of any age, including a chick.

* * *

Home garden: See “urban agriculture.”

* * *

Horse means all animals of the equine family, including but not limited to ponies, donkeys, and mules.

* * *

Livestock means all animals of the equine, bovine, camelidae, bovidae, phasianidae or swine family, including but not limited to goats, sheep, mules, horses, hogs, cattle, ostriches, poultry, and other grazing animals. This term does not include pets.

* * *

Pet means a domestic animal normally considered as a household pet and which can be maintained and cared for within the living space of a residence and is not kept primarily for economic gain. Such animals may include dogs, cats, ferrets, potbellied pigs (Vietnamese or Asian), rabbits, small rodents, small reptiles, fish, small birds, and other similar animals. This term does not include livestock.

* * *

Rooster means a male chicken of any age and generally characterized by an ability to crow.

* * *

1 Service animal shall have the same meaning as ascribed to it in section 413.08, F.S.

2 * * *

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5 Urban agriculture is a broad category term that describes a number of agricultural activities
6 that can help communities increase their food security by producing their own healthy food. Urban
7 agriculture activities include home gardens, community gardens and urban farms, and may also include
8 aquaponics, hydroponics and the keeping of urban agriculture animals.

9
10 a. Home garden means the property of a single-family, two-family or multifamily residence
11 used for the cultivation of fruits, vegetables, plants, flowers or herbs and/or the keeping of
12 urban agriculture animals, as permitted, by the residents and for the residents of the property
13 as an accessory use and for personal enjoyment and consumption.

14
15 b. Community garden means any portion of a lot or parcel managed and maintained by a group
16 of people for the cultivation of fruits, vegetables, plants, flowers or herbs and/or the keeping
17 of urban agriculture animals, as permitted, for personal or group use, consumption, donation
18 or off-site sales. Community gardens may also be established on county-owned property
19 provided a community garden application has been approved in coordination with the
20 county.

21
22 c. Urban farm means a more intensively farmed property inside the urban service area
23 operated by an individual, organization, or business with the purpose of cultivating and
24 selling fruits, vegetables, plants, flowers or herbs and/or the keeping of urban agriculture
25 animals.

26
27 Urban agriculture animal means hens, roosters, ducks, bees, or aquatic animals when used
28 solely for an aquaponics operation.

29
30 Urban farm: See “urban agriculture.”

31 * * *

32
33
34 **Section 2. Amendments to Code.**

35
36 Section 10-6.816 of Chapter 10 of the Code of Laws of Leon County, Florida, entitled
37 “Community gardens,” is hereby repealed in its entirety.

38
39 ~~Sec. 10-6.816. Community gardens.~~

40 ~~(a) Purpose and intent. To allow groups of people, to grow food crops and/or non-food ornamental~~
41 ~~crops on a not for profit basis, except as expressly provided herein, without creating adverse~~
42 ~~environmental impact or land use incompatibilities.~~

- ~~(b) — *Exception.* This section shall not be construed so as to apply to any garden established as an accessory use to a lawfully established principal residential use providing for the personal enjoyment and consumption for the property owner upon which the garden is located.~~
- ~~(c) — *General provisions.* Community gardens may extend over multiple parcels. Community gardens may also be established on properties owned by the county provided the applicant has submitted a complete application for the establishment of a community garden on a lot or parcel owned by the county in accordance with any and all applicable laws, regulations, and policy standards.~~
- ~~(d) — *Specific standards.* Community gardens shall comply with the following specific standards:~~
- ~~(1) — *Size limitation.* The limits to the size of a community garden shall be determined by the county with respect to any environmental constraints and in order to limit any adverse impacts to any other established use of the property.~~
- ~~(2) — *Environmental permit requirements.* Any person wishing to establish a community garden of greater than one half acre in size, shall be required to contact the department of development support and environmental management to determine whether an environmental permit shall be required as a prerequisite. The county may limit or restrict the establishment of a community garden due to the existence of environmentally sensitive areas on the property.~~
- ~~(3) — *Noise limitations.* No gardening activities may take place before sunrise or after sunset. The use of hand tools, and domestic gardening tools and equipment is encouraged; the use of power equipment, is also allowed; however, such use shall be in compliance with the noise control ordinance, chapter 12, article II.~~
- ~~(4) — *Maintenance responsibilities.* The owner of the property on which the community garden is located shall ultimately be responsible for maintaining the property, while the group managing a community garden shall ensure that the area and supporting infrastructure utilized for the community garden is maintained, so that it does not become: overgrown with weeds; infested by invasive exotic plants or vermin; or, a source of erosion or stormwater runoff; or pollution by fertilizer or pesticide, insecticide, herbicide or other agricultural use chemicals.~~
- ~~(5) — *Agricultural chemical application.* Application of fertilizer, pesticide, insecticide, herbicide and/or agricultural use chemicals shall be consistent with label instructions and article XIV of this chapter.~~
- ~~(6) — *Compliance with standards.* The owner of any community garden and any group managing a community garden shall ensure that the garden complies with applicable environmental management standards set out in article IV of this chapter.~~
- ~~(7) — *Sale of produce and horticultural plants.* The food crops and/or non-food ornamental crops grown in a community garden shall not be sold wholesale nor otherwise offered for sale on such community garden premises; however, this does not exclude community gardens from participating in a local farmer's market.~~
- ~~(8) — *Community gardens not eligible for any agricultural tax exemption.* Community gardens shall not be considered as principal agricultural uses and shall not be construed so as to qualify for agricultural tax exemptions afforded by the local, state, or federal government.~~
- ~~(9) — *Locational signage.* Signage providing identification of the community garden shall comply with the provisions noted in article IX of this chapter.~~

1 ~~(e) — Legal nonconformity status of pre-existing community gardens. Any community garden existing~~
2 ~~on the effective date of the ordinance from which this article is derived, and which no longer~~
3 ~~conforms to one or more of the development standards of this section, may be continued in a legal~~
4 ~~nonconformity status. However, the continuation of such legal nonconformity status shall be~~
5 ~~subject to the regulations set forth in division 3, article VI of this chapter pertaining to the~~
6 ~~continuation and elimination of pre-existing uses.~~

8 **Section 3. Amendments to Code.**

9
10 Section 10-6.816 of Chapter 10 of the Code of Laws of Leon County, Florida, entitled “Urban
11 agriculture,” is hereby created to read as follows:

12 **Sec. 10-6.816. Urban agriculture.**

13
14
15 (1) Purpose and intent. This section is enacted to promote agricultural activities that can
16 help communities increase their food security by producing their own healthy food. Urban agriculture
17 activities include home gardens, community gardens and urban farms, and may also include
18 aquaponics, hydroponics and the keeping of urban agriculture animals, while also limiting adverse
19 environmental impact and land use incompatibilities.

20
21 (2) Applicability. This section shall not apply to properties in zoning districts which allow
22 agriculture uses as a principal use, or properties that have a bona-fide farm operation on land classified
23 as agricultural land pursuant to section 193.461, F.S.

24
25 (3) General provisions.

26
27 a. Generally.

28
29 1. The owner of any urban agriculture animal must comply with the public nuisance
30 prohibitions provided in section 4-36, Leon County Code of Laws.

31
32 2. The owner of any urban agriculture animal must comply with the humane care
33 standards provided in section 4-37, Leon County Code of Laws.

34
35 3. Hens, roosters, and ducks, where allowed, shall be contained within a pen or coop.
36 The pen or coop shall be located in the rear yard if located on properties zoned for
37 and/or used for residential purposes. Specific setback requirements are further
38 outlined in this section.

39
40 b. Prohibitions. The following are prohibited within home gardens, community gardens,
41 and urban farms:

42
43 1. The slaughtering of urban agriculture animals;
44

2. Allowing the property to contain rodents, offensive odors, excessive noise, or any other condition, which could cause a nuisance.
3. On-premise sales of urban agriculture animals or their byproducts, except as expressly permitted in this section;
4. The keeping of roosters or any other crowing chickens, except as expressly permitted in this section; and
5. Allowing hens, roosters, or ducks to run at large upon the streets, alleys, or other public places or upon the property of another person.

c. Environmental compliance. The property owner, or any person or group managing a home garden, community garden, or urban farm, shall ensure that the farm operation complies with applicable environmental management standards set out in article IV of this chapter. Application of fertilizer, pesticide, insecticide, herbicide and/or agricultural-use chemicals shall be consistent with label instructions and article XIV of this chapter.

d. Noise limitations. The use of hand tools, and domestic gardening tools and equipment is encouraged. The use of power equipment is also allowed; however, such use shall be in compliance with the noise control ordinance, chapter 12, article II, Leon County Code of Laws.

e. Waivers. Setbacks, buffering and fencing standards may be waived for a community garden or urban farm if the adjacent properties are used for farming activities or agriculture and will not be inordinately impacted by the community garden or urban farm.

f. State and federal regulations. State and federal regulations regarding licensing, permitting, best management practices, sales, and food safety apply.

g. Legal nonconformity status. Any community garden or urban farm existing on the effective date of this section, and which no longer conforms to one or more of the development standards of this section may be continued in a legal nonconformity status. However, the continuation of such legal nonconformity status shall be subject to the regulations set forth in article VI, division 3 of this chapter pertaining to the continuation and elimination of preexisting uses.

(4) Home gardens. Home gardens are allowed by right as an accessory use to any lawfully established principal residential use. Accessory structures require permitting and are governed by section 10-6.802.

a. Hens or ducks. The keeping or raising of hens or ducks within home gardens is permitted, subject to the following standards:

1. No more than 10 hens or ducks may be permitted per single-family, two-family or multifamily residence;
2. Hens and ducks shall be kept or raised for personal use only and byproducts (eggs) for personal consumption only; and
3. Roosters are prohibited.

(5) Community gardens. Community gardens shall be a permitted use in all zoning districts. Community gardens on county-owned property must first submit an application to the county. All community gardens shall comply with the following specific standards:

- a. Size limitation. Community gardens one-half acre or less in size shall not require approval by the county unless the community garden is on county-owned land and goes through the county community garden application process. A community garden greater than one-half acre must obtain approval from the county. The size of the community garden may be limited based on environmental constraints and avoidance of adverse impacts to any other established use of the property or adjacent properties.
- b. Accessory structures. Accessory structures shall be allowed without a principal structure on a permitted community garden.
- c. Permit review requirements:
 1. Letter of Zoning (LOZ) Certification. A LOZ shall be applied for and the request found eligible or conditional for the establishment of a community garden greater than one-half acre in size.
 2. Environmental Management Permit (EMP). The area of a community garden may be limited due to the existence of environmentally sensitive areas on the property. An EMP (Short Form A Non-Residential) may be required and shall be determined through the LOZ certification process.
- d. Urban agriculture animals. The keeping or raising of urban agriculture animals is permitted subject to the following standards:
 1. Hens, ducks and roosters. No more than 20 hens or ducks and 1 rooster may be kept on a community garden. Pens and coops shall be set back at least 50 feet from the nearest adjacent principal dwelling.
 2. Bees. Colonies of honey bees may be kept on a community garden consistent with the regulations set forth in the Florida Administrative Code and the Florida Department of Agriculture and Consumer Services guidelines and best management practices for beekeeping on non-agricultural lands, which includes requirements such as but not limited to: setbacks, fencing, water sources, and limitations on

colony size allowances based on the size of the property. All beekeepers with honey bee colonies must register with the state.

e. *Sale of produce and byproducts.* The fruits, vegetables, plants, flowers, or herbs grown in a community garden, or the byproducts of urban agriculture animals, shall not be sold wholesale nor otherwise offered for sale on such community garden premises; however, this does not exclude community gardens from off-site sales at farmer's markets, community sponsored agriculture (CSA) or the like.

f. *Hours of operation.* No gardening activities may occur before sunrise or after sunset.

g. *Maintenance responsibilities.* The owner of the property(-ies) on which the community garden is located shall ultimately be responsible for maintaining the property in compliance with the Leon County Code.

(6) *Urban farms.* Urban farms may be allowed in any zoning district inside the urban service area, except those defined as residential districts in section 10-101. Urban farms are subject to the following standards:

a. *Size limitation.* Urban farms shall be no greater than 3 acres in size; however, environmental constraints or mitigation of off-site impacts may limit the maximum size allowed.

b. *Permit review requirements:*

1. *Permitted Use Verification (PUV).* A PUV certificate shall be applied for and found eligible or conditional for the establishment of an urban farm.

2. *Site plan review.* An urban farm shall be reviewed in accordance with the site and development plan review thresholds established in section 10-7.402 (and Table 10-7.1).

3. *Environmental Management Permit (EMP).* The area of an urban farm may be limited due to the existence of environmentally sensitive areas on the property. An EMP (Short Form A Non-Residential) may be required and shall be determined through the PUV process.

c. *Submittal requirements.* In addition to those requirements found in article VII, division 4 of this chapter, each site plan application shall include an urban farm plan that addresses the following:

1. An inventory of animals that will be raised or kept on-site as part of the farm operation;

2. A lighting plan that shows the location, type, height and intensity of lighting on-site;

3. The hours of operation for the farm and any proposed hours for on-site sales and deliveries;
 4. The on-site water source for the urban farm and the location, size and operating method of any proposed rain-capture systems;
 5. A description of the type, size, and building materials of structures to be built or located on-site;
 6. A description of any events and/or educational components directly related to the urban farm which are being proposed on-site, and how parking will be accommodated. Temporary uses and events are regulated by section 10-6.804;
 7. A parking plan that shows adequate parking to accommodate farmers, customers, and/or visitors;
 8. Disclosure of the intent to produce, spread, or sell compost materials, the location of these materials on the site, and the anticipated frequency of application; and
 9. A management plan for maintenance responsibilities including who shall ultimately be responsible for maintaining and managing the property utilized for the urban farm. This plan shall address the maintenance of all crops, urban agriculture animals, and supporting infrastructure to ensure that it does not become: overgrown with weeds; infested by invasive exotic plants or vermin; a source of erosion or stormwater runoff; or a source of pollution by fertilizer or pesticide, insecticide, herbicide, or other agricultural-use chemicals.
- d. Urban agriculture animals. The keeping or raising of urban agriculture animals is permitted subject to the following standards:
1. Hens, ducks and roosters. Hens and ducks may be kept on an urban farm and are not limited in number. No more than 2 roosters may be kept on an urban farm. Pens and coops are required and shall be set back at least 50 feet from the nearest adjacent principal dwelling.
 2. Bees. Colonies of honey bees may be kept on an urban farm consistent with the regulations set forth in the Florida Administrative Code and the Florida Department of Agriculture and Consumer Services guidelines and best management practices for beekeeping on non-agricultural lands, which includes requirements such as but not limited to: setbacks, fencing, water sources, and limitations on colony size allowances based on the size of the property. All beekeepers with honey bee colonies must register with the state.
 3. Aquatic animals for aquaponics. Aquaponics operations must be operated completely within an enclosed structure (including equipment) and shall be set back at least 50 feet from the nearest adjacent principal dwelling. Aquaponics operations

1 must adhere to regulations regarding licensing, permitting, best management
2 practices, sales, and food safety as outlined by the Florida Department of Agriculture
3 and Consumer Services and the Florida Fish and Wildlife Conservation
4 Commission.

5
6 e. *Accessory structures.* Accessory structures shall be allowed without a principal structure
7 on a permitted urban farm. Electrical service may be provided to accommodate
8 accessory structures, for providing security lighting, for the utilization of power tools,
9 and for other purposes determined to be urban farm related. Raised beds or structures
10 supporting bed cover are not considered structures that require a building permit and
11 shall not be subject to the size limitation noted below. Accessory structures shall not be
12 allowed for residential occupancy and/or habitation.

13
14 1. *Size.* For urban farms adjacent to a residential district or property used solely for
15 residential purposes, no single structure shall be larger than 200 gross square feet in
16 size. All urban farms shall be limited to the maximum building and maximum
17 impervious surface area restrictions of the zoning district in which it is located.

18
19 2. *Height.* Accessory structures shall not exceed 1 story (or greater than 24 feet) in
20 height, when adjacent to a residential district or property used solely for residential
21 purposes. All other urban farms shall comply with the height limitations of the
22 zoning district in which they are located.

23
24 3. *Setbacks.*

25
26 a. *Modular buildings, or any structure used as an office or to accommodate*
27 guests, will be required to meet the principal structure setbacks for the zoning
28 district in which it is located.

29 b. *Urban agriculture animal pens and coops shall meet the setback requirements*
30 outlined in subsection (d), with no setback being less than 7½ feet.

31 c. *Other types of accessory structures shall be set back a minimum of 7½ feet*
32 from the property line but no less than any required buffer.

33 d. *Sites that cannot feasibly meet the required setbacks due to environmental*
34 features or site layout constraints may request a deviation from development
35 standards, provided the criteria outlined in section 10-1.106 is met or a
36 waiver is granted as provided in subsection (3).

37
38 f. *Buffers and fencing.* Type ‘A’ 10-foot landscape buffer with a 6-foot wooden, opaque
39 fence is required when adjacent to a residential district or property used solely for
40 residential purposes, unless a waiver is granted as provided in subsection (3). Plantings
41 shall be placed on the side of the residential development. Existing (non-invasive)
42 vegetation may be used to satisfy this requirement. The use of fruit trees and/or bushes
43 to serve as the required buffer may be permissible and shall be reviewed and approved
44 as part of the site plan review process.

- 1 g. Lighting. Any proposed lighting shall adhere to dark-sky friendly principles, be no
2 greater than 15 feet in height from grade, and shall be situated on-site to minimize light
3 spill from the property line.
- 4
- 5 h. Parking. Due to the uniqueness of each urban farm, and the potential to have a large
6 variability in parking demand, it is impossible to specify a single parking requirement.
7 For any use not listed in section 10-7.545 (schedule 6-2), the county administrator or
8 designee, upon review of the proposed use, shall specify the required number of spaces
9 to be provided, using generally accepted traffic engineering practices and standards. On-
10 street parking may be used to meet parking requirements so long as it does not obstruct
11 streets, rights-of-way, driveways or easements. Shared parking agreements with
12 neighboring properties may also be used to satisfy parking requirements.
- 13
- 14 i. Water source. If a water source is needed outside of rain capture systems, an urban farm
15 may be required to connect to central water if service is available within the current
16 Water and Sewer Franchise Agreement area and the utility service provider has
17 determined that a connection is feasible.
- 18
- 19 j. Restrooms. A minimum of one restroom will be required for each urban farm location.
20 Onsite sewage disposal shall comply with the provisions of Chapters 381.0065, Florida
21 Statutes and 64E-6, Florida Administrative Code. If a portable restroom facility is
22 approved for the site, it shall be screened on at least three sides from public view by
23 fencing, structures, or plantings of sufficient height.
- 24
- 25 k. Sale of produce and horticultural plants. An urban farm may have on-site sales only
26 when approved through the site plan review process. Food products, value-added
27 products, or the sale of items not grown or harvested on-site shall be prohibited. On-
28 site sales and deliveries shall only occur during the hours of 7 a.m. and 7 p.m.
- 29
- 30 l. Maintenance responsibilities. The owner of the property(-ies) on which the urban farm
31 is located shall ultimately be responsible for maintaining the property in compliance
32 with the Leon County Code.
- 33

34 Section 4. Amendments to Code.

35
36 Section 10-6.821 of Chapter 10 of the Code of Laws of Leon County, Florida, entitled “Urban
37 equine,” is hereby created to read as follows:
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39

1 **Sec. 10-6.821. Urban equine.**

2
3 (1) Purpose and intent. This section is enacted to allow individuals to keep horses on
4 residential property, while limiting adverse environmental impact and land use incompatibilities.

5
6 (2) Applicability. This section shall not apply to properties in zoning districts which allow
7 agriculture uses as a principal use or properties that have a bona-fide farm operation on land classified
8 as agricultural land pursuant to section 193.461, F.S. Further, this section shall not be construed to limit
9 the use of service animals.

10
11 (3) General provisions. Horses may be kept on residential property as an accessory use
12 subject to the following restrictions:

13
14 a. No horses may be kept on residential property less than one acre in size. One horse is
15 permitted on residential properties one acre or greater in size. One additional horse is
16 permitted for each one-half acre greater than one acre. Foals up to one year old do not count
17 towards this limit.

18
19 b. All horses must be occupant-owned. Commercial stables and riding academies are
20 prohibited except in zoning districts which allow agriculture uses as a principal use.

21
22 c. Horses shall not have access to any wetland areas on the parcel.

23
24 d. The owner must comply with the humane care standards provided in section 4-37, Leon
25 County Code of Laws.

26
27 e. The owner must comply with the public nuisance prohibitions provided in section 4-36,
28 Leon County Code of Laws.

29
30 **Section 5. Conflicts.**

31
32 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby
33 repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon
34 County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this
35 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

36
37 **Section 6. Severability.**

38
39 If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of
40 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
41 portions of this Ordinance shall remain in full force and effect.
42
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1 **Section 7. Effective Date.**

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3 This ordinance shall have effect upon becoming law.

4
5 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
6 Florida, this 28th day of April, 2020.



LEON COUNTY, FLORIDA

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By: 
Bryan Desloge, Chairman
Board of County Commissioners


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ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida


By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

Chasity H.
By: O'Steen
Chasity H. O'Steen
County Attorney


Digitally signed by Chasity H. O'Steen
DN: cn=Chasity H. O'Steen, o=Leon County
Board of County Commissioners, ou=County
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Date: 2020.04.30 13:32:34 -04'00'

A18-0324