

ORDINANCE NO. 07-\_\_\_\_\_ SMALL-SCALE NURSERIES ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-1111 OF CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED SPECIFIC REQUIREMENTS FOR RESTRICTED USES AND SPECIAL EXCEPTION USES; AMENDING CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY AMENDING SECTION 10-1111, SO THAT SUBSECTION 10-1111(d), REGULATIONS PERTAINING TO OTHER RESTRICTED USES, BECOMES A NEW SUBSECTION, SUBSECTION 10-1111(e), AND ADDING A SUBSECTION 10-1111(d), TO BE ENTITLED RURAL SMALL-SCALE NURSERIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, presently, regulations provided within the Land Development Code do not recognize a distinction between smaller nurseries and establishments selling local derived produce, and typically larger nurseries and generic produce and supermarket retail outlet stores; and,

WHEREAS, small-scale plant nurseries and the opportunity to buy and sell locally and regionally derived produce provide economic benefits for the growers, sellers, and consumers of the County and region; and,

WHEREAS, small-scale plant nurseries and establishments selling local produce, if not properly regulated, may be so located, designed, or operated so as to adversely impact neighboring properties; and,

WHEREAS, the Board finds it to be in the best interest of the health, safety, and welfare of the residents of Leon County to provide reasonable regulations for such activities,

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

**Section 1.** Chapter 10, Article X, Division 8, Section 10-1111 of the Code of Laws of Leon County, Florida, entitled "Specific requirements for restricted uses and special exception uses," is hereby amended by revising Section 10-1111(d), Regulations pertaining to other restricted uses, to read as follows:

**Sec. 10-1111. Specific requirements for restricted uses and special exception uses.**

~~(d) *Regulations pertaining to other restricted uses.* In the review of any proposed restricted use for which specific restrictions are not elsewhere set forth in this article, a determination shall be required to ensure that the requested use is consistent with the purpose and intent of the district in which it is proposed to be located; and that establishment of the proposed use would not be likely to interfere with the conduct of the principal activities intended to be accommodated within the district.~~

(d) *Rural small-scale plant nurseries.* Nurseries and establishments selling plants and/or produce may be allowed as follows: 1) in compliance with general regulations for retail nursery or produce establishments; 2) on the same property as a residential or agricultural operation, when the plants and/or produce are grown on or within 50 miles of the site. This section establishes regulations and minimum standards for rural plant nurseries established in association with a residential or agricultural use.

(1) *Minimum standards for establishment.* Rural small-scale plant nurseries within subclass (d) 2), above, shall comply with the following minimum standards:

a. Location. That the point of sales shall be within one of the following zoning districts: Rural (R), Urban Fringe (UF), Lake Talquin Recreation Urban Fringe (LTRUF), and Rural Community (RC). Sales shall be prohibited within the Residential Preservation (RP) overlay zoning district. In addition, the parcel on which the sales is to occur shall be adjacent to one of the following types of streets, as designated within the Comprehensive Plan: a principal arterial; a minor arterial; a major collector; a minor collector; or, a non-residential street.

b. Buffering. A buffer of no less than Type B standard, or Type A standard with eight-foot tall opaque fence, shall be provided between the use and any adjacent residential uses, except that this standard may be reduced if less buffering is approved in writing by the adjacent property owner or owners prior to approval or if the adjacent property is used for retail sales of nursery plants or produce.

c. Setbacks. Setbacks shall comply with district minimums or twenty feet, whichever is greater. No material may be kept or stored within setbacks; solid waste containers may not be located within setbacks.

d. Access. Access may be allowed from a public street, or private street under the ownership or control of the owner of the property where sales are conducted, except that, in no instance, shall the sole route of access be through a street located within the Residential Preservation (RP) zoning district in accordance with the following: A plan of vehicular access to and from the site shall demonstrate that traffic associated with the business will not travel on that portion of a local street with frontage containing residential land use, zoned for residential land use, or containing subdivision lots intended primarily for

residential land use, with the exception that when such use is established on a corner lot, and access is precluded from one street, access may be provided via the other adjoining street, opposite a residential use; and, wherein access shall not be provided directly via a canopy road, as designated in the Comprehensive Plan.

e. Minimum lot size. No minimum.

f. Maximum use area size. One (1) acre. When established on lots greater than one acre, the plan shall delineate the limits of sales and associated activities.

g. Hours of operation. All activities associated with the small scale nursery shall be limited to daylight hours.

h. Lighting. The application shall include a lighting plan demonstrating that lighting is designed and located to minimize night-sky light pollution, adverse impact to other properties and public rights-of-way. No lighting shall be allowed to shine directly upon any other property.

i. Parking. No more than eight parking spaces shall be provided per acre. No parking associated with the property may be located off-site. Except for handicapped parking spaces, spaces may be gravel or other hard surface if approved by the Department of Public Works.

j. Solid waste facilities. All solid waste materials, other than those to be placed in composting, shall be placed and stored within enclosed containers. Solid waste containers shall be located with appropriate screening and landscaping to facilitate aesthetic compatibility with adjacent properties.

k. Maximum cumulative structure size. Non-residential structures associated with the sale of nursery and produce products, including greenhouses and storage facilities, shall be limited to 2,500 square feet (or, if utilizing a converted residential structure, no larger than that structure); the cumulative size of all structures, including principal and accessory structures on site shall be not exceed a floor area ratio of 8,000 square feet gross floor area per acre.

l. Maximum structure height. Structure height shall not exceed 20 feet, except for the use of any barn or silo associated with any agricultural operation on property certification of agricultural classification from the Leon County Property Appraiser's Office.

m. Loading and deliveries. All loading and deliveries shall be limited to that portion of the site least likely to create unsafe traffic movements (including both pedestrian and vehicular traffic) and to minimize impacts to off-site properties.

n. Signage. Signs shall comply with applicable standards of Chapter of 10 of the Land Development Code, except that: a maximum of one wall sign, as defined therein, shall be allowed; and, ground signs, as defined therein, shall be prohibited.

o. Adequate sanitary facilities. The applicant shall furnish documentation, from the Leon County Public Health Department, that the applicant has ensured the provision of adequate sanitary facilities to accommodate the proposed use.

p. Environmental regulatory compliance. The applicant shall furnish documentation of compliance with all applicable environmental regulations and review standards, demonstrating that the proposed site design will not adversely

impact any preservation or conservation features, will properly maintain and manage stormwater run-off, and minimize other adverse environmental impact, including: approval of a Natural Features Inventory (NFI) – No Impact, NFI, or NFI – with Floodplain, as applicable; receipt of applicable environmental permits; and, other documentation, as may be required by the Leon County Department of Growth and Environmental Management, Department of Public Works, and any other regulatory agency’s permitting requirements.

(2) Review process. Application for rural small-scale nursery special exception use shall require Type C review.

(3) Grounds for revocation. Any approval issued pursuant to the provisions of this section shall be revoked by the County Administrator or designee and the premises closed immediately upon discovery that the proprietor is in violation of the approval.

(4) Enforcement. Failure to obtain approval prior to establishment of a rural small-scale plan nursery shall result in immediate cessation of the use and shall be a violation of this Code. This provision shall be enforced as necessary, by appropriate staff.

**Section 2.** Chapter 10, Article X, Division 8, Section 10-1111 of the Code of Laws of Leon County, Florida, entitled “Specific requirements for restricted uses and special exception uses,” is hereby amended by adding a new Section, Section 10-1111(e), Regulations pertaining to other restricted uses, to read as follows:

**Sec. 10-1111. Specific requirements for restricted uses and special exception uses.**

(e) Regulations pertaining to other restricted uses. In the review of any proposed restricted use for which specific restrictions are not elsewhere set forth in this article, a determination shall be required to ensure that the requested use is consistent with the purpose and intent of the district in which it is proposed to be located; and that establishment of the proposed use would not be likely to interfere with the conduct of the principal activities intended to be accommodated within the district.

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 4. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Effective date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon  
County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

LEON COUNTY, FLORIDA

BY: \_\_\_\_\_

C. E. DePuy Jr., Chairman  
Board of County Commissioners

\_\_\_\_\_  
ATTEST:  
BOB INZER, CLERK OF THE COURT

By: \_\_\_\_\_  
Clerk

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney