ORDINANCE 2026-____

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE) AND CHAPTERS 770–772 (LOCAL BUSINESS TAX RECEIPTS) OF THE ORDINANCE CODE TO ESTABLISH COMMUNITY GARDENS, MARKET GARDENS, AND ROOFTOP OR INDOOR FARM/GARDENS AS PERMITTED USES CITYWIDE WITH USE-SPECIFIC STANDARDS; TO CREATE AN "URBAN AGRICULTURE" BUSINESS TAX RECEIPT SUBCLASS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the concept of locally sourced food and sustainable growth within urban environments is a priority for the City and within the scope of the City of Jacksonville's 2045 Comprehensive Plan and State of the Food Plan, which emphasizes resiliency, health, and maximizing underutilized land;

WHEREAS, current zoning does not permit certain agricultural uses within historic districts and certain residential districts without rezoning, land use amendments or planned use development changes creating unnecessary barriers to small-scale community or growing projects;

WHEREAS, there is an appetite amongst the City's citizenry for locally grown or harvested vegetables, honey and fruit and for neighborhood spaces that promote food security, environmental education, and pollinator health;

WHEREAS, limited urban agriculture, when properly scaled and regulated, can improve access to healthy foods, improve air quality, mitigate urban heat island effect, promote environmental sustainability, increase biodiversity, and strengthen neighborhood identity without disrupting the character of surrounding districts

WHEREAS, making permissible market and community gardens in Jacksonville will maximize land use, activate vacant lots, and meet a public good while avoiding large-scale or corporate farming operations incompatible with neighborhood use;

WHEREAS, the findings and recommendations of the City's Planning Commission and its City Council have been considered; now therefore:

BE IT ORDAINED by the Council of the City of Jacksonville:

SECTION 1. AMENDING SECTION 656.102 (DEFINITIONS).
Section 656.102 is hereby amended to add the following definitions (new text underlined):

"BMP" means Agricultural Best Management Practices as adopted and implemented by the Florida Department of Agriculture and Consumer Services, or recommended by UF/IFAS Extension Duval County, as applicable, on any determination date

"Community Garden" means a site managed by an individual or group, in either case not for profit, for the primary use of shared cultivation of food or horticultural crops for personal use, donation, or incidental sales; may be a principal or accessory use; and may include shared sheds, hoop houses, or shade structures.

"Farmstand" means a temporary or modest permanent point-of-sale structure (including a table, tent, kiosk, or a structure of 150 square feet or less) for goods grown or produced on-site which is located on a Community Garden, Market Garden, or Rooftop or Indoor Farm/Garden site.

"Greenbelt Classification" has the same meaning as provided in § 193.461, Florida Statutes, referring to the agricultural classification for ad valorem tax purposes as determined by the Duval County Property Appraiser.

A property's Greenbelt Classification status shall be verified through the official records of the Property Appraiser and is used within this Chapter solely as a reference to an existing state designation.

"Market Garden" means a site managed by an individual, nonprofit, or entity, which shall be a Small, Local Business, for growing, harvesting, packing, processing, and selling produce and plant products to the public (retail or wholesale); permitted as a principal or accessory use.

"Rooftop or Indoor Farm/Garden" means a principal or accessory use within or on the roof of a building, including greenhouses and hydroponic or aquaponic systems, managed by a Small, Local Business, for growing, harvesting, packing, processing, and selling produce and plant products to the public (retail or wholesale).

"Small, Local Business" means a business entity, including a non-profit organization, whose ultimate beneficial owners or directors are natural persons, (i) for a for-profit entity, the majority of whose beneficial owners reside in Duval County, Florida, or (ii) for a non-profit entity, the supermajority of whose directors reside in Duval County, Florida and that operates primarily within Duval County.

"Urban Agriculture" means a use involving the cultivation, raising, harvesting, washing, packing, storage, and on-site sale or distribution of food and plant products for personal use, donation, or sale, which, shall include a Community Garden, a Market Garden, Farmstand and a Rooftop or Indoor Farm/Garden.

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SECTION 2. AMENDING DISTRICT USE TABLES (SECTIONS 656.305–.307, 656.311, 656.312, 656.313, 656.321–.323, AND 656.334).
Each respective permitted-use table is hereby amended to add the following line items (new text underlined). Where a district includes a use-specific standards column, reference Section 656.4XX:

Urban Agriculture – Community Garden: P (by right).
Urban Agriculture – Market Garden: P (by right).
Urban Agriculture – Rooftop or Indoor Farm/Garden: P (by right).

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SECTION 3. CREATING SECTION 656.4XX (URBAN AGRICULTURE STANDARDS).
Chapter 656, Part 4, is hereby amended to create Section 656.4XX entitled "Urban Agriculture Standards" to read as follows:

Sec. 656.4XX. Urban Agriculture Standards.

(A) General.
(1) Hours. Outdoor operations and on-site sales are limited to sunrise through sunset; provided, however, from September 1 through March 31 such operations may extend from 8:00 a.m. to 8:00 p.m.
(2) Sales mix and days. No annual day cap applies if at least seventy percent (70%) of gross sales are derived from goods grown or produced by the on-site Urban Agriculture enterprise (including value-added goods made under cottage food authority, and items processed off-site by the same enterprise). If less than seventy percent (70%) of gross sales are derived from such goods, on-site sales days are capped at seventy (70) days per calendar year.
(3) Structures for permitted by right. For Market Gardens and Community Gardens, raised beds, trellises, hoop houses, greenhouses, sheds, shade pavilions, shade cloth, wash/pack areas, and cold storage are permitted subject to any historical design guidelines or to the extent permitted by any such historical district overlay. Maximum accessory structure height: twenty-five (25) feet. Total accessory structure coverage shall

not exceed twenty-five percent (25%) of lot area. Setbacks: front—ten (10) feet; side/rear—five (5) feet; planting beds may encroach to zero (0) feet. Accessory structures shall comply with the Florida Building Code and Fire Code for non-habitable structures. For purposes of permit review, such structures may be evaluated using standards substantially equivalent to those applied to nonresidential farm buildings under § 604.50, Florida Statutes, where consistent with public safety. For Rooftop or Indoor Farm / Gardens, Florida Building Code and Fire Code shall control and any such Rooftop or Indoor Farm / Gardens located on a rooftop shall be required to maintain permissions in writing (and on file with the city) from any entity or owner of parcels considered directly beneath the Rooftop or Indoor Farm / Gardens if a Small, Local Business is not the owner and the land or unit directly beneath such Rooftop or Indoor Farm / Gardens.
(4) Signage. One non-illuminated flat sign up to six (6) square feet on residential lots; otherwise per Chapter 656 signage standards subject to any historic district guidelines in any historic district or overlay. Such signs may identify the name of the Urban Agriculture enterprise or activity and list operating hours.
(5) Parking. Notwithstanding any other provision of the Code, no vehicle parking is required for sites of one-quarter (¼) acre or less. For sites greater than one-quarter (¼) acre, one (1) vehicle parking space shall be provided for each additional one-quarter (¼) acre. Shared or on-street vehicle parking within two hundred (200) feet may count toward this requirement.
(6) Restroom facilities. Community Gardens and Market Gardens greater than 1/2 acre must provide a restroom facility and handwashing station on-site (portable or otherwise) or documented access to a restroom within the immediate neighborhood. Field toilet facilities should be properly sited in areas that will not contaminate growing or handling areas and should be obscured from the street.

(B) Nuisance controls.
(1) Noise, odor, and lighting shall not exceed reasonable residential or commercial norms. Equipment and fans shall be located and/or buffered to avoid unreasonable noise at property lines, as regulated by Jacksonville Ordinance Code Chapter 368 (Noise Control).

(2) Composting is limited to plant or vegetable matter. Compost areas shall be screened from public view, set back at least five (5) feet from all lot lines, be limited to (i) 150 square feet per ½ acre or (ii) 100 square feet if Urban Agriculture enterprise is less than ½ acre, and maintained to prevent odor or pest attraction.

(C) Micro Livestock.
(1) Keeping of chickens, roosters, ducks, turkeys, goats, pigs, cows, or any livestock or poultry is expressly forbidden other than as permitted under Section 656.422 of the Jacksonville Code[1] and by any Planning permits for non-residential garden parcels.
(2) Beekeeping is expressly permitted including at Community Gardens and Market Gardens, subject to compliance with Chapter 586, Florida Statutes, and Rule 5B-54, Florida Administrative Code. Beekeepers shall maintain current FDACS apiary registration and follow generally accepted best management practices for hive placement and care. Nothing herein shall be construed to authorize local regulation of registered apiaries where preempted by state law.

(D) Neighborhood-friendly practices and BMPs.
(1) No routine heavy equipment use or presence over five thousand (5,000) pounds operating weight; occasional deliveries and capital improvements permitted. Any such equipment shall be properly shielded from public roads or properly stored on premises.
(2) Local BMP enrollment. [Urban Agriculture operators shall be properly enrolled in and adhere to BMPs adopted by FDACS or recommended by UF/IFAS Extension Duval County. Operators shall enroll within sixty (60) days of Certificate of Use (COU) approval and such evidence of enrollment shall be kept on site.[2]]
(3) Routine maintenance; right-of-way. Operators shall maintain the site to prevent overgrowth and blight, including regular weeding, pruning, and seasonal replanting of cultivated areas and maintenance of common

[1] Update to Hen Act requested in connection with the proposed Act.
[2] BMP adoption of "urban gardening" definition to be confirmed at time of adoption of this Act.

areas. Beds, trellises, and plantings shall not encroach into the public right-of-way, including sidewalks and alleyways. When not in active use, beds shall be cover-cropped or covered to suppress weed growth.

(E) Processing and distribution.
(1) Washing, packing, cold storage, CSA boxing, and distribution are permitted by right as accessory to Urban Agriculture uses in facilities and in accordance with this Sec. 656.4XX. For bona fide farms, such activities are recognized as part of a farm operation under state law.

(F) Agritourism, education, and community engagement.
(1) Agritourism and educational activities accessory to Urban Agriculture uses are permitted:
(i) consistent with Florida Statutes §§ 570.85–570.89, including farm tours, open days, classes, workshops, demonstrations, tastings, farm-to-table meals, and seasonal or cultural festivals.
(ii) so long as activities remain subordinate to the property's primary Urban Agricultural use and as permitted by the hours and / or restrictions of this Sec. 656.4XX. Temporary structures related to such events (including tents, stages, and seating) are permitted if compliant with applicable fire and building safety codes.
(iii) Events anticipating more than fifty (50) attendees from beyond the immediate neighborhood are permitted up to thirty-six (36) days per calendar year and shall maintain a parking and traffic management plan.
(iv) Events shall comply with applicable noise regulations (including Jacksonville Ordinance Code Chapter 368), health regulations, and alcohol licensing requirements, as applicable.
(2) Preemption. Nothing in this section shall be construed to conflict with, prohibit, or regulate agritourism activities in a manner preempted by state law.

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Section 4. Local Business Tax Receipts; COU process.

(A) Creation of Urban Agriculture subclass (Chapter 770).
There is hereby created a Local Business Tax Receipt subclass entitled "Urban Agriculture," with the following subcodes:
(1) Community Garden.
(2) Market Garden.
(3) Rooftop or Indoor Farm/Garden.
Eligible entities include Small, Local Businesses headquartered in Duval County.

(B) Fast-Track COU.
The Planning and Development Department shall issue a Certificate of Use upon submission by an operator of a completed application for a Community Garden or Market Garden which shall include: site plan (including structures and any required historical overlay review or permissions), hours, signage, and Farmstand layout (if any).

(C) Cottage foods.
On-site sale of cottage food items produced off-site by the same Small, Local Business is permitted at such Small, Local Business Farmstands if compliant with § 500.80, Florida Statutes (labeling, display, and sales limitations) and subject to the limitations in subsection 3(A)(2) above.

(D) Conflict of provisions.
In the event of any conflict between this Ordinance and any other provision of Chapter 656 or Chapters 770–772, the provisions of this Ordinance shall control.

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Section 5. Administrative Implementation (Uncodified).

(A) The Planning and Development Department, in coordination with the Tax Collector and the Office of General Counsel, shall prepare and maintain guidance materials to assist with implementation of this Ordinance. These shall include, at minimum:

(1) an Urban Agriculture Certificate of Use (COU) Checklist;

(2) a Farmstand and CSA Guide addressing signage, layout, and food-safety references; and

(3) a Public Lands Urban Agriculture Application where City-owned sites are proposed.

(B) The Department shall publish these materials on the City's website and make them available upon request. Updates to such materials may be made administratively to reflect statutory or procedural changes, provided no update imposes requirements inconsistent with Chapter 656 or this Ordinance.

(C) The materials referenced above are guidance documents only and are not part of the Ordinance Code. They are intended to standardize processing, support transparency, and ensure consistency across departments.

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Section 6. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

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Section 7. Effective date.

This Ordinance shall become effective upon adoption. Comprehensive Plan amendments, if any, become effective upon state acknowledgment. Cross-references to state legislation are effective as provided therein.