

UF/IFAS Extension

The Journey to Sustainability Begins with Education



URBAN AGRICULTURE

A Participatory Primer Course

Part 3a: Regulations



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Outline

- Short Review of Course Syllabus.
- Regulations
 - General Plans (a.k.a., Comprehensive Plans)
 - Zoning
 - Examples of Sarasota County Zoning
 - Home Based Business Permits
 - FL Ag Laws
- Direct Markets:
 - Farmers Markets
 - Commercial Business Locations
 - Community Supported Agriculture (CSA)
 - Agritourism

Urban Agriculture Certificate Course

Class Topics Sequence

- #1: Introduction and Production Systems
- #2: Business and Marketing Plans
- #3: Regulations and Direct Markets
- #4: Equipment and Tools; Post Harvest Handling
- #5: Financial Resources & Management



Today's
Topic

Urban Agriculture Certificate Course

Workshop Topics Sequence

- #1: Container and Hydroponic Growing
- #2: Frost Protection and IPM
- #3: Farmscaping w/ Cut Flowers
- #4: Farm Food Safety Plan
- #5 Composting and Renewable Energy Technologies

Urban Agriculture: Regulations

- ❖ For urban farmers, the most immediate concern is learning about local general plans and zoning codes that might impact their urban farm.
- ❖ Each city varies in terms of what is allowed—from backyard chickens, to bees, to sales of garden produce.
- ❖ City websites are the best source of information for local zoning and municipal codes governing various aspects of urban agriculture.

Urban Agriculture: Regulations

❖ What Are General Plans?

- General Plans are the overall policy document of acceptable uses of land in a city which guides the growth of a jurisdiction in the long term.
- Along w/ other policy documents, they can often support an activity such as urban gardens but it is the zoning codes that dictate the specific legal use.
- If a locality is in the process of updating its zoning code to allow some forms of urban agriculture, it is advisable to inquire about timing and extent; updating codes can be a lengthy process, and updated policies may still restrict full scale operations by prohibiting green houses, nurseries, or the like.

Urban Agriculture: Regulations

❖ What Is Zoning?

- Zoning is used by local governments/municipalities to designate permitted uses of land based on mapped zones, which separate incompatible land uses from one another. For example, zoning helps to separate industrial uses from residential uses.

❖ Common zoning designation examples:

- residential (R, RM, RH, etc.),
- commercial (C, CM, CR, etc)
- industrial (M),
- public, mixed use, and open space.

Urban Agriculture: Regulations

❖ How Does Zoning Affect Urban Farming?

- Since most zoning codes in the US were established starting in the 1910's, urban agriculture and farms were not seen as an urban activity but rather as a rural activity or a thing of the past. It has experienced occasional resurgences, but in a boom and bust cycle that loosely tracks economic prosperity.
- Public officials tend to view it as a temporary, rather than long-term, solution to hunger.

Urban Agriculture: Regulations

❖ How Does Zoning Affect Urban Farming? (cont.)

- Since residential areas are often where larger yards and plots of land exist for the creation of urban farms, outdated planning codes do not accommodate the resurgence of backyard farms and urban gardens.
- An important legal distinction is made between growing food for your own consumption and growing it for sale. Zoning issues do not usually arise when people simply plant gardens in their yards; even free distribution of produce is not prohibited.

Urban Agriculture: Regulations

❖ How Does Zoning Affect Urban Farming? (cont.)

- Legal issues arise when commercial transactions takes place or activities disturb neighbors.
- Difficulties arise when a garden starts to look like a commercial operation or like a civic activity. There is no clear cut answer to whether you will encounter zoning problems and what you can do to get clearance to plant the garden. Every city has different rules, and the rules may be interpreted differently depending on the context of your neighborhood.

Urban Agriculture: Regulations

❖ What Steps Do You Do To Start An Urban Farm?

- If you have a plot of land in mind, check its zoning with your municipality's planning department/board before you purchase, lease or commit to the plot or yard. That way you will discover if urban agriculture is an acceptable use of the land
- If it is not, ask what steps you can take to make it a permitted use. For example:
 - Classify it as a home occupation which are sometimes seen as an accessory use in residential zones.
 - Talk to your neighbors, let them know your urban farming practices and your actions to not disrupt a residential feel.

Urban Agriculture: Regulations

❖ What Steps Do You Do To Start An Urban Farm? (cont.)

- Sometimes, even if zoning is residential, special permits are required for small-scale operations. A conditional use permit (CUP), allows you to engage in an activity like farming with some conditions such as limits to a certain size, number of employees, certain hours of operation, etc. Since the process to get a CUP can be lengthy and costly, it is best to understand the zoning requirements of the property prior to investing in it.
- If accessory uses are allowed uses, conditionally permitted uses require that you apply for a permit and meet certain prerequisites in order to engage in them. If you are uncertain, it might make sense to simply call the local planning agency and ask whether a conditional use permit will be necessary.

Urban Agriculture: Regulations

❖ What Steps Do You Do To Start An Urban Farm? (cont.)

- Although it is unlikely, if you live in a city that will not allow urban Ag as either an accessory, permitted, or conditionally permitted use of your residence, you may need to apply for a use variance, which is more difficult to obtain than a conditional use permit.
- At the end of the day, the question of whether urban Ag will negatively impact the residential character of the neighborhood may come down to a question of common sense. “Any residue of uncertainty as to prohibited uses of residential property must be resolved by the common sense of the prospective user of property and the good faith of the officials charged with enforcement of the zoning ordinance”

Urban Agriculture: Regulations

❖ What Can You Do To Change Zoning Laws?

- If your city has too many hurdles to installing urban Ag, it might be a good idea to try to change the law. One option is re-zoning the city, which requires that the planning agency take legislative action and either redraw the zoning map or change existing zone types
- However, the easier solution would probably be to lobby for a simple addition to the ordinance governing permitted residential uses by adding the following sentence to the local ordinance: “In the interest of ensuring a secure food source for the community, growing fruits and vegetables for community or personal consumption is a permitted use of a residential property, whether the garden is tended by residents or non-residents.”

Urban Agriculture: Regulations

- While some city governments have responded favorably to the growing enthusiasm for urban Ag by supporting positive policy environments, other city governments remain averse to any policy changes. Community-led activism in urban Ag has led the groundwork for city policy and zoning reform.
- Food Policy Councils serve community activism by
 - convening citizens and government officials to provide a comprehensive examination of a state or local food system.
 - this nonpartisan form of civic engagement brings together a diverse array of food system stakeholders to develop food environment and agriculture policy recommendations.
 - they may help generate information on a community's food system and offer advice on business development, institutional, and emergency food programs, or neighborhood, city, and regional comprehensive plans.

Urban Agriculture: Regulations

Local and FL Food Policy Councils (FPC)

- ❖ The Sarasota Food Policy Council developed the food policies of Sarasota County Comprehensive Plan that includes support for urban Ag (see <http://sfyl.ifas.ufl.edu/sarasota/agriculture/agriculture/food-policy/>)
- ❖ The Manasota Food Action Council promotes urban Ag initiatives in local food deserts (see <https://www.facebook.com/ManasotaFAC/>)
- ❖ The FL Food Policy Council supports local and regional FPCs (see <https://flfpc.org/>)

Urban Agriculture: Regulations

❖ Innovative Urban Ag Policy Examples

➤ California

- Urban Ag Incentive Zone –legislation empowering cities and counties to allow landowners in metropolitan areas to receive tax incentives for putting land in agriculture use - see http://ucanr.edu/sites/UrbanAg/Laws_Zoning_and_Regulations/The_Urban_Agriculture_Incentive_Zones_Act_AB551/

➤ Cleveland

- Public-Private Urban Farm Project - near the heart of downtown Cleveland, the Ohio City Farm provides a unique mix of green space, entrepreneurial training, and nutrition education. The farm demonstrates the diverse collaborations that can contribute to farming in the city – see <http://www.resilience.org/stories/2014-06-05/urban-agriculture-in-rust-belt-cities/>

Urban Agriculture: Regulations

❖ Innovative Urban Ag Policy Examples (cont.)

➤ Dania Beach, FL

- Community Redevelopment Agency (CRA) Urban Ag Project ‘The PATCH (People’s Access to Community Horticulture) Garden’ is a city-owned garden on a 1.6-acre lot with 2,500 pots growing kale, peppers, herbs and other produce to sell at the weekly farmers market at an affordable price and create job opportunities for residents – see

<http://ediblesouthflorida.ediblecommunities.com/shop/urban-farmers-in-fort-lauderdale>

➤ Cuba

- the use of usufruct legal and policy structure of public lands within control of local councils makes available land for urban Ag – see https://link.springer.com/content/pdf/10.1007/978-3-319-28112-4_20.pdf

Urban Agriculture: Regulations

❖ Innovative Urban Ag Policy Examples (cont.)

➤ City of Orlando, FL

- Green Works Orlando program includes goals for a local sustainable food system that encompasses the entire cycle of food production and consumption, including increased urban farms, community gardens, food hubs, farmers markets, & food distributors – see <http://www.cityoforlando.net/greenworks/food-systems/>

➤ Orange County, FL

- The Good Food Central Florida FPC & the East Central Florida Regional Planning Council collaborated with Planning Department to develop a strategic plan for the development of a more sustainable and equitable food system by identifying the opportunities to improve Orange County's food production sector, including review of zoning laws, urban farming and linkages between local producers & other economic industries – see <http://www.floridaplanning.org/wp-content/uploads/2017/05/Orange-County-Food-Production-Strategic-Plan-5.03.17-11-x17-tabloid.pdf>²⁰

Urban Agriculture: Regulations

❖ Innovative Urban Ag Policy Examples (cont.)

➤ City of Chicago

- Chicago Zoning Code modifications allows agricultural uses including community gardens & urban farms and permits the sale of surplus produce from community gardens, and use of accessory buildings such as greenhouses /sheds and composting

➤ New York City

- amended its zoning laws to allow rooftop greenhouses certain exemptions for height and size requirements, leading to the development of commercial farms
- in July 2017 a proposed bill requires the New York City Department of City Planning to develop a plan for urban agriculture to support the expansion of farming, including reviewing current zoning resolution and building and fire codes. With removal of some current restrictions, vertical farming could become more widespread.

Urban Agriculture: Regulations

❖ Innovative Urban Ag Policy Examples (cont.)

➤ The Sustainable Cities Institute also profiles the following cities who have shifted to promoting sustainable urban food production through zoning amendments:

- [Boston](#): the City has established a community garden subdistrict
- [Chattanooga](#): the Chattanooga Zoning Code lists an “Urban Garden District” that permits raising of animals, growing of crops, and forestry within city limits
- [Nashville](#): Permits commercial and non-commercial gardens with Special Exemptions
- [Seattle](#): Established the goal of one (1) community garden per 2,500 households

Urban Agriculture: Regulations

❖ Zoning Code Example: Sarasota County

- The Zoning Ordinance consists of text and a map.
- The map identifies the zoning districts for each property within the unincorporated area of Sarasota County.
- The text describes the rules that govern the different zoning districts; describes land uses; identifies allowable and non-allowable uses; and contains the development standards.
- The text also includes the administrative processes that explain how the Zoning Ordinance is administered; how it is interpreted; how to change zoning districts; and how to request variances.

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

- The zoning code for property in unincorporated Sarasota County can be found with an online GIS map at <https://ags2.scgov.net/SCPAParcels/>
- There are over 26 zoning districts in Sarasota County
- The code of ordinances can be found on the website municode, e.g., https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=COORSACOFLO1
- For inquiries on zoning districts and their standards, email ZONING@scgov.net or call 941-861-500 and ask for the Planning Department

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❖ Sarasota County Zoning Code (cont.)

4.1. - Districts Enumerated.

4.1.1. *Active Districts.* For the purpose of these zoning regulations and the Official Zoning Atlas, Sarasota County is hereby divided into the following zoning districts:

BASE DISTRICTS	
Open Use Districts	
OUA	Open Use Agricultural
OUC	Open Use Conservation
OUM	Open Use Mining
OUR	Open Use Rural
OUE	Open Use Estate
Residential Districts	
RE-1,2,3	Residential Estate
RSF-1,2,3,4	Residential Single-family
RMF-1,2,3	Residential Multifamily
RMH	Residential Manufactured Home

https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=APXAZORE

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

Commercial and Industrial Districts	
CN	Commercial Neighborhood
OPI	Office, Professional and Institutional
CG	Commercial General
CI	Commercial Intensive
CHI	Commercial Highway Interchange
CM	Commercial Marine
IR	Industrial and Research
ILW	Industrial, Light Manufacturing and Warehousing
Planned Development Districts	
PUD	Planned Unit Development Overlay
OPI/PD	Planned Office, Professional and Institutional
PCD	Planned Commerce Development
CM/PD	Commercial Marine/Planned Development
PMI	Planned Mixed-Use Infill

https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=APXAZORE

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

Special Purpose Districts	
GU	Government Use
MP	Marine Park
OVERLAY DISTRICTS	
Special Purpose Overlay Districts	
HPIOD	Historic Preservation Incentive Overlay District
CTOD	Commercial Transition Overlay District
MSOD	Main Street Overlay District
SKOD	Siesta Key Overlay District
MRPZ	Myakka River Protection Zone
CS	Conservation Subdivision
TDR Overlay Districts	
CSZ	Conservation Sending Zone
RSZ	Residential Sending Zone
RRZ	Residential Receiving Zone
HDRRZ	High Density Residential Receiving Zone
FUD	Future Urban Development
FURRZ	Future Urban Residential Receiving Zone

https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=APXAZORE

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❖ Sarasota County Zoning Code (cont.)

▪ Use Table: Agriculture Category

		OPEN USE <div><u>OU</u></div>					RESIDENTIAL <div><u>R</u></div>				COMMERCIAL AND INDUSTRIAL <div><u>C/I</u></div>										
USE CATEGO RY	SPECI FIC USE	OU A	OU C	OU M	OU R	OU E	R E	RS F	RM F	RM H	C N	O PI	C G	PC D	C HI	C I	C M	I R	IL W	G U	Standa rds

KEY: P = Permitted Use; L = Permitted Subject to Limitations in Section 5.3; SE = Special Exception Use; E = Existing; Blank = Use Not Permitted

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

	<u>OU</u>				<u>R</u>		<u>C/I</u>										
All agriculture, except as listed below	L	L	L	L	L	L											5.3.1.a 5.3.1.a.8. 5.3.2.n.
Animal boarding	L/SE		L/SE	L/SE	L/SE												5.3.1.b
Animal shelter	SE		SE	SE										SE	SE		5.3.1.c
Aviary	L		L	SE													5.3.1.d
Farm/produce stand	L/SE		L/SE	L/SE													5.3.1.f
Keeping of ponies or horses	L		L	L	L												5.3.1.g
Livestock auction, feeding pen, milk processing, packing house, stockyard	L		L														5.3.1.h
Plant nursery	L		L	L													5.3.1.i
Plant nursery with landscape supply	L/SE		L/SE	L/SE													5.3.1.j
Retail or wholesale sales of agriculturally-related supplies and equipment	SE		SE	SE										P			5.3.1.l
Cannabis Farm	SE		SE	SE													5.3.1.a.7

https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=APXAZORE

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

4.6.2 Residential Single-Family District (RSF).

- a. The RSF Districts permit single-family residential densities, which may take the form of single-family detached or cluster subdivisions. Cluster subdivisions may include lot line, traditional, patio, villa, atrium, duplex, or townhouse units . . .
- b. A limited number of nonresidential uses are allowed, subject to the restrictions and requirements necessary to preserve and protect the single-family residential character of the neighborhood.

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

5.2.2. *Open Use Categories.*

- a. *Agriculture.* Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.
- b. See table for following definitions of agriculture:
 - a. Principal uses
 - b. Accessary uses
 - c. Uses Not Included

Urban Agriculture: Regulations

❖ Sarasota County Zoning Code (cont.)

5.2.2. *Agriculture Use Categories Table.*

Principal Uses	Accessory Uses	Uses Not Included
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development (NAICS 112)	Aircraft landing field or helicopter landing facility (private)	Animal waste processing (see Waste-Related Service)
Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture (NAICS 111)	Ancillary indoor storage	Borrow pit, mining (see Resource Extraction)
Farm/produce stand (see Section 5.3.1.f. for regulation of the only allowed accessory uses)		
Animal boarding, outdoor (NAICS 81291)	Associated offices	Citrus concentrate plant, commercial feed lot, livestock slaughtering, processing of food and related products (see Heavy Industrial)
Livestock auction (NAICS 42452)	Auction ring	Commercial hunting or fishing camp, dude ranch (see Outdoor Recreation)
Milk processing plant	Barns, garages, sheds, silos, stables (noncommercial)	Garden center (see Retail Sales and Service)
Packing house for fruits or vegetables (NAICS 115114)	Dish antenna under 3 meters	Riding academy or public stable (see Outdoor Recreation)

Urban Agriculture: Regulations

5.2.2. *Agriculture Use Categories Table (Cont.)*

Principal Uses	Accessory Uses	Uses Not Included
Plant nursery	Dock or pier (noncommercial)	Recyclable construction material storage, solid or liquid waste transfer or composting, (see Waste-Related Service)
Plant nursery with landscape supply	Home occupations	Railroad right-of-way, new (see Utilities)
Poultry slaughtering and dressing	Housing for ranch or farm labor, including manufactured homes	
Retail or wholesale sales of agriculturally-related supplies and equipment	Railroad right-of-way (existing only) Scenic and sightseeing tours (NAICS 487110)	
Stable	Sale of agricultural products	
	U-pick facilities	
	Farm tours	
	Hay rides	
	Pony rides	
	On-site agriculturally related artistry	
	Community agriculture	

Urban Agriculture: Regulations

❖ Is Urban Farming Allowed in Agricultural Zoning? Regulations Summary of Sarasota County:

- Sarasota County – YES
 - ‘Open Use’ zoning = agricultural zoning
- City of Sarasota – NO
 - No Agricultural zoning exist
- City of Venice – NO
 - No Agricultural zoning exist
- City of North Port – YES
 - ‘Estates’ zoning = agricultural zoning

Urban Agriculture: Regulations

❖ Is Urban Farming Allowed in Residential Zoning?

Regulations Summary of Sarasota County*:

➤ Sarasota County – YES

- Only offsite sales permitted

➤ City of Sarasota – NO

- Backyard crops are meant for private consumption and there is no provision in the Code for the sale of these garden crops.

➤ City of Venice – YES

- Only offsite sales permitted

➤ City of North Port – YES

- Only offsite sales permitted

* Based on email survey of zoning departments

Urban Agriculture: Regulations

❖ Is Urban Farming Allowed in Commercial and/or Industrial Zoning?

Summary of Sarasota County*:

➤ Sarasota County – Maybe

- currently not allowed in Zoning Ordinance
- meeting at zoning office w/ detailed business plan required for possible variance

➤ City of Sarasota – NO

- however, the Zoning Code is currently being rewritten as a Form Based Code and will address urban farming.

* Based on email survey of zoning departments

Urban Agriculture: Regulations

❖ Is Urban Farming Allowed in Commercial and/or Industrial Zoning?

Summary of Sarasota County* (cont.)

➤ City of Venice – No

- Land Development Code (LDC) does not support Ag uses
- Some districts allow for plant nurseries only

➤ City of North Port – Yes and No

- Conventional Ag only in 'Estates' zoning
- Commercial/Industrial zoning
 - No roof top farms
 - Interior Ag systems only where zoned for garden shop as a permitted use (for the sale of plants only)

* Based on email survey of zoning departments

Urban Agriculture: Regulations

❖ Contact Information of Zoning Departments of Sarasota County

- Sarasota County – zoning@scgov.net; 941.861.5000; URL = <https://www.scgov.net/government/departments/planning-and-development-services/planning-services/zoning>
- City of Sarasota – 941-954-4127; URL = http://sarasotagov.org/NDS/Planning_Dev.cfm
- City of Venice – (941) 486-2626; URL = <http://www.venicegov.com/government/planning-and-zoning>
- City of North Port - (941) 429-7156; URL = <http://www.cityofnorthport.com/government/city-services/planning-zoning>

Urban Agriculture: Regulations

FL Agriculture Laws

- FL agriculture is regulated by laws passed by the state legislature and implemented as rules by authorized agencies, as well as county and municipality ordinances.
- The Handbook of Florida Agricultural Laws provides:
 - ❖ provides a basic overview of the many rights and responsibilities that farmers and farm land owners have under Florida laws and
 - ❖ provides them with good contacts for more detailed information

Urban Agriculture: Regulations

➤ FL Right To Farm Act

- ❖ Section 823.14, of the Florida Statutes (passed in 1979)
- ❖ Recognizes the importance of agricultural production to this state's economy, stating that the "encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state."
- ❖ Protects reasonable agricultural activities conducted on farmland from nuisance suits. A farm that was not a nuisance when it was established is not subject to public or private nuisance suits after one year of operation.

Urban Agriculture: Regulations

➤ FL Right To Farm Act (continued)

- ❖ Eliminates duplication of regulatory authority over farm operations.
- ❖ Therefore, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. . . .

Urban Agriculture: Regulations

➤ Definition of 'Bona Fide Farm Operation'

- ❖ It means “good faith commercial agricultural use of the land”.
- ❖ “Agricultural purposes” include, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

Urban Agriculture: Regulations

- Determination of bona fide use of the land for agricultural purposes based on following factors:
 - a. The length of time the land has been so used
 - b. Whether the use has been continuous
 - c. The purchase price paid
 - d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment
 - e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.
 - f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
 - g. Such other factors as may become applicable.

Urban Agriculture: Regulations

❖ Do “Right-to-Farm” Laws Apply To Urban Farming?

- The right-to-farm laws generally only apply to farms that have been operating for a certain number of years, and often only to farms in areas zoned as agricultural, or located where urban sprawl borders agricultural areas.
- While it might make sense to broaden “right-to-farm” laws to apply them to urban farms, chances are that the same nuisances complained of in rural areas will not apply to a small urban farm. The extent that “right-to-farm” laws could protect urban agriculture is, therefore, minimal.

Urban Agriculture: Regulations

- **Urban Farming and FL Right to Farm Law:**
 - The rise of urban agriculture, once deemed a nuisance under traditional, top-down planning laws under the FL Growth Management Act of 1985, is aided by the more flexible standards of the FL Community Planning Act of 2011.
 - With the increasing loss of Florida's rural agricultural lands due to creeping urbanization, the Community Planning Act's flexible standards provide a valuable tool in combatting the continued depletion of Florida's agricultural lands, a naturally and economically valuable resource, fostering creative, mixed-use urban development, and minimizing city core food deserts.

Urban Agriculture: Regulations

Agriculture Property Tax Classification

- By having their property classified as agricultural for property tax assessment purposes, farmers receive reductions in their property tax bills
- The FL agricultural tax classification laws date to 1959 and were designed to protect farmers who were becoming priced out by surging property values.
- Subject to the restrictions specified in section (3)b of 193.461, Florida Statutes, only lands that are used primarily for “bona fide agricultural purposes” shall be classified agricultural.

Urban Agriculture: Regulations

➤ Websites of Regional County Property Appraisers' Requirements:

- ❖ Sarasota - <http://www.sc-pa.com/other-exemptions/agriculture-classification/>
- ❖ Manatee - <http://www.manateepao.com/dnn/>
- ❖ Pinellas - http://www.pcpao.org/2017_AG_Handout_and_App.pdf
- ❖ Hillsborough - <https://www.hcpafl.org/Property-Info/Greenbelt-Agriculture>
- ❖ Hardee - http://www.qpublic.net/fl/hardee/appraisal_questions.html
- ❖ DeSoto - http://www.desotopa.com/AG_CLASS.asp
- ❖ Charlotte - <https://www.ccappraiser.com/ag%20guidelines.pdf>
- ❖ Lee - <https://www.leepa.org/agriculture/AgHome.aspx>
- ❖ Polk - http://www.polkpa.org/Downloads/Files/ag_guidelines.pdf?v=0005

Urban Agriculture: Regulations

Also Check Local Business Tax Ordinances

- “Home-based businesses” and ‘home occupations’ are typically defined in the Zoning Code for residential areas.
- Home occupations meeting certain criteria are permitted in any residential district.
- Home-based businesses meeting certain criteria may require fee-based permits
- Both categories may not allow outside employees, exterior signage, or stockpiling of materials.

Urban Agriculture: Regulations

❖ Regulations Summary of Sarasota County for Business Tax Requirement (a.k.a., Business License or Occupational Licence) in Residential Zones*:

➤ Sarasota County – Yes and No

- No home based business category or permit for offsite sales
- If selling at a Farmers' Market, grower should contact the Tax Collector's Office to determine what type of tax license they would be required to obtain.

➤ City of Sarasota – N/A

➤ City of North Port – Yes and No

- contact Neighborhood Services, Building Division, for details
- If selling at a Farmers' Market, grower should contact the Tax Collector's Office to determine what type of tax license they would be required to obtain.

Urban Agriculture: Regulations

❖ Regulations Summary of Sarasota County for Required Business Tax in Residential Zones* (cont.)

➤ City of Venice – YES and NO

- selling foods as a home occupation is not permitted based on the city's definition of a home occupation.
- selling foods at city farmers market requires
 - a completed City of Venice Business Tax Receipt Application
 - copies of any state or federal registrations needed to legally operate the business

* Based on email survey of zoning departments

Steps When You Need A Business Tax

➤ Step 1:

- Register with the State of Florida as a Corporation or as a sole proprietor (DBA) - \$70 annual fee
- Do that online at the Florida Department of State: (www.sunbiz.org) or call:
 - Doing Business As: 850-245-6058
 - Corporations: 850-245-6052

➤ You will need a Certificate of Registration (DBA) or Certificate of Status (Corporations)

Steps When You Need A Business Tax (Cont.)

➤ Step 2:

- Zoning Section
Contact - Planning and Development
Department in your city, or county.
- Let them know you are operating as a home
occupation, if applicable, – will need to sign a
disclosure form
- **You should receive a certificate of use
from them**

Steps When You Need A Business Tax (Cont.)

➤ Step 3:

- Take the copy of your **Certificate of Registration (DBA) or Certificate of Status (Corporations)** from the State
- Take a copy of your **Certificate of Use** from Planning and Zoning
- Go to your local Tax Collector's Office- **MUST APPLY IN PERSON** for Business Tax Receipt.

Online Business Tax Receipt Resources

❖ Sarasota County

- http://www.sarasotataxcollector.com/OL_PAGES/OL_GeneralInfo.htm

❖ City of Venice

- http://www.venicegov.com/Files/Forms/Plan_Zoning/Home_Occ_Brochure.pdf

❖ City of North Port

- <http://www.cityofnorthport.com/government/city-services/building/business-registration>

❖ City of Sarasota

- http://www.sarasotagov.com/PDF/NDS/Home_occ_license_app.pdf



Whew!

Let's take a break!

15 minutes