



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council
FROM: Lisa L. Fierce, Development Director
DATE: 4/5/2016
RE: First Reading, Ordinance #2016-2077: Code Amendment - Front Porches

REQUEST:

Council is to conduct a first public hearing of the ordinance.

DISCUSSION:

The Development Department would like to encourage residents to add front porches to their homes, in order to improve the appearance of residential neighborhoods, encourage social interaction among neighbors, create a safer environment and improve property values. The existing single-family residential zoning district setback standards may prohibit the construction of front porch additions to many existing single-family homes without a variance approval. Therefore, the Staff proposes amending the setback standards to encourage and accommodate the provision of front porches on single-family homes in the City's residential neighborhoods.

The proposed ordinance provides a definition of "front porch" that identifies the required minimum elements of a front porch, as follows: "(a) covered structure attached to the front of a dwelling unit and providing the following elements: providing primary access into the dwelling unit; typically having a separate roof; unenclosed except for a roof, balustrade, and flooring; extending a minimum of 50 percent of the building façade; having a minimum 10-foot depth; and having a floor that is typically raised above the finished horizontal elevation of the lot. The design elements of the porch are typically consistent with those of the building and include the finish materials of any exterior surface, stem wall materials and/or foundation skirting."

The ordinance amends the setback regulations in the R-1, R-2 and R-3 single-family residential zoning districts to accommodate front porches in front yards and secondary front yards (side yards facing a public roadway). The amendments allow covered porches to extend into the required front yard setback, but not closer than 10 feet to the front property line. The setbacks would then be reduced from 25 feet to 10 feet. Alteration of the porches to form enclosed or air-conditioned living spaces is prohibited and the porches are required to maintain at least 80 percent openness and may not be screened. This will further the goal of encouraging interaction amongst neighbors.

The City's Home Improvement Reimbursement Grant (HIRG) program promotes "street friendly" housing by encouraging homeowners to include porches, windows and doors oriented to the street and parking to the side or rear of the home. The program promotes a sense of community by encouraging residents to spend time in their yard and on their front porch. The front porch provision is an eligible improvement under the HIRG program.

The proposed new language is shown with underlining and deleted language is shown with ~~strikethrough~~.

Compatibility with Comprehensive Plan:

The proposal is consistent with the following Comprehensive Plan objectives and policies:

- FLU Objective 1.2 - Maintain the integrity and quality of life, in existing residential areas through decision making that promotes traditional neighborhood development, family-orientation and "small town" character.
- FLU Policy 1.2.5 - The conservation, maintenance and rehabilitation of existing residential areas shall be encouraged.

- LIV Policy 1.1.1 - Encourage new development and redevelopment to utilize traditional neighborhood development (TND) principles which address the following features:
 - i. Street-friendly housing: Housing close to and facing the street with active areas such as porches, windows and doorways oriented to the street; garages located to the side or rear, or set back deeper than the main part of the house.
- LIV Objective 1.3 - Safer, more livable communities that foster interaction between people and discourage criminal activities through effective use and property design of the physical environment.
- LIV Policy 1.3.2 - Natural surveillance techniques should be considered in the location of physical features, mix of activities and uses, people and lighting in such a way as to maximize visibility.
- LIV Objective 4.2 - Promote the use of setbacks that allow buildings to frame the street to create conditions that are favorable to pedestrian use and comfort.
- LIV Policy 4.2.5 - By 2009, the City shall revise setback requirements to allow porch easements in subdivision design and to require living areas of the structure to be closer to the street than garage areas.
- LIV Objective 4.5 - Promote high quality architectural standards that support the City's image and contribute to its identity and unique sense of place.
- LIV Policy 4.5.1 Encourage building design to provide an ordered variety of entries, porches, windows, bays and balconies along public ways where it is consistent with neighborhood character; avoid blank or solid walls at street level; and include human-scale details and massing.

RECOMMENDATION:

Staff recommends approval of the ordinance. The Land Development Review Board recommended approval at its March 17, 2016 meeting.

BUDGET/FISCAL IMPACT:

None.

ATTACHMENTS:

| Description | Type |
|-------------------------------|-----------------|
| ☐ Ordinance #2016-2077 | Ordinance |
| ☐ LDRB Minutes March 17, 2016 | Backup Material |

ORDINANCE # 2016-2077

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE SECTION 2.01.00, DEFINITIONS, TO PROVIDE A DEFINITION OF “FRONT PORCH”; AMENDING SECTION 7.01.03, R-1 ZONING DISTRICT SETBACKS; AMENDING SECTION 7.02.05, R-2 ZONING DISTRICT SETBACKS ON LOTS PLATTED OR PROPERTY ANNEXED AFTER MAY 19, 1981; AMENDING SECTION 7.02.11, R-2 ZONING DISTRICT SETBACKS ON LOTS PLATTED OR PROPERTY ANNEXED ON OR BEFORE MAY 19, 1981; AMENDING SECTION 7.03.03, R-3 ZONING DISTRICT SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has found that front porches on single-family homes can improve the appearance of residential neighborhoods, encourage social interaction among neighbors and improve property values; and

WHEREAS, the City Council has encouraged the Development Department to distribute home improvement grant funds for multiple home improvement projects, including construction of front porches; and

WHEREAS, the City Council has found that the existing front setbacks in the residential zoning districts prohibit the construction of front porches on many existing single-family homes without a variance approval; and

WHEREAS, the amended setback standards provided here are necessary to encourage and accommodate the provision of front porches on single-family homes in the City’s residential neighborhoods.

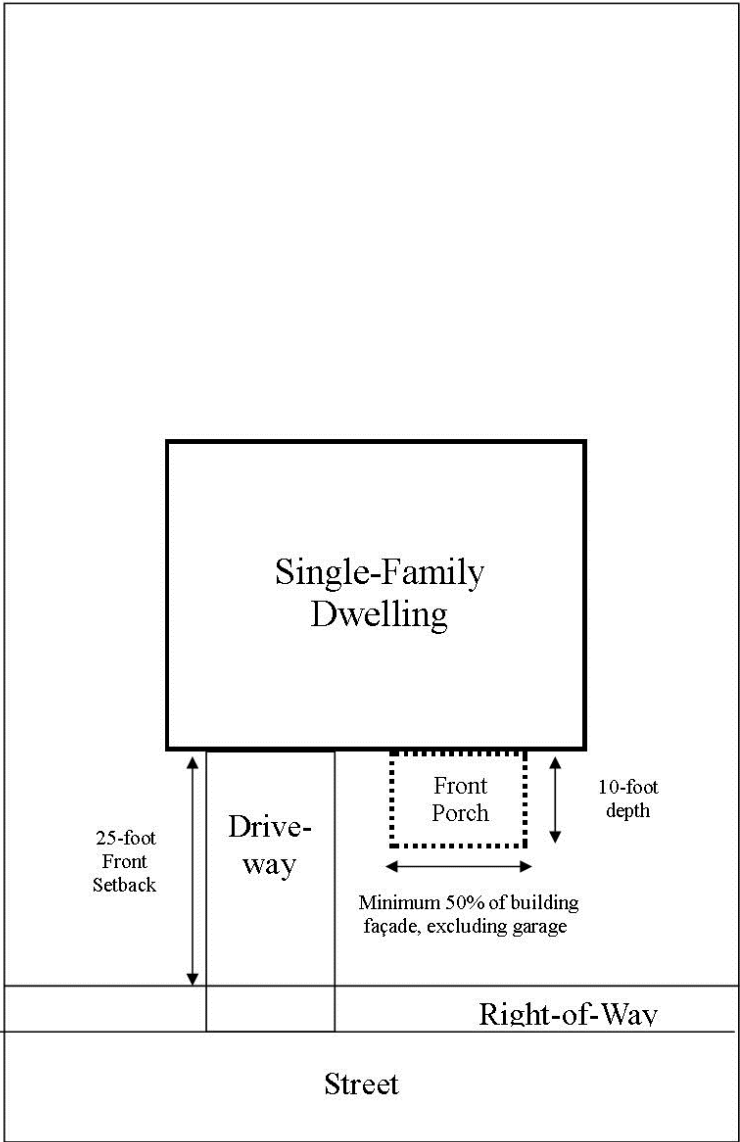
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. That Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended to read as follows:

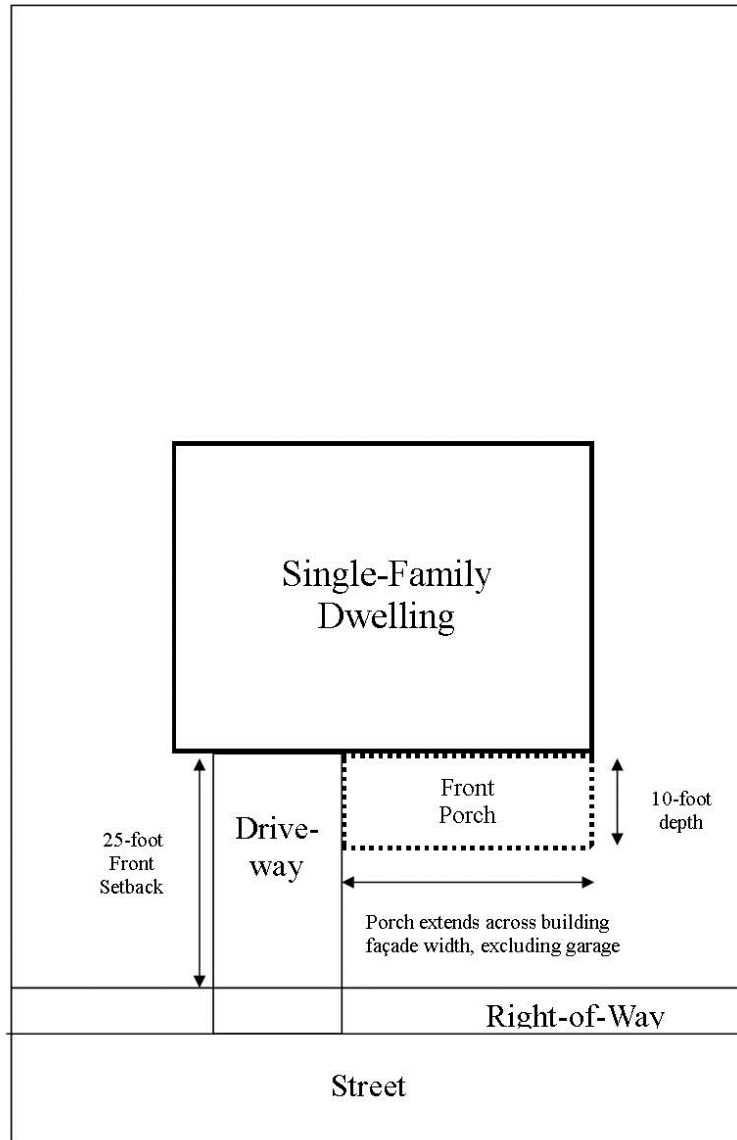
2.01.00 Definitions

Front porch: A covered structure attached to the front of a dwelling unit (or the side facing a main artery or thoroughfare) and providing the following elements: primary access into the dwelling unit; a separate roof; unenclosed except for a roof, balustrade, and flooring; extending a minimum of 50 percent of the building façade width (excluding the portion containing garage bays, if applicable); a minimum 10-foot depth and a maximum depth no greater than 50% of the building depth of the dwelling; and a floor that is typically raised above the finished horizontal elevation of the lot. The design of the porch is consistent with the dwelling in terms of finish materials and colors of any exterior surface, stem wall materials and/or foundation skirting. The design shall be consistent with the following illustrations:

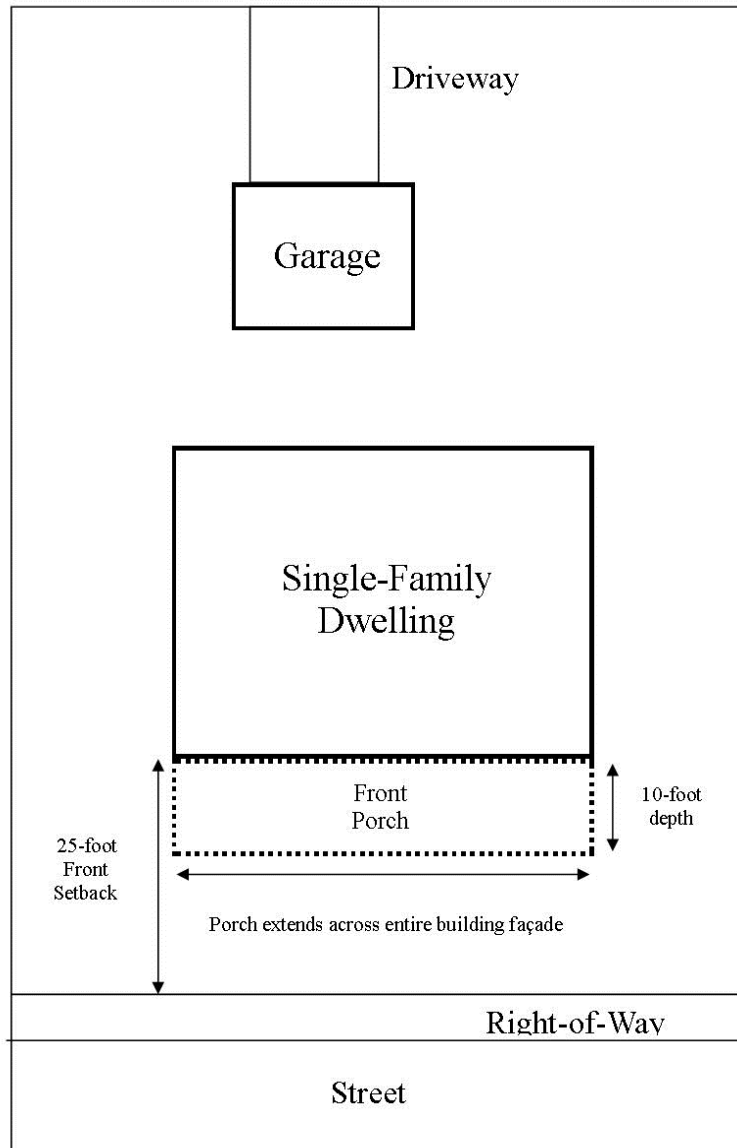
Front Porch, Interior Lot Minimum Width Example



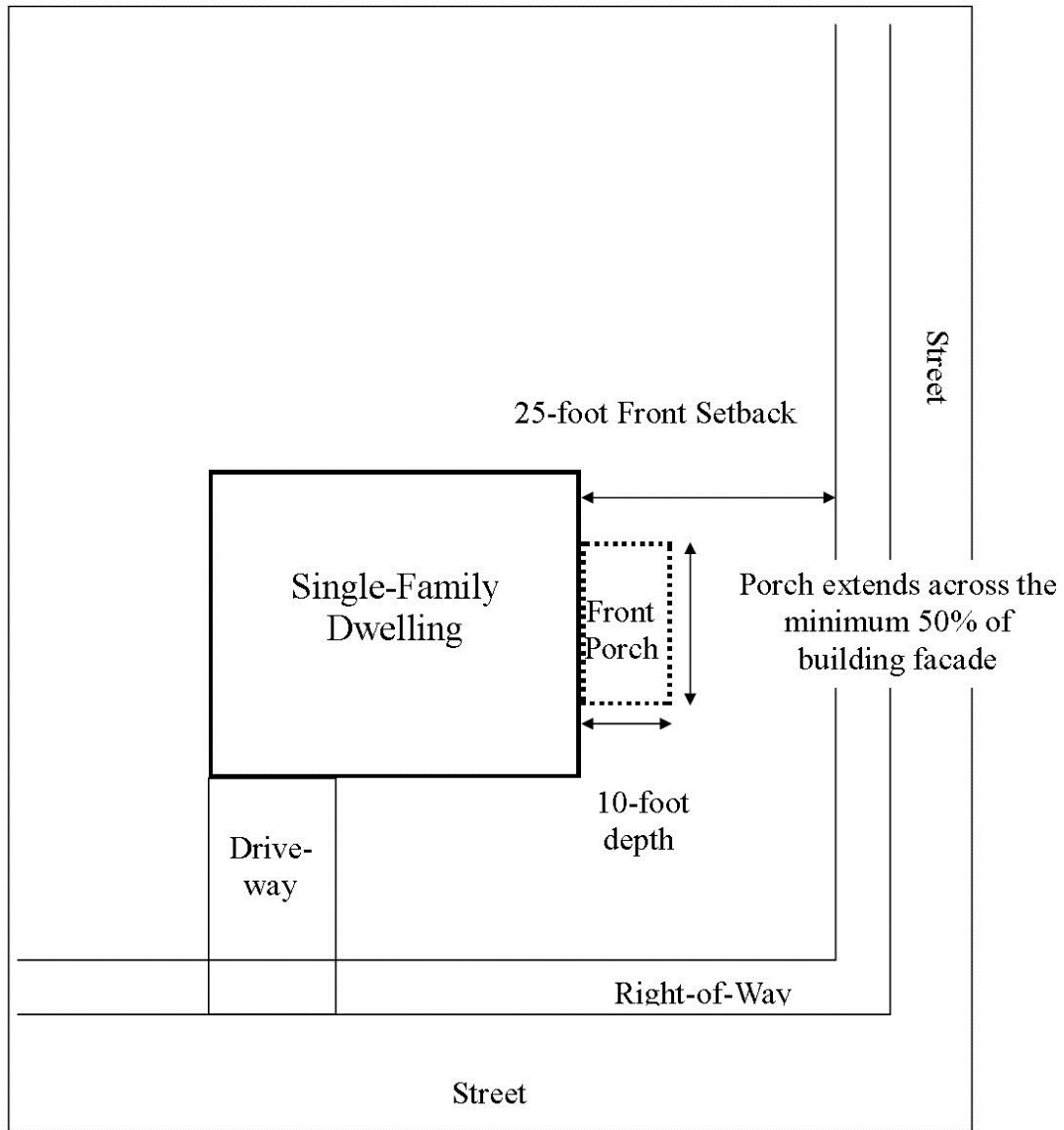
Front Porch, Interior Lot, Wide Porch Example



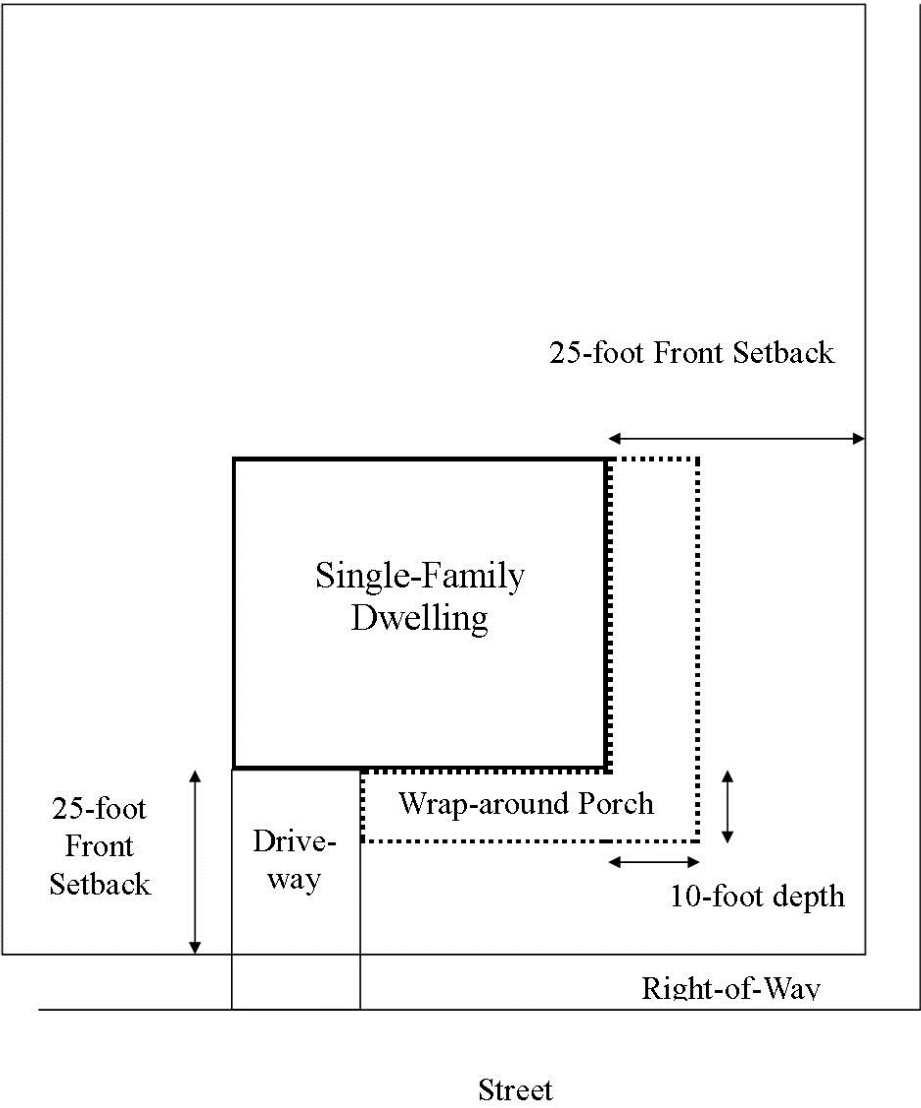
Front Porch, Interior Lot Detached Garage



Front Porch, Corner Lot



Wrap-around Front Porch, Corner Lot



SECTION II. That Section 7.01.03, R-1 Minimum setback, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.01.03 Minimum setback

The minimum setback of detached dwellings and accessory structures in the R-1 Residential District, from avenues or streets and from all other lot boundaries, shall be as follows:

1. Minimum setback of front building line from a main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the permanent part of projection of the dwelling. Front porches may extend into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. ~~For any deviation from this provision see section 5.03.00.~~
2. Set back or rear building line of a dwelling from the rear property line shall be twenty-five (25) feet. In the case of lots bordering on a river the setback or rear building line shall be forty (40) feet from the river bank. ~~See section 5.03.00.~~
3. The setback of the side building line of a dwelling from the side property line shall be ten (10) feet. The setback requirement in the case of a lot which has a side boundary line that abuts on a main artery or thoroughfare shall be twenty-five (25) feet from the main or arterial street right-of-way, on both sides, measured from the nearest building wall; provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. Front porches may extend into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.
4. Detached structures for accessory uses such as private garages may be located no closer to the rear property lines than five (5) feet or no closer to the side property lines than ten (10) feet except where the rear of a building lot abuts an avenue or street, in which case a detached garage or similar accessory-use structure can be no closer to the rear property line than twenty-five (25) feet and, in the case of river lots, no closer than forty (40) feet to the river except where two (2) or more structures have been built in the same block and have established a closer line.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION III. That Section 7.02.05, R-2 Minimum setback, of the New Port Richey Land Development Code (applying to lots platted or property annexed after May 19, 1981) is hereby established to read as follows:

7.02.05 Minimum setback

The minimum setbacks under this subdivision of detached dwellings and accessory structures from avenues or streets and from all other lot boundaries shall be as follows:

1. Minimum setback of front building line from a main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the nearest permanent part or projection of the dwelling. Front

porches may extend into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. For any deviation from this regulation, see section 5.03.00.

2. Setback of rear building line of dwellings from the rear property line shall be twenty (20) feet. In the case of lots bordering on river, forty (40) feet from river bank. ~~See section 5.03.00.~~
3. The minimum setback of side building lines on all real estate lots shall be seven and one-half (7½) feet from the side boundary line thereof, on both sides measured from the nearest building wall or corner, provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. The setback requirement in the case of a lot which has a side boundary line that abuts on a main or arterial street shall be twenty-five (25) feet from the property line to the nearest permanent wall or corner of the dwelling erected thereon; provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. Front porches may extend into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.
4. Detached structures for accessory uses such as private garages may be located no closer to the rear or side property lines than five (5) feet except where the rear of a building lot abuts an avenue or street in which case a detached garage or similar accessory use structure can be no closer to the rear property line than twenty-five (25) feet and, in case of the river lots, not closer to the river than forty (40) feet.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION IV. That Section 7.02.11, R-2 Minimum setback, of the New Port Richey Land Development Code (applying to lots platted and property annexed on or before May 19, 1981) is hereby established to read as follows:

7.02.11 Minimum setback

Minimum setbacks under this subdivision shall be as follows:

1. Minimum setback of front building line from a main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the nearest permanent part or projection of the dwelling. Front porches may extend into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. For any deviation from this regulation see section 5.03.00.
2. Setbacks of rear building line from rear property line is ten (10) feet. In the cases of lots bordering on the river, forty (40) feet from the river bank. ~~See section 5.03.00.~~
3. The minimum setback of side building lines on all real estate lots shall be five (5) feet from the side boundary line thereof on both sides measured from the nearest building wall or corner; provided, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. The setback requirement in the case of a lot which has a side boundary line that abuts a main or arterial street shall be twenty-five (25) feet from the property line to the nearest permanent wall or corner of the dwelling

erected thereon; provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. Front porches may extend into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.

4. Detached structures for accessory uses such as private garages may be located no closer to the rear of the property lines than five (5) feet except where the rear of the building lot abuts an avenue or street in which case the detached garage or structure can be no closer than twenty-five (25) feet from the property line. In the case of the river lots, no closer than forty (40) feet.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION V. That Section 7.03.03, R-3 Minimum setback, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.03.03 Minimum setback

Minimum setbacks of detached dwellings and accessory structures in the R-3 ~~R~~esidential ~~D~~istrict from avenues or streets and from all other lot boundaries shall be as follows:

1. Minimum setback of front building line from main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the nearest permanent part or projection of the dwelling. In case of lots bordering on river, forty (40) feet from river bank. Front porches may extend 10 feet into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. ~~For any deviation from this regulation see section 5.03.00.~~
2. Minimum setback of rear building line of dwellings from rear property line ten (10) feet. In case of lots bordering on river, forty (40) feet from river bank.
3. The minimum setback of side building lines on all real estate lots, within an R-3 zoning classification, shall be five (5) feet from the side boundary line thereof to the nearest permanent wall or corner of the dwelling erected thereon; provided, however, that the roof of any permanent overhang shall not exceed eighteen (18) inches. The setback requirement in the case of a lot which has a side boundary line that abuts on a main or arterial street shall be twenty-five (25) feet from the main or arterial right-of-way to the nearest permanent wall or corner of the dwelling erected thereon; provided, however, that the roof of any permanent overhang shall not exceed eighteen (18) inches. Front porches may extend 10 feet into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.
4. Detached structures for accessory uses such as private garages may be located no closer to rear or side property lines than five (5) feet except where the rear or side of a building lot abuts an avenue or street in which case a detached garage or similar structure can be no closer to the rear or side property line than twenty-five (25) feet and, in the case of river lots, no closer to the river bank than forty (40) feet.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the

porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION VI. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION VII. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

SECTION VIII. This Ordinance shall become effective immediately upon its adoption.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2016.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2016.

ATTEST:

Doreen Summers, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Joseph A. Poblick, City Attorney

that all agriculture uses need to register with the Environmental Committee who will administer the program. All properties will need to register on an annual basis. Compliance will be monitored by Environmental Committee.

Dell DeChant, Environmental Committee Chairperson, believes urban agriculture improves the look of a community and the proposed ordinance will create a permitted use where one currently does not exist. It would allow residents to grow food on the property. He said permits are designed for one year and if there is a problem with a property, the permit will not be renewed the following year. He believes the Environmental Committee can police the ordinance requirements. Mr. DeChant feels the ordinance is the most user-friendly ordinance pertaining to urban agriculture he has seen and that this would be a model ordinance. He said the Environmental Committee supports the ordinance. He thanked the Development Department for its assistance in preparing both ordinances.

Mr. Maysilles recommended that if the ordinance is approved, the use should not be allowed in front yards since they could become overgrown and unsightly. Dr. Cadle disagreed, noting people who would take the time to install these types of gardens are going to take the time to maintain them.

Mr. Maysilles made the motion to amend the language of Ordinance #2016-2074 to prohibit urban agricultural uses in front yards which was seconded by Ms. Moran. Roll call vote: Ms. Moran, yes; Mr. Maysilles, yes; Ms. Michel, yes; Dr. Cadle, no; Mr. Parillo, no; Mr. Grey, yes. The motion carried (4-2).

Mr. Maysilles made the motion to recommend approval of Ordinance #2016-2074 as amended, which was seconded by Ms. Moran. Roll call vote: Mr. Maysilles, yes; Dr. Cadle, yes; Mr. Grey, no; Ms. Moran, no; Ms. Michel, no; Mr. Parrillo, yes. The motion failed (3-3).

Mr. Maysilles made the motion to amend the language of Ordinance #2016-2073 to prohibit urban agricultural uses in front yards which was seconded by Ms. Moran. Roll call vote: Ms. Moran, yes; Mr. Maysilles, yes; Ms. Michel, yes; Dr. Cadle, no; Mr. Parrillo, yes; Mr. Grey, yes. The motion carried (5-1).

Mr. Maysilles made the motion to recommend approval of Ordinance #2016-2073 as amended, which was seconded by Ms. Moran. Roll call vote: Mr. Maysilles, yes; Dr. Cadle, yes; Mr. Grey, no; Ms. Moran, no; Ms. Michel, no; Mr. Parrillo, no. The motion failed (4-2).

(Mr. Maysilles excused himself at 2:45 p.m.)

 V. **Code Amendment COD2016-04:**

Case: Code Amendment COD2016-04 – Front Porches
Applicant: City of New Port Richey, Debbie L. Manns City Manager, 5919 Main Street, New Port Richey, FL 34652.
Request: Review and recommendation on an amendment to the Land Development Code addressing front porches (Ordinance #2016-2077).

Chris Mettler presented a Power Point presentation for the proposed ordinance. He stated that the proposed ordinance is intended to encourage homeowners to add front porches to their homes by allowing a setback encroachment without a variance, if specific design criteria are met. He reviewed the components of a front porch meeting the criteria, which include: a covered structure, attached to the front of the dwelling (or the side facing a street), providing primary access into the dwelling, having a separate roof, unenclosed except for roof, balustrade & flooring, extending a minimum of 50 percent of the building façade width (excluding garage bays, if applicable), having a minimum 10-foot depth, having a maximum depth no greater than 50 percent of the dwelling's, the floor to be located above the finished horizontal lot elevation, having a design consistent with that of the dwelling's, minimum setback of 10 feet from the property line, not to be enclosed, maintaining a minimum 80 percent openness, not to be screened, one front porch setback encroachment per lot (unless a wraparound porch is proposed) and to be architecturally-integrated with the dwelling. He noted

that the City is currently offering home improvement grants and homeowners may be eligible for grants defraying the cost of a front porch addition meeting the design criteria. Lastly, he reviewed diagrams of front porch layouts meeting the design criteria.

Mr. Grey asked if any consideration has been given in the proposed ordinance to allow for higher fences to be attached to the porches in the front yard. Mr. Mettler said not at this time. Mr. Parrillo clarified the porches must remain open. Mr. Mettler concurred.

Dr. Cadle made the motion to recommend approval of Ordinance #2016-2077 which was seconded by Mr. Parrillo. Roll call vote: Mr. Parrillo, yes; Ms. Michel, yes; Mr. Grey, yes; Dr. Cadle, yes; Ms. Moran, yes. The motion carried (5-0).

VI. Adjourn:

Ms. Fierce thanked the Board Members for attending the meeting. The next meeting is April 21, 2016. The meeting adjourned at 2:50 p.m.

Respectfully submitted,



Chris Mettler, Senior Planner