

ORDINANCE # 2016-2074

AN ORDINANCE AMENDING THE CITY OF NEW PORT RICHEY COMPREHENSIVE PLAN; AMENDING TABLE FLU 1.1.3 TO ALLOW URBAN AGRICULTURE USE IN THE LOW DENSITY RESIDENTIAL-5 (LDR-5), LOW DENSITY RESIDENTIAL-6 (LDR-6), LOW MEDIUM DENSITY RESIDENTIAL-9 (LMDR-9), LOW-MEDIUM DENSITY RESIDENTIAL-10 (LMDR-10), MEDIUM DENSITY RESIDENTIAL-14 (MDR-14), MEDIUM DENSITY RESIDENTIAL-20 (MDR-20), HIGH DENSITY RESIDENTIAL-24 (HDR-24), HIGH DENSITY RESIDENTIAL-30 (HDR-30), DOWNTOWN (D), DOWNTOWN CORE (DC), RESIDENTIAL/OFFICE (R/O), RESIDENTIAL/OFFICE/RETAIL (R/O/R), GENERAL COMMERCIAL (GC), HIGHWAY COMMERCIAL (HC), LIGHT INDUSTRIAL (LI), RECREATION/OPEN SPACE (ROS) AND PUBLIC/SEMI-PUBLIC (P/SP) FUTURE LAND USE CATEGORIES; ESTABLISHING GOALS, OBJECTIVES AND POLICIES TO ADDRESS URBAN AGRICULTURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. Seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each municipality in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the state land planning agency; and

WHEREAS, the City of New Port Richey has adopted a Comprehensive Plan pursuant to the Growth Management Act of 1985; and

WHEREAS, the City desires to further provide opportunities for citizens to pursue agricultural endeavors in the interest of providing their own food, promoting healthy behavior and encouraging interest in locally-grown food; and

WHEREAS, the City recognizes the need to encourage and support urban agriculture; and

WHEREAS, the City seeks to encourage urban agricultural activity that is compatible with surrounding development; and

WHEREAS, the Local Planning Agency of the City of New Port Richey held a duly noticed public hearing on March 17, 2016, in accordance with the procedures in Chapter 163, Part II, Florida Statutes, on the proposed Comprehensive Plan amendment and considered the findings and advise of staff, citizens and all interested parties submitting written and oral comments and has recommended adoption to the City Council; and

WHEREAS, the Local Planning Agency recommended the City Council transmit the subject Expedited State Review Comprehensive Plan amendment to the Florida Department of Economic Opportunity for its review and comment; and

WHEREAS, the City Council of the City of New Port Richey finds and declares that this amendment is consistent with the adopted Comprehensive Plan.

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

SECTION I. That Future Land Use Element Table FLU 1.1.3 is hereby amended as set forth below:

Table FLU 1.1.3 Future Land Use Map Categories New Port Richey 2030 Comprehensive Plan				
FLUM Category	Purpose	Uses		Gross Density/Intensity and Locational Criteria
		Primary	Secondary	
RESIDENTIAL CATEGORIES				
Low Density Residential-5 (LDR-5)	▪ To designate residential areas that are suitable for low density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. ▪ Provide a mix of housing that responds to the City’s changing household demographics (e.g., age, household formation/size, income, etc.).	▪ Residential	▪ Accessory Units ▪ Residential Equivalent¹ ▪ Public/Semi-Public ▪ Recreation/Open Space ▪ <u>Urban Agriculture</u>⁴	▪ Residential Density: A range from 0-5.0 dwelling units per acre. ▪ Residential Equivalent: Maximum of 2.0 beds per residential density per acre. ▪ Public/Semi-Public: Maximum of 2.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required. ▪ Recreation/Open Space: No limitation as to size. ▪ Density bonuses and credits may be considered in this category as described in this Plan and the Land Development Code. ▪ This maximum residential density is provided only as a limit for application in situations which represent an ideal set of circumstances with regard to the compatibility of the proposed development with surrounding land uses, existing and/or approved, and with regard to the adequacy and availability of public facilities.
Low Density Residential-6 (LDR-6)	▪ To designate residential areas that are suitable for low density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. ▪ Provide a mix of housing that responds to the City’s changing household demographics (e.g., age, household formation/size, income, etc.).	▪ Residential	▪ Accessory Dwelling Units ▪ Residential equivalent¹ ▪ Public/Semi-Public ▪ Recreation/Open Space ▪ <u>Urban Agriculture</u>⁴	▪ Residential Density: A range from 0-6.0 dwelling units per acre. ▪ Residential Equivalent: Maximum of 2.0 beds per residential density per acre. ▪ Public/Semi-Public: Maximum of 2.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required ▪ Recreation/Open Space: No limitation as to size. ▪ Density bonuses and credits may be considered in this category as described in this Plan and the Land Development Code. ▪ This maximum residential density is provided only as a limit for application in situations which

				represent an ideal set of circumstances with regard to the compatibility of the proposed development with surrounding land uses, existing and/or approved, and with regard to the adequacy and availability of public facilities. ▪ Locational Criteria: Future application limited to land to be annexed with same designation within the County.
Low-Medium Density Residential-9 (LMDR-9)	▪ To designate residential areas that are suitable for low to medium density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. ▪ Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.).	▪ Residential	▪ Accessory Dwelling Units ▪ Residential equivalent¹ ▪ Public/Semi-Public ▪ Recreation/Open Space ▪ <u>Urban Agriculture</u>⁴	▪ Residential Density: A range from 0-9.0 dwelling units per acre. ▪ Residential Equivalent: Maximum of 2.0 beds per residential density per acre. ▪ Public/Semi-Public: Maximum of 2.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required ▪ Recreation/Open Space: No limitation as to size. ▪ Density bonuses and credits may be considered in this category as described in this Plan and the Land Development Code. ▪ This maximum residential density is provided only as a limit for application in situations which represent an ideal set of circumstances with regard to the compatibility of the proposed development with surrounding land uses, existing and/or approved, and with regard to the adequacy and availability of public facilities. ▪ Locational Criteria: Future application limited to land to be annexed with same designation within the County.
Low Medium Density Residential-10 (LMDR-10)	▪ To designate residential areas that are suitable for low to medium density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. ▪ Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.).	▪ Residential	▪ Accessory Dwelling Units ▪ Residential equivalent¹ ▪ Public/Semi-Public ▪ Recreation/Open Space ▪ <u>Urban Agriculture</u>⁴	▪ Residential: A range from 0-10.0 dwelling units per acre. ▪ Residential Equivalent: Maximum of 2.0 beds per residential density per acre. ▪ Public/Semi-Public: Maximum of 2.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required. ▪ Recreation/Open Space: No limitation as to size. ▪ Locational Criteria: Future application limited to land to be annexed with same designation within the County.
Medium	▪ To designate residential areas	▪ Residential	▪ Accessory	▪ Residential: A range from 0-14.0

Density Residential-14 (MDR-14)	that are suitable for medium density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.).		Dwelling Units - Residential equivalent¹ - Public/Semi-Public - Recreation/Open Space <u>Urban Agriculture</u>⁴	dwelling units per acre. - Residential Equivalent: Maximum of 3.0 beds per residential density per acre. - Public/Semi-Public: Maximum of 2.0 acres; otherwise, a FLUM amendment to the Public/Semi-Public category is required. - Recreation/Open Space: No limitation as to size.
Medium Density Residential-20 (MDR-20)	- To designate residential areas that are suitable for medium density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. - Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.).	Residential	Accessory Dwelling Units - Residential equivalent¹ - Public/Semi-Public - Recreation/Open Space <u>Urban Agriculture</u>⁴	- Residential: A range from 0.0-20.0 dwelling units per acre. - Residential Equivalent: Maximum of 3.0 beds per residential density per acre. - Public/Semi-Public: Maximum of 2.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required. - Recreation/Open Space: No limitation as to size.
High Density Residential-24 (HDR-24)	- To designate residential areas that are suitable for high density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. - Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.).	Residential	Accessory Dwelling Units - Residential equivalent¹ - Public/Semi-Public - Recreation/Open Space <u>Urban Agriculture</u>⁴	- Residential: A range from 0.0-24.0 dwelling units per acre. - Residential Equivalent: Maximum of 3.0 beds per residential density per acre. - Public/Semi-Public: Maximum of 2.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required. - Recreation/Open Space: No limitation as to size. - Locational Criteria: Future application limited to land to be annexed with same designation within the County.
High Density Residential-30 (HDR-30)	- To designate residential areas that are suitable for high density residential development that respects the character and vision of the neighborhood as articulated in the applicable Neighborhood Plan. - Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.).	Residential	Accessory Dwelling Units - Residential equivalent¹ - Public/Semi-Public - Recreation/Open Space - Neighborhood-scale Commercial <u>Urban Agriculture</u>⁴	- Residential: A range from 0.0-30.0 dwelling units per acre. - Intensity: A range from 0.0-0.4 FAR; maximum lot coverage of 45%; and maximum building height of 35 feet. - Residential Equivalent: Maximum of 3.0 beds per residential density per acre. - Public/Semi-Public: Maximum of 2.0 acres; otherwise, a FLUM amendment to the Public/Semi-public category is required. - Recreation/Open Space: No limitation as to acreage or intensity. - Non-residential Use: Maximum lot

				coverage of 0.60 and maximum building height of 35 feet. ▪ Locational criteria: This category is well suited for areas in proximity to commercial and employment centers; public transit corridors; bicycle and pedestrian facilities; and public parks or open space. ▪ Non-residential uses shall be of a manner designed to provide neighborhood-serving, neighborhood-scale, convenience commercial goods and services, and to recognize such areas as primarily well-suited for neighborhood commercial uses consistent with the need, scale, and character of the neighborhood in which they are located.
MIXED USE CATEGORIES				
Downtown (D)	▪ To encourage and maintain the redevelopment of Downtown as the financial, commercial, governmental, cultural and recreational center of West Pasco through continued enhancement to its multi-modal accessibility, appearance, historic resources, utilization and facilities. ▪ Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.)	▪ Residential ▪ Transient Accommodation ▪ Office ▪ Retail ▪ Public/Semi-Public ▪ Recreation/Open Space	▪ Residential Equivalent¹ ▪ <u>Urban Agriculture</u>⁴	▪ Residential: A range from 5.0-15.0 dwelling units per acre ▪ Intensity: A range from 0.0-2.0 FAR. ▪ Residential Equivalent: Maximum of 2.0 beds per residential density per acre. ▪ Sites greater than 1.0 acre shall be required to incorporate a residential component. ▪ Residential developments shall include ground floor retail uses.
Downtown Core (DC)	In addition to those purposes identified for the Downtown future land use category, the purpose of the Downtown Core category is to: ▪ Encourage the best use of the premium location and to strengthen the city's core. ▪ Provide for a critical mass of residential and non-residential uses that support a resilient and sustainable urban center. ▪ Provide for a functional mix of downtown-appropriate development that offers a high-quality public realm with interesting places to live, work, and socialize.	▪ Residential ▪ Transient Accommodation ▪ Retail ▪ Service ▪ Office	▪ Public/Semi-Public ▪ Recreation/Open Space ▪ Residential Equivalent¹ ▪ <u>Urban Agriculture</u>⁴	▪ Residential: 10 - 30.0 dwelling units per acre. ▪ Intensity: 0.0 - 2.0 FAR. ▪ Residential Equivalent: Maximum of 2.0 beds per residential density per acre. ▪ Sites greater than 1.0 acre are required to incorporate a residential component. ▪ Ground floor retail uses are encouraged. ▪ Sites located within the Coastal High Hazard Area may not include a residential component that is greater in density than allowed by the site's former land use designation unless development rights for the additional increment of density have been approved through the City's Coastal Transfer of Development Rights program. ▪ Any increase in density exceeding that permitted by a site's existing zoning must be based, in part, upon a finding that the proposed change is compatible with the existing uses, density, intensity, and scale of

				development in the surrounding area.
Residential/Office (R/O)	▪ To designate areas suitable medium density residential and office development. ▪ Designated areas are determined to be appropriate for such uses due to market demands and availability of adequate community facilities. ▪ In order to encourage a true mix of uses and encourage the development of residential in conjunction with office uses, residential development can be guided by either the allowable density or floor area ratio (FAR), whichever calculation is more beneficial to the development. This concept permits residential uses to be competitive with office uses. ▪ Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.). ▪ R/O shall be considered a preferred land use category to delineate "centers" within the community.	▪ Residential ▪ Office	▪ Residential Equivalent¹ ▪ Public/Semi-Public ▪ Recreation/Open Space ▪ <u>Urban Agriculture</u>⁴	▪ Residential Use: A range from 5.0-10.0 dwelling units per acre. ▪ Intensity: A range from 0.0-0.4 FAR; maximum lot coverage of 45%; and maximum building height of 35 feet. ▪ Sites greater than 11,000 square feet are strongly encouraged to contain a residential component. ▪ Residential Equivalent: Maximum of 3.0 beds per residential density per acre. ▪ Public/Semi-Public: Shall not exceed a maximum of 3.0 acres without requiring an amendment to the Future Land Use Map. ▪ Recreation/Open Space - No limitation as to size. ▪ Future application of the R/O category in the CHHA shall not include a residential component unless density associated with the "Coastal Transfer of Development Rights" program has been applied, or the former land use category provided for residential use. In the latter case, the residential density of the previous land use category shall carry forward.
Residential/Office/Retail (R/O/R)	▪ To designate areas suitable for medium density residential, office and commercial development. ▪ Designated areas are determined to be appropriate for such uses due to market demands and availability of adequate community facilities. ▪ In order to encourage a true mix of uses and encourage the development of residential in conjunction with office and commercial uses, residential development can be guided by either density or the floor area ratio (FAR), whichever calculation is more beneficial to the development. This concept permits residential uses to be competitive with commercial and office uses. ▪ Provide a mix of housing that responds to the City's changing household demographics (e.g., age,	▪ Residential ▪ Office ▪ Retail	▪ Residential equivalent¹ ▪ Public/Semi-Public ▪ Recreation/Open Space ▪ <u>Urban Agriculture</u>⁴	▪ Residential Use: A range from 5.0-10.0 dwelling units per acre. ▪ Intensity: A range from 0.0-0.4 FAR; maximum lot coverage of 60%; and maximum building height of 60 feet. ▪ Sites greater than 25,000 square feet are strongly encouraged to have a residential component. ▪ Residential Equivalent: Maximum of 3.0 beds per residential density per acre. ▪ Transient Accommodation: Maximum of 10.0 units per acre. ▪ Public/Semi-Public: Maximum of 3.0 acres without requiring an amendment to the Future Land Use Map. ▪ Recreation/Open Space - No limitation as to size. ▪ Future application of the R/O category in the CHHA shall not include a residential component unless density associated with the "Coastal Transfer of Development Rights" program has been applied, or the former land use category

	household formation/size, income, etc.). ▪ R/O/R shall be considered a preferred land use category to delineate “centers” within the community.			provided for residential use. In the latter case, the residential density of the previous land use category shall carry forward.
COMMERCIAL CATEGORIES				
General Commercial (GC)	▪ To designate areas appropriate for the development and maintenance of a general commercial environment. This land use category is designed to support a wide variety of retail, consumer-oriented and general commercial uses and activities and professional and personal services in close proximity to major thoroughfares and residential concentrations.	▪ Office ▪ Retail ▪ Transient accommodation	▪ Public/semi-public ▪ Recreation/Open space ▪ <u>Urban Agriculture</u>⁴	▪ Maximum floor area ratio: 0.50 ▪ Maximum building height: 35 feet. ▪ Public/Semi-Public - Maximum of 3.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required. ▪ Recreation/Open Space: No limitation as to size.
Highway Commercial (HC)	▪ To designate areas suitable for heavy or intensive commercial uses along US 19. General commercial and office uses are also permitted. ▪ Due to the potential conflict between heavy or intensive commercial activity and residential development, residential uses are discouraged except in appropriate locations and in conjunction with a planned development district zoning. ▪ While permitting intense commercial activity, the land use category also recognizes the importance of protecting abutting development of a less intense nature.	▪ Heavy Commercial ▪ General Commercial ▪ Office ▪ Transient Accommodation ▪ Wholesale/distribution and storage/warehouse ▪ Residential (if outside)	▪ Public/semi-public ▪ Recreation/Open space ▪ Research/development ▪ Small-scale light manufacturing/assembly ▪ Residential (with exceptions)** ▪ <u>Urban Agriculture</u>⁴	▪ Maximum floor area ratio: 2.00. ▪ Maximum building height: 75 feet. ▪ Residential Equivalent: Maximum of 3.0 beds per residential density per acre. ▪ Transient Accommodation: Maximum of 25 units per acre. ▪ Residential Use: A range from 0.0-30.0 dwelling units per acre.** ▪ Public/Semi-Public - Maximum of 3.0 acres otherwise a Future Land Use Map amendment to the Public/Semi-public category is required. ▪ Recreation/Open Space: No limitation as to size. ▪ Research/development, small-scale light manufacturing/ assembly, storage/ warehouse dependent on the relationship between the proposed use and the following: – Neighboring uses and the character of the commercial area in which it is to be located; – Noise, solid waste, and air quality emission standards; – Hours of operation; – Traffic generation; and – Parking, loading, storage, and service provisions. – In no case shall such use exceed 1.0 acre without requiring an amendment to the Industrial Future Land Use Category. **The application of residential uses in the HC category within the CHHA shall be prohibited unless

				Coastal Transfer of Development Rights program density credits have been assigned by the City.
INDUSTRIAL CATEGORIES				
Light Industrial (LI)	To recognize areas suitable for industrial uses excluding those uses associated with adverse environmental impacts (e.g., noise, smoke, dust, or vibration).	- Light Warehousing - Wholesaling - Manufacturing - Processing	- Ancillary Retail - Ancillary Office <u>Urban Agriculture</u>⁴	- Maximum floor area ratio: 0.50. - Maximum building height: 35 feet. - Retail uses within any planned industrial distribution or office park shall be limited to 15% of the net project acreage. - In order to ensure compatibility with abutting land uses, the fringes of this land use category shall be buffered.
URBAN SUPPORT CATEGORIES				
Recreation/Open Space (ROS)	- To provide for open space and recreational facilities spatially distributed throughout the community that: - Recognize the recreational value of the natural environment; - Provide relief from the urban environment; and - Provide adequate active and passive recreational areas for the residents of the City and citizens from surrounding areas.	- Active and passive, indoor and outdoor recreational uses - Parks - Open space - Recreation Centers	- Ancillary residential use (e.g., caretaker residence) <u>Urban Agriculture</u>⁴	- Ancillary Residential Use: A range from 0.0-1.0 dwelling unit per acre. - Maximum lot coverage: 80%. - Maximum building height: 35 feet.
Public/Semi-Public (P/SP)	To show those major government-owned facilities, and other public uses, existing or proposed. This category also accommodates semi-public uses such as private establishments generally available for public use.	- Municipal buildings, operations and activities - Community facilities including schools, hospitals, medical clinics; religious facilities, cemeteries, adult living facilities, nursing homes, child day care, fraternal organizations and civic organizations - Utilities - Rights-of-way - Other similar uses	- Residential equivalent² - Recreation/open space - Ancillary residential use <u>Urban Agriculture</u>⁴	- Ancillary Residential Use: A range from 0.0-1.0 dwelling unit per acre. - Residential Equivalent: Maximum of 3.0 beds per residential density per acre. - Maximum floor area ratio: 2.00. - Maximum building height: 60 feet. - Locational criteria: Due to the broad spectrum of public service levels and accessibility requirements as the intensity of use varies, each use must be evaluated and located on the basis of its individual merits. These uses are generally appropriate to locations where health, public safety, civic, religious and like institutional uses are required to serve the community and to recognize the special needs of these uses relative to their relationship with surrounding uses and transportation access.

NOTES:

1. Residential Equivalent: A residential-like accommodation other than a dwelling unit, including group home, congregate care, nursing home, and comparable assisted living facilities.

2. Land uses and intensities specified in future land use category are permitted unless the applicable zoning district uses and intensities are more restrictive. In all cases, the more restrictive regulation shall prevail.
3. Lot coverage refers to building coverage only.
4. Urban Agriculture: Agricultural activity, including the cultivation, processing and distribution of plants and other food products. This use may include horticulture, indoor crop production (including aeroponic, aquaponic or hydroponic systems) and wholesale and/or retail sales. The raising and processing of livestock is prohibited.

SECTION II. That Future Land Use Element Goal FLU 4, Objective FLU 4.1 and Policy 4.1.1 are hereby established as follows:

GOAL FLU 4

The City shall allow urban agriculture as a use in multiple future land use plan categories, as a strategy to make New Port Richey a more sustainable urban community, to provide additional economic development opportunities and to address residents' access to fresh, locally-grown food.

Urban Agriculture

Objective FLU 4.1

Allow urban agriculture as a use in multiple future land use plan categories and zoning districts.

Policies

FLU 4.1.1 The City shall amend the Land Development Code to allow and regulate urban agriculture as a use in multiple zoning districts.

FLU 4.1.2 The City shall address the compatibility of urban agriculture activity with existing and future development by limiting associated wholesale or retail sales and other activities with potential negative impacts.

SECTION III. Severability. 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, clauses or phrases and their application shall not be affected thereby.

SECTION IV. Incorporation Into Comprehensive Plan. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of New Port Richey Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION V. Effective Date and Legal Status of the Plan Amendment. This Ordinance shall become effective as provided by law.

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

ATTEST:

CITY OF NEW PORT RICHEY,
FLORIDA

(SEAL)

Doreen Summers, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO LEGAL FORM AND CONTENT

Joseph A. Poblick, City Attorney