

Request:

~~Review and recommendation on an amendment to the Future Land Use Element addressing urban agriculture (Ordinance #2016-2074).~~

IV. Code Amendment COD2016-02:

Case: Code Amendment COD2016-02 – Urban Agriculture
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 urban agriculture (Ordinance #2016-2073).

Chris Mettler presented a consolidated Power Point presentation for the two companion ordinances. He stated that the Environmental Committee had asked the City to amend the regulations to allow urban agriculture as a use. He reviewed the health, social, economic and environmental benefits of urban agriculture. Mr. Mettler contrasted an urban agriculture use as a commercial, for-profit use with a community garden use, which is a recreational, not-for-profit use. He reviewed the proposed definition for “urban agriculture,” identified the future land use categories that would allow urban agriculture, and the goal, object and policies that would address the use. He noted that the Comprehensive Plan currently does not address agriculture as a land use, as there has not been a tradition of agriculture in the City. Regarding the proposed amendments to the Land Development Code, he identified the zoning districts that would allow urban agriculture and discussed the operational regulations. Mr. Mettler stated that livestock is not permitted per the definition of “urban agriculture,” onsite sales activity was limited in the residential zoning districts to garage sales, and indoor crop production (including hydroponic, aquaponic and aeroponic systems) would be limited to the Light Industrial zoning district. He reviewed the Environmental Committee’s role in approving applications, maintaining a registry and renewing applications on an annual basis. He concluded by noting that the Environmental Committee had reviewed and endorsed the ordinances.

Mr. Grey asked if urban agriculture would be allowed in the Downtown Residential Overlay District; Mr. Mettler confirmed the use would be allowed in the underlying zoning districts. Mr. Maysilles asked for clarification regarding animal prohibition, yet fish appear to be allowed. Mr. Mettler confirmed that fish would be allowed with an aquaponic system and bees would not. He clarified that indoor crop production would only be permitted in the Light Industrial zoning district. Dr. Cadle asked about retail sales, noting the sale of produce was prohibited on the residentially-zoned properties; Mr. Maysilles recommended clarification that on-site sales are prohibited.

Ms. Moran discussed the process of growing crops noting the need for irrigation and equipment. She asked about the limitation on the types of equipment permitted in residential districts. Mr. Mettler said the ordinance specifically regulates the type of equipment permitted and where it must be stored. Ms. Moran asked if there was a limitation on the area of a lot that could be used for urban agriculture. Mr. Mettler said the ordinance does not limit the allowable area.

Mr. Maysilles said there would be concerns about odors. He said agriculture requires the use of fertilizer and pesticides which can produce smells and other concerns. Dr. Cadle said smells can easily be controlled. Mr. Maysilles said the ordinance needs to include language that addresses a deadline to correct odor problems if they do arise.

Ms. Moran questioned the need for the ordinance since people are already permitted to have gardens. Mr. Grey said the ordinance is over-reaching and opens up the majority of the City to a commercial type use. Dr. Cadle said other cities already allow these types of uses and the City may be a little closed-minded on this issue.

Mr. Parillo asked about pesticides and if they were prohibited. Mr. Mettler said they are allowed provided they are not used within 200 feet of a well. Synthetic pesticides are not permitted. Mr. Grey questioned who monitors compliance. Mr. Mettler stated the Code Enforcement Staff would address complaints and noted

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).

X 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).

X 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