

ORDINANCE # 2016-2073

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO ADD URBAN AGRICULTURE AS A PERMITTED USE IN SECTION 7.01.02, R-1, RESIDENTIAL DISTRICT, SECTION 7.02.04, R-2, RESIDENTIAL DISTRICT, SECTION 7.03.02, R-3, RESIDENTIAL DISTRICT, SECTION 7.04.02, MF-10, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 7.05.02, MF-14, MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 7.06.02, MF-30, HIGH DENSITY RESIDENTIAL DISTRICT, SECTION 7.07.01, C-1, LIGHT GENERAL COMMERCIAL DISTRICT, SECTION 7.08.01, C-2, GENERAL COMMERCIAL DISTRICT, SECTION 7.09.01, HIGHWAY COMMERCIAL DISTRICT, SECTION 7.10.01, OFFICE DISTRICT, SECTION 7.11.01, DOWNTOWN DISTRICT, SECTION 7.12.01, LIGHT INDUSTRIAL DISTRICT, SECTION 7.14.01, GOVERNMENT DISTRICT AND SECTION 7.19.01, RESIDENTIAL/OFFICE DISTRICT; ESTABLISHING SECTION 7.25.00, URBAN AGRICULTURE; AMENDING SECTION 2.01.00, DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161, et seq., Florida Statutes, requires local governments to adopt land development regulations to implement their adopted Comprehensive Plan, and which contain all land development regulations for the City; and

WHEREAS, the City Council has heretofore adopted Ordinance #1221 establishing land development regulations in the City and several amendments thereto (Land Development Code); and

WHEREAS, the City Council has adopted Ordinance #2012-1988 in 2013, which amended the Land Development Code to allow community gardens; 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 Council desires to amend the land development regulations to allow urban agriculture.

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

SECTION I. That Section 7.01.02, Permitted uses in the R-1, Residential District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.01.02 Permitted land uses

Land uses permitted in the R-1, ~~R~~Residential ~~d~~District shall be as follows:

3. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances);
4. Special exceptions: The following uses may be allowed upon approval for a special exception by the city council in accordance with this code:
  - a. Churches, synagogues, temples or similar places of worship and their accessory uses.
  - b. Bed and breakfast operations as regulated under section 7.23.00 et seq. of this code.

SECTION II. That Section 7.02.04, Permitted uses in the R-2, Residential District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.02.04 Permitted land uses

Land uses permitted under this subdivision of the R-2, Residential ~~Land Use~~ District shall be as follows:

3. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances);
4. Special exceptions: The following uses may be allowed upon approval for a special exception by the city council in accordance with this code:
  - a. Churches, synagogues, temples or similar places of worship and their accessory uses.
  - b. Bed and breakfast operations as regulated under section 7.23.00 et seq. of this code.

SECTION III. That Section 7.03.02, Permitted uses in the R-3, Residential District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.03.02 Permitted land uses

Land uses permitted in the R-3, ~~R~~Residential ~~d~~District shall be as follows:

3. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances);
4. Special exceptions: The following uses may be allowed upon approval for a special exception by the city council in accordance with this code:
  - a. Churches, synagogues, temples or similar places of worship and their accessory uses.
  - b. Bed and breakfast operations as regulated under section 7.23.00 et seq. of this code.

SECTION IV. That Section 7.04.02, Permitted uses in the MF-10, Low-Medium Density Residential District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.04.02 Permitted use and structures

In the MF-10, Low-Medium Density Residential ~~multi-family medium density~~ ~~d~~District, the following are the permitted uses and structures:

4. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances);

5. Special exceptions: The following uses may be allowed upon approval for a special exception by the city council in accordance with this code:
  - a. Churches, synagogues, temples or similar places of worship and their accessory uses.

SECTION V. That Section 7.05.02, Permitted uses in the MF-14, Medium Density Residential District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.05.02 Permitted use and structures

In the MF-14, Medium Density Residential ~~multifamily medium density~~ District, the following are the permitted uses and structures:

4. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances);
5. Special exceptions: The following uses may be allowed upon approval for a special exception by the city council in accordance with this code:
  - a. Churches, synagogues, temples or similar places of worship and their accessory uses.

SECTION VI. That Section 7.06.02, Permitted uses in the MF-30, High Density Residential District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.06.02 Permitted use and structures

In the MF-30, High Density Residential ~~multifamily high density~~ District, the following are the permitted uses and structures:

4. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances);

SECTION VII. That Section 7.07.01, Permitted uses in the C-1, Light General Commercial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.07.01 Permitted uses:

2. Urban agriculture (indoor crop production prohibited).

SECTION VIII. That Section 7.08.01, Permitted uses in the C-2, General Commercial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.08.01 Permitted uses

15. Urban agriculture (indoor crop production prohibited).

SECTION IX. That Section 7.09.01, Permitted uses in the Highway Commercial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.09.01 Permitted uses

5. Urban agriculture (indoor crop production prohibited).

6. All uses which further the adopted ~~e~~Comprehensive ~~p~~Plan, upon approval by the development review committee.

SECTION X. That Section 7.10.01, Permitted uses in the Office District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.10.01 Permitted uses

13. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited).

SECTION XI. That Section 7.11.01, Permitted uses in the Downtown District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.11.01 Permitted uses

- ~~(57) Urban agriculture (indoor crop production prohibited).~~

SECTION XII. That Section 7.12.01, Permitted uses in the Light Industrial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.12.01 Permitted uses

10. ~~Urban agriculture. All other uses as determined by the development review committee which further the intent of the adopted comprehensive plan.~~
11. All other uses as determined by the Development Review Committee which further the intent of the adopted Comprehensive Plan.

SECTION XIII. That Section 7.14.01, Permitted uses in the Government District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.14.01 Permitted uses: Government district zoning

4. Urban agriculture (indoor crop production prohibited; on-site wholesale and retail sales prohibited).

SECTION XIV. That Section 7.19.01, Permitted uses in the Residential/Office Zoning District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.19.01 Intent/purpose.

The purpose of the Residential/Office (RO) Land Use District is to manage and guide the orderly growth in specific mixed land use districts in the City of New Port Richey. As such, there are specific development guidelines for each RO Land Use District. The specifically permitted Zoning District regulations for each are listed as follows:

3. Urban agriculture is permitted (indoor crop production prohibited; on-site wholesale and retail sales prohibited except at garage sales as permitted elsewhere in the LDC and New Port Richey Code of Ordinances).

SECTION XV. That Section 7.25.00, Urban Agriculture, of the New Port Richey Land Development Code is hereby established to read as follows:

#### 7.25.01 Purpose and intent.

It is the purpose and intent of this division to establish appropriate standards which allow for urban agriculture, while mitigating any associated undesirable impacts. Urban agriculture may create impacts which can be detrimental to the quality of life of adjacent property owners.

#### 7.25.02 Operational requirements.

##### A. Maintenance.

1. The property shall be maintained in an orderly and neat condition consistent with City property maintenance standards. No trash or debris shall be stored or allowed to remain on the property.
2. Tools and supplies shall be stored indoors or removed from the property daily.
3. Power tools (e.g., mowers, tillers) shall be stored at the rear of the property and screened from view by landscaping and fencing.
4. Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion and shall not create a visual blight or offensive odors.
5. The agricultural use shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off of the property. Pesticides, fertilizers and other such chemicals are prohibited within 200 feet of an existing or designated wellhead as per Section 8.06.03 of this Code.
6. For the health and safety of all area residents, synthetic chemical fertilizers, herbicides, weed killers, insecticides, and pesticides are not permitted on the property. Herbicides and insecticides made from natural materials are permitted, but are to be used sparingly and with caution. Pesticides and fertilizers may only be stored on the property in a locked building (with proper site plan and building permit approval) and must comply with any other applicable requirements for hazardous materials.

##### B. Equipment. Mechanical equipment used in the operation of an urban agriculture use shall be limited to the following:

1. Riding/push mowers designed for personal household use;
2. Hand-held tillers or edgers that may be gas or electrically powered; and
3. Other hand-held equipment designed for personal household use that creates minimal impacts related to the operation of said equipment, including noise, odors and vibration.

##### C. Accessory structures. All accessory structures, including but not limited to picnic tables, sheds, and water pumps, shall comply with the requirements of the zoning district and the applicable provisions of Chapter 12, Accessory Uses.

##### D. Parking. Parking is allowed on site in designated areas consistent with zoning district development standards provided in the Land Development Code.

##### E. Trash. The property owner shall coordinate the location and type of trash container used on the site with the solid waste service provider. Trash containers shall be located in the least obtrusive location possible.

#### 7.25.03 Urban Agriculture Application and Register.

##### A. Applicability. All urban agriculture uses shall be approved by and registered with the City of New Port Richey's Environmental Committee annually.

- B. Applications shall include the contact information for the applicant who shall be responsible for the management of the urban agriculture use. The applicant shall be responsible for notifying the Environmental Committee of any updated contact information.
- C. Upon receipt of the application, the Environmental Committee shall add the contact information to the registry and forward an updated registry to Code Enforcement.
- D. An urban agriculture use registration shall expire one (1) year after the original filing date and may be renewed on an annual basis. If a registration is not renewed, the property owner shall return the site to its original condition within thirty (30) days of non-use and is subject to Code Enforcement if non-compliant. Any material modifications (structures, fencing, signage, and so on) to the property requiring permits must abide by relevant zoning regulations and follow all permitting and review requirements of the City of New Port Richey.
- E. Upon the establishment of an urban agriculture use, the applicant may have installed on the subject property and maintain a posting of the contact information for the urban agriculture use. This posting shall not exceed four square feet in size.

SECTION XVI. 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

*Aeroponic system:* The process of growing plants in an air or mist environment without the use of soil or an aggregate medium.

*Aquaponic system:* The symbiotic propagation of plants and fish in an indoor, constructed and recirculating environment.

*Hydroponic system:* The propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media.

*Indoor crop production:* The growing of produce using soilless aeroponic, aquaponic and hydroponic systems, or soil or other organic material within greenhouses, warehouses and other buildings.

*Livestock:* Domesticated animals, kept and raised in an agricultural setting.

*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 XVII. 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 XVIII. 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 XIX. 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