

ST. PETERSBURG CITY COUNCIL

Meeting of November 24, 2014

TO: The Honorable William H. Dudley, Chair, and Members of City Council

SUBJECT: **City File LDR-2014-01:** Amendment to St. Petersburg City Code, Section 1-2, Section 8-5 and Chapter 16, Land Development Regulations (“LDRs”).

REQUEST: Second reading and (adoption) public hearing of the attached ordinance to amend the text of the City Code of Ordinances, Section 1-2 titled “Definitions and Rules of Construction,” Section 8-5 titled “Recommended Fertilizer Regulations,” Chapter 16, Land Development Regulations (“LDRs”), Section 16.50.085 titled “Community Gardens” and Section 16.90.020.3 titled “Definitions.”

ANALYSIS: An introduction and detailed analysis is provided in the attached staff report prepared for the Development Review Commission (DRC).

UPDATE: Since the DRC staff report was distributed with a draft ordinance attached, five minor edits were made, as described below.

1. Addition of more specific language relating to the proposed fertilizer regulation changes (Ordinance Title).
2. The word “principle” corrected to “principal” (Section 16.50.085.2).
3. Removal of the Downtown Center Park (DC-P) zoning district from the list of zoning districts where limited on-site retail sales of products grown on-site are permitted (Section 16.50.085.4.3.B).
4. The words “South West” corrected to “Southwest” (Section 16.50.085.4.8.B).
5. Edit of the language related to compliance with fertilizer regulations from specifically naming the Pinellas County ordinance to more generic language, similar to the other items included in the Environmental Compliance subsection (Section 16.50.085.4.8.D).

SUMMARY: Administration: The Administration recommends APPROVAL.

Development Review Commission (DRC): The Commission conducted a public hearing on October 1, 2014 to consider the applicant’s request. The Commission voted 6-0 finding that the request is consistent with the City’s Comprehensive Plan.

Recommended City Council Action:

1. CONDUCT the second reading and (adoption) public hearing;
2. APPROVE the ordinances.

Public Comments:

On September 30, 2014 the President and Director of the Sustainable Urban Agriculture Coalition (SUAC) submitted a letter regarding fertilizers and urban agriculture which expressed support for the proposed ordinance.

ATTACHMENTS: Ordinance
DRC Staff Report
SUAC Letter (September 30, 2014)

ORDINANCE NO. ____-G

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE; AMENDING SECTION 16.50.085 COMMUNITY GARDENS TO ALLOW RETAIL SALES; PROVIDING FOR ADDITIONAL FINDINGS; CREATING ADDITIONAL RESTRICTIONS AND PERMITS; AMENDING SECTION 16.90.020.3 BY CREATING A DEFINITION FOR VALUE-ADDED PRODUCTS; PROVIDING THAT ANY REFERENCE TO A CODE OR SECTION OF ANY GOVERNMENT REGULATION SHALL MEAN THAT CODE OR SECTION AS AMENDED AFTER ADOPTION OF THE REFERENCE; ADOPTING THE COUNTY ORDINANCE REGULATING FERTILIZER AS EFFECTIVE IN THE CITY AND REPEALING SECTION 8-5 RELATED TO FERTILIZER REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

Section 1. Section 16.50.085 of the St. Petersburg City Code is hereby amended to read as follows:

16.50.085.1. Applicability.

- A. This section shall apply to community garden uses as a principal use.
- B. This section shall not apply to a ~~residential~~ garden which is accessory to a principal ~~residential~~ use. Garden uses are often accessory uses to many principal uses, including residential uses, educational uses, restaurant uses, café uses, and house of worship uses.
- C. It shall be unlawful for any person to operate a community garden without a permit as required by this Chapter.

16.50.085.2. Purpose and intent.

Community gardens may create impacts which can be detrimental to the quality of life on adjacent properties. The purpose and intent of this section is to establish appropriate standards ~~that which~~ allow for a community garden use, while mitigating any associated undesirable impacts. A community garden is a principal use that which allows the growing, harvesting and incidental retail sale of edible fruits or vegetables or other plant products intended for ingestion by neighboring residents, friends, owners, and the permittees of the owner ~~to grow produce and horticultural plants~~ for their consumption and enjoyment and for the consumption and enjoyment of ~~friends and relatives~~ others on a not-for-profit basis, except as expressly allowed herein.

~~Community gardens may create impacts which can be detrimental to the quality of life of adjacent property owners.~~

16.50.085.3. Establishment.

~~Community garden is a use of property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment and/or for the consumption and enjoyment of friends and relatives, generally on a not for profit basis. Community garden uses are shall be allowed in any zoning district and shall comply with the development standards of the zoning district, the general development standards, and this section.~~

16.50.085.4. Use specific development standards.

16.50.085.4.1. Property maintenance.

- A. The property shall be maintained in an orderly and neat condition consistent with the City property maintenance standards.
- B. No trash or debris shall be stored or allowed to remain on the property outside of approved garbage containers.
- C. Tools and supplies shall be stored indoors or removed from the property daily.
- D. 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.
- E. Large power tools (e.g., mowers, tillers) shall be stored at the rear of the property.
- F. The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off of the property. Pesticides and fertilizers may only be stored on the property in a locked building or shed and must comply with any other applicable requirements for hazardous materials.

16.50.085.4.2. Hours of operation and noise limitations.

~~No retail sale gardening activities shall take place before 7:00 a.m. or after 9:00 p.m. ~~sunrise or after sunset.~~ All activities shall comply with the Noise Ordinances (currently Sec. 11-47, et. seq.) ~~The use of hand tools and domestic gardening tools and equipment is encouraged; the use of small power equipment, such as gas powered tillers and edgers is allowed. Gas powered equipment which is greater than ten horsepower is prohibited.~~~~

16.50.085.4.3. Sale of produce and horticultural plants.

- A. A community garden is not allowed ~~intended~~ to be a commercial enterprise; however, there may be occasions when surplus is available. On-site retail sales of products grown on-site, including value added-products such as pickles and jams, are permitted only in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Downtown Center Core and 1, 2, and 3 (DC Core, 1, 2, 3), Retail Center (RC), Employment Center (EC), Institutional Center (IC), and Industrial (IT, IS) zoning districts and shall comply with all the requirements of this Section. The produce and horticultural plants grown in a community garden are not intended to be sold wholesale nor offered for sale on the premises.
- B. On-site retail sales of products grown on-site are permitted in the Neighborhood Traditional (NT), Neighborhood Suburban (NS, NSM, NMH and NPUD), Corridor Residential Traditional (CRT), and Corridor Residential Suburban (CRS) zoning districts and shall

comply with all the requirements of this Section including the following additional conditions applicable only to these zoning districts:

1. Sales are limited to a maximum of one (1) special sales event per calendar month;
2. Sales are prohibited Monday through Thursday, except for national holidays;
3. Each sales event shall not exceed a total of three (3) consecutive days or, when a national holiday falls on a Thursday or Monday, four (4) consecutive days.
4. No retail sales activities shall encroach into the right of way.
5. Only one temporary sign is allowed, which shall be attached to the table, structure or furniture from which the produce is sold and only on days when retail sales are allowed.

C. Surplus produce and plants may be sold off the premises to assist in defraying the costs of the community garden.

16.50.085.4.4. Accessory structures.

Structures, including sheds, buildings or signs, shall comply with the requirements of the zoning district.

16.50.085.4.5. Garbage Containers. Trash storage.

Garbage container types, use and maintenance shall comply with the Solid Waste Collection, Disposal Section of the Code (currently Ch. 27, Art. V). The property owner shall coordinate the location and type of the trash container used on the site with the POD. Trash containers shall be located abutting the alley. If there is no alley, then they shall be located to the rear of the property unless the POD determines that another location creates less impact on the adjacent properties and is accessible by the City's Solid Waste Collection vehicles.

16.50.085.4.6. Fencing.

All fencing shall comply with the requirements ~~for residential uses~~ in the fence, wall and hedge regulations section (currently section 16.40.040).

16.50.085.4.7. Required yards.

Plantings shall not be planted closer than five feet to the side or rear property line and not closer than ten feet to the front or street side property line. Climbing plants, such as beans and snow peas, may encroach out of these boundaries when grown on structures allowed by this Chapter. All plantings shall comply with the visibility at intersections requirements.

16.50.085.4.8. Environmental Compliance.

A. Soil. The community garden shall comply with all federal, state and local regulations pertaining to agricultural production and soil suitability.

B. Water. Water conservation and stormwater runoff prevention practices shall be employed in accordance with applicable regulations adopted by the Southwest Florida Water Management District (SWFWMD) and the City. In addition, it is recommended that community gardens use water conservation techniques, including sheet mulching, basins and swales, and drip irrigation systems.

C. Pesticides and Herbicides. Community gardens shall comply with all federal, state and local regulations pertaining to pesticides and herbicides.

D. Fertilizer. Community gardens shall comply with all federal, state and local regulations pertaining to fertilizer.

Section 2. The St. Petersburg City Code is hereby amended by creating a definition for 'Value-added product' in Subsection 16.90.020.3, to be listed alphabetically, which shall read as follows:

Value-added product means a crop that is altered from the harvesting stage of production to the retail sale stage with the addition of ingredients that preserve or enhance the flavor of the crop. The primary ingredients of a value-added product are crops grown and harvested on-site, and the secondary ingredients are often not grown on-site. Secondary ingredients include, but are not limited to, brine, vinegar, oil, pectin, sugar, honey, salt, spices, herbs and garlic. For example, pickles are a value-added product wherein the primary ingredient (cucumbers) are grown and harvested on-site and secondary ingredients (vinegar, salt and dill) may or may not be produced on-site.

Section 3. The following sentence in Section 16.90.020.3 of the St. Petersburg City Code (but only this sentence) is hereby amended to read as follows:

Any reference to a specific code, section, subsection, article, chapter, etc. of the City, County, or State, United States, or any other governmental entity, or to an official publication which establishes standards to be followed or best practices, shall mean and include, "as amended."

Section 4. Section 8-5 of the St. Petersburg City Code is hereby deleted in its entirety and replaced and amended to read as follows:

8-5. Fertilizer Regulations. Chapter 58, Article XIII, Sections 58-471 through 58-485 of the Pinellas County Code regulating the sale, application or other use of fertilizer shall be in full force and effect within the city limits of St. Petersburg.

Section 5. Section 1-2(a) of the St. Petersburg City Code is hereby amended by adding the following sentence at the end of the section to read as follows:

Any reference to a specific code, section, subsection, article, chapter, etc. of the City, County, State, United States, or any other governmental entity, or to an official publication which establishes standards to be followed or best practices, shall mean and include, "as amended."

Section 6. Coding: As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

Section 7. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 8. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with



DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing on July 2, 2014
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

APPLICATION: LDR 2014-01

APPLICANT: The City of St. Petersburg
275 5th Street North
St. Petersburg, FL 33701

REQUEST: Text amendment related to Community Gardens and fertilizer application within the city. (*City Code of Ordinances, Chapter 16, Land Development Regulations ("LDRs"), Section 16.50.085 titled "Community Gardens" and Section 16.90.020.3 titled "Definitions." City Code of Ordinances, Chapter 1, General Provisions, Section 1-2 titled "Definitions and Rules of Construction" and Chapter 8, Buildings and Building Regulations, Section 8-5 titled "Recommended Fertilizer Regulations."*) The applicant is requesting that provisions related to community gardens be changed to allow farmers within the city more flexibility and that the current section on fertilizer application, which functions as a recommendation, be replaced with a provision which requires compliance with Pinellas County's Fertilizer Ordinance.

The applicant requests that the Development Review Commission ("DRC") review and recommend approval, confirming consistency with the City of St. Petersburg's Comprehensive Plan ("Comprehensive Plan").

AUTHORITY: Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission ("LDRC"), is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.

EVALUATION:

Recommendation

The Planning & Economic Development Department finds that the proposed request is consistent with the Comprehensive Plan and recommends **APPROVAL**.

Background and Analysis

Community Gardens

In 2009 the City Council approved amendments to the LDRs creating two new sections, one which provided for community gardens as an allowable use through a special permit and the other which provided procedures for review and approval of an annual community garden permit (City File LDR2009-05, Ordinance 933-G, LDR Section 16.50.085 titled "Community Gardens" and Section 16.70.030.1.13 titled "Community Garden Permit.") Since that time the demand for urban agriculture within the City has grown, prompting inquiry into allowing urban agriculture beyond the scope of what is currently set forth in LDR Section 16.50.085.

Planning and Economic Development Department staff began researching urban agriculture, beyond the scope of community gardens, in 2013 and presented findings to the Public Service and Infrastructure Committee two times in the calendar year, on June 13 and December 12. During this time staff also received two memorandums on the topic—the first from the Sustainable Urban Agriculture Coalition (SUAC) and Bon Secures St. Petersburg Health System (dated June 10, 2013) and the second from The Edible Peace Patch Project (dated July 10, 2013). In 2013 staff also met with representatives from SUAC and the Edible Peace Patch Project on multiple occasions. During 2013 staff conducted extensive research based on input from both the Public Service and Infrastructure Committee Members and the community organizations.

By early spring 2014 staff had two urban agriculture working drafts; one was referred to as the "short-term" ordinance and the other as the "long-term" ordinance. The reason for the two draft ordinances relates to the structure of land use planning in Pinellas County. The Pinellas Planning Council (PPC) is responsible for the Countywide Future Land Use Map and the accompanying *Countywide Plan Rules*, which sets maximum densities, intensities and uses by Future Land Use Map categories. Each City zoning district must be compatible with a Future Land Use Map category; each zoning district can be more prohibitive than the maximum densities, intensities and uses set forth in the *Rules*, but cannot be more permissive unless the City undergoes what is called the "Special Area Plan" process (e.g., our Vision 2020 Special Area Plan). Due to this framework, "Agricultural" uses are only currently allowed in four (4) of the 17 Future Land Use Map categories designated within the city, Residential Low (RL), Residential Urban (RU), Industrial Limited (IL), and Industrial General (IG). The current Community Gardens use in the LDRs is structured as a special permit that has to be obtained, so is not a by-right use listed in LDR Section 16.10.020.1 titled "Matrix: Use Permissions, Parking Requirements Matrix and Zoning Matrix."

The purpose of the draft short-term ordinance was to fine-tune the current Community Gardens permitting system to allow flexibility for farmers within the framework of the current *Rules*. The purpose of the draft long-term ordinance was to delete the current Community

Gardens permitting system and add "Urban Agriculture" as a by-right permitted use in several zoning districts, when allowed by the updated *Rules*.

On March 20, 2014, staff met with the SUAC Board and a representative from the Edible Peace Patch Project to present these two (2) draft ordinances for comment and discussion. Concerns were raised regarding the time-frame for the long-term ordinance; other discussion centered on operational characteristics of urban farming generally and was not specific to the ordinances presented. Following the meeting several SUAC Board Members provided comments on the ordinances which were addressed and incorporated into the draft ordinances.

The draft ordinances were presented to the Sustainability Council at its March 26, 2014 meeting. In June 2013, the City Council passed a resolution establishing a Sustainability Council to address the four E's: economy, environment, (social) equity and efficiency. Since that time, the Council organized into four (4) groups: Built Environment, Mobility, Community and Health. Comments received from the Sustainability Council's Health Group have also been addressed and incorporated into the ordinances.

The draft ordinances were presented to the All Children's Hospital Community Health Coalition at its May 30, 2014 meeting.

On July 17, 2014 the draft ordinances were presented to the Public Service and Infrastructure Committee. Committee Member comments included a request that staff add a provision requiring garbage containers be animal-proof and a provision which explicitly requires community gardens to follow the City's ordinance relating to fertilizer application. As a follow-up to the container request, Planning and Economic Development staff consulted with the Sanitation Department. Sanitation Department staff referred to the Code of Ordinances, Part II, Chapter 27, Article V, Division 2 titled "Containers." These provisions require property owners to keep containers tightly covered at all times and also dictate the type, specification and location on the property of garbage containers. Since other uses (e.g., restaurants, grocery stores) exist within the City that regularly deposit food scraps and waste, staff recommends continued enforcement of the existing provisions rather than creation of new regulations specifically for community gardens.

Fertilizer Regulations

Following-up on the fertilizer request, the City Attorney's Office staff noticed that the City ordinance pertaining to fertilizer application (Ordinance No. 920-G) only contains a *recommendation* that citizens refrain from using fertilizers containing nitrogen and phosphorous during the restricted season, but it is not *required*. Pinellas County's Fertilizer Ordinance, which does contain such a fertilizer application requirement, exempts community vegetable gardens and bona fide agricultural operations from compliance. However, the ordinance does require community vegetable gardens to comply with fertilizer application rates in the UF/IFAS Florida Vegetable Gardening Guide. To obtain a better understanding on this item, City staff met with SUAC Board Members on September 22, 2014. The SUAC Board meeting was attended by those with extensive experience in urban gardening. Key points on fertilizer shared by those in attendance included:

- Most edible plants are not grown during the restricted season, although some are (e.g., watermelon);

- The amount of acreage used for community gardens is very small, therefore run-off impacts are de minimus when compared to the impacts of using fertilizer on residential lawns;
- The current Community Gardens section already requires that the garden be designed to prevent any fertilizer waste from draining off of the property; and
- The fertilizer run-off from an eight (8) acre farm is equivalent to that of a one (1) acre single family home property.

According to UF/IFAS literature, unless very large quantities of organic fertilizer materials are used, commercial synthetic fertilizer is usually needed for Florida gardens. Based on the input of SUAC Board Members and UF/IFAS literature, staff does not recommend any additional fertilizer regulations for community gardens, beyond what is required by the Pinellas County ordinance.

Future Considerations

Review of the draft ordinances by the City Attorney's Office in late July and August 2014 raised implications related to the Florida Right to Farm Act (FRTFA). The FRTFA restricts nuisance suits against farm operations and does not allow local governments to adopt any rules or ordinances which restrict or limit land used for bona fide agricultural purposes. Bona fide agricultural purposes means good faith commercial agricultural use of the land. Based on this information, it was determined that the draft long-term ordinance, which describes urban agriculture as a commercial use, needs further research and vetting before consideration for adoption. However, similar concerns with the draft short-term ordinance were resolved through relatively minor edits to the language.

Proposed Ordinance Summary

The draft ordinance is based on memorandums received from community groups, staff research and feedback on the draft ordinance. The draft ordinance proposes amendments to three (3) sections of the LDRs and will accomplish the following:

- Allow flexibility for community gardens considered accessory to an allowable principal use—the provisions of LDR Section 16.50.085 titled *Community Gardens* will not apply;
- Clarify that community gardens must operate in accordance with the Noise Ordinance in Chapter 11, removing references to a specific horsepower threshold for gas powered equipment;
- Allow on-site retail sales of products grown on-site in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Downtown Center Core and 1, 2, and 3 (DC Core, 1, 2, 3), Retail Center (RC), Employment Center (EC), Institutional Center (IC), and Industrial (IT, IS) zoning districts;
- Allow on-site retail sales of products grown on-site in the Neighborhood Traditional (NT), Neighborhood Suburban (NS, NSM, NMH and NPUD), Corridor Residential Traditional (CRT), Corridor Residential Suburban (CRS), and Downtown Center Park (DC-P) zoning districts subject to certain conditions and on a limited basis;
- Clarify that garbage containers must comply with the Solid Waste Collection, Disposal Section of the Code, removing references to specific provisions for community gardens;

- Establish an Environmental Compliance subsection, aimed at educating and raising awareness among community garden operators of applicable federal, state, regional and county soil, water, fertilizer and pesticide and herbicide regulations;
- Establish a definition for *Value-added product*; and
- Add the County, United States and other governmental entities to the list of cited governments in the Definitions section of the LDRs which sets forth that referenced regulations shall mean and include “as amended.”

The draft ordinance also proposes amendments to two (2) sections of the Code of Ordinances and will accomplish the following:

- Delete section making recommendations on fertilizer application in its entirety and replace with language specifying that the Fertilizer Regulations in the Pinellas County Code shall be in full force within city limits.
- Establish in the Definitions section of the Code of Ordinances that references to government regulations shall mean and include “as amended” to avoid confusion since regulations are frequently amended.

The proposed ordinance revises the current Community Garden section, clarifying certain provisions and expanding opportunities where appropriate. It also requires compliance with fertilizer application regulations which limit the use of fertilizers containing nitrogen and phosphorous from June 1st to September 30th. Based on the extensive public input provided, City Staff believes these proposed amendments balance the general interests of community garden operators and the potential concerns of neighboring property owners.

Compliance with the Comprehensive Plan

The following objectives and policies from the Comprehensive Plan are applicable to the proposed amendment:

Objective LU21: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Policy LU21.1: The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

Objective LU25: The City shall support site planning and building design techniques that minimize heat island effects, which can warm surface temperatures and increase the use of air conditioning, resulting in greater energy use and GHG emissions.

Objective C2: The City of St. Petersburg shall work toward reducing the existing quantity and improving the quality of Stormwater runoff to surface water bodies, and improving water quality in Tampa Bay through implementation of the SWIM Tampa Bay Management Plan.

Policy C4.1: The City shall preserve and increase vegetation (trees, shrubs, herbaceous plants) through enforcement of the existing Land Development Regulations and promote further restoration of native vegetation to produce oxygen and filter air pollutants.

Objective CM6: The City shall work toward reducing the existing quantity and improving the quality of stormwater runoff to surface water bodies, and improving water quality in Tampa Bay through implementation of the SWIM Tampa Bay Management Plan.

Policy CM6.13: The City shall maintain 50% green permeable open space citywide.

Objective R4: The City shall coordinate public, semi-public and private resources to provide adequate, appropriate open space requirements in the Land Development Regulations to maintain a Citywide total of 50 percent green, permeable open space within the City.

Housing Affordability Impact Statement

The proposed amendments will have no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

Adoption Schedule

The proposed amendment requires one (1) public hearing, conducted by the City of St. Petersburg City Council. The City Council shall consider the recommendation of the DRC and vote to approve, approve with modification or deny the proposed amendment:

- 11-06-2014: First Reading
- 11-24-2014: Second Reading and Public Hearing

Exhibits and Attachments

1. Proposed Ordinance
2. SUAC Letter of Support
3. Housing Affordability Impact Statement

September 24th, 2014

St. Petersburg Development Review Commission
Municipal Services Center – 1st Floor
One 4th Street N
St. Petersburg, FL 33731

Dear Members of the Development Review Commission,

The Sustainable Urban Agriculture Coalition (SUAC) wholeheartedly supports and asks you to support, the two upcoming Urban Agriculture City Ordinances: Section 16.50.085 the “short term” ordinance and Section 16.50.415 the “long term” sections as amended. SUAC worked initially and consistently with the City Planning Department, who welcomed our support, to help formulate these profound, community enriching, urban agriculture ordinances. Their outcomes allow not only a broader brushstroke to stimulate gardening and its positive accoutrements, but also small commercial agriculture enterprises.

We feel other, local entities and individuals, engaged in urban agriculture practices or wishing to do so, will also support these two ordinances.

As a non-profit entity, it is the mission of SUAC to facilitate the creation of gardens to increase accessibility to locally grown, healthy and organically grown produce and educate the populace concerning the benefits of growing your own food.

SUAC greatly appreciates, respects, and thanks The City Planning Departments’ Derek Kilborn and Catherine Lee, for their research, effort, and patience from stakeholders involved in the local urban agriculture movement. The economic, social and health benefits of urban agriculture, and the proposed, progressive Urban Agriculture Ordinances will allow St. Petersburg citizens to pursue a more comprehensive, healthy, using sustainable living elements.

Thank you for your consideration,

Ray Wunderlich III SUAC President, SUAC Board of Directors

City of St. Petersburg Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately \$2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. **Initiating Department:** Planning & Economic Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2014-01).

III. **Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No (No further explanation required.)

Yes Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be: \$_____.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No (No further explanation required)

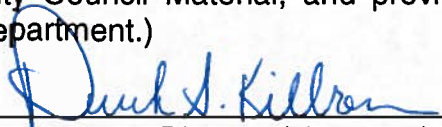
Yes Explanation:

IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

- The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)



Department Director (signature)

10.13.2014

Date

OR

- The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Department Director (signature)

Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development

SUSTAINABLE URBAN AGRICULTURE COALITION

Re: St. Petersburg Urban Agriculture Ordinances

September 30, 2014

We, the Sustainable Urban Agriculture Coalition or SUAC, acknowledge the foresight of Pinellas County and the City of St. Petersburg in having legislated our current laws restricting the application of nitrogen and phosphorous fertilizers during the Florida rainy season. It is well known that in the past there have been serious environmental impacts from widespread chemical fertilizer and pesticide applications to maintain turf grass as a part of landscape settings. However, to project these same concerns and considerations on to small-scale local food growing as manifested in community gardens and other local urban food production spaces we contend is misleading and not appropriate. Here's why.

First: The degree of scale is far from equivalent. Food growing in our city is on a miniscule scale compared to the management of turf grass lawns in our residential, institutional, and public spaces. The degree of impact could not be comparable. Also because we are a city that is heavily built out there is very little opportunity for much large-scale commercial growing to expand and create negative environmental impacts. Land prices in the city are also prohibitive to commercial agriculture of any extensive size.

Second: Much of the small-scale food growing is done organically with slow release nutrients of low N-P-K analysis unlike turf grass management. These organic fertilizers generally are mostly composed of slow release natural ingredients which degrade over a much longer period of time compared to chemically formulated products and thus are not a potential environmental threat.

The chemical runoff from the average residential turf landscape produces more chemical runoff than an eight acre organic urban farm. (Paraphrase of a statement by Rick Martinez, founder and director of Sweetwater Farm, Tampa)

Third: An on-line search of urban agriculture environmental impacts generally shows an unbounded enthusiasm for the positive environmental benefits of growing food in urban areas particularly with regard to soil, water, and air pollution. It is universally acknowledged that when urban lawn areas are converted to local urban food growing there is a conversion to far fewer and less harmful fertilizer applications resulting in positive environmental improvements.

According to Mary Campbell, University of Florida/IFAS Extension Director in Pinellas County, "many progressive communities are working together to support the urban agriculture initiatives. Urban agriculture plays an important role to connect citizens to local food systems and maintain green space in urban communities. As with any new initiative, best management practices are important and can reduce concerns about

fertilizers, water use, pesticides and composting. The University of Florida/IFAS Extension supports the education to create sustainable communities and food systems. The Florida Friendly Landscape Program has a long history of educating residents on reducing the use of chemicals in our urban communities.”

Because of the above listed factors the Board of Directors of SUAC unanimously feels strongly that urban agriculture in our city should be fully supported by codes and regulations that help increase the conversion of urban land usage to local food production for the enhancement of local self-reliance, environmental quality, and sustainability here in St. Petersburg.



Ray Wunderlich
SUAC President



Bill Bilodeau
SUAC Director