



Staff Report to the St. Petersburg Development Review Commission
Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

For Public Hearing Review on Wednesday, November 4, 2020
at 2:00 p.m. in the Council Chambers, City Hall
175 – 5th Street North, St. Petersburg, Florida 33701

City File: LDR 2020-05

Urban Agriculture Related Amendments

This is a City-initiated application requesting that the Development Review Commission (DRC), in its capacity as the Land Development Regulations Commission (LDRC), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the following text amendments to the City Code, Chapter 16, Land Development Regulations (LDRs) pertaining to Urban Agriculture. The purpose of these text amendments is to expand opportunities for the production and sale of produce in the City by removing regulatory barriers as follows:

1. Community Gardens: eliminate not-for-profit requirement, which eliminates barriers created by the 501-C (3) process, extend date of initial permit expiration and lower fees;
2. Commercial Gardens and Greenhouses: allow as a permitted use in Industrial Traditional (IT) and Industrial Suburban (IS) zoning districts, rather than a Special Exception, which will eliminate the public hearing before the Development Review Commission and create Use Specific standards to address compatibility, screening, noise and odor concerns;
3. Sale of Produce:
 - in residential districts, allow on-site sales of produce (including honeybee products) on residential properties with limits on frequency, up to 12 events per calendar year;
 - in commercial districts, expand options for selling produce, from vehicles, and on vacant property under the Roadside Vending provisions, and lower associated fees;
4. Landscape maintenance: changes to address edible plants, allowing greater height;
5. Accessory structures: expand allowances to design and setback standards to include gardening structures including Hoop Houses, Cold Frames, Greenhouses, Vertical Vegetable Structures and raised planter beds.

APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, Florida 33712

STAFF
CONTACT: Ann Vickstrom, AICP, RLA, Planner II
Urban Planning and Historic Preservation Division
Planning and Development Services Department
One – 4th Street North
St. Petersburg, Florida 33711
Ann.Vickstrom@stpete.org
(727) 892-5807

INTRODUCTION

This application includes a set of proposed text amendments relating to Urban Agriculture to expand opportunities for the production and sale of produce. Multi-year discussions have included many aspects relating to community gardens, urban agriculture uses, and produce sales.

Background

For the past decade, the City has expanded opportunities for production and distribution of produce through amendments to the Land Development Regulations and through City policies and programs including Health in all Policies programs, the Regional Food Policy Council, and establishment of a Youth Farm at Enoch Davis Community Center.

In 2009, Community Gardens were added to the Land Development Regulations (LDRs), with a requirement for an annual permit. In 2011, the City added the “Commercial Gardens and Greenhouse” use as a Special Exception, requiring a public hearing review and approval.

In 2013, staff continued researching Urban Agriculture and working with stakeholders including the Sustainable Urban Agriculture Coalition, Bon Secours, Edible Peace Patch, Local Food Project, and the Pinellas County Cooperative Extension Service. As part of this effort, amendments were made to the Community Garden LDRs in 2014 which included the following: eliminating permit requirements for accessory gardens; allowing accessory gardens at education facilities, restaurants, and houses of worship; eliminating restrictions on power tool use; allowing on-site retail sales of produce and value added products (jams, jellies) in non-residential districts; allowing storage sheds; and providing requirements for use and storage of pesticides, herbicides and fertilizers.

In 2017, the staff revisited the Urban Agriculture related land development regulations. The proposed amendments are a result of further review of stakeholders’ input, applicable Countywide rules and State legislation (Right to Farm Act and Chapter 586 Florida Statutes – the Honeybee Law).

The proposed LDR amendments were presented and reviewed at the Health, Energy, Resiliency and Sustainability (HERS) Committee meeting on July 29, 2020, where the committee voted to direct staff to move the amendment forward to public hearings. A workshop was held before the DRC on September 22, 2020.

PROPOSED LDR TEXT AMENDMENT

The proposed amendments to the LDRs relate to ten (10) sections of the Land Development Regulations. Specific text changes are shown in the attached Ordinance, shown in Strike-through/Underline format. The amendments are generally described as follows:

Eliminate the not-for-profit requirement for Community Gardens and extend initial permit period

Section 16.50.085.2. – Purpose and Intent currently requires that all work, usage and sales of a Community Garden must be on a not for profit basis. This creates barriers due to the complexity of the 501C(3) process. An amendment to *Section 16.70.030.1.13 Community Garden permit* will allow for the extension of the initial permit until after the first season of produce production, giving the applicant time to establish the garden prior to commencing the annual renewal period.

Allow Commercial Gardens and Greenhouses as a permitted use in IT and IS zoning districts

Section 16.10.020.1 Matrix: Use Permission and Parking Requirements Matrix and Zoning Matrix proposed change will allow Commercial Gardens and Greenhouses as a permitted use in Industrial Traditional (IT) and Industrial Suburban (IS), rather than as a Special Exception. This will eliminate the additional review and public hearing before the Development Review Commission (DRC) as required for Special Exceptions. In addition, use specific standards are proposed to address compatibility, maintenance, environmental compliance, storage of materials, screening, noise and odor concerns, creating a new *Section 16.50.075 Commercial Gardens and Greenhouses*. The gardens are to be designed to prevent any chemical, pesticide, fertilize or other garden waste from draining off the property and to store and maintain any pesticides and fertilizers properly and Commercial Gardens and Greenhouses must comply with all federal, state and local regulations pertaining to pesticide, herbicides, agricultural production and soil suitability.

Allow on-site sales of produce on residential properties with limits on frequency

Section 16.50.185 Home produce sales is a new code section, to allow for the sale of produce grown on-site, including value added products and honeybee products in single-family and multi-family districts. Home produce sales would be allowed up to twelve (12) events per year, up to three (3) days per event, on Fridays, Saturdays and Sundays during daylight hours.

Amend the landscape maintenance standards to allow greater height for edible plants

Section 16.40.060.3.1. Maintenance of trees and vegetation for all properties within the City additional language would provide for the staking of plants and a height limit of edible plants of 48-inches.

Allow exemptions and encroachments for garden related Accessory Structures including hoop houses, cold frames, greenhouses, vertical vegetable structures and raised planter beds

Section 16.50.020.4.1 Accessory storage and gardening structures and carports and *Section 16.60.050.2. - Allowable encroachments and setbacks*, extends accessory structure design exemption and allowable encroachment for one garden related structure, including hoop houses, cold frames, greenhouse and vertical structures. Definitions of these structures are provided in *Section 16.90.20 Definitions*.

Amend roadside vending regulations to allow produce sales from vehicles and on vacant non-residential property throughout the City

Section 16.50.460 Vending, Roadside Markets new language expands options for selling produce from vehicles and on vacant property, in all non-residential zoning, CRT and CRS zoning districts.

CONSISTENCY with the COMPREHENSIVE PLAN

The following objectives and policies from the City's Comprehensive Plan are applicable to the proposed Land Development Regulations amendment:

- V1: When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.
- V1.1 Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.
- LU1 The City shall take into account the citizen-based themes noted in the Vision Element when considering development decisions.
- LU1.1 When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.

Vision Element Citizen Based Themes and Recommendations:

- A. Quality of Life Mission Statement: St. Petersburg will ensure its future as an outstanding community to live, work, play and learn. This qualitative approach will form a model sustainable city that achieves social, environmental and economic fairness and mutual success. The best traditions of the City shall be preserved and enhanced while creating new traditions and a strengthened quality of life for all.
 - B. Natural Environment Mission Statement: St. Petersburg will be a model of sustainable living. St. Petersburg will protect and enhance the natural systems that provide the resources of land, air, water, and vegetation. St. Petersburg will reflect an awareness of ourselves as part of a larger system upon which we are dependent for our mental, physical, spiritual and economic well-being.
- LU23 The City shall support sustainable land development patterns through the LDRs and the Comprehensive Plan.
 - LU23.4 The City's LDRs shall continue to support land development patterns that make possible a mixture of land use types resulting in employment, schools, services, shopping and other amenities located near residential development and neighborhoods.
 - LU24 The City shall support site planning and building design techniques that maximize use of renewable, sustainable, active and passive sources of energy design in architecture.
 - LU24.1 The City shall, on an ongoing basis, examine existing zoning and land development regulations and revise or eliminate provisions that act as regulatory barriers to the use of renewable, sustainable, active and passive energy systems.

PUBLIC COMMENTS

The proposed amendments were distributed to CONA, neighborhood and business associations and urban agriculture stakeholders in September and October. Comments received as of the completion of this report are attached.

PUBLIC HEARING PROCESS

The proposed ordinance associated with the LDR text amendment requires one (1) public hearing before the Development Review Commission (DRC) and two (2) City Council public hearings.

RECOMMENDATION

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the City Code, Chapter 16 LDR text amendments.

List of Attachments:

Proposed Ordinance

Public Comments received as of October 26, 2020

Ord. 448-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING SECTION 12-6.(8) OF THE CITY CODE TO LOWER FEES FOR COMMUNITY GARDEN AND ROADSIDE VENDING PERMITS; AMENDING THE USE MATRIX IN SECTION 16.10.020.1 ALLOWING AS A PERMITTED USE COMMERCIAL GARDENS AND GREENHOUSES IN INDUSTRIAL ZONING CATEGORIES; AMENDING SECTION 16.40.060.3.1 PERTAINING TO LANDSCAPE STANDARDS FOR EDIBLE PLANTS; AMENDING SECTION 16.50.020.4.1 PERTAINING TO ACCESSORY STORAGE STRUCTURES; CREATING A NEW SECTION 16.50.075 ESTABLISHING USE SPECIFIC DEVELOPMENT STANDARDS FOR COMMERCIAL GARDENS AND GREENHOUSES; AMENDING SECTION 16.50.085 PERTAINING TO COMMUNITY GARDENS; CREATING A NEW SECTION 16.50.185 ESTABLISHING USE SPECIFIC DEVELOPMENT STANDARDS FOR HOME PRODUCE SALES; AMENDING SECTION 16.50.460 TO BROADEN THE LOCATIONAL ALLOWANCE FOR ROADSIDE VENDING MARKETS LIMITED TO PRODUCE SALES; AMENDING SECTION 16.60.050.2 REGULATING ENCROACHMENTS AND SETBACKS FOR CERTAIN GARDENING STRUCTURES; AMENDING SECTION 16.70.030.1.13 PERTAINING TO COMMUNITY GARDENS PERMITS; AMENDING SECTION 16.90.020.3 TO ADD NEW DEFINITIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 12-6.(8) of the St. Petersburg City Code is hereby amended to read as follows:

(8) Land development regulation services fees.

* * *

Community garden permit:

New application~~100.00~~ 50.00

Renewal~~50.00~~ 10.00

* * *

Roadside vending market permit:

New application~~100.00~~ 50.00

Renewal~~50.00~~ 10.00

SECTION 2. Use Permissions for the Commercial Garden and Greenhouse use in Industrial zones in Section 16.10.020.1. of the St. Petersburg City Code are hereby amended, as excerpted in pertinent part, to read as follows:

Section 16.10.020.1 Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix.

LDR Section 16.10.020.1 MATRIX: USE PERMISSIONS and PARKING REQUIREMENTS			
LEGEND: P = Permitted SE = Special Exception; G = Grandfathered; NC = Nonconforming; A = Accessory			
Use	IT: Industrial Traditional	IS: Industrial Suburban	Definition
AGRICULTURAL USES			
Commercial Garden and Greenhouse	SE P	SE P	Establishment for the propagation, processing and storage of plants produced for wholesale or retail sales. Typical uses include, but are not limited to, growing beds, greenhouses, vertical farming and hydroponic systems

SECTION 3. Section 16.40.060.3.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.060.3.1. - Maintenance of trees and vegetation for all properties within the City

- A. The owner of record of the property and occupant of the property are responsible for the maintenance of trees and vegetation on the property and in abutting rights-of-way. Vegetation shall comply with all codes including visibility at intersections and requirements for hedges. Where support staking of vegetation is provided at the time of installation, the staking system shall be installed properly, avoid harming the vegetation, and be removed no later than one year after installation to prevent damage to the vegetation, unless such staking is necessary for permanent support of the plant.
- D. Sod (including turf and turfgrass) or other herbaceous growth other than ground cover species, shall be maintained at a maximum overall height of ten inches or less; ground cover plant material shall be maintained at an overall height not to exceed 24 inches; edible plants shall be maintained at an overall height not to exceed 48 inches. Property designated as a preservation area shall not be required to meet these standards. Property owners who employ Florida-Friendly Landscaping™ or wildlife habitat management principles such that their private property or adjacent right-of-way does not meet these criteria shall have a management plan and demonstrate active, ongoing maintenance. Management plans shall be plans designed by a landscape architect, plans which employ accepted Florida-friendly management practices, and plans approved by the University of Florida Institute of Food and Agricultural Science (IFAS). Examples of activities addressed in maintenance plans include routine pruning, mowing, edging, weeding, fertilizing, pest control, irrigation system adjustments, seeding and replanting. Florida-friendly management plans shall also address these principles:
- 1) Vegetation plan and design;
 - 2) Analyze and amend the soil;

- 3) Limit sod to active use areas;
- 4) Select appropriate plant species;
- 5) Irrigate efficiently;
- 6) Use mulch; and
- 7) Maintain the landscape appropriately.

Wildlife habitat areas shall consist of native and introduced plant species designed, planted and maintained to provide food source, cover, roosting and nesting habitat for specific species.

SECTION 4. Section 16.50.020.4.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.50.020.4.1. - Accessory storage and gardening structures and carports.

At any use in neighborhood districts and at single family dwelling units in any district, one accessory storage structure (a pre-constructed shed), ~~and one carport, and one gardening hoop house, cold frame, greenhouse or vertical vegetable structure~~ shall be allowed which are exempt from design requirements as set forth herein. Any other such structures are allowed in the buildable area provided that they comply with the design requirements and setbacks for the zoning district.

1. General requirements.
 - a. *Anchoring.* The structure shall be properly anchored to resist wind and other forces.
 - b. *Utility easements.* If a structure is secured to the ground by a foundation and not capable of being moved intact, no portion of the structure shall encroach into a utility easement.
 - c. *Right-of-way and access easements.* No structure shall encroach into a right-of-way or private access easement.
 - d. *Use restrictions.* The structure shall only be utilized for storage and shall not be used for operation of mechanical equipment.
2. *Through lots.* On a through lot which meets the width, depth and area requirements for a lot in that zoning district, if one front yard is determined to be a rear yard pursuant to the dimensional regulations, and lot characteristics section (currently section 16.60.010) and has a solid, not less than five-foot high, decorative wall or fence, the exempt accessory storage structure shall be setback at least ten feet from that property line.
3. *Design standards for accessory storage and gardening structures.*
 - a. An accessory storage structure 100 square feet or less and less than ten feet in height is exempt from the requirement to utilize the architectural style and construction materials of the existing principal structure. See allowable encroachment and setback section.
 - b. An accessory storage structure located within the rear one-third of a property, 200 square feet or less in gross floor area, ten feet or less in overall height to the top of roof peak, and screened by a solid masonry wall or decorative wood or vinyl fence measuring six feet or more in height is exempt from the requirement to utilize the architectural style and construction materials of the existing principal structure.
 - c. All other accessory storage structures shall comply with the design and setback requirements of the zoning district.
4. *Code compliance.* All accessory ~~storage~~ structures shall comply with the Florida Building Code and St. Petersburg Fire Code (e.g. building separation and egress), including the requirement to install a backflow preventor when adding irrigation connected to the potable water system.

SECTION 5. The St. Petersburg City Code is hereby amended to create a new section 16.50.075 – Commercial Gardens and Greenhouses, to read as follows:

16.50.075 Commercial Gardens and Greenhouses

16.50.075.1. - Applicability.

This section shall apply to Commercial Gardens and Greenhouses.

16.50.075.2. - Establishment.

The establishment, expansion, or redevelopment of Commercial Gardens and Greenhouses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements Matrix and Parking Matrix and shall comply with the development standards of the zoning district, the general development standards and this section.

16.50.075.3. - Development standards.

- A. Methods to control adverse effects of noise, lights, dust, fumes and other nuisances shall be required to provide appropriate mitigation based on the operational characteristics of the commercial garden or greenhouse use.
- B. Outdoor Storage shall comply with Section 16.50.270, Outside Storage, Accessory Use, Industrial.

16.50.075.4 - 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.
- D. Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies, 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 commercial 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.

16.50.075.5. - Environmental compliance.

- A. Soil. The commercial gardens and greenhouses 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 commercial gardens use water conservation techniques, including sheet mulching, basins and swales, and drip irrigation systems.
- C. Pesticides and herbicides. Commercial gardens and greenhouses shall comply with all federal, state and local regulations pertaining to pesticides and herbicides.
- D. Fertilizer. Commercial gardens and greenhouses shall comply with all federal, state and local regulations pertaining to fertilizer.

16.50.075.6. – Sale of produce.

On-site sale of produce shall be allowed as an accessory use.

SECTION 6. Section 16.50.085. of the St. Petersburg City Code is hereby amended to read as follows:

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 allow for a community garden use, while mitigating any associated undesirable impacts. A community garden is a principal use that allows the growing, harvesting and in districts allowing retail sales, the 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 for their consumption and enjoyment and for the consumption and enjoyment of others ~~on a not-for-profit basis, except as expressly allowed herein.~~

16.50.085.4.3. - Sale of produce.

- A. ~~A community garden is not allowed 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.
- B. On-site retail sales of products grown on-site are ~~not~~ permitted in ~~any~~ other zoning districts in accordance with the Use Specific Standards for Home Produce Sales and for Commercial Gardens and Greenhouses.
- C. Surplus produce 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, gardening hoop houses, cold frames, greenhouses and vertical vegetable structures, buildings ~~or signs,~~ shall comply with the requirements of the zoning district.

16.50.085.4.7. - Required yards.

Plantings shall not be planted closer than five feet to the side, street 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.

SECTION 7. The St. Petersburg City Code is hereby amended to create a new section 16.50.185 – Home Produce Sales, to read as follows:

16.50.185 Home Produce Sales.

16.50.185.1. - Applicability.

This section shall apply to home produce sales. A limited number of home produce sales are allowed as accessory uses in all zoning districts which permit single and multifamily dwelling units.

16.50.185.2. - Generally.

The term "home produce sale" means any public display or offering for sale to the public of one or more items of products grown on-site, including value-added products such as pickles and jams. This shall also include sale of honey or honeybee products produced by a registered Beekeeper with an apiary certification pursuant to F.S. 586.

16.50.185.3. - Use restrictions.

No person shall display, offer for sale, or sell any produce at or in connection with a home produce sale outside any structure, except as allowed by this section. Produce shall be displayed only on private property and shall not be located in a visibility triangle.

16.50.185.4. - Signage.

One sign of no more than four square feet may be displayed on the property where a home produce sale is being conducted unless greater signage is allowed in the sign section. The sign shall only be displayed during the daylight hours on days when home produce sales are allowed to be conducted.

16.50.185.5. - Hours of operation and frequency.

At each property, home produce sale is allowed up to 12 events per calendar year, up to 3 days per event. Home produce sales are prohibited Mondays through Thursdays. Home produce sales are allowed only during daylight hours.

SECTION 8. Section 16.50.460.2.E. of the St. Petersburg City Code is hereby amended to read as follows:

16.50.460.2. - Conditions of operation.

- E. Roadside vending markets shall not be located upon lots or properties which are used or developed to be used solely for residential purposes and shall be located at least 100 feet from a previously permitted restaurant or retail store that sells food., ~~not located on the same property or lot.~~ Only one roadside vending market shall be allowed on each block face. Roadside vending markets shall only be located in the enterprise zone approved by the City and State and except for those in which vending is limited to produce only within 200 feet of one of the following intersections, if located within the enterprise zone. Roadside vending markets which are limited to produce only, may be located in all non-residential zoning districts and in Corridor Residential Traditional (CRT) and Corridor Residential Suburban (CRS) zoning districts.

SECTION 9. Section 16.60.050.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.60.050.2. - Allowable encroachments and setbacks.

Structure/ Improvement	F=Front S=Side SS=Street side R=Rear W=Waterfront	Traditional Zoning Districts	Suburban Zoning Districts
Gardening Hoop House, Cold Frame, Greenhouse, Vertical vegetable structure, raised garden bed (only one may encroach into the setback. The maximum size is limited to 100 s.f. in area and 10 ft. in height)	S, SS, R	No closer to property line than 5 ft.	No closer to property line than 5 ft.

SECTION 10. Section 16.70.030.1.13.d. of the St. Petersburg is hereby amended to read as follows:

- D. Expiration. A community garden permit shall expire on September 30 after the first season of produce production but and may be renewed on an annual basis. The application for renewal shall be made at least thirty days prior to September 30. The POD shall review any application for renewal and impose the appropriate conditions as set forth above. If the POD identifies any adverse impacts, then additional conditions may be imposed to mitigate the impacts.

SECTION 11. The definition of ‘Herbaceous vegetation’ in Section 16.90.020.3. of the St. Petersburg City Code is hereby amended to read as follows:

16.90.20.3 Definitions

Herbaceous vegetation means low growing vegetation without woody stems which includes grasses, ground covers, vines, vegetables, wildflowers and annuals.

SECTION 12. Section 16.90.020.3 of the St. Petersburg City Code is hereby amended by adding a new definition for ‘Edible plant,’ ‘Gardening cold frame,’ ‘Gardening hoop house’ and ‘Vertical vegetable structure,’ in the appropriate alphabetical order, to read as follows:

Edible plant means any fruits or vegetables, or other plant products intended for ingestion.

Gardening cold frame means an unheated, uncooled outdoor structure consisting of a wooden or concrete frame and a transparent top, built low to the ground, in which seedlings and plants are cultivated and given protection from adverse weather.

Gardening hoop house means an unheated, uncooled outdoor structure made of PVC piping or other material covered with translucent plastic, constructed in a half-round or “hoop” shape, in which seedlings and plants are cultivated and given protection from adverse weather.

Vertical vegetable structure means a structure designed to support edible plants.

SECTION 13. 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 14. 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 15. 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 the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND CONTENT:

City Attorney (designee)
00535019.docx

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 & Development Services Development

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

See attached amendment to Chapter 16 and Chapter 12, City Code of Ordinances (City File LDR 2020-05).

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:

☒ 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.)

/s/ Elizabeth Abernethy

Director, Planning & Development Services (signature)

October 22, 2020

Date

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

Public Comments

Katherine J. Connell

From: Elizabeth Abernethy
Sent: Monday, October 26, 2020 7:26 AM
To: Ann O. Vickstrom
Subject: FW: City of St Pete LDR 2020-05: Urban Ag Related amendments

Email for DRC staff report.

Thanks!
--Liz

Please note all emails are subject to public records law.

From: LECA Mail <lecapresident@gmail.com>
Sent: Friday, October 23, 2020 5:20 PM
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Subject: Re: City of St Pete LDR 2020-05: Urban Ag Related amendments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lakewood Estates thinks this is peachy :)

Judy

On Fri, Oct 23, 2020 at 5:00 PM Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Good afternoon,

Please find attached our draft amendment to our Land Development Regulations, related to Urban Agriculture.

The purpose of these text amendments is to expand opportunities for the production and sale of produce in the City by removing regulatory barriers.

Please forward this to any interested parties, we welcome feedback!

Synopsis of Changes:

1. Community Gardens: eliminate not-for-profit requirement, which eliminates barriers created by the 501-C (3) process, extend date of initial permit expiration and lower fees;
2. Commercial Gardens and Greenhouses: allow as a permitted use in Industrial Traditional (IT) and Industrial Suburban (IS) zoning districts, rather than a Special Exception, which will eliminate the public hearing before

the Development Review Commission and create Use Specific standards to address compatibility, screening, noise and odor concerns;

3. Sale of Produce:

- in residential districts, allow on-site sales of produce (including honeybee products) on residential properties with limits on frequency, up to 12 events per calendar year;
- in commercial districts, expand options for selling produce, from vehicles, and on vacant property under the Roadside Vending provisions, and lower associated fees;

4. Landscape maintenance: changes to address edible plants, allowing greater height;

5. Accessory structures: expand allowances to design and setback standards to include gardening structures including Hoop Houses, Cold Frames, Greenhouses, Vertical Vegetable Structures and raised planter beds.

City File No:

LDR 2020-05: Urban Agriculture Related Amendments

Public Meeting Schedule:

- 09.22.2020, 2:00 p.m. – Development Review Commission Workshop (Virtual Meeting via Zoom)
- 11.04.2020, 2:00 p.m. – Development Review Commission Public Hearing – 2:00 PM*
- 11.12.2020, 9:00 a.m. - City Council, 1st Reading and Public Hearing – 1:30 PM*
- 12.10.2020, 5:00 p.m. - City Council, 2nd Reading and Final Public Hearing – 5:01 PM*

*Public Hearings to be held in-person in the Council Chambers, City Hall 175 – 5th Street North, St. Petersburg, Florida 33701

Please note: Every person in any City facility will be required to comply with the public safety protocols recommended by the Centers for Disease Control and Prevention and local health authorities, including wearing a mask in common areas, maintaining 6 feet of distance, and other safety practices.

Meeting Agendas and Staff Reports:

The meeting agendas and staff reports will be posted online at the following links:

- Development Review Commission: http://www.stpete.org/boards_and_committees/agendas.php
- City Council: http://www.stpete.org/council/council_agendas.php

Katherine J. Connell

From: Elizabeth Abernethy
Sent: Monday, October 26, 2020 7:28 AM
To: Ann O. Vickstrom
Subject: FW: City of St Pete Urban Ag Related LDR Amendments

Email for DRC staff report

Thanks!
--Liz

Please note all emails are subject to public records law.

From: Kent Curtis <kip.curtis@gmail.com>
Sent: Friday, October 2, 2020 3:22 PM
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Subject: Re: City of St Pete Urban Ag Related LDR Amendments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for sending this, Elizabeth –

FWIW, I am in the second year of a \$2 million pilot grant (<https://news.osu.edu/mansfield-microfarm-project-will-support-economy-supply-local-produce/>) to develop a coordinated ‘microfarm’ production system. (<https://youtu.be/tWhGbHVZskc>)

The sites are 1/3 of an acre, and include high tunnels (<http://hightunnels.org/what-is-a-high-tunnel/>) for extended growing seasons (in Florida these would be set up as shade houses), and when farmers are trained and coordinated through a cooperative, each site will net the farmer ~\$35k. I tell you all of this because I do have ambitions to establish a program in South St. Pete once we’ve proven concept here in Ohio.

I won’t be able to attend these hearings, but these kinds of future production sites ought to be included in the consideration. I could send some specs, if that’s helpful.

Thanks for your time!

Warmly,
Kip



THE OHIO STATE UNIVERSITY

<http://history.osu.edu/people/curtis.457>
<https://www.facebook.com/OhioStateMansfieldMicrofarm/>
[Gambling on Ore: The Nature of Metal Mining in the United States](#)



From: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Date: Friday, October 2, 2020 at 2:52 PM
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Subject: FW: City of St Pete Urban Ag Related LDR Amendments

Please see attached and below For Your Information:

The City has initiated text amendments to the City of St. Petersburg's Land Development Regulations ("LDRs") to address Urban Agriculture

Synopsis of Changes:

1. Community Garden – eliminate not-for-profit requirement
2. Commercial Gardens and Greenhouses - allow as a permitted use in Industrial Districts, rather than a Special Exception, and create Use Specific standards to address compatibility, screening, noise and odor concerns
3. Allow on-site sales of produce on residential properties with limits on frequency (12 times per year), includes honeybee products
4. Landscape maintenance changes to address edible plants, allowing greater height
5. Expand Accessory structure allowances to include gardening structures including Hoop Houses, Cold Frames, Greenhouses, Vertical Vegetable Structures and raised planter beds
6. Produce vending amendments to expand options for selling produce, from vehicles, and on vacant property (excluding residential properties)
7. Reduce Fees for Community Garden and Roadside Market Vending Permits: \$100 to \$50; and Annual Renewal - \$50 to \$10
- 8.

City File No:

LDR 2020-05: Urban Agriculture Related Amendments

Tentative Public Meeting Schedule:

1. 09.22.2020, 2:00 p.m. – Development Review Commission Workshop (Virtual Meeting via Zoom)
2. 11.4.2020, 2:00 p.m. – Development Review Commission Public Hearing
3. 12.03.2020, 9:00 a.m. - City Council, 1st Reading and Public Hearing
4. 12.10.2020, 5:00 p.m. - City Council, 2nd Reading and Final Public Hearing

Meeting Agendas and Staff Reports:

When ready, the meeting agendas and staff reports will be posted online at the following links:

1. Development Review Commission: http://www.stpete.org/boards_and_committees/agendas.php
2. City Council: http://www.stpete.org/council/council_agendas.php

Please feel free to forward this to any interested parties.

If you have any questions, would like to provide feedback or comments, or require additional information, please contact me by telephone or email.

Best Regards,
Elizabeth Abernethy, AICP
Director, Planning & Development Services

Katherine J. Connell

From: Elizabeth Abernethy
Sent: Monday, October 26, 2020 7:29 AM
To: Ann O. Vickstrom
Subject: FW: LDR 2020-05: Urban Ag amendments: wonderful; 2 thoughts

Email for DRC staff report

Thanks!
--Liz

Please note all emails are subject to public records law.

From: Cathy Harrelson <cathyharrelson@gmail.com>
Sent: Friday, September 18, 2020 12:34 PM
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Cc: Catherine Harrelson <charrelson.spsc@gmail.com>
Subject: LDR 2020-05: Urban Ag amendments: wonderful; 2 thoughts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Liz,
You're like the proverbial one-armed paper hanger. I'm so glad to see these potential updates to this ordinance. Seems like this was something started awhile back and your summary of proposed changes is excellent. I had a couple of ideas regarding two of them:

- Allow on-site sales of produce on residential properties with limits on frequency (12 times per year)
- Landscape maintenance changes to address edible plants, allowing greater height

Re residential on-site sales of 12 x per year, I was just thinking about folks who might be growing some seasonal items that are harvestable say in winter/spring, summer, or fall. It makes sense to restrict it so the neighbors aren't always dealing with extra street traffic. But I wonder if this number couldn't be raised just slightly, to accommodate different growing and harvesting times, say a total of 15x per year (e.g. 5x per season)? I'm assuming, in asking this, that residents could compress their 12 x per year into 2 weeks, for example, should they choose to? Maybe this slight increase could be accompanied by a corresponding

(slight) increase in the cost of permits, or renewal of permits? Just an idea.

Re the landscape maintenance changes to accommodate edibles...Yay! Just asking if there's any room to add Florida native and/or Florida-friendly bee and other pollinator attractor plants to that list? Seems important to look at both since they're obviously synergistic.

If this is something I should also send to DRC or Council, please advise. Thanks so much for all your hard work

Sincerely,

Cathy Harrelson

President, St. Petersburg Sustainability Council

Chair, Urban Forestry Committee, CBC

727-415-8805

"The Stone Age did not end because we ran out of rocks, it ended because we found something better."

Aaron Lewis, 2015

Katherine J. Connell

From: Elizabeth Abernethy
Sent: Monday, October 26, 2020 7:27 AM
To: Ann O. Vickstrom
Subject: FW: variance request

Email for DRC staff report

Thanks!
--Liz

Please note all emails are subject to public records law.

From: Derek Lewis <kered42@gmail.com>
Sent: Tuesday, October 13, 2020 9:08 AM
To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>
Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the details, and plan on my being there. However, I seriously doubt that 3 minutes will be anywhere near enough time for this significant problem.

Please copy everyone involved, preferably with the full thread of our emails

Deek Lewis

On Tue, Oct 13, 2020 at 7:41 AM Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

The first hearing before the Development Review Commission hearing is scheduled for Wednesday, November 4, 2020 at 2:00 p.m.

The Public Hearing will occur at City Hall, Council Chambers, located at 175 5th Street North, St. Petersburg, Florida.

This item will be near the beginning of the agenda.

You will have 3-minutes to provide your comments.

The second hearing will be before City Council, Thursday November 12th and the final hearing, Thursday, December 10th.

The Public Hearings will occur at City Hall, Council Chambers, located at 175 5th Street North, St. Petersburg, Florida.

You will have 3-minutes to provide your comments.

If you want me to provide a print out of this email to the Commissioners, I can include it with the staff report.

Please advise.

The staff report will be available one week ahead of the hearing (by October 28th)

Agendas and reports are posted here:

https://www.stpete.org/boards_and_committees/agendas.php

Best Regards,

Elizabeth Abernethy, AICP

Director, Planning & Development Services

City of St. Petersburg

O: 727-893-7868

E: Elizabeth.Abernethy@stpete.org

Please note all emails are subject to public records law.

From: Derek Lewis <kered42@gmail.com>

Sent: Monday, October 12, 2020 9:32 PM

To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>

Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Below is a copy of my filing with Ashley Moody and Nikki Fried. Kindly forward to the City Attorney, with a link to me.

When EXACTLY are your hearings planned, as I want to speak at them

For the personal attention

Attorney General, Ashley Moody

Dear Madam,

Re: Apiary Act Chap 586 together with Cottage Food Laws

The City of St Petersburg is attempting to undermine the SPIRIT and INTENT of these acts by severely limiting my ability and methods of selling my honey to finance my beekeeping.

For no good reason that they have given, or I can establish, they are attempting to force us into a "one size fits all box" with all others.

We are a unique, and VERY special case, as witnessed by the State passing this Act. Thus, I urge you to order them to Cease and Desist, from any frivolous attempts to control us.

As I mentioned to the City, there are only NINETY SEVEN keepers in St Pete, compared to the ~130,000 households

My brother in South Africa reminded me that: " How world wide there has been a call for us to actively encourage and promote beekeeping to preserve our food security" Also that: " one in four mouthfuls of our food has to be pollinated by bees."

It is well documented that bees are severely threatened, and that in 1940's, the US had 6,000,000 hives. Today there are only 2,500,000.

We are hobbyists, struggling to pay to keep bees. We are limited by how many swarms we may have, and hence how much honey we can produce. The minimum set-up cost for a swarm of bees is about \$300

Another aspect, is the control of the Africanisation of our European bees, to safeguard the public's lives. I am currently working on my 3rd such swarm this year. As my first 25 years of beekeeping was in South Africa, I am keenly aware of the vast difference in their aggressive behavior.

You are well aware, by simply passing this Act, bees are severely threatened in many ways, and VITAL to the production of most healthy foods.

Below, are attached copies of my, so far, fruitless negotiations with the City

Cc Dept of Agric, Nikki Fried

St Pete City attorneys

City of St Pete

On Wed, Oct 7, 2020 at 8:21 AM Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Mr. Lewis,

Thank you for your feedback on our pending ordinance changes.

We have been working with stakeholders over the past few years, and will be moving forward on our schedule to complete this round of changes by the end of this year.

You are more than welcome to participate in the hearings, as noted in my last email. We are anticipating that public meetings will be back in-person at City Hall starting next month.

Please note, the suggested frequency for retail sales of produce is 12 times a year, not once a month. This will provide more frequent sales during times of greater production.

This frequency was proposed as a good starting point, and will allow us to evaluate any impacts on neighbors as it is implemented. As I mentioned, this compares to the limit of 4 times a year for garage sales. These regulations can be further evaluated in the future.

Best Regards,

Elizabeth Abernethy, AICP

Director, Planning & Development Services

City of St. Petersburg

O: 727-893-7868

E: Elizabeth.Abernethy@stpete.org

Please note all emails are subject to public records law.

From: Derek Lewis <kered42@gmail.com>

Sent: Monday, October 5, 2020 9:54 PM

To: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>

Cc: Johnny Walker <president@pinellasbees.com>; Nathan Bees <LiveLifeRad@gmail.com>; Dave Bee Westervelt <germanbee5@aol.com>; Jamie Ellis <jdellis@ufl.edu>; Jennifer C. Bryla <Jennifer.Bryla@stpete.org>; Derek Kilborn <Derek.Kilborn@stpete.org>; Ann O. Vickstrom <Ann.Vickstrom@stpete.org>

Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your response, and it seems you are moving a bit in the right direction, BUT, it looks like you are trying to create a "One size box that fits all" but nobody properly. So.....

NO

NO

Let me point out some of the weaknesses:

Did you read the story in last week's TBT about the early Negro baseball player that was given a size 40 pants for his 30 waist?? And what was he told?? TAKE IT OR LEAVE IT.... Exactly what you are saying to us, as you try to force hobby folks into this ordnance.....

OR

Vine ripe Tomatoes... Of course, the best of the best, but with a MONTHLY market??? What is the poor grower supposed to do with his wonderful tomatoes the other three weeks?? Ditch them in the compost heap?? Where they rot?

OR

Pennsylvania, and the selling of quilts from the homes. As you drive thru central Penn, on the back roads, if you see a quilt hanging from a porch railing, it's a signal that there are quilts for sale there. Visitors are welcome to approach the house, and shop. In many ways exactly what I am doing.

I believe you are trying to use a sledgehammer to kill a mosquito! They survive because they are agile!! What you are trying to force us to be!! It might be impossible to find ways to get around your draconian rules.

Your main concern seems to be about traffic problems. What does a successful monthly market create?? A NIGHTMARE traffic jam, with cars on either side of the road blocking traffic. I have explained to you that the average time I have a customer parked is about ONE minute a DAY or less. I can easily prove this to you.

The only person who complained is the Code Officer. The circle of neighbors around me certainly don't. Most strongly support what I am doing. Would you like another page of the outer circle??

Many of my customers I never see. I use The Honor System, which is perfect for these COVID times. They walk to my door, in a mask, take the bottle and drop their money in the tip jar... My RING system alerts me to them, and I replace the jar as they drive or walk away.

SO??

Therefore, I believe you need to re-think this, go back to the drawing board, and revise this, after doing your “Due Diligence”. This is not a unique problem to our City or State! It seems you have NOT researched carefully what other cities are doing. And, more importantly, how successful they were? This is really a Nation-wide issue. You clearly have contacted the City attorneys, but have you contacted the State?? Other States??

In summary, I believe your intent is to defeat the SPIRIT and INTENT of the Apiary Act and the Cottage food laws, and I/we will continue to fight this!

Maybe you are wrong, a variance is the best way. Settle this once and for all.

Yours sincerely, Derek Lewis

On Fri, Oct 2, 2020 at 2:30 PM Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org> wrote:

Mr. Lewis,

I have reviewed your emails and had the opportunity to discuss your request with our Zoning Official and City attorney.

We all agree that the variance process is not the appropriate path forward.

We are currently in the process of updating our Land Development Regulations to address Urban Agriculture related issues.

As part of this package, we are proposing to allow sale of produce from residential properties, up to 12 times per year. This is similar to garage sales, which are limited to 4 times a year.

In order to accommodate your situation, we are proposing to add additional language that would allow sale of honey or honeybee products, under this same code section, please see page 5 of the attached draft language, where we have included the following highlighted text in our draft:

16.50.185 Home Produce Sales

16.50.185.1. - Applicability.

This section shall apply to home produce sales. A limited number of home produce sales are allowed as accessory uses in all zoning districts which permit single and multifamily dwelling units.

16.50.185.2. - Generally.

The term "home produce sale" means any public display or offering for sale to the public of one or more items of products grown on-site, including value added-products such as pickles and jams. **This shall also include sale of honey or honeybee products produced by a registered Beekeeper with an apiary pursuant to F.S. 586.**

Here is a synopsis of all of the changes included in this package:

Synopsis of Changes:

- Community Garden – eliminate not-for-profit requirement, which eliminates barriers created by the 501-3C process
- Commercial Gardens and Greenhouses - allow as a permitted use in IT and IS, rather than a Special Exception, which will eliminate the extra review and public hearing before the Development Review Commission (less intensive than other uses in IT), and create Use Specific standards to address compatibility, screening, noise and odor concerns
- Allow on-site sales of produce on residential properties with limits on frequency, including honeybee products
- Landscape maintenance changes to address edible plants, allowing greater height
- Expand Accessory structure allowances to include gardening structures including Hoop Houses, Cold Frames, Greenhouses, Vertical Vegetable Structures and raised planter beds
- Produce vending amendments to expand options for selling produce, from vehicles, and on vacant property (excluding residential properties)
- Reduce Fees for Community Garden and Roadside Market Vending Permits: \$100 to \$50; and Annual Renewal - \$50 to \$10

Please feel free to share this with any interested parties.

We look forward to any comments or suggestions regarding the proposed code language from you or other beekeepers in our City.

You are also welcome to participate in the upcoming hearings, and I can forward the staff report when it is ready.

City File No:

LDR 2020-05: Urban Agriculture Related Amendments

Public Meeting Schedule:

- 09.22.2020, 2:00 p.m. – Development Review Commission Workshop (Virtual Meeting via Zoom)
- 11.4.2020, 2:00 p.m. – Development Review Commission Public Hearing
- 12.03.2020, 9:00 a.m. - City Council, 1st Reading and Public Hearing
- 12.10.2020, 5:00 p.m. - City Council, 2nd Reading and Final Public Hearing

Meeting Agendas and Staff Reports:

When ready, the meeting agendas and staff reports will be posted online at the following links:

- Development Review Commission: http://www.stpete.org/boards_and_committees/agendas.php
- City Council: http://www.stpete.org/council/council_agendas.php

Best Regards,

Elizabeth Abernethy, AICP

Director, Planning & Development Services

City of St. Petersburg

O: 727-893-7868

E: Elizabeth.Abernethy@stpete.org

Please note all emails are subject to public records law.

From: Derek Lewis <kered42@gmail.com>

Sent: Friday, October 2, 2020 11:39 AM

To: Jennifer C. Bryla <Jennifer.Bryla@stpete.org>; Johnny Walker <president@pinellasbees.com>; Nathan Bees <LiveLifeRad@gmail.com>; Dave Bee Westervelt <germanbee5@aol.com>; Jamie Ellis <jdellis@ufl.edu>

Cc: Elizabeth Abernethy <Elizabeth.Abernethy@stpete.org>

Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have had some time to think about this.. I requested you refer this matter to the HIGHEST POSSIBLE person, but you only went to your (immediate?) supervisor.

Kindly refer this matter to

A. The Head of the City Legal Dept

B. The Mayor, Rick Kriseman

C. The State Governor Ron DeSantis

D. anyone else of that level you can think of.. Possibly the Head of the State Legal Dept.....

I request this, on the grounds that by even requesting (demanding?) I apply for (or need) a variance, you, the City of St Pete, are undercutting the SPIRIT AND INTENT of both the Apiary Act and the Cottage Food Act. I refer you to this link from FDACS

https://www.fdacs.gov/content/download/74835/file/what_you_need_to_know_about_backyard_beekeeping_in_florida.pdf

I further note, that you have been "Blind cc'ing" some people, as someone let "the cat out the bag" In the future, kindly cease and desist from this practice, and ensure that I know EVERYONE involved, with their title. Other possible inclusions are FI State Beekeepers. I have included the PBA Pres and VP , Prof Jamie Ellis(UF) and Dave Wetervelt (FSBees)

Obviously, the logic from previous emails should be included, when referring this matter to a higher level.

In the meantime, please don't forget to respond to ALL the other items, so we can get any red tape out of the way

Many thanks

Derek Lewis

On Thu, Oct 1, 2020 at 7:46 PM Derek Lewis <kered42@gmail.com> wrote:

I'm sorry, I forgot to add. Please send any info that may help

Derek

On Thu, Oct 1, 2020 at 4:40 PM Jennifer C. Bryla <Jennifer.Bryla@stpete.org> wrote:

Mr. Lewis,

Good afternoon. I am including my supervisor in this conversation and after further discussions with her, I do not believe we can provide a Variance to the code language as this would be a text amendment to the code.

She can however offer additional information that may be of use to you regarding your bee business.

Please let me know if I can help further.

Jennifer C. Bryla, AICP

Zoning Official

Development Review Manager

City of St. Petersburg, FL

Planning and Development Services Department

O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Derek Lewis <kered42@gmail.com>

Sent: Wednesday, September 30, 2020 8:15 PM

To: Jennifer C. Bryla <Jennifer.Bryla@stpete.org>

Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kindly refer this matter to the HIGHEST possible authority

AND

Answer EVERY OTHER part of my letter

Derek Lewis

On Wed, Sep 30, 2020 at 12:23 PM Jennifer C. Bryla <Jennifer.Bryla@stpete.org> wrote:

Mr. Lewis,

Good afternoon. We do not have the ability to waive any fees.

Jennifer C. Bryla, AICP

Zoning Official

Development Review Manager

City of St. Petersburg, FL

Planning and Development Services Department

O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Derek Lewis <kered42@gmail.com>

Sent: Wednesday, September 30, 2020 11:13 AM

To: Jennifer C. Bryla <Jennifer.Bryla@stpete.org>

Cc: Iris L. Winn <Iris.Winn@stpete.org>; aldrich0202@sbcglobal.net

Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

Somewhat surprising, in these Covid times that you dont simply print what I submitted, as that is what I will do.

You have again used a term sans explanation... "proof of the Notice of Intent" Surely what I just submitted is PROOF???. There was another term noted in my letter..

Once again, let me request a waiver of the fee. \$350 is the selling price of 44 lbs of honey, the rough annual production of a hive of bees. Thus it amounts to a huge expense, as we are limited by the number of hives we can keep. So far this year, my hives have only produced 87lbs of honey. May I suggest a fee of about \$8, what I sell my honey for, would be more appropriate?

I am considered a bee "Hobbyist", which I do

1. for my own pleasure
2. To help promote a better, safer environment for bees
3. To supply one of the healthiest human foods

After 3 years, I have not yet recovered my outlay

Many thanks

Derek Lewis

On Wed, Sep 30, 2020 at 9:00 AM Jennifer C. Bryla <Jennifer.Bryla@stpete.org> wrote:

Mr. Lewis,

We do not have the ability to waive any fees.

You would need to submit a hard copy of the application, fee and proof of the Notice of Intent to file in the drop box in the lobby or by mail by the 13th of Oct. Staff will then evaluate for completeness and determine the method for processing the application. Hope that helps.

Jennifer C. Bryla, AICP

Zoning Official

Development Review Manager

City of St. Petersburg, FL

Planning and Development Services Department

O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Iris L. Winn

Sent: Wednesday, September 30, 2020 8:02 AM

To: 'Derek Lewis' <kered42@gmail.com>; aldrich0202@sbcglobal.net

Cc: Jennifer C. Bryla <Jennifer.Bryla@stpete.org>

Subject: RE: variance request

Good morning, Mr. Lewis –

I am including Jennifer Bryla, the Zoning Official on this email to provide further assistance pertaining to your inquiry.

Thank you,

Iris Winn

Administrative Clerk

Planning and Development Services Department

City of St. Petersburg

727.892.5498

Iris.Winn@stpete.org

[Under Florida Statute 119 (Public Records) your email communications may be subject to public disclosure.]

From: Derek Lewis <kered42@gmail.com>
Sent: Tuesday, September 29, 2020 6:21 PM
To: aldrich0202@sbcglobal.net; Iris L. Winn <Iris.Winn@stpete.org>
Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached are 10 forms to apply for a variance. Please check them over for completeness

Please note the following

1. I hereby request you waive the application fee, as this is such a special case, and would constitute a hardship
2. I have no clue what the "Public Participation Report" means, or any form to fill out

In these Covid times, do you need hard copies, or anything else?

Thanks

Derek Lewis

Blanche Lewis

On Fri, Sep 18, 2020 at 3:45 PM Derek Lewis <kered42@gmail.com> wrote:

I hope all 4 attachments come thru to you

Thanks Derek

----- Forwarded message -----

From: **Shervon A. Chambliss** <shervon.chambliss@stpete.org>

Date: Thu, Sep 17, 2020 at 10:31 AM

Subject: RE: variance request

To: Derek Lewis <kered42@gmail.com>

Good Morning,

Please find attached below the responses to your questions.

1. there appears to be a spelling error.... staff will "NOT" the application??? I have attached the corrected pre-app notes. The original PDF document crashed, and a duplicate set the draft notes were attached mistakenly.
2. Has the 6 month allowance been granted? You may drop your application off at the Municipal Services Centers drop box in the main lobby, email return, or mail it to "1 4th Street North St. Petersburg, FL 33701" with the \$40.00 payment (checks may be made payable to the "City of St. Petersburg"). Please make you mailing to the attention of the "Zoning Department."
3. What specifically am I and/or Ed Carlson supposed to do?? You will send a copy of your entire application and a narrative letter to FICO, CONA, and the Jungle Terrace Civic Association representative Dr. Ed Carlson. This letter is to inform the associations of your intent to file for a variance. Each of the notified associations will have the opportunity to comment on the request. Any comments provide directly to you should be saved and passed on to the staff member processing your application.
4. Are there not other forms to complete?? Yes, there are. Certainly seemed so at the meeting? Please find attached the submittal schedule for variance applications, the variance application, and the temporary use permit application.

Regards,

Shervon Chambliss, Planner I

Planning and Development Services

City of St. Petersburg

1 Fourth St N, St. Petersburg, FL 33701

727-893-4238

From: Derek Lewis <kered42@gmail.com>
Sent: Tuesday, September 15, 2020 2:41 PM
To: Shervon A. Chambliss <shervon.chambliss@stpete.org>
Subject: Re: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, but a few Q's

1. there appears to be a spelling error.... staff will "NOT" the application???
2. Has the 6 month allowance been granted?
3. What specifically am I and/or Ed Carlson supposed to do??
4. Are there not other forms to complete?? Certainly seemed so at the meeting?

Derek Lewis

On Tue, Sep 15, 2020 at 12:51 PM Shervon A. Chambliss <shervon.chambliss@stpete.org> wrote:

Good Afternoon,

Please find attached the pre-application meeting notes from this morning's zoom conference call.

Regards,

Shervon Chambliss, Planner I

Planning and Development Services

City of St. Petersburg

1 Fourth St N, St. Petersburg, FL 33701

727-893-4238

From: Derek Lewis <kered42@gmail.com>

Sent: Monday, August 31, 2020 12:05 PM

To: Iris L. Winn <Iris.Winn@stpete.org>

Subject: variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

draft proposal

Zoning Variance request

Reg 16.50.180.3?

As a FL State registered beekeeper # FL0520613L, and Business Licence Exempt under "Cottage Industries" act, and St Petersburg Business Tax exempt as I am over 65, I hereby request a zoning exception to market and sell my honey from my home and to promote beekeeping in any way possible. Honey Bees are severely threatened, and vital for the pollination of most healthy foodstuffs.

Also, due to Covid-19 restrictions all vendor shows are closed, so we are unable to sell there.

Just for the record, there are only a little over 200 registered beekeepers in Pinellas County, with about 30 in St Pete, so this variance would impact very few homes. We are also limited by the number of hives we can have, and hence the quantity of honey can produce. Thus the impact on parking or traffic is minimal.

The "Apiary" act, allowing bees in residential areas, was passed largely to promote beekeeping on a much wider scale. It has been, we think, very successful, but still only a few registered 'keepers in St Petersburg.

Thank you



Derek Lewis

2797 67th way N, 33710

[Your Sunshine City](#)