

ORDINANCE NO. 2024-2292

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 20.03.00 OF CHAPTER 20 OF THE LAND DEVELOPMENT CODE, PERTAINING TO PERMITTED USES IN THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; PROVIDING FOR AMENDMENT OF SECTION 20.04.00 OF CHAPTER 20 OF THE LAND DEVELOPMENT CODE, PERTAINING TO PLANNED DEVELOPMENT DISTRICTS IN THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; PROVIDING FOR AMENDMENT OF SECTION 20.05.00 OF CHAPTER 20 OF THE LAND DEVELOPMENT CODE, PERTAINING TO TRANSFERS OF DEVELOPMENT RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey has developed a transfer of development rights program within the city to manage growth and protect environmentally sensitive areas;

WHEREAS, limitations on development within the Coastal High Hazard Area improves the protection of persons and property within said areas;

WHEREAS, property owners who voluntarily limit development of their property within the Coastal High Hazard Area may be allowed credit for such development limitations;

WHEREAS, the receipt of development rights by the city allows the transfer of those development rights to other areas of the city more conducive to such increased development;

WHEREAS, the city recognizes that the restriction of development rights provides a benefit to the community even when portions of the restricted property are not designated as open space or conservation;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

WHEREAS, notice of this ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

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

SECTION 1. Section 20.03.00, of Chapter 20, of the New Port Richey Land Development Code, pertaining to permitted uses in the transfer of development rights program, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

20.03.00 Permitted uses.

1. *Sending areas.* Lands designated as transfer of development rights sending areas shall be used only for the permitted principal principle and accessory uses authorized herein and as permitted in the PDD approval for the subject site.
2. *Receiving areas.* Lands designated as transfer of development rights receiving areas shall be used only for the permitted principal principle and accessory uses authorized under the PDD approval for the subject site.
3. *Uses permitted in sending areas.* Sending lands shall be used for public parks, flood control and mitigation, open spaces and appropriate redevelopment projects permitted by a PDD approval as determined by the city. Sending sites may shall be designated with an appropriate non-residential land uses to reflect the development limitations on the site.
4. *Uses permitted in receiving areas.* Receiving areas shall be used for residential development and mixed-use development, consistent with the underlying future land use map category.
5. *Accessory uses in receiving areas.* Any permitted accessory use which is an allowable accessory use under the zoning district is permitted, and uses authorized pursuant to the PDD approval.

SECTION 2. Section 20.04.00, of Chapter 20, of the New Port Richey Land Development Code, pertaining to the planned development district in the transfer of development rights program, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

20.04.00 Planned Development District rezoning required.

A Planned Development District (PDD) rezoning allowing TDRs transfers of development rights as a ~~condition of the rezoning~~ is required for participation in the coastal TDR program. The designation of a property as either a sending or receiving site shall be set forth in the PDD zoning approval and shall constitute a major modification to an existing PDD approval. The application for a PDD approval shall be subject to the requirements of section 5.01.00 for rezonings.

SECTION 3. Section 20.05.00, of Chapter 20, of the New Port Richey Land Development Code, pertaining to the transfer of development rights, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

20.05.00 Transfer of development rights.

1. *TDR entitlement bank:* Transfers of development rights are made from CHHA lands (sending areas) to the entitlement bank. The city shall maintain an inventory of transferable development rights in the entitlement bank. The city council shall establish the reasonable cost value of TDR credits maintained in the entitlement bank at its discretion.
2. *Future land use map (FLUM) amendment ~~required~~ for sending site:* The A future land use map amendment may shall change the FLUM category on the sending sites to conservation, preservation, public facility or other appropriate non-residential category, as determined by

~~the city, to show the severance of development rights. A future land use map amendment is required to sever development rights from CHHA land for transfer into the city entitlement bank.~~ Future land use amendments will be processed as required under Florida Statutes. A covenant running with the land, deed restriction or conservation easement shall be recorded evidencing the severance of the development rights from the sending site, unless the same is owned by the city.

3. *Future land use map (FLUM) amendment required for receiving site:* A future land use map amendment is required for all receiving sites:
 - a. That do not permit residential development at the time of application for the PDD approval; or
 - b. Where residential density is proposed to be increased, and in such case, the proposed PDD rezoning shall be included as part of the data and analysis supporting the proposed FLUM amendment.
4. *Maximum number of TDR credits to be transferred:* The maximum number of TDR credits transferred from sending areas to receiving areas shall not exceed the maximum number of residential units permitted by the future land use map designation and zoning district classifications for the sending area.

SECTION 4. If any phrase or portion of this ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 5. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this ordinance may be renumbered to accomplish such codification, and that the word ordinance may be changed to “section” to accomplish such codification.

SECTION 7. The provisions of this Ordinance shall not be applied to any property to the extent the provisions hereof are inconsistent with the adopted Comprehensive Plan.

SECTION 8. This ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 6th day of August, 2024.

The above and foregoing ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 3rd day of September, 2024.

ATTEST:

Judy Meyers, CMC, City Clerk

Alfred C. Davis, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney
CA Approved 7-18-2024