

ORDINANCE NO. 2024-2294

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE (LDC) ZONING DISTRICT MAP; PROVIDING FOR REZONING OF APPROXIMATELY 7.57 ACRES OF PROPERTY, GENERALLY LOCATED AT THE NORTHWEST CORNER OF GREEN KEY ROAD AND MANOR BEACH ROAD, AS SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT DESIGNATION FOR SAID PROPERTY FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO PLANNED DEVELOPMENT DISTRICT (PDD) WITH AMENDED SITE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 163 requires each county and each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan;

WHEREAS, on June 29, 1989, the City Council adopted Ordinance No. 1203, which approved the City's Comprehensive Plan, which includes a 2030 Future Land Use Map;

WHEREAS, on November 19, 1991, the City Council adopted Ordinance No. 1268, which enacted the City's Land Development Code (LDC), which provides for a Zoning District Map;

WHEREAS, The LDC addresses the procedure for obtaining a change to the Zoning District Map;

WHEREAS, the owner/applicant, Crafted Milestone LLC, filed with the Development Department, a Zoning District Map (ZDM) amendment application to change from PDD to PDD with amended site plan, the zoning designation of 7.57 acre property located at the northwest corner of Green Key Road and Manor Beach Road;

WHEREAS, the Development Department has reviewed the ZDM amendment application and concludes it is consistent with the application filing requirements in the LDC;

WHEREAS, the Development Review Committee (DRC) has reviewed the ZDM amendment application and has concluded it is consistent with the LDC, and has recommended the Land Development Review Board (LDRB) forward a recommendation to the City Council that the ZDM amendment application be approved;

WHEREAS, the Development Department has prepared a staff report and reviewed the ZDM amendment application against the guidelines in the LDC, and concludes the ZDM amendment application is in conformance with those requirements and that the LDRB should forward a recommendation to the City Council that the Ordinance approving the ZDM amendment application be adopted;

WHEREAS, at the duly noticed LDRB regular public hearing held on May 16, 2024, the LDRB sitting as the Local Planning Agency considered the Development Department staff report and recommendation and all competent substantial evidence presented at the hearing, and forwarded the record to the City Council with a recommendation the Ordinance be adopted;

WHEREAS, at a duly noticed City Council regular public hearing, the City Council on first reading considered the Development Department and LDRB staff reports and recommendations and all competent substantial evidence presented at the hearing, and approved the Ordinance;

WHEREAS, at a duly noticed City Council regular public hearing, the City Council on second reading considered the evidence presented at first reading and all competent substantial evidence presented at the hearing, and adopted the Ordinance;

WHEREAS, notice of this Ordinance and the hearings conducted hereunder has been provided in accordance with Florida law; and

WHEREAS, the City Council has conducted a quasi-judicial hearing, has received evidence pertaining to the rezoning, and has found that the rezoning of the property as provided herein is consistent with the adopted Comprehensive Plan Future Land Use Map designation for the property, is compatible with the use and zoning of the surrounding properties, is consistent with the adopted Comprehensive Plan and the Land Development Code of the City, meets all of the rezoning criteria of the Land Development Code, and is supported by competent substantial evidence.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Ratification. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Rezoning approved. The Land Development Code Zoning District Map of the City of New Port Richey is hereby amended to amend the Zoning Designation for the property described herein from Planned Development District (PDD) to Planned Development District (PDD) with amended site plan as shown in Exhibit “B” attached hereto, with the following development standards:

- A. Maximum density shall not exceed 66 dwelling units;
- B. Private streets shall be 24 feet in width built to city standards;
- C. Parking shall consist of three spaces per lot and an additional 13 spaces for guest parking;
- D. Landscape buffer for entire development shall be 15 feet on the east and west sides and 10 feet on the south side of the site;
- E. Setbacks for overall development:
 1. Front (Green Key Road) – 25 feet
 2. Side (Manor Beach Road) – 30 feet
 3. Side (west property line) – 15 feet
 4. Rear (north property line) – 15 feet;
- F. Setbacks for individual lots:
 1. Front – 5 feet
 2. Side – 5 feet for detached single family
 3. Side – zero feet for attached single family
 4. Rear – 5 feet
 5. Lot 64 shall not construct within 5 feet from the stormwater system and impervious area shall not exceed 1,350 square feet;

- G. Adjoining lots for attached single family homes shall be owned by the same person/entity at time of construction;
- H. Maximum height of buildings shall not exceed 35 feet from base floor elevation;
- I. Impervious surface shall not exceed 1,600 square feet per lot;
- J. Landscaping for individual lots shall be installed prior to issuance of a certificate of occupancy;
- K. Architectural style shall be coastal cottage as represented in Exhibit C; and
- L. The Homeowners Association shall serve as the Architectural Review Board.

Section 3. Property description. The property subject to this Zoning District Map amendment is located at northwest corner of Green Key Road and Manor Beach Road as shown on the location map attached hereto as Exhibit "A", and is legally described as follows:

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA; THENCE RUN S89°44'45"W, ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ A DISTANCE OF 460.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 100.00 FEET AND A CHORD BEARING AND DISTANCE OF N45°15'15"W, 141.42 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 157.08 FEET THROUGH A CENTRAL ANGLE OF 89°59'56"; THENCE RUN N00°15'15"W, 367.92 FEET; THENCE S89°44'45"W, 25.00 FEET TO THE POINT OF BEGINNING AND A FOUND 3"X3" CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF LOT 10, GREEN KEY ESTATES, AS RECORDED IN PLAT BOOK 6, PAGE 57, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE RUN S00°15'15"E ALONG THE WEST RIGHT OF WAY LINE OF MANOR BEACH ROAD A DISTANCE OF 367.92 FEET TO A FOUND 3"X3" CONCRETE MONUMENT AT THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING AND DISTANCE OF S12°00'25"E, 51.13 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 51.49 FEET THROUGH A CENTRAL ANGLE OF 23°36'03" TO A FOUND 3"X3" CONCRETE MONUMENT ON THE NORTH RIGHT OF WAY LINE OF GREEN KEY ROAD; THENCE S89°44'32"W ALONG SAID RIGHT OF WAY LINE 705.48 FEET TO THE MEAN HIGH WATER LINE OF OYSTER BAYOU; THENCE RUN ALONG SAID MEAN HIGH WATER LINE THROUGH THE FOLLOWING SEVEN COURSES: THENCE N40°31'25"E, 10.69 FEET; THENCE N03°34'02"W, 30.45 FEET; THENCE N02°46'41"W, 36.45 FEET; THENCE N08°57'07"W, 46.55 FEET; THENCE N18°19'46"W, 21.80 FEET; THENCE N53°31'08"W, 20.65 FEET; THENCE N89°40'26"W, 10.56 FEET TO THE EAST LINE OF PENINSULAR PARADISE, AS RECORDED IN PLAT BOOK 4, PAGE 71 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE LEAVING SAID MEAN HIGH WATER LINE RUN N00°05'31"E ALONG SAID EAST LINE A DISTANCE OF 399.43 FEET TO A FOUND 3"X3" CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SAID PENINSULAR PARADISE AND TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 13°20'45", A RADIUS OF 185.86 FEET AND A CHORD BEARING AND DISTANCE OF S64°24'46"E, 43.19 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE 43.29 FEET; THENCE S72°27'32"E, 106.68 FEET; THENCE S73°52'34"E, 163.50 FEET; THENCE S76°21'01"E, 53.32 FEET; THENCE S08°21'50"E, 54.64 FEET; THENCE N81°25'54"E, 24.68 FEET; THENCE S14°24'44"E, 34.38 FEET; THENCE N74°54'24"E, 14.93 FEET; THENCE N14°30'23"W, 34.20 FEET; THENCE N74°18'55"E, 13.90 FEET; THENCE N74°41'15"E, 31.27 FEET; THENCE N56°58'18"E, 17.74 FEET; THENCE N64°05'45"E, 6.03 FEET; THENCE N47°22'45"E, 23.72 FEET; THENCE N45°10'23"E, 24.22 FEET; THENCE N81°05'17"E,

15.35 FEET; THENCE N61°27'04"E, 19.26 FEET; THENCE N36°16'16"E, 12.66 FEET TO THE SOUTHERLY LINE OF AFOREMENTIONED LOT 10 OF GREEN KEY ESTATES; THENCE S54°11'04"E, ALONG SAID LINE A DISTANCE OF 96.21 FEET; THENCE CONTINUE ALONG SAID LINE N89°52'31"E, 118.17 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 7.57 ACRES MORE OR LESS.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Conflicts. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 6. Effective date. This Ordinance shall be effective upon its adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 18th day of June, 2024.

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

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Alfred C. Davis, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

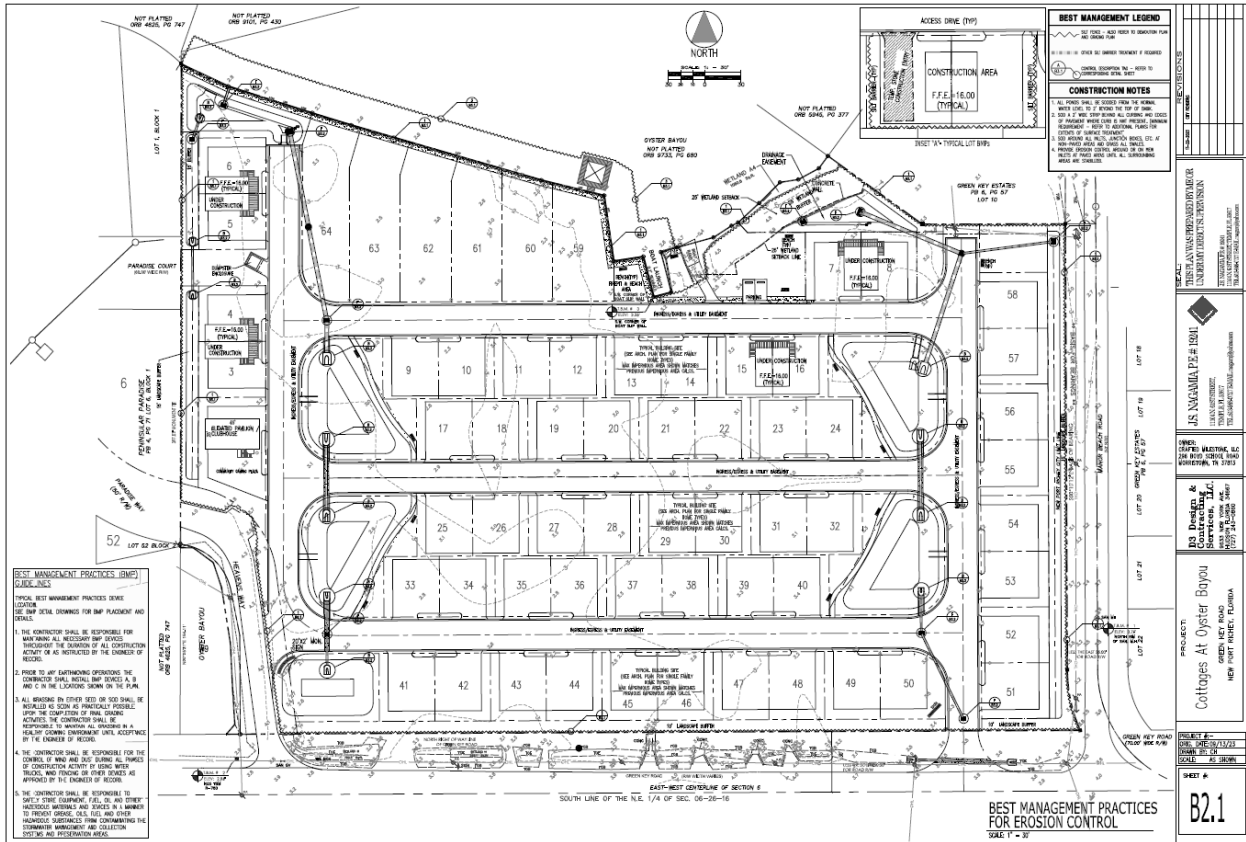
Timothy P. Driscoll, City Attorney

CA Approved – 6-5-2024

EXHIBIT A LOCATION MAP



EXHIBIT B SITE PLAN



BEST MANAGEMENT PRACTICES (BMP) GUIDELINES

TYPICAL BEST MANAGEMENT PRACTICES DERIVE FROM THE FOLLOWING:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL NECESSARY BMP DEVICES THROUGHOUT THE DURATION OF ALL CONSTRUCTION ACTIVITY AS INDICATED BY THE NUMBER OF RECORD.
2. PRIOR TO ANY FURTHER CONSTRUCTION, THE CONTRACTOR SHALL INSTALL BMP DEVICES A, B AND C IN THE LOCATIONS SHOWN ON THE PLAN.
3. ALL BRIDGES ON OTHER SITES OR SITES SHALL BE PROVIDED TO SUCH AS FEASIBLE POSSIBLE UPON THE COMPLETION OF FINAL DRAINAGE ACTIVITIES. THE CONTRACTOR SHALL BE RESPONSIBLE TO MONITOR ALL BRIDGES IN NEARBY COASTAL ENVIRONMENT AND ACCEPTANCE BY THE ENGINEER OF RECORD.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF WIND AND DUST DURING ALL PHASES OF CONSTRUCTION ACTIVITY BY USING WIND TRUCKS AND TRUCKS OR OTHER DEVICES AS APPROVED BY THE ENGINEER OF RECORD.
5. THE CONTRACTOR SHALL BE RESPONSIBLE TO SAVE TREE REMAINS, FILL OR ANY OTHER HISTORICAL MATERIALS AND STORED IN A MANNER TO PROTECT ORIGINAL USE AND OTHER HISTORICAL SUBSTANCES FROM CONTAMINATING THE SURROUNDING ENVIRONMENT AND COLLECTION SYSTEMS AND PRESERVATION AREAS.

BEST MANAGEMENT LEGEND

1. ALL PAVED AREAS SHALL BE CONSTRUCTED TO PERFORM AS A DRAINAGE SYSTEM AND SHALL BE CONSTRUCTED TO PERFORM AS A DRAINAGE SYSTEM AND SHALL BE CONSTRUCTED TO PERFORM AS A DRAINAGE SYSTEM.

CONSTRUCTION NOTES

1. ALL PAVED AREAS SHALL BE CONSTRUCTED TO PERFORM AS A DRAINAGE SYSTEM AND SHALL BE CONSTRUCTED TO PERFORM AS A DRAINAGE SYSTEM.
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PROJECT: Cottages At Oyster Bayou

OWNER: J.S. SWANBERG & ASSOCIATES, INC.

DESIGNER: J.S. SWANBERG & ASSOCIATES, INC.

SCALE: AS SHOWN

SHEET #: B2.1

DATE: 08/25/2014

PROJECT NO.: 14-0000000000

DATE PLOTTED: 08/25/2014 10:00:00 AM

SCALE: 1" = 30'

EXHIBIT C
ARCHITECTURAL STYLE