



MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

January 3, 2023

7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were Deputy Mayor Mike Peters, Councilman Peter Altman, Councilman Matt Murphy and Councilwoman Kelly Mothershead.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Police Chief Kim Bogart, Finance Director Crystal Dunn, Fire Chief Chris Fitch, Assistant Public Works Director Barret Doe, Community and Development Director Dale Hall, Library Director Andi Figart, Technology and Innovations Director Robert Greene, Parks and Recreation Director Terri Moore and Human Resources Manager Bernie Wharran.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of December 20, 2022 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Mike Peters and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

5. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. The following people came forward to speak:

- Judith Allen, 5940 Grand Blvd., NPR came forward to speak regarding her neighbor's fence on her property. She stated she expects Code Enforcement to follow State Statutes. She also spoke regarding her grant application.
- Chopper Davis, 6110 Florida Ave., NPR came forward to speak regarding the new bill payment system.
- Marlowe Jones, 6141 Pine Hill Rd., PR came forward to speak regarding comments made at a previous Council meeting.

With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

- a Speakers must identify themselves prior to speaking by stating their name and full address for the record. Speakers shall address the City Council as a whole and refrain from addressing individual members of the City Council or the City staff. Speakers shall afford the utmost courtesy to the City Council, to City employees, and to the public, and shall refrain at all times, from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

6 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Matt Murphy and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

- a Purchases/Payments for City Council Approval

7 Public Reading of Ordinances

- a First Reading, Ordinance No. 2023-2268: TDR Revisions

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated the City's TDR program allows for transfer from city owned land into to the coastal high hazard area. This ordinance amendment will allow for private property owners to transfer rights. She then introduced Community & Development Director Dale Hall who then presented the item to Council. Mr. Hall began his presentation by giving an overview of how credits are calculated. Mr. Hall then highlighted the current provisions of the ordinance. He stated that the ordinance amendment will allow for property owners to transfer their rights to the City subject to City Council approval. Mr. Hall stated that this will eliminate the need for a conditional use permit. Mayor Marlowe asked that this will allow us to reduce the density in the coastal high hazard area and increase density somewhere else where flooding does not occur and Mr. Hall stated yes. Councilman Altman then spoke regarding a past request for an area in Gulf Harbors Woodlands. He stated that this ordinance sounds like the City does not have to buy the property but can receive the credits possibly through a development agreement. He stated this sounds like a cure for what was not available for that property at that time. Mr. Hall stated this item could be used utilized as such in the future. He also stated that the proposed ordinance does not have a time limit. Councilman Altman stated that as a City we have the right to modify our density. He then spoke about the City purchase of property in Gulf Harbors that was done in order to stop the development and the goal was to move the density credits to a hotel/residential development. Councilman Altman then stated the one question he had was regarding a deed restriction and conservation areas. Mr. Hall stated if it is private development they could take the extra units and donate them to the City bank. He stated the City would not own the property but restrict it.

Upon opening the floor to public comment, the following people came forward to speak:

- Frank Starkey, 5939 Grand Blvd., NPR came forward to ask about the mechanism for exceeding Comp Plan density. Mr. Hall stated the ordinance requires that it to be PDD.
- Chopper Davis, 6110 Florida Ave., NPR came forward to and stated the new ordinance allows for private property credits to be put in a bank to move elsewhere.

With no one else coming forward, Mayor Marlowe returned the floor to Council. Councilman Altman stated the sending site has always been the City. He stated the fact that it says may or may not include a conservation easement and if the City owns land he stated he is not inclined to sending a deed to be recorded to the County. He stated he just wanted to protect the City's rights. Mr. Driscoll stated he would research and provide clarification before second reading. He also stated that this ordinance will remove the appraisal requirement and will allow Council to determine the value by using any method they deem appropriate which gives Council flexibility.

Motion was made to approve the ordinance upon its first reading.

Motion made by Pete Altman and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

b First Reading, Ordinance No. 2023-2269: Amendment to Chapter 12 of the LDC RE: Detached Garages

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated that the purpose of this agenda item was to conduct a first reading of an ordinance that would allow detached garages to be built in front yards with certain conditions. These conditions include but are not limited to requiring the detached garage to be placed within all existing setbacks and be architecturally compatible with the primary structure. City Manager Manns then stated that architectural features that would be looked at for compatibility were the roof structure, the facade, the roof material pitch, and windows. She stated it was also suggested that the front door would remain unobstructed. City Manager Manns stated that with those conditions there was also a recommendation that no variances would be allowed from the front yard setback.

Upon opening the floor to public comment, the following people came forward to speak:

- Frank Starkey, 5939 Grand Blvd., NPR came forward and stated the Code treats side yards on corner lots like front yards and stated there should be a provision for side conditions. He also stated the 15ft. limit may have to be exceeded to be architecturally compatible.

With no one else coming forward, Mayor Marlowe returned the floor to Council. Councilman Murphy asked if there was something similar for ADU's and City Manager Manns stated there is no current ordinance specifically for ADU's but there is a tentatively ordinance to be reviewed by the LDRB in February. Deputy Mayor Peters stated this is limiting garages to one story houses. He stated some areas of the city have large lots that this will work well with. He stated the rules that are in place and these type of allowances allow our city to move towards a grander larger idea of what we had of a more walkable city. Councilwoman Mothershead stated that many people park their cars in the yard and this will look much better. Councilman Altman asked for a definition of a vehicle as many people have golf carts. He asked for a definition or provision for microtransit for second reading. Mayor Marlowe spoke about his home with a detached garage and MIL apartment as well as some of his neighbors and stated back in the day they were fairly common. He stated that he agreed with Mr. Starkey's comments that the 15ft. may not work with a wide garage. He also stated that he is glad we are working on the ADU issue. Mayor Marlowe also encouraged staff to look at the provision for corner lots. City Attorney Driscoll stated he would look into the corner provision and vehicle definition. He stated the ordinance provided this evening does provide that the prohibition on variances would be for setbacks and not for height. Motion was made to approve the ordinance upon its first reading.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

8 Business Items

a 2021 Grand Blvd. Multi-Use Path (MUP) Project – Route Confirmation

City Manager Manns introduced the item to Council. She stated staff has been working on the Grand Blvd. MUP and we are at a decision point regarding the eastward direction of the path. She stated it could turn down either Delaware or Montana. She stated Delaware Avenue is the preferred route as it contains a 60ft. right of way and a 30ft. asphalt surface. Montana Ave. contains a 50ft. right of way and a 30ft. asphalt surface. Both roadways have similar design and stormwater features. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve Delaware Avenue as the eastward route for the MUP.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman,

Marlowe, Mothershead, Murphy, Peters

b 2023 Advanced Metering Infrastructure System (AMI) Project – Piggyback Agreement

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to review and approve the agreement between Citrus County, FL (County) & Core & Main LP (Vendor), and for the City to piggyback off of the agreement to complete the 2023 Advanced Metering Infrastructure System (AMI) Project. She stated that in May Public Works Director Rivera presented an agenda item to purchase 7,477 water meters. The request was due to the large lead time for the items. Mr. Doe then made a presentation to Council stated that Citrus County is currently contracted with Core & Main for a similar project. He stated that due to the amount of meters that need to be replaced, a contractor is needed for the project. Mr. Doe stated the direct purchase of the meters has been initiated by the City and the services of a contractor will be utilized by the City for the removal and replacement of the meters at a cost not to exceed \$500,000.00. The new meters are estimated to arrive by late May or early June, and it is anticipated that the contractor will have them all installed before the end of 2023. Mr. Doe stated that Core & Main has provided a \$250k discount for the project due to supply chain issues and firmware issues. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

c 2023 Martin Luther King Jr. Celebration - Alcoholic Beverage Special Event

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve an ABSEP for the 2023 Martin Luther King Jr. Celebration to be held in Sims Park on Sunday January 15, 2023. The event organizers wish to sell beer from 1PM-5PM. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

d Request for Authorization to Use Equitable Sharing Funds to Purchase Replacement Pistols

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the replacement purchase of 55 Glock Semi-automatic pistols and ancillary accessories to include holsters, using Equitable Sharing Funds. Chief Bogart stated that all officers are issued Glock Model 35, 40 caliber pistols as their duty weapons. Officers in some specialized positions are also issued Glock Model 27 pistols. He stated that all of the weapons currently in use are nearly ten years old. Glock, Inc. recommends replacement after six years. Chief Bogart stated that it would be approximately \$174.00 per pistol for inspection and replacement parts. He stated that the cost to trade in and purchase replacement pistols would be \$11,695. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Mike Peters and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

9 Communications

Mayor Marlowe stated he put out a NPR Note detailing items that have been done and are coming up including the bridge raising and received several comments. Mr. Doe stated that construction is expected to begin in 2024. Councilman Murphy stated he would provide an update after the next MPO meeting. He stated he was happy to see everyone out and about during the holidays. He spoke regarding visiting Mt. Dora over the holidays. Councilman Altman wished everyone a Happy New Year. He stated with the Hacienda opening and life on the streets that this could be the year to showcase the city. He stated he thinks we have a good advocate in Mr. Gunderson. Councilman Altman stated he is

looking forward to hearing from NPRMS and the Chamber and to also brainstorm for new improvements along Nebraska. Deputy Mayor Peters stated that the Hacienda just hosted its first wedding. He stated that we will have to pay attention to the maintenance of our park especially with the increase of guests at the hotels. He stated that today is his 42nd wedding anniversary. Councilwoman Mothershead stated that she spoke to several businesses over the holidays and there was a consensus for a central calendar that lists events that are going on. She stated it is a great way to promote the businesses. She stated that she did a video about New Port Richey which highlighted a lot of the businesses. She stated she plans to do another one in the near future. Mayor Marlowe stated he has spoken in the past regarding the need for a community calendar. He stated long standing annual events should be able to be penciled in a year or two in advance. Councilman Altman stated that no event past January is listed on Pasco County's Sports Coast website. He stated the City will need to take the lead in promoting ourselves. City Manager Manns announced that Chief Bogart will be retiring as of the end of January. She also stated that Daniella Bernal is our marketing specialist and will provide her contact information to Council later this week.

10 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:38 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____

ORDINANCE NO. 2023-2268

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 20 OF THE LAND DEVELOPMENT CODE, PERTAINING TO THE COASTAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; PROVIDING FOR THE EXPANSION OF SENDING SITES TO PRIVATELY OWNED PROPERTIES; PROVIDING FOR THE CALCULATION OF THE VALUE OF DEVELOPMENT CREDITS BY THE CITY COUNCIL; PROVIDING FOR PLANNED DEVELOPMENT DISTRICT (PDD) APPROVAL; PROVIDING FOR REMOVAL OF THE REQUIREMENT FOR CONDITIONAL USE PERMITS; PROVIDING FOR EXPANSION OF RECEIVING SITES TO ALL PROPERTY WITHIN THE CITY; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey' Comprehensive and Land Development Code provide for the Coastal Transfer of Development Rights to manage growth and protect environmentally sensitive lands; and

WHEREAS, the sending sites located within the Coastal High Hazard Area are limited to city-owned lands; and

WHEREAS, the City of New Port Richey desires to expand the eligibility of sending sites to private land owners to further achieve the goal of managing growth and protecting environmentally sensitive lands in the Coastal High Hazard Area; and

WHEREAS, the receiving sites are limited to lands within the Coastal High Hazard Area; and

WHEREAS, the City of New Port Richey desires to expand the eligibility of receiving sites to lands within the corporate limits of the city to further protect environmentally sensitive lands; and

WHEREAS, the calculation of the value of the development rights is based on an appraisal of the receiving site; and

WHEREAS, the City Council wishes to establish the value of the TDR credits based upon the value to either the receiving or sending site as appropriate and other market factors that may apply; and

WHEREAS, requiring PDD zoning approval as condition of participation in the TDR program provides for greater control over the impacts of the program on surrounding properties and is preferable to the conditional use permit process; and

WHEREAS, it is determined that to protect the health, safety, and welfare of the citizens of New Port Richey, amendments to the Coastal Transfer of Development Rights Program are required; and

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. Chapter 20, of the New Port Richey Land Development Code, pertaining to Coastal Transfer of Development Rights, is hereby amended as follows (strikeout text is deleted and underlined text is added):

CHAPTER 20. - COASTAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

20.01.00 - Purpose and intent.

The purpose of this chapter is to provide a Coastal Transfer of Development Rights Program. This program shall:

1. Assist in the redevelopment of the Coastal High Hazard Area (hereafter referred to as "CHHA") of the city;
2. Protect environmentally-sensitive lands within the CHHA;
3. Redistribute residential development rights allocated by the Future Land Use Map (hereafter referred to as "FLUM") ~~to achieve the requirements of Rule 9J-5012, Florida Administrative Code~~ within the CHHA;
4. Redistribute residential development rights allocated by the FLUM to achieve growth management goals of the city; and
5. Implement hazard mitigation strategies.

20.02.00 - Definitions.

Base density. The maximum number of dwelling units possible, per acre, on a parcel of land based on the future land use map (FLUM) designation in the comprehensive plan and zoning district.

Build-out date. The date by which the final certificate of occupancy of the final residential unit is issued.

Bonus density. The additional number of dwelling units permitted on a parcel of land, beyond the maximum possible as determined by the proposed underlying future land use category.

Coastal high hazard area (CHHA). The coastal high hazard area is the area below the elevation of the category 1 storm surge line as established by a sea, lake and overland surges from hurricanes (SLOSH) computerized storm surge model.

Conceptual building elevation plan. A conceptual building elevation plan includes a drawing that shows the profile of buildings including building materials and colors.

Coastal transfer of development rights ~~conditional-use permit~~ Planned Development District zoning (PDD). A coastal transfer of development rights PDD approval ~~conditional-use permit~~ is the final development order issued by the City of New Port Richey for participation in the coastal transfer of development rights program. This coastal transfer of development rights PDD approval ~~conditional-use permit~~ is site specific, project specific and shall ~~can~~ not be transferred to another site. Modifications to the coastal transfer of development rights ~~conditional-use permit~~ PDD approval shall be approved by the City of New Port Richey pursuant to the requirements herein and the requirements for PDD approval set forth in the Land Development Code.

Conservation easement. A deed restriction placed on property that restricts its owner to specific limited uses of the property, typically conservation or passive recreation and open space.

Deed restriction. A legal document, recorded by the Pasco County Clerk of the Circuit Court, describing restricted activities on a sending site, which may or may not include a conservation easement.

Major modification to ~~conditional-use permit~~ PDD. Major modifications to the ~~conditional-use permit~~ PDD approval are all those modifications that are not classified as minor modifications in this code. Examples include: changes increase in density,; building height,; ~~and/or change in~~ architectural design, color, or building materials.

Minor modification to ~~conditional-use permit~~ PDD. A nominal deviation from the approved plan, provided it will not change increase the permitted density and ~~that~~ the proposal remains consistent with the original design, intent and developer commitments of the adopted plan. Examples include: adjustments in the location of building footprints and parking lots, provided setbacks and buffers remain in compliance,; redesigning ~~and/or~~ relocating stormwater management facilities and amenities,; and changes in the landscaping plan relating to ~~(substitution of materials)~~.

Planned Development Zoning District (PDD). The zoning district provided in this code providing site specific development standards.

Receiving areas. An area within which development rights transferred from a TDR sending area can be used as shown on the map specified "Receiving Area" in Exhibit A [Exhibit A is on file and available for inspection in the office of the city clerk]. These areas have available infrastructure and services that can accommodate higher density development. Receiving areas are only included within the corporate limits ~~area~~ of New Port Richey ~~designated as the CHHA.~~

Receiving site. An eligible property located within the ~~eastal high hazard area~~ corporate limits of New Port Richey. Eligibility shall be determined by the criteria established in this chapter.

Sending area. The area from which development rights on ~~CHHA city-owned~~ lands may be severed as shown on the ~~FLUM future land use map #2~~, entitled TDR sending areas [Future land use maps are on file and available for inspection in the office of the city clerk]. All sending areas shall require a deed restriction, "land use restriction agreement", or other appropriate instrument between the City of New Port Richey and the applicant.

Sending site. An eligible ~~CHHA city-owned~~ property located within the sending area.

Transfer of development rights (TDR). The conveyance of development rights by deed, easement or other legal instrument authorized by local law to another parcel of land and recordation of that conveyance.

Transfer of development right credit. A development right credit which has been severed or extinguished from a sending site by deed restriction, conservation easement, or other legal instrument authorized by law and the recording of that instrument, and which is transferable to a specified receiving area.

Transfer of development rights entitlement bank. The holding area for development rights that have been severed from city-owned lands and are to be sold as part of a conditional use permit.

Transfer of development right certificate. A certificate issued by the City of New Port Richey evidencing the legal right of the holder to use such certificate to obtain additional density on a receiving site, subject to and in accordance with this article. Once issued, this certificate is non-transferable to another parcel of land.

20.03.00 - Permitted uses.

1. Lands designated as transfer of development rights sending areas shall be used only for the permitted principle and accessory uses authorized herein and as permitted in the ~~zoning district~~ PDD approval for the subject site.

2. Lands designated as transfer of development rights receiving areas shall be used only for the permitted principle and accessory uses authorized under the ~~zoning classification, and the additional permitted uses authorized pursuant to the conditional approval~~ PDD approval.

3~~4.~~ *Uses permitted in sending areas.* Sending lands shall be used for public parks, flood control and mitigation, open spaces and appropriate redevelopment projects as determined by the city. Sending sites shall be designated with non-residential land uses.

4~~2.~~ *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.

53. Accessory uses in receiving areas. Any permitted accessory use which is an allowable accessory use under the zoning district is permitted, and/or uses authorized pursuant to the conditional use PDD approval.

20.04.00 - ~~Conditional use permit and site plan~~ Planned Development District Rezoning required.

A Planned Development District (PDD) rezoning allowing TDRs as a condition of the rezoning conditional use approval is required for participation in the coastal TDR program. The application for a PDD approval conditional use shall be subject to the requirements of section 5.02.01 for special exceptions and conditional uses 5.01.00 for rezonings, as well as, the requirements established in section 21.05.00 below.

~~1. General requirements: The property owner or his legally designated agent shall apply for and receive approval of a conditional use permit approved by the city council, as provided in section 5.02.01, and the requirements established in this part. The applicant shall also apply for and receive approval of a preliminary site plan meeting the requirements of section 3.11.03 and the requirements established in this part. Additionally, the applicant shall be required to enter into a development agreement, as provided in section 3.11.04, as part of the conditional use approval process specifying the formal commitments for the provision of needed infrastructure and services.~~

~~2. Procedures for conditional use permit.~~

~~a. Pre application conference: Prior to filing a petition for transfer of development rights and an application for a conditional use permit and preliminary site plan, the petitioner shall request and hold a pre application conference with the community development director and appropriate city staff. The pre application conference is for the purpose of guidance and information, and for ensuring that the petition, and subsequent application, is in conformity with these regulations.~~

~~b. Procedure for approval of a conditional use permit for use of TDRs:~~

~~1. Application requirements: An application for a conditional use permit together with a preliminary site plan and development agreement shall be submitted to the community development director who shall forward it to the DRC. The conditional use permit shall also include a draft development agreement consistent with the requirements of section 3.11.04. The city staff shall review the application to determine that the application is complete and all required data is included. If the application is not complete, the petitioner shall supplement the application, as needed, to provide the necessary information before the application can be processed for substantive review.~~

~~2. Application submittal requirements: Application submittal requirements shall include at a minimum:~~

- ~~○ Name, address of applicant;~~
- ~~○ Conditional use application (signed and notarized) including name and address of applicant and applicant's representative, if any;~~

- ~~○ Project narrative, at minimum, describing conceptual building elevations, type and color and finish of materials, design and architectural style and quality of development;~~
- ~~○ Preliminary site plan;~~
- ~~○ Conceptual building elevation plans;~~
- ~~○ List and schedule for capital improvements necessary (if any) to maintain level of service and concurrency standards;~~
- ~~○ \$1,500.00 processing fee (non-refundable);~~
- ~~○ Number of requested development rights;~~
- ~~○ Draft development agreement including proposed development schedule and timing of development phasing;~~
- ~~○ Future land use amendment for receiving site (city will prepare same for sending site);~~
- ~~○ A narrative on how the project will address the goals, objectives and policies of the City of New Port Richey Redevelopment Plan; and~~
- ~~○ A narrative on how the goals, objectives and policy'sies of the City of New Port Richey Comprehensive Plan are addressed.~~

~~3. *Review of conditional use permit and preliminary site plan:* Once the application is determined to be complete, the application will be scheduled for review by the development review committee. The DRC shall recommend approval, approval with conditions, or denial, to the city council. If the recommendation is for denial, the DRC shall recommend any corrective actions required for approval or approval with conditions.~~

~~4. *Required public hearing:* A public hearing by city council is required for consideration of public comments on the conditional use permit, preliminary site plan and development agreement. If the DRC recommends denial of the application, the applicant will need to modify the application to address any corrective actions required for approval or approval with conditions prior to the applicant proceeding to the required hearing by city council.~~

~~c. *Procedure for final approval of a conditional use permit for use of TDRs:*~~

~~1. *Application requirements:* An application for a conditional use permit together with a final site plan and final development agreement shall be submitted to the community development director who shall forward it to the DRC. The city staff shall review the application to determine that the application is complete and all required data is included. If the application is not complete, the petitioner shall supplement the application, as needed, to provide the necessary information before the application can be processed for substantive review.~~

~~2. *Final requirements for conditional use permit:*~~

- ~~○ Conditional use application (signed and notarized) including name and address of applicant and applicant's representative, if any;~~

- ~~○ Schedule for capital improvements necessary (if any) to maintain the adopted level of service to meet concurrency requirements (including proportionate share provisions);~~
- ~~○ Surety fee (ten (10) percent, non-refundable);~~
- ~~○ A build-out date of the development (at which time development entitlements are deposited back into the city entitlement bank, if unused);~~
- ~~○ Final application including all supporting information;~~
- ~~○ Final development agreement;~~
- ~~○ Final site plan; and~~
- ~~○ Final architectural plan with elevations.~~

~~3. *Review of conditional use permit and final site plan:* Once the application is determined to be complete, the application will be scheduled for review by the development review committee. The DRC shall recommend approval, approval with conditions, or denial, to the city council. If the recommendation is for denial, the DRC shall recommend any corrective actions required for approval or approval with conditions.~~

~~4. *Required public hearing:* A public hearing by city council is required for consideration of public comments on the conditional use permit, final plan and development agreement. If the DRC recommends denial of the application, the applicant will need to modify the application to address any corrective actions required for approval or approval with conditions prior to the applicant proceeding to the required hearing by city council.~~

20.05.00 – Modifications to conditional use permit.

~~Changes to the conditional use permit shall be reviewed by the DRC. The DRC shall recommend approval or denial of the modified conditional use permit. If the DRC recommends denial of the application, the applicant will need to modify the application to address any corrective actions required for approval or approval with conditions prior to the applicant proceeding to schedule the required public hearing, pursuant to section 21.04.2.C.1-4. Minor modifications to the conditional use permit will be regulated as indicated under the definitions section.~~

Sec. 20.056.00 - Transfer of residential development rights.

~~1. *TDR entitlement bank.* Transfers of development rights are made from CHHA ~~city-owned~~ lands (sending areas) to the entitlement bank. The city shall maintain an inventory of transferable development rights in the entitlement bank. ~~The city~~ City Council shall establish the reasonable cost value of TDR credits maintained in the entitlement bank by ~~obtaining an appraisal of the receiving site prepared by a State Certified General Appraiser to be reviewed by the Community Redevelopment Agency and approved by the City Council for the establishment of the final cost determined at~~ its the discretion of the City Council.~~

~~2. *Future land use map (FLUM) amendment required for sending site:* The future land use map amendment shall change the FLUM category on the sending sites ~~lands~~ to~~

conservation, preservation, public facility or other non-residential category. A future land use map amendment is required to sever development rights from CHHA ~~city-owned~~ land for transfer into the city entitlement bank. Future land use amendments will be processed as required under Florida Statutes.

32. *Future land use map (FLUM) amendment required for receiving site lands:* 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 ~~conditional use permit~~; or
- b. Where residential density is proposed to be increased, the proposed ~~conditional use permit~~ PDD rezoning shall be included as part of the data and analysis supporting the proposed FLUM amendment.

43. *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.

20.076.00 - Procedure for obtaining transfer of residential development rights.

1. The petitioner shall submit a request to the city to obtain transfer of residential development rights.

21. *Intent to issue deed of transfer:* Once an agreement has been reached on the pricing of the TDR's, the city shall provide an intent to issue a deed of transfer of ownership of development rights (or other appropriate instrument) pending conditional use and site plan approvals.

32. *Issuance of deed:* Upon city approval of conditional use permit, final site plan, elevations, future land use plan amendments and rezoning for the receiving site and receipt of payment from the petitioner, the city shall issue the deed of transfer of ownership of development rights (or other appropriate instrument).

43. *Recording of deed:* All deeds of transfer of ownership of development rights shall be recorded with the Pasco County Clerk of the Circuit Court, together with a deed restriction or conservation easement that the development rights have been severed or extinguished from the sending site.

54. *Use of funds:* The monies from the sale of the development rights shall be used for acquisition of land for private redevelopment purposes and to implement the intent of this section.

65. *Timing of payment for TDR credit:* The TDR credit must be paid at the time of issuance of the first building permit.

20.087.00 - Comprehensive plan amendment ~~and zoning amendment~~ required.

~~1. Prior to the effective date of the coastal TDR conditional use permit PDD approval, a comprehensive plan future land use map (FLUM) amendment shall be adopted by the City of New Port Richey for the receiving site and be found in compliance by the Florida Department of Community Affairs Economic Opportunity. This FLUM amendment is required to allow for new or increased residential development on the receiving lands. This shall be processed as required under Florida Statutes.~~

~~2. Prior to the effective date of the conditional use permit, a zoning amendment shall be adopted by the City of New Port Richey for the receiving site that is consistent with the underlying land use. This shall be processed as required under Florida Statutes and chapter 5 of the land development code.~~

20.098.00 - Development standards.

1. *Appropriate zoning districts:* ~~The zoning classification~~ PDD approval of the receiving site shall include residential development as a permitted use.

2. *Availability/provision of infrastructure:* All required infrastructure shall be provided by the developer of the property. The city shall limit public expenditures that subsidize development in the coastal high hazard area.

3. *Compatibility of use:* The burden of proof to demonstrate compatibility shall be on is ~~required of~~ the applicant. Compatibility determination shall consider use, density, ~~and~~ intensity, scale, ~~and~~ impact, building materials and color of materials.

4. *Certificate of transfer of development rights:* A certificate of transfer of development rights shall be included as part of the ~~conditional use permit~~ PDD approval. A certificate of transfer of density credits shall be issued by the city to the applicant upon effective date of the ~~conditional use permit~~ PDD approval.

20.1009.00 - Effective date.

1. The effective date of the ~~conditional use permit~~ PDD approval shall be the effective date of the comprehensive plan amendment that changes the FLUM category on the receiving site.

2. The effective date of the sending site is the effective date of the comprehensive plan amendment that changes the FLUM category on the receiving site.

3. The effective date of the receiving site is the effective date of the comprehensive plan amendment that changes the FLUM category on the receiving site.

20.110.00 - Time limitations on authorization to proceed with building permit or construction permit.

The failure to act on the part of the petitioner to exercise the transfer of development rights or obtain the required building permits within time period specified by the ~~conditional use permit~~ PDD approval (commencement date) shall render the permit void. The city shall be held harmless for any damages arising out of petitioner's failure to act. If the ~~conditional use permit~~ PDD approval

is deemed to be void, then the applicant's funds for the purchase of the development entitlements shall be refunded minus ten (10) percent for administrative fees.

20.121.00 - Appeal procedures.

Any person aggrieved by any decision or interpretation made by the community development director may appeal such grievance as provided by law.

SECTION 2. 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 3. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. 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 ____ day of _____, 2023.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2023.

ATTEST:

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM

By: _____

Timothy P. Driscoll, City Attorney CA Approved 1-3-23

ORDINANCE NO. 2023-2269

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 12.03.00 OF CHAPTER 12 OF THE LAND DEVELOPMENT CODE, PERTAINING TO DETACHED STORAGE BUILDINGS AND GREENHOUSES; PROVIDING FOR DETACHED GARAGES; PROVIDING LOCATION AND DESIGN STANDARDS FOR DETACHED GARAGES; PROVIDING FOR PROHIBITION OF SHIPPING CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Code provides standards for storage buildings as an accessory use;

WHEREAS, detached garages provide additional function not always applicable to storage buildings;

WHEREAS, as storage buildings, detached garages are prohibited in residential front yards;

WHEREAS, allowing detached garages in the front yards of residential properties will enhance the quality of life for residents;

WHEREAS, the use of shipping containers as storage buildings in the City is not compatible with the surrounding uses of property;

WHEREAS, the City Council wishes to authorize detached garages in residential front yards and prohibit shipping containers in all zoning districts;

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 12.03.00, of Chapter 12, of the New Port Richey Land Development Code, pertaining to detached storage buildings and greenhouses, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

12.03.00 Detached garages, storage buildings and greenhouses

1. *Purpose:* This section sets forth those standards necessary to regulate the following particular accessory uses.

2. Detached garages.

a. Detached garage buildings shall be permitted in all residential zoning districts, provided all standards and provisions are followed.

b. Detached garages shall be permitted in the side and rear yards and shall not encroach into any required building setback from an abutting road or property line.

c. Detached garages shall be permitted in the front yard and shall not encroach into any required building setback from an abutting road or property line, in accordance with the following standards:

1. The front entrance to the primary structure shall not be obstructed from the street view;

2. The architectural style of the detached garage shall be compatible with the primary structure, including façade material, roof material and roof pitch;

3. All sides of the detached garage shall contain architectural features similar to the primary structure, including windows;

4. All detached garages shall have working doors for vehicle access;

5. The free vision zone shall not be obstructed; and

6. Setback variances shall not be permitted.

d. No detached garage shall exceed fifteen (15) feet in height.

~~2. Standards:~~ 3. Detached storage buildings and greenhouses.

a. Detached storage buildings and greenhouses may be permitted in all land use categories, provided all standards and provisions are followed.

b. Detached storage buildings and greenhouses shall be permitted only in side and rear yards and shall not encroach into any required building setback from an abutting road or property line.

c. Detached storage buildings and greenhouses may be permitted in compliance with the standards for minimum distance between buildings.

d. Detached storage buildings and greenhouses ~~These structures~~ shall not exceed fifteen (15) feet in height.

e. Shipping containers shall be prohibited in all zoning districts.

SECTION 2. 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 3. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. 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 _____ day of _____, 2023.

The above and foregoing ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2023.

ATTEST:

Judy Meyers, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney

CA Approved 1-3-23