

ORDINANCE NO. 2023-2270

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 3.67 ACRES OF PROPERTY, GENERALLY LOCATED AT PINWOOD DRIVE SOUTH OF PETUNIA COURT, TIMBER WOODS SUBDIVISION LOTS 31-50 INCLUSIVE AS RECORDED IN PLAT BOOK 15 PAGES 8-9 OF THE PUBLIC RECORDS OF PASCO COUNTY, 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 MF-10, MULTIFAMILY-10 TO PDD, PLANNED DEVELOPMENT DISTRICT (RESIDENTIAL); 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, JCR Development LLC filed with the Development Department a Zoning District Map (ZDM) amendment application (REZ 22-04) to change from Multifamily-10 (MF-14) to PDD, Planned Development District the zoning designation of a 3.67 acre property located at Pinewood Drive south of Petunia Court;

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 December 15, 2022, 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 MF-10, Multifamily-10 to PDD, Planned Development District (residential); as shown in Exhibit “A” attached hereto.

Section 3. Property description. The property subject to this Zoning District Map amendment is located at Pinewood Drive south of Petunia Court, and is legally described as follows:

Lots 31-50, TOGETHER WITH the Pinewood Drive right-of-way, ALL as shown on the plat of TIMBER WOODS SUBDIVISION, as recorded in Plat Book 15, Pages 8-9, of the Public Records of Pasco County, Florida

Section 4. Development Standards. The development standards as part of the Planned Development District shall be as follows:

1. Density: 28 townhomes
2. Building Setback: 20 feet front, 10’ rear and 5’ side from property lines
3. Retention Pond: shall be in compliance with Southwest Florida Water Management District requirements
4. Building Height: Not to exceed 35 feet height from Base Floor Elevation
5. Multi-family Design Standards: City’s Multi-family Design standards shall be complied with consistent with the illustrations presented on exhibit B
6. Parking: a minimum of 2 spaces per dwelling unit
7. Impermeable Surface Ratio shall not exceed 62%
8. Sidewalks
 - a. External – public sidewalk, minimum five-foot width, along the entire length of Petunia Drive from property line to property line

- b. Internal
 - i. Sidewalk (Minimum 5' width) – along at least one side of Pinewood Drive
 - ii. Crosswalks: High visibility type of contrasting pavement, installed at all crossing locations
9. Site Amenities
- a. Lighting: to be located along property sidewalks to adequately provide illumination for safety and security. Fixtures to be approved by the city.
 - b. Benches: to be located adjacent to sidewalks and near landscaping local points
 - c. Gazebo/viewing station: a gazebo or viewing station must be located at the retention pond
10. Landscaping: shall meet the City's minimum landscaping requirements
11. Stormwater design shall incorporate Low Impact Design Standards
- a. Stormwater Ponds: shall be of a natural, free form undulating design and must incorporate wetland vegetation
 - b. Utilization of porous pavement, infiltration trenches and/or vegetative swales may be incorporated in the design, as approved by City Staff

Section 5. 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 6. 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 7. Effective date. This Ordinance shall be effective upon its adoption as provided by law and upon the effective date of Ordinance _____ pertaining to the Land Use of the subject property.

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 ____ day of _____, 2023.

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 ____ day of _____, 2023.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney
CA Approved 2-9-2023

EXHIBIT A

Lots 31-50, TOGETHER WITH the Pinewood Drive right-of-way, ALL as shown on the plat of TIMBER WOODS SUBDIVISION, as recorded in Plat Book 15, Pages 8-9, of the Public Records of Pasco County, Florida.

Containing 3.67 Acres, more or less.

DESCRIPTION:

This is a "PLAT" prepared in accordance with the provisions of the Florida Statutes. All information shown on this plat is the property of the Surveyor and is not to be used for any other purpose. This plat is subject to the provisions of the Florida Statutes, Chapter 217, Florida Statutes, and the rules of the Board of Professional Engineers and Professional Surveyors, Florida. The Surveyor is not responsible for any errors or omissions in this plat. The Surveyor is not responsible for any errors or omissions in this plat. The Surveyor is not responsible for any errors or omissions in this plat.

Containing 2.67 Acres, more or less.

FLOOD ZONE

The property described herein is located in Zone "X-1" as shown on the map of FLOOD ZONES SUBDIVISION, as recorded in Public Record Book No. 121023, Page 1862, Eschscholtz Date March 2020, County No. 120323 and Plat 0118 03.

- LEGEND**
- 1. PROPERTY BOUNDARIES
 - 2. SURVEY BOUNDARIES
 - 3. ADJACENT PROPERTIES
 - 4. WETLAND BOUNDARIES
 - 5. WETLAND CLASSIFICATION
 - 6. WETLAND USE DESIGNATION
 - 7. WETLAND VEGETATION
 - 8. WETLAND TOPOGRAPHY
 - 9. WETLAND HYDROLOGY
 - 10. WETLAND SOILS
 - 11. WETLAND WATERWAYS
 - 12. WETLAND OBSTRUCTIONS
 - 13. WETLAND MONUMENTS
 - 14. WETLAND SURVEY POINTS
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Scale: 1" = 40'
GRAPHIC SCALE (IN FEET)
BASIS OF BEARINGS
BEARINGS TO THE NEAREST 10 SECONDS OF AN ARC
BASED ON THE NAD 83 DATUM

- NOTES**
1. All monuments, markers, or improvements have been located, except those shown herein.
 2. LANDMARK ENGINEERING & SURVEYING CORPORATION'S Certificate of Authorization Number is provided for reference to the State of Florida.
 3. This drawing was made from the original signature and seal of a Florida Registered Surveyor & Mapper.
 4. As used on this drawing, the words "state or declare" a professional opinion of conditions regarding these facts or findings which are the subject of the verification and certification is only for the facts as described in this Certificate of Title. Zoning, Easements or Encumbrances.
 5. No instruments of record reflecting easements, rights-of-way or other ownership were furnished to this surveyor except as shown herein.

- LEGEND**
- 1. WETLAND BOUNDARIES
 - 2. WETLAND CLASSIFICATION
 - 3. WETLAND USE DESIGNATION
 - 4. WETLAND VEGETATION
 - 5. WETLAND TOPOGRAPHY
 - 6. WETLAND HYDROLOGY
 - 7. WETLAND SOILS
 - 8. WETLAND WATERWAYS
 - 9. WETLAND OBSTRUCTIONS
 - 10. WETLAND MONUMENTS
 - 11. WETLAND SURVEY POINTS
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