

ORDINANCE NO. 2023-2779

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 5015 US HIGHWAY 19, HAVING PARCEL IDENTIFICATION NUMBER 08-26-16-006A-00200-0010, AS SHOWN ON THE SURVEY ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT DESIGNATION FOR SAID PROPERTY FROM HC, HIGHWAY COMMERCIAL DISTRICT TO PDD, PLANNED DEVELOPMENT DISTRICT (RESIDENTIAL AND COMMERCIAL PLANNED DISTRICT SUBCATEGORIES) WITH DEVELOPMENT STANDARDS, 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; and

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; and

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; and

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

WHEREAS, the owner/applicant, Royal Five Hospitality Inc., filed with the Development Department, a Zoning District Map (ZDM) amendment application (REZ 2023-01) to change from HC, Highway Commercial District to PDD, Planned Development District (Residential and Commercial Planned District Subcategories) zoning designation of a 3.67 acre property located at 5015 US Highway 19; and

WHEREAS, the subject property is located in the Coastal High Hazard Area (CHHA) and will require the acquisition of development credits through the City's Coastal Transfer of Development Rights program to meet the density requirements; and

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

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; and

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; and

WHEREAS, at the duly noticed LDRB regular public hearing held on January 19, 2023, 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; and

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; and

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; and

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. Property description. The property subject to this Zoning District Map amendment is located at 5015 US Highway 19, and is legally described in Exhibit “A”.

Section 3. 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 is hereby amended from HC, Highway Commercial District to PDD, Planned Development District (Planned District Residential and Commercial Subcategories) with the Development Standards:

The Development Standards shall be consistent with Exhibit “B” - Preliminary Site Plan (submitted from Northside Engineering, Sheet C3.2, dated 08/23/21).

The detailed Development Standards are as follows:

1. Density
 - a. Hotel – 92 units
 - b. Residential (Condominiums) - 96 Condominium Dwelling Units
2. Minimum Building Setbacks
 - a. 10 feet from all property lines
 - b. 15 feet between individual Residential (Condominiums)
 - c. 25 feet between Hotel and Residential (Condominiums)
 - d. 50 feet between Hotel Patio area and Residential (Condominiums).
3. Wetland Setbacks – 25’ from jurisdictional wetland line
4. Building Height – Not to exceed 75 feet height from Base Floor Elevation
5. Building design, materials, colors shall be consistent with Resch Conceptual Architectural

Elevations, Sheets A2-A3, dated 9/9/21 and 9/10/21, also attached as Exhibit "C".

6. Parking
 - a. Hotel – minimum 1.1 spaces per unit
 - b. Residential Unit (Condominiums) – minimum 2.0 spaces per unit
 - c. A minimum 30' turning radius for proper turning radius of emergency vehicles shall be required throughout all parking lots.
7. Landscaping and required buffer plantings may be placed in ROW (subject to approvals by County and private utility providers prior to approval of site plan) and an agreement for the owner to maintain landscape in perpetuity shall be required. If plantings cannot be placed in a satisfactory manner agreed upon by all parties involved, then the owner must provide all required landscape on private property.
8. Impermeable Surface ratio shall not exceed 83%.
9. Sidewalks
 - a. External
 - i. Sidewalk (Roadway side), minimum five foot (5') width, along the length of Marine Parkway (subject to County approval) and Floramar Terrace
 - ii. Sidewalk (Canal Side), minimum six foot (6') width, along entire length of the Canal, from property line to property line.
 - b. Internal
 - i. Sidewalk (min. 5' width) – entirely around all buildings and through parking lot at appropriate locations.
 - ii. Crosswalks – High visibility type of contrasting pavement, installed at all crossing locations.
10. Site Amenities
 - a. Bike racks – located within 50' (and no more than 120') from Residential (Condominiums) entry doors
 - b. Lighting – to be located along sidewalks to adequately provide illumination for safety and security. Fixtures to be approved by the City.
 - c. Benches – a minimum of three benches shall be located along the Residential (Condominiums) sidewalk adjacent to the canal
 - d. Amenities (as shown on Exhibit "B")
 - i. Hotel – Outdoor patio area & outdoor pool; Meeting/event space for Residential (Condominiums) use
 - ii. Residential Unit (Condominiums) – Outdoor pool, dog park, active recreation area (pickleball, tennis, bocce ball, etc.)
11. Stormwater (Low Impact Design Standards) – shall be underground as approved by SWFMMD
12. Traffic Stipulations - Access onto Marine Parkway from the development shall be right turn only, unless further engineering analysis provides alternative data.
13. The existing pole sign on-site shall be removed prior to completion of any potential development permit.

Section 4. Transfer of Development Rights. The developer shall acquire 96 development credits from the City's Entitlement Bank at a fee set by the City Council for the right to construct 96 condominium dwelling units. Purchase of development credits shall occur prior to obtaining any development permit.

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.

The written list in Section 3 above shall take precedence should there be any conflicts between application documents, including all Exhibits.

That all other Codes, requirements, or regulations, including Multi-Family Design Development Standards, shall be met.

Section 7. 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 16th day of May, 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 6th day of June, 2023.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

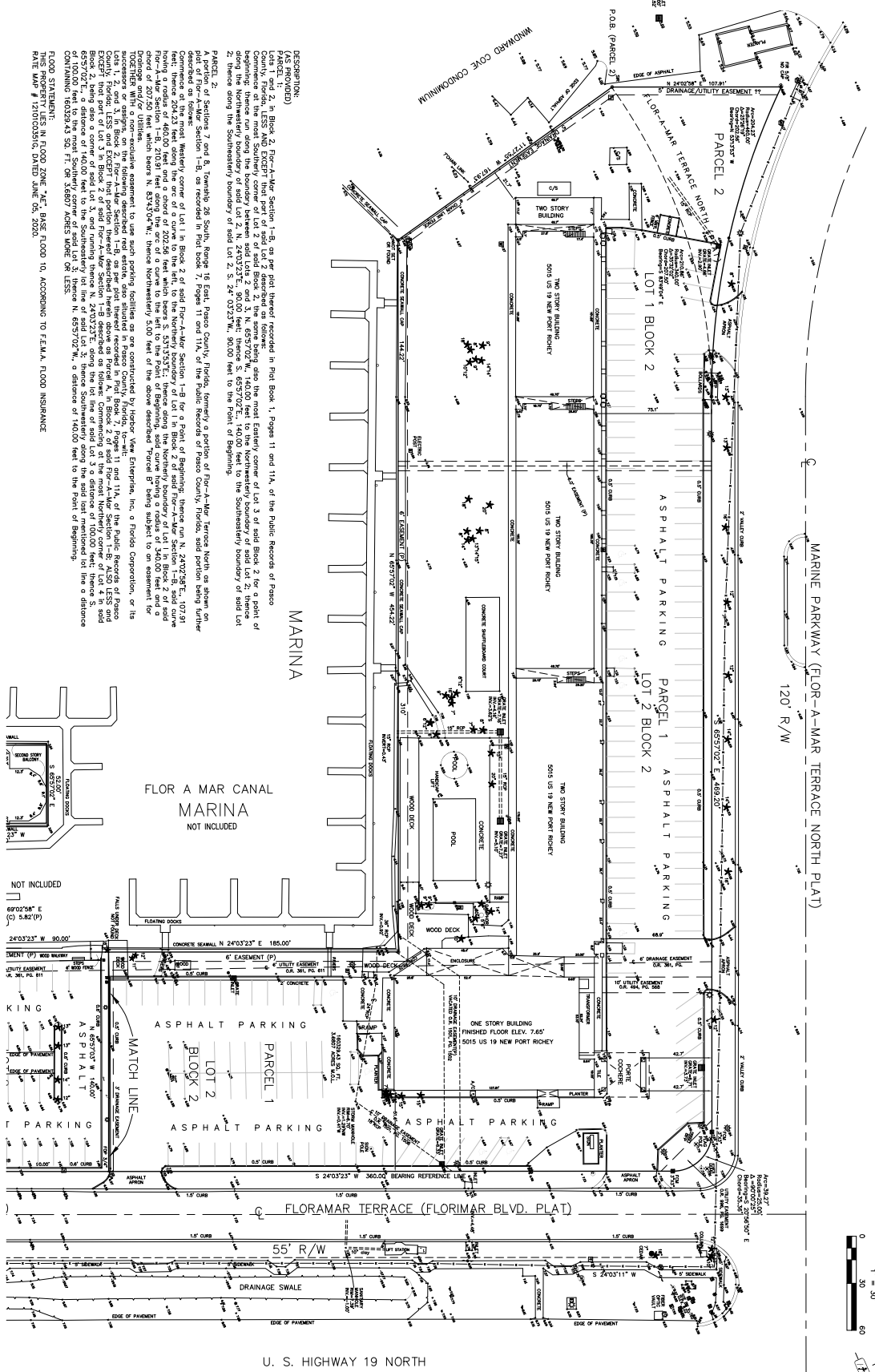
Judy Meyers, CMC, City Clerk

Alfred C. Davis, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney



- LEGEND**
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GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. BASIS OF BEARINGS ARE PLAT AND REFERENCED TO THE SOUTH POINT OF WAY OF FLORIMAR TERRACE BEARING S 24°32'33" W.
3. NO UNDERGROUND LOCATED UNLESS SHOWN HEREON.
4. EXISTING UTILITIES ARE SHOWN ON RECORDING PLAN.
5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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RESOLUTION

THIS PROPERTY LIES IN FLOOD ZONE "AE", BASE FLOOD 10, ACCORDING TO FEMA FLOOD INSURANCE RATE MAP # 12101C0316 DATED JUNE 05, 2020.

GUY HALE, LAND SURVEYING
406 So. Arcturas Ave. Ste 1
Clearwater, FL 33765

BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT
727-734-4286 ghsurveyor@gmail.com

SURVEYOR'S CERTIFICATE

CERTIFIED AS A BOUNDARY SURVEY UNLESS IT BEARS THE SIGNATURE AND THE LICENSE NUMBER OF A LICENSED SURVEYOR. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT AND THE RULES THEREUNDER. THE DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT FINAL.

[Signature]
09-27-17
DATE

GUY D. HALE, PLS No.4628

BOUNDARY SURVEY

PREPARED FOR:
ROYAL FIVE HOSPITALITY INC

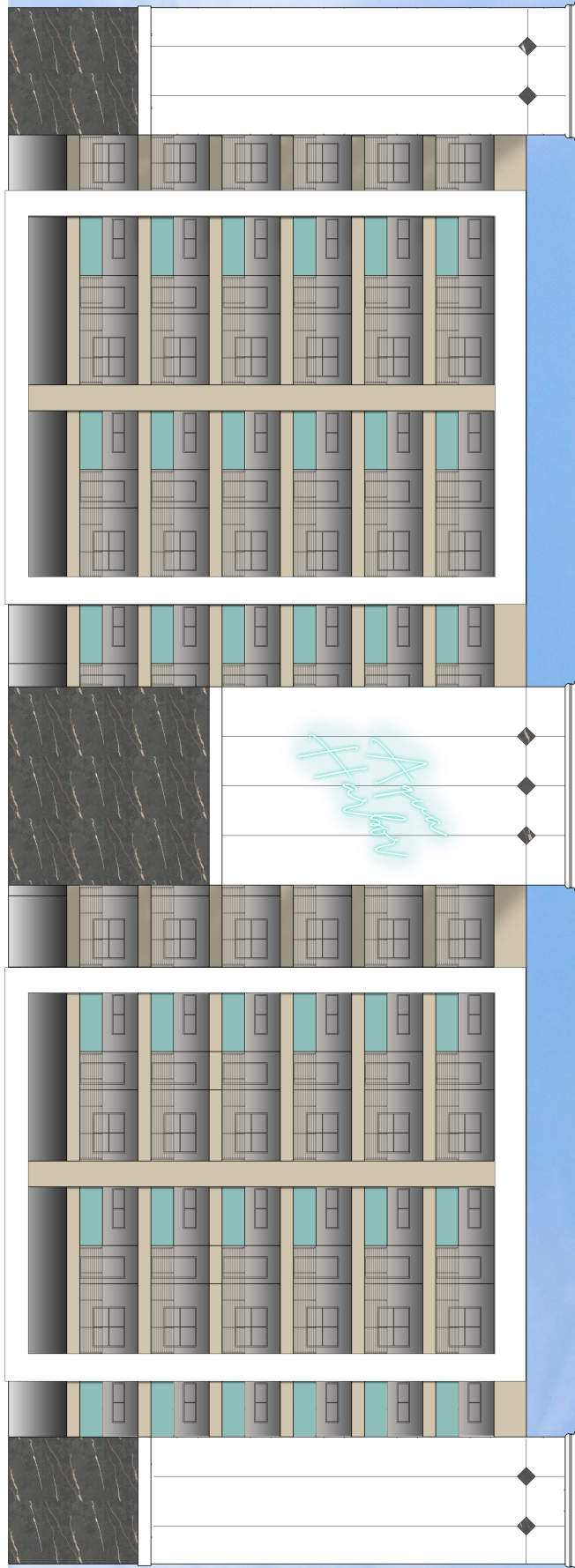
DATE OF FIELD SURVEY: 03-23

Revisions	No.	Date	Description	By
	4			
	3			
	2			
	1			
	1		UPDATE SOME NEW IMPROVEMENTS	

DRAWING# 2017176.DWG Project No. 2017176
Checked by GDH
Drawn by GDH
PAGE 1 OF 1

EXHIBIT C - Conceptual Architectural Elevations

REAR / NORTH ELEVATION
SCALE: 1/8" = 1'-0"



DATE	09/07/2023
DESIGNED BY	RESCH
CHECKED BY	RESCH
SCALE	AS SHOWN
NO.	A3

AQUA HARBOR RESORT
 5015 US HIGHWAY 19
 NEW FORT RICHEY, FL. 34652

ELEVATIONS		
REV.	DATE	ISSUE

CONFIDENTIAL
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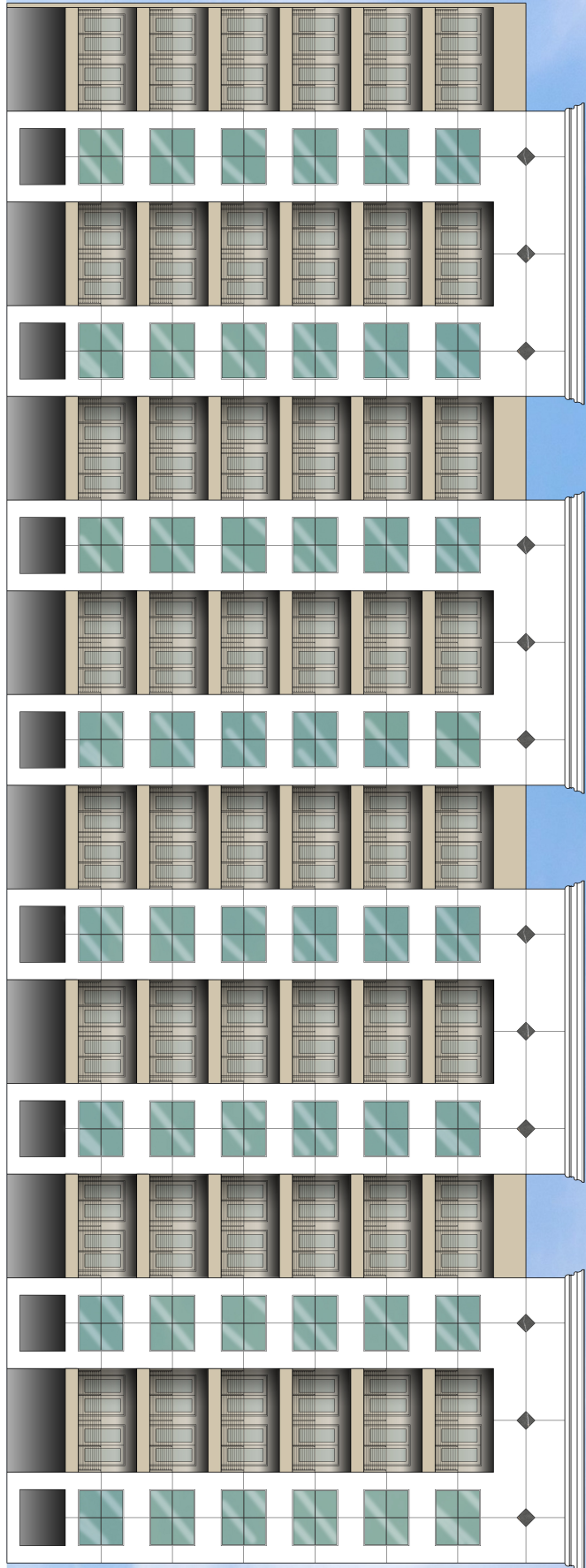
ROBERT P. RESCH, III
ARCHITECT

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 reschiii@verizon.net reschiii@verizon.com



EXHIBIT C - Conceptual Architectural Elevations

FRONT / SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



AQUA HARBOR RESORT
5015 US HIGHWAY 19
NEW FORT RICHEY, FL. 34652

ELEVATIONS

Rev.	Date	Item

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DATE: 09/29/2023
 DRAWN BY: EBF
 CHECKED BY: A2
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