

ORDINANCE # 2016-2077

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE SECTION 2.01.00, DEFINITIONS, TO PROVIDE A DEFINITION OF “FRONT PORCH”; AMENDING SECTION 7.01.03, R-1 ZONING DISTRICT SETBACKS; AMENDING SECTION 7.02.05, R-2 ZONING DISTRICT SETBACKS ON LOTS PLATTED OR PROPERTY ANNEXED AFTER MAY 19, 1981; AMENDING SECTION 7.02.11, R-2 ZONING DISTRICT SETBACKS ON LOTS PLATTED OR PROPERTY ANNEXED ON OR BEFORE MAY 19, 1981; AMENDING SECTION 7.03.03, R-3 ZONING DISTRICT SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has found that front porches on single-family homes can improve the appearance of residential neighborhoods, encourage social interaction among neighbors and improve property values; and

WHEREAS, the City Council has encouraged the Development Department to distribute home improvement grant funds for multiple home improvement projects, including construction of front porches; and

WHEREAS, the City Council has found that the existing front setbacks in the residential zoning districts prohibit the construction of front porches on many existing single-family homes without a variance approval; and

WHEREAS, the amended setback standards provided here are necessary to encourage and accommodate the provision of front porches on single-family homes in the City’s residential neighborhoods.

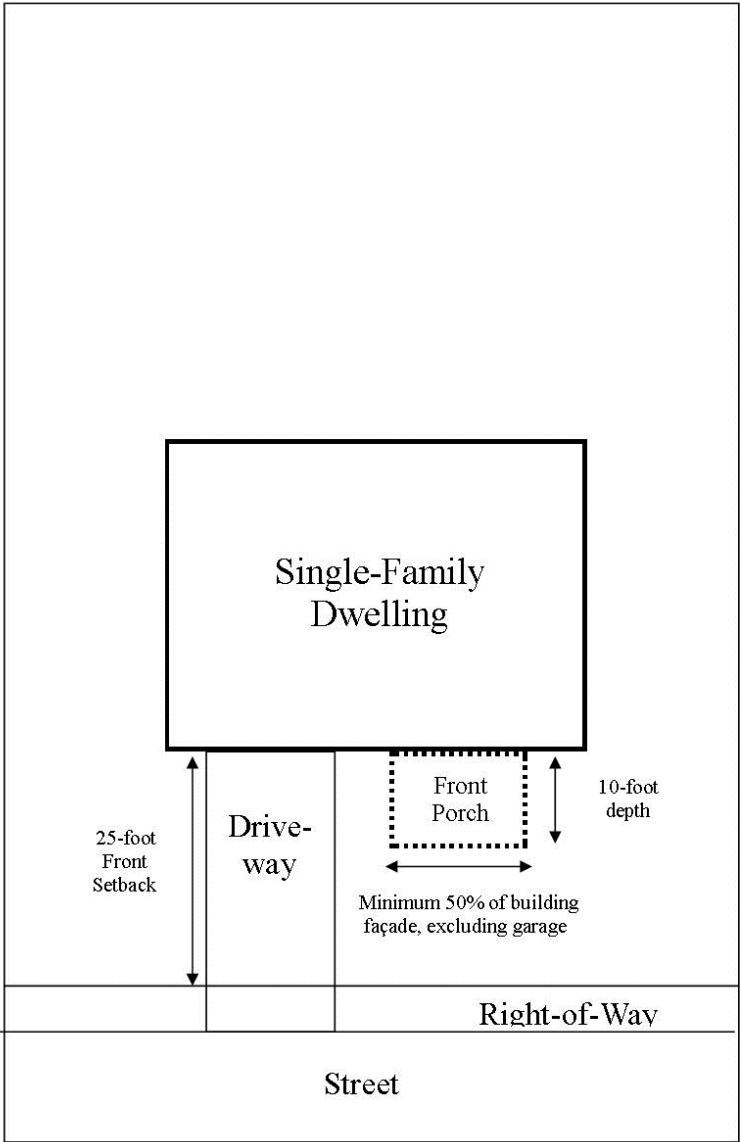
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. That Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended to read as follows:

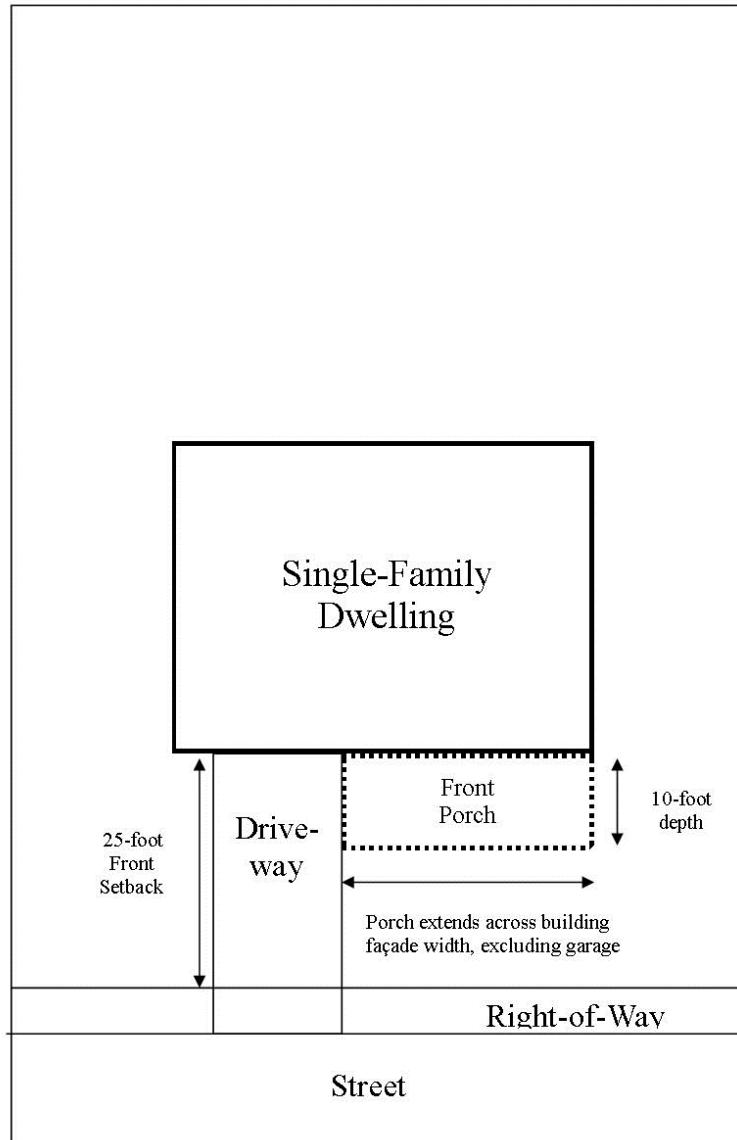
2.01.00 Definitions

Front porch: A covered structure attached to the front of a dwelling unit (or the side facing a main artery or thoroughfare) and providing the following elements: primary access into the dwelling unit; a separate roof; unenclosed except for a roof, balustrade, and flooring; extending a minimum of 50 percent of the building façade width (excluding the portion containing garage bays, if applicable); a minimum 10-foot depth and a maximum depth no greater than 50% of the building depth of the dwelling; and a floor that is typically raised above the finished horizontal elevation of the lot. The design of the porch is consistent with the dwelling in terms of finish materials and colors of any exterior surface, stem wall materials and/or foundation skirting. The design shall be consistent with the following illustrations:

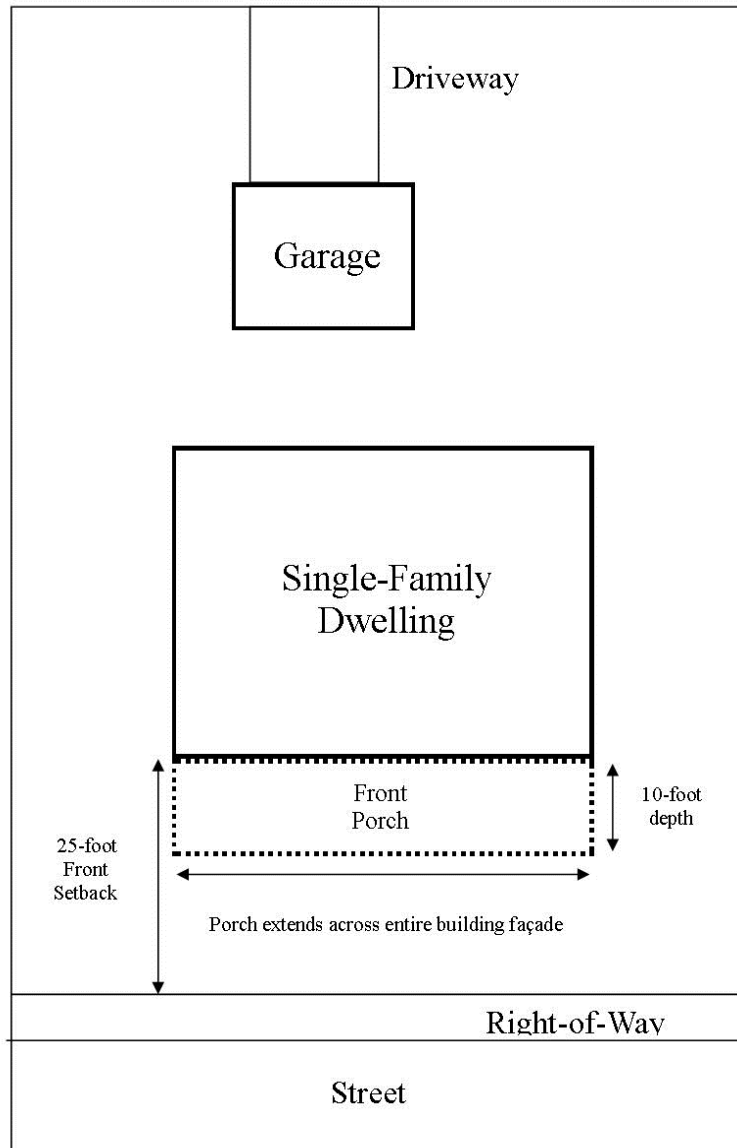
# Front Porch, Interior Lot Minimum Width Example



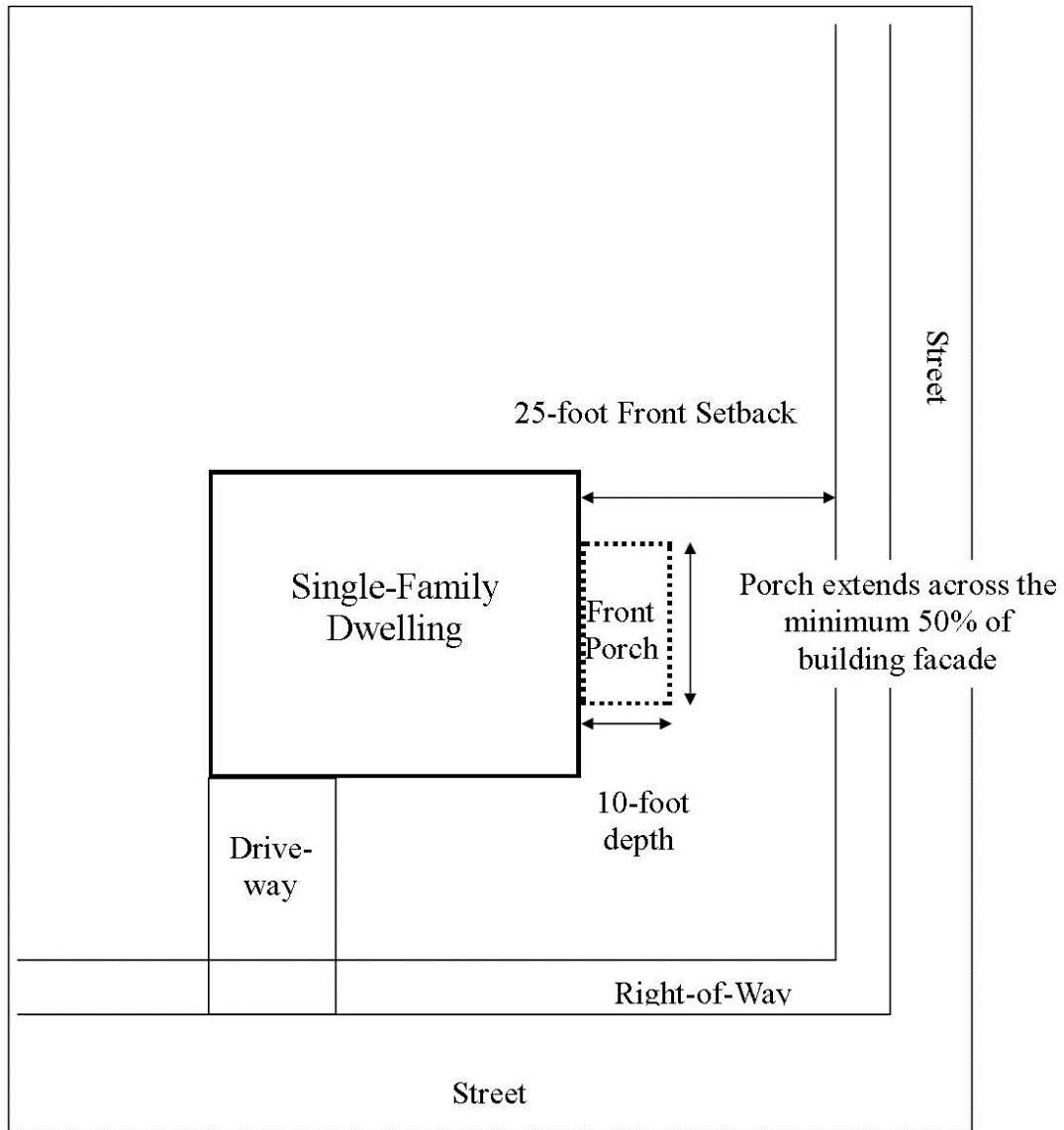
# Front Porch, Interior Lot, Wide Porch Example



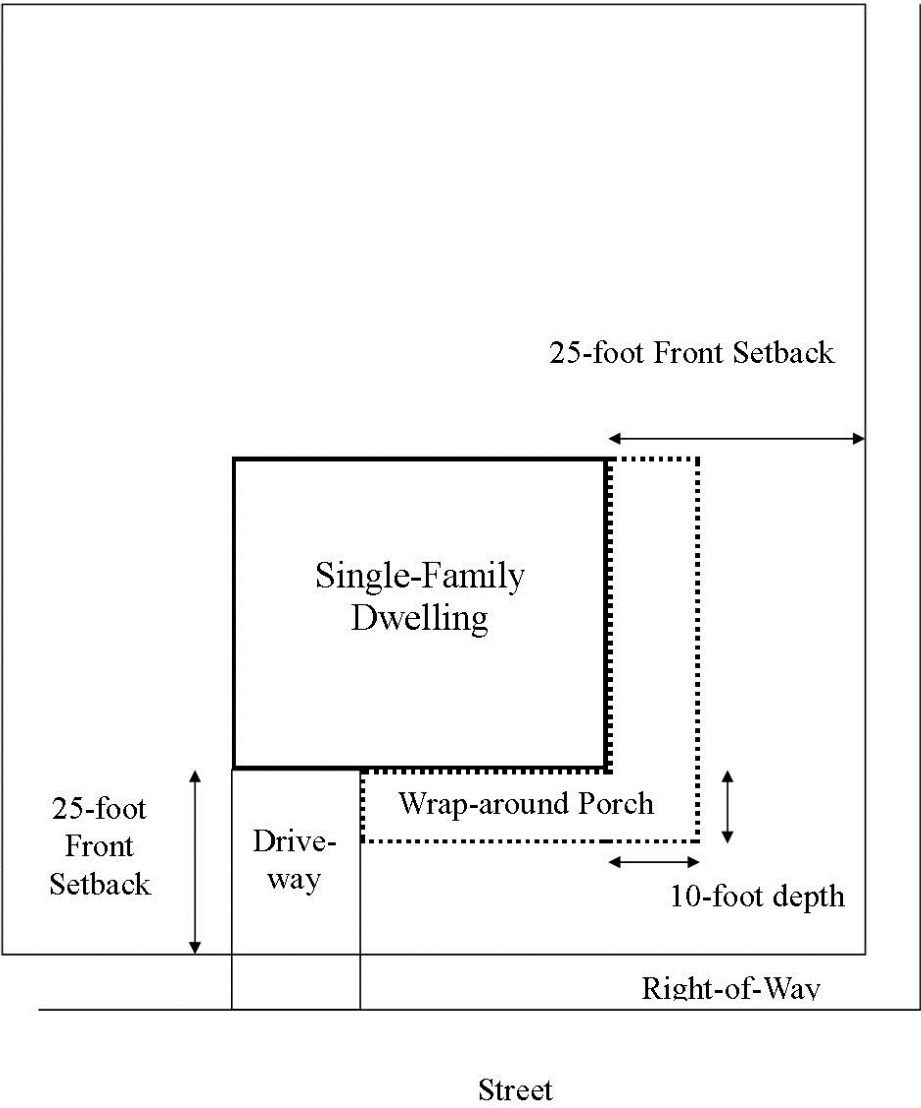
# Front Porch, Interior Lot Detached Garage



# Front Porch, Corner Lot



# Wrap-around Front Porch, Corner Lot



SECTION II. That Section 7.01.03, R-1 Minimum setback, of the New Port Richey Land Development Code is hereby amended to read as follows:

### **7.01.03 Minimum setback**

The minimum setback of detached dwellings and accessory structures in the R-1 ~~R~~esidential ~~D~~istrict, from avenues or streets and from all other lot boundaries, shall be as follows:

1. Minimum setback of front building line from a main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the permanent part of projection of the dwelling. Front porches may extend into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. ~~For any deviation from this provision see section 5.03.00.~~
2. Set back or rear building line of a dwelling from the rear property line shall be twenty-five (25) feet. In the case of lots bordering on a river the setback or rear building line shall be forty (40) feet from the river bank. ~~See section 5.03.00.~~
3. The setback of the side building line of a dwelling from the side property line shall be ten (10) feet. The setback requirement in the case of a lot which has a side boundary line that abuts on a main artery or thoroughfare shall be twenty-five (25) feet from the main or arterial street right-of-way, on both sides, measured from the nearest building wall; provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. Front porches may extend into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.
4. Detached structures for accessory uses such as private garages may be located no closer to the rear property lines than five (5) feet or no closer to the side property lines than ten (10) feet except where the rear of a building lot abuts an avenue or street, in which case a detached garage or similar accessory-use structure can be no closer to the rear property line than twenty-five (25) feet and, in the case of river lots, no closer than forty (40) feet to the river except where two (2) or more structures have been built in the same block and have established a closer line.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION III. That Section 7.02.05, R-2 Minimum setback, of the New Port Richey Land Development Code (applying to lots platted or property annexed after May 19, 1981) is hereby established to read as follows:

### **7.02.05 Minimum setback**

The minimum setbacks under this subdivision of detached dwellings and accessory structures from avenues or streets and from all other lot boundaries shall be as follows:

1. Minimum setback of front building line from a main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the nearest permanent part or projection of the dwelling. Front

porches may extend into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. For any deviation from this regulation, see section 5.03.00.

2. Setback of rear building line of dwellings from the rear property line shall be twenty (20) feet. In the case of lots bordering on river, forty (40) feet from river bank. ~~See section 5.03.00.~~
3. The minimum setback of side building lines on all real estate lots shall be seven and one-half (7½) feet from the side boundary line thereof, on both sides measured from the nearest building wall or corner, provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. The setback requirement in the case of a lot which has a side boundary line that abuts on a main or arterial street shall be twenty-five (25) feet from the property line to the nearest permanent wall or corner of the dwelling erected thereon; provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. Front porches may extend into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.
4. Detached structures for accessory uses such as private garages may be located no closer to the rear or side property lines than five (5) feet except where the rear of a building lot abuts an avenue or street in which case a detached garage or similar accessory use structure can be no closer to the rear property line than twenty-five (25) feet and, in case of the river lots, not closer to the river than forty (40) feet.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

**SECTION IV.** That Section 7.02.11, R-2 Minimum setback, of the New Port Richey Land Development Code (applying to lots platted and property annexed on or before May 19, 1981) is hereby established to read as follows:

#### **7.02.11 Minimum setback**

Minimum setbacks under this subdivision shall be as follows:

1. Minimum setback of front building line from a main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the nearest permanent part or projection of the dwelling. Front porches may extend into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. For any deviation from this regulation see section 5.03.00.
2. Setbacks of rear building line from rear property line is ten (10) feet. In the cases of lots bordering on the river, forty (40) feet from the river bank. ~~See section 5.03.00.~~
3. The minimum setback of side building lines on all real estate lots shall be five (5) feet from the side boundary line thereof on both sides measured from the nearest building wall or corner; provided, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. The setback requirement in the case of a lot which has a side boundary line that abuts a main or arterial street shall be twenty-five (25) feet from the property line to the nearest permanent wall or corner of the dwelling

erected thereon; provided, however, that the roof of any permanent overhang of such building shall not exceed eighteen (18) inches. Front porches may extend into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.

4. Detached structures for accessory uses such as private garages may be located no closer to the rear of the property lines than five (5) feet except where the rear of the building lot abuts an avenue or street in which case the detached garage or structure can be no closer than twenty-five (25) feet from the property line. In the case of the river lots, no closer than forty (40) feet.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION V. That Section 7.03.03, R-3 Minimum setback, of the New Port Richey Land Development Code is hereby amended to read as follows:

### **7.03.03 Minimum setback**

Minimum setbacks of detached dwellings and accessory structures in the R-3 ~~R~~esidential ~~D~~istrict from avenues or streets and from all other lot boundaries shall be as follows:

1. Minimum setback of front building line from main artery and/or thoroughfare right-of-way shall be twenty-five (25) feet, measured to the nearest permanent part or projection of the dwelling. In case of lots bordering on river, forty (40) feet from river bank. Front porches may extend 10 feet into the required front yard setback, but not closer than 10 feet to the front property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened. ~~For any deviation from this regulation see section 5.03.00.~~
2. Minimum setback of rear building line of dwellings from rear property line ten (10) feet. In case of lots bordering on river, forty (40) feet from river bank.
3. The minimum setback of side building lines on all real estate lots, within an R-3 zoning classification, shall be five (5) feet from the side boundary line thereof to the nearest permanent wall or corner of the dwelling erected thereon; provided, however, that the roof of any permanent overhang shall not exceed eighteen (18) inches. The setback requirement in the case of a lot which has a side boundary line that abuts on a main or arterial street shall be twenty-five (25) feet from the main or arterial right-of-way to the nearest permanent wall or corner of the dwelling erected thereon; provided, however, that the roof of any permanent overhang shall not exceed eighteen (18) inches. Front porches may extend 10 feet into the required side yard setback from a boundary line that abuts on a main artery or thoroughfare, but not closer than 10 feet to the property line and may not be altered to form enclosed or air-conditioned living spaces. Porches must maintain at least 80 percent openness and may not be screened.
4. Detached structures for accessory uses such as private garages may be located no closer to rear or side property lines than five (5) feet except where the rear or side of a building lot abuts an avenue or street in which case a detached garage or similar structure can be no closer to the rear or side property line than twenty-five (25) feet and, in the case of river lots, no closer to the river bank than forty (40) feet.
5. One front porch setback encroachment per lot is permitted, unless the design lends itself to a wrap-around porch, as determined by the Development Department. The design, color and placement of the

porch shall be architecturally-integrated with the architecture, façade and design of the existing dwelling, subject to design review and approval by the Development Department.

SECTION VI. 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 VII. 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 VIII. This Ordinance shall become effective immediately upon its adoption.

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 \_\_\_\_\_, 2016.

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 \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Doreen Summers, City Clerk

\_\_\_\_\_  
Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: \_\_\_\_\_  
Joseph A. Poblick, City Attorney