

ORDINANCE # 2016-2079

AN ORDINANCE REZONING 3.10 ACRES OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND RIVER ROAD, FROM PDD, PLANNED DEVELOPMENT DISTRICT (COMMERCIAL PLANNED DISTRICT SUBCATEGORY) TO PDD, PLANNED DEVELOPMENT DISTRICT (COMMERCIAL PLANNED DISTRICT SUBCATEGORY), FURTHER DESCRIBED HEREIN AND IN EXHIBIT A; PROVIDING FOR AN EFFECTIVE DATE;

WHEREAS, the Growth Management Act of 1985 requires that each municipality in the state shall prepare and adopt a Comprehensive Plan of the type and in the manner set out in the act; and

WHEREAS, the City of New Port Richey has adopted a Comprehensive Plan pursuant to the Growth Management Act of 1985; and

WHEREAS, the Land Development Review Board (Local Planning Agency), and the City Council of New Port Richey has reviewed this rezoning amendment, also attached as Exhibit A, as set forth under Chapter 163 F.S. and Chapter 166 F.S.; and

WHEREAS, the City Council of the City of New Port Richey finds and declares that this rezoning identified as REZ2016-01, also attached as Exhibit A, is consistent with the adopted Comprehensive Plan;

WHEREAS, this ordinance supercedes Ordinance #1745 which rezoned the property to PDD on January 4, 2005 and Ordinance #2012-1981 which amended the PDD regulations;

NOW, THEREFORE, be it ordained by The City of New Port Richey, Florida as follows:

SECTION I.

That the real property described in Exhibit A and further described herein is hereby rezoned as follows:

The following described real property referred to as REZ2016-01 in Exhibit A generally located on the southeast corner of Main Street and River Road, New Port Richey, Florida is hereby amended from PDD, *Planned Development District (Commercial Planned District Subcategory)* to PDD, *Planned Development District (Commercial Planned District Subcategory, mixed-use development)*:

A PORTION OF LOTS 5-9 AND ALL OF LOTS 10-12, BLOCK 208, CITY OF NEW PORT RICHEY, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 2, PAGE 27, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 208; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD, NORTH 23°06'59" EAST, A DISTANCE OF 160.02 FEET; THENCE SOUTH 66°59'35" EAST, A DISTANCE OF 9.69 FEET; THENCE NORTH 23°00'18" EAST, A DISTANCE OF 25.28 FEET; THENCE NORTH 32°22'21" EAST, A DISTANCE OF 56.64 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MAIN STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 89°49'35" EAST, A DISTANCE OF 236.19 FEET; THENCE SOUTH 85°32'52" EAST, A DISTANCE OF 140.36 FEET; THENCE SOUTH 89°38'00" EAST, A DISTANCE OF 27.74 FEET TO A POINT ON A MEANDER LINE; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID MEANDER LINE, SOUTH 10°09'06" WEST, A DISTANCE OF 16.16 FEET; THENCE SOUTH 30°11'55" EAST, A DISTANCE OF 11.09 FEET; THENCE

SOUTH 13°29'04" WEST, A DISTANCE OF 20.80 FEET; THENCE SOUTH 07°53'57" EAST, A DISTANCE OF 43.70 FEET; THENCE SOUTH 05°47'26" WEST, A DISTANCE OF 60.58 FEET; THENCE SOUTH 16°54'45" EAST, A DISTANCE OF 24.87 FEET; THENCE SOUTH 25°32'00" WEST, A DISTANCE OF 31.11 FEET TO A POINT ON A MEANDER LINE WHICH FOLLOWS THE EASTERLY AND SOUTHERLY FACE OF AN EXISTING SEA WALL THE FOLLOWING 7 COURSES AND DISTANCES; 1) THENCE SOUTH 23°10'44" WEST, A DISTANCE OF 55.66 FEET; 2) THENCE SOUTH 58°46'11" WEST, A DISTANCE OF 52.42 FEET; 3) THENCE SOUTH 68°22'18" WEST, A DISTANCE OF 31.03 FEET; 4) THENCE SOUTH 72°01'52" WEST, A DISTANCE OF 56.75 FEET; 5) THENCE SOUTH 81°01'56" WEST, A DISTANCE OF 18.03 FEET; 6) THENCE SOUTH 76°54'10" WEST, A DISTANCE OF 49.83 FEET; 7) THENCE SOUTH 66°49'22" WEST, A DISTANCE OF 4.68 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OAK ROAD (A.K.A. ACORN STREET); THENCE DEPARTING SAID MEANDER LINE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 66°49'22" WEST, A DISTANCE OF 2.77 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 67°02'24" WEST, A DISTANCE OF 309.16 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 135,039 SQUARE FEET - 3.10 ACRES MORE OR LESS. (PARCEL ID: 05-26-16-0030-208000-0050)

SECTION II. Development Standards

The development standards within the Planned Development District include:

- Primary Use – Mixed use including 80 residential units; 13,640 square feet of retail; Permitted uses include those within the MF-10, MF-14, MF-30, Office, C-1 and C-2 Districts except the following: retail furniture/appliances; auto sales/repair; residential care facilities; off-site alcohol package sales except beer and malt beverage; churches; schools; convenience stores; pawn shops; gas stations; garages; tattoo parlors; bottle clubs; adult uses; drive ins; light manufacturing; flea markets; labor pools; thrift stores; video game parlors; warehousing; stores for sale of used goods other than antiques; storage; massage parlors; modeling agencies; boarding rooms; bed and breakfasts; blood plasma centers, check cashing service; telecommunication towers; commercial communication facilities and devices (no antennae); body piercing establishments, cannabis dispensing/processing/cultivation enterprises, and other uses which are inconsistent with the Downtown Core land use category;
- Secondary Use – 20 residential boat slips (nine private docks) and six retail boat slips (three public docks). Gas and food sales are prohibited at dock locations;
- Density – 25.8 dwelling units/acre = 80 dwelling units. The maximum density in the Downtown Core Future Land Use Category is 30 dwelling units/acre, however properties located within the Coastal High Hazard Area are limited to density of 15 dwelling units/acre unless additional density has been approved through the City's Coastal Transfer of Development Rights program. In the companion land use plan amendment and rezoning applications (Ordinance #2016-2081 & Ordinance #2016-2082), the City proposes to transfer 97 units from the City-owned sending site to the City's entitlement bank and then transfer 34 of those credits to the Main Street Landing receiving site, as required per the November 2015 development agreement;
- Building Setback – measured from property lines;
 - Front (Main Street) – zero feet;
 - Front (River Road) – 0 feet;
 - River – 0 feet to pool deck; 10 feet to building;
 - Front (Acorn Street) – five feet;
- Building Height – 50 feet maximum measured from base flood elevation to top of structure;
- Parking – 260 spaces required; 223 spaces provided plus bicycle parking spaces; the applicant anticipates partially relying on a shared parking strategy which will optimize parking capacity by allowing complementary residential and retail commercial land uses to share spaces. The City also acknowledges that on-street parking will partially accommodate the site's parking capacity needs;
- Building design, materials, colors – Tuscan-style architecture with split-face concrete masonry units and stucco with beige and yellow colors and red accent (including dumpster enclosures);
- Impermeable surface ratio – 83.87 percent;

- Maximum building coverage – 35.5 percent; and
- Signage – Use Downtown District standards and design guidelines with architecturally-integrated signs including one monument-style ground sign.

SECTION III. Conditions of Approval

The rezoning shall be subject to the following conditions:

Conditions:

- 1) That the 34 dwelling units transferred via the transfer of development rights program be approved, through companion land use plan amendment and rezoning applications and deed of transfer;
- 2) That all buildings be designed with the same colors, materials and Tuscan-style architecture;
- 3) That signage and fencing meet the Downtown District regulations;
- 4) That the landscaping within the Acorn Street right-of-way be maintained by the applicant as part of a landscape, ingress/egress, and drainage easement and the final landscape treatment be coordinated with the City and neighboring property owner to the south;
- 5) That lighting fixtures be coordinated with the overall site design and streetscaping;
- 6) That there be no outdoor storage of any materials or goods on site;
- 7) That the noise ordinance be met;
- 8) That documentation satisfying any applicable school concurrency requirements be submitted, prior to issuance of any Certificates of Occupancy;
- 9) That FDEP permit applications and approved plans be submitted, prior to commencement of phase two construction;
- 10) That the garage area be designed without screening interior side of garage to allow access by fire apparatus; and
- 11) That all other Codes, requirements or regulations be met.

SECTION IV. Severability

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 V. Effective Date

This Ordinance shall become effective 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 ____ day of _____, 2016.

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 _____, 2016.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA
(SEAL)

Doreen Summers, City Clerk

Rob Marlowe, Mayor - Councilmember

APPROVED AS TO LEGAL FORM AND CONSENT

Joe Poblick, City Attorney

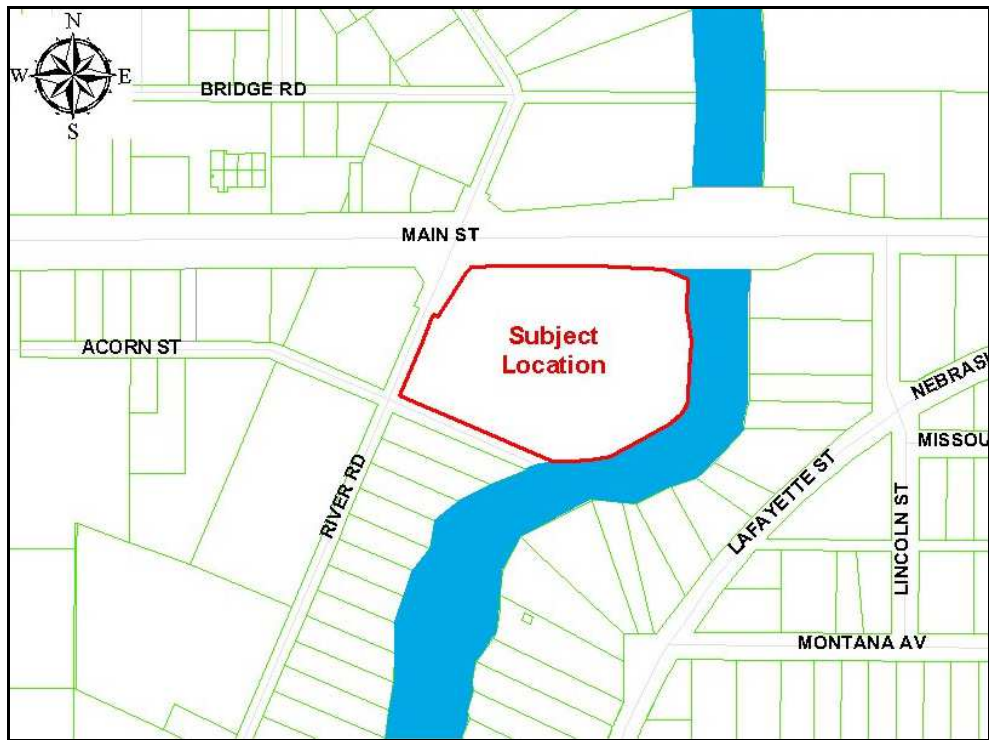


EXHIBIT A