

ORDINANCE NO. 2020-2184

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA AMENDING THE 2030 COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT (FLUE); AMENDING TABLE FLU 1.1.3., FUTURE LAND USE CATEGORIES AND REVISING THE DOWNTOWN, DOWNTOWN CORE, AND HIGHWAY COMMERCIAL CATEGORIES BY MODIFYING PRIMARY AND SECONDARY USES, INCREASING GROSS DENSITY THROUGH THE CONVERSION OF FLOOR AREA RATIO AND THE TRANSFER OF DEVELOPMENT RIGHTS, CREATING AN EXCEPTION FOR PUBLIC/SEMI-PUBLIC USES, AND MAKING EDITORIAL CORRECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Planning Act empowers and mandates the City to prepare, adopt and amend a comprehensive plan for the City's future growth and development; and

WHEREAS, in the exercise of its authority, the City Council has determined that in order to encourage the most appropriate use of land, water and resources consistent with the public interest and to deal effectively with future issues that may result from use and development of land within the City, it is necessary to amend the City's 2030 Comprehensive Plan; and

WHEREAS, in order to develop a vibrant downtown and downtown core, it is necessary to allow greater residential densities; and

WHEREAS, this Ordinance amends Table FLU 1.1.3., Future Land Use Categories and revises the Downtown, Downtown Core and Highway Commercial categories by modifying primary and secondary uses, increasing gross density through the conversion of floor area ratio to density and Transfer of Development Rights, providing an exception for public/semi-public uses, and making editorial corrections; and

WHEREAS, at the duly noticed Land Development Review Board (LDRB) regular public hearing held on February 20th, 2020, 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 approved and transmitted to the state planning agency; and

WHEREAS, at the duly noticed City Council regular public hearing held on March 3rd, 2020, the City Council on first reading considered the Development Department and LDRB staff report and recommendations and all competent substantial evidence presented at the hearing, and forwarded the Ordinance and back-up materials to the state planning agency pursuant to Florida Statutes Sections 163.3184(3) and (5); and

WHEREAS, subsequent to receipt of the state planning agency's Objections, Recommendations and Comments (ORC) Report and any comments received from designated entities, a second duly noticed City Council public hearing will be held to consider the Ordinance.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. The 2030 Comprehensive Plan, Future Land Use Element, Table FLU 1.1.3 is amended as set forth in Exhibit A.

Section 2. Conflicts. All Ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability. If any section, subsection, sentence, clause, provision or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 4. Effective date. The effective of this Comprehensive Plan amendment, if the amendment is not timely challenged, shall be the date the Florida Department of Economic Opportunity posts a Notice of Intent determining that this amendment is in compliance. If timely challenged, or if the state planning agency issues a Notice of Intent determining this amendment is not in compliance, this amendment shall become effective on the date the state planning agency or Administrative Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Economic Opportunity.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 3rd day of March, 2020 and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2020.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Tim Driscoll, City Attorney

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EXHIBIT A

Table FLU 1.1.3 Future Land Use Map Categories New Port Richey 2020 2030 Comprehensive Plan				
FLUM Category	Purpose	Uses		Gross Density / Intensity and Locational Criteria
		Primary	Secondary	
Mixed Use Categories				
Downtown (D)	<ul style="list-style-type: none"> • To encourage and maintain the redevelopment of Downtown as the financial, commercial, governmental, cultural and recreation center of West Pasco through continued enhancement to its multi-modal accessibility, appearance, historic resources, utilization and facilities. • Provide a mix of housing that responds to the City's changing household demographics (e.g., age, household formation/size, income, etc.). 	<ul style="list-style-type: none"> • Residential • Transient <u>Public Accommodation</u> • Office • Retail • Public/Semi-Public • Recreation/Open Space • <u>Parking lots and structures</u> 	<ul style="list-style-type: none"> • Residential Equivalent¹ • Urban Agriculture⁴ 	<ul style="list-style-type: none"> • Residential: A range from 5.0-15.0 dwelling units per acre <u>without FAR conversion or TDR. Up to 24.0 dwelling units per acre allowed by converting 0.1 FAR to 0.75 DU per acre provided a minimum 0.1 FAR on the ground floor is established. Up to 25 du/ac with FAR conversion plus TDR.</u> • Intensity: A range from 0.0-2.0 FAR. • Residential Equivalent: Maximum of 2.0 beds per residential density per acre. • <u>Except for Public/Semi-public uses, sites</u> greater than 1.0 acre shall be required to incorporate a residential component. • Residential developments shall include ground floor retail <u>commercial</u> uses.
Downtown Core (DC)	<ul style="list-style-type: none"> • In addition to those purposes identified for the Downtown future land use category, the purpose of the Downtown Core category is to: • Encourage the best use of the premium location and to strengthen the city's core. • Provide for a critical mass of residential and non-residential uses that support a resilient and 	<ul style="list-style-type: none"> • Residential • Transient <u>Public Accommodation</u> • Retail • Service • Office • <u>Parking lots and structures</u> 	<ul style="list-style-type: none"> • Public/Semi-Public • Recreation/Open Space • Residential Equivalent • Urban Agriculture⁴ 	<ul style="list-style-type: none"> • Residential: <u>A range from 10-30.0 dwelling units per acre without conversion or TDR. Up to 40 dwelling units per acre allowed by converting 0.1 FAR to 1 DU per acre provide the ground floor is occupied by non-residential uses. Up to 50 du/ac with FAR conversion plus TDR.</u> • Intensity: A range from 0.0-2.0 FAR • Residential Equivalent: Maximum of 2.0

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	<p>sustainable urban center.</p> <ul style="list-style-type: none"> Provide a functional mix of downtown-appropriate development that offers a high-quality public realm with interesting places to live, work, and socialize. 			<p>beds per residential density per acre.</p> <ul style="list-style-type: none"> Sites greater than 1.0 acre are required to incorporate a residential component. Ground floor retail uses are encouraged Sites located within the Coastal High Hazard Area may not include a residential component that is greater in density than allowed by the site's former land use designation unless development rights for the additional increment of density have been approved through the City's Coastal Transfer of Development Rights Program. Any increase in density exceeding that permitted by a site's existing zoning must be based, in part, upon a finding that the proposed change is compatible with the existing uses, density, intensity, and scale of development in the surrounding area.
<p>Highway Commercial (HC)</p>	<ul style="list-style-type: none"> To designate areas suitable for heavy or intensive commercial uses along US 19. General commercial and office uses are also permitted. Due to the potential conflict between heavy or intensive commercial activity and residential development, residential uses are discouraged except in appropriate locations and in conjunction with a planned development district zoning <u>overlay</u>. While permitting intense commercial 	<ul style="list-style-type: none"> Heavy Commercial General Commercial Office Transient <u>Public Accommodation</u> <u>Wholesale/distribution</u> and storage/warehouse Residential (if outside) <u>Public/semi-public</u> 	<ul style="list-style-type: none"> Public/semi-public Recreation/Open Space <u>Research/development</u> Small-scale light manufacturing/assembly Residential (with exceptions) ** Urban 	<ul style="list-style-type: none"> Maximum floor area ratio: 2.00. Maximum building height: 75 feet. Residential Equivalent: Maximum of 3.0 beds per residential density per acre. Transient Accommodation: Maximum of 25 units per acre Residential use: A range from 0.0 – 30.0 dwelling units per acre. ** Public/semi-public: Maximum of 3.0 acres; otherwise a Future Land Use Map amendment to the Public/semi-public category is required.

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		Primary	Secondary	
	activity, the land use category also recognizes the importance of protecting abutting development of a less intense nature.	<ul style="list-style-type: none"> • <u>Parking lots and structures</u> 	Agriculture ⁴	<ul style="list-style-type: none"> • Recreation and Open Space: No limitation as to size. • Research/development, small-scale light manufacturing/assembly, storage/warehouse dependent on the relationship between the proposed use and the following: <ul style="list-style-type: none"> - Neighboring uses and the character of the commercial area in which it is to be located - Noise, solid waste, and air quality emission standards; - Hours <u>and days</u> of operation; - Traffic generation; and - Parking, loading, storage, and service provisions - In no case shall such use exceed 1.0 acre without requiring an amendment to the Industrial Future Land Use Category. <p>** The application of residential uses in the HC category within the CHHA shall be prohibited unless Coastal Transfer of Development Rights program density credits have been assigned by the City.</p>