

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 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 20, 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 3, 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), which record is incorporated herein by reference; and

WHEREAS, the City is in receipt of any objections, recommendations and comments (ORC) provided by the reviewing entities and the City's response is addressed in the Supplemental Development Department Report, incorporated herein by reference; and

WHEREAS, at the duly noticed City Council regular public hearing held on October 20, 2020, the City Council on second reading considered the record 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, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police and legislative powers.

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 31 days after the date the state planning agency notifies the City that the plan amendment package is complete. If the amendment is timely challenged, 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.

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 20th day of October, 2020.

ATTEST:

By: _____

Judy Meyers, CMC City Clerk

By: _____

Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE
AND RELIANCE OF THE CITY OF NEW PORT RICHEY,
FLORIDA:

Timothy P. Driscoll, City Attorney

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EXHIBIT A

Table FLU 1.1.3 Future Land Use Map Categories New Port Richey 2030 Comprehensive Plan				
FLUM Category	Purpose	Uses		Gross Density / Intensity and Locational Criteria
		Primary	Secondary	
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 Accommodation 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 5.0-20.0 dwelling units per acre <u>without FAR conversion or TDR. Up to 25.0 dwelling units per acre is allowed by decreasing 0.3 FAR for each 1 DU per acre increase provided a minimum 0.1 FAR on the ground floor is established. Up to 30 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 sites greater than 1.0 acre shall be required to incorporate a residential component.</u> Ground floor retail uses are encouraged.
Downtown Core	<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 	<ul style="list-style-type: none"> Residential Transient Accommodation Retail 	<ul style="list-style-type: none"> Public/Semi-Public Recreation/Open Space Residential Equivalent Urban Agriculture⁴ 	<ul style="list-style-type: none"> Residential: A range from 10-40.0 dwelling units per acre <u>without conversion or TDR. Up to 45 dwelling units per acre allowed by</u>

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(DC)	<ul style="list-style-type: none"> 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 sustainable urban center. Provide a functional mix of downtown-appropriate development that offers a high-quality public realm with interesting places to live, work, and socialize. 	<ul style="list-style-type: none"> Service Office Parking lots and structures 		<ul style="list-style-type: none"> decreasing 0.25 FAR for each 1 DU per acre increase provide the ground floor is occupied by non-residential uses. Up to 60 du/ac with FAR conversion plus TDR. Intensity: A range from 0.0-2.0 FAR Residential Equivalent: Maximum of 2.0 beds per residential density per acre. 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 Downtown Plan Category 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

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<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 overlay. While permitting intense commercial activity, the land use category also recognizes the importance of protecting abutting development of a less intense nature. 	<ul style="list-style-type: none"> Heavy Commercial General Commercial Office Transient <u>Public</u> Accommodation Wholesale/distribution and warehouse storage/ Residential (if outside) <u>Public/semi-public</u> <u>Parking lots</u> and structures 	<ul style="list-style-type: none"> Public/semi-public Recreation/Open Space Research/development Small-scale light manufacturing/assembly Residential (with exceptions)** Urban Agriculture⁴ 	<ul style="list-style-type: none"> existing uses, density, intensity, and scale of development in the surrounding area. 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. Recreation and Open Space: No limitation as to size. Research/development, small-scale manufacturing/assembly, storage/ware- house 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

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				<ul style="list-style-type: none"> - Noise, solid waste, and air quality emission standards; - Hours and <u>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>