

ORDINANCE NO. 2021-2222

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR A SMALL-SCALE AMENDMENT OF FUTURE LAND USE MAP (FLUM) OF THE COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE IN THE LAND USE DESIGNATION FROM (LMD) LOW MEDIUM DENSITY RESIDENTIAL TO (HD) HIGH DENSITY RESIDENTIAL FOR A 1.97± ACRE PROPERTY LOCATED AT 6120 CONGRESS STREET, AS SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED IN HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 163.3202(1) 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 Number 1203, which Ordinance approved the City's Comprehensive Plan; and

WHEREAS, VS NP RICHEY, LLC is the owner of Grand Villa of New Port Richey, a state licensed 126-bed assisted living facility situated on a 1.97± acre property located at 6120 Congress Street, New Port Richey, Florida, hereinafter called the subject property; and

WHEREAS, the Pasco County Property Appraiser's records show the subject property was developed in 1986 with a 65,800+ square foot five-story building and the use is described as Nursing Homes/Skilled Nursing; and

WHEREAS, the Official Zoning District Map shows the subject property is located within the MF-30 High Density Residential zoning district; and

WHEREAS, the Land Development Code (LDC) allows within the MF-30 zoning district a density of up to 30 dwelling units per acre and allows as a permitted use adult congregate living facilities; and

WHEREAS, the FLUM shows the subject property is situated within the (LMD) Low Medium Density Residential category; and

WHEREAS, Future Land Use Element (FLUE) Table 1.3.3 provides that in the LMD FLUM category, the maximum allowable residential density is 10 dwelling units per acre and the maximum residential equivalent is two beds per dwelling unit or 20 beds per acre while in the HD High Density Residential FLUM category the maximum allowable residential density is 30 dwelling units per acre and the maximum residential equivalent is three beds per dwelling unit or 90 beds per acre; and

WHEREAS, LDC § 7.21.00 provides the MF-30 zoning district is only consistent with the High Density Residential FLUM category and, therefore, the subject property's zoning district is inconsistent with its FLUM category; and

WHEREAS, the subject property also is legal-nonconforming to the FLUM category maximum density, as it allows only 39 beds and not 126 beds; and

WHEREAS, the data shows that both the MF-30 High Density Residential zoning district and the 126 bed assisted living facility developed on the subject property existed before the adoption of the Comprehensive Plan and its FLUM; and

WHEREAS, the City Council hereby finds that adoption of this Ordinance is in the best interest of the health, safety and general welfare of residents, property owners, and businesses; and

WHEREAS, at the duly noticed City Council regular public hearing held on January 19, 2021, 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 on first reading; and

WHEREAS, at the duly noticed City Council regular public hearing held on February 2, 2021, 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

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

Section 1. Whereas clauses and staff report. The foregoing "Whereas" clauses and Development Department Report are hereby ratified and confirmed as being true and accurate and are hereby made a part of this Ordinance.

Section 2. Property descriptions. The property subject to this Small-Scale FLUM amendment is legally described as:

A PORTION OF TRACTS 41 AND 42, PORT RICHEY COMPANY SUBDIVISION OF SECTION 4, TOWNSHIP 26 SOUTH, RANGE 16 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 61, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 194.98 FEET OF TRACT 42 AND THE SOUTH 70.00 FEET OF TRACT 41, LESS THE WEST 25 FEET THEREOF AND PORTION OF TRACT 41 FOR THE ROAD RIGHT-OF-WAY.

Section 3. FLUM amendments. The Future Land Use Map of the City of New Port Richey adopted Comprehensive Plan is hereby amended to amend the Land Use Designation for the property described herein from (LMD) Low Medium Density Residential to (HD) High Density Residential as displayed in Exhibit "A" attached hereto.

Section 4. Effective date. This Ordinance adopting a Small-Scale Future Land Use Map (FLUM) amendment may not become effective until 31 days after adoption. If challenged within 30 days after adoption, the Small-Scale FLUM amendment may not become effective until the state planning agency or the Administrative Commission, respectively, issues a final order determining that the Small-Scale FLUM amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

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 19th day of January, 2021, 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 2nd day of February, 2021.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney

EXHIBIT A

