

ORDINANCE NO. 2022-2248

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR A SMALL-SCALE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE IN THE LAND USE DESIGNATION FOR APPROXIMATELY 18.9 ACRES OF PROPERTY VOLUNTARILY ANNEXED INTO THE CITY, GENERALLY LOCATED ON SEA FOREST DRIVE SOUTH OF SEAGULL DRIVE, HAVING PARCEL IDENTIFICATION NUMBERS 07-26-16-0090-00300-0020 AND 07-26-16-0090-00100-0020, AS SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE LAND USE DESIGNATION FOR SAID PROPERTY FROM PASCO COUNTY RES-24 TO HDR-24; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 163 requires each county and each municipality to adopt or amend and enforce a comprehensive land use plan to guide its future development and growth; and

WHEREAS, on June 29, 1989, the City Council adopted Ordinance No. 1203, which approved the City's Comprehensive Plan; and

WHEREAS, the owner, JEA Property Holdings, LLC, and Hudson Bay Developers, LLC filed an application for voluntary annexation into the City of the property described; and

WHEREAS, the subject property was voluntarily annexed into the corporate limits of the City of New Port Richey with the adoption of Ordinance 2022-2247; and

WHEREAS, Section 171.062, Florida Statutes, requires property that is annexed to be included into the annexing jurisdiction's comprehensive plan through a comprehensive plan amendment to replace the previous county future land use classification with the appropriate annexing jurisdiction's future land use; and

WHEREAS, the subject property's future land use classification under Pasco County's comprehensive plan was RES-24 prior to the annexation; and

WHEREAS, the appropriate City of New Port Richey future land use classification from its comprehensive plan's future land use element Table 1.3.3 is HDR-24; and

WHEREAS, the City's future land use classification of HDR-24 provides for the same potential maximum density as Pasco County's RES-24 future land use classification; and

WHEREAS, consistent with Florida Statutes § 163.3182 the property that is the subject of the proposed amendment is not located within an area of critical state concern; and

WHEREAS, the Development Department has reviewed the Small-Scale FLUM application and concludes it is in conformance with Land Development Code (LDC) on land use plan amendments; and

WHEREAS, the Development Department has distributed the Small-Scale FLUM application to the Development Review Committee (DRC) and the DRC recommended that the Land

Development Review Board (LDRB) forward a recommendation to the City Council that the Small-Scale FLUM application be approved; and

WHEREAS, the Development Department has prepared a staff report concluding the Small-Scale FLUM application is in conformance with state and local requirements and recommending the LDRB forward a recommendation to the City Council that the Ordinance adopting the Small-Scale FLUM application be approved; and

WHEREAS, at the duly LDRB regular public hearing held on September 16, 2021, the LDRB sitting as the Local Planning Agency, considered the Development Department staff report and recommendation and all evidence presented at the LDRB hearing, and forwarded the record to the City Council with a recommendation the Ordinance be adopted; 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 on first reading considered the Development Department and LDRB staff reports and recommendations and all evidence presented at the hearing, and approved the Ordinance on first reading; and

WHEREAS, at the duly noticed City Council regular public hearing on second reading considered the evidence presented at first reading and all 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

WHEREAS, the City Council has conducted a hearing, has received evidence pertaining to the land use amendment, and has found that the amendment of the designation of the property as provided herein is consistent with the adopted Comprehensive Plan Future Land Use Map, is compatible with the use and zoning of the surrounding properties, is consistent with the adopted Comprehensive Plan, is supported by the record of the proceedings; 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. Whereas clauses and staff report. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and accurate and are hereby made a part of this Ordinance.

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

GULF HARBORS, TRACT 40-A:

A parcel of land lying in Section 7, Township 26 South, Range 16 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of Section 7, Township 26 South, Range 16 East, Pasco County, Florida, and run North 89°37'05" West, 1232.50 feet along the Northerly boundary of said Section to the Point of Beginning; thence run South 30°23'49" West, 134.39 feet; thence South 09°57'44" West 254.34 feet; thence South 35°26'28" East, 172.45 feet; thence South 36°20'00" West, 83.03 feet to a point on the Easterly right-of-way line of Sea Forest Drive (a 70 foot right-of-way), according to the Plat of Gulf Harbors Sea Forest Drive Phase 2, recorded in Plat Book 22, Page 67, of the Public Records of Pasco County, Florida; thence along said Easterly right-of-way line, North 52°04'30" West, 304.42 feet to a point on the Easterly right-of-way line of Sea Forest Drive (a 70 foot right-of-way), according to the plat of Gulf Harbors Sea Forest Unit 1-A, as recorded in Plat Book 21, Pages 86 through 89, inclusive; thence along said Easterly right-of-way line by a curve to the right, having a radius of 640.00 feet, a central angle of 41°45'48", a chord bearing North 31°11'36" West, 456.24 feet, an arc distance of 466.50 feet to a point on the Northerly boundary of said Section 7; thence along said Northerly boundary South 89°37'05" East, 537.64 feet to the Point of Beginning.

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and

GULF HARBORS, TRACT 40-B:

A parcel of land lying in Section 7, Township 26 South, Range 16 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of Section 7, Township 26 South, Range 16 East, Pasco County, Florida, and run North 89°37'05" West, 1331.08 feet along the Northerly boundary of said Section; thence south 00°22'21" West, 630.89 feet, parallel to the Easterly boundary of Section 7, to a point on the Southerly right-of-way of Sea Forest Drive (a 70 foot right-of-way) according to the recorded plat of Gulf Harbors Sea Forest Drive Phase 2 for a Point of Beginning; thence South 36°20'00" West, 686.48 feet; thence South 62°45'00" West, 294.94 feet; thence South 77°45'00" West, 310.00 feet; thence South 82°38'17" West, 90.00 feet; thence North 07°21'43" West, 256.00 feet; thence North 16°30'00" East, 247.00 feet; thence North 53°00'00" East, 77.00 feet; thence North 21°30'00" West, 78.00 feet; Thence North 41°00'00" East, 117.00 feet; thence South 73°30'00" East, 295.00 feet; thence North 23°38'00" East, 195.21 feet; thence by a curve to the left having a radius of 150.00 feet, a central angle of 40°08'00", a chord bearing North 03°34'00" East, 102.93 feet, an arc distance of 105.07 feet; thence North 16°30'00" West, 117.00 feet; thence North 05°00'00" West, 70.16 feet, thence a curve a central angle of 40°08'00" a chord bearing North 03°34'00" East, 102.93 feet, an arc distance of 105.07 feet; thence North 16°30'00" West, 117.00 feet; thence North 05°00'00" West, 70.16 feet; thence by a curve to the left having a radius of 97.14 feet, a central angle of 40°00'00", a chord bearing North 25°00'00" West, 66.45 feet; an arc distance of 67.82 feet; thence by a curve to the right having a radius of 70.00 feet, a central angle of 116°00'00", a chord bearing North 13°00'00" East, 118.73 feet; an arc distance of 141.72 feet; thence North 71°00'00" East, 51.98 feet; thence North 56°45'00" East, 64.54 feet to a point on the Westerly right-of-way line of Sea Forest Drive (a 70 foot right-of-way) according to the plat of Gulf Harbors Sea Forest Unit 1-A, as recorded in Plat Book 21, Pages 86 through 89, inclusive, of the Public Records of Pasco County, Florida; thence along said Westerly right-of-way line by a

non-tangent curve to the left having a radius of 710.00 feet, a central angle of 35°03'46", a chord bearing South 34°32'37" East, 427.74 feet, an arc distance of 434.49 feet; thence South 52°04'30" East, 306.37 feet to the Point of Beginning.

Parcel ID: 07-26-16-0090-00100-0020

Section 3. FLUM Amendment. 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 Pasco County RES-24 to City of New Port Richey HDR-24, as shown in Exhibit "A" attached hereto.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Conflicts. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance adopting a Small-Scale Future Land Use Map (FLUM) amendment shall become effective as provided by state law upon adoption hereof, and upon approval of the state land planning agency and all appeals of any order are final, if applicable.

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
CA Approved 10-21-21

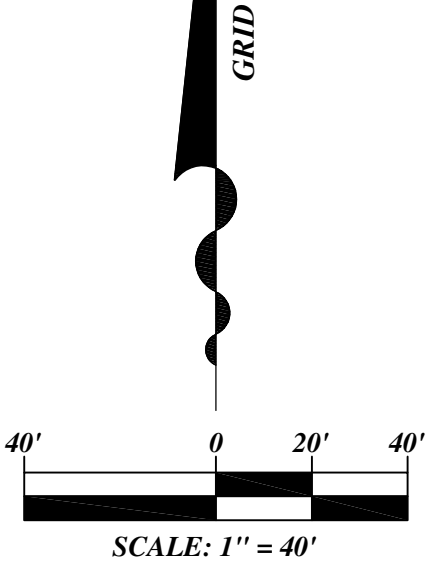
EXHIBIT "A"

CURVE TABLE with columns: CURVE, LENGTH, RADIUS, CHORD BEARING, CHORD LENGTH, DELTA

WETLAND CURVE TABLE with columns: CURVE, LENGTH, RADIUS, CHORD BEARING, CHORD LENGTH, DELTA

WETLAND LINE TABLE with columns: LINE, LENGTH, BEARING

WETLAND LINE TABLE with columns: LINE, LENGTH, BEARING



LINE TABLE with columns: LINE, LENGTH, BEARING

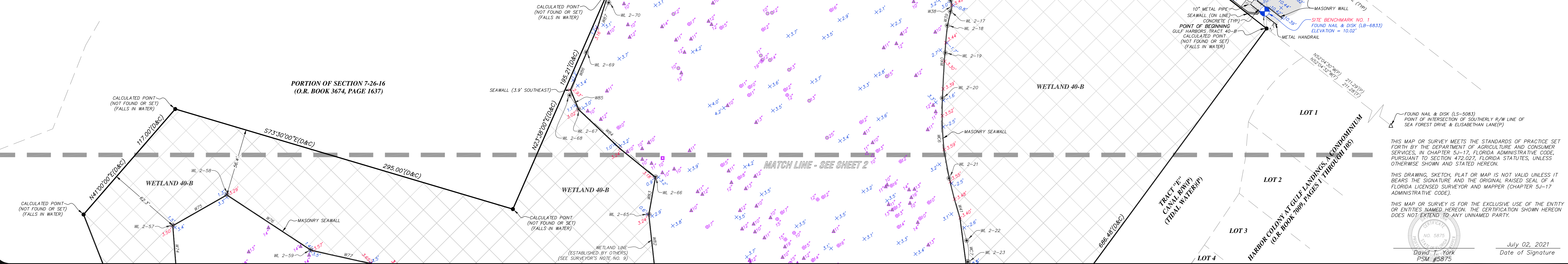
STATE PLANE COORDINATES: SPC NO. 1 - FOUND 4" x 4" CONCRETE MONUMENT (PRM-3400) ...

LEGAL DESCRIPTION: GULF HARBORS, TRACT 40-A: A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, AND RUN NORTH 89°37'05" WEST, 1259.30 FEET ALONG THE NORTHERLY BOUNDARY OF SAID SECTION TO THE POINT OF BEGINNING...

LEGAL DESCRIPTION: GULF HARBORS, TRACT 40-B: A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, AND RUN NORTH 89°37'05" WEST, 1331.08 FEET ALONG THE NORTHERLY BOUNDARY OF SAID SECTION TO THE POINT OF BEGINNING...

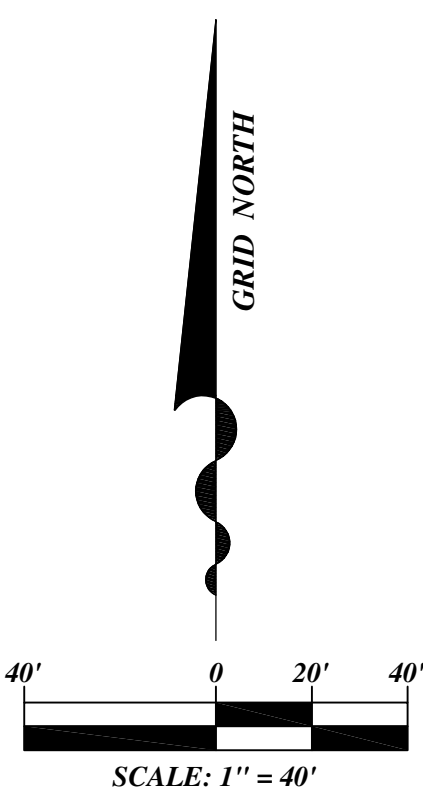
SURVEYOR'S NOTES: 1. THIS SURVEY MAP AND/OR REPORT OF THE COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS TO SURVEY MARKS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ACREAGE table listing GULF HARBORS TRACT 40-A, WETLAND 40-A1, WETLAND 40-A2, TOTAL UPLAND ACRES - 1.93 ACRES (MORE OR LESS), TOTAL LOWLAND ACRES - 2.02 ACRES (MORE OR LESS), GULF HARBORS TRACT 40-B, WETLAND 40-B, TOTAL UPLAND ACRES - 5.62 ACRES (MORE OR LESS), TOTAL LOWLAND ACRES - 9.33 ACRES (MORE OR LESS)



LEGEND: (C) CALCULATED MEASUREMENT AND/OR DATA, (D) DESCRIPTION MEASUREMENT AND/OR DATA, (E) FIELD MEASUREMENT AND/OR DATA, (F) PLAT MEASUREMENT AND/OR DATA, (G) CURVE LINE FEEDBACK, (H) CONCRETE LIGHT POLE, (I) CONCRETE SURVEY MARK, (J) CONCRETE UTILITY POLE, (K) ELEVATION, (L) GUY ANCHOR, (M) IDENTIFICATION, (N) ID, (O) LICENSED BUSINESS NUMBER, (P) LICENSED SURVEYOR, (Q) MONUMENT, (R) NORTH AMERICAN DATUM, (S) NORTH AMERICAN VERTICAL DATUM, (T) NUMBER, (U) OVERSOUND WIRE, (V) OFFICIAL RECORDS, (W) PROFESSIONAL SURVEYOR AND MAPPER, (X) STATE PLANE COORDINATE, (Y) UTILITY POLE, (Z) WATER VALE, (+) SPOT ELEVATION, (x) SPOT ELEVATION (TOP OF SEAWALL), (o) CEDAR TREE (SIZE AS NOTED), (t) OAK TREE (SIZE AS NOTED), (p) PINE TREE (SIZE AS NOTED), (s) SPRUCE TREE (SIZE AS NOTED)

DAVRIS, INC. CERTIFICATE OF AUTHORIZATION # 7908, BOUNDARY AND TOPOGRAPHIC SURVEY, GULF HARBORS TRACT 40-A, GULF HARBORS TRACT 40-B, PROJECT NUMBER: 21038, DATE OF SURVEY: JUNE 29, 2021, SHEET NO. 1 OF 2, July 02, 2021, Date of Signature

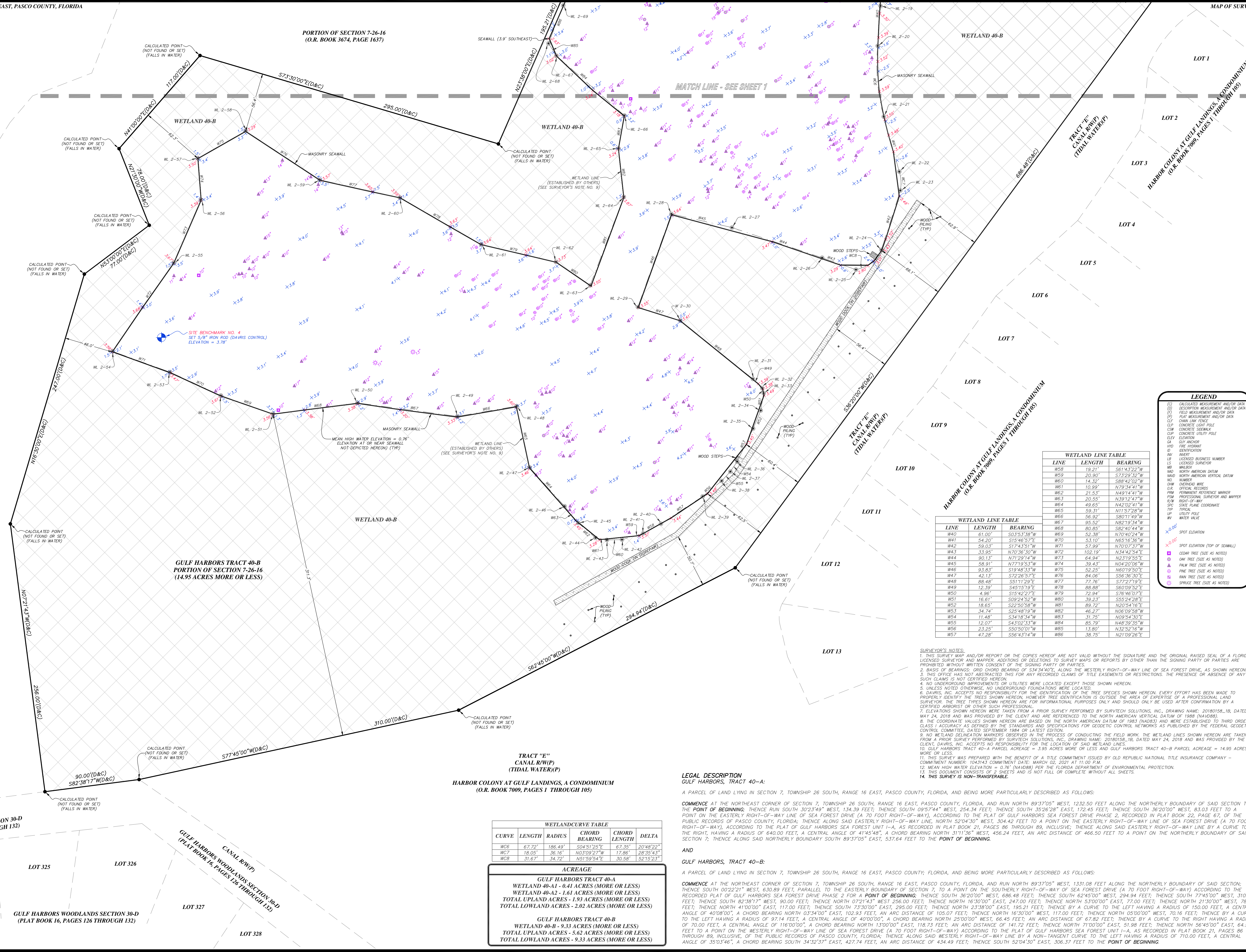


PORTION OF SECTION 7-26-16 (O.R. BOOK 3674, PAGE 1637)

DAVRIS, INC. CERTIFICATE OF AUTHORIZATION # 7908. SURVEYING AND MAPPING. DAVRIS. 5830 Inghram Ave. New Port Richey, FL 34653. Phone: (813) 212-5800. Website: www.davrisinc.com. Email: info@davrisinc.com

BOUNDARY AND TOPOGRAPHIC SURVEY. GULF HARBORS TRACT 40A. GULF HARBORS TRACT 40B.

PROJECT NUMBER: 2108. DATE OF SURVEY: JUNE 29, 2021. FILE: 2108.DWG. CERTIFIED TO: JAE PROPERTY HOLDINGS LLC. CHECKED BY: T.W.D.T. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. SHEET NO. 2 OF 2.



LEGEND table with symbols for calculated measurement, field measurement, plat measurement, concrete light pole, concrete seawall, concrete utility pole, elevation, iron anchor, fire hydrant, iron pipe, licensed business number, licensed surveyor, marker, north american datum, north american vertical datum, official record, permanent reference marker, professional surveyor and mapper, state plane coordinate, typical, utility pole, water valve, spot elevation, spot elevation (top of seawall), clear tree, oak tree, palm tree, hick tree, spruce tree.

WETLAND LINE TABLE with columns: LINE, LENGTH, BEARING. Lists lines W40 through W57.

WETLAND LINE TABLE with columns: LINE, LENGTH, BEARING. Lists lines W40 through W57.

WETLAND CURVE TABLE with columns: CURVE, LENGTH, RADIUS, CHORD BEARING, CHORD LENGTH, DELTA. Lists curves W6, W7, W8.

ACREAGE table with columns: GULF HARBORS TRACT 40-A, GULF HARBORS TRACT 40-B. Lists wetland and total upland/lowland acres.

SURVEYOR'S NOTES: 1. THIS SURVEY MAP AND/OR REPORT OR THE COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER... 13. THIS DOCUMENT CONSISTS OF 2 SHEETS AND IS NOT FULL OR COMPLETE WITHOUT ALL SHEETS.

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AND GULF HARBORS, TRACT 40-B: A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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