

ORDINANCE #2016-2061

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA; AMENDING THE NEW PORT RICHEY COMPREHENSIVE PLAN; PROVIDING FOR THE ADOPTION OF EVALUATION AND APPRAISAL-BASED AMENDMENTS TO THE GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et seq., Florida Statutes established the Community Planning Act requiring that a local government to prepare and adopt a Comprehensive Plan of the type and in the manner set out in the Act; and

WHEREAS, Section 163.3191, Florida Statutes, requires a local government to review and evaluate its Comprehensive Plan every seven (7) years to determine if amendments are necessary to reflect changes in state requirements since the last update of the Comprehensive Plan; and

WHEREAS, Section 163.3191, Florida Statutes, requires a local government to prepare and transmit a Comprehensive Plan amendment to the State Land Planning Agency within one (1) year of said agency's acceptance of the evaluation findings, if the local government determines amendments to its Comprehensive Plan are necessary to reflect changes in State requirements; and

WHEREAS, the City Council of the City of New Port Richey enacted Ordinance #1847, adopting the City of New Port Richey 2020 Comprehensive Plan, which has been amended from time-to-time; and

WHEREAS, an evaluation and appraisal of the City of New Port Richey 2020 Comprehensive Plan was performed and submitted as correspondence to the State Land Planning Agency on November 14, 2014, stating the City's intent to amend the Comprehensive Plan as required by Chapter 163.3191(2), Florida Statutes; and

WHEREAS, the Land Development Review Board, acting as the Local Planning Agency, considered the proposed Comprehensive Plan amendments at a held a duly noticed public hearing on August 20, 2015, and, finding said amendments consistent with Comprehensive Plan goals, objectives and policies, recommended that City Council approve and transmittal said amendments to the State Land Planning Agency for review and comment; and

WHEREAS, the City Council of the City of New Port Richey considered the proposed Comprehensive Plan amendments at a held a duly noticed public hearing and first reading of this Ordinance on September 15, 2015, and, finding said amendments consistent with Comprehensive Plan goals, objectives and policies, authorized staff to transmit said amendments to the State Land Planning Agency for review and comment; and;

WHEREAS, the City Council of the City of New Port Richey considered the proposed Comprehensive Plan amendments at a held a duly noticed public hearing and second reading of this Ordinance on _____, 2015, and, finding said amendments consistent with Comprehensive Plan goals, objectives and policies, approved said amendments; and;

WHEREAS, City Council of the City of New Port Richey hereby adopts and incorporates the purpose, intent, and findings set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City of New Port Richey, Florida, as follows:

SECTION I. Purpose and Intent. The purpose and intent is to adopt the Comprehensive Plan amendments described herein and referred to as DEO #____ and incorporate said amendments into the goals, objectives and policies of the New Port Richey Comprehensive Plan as required by Section 163.3177, Florida Statutes.

SECTION II. Adoption of Evaluation and Appraisal-based Plan Amendments. The City of New Port Richey 2020 Comprehensive Plan is hereby amended as set forth below:

A. Title:

City of New Port Richey ~~2020~~ 2030 Comprehensive Plan

B. Future Land Use Element Goals, Objectives and Policies:

Introduction

Pursuant to Section 163.3177(6)(1), FS, ~~and Section 9J-5.006(3), FAC~~, the following represents the Future Land Use Goals, Objectives and Policies of the City of New Port Richey. In addition to statutory requirements, the following goals, objectives and policies were developed in keeping with the character, conditions, both environmental and social, and desires of the community. The goals, objectives and policies are intended to address the establishment of the long-term end towards which the land use programs and activities of the community are ultimately directed.

FLU 1.9.1 The City shall ensure that architecturally significant and historical ~~and architecturally significant~~ resources are protected either through their designation as ~~historic sites by the~~ under Federal Government, State of Florida or Pasco County ~~and by a locally adopted~~ historic preservation ordinance programs.

Objective FLU 3.2 ~~By 2007, the~~ City of New Port Richey shall ~~adopt a~~ continue to implement the adopted Coastal Transfer of Development Rights (TDR) program ~~as part of the City Land Development Code. This Coastal TDR program shall to:~~

- Assist ~~in the~~ suitable redevelopment ~~of~~ within the Coastal High Hazard Area (CHHA) ~~of the City;~~
- Protect environmentally-sensitive lands within the ~~CHHA~~ Coastal High Hazard Area;
- ~~Redistribute residential development rights allocated by the FLUM Future Land Use Map to achieve the requirements of Rule 9J-5012, FAC;~~
- ~~Redistribute residential development rights allocated by the FLUM Future Land Use Map to achieve growth management goals of the City in accordance with objectives CME 2.1, CME 2.2, CME 2.3, and CME 3.4 and their supporting policies; and~~
- Implement hazard mitigation strategies.

FLU 3.2.1 The Coastal ~~TDR~~ Transfer of Development Rights program adopted by the City ~~of New Port Richey~~ shall be consistent with the requirements of ~~Rule 9J-5.012(3)(b) 5, 6, 7 and 8, Florida Administrative Code~~ Florida Statutes Section 163.3178 (Coastal Management).

FLU 3.2.2 The City ~~of New Port Richey~~ shall create an “entitlement bank” where severed residential development rights from City-owned land ~~that have been severed may be~~ are deposited for the purposes of implementing the Coastal ~~TDR~~ Transfer of Development Rights program.

FLU 3.2.3 As part of the Coastal ~~TDR~~ Transfer of Development Rights program, the City shall sever all or part of the residential development rights allocated by the FLUM Future Land Use Map on City-owned property and deposit those development rights into a ~~City-owned residential~~ the entitlement bank ~~to be used to~~ for use in furthering the growth management goals of the City.

FLU 3.2.4 Development rights authorized by the Future Land Use Map on lands owned by the City of ~~New Port Richey~~ within the ~~CHHA Coastal High Hazard Area~~ may be ~~are~~ transferable to designated receiving lands within the ~~CHHA Coastal High Hazard Area~~.

FLU 3.2.5 The residential development rights allocated by the Future Land Use Map in the ~~CHHA Coastal High Hazard Area~~ shall not be exceeded.

FLU 3.2.6 In no case shall residential ~~density~~ development rights from areas outside the Coastal High Hazard Area be transferred into the ~~CHHA from areas outside the CHHA Coastal High Hazard Area~~.

FLU 3.2.7 A Coastal ~~TDR~~ Transfer of Development Rights Conditional Use Permit shall be required to ~~participate~~ utilize residential development rights in the Coastal ~~TDR program~~ High Hazard Area.

FLU 3.2.8 The Coastal ~~TDR~~ Transfer of Development Rights Conditional Use Permit at a minimum shall:

- a. Specify the number of transferable development rights;
- b. Include a build-out date;
- c. Include a final physical development plan;
- d. Include a final architectural plan;
- e. Include a list and schedule for capital improvements necessary (if any) to maintain level of service; and
- f. Include development conditions or exactions required by the City.

FLU 3.2.9 The Coastal ~~TDR~~ Transfer of Development Rights Conditional Use Permit is ~~shall~~ not be transferable.

FLU 3.2.10 The Coastal ~~TDR~~ Transfer of Development Rights Conditional Use Permit shall be project specific and shall not ~~run with the land~~ automatically transfer to a new development project or property owner in the event of the sale of the property.

FLU 3.2.11 ~~That~~ The densities and intensities ~~density~~ proposed by ~~for a~~ projects participating in the Coastal ~~TDR~~ Transfer of Development Rights program shall be compatible with the density of surrounding and proximate densities and intensities development.

FLU 3.2.12 The build-out date associated with a Coastal Transfer of Development Rights Conditional Use Permit may be extended ~~for a "time-certain" date if approved~~ by the City Council.

FLU 3.2.13 Sending lands are defined as City-owned lands where residential development rights may be severed in all or part for the purposes of transferring ~~these~~ development rights to other parcels within the ~~CHHA Coastal High Hazard Area~~. ~~Sending sites shall be designated with non-residential land uses.~~

FLU 3.2.14 Sending lands shall be designated on the Future Land Use Map by a non-residential land use and used for public parks, flood control and mitigation, open spaces, and appropriate redevelopment ~~projects~~, as determined by the City.

FLU 3.2.15 Sending lands ~~where~~ from which residential development rights ~~are~~ have been severed ~~for the purpose of transferring residential rights~~ shall be owned remain under the ownership of by the City of ~~New Port Richey~~.

FLU 3.2.16 Sending lands ~~are~~ shall be designated on Map FLU-11 Coastal Transfer of Development Rights Sending Areas ~~and are part~~ of the Future Land Use Map series.

FLU 3.2.17 Sending lands shall not include:

- a. Lands that are wholly included in wetlands;
- b. Lands that are seaward of the Coastal Construction Control line; or
- c. Lands that are privately owned by private property owners.

FLU 3.2.18 Receiving lands ~~are~~ shall be those lands within the ~~CHHA Coastal High Hazard Area~~ that have been identified as being most appropriate for development and to which residential development rights from the City entitlement bank may be transferred ~~from the City entitlement bank.~~

FLU 3.2.19 Receiving lands ~~are~~ shall be designated on Map FLU-11 Coastal Transfer of Development Rights Receiving Areas of the Future Land Use Map Series ~~and~~ upon adoption ~~and are part of the Future Land Use Map Series.~~

FLU 3.2.20 Receiving lands shall be designated outside of the most vulnerable areas of the ~~CHHA Coastal High Hazard Area~~. Vulnerable areas include coastal wetlands, areas of repetitive loss, velocity zones and areas of high aquifer recharge.

FLU 3.2.21 If a Comprehensive Plan amendment is required to participate in the Coastal ~~TDR Transfer of Development Rights~~ program, said amendment shall be submitted concurrently with the Coastal ~~TDR Transfer of Development Rights~~ Conditional Use Permit.

FLU 3.2.22 In no case shall receiving lands be:

- a. Located in FIRM V-Zones;
- b. Located in wetlands where no useable uplands exist; or
- c. Located within areas designated for non-residential use on the ~~FLUM Future Land Use Map~~.

C. Transportation Element Goals, Objectives and Policies:

Introduction

Pursuant to Section 163.3177(9) and (10), FS, ~~and Section 9J-5.007(3), FAC~~, the following represents the Transportation Element goals, objectives and policies of the City of New Port Richey which establish the long-term end of transportation programs and activities directed to the community.

~~TRA 1.1.6 By 2008, the City shall evaluate and consider adopting a long-term concurrency management system for those streets where funding is inadequate in the first five years of the Capital Improvements Plan to ensure that the adopted level of service standard is maintained.~~

TRA 1.2.1 By ~~2008~~ 2020, the City, in coordination with the Pasco County Metropolitan Planning Organization, shall identify and officially designate all existing and potentially constrained street segments within the City limits. As needed, the City shall work with said agency to maintain and improve the level of service on designated constrained street segments including streets within the Downtown Transportation Concurrency Exception Area.

~~TRA 2.1.1 The City shall achieve a 1.0 percent modal split for bicycle and pedestrian traffic by the year 2010.~~

TRA 2.3.7 ~~By 2010~~ The City shall assess the feasibility of requiring a maximum (as opposed to minimum) number of parking spaces for new developments along Transit Corridors.

~~TRA 3.1.2 The City designates the area designated as Downtown Transportation Concurrency Exception Area boundary is depicted on the Future Land Use Map, as the area consistent with the boundaries of the Downtown TCEA. In compliance with Rule 9J-5.00055(6)(a)2, Florida Administrative Code, the area is also hereby designated as an Existing Urban Service Area.~~

~~TRA 3.1.5 By 2010 When conditions warrant, the City shall explore the feasibility of rubber tire trolley service in the Downtown TCEA Transportation Concurrency Exception Area.~~

~~TRA 3.1.6 A pedestrian-friendly environment shall be promoted on streets within the Downtown TCEA Transportation Concurrency Exception Area by providing safe, comfortable, and convenient, and connected sidewalks and pathway connections in and around the Downtown TCEA Transportation Concurrency Exception Area and from public right-of-ways to building entrances. By 2009 The City shall amend its land development regulations to include site development requirements that define minimum pedestrian facilities and shall improve and prioritize pedestrian access to implement the City pedestrian initiatives.~~

D. Housing Element Goals, Objectives and Policies:

Introduction

Pursuant to Section 163.3177(6)(a), FS, ~~and Section 9J-5.010(1)(2), FAC,~~ the following represents the Housing Goals, Objectives and Policies of the City of New Port Richey. These goals, objectives and policies are intended to address the establishment of a long-term end towards which the housing programs and activities of the community are ultimately directed.

E. Conservation Element Goals, Objectives and Policies:

GOAL CON 2

Promote a sustainable energy future by increasing energy efficiency in all sectors.

Energy Efficiency in City-Owned Facilities

Objective 2.1 Increase municipal energy efficiency by 10 percent by the year 2025 by reducing total energy use in City-owned buildings, facilities and fleet.

Policies

CON 2.1.1 The City shall determine total energy use and costs for municipal facilities and set up a system to track use and costs for major City facilities.

CON 2.1.2 The City shall identify energy-saving measures including opportunities for use of renewable resources in municipal buildings and facilities and seek funding (e.g., state and federal grants) for implementation.

CON 2.1.3 The City shall develop an energy-saving incentive program to encourage efficiency in City government by returning a portion of the money saved to the participating bureaus and for other energy projects.

CON 2.1.4 The City shall promote the use of energy-efficient street lighting systems, and continue to convert street lights to be more energy efficient.

Energy Efficiency in Residential Buildings

Objective 2.2 Encourage energy efficiency in residential buildings by helping to develop and promote public/private partnerships, utility, local, state and federal programs.

Policies

CON 2.2.1 The City shall coordinate with the electric utility to bring utility-sponsored, energy-efficiency programs to homeowners.

CON 2.2.2 The City shall investigate requiring energy audits for any residential structure receiving improvement grant funding from the City.

Energy Efficiency through Land Use Regulations

Objective 2.4 Promote residential, commercial, industrial and transportation energy efficiency and use of renewable resources through land use regulations.

Policies

CON 2.3.1 The City shall promote density, location and mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips.

CON 2.3.2 The City shall investigate the potential for energy savings from solar access standards for commercial buildings and multi-family housing.

Energy Efficient Transportation

Objective 2.4 Promote energy-efficient transportation.

Policy

CON 2.4.1 The City shall provide opportunities for multimodal mobility through implementation of Goal TRA 2 and Goal TRA 3 objectives and policies.

Telecommunications as an Energy Efficiency Strategy

Objective 2.5 Research and support telecommunication opportunities that reduce the need for travel.

Policy

CON 2.5.1 The City shall examine citywide telecommunications needs in partnership with local businesses, agencies, and developers.

Waste Reduction and Recycling

Objective 2.6 Promote energy savings through reduced use of excess materials, such as packaging; recovery of materials from the waste stream for direct reuse and remanufacture into new products; recycling; and purchase of products made from recycled materials.

Policies

CON 2.6.1 The City shall continue its recycling efforts including office wastepaper and other materials recycling and the curbside recycling program.

CON 2.6.2 The City shall develop a plan to increase recycling rates in all sectors.

CON 2.6.3 The City shall develop a recycling plan for city events.

F. Coastal Management Element Goals, Objectives and Policies:

Introduction

Pursuant to ~~§Section~~ 163.3178, FS, and ~~§§9J-5.013(3), FAC,~~ the following represents the Coastal Management Element goals, objectives and policies of the City of New Port Richey. These goals, objectives and policies are intended to address the establishment of a long-term directive for the protection of the natural environment systems, cultural resources and human life and property against the effects of natural disasters in the coastal area.

Objective CME 3.2 By ~~2009~~ 2020, in order to effectively manage the timing and sequence of reconstruction, establish reconstruction permitting procedures.

CME 3.4.1 By ~~2010~~ 2020, the City shall develop a Post-Disaster Redevelopment Plan that addresses repetitive loss areas that should not be reconstructed, abandonment or relocation of vulnerable buildings and principles for repair, replacement, modification or relocation of vulnerable public facilities.

G. Intergovernmental Coordination Element Goals, Objectives and Policies:

Introduction

Pursuant to Section 163.3177(9) and (10), FS, and ~~Section 9J-5.015(3), FAC,~~ the following represents the Intergovernmental Coordination Element Goals, Objectives and Policies of the City. These goals, objectives and policies are intended to address the establishment of a long-term directive for promoting coordination between jurisdictions and agencies.

~~ICE 2.1.5 By 2008, the City and Pasco County will amend the interlocal agreement with the School District of Pasco County, which jointly establishes the specific ways in which the plans and processes of the district School Board and the local governments are to be coordinated, to include provisions for public school concurrency.~~

Special Districts

~~Objective ICE 2.2 Identify and coordinate the effects of the special districts on the Comprehensive Plan.~~

~~ICE 2.2.1 The City will review the plans and independent special district facility reports of SWFWMD and other governmental agencies and identify and attempt to resolve conflicts with the Comprehensive Plan, including concurrency related items.~~

~~ICE 2.2.2 The City will coordinate with the staff of SWFWMD and applicable governmental agencies and governing boards in order to attempt to resolve issues identified through implementation of ICE 2.1.1.~~

H. Capital Improvements Element Goals, Objectives and Policies:

Introduction

Pursuant to ~~Chapter~~ Section 163.3177(9) and (10), FS, and ~~Section 9J-5.016(3)(a)(b)(c), FAC,~~ the following represents the goals, objectives and policies of Capital Improvements Element. These goals, objectives and policies are intended to establish the long-term end for the timely and efficient provision of public facilities through the use of sound fiscal policies.

CIE 1.5.1 The City shall implement the Concurrency Management System in Land Development Code which ensures that public facilities and services needed to support development are available concurrent with the impacts of such development. The Concurrency Management System shall include:

- a. A requirement that the adopted level of service standards shown on Table CIE 1.5.1 be maintained;
- ~~b. A requirement that the Capital Improvements Element set forth a financially feasible plan which demonstrates that the adopted level of service standards will be achieved and maintained;~~
- ~~eb.~~ A system for monitoring and ensuring adherence to the adopted level of service standards, the schedule of capital improvements and the availability of public facility capacity;
- ~~ec.~~ Guidelines for interpreting and applying level of service standards to applications for development orders and development permits and determining when the test for concurrency must be met; and
- ~~ed.~~ A requirement that ensures that development orders and development permits are issued in a manner that will not result in a reduction in the levels of service below the adopted level of service standards for the affected facility.

~~CIE 1.6.3 In accordance with the Interlocal Agreement between the Schools and Pasco County, a Long-Term Concurrency Management System is not necessary at this time, but this section is reserved for future revisions to address level of service deficiencies in Elementary School SCSA 2 as set forth in PSF 1.1.2.~~

~~CIE 1.6.43 The City, in coordination with the District School Board of Pasco County, shall annually update the Capital Improvements Element reflecting the adopted School Board Five-Year Capital Improvements Program or Ten-Year Capital Improvements Program to ensure maintenance of a financially feasible capital improvements program and to ensure that level of service standards will continue to be achieved and maintained. Annual plan amendments shall include the addition of a new fifth year to the Five-Year Schedule of Capital Improvements, updating of the Financially Feasible Capital Improvements Element, coordinating the program with the Five-Year District Facilities Work Plan and, as necessary, updates to the School Concurrency Service Areas maps. The annual plan amendments shall ensure that the Comprehensive Plan continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.~~

~~CIE 1.6.54 The City, by incorporating the District School Board of Pasco County Capital Improvements Programs into this Comprehensive Plan pursuant to the requirements of Florida Statutes, is not liable for the funding of any School Board capital project or any requirements of the School Board District Facilities Work Plan.~~

I. Public School Facilities Element Goals, Objectives and Policies:

Introduction

Pursuant to Sections 163.3180(13)(a) and 163.3177(12), FS, ~~and Section 9J-5.025, FAC,~~ the following represents the Public School Facilities Element goals, objectives and policies of the City of New Port Richey. These directives herein mandate a comprehensive focus on school planning especially as it relates to planning and permitting developments that affect school capacity and utilization rates. The goal of this element is intended to establish the desired long-term end to which school planning objectives and policies of the community are ultimately directed.

J. Livable City Element Goals, Objectives and Policies:

LIV 3.5.1 By ~~2009~~ 2020, the City shall develop and implement a Comprehensive Pedestrian and Bicycle Master Plan.

LIV 4.2.5 By ~~2009~~ 2020, the City shall revise the Land Development Code to allow porches within the front yard setback requirements to allow porch easements in subdivision design and to require the front façade of living areas of the structure to be closer to the street than garage areas.

SECTION III. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Council of the City of New Port Richey, or parts of ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

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, clauses or phrases and their application shall not be affected.

SECTION V. Incorporation Into Comprehensive Plan. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of New Port Richey Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION VI. Effective Date and Legal Status of the Plan Amendment. The effective date of the Comprehensive Plan amendment adopted by this Ordinance shall be the date a final order is issued by the Florida Department of Economic Opportunity, or the Administration Commission finding the Amendments in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land use dependent on these Amendments may be issued or commenced before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the Amendments may nevertheless be made effective by adoption of a resolution affirming its effective status. After and from the date of these Amendments, the Comprehensive Plan Amendments set forth herein shall amend the City of New Port Richey Comprehensive Plan and become a part of that plan and the Amendments shall have the legal status of the City of New Port Richey Comprehensive Plan, as amended.

The above and foregoing ordinance was read and approved on first reading at the duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2015.

The above and foregoing ordinance was read and approved on second reading at the duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2015.

ATTEST:

CITY OF NEW PORT RICHEY,
FLORIDA

(SEAL)

Doreen Summers, City Clerk

Robert Marlowe, Mayor-Council Member

APPROVED AS TO LEGAL FORM AND CONTENT

Joseph Poblick, City Attorney