

**ORDINANCE NO. 2022-2262**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 20.06.00 OF CHAPTER 20 OF THE LAND DEVELOPMENT CODE, PERTAINING TO THE TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHTS IN THE COASTAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; PROVIDING FOR AN APPRAISAL TO DETERMINE THE VALUE OF THE TRANSFER OF DEVELOPMENT RIGHTS CREDITS MAINTAINED IN THE CREDIT ENTITLEMENT BANK FOR THE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of New Port Richey Comprehensive Plan and Land Development Code provide for the Coastal Transfer of Development Rights to manage growth and protect environmentally sensitive lands; and

**WHEREAS**, the calculation of the value of the development rights is based on the purchase price of sending sites, as adjusted by the Consumer Price Index; and

**WHEREAS**, the cost of real estate is continually fluctuating and the Consumer Price Index is not always the best method of calculation the change in value of real estate as a unique asset; and

**WHEREAS**, the use of appraisals to establish the value of sending sites and the available transfer credits is a more accurate method to determine such values; and

**WHEREAS**, it is determined that to protect the health, safety, and welfare of the citizens of New Port Richey, amendments to the Coastal Transfer of Development Rights Program are required; and

**WHEREAS**, this ordinance has been reviewed by the Land Development Review Board as required by law; and

**WHEREAS**, notice of this Ordinance has been provided as required by applicable law; and

**WHEREAS**, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:**

**Section 1. Section 20.06.00, of Chapter 20 of the New Port Richey Land Development Code, pertaining to the transfer of residential development rights in the Coastal Transfer of**

**Development Rights P, is hereby amended as follows** (strikeout text is deleted and underlined text is added):

Sec. 20.06.00 - Transfer of residential development rights.

Transfers of development rights are made ~~transferred~~ from CHHA city-owned lands (sending areas) to the entitlement bank. The city shall maintain an inventory of transferable development rights in the entitlement bank. The city shall establish the reasonable cost value of TDR credits maintained in the entitlement bank by obtaining an appraisal of the receiving site prepared by a State Certified General Appraiser to be reviewed by the Community Redevelopment Agency and approved by the City Council for the establishment of the final cost determined at the discretion of the City Council ~~based on the latest and highest purchase price of the sending sites owned by the city, plus the Consumer Price Index applied annually.~~

1. *Future land use map (FLUM) amendment required for sending site:* The future land use map amendment shall change the FLUM category on the sending lands to conservation, preservation, public facility or other non-residential category. A future land use map amendment is required to sever development rights from CHHA city-owned land for transfer into the city entitlement bank. Future land use amendments will be processed as required under Florida Statutes.
2. *Future land use map (FLUM) amendment required for receiving lands:* A future land use map amendment is required for all receiving sites:
  - a. That do not permit residential development at the time of application for the conditional use permit; or
  - b. Where residential density is proposed to be increased, the proposed conditional use permit PDD rezoning shall be included as part of the data and analysis supporting the proposed FLUM amendment.
3. *Maximum number of TDR credits to be transferred:* The maximum number of TDR credits transferred from sending areas to receiving areas shall not exceed the maximum number of residential units permitted by the future land use map designation and zoning district classifications for the sending area.

**Section 2. Conflict with Other Ordinances and Codes.** 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 3. 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 4. Codification.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 17<sup>th</sup> day of May, 2022.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 7<sup>th</sup> day of June, 2022.

ATTEST:

\_\_\_\_\_  
Judy Meyers, CMC, City Clerk

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Rob Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM

By: \_\_\_\_\_  
Timothy P. Driscoll, City Attorney CA Approved 5-26-22