

ORDINANCE NO. 2022-2261

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 AMENDMENT OF THE FUTURE LAND USE CATEGORY FOR APPROXIMATELY ELEVEN (11) PROPERTIES COMPRISING A TOTAL OF 14.19 ACRES LOCATED THROUGHOUT THE CITY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF THE LAND USE DESIGNATION FOR SAID PROPERTIES TO THE RECREATION/OPEN SPACE FUTURE LAND USE CATEGORY; PROVIDING FOR THE DESIGNATION OF SAID PROPERTIES AS SENDING SITES AS PART OF THE CITY'S TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM; PROVIDING FOR AMENDMENT OF THE TDR SENDING LANDS MAP INCLUDED AS PART OF THE CITY'S FUTURE LAND USE MAP SERIES; PROVIDING FOR AMENDMENT OF THE TDR AVAILABILITY TABLE; PROVIDING FOR THE TRANSFER OF ALL DEVELOPMENT RIGHTS TO THE CITY'S COASTAL TRANSFER OF DEVELOPMENT RIGHTS ENTITLEMENT BANK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR 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 its adopted comprehensive plan;

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

WHEREAS, the City has a Coastal Transfer of Development Rights (TDR) program to protect environmentally sensitive lands and to promote growth management goals of the city that is consistent with Objective CME 2.2 of the City's Comprehensive Plan to direct population concentrations away from designated Coastal High Hazard Areas;

WHEREAS, the City has designated certain city owned properties as sending areas as provided for in Ordinance No. 1813 on the TDR Sending Lands Map;

WHEREAS, the City desires to update the TDR Sending Lands Map;

WHEREAS, the City sending areas within the city's downtown district should be removed to allow for redevelopment areas within the downtown area consistent with the Downtown Master Plan;

WHEREAS, the sending area west of U.S. Highway 19 should be removed to be consistent with the U.S. Highway Redevelopment Master Plan;

WHEREAS, the city has identified additional city-owned park property within the Coastal High Hazard Area (CHHA) to add to the TDR Sending Lands Map generally located on Meadowbrook Lane;

WHEREAS, in 2016 the city designated certain city-owned property within the CHHA that was not identified on the TDR Sending Lands Map as a sending site with 97 residential density units that were transferred to the Coastal TDR Entitlement Bank which should be added to the TDR Sending Lands Map;

WHEREAS, Exhibit “A” attached hereto depicts the existing TDR Sending Lands Map adopted by Ordinance No. 1813 and Exhibit “B” attached hereto is the TDR Availability Table that documents the density units available for transfer based on the TDR Sending Lands Map adopted in Ordinance No.1813;

WHEREAS, Exhibit “G” attached hereto depicts the existing Coastal Entitlement Bank;

WHEREAS, the TDR program requires a Future Land Use Map (FLUM) amendment to assign a non-residential land use category for sending sites and terminating all development rights on said sites;

WHEREAS, the City’s Land Development Review Board (LDRB), serving in its capacity as the City’s Local Planning Agency, considered the proposed small scale future land use amendment for the subject property at a duly noticed public hearing on April 21, 2022, and based on the Development Department staff report and testimony provided at the public hearing recommended approval of the proposed small scale future land use amendment to Recreation/Open Space future land use;

WHEREAS, at the duly noticed City Council regular public hearing held on May 17, 2022, 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;

WHEREAS, at the duly noticed City Council regular public hearing held as indicated below, the City Council on second 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 second reading and adopted the same; and

WHEREAS, notice of this Ordinance and the hearings conducted hereunder has been provided in accordance with Florida law.

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. Updated TDR Sending Lands Map. Exhibit “C” attached hereto is hereby adopted as the City’s updated Sending Lands Map; and Exhibit “D” attached hereto is hereby adopted as the updated TDR Availability Table that documents the density units available for transfer as reflected in Exhibit “C”.

Section 3. Future land use 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 of the properties depicted in Exhibit “E” attached hereto as provided therein.

Section 4. Property description. The properties subject to this Future Land Use Map amendment are legally described in Exhibit “F” attached hereto.

Section 5. Residential development units. The development rights for the residential development units for each parcel as shown on Exhibit “C” (Updated TDR Sending Lands Map) and Exhibit “D” (Updated TDR Availability Table) are hereby permanently severed from said properties and transferred to the City’s Updated Coastal Entitlement Bank as shown in Exhibit “H” attached hereto (Updated Coastal Entitlement Bank) for a total of 39.65 allowable residential units.

Section 6. 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 7. 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 8. 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 17th day of May, 2022.

The foregoing Ordinance was duly read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this ___ day of _____, 2022.

ATTEST:

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney CA Approved 5-19-22