

**ORDINANCE NO.: 15-647**

**AN ORDINANCE OF THE CITY OF PORT RICHEY, FLORIDA AMENDING THE PORT RICHEY ZONING ATLAS ON LAND HEREINAFTER DESCRIBED FROM MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONING CATEGORY TO ZONING CATEGORY PLANNED UNIT DEVELOPMENT ("PUD"), IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT SEVERABILITY, AND AN EFFECTIVE DATE. (COTEE RIVER SINGLE FAMILY DEVELOPMENT)**

WHEREAS, Belleair Port Richey, LLC, the owners of lands hereinafter described in Section 2 below, did petition on the 22nd day of May, 2014 for rezoning of said land; and

WHEREAS, the City Council previously approved R-3 with entitlement for a maximum of 192 dwelling units; and

WHEREAS, due public notice of hearing on the proposed rezoning was given by the City Council on November 10, 2015 and November 24, 2015 as required by the Port Richey Land Development Code, as amended, and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the Planning Commission, sitting as the Planning and Zoning Board did hold a public hearing on October 21, 2015 to consider said proposed rezoning; and

WHEREAS, the City Council has been given authority by the State of Florida, pursuant to Chapters 166 and 163, Florida Statutes, to rezone the property within the City limits upon receipt of written consent of the land owner, together with approval of the City Council of said rezoning duly expressed by ordinance; and

WHEREAS, the City Council has determined that the PUD, Planned Unit Development, zoning category would be appropriate, would promote the general welfare and encourage proper development within the City;

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF PORT RICHEY, FLORIDA AS FOLLOWS:

**Section 1:** The above Whereas clauses are hereby adopted and incorporated herein.

**Section 2:** The City Council for the City of Port Richey has determined that the PUD ("PD"), Planned Unit Development, zoning category would promote the general welfare and encourage proper development within the City, and that the following described lands, lying and being situated in Pasco County, to wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED BY REFERENCE AS EXHIBIT "A".**

Parcel ID: #32-25-16-0550-00A00-0000

**CONTAINS APPROXIMATELY 32.54 ACRES M.O.L.**

are hereby rezoned to PUD ("PD"), Planned Unit Development, subject to the following conditions:

**GENERAL**

1. The owner/developer (the Developer) acknowledges that any ordinance provisions of the City of Port Richey (the City) not specifically waived shall be in full force and effect, including all impact fee ordinances.

22. The Developer shall submit a Southwest Florida Water Management District (SWFWMD) approved Stormwater Management Plan to the City prior to or simultaneous with the application for construction plan review for the Development.
23. All stormwater management systems within the Development shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 40D-40; and City stormwater-management requirements as may be amended from time to time.
24. Discharge into wetlands shall only be allowed where the wetlands are designed and permitted by the SWFWMD to receive discharge.
25. An appropriate Responsible Entity shall provide perpetual maintenance to all drainage easements. The approved Responsible Entity shall provide bi-annual inspections of drainage facilities in accordance with SWFWMD requirements to verify that no modifications have been made to the grading and ground cover and to inspect any inlets and pipes to verify that no hydraulic restrictions exist. Upon completion of the inspection, a copy of the inspection findings shall be provided to the City. Any modification or hydraulic restriction observed, at any time, shall be corrected in a timely manner. Additional inspections shall be performed, if requested by a resident of an adjoining property or the City. The maintenance entity shall have the right to file a lien to charge property owners for corrections or modifications and collect sufficient funds to perform required maintenance.

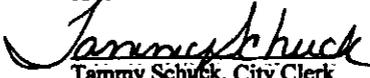
**Section 3:** This ordinance shall supersede all ordinances or parts of ordinances in conflict herewith.

**Section 4:** That if any section, sentence, clause or phrase of this ordinance is held to be invalid of unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

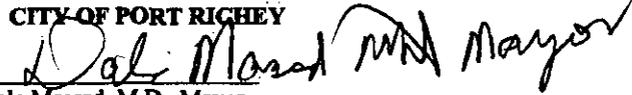
**Section 5:** This rezoning amendment shall take effect as provided in the City Charter and Chapter 163, Florida Statutes.

The foregoing Ordinance No. 15-647 was read and passed on its first reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on this 10 day of NOV., 2015.

Attest:

  
Tammy Schuck, City Clerk

CITY OF PORT RICHEY

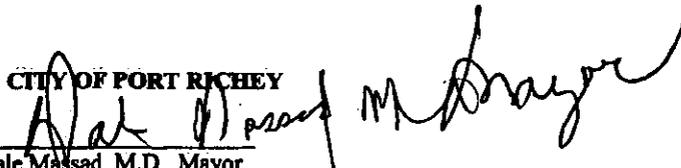
  
Dale Massad, M.D., Mayor

The foregoing Ordinance No. 15-647 was read and passed on its second reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on this 24 day of NOV., 2015.

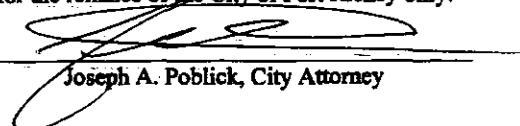
Attest:

  
Tammy Schuck, City Clerk

CITY OF PORT RICHEY

  
Dale Massad, M.D., Mayor

Approved as to legal form and legal content  
for the reliance of the City of Port Richey only:

  
Joseph A. Poblick, City Attorney

2. The approved version of the Planned Unit Development (PUD) Zoning Conditions of Approval for the Cotee River PUD (the Development) shall be incorporated into the preliminary plan for the Development.
3. The Homeowners Association and other entities with assigned perpetual responsibilities for the development are (collectively known herein as "Responsible Entity"). In all cases, Responsible Entity shall be other than the City and acceptable to the City. If for any reason a Responsible Entity other than the Homeowners Association cannot fulfill its contractual obligations relative to the Development, those obligations shall be transferred to the Homeowners Association.

#### **TIMEFRAME TO COMMENCE CONSTRUCTION**

4. If permits for the site development are not obtained within 180 days of the PUD approval by City Council ("Expiration Date"), the PUD shall become null and void. Provided however, the owner shall have the right to extend the Expiration Date by an additional 90 days in the event the Developer has not received all of the necessary permits for the site development by providing written notice to the City Manager prior to the Expiration Date.

#### **WETLAND PROTECTION**

5. Wetlands as defined by the City of Port Richey Comprehensive Plan, Conservation Element, Wetland Protection Policy C.1.2.2. shall be shown on all preliminary plans and construction plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted on the plan to correspond to appropriate permit approval. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the City of Port Richey Comprehensive Plan, Conservation Element, Wetlands Protection policies C.1.2.5, C.1.2.6, C.1.2.7, C.1.2.8, C.1.2.10, and C.1.2.13. All permits for encroachments, alterations, or development within wetlands shall be obtained and submitted to the City prior to construction plan approval.
6. A minimum 30-foot wide wetland buffer (uplands) shall be maintained around all Category I and Category II wetlands, except where prior construction encroachments are noted on the PUD plan. The buffer shall be shown on the construction plans. Permissible uses of the wetland buffer shall be those uses allowed by SWFWMD or other regulatory agencies. The wetland buffer and wetlands, as required by SWFWMD or other regulatory agencies, shall be designated on the plat as "Wetland Buffer Conservation Area" and "Wetland Conservation Area", respectively.
7. Concurrent with platting, the Wetland Buffer Conservation Area and Wetland Conservation Area shall be deeded to an appropriate Responsible Entity to maintain said conservation areas. The applicable Responsible Entity's documents shall provide that such Responsible Entity shall be responsible for the payment of taxes, if any, on the applicable conservation area.
8. The previously recorded perpetual conservation easement for the subject property in the Official Records of Pasco County shall be amended to show all Wetland Buffer Conservation Areas and Wetland Conservation Areas for the Development. Such conservation easements shall be in a form acceptable to the City Attorney and the City Manager, and shall be recorded by the Developer, at no cost to the City, in the Official Records of Pasco County concurrent with platting for any development.
9. Prior to construction plan approval, the Developer shall submit to the City Building Department a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the Developer shall submit to the Building Department a copy of the Environmental Resource Permit Approval Letter.

#### **RECREATION/OPEN SPACE**

10. The Developer shall provide a neighborhood park on not less than one contiguous acre of developable uplands, exclusive of Wetland Conservation Areas and providing for unobstructed play, in accordance with the City Land Development Code Sec. 20-14, Neighborhood Parks. The location of the park shall be shown on the preliminary plan or, if provided off-site, all necessary agreements such as those pertaining to land purchase or use, park improvements, and/or monetary contribution will be executed prior to or simultaneous with application for construction plan review for the Development.

#### **NEIGHBORHOOD COMPATIBILITY**

11. The preliminary plan application for the Development shall describe and depict the location, design characteristics, and quality of landscaping and other aesthetic treatments along Washington Street adjacent to the Development that will serve to integrate the Development visually (style and materials) and functionally (maintaining view windows/lines of sight) with the surrounding

residential neighborhood. At minimum, said aesthetic treatments shall include fencing and landscaping. Said fencing shall not exceed six feet in height, except that decorative columns or other integral architectural features that do not exceed one foot above the maximum fence height shall be permitted, and the top one-foot of fence height shall be open, decorative lattice or other acceptable fence style, as determined by the City Manager. Decorative columns shall be generally spaced 100 feet apart. The finished side of the fence shall face outward toward abutting lots and right-of-way. Maintenance of said aesthetic treatments will be the responsibility of an appropriate Responsible Entity.

#### LAND USE

12. The City shall amend the Comprehensive Plan Future Land Use Map to designate the Wetland Conservation Areas outside of the residential lots to the Coastal Lands/Wetlands future land use category.
13. The Development shall have a maximum of 78 single-family dwelling units. Said dwelling units will be priced in accordance with prevailing market rates. The residential design standards applicable to said dwelling units are as follows:
  - a. Lot area: 4,000 square feet minimum
  - b. Lot width: 40 feet minimum
  - c. Lot depth: 100 feet minimum
  - d. Lot impervious surface area: 75 percent maximum
  - e. Building height: 40 feet maximum
  - f. Setback adjacent to external right-of-way: 35 feet minimum
  - g. Primary front yard setback: 20 feet minimum (except lots 24 and 25 per PUD plan)
  - h. Secondary front yard setback (corner lots): 10 feet minimum
  - i. Side yard setback: 5 feet minimum
  - j. Rear yard setback: 20 feet minimum

14. No obstruction/service equipment shall be permitted in the side yard between houses. This includes, but is not limited to, air conditioning units, water softener units, irrigation pumps, and fences.

#### TRAFFIC CIRCULATION

15. Sidewalks internal to the Development shall be a minimum width of 4 feet.
16. The Washington Street sidewalk segments adjacent to the subject property shall be reconstructed by the Developer to straighten the two existing 90-degree curves proximate to the primary entrance to the Development. The Developer shall apply crosswalk striping at the primary entrance of the Development to delineate a pedestrian pathway between said Washington Street sidewalk segments.
17. The Development shall have a secondary functional access or emergency access. The emergency access may be barricaded in a manner found acceptable to the Fire Chief.
18. Any gate installed at a vehicular access and providing ingress to the Development shall be setback sufficiently to provide vehicular stacking for a minimum of three vehicles. Vehicular stacking may occur on-site or within the existing deceleration lane on Washington Street. If sufficient on-site stacking is provided, the deceleration lane may be eliminated to accommodate an aesthetic treatment or other use acceptable to the City. All entrances accessed by key or electronically coded systems shall be equipped and maintained with a system approved by the Fire Chief to allow fire or other emergency vehicles immediate access to the Development. Access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.
19. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate Responsible Entity other than the City. Private streets shall be constructed in accordance with street design standards set forth in the City of Port Richey Land Development Code.

#### UTILITIES/DRAINAGE/WATER SERVICE/WASTEWATER DISPOSAL

20. The Developer shall provide evidence from a professional engineer registered in the State of Florida that all water and wastewater facilities within the Development meet all applicable City and state standards.
21. The Developer shall install on-site irrigation lines to City standards to tie into future reclaimed water service to the Development.