



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council
FROM: Debbie L. Manns, City Manager
DATE: 12/1/2020
RE: First Reading, Ordinance No. 2020-2215: Moratorium on Multi-Family Residential Buildings

REQUEST:

The request is to approve an ordinance which effectuates a 180-day moratorium on the issuance of building permits for multi-family residential developments in the city which have not already been initiated and which are being implemented in multiple phases.

DISCUSSION:

The purpose of this agenda item is to allow the staff an opportunity to study and make recommendations regarding design and construction standards relating to multi-family residential housing in the city.

The City's current Land Development Code does not contain design or construction standards relating to the establishment of residential structures. As such, the city is left vulnerable to adverse safety and aesthetic design decisions. In that respect, it is recommended that the City establish design and construction standards in order to protect the value of our existing neighborhoods and ensure that future development is fitting to the community. Although design and construction standards are contemplated for all of the residential zoning classifications of the city in the future at this time I am recommending that the study and evaluation of possible standards apply exclusively to multi-family housing.

Therefore, please consider approving the moratorium as submitted.

RECOMMENDATION:

The recommendation is to approve the moratorium for a 180-day period of time on the issuance of building permits for multi-family residential building projects having more than four dwelling units within the city excepting developments in the city that have already been commenced and that are being implemented in phases.

BUDGET/FISCAL IMPACT:

No funding is required for this item.

ATTACHMENTS:

Description	Type
☐ Ordinance No. 2020-2215: Moratorium on Multi-Family Residential Buildings	Ordinance
☐ November 19, 2020 Draft LDRB Meeting Minutes	Backup Material

ORDINANCE NO. 2020-2215

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR A ONE HUNDRED EIGHTY DAY MORATORIUM ON THE PERMITTING, CONSTRUCTION OR INSTALLATION OF MULTI-FAMILY RESIDENTIAL BUILDINGS HAVING MORE THAN FOUR (4) DWELLING UNITS WITHIN THE CITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Land Development Code provides limited design, construction and development standards for multi-family residential buildings with the City of New Port Richey;

WHEREAS, the City Council finds that regulation of multi-family residential buildings having more than four (4) dwelling units requires additional scrutiny because of the potential for adverse safety and aesthetic considerations;

WHEREAS, the City Council finds that authorizing a study regarding design and construction standards for multi-family residential buildings is necessary to evaluate various regulatory options available to the City;

WHEREAS, one hundred eighty days is a reasonable period of time to place a moratorium on the issuance of permits for the identified multi-family residential buildings;

WHEREAS, this moratorium is being enacted in good faith, and is of a minimum feasible duration to study the issue;

WHEREAS, notice of this ordinance has been provided as required by law; and

WHEREAS, the City Council finds and declares a need to impose a temporary moratorium on the permitting, construction or installation of multi-family residential buildings of more than four (4) dwelling units in the City for a period of one hundred eighty days (180) to allow the City Council sufficient time to evaluate various options for regulation thereof, and to protect the health, safety and welfare of persons residing within the City;

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. This Ordinance is enacted pursuant to Chapter 166 and 163, Fla. Stat., and under the home rule powers of the City in the interest of the health, peace, safety and general welfare of the people of the City of New Port Richey.

SECTION 2. The foregoing recitals and preamble clauses, incorporated herein, are true and correct. The City Council finds and declares that it is in the best interest of the general public and there exists a need to enact an Ordinance regulating specific uses in the City of New Port Richey, and that this Ordinance should be adopted. The Council further finds that in order for City staff to examine

and make recommendations to the Council as to the criteria to be considered, if any, it is necessary to place a moratorium, which is hereby placed, on the acceptance of applications, issuance of permits and approvals for the construction or installation of any multi-apartment dwelling structures, including apartment houses, townhouses, condominiums, apartment buildings or other multi-family residential buildings, containing more than four (4) dwelling units, including the construction thereof, regardless of ownership or sources of financing, within all zoning districts of the city, beginning on the effective date of this Ordinance. All pending applications, if any, are subject to this Ordinance.

SECTION 3. It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents of the City of New Port Richey through the analysis of development and construction standards applicable to such land uses throughout the City of New Port Richey.

SECTION 4. This moratorium shall remain in effect for one hundred eighty (180) days from the effective date of this Ordinance or until such time as repealed by the City Council, whichever occurs first, and may be extended by resolution of the Council to the extent permitted by law.

SECTION 5. The City Council hereby authorizes a study on the issues relating to the City's regulation of multi-family residential buildings and developments within the City.

SECTION 6. In accordance with the above findings, and pending completion of the study, no application for any permit, license or approval of any nature concerning a multi-family residential building as set forth in Section 2 hereof shall be accepted by the Development Department during the term of this Ordinance. No additional review or other work on any previously accepted application concerning a multi-family residential building as set forth in Section 2 hereof shall be conducted during the term of this Ordinance. Any previously received applications shall be withdrawn by the applicant or the application shall be acted upon by the Development Department in accordance with this Ordinance. This moratorium shall not apply to any development project approved as a phased development project where permits have been issued and construction has commenced on one or more phases of the same development project.

SECTION 7. This moratorium may be enforced by any law or code enforcement officer.

(a) Methods of enforcement. The requirements of this moratorium may be enforced as follows:

- (1) By citation for civil penalties pursuant to the authority granted by Florida law and/or the City of New Port Richey Code of Ordinances. Each day of the violation shall constitute a separate offense, punishable by a fine not to exceed \$500.00 per count. The City may also seek entry of a court order requiring compliance with this ordinance;
- (2) By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction;
- (3) By revocation or temporary suspension of necessary permits and/or certificates of occupancy and/or licenses; and
- (4) By any other process permitted at law or equity.

Use of one enforcement process or method does not preclude the City from seeking the same, different, or additional relief through other enforcement methods.

(b) Persons responsible for violations include:

- (1) any person who owns, operates, or manages the property in violation hereof;
- (2) the lessee of the property where such violation exists, if the premises are leased;
- (3) any person in physical control of the property where the violation exists;
- (4) if a responsible person is a corporate entity, the officers, directors, members, or other principals of the entity are jointly and severally responsible for violations by the entity; and
- (5) any other person causing or contributing to a violation.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby suspended during the time period set forth in Section 4 above.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, then such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. This Ordinance shall take effect upon its passage and adoption.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2020 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2020.

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



**LAND DEVELOPMENT REVIEW BOARD MINUTES
NEW PORT RICHEY CITY HALL, COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA 34652
NOVEMBER 19, 2020 AT 2:00 P.M.**

1. Call to Order – Roll Call

Vice-Chairman, Dr. Donald Cadle, Jr. called the November 19, 2020 Land Development Review Board (LDRB) public meeting and hearing to order at 2:00 pm.

Vice-Chairman Cadle requested a roll call of members present be conducted and Lisa Algieri declared the following persons were in attendance:

Members in Attendance

Vice-Chairperson Dr. Donald Cadle, Jr.
Louis Parrillo
Bob Smallwood
Frank Starkey
Nancy MacDonald
Marilyn deChant
Dan Maysilles

Others in Attendance

Debbie L. Manns, City Mgr.
Lisa Algieri, Sr. Planner
Chris Bowman, Planner
Brad Cornelius, Wade Trim, Consultant

Members Absent

John Grey
Beverly Barnett

Vice-Chairman Dr. Cadle, Jr. welcomed the newly appointed member Marilyn deChant.

2. Pledge of Allegiance

Vice-Chairman Cadle led the LDRB in the pledge of allegiance.

3. Approval of Minutes: October 15, 2020

Mr. Smallwood made a motion to approve the minutes and Mr. Starkey seconded the motion. Approved unanimously 7-0.

4. Case: Variance – VAR2020-03
Applicant: G & H Partnership
Representative: Jacob Mossholder
Location: 6228 U.S. Highway 19
Proposed Use: Convenience Store/Gas Station
Request: Increase the maximum Impervious Surface Ratio from 70% to 81%

Ms. Algieri presented the staff report and informed the Board that the Development Review Committee recommended approval of the request and that this request will be heard by the City Council. Board members discussed a possible reduction in parking spaces and alternative pervious materials. Mr. Jacob Mossholder was present to answer questions. Mr. Smallwood disclosed that his office is one of the buildings on the property. Mr. Starkey made a motion to recommend approval of the request seconded by Mr. Parillo. The motion was approved 5-2.

5. Case: Variance – VAR2020-06
Applicant: G & H Partnership
Representative: Jacob Mossholder
Location: 6228 U.S. Highway 19
Proposed Use: Convenience Store/Gas Station
Request: Reduce setbacks for signage

Ms. Algieri presented the staff report and informed the board that the DRC recommended approval of the request and that this request will be heard by the City Council. Board members discussed the size of the sign and appropriate materials. Ms. Algieri informed the Board that the maximum size of the sign allowed is 25' and the applicant is proposing two 6' monument signs. Mr. Starkey made a motion to recommend approval of the request seconded by Mr. Maysilles. The motion passed 6-1.

6. Case: Land Use Map Amendment
Applicant: VS NP RICHEY,LLC
Representative: Brian Aungst
Location: 6120 Congress Street
Proposed Use: Higher density Assisted Living Facility
Request: Amend the Future Land Use Map from LMDR-10 to HDR

The applicants requested a table of the request for the December meeting. Mr. Maysilles made a motion to table the item to the December meeting and Mr. Parillo seconded the motion. Motion was approved 7-0.

Non-Quasi-Judicial Cases:

7. Case: Ordinance – Moratorium on issuing permits for multi-family development
Applicant: City of New Port Richey
Request: Issue a 6 month moratorium on issuance of building permits for multi-family developments

Ms. Manns presented information to the Board on a need to conduct a study and develop standards for better housing pertaining to multi-family developments. She asked the Board to consider adding an exemption for developments currently approved with multiple phases. Mr. Maysilles made a motion to recommend approval of the ordinance with the additional exemption for developments currently approved with multiple phases. Mr. Starkey seconded the motion. The motion passed 6-0. Mr. Starkey abstained.

- 8. Case: Ordinance – Outdoor Display in Commercial Districts
Applicant: City of New Port Richey
Request: Establish standards to allow businesses to display their products outdoors

Ms. Manns presented the proposed ordinance. She informed the board that this ordinance addresses all commercially zoned properties except the Downtown district. Outdoor display areas for the Downtown will be addressed in a separate ordinance. Mr. Smallwood made a motion to recommend approval of the ordinance and Mr. Starkey seconded the motion. The motion passed 7-0.

9. Meeting adjourned at 2:46 pm

Approved by: _____
John Grey, Chairman

Date: November 19, 2020