

ORDINANCE NO. 2024-2305

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 BUILDINGS OR STRUCTURES WITHIN THE AREA DESCRIBED IN THE INTERLOCAL ANNEXATION AGREEMENT BETWEEN THE CITY OF NEW PORT RICHEY, FLORIDA AND PASCO COUNTY, FLORIDA RECORDED IN O.R. BOOK 11064 PAGE 3586, PUBLIC RECORDS, AS DEPICTED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 1, 2024, the City of New Port Richey annexed certain land as described in an Interlocal Agreement with Pasco County, Florida recorded in O.R. BOOK 11064 PAGE 3586 public records of Pasco County, Florida;

WHEREAS, Section 171.062 Florida Statutes provides for county land use and zoning regulations to continue in effect until the City designates a land use and zoning district for newly annexed properties;

WHEREAS, a moratorium on building permits will allow the City to adequately propose and adopt a new land use and zoning district for said area;

WHEREAS, one hundred eighty days is a reasonable period of time to place a moratorium on the issuance of building permits for said area;

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

WHEREAS, the land development review board has reviewed this ordinance and made its recommendation thereon as required by law;

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 buildings in the area described in the Interlocal Agreement for a period of one hundred eighty days (180) to allow the City Council sufficient time to evaluate the appropriate land use and zoning designations 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 healthy, 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 designate land uses and zoning districts 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 land use and zoning designation to be considered, 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 structure not including permits for necessary repair and maintenance of existing structures within the area defined in the Interlocal Agreement, beginning on the effective date of this Ordinance, as shown in Exhibit "A" attached hereto. 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 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 staff to analyze appropriate land use and zoning designations for the area defined in the Interlocal Agreement.

SECTION 6. In accordance with the above findings, and pending completion of the analysis, no application for any permit, license or approval of any nature concerning structures within the area defined in the Interlocal Agreement except permits for repair and maintenance of existing structures, 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 structure 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 permit approved by Pasco County issued prior to October 1, 2024.

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 ordinance 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 ____, 2024.

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 ___ day of ____, 2024.

ATTEST:

By: _____
Judy Meyers, MMC, City Clerk

By: _____
Alfred C. Davis, Mayor-Council Member

(Seal)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney CA Approved 9-12-24

EXHIBIT A

Location Map and Legal Description



**INTERLOCAL AGREEMENT BETWEEN
PASCO COUNTY, FLORIDA, AND THE CITY OF NEW PORT RICHEY, FLORIDA
FOR THE ANNEXATION OF AN ENCLAVE AND THE TRANSFER OF
PUBLIC ROADS JURISDICTION**

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THIS INTERLOCAL AGREEMENT is made and entered into by Pasco County, a political subdivision of the State of Florida (the "County") and the City of New Port Richey, Florida, a municipal corporation existing under the laws of the State of Florida, (the "City").

WHEREAS, City has identified unincorporated developed and improved real properties that are enclosed within and bounded on all sides by the City which constitutes an enclave as defined by Section 171.031(13) of the Florida Municipal Annexation or Contraction Act (Part I of Chapter 171 Florida Statutes), hereinafter referred to as the "Enclave; and

WHEREAS, Leisure Lane and Van Doren Avenue are located completely within the Enclave but pursuant to Section 335.0415, Florida Statutes, are the County's responsibility for operation and maintenance; and

WHEREAS, the Enclave is legally described in Exhibit "A" attached hereto and shown in the survey map attached hereto as Exhibit "B"; and

WHEREAS, the annexation of the Enclave into the City will help to eliminate confusion over the extent of the City's boundaries, improve the delivery of governmental services to the subject properties, and provide the affected property owners the opportunity to avail themselves of the City's services; and

WHEREAS, this Agreement is adopted pursuant to Section 163.01, Florida Statutes (the "Florida Interlocal Cooperation Act of 1969"); and

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WHEREAS, this Agreement is entered into in accordance with the purpose, intent, provisions, and requirements of Chapter 171 (the Florida Municipal Annexation or Contraction Act) and Section 335.0415, Florida Statutes; and

WHEREAS, this Agreement is in the public interest, safety and welfare of the residents and citizens of the County and the City.

NOW THEREFORE, in consideration of these premises and for good and valuable consideration, the receipt of which is hereby acknowledged by all parties, the parties hereby agree, stipulate and covenant as follows:

1. The foregoing Whereas clauses are incorporated herein.
2. As of the Effective Date, the jurisdiction of Leisure Lane and Van Doren Avenue shall be transferred from the County to the City.
3. As of the Effective Date, the Enclave is hereby annexed into the City and the municipal boundaries of the City shall be amended to incorporate the same.
4. The survey map attached hereto as Exhibit "B" is provided for illustrative purposes, only, and the legal descriptions shown in Exhibit "A" shall be controlling as to the properties annexed by this Agreement.
5. The Enclave is contiguous to the City's boundaries, reasonably compact, developed for urban purposes, under 110 acres, and not within the boundaries of another municipality.
6. The City has prepared a plan for the extension of municipal services to the Enclave as of the Effective Date.
7. The County Comprehensive Land Use Plan and Land Development Code shall control and govern the Enclave until such time as City has adopted Comprehensive Plan and Land Development Code amendments that include and govern the Enclave.

8. The Enclave shall be subject to the taxes, debts and ad valorem taxation of the City upon the Effective Date.

9. Upon the Effective Date, the Enclave shall be subject to all laws, ordinances and regulations in the City and shall be entitled to the same privileges and benefits as other parts of the City.

10. Upon the Effective Date, the Enclave shall be required to contract with one of City's approved solid waste haulers to provide for solid waste collection at said property.

11. The County acknowledges that the City's Community Redevelopment Area (hereinafter "CRA") boundaries encompass the entire corporate boundaries of the City, and that the City intends to amend its Community Redevelopment Plan (hereinafter "CRP") to expand the CRA boundaries to add the Enclave. The County does not have competing policy goals and plans for the public funds the County would be required to deposit to the City's community redevelopment trust fund under the proposed modification to the CRP to include the Enclave within the CRA.

12. The change in the City boundaries shall be provided in a revised ordinance under Section 10.06 of the City Charter pertaining to City corporate boundaries and shall be filed as a revision to the City Charter with the Department of State within thirty days of the approval of the ordinance amending the City corporate boundaries and the execution of this Agreement by both parties, and a copy of such revision shall be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

13. The City agrees to rezone all parcels within the Enclave to a zoning district that prohibits mobile homes.

14. None of the Enclave is located within an independent special district.

15. All notices and clarifications required under this Agreement shall be directed to the following officials:

For Pasco County: County Administrator
8731 Citizens Dr., Suite 350
New Port Richey, Florida 34654

For the City of New Port Richey: City Manager
City of New Port Richey
5519 Main Street
New Port Richey, Florida 34652

16. This Agreement shall be governed by the laws of the State of Florida. All legal actions to enforce this Agreement shall be held in Pasco County. No remedy conferred in this Agreement is intended to be exclusive of any other remedy, at law or in equity or by statute or otherwise. No exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

17. If any item or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable by any court of competent jurisdiction, such item or provision shall be deemed a separate, distinct and independent item or provision and such holding shall not effect the remainder of this Agreement, or the further application of such terms or provision, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

18. This Agreement shall become effective upon filing with the Clerk of the Circuit Court for Pasco County pursuant to Section 163.01(11), Florida Statutes. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument. Any party hereto may execute this Agreement by signing any one counterpart. The effective date

of the annexation provided under this Agreement shall be the first day of October, 2024 (the "Effective Date").

IN WITNESS WHEREOF, the County and the City have caused this Agreement to be duly executed on behalf of each, on the respective dates set forth below.

SIGNATURES APPEAR ON THE FOLLOWING PAGE



BY: [Signature]
MANKI Alvarez-Sowles, Esq.
Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
Ronald E. Oakley, Chairman

DATE: _____

APPROVED
IN SESSION
DEC 05 2023
PASCO COUNTY
BCC

[SEAL]

ATTEST:

BY: [Signature]
Judy Meyers, as City Clerk

CITY OF NEW PORT RICHEY, FLORIDA

BY: [Signature]
Alfred C. Davis, as Mayor-Council member

DATE: 8/16/24



APPROVED AS TO LEGAL FORM AND SUFFICIENCY

By: [Signature]
Timothy P. Driscoll, as City Attorney

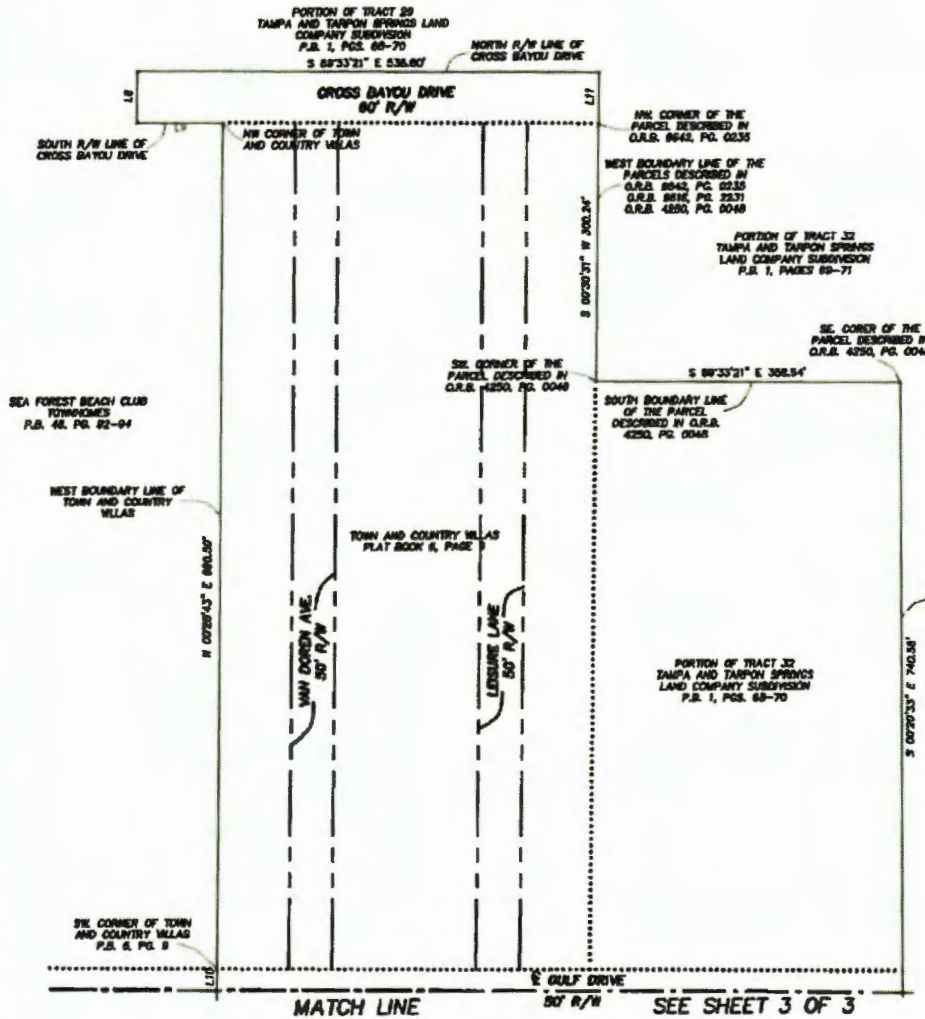
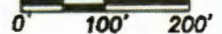
GENERAL NOTES

SEC. 8, TWP. 26 S., RNG. 16 E.

1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT BEARING OF NORTH 89°40'39" WEST, FOR THE SOUTH BOUNDARY LINE OF TOWN AND COUNTRY VILLAS SOUTH ADDITION AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 6, PAGE 119 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.



ASSUMED NORTH



LEGEND

- PG. = PAGE
- RNG. = RANGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- P.B. = PLAT BOOK
- CL = CENTERLINE
- R/W = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- O.R.B. = OFFICIAL RECORDS BOOK

WEST R/W LINE OF US 19 (STATE ROAD 85) PER R/W MAP SECTION 14030-2181, DATED 8-15-88

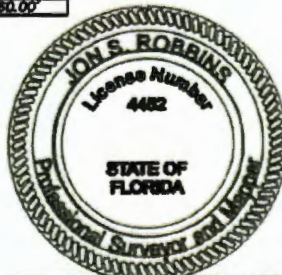
U.S. HIGHWAY 19 (STATE ROAD 85) R/W WIDTH VARIES

PRECISION SURVEYING & MAPPING, INC.

CERTIFICATE OF AUTHORIZATION NO. LB-6734

7710 MASSACHUSETTS AVENUE
NEW PORT RICHEY, FLORIDA 34653
727-841-8414

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| 12 | S 00°28'43" W | 180.00' |
| 13 | S 89°40'39" E | 1101.80' |
| 110 | N 00°28'43" E | 180.00' |
| 131 | S 00°30'51" W | 180.00' |



Jon S. Robbins PSM 4452

Digitally signed by Jon S. Robbins PSM 4452
DN: c=US, E=jr@psm.com, CN=Jon S. Robbins PSM 4452
Date: 2023.08.26 10:54:36-0400

WORK ORDER NO: 180109
FOR: CITY OF NEW PORT RICHEY
DATE OF SKETCH: MAY 8, 2023
SHEET 2 OF 3

JON S. ROBBINS DATE
PROFESSIONAL SURVEYOR AND MAPPER NO. 4452
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

F.B. N/A
P.G. N/A

DRAWN BY: J.M.M.
CHK'D BY: J.S.R.

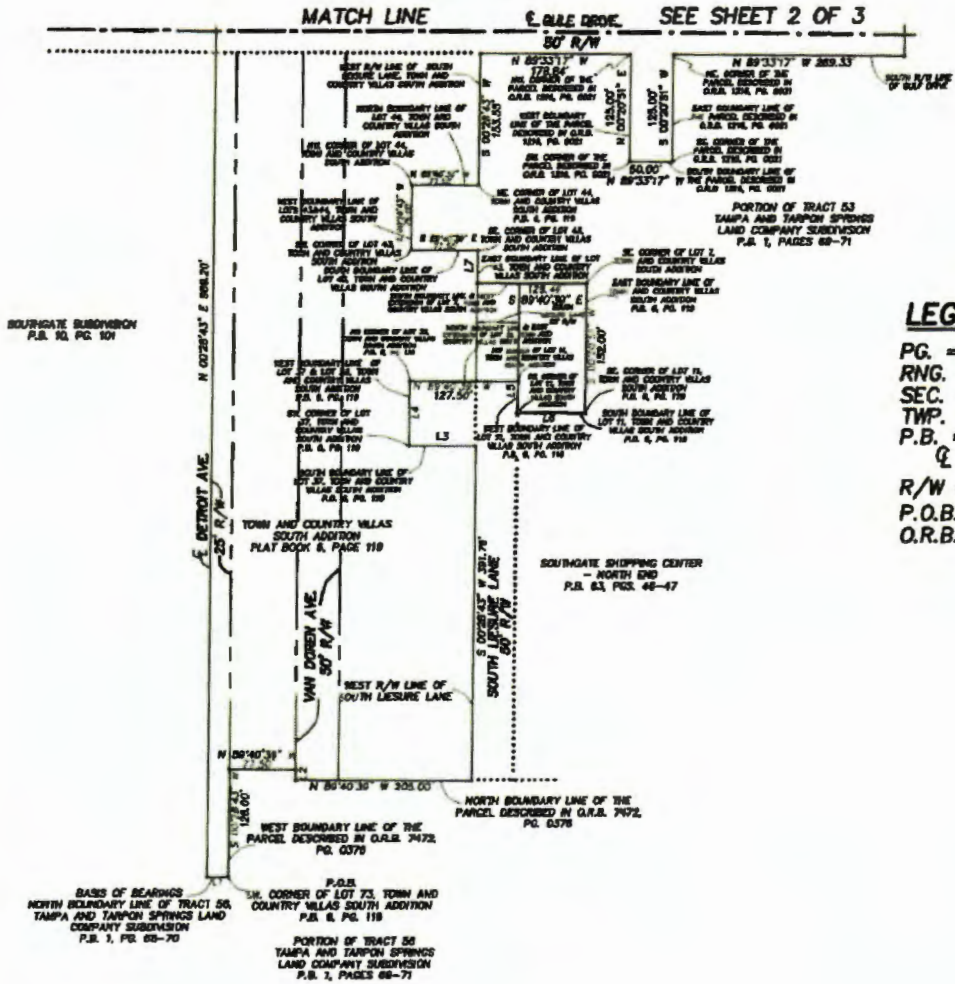
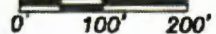
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| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| 1 | N 89°40'39" W | 125.00' |
| 2 | S 00°28'43" W | 112.00' |
| 3 | N 89°40'39" W | 177.50' |
| 4 | N 00°28'43" E | 178.00' |
| 5 | S 00°28'43" W | 158.00' |
| 6 | N 89°40'39" W | 78.00' |
| 7 | N 00°28'43" E | 158.00' |

PRECISION SURVEYING & MAPPING, INC.

CERTIFICATE OF AUTHORIZATION NO. LB-6734
 7710 MASSACHUSETTS AVENUE
 NEW PORT RICHEY, FLORIDA 34653
 727-841-8414



Jon S. Robbins PSM 4452

Digitally signed by Jon S. Robbins PSM 4452
 DN: C=US, E=jar@psmfla.com, CN=Jon S. Robbins PSM 4452
 Date: 2023.06.26 10:55:02-04'00'

WORK ORDER NO: 180109
 FOR: CITY OF NEW PORT RICHEY
 DATE OF SKETCH: MAY 8, 2023
 SHEET 3 OF 3

JON S. ROBBINS DATE
 PROFESSIONAL SURVEYOR AND MAPPER NO. 4452
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

F.B. N/A
 P.G. N/A

DRAWN BY: J.M.M.
 CHK'D BY: J.S.R.