

**ORDINANCE NO. 2023-2274**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE (LDC) ZONING DISTRICT MAP; PROVIDING FOR REZONING OF APPROXIMATELY 1.36 ACRES OF PROPERTY, GENERALLY LOCATED AT NORTHEAST CORNER OF ORCHID LAKE ROAD AND CONGRESS STREET, HAVING PARCEL IDENTIFICATION NUMBER 35-25-16-0150-00000-0070, AS SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT DESIGNATION FOR SAID PROPERTY FROM COMMERCIAL (C-2) TO LIGHT INDUSTRIAL (LI) PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes Chapter 163 requires each county and each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan;

**WHEREAS**, on June 29, 1989, the City Council adopted Ordinance No. 1203, which approved the City's Comprehensive Plan, which includes a 2030 Future Land Use Map;

**WHEREAS**, on November 19, 1991, the City Council adopted Ordinance No. 1268, which enacted the City's Land Development Code (LDC), which provides for a Zoning District Map;

**WHEREAS**, The LDC addresses the procedure for obtaining a change to the Zoning District Map;

**WHEREAS**, the owner/applicant, Eyeconic Ophthalmic Equipment, LLC, filed with the Development Department, a Zoning District Map (ZDM) amendment application (REZ 2023-02) to change from Commercial (C-2) to Light Industrial (LI) the zoning designation of a 1.36 acre property located at the northeast corner of Orchid Lake Road and Congress Street;

**WHEREAS**, the Development Department has reviewed the ZDM amendment application and concludes it is consistent with the application filing requirements in the LDC;

**WHEREAS**, the Development Review Committee (DRC) has reviewed the ZDM amendment application and has concluded it is consistent with the LDC, and has recommended the Land Development Review Board (LDRB) forward a recommendation to the City Council that the ZDM amendment application be approved;

**WHEREAS**, the Development Department has prepared a staff report and reviewed the ZDM amendment application against the guidelines in the LDC, and concludes the ZDM amendment application is in conformance with those requirements and that the LDRB should forward a recommendation to the City Council that the Ordinance approving the ZDM amendment application be adopted;

**WHEREAS**, at the duly noticed LDRB regular public hearing held on March 16, 2023, the LDRB sitting as the Local Planning Agency considered the Development Department staff report and recommendation and all competent substantial evidence presented at the hearing, and forwarded the record to the City Council with a recommendation the Ordinance be adopted;

**WHEREAS**, at a duly noticed City Council regular public hearing, 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;

**WHEREAS**, at a duly noticed City Council regular public hearing, the City Council on second reading considered the evidence presented at first reading and all competent substantial evidence presented at the hearing, and adopted the Ordinance;

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

**WHEREAS**, the City Council has conducted a quasi-judicial hearing, has received evidence pertaining to the rezoning, and has found that the rezoning of the property as provided herein is consistent with the adopted Comprehensive Plan Future Land Use Map designation for the property, is compatible with the use and zoning of the surrounding properties, is consistent with the adopted Comprehensive Plan and the Land Development Code of the City, meets all of the rezoning criteria of the Land Development Code, and is supported by competent substantial evidence.

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

**Section 1. Ratification.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**Section 2. Rezoning approved.** The Land Development Code Zoning District Map of the City of New Port Richey is hereby amended to amend the Zoning Designation for the property described herein from Commercial (C-2) to Light Industrial (LI), as shown in Exhibit “A” attached hereto.

**Section 3. Property description.** The property subject to this Zoning District Map amendment is located at the northeast corner of Orchid Lake Road and Congress Street, and is legally described as follows:

(Per Official Records Book 10720, Page 763)

Lot 7, ORETO AND FRANCINE COMMERCIAL CENTER, according to the plat thereof recorded in Plat Book 23, Pages 73 through 75, Public Records of Pasco County, Florida, LESS AND EXCEPT the East 70 feet of Lot 7, described as follows: Commence at the Northwest corner of Lot 7; thence South 89°43'42" East, 231.37 feet along the Northerly boundary line of Lot 7 to a Point of Beginning; thence continue South 89°43'42" East, 70.00 feet along said Northerly boundary line; thence South 00°16'18" West, 181.94 feet along the Easterly boundary line of Lot 7; thence South 67°42'20" West, 75.80 feet along the Southeasterly boundary line of Lot 7, also being the Northwesterly right-of-way line of Orchid Lake Road as now established, thence North 00°16'18" East, 211.03 feet to the Point of Beginning.

**Section 4. 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 5. Conflicts.** 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 6. Effective date.** This Ordinance shall be effective upon its adoption as provided by law and upon the effective date of Ordinance 2023-2274 pertaining to the Land Use of the subject property.

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 \_\_\_\_\_, 2023.

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 \_\_\_\_\_, 2023.

**ATTEST:**

**CITY OF NEW PORT RICHEY, FLORIDA**

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

\_\_\_\_\_  
Alfred C. Davis, Mayor – Councilmember

(SEAL)

**APPROVED AS TO LEGAL FORM AND CONTENT**

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney