

ORDINANCE #2016-2070

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF NEW PORT RICHEY COMPREHENSIVE PLAN BY UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FY2015/16 THROUGH FY2019/20; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3167, Florida Statutes, requires local governments to maintain a comprehensive plan to guide future development and growth; and

**WHEREAS**, Section 163.3177, Florida Statutes, requires local governments to include as part of the comprehensive plan a capital improvements element that considers the need for and location of public facilities, and encourages the efficient use of such facilities; and

**WHEREAS**, Section 163.3177(3)(a), Florida Statutes, requires local governments to maintain in the capital improvements element a five-year schedule of capital improvements identifying projects necessary to achieve and maintain the adopted levels of service for the five-year planning period; and

**WHEREAS**, Section 163.3177(3)(b), Florida Statutes, requires local governments to annually review the capital improvements element and update the five-year schedule of capital improvements; and

**WHEREAS**, Section 163.3177(3)(b), Florida Statutes, allows local governments to update the five-year schedule of capital improvements by ordinance that is not deemed to be an amendment to the local comprehensive plan; and

**WHEREAS**, the Land Development Review Board of the City of New Port Richey, acting as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, considered the proposed update to the Five-Year Schedule of Capital Improvements at a held a duly noticed public hearing on December 17, 2015, and, finding said amendments consistent with goals, objectives and policies of the City of New Port Richey Comprehensive Plan, recommended that City Council approve said update; and

**WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings before the City Council of the City of New Port Richey: and

**WHEREAS**, the public hearings were held on January 19, 2016, and February 2, 2016, pursuant to the public notice described above at which hearings the parties of interest and all others had opportunity to be heard.

**WHEREAS**, City Council of the City of New Port Richey hereby adopts and incorporates the purpose, intent, and findings set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City of New Port Richey, Florida, as follows:

**SECTION I. Purpose and Intent.** It is the purpose and intent of the City Council that the provisions of Section II shall become and be made part of the New Port Richey Comprehensive Plan pursuant to Section 163.3177(b), Florida Statutes.

**SECTION II. Adoption of Updates to the Five-Year Schedule of Capital Improvements.** Table CIE-2: Five-Year Schedule of Capital Improvements contained in the Capital Improvements Element of the City of New Port Richey Comprehensive Plan is hereby updated as set forth in Exhibit “A”, which is attached hereto and made a part hereof as if set forth in full.

**SECTION III. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council of the City of New Port Richey, or parts of ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**SECTION IV. Severability.** If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, clauses or phrases and their application shall not be affected.

**SECTION V. Effective Date.** This Ordinance shall become effective immediately upon adoption.

The above and foregoing ordinance was read and approved on first reading at the duly convened meeting of the City Council of the City of New Port Richey, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

The above and foregoing ordinance was read and approved on second reading at the duly convened meeting of the City Council of the City of New Port Richey, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

CITY OF NEW PORT RICHEY,  
FLORIDA

(SEAL)

\_\_\_\_\_  
Doreen Summers, City Clerk

\_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

APPROVED AS TO LEGAL FORM AND CONTENT

\_\_\_\_\_  
Joseph Poblick, City Attorney

**EXHIBIT “A” TO ORDINANCE #2016-2070**

**[Insert Table CIE-2: Five-Year Schedule of Capital Improvements (FY 2015-16 – FY 2019/20)]**