

ORDINANCE NO. 2020-2201

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 0.8139 ACRES OF PROPERTY, GENERALLY LOCATED AT 6318, 6328 AND 6330 U.S. HIGHWAY 19 AND 5303 MAIN STREET, HAVING PARCEL IDENTIFICATION NUMBERS 05-26-16-0030-20700-0120 THROUGH 05-26-16-0030-20700-0123, INCLUSIVE, AS SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT DESIGNATION FOR SAID PROPERTIES FROM DOWNTOWN (D) TO HIGHWAY COMMERCIAL (HC); PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 163.3202(1) 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, LDC § 5.01.00 addresses the procedure for obtaining a change to the Zoning District Map;

WHEREAS, on May 18, 2020, the Applicant Jacob Mossholder with Creighton Commercial Development filed with the Development Department, on behalf of the Owner G & H Partnership, a Zoning District Map (ZDM) amendment (REZ 2020-03) to change from Downtown (D) to Highway Commercial (HC) the designation of a 0.8139+ property located at 6328 US Highway 19;

WHEREAS, the Owner has filed a Small-Scale Future Land Use Map amendment from Downtown (D) to Highway Commercial (HC) to accompany this Zoning District Map amendment from Downtown (D) to Highway Commercial category;

WHEREAS, the Development Department has reviewed the ZDM amendment application REZ 2020-03 and concludes it is consistent with the application filing requirements in LDC § 5.01.02;

WHEREAS, the Development Department concludes the ZDM amendment application REZ 2020-03 is consistent with LDC § 5.01.03 because the public notice requirements have been met;

WHEREAS, the Development department has distributed ZDM amendment application REZ 2020-03 to the Development Review Committee (DRC) and at their July 2, 2020 meeting, the DRC concluded ZDM amendment application REZ 2020-03 is consistent with LDC § 3.11.02 and has recommended the Land Development Review Board (LDRB) forward a recommendation to the City Council that ZDM amendment application REZ 2020-03 be approved;

WHEREAS, the Development Department has prepared a staff report and reviewed ZDM amendment application REZ 2020-03 against the guidelines in LDC § 5.01.10 and concludes ZDM

amendment application REZ 2020-03 is in conformance with those requirements and that the LDRB should forward a recommendation to the City Council that the Ordinance approving ZDM amendment application REZ 2020-03 be adopted;

WHEREAS, at the duly noticed LDRB regular public hearing held on July 16, 2020, 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 the duly noticed City Council regular public hearing held on August 4, 2020, 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 the duly noticed City Council regular public hearing held on August 19, 2020, 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 and staff report are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Rezoning approved. The City Council hereby grants to OWNER an amendment to the Zoning District Map from Downtown (D) to Highway Commercial (HC) as is displayed in Exhibit A.

Section 3. Property description. The property subject to this Zoning District Map amendment is located at 6328 US Highway 19, and is legally described as follows:

A PORTION OF LOTS 12 AND 13, BLOCK 207, CITY OF NEW PORT RICHEY, A/K/A PORT RICHEY COMPANY REVISED PLAN FOR TOWN OF NEW PORT RICHEY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 27, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 26 SOUTH, RANGE 16 EAST; THENCE RUN S89°31'15"E ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1342.24 FEET TO A POINT ON THE CENTERLINE OF U.S. HIGHWAY 19, PER FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 14030-2540; THENCE RUN N00°00'07"E ALONG SAID CENTERLINE, A

DISTANCE OF 1723.88 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRIDGE ROAD, PORT RICHEY COMPANY REVISED PLAN FOR TOWN OF NEW PORT RICHEY, PLAT BOOK 2, PAGE 27, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE DEPARTING SAID CENTERLINE, RUN S89°48'42"E ALONG SAID WESTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 55.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 19, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S89°48'42"E, A DISTANCE OF 170.95 FEET TO A POINT ON THE EAST LINE OF LOT 12, BLOCK 207, PORT RICHEY COMPANY REVISED PLAN FOR TOWN OF NEW PORT RICHEY; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S00°11'18"W ALONG SAID EAST LINE, A DISTANCE OF 211.76 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 595A (A/K/A MAIN STREET), PER FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 14580-2602; THENCE DEPARTING SAID EAST LINE, RUN N89°56'23"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 150.26 FEET TO A POINT ON AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 19; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, RUN ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES: 1) N44°58'08"W, A DISTANCE OF 21.22 FEET; 2) N00°00'07"E, A DISTANCE OF 103.41 FEET; 3) N89°59'53"W, A DISTANCE OF 5.00 FEET; 4) N00°00'07"E, A DISTANCE OF 93.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 35,455.55 SQUARE FEET OR 0.8139+ ACRES, THE PARCEL IDENTIFICATION NUMBERS BEING 05-26-16-0030-20700-0120 THROUGH 05-26-16-0030-20700-0123 INCLUSIVE

Section 4. Effective date. This Ordinance shall be effective immediately upon its adoption.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 4th day of August, 2020 and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 19th day of August, 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

EXHIBIT A ZONING DISTRICT MAP CHANGE



Current Zoning District Map Category
Downtown



Proposed Zoning District Map Category
Highway Commercial