

ORDINANCE NO. 2020-2200

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR A SMALL-SCALE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE IN THE LAND USE DESIGNATION FOR 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 THE AMENDMENT OF THE LAND USE 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;

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 Small-Scale Future Land Use Map (FLUM) amendment to change from Downtown (D) to Highway Commercial (HC) the designation of a 0.8139+ property located at 6328 US Highway 19;

WHEREAS, consistent with Florida Statutes § 163.3182 the property that is the subject of the proposed amendment is not located within an area of critical state concern;

WHEREAS, the Development Department has reviewed the Small-Scale FLUM application and concludes it is in conformance with Land Development Code (LDC) § 3.12.00 on land use plan amendment instructions;

WHEREAS, LDC § 6.00.00.C.2.b provides "The intent of the highway commercial land use category is to recognize the intense commercial development that has taken place along U.S. Highway 19. A large variety of commercial and personal activities including those commercial activities designed specifically to serve patrons from automobiles and to serve automotive needs are permitted within this land use category";

WHEREAS, the Development Department has distributed the Small-Scale FLUM application to the Development Review Committee (DRC) and at its July 2, 2020 meeting, the DRC recommended that the Land Development Review Board (LDRB) forward a recommendation to the City Council that the Small-Scale FLUM application be approved;

WHEREAS, the Development Department has prepared a staff report concluding the Small-Scale FLUM application is in conformance with state and local requirements and recommending the LDRB forward a recommendation to the City Council that the Ordinance adopting the Small-Scale FLUM application be approved;

WHEREAS, at the duly 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 LDRB hearing, and forwarded the record to the City Council with a recommendation the Ordinance be adopted;

WHEREAS, the City Council hereby finds that adoption of this Ordinance is in the best interest of the health, safety and general welfare of residents, property owners, and businesses;

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 on first reading;

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;

WHEREAS, the City Council has conducted a hearing, has received evidence pertaining to the land use amendment, and has found that the amendment of the designation of the property as provided herein is consistent with the adopted Comprehensive Plan Future Land Use Map, is compatible with the use and zoning of the surrounding properties, is consistent with the adopted Comprehensive Plan, is supported by the record of the proceedings; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police and legislative powers.

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

Section 1. Whereas clauses and staff report. The foregoing "Whereas" clauses and Development Department Report are hereby ratified and confirmed as being true and accurate and are hereby made a part of this Ordinance.

Section 2. Property description. The property subject to this Small-Scale FLUM amendment is legally described as:

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 3. FLUM Amendment. The Future Land Use Map of the City of New Port Richey Adopted Comprehensive Plan is hereby amended to amend the Land Use Designation for the property described herein from Downtown (D) to Highway Commercial (HC), as shown in Exhibit "A" attached hereto.

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 adopting a Small-Scale Future Land Use Map (FLUM) amendment may not become effective until 31 days after adoption. If challenged within 30 days after adoption, the Small-Scale FLUM amendment may not become effective until the state planning agency or the Administrative Commission, respectively, issues a final order determining that the Small-Scale FLUM amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

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

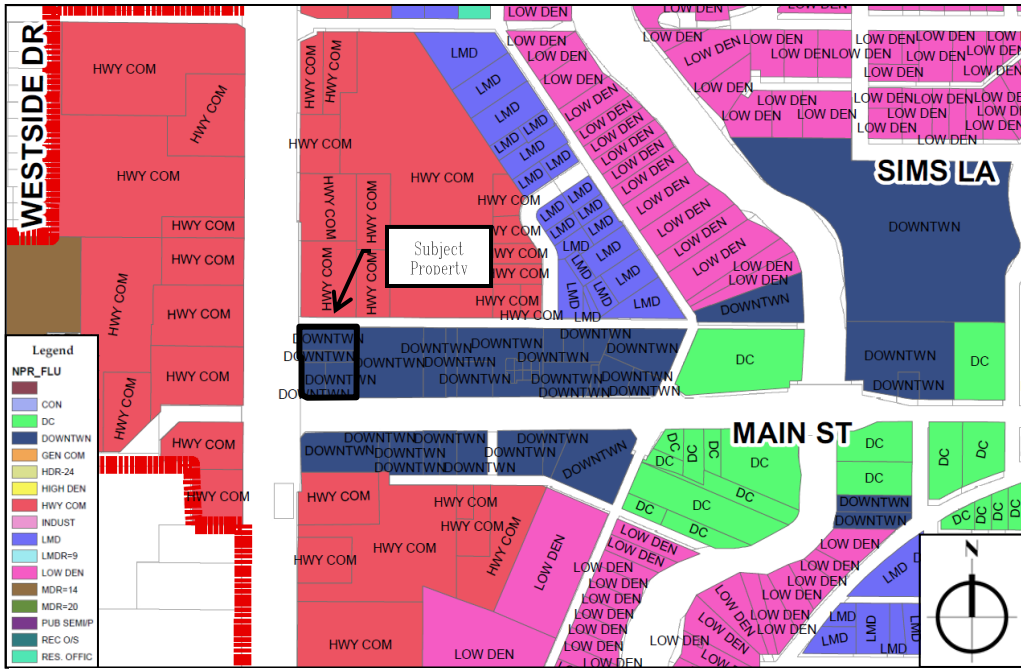
Rob Marlowe, Mayor – Councilmember

(SEAL)

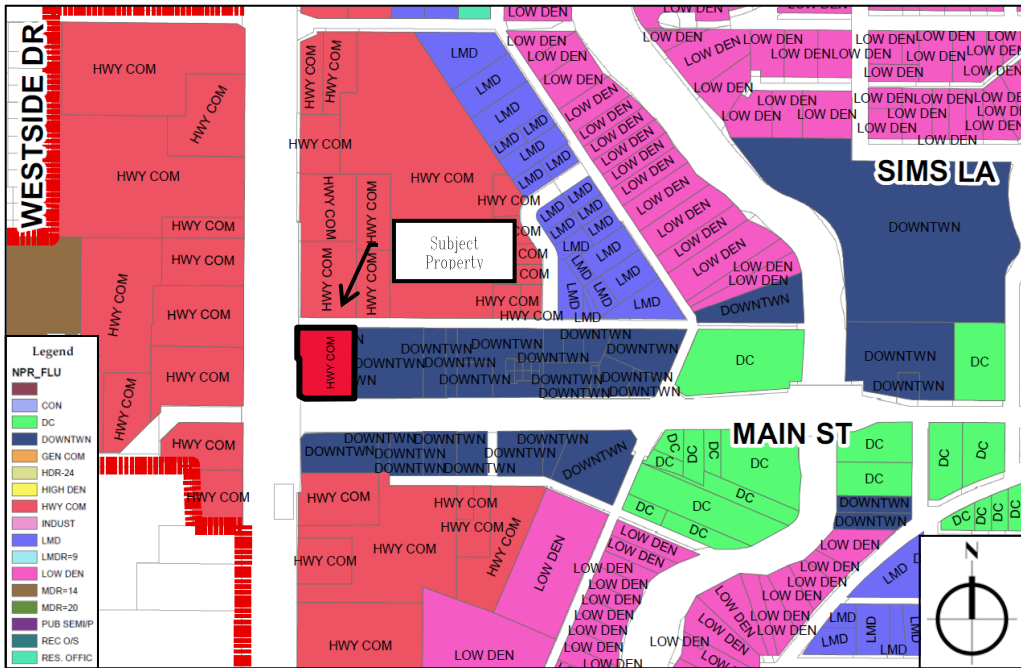
APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney

EXHIBIT A



Current Future Land Use Map Category
Downtown



Proposed Future Land Use Map Category
Highway Commercial