

**ORDINANCE NO. 2022-2260**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SUBPARAGRAPH d OF SUBSECTION 2 OF SECTION 7.11.19 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO CONSTRUCTION GUIDELINES FOR HEATING OR COOKING OF FOOD WITHIN A SIDEWALK OR STREET CAFÉ; PROVIDING FOR OUTDOOR COOKING WITHIN A SIDEWALK OR STREET CAFÉ DURING SPECIAL EVENTS WITHIN THE CITY IN ACCORDANCE WITH THE APPROVED SIDEWALK OR STREET CAFÉ PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, restaurant businesses within the City may obtain permits for a sidewalk or street café in conjunction with the restaurant business;

WHEREAS, some restaurants may wish to cook food outdoors within the sidewalk or street café during special events approved by the City;

WHEREAS, the current Land Development Code does not provide for special event use of sidewalk and street cafes;

WHEREAS, the City wishes to authorize sidewalk and street café permittees to cook food outdoors within the sidewalk or street café in accordance with the approved sidewalk or street café permit;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

WHEREAS, notice of this ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

**SECTION 1.** Subparagraph d of Section 2 of Section 7.11.19, of Chapter 7, of the New Port Richey Land Development Code, pertaining to construction guidelines for heating or cooking of food within a sidewalk or street cafe, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

No heating or cooking of food or open flames are permitted in the sidewalk or street café, except as part of and during a Special Event approved by the City pursuant to Chapter 3 ~~or 23~~ of the Code of Ordinances, so long as:

- (1) the sidewalk or street café is within the approved Special Event area or the Downtown Zoning District~~Special Event Alcohol~~ Boundary as provided in Section 3-5(e) of the Land Development Code of Ordinances;
- (2) the sidewalk or street café permit specifically authorizes such special event cooking, including review and approval thereof by the fire department; and
- (3) all activities conducted within the sidewalk or street café during the Special Event are conducted in accordance with all terms and conditions of the approved sidewalk or street café the permit holder has a valid approved temporary special event outdoor cooking permit issued by the Department of Business and Professional Regulation of the State of Florida or is an approved vendor for the special event approved by the organizer of the special event unless approved by the fire department.

**SECTION 2.** 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, sentences, clauses, or phrases and their application shall not be affected thereby.

**SECTION 3.** Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4.** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this ordinance may be renumbered to accomplish such codification, and that the word ordinance may be changed to “section” to accomplish such codification.

**SECTION 5.** This ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 20<sup>th</sup> day of September, 2022.

The above and foregoing ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

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

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

APPROVED AS TO FORM

By: \_\_\_\_\_  
Timothy P. Driscoll, City Attorney  
CA Approved 9/22/22