

ORDINANCE # 2016-2075

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING SECTION 2.01.00, DEFINITIONS; AMENDING SECTION 7.11.02, PROHIBITED USES IN THE DOWNTOWN ZONING DISTRICT, TO PROHIBIT CONVENIENCE STORES; AMENDING THE CITY CODE OF ORDINANCES, SECTION 13-211, DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161, et seq., Florida Statutes, requires local governments to adopt Land Development Regulations to implement their adopted Comprehensive Plan, and which contain all land development regulations for the City; and

WHEREAS, the City Council adopted Ordinance #1221 on April 17, 1990, establishing Land Development Regulations in the City and several amendments thereto; and

WHEREAS, the City Council adopted Ordinance #1775 on October 4, 2005, amending the Downtown District to permit specific uses, prohibit uses and allow for other uses meeting certain conditions (conditional uses); and

WHEREAS, the City Council adopted Ordinance #1915 on January 6, 2009, further amending the Downtown District to permit specific uses and prohibit uses; and

WHEREAS, the City Council has found and determined that these regulations should be further amended to encourage certain businesses to locate in the Downtown District and discourage others.

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

SECTION I. That Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended to read as follows:

Section 2.01.00, Definitions

Convenience Store. A business establishment that:

- (1) Offers a limited quantity and variety of food, household and sundry items;
- (2) Operates at any time during the hours of 10:30 p.m. and 4:00 a.m.;
- (3) Does not sell or have for sale prescription drug items;
- (4) Operates in a building of less than 10,000 square feet; and
- (5) Sales of groceries/food products shall be at least 51% of the gross revenue.

SECTION II. That Section 7.11.02, Downtown Zoning District, Prohibited Uses, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.11.02, Prohibited uses

(25) Convenience Stores.

SECTION III. That Section 13-211, Definitions, of the New Port Richey City Code is hereby amended to read as follows:

Section 13-211, Definitions

Convenience Store. A business establishment that:

- (1) Offers a limited quantity and variety of food, household and sundry items;
- (2) Operates at any time during the hours of 10:30 p.m. and 4:00 a.m.; ~~and~~
- (3) Does not sell or have for sale prescription drug items;
- (4) Operates in a building of less than 10,000 square feet; and
- (5) Sales of groceries/food products shall be at least 51% of the gross revenue.

Employee shall mean the person, corporation, partnership, joint venture or other group enterprise legally responsible for the day-to-day operation of the convenience ~~food~~ store.

Owner shall mean the person, corporation, partnership, joint venture or other group enterprise having lawful possession of the premises upon which the convenience ~~food~~ store is operated.

SECTION IV. 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 V. 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 VI. This Ordinance shall become effective immediately upon its adoption.

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 _____ day of _____, 2016.

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 _____, 2016.

ATTEST:

Doreen Summers, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Joseph A. Poblick, City Attorney