

ORDINANCE # 2016-2072

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 7.08.01, TO ADD RESTRICTED PERSONAL SERVICE USE AS A PERMITTED USE IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT; ESTABLISHING SECTION 7.08.06 TO ADD RESTRICTED PERSONAL SERVICE USE REGULATIONS; AMENDING SECTION 7.09.01, TO ADD RESTRICTED PERSONAL SERVICE USE AS A PERMITTED USE IN THE HIGHWAY COMMERCIAL ZONING DISTRICT; ESTABLISHING SECTION 7.09.07, TO ADD RESTRICTED PERSONAL SERVICE USE REGULATIONS; AMENDING SECTION 2.01.00, DEFINITIONS, TO ADD A DEFINITION FOR THE TERM RESTRICTED PERSONAL SERVICE USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council desires to prevent the adverse effect of the concentration or clustering of certain uses, specifically blood plasma centers, body piercing establishments, check cashing stores, day labor establishments, pawn shops, tattoo parlors and cannabis dispensing/processing/cultivation enterprises; and

WHEREAS, these specific uses are proposed to be limited as permitted uses in the C-2, General Commercial and Highway Commercial zoning districts with restrictions to prevent the clustering of such restricted personal service uses; and

WHEREAS, the regulations provided here are necessary and will prevent deleterious effects of blight and the resultant downgrading of real property values; and

WHEREAS, the regulations provided here are necessary and will promote the orderly planning, development and utilization of neighborhood and business premises.

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

SECTION I. That Section 7.08.01, permitted uses in the C-2, General Commercial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.08.01 Permitted uses

1. All uses in the C-1 light general commercial zoning district to the maximum density.
2. Restaurants that provide dancing and live entertainment.
3. Establishments that provide sales of on-site and off-site consumption of alcoholic beverages.
4. Bowling alleys within a building. These bowling alleys shall not be within five hundred (500) feet of a residentially zoned district, unless such building can be constructed as to prevent the emission of sounds and vibrations that are emitted from such uses.
5. Garages and/or mechanical services.
6. Gas stations;
7. ~~Pawn shops~~ Restricted personal services;
8. Regional and community shopping centers and malls;
9. Music, radio and television stores and repair shops;

10. Swimming pools (commercial and private);
11. Churches, synagogues, temples or similar places of worship and their accessory uses;
12. Telecommunications towers; provided that such towers have not been abandoned (see Chapter 17 of the Land Development Code);
13. Other uses that are consistent and compatible with the intentions of this district, as approved by the development review committee.
14. All permitted uses in the office zoning district.

SECTION II. That Section 7.08.06, restricted personal service use regulations in the C-2, General Commercial district, of the New Port Richey Land Development Code is hereby established to read as follows:

7.08.06 Restricted personal service use regulations

1. Development Standards

<u>Front setback</u>	<u>30 feet</u>
<u>Side setbacks</u>	<u>10 feet or required buffer</u>
<u>Rear setback</u>	<u>20 feet or required buffer</u>
<u>Minimum lot area</u>	<u>10,000 square feet</u>
<u>Width requirement</u>	<u>100 feet</u>
<u>Height maximum</u>	<u>25 feet</u>
<u>Off-street parking</u>	<u>Refer to general retail and shopping center parking standards in Chapter 11</u>
<u>Design criteria</u>	<ul style="list-style-type: none"> • <u>The building in which the use is located is painted or otherwise finished in materials and colors which are muted</u> • <u>There are no security bars on the outside of doors or windows which are visible from a public right-of-way</u>

2. Restricted personal service uses shall be a minimum distance from the uses set forth in the table below. Measurements shall be made in a straight line in any direction from the edge of the parcel containing the restricted personal service use.

<u>Use or Use Classification</u>	<u>Separation Requirement (Feet)</u>
<u>Another restricted personal service use (regardless of jurisdiction)</u>	<u>500</u>
<u>Day care center, public or private</u>	<u>500</u>
<u>Place of worship</u>	<u>500</u>
<u>Public park, library or recreation center</u>	<u>500</u>
<u>School, public or private</u>	<u>500</u>
<u>Adult use</u>	<u>500</u>

3. Business Tax Receipts

Business tax receipts shall be actively maintained. Both the business type and use of property specified on the City business tax receipt application form shall plainly and clearly indicate the restricted personal service use.

SECTION III. That Section 7.09.01, permitted uses in the Highway Commercial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.09.01 Permitted uses

In the ~~H~~Highway ~~C~~Commercial ~~d~~District, the following land uses are permitted:

1. Hotels, theaters, businesses and professional offices, private or public schools, auto sales, repair and service establishments.
2. Any retail or wholesale business not specifically restricted or prohibited under this code.
3. Manufacturing and/or industrial business operations which are not prohibited under the provisions of this section.
4. Churches, synagogues, temples or similar places of worship and their accessory uses;
5. ~~Restricted personal service uses. All uses which further the adopted comprehensive plan, upon approval by the development review committee.~~
6. All uses which further the adopted Comprehensive Plan, upon approval by the Development Review Committee. The applicant shall demonstrate that the use is consistent with the Comprehensive Plan.

SECTION IV. That Section 7.09.07, restricted personal service use regulations in the Highway Commercial District, of the New Port Richey Land Development Code is hereby established to read as follows:

7.09.07 Restricted personal service use regulations

<u>Front setback</u>	<ul style="list-style-type: none">• <u>35 feet (artery or collector street)</u>• <u>25 feet (local street)</u>
<u>Side setbacks</u>	<u>10 feet or required buffer</u>
<u>Rear setback</u>	<u>20 feet or required buffer</u>
<u>Minimum lot area</u>	<u>5,000 square feet</u>
<u>Width requirement</u>	<u>50 feet</u>
<u>Height maximum</u>	<u>25 feet</u>
<u>Off-street parking</u>	<u>Refer to general retail and shopping center parking standards in Chapter 11</u>
<u>Design criteria</u>	<ul style="list-style-type: none">• <u>The building in which the use is located is painted or otherwise finished in materials and colors which are muted</u>• <u>There are no security bars on the outside of doors or windows which are visible from a public right-of-way</u>

2. Restricted personal service uses shall be a minimum distance from the uses set forth in the table below. Measurements shall be made in a straight line in any direction from the edge of the parcel containing the restricted personal service use.

<u>Use or Use Classification</u>	<u>Separation Requirement (Feet)</u>
<u>Another restricted personal service use (regardless of jurisdiction)</u>	<u>500</u>
<u>Day care center, public or private</u>	<u>500</u>
<u>Place of worship</u>	<u>500</u>
<u>Public park, library or recreation center</u>	<u>500</u>
<u>School, public or private</u>	<u>500</u>
<u>Adult use</u>	<u>500</u>

3. Business Tax Receipts

Business tax receipts shall be actively maintained. Both the business type and use of property specified on the City business tax receipt application form shall plainly and clearly indicate the restricted personal service use.

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

2.01.00 Definitions

Restricted personal service uses: Commercial retail and service uses, including, blood plasma centers, body piercing establishments, check cashing stores, day labor establishments, pawn shops, tattoo parlors and cannabis dispensing/processing/cultivation enterprises which may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize their adverse impacts.

SECTION VI. 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 VII. 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 VIII. 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