

ORDINANCE # 2017-2118

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 7.08.01, PERMITTED USES IN THE C-2, GENERAL COMMERCIAL DISTRICT, TO ADD BREWPUBS AS A USE; AMENDING SECTION 7.09.01, PERMITTED USES IN THE HIGHWAY COMMERCIAL DISTRICT, TO ADD BREWPUBS ~~AND~~, MICROBREWERIES, **TAP ROOMS AND BEER GARDENS** AS USES; AMENDING SECTION 7.11.01, PERMITTED USES IN THE DOWNTOWN DISTRICT, TO ADD BREWPUBS AS A USE; AMENDING SECTION 7.12.01, PERMITTED USES IN THE LIGHT INDUSTRIAL DISTRICT, TO ADD BREWPUBS ~~AND~~, MICROBREWERIES, **TAP ROOMS AND BEER GARDENS** AS USES; AMENDING SECTION 2.01.00, DEFINITIONS, TO ADD DEFINITIONS FOR **“BEER GARDEN,” “BREWERY,” “BREW PUB,”** ~~AND~~ **“MICROBREWERY,” “NANO BREWERY” AND “TAP ROOM”**; 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 has heretofore adopted Ordinance #1221 establishing land development regulations in the City and several amendments thereto (Land Development Code); and

WHEREAS, the City Council recognizes the growing economic impact of the craft beer industry in Florida, estimated to be ranked 8th nationwide by the Brewers Association and generating \$2.056 million in 2014; and

WHEREAS, the City Council recognizes the growing manufacturing impact of the craft beer industry in Florida, estimated to be ranked 6th nationwide by the Brewers Association and producing 1.255 million gallon in 2014; and

WHEREAS, the City Council desires to amend the land development regulations to allow brewpubs and microbreweries in the appropriate commercial zoning districts.

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. 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.
15. Urban agriculture (indoor crop production prohibited).
16. Beer gardens, tap rooms and Brewpubs.

SECTION II. 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 Highway Commercial 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.
6. Urban agriculture (indoor crop production prohibited).
7. Beer gardens, tap rooms, Brewpubs , nanobreweries, microbreweries and breweries.
8. ~~Microbreweries.~~

89.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 III. That Section 7.11.01, Permitted uses in the Downtown District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.11.01 Permitted uses

A building or premises shall be used only for the following purposes:

- (1) Apparel stores, including consignment;
- (2) Antique shops;
- (3) Art studios and galleries;
- (4) Bakeries;
- (5) Banks and financial institutions;
- (6) Barber and beauty shops;
- (7) Bed and breakfast operation as regulated under Section 7.23.00 et seq. of this Code. Such use may be allowed only upon approval for a special exception by the city council in accordance with this Code;

- (8) Bookstore/stationery stores/newsstand;
- (9) Beer gardens, taprooms and Brewpubs;
- (109) Business and professional offices;
- (1140) Card shops;
- (1244) Copying services;
- (1312) Convention and conference centers;
- (1413) Dance studios;
- (1514) Dental labs;
- (1615) Dental office;
- (1716) Drug stores;
- (1817) Florist shops;
- (1918) Fruit and vegetable markets;
- (2019) Gift shops;
- (2120) Governmental offices;
- (2224) Grocery stores;
- (2322) Hardware stores;
- (2423) Health clubs;
- (2524) Hobby and collectable shops;
- (2625) Home furnishing stores (new merchandise only);
- (2726) Hotels;
- (2827) Hypnotherapy (by a state licensed health care professional or supervised by same);
- (2928) Ice cream/confectionary;
- (3029) Jewelry stores and repair;
- (3130) Laundry and dry cleaning shops;
- (3234) Locksmith shops;
- (3332) Massage therapy (state licensed);
- (3433) Medical office;
- (3534) Medical supply stores (includes repair of electric-powered equipment sold on site);
- (3635) Mobile vendors. Such vendors must be permitted uses under the Downtown District and must comply with section 7.11.07;
- (3736) Museums;
- (3837) Musical instrument sales;
- (3938) News publishers;
- (4039) Office supply stores;
- (4140) Package sales of wine and malt beverages;
- (4244) Parking garages and lots;
- (4342) Parks and recreation facilities;
- (4443) Pet stores;
- (4544) Performing arts and cultural center;
- (4645) Photography stores and studios;
- (4746) Places of worship;
- (4847) Repair shop (other than motor vehicles, motorized watercraft and other motorized equipment);
- (4948) Residential uses. Such residential use must follow the requirements of the MF-14 zoning district. The maximum residential density permitted in this district shall be consistent with the applicable future land use category;
- (5049) Restaurants, grills, cafes, taverns and similar eating and drinking establishments, but excluding drive-in restaurants;
- (5150) Shoe stores and repair shops;
- (5254) Single-family dwellings with customary accessory uses as regulated in the city's R-1, R-2 and R-3 zoning classifications;
- (5352) Spa;
- (5453) Sporting goods and rental/repair stores;

- ~~(5554)~~ Tailor shops;
- ~~(5655)~~ Theaters; ~~and~~
- ~~(5756)~~ Travel agencies; ~~and~~
- ~~(5857)~~ Urban agriculture (indoor crop production prohibited).

SECTION IV. That Section 7.12.01, Permitted uses in the Light Industrial District, of the New Port Richey Land Development Code is hereby amended to read as follows:

7.12.01 Permitted uses

1. Manufacturing;
2. Research and development;
3. Wholesaling/distributing;
4. Indoor storage and/or warehousing;
5. Indoor retail sales;
6. Restaurants to serve businesses located in and around the light industrial zoning district;
7. Accessory uses as permitted in chapter 12.00.00 of this land development code.
8. Adult use establishments, as defined, in section 1.4, Definitions of the Adult Use Ordinance Number 1335 [Chapter 13, Article X, Section 13-224], provided that said adult use establishment meets the following or minimum requirements:
 - a. The establishment as measured from its property line, must be a minimum of five hundred (500) feet from any school, church, house of worship or public recreational area whether within or outside the incorporated limits of the city and must be a minimum of five hundred (500) feet from the property line of any residentially zoned property bearing the city's zoning classification of R-1, R-2, R-3, MF-10, MF-14, MF-30, RO, ROR, RPDD or MHP or bearing the county's zoning classification of ER, ER-2, RMH, R-1MH, R-2MH, R-1, R-2, R-3, R-4, MF-1, MF-2, MF-3. A property bearing a planned unit development classification which includes residential shall also be considered residentially zoned property only as to those properties within the planned unit which are actually to be used as residential. These restrictions apply only to uses or zoning classifications in existence at the time of application for adult use permit.
 - b. Said adult use establishment will acquire an adult use license from the City of New Port Richey, provided, however, a locational permit or zoning approval is not contingent upon obtaining an adult use license.
 - c. Said adult use establishment will be located at least two hundred (200) feet from any other existing adult use establishment as measured from each property line.
 - d. When measuring an adult use establishment's property lines for purposes of determining the existence of other incompatible uses, if an adult use is part of a multiple tenancy structure, the lines shall be measured from the premises of the adult use establishment.
 - e. For purposes of this subsection of the land development code which allows for adult use establishments in Light Industrial Zones, the words found herein shall have the same meaning as defined in the Adult Use Ordinance Number 1335 [Chapter 13, Article X], as amended.
9. Telecommunications towers; provided that such towers have not been abandoned (see Chapter 17 of the Land Development Code).
10. Urban agriculture.
11. Beer gardens, tap rooms, Brewpubs, nanobreweries, microbreweries and breweries.
- ~~12. Microbreweries.~~
1213. All other uses as determined by the development review committee which further the intent of the adopted comprehensive plan.

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

Beer garden: An open air, roofed or unroofed area where beer and/or other alcoholic beverages are served or consumed.

Brewery: An establishment with an annual beer production of between 15,000 and 6,000,000 barrels. A brewery may include a beer garden or taproom as an accessory use. For the purposes of this Code, a brewery shall constitute a manufacturing use.

Brewpub: An establishment that is primarily a restaurant or bar, but which includes the brewing of beer as an accessory use and where 50% or more of the beer produced on site is sold (retail) for consumption on or off the premises. A brewpub produces only enough beer for consumption on the premises or for retail carryout sale in containers commonly referred to as growlers, which is an individual container that holds 32, 64, or 128 ounces. Brewpubs may sell beer in an unlimited number of keg containers larger than a U.S. gallon for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries. All mechanical, which include the participation of at least three such brewers; and for City co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead dispensed by employees of the brewpub.

Microbrewery: An establishment that is primarily a brewery, which produces no more than 15,000 barrels (465,000 U.S. gallons) of beer per year, with 75% or more of the beer produced is sold off-site and may includes either a restaurant, bar, beer garden or taproom as an accessory use. A microbrewery may also include a beer garden as an accessory use. A microbrewery may include a nanobrewery. A microbrewery sells to the general public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer for consumption on the premises or for retail carryout sale.

Nanobrewery: A microbrewery that produces no more than three barrels of beer in one batch and produces fewer than 2,000 barrels annually.

Tap room: A room that is ancillary to the production of beer at a brewery, microbrewery and brewpub where the public can purchase and/or consume alcoholic beverages.

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 _____, 2017.

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 _____, 2017.

ATTEST:

Judy Meyers, City Clerk
(Seal)

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM
for the sole reliance of the City of New Port Richey

By: _____
Timothy P. Driscoll, City Attorney