

ORDINANCE NO. 2018-2143

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTIONS 7.08.06 AND 7.09.07 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO SEPARATION REQUIREMENTS FOR RESTRICTED PERSONAL SERVICE USES IN THE C2 COMMERCIAL GENERAL AND HIGHWAY COMMERCIAL ZONING DISTRICTS; PROVIDING FOR AN INCREASE IN THE SEPARATION OF SAID USES FROM CERTAIN USES AND EACH OTHER TO 1000 FEET; PROVIDING FOR AMENDMENT OF SECTION 2.01.00, DEFINITIONS, TO AMEND THE DEFINITION OF “RESTRICTED PERSONAL SERVICE USES” TO ADD INSTANT LOAN STORE THERETO, AND TO ADD THE DEFINITION OF “INSTANT LOAN STORE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proliferation of instant loan stores in the city has an effect on the quality of life in the city;

WHEREAS, these businesses cause blight in the neighborhoods in which they exist if there isn't adequate separation of said businesses from each other and other property uses;

WHEREAS, the current Land Development Code does not have specific standards relating to instant loan shops;

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 I. Subsection 2 of Sections 7.08.06 and 7.09.07 of Chapter 7 of the Land Development Code, pertaining to separation requirements for restricted personal service uses in the C2 commercial general and highway commercial zoning districts, are hereby amended as follows (strikeout text is deleted and underlined text is added):

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.

Use or Use Classification	Separation Requirement (Feet)
Another restricted personal service use (regardless of jurisdiction)	5 <u>1000</u>
Day care center, public or private	5 <u>1000</u>
Place of worship	5 <u>1000</u>
Public park, library or recreation center	5 <u>1000</u>
School, public or private	5 <u>1000</u>
Adult use	5 <u>1000</u>

SECTION II. Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended by amending the definition of *restricted personal service use* therein and to add the definition of *instant loan store* thereto, as follows (strikeout text is deleted and underlined text is added):

Instant loan store: Any business, other than a bank or credit union, including without limitation payday lenders and automobile title loan shops, where money is lent to individuals and the business advertises, offers or transacts in any of the following services:

- (i) Loans, cash or money provided fast, quickly or instantly, or on such similar terms;
- (ii) Loans, cash or money in less than one hour;
- (iii) Loans requiring a bank account or credit card withdrawal authorization for the full loan amount;
- (iv) Loans requiring the surrender of a vehicle title and repayment in less than one (1) year;
- (v) Loans requiring a fee, greater than 5% of the loan amount, or resulting in an effective annual percentage rate (APR) greater than 50%;
- (vi) Loans requiring an appointment for repayment scheduled at the time of the loan; or

(vii) Loans having repayment periods of less than thirty (30) days.

Restricted personal service uses: Commercial retail and service uses, including, blood plasma centers, body piercing establishments, check cashing stores, instant loan stores, day labor establishments, pawn shops and tattoo parlors.

SECTION III. 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 IV. 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 V. 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 7th day of August, 2018.

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 _____, 2018.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Robert Marlowe, Mayor

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE
SOLE USE AND RELIANCE OF THE CITY OF NEW
PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney