

ORDINANCE # 2018-2135

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY DELETING SECTION 7.11.07, MOBILE VENDING; DELETING SECTION 7.11.08, DESIGN CRITERIA; DELETING SECTION 7.11.09, PUSH CART VENDING OF FOOD; DELETING SECTION 7.11.10, PUSH CART VENDING UPON PRIVATE PROPERTY; DELETING SECTION 7.11.11, PUSH CART VENDING UPON PUBLIC PROPERTY; DELETING SECTION 7.11.12, VENDING APPLICATIONS; DELETING SECTION 7.11.13, PERMITTED SALES; 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 is aware that mobile food trucks are a significant contemporary cultural phenomenon and City residents have expressed a desire to see them allowed in the City; and

WHEREAS, the City Council desires to repeal the existing mobile vending regulations in order to replace them in the future with mobile vending regulations accommodating food trucks.

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

SECTION I. That Section 7.11.07, Mobile vending, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.07 Mobile vending~~ (Reserved)

~~(a) Vending of food from mobile home carts is permitted within the City of New Port Richey provided said operations meet with the requirements of this ordinance.~~

SECTION II. That Section 7.11.08, Design criteria, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.08 Design criteria~~ (Reserved)

~~Mobile vending carts shall be easily moved and maintained by one (1) person and shall measure no more than eight (8) feet in length and four (4) feet in width having no permanent fixtures, including any permanent pad or electrical outlet or other device, to which the vending cart may be attached.~~

SECTION III. That Section 7.11.09, Push cart vending of food, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.09 *Push cart vending of food* (Reserved)~~

~~Push cart vending of food may occur on all properties zoned commercial, including public parking lots and sidewalks within the commercial district of New Port Richey.~~

SECTION IV. That Section 7.11.10, Push cart vending upon private property, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.10 *Push cart vending upon private property* (Reserved)~~

~~Push cart vending may occur on private property as permitted by the property owner and as approved by the City of New Port Richey upon application filed pursuant to this ordinance. Vendors on private property locations must have written permission from the property owner. Permission must have a notarized signature. Private property locations must meet the following criteria:~~

- ~~1. Specific site location shall be approved by the City of New Port Richey Development Review Committee.~~
- ~~2. Vending locations must not create traffic hazards by extending into current traffic patterns or encouraging vehicular traffic to obstruct roadways in order to purchase from vendor.~~
- ~~3. No sign permits shall be issued for vending locations. No free standing signs, including but not limited to chalk boards, easels, sandwich boards or marquis, shall be allowed. No sandwich style signs shall be allowed.~~
- ~~4. Vending locations shall not block sidewalk traffic or otherwise cause the pedestrian traffic to move into vehicular traffic.~~
- ~~5. All private property locations must be commercially zoned.~~
- ~~6. Vending may occur in private parking lots if it meets with the requirements of the ordinance.~~

SECTION V. That Section 7.11.11, Push cart vending upon public property, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.11 *Push cart vending upon public property* (Reserved)~~

~~Push cart vending upon public property, other than within city parks, is permitted upon review and approval of the development review committee. All mobile vending of food in public parking lots shall require no more than one (1) parking place. Except for special events involving street closings, locations shall be determined by the development review committee of the City of New Port Richey. Locations may be designated by lottery, to be held as determined necessary by the City of New Port Richey and established by resolution. All vendors must apply for and obtain a vending permit prior to being eligible to participate in the lottery. Public vending locations must meet the following criteria:~~

- ~~1. Specific site location shall be approved by the City of New Port Richey development review committee.~~
- ~~2. Vending locations must not create traffic hazards by extending into current traffic patterns or encouraging vehicular traffic to obstruct roadways in order to purchase from vendor.~~
- ~~3. No sign permits shall be issued for vending locations. No free standing signs, including but not limited to chalk boards, easels, sandwich boards or marquis, shall be allowed. No sandwich style signs shall be allowed.~~
- ~~4. Vending locations shall not block sidewalk traffic or otherwise cause the pedestrian traffic to move into vehicular traffic.~~
- ~~5. All property locations must be commercially zoned.~~
- ~~6. Vending may occur in parking lots if it meets with the requirements of the ordinance.~~

~~7. Property owners immediately adjacent to the vending site must give their approval.~~

SECTION VI. That Section 7.11.12, Vending applications, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.12 Vending applications (Reserved)~~

~~All push cart vendors must apply for and receive a vendor's permit upon payment of a vendor permit fee as established by resolution of city council. Said vendor's permit application shall include at a minimum the following:~~

- ~~1. Proof of a current City of New Port Richey local business tax receipt.~~
- ~~2. Proof of current Pasco County Health Department license.~~
- ~~3. Proof of current Pasco County local business tax receipt.~~
- ~~4. If the push cart vendor is to set up on private property, the application must include notarized permission from the property owner to utilize the private property.~~
- ~~5. If the push cart vendor is to utilize public or private property, the push cart vendor must have proof of development review committee approval.~~
- ~~6. The name and address of the person, corporation or partnership who owns the business.~~
- ~~7. Proof of liability insurance naming New Port Richey as an additional insured.~~
- ~~8. Proof of fire and hazardous use permit if applicable.~~
- ~~9. A list of all items intended to be sold from the vending cart.~~
- ~~10. Approval of the immediately adjoining property owner.~~

SECTION VII. That Section 7.11.13, Permitted sales, of the New Port Richey Land Development Code is hereby amended to read as follows:

~~7.11.13 Permitted sales (Reserved)~~

~~Studies have shown that successful redevelopment of blighted downtowns is closely tied to the type and mixture of retail sales as well as service oriented business. To further the goals and objectives of the community redevelopment plan and the city's adopted comprehensive plan, the following vending sales are permitted in the downtown land use category:~~

- ~~1. Foodstuffs, included but not limited to:
 - ~~(a) Hotdogs/sausages~~
 - ~~(b) Yogurt/ice cream~~
 - ~~(c) Sandwiches~~
 - ~~(d) Soft drinks (non-alcoholic)~~
 - ~~(e) Other similar food stuffs~~~~
- ~~2. No items other than foodstuffs which are readily available for consumption shall be permitted to be sold from vending carts.~~

SECTION VIII. 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 IX. 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 X. 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 4th day of September, 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 18th day of September, 2018.

ATTEST:

Judy Meyers, City Clerk

Rob Marlowe, Mayor-Council Member

(Seal)

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

By: _____
Timothy P. Driscoll, City Attorney