

ORDINANCE NO. 2019-2148

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 7.09.01 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO PERMITTED USES IN THE HIGHWAY COMMERCIAL ZONING DISTRICT; PROVIDING FOR REMOVAL OF HOTELS AS A PERMITTED USE; AMENDING SECTION 7.09.02 THEREOF, PERTAINING TO CONDITIONAL USES IN THE HIGHWAY COMMERCIAL ZONING DISTRICT; PROVIDING FOR ADDITION OF MULTI-FAMILY APARTMENTS AND HOTELS AS CONDITIONAL USES; PROVIDING FOR AMENDMENT OF SECTION 7.09.03 THEREOF, PERTAINING TO PROHIBITED USES IN THE HIGHWAY COMMERCIAL ZONING DISTRICT; PROVIDING FOR PROHIBITION OF MOTELS AND TRANSIENT RESIDENTIAL LODGING; PROVIDING FOR AMENDMENT OF SECTION 2.01.00, DEFINITIONS, TO ADD DEFINITIONS FOR HOTEL, MOTEL AND TRANSIENT RESIDENTIAL LODGING; PROVIDING FOR AMENDMENT OF SUBPARAGRAPH b. OF SUBSECTION 1 OF SECTION 15.00.00 OF CHAPTER 15 PERTAINING TO GENERAL NUISANCES; PROHIBITING OUTDOOR STORAGE OF ITEMS AT MOTELS, HOTELS AND PUBLIC ACCOMMODATIONS; PROVIDING FOR NON-CONFORMING TRANSIENT RESIDENTIAL LODGING USES; PROHIBITING ALL TRANSIENT RESIDENTIAL LODGING IN THE HIGHWAY COMMERCIAL ZONING DISTRICT AFTER DECEMBER 31, 2021; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the Highway Commercial Zoning District, motels have been used a long-term residences;

WHEREAS, the use of motels for long-term residency is incompatible with the commercial uses in the Highway Commercial Zoning District;

WHEREAS, motels are not designed or constructed to properly accommodate long-term residents;

WHEREAS, the current Land Development Code does not have specific standards relating to long-term residents at motels;

WHEREAS, this ordinance provides for the phasing out of long-term residencies in motels or other public lodging establishments;

WHEREAS, the prohibition of long-term residencies in motels and public lodging establishments is within the exercise of the City's police power as such facilities have not been constructed to accommodate long-term residencies and such residential uses are not permitted in the Highway Commercial Zoning District;

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. Section 7.09.01 of Chapter 7 of the Land Development Code, pertaining to permitted uses in the Highway Commercial District, is hereby amended as follows (strikeout text is deleted and underlined text is added):

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. Medical marijuana treatment center dispensing facility;
8. Beer gardens, tap rooms, brewpubs, nanobreweries, microbreweries and breweries; and
9. 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 II. Section 7.09.02 of Chapter 7 of the Land Development Code, pertaining to conditional uses in the Highway Commercial District, is hereby amended as follows (strikeout text is deleted and underlined text is added):

7.09.02 Conditional Uses

The land development review board may recommend to the city council for ~~their~~ approval the location of ~~the conditional uses following use(s)~~ in the Highway Commercial ~~Zoning~~ District. These uses differ from special exceptions in that the use may not be appropriately placed in all areas of this commercial zoning district and has little to no impact on residential uses. Conditions may be placed depending on the specific location of the intended use. The allowed conditional uses are as follows:

1. Children day care centers (including nursery or kindergarten schools), provided that:
 - a. The property, parcel, or lot proposed for the location of this use is not located or has frontage on U.S. Highway 19; ~~and~~
 - b. A fenced area is provided; ~~and~~
 - c. Adequate on-site driveway access is provided for the queuing of drop-off and pick-up traffic; and
 - d. Additional conditions may be applied depending on site conditions and location.
2. Multi-Family Apartments, provided that:
 - a. Residential units are part of a mixed-use development located at significant intersections or economic areas in furtherance of Comprehensive Plan goals and objectives; and
 - b. Residential units are not located on the ground floor.
3. Hotels.

SECTION III. Section 7.09.03 of Chapter 7 of the Land Development Code, pertaining to prohibited land uses in the Highway Commercial District, is hereby amended as follows (strikeout text is deleted and underlined text is added):

7.09.03 ~~Land~~ Uses prohibited

In the Highway Commercial ~~zoning~~ District, the following ~~land~~-uses are prohibited:

1. Manufacture or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra cotta, tile, or pottery (except in handicrafts), cement, gypsum, lime, plaster of paris, coke, creosote, dextrin, glucose, starch, dye, explosives, fireworks or storage thereof, fertilizer; manufacture of fuel or illuminating gas; gelatin, hydrochloric, nitric, picric, sulfuric or sulphurous acids, lampblack, linoleum or oilcloth, matches, pyroxylin materials or articles composed thereof, or storage in excess of five hundred (500) pounds; rubber or treatment thereof involving offensive odor, tar, turpentine, or varnish, manufacture of blast furnace products, coal chemicals, distillation of bones, coal, wood or tar, fat, grist mill; hot rolling mill or drop forge; incineration, reduction or dumping of dead animals, offal, or refuse except by the city or its agents, or when accumulated and consumed on

the same premises without the emission of odor; petroleum or other flammable liquids production or refining; storage of above ground petroleum, flammable liquids, fuel gasses are permitted provided:

- a. Said products are used on site for purposes of heating, cooking, emergency power generation or similar uses;
 - b. Are not intended for resale purpose; and
 - c. Meet all state and local codes and requirements applying to the protection of the underground water aquifer, containment against spillage, damage, fire and for the protection of surrounding properties; slaughtering or stockyards; tanning, curing or storage of raw hides or skins; tire recapping; or exterior storage of more than one hundred (100) scrap or used tires; junk or wood yards.
2. ~~All~~Sanitariums, and hospitals.
 3. ~~No~~Privately owned access roads to any use in this district that run ~~shall be permitted~~ through any property in a residential district.
 4. ~~No~~Single-family, two-family, triplex, or townhouses ~~or multi-family apartments.~~
 5. Motels.
 6. Transient Residential Lodging.

SECTION IV. Section 2.01.00, Definitions, of the Land Development Code is hereby amended to add the following definitions thereto (strikeout text is deleted and underlined text is added):

Hotel: A public lodging establishment with 25 or more guest rooms, accessible from hallways interior to the building, only, having a porte-cochere or covered drop-off zone for vehicles and pedestrians, independent of drive aisles, to accommodate guest loading and drop-off, which serves as a formal entry.

Motel: A public lodging establishment with guest rooms accessible from exterior hallways, walks or other areas, or which provide parking areas for vehicles within 50 feet of guest room doors.

Transient Residential Lodging: The leasing or letting of rooms in any facility that does not contain a full kitchen to persons who typically do not have another primary residence. Any public lodging establishment that rents, lets or otherwise provides for compensation, twenty-five percent (25%) or more of its total rooming units, rounded to the nearest whole number, to persons or entities for occupancy that exceeds any part of 28 consecutive days, or 28 total days in any period of 60 days, shall be deemed to be providing Transient Residential Lodging. A stay in a rooming unit in excess of the aforesaid periods shall not be counted toward the aforesaid percentage if the public lodging establishment is able to establish that said guest had another permanent residence at the time of the stay, and is only temporarily residing at said establishment in order to:

- (a) perform work on an active construction project within fifty (50) miles of the establishment;
- (b) relocate for employment for no more than one hundred eighty (180) consecutive days while awaiting the purchase or rental of a new permanent residence;

- (c) perform work on a temporary business project within (50) miles of the establishment for no more than one hundred eighty (180) consecutive days;
- (d) escape a declared state of emergency for the duration thereof; or
- (e) escape other damage to said person's permanent residence rendering the same temporarily uninhabitable.

SECTION V. Subparagraph b of Subsection 1 of Section 15.00.00 of Chapter 15 of the Land Development Code, pertaining to general public nuisances, is hereby amended as follows (strikeout text is deleted and underlined text is added):

- b. No lot, tract, parcel of real property, yard area, carport, or porch shall be used as a collection or storage area for debris, trash, refuse, garbage, rubbish, junk, broken glass, or furniture; appliances including without limitation a refrigerator, stove, washer, dryer, television or other household item; construction materials unless collection is maintained pursuant to a valid construction permit; dead, diseased or hazardous trees, lumber, vegetation, branches or sticks; trash not within an approved receptacle in any structure, building or premise or on any lot, tract or parcel of property; or storage or collection of other public nuisance items, unless otherwise specified and/or permitted in this Code. No motel, hotel or other public lodging establishment shall allow or permit guests, renters or occupants to store, keep or place any items outside any rooming unit in any exterior or open area, or in or around any exterior hallway or walkway.

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 as provided by law.

SECTION IX. Any Transient Residential Lodging use constructed, operating, permitted and maintained in the Highway Commercial Zoning District in compliance with all regulations and development standards of the City as of the effective date of this Ordinance shall be deemed an allowed non-conforming use until April 1, 2022, so long as the owner or operator of said Transient Residential Lodging:

1. Notifies each occupant thereof, no later than December 31, 2021, that long-term occupancy in said facility will not be allowed after April 1, 2022;
2. Files with the City Development Department, annually each January first after the effective date hereof, a report or statement identifying each rooming unit, the dates of occupancy thereof and the party renting or letting the same, for each rooming unit

- occupied in said facility for the prior year by persons or entities for any period in excess of 28 consecutive days, or for at least 28 days in any 60-day period;
3. Maintains a ledger or other record of all rooming units showing each person or entity renting or letting the same and the duration of each such occupancy;
 4. Requires each person renting, letting or occupying a rooming unit to provide a major credit card or photo identification prior to the occupancy thereof and maintains a record thereof; and
 5. Allows the City and its authorized agents upon request to inspect any and all books and records of said facility and reasonable access to the rooming units therein, to verify the occupancy thereof and compliance with this Section.

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 _____, 2019.

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 _____, 2019.

ATTEST:

Judy Meyers, City Clerk
Member

Rob Marlowe, Mayor-Council

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney