

ORDINANCE NO. 2019-2164

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 11.05.00 OF CHAPTER 11 OF THE NEW PORT RICHEY LAND DEVELOPMENT CODE, PERTAINING TO OFF-STREET PARKING SPACES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the use of materials in the construction of driveways are described in the City of New Port Richey Land Development Code;

WHEREAS, some of the materials have been wrongly identified as impervious; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's powers over public property.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Sub-paragraph b of Paragraph 7 of Section 11.05.00 of Chapter 11 of the Code of Ordinances, pertaining to surface materials on driveways, is hereby amended as follows (strikeout text is deleted and underlined text is added)

b) *Surface materials.* The portion of the primary driveway located within the property boundaries shall be constructed of asphalt or concrete material, brick or decorative pavers, crushed stone, crushed rock, gravel, shell or other materials approved by the Development Department. All of these materials are considered impervious with the exception of crushed stone, crushed rock, gravel, or shell. The impervious surface ratio shall not exceed sixty (60) percent. The portion of the driveway located within the right-of-way shall be constructed of asphalt or concrete material, brick or decorative pavers, as approved by the public works department. Parking in the rear yard is not subject to these restrictions and may be located on grass.

For accessory parking spaces, organic mulch is also an approved surface material, and is not considered impervious.

The use of crushed stone, crushed rock, gravel, shell or organic mulch is subject to the following minimum technical standards. The material shall be at least four (4) inches deep and bordered with a solid border at least four (4) inches below the surface and extending less than an inch above the surface of the material on all sides; all surfaces are to be placed on a compacted subgrade to provide a stabilized base (as shown in Figure E). The surface of the space must be maintained to meet technical requirements and shall not overflow into the right-of-way.

Section 2. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 3. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2019, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2019.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(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