

ORDINANCE NO. 2019-2166

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 7.09 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO THE HIGHWAY COMMERCIAL ZONING DISTRICT; PROVIDING FOR A NEW SUBSECTION 7.09.09 THEREOF; PROVIDING FOR DEVELOPMENT STANDARDS FOR VEHICLE SALES DEALERSHIPS WITHIN SAID ZONING DISTRICT; PROVIDING FOR A DEFINITION THEREOF; PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR COMPLIANCE WITH CERTAIN STANDARDS BY EXISTING NON-CONFORMING USES NO LATER THAN ONE (1) YEAR FROM THE EFFECTIVE DATE HEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey finds that there are many automobile and truck sales locations within the City's Highway Commercial Zoning District along the U. S. Highway 19 corridor;

WHEREAS, these automobile and truck sales locations have a variety of styles and sizes, and contain a variety of building types;

WHEREAS, many of the automobile and truck sale businesses store excess inventory on site, are non-conforming as to the City's landscape and parking requirements, and have a potential negative impact on adjacent commercial properties;

WHEREAS, on April 23, 2019, the City Council of New Port Richey adopted Ordinance 2019-2160 to establish a 180 day moratorium to develop needed amendments to the Code of Ordinances to establish minimum standards for automobile and truck sale properties and businesses;

WHEREAS, the Land Development Review Board (Local Planning Agency) and the City Council of New Port Richey have reviewed this Ordinance, as set forth under Chapters 163 and 166 Florida Statutes;

WHEREAS, the proposed siting and design standards for automobile and truck sales locations are for the protection and betterment of the public health, safety and welfare of the citizens of New Port Richey;

WHEREAS, the current Land Development Code does not have specific standards relating to automobile and truck sales businesses and properties;

WHEREAS, certain operational standards necessary for the orderly operation and compatibility of existing vehicle sales dealerships shall be implemented within one (1) year of the effective date of this Ordinance in accordance with the police power of the City, and are necessary to promote the health, safety and welfare of the citizens of the City;

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 THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION I. Chapter 7, Section 7.09 of the New Port Richey Land Development Code, pertaining to the Highway Commercial Zoning District, is hereby amended to add Sub-Section 7.09.09 thereto, as follows (strikeout text is deleted and underlined text is added):

7.09.09 Vehicle Sales Dealership Development Standards.

<u>The following development standards apply in addition to other standards contained within the Code of Ordinances and Land Development Code. Where development standards herein conflict with other standards contained within the Code of Ordinance and Land Development Code these standards shall supersede any such conflicting standards.</u>	
<u>Minimum Lot Area</u>	<u>One (1) Acre</u>
<u>Minimum Lot Width (frontage along U. S. Highway 19)</u>	<u>100 feet</u>

<p><u>Buffering</u></p>	<p><u>The buffer along frontage on U.S. Highway 19 shall provide for at least a ten (10) foot wide landscaped buffer with two (2) canopy trees per 50 feet of frontage, equally spaced, with continuous shrubs of at least two (2) feet in height.</u></p>
	<p><u>The buffer on lot perimeters, other than U.S. Highway 19 frontage, shall provide for at least an eight (8) foot wide landscaped buffer with one (1) canopy tree per 25 feet of perimeter, equally spaced, with continuous shrubs of at least four (4) feet in height.</u></p>
	<p><u>The buffer on lot perimeters adjacent to residentially zoned properties shall provide for at least a ten (10) foot-wide landscaped buffer with a six (6) foot high opaque masonry wall or fence with two (2) canopy trees per 25 feet of wall, equally spaced, with continuous shrubs of at least four (4) feet in height. All trees and shrubs shall be located on the outside of the wall between the wall and the residentially zoned property.</u></p>
<p><u>Outdoor Inventory Display</u></p>	<p><u>Outdoor inventory display areas (this includes all areas in which vehicles are parked for sale) shall be paved, and may not encroach into any buffer areas.</u></p>
	<p><u>Outdoor inventory display areas and other parking and vehicular use areas shall provide landscaped islands for at least 15% of the areas. The landscaped islands shall be at least twenty (20) square feet in size and shall be dispersed throughout the areas to break up expanses of paved areas. Each landscaped island shall contain at least one (1) canopy tree and shrubs of at least two (2) feet in height around the perimeter.</u></p>
	<p><u>Inventory displayed outdoors shall only be located within the paved display area. Inventory shall not be parked, stored, or displayed in buffer or landscaped areas. Inventory shall not be parked, stored, or displayed in a manner that blocks or restricts access to the lot. Inventory shall only be parked, stored, or displayed on lots that are approved by the City for use in vehicle sales.</u></p>
	<p><u>Each automobile on display shall have at least 180 square feet of area for said vehicle. All other vehicles, including trucks, shall have an area at least 140% of the vehicle's size in area for each said vehicle.</u></p>
<p><u>Sales Office</u></p>	<p><u>Sales office buildings shall be at least 1,000 gross square feet in area.</u></p>

<u>Signs</u>	<u>In addition to the requirements of the sign regulations in Chapter 13 of the Land Development Code, the use of balloons, decorative flags, banners, streamers, search and beacon lights, and wind-blown or inflatable attention devices are prohibited.</u>
<u>Service and Repair</u>	<u>Inoperable, disassembled or partially disassembled vehicles shall not be parked, stored, or displayed in the vehicle display, buffer or landscaped areas. Such vehicles shall be parked or stored, so as to be screened from view from outside the property or stored or parked within a building.</u> <u>Service or repair areas that are secondary to the vehicle sales shall be oriented away from adjacent residentially zoned areas. Service bay doors shall not open facing adjacent residentially zoned areas.</u>
<u>Customer Parking</u>	<u>Parking spaces for customers shall be marked for customer use, with a minimum of three (3) spaces for every twenty-five (25) vehicles for sale, up to the maximum amount of vehicles that may be displayed.</u>
<u>Separation Requirement</u>	<u>No used vehicle sales dealership shall be located within 1,000 feet of an existing used vehicle sales dealership, unless the city council approves the location through a special exception permit through a public hearing, as provided in section 5.02.00 of this Code, at which the city council determines that the location promotes the public health, safety and general welfare of the city. The separation distance shall be measured from the closest point of the lots as measured along the frontage on U.S. Highway 19.</u>

SECTION II. Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended to add the following definition thereto (strikeout text is deleted and underlined text is added):

Vehicle Sales Dealership: Any business engaged in the sale of automobiles, trucks or other vehicles. Any dealership that engages in the sale of only automobiles, trucks or other vehicles previously owned by any individual, corporation or other entity, who did not manufacture the vehicle or distribute the vehicle on behalf of the manufacturer thereof for sale to the consumer, shall be deemed a “Used Vehicle Sales Dealership”. Any business regularly engaged in, and having a franchise for, the first-time sales of any vehicles to consumers on behalf of the vehicle manufacturer, and selling vehicles regarded as “new vehicles”, shall not be deemed a Used Vehicle Sales Dealership.

SECTION III. Any Vehicle Sales Dealership 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 as to the development standards set forth in Section I of this Ordinance pertaining to minimum lot area, minimum lot width, sales office, separation requirements and the orientation of service and repair bay doors. Any such non-conforming Vehicle Sales Dealership shall be brought into compliance with all remaining provisions of this Ordinance no later than one (1) year after the adoption hereof. The City Manager may permit any non-conforming Vehicle Sales Dealership to meet the buffer requirements of this ordinance by providing the equivalent buffer plantings in the interior areas of the subject property, where strict application of the provisions hereof would create an undue burden on the property owner as a result of the existing building construction, site layout and location of vehicle display areas on the property, so long as the buffer provided is the minimum deviation from the regular buffer requirements and the property is in harmony with the surrounding properties.

SECTION IV. Ordinance 2019-2166, providing for a moratorium on the issuance of approvals and permits for automobile and truck dealerships is hereby repealed in its entirety and shall have no further force and effect.

SECTION V. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION VI. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, then such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION VII. This Ordinance shall be codified and take effect upon its passage and adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 1st day October, 2019.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 15th day of October, 2019.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor - Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney