

ORDINANCE NO. 2019-2155

AN ORDINANCE OF THE CITY OF NEW RICHEY, FLORIDA PROVIDING FOR APPROVAL OF A CONDITIONAL USE FOR A SCOOTER AND ONE-WHEEL VEHICLE SALES RETAIL STORE IN THE DOWNTOWN ZONING DISTRICT FOR THE PROPERTY LOCATED AT 5780 MAIN STREET, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR ANY NECESSARY CONDITONS ON SAID USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey has received an application for a conditional use by Scott Carbone, prospective owner of a business known as “eCarve LLC”, a scooter and one-wheel sales retail store to be located at the property at 5780 Main Street, New Port Richey, Florida, as shown on Exhibit A, and more particularly described as follows:

CITY OF NEW PORT RICHEY PB 4 PG 49 BLOCK 77 LOTS 3 & 4 & WEST 26.33 FT OF LOT 2 WEST 26.33 FT OF LOT 2 SUBJECT TO EASEMENT PER OR 1484 PG 1717 OR 9459 PG 931

(Parcel ID: 05-26-16-0030-07700-0020)

WHEREAS, the applicant has submitted a written application for a conditional use in the City’s Downtown Zoning District, identified as CU2019-01;

WHEREAS, a public hearing was held in accordance with the Land Development Code and the Florida Statutes;

WHEREAS, notice of this ordinance has been provided as required by law;

WHEREAS, the City’s Development Review Committee has reviewed this conditional use and recommended approval as provided herein;

WHEREAS, the City Council having heard and considered all written comments, objections and affidavits in favor of and in opposition to the proposed conditional use;

WHEREAS, the City Council hereby finds that granting this conditional use will not adversely affect the public interest and that it will be consistent with the purpose and intent of the Land Development Code and the Comprehensive Plan of the City of New Port Richey;

WHEREAS, the City Council hereby finds that the subject use would contribute to the revitalization of the Downtown Zoning District, that the use would not be incompatible with the district's character and that the proposed use is compatible with other uses allowable by right in the district; and

WHEREAS, the City Council has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the City;

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

SECTION I. The above applicant is hereby granted a conditional use in the Downtown Zoning District for the following use at the above-described property:

Retail sales and rentals of, and tours conducted on, electric scooters and single-wheeled personal transportation devices (hereinafter "vehicles"), subject to the following conditions:

1. No vehicles shall be rented or let to minors unaccompanied by an adult;
2. No test drives or training on vehicles shall be conducted or allowed on Main Street or the public right-of-way or sidewalk on Main Street;
3. No test drives or training on vehicles shall be conducted in any City property, unless and until approved by the City Manager and the applicant has fully executed an indemnity agreement approved by the City Manager and provided proof of general liability insurance in the amount of no less than one million dollars (\$1,000,000.00), naming the City as an additional insured, which insurance shall be maintained at all times as a condition of said approval;

4. Property liability insurance shall be maintained on rental and tour vehicles;
5. All vehicles shall be returned to the business no later than one half hour after sunset; and
6. No rentals shall be made of, nor tours conducted on, vehicles later than one half hour after sunset.

SECTION II. This Ordinance shall become effective 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 of 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 5th day of November, 2019.

ATTEST:

By: _____
Judy Meyers, CMC, 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

EXHIBIT A

