

**ORDINANCE #2020-2177B**

**AN ORDINANCE OF THE CITY OF NEW RICHEY, FLORIDA PROVIDING FOR DENIAL OF A CONDITIONAL USE FOR A SCOOTER AND ONE-WHEEL VEHICLE SALES RETAIL AND RENTAL STORE IN THE DOWNTOWN ZONING DISTRICT FOR THE PROPERTY LOCATED AT 5707 MAIN STREET, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR ANY NECESSARY CONDITIONS ON SAID USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of New Port Richey adopted Ordinance #2019-2155 on November 5, 2019 granting approval of a conditional use for a scooter and one-wheel vehicle sales retail and rental store, known as “eCarve LLC”, located at 5780 Main Street;

WHEREAS, the owner of eCarve LLC does not intend to operate the business from 5780 Main Street;

WHEREAS, Scott Carbone, owner of eCarve, LLC, desires to operate a scooter and one-wheel sales retail and rental store at a different location;

WHEREAS, the City of New Port Richey has received an application for a conditional use by Scott Carbone, owner of a business known as “eCarve”, a scooter and one-wheel sales retail store to be located at the property at 5707 Main Street, New Port Richey, Florida, as shown on Exhibit A, and more particularly described as follows:

**CITY OF NEW PORT RICHEY LOTS 6, REPLAT OF BLOCK 1 AVERY-SIMS SUBDIVISION, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 5, PAGE 10, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA**

(Parcel ID: 05-26-16-0010-00100-0060)

WHEREAS, the applicant has submitted a written application for a conditional use in the City’s Downtown Zoning District, identified as CU2019-02;

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 denial 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 denying 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 although the subject use would contribute to the revitalization of the Downtown Zoning District, that the use would not be compatible with the district's character and that the proposed use is incompatible 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 denied a conditional use in the Downtown Zoning District for the following use at the above-described property:

Retail sales and rentals of, 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), 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 7<sup>th</sup> day of January, 2020.

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 21<sup>st</sup> day of January, 2020.

ATTEST:

CITY OF NEW PORT RICHEY,  
FLORIDA

(SEAL)

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Judy Meyers, City Clerk

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Rob Marlowe, Mayor - Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

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Timothy P. Driscoll, City Attorney

# EXHIBIT A

