

ORDINANCE NO. 2020-2185

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA AMENDING LAND DEVELOPMENT CODE (LDC) CHAPTER 7, ZONING; AMENDING LDC § 7.09.01 ON PERMITTED USES TO ALLOW WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT A UNIVERSITY OR COLLEGE; AMENDING LDC § 7.11.01 ON PERMITTED USES TO ALLOW WITHIN THE DOWNTOWN ZONING DISTRICT A SINGLE UNIVERSITY OR COLLEGE; AMENDING LDC § 2.01.00 TO ADD A DEFINITION OF UNIVERSITY OR COLLEGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 163.3202(1) requires each county and each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 29th, 1989, the City Council adopted Ordinance Number 1203, which Ordinance approved the City's Comprehensive Plan; and

WHEREAS, on November 19th, 1991, the City Council adopted Ordinance Number 1268, which ordinance enacted the City's Land Development Code (LDC); and

WHEREAS, LDC Chapter 7 addresses zoning and LDC § 7.11.00 addresses the Downtown zoning district; and

WHEREAS, in the exercise of its authority, the City Council has determined that in order to encourage the most appropriate use of land, water and resources consistent with the public interest and to deal effectively with issues that may result from use and development of land within the Downtown zoning district, it is necessary to amend the City's LDC; and

WHEREAS, this Ordinance amends LDC § 7.11.01 on permitted uses to allow a single university or college to locate within the Downtown zoning district and amends LDC § 2.01.00 to add a definition of university or college; and

WHEREAS, the Development Department has prepared a staff report in accord with LDC § 5.04.02 to support adoption of the ordinance and concludes the ordinance is consistent with the requirements of that section, which staff report is incorporated herein by reference; and

WHEREAS, at the duly noticed Land Development Review Board (LDRB) regular public hearing held on February 20th, 2020, the LDRB sitting as the Local Planning Agency considered the Development Department staff report and recommendation and all competent substantial evidence presented at the hearing, and forwarded the record to the City Council with a recommendation the Ordinance be approved as submitted; and

WHEREAS, at the duly noticed City Council regular public hearing held on March 3rd, 2020, the City Council on first reading considered the Development Department and LDRB staff report and recommendations and all competent substantial evidence presented at the hearing, and approved the Ordinance; and

WHEREAS, at the duly noticed City Council regular public hearing held on March 17th, 2020, the City Council on second reading considered the evidence presented at first reading and all competent substantial evidence presented at the hearing, and adopted the Ordinance.

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

Section 1. Land Development Code Section 7.09.00 is amended as set forth below:

7.09.00 - Highway Commercial Zoning District.

In the highway commercial zoning district, no minimum lot size is specified for commercial establishments, since floor space requirements differ widely, being dependent upon the size and nature of the businesses involved.

7.09.01 Permitted uses

In the Highway Commercial District, the following land uses are permitted:

1. Theaters, businesses and professional offices, private or public schools, university or college, 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 2. Land Development Code Section 7.11.00 is amended as set forth below:

7.11.00 - Downtown Zoning District.

The intent of the Downtown Zoning District, is to recognize the importance of the downtown area, both economically and historically to the City of New Port Richey. Further, the land use category is intended to encourage and promote the redevelopment of the downtown area as the city's financial, commercial, governmental, cultural, recreational and professional center. The preservation and rehabilitation of the existing historical structures is of significance to the City of New Port Richey. Infill construction shall be compatible with and enhance the architectural style of the downtown area. The Downtown Zoning District is intended to serve as a focal point of the community pride and interest.

7.11.01 Permitted uses

A building or premises shall be used only for the following purposes:

- (1) Apparel stores, including consignment;
- (2) Antique shops;
- (3) Art studios and galleries;
- (4) Bakeries;
- (5) Banks and financial institutions;
- (6) Barber and beauty shops;
- (7) Bed and breakfast operation as regulated under Section 7.23.00 et seq. of this Code. Such use may be allowed only upon approval for a special exception by the city council in accordance with this Code;
- (8) Bookstore/stationery stores/newsstand;
- (9) Beer gardens, taprooms and brewpubs;
- (10) Business and professional offices;
- (11) Card shops;
- (12) Copying services;
- (13) Convention and conference centers;
- (14) Dance studios;
- (15) Dental labs;
- (16) Dental office;
- (17) Florist shops;
- (18) Fruit and vegetable markets;
- (19) Gift shops;
- (20) Governmental offices;
- (21) Grocery stores;
- (22) Hardware stores;
- (23) Health clubs;
- (24) Hobby and collectable shops;
- (25) Home furnishing stores (new merchandise only);
- (26) Hotels;
- (27) Hypnotherapy (by a state licensed health care professional or supervised by same);
- (28) Ice cream/confectionary;
- (29) Jewelry stores and repair;
- (30) Laundry and dry cleaning shops;
- (31) Locksmith shops;
- (32) Massage salons;
- (33) Medical office;

- (34) Medical supply stores (includes repair of electric-powered equipment sold on site);
 - (35) Mobile vendors. Such vendors must be permitted uses under the Downtown District and must comply with section 7.11.07;
 - (36) Museums;
 - (37) Musical instrument sales;
 - (38) News publishers;
 - (39) Office supply stores;
 - (40) Package sales of wine and malt beverages;
 - (41) Parking garages and lots;
 - (42) Parks and recreation facilities;
 - (43) Pet stores;
 - (44) Performing arts and cultural center;
 - (45) Photography stores and studios;
 - (46) Places of worship;
 - (47) Repair shop (other than motor vehicles, motorized watercraft and other motorized equipment);
 - (48) Residential uses. Such residential use must follow the requirements of the MF 14 zoning district. The maximum residential density permitted in this district shall be consistent with the applicable future land use category;
 - (49) Restaurants, grills, cafes, taverns and similar eating and drinking establishments, but excluding drive-in restaurants;
 - (50) Shoe stores and repair shops;
 - (51) Single-family dwellings with customary accessory uses as regulated in the city's R-1, R-2 and R-3 zoning classifications;
 - (52) Spa;
 - (53) Sporting goods and rental/repair stores;
 - (54) Tailor shops;
 - (55) Theaters;
 - (56) Travel agencies; ~~and~~
 - (57) University or college but restricted to one within the Downtown zoning district;
- and
- ~~(57)~~ 8) Urban agriculture (indoor crop production prohibited).

Section 3. Land Development Code Section 2.01.00 on Definitions is amended as set forth below

University or college: A public/semi-public use where public or private post-secondary courses in multiple disciplines (such as general, business, professional, religious and scientific) are offered and where completion of the courses result in the receipt of an associate, bachelors, masters or doctoral degrees.

Section 4. Conflicts. All Ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. If any section, subsection, sentence, clause, provision or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 6. Effective date. This Ordinance shall be effective immediately upon its adoption.

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 3rd day of March, 2020 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 18th day of March, 2020.

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