

**ORDINANCE NO. 2020-2199**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SUB-SECTION 7.09.09 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO THE VEHICLE SALES DEALERSHIP DEVELOPMENT STANDARDS IN THE HIGHWAY COMMERCIAL ZONING DISTRICT; PROVIDING FOR MINIMUM LOT DEPTH FOR SAID DEALERSHIPS; PROVIDING FOR REVISION OF THE BUFFERING STANDARDS FOR VEHICLE SALES DEALERSHIPS; PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR COMPLIANCE WITH SAID STANDARDS BY EXISTING NON-CONFORMING USES UPON ADOPTION 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 October 15, 2019, the City Council of New Port Richey adopted Ordinance 2019-2166 which established minimum standards for automobile and truck sale properties and businesses;

WHEREAS, landscape buffering standards were provided in the aforesaid ordinance, requiring non-conforming uses to come into compliance by October 15, 2020;

WHEREAS, the code does not provide a minimum lot depth for automobile dealerships;

WHEREAS, upon further review of the aforesaid buffering standards, the City Council has determined that the same should be revised;

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, these buffering requirements are hereby adopted 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, Sub-Section 7.09.09 of the New Port Richey Land Development Code, pertaining to vehicles sales dealership development standards in the Highway Commercial Zoning District, is hereby amended as follows** (strikeout text is deleted and underlined text is added):

7.09.09 Vehicle Sales Dealership Development Standards.

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.	
Minimum Lot Area	One (1) Acre
Minimum Lot Width (frontage along U. S. Highway 19)	100 feet
<u>Minimum Lot Depth</u>	<u>100 feet</u>

Buffering	<p>The buffer along frontage on U.S. Highway 19 shall provide for at least a <del>six ten (610)</del> foot wide landscaped buffer with <del>one two (12)</del> canopy trees per <del>sixty (650)</del> feet of frontage, <u>or two (2) trees per lot frontage, whichever is greater</u>, equally spaced, with continuous shrubs of at least two (2) feet in height.</p>
	<p>The buffer on lot perimeters, other than U.S. Highway 19 frontage, shall provide for at least a <del>four eight (48)</del> foot wide landscaped buffer with one (1) canopy tree per <del>sixty (60)</del> <del>25</del> feet of perimeter, <del>equally spaced</del>, with continuous shrubs of at least four (4) feet in height.</p>
	<p>The buffer on lot perimeters adjacent to residentially zoned properties shall provide for at least a <del>six ten (610)</del> foot wide landscaped buffer with a six (6) foot high opaque masonry wall or fence with <del>one two (12)</del> canopy trees per <del>sixty (60)</del> <del>25</del> feet of wall <u>or fence, equally spaced</u>, with continuous shrubs of at least four (4) feet in height. All trees and shrubs shall be located on the outside of the wall <u>or fence</u>, between the wall <u>or fence</u> and the residentially zoned property.</p>
Outdoor Inventory Display	<p>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.</p>
	<p>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.</p>
	<p>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.</p>
	<p>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.</p>
Sales Office	<p>Sales office buildings shall be at least 1,000 gross square feet in area.</p>

Signs	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.
Service and Repair	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.
	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.
Customer Parking	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.
Separation Requirement	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.

**SECTION II.** 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 brought into compliance with the buffering standards set forth in Section I hereof no later than October 20, 2020. The City Manager may permit any such 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 III.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION IV.** 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 V.** 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 6<sup>th</sup> day October, 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 20<sup>th</sup> day of October, 2020.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

\_\_\_\_\_  
Judy Meyers, CMC, City Clerk

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Rob Marlowe, Mayor - Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

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Timothy P. Driscoll, City Attorney