

ORDINANCE NO. 2020-2193

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 7.22.00 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO GENERAL DISTRICT REGULATIONS, BY ADDING SUBSECTION 7.22.05 THERETO; PROVIDING FOR OUTDOOR DISPLAY AREAS IN THE C-1 LIGHT GENERAL COMMERCIAL, C-2 GENERAL COMMERCIAL, AND HC HIGHWAY COMMERCIAL ZONING DISTRICTS; PROVIDING FOR STANDARDS FOR SUCH DISPLAYS; PROVIDING FOR TEMPORARY DISPLAYS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS OF TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, numerous businesses within the City of New Port Richey display products for sale or rent outside an enclosed building in conjunction with sales conducted within a building;

WHEREAS, the unregulated display of products outside an enclosed building creates a safety hazard, visual blight and opportunities for criminal activity;

WHEREAS, the principal purpose of outdoor displays should not be to provide additional retail space, but to allow retailers the opportunity to attract the public by displaying a sample of the products available within the building;

WHEREAS, the current Land Development Code does not have specific standards relating to outdoor displays;

WHEREAS, at a duly noticed regular public hearing held on June 4th, 2020, the LDRB considered an outdoor display ordinance applicable to the C-1 Light Commercial, C-2 General Commercial, HC Highway Commercial, and D Downtown zoning districts and tabled the Ordinance so that an Ordinance on outdoor displays in the Downtown zoning district be created separate from the ordinance regulating outdoor displays in other commercial zoning districts;

WHEREAS, at a duly noticed regular public hearing held on June 18th, 2020, the LDRB considered this amended Ordinance which incorporated the LDRB recommended changes and removed the Downtown zoning district from its scope;

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, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. Section 7.22.00 of Chapter 7 of the Land Development Code, pertaining to general district regulations, is hereby amended to add Section 7.22.05 thereto, as follows (strikeout text is deleted and underlined text is added):

7.22.05 Outdoor displays.

1. Purpose. The purpose of this section is to provide for appropriate design and location of outdoor displays and to mitigate any adverse impacts that such uses may have on adjacent properties, rights-of-way, and the public.
2. Definitions. The following definitions apply to this section.
 - a. Outdoor Display Area. Any area outside of a fully enclosed building used by any business for display of merchandise or goods available for purchase or rent.
 - b. Business. A single enterprise or group of enterprises housed within a single building which utilize the same street frontage. For the purposes of this section, units within a multiple occupancy building that have individual frontage shall each be considered a separate business.
3. Outdoor Display Area standards in commercial districts. Outdoor Display Areas shall be permitted in the Highway Commercial, C-1 Light General Commercial, and C-2 General Commercial zoning districts where the following standards are met:
 - a. An Outdoor Display Area shall be allowable only as an accessory use to the primary use of the business;
 - b. All merchandise on display shall be wholly located on the parcel on which the principal use and building are located and shall only be displayed along a single facade wall;
 - c. All merchandise within an Outdoor Display Area shall be merchandise sold or rented by the business which is the principal use of the parcel or building;
 - d. No Outdoor Display Area shall be rented or allowed to be utilized by a business, person or entity other than the business which is the principal use of the parcel or building where the display is located;
 - e. All merchandise within an Outdoor Display Area shall only be allowed to remain in said area during the hours the business of the principal use is open for business;
 - f. The Outdoor Display Area shall be limited to an area that is no greater than fifteen percent (15%) of the total floor area of the business that comprises the principal use of the building or parcel;
 - g. The Outdoor Display Area shall extend no more than one-third (1/3) of the length of the facade of the building along which the display is located and no more than five (5) feet in depth as measured horizontally from the front door of the building;
 - h. The Outdoor Display Area shall not block sidewalks or parking areas and shall not impede pedestrian or vehicle circulation;
 - i. No Outdoor Display Area merchandise shall be placed in designated fire lanes, emergency exits, loading/unloading zones or public rights-of-way;
 - j. No Outdoor Display Area shall utilize any required open space, parking spaces, public sidewalks, landscape areas or buffers;
 - k. No Outdoor Display Area shall be located within five (5) feet of any building entrance;
 - l. No merchandise with an Outdoor Display Area shall be located within five (5) feet of any fire department connection;
 - m. No merchandise within an Outdoor Display Area shall be stacked or placed in a manner that any portion of the display exceeds four (4) feet in height above the

surface upon which the items are located; provided however, items that exceed four (4) feet in height may be displayed without being stacked if the same are properly secured so as not to topple over or be displaced by wind;

- n. Outdoor Display Areas shall be kept free of garbage and other debris;
 - o. No business shall have more than two (2) Outdoor Display Areas;
 - p. The short-term sale of agricultural products that are seasonal in nature, including Christmas trees, pumpkins, produce and similar items are subject to approval from the City Planning and Development Department on a temporary use permit;
 - q. Acceptance of payment for goods or services within an Outdoor Display Area shall not be permitted, except for activities through a temporary use permit hereunder or for vending machines (e.g., ice, water, soda, snacks, digital video discs) and propane gas sales;
 - r. No Outdoor Display Area shall be located upon a rooftop or balcony;
 - s. No appliances including, but not limited to, ice boxes, refrigerators, deep freeze lockers, clothes washers, clothes dryers, microwaves and televisions shall be located within an Outdoor Display Area;
 - t. All Outdoor Display Areas shall be located upon a hard and durable surface; and
 - u. No storage racks shall be allowed in an Outdoor Display Area unless the same are displaying merchandise on at least eighty percent (80%) of the merchandise display area thereof.
4. Outdoor Display Area Standards in the Downtown Zoning District. Outdoor Display Areas shall be allowed in the Downtown Zoning District.
5. Outdoor Display Areas prohibited. Outdoor Display Areas shall be prohibited in all zoning districts of the city other than as specifically authorized in this section.
6. Temporary Outdoor Display Areas. Any business within a zoning district where Outdoor Display Areas are allowed under this section shall be allowed to have a temporary Outdoor Display Area that does not meet the standards set forth in this section, so long as the following standards are met:
- a. A temporary Outdoor Display Area permit shall be obtained from the city, without a fee, or upon payment of such fee that may hereafter be imposed by the city council on such permits by resolution;
 - b. No business shall obtain a temporary Outdoor Display Area permit more than two (2) times in any twelve (12) month period;
 - c. The temporary Outdoor Display Area permit shall only allow the temporary Outdoor Display Area for a continuous period of up to 72 hours;
 - d. The temporary Outdoor Display Area permit application shall provide a detailed description of the temporary Outdoor Display Area, including the location thereof, all merchandise to be displayed therein, and all equipment and facilities to be utilized in the display;
 - e. The temporary Outdoor Display Area shall comply with all public safety and fire safety requirements, including ingress, egress and traffic safety deemed necessary by the city manager; and
 - f. The city manager may revoke any temporary Outdoor Display Area permit upon a determination that the display constitutes a public safety hazard or unreasonably interferes with the property rights of any adjacent property owners.

7. Exemption. The outdoor display of motor vehicles, golf carts, vessels, and large construction or other equipment (such as moving company vehicles, excavators, backhoes, bulldozers, graders, wheel tractor scrapers, trenchers, loaders, cranes, pavers, compactors, and dump trucks), by a business principally engaged in and permitted for the sales or rentals thereof, and the outdoor display of plants and trees by a business principally engaged in and operating as a plant nursery, shall be exempt from the requirements of this section. Vending machines (e.g., ice, water, soda, snacks, digital video discs) and propane gas displays shall also be exempt from the requirements of this section.

SECTION II. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION III. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

SECTION IV. This Ordinance shall become effective immediately upon its adoption as provided by law. Any business, duly licensed and permitted as of the effective date hereof, which has an existing Outdoor Display Area as defined in this Ordinance as of the effective date hereof, shall have until December 31, 2020 to bring said Outdoor Display Area into compliance with this Ordinance.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 1st day of December, 2020.

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