

ORDINANCE NO. 2021-2220

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 2.01.00 OF CHAPTER 2 OF THE LAND DEVELOPMENT CODE, PERTAINING TO DEFINITIONS OF TERMS; PROVIDING FOR AMENDMENT OF THE DEFINITION OF RESTRICTED PERSONAL SERVICE USES; PROVIDING FOR DEFINITIONS OF CANNABIDIOL (CBD) VENDORS AND SMOKE SHOPS; PROVIDING FOR DESIGNATION OF CANNABIDIOL (CBD) VENDORS, SMOKE SHOPS AND NICOTINE DISPENSING DEVICE BUSINESSES AS RESTRICTED PERSONAL SERVICES USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain businesses engage in the sale of products that may be harmful to minors or the proliferation of which has an effect on the quality of life in the city;

WHEREAS, these businesses cause blight in the neighborhoods in which they exist if there isn't adequate separation of said businesses from each other and other property uses;

WHEREAS, the current Land Development Code does not adequately limit the concentration of cannabidiol (CBD) businesses, smoke shops and nicotine dispensing device businesses;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

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 1. Section 2.01.00, of Chapter 2, of the New Port Richey Land Development Code, pertaining to definitions of terms, is hereby amended by amending the definition of *Restricted Personal Service Uses*, and adding the definitions of *Cannabidiol (CBD) Vendors* and *Smoke Shops*, as follows (strikeout text is deleted and underlined text is added):

Restricted personal service uses: Commercial retail and service uses, including, blood plasma centers, body piercing establishments, check cashing stores, instant loan stores, day labor establishments, pawn shops, cannabidiol (CBD) vendors, nicotine dispensing device businesses, smoke shops and tattoo parlors.

Cannabidiol (CBD) vendors: Any business, other than a medical marijuana treatment center dispensing facility, that primarily displays, sells, or offers for sale cannabidiol or CDB oil in any form or in any product.

Smoke shop: Any business that primarily displays, sells or offers for sale smoking devices, as defined in Section 14-60 of the Code of Ordinances, tobacco or tobacco products, except cigars, that is not a grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale item.

SECTION 2. 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 3. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. This ordinance shall become effective immediately upon its adoption as provided by law.

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 19th day of January, 2021.

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 2nd day of February, 2021.

ATTEST:

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney
CA Approved 12-17-20