

ORDINANCE NO. 2021-2216

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SUBSECTION 4 OF SECTION 7.22.05 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO OUTDOOR DISPLAY AREAS IN THE DOWNTOWN ZONING DISTRICT; PROVIDING FOR PURPOSE, PERMITTING, DISPLAY STANDARDS, AND REVOCATION OF PERMITS FOR SAID DISPLAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, numerous businesses within the Downtown Zoning District of 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 within the Downtown zoning district;

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. Subsection 4 of Section 7.22.05, of Chapter 7, of the New Port Richey Land Development Code, pertaining to outdoor display areas in the Downtown Zoning District, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

4. *Outdoor Display Area Standards in the Downtown Zoning District.* Outdoor Display Areas shall be permitted ~~allowed~~ in the Downtown Zoning District where the standards set forth in this subsection are met.

- a. Purpose. A pedestrian friendly downtown district incorporates the use of outdoor merchandise displays as part of the overall urban environment. Displays can contribute to the overall appearance of the district, enhance the pedestrian experience and increase prosperity for business owners. Vibrant urban storefronts are essential in the creation of an attractive and dynamic dining, shopping, and leisure experience.
- b. Permit and Review. A permit shall be required for all Outdoor Displays Areas and a revocable license agreement shall be required for Outdoor Display Areas, or parts thereof, located on public property. The procedures for application and review of permits for Outdoor Display Areas shall be as follows:
- (1) The permittee shall submit an application to the City on a form prepared by the Development Department;
 - (2) The Development Review Committee (DRC) shall review all applications and shall issue a permit upon finding the application is in conformity with the standards set forth in this subsection; and
 - (3) An Outdoor Display Area permit shall be issued only as an accessory use to the primary use of the business.
- c. Specific Standards. Each Outdoor Display Area in the Downtown Zoning District shall comply with the following standards:
- (1) The maximum number of Outdoor Display Areas allowed shall not exceed two (2) per street frontage, so long as there is public access on such street frontage;
 - (2) Each Outdoor Display Area shall maintain a minimum distance of three (3) feet from each side of the entrance into the building and shall not extend beyond each end of the building frontage;
 - (3) The size of the Outdoor Display Area shall not exceed a width along the building frontage of forty percent (40%) of the building frontage, and shall not exceed a maximum width of twenty (20) feet for each business and a depth of three (3) feet;
 - (4) The height of the Outdoor Display Area shall not exceed three (3) feet when placed in front of a window. The height may be extended to five (5) feet with approval from the Development Review Committee provided there is no hazard to public safety.
 - (5) The height of the Outdoor Display Area shall not exceed a height of five (5) feet when placed along a solid wall;
 - (6) All merchandise shall be placed in a manner so as to not be a safety or public health hazard or public nuisance, nor be in danger of toppling over;
 - (7) The Outdoor Display Area components shall be strong, durable and designed for commercial outdoor use, must be able to withstand high winds, shall not contain parts that are likely to cause damage to the sidewalk or create a trip hazard for pedestrians, and shall not be constructed primarily of plastic;

- (8) The design, materials and colors used for the Outdoor Display Area shall complement the architectural style and colors of the building and shall be compatible with the character of the Downtown Zoning District;
- (9) All merchandise shall be maintained in a neat and orderly appearance within the Outdoor Display Area and shall not spill over onto sidewalk or other area;
- (10) No additional signage is permitted within an Outdoor Display Area, and no merchandise or display units shall be used as signage nor have any signage attached thereto;
- (11) Price tags placed within the Outdoor Display Area shall be no larger than five (5) square inches in size and shall be affixed to the merchandise therein;
- (12) An adequate pedestrian right-of-way along any sidewalk along, within, or adjacent to the Outdoor Display Area of no less than four (4) feet in width shall be maintained at all times;
- (13) Sales transactions may be conducted outdoors, unless the conducting of sales transactions outdoors creates a nuisance or impedes access to public walkways; and
- (14) All merchandise shall be removed from the Outdoor Display Area at the close of business each day.

d. Revocation or suspension of permit. Any Outdoor Display Area permit issued under this subsection may be revoked or suspended, upon a notice from the city manager to a permittee that any of the following exist:

- (1) The permittee has not complied with all of the terms and conditions of an applicable revocable license agreement required of the permit;
- (2) The business for which the permit was issued is no longer operational;
- (3) The Outdoor Display Area constitutes a public nuisance; or
- (4) The Outdoor Display Area is in violation of any requirements of this section.

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 2nd day of February, 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 16th 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 2-8-2021