

ORDINANCE NO. 2021-2236

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR APPROVAL OF A CONDITIONAL USE FOR AN INDOOR RECREATIONAL AXE THROWING BUSINESS IN THE DOWNTOWN ZONING DISTRICT FOR THE PROPERTY LOCATED AT 5761 NEBRASKA AVENUE, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR ANY NECESSARY CONDITONS ON SAID USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey received an application from Ricky Williams for a conditional use, known as CU-21-07-0002 in the Downtown Zoning District for an indoor recreational axe throwing business, located at 5761 Nebraska Avenue;

WHEREAS, Section 7.11.02.1 of the City's Land Development Code provides that uses that are not listed as permitted nor listed as prohibited may be approved with the approval of a conditional use by the City Council;

WHEREAS, as required by Section 7.11.02.1 of the City's Land Development Code, the City's Development Review Committee reviewed the proposed conditional use and recommended approval;

WHEREAS, the location of the property for the conditional use is 5761 Nebraska Avenue, New Port Richey, Florida, and more particularly described as follows:

LOTS 2, 3 AND 4, BLOCK 77, CITY OF NEW PORT RICHEY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE(S) 49, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 23.67 FEET OF LOT 2, BLOCK 77.

TOGETHER WITH THE NON-EXCLUSIVE EASEMENT RIGHTS AS CREATED BY THAT CERTAIN EASEMENT DEED RECORDED IN OFFICIAL RECORDS BOOK 1484, PAGE 1721, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, OVER THE FOLLOWING DESCRIBED REAL PROPERTY:

THE WEST 6.67 FEET OF THE EAST 23.67 FEET OF LOT 2, BLOCK 77, CITY OF NEW PORT RICHEY, ACCORDING TO THE MAP OR PLAT

THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE(S) 49, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.

(Parcel ID: 05-26-16-0030-07700-0020)

WHEREAS, a public hearing was held in accordance with the Land Development Code and the Florida Statutes;

WHEREAS, notice of this ordinance has been provided as required by law;

WHEREAS, the City Council having heard and considered all written comments, objections and affidavits in favor of and in opposition to the proposed conditional use;

WHEREAS, the City Council hereby finds that approving this conditional use will not adversely affect the public interest, that it is consistent with the purpose and intent of the Land Development Code and the Comprehensive Plan of the City of New Port Richey;

WHEREAS, the City Council hereby finds that the subject use would contribute to the revitalization of the Downtown Zoning District, that the use would be compatible with the district's character and that the proposed use is compatible with other uses allowable by right in the district; and

WHEREAS, the City Council has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the City;

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

SECTION I. The above applicant is hereby approved for a conditional use development order in the Downtown Zoning District for the following use at the above-described property:

Indoor recreational axe throwing subject to the operational conditions provided in Exhibit A to this ordinance.

SECTION II. This Ordinance shall become effective 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 7th day of September, 2021.

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 21st day of September, 2021.

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

CA Approved 9-7-21

EXHIBIT A

Indoor Recreational Axe Throwing Operational Conditions

:

- (1) Owners and all employees shall be trained and certified by the World Axe Throwing League to ensure best knowledge of all safety practices for throwing axes. (worldaxethrowingleague.com)
- (2) Owners and all employees shall take ServSafe training for alcohol awareness to participate in the Responsible Vendor Program and ensure all alcohol servers are trained for safely serving alcohol. The training will improve knowledge for identifying when a person is intoxicated. Intoxicated persons shall be refused permission to be a participant in axe throwing activities. Credits may be granted to customers who have pre-paid for participation in axe throwing who have been deemed unfit to participate. (servsafe.com)
- (3) Any person participating in axe throwing shall be served no more than two (2) alcoholic beverages. Wristbands shall be worn by all axe-throwing participants, which shall be used to identify the number of alcoholic beverages consumed by the participant. Each alcoholic beverage served to said participant shall be recorded on the wrist band. A different color wristband shall be worn by participants under 21 years.
- (4) Security cameras, with recording capability with a minimum thirty (30) day storage capacity, shall be provided on the premises to record all axe-throwing and alcoholic beverage consumption activities of the customers.
- (5) Liability insurance in the amount of one million dollars (\$1,000,000.00) person and two million dollars (\$2,000,000.00) per occurrence shall be maintained by the business at all times, with a deductible of no more than \$25,000.00. A certificate of insurance shall be provided to the City prior to the opening of the business, upon each renewal of the Business Tax Receipt for the business, and upon request of the City from time to time as deemed necessary by the City.
- (6) Prior to commencing operations, the Owner shall submit to the City a scaled interior floor plan showing the interior layout of the facility and an operational plan for review by the Development Review Committee (DRC). The DRC shall review the plans to determine whether sufficient safety structures, mechanisms and procedures are provided to protect patrons and employees from the activities taking place at the business. The Owner shall not commence operations until the DRC approves the aforesaid plans and all operations at the business shall at all times conform to the plans approved by the DRC.