

ORDINANCE NO. 2024-2314

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 22.09.00 OF ARTICLE II OF CHAPTER 22 OF THE LAND DEVELOPMENT CODE, PERTAINING TO DEFINITIONS OF TERMS IN THE FLOOD DAMAGE PREVENTION CODE; PROVIDING FOR AMENDMENT OF THE DEFINITION OF SUBSTANTIAL IMPROVEMENT; PROVIDING FOR REDUCTION OF THE REVIEW PERIOD FOR SUBSTANTIAL IMPROVEMENTS FROM FIVE (5) YEARS TO TWO (2) YEARS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, after experiencing two (2) hurricanes in a short span of time known as Hurricane Helene and Hurricane Milton, the City Council adopted emergency ordinance 2024-2312 amending the definition of substantial improvement in the city's flood damage prevention ordinance, codified at section 22.09.00 of the Land Development Code;

WHEREAS, the foregoing ordinance provided that the provisions thereof would be further reviewed for either extension or repeal;

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;

WHEREAS, the City Council has determined that the provisions of the emergency ordinance should be adopted as a duly and regularly adopted ordinance of the City; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

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

SECTION 1. Amendment. Section 22.09.00 of Article II of Chapter 22 of the Land Development Code of Ordinances, pertaining to the definition of substantial improvement and

providing as set forth hereafter, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a two-year ~~five-year~~ period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. ~~For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 4, 1993.~~ If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 3. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption as provided by law. To the extent permitted by law, the provisions of this ordinance shall be applied retroactively to October 21, 2024, so that the provisions of emergency ordinance 2024-2312 shall be validated and extended by incorporation herein, notwithstanding any infirmity or invalidity of said emergency 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 _____ day of _____, 2024.

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 _____ day of _____, 2024.

ATTEST:

By: _____
Judy Meyers, MMC, City Clerk

By: _____
Alfred C. Davis, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE
AND RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney CA Approved 10-22-24

DRAFT