

EMERGENCY ORDINANCE NO. 2024-2312

AN EMERGENCY 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 FURTHER REVIEW OF THE PROVISIONS HEREOF AS A NON-EMERGENCY ORDINANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of New Port Richey has experienced two (2) hurricanes in a short span of time known as Hurricane Helene and Hurricane Milton;

WHEREAS, the hurricanes have caused catastrophic damage to many properties in the City;

WHEREAS, on September 23, 2024 the Governor of Florida declared a state of emergency in Executive Order No. 24-208 due to the impacts of Hurricane Helene;

WHEREAS, on September 24, 2024 the City Council approved Resolution Number 2025-02 declaring a local state of emergency due to the impacts of Hurricane Helene;

WHEREAS, on October 4, 2024 the Governor of Florida declared a state of emergency in Executive Order No. 24-214 due to the impacts of Hurricane Milton;

WHEREAS, on October 7, 2024 the City Council approved Resolution Number 2025-04 declaring a local state of emergency due to the impacts of Hurricane Milton;

WHEREAS, the local state of emergency has been extended by the City Council;

WHEREAS, the City Council has found numerous properties in the City have suffered damage from these two hurricanes, and those property owners will be profoundly impacted by any consideration of repairs or improvements to their property made over two (2) years ago;

WHEREAS, including repairs or improvements made to properties more than two (2) years ago for calculation of substantial improvement for floodplain management purposes will

inordinately burden many property owners throughout the city who have suffered serious losses from these storm events;

WHEREAS, the City Council hereby finds that the matters contained within this ordinance constitute an emergency that must be addressed to assist property owners, many of whom will be unable to reside in their homes otherwise;

WHEREAS, this ordinance has been approved by a two-thirds majority of the City Council in accordance with Section 166.041(3)(b) Florida Statutes; 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. Emergency. An emergency is hereby declared in the city as a direct result of the impacts of Hurricanes Helene and Milton which has and will affect the right of the citizens of the city to repair and restore their properties, including their homes.

SECTION 2. 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 3. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 4. 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 5. 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 6. Effective Date. This ordinance shall take effect immediately on October 21, 2024 after its adoption as provided by law.

SECTION 7. Further Review. The provisions of this ordinance shall be further reviewed through the regular process of adoption of zoning code amendments and may be repealed or extended through said process.

The foregoing Ordinance was duly read and approved on October 21, 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 10-21-24