

ORDINANCE #2017-2117

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA; AMENDING CHAPTER 22 OF THE CITY LAND DEVELOPMENT CODE, FLOOD DAMAGE PREVENTION, BY AMENDING SECTION 22.11.02, SUBDIVISION PLATS, TO ADDRESS DELINEATION OF FLOOD HAZARD AREAS ON FINAL PLATS AND RE-PLATS; PROVIDING FOR INCLUSION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under section 2(b), Article VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, there are properties in the City's jurisdiction that are located in flood hazard areas; and

WHEREAS, Chapter 166, Florida Statutes, authorizes the City Council acting for the City of New Port Richey, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of Ordinances in accordance with law; and

WHEREAS, the City's Land Development Code was amended on August 19, 2014 by Ordinance No. 2014-2035 to include Chapter 22, Flood Damage Prevention, to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas; and

WHEREAS, to maintain the City's excellent flood insurance rating as determined by the National Flood Insurance Program's Community Rating System, the City seeks to adopt and enforce effective local floodplain management regulations; and

WHEREAS, it is prudent to require preliminary plats, final plats and re-plats to delineate flood hazard areas, floodway boundaries and flood zones, and design flood elevations; and

WHEREAS, this Ordinance is in the best interests of the health, welfare, and safety of the citizens of the City of New Port Richey, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:

**SECTION I.** Section 22.11.02, Subdivision plats, of the New Port Richey Code of Ordinances are hereby amended to read as follows:

22.11.02 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats, final plats and re-plats;
- (2) Where the subdivision base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 22.05.02(1) of this chapter; and
- (3) Compliance with the site improvement and utilities requirements of section 22.12.00 of this chapter.

**Section II.** This Ordinance shall be incorporated into the City of New Port Richey Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the

foregoing. Grammatical, typographical, and like errors may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section III.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reasons, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section IV.** This Ordinance shall become effective immediately upon its adoption.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2017 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers  
City Clerk

By: \_\_\_\_\_  
Robert Marlowe  
Mayor-Council Member

(Seal)

APPROVED AS TO FORM  
for the sole reliance of the City of New Port Richey

By: \_\_\_\_\_  
Timothy P. Driscoll, City Attorney