

ORDINANCE NO. 2020-2215

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR A ONE HUNDRED EIGHTY DAY MORATORIUM ON THE PERMITTING, CONSTRUCTION OR INSTALLATION OF MULTI-FAMILY RESIDENTIAL BUILDINGS HAVING MORE THAN FOUR (4) DWELLING UNITS WITHIN THE CITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Land Development Code provides limited design, construction and development standards for multi-family residential buildings with the City of New Port Richey;

WHEREAS, the City Council finds that regulation of multi-family residential buildings having more than four (4) dwelling units requires additional scrutiny because of the potential for adverse safety and aesthetic considerations;

WHEREAS, the City Council finds that authorizing a study regarding design and construction standards for multi-family residential buildings is necessary to evaluate various regulatory options available to the City;

WHEREAS, one hundred eighty days is a reasonable period of time to place a moratorium on the issuance of permits for the identified multi-family residential buildings;

WHEREAS, this moratorium is being enacted in good faith, and is of a minimum feasible duration to study the issue;

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

WHEREAS, the City Council finds and declares a need to impose a temporary moratorium on the permitting, construction or installation of multi-family residential buildings of more than four (4) dwelling units in the City for a period of one hundred eighty days (180) to allow the City Council sufficient time to evaluate various options for regulation thereof, and to protect the health, safety and welfare of persons residing within the City;

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

SECTION 1. This Ordinance is enacted pursuant to Chapter 166 and 163, Fla. Stat., and under the home rule powers of the City in the interest of the health, peace, safety and general welfare of the people of the City of New Port Richey.

SECTION 2. The foregoing recitals and preamble clauses, incorporated herein, are true and correct. The City Council finds and declares that it is in the best interest of the general public and there exists a need to enact an Ordinance regulating specific uses in the City of New Port Richey, and that this Ordinance should be adopted. The Council further finds that in order for City staff to examine

and make recommendations to the Council as to the criteria to be considered, if any, it is necessary to place a moratorium, which is hereby placed, on the acceptance of applications, issuance of permits and approvals for the construction or installation of any multi-apartment dwelling structures, including apartment houses, townhouses, condominiums, apartment buildings or other multi-family residential buildings, containing more than four (4) dwelling units, including the construction thereof, regardless of ownership or sources of financing, within all zoning districts of the city, beginning on the effective date of this Ordinance. All pending applications, if any, are subject to this Ordinance.

SECTION 3. It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents of the City of New Port Richey through the analysis of development and construction standards applicable to such land uses throughout the City of New Port Richey.

SECTION 4. This moratorium shall remain in effect for one hundred eighty (180) days from the effective date of this Ordinance or until such time as repealed by the City Council, whichever occurs first, and may be extended by resolution of the Council to the extent permitted by law.

SECTION 5. The City Council hereby authorizes a study on the issues relating to the City's regulation of multi-family residential buildings and developments within the City.

SECTION 6. In accordance with the above findings, and pending completion of the study, no application for any permit, license or approval of any nature concerning a multi-family residential building as set forth in Section 2 hereof shall be accepted by the Development Department during the term of this Ordinance. No additional review or other work on any previously accepted application concerning a multi-family residential building as set forth in Section 2 hereof shall be conducted during the term of this Ordinance. Any previously received applications shall be withdrawn by the applicant or the application shall be acted upon by the Development Department in accordance with this Ordinance. This moratorium shall not apply to any development project approved as a phased development project where permits have been issued and construction has commenced on one or more phases of the same development project.

SECTION 7. This moratorium may be enforced by any law or code enforcement officer.

(a) Methods of enforcement. The requirements of this moratorium may be enforced as follows:

- (1) By citation for civil penalties pursuant to the authority granted by Florida law and/or the City of New Port Richey Code of Ordinances. Each day of the violation shall constitute a separate offense, punishable by a fine not to exceed \$500.00 per count. The City may also seek entry of a court order requiring compliance with this ordinance;
- (2) By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction;
- (3) By revocation or temporary suspension of necessary permits and/or certificates of occupancy and/or licenses; and
- (4) By any other process permitted at law or equity.

Use of one enforcement process or method does not preclude the City from seeking the same, different, or additional relief through other enforcement methods.

(b) Persons responsible for violations include:

- (1) any person who owns, operates, or manages the property in violation hereof;
- (2) the lessee of the property where such violation exists, if the premises are leased;
- (3) any person in physical control of the property where the violation exists;
- (4) if a responsible person is a corporate entity, the officers, directors, members, or other principals of the entity are jointly and severally responsible for violations by the entity; and
- (5) any other person causing or contributing to a violation.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby suspended during the time period set forth in Section 4 above.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, then such portion 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 10. This Ordinance shall take effect upon its passage and 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 _____, 2020 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 _____, 2020.

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