

ORDINANCE NO. 2013-2018

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, TO BE INCLUDED IN CHAPTER 18 OF THE CITY'S LAND DEVELOPMENT CODE, APPENDIX A TO THE CITY CODE; ESTABLISHING A HISTORIC PRESERVATION CODE, PROVIDING FOR A TITLE; PROVIDING DEFINITIONS; PROVIDING FOR THE SCOPE OF THE HISTORIC PRESERVATION CODE; PROVIDING FOR THE PURPOSE AND INTENT OF THE HISTORIC PRESERVATION CODE; CREATING A HISTORIC PRESERVATION BOARD; ESTABLISHING THE DUTIES, POWERS AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION BOARD; ESTABLISHING A HISTORIC DESIGNATION PROCESS AND PROCEDURES; PROVIDING FOR THE EFFECT OF SUCH DESIGNATION; PROVIDING FOR A CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR PROCEDURES TO OBTAIN A CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR INCENTIVES FOR PRESERVATION; PROVIDING A STAY OF DEMOLITION FOR CERTAIN STRUCTURES OR BUILDINGS; PROVIDING FOR PENALTIES; PROVIDING FOR DEMOLITION BY CERTAIN GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, several historic buildings, structures, sites, signs, objects and districts are located within the City of New Port Richey which illustrate the historical development of the City and, to an extent, the State of Florida; and

WHEREAS, the City of New Port Richey is committed to the redevelopment and maintenance of the downtown central business district and certain residential neighborhoods located in the City, ~~and has created the City of New Port Richey Community Redevelopment Agency to assist in the City's redevelopment and maintenance efforts;~~ and

WHEREAS, many buildings, structures, sites, objects, signs and districts in Florida and elsewhere in the United State having historic, architectural, archaeological, aesthetic or cultural interest and value have been neglected, altered, or destroyed without regard for their preservation and continued existence.

WHEREAS, the City of New Port Richey, ~~by and through its Community Redevelopment Agency,~~ desires to enact an ordinance to assist in the preservation, maintenance and redevelopment of those structures, buildings, sites, objects, signs and districts that illustrate valuable historical, architectural, cultural, aesthetic or archaeological significance.

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

SECTION I. ADDITIONS / SECTION 18.01.01

Section 18.01.01 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Title" is hereby added to read as follows:

Sec. 18.01.01. Title.

This chapter of the City Code shall be known as the New Port Richey Historic Preservation Code and referred to as the Historic Preservation Code.

SECTION II. ADDITIONS / SECTION 18.01.02

Section 18.01.02 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Definitions" is hereby added to read as follows:

Sec. 18.01.02. Definitions.

As used in this article, the following words, terms and phrases shall have the meanings respectively ascribed to them herein. Unless specifically defined below, words, terms and phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application. For purposes of this Article, in the event of conflict between the provisions of this section and the City's Land Development Code, the provisions of this section shall control.

Board shall mean the City of New Port Richey Historical Preservation Board.

Building shall mean a structure created to shelter any form of human activity including without limitation an office, house, church, hotel, courthouse, jail or other structure.

Certificate of Appropriateness shall mean a document or written authorization issued by the Board to the owner of a historically designated property that provides approval for a proposed alteration, material change in the appearance, relocation, or demolition of (i) a designated historic property, (ii) a contributing property within a historic district, or (iii) of certain proposed new construction within a designated historic district.

Construction shall mean the erection of an on-site improvement to a building, structure, sign, object or site located within a historic district, historic site, or archaeological site.

Contributing structure or resource shall mean a building, structure, site, sign or object that is at least fifty (50) years old, that is located within the boundaries of a designated historic property or historic district, and that contributes to the historic or architectural character of the property or district.

Demolition shall mean an act or process that destroys or removes, in whole or in part, or permanently impairs the structural or original architectural integrity of, a historic property, a contributing structure or a contributing resource.

Designated property or designated building or designated structure or designated sign or designated object or designated district shall mean a property, building, structure, object, sign, or district, whether public or private, that has been designated historic by the City Council of New Port Richey.

Exterior or exterior architectural features shall mean all outside surfaces of a building, structure, sign or object, including without limitation the architectural style, general design and arrangement of the exterior thereof with regard to, among other things, the building materials used, and the type, style and material of windows, doors, signs and other appurtenant architectural fixtures, features, details and elements

relative thereto.

Florida Conference of Preservation Boards and Commissions shall mean a coalition of Florida historic preservation boards and commissions, formed under the auspices of the Florida Trust for Historic Preservation, whose primary function is to educate preservation commission members and to enable member commissions to share ideas.

Florida master site file shall mean the list or catalogue of all recorded historical and archaeological sites and properties located in Florida and maintained by the State of Florida Department of State, Division of Historical Resources.

Historic district shall mean a geographically definable area possessing a significant concentration, linkage, or continuity of landmarks, improvements, or landscape features, united by historic events or aesthetically by plan or physical development, which has been designated by the City Council as a historic district pursuant to the procedures and criteria established in this Historic Preservation Code. A historic district may have within its boundaries non-contributing resources that are of little or no historic significance and that are not to be designated as landmarks, but which may or may not contribute to the overall visual character of the district.

Historic property shall mean an individual building, structure, site, sign or object, including the adjacent area necessary for the property appreciation thereof, designated by the City Council to be a historic property pursuant to the procedures and criteria established in this Historic Preservation Code.

Historic Survey shall mean a systematic and comprehensive architectural survey conducted by historic preservation professionals which includes identification, historical research, and documentation of buildings, structures, sites, signs and objects of historical, cultural, archaeological, aesthetic or architectural importance in the City of New Port Richey.

Landscape feature shall mean any improvement or vegetation including without limitation any out building, wall, courtyard, fence, shrubbery, tree, sidewalk, planter, gate, street furniture or exterior lighting.

Local Register of Historic Places shall mean a listing of buildings, structures, sites, objects, signs and districts that have attained a level of local, state, or national historical, architectural, archaeological, aesthetic or cultural significance and have been historically designated pursuant to the procedures and criteria established in this Historic Preservation Code.

Material change shall mean a change in appearance that will affect either the exterior architectural features of a designated historic property or a contributing resource located within a designated historic district and with regard thereto, shall include but not be limited to (i) any reconstruction or alteration of the exterior size, shape or facade, (ii) any replacement, relocation or enlargement or reduction in size of any doors or windows, (iii) any removal, obscuring of or alteration of any exterior architectural features, details or elements (excluding exterior paint and paint colors), or (iv) any demolition, relocation, or new construction within the boundaries of a historic property or historic district

National Register of Historic Places shall mean the United States Department of the Interior listing of buildings, sites, structures, objects, signs and districts that have attained a level of historic significance and integrity as determined by the National Preservation Act of 1966, as amended.

Non-contributing resource shall mean a building, structure, site or object, located within the boundaries of a designated historic property or historic district, that is not 50 years old or that has been so

severely altered such that it no longer retains the majority of its original architectural integrity, and therefore no longer contributes to the historic or architectural character of the property or district.

Ordinary repairs or maintenance shall mean any work for which a building permit is not required by the City's Land Development Code or other applicable law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a contributing resource or any part thereof that will restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

Owner shall mean an individual, business entity, or public agency holding fee simple title to real property. Such definition does not include an individual, business entity or public agency holding an easement or something less than fee interest (including leaseholds) of any nature.

Rehabilitation shall mean the process of repairing or altering a historic property so that an efficient contemporary use is maintained or achieved while those significant historical, cultural, aesthetic, archaeological, or architectural features that distinguish and relay the historic architecture and character of the property are preserved.

Restoration shall mean the process of accurately recovering the form and detail of a historic property as it appeared at a particular period of time, and may involve the replacement of missing exterior architectural features or removal of later additions or alterations to the historical property.

Reconstruction shall mean the process of reproducing by new construction the exact form and detail of a demolished or near ruinous building, structure, object, sign or site as it appeared at a certain point in time.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall mean a federal document setting forth standards and guidelines for the appropriate rehabilitation and preservation of historic buildings.

Structure shall mean anything constructed or erected with a fixed location on or near the ground or water or attached to something having a fixed location on the ground or water. Among other things, structures include without limitation buildings, manufactured homes, walls, fences, screen enclosures, tents, balloon or forced air signs, billboards, and other signs.

Object shall mean anything constructed, whether moveable or immobile, that is associated with a specific setting or environment, is primarily artistic in nature or is relatively small in scale and is constructed in a simple manner. Among other things, objects include fountains, sculptures, statues, boundary markers, monuments and similar items.

Undue economic hardship shall mean any action taken or desired that would, upon substantial and adequate documentation, place an onerous, severely cumbersome, or excessive financial burden upon an owner amounting to the equivalent of a taking of the owner's property without just compensation.

SECTION III. ADDITIONS / SECTION 18.01.03

Section 18.01.03 of Chapter 18 of the Land Development Code, Appendix A to the City of New Port Richey City Code, entitled "Purpose and intent" is hereby added to read as follows:

Sec. 18.01.03. Purpose and intent.

It is hereby declared by the City of New Port Richey, Florida that, as a matter of public policy, the protection, enhancement and perpetuation of buildings, structures, sites, objects, signs, and districts of historical, architectural, cultural, aesthetic, or archaeological merit is recognized among the City's most valued and important assets, and that the preservation, enhancement and perpetuation of this heritage is in the interest of, and essential to, the promotion of the health, prosperity, welfare, education, and understanding of the residents of New Port Richey and, as a result, is hereby designated as a public purpose. Therefore, this Historic Preservation Code is intended to:

- A. Provide for the identification, designation, and continued protection, preservation and rehabilitation of historic properties, districts, structures, objects, signs, and sites located within the City which represent distinctive elements of the City's cultural, social, economic, architectural, and archaeological history;
- B. Stimulate, enhance and revitalize the downtown business district and historic neighborhoods of the City;
- C. Protect and enhance historical attractions to tourists and residents of the City, thereby promoting and stimulating business within the City;
- D. Enhance the opportunities for federal, state and local tax benefits under relevant provisions of federal, state and local law;
- E. Foster civic pride in the past accomplishments of the current and former citizens of the City;
- F. Promote the use of individual historic buildings, structures, districts, signs, sites and objects for the education, pleasure and welfare of the residents of the City;
- G. Stabilize and strengthen the economy of the community by stabilizing and improving property values within, and enhancing the property tax base of, the City by encouraging improvement of designated historic properties, buildings, districts, structures, signs and objects; and
- H. Provide a review process for the continued preservation, appropriate use and adaptive reuse of the City's historic resources.

SECTION IV. ADDITIONS / SECTION 18.01.04

Section 18.01.04 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Scope of regulation" is hereby added to read as follows:

Sec. 18.01.04. Scope of regulation.

This Historic Preservation Code shall govern, and be applicable to, all properties located within the boundaries of the City of New Port Richey. For all zoning and land use districts within the boundaries of a designated historic property or historic district, the City's Land Development Code as well as the regulations for the subject historic designation shall apply. In the event a conflict exists between the City's Land Development Code and the regulations of the historic designation, the more restrictive regulations shall

apply, unless relief from certain specific provisions of the City's Land Development Code is granted after due process and approval by the New Port Richey City Council as an incentive for historic designation as set forth in this Historic Preservation Code.

SECTION V. ADDITIONS / SECTION 18.01.05

Section 18.01.05 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Creation of a Historic Preservation Board" is hereby added to read as follows:

Sec. 18.01.05. Creation of a Historic Preservation Board.

A. *Creation / Organization.* There is hereby created a board whose title shall be the "New Port Richey Historic Preservation Board". The Board shall be vested with the power, authority and jurisdiction to regulate and administer historical, archaeological and architectural resources in the City and to recommend resources for historic designation to the City Council, as herein prescribed under the direction, jurisdiction and legislative control of the City Council. The Board shall be provided with such administrative assistance from the City staff as may be available and deemed necessary to enable the Board to perform the functions assigned under this Historic Preservation Code. When professional services or more expertise, knowledge or assistance is required than is available from city staff, the Board may request authorization to procure such outside services, but engagement of such outside services shall only occur upon receipt of prior authorization by the City Council, unless an independent budget or funding source has been established for the Board.

B. *Position Within the City of New Port Richey.* The Board shall be part of the City's ~~Community Redevelopment~~ Development Department of the City of New Port Richey.

C. *Membership.* The Board shall consist of ~~five (5) members~~, nine (9) members and two (2) alternate members, all of whom shall be residents of the City of New Port Richey and appointed by the City Council. The alternates will serve as a members in the absence of a regular appointed member. Members shall serve without compensation, but may receive reimbursement for travel expenditures in accordance with the Florida Statutes, provided prior approval has been granted by the City Council.

D. *Qualifications.* Members of the Board shall preferably have knowledge of architecture, history, and/or the historical or architectural development of the City, or at minimum, have a deep concern for historic preservation, development and enhancement of the City's historical resources. To the extent available in the community, the City Council shall appoint professional members from the disciplines of architecture, history, architectural history, planning, art history, archaeology, American studies, American civilization, cultural geography, cultural anthropology, real estate, building construction, or other historic preservation related disciplines. Persons who have demonstrated experience, special interest, or knowledge in history, architecture or related disciplines shall make up the balance of the board when such professionals are not available for appointment to the Board.

E. *Terms of Office.* The members of the Board shall serve overlapping terms of three (3) years. In order to achieve staggered terms, initial appointments shall be as follows:

1. ~~two (2)~~ five (5) members shall be appointed for initial terms of two (2) years; and
2. ~~three (3)~~ six (6) members shall be appointed for initial terms of three (3) years.

Thereafter, all appointments shall be made for terms of three (3) years. Members shall continue in office until the expiration of their terms and an appointment of a successor. Members may also be re-appointed on the expiration of their term upon prior request and acceptance of reappointment. Members appointed to fill a vacancy shall serve the remainder of the un-expired term and remain eligible for reappointment for full additional and consecutive terms.

F. *Officers.* Members of the Board shall elect officers from among the Members to serve as Chairman and Vice Chairman for a period of one year, with the election of officers being held at the first regular meeting of each year. An officer may serve in the same capacity for as many terms as said officer is elected by the members of the Board.

G. *Vacancies.* Vacancies on the Board caused by the expiration of a term, resignation, removal, death, or repeated or permanent absence from the City or meetings, or by incapacity of a member, shall be filled by an appointment within sixty (60) days by the City Council, whenever possible. If available, vacancies shall be filled from the alternate positions.

H. *Removal.* Members may be removed from the Board only by a ~~three-fifths~~ 5:4 vote of the entire membership of the City Council. Notwithstanding the foregoing, whenever a Member of the Board shall fail to attend 2 of 3 consecutive meetings, without cause accepted by a majority vote of the Board as an excused absence, or without prior approval of the Chairman, the Board shall declare the Member's seat vacant, and petition the City Council for the appointment of a new Member to fill the vacancy.

I. *Rules of Procedure.* The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this Article. Such rules and regulations shall conform to the provisions of this Article and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations by the Board, and the same has been approved by the City Council and filed with the City Clerk so as to be available for public inspection. Amendments shall be adopted in a like manner. Upon approval by the City Council, such rules and regulations shall have the full force and effect of law within the City.

J. *Meetings, Notices and Records.* The Board may meet as often as bi-weekly, shall hold regular monthly meetings as necessary, and is required to meet at least four (4) times per year. The Board may also hold special meetings as the Board may determine. All meetings of the Board shall be open to the public. Notice of meetings shall be publicly announced and have a previously advertised agenda. ~~Three (3)~~ Five (5) members shall constitute a quorum for the purposes of holding meetings, transacting business, and voting on issues of the agenda. No recommendations or formal action of the Board shall be taken without an approval by a majority vote of those voting at a public-forum meeting in which a proper quorum exists. Failure to receive a majority vote of those voting shall act as a denial by the Board. The Board shall keep minutes and other records that shall be open to public inspection. The Board shall also maintain an inventory of all historic places, structures, buildings, sites, objects, and signs over fifty (50) years of age or older with duplicate information sent to the State Historic Preservation Office. All meetings and records shall comply with the State of Florida Government in the Sunshine Laws.

1. The Board shall provide the State Historic Preservation Officer with thirty (30) calendar days prior notice of all meetings.

2. The Board shall submit minutes of each meeting to the State Historic Preservation Officer within thirty (30) calendar days.

3. The Board shall submit a record of attendance of the Board to the State Historic Preservation Officer within thirty (30) calendar days after each meeting.

4. The Board shall submit public attendance figures for each meeting to the State Historic Preservation Officer within thirty (30) calendar days after each meeting.

5. The Board shall notify the State Historic Preservation Officer of change in Board membership within thirty (30) calendar days of action.

6. The Board shall notify the State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations.

7. The Board shall submit amendments to ordinance to the State Historic Preservation Officer for review and comment at least thirty (30) calendar days prior to adoption.

8. The Board shall submit an annual report by November 1 covering the activities of the previous October 1 through September 30. Information to be included in the annual report (at a minimum) is as follows:

- a. A copy of the Rules of Procedure;
- b. A copy of the historic preservation ordinance;
- c. Resumes of the Board members;
- d. Changes to the Board roster;
- e. New local designations;
- f. New National Register listings;
- g. A review of survey and inventory activity with a description of the system used;
- h. A program report on each grant-assisted activity; and
- i. The number of projects that were reviewed.

K. *Staff and Personnel.* The City shall provide the Board with staff and consultant services, as necessary, sufficient to undertake the requirements of this Historic Preservation Code. The City Attorney shall serve as legal counsel to the Board in all matters.

L. *Powers, Duties, and Responsibilities of the Board.* It shall be the responsibility of the Board to:

1. Initiate, authorize, and oversee an ongoing historic survey and inventory of historically, culturally, aesthetically, archaeologically or architecturally significant resources within the City and to plan for the preservation of significant resources identified in the survey(s). All survey materials shall be kept available to the public, and duplicates of all inventory forms shall be supplied to the State Historic Preservation Office.

2. Recommend to the City Council specific buildings, structures, sites, signs, objects or districts approved for designation by the Board according to the procedures and based upon the criteria contained in this Historic Preservation Code as historic properties or historic districts to be listed on the Local Register of Historic Places.

3. Develop, publish, review and periodically update design guidelines. Such

guidelines shall incorporate and be based upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. In adopting these guidelines, it shall be the intent of the Board to promote maintenance, restoration and adaptive reuses appropriate to the property and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes.

4. Recommend concepts or policies to the City Council and Community Redevelopment Agency that will assist in making historic preservation an integral and on-going part of the City's Land Development Code, and the City Comprehensive Plan, as required by the state of Florida.

5. Review applications for Certificates of Appropriateness and grant, deny, or suspend same based upon the application and the project's consistency with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and in accordance with the provisions of this Historic Preservation Code.

6. Review and act upon applications for moving permits for all buildings, structures, signs, or objects that have been designated as historically significant pursuant to this Historic Preservation Code.

7. Review and act upon applications for moving permits for all structures that are:

a. Located outside the boundaries of a designated historic district when the proposed move would relocate the structure within the boundaries of a designated historic district.

b. Located within the boundaries of a designated historic district whether the proposed move would relocate the structure within the district or outside the district.

8. Conduct and attend educational programs on historic properties located inside and outside of the boundaries of the City, and on historic preservation in general.

9. Make recommendations to the City Council concerning the availability and utilization of grants from federal and state agencies, private groups and individuals, as well as the utilization of City funds to promote, undertake and enhance the preservation of archaeologically, historically, culturally, architecturally and aesthetically significant historic sites and districts.

10. Advise and assist property owners and other persons, groups or organizations on the physical and financial aspects of historic preservation and the renovation, rehabilitation, and restoration of historic and cultural resources, and to advise and assist property owners in identifying available funding sources while providing support to them in their efforts to secure available grant funding as well as state and local tax incentives.

11. Cooperate and advise local, state and federal governmental entities concerning the effects of local government actions on historic and cultural resources.

12. Assist, review and make recommendations to the State Historic Preservation Office on local nominations to the National Register of Historic Places.

13. Enforce this Historic Preservation Code and take appropriate action for

noncompliance herewith.

14. Make a reasonable effort to attend a State Historic Preservation Office Orientation Program and any informational or educational meetings, conferences or workshops pertaining to work and functions of the Board scheduled by the State Historic Preservation Officer or the Florida Conference of Preservation Boards and Commissions or any other relevant educational workshops, conferences, or seminars relevant to historic preservation.

15. Approve, seek funding for the production of, and issue standard historic plaques or markers for designated historic properties, sites, and districts within the City.

16. Advise and assist the City Council on all matters related to the use, administration and maintenance of City owned historic properties.

17. Promote public awareness of historical, cultural, aesthetic, architectural and archaeological preservation and its community benefits.

18. Propose and recommend to the City Council any amendments to this Historic Preservation Code that, in the opinion of the Board, would further the objectives of this Historic Preservation Code.

19. Maintain responsibilities complementary to those of the State Historic Preservation Office through participation in municipal survey and planning activities, and p Provide any other services and/or functions that may be designated by the City Council.

SECTION VI. ADDITIONS / SECTION 18.01.06

Section 18.01.06 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Designation process and procedures" is hereby added to read as follows:

Sec. 18.01.06. Designation process and procedures.

A. *Local Register of Historic Places.* A Local Register of Historic Places shall be created as a means of identifying and classifying various sites, buildings, structures, signs, objects and districts as historically, culturally, aesthetically, archaeologically and/or architecturally significant. The Local Register shall be kept up to date by the Board.

B. *Criteria.* The criteria to be applied by the Board and City Council with regard to the historic designation of a building, structure, district, site, object or sign as historically, aesthetically, architecturally, culturally or archaeologically significant, shall be as follows:

1. Historic Buildings or Structures. A building or structure is of historic significance if it possesses at least three (3) of the following: integrity of (i) location, (ii) design, (iii) setting, (iv) materials, (v) workmanship or (vi) association, and if it:

a. Exemplifies or reflects the broad cultural, political, economic or social history of the City, Pasco County, the State of Florida, or the United States of America;

b. Is associated with events which have made a significant contribution to the

broad patterns of our local, state or national history,

c. Is associated with the life of a person who has played a significant role in our local, state or national history;

d. Embodies the distinctive visible characteristics of an architectural style, period, or method of construction;

e. Represents the work of a designer or builder whose work has been generally acknowledged; or

f. Is a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or association has survived.

2. Historic Districts. A district is of historic significance when it possesses integrity of (i) location, (ii) design, setting, materials, workmanship and association and it;

a. Represents a significant entity whose components may lack individual distinction;

b. Represents a geographically defined area which contains buildings, structures, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling, and association; or

c. Represents a geographically designed entity whose individual structural components collectively convey a sense of time and place in history.

3. Archaeological Sites and Districts. A site or district is of archaeological significance if it:

a. Has yielded or is likely to yield significant information relating to prehistoric or historic time periods; or

b. Contains any subsurface or any unusual ground formations of archaeological significance.

4. Historic Signs. A sign, regardless of its age, is of historical significance if it satisfies one or more of the following criteria:

a. The sign is significant to the history of the City, including, but not limited to, the character of the City as a seaside community, tourist attraction, or cultural center;

b. The sign is unique, notably aesthetic, or creative so as to make a significant contribution as a work of art;

c. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may no longer be economically feasible to produce or manufacture the sign in today's environment; or

d. The sign is incorporated into the architecture of a building, so as to be essential to the integrity of the building.

5. National Register Properties or Districts. Properties or districts previously listed in the National Register of Historic Places, or determined eligible for listing in the National Register, are deemed eligible for listing in the local register upon application of the property owner and approval of an ordinance designating the property or district by the Board and City Council based upon the assumption that the property or district meets or exceeds the necessary criteria for local designation.

C. *Initiation of Designation Process.* The following procedure shall apply for the designation of buildings, structures, district, objects, sites, or signs pursuant to this Article:

1. Designation must be proposed by ~~the property owner or its authorized representative.~~ the New Port Richey Historic Preservation Board.

2. The petition for designation shall adhere to the instructions and forms approved by the Board and provided by the City's ~~Community Redevelopment~~ Development Department. The designation report shall be required to contain the following:

a. The physical address and the legal description or proposed legal boundaries of the subject property, district or site.

b. The proposed name of the proposed building, structure, site, sign, object or district and the justification or basis for such.

c. The historic, architectural, aesthetic, archaeological or cultural significance of the nominated building, structure, object, site, sign, or district including information on original or past owners.

d. A physical description of the nominated building, structure, object, site, sign, or district including, the approximate date of construction, name of architect or building if known, the style of architecture, architectural features, and non-historic alterations and additions and the approximate date of those changes.

e. A sketch or survey showing contributing and noncontributing resources and proposed boundaries of the historic property, district or site.

f. Copies of historic photographs, if available, and recent photographs that include views of all elevations of the building and site for individual properties and at least one photograph of each resource, both contributing and non-contributing within the proposed boundaries of a proposed district.

g. Color slides for use at the public hearings before the Board and City Council.

h. The signature of the property owner of record. In the instance of the nomination of a historic district, the petition for designation must include the signatures of at least sixty five percent (65%) of the property owners within the proposed district in order

to be placed upon the Board's agenda and considered by the Board for such designation.

i. A notarized statement of authorization if the property owner is to be represented by an agent.

j. A notarized statement of objection from the property owner if prevention of nomination to the National Register is desired.

3. The petition for designation shall be filed in the office of the City's ~~Community Redevelopment~~ Development Department.

4. The staff of the City's ~~Community Redevelopment~~ Development Department shall conduct a preliminary evaluation of the information provided in the petition for designation for its completeness and to ensure its conformance with the designation criteria.

5. ~~The Board shall hold a public hearing on the petition and the property owner and its authorized representative shall be notified by certified mail at least seven (7) days in advance of the hearing. Notice of the public hearing shall also be published in a newspaper of general circulation at least seven (7) days in advance. If a property owner withdraws the request for historic designation, then the historic designation process shall terminate. Any subsequent request by the property owner (or any subsequent property owner) to historically designate the same property shall proceed in accordance with this section as if no prior request had been submitted. , and the appropriate local officials, applicants, and owners of record shall be given a minimum of thirty (30) calendar days and not more than seventy-five (75) calendar days prior notice to Board meetings in which to comment on or object to the listing of a property in the National Register.~~

D. *Designation Procedure and Public Hearing Process.* The Board shall hear and consider a petition for designation and shall receive testimony and/or documentary evidence to establish a record regarding the historical, archaeological, cultural, aesthetic and/or architectural significance of the proposed designation. Any interested party may present testimony or documentary evidence regarding the proposed designation at the public hearing. The owner of the property proposed for designation shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine witnesses presented by others.

At the close of the public hearing, the Board shall vote to recommend in favor of the proposed designation to the City Council or shall vote against the proposed designation. If the petition for designation is for a proposed historic district, the Board's recommendation shall include a classification of all structures within the proposed district as contributing or noncontributing resources. The recommendation of the Board shall be made on the basis of concurrence or disagreement with ~~Redevelopment~~ Development staff findings, rather than by Board Review of each property, if they so elect.

If the Board votes to recommend in favor of the proposed designation, such action shall be reported to the City Council by the Chairman at a regularly scheduled council meeting. At that meeting, after hearing the report from the Board Chairman, the City Council may direct the preparation of an ordinance providing for the designation of the proposed building, structure, object, site, sign or district. Alternatively, after hearing the report of the Board Chairman, the City Council may act to deny the proposed designation. An ordinance providing for designation of a historic district shall establish the criteria for review of new construction within the district such as style, height, setback, or other variables. Upon being prepared, all such ordinances shall be voted upon by the City Council using the normal procedures and notice provisions

for City ordinances. In addition, ~~the owner of the property proposed for designation, and its authorized agent, if any, shall be given written notice of the public hearing by certified mail, a minimum of seven (7) days in advance of the public hearing; the appropriate local officials, applicants, and owners of record shall be given a minimum of thirty (30) calendar days and not more than seventy-five (75) calendar days prior notice to Board meetings in which to comment on or object to the listing of a property in the National Register.~~

After final adoption of the designation ordinance by the City Council, the subject building, structure, object, site, object, sign, or district shall remain designated as historically or architecturally significant, regardless of any change in ownership, unless such designation is removed by a subsequent ordinance of the City Council, which shall only be permissible when in accordance with this Historic Preservation Ordinance.

If the Board votes against the proposed designation, the decision of the Board shall be final and the building, structure, object, site, or sign shall not be considered for designation or designated by the City Council unless a subsequent petition for designation is submitted thereafter. ~~A petitioner or owner may not apply for a designation for the same or a substantially similar designation request for one (1) year from the date of the final determination on the petition for designation by the City Council.~~

E. Right of Appeal.

Any adversely or substantially affected person may appeal the decision of the New Port Richey Historic Preservation Board. Appeals of the Board's decision may be made to the City Council. All appeals shall be in writing, shall be notarized, and shall state which facts, criteria, and standards were relied upon as determinants, and such person's administrative remedies shall not be deemed to have been exhausted unless and until the City Council then acts on the appeal.

E.F. Temporary Delay in Permitting. Following the filing of a petition for designation, permits shall not be issued for any new construction, alteration, relocation, or demolition for the nominated property until the Board considers the petition for designation. No permit shall be issued for any new construction, alteration, relocation, or demolition of property included in the nomination unless the Board follows the procedures and requirements for a Certificate of Appropriateness during the time the nomination is pending consideration by the City Council and finds that such a permit may be issued. Any application for a Certificate of Appropriateness for a property pending designation may only be considered by the Board subsequent to a majority vote of the Board approving the petition for designation.

E.G. Removal of Historic Designation. Application may be made for the removal of a property from the Local Register of Historic Places. Such application shall follow the same procedure as employed in filing a petition for designation under this section and requires an ordinance, as well. A property shall be removed from the Local Register of Historic Places only ~~in~~ in very limited circumstances, provided that:

1. The subject structure, building, site, district, object, property or sign no longer meets the applicable criteria for designation found in this Historic Preservation Code;
2. Additional information provided indicates that the subject structure, building, site, district, object, property or sign does not meet the applicable criteria for designation in this Historic Preservation Code;
3. An error in professional judgment was made in the Board's recommendation for designation of the subject property or sign; or

4. A procedural error occurred in the original designation process.

~~G-H.~~ Notification of Other Agencies and Departments. Once an ordinance has officially passed designating a structure, building, site, object, sign or district as a historic district or property, the City's ~~Community Redevelopment~~ Development Department shall provide notice of such designation to all necessary governmental agencies and departments within the City, Pasco County, and state of Florida, including without limitation the Building and Development Services Departments of the City and the West Pasco County Historical Society.

~~H-I.~~ Recording of Designation. The City's ~~Community Redevelopment~~ Development Department shall record all designation ordinances in the public records of Pasco County, Florida.

~~I.~~ ~~Effects of Designation.~~ J. Consequences of Designation.

1. Signage. The Board is authorized to issue and install a plaque or marker on or near the property indicating the structure, building, site, object, sign or district has been designated as a historic district or historic property.

2. Long Term Preservation. Upon designation, the Board and the owner shall discuss and prepare a plan for the long-term preservation of the property.

3. Regulation. Upon achieving designation as a historic property or historic district, the subject building, structure, site, object, sign or district shall be subject to certain regulation by the Board. A Certificate of Appropriateness issued by the Board shall be required prior to any exterior alteration, new construction, or demolition of an individually designated property or to a contributing structure within a designated historic district.

4. Incentives. Designated properties and contributing buildings within historic districts shall be eligible for the following incentives:

- a. Designated properties and contributing structures and resources within historic districts shall be eligible for any financial incentives or assistance set aside, secured, or mandated for historic preservation projects from the City, County, state of Florida, or the federal government, provided they meet the requirements of those financial assistance programs.

- b. The Board shall encourage and assist in the nomination of eligible income-producing properties to the National Register of Historical Places in order to make available to those property owners the federal investment tax credits for certified rehabilitation pursuant to the Tax Reform Act of 1986 and any other programs offered through the Department of the Interior, National Register of Historic Places.

- c. Designated properties may be eligible for administrative variances or other forms of relief from applicable provisions of the City Code for repairs, alterations and additions necessary for preservation or rehabilitation of designated properties or contributing structures or properties within historic districts that allow for the continued use of a building or structure, when the proposed work has been issued a Certificate of Appropriateness by the Board provided that:

- (1) the restored or rehabilitated building will be no more hazardous

based on consideration of life, fire and sanitation safety than it was in its original condition;

(2) plans and specifications are sealed by a Florida registered architect or engineer, if required by the building official;

(3) Owners of designated properties which have received a Certificate of Appropriateness are eligible for variances from the Land Development Review Board related to setbacks, lot width, depth, area requirements, parking requirements, land development regulations, and other similar provisions of the City's Land Development Code and need only demonstrate that the granting of the variance will not be injurious to the neighborhood or to the health, safety, or welfare of the public. Variances will be granted upon a determination that the variance will be in harmony with the general appearance and character of the surrounding neighborhood; and

(4) Designated properties may be utilized to satisfy required setbacks, buffer stops or open space up to the maximum area required by development regulations and the City's Land Development Code. Conservation of designated historic, cultural, aesthetic, architectural or archaeological resources shall qualify for any open space requirements mandated by development regulations or the City's Land Development Code.

(5) Owners of historically designated properties or contributing properties within designated historic districts may petition for a special exception for any use which would serve to perpetuate the viable, contemporary utilization of the historic structure, regardless of whether such use is permitted by special exception in the zoning and land use district in which the historic structure is located. The procedure for issuance of a special exception shall be the same as that set forth in the City's Land Development Code, and the property owner shall be required to prove that the proposed use will adequately provide for each of the criteria enumerated in the City's Land Development Code, absent any variances granted by the City as an incentive for historic preservation, to the extent applicable.

5. Notwithstanding anything contained herein to the contrary, nothing herein shall act or be deemed to abrogate the provisions of the Florida Building Code, as amended, and said building code, as it addresses historic structures, buildings, sites, objects, signs and districts, shall specifically apply thereto.

SECTION VI. ADDITIONS / SECTION 18.01.07

Section 18.01.07 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Effect of designation" is hereby added to read as follows:

Sec. 18.01.07. Effect of designation.

A. *Certificate of Appropriateness.* A Certificate of Appropriateness must be obtained before a person may undertake (i) a material change in exterior appearance to a designated historic property or to a

contributing structure or resource within a historic district, (b) for new construction on vacant land within a historic district when a building permit is required for such work, or (c) for demolition of a historic property or a contributing structure or resource within a historic district.

B. *Building Permits.*

1. After a structure has been historically designated, the City's Development Services Department shall refer all completed applications for building permits that affect the exterior of an individually designated property, building, structure, sign or object to the Board for review and approval. The Board shall respond within 60 days.

2. After designation of a historic district, the City's Development Services Department shall refer all completed applications for building permits for new construction and for permits which affect structures classified as contributing to the Board for review and approval. The Board shall respond within 60 days.

3. After a site or district has been archaeologically designated, the City's Development Services Department shall refer all approved applications for construction, development or excavation within the site or district to the Board for review and approval. The Board shall respond within 60 days.

4. After the Board has recommended designation of a historic property or historic district to the City Council, but prior to the City Council voting on the designation, the City's Development Services Department shall refer all completed applications for building permits that affect the exterior of an individually designated structure or a contributing structure within a historic district, or vacant land within a district to the Board for review and approval. The Board shall respond within 60 days.

5. Building permit fees for individually designated structures and contributing structures within a historic district that require a Certificate of Appropriateness will be waived by the City in order to assist the owner in offsetting any time and additional costs that it may incur in appearing before the Board and obtaining said Certificate of Appropriateness.

C. *Demolition Permits.*

1. After a structure has been historically designated, the City's Development Services Department shall refer all completed applications for demolition permits affecting an individually designated structure or a contributing structure within a historic district to the Board for review and consideration. The Board shall respond within 60 days.

2. After a site or district has been archaeologically designated, the City's Development Services Department shall refer all completed applications for demolition or new construction on the site or within the historic district to the Board for review and approval. The Board shall respond within 60 days.

3. The Board may grant or deny Certificates of Appropriateness for demolition permits without conditions or may grant a Certificate of Appropriateness conditioned upon a stay of demolition for up to one (1) year.

D. *Permits for Moving of Buildings.* The Board is not required to hold a public hearing in

order to consider the granting or denial of a Certificate of Appropriateness.

1. After a structure has been individually designated as historically significant, the City's Development Services Department shall refer all completed applications for moving permits affecting the subject structure to the Board for review and approval. The Board shall respond within 60 days.

2. After a historic or archaeological district has been so designated, the City's Development Services Department shall refer all completed applications for permits to move any structure in to, out of, or within the boundaries of a historic district to the Board for review and approval. The Board shall respond within 60 days.

3. After an archaeological site has been so designated, the City's Development Services Department shall refer all completed applications for moving of structures on to or off of the site to the Board for review and approval. The Board shall respond within 60 days.

E. *Sign Permits.* After a sign or structure has been historically designated, the City's Development Services Department shall refer all completed applications for sign permits associated with the building or building site to the Board for review and approval. The Board shall respond within 60 days. The City's Development Services Department shall also refer all completed sign permit applications for signage within the boundaries of a historic district to the Board. The Board shall respond within 60 days.

F. *New Construction.* After the designation of a historic property or a historic district, no new building, structure, or object shall be constructed on the site or in the district until the owner thereof has submitted an application for a Certificate of Appropriateness to the Board and the Board has approved such application. The Board shall respond within 60 days. The Board shall consider the compatibility of the new construction with the existing character of the historic property or historic district, but the Board shall not dictate the architectural type of new construction. Compatible design shall mean architectural design and construction that will fit harmoniously into the historic property or historic district. The Board shall also consider any local design guidelines and the Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as well as the following with regard to the proposed new construction when reviewing an application for new construction:

1. Scale, height and width;
2. Setbacks;
3. Orientation and site coverage;
4. Alignment, rhythm and spacing of buildings;
5. Form and detail of link between old and new;
6. Maintaining or consistency of materials;
7. Facade proportions, windows, and window patterns;
8. Entrances and porch projections;
9. Roof forms and materials; and

10. Horizontal, vertical or non-directional emphasis.

SECTION VII. ADDITIONS / SECTION 18.01.08

Section 18.01.08 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Certificate of Appropriateness for Pain or Interior Changes" is hereby added to read as follows:

Sec. 18.01.08. Certificate of Appropriateness for Paint or Interior Changes.

Building permit applications for designated properties or contributing structures within a historic district that involve only painting, interior work or mechanical work that ~~should have~~ has no effect on the exterior of the building shall not require the owner to file an application for a Certificate of Appropriateness. All other building permits shall require a Certificate of Appropriateness.

SECTION VIII. ADDITIONS / SECTION 18.01.09

Section 18.01.09 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Application for Certificate of Appropriateness" is hereby added to read as follows:

Sec. 18.01.09. Application for Certificate of Appropriateness.

Applications for a Certificate of Appropriateness shall be made to the City's ~~Community Redevelopment~~ Development Department on forms obtained from that office. Said forms shall include the specific requirements for submittal. All drawings, photographs, slides, plans, and specifications shall show existing and proposed exterior alterations, additions, changes, new construction and proposed building materials for such construction in sufficient detail to enable the Board to make an informed decision based on the merits of the application. The Board shall respond within 60 days.

SECTION IX. ADDITIONS / SECTION 18.01.10

Section 18.01.10 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Pre-Application Conference" is hereby added to read as follows:

Sec. 18.01.10. Pre-Application Conference.

Prior to the submittal of an application for a Certificate of Appropriateness, the Applicant shall meet with the City's ~~Community Redevelopment~~ Development Department to obtain information and guidance before entering into binding commitments, or incurring substantial expense in the preparation of plans, surveys, applications and other data. The purpose of such a conference shall be to discuss and clarify conservation objectives and design guidelines. In no case, however, shall any statement or representation made prior to the official application review be binding on the Board or the City of New Port Richey.

SECTION X. ADDITIONS / SECTION 18.01.11

Section 18.01.11 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Criteria for issuance of Certificate of Appropriateness" is hereby added to read as follows:

Sec. 18.01.11. Criteria for issuance of Certificate of Appropriateness.

A. *Building Permits.* When considering a Certificate of Appropriateness for the issuance of a building permit, the Board shall consider the criteria listed in the U.S. Secretary of the Interior's Standards for Rehabilitation at 36 Code of Federal Regulations, part 67, which are hereby adopted by reference as if fully set forth herein. Copies of the Secretary of the Interior's Standards shall be kept by all Board members and on file in the City's ~~Community Redevelopment~~ Development Department.

B. *Demolition Permits.* When considering a Certificate of Appropriateness for the issuance of a demolition permit, the Board shall consider the following criteria:

1. The historic or architectural significance of the building or structure;
2. The importance of the building or structure to the ambiance, scale and character of a district, if applicable;
3. The difficulty or impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location;
4. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood or in the City;
5. The future utilization or any proposed plan for the site and the practical and economic feasibility of the plan;
6. Whether reasonable measures can be taken to save the building or structure;
7. The role the current owner played in any neglected maintenance or in any existing deteriorated conditions, if any such exist;
8. Whether the building is capable of earning a reasonable economic return on its value; and
9. Whether the perpetuation of the building or structure, considering its physical condition, its location and the anticipated expense of rehabilitation would be economically feasible.

C. *Moving Permits.* When considering a Certificate of Appropriateness for the issuance of a moving permit, the Board shall consider the following criteria:

1. The historic character and aesthetic interest the building or structure contributes to its present setting;
2. The reasons for the proposed move;
3. The appropriateness of the proposed new site, setting, general environment, and

adjacent properties;

4. Whether the building or structure can be moved without significant damage to its physical integrity or structural soundness; and

5. When applicable, the effect of the move on the distinctive and visual character of a designated historic district;

D. *Sign Permits.* When considering a Certificate of Appropriateness for the issuance of a sign permit, the Board shall consider the following criteria:

1. Whether the work described in the sign permit can be performed without materially altering the historic architectural style, design, scale, height, type of material or dimensions of a designated historic sign;

2. Whether the work described in the sign permit is necessary to maintain the structural integrity of the historic sign;

3. Whether any proposed new signage detracts or is in sharp aesthetic contrast to the site or historic property; and

4. Whether the scale and signage materials used are appropriate to the building and/or site and do not detract from historic architecture or character of the building or district.

SECTION XI. ADDITIONS / SECTION 18.01.12

Section 18.01.12 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Economic hardship" is hereby added to read as follows:

Sec. 18.01.12. Economic hardship.

An undue hardship to maintain, rehabilitate, or restore a structure shall not be a situation of the person's own making or as a result of any failure on his or her part to maintain the property in good repair. If the owner claims economic hardship, the Board shall require the following information from the owner before considering any application for Certificate of Appropriateness:

A. an estimate of the cost of proposed construction, alteration, demolition, or removal and an estimate of any additional cost(s) that would be incurred in order to comply with the recommendation(s) of the Board for changes necessary for the issuance of a Certificate of Appropriateness;

B. a report from a licensed engineer, contractor or architect with experience in historic rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

C. the estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition, or removal, after any changes recommended by the Board, and for proposed demolition, after the rehabilitation of the existing property for continued viable use;

D. in the case of proposed demolition, an estimate from an architect, developer, licensed contractor, appraiser, or real estate consultant as to the economic feasibility of rehabilitation or reuse of the

existing designated or contributing structure on the property;

E. the means by which the property was acquired (whether purchased, gifted, or inherited), the amount paid for the property and the date of purchase or acquisition;

For income property, in addition to the above required information, the Board may also require the following additional information:

A. the annual gross income from the property for the previous three (3) years and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

B. the remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous three (3) years;

C. all appraisals available from the last three (3) years in connection with the purchase, financing, refinancing, or ownership of the property;

D. any printed or available listing information of the property for sale or rent, the asking price, and any offers received within the previous three (3) years;

E. the assessed value of the property according to the two most recent assessments;

F. amount of real estate taxes paid on the property for the previous three (3) years;

G. the ownership of the property if sole proprietorship. If owned by a profit or not-for-profit corporation, limited partnership, joint venture or other entity, the names of the principals or officers of said entity;

H. any other information, including the income tax bracket of the owner, applicant or principal investor in the property, which may be considered necessary by the Board to determine whether the property does or may yield a reasonable return to the owners;

SECTION XII. ADDITIONS / SECTION 18.01.13

Section 18.01.13 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Initiation and Completion of Work" is hereby added to read as follows:

Sec. 18.01.13. Initiation and Completion of Work.

Construction for which a Certificate of Appropriateness is issued shall begin within twelve (12) months from the date of issuance of the Certificate of Appropriateness. If construction has not materially begun within this time period, the Certificate of Appropriateness shall lapse, and the owner of the property shall be required to re-submit an application for Certificate of Appropriateness to the Board, along with a statement for the reason that such construction failed to materially begin on the property. Construction for which a Certificate of Appropriateness is issued shall be completed within twenty-four (24) months of the date of issuance of a Certificate of Appropriateness. In the event that the work is not completed within this time period, the owner shall be required to appear before the Board with a progress report and information as to the cause of the delay in the completion of the construction.

SECTION XIII. ADDITIONS / SECTION 18.01.14

Section 18.01.14 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Ordinary and emergency maintenance" is hereby added to read as follows:

Sec. 18.01.14. Ordinary and emergency maintenance.

If the proposed work constitutes ordinary repairs or maintenance of any exterior architectural feature in or on a historic property or contributing structure within a historic district, or on a sign to correct deterioration, decay or damage and such work does not involve a material change in design, material or outer appearance thereof, the work may be done without a Certificate of Appropriateness. No designated property or contributing structure within a historic district may be demolished until the Board has had an opportunity to discuss the feasibility of emergency measures to secure the property. The responsible City Building Official should notify the Board that an order for demolition is being prepared based upon code violations or any other reason to remedy emergency conditions determined to be imminently dangerous to life, health, safety, or property, as according to the City Code. Nothing herein shall prevent the temporary construction, reconstruction, demolition, or other repairs to a property pursuant to an order of a government agency or a court of competent jurisdiction, provided that the work is the minimum necessary to correct the hazardous condition. The owner of a designated property damaged by fire or natural calamity may stabilize the property immediately and shall be permitted to rehabilitate it later under the normal review procedures.

SECTION XIV. ADDITIONS / SECTION 18.01.15

Section 18.01.15 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Deterioration and demolition by neglect" is hereby added to read as follows:

Sec. 18.01.15. Deterioration and demolition by neglect.

Owners of designated historic properties and contributing resources within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary repairs or maintenance. In the event the Board determines that a historically designated structure, historically designated sign, or a contributing structure within a historic district, is in the course of being demolished by neglect, the Board shall notify the owner of record of such preliminary findings, stating the reasons therefor, and shall give the owner of record sixty (60) days from the date of such notice in which to commence work rectifying the evidence of neglect cited by the Board. Such notice shall be accomplished by certified mailing to the last known address of the owner of record, or in the event this procedure is unsuccessful, then by attaching such notice to the structure or sign for a seven-day period.

Upon the failure of the owner of record to commence work within sixty (60) days of such notice, the Board shall notify the owner of record in the manner provided above to appear at the next meeting of the Board. The Board shall cause to be presented at such meeting the reasons for the notice and the owner of record shall have the right to present any rebuttal thereto. If thereafter, the Board shall determine that the structure or sign is being demolished by neglect, the board will notify the code enforcement official to institute proceedings before the City of New Port Richey Code Enforcement Board.

In the event that the City of New Port Richey Code Enforcement Board elects to proceed with levying fines against the owner of record and those fines have accumulated or are not paid, the Board may initiate a waiver or removal of any accumulated fines if the property is sold and the buyer submits an acceptable proposed rehabilitation plan according to the procedures for obtaining a Certificate of Appropriateness and the proposed work is completed within six (6) months after the date of purchase. If

additional time is needed to complete the project, the owner must apply in person before the Board for an extension of time to complete the work and must demonstrate to the Board that the proposed work has commenced, and the owner of record shall provide information as to why the project cannot or has not been completed within the six (6) month period.

SECTION XV. ADDITIONS / SECTION 18.01.16

Section 18.01.16 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Penalties for violation" is hereby added to read as follows:

Sec. 18.01.16. Penalties for violation.

In any case where work has commenced which requires a Certificate of Appropriateness under the terms of this Historic Preservation Code, and where no such certificate has been obtained, a stop-work order shall be issued by the City's Building Official or his/her designee. The stop-work order shall be issued to the property owner, the occupant, or any person or business entity commencing work or preparation for work in violation of this Historic Preservation Code.

A. *Suspension or Revocation of Certificate of Appropriateness.* The Board may revoke or suspend a Certificate of Appropriateness upon a determination that a project for which a Certificate of Appropriateness has been previously granted has violated one (1) or more conditions of its approval and/or is inconsistent with the proposed work reviewed and approved by the Board. Such determination shall be made at a regular or special meeting of the Board upon at least five (5) days advance written notice of such meeting to the property or sign owner. The property or sign owner or its authorized agent shall have the right to be heard by the Board. In the event that the project has been completed, the Board may recommend to the City Council that the historic designation of the structure or sign be revoked by ordinance, and all incentives, if any, such as any variances or tax exemptions, provided to the owner of the project be revoked or recovered by the City.

B. *Violations.* Any person who violates any provision of this section shall forfeit and pay to the City civil penalties equal to the fair market value of any property demolished or destroyed in violation of this Historic Preservation Code. In lieu of a monetary penalty, any person altering property in violation of the provisions of this Historic Preservation Code will be required to repair or restore any such property

C. *Enforcement.* The provisions of this Section may be enforced by the City through mandatory injunctive relief or by any other appropriate legal remedy, including referral to the City's Code Enforcement Board pursuant to the City Code. All such costs of enforcement or recovery, including a reasonable attorney's fee, may be awarded to the City if it prevails in any such action.

SECTION XVI. ADDITIONS / SECTION 18.01.17

Section 18.01.17 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Incentives for historic preservation" is hereby added to read as follows:

Sec. 18.01.17. Incentives for historic preservation.

A. Structures which have been designated as historically significant or are classified as contributing to a designated historic district pursuant to this Historic Preservation Code shall be exempt

from certain provisions of the City's Land Development Code concerning limitations upon the repair of nonconforming structures.

B. Signs which have been designated as historically significant pursuant to this Historic Preservation Code shall be exempt from certain provisions of the City Code concerning any action or deadlines for the removal of nonconforming signs for conforming uses; provided however, historic signs shall not be exempt from the provisions of the City's Land Development Code pertaining to prohibited signs.

SECTION XVII. ADDITIONS / SECTION 18.01.18

Section 18.01.18 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Demolition stay for non-designated structures" is hereby added to read as follows:

Sec. 18.01.18. Demolition stay for non-designated structures.

Permits to demolish structures which are fifty (50) years of age or older shall not be issued until the expiration of sixty (60) days from the date of the permit application. The purpose of this restriction shall be: (i) to enable the Board to arrange for the assemblage of documentation of information pertaining to the appearance and history of the structure prior to its demolition, (ii) to enable the City's Development Services Department to mail notices to persons, on a mailing list, maintained by the City, who are interested in obtaining structures for rehabilitation and relocation, and (iii) to allow for the salvage of any important or unique architectural features or building materials. Upon the filing of an application to demolish a structure that is fifty (50) years of age or older, the City's Development Services Department or the City's Building Official shall immediately notify the City's ~~Community Redevelopment~~ Development Department and the Chairman of the Board. The staff of the City's ~~Community Redevelopment~~ Development Department shall be permitted to accompany the City Building Official or his/her designee when access to the premises and to the subject structure occurs during the sixty (60) day period, at reasonable times and by appointment with the owner, for the purpose of photographing, measuring, and documenting information concerning the structure or site. Notwithstanding the foregoing, a structure which is fifty (50) years of age or older may be demolished prior to the expiration of sixty (60) days from the date of the demolition permit application upon the majority vote of the Board.

SECTION XVIII. ADDITIONS / SECTION 18.01.19

Section 18.01.19 of Chapter 18 of the Land Development Code, Appendix A of the City of New Port Richey City Code, entitled "Demolition by government agencies" is hereby added to read as follows:

Sec. 18.01.19. Demolition by government agencies.

Government agencies having the authority to demolish unsafe buildings shall receive notice of designation of historic properties and historic districts. The Board shall be deemed an interested party and shall be entitled to receive notice of any public or other hearings conducted by said government agency regarding the demolition of any designated property or contributing structure within a historic district. The Board may make recommendations and suggestions to the government agency and the owner relative to the feasibility of and the public interest in preserving the designated property or contributing structure within a historic district.

SECTION XIX. SEVERABILITY.

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION XX. EFFECTIVE DATE

This Ordinance shall become effective when enacted in accordance with Section 166.041 of the Florida Statutes.

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 20th day of August, 2013.

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 1st day of October, 2013.


(SEAL)
ATTEST:

CITY OF NEW PORT RICHEY
FLORIDA


Doreen M. Summers, CAP-OM
City Clerk


Bob Consalvo
Mayor - Council Member

APPROVED AS TO LEGAL FORM AND CONTENT

By 
Mike Davis, City Attorney