

**ORDINANCE NO. 2020-2189**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING CHAPTER 18 OF THE LAND DEVELOPMENT CODE, PERTAINING TO HISTORIC PRESERVATION; PROVIDING FOR AMENDMENT OF SECTION 18.01.02 THEREOF, PERTAINING TO DEFINITIONS; PROVIDING FOR AMENDMENT OF SECTION 18.01.05 THEREOF, PERTAINING TO THE HISTORIC PRESERVATION BOARD; PROVIDING FOR AMENDMENT OF SUBSECTIONS C, E, H, AND J OF SECTION 18.01.05 THEREOF, PERTAINING TO MEMBERSHIP, TERMS OF OFFICE, REMOVAL, MEETINGS, NOTICES AND RECORDS OF THE BOARD; PROVIDING FOR REDUCTION OF THE BOARD FROM NINE (9) TO SEVEN (7) REGULAR MEMBERS; PROVIDING FOR REMOVAL OF MEMBERS BY A SIMPLE MAJORITY VOTE OF CITY COUNCIL MEMBERS PRESENT AT A MEETING THEREOF; PROVIDING FOR REMOVAL OF AUTOMATIC DENIALS ON FAILED MOTIONS OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapter 18 of the Land Development Code created the City's Historic Preservation Code;

WHEREAS, this ordinance has been recommended for approval by the City's Historic Preservation Board and the City's Land Development Review Board as required by law;

WHEREAS, revisions to the Historic Preservation Code pertaining to the Historic Preservation Board are necessary and appropriate;

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

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

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

**SECTION 1.** Section 18.01.02, of Chapter 18, of the New Port Richey Land Development Code, pertaining to definitions in the Historic Preservation Code, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

18.01.02. - Definitions.

As used in this ~~chapter 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 ~~chapter 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 fifty (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 2.** Subsection C, of Section 18.01.05, of Chapter 18, of the New Port Richey Land Development Code, pertaining to membership on the Historic Preservation Board, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

- C. *Membership.* The Bboard shall consist of seven nine (79) regular 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 shall ~~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.

**SECTION 3.** Subsection E, of Section 18.01.05, of Chapter 18, of the New Port Richey Land Development Code, pertaining to terms of office of members of the Historic Preservation Board, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

- E. *Terms of Office.* The members of the Bboard shall serve overlapping terms of three (3) years. In order to achieve staggered terms, initial appointments shall be as follows:
1. Three (3) regular and one (1) alternate ~~Five (5)~~ members shall be appointed for initial terms of two (2) years; and
  2. Four (4) regular and one (1) alternate ~~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.

**SECTION 4.** Subsection H, of Section 18.01.05, of Chapter 18, of the New Port Richey Land Development Code, pertaining to removal of members of the Historic Preservation Board, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

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

**SECTION 5.** Subsection J, of Section 18.01.05, of Chapter 18, of the New Port Richey Land Development Code, pertaining to meetings, notices and records of the Historic Preservation Board, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

- 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. Four ~~Five~~ (4~~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 recommended amendments to ordinances 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) shall be, ~~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.

**SECTION 6.** 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 7.** Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 8.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

**SECTION 9.** This Ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 20<sup>th</sup> day of October, 2020.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 4<sup>th</sup> day of November, 2020.

ATTEST:

\_\_\_\_\_  
Judy Meyers, CMC, City Clerk

\_\_\_\_\_  
Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

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