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MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Elaine Wilson, Planning & Zoning Analyst II
DATE: June 16, 2008
SUBJECT: Historic Preservation Ordinance

PURPOSE

The purpose of this item is to present the proposed Historic Preservation Ordinance to the City Council.

BACKGROUND

At a workshop on March 25, 2008 the Council reviewed and commented on the proposed ordinance. In response to those comments, several changes were made. At its May 15th meeting, the Orange City Historic Preservation Board reviewed the revised ordinance and voted unanimously to forward its recommendation for approval of the revised ordinance. The proposed historic preservation ordinance would replace the existing one, which was created in 1996 (Chap. 2, Division 3).

The current proposal allows property owners to voluntarily grant preservation easements to the City. Such an easement makes the property eligible for exemption from certain Land Development Code regulations that make preserving the historic character of buildings difficult. It also allows the Council to grant an ad valorem tax exemption to some historic commercial properties.

RECOMMENDATION

That the City Council approves Ordinance #351.

ORDINANCE NO. 351

AN ORDINANCE OF THE CITY OF ORANGE CITY, VOLUSIA COUNTY, FLORIDA; AMENDING ORANGE CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARDS, DIVISION 3, HISTORIC PRESERVATION BOARD, BY ELIMINATING SECTION 2-93(3), SECTION 2-103(9), SECTION 2-105 and SECTION 2-106 IN THEIR ENTIRETY; AND BY ADDING SECTIONS 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, and 2-113, ALLOWING FOR AND SETTING FORTH THE REQUIREMENTS FOR HISTORIC PRESERVATION EASEMENTS; AMENDING CHAPTER 8, SECTION 8.7 OF THE ORANGE CITY LAND DEVELOPMENT CODE, ABATING ZONING REGULATIONS FOR RESTORATION OF HISTORIC PROPERTIES IN THE EVENT OF DAMAGE OR DESTRUCTION; ESTABLISHING THE APPLICATION PROCESS FOR HISTORIC PRESERVATION EASEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orange City determines that it is necessary to balance the need to preserve buildings of special historic or architectural significance with the right of property owners to develop their property and the community's need to add land uses and services in the City; and

WHEREAS, the City Council of the City of Orange City finds that the process of issuance of certificates of appropriateness to be ineffective and unduly cumbersome; and

WHEREAS, the Florida Legislature has authorized the creation of conservation easements as a way for property owners to voluntarily grant cities the power to preserve sites or properties of historical or architectural significance (Section 704.06, Florida Statutes); and

WHEREAS, the City Council of the City of Orange City finds that conservation, i.e. historic preservation easements, achieve these objectives and provide an incentive for property owners to assist historic preservation efforts without affecting the City's income from ad valorem taxation or collection of fees; and

WHEREAS, the City Council of the City of Orange City finds, that as allowed by the Florida Constitution and Section §196.1961, Fla. Stat., permitting partial tax exemptions to commercial historic buildings furthers the City's objective of preserving commercial buildings of special historic or architectural significance.

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike~~ through shall constitute deletions to the original text.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. That the Code of Ordinances for the City of Orange City, Florida is hereby amended by eliminating Section 2-93(3), Section 2-103(9), Section 2-105 and Section 2-106, in their entirety. Sections 2-91 through Sections 2-106, shall read as follows:

DIVISION 3. HISTORIC PRESERVATION BOARD

Sec. 2-91. Establishment.

This division shall be known as the Historic Preservation Program for the City of Orange City. (Ord. No. 96-8-4, § 1, 9-10-96).

Sec. 2-92. Statement of intent.

The intent of the following regulations is to serve the best interest of the health, safety, prosperity and welfare of the citizens of Orange City.

- (1) Protecting, enhancing and perpetuating historic resources that represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- (2) Stabilizing and improving property values through the revitalization of older residential and commercial properties and neighborhoods.
- (3) Fostering an awareness and pride in the accomplishments and achievements of the past.
- (4) Protecting and enhancing the city's historic attractions to residents, tourists and visitors which in turn serves to stimulate the local economy and draw new business and industry.
- (5) Enriching the quality of life in Orange City by fostering knowledge of the living heritage of the past. (Ord. No. 96-8-4, § 1(A), 9-10-96)

Sec. 2-93. Statement of purpose.

The city council shall identify, evaluate, recognize, preserve and protect historical and archaeological resources within the city limits of Orange City, in the best interest of the health, safety, prosperity and welfare of the citizens of Orange City by:

- (1) Creating a historic preservation board with the power to effectively administer guide and monitor the duties provided for herein.
- (2) Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (district) as historically significant.
- ~~(3) Protecting the integrity of designated historic resources by requiring a review of proposals to add to, demolish or in any way alter the exterior historic fabric of such resources.~~
- (4)(3) Encouraging historic preservation by providing technical assistance.
- ~~(5)~~(4) Obtaining certified local government status as provided for in the National Historic Preservation Act of 1966, as amended in 1980 (P.L. 96-515) and as procedures dictate in 36 C.F.R. 61 (1987). (Ord. No. 96-8-4, § 1(B), 9-10-96).

Sec. 2-94. Definitions.

[The following words, terms and phrases, as used in this division, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:]

(1) *Archaeological site.* A site that contains prehistoric or historic artifacts, relics, or structures that represent a particular culture, historic event or epoch and that are of local, regional or statewide significance.

(2) *Building.* A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Buildings may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn.

(3) *Demolition.* The tearing down or razing of 25 percent or more of a structure's external walls.

(4) *Historic area.* A general area containing properties of contributing and noncontributing historic value which may include a historic district as described in (5) below.

(5) *District.* A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history. Orange City's Historic District is further discussed and defined in the Historic Preservation element of the Orange City's Comprehensive Plan.

(6) *Historic property.* Any prehistoric or historic district, site, building, object or other real or personal property, of historical, architectural or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the City of Orange City.

(7) *Object.* A material thing of functional, archeological, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

(8) *Ordinary maintenance.* Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

(9) *Original appearance.* That appearance (except for color) that , closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

(10) *Site.* The location of a significant event, a prehistoric or historic occupation or activity, or building, or structure, whether standing, ruined, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

(11) *Structure.* A structure is anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground. (Ord. No. 96-8-4, § 1(C), 9-10-96).

Sec. 2-95. Historic preservation board.

The historic preservation board is hereby established to implement guide and monitor the historic preservation provisions of this division. (Ord. No. 96-8-4, § 2(A), 9-10-96).

Sec. 2-96. Membership.

The historic preservation board shall have seven members as follows:

(1) ~~Five voting~~ Mmembers shall be appointed by the city council. One member of the board shall be a registered architect, if available. The remaining ~~four~~ appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. ~~Each of the five voting members shall reside within the city limits of the city.~~ The city council should, whenever possible, appoint a representative from each of the following areas of expertise:

- a. History
- b. Real estate or real property appraisal
- c. Urban planning
- d. Engineering or building construction

(2) Each of the ~~voting~~ members shall be appointed to a three-year term. No member may serve more than three (3) consecutive terms. ~~except that initially, two members shall be appointed for a term of one year; two members shall be appointed for a term of two years, and one member shall be appointed for a term of three years.~~

(3) ~~Five members shall reside within the city limits of the City.~~ Two members appointed by the city council ~~whom shall have no voting powers~~ shall reside within the Greater Orange City Area, as defined in policy 1.1.2 of the future land use element of the city's comprehensive plan. ~~These appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The two nonvoting members may be appointed for three year terms..~~ (Ord. No. 96-8-4, § 2(B), 9-10-96; Ord. No. 96-11-5, § 1, 12-10-96; Ord. No. 187, § 1, 3-9-04)

Sec. 2-97. Officers.

The members of the board shall annually elect a chair and vice chair from among the members and may create and fill other offices as the board deems necessary. (Ord. No. 96-8-4, § 2(C), 9-10-96).

Sec. 2-98. Subcommittees.

- (a) The board should create whatever subcommittees it deems necessary to carry out the purposes of the board.
- (b) The chair of the board shall annually appoint the membership of each subcommittee from the members of the board. (Ord. No. 96-8-4, § 2(D), 9-10-96).

Sec. 2-99. Staffing.

The city manager shall appoint a city employee to serve as secretary and recorder of all board records. (Ord. No. 96-8-4, § 2(E), 9-10-96).

Sec. 2-100. Compensation.

Members shall not be compensated. (Ord. No. 96-8-4, § 2(F), 9-10-96).

Sec. 2-101. Funding.

The city council shall appropriate funds to permit the historic preservation board to perform its prescribed functions. (Ord. No. 96-8-4, § 2(G), 9-10-96).

Sec. 2-102. Required meetings.

The board shall meet at least four times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the board. (Ord. No. 96-8-4, § 2(H), 9-10-96).

Sec. 2-103. General functions, powers and duties of the historic preservation board.

(a) *Generally.* It shall be the general responsibility of the historic preservation board to take appropriate action to ensure that the historic preservation provisions of this division are implemented.

(b) *Specifically.* It shall be the specific responsibility of the historic preservation board to:

(1) Create and recommend a historic district and landmarks for the city to the city council which shall consist of a map, a boundary legal description and a list of all properties that have significant historic value.

(2) Update the official inventory of cultural resources and submit to the city council recommendations and documentation concerning the updating.

(3) Develop and recommend to the city, programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.

(4) Explore funding the grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources.

(5) Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.

(6) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.

(7) Advise the city council concerning the effects of local governmental actions on cultural resources.

(8) Review and recommend to the city, that the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.

~~(9) Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this chapter.~~

~~(10)(9)~~ Notify the building official or his designee, who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this division.

~~(11)(10)~~ Assist in developing a historic preservation element to be incorporated into the city's comprehensive plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.

(Ord. No. 96-8-4, § 3, 9-10-96)

(11) With the assistance of the City employee appointed by the City Manager, provide technical assistance to encourage historic preservation.

Sec. 2-104. Local register of historic places.

(a) *Created.* The historic preservation board shall establish, on a voluntary basis, a local register of historic places, as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The local register will be kept by the historic preservation board and the city.

The local register shall include a map and inventory of properties which are designated on a voluntary

basis as contributing structures of historic value. In addition to the map of the district shall identify each property by street address and tax identification number.

(b) *Initiation of placement on the local register.* Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the historic preservation board with the consent of the owner. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.

(c) *Placement on the local register.* The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the local register:

(1) A nomination form, available from the city shall be completed by the applicant and returned to the city.

(2) Upon receipt of a completed nomination form, including necessary documentation, the city shall place the nomination on the agenda of the next regularly scheduled meeting of the historic preservation board. If the next regularly scheduled meeting of the board is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.

(3) Adequate notice of the historic preservation board's consideration of the nomination shall be provided to the public at large, and to the owner(s) of the nominated property(ies), at least ten days in advance of the meeting at which the nomination will be considered by the board.

(4) The board shall, within 60 days from the date of the meeting at which the nomination is first on the board's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria outlined in this section along with any owner's objections to the listing. The recommendation shall also include a map that shows the proposed boundaries for any historic district and any individual historic property recommended for listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing and noncontributing to the historical significance of the district. If the 60-day period runs and the board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the board, then the City Council shall consider the nomination. ~~The nomination may be submitted by the applicant directly to the planning and zoning commission.~~

The nomination form and the board's recommendation shall be sent to the City Council.

(5) (d) *Criteria for listing on the local register.*

(1) Any site, building, structure, object or district that is listed on the National Register of Historic Places shall be automatically nominated by the historic preservation board for the local register pursuant to subsection (c) above.

(2) A site, building, structure, object, or district must meet the following criteria before it may be listed on the local register:

- a. It possesses integrity of location, design setting, materials, workmanship, and ambiance; and
- b. It is associated with events that have made a significant contribution to the broad patterns of our history; or is associated with the lives of persons significant to our past; or embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or have yielded or may be likely to yield information important to history or prehistory.

(3) A property located in a district shall be designated as contributing to that district if the property is one which, by its location, design, setting, materials, workmanship, and ambiance adds to the district's sense of time and place and historical development.

(4) A property should be considered noncontributing if the property's integrity of location, design, setting materials, workmanship, and ambiance have been so altered that the overall integrity of the property has been irretrievably lost; or the property was built within the past 50 years, unless a strong justification concerning its historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

(e) *Effect of listing on local register.*

(1) The city manager is authorized to issue and place official markers identifying designated historic properties and districts.

(2) Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the Standard Building Code as provided by Chapter 1, Section 101.5 of the Standard Building Code Congress International, Inc. (Ord. No. 96-8-4, § 4, 9-10-96).

~~(Ord. No. 96-8-4, § 4, 9-10-96).~~

SECTION 2: That the Orange City, Florida, Code of Ordinances is hereby amended

by adding Sections 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, and 2-113, which said sections shall read as follows:

Sec. 2-107. Historic preservation easements.

(a) Notwithstanding any other provisions of this Division, the Developmental Services Department shall have sole authority and discretion to receive, approve, review, and enforce historic preservation easements donated to the City, pursuant to Section 704.06, Florida Statutes, for the purposes of historic or architectural preservation.

(b) Historic preservation easements may only be acquired through voluntary grant, by deed, will, or other instrument evidencing a transfer of an interest in property, which is properly executed by the person who owns the property in fee simple at the time of the grant.

(c) In the event that the Developmental Services Department accepts a historic preservation easement, the instrument granting the easement shall be recorded within ten (10) business days in the Official Records of the Volusia County Clerk of Court.

Sec. 2-108. Requirements for historic preservation easements.

The Developmental Services Department may not accept any preservation easement unless:

(1) The property for which a preservation easement is offered is located within the Orange City Historic District as reflected by Exhibit A (attached) or such other Historic District as the City Council may from time to time designate;

(2) The person proposing the donation of a preservation easement owns a fee simple interest in the property to be preserved;

(3) All joint tenants, co-tenants, or tenants by the entirety who have a present ownership interest in the property execute the instrument which shall grant the preservation easement; and

(4) No judgment lien, construction lien, mortgage, or other encumbrance of the property exists, or, if such encumbrance does exist, all persons holding such interests consent in writing to the granting of a preservation easement by also executing the instrument which shall grant the preservation easement.

Sec. 2-109. Application process for historic preservation easement proposals.

(a) All persons proposing to donate a historic preservation easement to the City must file an application with the Developmental Services Department containing all of the following information, as applicable:

(1) A deed evidencing the metes and bounds description of the property to be burdened by the easement;

(2) A letter of opinion issued by an attorney or title insurance company certifying that the grantor has marketable title to the property, or describing any encumbrances upon said property;

(3) If the letter of opinion pursuant to subsection (a)(2) states the existence of any lien, easement, or other encumbrance or burden upon the property, signed letters from all parties holding encumbrances on said property consenting to the grant of the easement by the grantor;

(4) A brief description of the property, including the reasons for which the grantor believes historic preservation is justified; and

(5) An affidavit, signed by all co-tenants, joint tenants, or tenants by the entirety who hold ownership interests in the property, stating that the grantors understand the nature of the historic preservation easement, are granting the easement of their own free will, and agree to be bound by all regulations regarding historic preservation, including but not limited to applications for certificates of appropriateness pursuant to Section 2-105, Orange City, Florida, Code of Ordinances.

(b) Upon receipt of an application, the Developmental Services Department shall make a determination within sixty (60) days of the filing of the application as to whether the City should accept the easement. In making its determination, the Department may consider the following factors:

(1) The age of any structure on the property;

(2) The aesthetics of any structure on the property;

(3) Any events of historical significance which occurred on the property;

(4) The impact of historic property designation on real estate development and property values; and

(5) Any other factor which the Developmental Services Department reasonably believes will affect the public safety, health, or welfare.

Sec. 2.110. Termination of Historic Preservation Easement.

Any owner of property previously burdened by a Historic Preservation Easement may seek elimination

of that Historic Preservation Easement by submitting proof of the damage to or destruction of the historic/structure reducing (1) its fair market value by at least fifty percent (50%) or (2) the square footage of the historic structure by fifty percent (50%). The Developmental Services Director shall verify and thereafter will execute, as appropriate a release of the Historic Preservation Easement.

Sec. 2.111. Preservation of Historic Structures.

Any property burdened by a historic preservation easement donated to the City pursuant to Section 2-107, in the event of damage, destruction or remodeling of the structure by the property owner, shall hereby enjoy the protection of Section 8.2.2 of the Orange City Land Development Code pertaining to nonconforming uses. Thus, to encourage the on-going maintenance and/or necessary reconstruction of historic structures, the owner of said nonconforming historic structure may not only continue to use that structure, notwithstanding its inconsistency with the current standards in Orange City's current Land Development Code, but shall be entitled, as necessary, to rebuild or remodel the historic structure to its original condition. This shall include, but not be limited to: setback requirements, lot coverage and minimum lot size requirements.

Sec. 2.112. Ad valorem tax exemption.

(a) The City Council hereby grants, pursuant to authorization of Article III, Section VII, of the Constitution of the State and Section §196.1961, Fla. Stat., an ad valorem tax exemption of 50 percent of the assessed value of property which meets all of the following criteria:

(1) The property must be used for commercial purposes or used by a not-for-profit organization under Section 501(c)(3) or (6) of the Internal Revenue Code of 1986.

(2) The property must be listed in the National Register of Historic Places, as defined in Section §267.021; or must be a contributing property to a National Register Historic District; or must be designated as a historic property or as a contributing property to a historic district, under the terms of a local preservation ordinance.

(3) The property must be regularly open to the public.

(b) As used in this section, the term "regularly open to the public" means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of 40 hours per week, for 45 weeks per year, or an equivalent of 1,800 hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.

(c) Exemption allowed by this section shall apply only to the ad valorem taxes levied by the city. Only the portions of the property used predominantly for the purposes as specified in subsection (a)(1) of this section shall be exempt. In no event shall an incidental use of property qualify such property for an exemption or impair the exemption of an otherwise exempt property.

(d) In order to retain the exemption granted in this section, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and

significance of the property.

Sec. 2.113. Exemption from ad valorem taxes – General.

- (a) Exemption for improvements to historic property (§196.1997, F.S.). The City Council may authorize an ad valorem tax exemption of 100 percent (100%) of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties.
- (b) Exemption for historic properties open to the public (Per §196.1998, F.S.). If an improvement qualifies a historic property for an exemption under this division, and the property is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use, and benefit, the City Council may by this article authorize the exemption from ad valorem taxation of 100 percent (100%) of the assessed value of the property, as improved, if all other provisions of this division are complied with; provided, however, that the assessed value of the improvement must be equal to at least 50 percent (50%) of the total assessed value of the property as improved. The exemption applies only to real property to which improvements are made by or for the use of the existing owner.
- (c) Application for review. This exemption shall only apply to improvements to real property that are made on or after the day that this Ordinance authorizing ad valorem tax exemption for historic properties is adopted. Such exemption shall apply only to taxes levied by the City of Orange City, and do not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Sections 9(b) or 12, Article VII of the State Constitution.
- (d) Duration of Exemption. Any exemption granted shall remain in effect for up to ten (10) years with respect to any particular property, regardless of any change in the authority of the City of Orange City to grant such exemptions or any change in ownership of the property. However, for purposes of the exemption under §196.1998, F.S., a property shall be removed from eligibility for the exemption if the property is sold or otherwise transferred from the owner who made application and was granted the exemption, or the property no longer qualifies as historic property open to the public in accordance with this division.

In order to retain the exemption, the historic character of the property, and the improvements which qualified the property for exemption, must be maintained over the period for which the exemption is granted. Such exemption shall take effect on January 1 following substantial completion of the improvement.

SECTION 3: That the Orange City, Florida, Code of Ordinances is hereby amended by adding subsection 8.7.23 to Section 8.7 of Appendix A, Land Development Code which said subsection shall read as follows:

Sec. 8.7.23 Restoration of historic properties. In the event that any property designated as a historic property or for which a historic preservation easement has been granted to the city, pursuant to Sections 2-91 through 2-109 of the Orange City, Florida, Code of Ordinances, is damaged or destroyed by fire, wind, flood, or other disaster, the provisions of this Chapter shall be abated to the extent necessary to return the property to its condition before said disaster.

SECTION 4: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 6: CODIFICATION. It is the intention of the City Council of the City of Orange City, Florida, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Orange City, Florida; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; that the word, "Ordinance," may be changed to "Section," "Article," or other appropriate word.

SECTION 7: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

Second Reading this _____ day of _____, 2008.

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney