

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, JENNA MISURALE, Records Custodian of Volusia County, Florida, do hereby certify that the attached and foregoing Ordinance 2021-21 is a true and correct copy of that certain ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on August 17<sup>th</sup>, 2021.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 19<sup>th</sup> day of August, A.D. 2021.

BY:



JENNA MISURALE FOR KARISSA GREEN  
RECORDS CUSTODIAN  
OF VOLUSIA COUNTY, FLORIDA



ORDINANCE 2021-21

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA; AMENDING CHAPTER 62 – HISTORIC PRESERVATION, TO REVISE THE AGE OF THE STRUCTURE FOR QUALIFICATION FOR HISTORIC DESIGNATION AND TO REVISE CAPITALIZATION AND NUMBERING BY AMENDING SECTION 62-1 – DEFINITIONS; AMENDING 62-2 NOTICE OF VIOLATION; AMENDING 62-3 PURPOSE AND INTENT; AMENDING SECTION 62-5 – INCENTIVES; AMENDING SECTION 62-6 – STOP WORK ORDERS; AMENDING SECTION 62-7 – FEES; AMENDING SECTION 62-8 – FILING OF HISTORICAL MATERIAL AND DATA; AMENDING SECTION 62-9 – REHEARINGS; AMENDING SECTION 62-41 – GENERALLY; AMENDING SECTION 62-42 – EXPENSES; AMENDING SECTION 62-43 – REPOSITORY FOR COLLECTIONS AND OTHER MATERIAL; AMENDING SECTION 62-44 – APPEAL OF DECISIONS OF HISTORIC PRESERVATION OFFICER; AMENDING SECTION 62-45 APPEAL OF DECISIONS OF BOARD; AMENDING 62-71 – INITIATION OF PROCESS; AMENDING SECTION 62-72 – APPLICATION FOR CERTIFICATE OF DESIGNATION; AMENDING SECTION 62-73 – PROCEDURE FOR ISSUANCE OF CERTIFICATE OF DESIGNATION; AMENDING SECTION 62-74 – CRITERIA FOR ISSUANCE OF CERTIFICATE OF DESIGNATION; AMENDING SECTION 62-75 REVOCATION OF CERTIFICATE OF DESIGNATION; AMENDING SECTION 62-101 – ACTIVITIES REQUIRING CERTIFICATE; AMENDING SECTION 62-103 – CERTIFICATE NOT REQUIRED FOR CERTAIN WORK; AMENDING SECTION 62-104 – PREAPPLICATION CONFERENCE; AMENDING SECTION 62-105 – APPLICATION; AMENDING SECTION 62-106 – PUBLIC HEARING; AMENDING SECTION 62-107 – ACTION BY HISTORIC PRESERVATION BOARD; AMENDING SECTION 62-108 – REVIEW CRITERIA; AMENDING SECTION 62-109 – REVIEW CRITERIA FOR PROPOSED NEW CONSTRUCTION; AMENDING SECTION 62-110 – REVIEW CRITERIA FOR RELOCATION; AMENDING SECTION 62-111 – DEMOLITION OF HISTORIC RESOURCE; AMENDING SECTION 62-141 – ACTIVITIES REQUIRING CERTIFICATE; AMENDING SECTION 62-142

1           – DETERMINATION OF ADVERSE IMPACT; AMENDING  
2           SECTION 62-143 – APPLICATION; AMENDING SECTION  
3           62-144 – PUBLIC HEARING AND NOTICE OF PROPOSED  
4           CERTIFICATE; AMENDING SECTION 62-145 – ACTION  
5           BY HISTORIC PRESERVATION BOARD; AMENDING  
6           SECTION 62-146 – MITIGATION OF ADVERSE IMPACTS;  
7           AMENDING SECTION 62-147 – REPORTING  
8           REQUIREMENTS FOR ARCHAEOLOGICAL WORK;  
9           AMENDING SECTION 62-148 – ASSISTANCE WITH  
10          COSTS OF ARCHAEOLOGICAL WORK; AMENDING  
11          SECTION 62-149 – CORRELATION WITH OTHER  
12          PERMITS; AMENDING SECTION 62-176 – PURPOSE  
13          AND INTENT; AMENDING SECTION 62-178 –  
14          DEFINITIONS; AMENDING SECTION 62-180 –  
15          PROCEDURE FOR GRANTING TAX EXEMPTION;  
16          AMENDING SECTION 62-181 – AD VALOREM TAX  
17          EXEMPTIONS; AMENDING SECTION 62-183 –  
18          APPLICABLE TAXES; AMENDING SECTION 62-184 –  
19          DURATION OF TAX EXEMPTION; PROVIDING FOR  
20          SEVERABILITY; PROVIDING FOR CONFLICTING  
21          ORDINANCES; AUTHORIZING INCLUSION IN CODE;  
22          AND PROVIDING AN EFFECTIVE DATE.

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26           BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS  
27   FOLLOWS:

28  
29           (Words in ~~strike-through~~ type are deletions; words in underscore type are  
30   additions.)

31  
32           **SECTION I:** AMENDMENT- Chapter 62, Article I, Section 62-1 of the Code of  
33   Ordinances of the County of Volusia is hereby amended as follows:

34   ARTICLE I. – IN GENERAL

35   Sec. 62-1. - Definitions.

36           The following words, terms and phrases, when used in this chapter, shall have the  
37   meanings ascribed to them in this section, except where the context clearly indicates a  
38   different meaning:

1        *Aggrieved party* means A a person aggrieved is one whose legal right is invaded by a  
2 decision complained of, or whose pecuniary interest is directly affected by a decision. The  
3 person's interest must be specific and personal, not common to all members of the community.  
4 When the decision affects any public recreation area, however, the phrase shall include any  
5 user of that area.

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7        *Building* means any structure with an impervious roof built for the support, shelter, or  
8 enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for  
9 50 percent or more of its perimeter. The term "building" shall be construed as if followed by the  
10 words "or part thereof."

11        *Building official* means the officer or other designated authority, or their duly authorized  
12 representative, charged with the administration and enforcement of the Standard Building  
13 Code as adopted by the ~~e~~County ~~e~~Council.

14        *Certificate of appropriateness* means a written authorization issued by the ~~h~~H~~i~~storic  
15 ~~p~~P~~r~~eservation ~~b~~B~~o~~ard required for any proposed work that will result in the exterior alteration,  
16 demolition, relocation, or reconstruction, of a designated historic resource; any proposed new  
17 construction associated with a designated historic resource or within a designated historic  
18 district; or the demolition of any building or structure constructed 50 or more years prior to  
19 January 1 of the then current year ~~prior to January 1, 1946~~ and deemed to be eligible for  
20 designation as a significant historic resource as determined by the ~~h~~H~~i~~storic ~~p~~P~~r~~eservation  
21 ~~e~~O~~f~~ficer in accordance with section 62-74. Specifically, exempted from this definition is the  
22 requirement to obtain said certificate for the painting of a building or structure.

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2       *Certificate to excavate* means a certificate issued by the ~~h~~Historic ~~p~~Preservation ~~b~~Board  
3       authorizing certain clearing, digging, excavating~~ion~~, or archaeological investigation that may  
4       involve the exploration of established or suspected archaeological sites which have been  
5       designated as historic resource.

6       *Certified local government* means a designated local government meeting the  
7       requirements of the National Historic Preservation Act Amendments of 1980 (PL 96-515), the  
8       implementing regulations as established by the United States Department of the Interior (36  
9       CFR 61), and the Florida Certified Local Government Guidelines provided by the Florida  
10      ~~d~~Department of ~~s~~State, ~~d~~Division of ~~h~~Historical ~~r~~Resources.

11      *Contributing property* means a building, site, structure, or object which adds to the  
12      historical architectural qualities, historic associations, or archaeological values for which a  
13      district is significant because:

14      (1) It was present during the period of significance of the district, and possesses historic  
15      integrity reflecting its character at that time;

16      (2) It ~~is~~ capable of yielding important information about the period; or

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19      *Due public notice* means publication of notice of {the} day, time, place, and purpose of a  
20      public hearing at least once in a newspaper of general circulation in the ~~area~~County, with such  
21      publication to be at least ten calendar days prior to the date of such public hearing.

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2       *Florida Site File* means an inventory of historic resources in each Florida county  
3 maintained by the Florida ~~d~~Department of ~~s~~State, ~~d~~Division of ~~h~~Historical ~~r~~Resources.  
4 Resources listed in this inventory do not have to meet a historical or cultural significance  
5 requirement.

6       *Historic district* means a group of sites, buildings, structures, and/or objects linked by  
7 historical association or aesthetically by plan or physical development. A district may be a  
8 significant concentration of resources or individual properties geographically separated, but  
9 with shared historical association.

10       *Historic ~~p~~Preservation ~~e~~Officer* means the ~~d~~Director of the ~~g~~Growth ~~m~~Management  
11 ~~d~~Department of the ~~e~~County or his duly authorized representative who is responsible for  
12 administering, interpreting, and enforcing the provisions of this chapter. Said officer or his duly  
13 authorized representative should meet the requirements of at least one of the disciplines  
14 (history, archaeology, architectural history, architecture, or historic architecture) outlined in the  
15 Professional Qualification Standards in 36 CFR 61 or appendix A of the Florida Certified Local  
16 Government Guidelines.

17       *Historic resource* means any prehistoric or historic district, site, building, structure, object,  
18 or other real or personal property of historical, architectural, or archaeological value. These  
19 properties or resources may include, but are not limited to, monuments, memorials, Indian  
20 habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships,  
21 engineering works, treasure troves, artifacts, or other objects with intrinsic historical or

1 archaeological value, or any part thereof, relating to the history, government or culture of the  
2 eCounty, the sState or the United States of America.

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4 *Object* means a material thing of functional, aesthetic, cultural, historical, or scientific value  
5 that may be by nature of design, movable, yet related to a specific outdoor setting or  
6 environment.

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8 *Owner* means any person, group of persons, firm, joint venture, corporation, or other legal  
9 entity having legal title to the land regulated under this chapter.

10 *Person* means an individual, firm, association, organization (whether social, fraternal or  
11 business), partnership, joint venture, trust company, corporation, receiver, syndicate, business  
12 trust, or other group or combination acting as a unit, including any government.

13 *Rehabilitation* means the act or process of returning a property to a state of utility through  
14 repair or alteration which makes possible an efficient contemporary use while preserving those  
15 portions or features of the property which are significant to its historical, architectural, or  
16 cultural values.

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19 **SECTION II: AMENDMENT-** Chapter 62, Article I, Section 62-2 of the Code of Ordinances of  
20 the County of Volusia is hereby amended as follows:

21 Sec. 62-2. - Notice of violation; penalty; additional remedies.

1 (a) If the ~~h~~Historic ~~p~~Preservation ~~e~~Officer shall find that any of the provisions of this chapter  
2 are being violated, he or she shall notify the person apparently responsible for such  
3 violations, in writing, indicating the nature of the violation and ordering any action  
4 necessary to correct it.

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6 (c) In addition to any other remedies, whether civil or criminal, the violation of this chapter or  
7 any lawful order of the ~~e~~County ~~e~~Council, the ~~e~~County ~~h~~Historic ~~p~~Preservation ~~b~~Board or  
8 the ~~h~~Historic ~~p~~Preservation ~~e~~Officer may be restrained by injunction, including a  
9 mandatory injunction, and otherwise abated in any matter provided by law.

10 **SECTION III: AMENDMENT-** Chapter 62, Article I, Section 62-3 of the Code of  
11 Ordinances of the County of Volusia is hereby amended as follows:

12 Sec. 62-3. - Purpose and intent.

13 (a) *Purpose.* The purpose of this chapter is to identify, evaluate, recognize, preserve, and  
14 protect significant historic and archaeological resources by:

15 (1) Creating a ~~h~~Historic ~~p~~Preservation ~~b~~Board with the power and duty to effectively  
16 administer this chapter.

17 (2) Empowering the ~~h~~Historic ~~p~~Preservation ~~b~~Board to certify designation of individual  
18 properties (including buildings, structures, sites, and objects) and groups of properties  
19 (districts) as historically significant using the criteria established in this chapter.

20 (3) Protecting the integrity of historic resources by requiring the issuance of certificates of  
21 appropriateness and certificates to excavate before allowing alterations, removal, or  
22 disturbance of designated resources.

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1 (5) Managing the historic resources owned and/or operated by the eCounty in a manner  
2 consistent with the county comprehensive plan and policy maintained by the Florida  
3 dDepartment of sState, dDivision of hHistorical rResources.

4 (b) *Intent.* The intent of this chapter is to promote the general health, safety, and  
5 welfare of the public by:

6 \*\*\*

7 (2) Creating and implementing cultural and educational programs that will foster  
8 a better understanding of the eCounty's heritage.

9 (3) Promoting the eCounty's historic resources for enjoyment of the citizens of  
10 the eCounty and as an attraction to tourists and visitors which in turn will  
11 have a positive impact on the economy.

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13 **SECTION IV: AMENDMENT-** Chapter 62, Article I, Section 62-5 of the Code of  
14 Ordinances of the County of Volusia is hereby amended as follows:

15 Sec. 62-5. - Incentives.

16 (a) *Financial assistance.* All properties certified as significant historic resources or as  
17 a contributing property in a designated historic district under the scope of this chapter  
18 shall be eligible for any financial assistance set aside specifically for the preservation  
19 and protection of such resources as established by the eCounty, the sState, or the  
20 federal government; provided they meet the requirements of such programs.

21 (b) *Tax credits.* The eCounty eCouncil shall apply to certify this chapter with the  
22 appropriate agencies so as to make available to owners of designated properties the

1 investment tax credits for rehabilitation pursuant to the Tax Reform Act of 1986 and any  
2 amendments thereof.

3 **SECTION V: AMENDMENT-** Chapter 62, Article I, Section 62-6 of the Code of  
4 Ordinances of the County of Volusia is hereby amended as follows:

5 Sec. 62-6. - Stop work orders.

6 Any work conducted contrary to the provisions of this chapter shall be immediately  
7 stopped upon notice from the ~~h~~Historic ~~p~~Preservation ~~e~~Officer or his or her designee that the  
8 work does not conform to the terms of this chapter. Notice shall be in writing and shall be given  
9 to the property owner, his or her agent, or the person doing the work. If none of these persons  
10 are immediately available on the construction site to receive the required notice, it shall be  
11 posted on the property. The notice shall state all conditions under which work may be  
12 resumed. In emergencies, the ~~h~~Historic ~~p~~Preservation ~~e~~Officer shall not be required to furnish  
13 written notice of the stop work order.

14 **SECTION VI: AMENDMENT-** Chapter 62, Article I, Section 62-7 of the Code of  
15 Ordinances of the County of Volusia is hereby amended as follows:

16 Sec. 62-7. – Fees.

17 The ~~e~~County ~~e~~Council is hereby authorized to adopt a fee resolution to implement the  
18 provisions of this chapter.

19 **SECTION VII: AMENDMENT-** Chapter 62, Article I, Section 62-8 of the Code of  
20 Ordinances of the County of Volusia is hereby amended as follows:

21 Sec. 62-8. - Filing of historical material and data.

1 The eClerk of the eCircuit eCourt of the eCounty shall file and record, in books, which  
2 shall be furnished to the eClerk by the eCounty eCouncil, or in suitable space, all such  
3 historical material and data that the bBoard may direct to be filed and recorded.

4 **SECTION VIII: AMENDMENT-** Chapter 62, Article I, Section 62-9 of the Code of  
5 Ordinances of the County of Volusia is hereby amended as follows:

6 Sec. 62-9. - Rehearings.

7 (a) If it is alleged that the hHistoric pPreservation bBoard or the eCounty eCouncil has  
8 overlooked or misapprehended some facts or points of law, a rehearing of any  
9 decision of the bBoard or the eCounty eCouncil may be granted by that body upon  
10 the motion of any person aggrieved by its decision. That motion shall be in writing,  
11 shall be filed with the hHistoric pPreservation eOfficer within ten working days after  
12 rendition of the decision by the bBoard or the eCounty eCouncil as the case may  
13 be, and shall state its grounds.

14 (b) The movant shall serve the motion by certified mail or hand delivery upon the  
15 bBoard chairperson or eCounty eCouncil chairmanperson, and the eCounty  
16 mManager, and the property owner, if the movant is a person other than the  
17 property owner previously notified of the hearing, together with a notice stating the  
18 date, time, and place ~~if~~ the motion will be orally presented to the bBoard or  
19 eCounty eCouncil.

20 (c) If the bBoard or the eCounty eCouncil grants the motion, it shall state its reasons  
21 for doing so, and set a date, time, and place for another public hearing upon due  
22 public notice.

1       **SECTION IX: AMENDMENT-** Chapter 62, Article II, Section 62-41 of the Code of  
2 Ordinances of the County of Volusia is hereby amended as follows:

3       **ARTICLE II. – HISTORIC PRESERVATION BOARD**

4       **Sec. 62-41. - Generally.**

5       (a) *Creation.* There is hereby created the eCounty hHistoric pPreservation bBoard,  
6 referred to in this chapter as the bBoard, as an agency of the eCounty  
7 government in and for the eCounty. The bBoard is hereby vested with the power,  
8 authority, and jurisdiction to inventory, designate, certify, regulate, and manage  
9 historic resources in the eCounty as provided for in this chapter. Said bBoard is  
10 the successor agency to the historical commission.

11       (b) *Orientation.* The eCounty eCouncil or eCounty staff will conduct a bBoard  
12 orientation in the first quarter of the year in which appointments are to be made.  
13 The orientation will acquaint the bBoard with parliamentary procedure, sunshine  
14 law, public records law, and eCounty staff that will be assigned to the hHistoric  
15 pPreservation bBoard.

16       (c) *Powers and duties.* The bBoard shall have the following powers and duties:

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18       (3) Advise the eCounty eCouncil on all matters related to historic preservation  
19 policy, including use, management, and maintenance of eCounty-owned historic  
20 resources.

21       (4) Collect, arrange, record, publish, and preserve historical material and data,  
22 including, but not limited to, books, pamphlets, maps, charts, manuscripts, family,  
23 club or business histories, U.S. Census records, papers and pictures, and other

1 objects and materials illustrative of and relating to the history of the eCounty and  
2 this section of the state; to procure and preserve narratives of the early pioneers,  
3 explorers, and others, and their exploits, perils, privations and achievements; to  
4 curate material of every description relative to the ~~Indians~~native peoples of the  
5 section and the Indian wars, and relative to its soldiers, its schools, its churches,  
6 and its industries, and its prominent men and women.

7 (5) Propose and recommend to the eCounty eCouncil financial and technical  
8 incentive programs to further the objectives of historic preservation.

9 (6) Educate owners of designated historic resources and the general public on  
10 the benefits of historic preservation and federal, state, and local laws and policies  
11 regarding the protection of historic resources.

12 (7) Request grant assistance through the eCounty eCouncil from state, federal,  
13 or private sources for the purpose of furthering the objectives of historic  
14 preservation.

15 (8) Upon designation as a certified local government, to review and make  
16 recommendations concerning National Register of Historic Places nomination  
17 proposals for properties in the unincorporated area of the eCounty to the eState  
18 ~~n~~National ~~r~~Register ~~r~~Review ~~b~~Board.

19 (9) In cooperation with any municipality in the eCounty, or historical society,  
20 mark by proper monuments, tablets, or markers, the location of forts, Indian  
21 mounds, or other places in the eCounty where events of historical significance  
22 have occurred.

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1 (11) Perform any other function or duty related to historic preservation  
2 authorized under this chapter or assigned by the eCounty eCouncil.

3 (12) Be represented at pertinent historic preservation educational meetings,  
4 workshops, and conferences sponsored by the Florida dDepartment of sState,  
5 dDivision of hHistoric rResources.

6 (13) Seek expertise on proposals or matters requiring evaluation by a  
7 professional or a discipline not represented on the bBoard.

8 (14) Encourage bBoard members to participate in the survey and planning  
9 activities of the eCounty.

10 (15) The bBoard shall conduct an annual goal setting session where they will  
11 outline their work-plan for the year. The bBoard will make an annual presentation  
12 to the eCounty eCouncil on the accomplishment of their work plan.

13 (d) *Membership.*

14 (1) *Qualifications.* The bBoard shall have nine members, each of which shall be  
15 an elector of the eCounty. The eCounty eCouncil shall appoint a bBoard member  
16 upon the nomination of a eCouncil member. Each district eCouncil member shall  
17 make one nomination. The aAt-large member and the eCounty eChair shall each  
18 make two nominations, one elector from the West side of the eCounty and one  
19 elector from the East side of the eCounty. No elected official, appointed state,  
20 county, or municipal office holder, member of two or more other county boards or  
21 commissions, or employee of county government shall be appointed to serve on  
22 the bBoard. Members may be appointed from either or both the incorporated or  
23 unincorporated areas of the eCounty. Board members may be professionals from

1 the disciplines of architecture, history, architectural history, archaeology,  
2 anthropology, cultural geography, planning or other related disciplines, or citizens  
3 who have demonstrated special interest, experience, or knowledge in history,  
4 archaeology, architecture, or related disciplines.

5 (2) *Term.* Members of the ~~b~~Board shall be appointed by the ~~e~~County ~~e~~Council  
6 to serve for a term of two years. Board members shall be eligible for  
7 reappointment.

8 (3) *Vacancies and removal.* If any member fails to attend two meetings during  
9 any calendar year ending December 31, regardless of the reason, the member's  
10 seat shall be deemed vacant. Any member of the ~~b~~Board may be removed from  
11 office without cause by the ~~e~~County ~~e~~Council. A ~~b~~Board vacancy shall be filled  
12 upon nomination by the ~~e~~Council member who shall have made the nomination to  
13 the vacated position or the successor to that ~~e~~Council member. Appointments to  
14 fill any vacancy shall be for the remainder of the unexpired term.

15 (e) *Organization.*

16 (1) *Officers and employees.* The members of the ~~b~~Board shall elect a  
17 chairperson, vice-chairperson, and secretary, who shall each serve a one-year  
18 term. The chairperson shall preside at all meetings and shall have the right to  
19 vote. The vice-chairperson shall preside in the absence of the chairperson. The  
20 chairperson and vice-chairperson may each be reelected for additional terms, but  
21 may not serve for more than three consecutive years in said office.

22 (2) *Staff support.* The ~~e~~County ~~g~~Growth ~~m~~Management ~~d~~Department shall  
23 provide clerical and professional staff assistance to the ~~b~~Board.

1 (f) *Procedures.*

2 (1) The ~~b~~Board shall adopt rules of procedure for use at all of its meetings and  
3 keep minutes of all meetings.

4 (2) The ~~b~~Board shall hold at least four meetings each year, but no more than six  
5 ~~times~~meetings annually, unless otherwise needed in order to accomplish those  
6 issues outlined in their work-plan. Each meeting shall have been previously noticed  
7 and shall be open to the public.

8 (3) All records of the ~~b~~Board, including its rules of procedure, minutes, and  
9 inventory, shall be maintained and considered to be public records open to  
10 inspection by the public.

11 (4) Upon designation as a certified local government, the ~~b~~Board shall meet the  
12 reporting requirements outlined in the applicable law.

13 (5) A quorum shall consist of five members. No certificate of designation,  
14 certificate of appropriateness, or certificate to excavate shall be approved unless  
15 five members concur.

16 **SECTION X: AMENDMENT-** Chapter 62, Article II, Section 62-42 of the Code of  
17 Ordinances of the County of Volusia is hereby amended as follows:

18 **Sec. 62-42. – Expenses.**

19 The ~~e~~County ~~e~~Council is hereby authorized to pay the expenses of the ~~h~~Historic  
20 ~~p~~Preservation ~~b~~Board.

21 **SECTION XI: AMENDMENT-** Chapter 62, Article II, Section 62-43 of the Code of  
22 Ordinances of the County of Volusia is hereby amended as follows:

23 **Sec. 62-43. - Repository for collections and other material.**



1       The eCounty eCouncil shall provide suitable and adequate space as a repository for the  
2 findings, collections, and other material of the hHistoric pPreservation bBoard.

3       **SECTION XII: AMENDMENT-** Chapter 62, Article II, Section 62-44 of the Code of  
4 Ordinances of the County of Volusia is hereby amended as follows:

5       Sec. 62-44. - Appeal of decisions of hHistoric pPreservation eOfficer.

6       (a) The hHistoric pPreservation bBoard has the sole authority to hear and decide appeals  
7 from any order, requirement, decision, or determination of the hHistoric pPreservation  
8 eOfficer in the enforcement of this chapter. Appeals may be taken by any person  
9 aggrieved or by any officer, board, department, or agency of county government  
10 adversely affected by any decision of the hHistoric pPreservation eOfficer. An appeal  
11 shall be taken within ten days after rendition of the order, requirement, decision, or  
12 determination, by filing with the hHistoric pPreservation eOfficer and with the legal  
13 department a written notice of appeal specifying its grounds.

14       (b) The appeal shall be on a form prescribed by the hHistoric pPreservation eOfficer.

15       (c) Upon receipt of the notice of appeal, the hHistoric pPreservation eOfficer shall  
16 transmit to the bBoard all documents, plans, papers, minutes, applications,  
17 recommendations, or other materials relating to the appealed decision.

18       **SECTION XIII: AMENDMENT-** Chapter 62, Article II, Section 62-45 of the Code of  
19 Ordinances of the County of Volusia is hereby amended as follows:

20       Sec. 62-45. - Appeal of decisions of bBoard.

21       (a) The eCounty eCouncil has the sole authority to hear and decide appeals from any  
22 order, requirement, decision, or determination of the hHistoric pPreservation  
23 bBoard except for nominations for the National Register of Historic Places, which

1 shall be appealed to the sState hHistoric pPreservation oOfficer. Appeals may be  
2 taken by any person aggrieved or by any officer, board, department, or agency of  
3 county government adversely affected by any decision of the bBoard. An appeal  
4 shall be taken within ten days after rendition of the order, requirement, decision, or  
5 determination, by filing with the hHistoric pPreservation oOfficer and with the legal  
6 department a written notice of appeal specifying its grounds.

7 (b) The appeal shall be on a form prescribed by the hHistoric pPreservation oOfficer.

8 (c) Upon receipt of the notice of appeal, the hHistoric pPreservation oOfficer shall  
9 transmit to the cCounty cCouncil all documents, plans, papers, minutes,  
10 applications, recommendations, or other materials relating to the appealed  
11 decision.

12 **SECTION XIV: AMENDMENT-** Chapter 62, Article III, Section 62-71 of the Code of  
13 Ordinances of the County of Volusia is hereby amended as follows:

14 **ARTICLE III. – HISTORIC RESOURCE DESIGNATION**

15 **Sec. 62-71. - Initiation of process.**

16 The process for designation of historic resources may be initiated by the filing of a  
17 completed application for a certificate of designation by the property owner, the hHistoric  
18 pPreservation oOfficer, or upon the request of the cCounty cCouncil, or the hHistoric  
19 pPreservation bBoard, or a member thereof.

20 **SECTION XV: AMENDMENT-** Chapter 62, Article III, Section 62-72 of the Code of  
21 Ordinances of the County of Volusia is hereby amended as follows:

22 **Sec. 62-72. - Application for certificate of designation.**

1 Prior to the designation of any historic resource or historic district pursuant to this  
2 chapter, an application for a certificate of designation shall be submitted to the ~~h~~Historic  
3 ~~p~~Preservation ~~b~~Board. This application shall contain, as a minimum, the following information:

4 (4 ~~a~~) For individual historic buildings, structures, and objects:

5 ~~a.~~ (1) A physical description of the building, structure, or object and its character-  
6 defining features, accompanied by photographs.

7 ~~b.~~ (2) A description of the existing condition of the building, structure, or object,  
8 including any potential threats or other circumstances that may affect the integrity  
9 of the building, structure, or object.

10 ~~c.~~ (3) A statement of the historical, architectural, or other significance of the  
11 building, structure, or object as defined by the criteria for designation established  
12 by this chapter.

13 ~~d.~~ (4) A statement of rehabilitative or adaptive use proposals, if applicable.

14 ~~e.~~ (5) A location map showing zoning and other appropriate land use information  
15 and a legal description of the property.

16 ~~f.~~ (6) The name of the building, structure, or object, and the Florida Site File  
17 number, if applicable.

18 ~~g.~~ (7) The name and address of the property owner.

19 ~~h.~~ (8) Any other appropriate information requested by the ~~b~~Board.

20 (2-b) For individual archaeological or historic sites:

21 ~~a.~~ (1) The name of the site, and the Florida Site File number, if applicable.

22 ~~b.~~ (2) A location map showing zoning and other appropriate land use information  
23 and a legal description of the property.

1           ~~e-~~ (3)   Culture or historic periods represented at the site.

2           ~~d-~~ (4)   The type of site and a list of any artifacts associated with the site.

3           ~~e-~~ (5)   A list of any references to human remains discovered at the site.

4           ~~f-~~ (6)   Photographs showing at least one general view of the site and  
5           photographs of diagnostic artifacts found at the site, (if available).

6           ~~g-~~ (7)   A statement of the historical and/or scientific significance of the site as  
7           defined by the criteria for designation established by this chapter.

8           ~~h-~~ (8)   A description of the physical condition of the site, including any potential  
9           threats or other threats that may ~~e~~affect the integrity of the site.

10          ~~i-~~ (9)   The name and address of the property owner.

11          ~~j-~~ (10) Any other appropriate information requested by the ~~b~~Board.

12       (3 c)   For historic districts:

13           ~~a-~~ (1)   A physical description of the district, accompanied by photographs of  
14           buildings, structures, objects, or sites that are typical examples of contributing and  
15           noncontributing properties within the district.

16           ~~b-~~ (2)   A description of typical architectural styles, character-defining features,  
17           and types of buildings, structures, objects, or sites within the district.

18           ~~c-~~ (3)   A map identifying all zoning, appropriate land use information, buildings,  
19           structures, objects, and sites within the proposed district. Each building or  
20           structure in the proposed district shall be identified on the map as contributing or  
21           noncontributing, utilizing the definitions of these classifications provided in this  
22           chapter.

1 ~~d-~~ (4) A statement of the historical, cultural, architectural, archaeological, or  
2 other significance of the district as defined by the criteria for designation  
3 established by this chapter.

4 ~~e-~~ (5) A statement of incentives requested, if any, and any additional guidelines  
5 which should be used in authorizing any alteration, demolition, relocation,  
6 excavation, or new construction within the boundaries of the district.

7 ~~f-~~ (6) The names and addresses of all owners of property in the proposed  
8 district.

9 ~~g-~~ (7) Any other appropriate information requested by the ~~b~~HBoard.

10 **SECTION XVI: AMENDMENT-** Chapter 62, Article III, Section 62-73 of the Code of

11 Ordinances of the County of Volusia is hereby amended as follows:

12 Sec. 62-73. - Procedure for issuance of certificate of designation.

13 (a) *Notice of proposed certificate of designation.* The ~~h~~HHistoric ~~p~~Preservation ~~b~~Board  
14 shall send by certified mail a notice of proposed certificate of designation to the owner  
15 of the property in question at least ~~ten~~ 30 calendar days prior to the date of the public  
16 hearing, or the owner shall otherwise acknowledge notice of the public hearing from the  
17 ~~h~~HHistoric ~~p~~Preservation ~~e~~Officer. The ~~h~~HHistoric ~~p~~Preservation ~~e~~Officer shall transmit to  
18 the owner his recommendations on the designation prior to the public hearing.

19 (b) *Public hearing.* For each proposed designation pursuant to this chapter, the  
20 ~~b~~Board shall hold a public hearing within ~~90~~60 days after the filing of ~~an~~ a complete  
21 application for a certificate of designation with the ~~h~~HHistoric ~~p~~Preservation ~~e~~Officer and  
22 after due public notice. The ~~h~~HHistoric ~~p~~Preservation ~~e~~Officer, at the public hearing, shall:

1           (1) Make recommendations to the ~~b~~Board as to whether or not the building,  
2           structure, or object is eligible for designation pursuant to this chapter and provide  
3           a listing of those features of the building, structure, or object which require  
4           specific historic preservation treatments.

5           (2) Make recommendations to the ~~b~~Board as to whether or not the site is  
6           eligible for designation pursuant to this chapter, which shall include a location  
7           map showing site boundaries, justification for such boundaries, relevant land use  
8           information, and any proposed development.

9           (3) Make recommendations to the ~~b~~Board as to whether or not the district is  
10          eligible for designation pursuant to this chapter, which shall include a statement  
11          of recommended boundaries for the district and a justification for those  
12          boundaries, along with a map showing the recommended boundaries.

13       (c) *Action by ~~b~~Board.* At the public hearing, the ~~b~~Board shall either approve, deny,  
14       or approve with conditions a proposed certificate of designation pursuant to this  
15       chapter based on the criteria outlined in section 62-74; provided, however, in the  
16       event the owner objects in writing to the proposed designation of the historic building,  
17       structure, object, or historic site, either before or during the public hearing, then the  
18       application shall be withdrawn and shall not be considered by the ~~b~~Board at that time;  
19       provided further that, in the event of an application for a proposed historic district  
20       designation, if 51 percent of the owners in a proposed district object in writing either  
21       before or during the public hearing, then the application shall be withdrawn and shall  
22       not be considered by the ~~b~~Board at that time. Unless appealed, the decision of the

1        ~~b~~Board shall be the final administrative action. Copies of the decision shall be mailed  
2        to the applicant and property owner within ten days of the ~~b~~Board's decision.

3        (d) *Issuance of certificate; recommendation of amendments to comprehensive*  
4        *plan.* If a designation is made, the ~~b~~Board shall issue the certificate of designation  
5        and recommend to the ~~e~~County ~~e~~Council, if needed, amendments to appropriate  
6        elements of the ~~e~~County comprehensive plan, including, but not limited to, the future  
7        land use map, to show such designation. All designations shall be filed with the  
8        ~~h~~H~~i~~storic ~~p~~P~~r~~eservation ~~e~~O~~f~~ficer.

9        (e) *Suspension of building activities during review process.* Upon the filing of an  
10       application for certificate of designation, no permits may be issued authorizing  
11       building, alteration, demolition, relocation, or excavation ~~o~~on the subject property  
12       until such time as final board administrative action occurs. The ~~h~~H~~i~~storic  
13       ~~p~~P~~r~~eservation ~~e~~O~~f~~ficer shall notify the building official of the suspension of activities  
14       upon the filing of an application for designation.

15       **SECTION XVII: AMENDMENT-** Chapter 62, Article III, Section 62-74 of the Code of  
16       Ordinances of the County of Volusia is hereby amended as follows:

17       Sec. 62-74. - Criteria for issuance of certificate of designation.

18       The historic resources considered for issuance of a certificate of designation by the  
19       ~~h~~H~~i~~storic ~~p~~P~~r~~eservation ~~b~~Board shall possess integrity of location, design, setting, materials,  
20       and workmanship and shall meet at least one criterion in one of the three significant categories  
21       listed in this section:

22       (1-a) A historic resource shall be considered historically significant if it is:

- 1            ~~a-~~ (1) Associated with the life or activities of a person of importance in local,  
2            state, or national history;  
3            ~~b-~~ (2) The site of a historic event with a significant effect upon the county, state,  
4            or nation;  
5            ~~c-~~ (3) A prime historical example of the political, cultural, economic or social  
6            trends, or successes or failures of the people of the eCounty;  
7            ~~d-~~ (4) Associated with a past or continuing institution which has contributed  
8            substantially to the life of the people in this eCounty; or  
9            ~~e-~~ (5) A building or structure, site, object, or district if its location, landscape  
10           setting, or environment exemplifies a specific historical context.

11        (2 ~~b~~) A historic resource shall be considered architecturally significant if it is:

- 12           ~~a-~~ (1) A building, structure, or district that embodies distinctive characteristics of  
13           an architectural style, type, form, period, or method of construction;  
14           ~~b-~~ (2) A building, structure, or district that is the work of a prominent architect, ;  
15           builder, or other design professional;  
16           ~~c-~~ (3) A building, structure, or district possessing elements of design, detail,  
17           material, or craftsmanship which are of outstanding quality;  
18           ~~d-~~ (4) A building, structure or district which represented, in its time, a significant  
19           technological innovation, or an adaptation to the state environment; or  
20           ~~e-~~ (5) An exceptional or unique example of a utilitarian structure, building, or  
21           district.

22        (3 ~~c~~) A historic resource shall be considered archaeologically significant if it is:



1           a- (1) A site associated with an important historical event or person and which  
2           contains intact archaeological deposits;

3           b- (2) A site of such condition that data recoverable from the site may provide  
4           unique or representative information on past human activities and behavior; or

5           c- (3) A site that has in the past revealed information vital in developing well-  
6           established and widely accepted models and theories about past cultures and/or  
7           activities.

8           **SECTION XVIII: AMENDMENT-** Chapter 62, Article III, Section 62-75 of the Code of  
9           Ordinances of the County of Volusia is hereby amended as follows:

10          Sec. 62-75. - Revocation of certificate of designation.

11           A completed application for revocation of a certificate of designation may be filed and  
12          processed by the persons who may are eligible to file for an original application for a certificate  
13          of designation. Said application shall be processed and reviewed in the same manner as the  
14          application for certificate of designation for historic resources. In the event the ~~b~~Board revokes  
15          the said designation, it shall recommend to the ~~e~~County ~~e~~Council amendment, if any, of the  
16          appropriate elements of the comprehensive plan, including, but not limited to, the future land  
17          use map.

18          **SECTION XIX: AMENDMENT-** Chapter 62, Article IV, Section 62-101 of the Code of  
19          Ordinances of the County of Volusia is hereby amended as follows:

20          ARTICLE IV. – CERTIFICATE OF APPROPRIATENESS

21          Sec. 62-101. - Activities requiring certificate.

22           A certificate of appropriateness issued by the ~~h~~Historic ~~p~~Preservation ~~b~~Board shall be  
23          required for any of the following activities:

1 (4 a) Any alteration requiring a building permit which may change the exterior  
2 appearance of an individually designated historic building or structure or contributing property  
3 in a designated historic district.

4 (2 b) Demolition of any building or structure, constructed 50 or more years prior to  
5 January 1 of the then current year ~~prior to January 1, 1946~~ deemed eligible for designation as  
6 a significant historic resource as determined by the ~~h~~Historic ~~p~~Preservation ~~e~~Officer, in  
7 accordance with section 62-73; or demolition of an individual building or structure that has  
8 been previously issued a certificate of designation; or demolition of a contributing property in a  
9 designated historic district.

10 (3 c) The relocation of any building or structure into, out of, or within the boundaries of  
11 a ~~designated~~ historic districts, sites, or individually designated historic resource.

12 (4 d) Any new construction of principal or accessory buildings, structures, or additions  
13 within the boundaries of a designated historic district or an individually designated historic  
14 resource.

15 **SECTION XX: AMENDMENT-** Chapter 62, Article IV, Section 62-104 of the Code of  
16 Ordinances of the County of Volusia is hereby amended as follows:

17 Sec. 62-103. - Certificate not required for certain work.

18 A certificate of appropriateness shall not be required for painting and ordinary  
19 maintenance to the exterior of a building as defined in section 62-1. Upon application for a  
20 building permit, said application shall be reviewed by the ~~h~~Historic ~~p~~Preservation ~~e~~Officer to  
21 determine whether or not the proposed project will change the exterior appearance of the  
22 designated building or structure. If there will be a change to the exterior appearance, then the  
23 owner shall apply for a certificate of appropriateness. Neither the ~~h~~Historic ~~p~~Preservation

1    ~~e~~Officer nor the ~~h~~Historic ~~p~~Preservation ~~b~~Board shall consider interior arrangement or design  
2    when reviewing an application for a certificate of appropriateness unless such change effects  
3    the exterior appearance of the building.

4            **SECTION XXI: AMENDMENT-** Chapter 62, Article IV, Section 62-104 of the Code of  
5    Ordinances of the County of Volusia is hereby amended as follows:

6    Sec. 62-104. - Preapplication conference.

7            Prior to making an application for a certificate of appropriateness, the applicant shall  
8    confer with the ~~h~~Historic ~~p~~Preservation ~~e~~Officer on the nature and purpose of the proposed  
9    action. The prospective applicant shall be advised of the plans, photographs, statements, or  
10   other exhibits necessary for submitting an application.

11           **SECTION XXII: AMENDMENT-** Chapter 62, Article I, Section 62-1 of the Code of  
12   Ordinances of the County of Volusia is hereby amended as follows:

13   Sec. 62-105. - Application.

14           Application to the ~~h~~Historic ~~p~~Preservation ~~b~~Board for a certificate of appropriateness  
15   shall be on a form supplied by the ~~h~~Historic ~~p~~Preservation ~~e~~Officer and filed with said officer.  
16   Applications shall include:

17           (4 a)   Plans for structural changes, where applicable.

18           (~~2~~—b)   A description of exterior finish materials (samples may be requested of  
19   nonstandard materials), where applicable.

20           (~~3~~ b)   Site plans, including landscape plans and building elevations, where applicable.

21           (4 c)   Photographs of the subject property, including, areas of proposed work.

22           (~~5~~ d)   Notarized authorization of the owner, if the applicant is ~~other than~~not the owner  
23   or attorney for the owner.

1           (6 e) Other documentation of architectural compatibility as offered by the applicant or  
2 requested by the ~~h~~Historic ~~p~~Preservation ~~e~~Officer or ~~b~~Board.

3           (7 f) The name, address, and telephone number of the applicant.

4           **SECTION XXIII: AMENDMENT-** Chapter 62, Article IV, Section 62-106 of the Code of  
5 Ordinances of the County of Volusia is hereby amended as follows:

6           Sec. 62-106. - Public hearing.

7           The ~~h~~Historic ~~p~~Preservation ~~b~~Board shall hold a public hearing within ~~90~~60 days after  
8 the filing of the complete application for a certificate of appropriateness with the ~~h~~Historic  
9 ~~p~~Preservation ~~e~~Officer and after due public notice for each certificate of appropriateness. The  
10 ~~b~~Board shall also send, by certified mail, a notice of the proposed certificate of  
11 appropriateness to the owner of the property at least ~~ten~~30 calendar days prior to the date of  
12 the public hearing, or the owner shall otherwise acknowledge notice of the public hearing to  
13 the ~~h~~Historic ~~p~~Preservation ~~e~~Officer. At the public hearing, the ~~h~~Historic ~~p~~Preservation ~~e~~Officer  
14 shall recommend approval, denial, or approval with conditions of the certificate of  
15 appropriateness. The ~~h~~Historic ~~p~~Preservation ~~e~~Officer shall transmit said recommendation to  
16 the owner prior to the public hearing.

17           **SECTION XXIV: AMENDMENT-** Chapter 62, Article IV, Section 62-107 of the Code of  
18 Ordinances of the County of Volusia is hereby amended as follows:

19           Sec. 62-107. - Action by ~~h~~Historic ~~p~~Preservation ~~b~~Board.

20           At the public hearing provided for in this article, the ~~h~~Historic ~~p~~Preservation ~~b~~Board shall  
21 approve, deny, or approve with conditions each application based on the appropriate criteria  
22 contained in this article after the public hearing, except as otherwise provided for in demolition  
23 situations outlined in section 62-111. Copies of the decision shall be mailed to the applicant

1 and property owner within ten days of the decision. Unless appealed, the decision of the  
2 ~~h~~Board shall be the final administrative decision. After the issuance of a certificate of  
3 appropriateness, except for ordinary maintenance, no change may be made in the proposed  
4 work without resubmittal of an application.

5 **SECTION XXV: AMENDMENT-** Chapter 62, Article IV, Section 62-108 of the Code of  
6 Ordinances of the County of Volusia is hereby amended as follows:

7 Sec. 62-108. - Review criteria for proposed exterior work on buildings or structures where a  
8 certificate of designation has previously been issued.

9 In consideration of an application for a certificate of appropriateness for proposed  
10 exterior work, the ~~h~~Historic ~~p~~Preservation ~~b~~Board shall utilize the following guidelines based on  
11 the United States Secretary of the Interior's Standards for Rehabilitation, 36 CFR 67:

12 (1 ~~a~~) A property shall be used for its historic purpose or be placed in a new use that  
13 requires minimal change to the defining characteristics of the building and its site and  
14 environment.

15 (2 ~~b~~) The historic character of a property shall be retained and preserved. The  
16 removal of historic materials or alteration of exterior features that characterize a property shall  
17 be avoided.

18 (3 ~~c~~) Each property shall be recognized as a physical record of its time, place, and  
19 use. Changes that create a false sense of historical development, such as adding conjectural  
20 features or architectural elements from other buildings, shall not be undertaken.

21 (4 ~~d~~) Most properties change over time; those changes that have acquired historic  
22 significance in their own right shall be retained and preserved.

1           (5 e) Distinctive features, finishes, and construction techniques or examples of  
2 craftsmanship that characterize a historic property shall be preserved.

3           (6 f) Deteriorated historic features shall be repaired rather than replaced. Where the  
4 severity of deterioration requires replacement of a distinctive feature, the new feature shall  
5 match the old in design, texture, and other visual qualities and, where possible, materials.  
6 Replacement of missing features shall be substantiated by documentary, physical, or pictorial  
7 evidence.

8           (7 g) Chemical or physical treatments, such as sandblasting, that cause damage to  
9 historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be  
10 undertaken using the gentlest means possible.

11           (8 h) Significant archaeological resources affected by a project shall be protected and  
12 preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

13           (9 i) New additions, exterior alterations, or related new construction shall not destroy  
14 historic materials that characterize the property. The new work shall be differentiated from the  
15 old and shall be compatible with the massing, size, scale, and architectural features to protect  
16 the historic integrity of the property and its environment.

17           (10 j) New additions or related new construction shall be undertaken in such a  
18 manner that, if removed in the future, the essential form and integrity of the historic property  
19 and its environment would be unimpaired.

20           **SECTION XXVI: AMENDMENT-** Chapter 62, Article IV, Section 62-109 of the Code of  
21 Ordinances of the County of Volusia is hereby amended as follows:

22           Sec. 62-109. - Review criteria for proposed new construction.

1 New construction associated with an individually designated historic resource or within a  
2 designated historic district shall be compatible with the buildings, site, district, or environment  
3 with which the new construction is visually related. Criteria to be considered by the ~~H~~Historic  
4 ~~p~~Preservation ~~b~~Board shall include the following:

5 (4 a) The height, volume, proportions, and relationship between doors and windows,  
6 rhythm of solids and voids created by openings in the facade, materials used in the facade, the  
7 texture inherent in the facade, the pattern and trim used in the facade, and the design of the  
8 roof should be compatible with any existing historic buildings.

9 (2 b) Rhythm created by existing building masses and spaces between them should  
10 be preserved.

11 (3 c) Landscape plans should be compatible with the buildings and environment with  
12 which it is visually related.

13 (4 d) Proportions of existing facades, such as horizontal and vertical expression,  
14 should be in the new facade.

15 (5 e) Architectural details should be incorporated as necessary to relate the new with  
16 the old and to preserve and enhance the inherent architectural characteristics of the area.

17 **SECTION XXVII: AMENDMENT-** Chapter 62, Article IV, Section 62-110 of the Code of  
18 Ordinances of the County of Volusia is hereby amended as follows:

19 Sec. 62-110. - Review criteria for relocation.

20 When an applicant seeks to obtain a certificate of appropriateness for the relocation of  
21 an individually designated resource or wishes to relocate a contributing property into or out of a  
22 historic district, the ~~H~~Historic ~~p~~Preservation ~~b~~Board shall consider the following criteria:

23 (4 a) The contribution the building or structure makes to its present setting.

(2 ~~b~~) Whether there are definite plans for the site to be vacated.

(3 ~~c~~) Whether the building or structure can be moved without significant damage to its physical integrity.

(4 ~~d~~) The compatibility of the building or structure to its proposed site and adjacent properties.

The applicant shall document, through photographs, the property in its original location prior to removal and provide copies to the ~~b~~Board.

**SECTION XXVIII: AMENDMENT-** Chapter 62, Article IV, Section 62-111 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

Sec. 62-111. - Demolition of a historic resource where a certificate of designation has previously been issued or other demolition of certain buildings or structures constructed 50 or more years prior to January 1 of the then current year~~prior to January 1, 1946~~.

Demolition of a historic resource previously issued a certificate of designation or other demolition of certain buildings or structures constructed 50 or more years prior to January 1 of the then current year~~prior to January 1, 1946~~ constitutes an irreplaceable loss to the history and character of the ~~e~~County. No certificate of appropriateness shall be issued for the demolition of a historic resource previously issued a certificate of designation or a contributing property in a designated historic district or certain other buildings or structures constructed 50 or more years prior to January 1 of the then current year~~prior to January 1, 1946~~ deemed to be eligible for designation as a significant historic resource as determined by the ~~h~~Historic ~~p~~Preservation ~~e~~Officer in accordance with section 62-74, unless the applicant demonstrates by the preponderance of the evidence that undue economic hardship or unusual and compelling circumstances support such a demolition. Such eligibility shall not be construed as requiring



1 the owner to apply for such designation. If such building or structure is deemed not to be  
2 eligible for designation, then the ~~h~~H~~i~~storic ~~p~~P~~r~~eservation ~~e~~O~~f~~ficer shall approve demolition of  
3 the building or structure~~constructed prior to January 1, 1946.~~

4 (4 ~~a~~) *Unusual and compelling circumstances.*

5 ~~a.~~ (1) *Criteria.* In situations where the applicant claims that unusual and  
6 compelling circumstances require the demolition of an individually designated  
7 historic resource or a contributing property in a historic district or where a certain  
8 building or structure was constructed 50 or more years prior to January 1 of the  
9 then current year~~prior to January 1, 1946~~ deemed to be eligible for designation as a  
10 significant historic resource as determined by the ~~h~~H~~i~~storic ~~p~~P~~r~~eservation ~~e~~O~~f~~ficer  
11 in accordance with section 62-73, the ~~h~~H~~i~~storic ~~p~~P~~r~~eservation ~~b~~B~~o~~ard shall consider  
12 the following criteria:

13 ~~4.~~ i. The building or structure is of such interest or quality that it would  
14 reasonably meet national standards for additional designation on the National  
15 Register of Historic Places or as a National Historic Landmark.

16 ~~2.~~ ii. The building or structure is of such design, craftsmanship, or material  
17 that it could be reproduced only with great difficulty and/or expense.

18 ~~3.~~ iii. The building or structure is one of the last remaining examples of its  
19 kind in the ~~e~~C~~o~~unty or the region.

20 ~~4.~~ iv. The building or structure contributes substantially to the historic  
21 character of a designated historic district.

1           5. v. Retention of the building or structure would promote the general welfare  
2           of the eCounty by providing an opportunity for the study of local history,  
3           architecture, or design.

4           6. vi. Definite plans exist for reuse of the property if the proposed demolition is  
5           carried out, and if the plans will have a positive effect on the character of the  
6           surrounding area.

7           7. vii. A reasonable effort was made to relocate the building or structure.

8           8. viii. Demolition of the designated building or structure has been  
9           recommended or ordered by the appropriate public agency due to unsafe  
10          conditions.

11        ~~b.~~ (2) *Action by bBoard.* On applications for certificates of appropriateness for  
12        demolition claiming an unusual and compelling circumstance, the bBoard may approve,  
13        approve with conditions, or deny the request or may suspend action to allow further  
14        study of the matter for a period not to exceed 180 days from the date of the filing of the  
15        application. The length of the delay shall be determined by the bBoard based upon the  
16        probable time required to arrange a possible alternative to demolition. During the stay of  
17        demolition, the bBoard may take such steps as it deems necessary to preserve the  
18        building or structure concerned in accordance with the purposes of this chapter. Such  
19        steps may include, but shall not be limited to, consultation with civic groups, public  
20        agencies, and interested citizens; recommendations for acquisition of property by public  
21        or private bodies or agencies; and exploration of the possibility of moving the structure  
22        or building.

23        (2 b) *Undue economic hardship.*

1        ~~a.~~ (1) *Criteria.* In situations where, by reason of particular site conditions and restraints  
2        or circumstances applicable to the property owner, strict enforcement of this chapter will  
3        deny ~~him~~the property owner of economically viable or reasonable use of a property, the  
4        applicant shall submit the following information to the ~~H~~Historic ~~p~~Preservation ~~e~~Officer:

5        4. ~~i.~~ i. For all property:

6                i. a. The amount paid for the property, the date of purchase, and the party from  
7                whom the property was purchased.

8                ii. b. The assessed value of the land and improvements thereon according to  
9                the two most recent ~~e~~County ~~p~~Property ~~a~~Appraiser's assessments.

10              iii. c. Real estate taxes for the previous two years.

11              iv. d. Annual debt service, if any, for the previous two years.

12              v. e. All appraisals obtained within the previous two years by the owner or  
13              applicant in connection with the purchase, financing, or ownership of the  
14              property.

15              vi. f. Any listing of the property for sale or rent, price asked and offers received.

16              vii. g. Any consideration by the owner as to profitable adaptive uses for the  
17              property.

18        2. ~~ii.~~ ii. For income-producing property:

19              i. a. Annual gross income from the property for the previous two years.

20              ii. b. Itemized operating and maintenance expenses for the previous two years.

21              iii. c. Annual cash flow, if any, for the previous two years.

22        The ~~b~~Board reserves the right to solicit expert testimony.

1        ~~b.~~ (2) *Action by ~~b~~Board.* The ~~b~~Board shall review all evidence and information  
2        submitted by the applicant and make a determination as to whether the denial of a  
3        certificate of appropriateness for demolition will deprive the owner of reasonable use of,  
4        or economically viable return on, the property in question. If the ~~b~~Board decides that  
5        denial of the proposed action does not or will not deprive the owner reasonable use of  
6        or an economically viable return on the property, then the certificate of appropriateness  
7        for demolition will be denied. In the event the ~~b~~Board finds without approval of the  
8        proposed work all reasonable use of, or economic return from, a historic building or  
9        structure which has previously been issued a certificate of designation or a contributing  
10       property within a historic district or other building or structure constructed 50 or more  
11       years prior to January 1 of the then current year~~prior to January 1, 1946~~ deemed eligible  
12       for designation as a historic resource as determined by the ~~h~~Historic ~~p~~Preservation  
13       ~~e~~Officer in accordance with section 62-74, will be denied a property owner, then the  
14       application shall be delayed for a period not to exceed 180 days from the date of filing of  
15       the application. During this period the ~~b~~Board shall investigate alternatives to preserve  
16       the property. Such alternatives may include, but are not limited to a reduction in real  
17       property taxes, financial assistance, changes in zoning, public purchase, and/or code  
18       exemptions. If by the end of the period for the stay of demolition the ~~b~~Board has found  
19       that, without approval of the demolition, the property cannot be put to a reasonable use  
20       or the owner cannot obtain a reasonable economic return therefrom, then the ~~b~~Board  
21       shall issue a certificate of appropriateness for demolition.

1           (3 c) *Documentation of buildings.* The ~~b~~Board shall, as a condition to approval of such  
2 demolition, have the power to require the documentation of buildings slated for such demolition  
3 by photographs and measured drawings.

4           **SECTION XXIX: AMENDMENT-** Chapter 62, Article V, Section 62-141 of the Code of  
5 Ordinances of the County of Volusia is hereby amended as follows:

6   **ARTICLE V. – EXCAVATION CERTIFICATE**

7   **Sec. 62-141. - Activities requiring certificate.**

8           A certificate to excavate issued by the ~~h~~Historic ~~p~~Preservation ~~b~~Board shall be required  
9 for proposed earth-disturbing activities that will have an adverse impact on any historic  
10 resource designated as archaeologically significant as provided for in ~~a~~Article III of this  
11 chapter. No earth-disturbing activity may occur within the boundaries of a designated  
12 archaeological site until a certificate to excavate is issued by the ~~b~~Board.

13          **SECTION XXX: AMENDMENT-** Chapter 62, Article V, Section 62-142 of the Code of  
14 Ordinances of the County of Volusia is hereby amended as follows:

15   **Sec. 62-142. - Determination of adverse impact.**

16          The owner of a designated historic resource with archaeological significance shall  
17 confer with the ~~h~~Historic ~~p~~Preservation ~~e~~Officer prior to any earth-disturbing activity within the  
18 established boundaries of a designated archaeological site. A determination shall be made by  
19 the ~~h~~Historic ~~p~~Preservation ~~e~~Officer as to whether or not an application for a certificate to  
20 excavate is warranted. Said determination shall be based on whether or not there is a  
21 substantial adverse impact on the designated resource and the potential for future impacts as  
22 a result of the proposed action. The ~~h~~Historic ~~p~~Preservation ~~e~~Officer may request the following  
23 information to assist in making the determination:

(4 a) Site plans, including landscape plans, where applicable.

(2 b) A description of any earth-disturbing activity associated with the project, including depth of excavation and area of coverage.

(3 c) Any other information required by the hHistoric pPreservation oOfficer deemed necessary for making an accurate determination.

(4 d) An archaeological test survey, conducted by a professional archaeologist who meets the professional qualification standards as defined by 36 CFR 61 and the Florida dDepartment of sState, dDivision of hHistorical rResources, to further evaluate the extent and significance of archaeological deposits.

If the hHistoric pPreservation eOfficer makes a determination that the proposed activity will have a substantial adverse impact on a designated archaeological site, an application for a certificate to excavate must be filed with the hHistoric pPreservation eOfficer. If a determination of no substantial adverse impact is made, the project may proceed without action from the bBoard.

**SECTION XXXI: AMENDMENT-** Chapter 62, Article V, Section 62-143 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

Sec. 62-143. - Application.

Application to the hHistoric pPreservation bBoard for a certificate to excavate shall be made on a form supplied by the hHistoric pPreservation eOfficer. Said application shall be filed with said officer upon the determination made by the eCounty hHistoric pPreservation eOfficer as outlined in section 62-142. Applications shall be accompanied by full plans and specifications indicating areas of work that involve earth-disturbing activity. Also, a notarized

1 authorization allowing such activity by the owner shall be provided, if the applicant is other than  
2 the owner or attorney for the owner.  
3

4 **SECTION XXXII: AMENDMENT-** Chapter 62, Article V, Section 62-144 of the Code of  
5 Ordinances of the County of Volusia is hereby amended as follows:

6 Sec. 62-144. - Public hearing and notice of proposed certificate.

7 The ~~h~~Historic ~~p~~Preservation ~~b~~Board shall hold a public hearing within ~~90~~60 days after  
8 the filing of the complete application for a certificate to excavate with the ~~h~~Historic  
9 ~~p~~Preservation ~~e~~Officer and after due public notice for each application for a certificate to  
10 excavate. The ~~b~~Board shall also send by certified mail a notice of the proposed certificate to  
11 excavate to the owner at least ~~ten~~30 calendar days prior to the date of public hearing, or the  
12 owner shall otherwise acknowledge notice to the ~~h~~Historic ~~p~~Preservation ~~e~~Officer. At the public  
13 hearing, the ~~h~~Historic ~~p~~Preservation ~~e~~Officer shall recommend approval, denial, or approval  
14 with conditions of the certificate to excavate. The ~~h~~Historic ~~p~~Preservation ~~e~~Officer shall  
15 transmit to the owner his or her recommendations on the application prior to the public hearing.

16 **SECTION XXXIII: AMENDMENT-** Chapter 62, Article V, Section 62-145 of the Code of  
17 Ordinances of the County of Volusia is hereby amended as follows:

18 Sec. 62-145. - Action by ~~h~~Historic ~~p~~Preservation ~~b~~Board.

19 After the public hearing, the ~~h~~Historic ~~p~~Preservation ~~b~~Board shall approve, deny, or  
20 approve with conditions each application for an excavation certificate. Copies of the decision  
21 shall be mailed to the applicant and the property owner within ten days of the decision. Unless  
22 appealed, the decision of the ~~b~~Board shall be the final administrative decision. After the

1 issuance of a certificate to excavate, no change may be made in the proposed work without  
2 resubmittal of an application.

3 **SECTION XXXIV: AMENDMENT-** Chapter 62, Article V, Section 62-146 of the Code of  
4 Ordinances of the County of Volusia is hereby amended as follows:

5 Sec. 62-146. - Mitigation of adverse impacts.

6 The ~~H~~Historic ~~p~~Preservation ~~b~~Board shall not approve any application for a certificate to  
7 excavate that does not provide for the mitigation of adverse impacts on a designated historic  
8 resource with archaeological significance. Upon receipt of a complete application, the ~~b~~Board  
9 shall review the proposed project to determine the type of archaeological work that is  
10 necessary to mitigate the adverse impact of the proposed earth-disturbing activity on the  
11 affected archaeological resource. After receiving a complete application, a decision shall be  
12 made by the ~~b~~Board as to the type of mitigation method appropriate for the project. The  
13 ~~b~~Board shall select one or more of the following alternatives:

14 (4 ~~a~~) *Site monitoring.* This method includes the visual inspection of a property by the  
15 ~~H~~Historic ~~p~~Preservation ~~e~~Officer and/or a professional archaeologist for evidence of  
16 artifacts or structural remains unearthed during the development process or earth-  
17 disturbing activity. If significant archaeological deposits are unearthed during project-  
18 related activity, work may be halted by the ~~b~~Board, with the recommendation for such  
19 action from the ~~H~~Historic ~~p~~Preservation ~~e~~Officer or a professional archaeologist, for a  
20 period not to exceed 180 days from the date of the filing of the application. This time  
21 delay may be used to conduct any necessary archaeological work. At the end of the  
22 delay, the applicant will be allowed to continue the project as planned.



1       (2 b)   *Subsurface testing.* This method includes limited sampling prior to the  
2       development process. Work of this nature must be conducted and/or supervised by a  
3       professional archaeologist. In situations where additional effort is warranted, the ~~b~~Board  
4       may request the applicant to conduct full-scale excavation and/or in-situ preservation.

5       (3 d)   *Full-scale excavation.* If the area to be adversely impacted by the proposed  
6       project contains significant archaeological deposits as determined through documentary  
7       records and/or subsurface testing, a full-scale excavation may be warranted. This action  
8       requires a team supervised by a professional archaeologist. The time required for  
9       excavation will depend on the type and size of site, extent of soil disturbance, definition  
10      of the site made during the excavation, and weather conditions, but shall not exceed  
11      365 days in duration.

12      (4 e)   *In-situ preservation.* This method should be utilized, if feasible, as an alternative  
13      for full-scale excavation in projects that involve significant archaeological deposits. In-  
14      situ preservation is defined as maintaining the archaeological site in an undisturbed  
15      state at its present location such as through an easement, preserve, passive park, or  
16      designated open space area, or by sealing the site under pavement and/or fill. Specific  
17      boundaries are identified and all development activity and earth-disturbing activity  
18      occurs outside of the identified boundaries.

19      **SECTION XXXV: AMENDMENT-** Chapter 62, Article V, Section 62-147 of the Code of  
20      Ordinances of the County of Volusia is hereby amended as follows:

21      Sec. 62-147. - Reporting requirements for archaeological work.

22             Any person conducting archaeological work in accordance with this chapter shall  
23      complete a Florida Site File form and a written report that meets the guidelines of the ~~f~~Florida

1    ~~d~~Department of ~~s~~State, ~~d~~Division of ~~h~~Historical ~~r~~Resources. A copy of the Florida Site File form  
2    and the report will be provided to the ~~h~~Historic ~~p~~Preservation ~~b~~Board and the Florida  
3    ~~d~~Department of ~~s~~State, ~~d~~Division of ~~h~~Historical ~~r~~Resources, prior to the issuance of a  
4    certificate to excavate.

5            **SECTION XXXVI: AMENDMENT-** Chapter 62, Article V, Section 62-148 of the Code of  
6    Ordinances of the County of Volusia is hereby amended as follows:

7    Sec. 62-148. - Assistance with costs of archaeological work.

8            The ~~h~~Historic ~~p~~Preservation ~~b~~Board shall assist the applicant in obtaining funding or  
9    volunteer assistance for archaeological work.

10           **SECTION XXXVII: AMENDMENT-** Chapter 62, Article V, Section 62-149 of the Code of  
11   Ordinances of the County of Volusia is hereby amended as follows:

12   Sec. 62-149. - Correlation with other permits.

13           A certificate to excavate shall be considered prerequisite to the issuance of any other  
14   permits required by ordinance of the ~~e~~County ~~e~~Council. The issuance of a certificate to  
15   excavate shall not relieve the applicant from obtaining other permits or approvals required by  
16   the ~~e~~County.

17           **SECTION XXXVIII: AMENDMENT-** Chapter 62, Article VI, Section 62-176 of the Code  
18   of Ordinances of the County of Volusia is hereby amended as follows:

19   **ARTICLE VI. HISTORIC PRESERVATION PROPERTY TAX EXEMPTION ORDINANCE**

20   Sec. 62-176. - Purpose and intent.

21           \*\*\*

22           (b)    *Intent.* The intent of this article is to promote the general health, safety, and  
23   welfare of the public by:

1           \*\*\*

2           (2) Promoting the eCounty's historic resources for the enjoyment of the citizens  
3           of the County of Volusia, as an educational asset for community understanding  
4           and to provide an attraction to tourists and visitors who will have a positive  
5           impact on the local economy.

6           **SECTION XXXIX: AMENDMENT-** Chapter 62, Article IV, Section 62-178 of the Code of  
7           Ordinances of the County of Volusia is hereby amended as follows:

8           Sec. 62-178. - Definitions.

9           The following words and phrases when used in this aArticle shall have the following  
10          meanings:

11          *Building* means any structure with an impervious roof built for the support, shelter or  
12          enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for  
13          50 percent or more of its perimeter. The term "building" shall be construed as if followed by the  
14          words "or part thereof."

15               \*\*\*

16          *Contributing property* means a building, site, structure, or object which adds to the  
17          historical architectural qualities, historic associations, or archaeological values for which a  
18          district is significant because:

19          (1) It was present during the period of significance of the district, and possesses  
20          historic integrity reflecting its character at that time;

21               \*\*\*

22          *County eCouncil* means the seven duly constituted members of the eCounty eCouncil of  
23          the County of Volusia, Florida.

1       *Due public notice* means publication of notice of day, time, place, and purpose of a  
2 public hearing at least once in a newspaper of general circulation in the ~~area~~County, with such  
3 publication to be at least ten calendar days prior to the date of such public hearing.

4       *Historic district* means a group of sites, buildings, structures, and/or objects linked by  
5 historical association or aesthetically by plan or physical development. A district may be a  
6 significant concentration of resources or individual properties geographically separated, but  
7 with shared historical association.

8       \*\*\*

9       ~~h~~H~~istoric~~ ~~p~~P~~reservation~~ ~~e~~O~~fficer~~ means the ~~d~~D~~irector~~ of ~~g~~G~~rowth~~ ~~m~~M~~anagement~~  
10 ~~s~~S~~ervices~~ of the ~~e~~C~~ounty~~ or his/her duly authorized representative who is responsible for  
11 administering, interpreting, and enforcing the provisions of this article. Said officer or his/her  
12 duly authorized representative should meet the requirements of at least one of the disciplines  
13 (history, archaeology, architectural history, architecture, historic architecture) outlined in the  
14 Professional Qualification Standards in 36 C.F.R. 61 or appendix A of the Florida Certified  
15 Local Government Guidelines.

16       *Improvements* means changes in the condition of real property brought about by the  
17 expenditure of labor or money for the restoration, renovation, or rehabilitation of such property.  
18 Improvements include additions and accessory structures (i.e., a garage) necessary for  
19 efficient contemporary use.

20       *National Register of Historic Places* means the list of historic properties significant in  
21 American history, architecture, archeology, engineering, and culture maintained by the  
22 Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (P.L.  
23 89-665; 80 STAT. 915; 16 U.S.C. 470), as amended.

1           \*\*\*

2           *Person* means an individual, firm, association, organization (whether social, fraternal or  
3 business), partnership, joint venture, trust company, corporation, receiver, syndicate, business  
4 trust or other group, or combination acting as a unit.

5           *Renovation or rehabilitation* means, for historic properties or portions thereof which are  
6 of historical or architectural significance, ~~"Renovation or rehabilitation"~~ means the act or  
7 process of returning a property to a state of utility through repair or alteration which makes  
8 possible an efficient contemporary use while preserving those portions or features of the  
9 property which are significant to its historical, architectural, cultural, and archaeological values.  
10 For historic properties or portions thereof which are of archaeological significance or are  
11 severely deteriorated, "renovation" or rehabilitation" means the act or process of applying  
12 measures designed to sustain and protect the existing form and integrity of a property, or  
13 reestablish the stability of an unsafe or deteriorated property while maintaining the essential  
14 form of the property as it presently exists.

15           \*\*\*

16           \*\*\*

17           **SECTION XL: AMENDMENT-** Chapter 62, Article VI, Section 62-180 of the Code of  
18 Ordinances of the County of Volusia is hereby amended as follows:

19           Sec. 62-180. - Procedure for granting tax exemption.

20           (a) Any owner of property that desires an ad valorem tax exemption must file a  
21 completed preconstruction application before improvements are initiated with the  
22 ~~H~~Historic ~~p~~Preservation ~~e~~Officer for review and shall include the following information;

23           \*\*\*

1 (3) Proof, to the satisfaction of the Volusia eCounty eCouncil or the ~~h~~Historic  
2 ~~p~~Preservation eOfficer, as the case may be, that the property that is to be  
3 rehabilitated or renovated is a historic property.

4 (4) Proof, to the satisfaction of the Volusia eCounty eCouncil or the ~~h~~Historic  
5 ~~p~~Preservation eOfficer, as the case may be, that the improvements to the  
6 property will be consistent with the United States Secretary of Interior's  
7 Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings  
8 (Revised 1990) and will be made in accordance with guidelines developed by the  
9 Florida Department of State, pursuant to Rule 1A-38.005, Florida Administrative  
10 Code.

11 (5) Other information deemed necessary by the Florida Department of State,  
12 ~~Division of Historical Resources, Department of State, State of Florida~~ and the  
13 ~~h~~Historic ~~p~~Preservation eOfficer.

14 (b) The ~~h~~Historic ~~p~~Preservation eOfficer shall deliver a copy of each application for a  
15 historic preservation ad valorem tax exemption to the Property Appraiser of the County  
16 of Volusia. Upon certification of the assessment roll or recertification, if applicable,  
17 pursuant to F.S. § 193.122, for each fiscal year during which the article is in effect, the  
18 ~~p~~Property ~~a~~Appraiser shall report the following information to the ~~h~~Historic  
19 ~~p~~Preservation eOfficer and the eCounty eCouncil:

20 (1) The total taxable value of all property within the eCounty for the current  
21 fiscal year.

1           (2) The total exempted value of all property in the eCounty which has been  
2           approved to receive historic preservation ad valorem tax exemption for the  
3           current fiscal year.

4           (c) On completion of the review, the ~~h~~Historic ~~p~~Preservation ~~e~~Officer shall prepare a  
5           report to the eCounty eCouncil with a copy to the applicant evidencing the results of the  
6           review, and make recommendations for the correction of any planned work deemed to  
7           be inconsistent with Rule 1A-38.005, Florida Administrative Code. Such review shall be  
8           completed within 30 days following receipt of the completed application.

9           (d) In order for an improvement to a historic property to qualify the property for an  
10          exemption, the improvement must:

11       \*\*\*

12           (2) Be determined by the ~~h~~Historic ~~p~~Preservation ~~e~~Officer to meet criteria  
13           established by the Florida Department of State, Division of Historical Resources,  
14           ~~Department of State, State of Florida,~~ in Chapter 1A-38, Florida Administrative  
15           Code.

16           (e) The eCounty eCouncil after due public notice at a public hearing shall either grant  
17           with conditions the application for ad valorem tax exemption by resolution, by majority  
18           vote of the full eCounty eCouncil, or deny, or continue said application. If granted, such  
19           exemption shall take effect on the January 1 following substantial completion of the  
20           improvement and the issuance of a certificate of occupancy if said certificate is required  
21           by law. The resolution granting the ad valorem tax exemption shall contain:

22       \*\*\*

(f) To qualify for an exemption, the property owner must enter into a covenant with the County Council, for the term for which the exemption is granted. The form of the covenant must be established or approved by the Florida Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3). Said covenant shall be recorded in the public records of the County of Volusia, Florida. A copy of said covenant shall be transmitted to the Property Appraiser of the County of Volusia.

**SECTION XLI: AMENDMENT-** Chapter 62, Article VI, Section 62-181 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

Sec. 62-181. - Ad valorem tax exemptions for improvements to historic properties.

The County Council upon recommendation of the Historic Preservation Officer may authorize the exemption from ad valorem taxation of up to 100 percent of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties. The exemption applies only to improvements to real property. In order for the property to qualify for the exemption, any such improvements must be made on or after the date this article is adopted.



1       **SECTION XLII: AMENDMENT-** Chapter 62, Article VI, Section 62-183 of the Code of  
2 Ordinances of the County of Volusia is hereby amended as follows:

3       Sec. 62-183. - Applicable taxes.

4       The tax exemptions allowed herein are only ad valorem taxes assessed by the Property  
5 Appraiser for the County of Volusia. The exemptions do not apply to taxes levied for the  
6 payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or  
7 Section 12, Article VII of the Florida Constitution.

8       **SECTION XLIII: AMENDMENT-** Chapter 62, Article VI, Section 62-184 of the Code of  
9 Ordinances of the County of Volusia is hereby amended as follows:

10       Sec. 62-184. - Duration of tax exemption.

11       Any tax exemption granted by this article shall remain in effect for ten years regardless  
12 of any change in the authority of the eCounty to grant such exemptions or any change in the  
13 ownership of the property. Improvements which qualified the property for an exemption must  
14 be maintained over the period for which the exemption is granted.

15       **SECTION XLIV: SEVERABILITY** - Should any word, phrase, sentence, subsection or  
16 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or  
17 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be  
18 severed from this ordinance and all other words, phrases, sentences, subsections, or sections  
19 shall remain in full force and effect.

20       **SECTION XLV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in  
21 conflict herewith are, to the extent of such conflict, repealed.

22       **SECTION XLVI: AUTHORIZING INCLUSION IN CODE.** The provisions of this  
23 ordinance shall be included and incorporated into the Code of Ordinances of the County of

Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

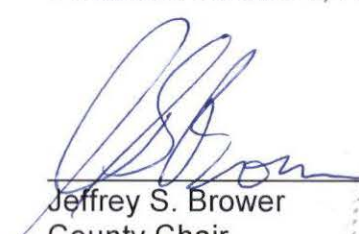
**SECTION XLVII: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing of a certified copy by email with the Department of State.

**ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 17th DAY OF AUGUST A.D., 2021.**

ATTEST:

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

  
\_\_\_\_\_  
George Recktenwald  
County Manager

  
\_\_\_\_\_  
Jeffrey S. Brower  
County Chair

