

ORDINANCE NO. 547

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORANGE CITY CODE OF ORDINANCES, PART II, CHAPTER 2, ARTICLE III, DIVISION 3, HISTORIC PRESERVATION BOARD BY REVISING SECTION 2-95 REGARDING MEMBERSHIP; AND REVISING SECTIONS 2-93 AND 2-108 AND 2-109 FOR HOUSEKEEPING; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 10, 1996 the City Council of the City of Orange City established the Historic Preservation Board, for the purpose of protecting, enhancing and perpetuating the historic resources of the City for the citizens of the City of Orange City, to the end of improving the overall quality of life within the community; and

WHEREAS, on April 10, 2012, the City Council of Orange City adopted Ordinance No. 479 amending the 1996 board establishment; and

WHEREAS, the City Council of the City of Orange City finds it in the best interest of the City to allow change in the composition of the historic preservation board;

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

SECTION ONE. Part II, Chapter 2, Article III, Division 3, Historic Preservation Board, Section 2-93 Definitions, Section 2-95 Membership, and Section 2-108 Requirements for historic preservation easements of the City's Code of Ordinances is hereby amended as shown in underline, strikethrough format in **Attachment A**, attached hereto and incorporated herein with full force and effect.

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 All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION THREE: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion of application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2015.

Gary A. Blair, Vice Mayor _____ Michael G. Wright _____

Ron Saylor _____ Tom Abraham _____

Anthony Pupello _____ O. William Crippen _____

Tom Laputka, Mayor _____

ROLL CALL VOTE AS FOLLOWS:

Gary A. Blair, Vice Mayor _____ Michael G. Wright _____

Ron Saylor _____ Tom Abraham _____

Anthony Pupello _____ O. William Crippen _____

Tom Laputka, Mayor _____

Second Reading this _____ day of _____, 2015.

PASSED and ADOPTED this ____ day of _____, 2015.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Thomas Laputka, Mayor

Approved as to form and legal sufficiency:

W.E. Reischmann, City Attorney

ATTACHMENT "A"

DIVISION 3. Historic Preservation Board

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Sec. 2-93. - 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:}

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

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Sec. 2-95. - Membership.

The historic preservation board shall have five members as follows:

- (1) Members shall be appointed by the city council. The appointments may be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. 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.
 - e. Architect
- (2) Upon the creation of the five member board, one of the board members shall serve one initial term of one-year. Two of the board members shall each serve one initial term of two years. The remaining two members shall each serve one initial three-year term.
- (3) Thereafter, members shall be appointed to three-year terms. No member may serve more than three consecutive terms.
- (4) All members shall be unrelated and reside within the city limits of the city, except that one of the five members may be a resident of the West Volusia County area who has an interest in Orange City and historic preservation.

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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 of Ordinance No. 351 ~~{attached to a copy of this ordinance and~~ on file in the office of the city clerk, 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:

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(b) Upon receipt of an application, the developmental services department shall make a determination within 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:

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