

**ORDINANCE NO. 2017 - 12**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING ORDINANCE 97-49 REGARDING HISTORIC PRESERVATION PROPERTY TAX EXEMPTION BY MAKING PROPERTIES LOCATED IN COMMUNITY REDEVELOPMENT AREAS ELIGIBLE FOR SUCH EXEMPTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance 97-49 was adopted by the City of DeLand on December 01, 1997, in accordance with Section 196.1997, Florida Statutes, to provide for an ad valorem tax exemption for improvements to historic properties which met certain criteria as more particularly set forth in the said ordinance; and

**WHEREAS**, Section 3(C)(4) of Ordinance 97-49 specifically limits the tax exemption to properties located outside of the “City of DeLand Tax Increment Finance District” (ie. the Downtown DeLand CRA and now also the Spring Hill CRA); and

**WHEREAS**, disallowing properties in the Downtown DeLand CRA made perfect sense at the time of adoption of Ordinance 97-49, because at that time many of the properties downtown had yet to be renovated and if the exemption were allowed to those properties, the CRA would never have realized tax increment revenues that were ultimately realized; and

**WHEREAS**, the situation today in the Downtown DeLand CRA is much different in that much of the area has already been renovated, and allowing the remaining un-renovated historic properties within the Downtown DeLand CRA to utilize the historic preservation tax exemption (which buildings would have to meet all of the other requirements of the Ordinance) would encourage the remaining buildings to be renovated, thereby facilitating the goal of historic preservation without adversely affecting the City’s community redevelopment areas; and

**WHEREAS**, the City Commission desires to remove the requirement from Ordinance 97-49 that properties must be located outside of a City of DeLand Tax Increment Finance District (CRA) in order to qualify for an ad valorem tax exemption for historic properties; and

**WHEREAS**, the City Commission finds that the goal of historic preservation within the City as well as the general health, welfare and safety of the citizens of the City of DeLand will be well served by removing the requirement from Ordinance 97-49 that properties must be located outside of a City of DeLand Tax Increment Finance District (CRA) in order to qualify for a historic property ad valorem tax exemption.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:**

**Section 1.** Ordinance 97-49 is hereby amended by deleting Section 3(C)(4) which currently reads “(4) The property must be located outside of the City of DeLand Tax Increment Finance District.”

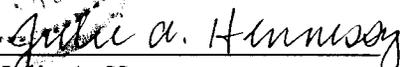
**Section 2.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 5<sup>th</sup> day of June, 2017.

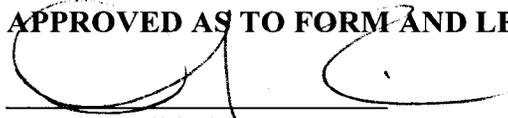


  
Robert F. Apgar  
Mayor - Commissioner

  
Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: May 01, 2017  
Adopted on second reading: June 05, 2017

**APPROVED AS TO FORM AND LEGALITY:**

  
Darren J. Elkind  
City Attorney