

ORDINANCE NO. 02-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA, AMENDING CHAPTER 5, ARTICLE VI, CITY OF DEBARY LAND DEVELOPMENT CODE REGARDING REGULATING PLAN, ADMINISTRATIVE PROCEDURES, LAND USE AND BUILDING DENSITY, PERMITTED USES, PROHIBITED USES, BUILDING DESIGN STANDARDS AND SITE DEVELOPMENT STANDARDS FOR THE SOUTHEAST MIXED-USE AREA/TRANSIT ORIENTED DEVELOPMENT (SEMUA/TOD) OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on September 5, 2007, the City of DeBary enacted the Land Development Code pursuant to Ordinance No. 21-07; and

WHEREAS, on October 6, 2010, the City Council adopted the City's Evaluation and Appraisal Report (EAR), which includes a Transit Oriented Development (TOD) Overlay District shown on the City's Future Land Use Map; and

WHEREAS, on December 29, 2010, the City Council adopted Ordinance 13-10 creating Land Development Code standards for the Southeast Mixed-Use Area/Transit Oriented Development (SEMUA/TOD) Overlay District; and

WHEREAS, the City Council desires to update and amend Chapter 5, Article VI of the City of DeBary Land Development Code to revise the Southeast Mixed-Use Area/Transit Oriented Development (SEMUA/TOD) Overlay District Standards to implement and be consistent with recent revisions to the Southeast Mixed Use Area (SEMUA) and TOD Overlay Design District policies and provisions of the City of DeBary Comprehensive Plan; and

WHEREAS, the City's Planning and Zoning Commission serving as the local planning agency (LPA) has conducted the necessary public meeting on the amendments set forth in this Ordinance and have made their recommendation on the same to the City Council; and

WHEREAS, the necessary public hearings and notices have occurred to adopt this Ordinance, and the City Council finds that the Land Development Code amendments set forth herein are consistent with the City of DeBary Comprehensive Plan and are in the best interest of the public health, safety and welfare of the citizens.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1 AUTHORITY. The City of DeBary has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapters 163 and 166, Florida Statutes and general home rule authority and police power of the City.

SECTION 2 ADOPTION. Chapter 5, Article VI, City of DeBary Land Development Code concerning the Southeast Mixed-Use Area/Transit Oriented Development (SEMUS/TOD) Overlay Standards is hereby amended as set forth in **Exhibit “A”** attached hereto and incorporated as fully set forth herein by this reference (underlined words are additions; ~~stricken~~ ~~through~~ language are deletions).

SECTION 3 SEVERABILITY. If any section or portion of a section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of a section of this Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION 4 CONFLICTS. To the extent that this Ordinance conflicts with any Ordinance enacted prior to the effective date of this Ordinance, this Ordinance shall control.

SECTION 5 CODIFICATION. The City Council of the City of DeBary, Florida, hereby ordains that, upon passage and adoption, Section 2 of this Ordinance shall become and be made a part of the Land Development Code of the City of DeBary, Florida.

SECTION 6 EFFECTIVE DATE. This Ordinance shall be effective immediately following to the effective date of the associated comprehensive plan amendment adopted by Ordinance No. 01-15.

FIRST READING AND PUBLIC HEARING on the ___ day of _____, 2015.

SECOND READING, PUBLIC HEARING AND ADOPTION on the ___ day of _____, 2015.

**CITY COUNCIL
CITY OF DeBARY, FLORIDA**

Clint Johnson, Mayor

ATTEST:

Dan Parrott, City Clerk