

## **ORDINANCE 01-15**

**AN ORDINANCE OF THE CITY COUNCIL OF DEBARY, FLORIDA,  
AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND  
USE ELEMENT TEXT AMENDING COMPREHENSIVE PLAN  
POLICY 5.406 CONCERNING THE SOUTHEAST MIXED USE AREA  
(SEMUA) AND COMPREHENSIVE PLAN POLICY 5.407  
CONCERNING THE TOD OVERLAY DESIGN DISTRICT;  
PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY,  
AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, § 2, Constitution of the State of Florida, as revised in 1968, grants to municipalities those governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and further authorizes such municipalities to exercise any power for municipal purposes, except as otherwise provided by law;

**WHEREAS**, Chapter 166, Fla. Stat., the Municipal Home Rule Powers Act, further affirms the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes the home rule authority of such municipalities;

**WHEREAS**, Chapter 163, Fla. Stat., Part II, known as the Community Planning Act (the "Act"), requires, authorizes, and empowers municipalities to prepare, adopt, amend and enforce Comprehensive Plans to guide development within the City and further authorizes the City Council of the City of DeBary to plan for the City's future development and growth, to responsibly guide the future growth and development of the City, to implement adopted or amended Comprehensive Plans by the adoption of appropriate land development regulations, and to establish, support and maintain procedures to carry out the provisions and purposes of such Act;

**WHEREAS**, the Local Planning Agency, has, in the preparation of the proposed amendments to the City's Comprehensive Plan performed or caused to be performed the necessary studies and surveys, collection of appropriate data, and the holding of such public hearings, work shops and meetings as required by law, and has effectively provided for public participation, notice to real property owners, broad dissemination of proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, and consideration of and response to public and official comments;

**WHEREAS**, the City finds it is in the City's best interest to amend the Policies of the City of DeBary Comprehensive Plan, Future Land Use Element Text concerning policies, as fully described in Section below.

**WHEREAS**, the Amendments adopted by this Ordinance are internally consistent with the City of DeBary Comprehensive Plan and its goals, objectives and policies and are in compliance with the Act; and

**WHEREAS**, the City Council held the required public hearings for adoption of the proposed Comprehensive Plan Amendments to receive and consider comments related to the Amendments; and

**WHEREAS**, based on the matters of record received by the City Council at the required public hearings after proper notice and finding that the proposed Amendments meet the requirements of the Act, the City Council, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt these Amendments to the City's Comprehensive Plan.

**IT IS HEREBY ORDAINED BY THE CITY OF DeBARY AS FOLLOWS:**

**SECTION 1: RECITALS/INTENT.** The City of DeBary hereby amends the City of DeBary Comprehensive Plan are adopted pursuant to §§ 163.3184, 163.3187, and 163.3191, Fla. Stat and are adopted in conformity with and pursuant to Chapter 163, Florida Statutes, and Chapter 9J-11, Florida Administrative Code. The recitals set forth above are true and correct, and constitute legislative findings of the City Council.

**SECTION 2: ADOPTION.** The City of DeBary hereby amends the text of the Future Land Use Element of the City of DeBary Comprehensive Plan to amend Policy 5.406 and Policy 5.407 in accordance with **Exhibit "A"** attached hereto and incorporated as fully set forth herein by this reference (underlined language is being inserted; ~~strikethrough~~ language is being deleted; and provisions not included are not being affected).

**SECTION 3: RATIFICATION.** The applicability and effect of the City of DeBary Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, §§ 163.3161 through 163.3215, Fla. Stat., and this Ordinance. Except to the extent amended hereby, the City of DeBary Comprehensive Plan is hereby ratified, confirmed, and shall remain in full force and effect.

**SECTION 4: EFFECTIVE DATE.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**SECTION 5: CONFLICTS.** This ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists.

**SECTION 6: SEVERABILITY.** If any part of this ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part.

LOCAL PLANNING AGENCY PUBLIC HEARING on the \_\_\_\_ of \_\_\_\_\_ 2015

FIRST READING AND PUBLIC HEARING on the \_\_\_\_ of \_\_\_\_\_, 2015

SECOND READING, PUBLIC HEARING AND ADOPTION on \_\_\_\_\_, 2015.

**CITY COUNCIL  
CITY OF DEBARY, FLORIDA**

\_\_\_\_\_  
**Clint Johnson, Mayor**

**ATTEST:**

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**Dan Parrott, City Clerk**

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