

**ORDINANCE 06-15**

**AN ORDINANCE OF THE CITY COUNCIL OF DEBARY, FLORIDA, ADOPTING THE 2016 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3177(3)(a), Florida Statutes, requires that local government comprehensive plans contain a capital improvements element designed to consider the need for and the location of public facilities; and

**WHEREAS**, Section 163.3177(3)(b), Florida Statutes, requires that local governments review the capital improvements element on an annual basis, and provides that modifications to update the five-year capital improvements schedule may be accomplished by ordinance; and

**WHEREAS**, “capital improvement” generally means physical assets constructed or purchased to provide, improve, or replace a public facility, typically large scale, high in cost, and may require multi-year financing; and

**WHEREAS**, Section 163.3177(3)(a)4, Florida Statutes, requires that projects necessary to achieve and maintain adopted levels of service for the five-year planning period be included in the capital improvement schedule; and

**WHEREAS**, review by the City of DeBary Planning and Zoning Commission/Local Planning Agency is not required for a capital improvements schedule update, which is not an amendment to the Comprehensive plan; and

**WHEREAS**, the DeBary City Council held the required public hearings with all required public notice for the purpose of hearings.

**NOW, THEREFORE, BE IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:**

**SECTION 1: RECITALS/INTENT.** The recitals set forth above are true and correct, and constitute legislative findings of the City Council.

**SECTION 2: AMENDMENT TO THE CAPITAL IMPROVEMENT SCHEDULE.** The Capital Improvement Program Annual Update is hereby adopted as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 3: EXCLUSION FROM CITY CODE/CODIFICATION.** It is the intent of the City of DeBary City Council that the provisions of this Ordinance shall not be codified into the DeBary Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document in accordance with prior directions given to said

Codifier. The Code Codifier is hereby granted authority to update the Capital Improvement Program or to otherwise make notation by reference to this Ordinance in the City of DeBary Comprehensive Plan, as amended.

**SECTION 4: EFFECTIVE DATE.** The effective date of this Ordinance shall be immediately upon adoption.

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

**SECTION 7: 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.

FIRST READING AND PUBLIC HEARING on the 2nd day of December, 2015

SECOND READING, PUBLIC HEARING AND ADOPTION on the 6th day of January, 2016.

**CITY COUNCIL  
CITY OF DEBARY, FLORIDA**

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**Clint Johnson, Mayor**

**ATTEST:**

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**Dan Parrott, City Clerk**