

ORDINANCE NO. 02-16

AN ORDINANCE FOR THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA, APPROVING A REQUEST TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 0.49 ACRES OF LAND LOCATED AT 613 15TH STREET, WEST OF FT. FLORIDA ROAD, AND HAVING VOLUSIA COUNTY TAX PARCEL IDENTIFICATION NUMBER 31-18-30-03-42-0040, FROM R-3 (URBAN SINGLE FAMILY RESIDENTIAL) TO R-1 (URBAN SINGLE FAMILY RESIDENTIAL) ZONING CLASSIFICATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Alex Madison (“applicant”), as applicant and fee simple owner, submitted a rezoning application to the City of DeBary requesting the adoption of this Ordinance pertaining to the subjectreal property being approximately 0.49 acres in size and having a Volusia County Tax Parcel Identification Number 31-18-30-03-42-0040, and legally described to wit (the “Property”):

LOT 4 BLOCK 42, ST JOHNS RIVER ESTATES-UNIT THREE, according to the plat recorded in Map Book 27, Page 221 of the public records of Volusia County, Florida; and

WHEREAS, the applicant is requesting that the Property be rezoned from R-3 (Urban Single Family Residential) zoning classifications to a R-1 (Urban Single Family Residential); and

WHEREAS, the Property has a Comprehensive Plan Future Land Use Map designation of Residential Low Density; and

WHEREAS, this Ordinance has been advertised and noticed in accordance with the requirements of state law and Section 1-10 of the City of DeBary Land Development Code; and

WHEREAS, the City Council acting in its capacity as the City of DeBary Local Planning Agency and Governing Body has conducted the necessary public hearings on this Ordinance; and

WHEREAS, based upon competent, substantial evidence presented in the record, this Ordinance meets the requirements for rezoning pursuant to Section 1-6, City of DeBary Land Development Code and Comprehensive Plan Policy 5.505 and is consistent with the City of DeBary Comprehensive Plan.

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

SECTION 1. Recitals. The City Council finds that the above recitals are true and correct.

SECTION 2. Rezoning. The application of Madison Rezoning, for the rezoning of the Property is granted subject to the terms and conditions forth herein. The City of DeBary official zoning map is hereby amended from R-3 (Urban Single Family Residential) zoning classifications to R-1 (Urban Single Family Residential) zoning classifications. The City of DeBary Land Development Code, as amended, shall govern the development of the property identified herein. The City of DeBary Zoning Enforcement Official will ensure overall compliance with this Ordinance. A violation of this Ordinance is considered a violation of the Land Development Code and zoning of the Property.

SECTION 3. Recording. The City Clerk is hereby directed to record this Ordinance in the Public Records of Volusia County, Florida. This Ordinance affecting the Property shall run with the land and shall be applicable to and binding on the applicant and any and all successors and assigns in interest.

SECTION 4. Severability. If any portion of this Ordinance is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Ordinance shall continue in full force and effect.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance shall control to the extent such conflict exists.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

First reading and public hearing occurred on January 20, 2016.

Second reading and public hearing, and adoption occurred on February 3, 2016.

ADOPTED BY the City Council of the City of DeBary, Florida this 3rd day of February, 2016.

CITY COUNCIL
CITY OF DEBARY, FLORIDA

By: _____
Clint Johnson, Mayor

ATTEST:

By: _____
Dan Parrott, City Clerk