

ORDINANCE NO. 09-16

AN ORDINANCE FOR THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA, APPROVING A REQUEST TO CHANGE THE ZONING CLASSIFICATION OF 6 PARCELS ON APPROXIMATELY 2.75 ACRES OF LAND LOCATED ALONG AND IN PROXIMITY TO WEST Highbanks Road, Sanctuary Avenue, and Ruth Jennings Drive from Neighborhood Commercial (B-2) to Urban Single Family Residential (R-1); Providing for Conflicts, Codification, Severability, and an Effective Date.

WHEREAS, David and Sally Showalter (“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 subject real property being approximately 2.75 acres in size and having a Volusia County Tax Parcel Identification Numbers 8031-01-02-0080, 8031-01-02-0090, 8031-01-02-0100, 8031-01-02-0110, 8031-01-02-0120, 8031-01-02-0130 and legally described to wit (the “Property”):

Parcel 1:

Lot 8, LESS the East 22 feet thereof, Block 2, ST. JOHNS RIVER ESTATES -UNIT ONE, according to the map or plat thereof as recorded in Plat Book 27, Page 42, of the Public Records of Volusia County, Florida; and

Parcel 2:

Lot 9 and the East 22 feet of Lot 8, Block 2, ST. JOHNS RIVER ESTATES -UNIT ONE, according to the map or plat thereof as recorded in Plat Book 27, Page 42, of the Public Records of Volusia County, Florida; and

Parcel 3:

Lot 10, Block 2, ST. JOHNS RIVER ESTATES -UNIT ONE, according to the map or plat thereof as recorded in Plat Book 27, Page 42, of the Public Records of Volusia County, Florida; and

Parcel 4:

Lot 11, Block 2, ST. JOHNS RIVER ESTATES -UNIT ONE, according to the map or plat thereof as recorded in Plat Book 27, Page 42, of the Public Records of Volusia County, Florida; and

Parcel 5:

Lot 12 and the East 22 feet of Lot 13, Block 2, ST. JOHNS RIVER ESTATES -UNIT ONE, according to the map or plat thereof as recorded in Plat Book 27, Page 42, of the Public Records of Volusia County, Florida; and

Parcel 6:

Lot 13, LESS the East 22 feet thereof, Block 2, ST. JOHNS RIVER ESTATES -UNIT ONE, according to the map or plat thereof as recorded in Plat Book 27, Page 42, of the Public Records of Volusia County, Florida; and

WHEREAS, the applicant is requesting that the Property be rezoned from B-2 (Neighborhood Commercial) zoning classifications to a R-1 (Urban Single Family Residential); 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 Showalter 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 B-2 (Neighborhood Commercial) 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 August 3rd, 2016.

Second reading and public hearing, and adoption occurred on September 7th, 2016.

ADOPTED BY the City Council of the City of DeBary, Florida this 7th day of September, 2016.

CITY COUNCIL
CITY OF DEBARY, FLORIDA

By: _____
Clint Johnson, Mayor

ATTEST:

By: _____
Warren Graham, City Clerk