

ORDINANCE 08-16

AN ORDINANCE OF THE CITY COUNCIL OF DEBARY, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM); CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 6 PARCELS ON 2.75 ACRES OF LAND LOCATED ALONG AND IN PROXIMITY TO WEST HighbANKS ROAD, SANCTUARY AVENUE, AND RUTH JENNINGS DRIVE FROM COMMERCIAL/RETAIL (CR) TO RESIDENTIAL LOW DENSITY (RLD); PROVIDING FOR TRANSMITTAL, 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, pursuant to § 163.3174, Fla. Stat., the City Council of the City of DeBary is the Local Planning Agency ("LPA") for the City of DeBary;

WHEREAS, the City Council, acting as the LPA, has, in the preparation of the proposed amendments to the City's Comprehensive Plan performed or caused to be performed the necessary studies, collection of appropriate data, the holding of such public hearings, and has effectively provided for public participation, and notice to real property owners;

WHEREAS, the City finds it is in the City's best interest to amend the Comprehensive Plan Future Land Use Map concerning portions of the City (Tax Parcel Identification Numbers attached as Exhibit "A") to be consistent with the uses, densities and intensities of the R-1 (Urban Single Family Residential) zoning designation and existing development patterns;

WHEREAS, the amendment area including those parcels listed on Exhibit A and parcels, owned by the David and Sally Showalter, are located in the City of DeBary limits and are subject to amendment as requested by the applicant and owner;

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: ADOPTION. The City of DeBary hereby amends the Future Land Use Map of the City of DeBary Comprehensive Plan in accordance with the map attached hereto as Exhibit "B." Exhibit "A" and Exhibit "B" are incorporated by reference in their entirety as if fully set forth in all of their terms, goals, objectives, policies, maps, conditions, chapters, and sections within this Ordinance. These amendments to 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 91-11, 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 map of the Future Land Use Element of the City of DeBary Comprehensive Plan in accordance with the changes attached hereto as Exhibit "B."

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: TRANSMITTAL. The DeBary City Council further approves transmittal of the Amendments to the Department of Economic Opportunity and other such agencies and governmental units as required by § 163.3191, Florida Statutes.

SECTION 5: 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. The plan amendments reflected in Section 1 and Section 2 of this Ordinance shall stand separate and apart from one another and a determination of non-compliance involving Section 1 shall not affect the effective date of Section 2 if and when Section 2 is found in compliance and *vice versa*. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

SECTION 6: 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, PUBLIC HEARING on the 3rd of August 2016

FIRST READING, PUBLIC HEARING, AND ADOPTION on the 7th of September 2016

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

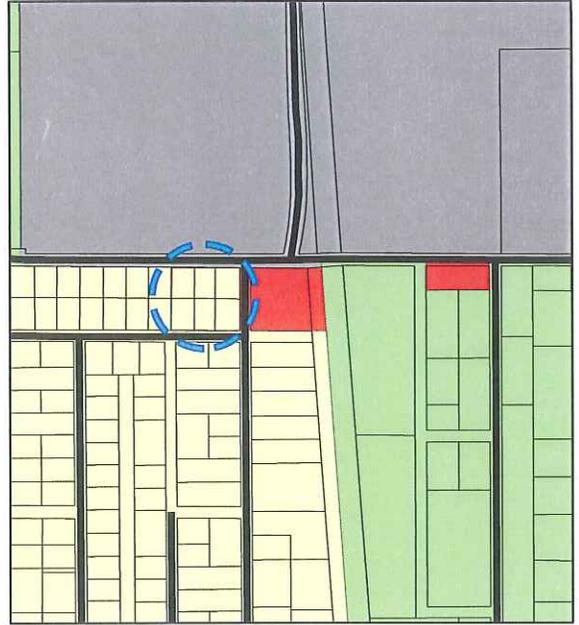
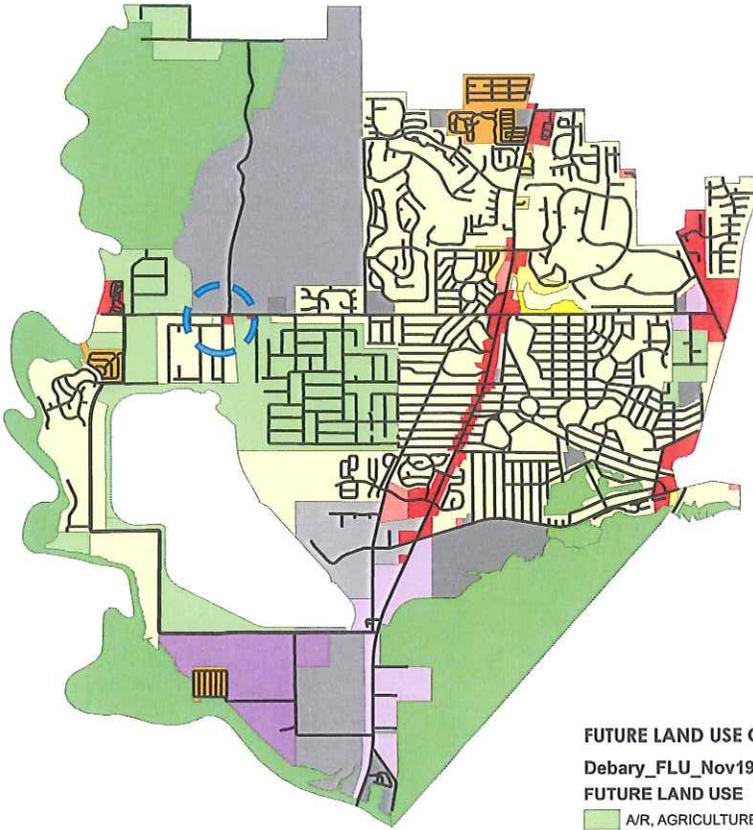
Clint Johnson, City Mayor

ATTEST

Warren Graham, City Clerk

Exhibit B

Updated Future Land Use Map



FUTURE LAND USE CLASSIFICATIONS

DeBary_FLU_Nov19_2012

FUTURE LAND USE

- | | |
|--------------------------------------|--------------------------------------|
| A/R, AGRICULTURE/RURAL | I/U, INDUSTRIAL/UTILITIES |
| ESL, ENVIRONMENTALLY SENSITIVE LANDS | P/I, PUBLIC/INSTITUTIONAL |
| C/O, COMMERCIAL/OFFICE | RLD, RESIDENTIAL/LOW DENSITY |
| C/R, COMMERCIAL/RETAIL | RLMD, RESIDENTIAL/LOW-MEDIUM DENSITY |
| I/G, INDUSTRIAL/GENERAL | RMD, RESIDENTIAL/ MEDIUM DENSITY |
| I/S, INDUSTRIAL/SERVICE | RMH, RESIDENTIAL/MOBILE HOME |
| | SEMUA, SE MIXED USE AREA |
| | SWMUA, SW MIXED USE AREA |



CITY OF DEBARY
DAVID & SALLY SHOWALTER: PROPOSED FUTURE LAND USE MAP