

**ORDINANCE NO. 02-20**

**AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM UNTIL SEPTEMBER 25, 2020, ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS AND BUILDING PERMITS FOR PROPOSED MULTIFAMILY DEVELOPMENTS AND PROJECTS WITHIN THE TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT WHICH CONSISTS OF APPROXIMATELY 261 ACRES AND IS LOCATED SOUTH OF DIRKSEN ROAD ON THE EAST AND THE WEST SIDES OF U.S. HIGHWAY 17-92 RUNNING TO APPROXIMATELY 210 FEET SOUTH OF BUCKLEY DRIVE; PROVIDING FOR NON-CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of DeBary ("City"), as provided in section 2(b), Article VIII of the Florida Constitution and chapters 163 and 166, Florida Statutes, enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, the City is currently in the process of studying, analyzing, and drafting land development regulations and standards relating to multifamily developments located within the transit oriented development overlay district to require commercial and mixed-use components for multifamily developments and projects and to provide enhanced standards and requirements for multi-family developments; and

**WHEREAS**, the City finds that in order to protect the health, safety and welfare of its citizens, property owners, and businesses for the development and redevelopment of property located within the transit oriented development overlay district, which area is depicted in the map attached hereto as Exhibit "A" and incorporated herein, additional land development regulations and standards in the transit oriented development overlay district are required; and

**WHEREAS**, once the City staff completes its evaluation of the transit oriented development overlay district relating to multifamily uses with required commercial and mixed-use components and enhanced standards and requirements, the City staff will prepare and process a proposed ordinance amending the City land development standards affecting development regulations for multifamily developments and projects within the transit oriented development overlay district; and

**WHEREAS**, the City desires to place the public and all parties on notice that the City is considering such land development regulation amendments and creating a temporary moratorium on the acceptance, processing, and consideration of applications for development orders and building permits concerning properties located within the transit oriented development overlay district; and

**WHEREAS**, the City, in good faith, determines that this Ordinance is in the best interest of the City and its residents, businesses, and property owners, and promotes the health, safety, and welfare of the public as the creation of standards and requirements relating to commercial and multi-use components for multifamily development and redevelopment and enhanced standards and requirements for multi-family developments will improve aesthetics, increase property values, decrease road trips required and reduce traffic congestion, make multifamily projects more desirable to commercial and non-commercial tenants, increase walkability and pedestrian traffic, protect against blight and decay, and otherwise fit the City's vision for multifamily development within the area, and protect the well-being of the citizens, businesses, and property owners.

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

**SECTION 1. Intent.** The above recitals are hereby adopted as the legislative purpose of this Ordinance and as the City Council's legislative findings.

**SECTION 2. Moratorium.** The City hereby places a temporary moratorium (suspension) on the acceptance, processing, and consideration of all applications for development orders, development permits, and building permits for all properties proposing multifamily development located within the transit oriented development overlay district described in the attached Exhibit "A" until September 25, 2020, unless terminated earlier by the City Council. Provided however, building permit applications for the interior modification of existing multifamily structures and developments are excepted from such temporary moratorium. For the purpose of this Ordinance, the terms "development order" and "development permit" mean the same as defined in section 163.3164, Florida Statutes. Projects on properties that include uses other than exclusively multifamily development may be excepted from the moratorium if the project is determined by the City Manager to be a bona fide mixed use development. The moratorium established by this Ordinance may be extended or terminated early by adoption of an ordinance or resolution of the City Council.

**SECTION 3. Non-Codification.** Given the temporary nature and effect of this Ordinance, it is the intent of the City Council that this Ordinance shall not be codified.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

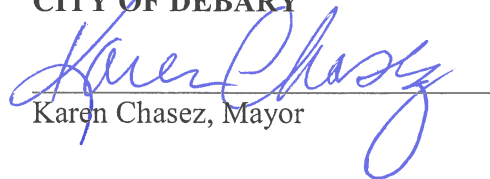
**SECTION 6. Effective date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Debary, Florida.

FIRST READING this 5<sup>th</sup> day of February, 2020.

SECOND READING this 19<sup>th</sup> day of February, 2020.

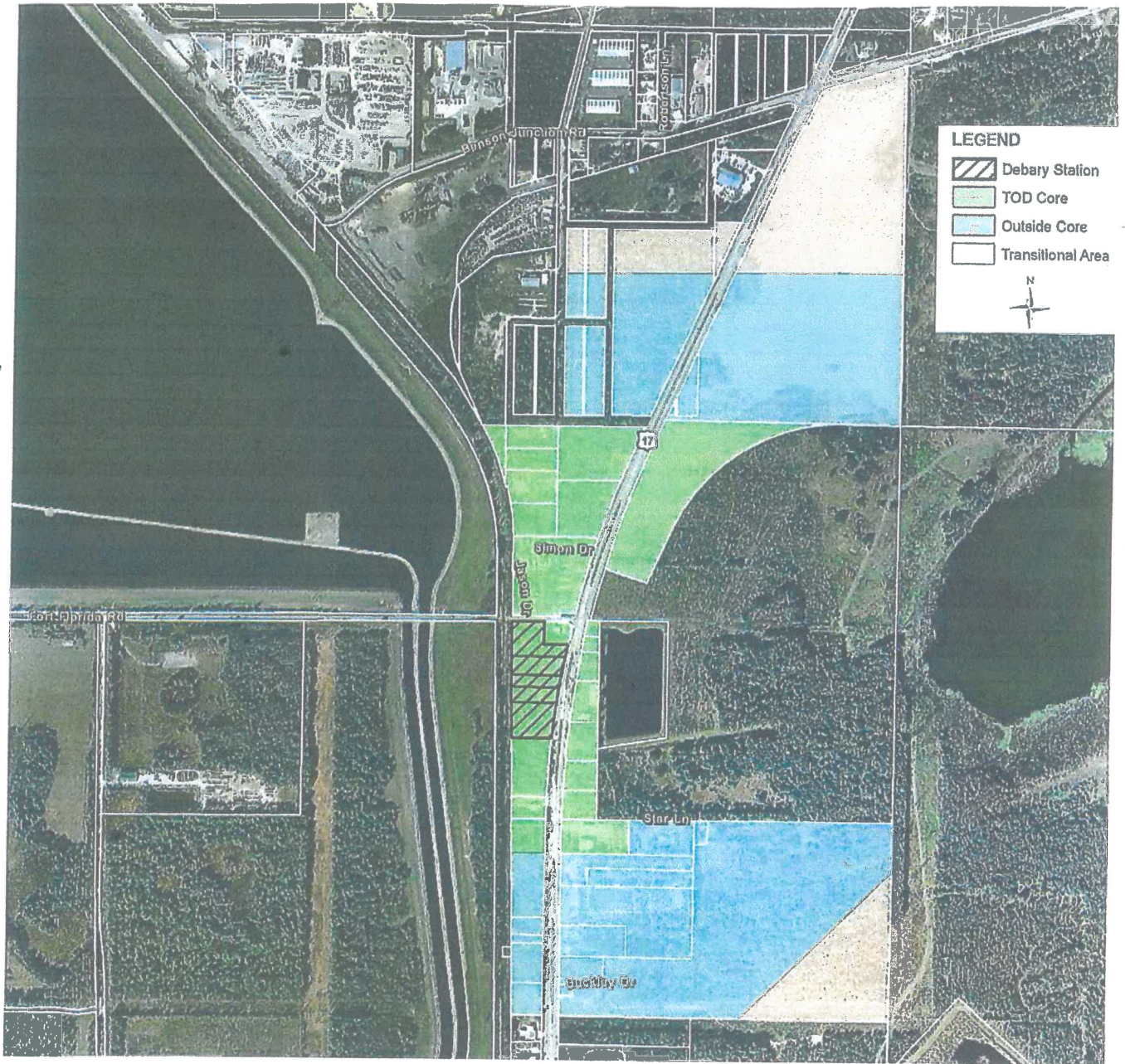
ADOPTED this 19<sup>th</sup> day of February, 2020, by the City Council of the City of Debary, Florida.

CITY COUNCIL  
CITY OF DEBARY

  
Karen Chasz, Mayor

ATTEST:

  
Annette Hatch, City Clerk



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