

ORDINANCE NO. 1995-41

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR EASTPORT BUSINESS CENTER; MAKING FINDINGS IN CONNECTION WITH SAID PLAN AND DEVELOPMENT FOR NONRESIDENTIAL USES; AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT SAID PLAN; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 95-7 adopted on February 28, 1995, the City Council of the City of Port Orange, Florida, determined that a blighted area exists within the City of Port Orange, and that the rehabilitation, conservation, or redevelopment, or a combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Port Orange; and

WHEREAS, pursuant to Resolution No. 95-7 adopted on February 28, 1995, the City Council of the City of Port Orange, Florida, found that there is a need for a community redevelopment agency to function in the City of Port Orange to carry out the community redevelopment purposes of Chapter 163, Part III, Florida Statutes; and

WHEREAS, pursuant to Resolution No. 95-23 adopted on May 16, 1995, the City Council of the City of Port Orange, Florida, declared itself to be the community redevelopment agency of the community redevelopment area for Eastport Business Center, and provided for the appointment of two (2) additional members of said agency; and

WHEREAS, the City of Port Orange Community Development Department has prepared a community redevelopment plan for Eastport Business Center; and

WHEREAS, the Planning Commission, sitting as the local planning agency, has reviewed and recommended approval of the community redevelopment plan as to conformity of said plan with the comprehensive plan for the City of Port Orange; and

WHEREAS, after due consideration, the Community Redevelopment Agency for Eastport Business Center has reviewed and recommended approval of the community redevelopment plan; and

WHEREAS, after due consideration and public hearing as required by law, the City Council of the City of Port Orange has reviewed and approved the community redevelopment plan for Eastport Business Center; and

WHEREAS, public notice has been provided and notices have been mailed by registered mail to all taxing authorities as required by Section 163.346 and Section 163.360, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange hereby approves and adopts the Eastport Business Center Redevelopment Plan prepared by the Community Development Department dated September 1995, a copy of which is attached hereto as Exhibit "A" and made a part hereof. Said plan is hereby designated as the official community redevelopment plan for the community

redevelopment area, the boundaries of which are described in the plan.

Section 2. Pursuant to Section 163.360(6), Florida Statutes, the City Council of the City of Port Orange hereby finds and determines in connection with the community redevelopment plan for Eastport Business Center:

- a. The community redevelopment plan will not result in the displacement of families from the community redevelopment area;
- b. The community redevelopment plan conforms to the general comprehensive plan of the City of Port Orange as a whole;
- c. The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan; and
- d. The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the City of Port Orange as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 3. Pursuant to Section 163.360(7)(b), Florida Statutes, the City Council of the City of Port Orange additionally finds and determines:

- a. Nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives; and
- b. Acquisition of property within the community redevelopment area may require the exercise of governmental action, as provided by Chapter 163, Part III, Florida Statutes, because of:
  - (1) Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;
  - (2) Tax delinquency;
  - (3) Improper subdivisions;
  - (4) Outmoded street patterns;
  - (5) Deterioration of site;
  - (6) Economic disuse;
  - (7) Unsuitable topography or faulty lot layouts;
  - (8) Lack of correlation of the area with other areas of the county or city by streets and modern traffic requirements; or
  - (9) Any combination of such factors or other conditions which retard development of the area.

Section 4. Upon the effective date of this ordinance, the community redevelopment plan for Eastport Business Center shall be deemed in full force and effect for the community redevelopment

area. The Community Redevelopment Agency for Eastport Business Center shall carry out the community redevelopment plan in accordance with its terms.

Section 5. All ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. If any part of this ordinance is held to be unconstitutional, invalid or unenforceable for any reason, such holding shall not affect the constitutionality, validity or enforceability of the remainder of this ordinance, which shall remain in full force and effect.

Section 7. This ordinance shall take effect immediately upon passage by the City Council.


  
MAYOR JAMES E. WARD

ATTEST:

  
Kenneth W. Parker, City Manager

Passed on first reading the 14th day of November, 1995

Passed and adopted on second and final reading on the 19th day of December, 1995

Reviewed and Approved:   
City Attorney