

ORDINANCE NO. 1998-78

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR PORT ORANGE TOWN 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. 98-18 adopted on May 26, 1998, 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. 98-18 adopted on May 26, 1998, 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. 98-20 adopted on June 16, 1998, the City Council of the City of Port Orange, Florida, declared itself to be the community redevelopment agency of the community redevelopment area for Port Orange Town Center, and provided for the appointment of two (2) additional members of said agency; and

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WHEREAS, Herbert Halback, Inc. and Real Estate Research Consultants, Inc. have prepared a community redevelopment plan for Port Orange Town 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 Port Orange Town 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 Port Orange Town 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 Port Orange Town Center Redevelopment Plan prepared by Herbert Halback, Inc. and Real Estate Research Consultants, Inc. dated November 24, 1998, a copy of which is attached hereto as Exhibit "A" and made a part hereof. Said plan is hereby designated as the official community

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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 Port Orange Town Center:

- a. A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
- 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

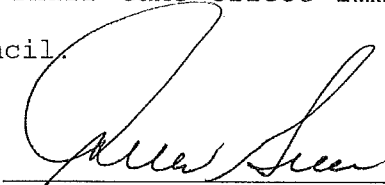
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community redevelopment plan for Port Orange Town Center shall be deemed in full force and effect for the community redevelopment area. The Community Redevelopment Agency for Port Orange Town Center shall carry out the community redevelopment plan in accordance with its terms.

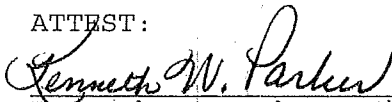
Section 5. All ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

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 final passage by the City Council.

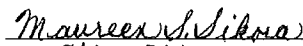
  
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MAYOR ALLEN GREEN

ATTEST:

  
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Kenneth W. Parker, City Manager

Passed on first reading on the 1st day of December, 1998

Passed and adopted on second and final reading on the 15th day of December, 1998

Reviewed and Approved:   
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City Attorney