

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE P PUBLIC/QUASI PUBLIC DISTRICT ZONING CLASSIFICATION TO PROPERTY GENERALLY LOCATED AT 3232 LA PALOMOA AVENUE, SHORT TAX PARCEL ID 5335-01-09-0110; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on April 23, 1997 in accordance with the requirements of controlling law; and

WHEREAS, the property described in Section One herein was assigned the “RSF-2” Urban Single-Family Residential Detached District zoning classification on August 18, 1997 in accordance with the requirements of controlling law; and

WHEREAS, on April 9, 2003 the City Council of the City of Daytona Beach Shores adopted Ordinance 2003-07, which replaced the previous Official Zoning Map with a new digitally produced Official Zoning Map; and

WHEREAS, the new digitally produced Official Zoning Map accepted on April 9, 2003, which was created by a third party city contractor, incorrectly indicated that the real property at 3232 La Paloma Avenue had a zoning district classification of “P” Public/Quasi Public; and

WHEREAS, the owner of the real property at 3232 La Paloma Avenue, Westminster By the Presbyterian Church, has operated the property consistent with the Daytona Beach Shores Land Development Code under the assumption that the property had a zoning district classification of “P” Public/Quasi Public, which includes the operation of a counseling center consistent with Ordinance 2021-07; and

WHEREAS, the City staff recently discovered that the Official Zoning Map accepted on April 9, 2003 incorrectly indicated the zoning district classification of the real property at 3232 La Paloma Avenue; and

WHEREAS, the City received a rezoning application from the property owner of real property at 3232 La Paloma Avenue requesting the City amend the Official Zoning Map to assign the “P” Public/Quasi Public District zoning classification to the property in question; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendations from staff and the Planning and Zoning Board for the assignment of zoning classification to said property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID # 5335-01-09-0110, as described in Exhibit “A” as attached, is assigned the P, Public/Quasi Public District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

LOTS 11 & 12 BLK 1 RIOMAR BCHES PER OR 5048 PG 2204 PER D/C 6035 PG 1222
PER OR 6071 PG 2897