

ORDINANCE NO. 07-18

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, CREATING A NEW SECTION 53-97 OF THE CITY CODE; PROVIDING FOR A CAP OF \$4,000 ON ANNUAL STORMWATER UTILITY ASSESSMENTS FOR CERTAIN TYPES OF NONPROFIT ORGANIZATIONS; PROVIDING FOR NO IMPACT ON STORMWATER UTILITY ASSESSMENTS OF OTHER PERSONS AND ENTITIES DUE TO SUCH CAP; PROVIDING FOR ELIMINATION OF THE ASSESSMENT CAP IN THE CITY COUNCIL'S DISCRETION; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City adopts an annual stormwater utility assessment in accordance with Article II, Chapter 53 of the City Code of Ordinances; and

WHEREAS, the City has determined that stormwater utility assessments in an amount above a certain threshold may place an unsustainable financial burden on certain types of non-profit organizations within the City funded entirely by voluntary donations, which organizations provide a public service and benefit by providing space and facilities for public activities, including but not limited to community meetings, polling places, and other activities and services that serve a public purpose and benefit the community; and

WHEREAS, the City finds that it is in the interests of the public welfare, health, and safety, that the City amend the City Code to place a cap of \$4,000 for annual stormwater assessments for such nonprofit organizations as provided in this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance and adopted as legislative findings.

SECTION 2. City Code Amendment. There is hereby created a new Section 53-97 under Article II, Division 4, Chapter 53 of the City of DeBary Code of Ordinances, as follows:

Sec. 53-97. — Exception for certain non-profit organizations.

(a) The annual stormwater utility assessment provided for in this Article shall be no more than \$4,000 for any non-profit organization determined by the Internal Revenue Service (IRS) to be currently exempt from federal income tax under Internal Revenue Code (IRC), provided that 1) the organization provides proof to the City of such tax-exempt status and 2) the non-profit organization provides evidence sufficient for the City to determine that the organization is funded entirely by voluntary donations.

(b) The stormwater utility assessment cap provided by this Section shall not result in an increase in stormwater utility assessments for any other class of persons or entities within the City. To the extent that the stormwater utility assessment cap provided by this section creates a deficiency between the total stormwater utility assessments collected for a particular year and the total cost of operation of the City's stormwater system, such deficiency shall be paid by the City from sources other than the stormwater utility assessments in recognition of the fact that non-profit organizations of the type described in this section provide a public service and benefit by providing space and facilities for public activities, including but not limited to community meetings, polling places, and other activities and services that serve a public purpose and benefit the community.

(a) The City Council shall have the authority to eliminate the stormwater utility assessment cap provided in this section for any year, or permanently, for all non-profit organizations described in this section or any subset or class thereof, by resolution or ordinance in the City Council's discretion, in which case such organizations shall be subject to the full assessment.

SECTION 3. Codification. This Ordinance shall be incorporated into the DeBary City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

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: June 20, 2018

SECOND READING: July 11, 2018

ADOPTED this 11th day of July, 2018, by the City Council of the City of DeBary, Florida.

CITY COUNCIL
CITY OF DEBARY

ATTEST:

Warren Graham
Warren Graham, City Clerk

Bob Garcia
Bob Garcia, Mayor/Commissioner

City of DeBary - ALL Storm Water Parcels - With a Fee Greater Than \$4,000

City of DeBary Non Ad Valorem Assessments List - 2018 Roll Year - June 15th Release										0153 - DeBary Stormwater									
Alt Key	Parcel ID	PC	PC Description	# COM Bldg	# RES Bldg	Code	Description	#Units	Rate	Amount	SOS	Owner1	Situs St#	Dir	Situs Street	Suf	Unit No	Situs City	Situs Zip
2465514	900500000020	9100	Utilities	37	1	0153	DEBARY STORMWATER	411.15	192.00	\$78,940.80		FLORIDA POWER & LIGHT COMPANY	950 S	US HWY 17-92				DEBARY	32713
2413638	803000000040	3600	Camps	8	17	0153	DEBARY STORMWATER	271.00	192.00	\$52,032.00		BAUERLE DONALD CSR TR	488 W	HIGHBANKS		RD		DEBARY	32713
2399741	802200000080	2800	Parking Lots, Commercial, MHPs	2	2	0153	DEBARY STORMWATER	245.00	96.00	\$23,520.00		SUN KINGS LAKE LLC	369	KINGSLAKE		DR		DEBARY	32713
2399562	802200000031	2800	Parking Lots, Commercial, MHPs	1	7	0153	DEBARY STORMWATER	235.00	96.00	\$22,560.00		DEBARY MHP LLC	830 N	CHARLES R BEALL		BLVD		DEBARY	32713
4595508	900400000081	4800	Warehousing, Distribution	3		0153	DEBARY STORMWATER	112.55	192.00	\$21,609.60		MASCHMEYER PROPERTIES 275 INC	275	BENSON JUNCTION		RD		DEBARY	32713
2413581	802900000050	4200	Heavy Industrial	10		0153	DEBARY STORMWATER	97.54	192.00	\$18,727.68		FLORIDA POWER CORP	176 W	HIGHBANKS		RD		DEBARY	32713
2409223	802700000051	1600	Community Shopping Centers	3		0153	DEBARY STORMWATER	95.99	192.00	\$18,430.08		DEBARY-STAFFORD ASSOCIATES	30 N	CHARLES R BEALL		BLVD		DEBARY	32713
7473674	802220000070	0300	Multi-Family(10 or More Units)	21		0153	DEBARY STORMWATER	89.27	192.00	\$17,139.84		FOUNTAINS AT SAXON POINTE	600	SERENITY		CIR		DEBARY	32713
6098417	900416000190	4800	Warehousing, Distribution	1		0153	DEBARY STORMWATER	77.45	192.00	\$14,870.40		VENTUREG REALTY INC	290	SPRINGVIEW COMMERCE		DR		DEBARY	32713
4664262	802500000052	4800	Warehousing, Distribution	6		0153	DEBARY STORMWATER	67.16	192.00	\$12,894.72		CORNERSTONE FABRICATION LLC	307S	ENTERPRISE		RD		DEBARY	32713
6098425	900416000200	4800	Warehousing, Distribution	3		0153	DEBARY STORMWATER	66.84	192.00	\$12,833.28		DEBARY NNN LLC	291	SPRINGVIEW COMMERCE		DR		DEBARY	32713
7802287	802715000030	1400	Supermarkets	1		0153	DEBARY STORMWATER	46.10	192.00	\$8,851.20		DEBARY MANAGEMENT CORP	185 N	CHARLES R BEALL		BLVD		DEBARY	32713
5334651	802100000090	3800	Golf Courses, Driving Ranges	3		0153	DEBARY STORMWATER	45.34	192.00	\$8,705.28		PS FLORIDA ONE INC	300	PLANTATION CLUB		DR		DEBARY	32713
6024014	900410000030	4800	Warehousing, Distribution	8		0153	DEBARY STORMWATER	42.74	192.00	\$8,206.08		SEMINOLE PRECAST INC	51	SPRING VISTA		DR		DEBARY	32713
2465298	900400000080	4100	Light Industrial	4		0153	DEBARY STORMWATER	37.87	192.00	\$7,271.04		PARK ORANGE CITY LLC	311	SIGNATURE		RD		DEBARY	32713
2402601	802300000100	1700	Office Buildings/Nonprof/One	1		0153	DEBARY STORMWATER	35.40	192.00	\$6,796.80		READING EDGE ACADEMY INC	297S	ENTERPRISE		DR		DEBARY	32713
4783237	802600000023	7200	Private Schools/Colleges	1		0153	DEBARY STORMWATER	31.50	192.00	\$6,048.00		ENTERPRISE INDUSTRIAL PARK INC	3063	ENTERPRISE		RD		DEBARY	32713
4857583	802500000056	1200	Mixed Use, Store/Office/Resi	5		0153	DEBARY STORMWATER	30.53	192.00	\$5,861.76		AP2012-DEBARY MANOR LLC	60 N	US HWY 17-92		RD		DEBARY	32713
2409274	802701000020	7400	Homes for the Aged	3		0153	DEBARY STORMWATER	30.00	192.00	\$5,760.00		HALLMARK RIDGECREST MANOR LLC	37	RIDGEVIEW		DR		DEBARY	32713
2409142	802700000043	0300	Multi-Family(10 or More Units)	10		0153	DEBARY STORMWATER	29.99	192.00	\$5,758.08		FIRST PRESBYTERIAN CHURCH	267 E	HIGHBANKS		RD		DEBARY	32713
2459948	803500000030	7100	Churches	2		0153	DEBARY STORMWATER	29.30	192.00	\$5,625.60		MEIESTEDT SVERKER & DEBORAH ANN	391 N	PINE MEADOW		DR		DEBARY	32713
4667679	802600000148	3800	Golf Courses, Driving Ranges	2		0153	DEBARY STORMWATER	29.00	192.00	\$5,568.00		HALLMARK DEBARY VILLAS LLC	19 S	WOODBERRY		DR		DEBARY	32713
4578897	802200000072	0300	Multi-Family(10 or More Units)	9		0153	DEBARY STORMWATER	29.00	192.00	\$5,568.00		HALLMARK DEBARY VILLAS LLC	19 S	WOODBERRY		DR		DEBARY	32713
4719318	802200000010	0300	Multi-Family(10 or More Units)	8		0153	DEBARY STORMWATER	28.90	192.00	\$5,548.80		FLORIDA PUBLIC UTILITIES CO	15 N	CHARLES R BEALL		BLVD		DEBARY	32713
5481344	9004000000110	4800	Warehousing, Distribution	1		0153	DEBARY STORMWATER	28.61	192.00	\$5,493.12		DOUGLASS ARBOUR BLDG LLC	26	DOGWOOD		TR		DEBARY	32713
6920117	802714000010	1100	Stores, One Story	1		0153	DEBARY STORMWATER	26.69	192.00	\$5,124.48		WENSKI THOMAS G	327 E	HIGHBANKS		RD		DEBARY	32713
2409070	802700000010	7100	Churches	5		0153	DEBARY STORMWATER	26.62	192.00	\$5,111.04		JDBS ASSOCIATES	295S	ENTERPRISE		RD		DEBARY	32713
2460172	803501000130	4300	Lumber Yd/Mill	7		0153	DEBARY STORMWATER	25.49	192.00	\$4,894.08		VILLAGE AT DEBARY LLC	150 S	US HWY 17-92		RD		DEBARY	32713
4840699	802600000024	1600	Community Shopping Centers	1		0153	DEBARY STORMWATER	24.00	192.00	\$4,608.00		EASON REALTY LLC	110	POND		CT	101	DEBARY	32713
2429704	803406010010	1800	Office Buildings/Nonprof/Multi	1		0153	DEBARY STORMWATER	23.86	192.00	\$4,581.12		CHCT FLORIDA LLC	41 W	HIGHBANKS		RD		DEBARY	32713
2407921	802600000020	1900	Professional Service & Medical	1		0153	DEBARY STORMWATER	23.40	192.00	\$4,492.80		COMMUNITY UNITED METHODIST	308	SUNRISE		BLVD		DEBARY	32713
2427086	803403030130	7100	Churches	2	1	0153	DEBARY STORMWATER	23.37	192.00	\$4,487.04		CENTRAL FLORIDA HOTEL	275 S	CHARLES R BEALL		BLVD		DEBARY	32713
5130533	900202000050	3900	Hotels, Motels	1		0153	DEBARY STORMWATER	22.60	192.00	\$4,339.20		KEPLER FAMILY ENTERPRISES LLC	264	SPRINGVIEW COMMERCE		DR		DEBARY	32713
5771989	900304000008	1800	Office Buildings/Nonprof/Multi	1		0153	DEBARY STORMWATER	22.59	192.00	\$4,337.28		HYDER SPRINGVIEW LLC	240	SPRINGVIEW COMMERCE		DR		DEBARY	32713
6098395	900416000170	4800	Warehousing, Distribution	5		0153	DEBARY STORMWATER	21.54	192.00	\$4,135.68		TRIGON HOLDINGS LLC						DEBARY	32713
6098247	900415000050	4200	Heavy Industrial	2		0153	DEBARY STORMWATER	36.00										DEBARY	32713
Total Parcels----->										2,570.77									
Total Units----->										447,507.84									
Total Amount----->																			

\$4000 Cap