

ORDINANCE NO. 449

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, EXTENDING A TEMPORARY MORATORIUM FOR AN ADDITIONAL NINETY (90) DAYS ON THE ISSUANCE OF ANY BUSINESS TAX LICENSE, PERMIT, CONDITIONAL USE APPROVAL, SITE PLAN APPROVAL, AND ANY OTHER OFFICIAL ACTION THE CITY OF ORANGE CITY HAVING THE EFFECT OR PERMITTING OR ALLOWING CONSTRUCTION AND/OR OPERATIONS OF CERTAIN BUSINESSES WITHIN THE CITY OF ORANGE CITY, RELATED TO GAME ROOMS, ARCADES, INTERNET CAFES, SWEEPSTAKES REDEMPTION CENTERS, ESTABLISHMENTS USING SLOT MACHINES OR SLOT MACHINE LIKE EQUIPMENT AND SIMILAR INDOOR ENTERTAINMENT AND AMUSEMENT ACTIVITIES AS MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE, EXCLUDING APPROVALS AND PERMITS FOR THE CONTINUANCE OF AN EXISTING BUSINESS; THE TEMPORARY MORATORIUM SHALL APPLY TO ALL REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 425, the City of Orange City adopted a temporary moratorium for one hundred eighty (180) days, on the issuance of any permits or other official land use approvals which would have the effect of permitting or allowing the construction and/or operation of certain businesses as described in that Ordinance; and

WHEREAS, the City of Orange City, Florida hereby adopts by this reference and incorporates herein all other findings made by the City Council in Ordinance No. 425; and

WHEREAS, Section 4 of Ordinance No. 425 contemplates a one (1) time extension of the temporary moratorium for a period not to exceed ninety (90) additional days, upon a finding by this City Council that the problems giving rise to the need for the temporary moratorium as set forth in that Ordinance No. 425 continue to exist, and that reasonable progress is being made in carrying out a specific and prompt plan of corrective legislative action; and

WHEREAS, additional time is reasonably required to adequately address the issues described in Ordinance No. 425 facing the City of Orange City; and

WHEREAS, the City Council of the City of Orange City by this Ordinance, after holding a public hearing, specifically does make those findings, i.e. that the problems giving rise to the need for the temporary moratorium established by Ordinance No. 425, continue to exist, that reasonable progress is being made in carrying out a specific and prompt plan of corrective action, and that additional time is reasonably needed to adequately address the issues facing the City as set forth in Ordinance No. 425.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:

SECTION ONE. Purpose and Legislative Findings. The above recitals are hereby adopted as the legislative purpose of this Ordinance and as the City Council's legislative findings.

SECTION TWO. Extension of Temporary Moratorium. The temporary moratorium enacted and imposed by Ordinance No. 425, by this City Council, on or about July 13, 2010, is hereby extended, as authorized by Section 4 therein, for an additional ninety (90) days. All terms, conditions and requirements imposed by the temporary moratorium (Ordinance No. 425) are hereby extended for an additional ninety (90) days.

SECTION THREE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion of application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2011.

Gary A. Blair	_____	Jeff H. Allebach	_____
Tom Laputka	_____	Tom Abraham	_____
Anthony Pupello	_____	O. William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS:

Second Reading this _____ day of _____, 2011.

Gary A. Blair	_____	Jeff H. Allebach	_____
Tom Laputka	_____	Tom Abraham	_____
Anthony Pupello	_____	O. William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this ____ day of _____, 2011.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W.E. Reischmann, City Attorney