

Meeting Date: ^{2/8/11}~~1/11/2011~~



Agenda Item # 5A 6A

CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: *[Signature]*
Department/Contact # 386 775-5414 City Manager: *[Signature]*

- Type of Item:
- Public Hearing
 - Ordinance First Reading
 - Ordinance Second Reading
 - Resolution
 - Discussion & Action
 - Council Approval

Subject: Annexation of the Senez property into City limits – Ord. No. 447

BACKGROUND:

The Senez Family Properties, LLC. has requested their property to be annexed into the City limits, said property being located at 2235 North Volusia Avenue, and consisting of 9.35 acres. The subject property is developed as a commercial auto service facility and a single family residence.

The annexation of this property continues City Council’s intent to “square off” and “fill in” areas within the City’s designated planning area. Based on the 2010 tax roll information, the taxable value of the property is \$281,615, thereby creating a potential City ad valorem revenue of \$1,786.70 under its current county zoning of B-4 General Commercial. Additional revenues will be realized from utility taxes following annexation of the property. This property is located in District 4 and there are no residents onsite.

RECOMMENDATIONS:

City staff recommends that City Council approve and adopt Ordinance No. 447, therein annexing the subject property into the City limits of Orange City.

ATTACHMENTS:

- Annexation Ordinance No. 447
- Legal Description Exhibit A
- Map depicting the subject property Exhibit B
- Property Status Report
- Annexation Petition

FINANCIAL IMPACT:

None anticipated

Reviewed by City Attorney _____
 Reviewed by Finance Dept. _____
 Reviewed by: _____

1st Discussion Date: 1/11/2011	2nd Discussion Date: Click here to enter a date.	Third Discussion Date: Click here to enter a date.	Other Dates: Click here to enter a date.
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ORDINANCE NO. 447

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE SENEZ PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF NORTH VOLUSIA AVENUE, APPROXIMATELY 600 FEET SOUTH OF WEST MINNESOTA AVENUE, CONTAINING APPROXIMATELY 9.35 ACRES; IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF FLORIDA STATUTE 171.044; REDEFINING THE BOUNDARIES OF THE CITY OF ORANGE CITY BY AMENDING THE APPROPRIATE SECTIONS OF THE CODE OF ORDINANCES; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Senez Family Properties, LLC is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 600 feet south of West Minnesota Avenue, containing approximately 9.35 acres as hereinafter described, and

WHEREAS, the Senez property is currently situated within the jurisdiction of the County of Volusia, and

WHEREAS, the property owner is desirous of having his property annexed into the City limits of the City of Orange City, Florida, and

WHEREAS, the property owner has petitioned the City of Orange City for voluntary annexation of his property pursuant to Florida Statute 171.044, and

WHEREAS, the City Council of the City of Orange City hereby finds that the Senez property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Senez property is reasonably compact, and annexation of said property will not result in the creation of an enclave, and that said annexation meets the other requirements of Florida Statute 171.044, and

WHEREAS, the City of Orange City, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Orange City, Florida, deems it in the best interest of the City to accept said petition and annex said property.

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

SECTION 1. That the Senez property, generally located on the west side of North Volusia Avenue, approximately 600 feet south of West Minnesota Avenue, containing approximately 9.35 acres, a description of which is attached hereto as Attachment "A", and by reference incorporated herein with full force and effect, is hereby annexed and made part of the City of Orange City, Florida, pursuant to Section 171.044, Florida Statutes.

SECTION 2. That upon adoption of this ordinance, the appropriate Sections of the Code of Ordinances of the City of Orange City shall be amended by redefining the boundaries of the City to include the lands described in Section 1.

SECTION 3. The City Clerk of the City of Orange City, Florida, is hereby directed pursuant to Section 171.044(3) of the Florida Statutes to comply with the public notification requirements for adoption of this ordinance, including sending a copy of the notice, via certified mail, to the County Council of the County of Volusia, and that upon adoption of this ordinance, certified copies shall be filed with the Clerk of the Circuit Court and the Chief Administrative Officer of the County of Volusia, the Department of State in Tallahassee, and the Office of the Governor, within seven days from the effective date of the ordinance, pursuant to Section 171.044.

SECTION 4. That upon this ordinance becoming effective, the property owners and any residents on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Orange City, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Orange City, Florida, and the provisions of said Chapter 171, Florida Statutes.

SECTION 5. Repealer: That all ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed, as well as any portion in conflict herewith.

SECTION 6. Severability: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 7. 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 (Ordinance No. 447):

First Reading this 17th day of January, 2011.

Jeff H. Allebach	<u>yes</u>	Thomas Laputka	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>Absent</u>	O.William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 447):

Second Reading this _____ day of _____, 2011.

Jeff H. Allebach	_____	Thomas Laputka	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	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:

William E. Reischmann, Jr., City Attorney

Attachment A

Ordinance No. 447

Legal Description

Senez Annexation

Property located on North Volusia Avenue

Name: The Senez Family Properties,LLC.

Street Address: 2235 North Volusia Avenue

Parcel ID: 8003-02-00-0040 and 8003-02-00-0030

Acreage: 4.67 and 4.68 = 9.35

Legal Description: Lot 4, Orange City DeLand Farms, according to the plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida,

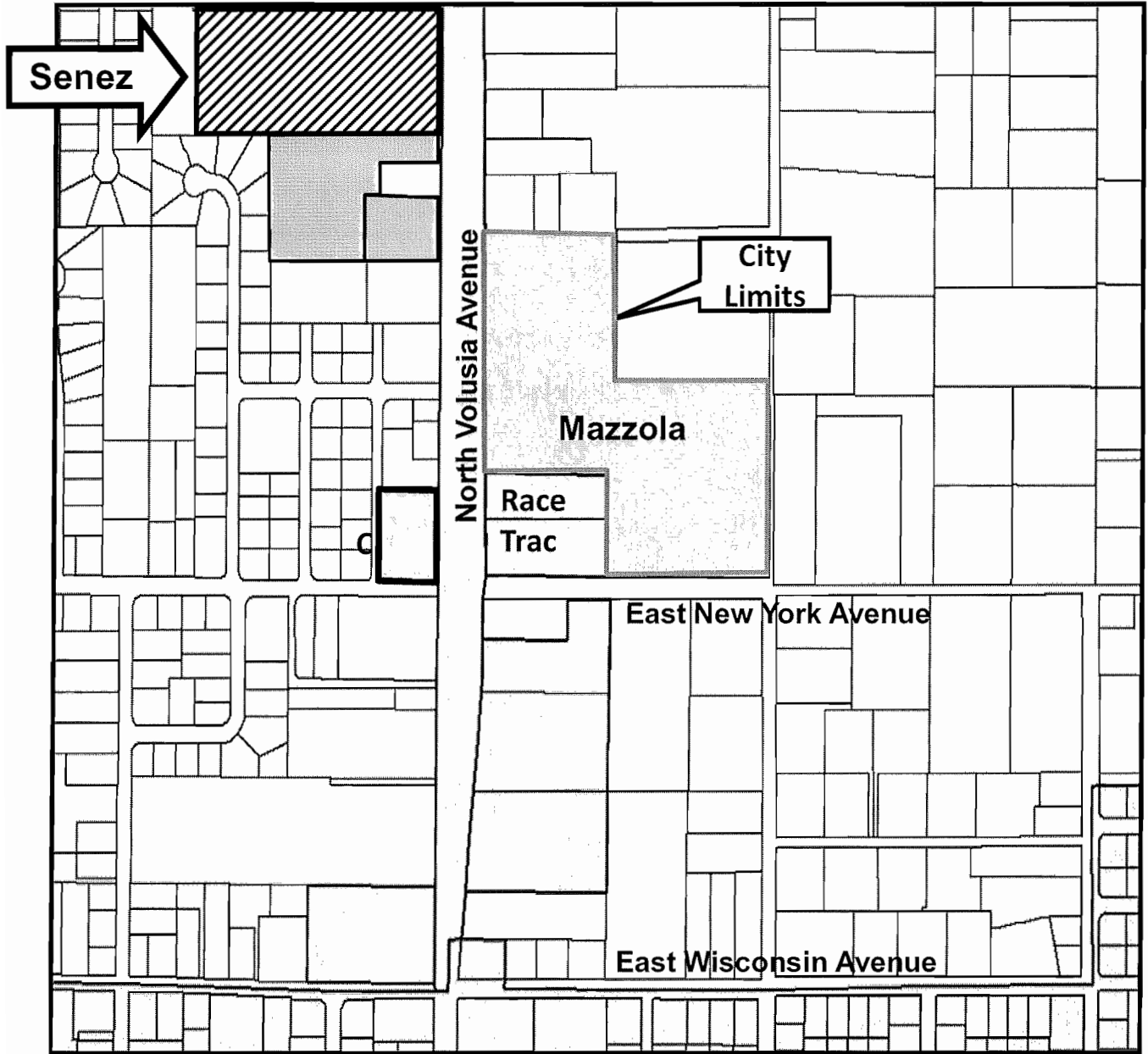
and

Lot 3, except State Road, Orange City DeLand Farms, according to the plat thereof as recorded in Map Book 5, Page 99, of the Public Records of Volusia County, Florida, said parcel lying in Section 3, Township 18 South, Range 30 East, Volusia County, Florida.

Attachment B

Ordinance No. 447

Senez Annexation Map



Senez Property Status Report

Ownership Status

Property Owner	Senez Family Properties, LLC				
Applicants Name					
Mailing Address	225 White Dove Court				
City	Orange City	State	Florida	Zip	32763

General Description of Current Property Status :

Property Location	Located on the west side of North Volusia Avenue approximately 600 feet south of West Minnesota Avenue.				
Property Address	2235 and 2375 North Volusia Avenue				
Size of Property	Width:	414.86	Depth:	982	Acres: 9.35
Total Acres	9.35				
Population	None				
Number of Structures	One commercial auto service building, 1,752 SF				
Dwelling Units	One residential building, 1,240 SF				
Building Square Feet	2,992 SF total				
Parcel Number	8003-02-00-0040 and 8003-02-00-0030				
Legal Description	See Attachment A Legal Description to Ordinance No. 447				

Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	(22.56410)	(23.41610)
City Millage Rate	N/A	(6.34450)
Assessed Land Value	242,972	242,972
Assessed Building Value	38,643	38,643
Exemption	0	0
Taxable Value	281,615	281,615
Stormwater	117.36	N/A
Total Ad Valorem	6,354.38	6,594.32
City Ad Valorem	N/A	1,786.70

The above revenues are based on the assessed property value as listed in the Volusia County 2010 Tax Roll.

Subject Property Current Land Use and Zoning Description

The subject property currently maintains the following:

Land Use Designation	(Volusia County) Commercial
Zoning	(Volusia County) B-4 Commercial General
	The property usage is commercial auto service and residential

Detailed Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:

Land Use Designation	(Orange City) CG Commercial General
Zoning	(Orange City) CG-1 Commercial General
	The property is proposed to continue as commercial.

Meeting Date: ~~1/11/2011~~ 2/8/11



Agenda Item # 5865

CITY COUNCIL AGENDA ITEM

Contact Name: W. E. Reischmann Department Director: _____
Department/Contact # City Attorney City Manager: Jamie Croteau

- Type of Item:
- Public Hearing
 - Ordinance First Reading
 - Ordinance Second Reading
 - Resolution
 - Discussion & Action
 - Council Approval

Subject: Extending Moratorium on Internet Cafes

BACKGROUND: The City Council adopted a one hundred eighty (180) day temporary moratorium pertaining to internet cafes as they are more fully described in Ordinance No. 425. Staff has been working with the City's legal counsel to monitor state regulation of these businesses as well as other local governments' regulation of these internet cafes.

Additional time is required to adequately address the issues that are described in Ordinance No. 425 and to carry out the intended specific plan of corrective legislative action.

RECOMMENDATIONS: Staff is presenting an ordinance extending the temporary moratorium by an additional ninety (90) days as authorized in Section 4 of the original temporary moratorium. Also presented is Resolution 631-11 recognizing the doctrine of legislation in progress relating to the continued temporary moratorium on any establishment or operation of internet cafes, those businesses described in Ordinance No. 425.

ATTACHMENTS: Ordinance No. 449

FINANCIAL IMPACT:

Reviewed by City Attorney _____
Reviewed by Finance Dept. _____
Reviewed by: _____

1st Discussion Date: Click here to enter a date.	2nd Discussion Date: Click here to enter a date.	Third Discussion Date: Click here to enter a date.	Other Dates: Click here to enter a date.
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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 OF THE CITY OF ORANGE CITY HAVING THE EFFECT OF 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 PROPRTY 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 11th day of January, 2011.

Gary A. Blair	<u>Absent</u>	Jeff H. Allebach	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

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