

Meeting Date: 2/22/2011



Agenda Item # 5-A

CITY COUNCIL AGENDA ITEM

Contact Name: Wendy Hickey *Wendy Hickey* **Department Director:** Alison Stettner *Alison Stettner*
Department/Contact # DSD/775-5417 **City Manager:** Jamie Croteau

- Type of Item:**
- | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | Ordinance First Reading | <input type="checkbox"/> | Discussion & Action |
| <input type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval |

Subject: Amendment to Section 8.6.1 of the Land Development Code

BACKGROUND:

The Land Development Code was adopted on August 12, 2003, via Ordinance No.157. While implementing the code, staff has found that Section 8.6.1 was not inclusive of all types of businesses desiring to be in to the city.

Proposed Ordinance #451 amends the Land Development Code to allow for a new permitted use within the Heavy Industrial; (I-2) zoning district in Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses. The addition would allow for establishments such as game rooms, arcades, internet cafes, sweepstake redemption centers offering onsite internet or computer access, or phone card sales or time for compensation or value whether for profit or not.

RECOMMENDATIONS:

On February 16, 2011, the Planning Commission recommended that the City Council approve Ordinance N. 451.

ATTACHMENTS:

Memorandum to the Planning Commission, and proposed Ordinance No. 451

FINANCIAL IMPACT:

None

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

1st Discussion Date: 2/22/2011	2nd Discussion Date: 3/8/2011	Third Discussion Date: date.	Other Dates: date.
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MEMORANDUM

Date: February 16, 2011

To: Chairman De Silva and members of the Planning Commission

Prepared by Wendy Hickey, Planning & Zoning Analyst

SUBJECT: STAFF RECOMENDATION FOR A TEXT CHANGE TO AMEND CHAPTER 8, SECTION 8.6.1 OF THE CITY'S LAND DEVELOPMENT CODE

DEVELOPMENT SERVICES RECOMENDATION

The City's development services is recommending a text change within Section 8.6.1 (zoning matrix) of the City's Land Development Code. The intent of the proposed change is to add Establishments offering onsite internet or computer access, or phone card sales or time for compensation or value whether for profit or not. The development services department is requesting the Commission to create a motion stating as follows.

The Planning Commission recommends that the City Council of the City of Orange City adopt an ordinance amending the City's Land Development Code as proposed in Ordinance 451.

BACKGROUND

The City's land development code was adopted on August 13, 2003, via Ordinance No. 157. Since the code was implemented there have been uses that were not identified or contemplated within the zoning matrix. This proposed addition to the code will allow for a new permitted use within the Heavy Industrial (I-2) zoning district. The addition would allow for establishments such as game rooms arcades, internet cafes, sweepstakes redemption centers offering onsite internet or computer access, or phone card sales or time for compensation or value whether for profit or not.

Planning Commission Consideration

When reviewing a request for a text change, Section 3.5.2 F of the City's Land Development Code requires the Planning Commission to consider the following.

1. Whether the change is consistent with all adopted elements of the Comprehensive Plan and other laws and ordinances.

There does not appear to be any inconsistency between the proposed text change and any comprehensive plan element or any other law or ordinance.

2. Whether the change would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, as well as compatibility with existing and proposed land uses and an orderly and compatible land use pattern.

The items listed in this section will not be adversely affected by the text changes.

3. Whether the change is in the public interest or would benefit only the applicant.

The text changes would definitely benefit the public interest.

4. The zoning change impact upon the environment and natural resources.

The environment and natural resources will not be adversely affected by the text changes.

5. The zoning change impact upon the economy of the effected area.

The economy of the City will not be adversely affected by the text changes.

6. Whether the applicant has demonstrated that the zoning change in policy would not cause inadequacies in the level of service for transportation systems, potable water and wastewater systems, drainage, solid waste, parks and recreation facilities.

The level of services will not be adversely affected by the text changes.

7. Any changes in circumstances or conditions affecting the area.

The circumstances or conditions will not be adversely affected by the text changes.

8. The changes impact upon the use or value of the affected area.

The use or value will not be adversely affected by the text changes.

9. The changes impact upon the public health, welfare, safety or morals.

The public health, welfare, and safety or morals will not be adversely affected by the text changes.

10. Other matters that may be deemed appropriate to preserve consistency with the Comprehensive Plan, the general intent of this Code and its enabling legislation.

It is not anticipated that there are any other matters that will cause any adverse impacts to preserving consistency with the comprehensive plan, or the intent of the land development code.

This text change package contains the following documents.

Proposed ordinance number 451 (2 pages)

Proposed text change document Attachment A

SUMMARY

City staff is requesting that the proposed text changes be reviewed and considered for approval via Ordinance Number 451.

ATTACHMENT "A"

8.6.1 Schedule of Zoning District Permitted and Conditional Uses

Type of Use

P – Permitted Use except MX-2 zoning district wherein all uses shall be approved as PUD rezoning

INDUSTRIAL USES

I-2

Establishments, offering onsite internet or computer access, or phone card sales, the primary activity or business of which is the sale of internet, computer or phone access or time for compensation or value whether for profit or not including game rooms, arcades, internet cafes, sweepstake redemption centers, establishments using slot machine like equipment. Allowable hours of operations shall only be from ten o'clock (10:00) a.m. to ten o'clock (10:00) p.m. In addition, the sale of computer access, for the use of sweepstakes, or phone card activities as an accessory or ancillary use is also prohibited in all zoning districts except in the I-2 zoning district.

	R	R-1	R-2	R-3	MH-1	OT	MX-1	MX-2	CG-1	CG-2	I-1	I-2	PUD
<u>Establishments offering onsite internet or computer access, or phone card sales or time for compensation or value whether for profit or not including game rooms, arcades, internet cafes, sweepstake redemption centers, establishments using slot machines or slot machines like equipment</u>	R											<u>P</u>	

ORDINANCE NO. 451

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORANGE CITY CODE APPENDIX A, THE CITY'S LAND DEVELOPMENT CODE, AS ADOPTED BY ORDINANCE NO. 157; AMENDING CHAPTER 8, SECTION 8.6.1 SCHEDULE OF ZONING DISTRICTS PERMITTED AND CONDITIONAL USES; PROVIDING FOR AN ADDITIONAL PERMITTED PRINCIPAL USE IN THE I-2 INDUSTRIAL ZONING DISTRICT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 12, 2003 the City Council of the City of Orange City adopted Appendix A, the City's Land Development Code, via Ordinance No. 157, thereby establishing a unified code to implement the comprehensive plan and establish a development review process, setting forth regulations and procedures governing the use and development of land for the purpose of protecting the health, safety, and general welfare of the citizens of the City of Orange City, to the end of improving the overall quality of life within the community; and

WHEREAS, the City Council of the City of Orange City deems it in the best interest of the City to amend Chapter 8, Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses to create a new permitted use in the I-2 Zoning District; and

WHEREAS, on February 16, 2011, the local planning agency, being the Planning Commission of the City of Orange City, reviewed the requested amendment to Section 8.6.1 and recommended these changes to the City Council; and

WHEREAS, all applicable notice requirements of Section 166.041(3)(c)(2), Florida Statutes, have been complied with; and

WHEREAS, the City Council of the City of Orange City finds the requested amendment to be consistent with the provisions of the Comprehensive Plan of the City of Orange City, and in the overall best interest of the public health, safety and welfare;

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

SECTION ONE. Chapter 8, Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses of the City's Land Development Code is hereby amended as shown in Attachment A, attached hereto and incorporated herein with full force and effect.

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

SECTION THREE: 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 FOUR: 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 Blair _____ Jeff H. Allebach _____

Tom Laputka _____ Tom Abraham _____

Anthony Pupello _____ Bill Crippen, Vice Mayor _____

Harley Strickland, Mayor _____

ROLL CALL VOTE AS FOLLOWS:

Second Reading this _____ day of _____, 2011.

Gary Blair _____ Jeff H. Allebach _____

Tom Laputka _____ Tom Abraham _____

Anthony Pupello _____ Bill 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

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