

Meeting Date: 5/10/2011



Agenda Item #

5A

CITY COUNCIL AGENDA ITEM

Contact Name: Wendy Hickey/ly Rly **Department Director:** Alison Stettner *AS*
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 and 8.6.14 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 found that Section 8.6.1 and 8.6.14 a scrivener’s error must have occurred during the adoption and a zoning district was overlooked.

Proposed Ordinance #454 amends the Land Development Code 8.6.14 to re-insert the Commercial Recreation (CR) zoning district and amends Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses adding the Commercial Recreational. The zoning district was omitted during the rewriting of the Land Development Code and these revisions will correct this oversight from 2003.

RECOMMENDATIONS:

On May 4, 2011, the Planning Commission recommended that the City Council approve Ordinance No. 454 with the additional changes shown in strikethrough and bold underline.

ATTACHMENTS:

Memorandum to the Planning Commission, and proposed Ordinance No. 454

FINANCIAL IMPACT:

None

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

1st Discussion Date: 5/10/2011	2nd Discussion Date: 5/24/2011	Third Discussion Date: date.	Other Dates: date.
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ORDINANCE NO. 454

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 8.3 ESTABLISHMENT OF ZONING DISTRICTS, SECTION 8.6.1 8.7.1 SCHEDULE OF ZONING DISTRICTS; AND SECTION 8.6.14 PROVIDING FOR THE ESTABLISHMENT OF THE COMMERCIAL RECREATION 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 8.3 Establishment of Zoning Districts to re-establish the Zoning District Commercial Recreation (CR); 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 re-establish the permitted uses and conditional uses in the CR Zoning District; and

WHEREAS, on May 4, 2011, the local planning agency, being the Planning Commission of the City of Orange City, reviewed the requested amendment to Chapter 8 of the Land Development Code 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 8.3 Establishment of Zoning Districts, 8.6.1 Schedule of Zoning Districts Permitted and Conditional Uses, and Section 8.6.14 Commercial Recreation 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.

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

ROLL CALL VOTE AS FOLLOWS:

Second Reading this _____ day of _____, 2011.

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

ATTACHMENT "A"

Section 8.3. Establishment of Zoning Districts

The incorporated area of Orange City is hereby divided into the zoning districts listed below and in the manner shown on the OZM. That map and the explanatory material contained on its face are incorporated in this code by reference.

RR Rural residential.

R-1 Low density residential.

R-2 Medium density residential.

R-3 High density residential.

MH-1 Mobile home park.

OT Office transitional.

MX-1 Mixed use, urban.

MX-2 Mixed use, suburban.

CG-1 General commercial, restricted.

CG-2 General commercial.

CR Commercial Recreation

I-1 Light industrial.

I-2 Heavy industrial.

PUD Planned unit development.

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

COMMERCIAL RECREATION

CR

8.6.14 Commercial Recreation

- A. Intent. The CR district is intended to provide a wide range of active recreation opportunities for Orange City residents and visitors. Such uses may consist of golf facilities, water parks, sports facilities and similar commercial recreation activities. Commercial recreation uses are distinguishable from more intense commercial uses because of the requirement that a minimum of seventy-five percent (75%) of the five (5) acre minimum be devoted to open space.
- B. Permitted Principal Uses. Permitted principal uses in the CR district are limited to those listed in the Schedule of Land Uses in Section 8.7.1 of this Chapter.
 - a. Receipts must show that fifty-one percent (51%) of gross revenue is derived from primary principal use. The City Manager or designee may inspect the necessary records to insure ensure compliance with this requirement. Additionally, the Business Tax Receipt issued under this classification must show on its face this requirement.
- C. Accessory Uses and Structures. Accessory uses and structures shall be permitted are limited to the criteria below:
 - a. Are customarily accessory and clearly incidental and subordinate to principal uses and structures.
 - b. Are located on the same lot as the principal use or structure.
 - e. With regard to the retail operations, only retail operations, only retail sales associated with the principal recreation activity or activities are considered accessory uses. For instance, a commercial recreation facility devoted to water sports could not sell golf or other sports equipment.
- D. Conditional Uses. Conditional uses are limited to those listed in Section 8.6.1 of this Chapter.
- E. Lot and Building Requirements. Standards relating to lot and yard dimensions, size and placement of buildings on a lot, and density and intensity of developments shall be specified in Section 8.6.2 of this Chapter.
- F. Off-Street Parking and Loading Requirements. Standards for off-street parking and loading and unloading shall be as specified in Section 8.7.7 of this Chapter.
- G. Sign Regulations. Standards as to the type, size and placement of signs shall be specified be as specified in Chapter 9 of this Code.
- H. Landscaping and Buffers. Standards as to the type, extent and placement of landscape materials and buffers as may be applicable shall be as specified in Chapter 10 of this Code.

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