

RESOLUTION NO. 631-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, RECOGNIZING AND CONFIRMING LEGISLATION IN PROGRESS REGARDING THE EXTENSION OF A MORATORIUM ON THE ESTABLISHMENT AND/OR OPERATION OF INTERNET CAFES IN ORANGE CITY; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the public health, safety, and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, the City Council of the City of Orange City by the enactment of Ordinance No. 425 established a temporary moratorium for one hundred eighty (180) days on the construction and/or operation of certain businesses as described therein; and

WHEREAS, Section 4 of Ordinance No. 425 recognizes that upon the finding of a necessity for an extension of the temporary moratorium, the City Council of the City of Orange City may extend the temporary moratorium for an additional ninety (90) days; and

WHEREAS, the City Council of the City of Orange City has found that there is a necessity for an extension of the temporary moratorium for an additional ninety (90) days, as authorized in Section 4 of Ordinance No. 425; and

WHEREAS, additional time is needed in which to research the nature and scope of possible measures of mitigation and regulation of those businesses, as described in Ordinance No. 425; and

WHEREAS, the City Council of the City of Orange City deems it in the best interest of the City to develop regulations of such businesses; and

WHEREAS, the City Council of the City of Orange City desires to formally recognize and confirm the aforementioned status of "legislation in progress", to inform the public of potential changes to the City of Orange City Land Development Code regarding those businesses described in Ordinance No. 425.

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

SECTION 1. Legislative Findings. The "Whereas" clauses recited above are true and correct and stands as the legislative findings of the City Council.

SECTION 2. Recognizing Legislation in Progress.

(a) The City Council of the City of Orange City hereby recognizes and confirms that legislation is in progress related to the establishment and operation of such businesses, as described in Ordinance No. 425 and by Ordinance No. 449.

(b) The temporary moratorium created and established by Ordinance No. 425 is being extended for an additional ninety (90) days pursuant to Ordinance No.449 whereby the City is not to issue any business tax receipts for the establishment or operation of such businesses, nor is the City to review or approve any non-exempt applications for the development, building permits, site plans, development orders, or any other land use activity within the City of Orange City which would allow or permit the construction of such businesses for an additional period of ninety (90) days.

SECTION 3. Conflicting Resolutions. That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. Severability. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portion(s) of this Resolution.

SECTION 4. Effective Date. That this Resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

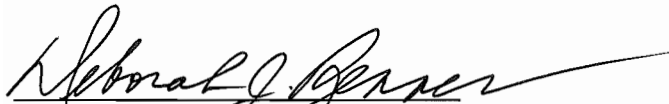
ROLL CALL VOTE AS FOLLOWS:

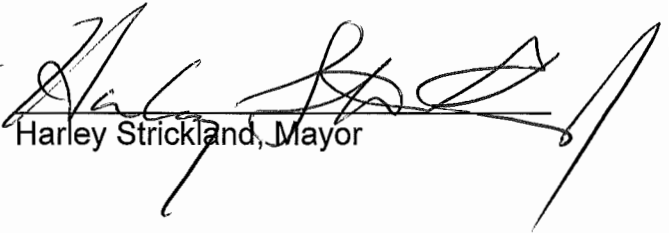
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|--------------------------|---------------|--------------------------------|------------|
| Gary A. Blair | <u>Absent</u> | Jeff H. Allebach | <u>yes</u> |
| Tom Laputka | <u>yes</u> | Tom Abraham | <u>yes</u> |
| Anthony J. Pupello | <u>yes</u> |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

ADOPTED THIS 17th DAY OF January, 2011.


ATTEST:

AUTHENTICATED:


Deborah J. Renner, City Clerk


Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:


William Reischmann, City Attorney