

Meeting Date: 12/14/2010



Agenda Item #

5A 6A

# CITY COUNCIL AGENDA ITEM

**Contact Name:** Wendy Hickey *WH*      **Department Director:** Alison Stettner *AS*  
**Department/Contact #** Dev. Serv./5417      **City Manager:** Jamie Croteau *JC*

- 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:** Amendments to Section 8.6.1 of the Land Development Code

**BACKGROUND:** The City's Land Development Code was adopted on August 12, 2003, via Ordinance No. 157. While implementing the code, staff identified two areas which, if modified, would further streamline the review process.

The two changes being presented for consideration are both located in Section 8.6.1. The first amendment is to remove the language relating to an "automobile oriented use" associated with a financial institution in the zoning matrix. Currently, the Code requires that when a financial institution is newly constructed or changes ownership, and if it has a drive up window, then an application for a conditional use must be filed. Staff is recommending that the association of an "automobile oriented use" as a conditional use be deleted from a financial institution. The second amendment related to an "automobile oriented use" (drive up window) being listed as an individual use within the zoning matrix. The intent of the proposed text changes are to eliminate "automobile oriented uses" and "automobile oriented uses" when associated with a financial institution. This will provide a smoother process when financial institutions change ownership.

**RECOMMENDATIONS:** On December 1, 2010 The Planning Commission unanimously recommended that the City Council approve Ordinance No.444. Staff and The Planning Commission recommend the City Council approve Ordinance No. 444

**ATTACHMENTS:** Memorandum to Planning Commission and Proposed Ordinance No. 444

**FINANCIAL IMPACT:** None

**Reviewed by City Attorney** \_\_\_\_\_  
**Reviewed by Finance Dept.** \_\_\_\_\_  
**Reviewed by:** \_\_\_\_\_

<b>Discussion Date:</b> 12/14/2010	<b>2<sup>nd</sup> Discussion Date:</b> 1/11/2011	<b>Third Discussion Date:</b> date.	<b>Other Dates:</b> date.
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**ORDINANCE NO. 444**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, VOLUSIA COUNTY, FLORIDA; AMENDING ORANGE CITY CODE APPENDIX A, ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 157, AMENDING SECTION 8.6.1 SCHEDULE OF ZONING DISTRICTS PERMITTED AND CONDITIONAL USES, DELETING AUTOMOBILE ORIENTED USE; CONTAINING A REPEALER PROVISION, SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, on August 12, 2003, the City Council of the City of Orange City adopted Appendix A, Land Development Code, via Ordinance No. 157, thereby establishing a unified land development 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 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 Section 8.6.1, "Schedule of zoning district permitted and conditional uses" to delete the requirement for a conditional use for an automobile oriented use for financial institutions; and

**WHEREAS**, on December 1, 2010, the local planning agency, being the Planning Commission of the City of Orange City, has reviewed the requested amendment, to Section 8.6.1 and, finding it consistent with the Orange City Comprehensive Plan, recommended approval of this amendment 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; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

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

**SECTION ONE:** Chapter 8, Zoning Regulations is hereby amended to change 8.6.1 Schedule of zoning district permitted and conditional uses.

	RR	R-1	R-2	R-3	MH-1	OT	MX-1	MX-2	CG-1	CG-2	I-1	I-2	PUD
Financial Institutions, including commercial banks and savings and loans <del>(unless an automobile-oriented use, then a conditional use)</del>							C	**	P	P	P		*
Automobile-Oriented Use								**	€	€			*

**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, sentence, phrase word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION FOUR: EFFECTIVE DATE.** This ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida, and approval as provided by law.

**ROLL CALL VOTE AS FOLLOWS:**

**First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010**

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

**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:**

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney

# MEMORANDUM

Date: December 1, 2010

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 SECTION 8.6.1 OF THE CITY'S LAND DEVELOPMENT CODE**

## **DEVELOPMENT SERVICES RECOMENDATION**

The City's development services is requesting and recommending two text changes within Section 8.6.1 (the zoning matrix) of the City's Land Development Code. The intent of the proposed text change is to eliminate automobile oriented uses and automobile oriented uses when associated with a financial institution. The development services department is recommending the Commission 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 No. 444.**

## **BACKGROUND**

The City's Land Development Code was adopted on August 12, 2003, via Ordinance No. 157. While implementing the code, staff identified two areas which, if modified, would further streamline the review process.

The two changes being presented for consideration are both located in Section 8.6.1. The first amendment is to remove the language relating to an "automobile oriented use" associated with a financial institution in the zoning matrix. Currently, the Code requires that when a financial institution is newly constructed or changes ownership, and if it has a drive up window, then an application for a conditional use must be filed. Staff is recommending that the association of an "automobile oriented use" as a conditional use should be removed from a financial institution. The second amendment relates to an "automobile oriented use" (drive up window) being listed as an individual use within the zoning matrix.

## **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, as well as the financial institutions, and the elimination of a needless process for a conditional use.**

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.**

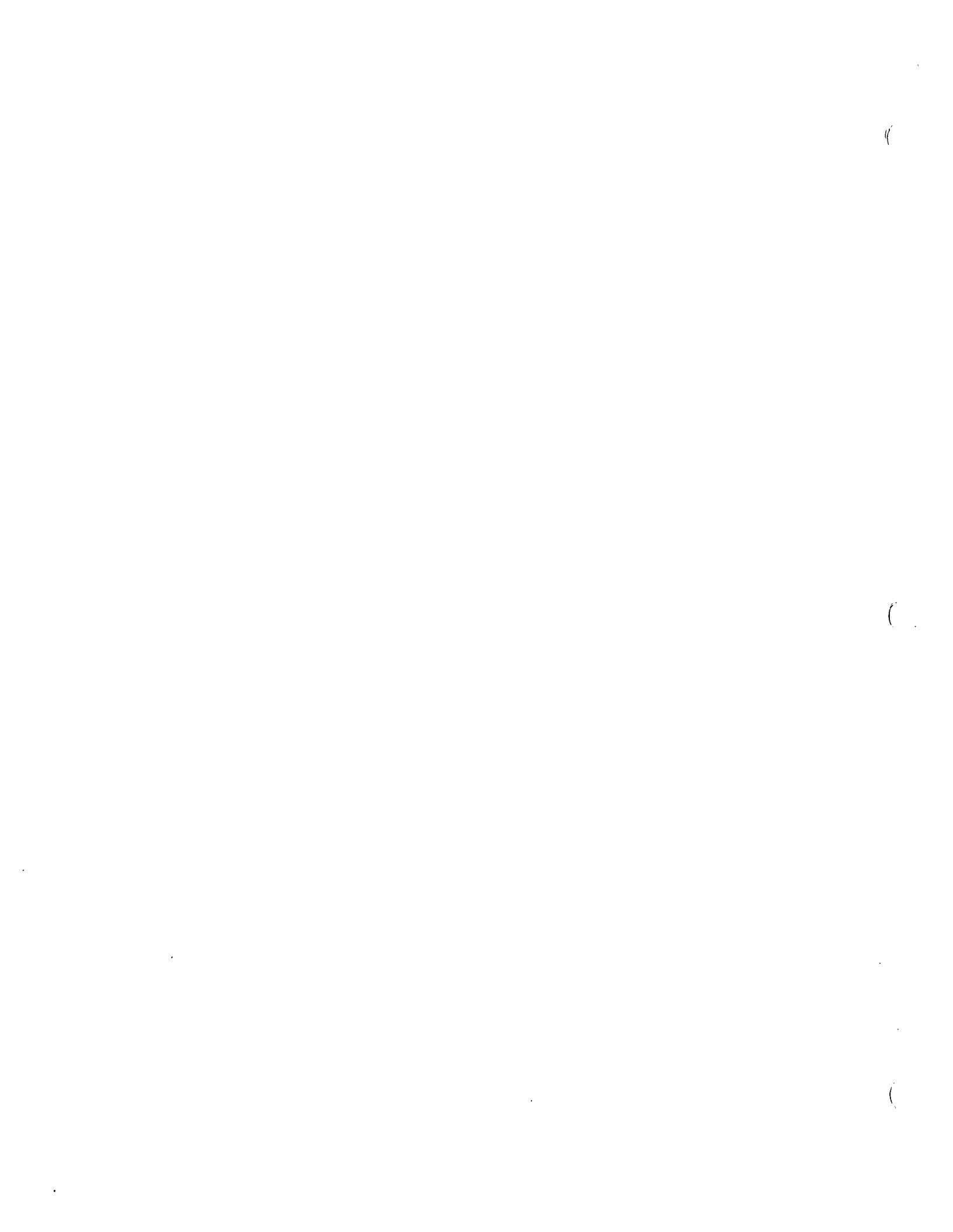
10. Other matters that may be deemed appropriate to preserve consistency with the Comprehensive Plan, the general intent of this Code and its enabling legislation.

**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 document.  
Proposed ordinance number 444 (2 pages)

**SUMMARY**

**City staff recommends that the proposed text changes be reviewed and considered for approval via Ordinance Number 444.**



Meeting Date: 12/14/2010



Agenda Item # 5B 6B

# CITY COUNCIL AGENDA ITEM

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

- 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: Annexation of the Pantry property into City limits – Ord. No. 445**

**BACKGROUND:**

The Pantry, Inc. has requested their property to be annexed into the City limits, said property being located at 1701 North Volusia Avenue, and consisting of 1.55 acres. The subject property is developed as a commercial retail convenience store.

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 \$551,718, thereby creating a potential City ad valorem revenue of \$3,500.37 under its current county zoning of 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. 445, therein annexing the subject property into the City limits of Orange City.

**ATTACHMENTS:**

- Annexation Ordinance No. 445
- 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:

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> 12/14/2010	<b>2<sup>nd</sup> Discussion Date:</b> Click here to enter a date.	<b>Third Discussion Date:</b> Click here to enter a date.	<b>Other Dates:</b> Click here to enter a date.
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## **ORDINANCE NO. 445**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE PANTRY 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 0.0 FEET NORTH OF WEST NEW YORK AVENUE, CONTAINING APPROXIMATELY 1.55 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.**

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**WHEREAS**, The Pantry, Inc. is the owner in fee simple of certain real property generally located on the west side of North Volusia Avenue, approximately 0.0 feet north of West New York Avenue, containing approximately 1.55 acres as hereinafter described, and

**WHEREAS**, the Pantry 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 Pantry property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Pantry 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 Pantry property, generally located on the west side of

North Volusia Avenue, approximately 0.0 feet north of West New York Avenue, containing approximately 1.55 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. 445):**

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 445):**

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. 445**

### **Legal Description**

#### **Pantry Annexation**

**Property located on North Volusia Avenue**

**Name: The Pantry, Inc.**

**Street Address: 1701 North Volusia Avenue**

**Parcel ID: 8003-03-04-0070**

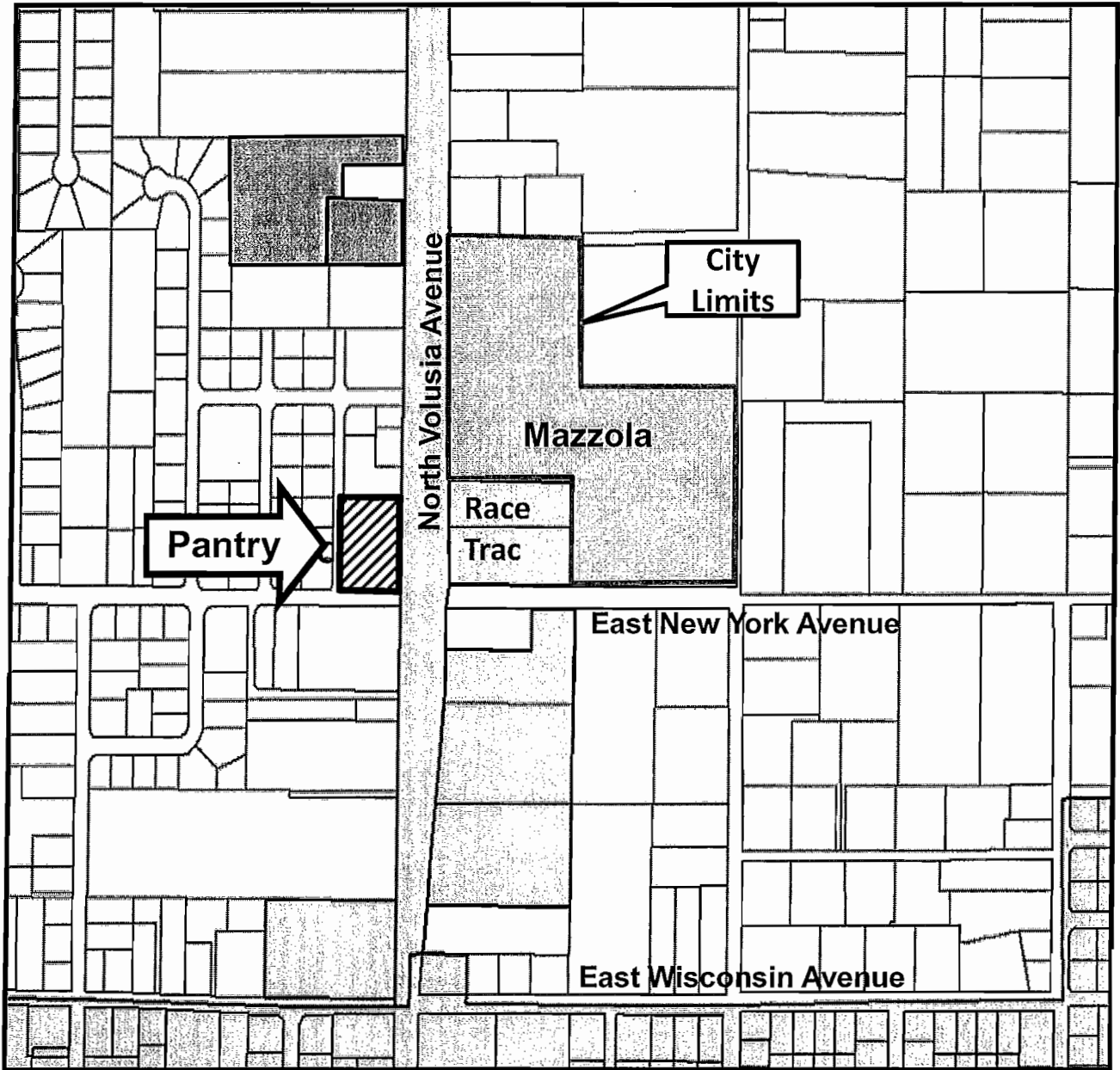
**Acreage: 1.55**

**Legal Description: Lots 7 to 18, Inclusive, Block 4, Except the part lying in State Road Right-of-Way, Denniston's Addition to Orange City, A subdivision, according to the Map thereof in Map Book 10, Page 106, of the Public Records of Volusia County, Florida,**

# Attachment B

## Ordinance No. 445

### Pantry Annexation Map



## Pantry Property Status Report

### Ownership Status

Property Owner	<b>The Pantry, Inc.</b>				
Applicants Name					
Mailing Address	<b>P.O.Box 8019</b>				
City	<b>Cary</b>	State	<b>N. Carolina</b>	Zip	<b>27512-9998</b>

### General Description of Current Property Status

Property Location	<b>Located on the west side of North Volusia Avenue approximately 0.0 feet north of West New York Avenue.</b>				
Property Address	<b>1701 North Volusia Avenue</b>				
Size of Property	Width:	<b>Irregular</b>	Depth:	<b>Irregular</b>	Acres: <b>1.55</b>
Total Acres	<b>1.55</b>				
Population	<b>None</b>				
Number of Structures	<b>One commercial building</b>				
Dwelling Units	<b>None</b>				
Building Square Feet	<b>5,802</b>				
Parcel Number	<b>8003-03-04-0070</b>				
Legal Description	<b>See Attachment A Legal Description to Ordinance No. 445</b>				

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	<b>(22.56410)</b>	<b>(23.41610)</b>
City Millage Rate	<b>N/A</b>	<b>(6.34450)</b>
Assessed Land Value	<b>291,600</b>	<b>291,600</b>
Assessed Building Value	<b>260,118</b>	<b>260,118</b>
Exemption	<b>0</b>	<b>0</b>
Taxable Value	<b>551,718</b>	<b>551,718</b>
Stormwater	<b>838.08</b>	<b>N/A</b>
Total Ad Valorem	<b>13,287.10</b>	<b>12,919.08</b>
City Ad Valorem	<b>N/A</b>	<b>3,500.37</b>

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	<b>(Volusia County) Commercial</b>
Zoning	<b>(Volusia County) B-4 Com General</b>
	<b>The property usage is commercial retail convenience store</b>

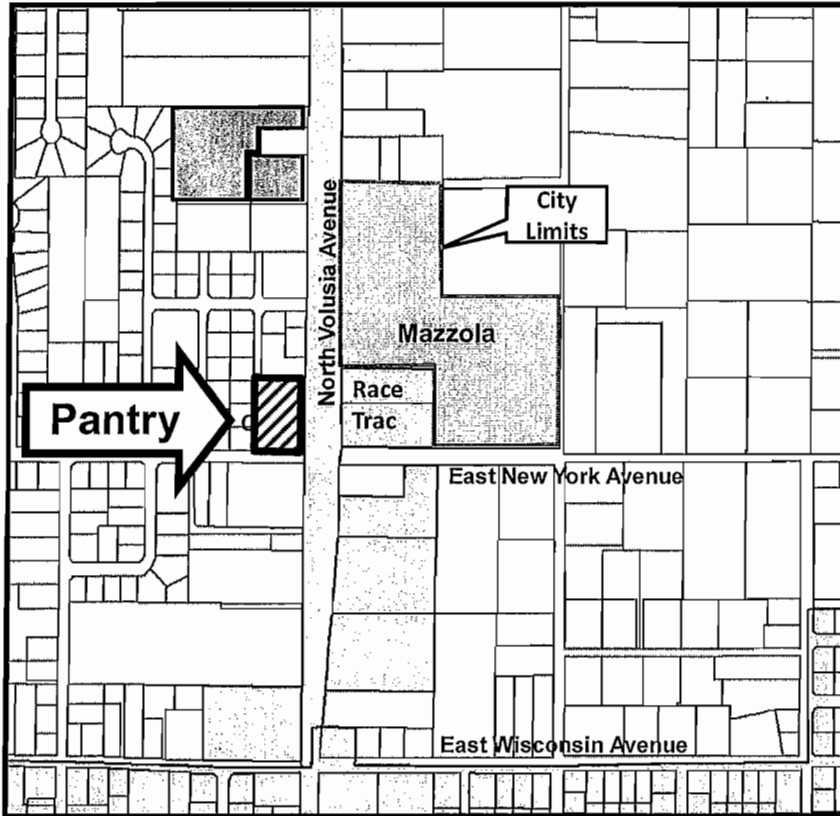
### Detailed Subject Property Proposed Land Use and Zoning Description

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

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

## NOTICE TO RESIDENTS OF THE CITY OF ORANGE CITY

The City Council of the City of Orange City will consider the following annexation Ordinance on second and final reading at their Regular Meeting on Tuesday, January 11, 2011 commencing at 7:00 p.m. A public hearing will be held during the meeting at which time all interested persons may appear and be heard with respect to the proposed Ordinance.



Ordinance No. 445 An ordinance of the City of Orange City, Florida, annexing the Pantry 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 0.0 feet north of West New York Avenue, containing approximately 1.55 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.

Copies of the above Ordinance and a complete legal description by metes and bounds of the subject property are available and may be obtained from the City Clerk's office at 229 East Graves Avenue, weekdays from 8:00 a.m. to 5:00 p.m. If a person decides to appeal any decision made by the City Council with respect to the proceedings at the meeting, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony upon which the appeal is to be based.

Deborah J. Renner, CMC  
City Clerk

Please publish this camera-ready ad twice: (3 col. wide by 7 inches deep)  
once on Saturday, January 01, 2011 and  
once on Saturday, January 08, 2011. Reference PO#.



Meeting Date: 12/14/2010



Agenda Item # 5c 6c

# CITY COUNCIL AGENDA ITEM

Contact Name: Christine Davis

Department Director: *[Signature]*

Department/Contact # 386-775-5432

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:** Revision to the City Code, Leisure Services, Section 10.5 – Rules and Regulations

**BACKGROUND:** During a recent council meeting Council Member Pupello brought up a concern regarding smoking at Valentine Park. Staff discussed and conducted a review of the Leisure Services code specifically pertaining to the rules and regulations for use of tobacco, use of alcohol and allowance of animals in city parks and recreations facilities.

**RECOMMENDATIONS:** Staff recommends the adoption of Ordinance No. 446 which would cause Section (11) to be revised to allow the city manager to promulgate particular public parks, recreation facilities and recreation activities for the allowance of animals, Section (1) to be revised, to allow alcoholic beverages in public parks and recreations facilities subject to receiving an approved city permit, Section (19) to be added to regulate use of tobacco in public parks and recreation facilities, and Section (20) to be added for violations of the rules and regulations.

**ATTACHMENTS:** Ordinance No. 446

**FINANCIAL IMPACT:**

Reviewed by City Attorney

Reviewed by Finance Dept.

Reviewed by:

*[Signature]*

<b>1<sup>st</sup> Discussion Date:</b> 11/9/2010	<b>2<sup>nd</sup> Discussion Date:</b>	<b>Third Discussion Date:</b>	<b>Other Dates:</b>
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**ORDINANCE NO. 446**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING CHAPTER 10.5 LEISURE SERVICES, ARTICLE II USE RESTRICTIONS, SECTION 10.5-19 RULES AND REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, BY REVISING SUB-SECTIONS (1), AND (11), AND ADDING SUB-SECTIONS (19), AND (20); CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of Orange City have determined that it is necessary to revise the Leisure Services, Chapter 10.5 of the City Code of Ordinances, and

**WHEREAS**, the Leisure Services Chapter 10.5 was previously revised September 10, 2002, and

**WHEREAS**, the City Staff recommends two revisions and two additions to Chapter 10.5, Section 10.5-19 Rules and Regulations of the City Code of Ordinances.

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

**SECTION 1.** That Chapter 10.5, Leisure Services, of the Code of Ordinances of the City of Orange City, Article II Use Restrictions, Section 10.5-19 Rules and Regulations, Sub-sections (1), and (11) be amended as follows:

It shall be unlawful for any person in the city parks to:

(1) Bring alcoholic beverages into, or be under the influence of an alcoholic beverage, while in the public park or recreation facility unless a permit is issued by the city for a particular event occurring in a public park or recreation facility.

(11) Except as provided by law, bring any animals into said parks and facilities. unless the rules promulgated by the city manager with regard to the particular public park, recreation facility, or recreation activity specifically authorize such animals to be present and, in the event such rules being promulgated, a person may act in accordance with such rules.

**SECTION 2.** That Chapter 10.5, Leisure Services, of the Code of Ordinances of the City of Orange City, Article II Use Restrictions, Section 10.5-19 Rules and Regulations, Sub-sections (19), and (20) be added as follows:

It shall be unlawful for any person in the city parks to:

(19) Tobacco use is unlawful at all public parks or recreation facilities unless specifically permitted by the city. The city manager may designate "tobacco permitted area" within public parks. In such designated "tobacco permitted area" the city manager shall cause signs to be erected to clearly identify "tobacco permitted area".

(20) Notwithstanding the aforementioned provisions, the presence or absence of signage shall not be a defense to the violation of any provision of this section.

**SECTION 3.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 4.** 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 5.** This Ordinance shall take effect immediately upon adoption.

**ROLL CALL VOTE AS FOLLOWS:**

First Reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Gary A. Blair	_____	Jeff 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 \_\_\_\_\_, 2010.

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney