

**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**SECTION TWO: CONFLICTS.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.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 22<sup>nd</sup> day of February, 2011.

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

**ROLL CALL VOTE AS FOLLOWS:**

Second Reading this 8<sup>th</sup> day of March, 2011.

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

**PASSED and ADOPTED** this 8<sup>th</sup> day of March, 2011.

**ATTEST:**

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

**AUTHENTICATED:**

Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W.E. Reischmann  
W.E. Reischmann, City Attorney

**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, or 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
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.												P	