

ORDINANCE NO. 424

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA AMENDING SECTION 9.7.4 OF THE CITY'S LAND DEVELOPMENT CODE; SAID SECTION BEING TEMPORARY SIGN REGULATIONS OF ORANGE CITY, FLORIDA; SAID AMENDMENT CHANGING CERTAIN TIME LIMITS FOR DISPLAY OF TEMPORARY SIGNS AND, CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR 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; and

WHEREAS, the City Council of the City of Orange City deems it in the best interest of the City to amend Chapter 9, Section 9.7.4, Temporary Signs to change certain time limits regarding display of temporary signs; and

WHEREAS, on July 7, 2010, the local planning agency, being the Planning Commission of the City of Orange City, reviewed the requested amendment to Section 9.7.4 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 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. The Code of Ordinances for the City of Orange City, Florida hereby amends Appendix A, Land Development Code, Chapter 9 Section 9.7.4, Temporary Signs, to read as follows:

E. Temporary banners and/or live or animated characters. Temporary banners and/or live or animated characters may be permitted by a building permit to advertise a grand opening, special event or other special occasion, provided said banners and/or live or animated characters are not located over and/or within the street right-of-way and meet the following conditions:

1. Said banner and/or live or animated characters shall not be permitted to be displayed for a period greater than 30 days; however, such signage shall be permitted to be displayed throughout the period between November 16 and December 31.

2. A banner and/or live or animated characters may be displayed, as provided in Subsection 1, up to 4 times per year per business establishment. Each display period must be separated by a minimum period of 30 days.

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 and the amendments to Section 9.7.4 contained herein shall automatically terminate on October 26, 2012.

ROLL CALL VOTE AS FOLLOWS:

First Reading this 15th day of October, 2010.

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

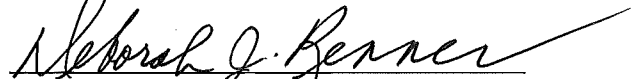
ROLL CALL VOTE AS FOLLOWS:

Second Reading this 26th day of October, 2010.

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

PASSED and ADOPTED this 26th day of October, 2010.

ATTEST:


Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:


Harley Strickland, Mayor

Approved as to form and legal sufficiency:



W. E. Reischmann, City Attorney

EXHIBIT A

MEMORANDUM

DATE: June 30, 2010

TO: Chairman DeSilva and members of the Planning Commission

FROM: Elaine Wilson, Interim Development Services Director

SUBJECT: Text Change Amendment to Land Development Code Section 9.7.4, Temporary Signs

BACKGROUND

Several business owners came before the City Council last year and requested that the regulations for display of temporary signs be waived from Thanksgiving to New Year's Day. To change the Code dealing with this matter, a new ordinance must be passed by the Council. The ordinance now before the Planning Commission changes the Code to allow the display of banners from Nov. 16 to Dec. 31. Currently Code limits such display for no more than 30 days. This change would extend that time up to 46 days.

As the Local Land Planning Agency, the Planning Commission reviews any proposed text changes and makes a recommendation to the City Council on whether to approve the change.

ANALYSIS

When reviewing a request for a text change, Sec. 3.5.2 F of the Land Development Code requires the Commission to consider the following 10 items.

1. **Whether the change is consistent with all adopted elements of the Comprehensive Plan and other laws and ordinances.**
Staff believes there is no 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.**
No incompatible land uses will be created because no land use is being changed.
3. **Whether the change is in the public interest or would benefit only the applicant.**
In staff's opinion, the text changes would benefit the public interest by providing businesses an extended time to advertize during the winter holiday season.
4. **The zoning change impact upon the environment and natural resources.**
There will be no zoning change.

EXHIBIT A

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

Staff anticipates the economy of the City will be positively affected by the increased visibility of small businesses.

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 affected by this amendment.

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

In staff's opinion, this text change does not change circumstances or conditions within the City.

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

Staff anticipates that property uses or values will not be affected by the text changes.

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

The public health, welfare, safety or morals will not be impacted 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.

The proposed change is minor and no adverse impacts to preserving consistency with the comprehensive plan or the intent of the land development code are anticipated.

RECOMMENDATION

Staff recommends approval of the proposed text change to Sec. 9.7.4 of the City's land development code. Therefore, based on competent substantial evidence presented, staff requests the Planning Commission consider a recommendation that the City Council approves the text change with the following motion.

➡ The Planning Commission recommends that the City Council adopts Ordinance No. 424 amending the land development code as proposed in Attachment A.