

TOWN OF CINCO BAYOU
SPECIAL COUNCIL MEETING
MARCH 11, 1987

Mayor Laginess called the Special Council Meeting to order at 6:00 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
 Councilwoman Buchanan
 Councilwoman Dumka
 Councilman Gage

Absent Councilman Plaster
 Councilman Skelly

Also Present: Attorney McInnis Clerk Borchik
 Aaron Talley Steven R. Schmidt
 Jerry Armstrong Jeff Prescott
 Dennis Smith Lisa Asmore
 Jim Shrine

PUBLIC HEARING - Ordinance No. 109 - An ordinance adopting, promulgating, and establishing rules, regulations and procedures to direct and control flood plain management in the Town of Cinco Bayou, Florida. Following a discussion pertaining to the setback for construction from the mean high water line, Councilwoman Dumka made a motion to establish 25' as the setback and amend Section 5B, paragraph 5a accordingly, seconded by Councilman Gage. The motion was unanimously approved. Attorney McInnis then read Ordinance No. 109 by title only. Councilman Gage made a motion to approve the first reading of Ordinance No. 109, seconded by Councilwoman Buchanan. The motion was unanimously approved.

The Special Meeting was adjourned at 6:11 PM.

COUNCIL AS COMMITTEE MEETING

REGULAR BUSINESS

1. Minutes - February 11 & February 18, 1987 - Councilwoman Buchanan made a motion to accept the minutes of February 11 and February 18, 1987 as written and place this item on the Consent Agenda, seconded by Councilman Gage. The motion was unanimously approved.

2. Financial Report - February 1987 - Councilwoman Dumka made a motion to accept the February Financial Report and move this item to the Consent Agenda, seconded by Councilwoman Buchanan. The motion was unanimously approved.

3. Laguna Landing Building Permit - Mr. Jeff Prescott, Architect for the project, briefed the Council on the proposed plans for the placement and construction of Cuco's Restaurant at Laguna Landing. Although other buildings are planned for the project, only the approval for the restaurant building is being requested at this time. Mr. Talley agreed to honor the previous agreement concerning Laguna Street. Councilman Gage made a motion to approve the construction of building 1, Cuco's Restaurant, Laguna Landing and to move this item to the Consent Agenda, seconded by Councilwoman Buchanan. The motion was unanimously approved on a roll call vote.

4. Draft Ordinance - Citizen Participation in Comprehensive Planning Process - This draft ordinance was provided by the consultants for the preparation of the Comprehensive Plan. Prior to adoption this draft will be reviewed and amended to meet the Town's Code of Ordinances and State statutes.

5. Town Hall Security System - The Mayor advised the Council that Councilman Gage was collecting data on the proposed security systems and would make a presentation to the Council at next week's meeting.

PUBLIC REQUESTS - None

COMMITTEE REPORTS

1. Administrative Committee - No Report
2. Finance & Budget - No Report
3. Comprehensive Plan - No Report

CORRESPONDENCE

1. Letter - ARC Request for Proclamation - Mayor Laginess read a proclamation concerning support of retarded citizens and proclaiming March as Mental Retardation Month.
2. Letter - DAV Request - Mayor Laginess indicated that he will attend the Memorial Ceremony on May 25, 1987.
3. Letter - FLOC Bicentennial Community - There was no decision on this matter.

CLERK'S REPORT

1. The Clerk attended the recent Panhandle League of Cities Meeting and advised the Council that the League plans to take positive action on items of concern to the municipalities and not be only a social activity.
2. The Florida League of Cities is scheduling a "Legislative Action Day" on April 28, 1987 for the purpose of allowing each municipality to meet with there legislature members and present and discuss current issues important to the municipality. Everyone is encouraged to attend.

CLERK'S REPORT - (Cont)

3. There have been reports of businesses here in Town dumping petroleum wastes into the streets and hence into the storm sewer system. This is prohibited by ordinance and notices will be sent to all businesses concerned.

MAYOR'S ANNOUNCEMENTS - Mayor Laginess read Councilman Plaster's letter of resignation and indicated it was to be effective immediately. He then read that portion of the Code of Ordinances pertaining to Council vacancies. Councilman Gage recommended that a letter of appreciation along with a certificate be presented to Mr. Plaster.

There being no further business, the meeting adjourned at 6:52 PM.



Mayor

Attest:



Town Manager/Clerk

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part and is on file in the Office of the Town Clerk.

ORDINANCE NO. 109

AN ORDINANCE ADOPTING, PROMULGATING, AND ESTABLISHING RULES, REGULATIONS, AND PROCEDURES TO DIRECT AND CONTROL FLOOD PLAIN MANAGEMENT IN THE TOWN OF CINCO BAYOU, FLORIDA; ESTABLISHING THE BASE FLOOD ELEVATION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF..

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

A. STATUTORY AUTHORIZATION.

The legislature of the State of Florida has in Chapters 125, 163 and 166, Florida Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

B. FINDINGS OF FACT.

(1) The flood hazard areas of the Town of Cinco Bayou are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. OBJECTIVES.

The objective of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

SECTION 2. DEFINITIONS.

Unless specially defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Town of Cinco Bayou's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Coastal High Hazard Area" means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE or V.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

"Elevated building" means a non-basement building built to have lowest floor elevated above the ground by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow or inland or tidal waters
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zone applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mangrove stand" means an assemblage of mangrove trees which is mostly low trees noted for copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erecta).

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purpose of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD)

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Sand Dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-248)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The next value of structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

SECTION 3. GENERAL PROVISIONS.

A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Cinco Bayou.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The area of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated July 3, 1985, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally constructed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Cinco Bayou or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$200 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs be considered a separate offense. Nothing herein contained shall prevent the Town of Cinco Bayou from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 4. ADMINISTRATION.

A. DESIGNATION OF ADMINISTRATOR.

The Town Council is hereby appointed to administer and implement the provisions of this ordinance.

B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Town Manager/Clerk on forms furnished by him or her prior to any development activities, and may include, but not to be limited to, the following; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

(a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures:

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofed criteria in Section 5, Paragraph B (2);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofed by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Town Manager/Clerk a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Town Manager/Clerk shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. DUTIES AND RESPONSIBILITIES OF THE TOWN MANAGER/CLERK.

Duties of the Town Manager/Clerk shall include, but no be limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that flood-carrying is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new substantially improved structures, in accordance with Section 4, Paragraph B (2).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 4, Paragraph B (2).

(7) In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

(8) In Coastal High Hazard Areas, the Town Manager/Clerk shall review plans for adequacy of breakaway walls in accordance with Section 5, Paragraph B (5) (h).

(9) When flood-proofing is utilized for a particular structure, the Town Manager/Clerk shall obtain certification from a registered professional engineer or architect, in accordance with Section 5 Paragraph B (2).

(10) Where interpretation is needed as to the exact location of the areas special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Town Manager/Clerk shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When base flood elevation data or floodway data have not been provided in accordance with Section 3, Paragraph B, then the Town Manager/Clerk shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 5.

(12) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Town Manager/Clerk and shall be open for public inspection.

SECTION D. VARIANCE PROCEDURES.

(1) The Board of Adjustment as established by the Town of Cinco Bayou shall hear and decide requests for variances from the requirements of this ordinance.

(2) The Town Council shall hear and decide appeals when it is alleged there is error in any requirement, decision, or determination made by the Board of Adjustment or the Town Manager/Clerk in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the Town Council, or any taxpayer may appeal such decision to the Circuit Court as provided in FS 163.250.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section 4, Paragraph D, (8) (a) and (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(5) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(6) Upon consideration of the factors listed above, and the purposes of this ordinance, the Town Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.

(7) Variances shall not be issued within any designad floodway if any increase in flood levels during the base flood discharge would result.

(8) Conditions for Variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will nor result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The Town Manager/Clerk shall maintain the records of all appeals actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-to-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) New and replacement water supply shall be signed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of the ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 3, Paragraph B, or Section 4, Paragraph C (11), the following provisions are required:

(1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation (7' MSL). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5, Paragraph B (3).

(2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation (7' MSL). Structures located in all A-zones may be flood-proofed in lieu of being elevated that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4, Paragraph B (3).

(3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwave in both directions.

(b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(d) The interior portion of such enclosed area shall be partitioned or finished into separate rooms.

(4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood level during occurrence of the base flood discharge;

(b) If Section 5, Paragraph B(4) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.

(c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 5, Paragraph A(2), and the elevation standards of Section 5, Paragraph (1) are met.

(5) Coastal High Hazard Areas (V Zones). Located within the areas of special flood hazard established in Section 3, Paragraph B, are areas designated as Coastal High Hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:

(a) All buildings or structures shall be located (___ feet) landward of the reach of the mean high tide;

(b) All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one (1) foot above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Section 5, Paragraph B (5) (h);

(c) All buildings or structures shall be securely anchored on pilings or columns;

(d) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance flood).

(e) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Section 5, Paragraph B(5) (b), (c) and (d) of this ordinance.

(f) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Town Manager/Clerk shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

(i) Particle composition of fill material does not have a tendency for excessive natural compaction;

(ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and

(iii) Slope of fill will not cause wave run-up or ramping.

(g) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;

(h) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building specifications are met:

(i) No solid walls shall be allowed, and;

(ii) Material shall consist of lattice or mesh screening only.

(i) If aesthetic lattice work or screening is utilized, such enclosed space shall be designed to be used only for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

(j) Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the Town Manager/Clerk for approval;

(k) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or lattice decorative screening, as provided for in Section 5, Paragraph B(5) (h) and (i).

(l) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A placement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 5, Paragraph A(2), and the elevation standards of Section 5, Paragraph A(2), and the elevation standards of Section 5, Paragraph B(1) are met.

C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, shall small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

(1) No encroachment, including fill material or structure shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base level discharge.

(2) New construction or substantial improvements or structures shall be elevated or flood-proofed to elevations established in accordance with Section 4, Paragraph C (11).

D. STANDARDS FOR SUBDIVISION PROPOSALS.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions which is greater than the lesser of fifty lots or five acres.

E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have been special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade, or;

(b) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 6. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 18th day of March, 1987.

APPROVED:

Mayor

ATTEST:

Town Manager/Clerk

$R = 15660.08$
 $\Delta = 08^{\circ}26'53"$
 $A = 111.44'$
 $CH = 111.41'$ CB = $N.27^{\circ}19'18"E$

- $N.26^{\circ}14'58"E$ - 350.59 -

35' R.
 BARRIER CURB & GUTTER WITH D.O.T.
 PAVEMENT TO R/W LINE, THEN TAPER
 CURB TO EDGE OF PAVEMENT IN 6'.

S. 452.00' (PLAT)
 - $N.26^{\circ}14'58"E$ - 455.37' (FIELD) -

CONCRETE SPILLWAY

$N.63^{\circ}52'37"W$ 55.89'

$N.63^{\circ}50'11"W$ 55.00'
 175.0' (P)
 171.95' (F)

BUILDING
 NO. 2
 COMMERCIAL
 2-STORY
 10,000 S.F.

17 SPACES @ 9'-0" = 153.00'

13 SPACES @ 9'-0" = 117.00'

12 SPACES @ 9'-0" = 108.00'

6 SPACES @ 9'-0" = 54.00'

BUILDING NO. 1
 RESTAURANT
 ONE STORY 3177 S.F.
 600.0'

CONCRETE SPILLWAY

DRIVEWAY

$S.52^{\circ}26'35.40"W$ 305.29' (F)
 346.00' (P)

WATER'S EDGE

$S.22^{\circ}06'29"E$ 113.27'
 $S.17^{\circ}04'28"E$ 20.79'

FIVE MILE BAY

$S.57^{\circ}26'46"E$ 24.90'
 $S.57^{\circ}26'46"E$ 59.00'

BRIDGE DECK

February 26, 1987

RECEIVED
2/21/87
153

Mr. Michael Plaster
Councilman
Town of Cinco Bayou
35 Kelly Avenue (Cinco Bayou)
Ft. Walton Beach, Florida 32548

Reference: Rough Draft Citizen Participation Ordinance

Dear Mr. Plaster:

Attached, please find the first version of an Ordinance delineating the procedures that the Town will use to ensure all citizens the maximum opportunity to provide input throughout the preparation and adoption of the Comprehensive Plan. Much of the language reflects procedures currently being followed and, as such, is merely a formalization of existing processes. Please review this document as a discussion-generator, and modify it however you feel appropriate for the Town of Cinco Bayou. Your legal counsel should also carefully review this document.

Although Florida Statutes do not require these procedures to be adopted by Ordinance, we recommend that the Town of Cinco Bayou does so because it will likely afford more protection against a procedural due process attack. There is no particular urgency to adopting the Ordinance except that the sooner it is in place, the greater the commitment demonstrated. More importantly, the comprehensive planning process needs the maximum exposure possible and involvement of as many interest groups as possible to be effective. Adoption of the Ordinance will ensure that everyone is treated in the same manner, thereby affording additional due process protection.

We will make any revisions you wish and produce a final document for your advertising and adoption. At your request, we will attend the adoption hearing if our schedule permits.

Please do not hesitate to call me if you have any questions.

Sincerely,

BARRETT DAFFIN AND CARLAN, INC.



Carl D. Gosline
Project Manager

CDG/pp

**CITIZEN PARTICIPATION PROCEDURES
FOR**

ROUGH DRAFT 1

**Prepared by
Barrett Daffin and Carlan, Inc.**

February 1987

REVISION HISTORY

1. MARCH _____, 1987

SECTIONS: _____

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ORDINANCE NO. 87-

AN ORDINANCE PROVIDING FOR PUBLIC PARTICIPATION IN THE COMPREHENSIVE PLANNING PROCESS FOR THE INCORPORATED AREA OF _____, OKALOOSA COUNTY, FLORIDA IN CONFORMANCE WITH THE MANDATES OF CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR THE BROAD DISSEMINATION OF PROPOSALS AND ALTERNATIVES; PROVIDING FOR THE OPPORTUNITY FOR WRITTEN COMMENTS; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR OPEN DISCUSSION; PROVIDING FOR COMMUNICATIONS PROGRAMS; PROVIDING FOR INFORMATION SERVICES; AND, PROVIDING FOR CONSIDERATION OF AND RESPONSE TO PUBLIC COMMENTS.

Note: The statement above is virtually word for word from the purpose statement in Chapter 163. This note and all others herein are not part of the suggested Ordinance and are supplied for information during the Ordinance drafting process. The suggestions herein are done to encourage participation of as broad a spectrum of interest groups as possible.

Implicit in most of the suggestions is the notion that a very careful record must be maintained when dealing with the land development process. Good records may save the City/Town/County from successful litigation. Our basic recommendation is to approach each land development decision as if you will go to court; i.e., build a very careful record from the beginning. While many of these suggestions involve more expenditure in terms of record keeping, it is much cheaper than losing a lawsuit because of inadequate records.

ORDINANCE NO. 87-

WHEREAS, the Florida Legislature has enacted the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes) which mandates the preparation of a comprehensive plan and unified land development code for all units of local government; and,

WHEREAS, it is the intent of the Legislature to reconfirm that Sections 163.3161 through 163.3215 have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties and responsibilities; and,

WHEREAS, Chapter 163.3181(1) F.S. establishes that it is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible; and,

WHEREAS, Chapter 163.3181(2), F.S. mandates that procedures be established which provide for broad dissemination of proposals and alternatives, opportunity for written comments, public hearings, provisions for open discussion, communications programs, information services and consideration of and response to public comments;

NOW THEREFORE, BE IT ORDAINED by the _____, Okaloosa County, Florida that the procedures/actions described herein will be used whenever any comprehensive plan, or portion thereof or any land development regulation, or portion thereof are proposed for adoption.

Note: This statement supplies a direct link between the statutory requirement for enactment of the procedures and the ordinance.

ORDINANCE NO. 87-

Section 1 - Title/Intent

- 1.1 This Ordinance shall be known as the Citizen Participation Process Ordinance for the _____.
- 1.2 It is the intent of this Ordinance that all citizens affected by comprehensive planning and land development regulation proposals be encouraged to and are afforded the opportunity for input throughout the preparation and enactment process.
- 1.3. It is further the intent of this Ordinance that these procedures apply to consideration of all draft documents required for preparation of the comprehensive plan, the formal adoption process of the comprehensive plan, amendments to the comprehensive plan, preparation of the land development code and any amendments including regulation of land subdivision, open space provisions, drainage and stormwater management, floodplain development, environmentally sensitive areas, signage, parking, innovative land development regulations, impact fees, consideration of the Evaluation and Appraisal Report, and any other matters deemed appropriate by the _____.
- 1.4 It is further the intent of this Ordinance that the terms citizen participation and public participation are synonymous and apply to affected persons, substantially affected persons and aggrieved or adversely affected parties as defined in Chapter 163.3184(1)(6), Chapter 163.3213(2)(a) and Chapter 163.3215(2), Florida Statutes respectively.

Section 2 - Definitions

- 2.1 Unless specifically noted otherwise or listed in this section, the definitions found in Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code, are hereby adopted by reference.

Note: Additional definitions may be necessary. It may also be necessary to refer directly to existing local ordinances for specific definitions. Please consult your legal counsel.

Section 3 - Notice Procedures

3.1 The _____ will advertise twice in a newspaper that is published at least five (5) days per week that a public hearing, public meeting, or public workshop, as the case may be, will be held to consider any of the matters described in Section 1.3. The advertisement will include an identification of who is holding the hearing, meeting or workshop as well as the date, time, place and general subject of the hearing, meeting or workshop and the location where copies of the proposed matter may be obtained. To the extent possible, the advertisement will appear in a section of the newspaper other than the classified or legal sections. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.

Note: Somehow the ad should be where people will read it. Cooperation of the media may accomplish the same thing without cost. This whole section generally tracks the notice requirements for plan adoption although, strictly speaking, the statutory requirements apply only to formal plan adoption.

3.2 The advertisements shall appear approximately fourteen (14) days prior to the hearing, meeting or workshop and no later than five (5) days prior to the hearing, meeting or workshop.

Note: Individual charter requirements should be reviewed.

3.3 All public hearings and public meetings shall be held after 5:30 p.m., Monday through Thursday. Workshops may be held at other times deemed appropriate.

Note: The idea is to be sure people can attend without taking off work. Some communities do not do this.

3.4 In addition to the advertising requirements described above, a notice of the hearing, meeting or workshop will be posted in a conspicuous place or places at City Hall at least seven (7) days prior to the hearing, meeting or workshop.

Note: Generally, a good idea because it expands the notice availability to those who do not read the paper.

3.5 The ____ will also provide a direct notice of any hearing, meeting or workshop to any group, agency or government that registers with the City to receive such notice at least fourteen (14) days prior to the hearing, meeting or workshop. The group, agency or government receiving such notice shall be responsible to notify their membership of the particulars involved.

Note: A small fee could be charged to pay the mailing costs. This is an inexpensive way to encourage neighborhood groups and other interest groups to participate.

3.6 The ____ will periodically provide notification to the media regarding the status of matters under consideration.

3.7 In addition, the ____ will conform to the applicable notice requirements for adoption of the comprehensive plan as described in Chapter 163.3184 and 163.3187, Florida Statutes.

Note: This is a statutory requirement that has been in effect since October 1, 1985. This statement enforces the notice commitment and puts everyone on notice that maximum notice will be provided at plan adoption time.

Section 4 - Local Planning Agency

4.1 Prior to City Council approval, adoption and/or enactment as appropriate, of any matter listed in Section 1.3, the Local Planning Agency (formerly known as the Planning and Zoning Commission) shall hold at least one public hearing in conformance with the notice requirements described in Section 3. The hearing may be continued to an announced time certain upon a majority vote. An agenda for the hearing shall be posted in or near the meeting room.

Note: Required by Chapter 163, Florida Statutes.

4.2 The Local Planning Agency public hearing shall afford members of the public reasonable opportunity to present their views on any matter under consideration. The Chairman may, at his discretion, rule out-of-order public comments he deems repetitious or not germane to the matter under discussion.

Note: Many communities do not currently do this.

4.3 The sequence of activities regarding the matters under consideration shall be as follows:

- (a) Announcement of the matter for consideration by the Chairman.
Evidence that the requirements of Section 4.5 have been met will be supplied prior to continuing this matter.
- (b) Presentation by the applicant or principal proponent of the matter.
- (c) Presentation of staff reports/comments, if any, whether written or verbal. Written staff reports, if prepared, shall be provided to the Local Planning Agency, applicable agencies, proponents and any group registered pursuant to Section 3.5 at least seven (7) days prior to consideration.
- (d) Comments from the proponents and opponents of the matter in as nearly equal proportions as possible. All speakers will be required to fill out address cards to that an accurate record of participants can be maintained.

Note: Certain citizens (citizen groups) have standing to file administrative challenges throughout this process. It is absolutely essential that good records of speakers are maintained to provide legal protection for the _____ in these matters.

- (e) Close public input except for direct questions as may be initiated by the members of the Local Planning Agency.
- (f) Local Planning Agency discussion, debate and recommendation by majority vote prior to considering the next matter or adjournment.

Note: Experience has shown that this sequence works well and provides equal treatment for everyone. Many communities make the decision at times other than the public hearing/meeting. In such cases, citizens are often unaware of the outcome of their involvement.

4.4 The Local Planning Agency shall transmit its recommendation on each matter decided to the City Council as soon as possible. Included in this recommendation shall be a response to the pertinent public comments received during consideration of the matter.

Note: It is preferable to respond in written form, if at all possible. Written responses provide a better record in case of challenge.

4.5 All applicants shall be required? encouraged? to present their proposed project plans to the neighborhood organization(s), if any, adjacent to their proposed project at least seven (7) days prior to the public hearing at which time the matter will be considered. Failure to meet with such neighborhood groups will result in tabling the matter to the next available hearing date.

Note: This process has been shown to cut down public hearing time because time is not spent fact finding. It also provides a chance to resolve site conflicts prior to the hearing. It is also good professional practice.

4.6 The Local Planning Agency shall conclude consideration of the agenda no later than 11:00 p.m. No agenda item may be initiated after 10:30 p.m. unless a majority vote agrees to do so. Agenda items not considered at this date will be placed first on the agenda of the next available date that meets the notice requirements of Section 3.

Note: When combined with the suggestions for Section 4.5, communities that have implemented this idea have found that most meetings are much shorter because frivolous discussion does not occur. Some communities have hearings that routinely run after midnight. When people are tired, reasonable decisions are difficult.

Section 5 - City Council

5.1 No sooner than thirty (30) days after the Local Planning Agency makes a recommendation regarding any matter described in Section 1.3, the Town/City Council shall hold at least one public hearing to consider the recommendation pursuant to the notice requirements described in Section 3. The hearing may be continued to an announced time certain upon a majority vote. An agenda for the hearing shall be posted in, or near, the meeting room.

5.2 The Town/City Council public hearing shall afford members of the public reasonable opportunity to present their views on any matter under consideration. The Chairman? Mayor? may, at his discretion rule out-of-order public comments he deems repetitious or not germane to the matter under discussion.

5.3 The sequence of activities regarding matters under consideration shall be as follows:

- (a) Announcement of the matter for consideration by the Chairman? Mayor? Evidence that the requirements of Section 4.5 have been met will be supplied prior to continuing this matter.
- (b) Presentation by the applicant or principal proponent of this matter. Applicants shall not be permitted to substantially revise their request after presentation to the neighborhood group and the Local Planning Agency.

- (c) Presentation of staff reports/comments, if any, whether written or verbal. Written staff reports, if prepared, shall be provided to the Town/City Council, applicable agencies, proponents and any group registered pursuant to Section 3.5. The recommendation of the Local Planning Agency shall also be presented in written or verbal form.
- (d) Comments from the proponents and opponents of the matter in as nearly equal proportions as possible. All speakers will be required to fill out address cards so that an accurate record of participants can be maintained.
- (e) Close public input except for direct questions as may be initiated by the members of the Town/City Council.
- (f) Town/City Council discussion, debate and approval, adoption or enactment, as appropriate for the specific matter, by majority vote prior to considering the next matter or adjournment.

5.4 All applicants shall be required? encouraged? to present their proposed project plans, including any revisions resulting from previous meetings and the Local Planning Agency recommendations, to the neighborhood organization, if any, adjacent to their proposed project at least seven (7) days prior to the public hearing at which time the Council will consider the matter. Failure to meet with such neighborhood groups will result in tabling the matter to the next available hearing date.

5.5 The Town/City Council shall conclude consideration of the agenda no later than 11:00 p.m. No agenda item may be initiated after 10:30 p.m. unless a majority vote agrees to do so. Agenda items not considered at this hearing will be placed first on the agenda of the next date available that meets the notice requirements of Section 3.

Section 6 - Advisory Committees

6.1 The Town/City Council may, from time to time, appoint Advisory Committees to participate in the matters listed in Section 1.3.

6.2 Advisory Committees shall be subject to the notice requirements described in Section 3.

Note: Case law indicates that even Advisory Committees on these matters are subject to the notice requirements of the Sunshine Law.

Section 7 - Executive Summaries

- 7.1 Executive summaries of all matters listed in Section 1.3 under consideration shall be prepared and made available to the public at least fourteen (14) days prior to each public hearing/meeting at which time the matter will be considered.
- 7.2 As soon as practical after adoption of the Comprehensive Plan and the Land Development Code, an Executive Summary of each document shall be prepared and made available to the public at the cost of reproduction and handling.

Section 8 - Effective Date

- 8.1 This Ordinance shall take effect fifteen (15) days after receipt of acknowledgement that this Ordinance has been filed with the Florida Secretary of State.

Note: The Town/City may wish to consider fee increases to pay for the advertising. Many communities require the applicants to pay all advertising costs and provide certification of such prior to being considered.

ADOPTED this _____ day of _____, 1987.

ATTEST

CLERK

By _____

CHAIRMAN?

MAYOR?

BOARD OF DIRECTORS

Charles Longstreet
President

Larry Murphy
First Vice President

Second Vice President

David Woodward
Secretary

William Henderson, Jr.
Treasurer

James Angelo
Past President

Don Allison
Myra Arnold
Joe Barley
Millie Bradek
Joan Henehan
Al Holzschuh
Duane Lehr
Marnie Roake
Ken Walsh

John W. Askew
Executive Director

Reply to:

ARC PROGRAMS

Infant Homebound
Developmental Clinics
Developmental Preschool
Physical/Occupational Therapy
Speech Therapy
Social Services
Adult Basic Education
Adult Developmental Training
Job Training
Job Placement
Sheltered Employment
Transportation
Special Olympics
Residential Services

SUPPORTED BY

The City of Crestview
The City of Fort Walton Beach
The City of Niceville
The Department of Health and
Rehabilitative Services
The United Way of Okaloosa County

MEMBER OF

Associations for Retarded Citizens
Of Florida and the United States
National Industries for the Severely Handicapped

 **arc/okaloosa**
Association for Retarded Citizens

RECEIVED
3/4/87

March 3, 1987

FOR IMMEDIATE RELEASE

**MARCH IS MENTAL RETARDATION MONTH
BY PRESIDENTIAL PROCLAMATION**

Mentally retarded citizens in the United States will have all eyes turned on them and their accomplishments during the month of March. A letter from the White House, directed to the National Headquarters of the Association for Retarded Citizens, was received by the local chapter of the ARC this week.

ARC of Okaloosa County executive director, John Askew, feels that the presidential proclamation is significant in that it brings national attention to the efforts of the ARC as well as lending credibility to even more credibility to local efforts.

In response to the presidential proclamation, Fort Walton Beach Mayor John Shortall will proclaim March as Mental Retardation Awareness month within the city. He is joined by the Mayors of Destin, Shalimar, Mary Esther and Cinco Bayou in making March a time to celebrate the advances we have made as a society in understanding, accepting and serving the needs of retarded children and adults.

President Reagan concludes his proclamation, stating, "I encourage all Americans to support the aims of the Association for Retarded Citizens, and its efforts to enable the mentally retarded to overcome obstacle and reach their full potential. Thank you so much for caring, and God bless you."

For more information on programs and services of the Association for Retarded Citizens of Okaloosa County, contact Lona Williams at 862-4312.

414 Bob Sikes Boulevard • Fort Walton Beach, Florida 32548 • (904) 862-4312

THE WHITE HOUSE

WASHINGTON

Mental Retardation Month

March 1987

I am pleased to join with the Association for Retarded Citizens of the United States as you observe March 1987 as Mental Retardation Month -- a time to educate our people on the abilities of retarded Americans.

The emphasis of your Association has always been right on target. You are dedicated to improving the lives of citizens with mental retardation and to providing their families with effective guidance and support. You also seek to bring to the attention of the American people information and insights about the ways mental retardation, and our response to it, affect our society.

More than 4.5 - 5.7 million American children and adults are mentally retarded. These citizens must be afforded opportunities to maximize their ability to function as independently and productively as possible.

The ARC is forging vital educational, employment and training initiatives along with government and the private sector which, I know, will greatly benefit our retarded citizens and their families. Thousands of volunteers across the nation are working with your association, an outstanding testimony of commitment and support.

I urge all Americans to support the aims of the Association for Retarded Citizens, and its efforts to enable the mentally retarded to overcome obstacles and reach their full potential. Thank you so much for caring, and God bless you.

Ronald Reagan



PLAYGROUND CHAPTER 72, INC.
DISABLED AMERICAN VETERANS

P.O. BOX 2275
FT. WALTON BEACH, FL 32549

March 1, 1987

The Disabled American Veterans, Playground Chapter 72, will host the annual Memorial Day Ceremonies at Beal Memorial Cemetery on Monday, May 25, 1987 at 11:00 A.M.

We cordially extend to you, your organization, and families an invitation to participate with us in these ceremonies honoring all veterans who have unselfishly given themselves in service to our great nation.

In order that appropriate homage be paid to the deceased veterans who were members of your organization, we respectfully request that at your earliest convenience you forward to us a "ROLL CALL" listing the names of those veterans who have expired since May 30, 1986.

As in the past, it is customary at these ceremonies for the organizations to place a floral wreath at the memorial. If your organization desires to participate in this function, please advise accordingly. It should be noted that the persons designated by you to place the wreath should be in place no later than 10:45 A.M., all others should arrive prior to 11:00 A.M.

In order to establish our agenda and listing of participating persons and organizations, please reply to the above address as soon as possible to indicate your desires and intentions.

Respectfully:

Bill Dockery
Bill Dockery
Commander
Phone 862-9215

RECEIVED
2/20/87

President
Glenda E. Hood
Commissioner, Orlando

First Vice President
J. Larry Durrence
Mayor, Lakeland

Second Vice President
Raul L. Martinez
Mayor, Hialeah



201 West Park Avenue
Post Office Box 1757
Tallahassee, FL 32302-1757
Telephone (904) 222-9684
Suncom 282-5010

February 20, 1987

Dear City Official:

The approaching 200th anniversary of the signing of the United States Constitution offers an excellent opportunity for recognizing the contributions of those who have worked and continue to work to preserve our country's system of democratic government.

This is the first of a four year commemorative period. Two main dates of interest to Floridians are September 17, 1987—the 200th anniversary of Constitution Day and March 3, 1988, Florida's Ratification Day.

I am proud and honored to be representing our League as a member of the United States Constitution Bicentennial Commission of Florida which is responsible for planning and coordinating appropriate commemorative programs and activities to celebrate the Bicentennial of our Constitution. We have already started our work and we need your help.

Our cities can play a significant role in celebrating the anniversary of America's Constitution. We encourage you to participate by having your city designated as a Bicentennial Community and proclaiming September 17, 1987 as "U.S. Constitution Day".

Forty communities have already organized and have started their plans. If your city is one of those communities; congratulations; you've helped to make Florida the second most active state in the nation in terms of community involvement. However, if your city is not an official Bicentennial Community I urge you to complete and return the enclosed application to the Florida commission office. The address is provided on the application form.

There are numerous additional ways to observe this important historic event. For example, schools and civic groups could be encouraged to sponsor Constitution-related projects and a council meeting could be devoted to education and discussion of the Constitution.

At-Large: Barry D. Schreiber, Commissioner, Metro-Dade County • Gerald F. Thompson, Commissioner, Broward County • Barbara Sheen Todd, Commissioner, Pinellas County • *Congressional Districts:* A. C. Littleton, Commissioner, Panama City • Jack L. McLean, Jr., Mayor, Tallahassee • William S. Howell, Mayor, Atlantic Beach, Past President • George E. Musson, Mayor, New Smyrna Beach • John H. Land, Mayor, Apopka • Wayne L. Rubinas, Mayor, Ocala • Lee Duncan, Council Chairman Pro-Tem, Tampa • Holland G. Mangum, Mayor, Seminole • William C. Mertzweather, Commissioner, Plant City • William R. Goddard, Commissioner, Bartow • Larry L. Schultz, Councilman, Rockledge • Richard V. Reikenis, Vice-Mayor, West Palm Beach • Fred W. Vailin, Mayor, Sanibel • O. B. "Ben" Gelger, Mayor, Coral Springs • John E. Mullin, Councilman, Lauderdale • John M. Bertino, Mayor, Dania • Kevin P. O'Connor, Councilman, Miami Shores Village • Dr. Louis Haas, Vice-Mayor, Bay Harbor Islands • Betty Andrews-Lantz, Commissioner, South Miami • *10 Largest Cities:* Eric B. Smith, Councilman, Jacksonville • J.L. Ptummer, Jr., Commissioner, Miami, Past President • Sandra W. Freedman, Mayor, Tampa • Martha Cooper Maddux, Councilmember, St. Petersburg • Ray Robinson, Councilman, Hialeah • Richard A. Mills, Jr., Commissioner, Fort Lauderdale • Nap Ford, Commissioner, Orlando • Mara Glullanti, Mayor, Hollywood • Sidney Weisburd, Commissioner, Miami Beach • Kathleen F. Kelly, Mayor, Clearwater • *Past Presidents:* Henry Cook, Council President, Jacksonville • Lawrence J. Kelly, Mayor, Daytona Beach • FCCMA: Anthony L. Shoemaker, City Manager, Clearwater • *Tallahassee Office:* Raymond C. Sittig, Executive Director • James R. Wolf, General Counsel

Enclosed are more ideas on what you and your city can do to help celebrate the Bicentennial, a sample proclamation, a Bicentennial Community application and other information you might find helpful as you make preparations.

The U.S. Constitution Bicentennial Commission of Florida has as its Executive Director, one of our own, Carol Bellamy. Carol is a former Mayor of Tallahassee, a former Florida League of Cities Board member and provided a great deal of leadership to the League during her municipal tenure.

Should you have any questions about the Bicentennial application or any of its activities, you can contact Carol at this address and phone number:

Ms. Carol Bellamy
Executive Director
U. S. Constitution Bicentennial Commission
of Florida
Department of Education
Knott Building
Tallahassee, FL 32399
(904) 487-1022

Also, for your information we are anticipating producing Bicentennial-related Public Service Announcements featuring Governor Bob Martinez. We are working on a draft script.

Please feel free to contact me at (305) 849-2382 should you have any questions. I look forward to working with you as we commemorate the 200th Anniversary of our Nation's Constitution.

Sincerely,

Glenda E. Hood

Glenda E. Hood
President

GEH:lj

Enclosure(s)