

**ORDINANCE NUMBER 205**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE CHAPTER 54, ARTICLE III, SECTION 54-72 AND SECTION 54-74 OF THE TOWN OF CINCO BAYOU CODE ORDINANCES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 54, GENERAL PROVISIONS AND ADMINISTRATION, SECTION 54-72 TO PROVIDE PUBLIC MEETING ADVERTISING REQUIREMENTS; PROVIDING AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 54, GENERAL PROVISIONS AND ADMINISTRATION, SECTION 54-74 TO AMEND TOWN COUNCIL PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN OF CINCO BAYOU, FLORIDA ("TOWN"), AS FOLLOWS:**

**SECTION 1: AUTHORITY.**

The authority for the enactment of this Ordinance is Chapter 163, Part II, *Florida Statutes*; and Sections 166.021 and 166.041, *Florida Statutes*.

**SECTION 2: FINDINGS OF FACT.**

**WHEREAS**, this Ordinance amends Chapter 54 of the Town of Cinco Bayou Code of Ordinances, to provide amended notice provisions for public meetings and for Town Council procedures; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Cinco Bayou Town Council sitting as the Local Planning Agency with its recommendations reported to the Town Council; and

**WHEREAS**, public hearings have been conducted by the Town Council after due public notice; and

**WHEREAS**, the Town Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interests of the Town and its citizens.

### **SECTION 3: PURPOSE.**

The purpose of this Ordinance is to amend the Code of Ordinances to provide general provisions and administration under the land development regulations. The amendments are set forth herein.

### **SECTION 4: AMENDMENT TO CHAPTER 54, Article III, Section 54-72, TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 54-72, of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended in its entirety to read as follows:

#### **Section 54-72. Date and time of meetings and workshops; notice requirements.**

- (a) All public hearings and public meetings held to consider any matter coming before the town council shall be held after 5:00 p.m., Monday through Friday. Workshops may be held at other times deemed appropriate.
- (b) The town manager/clerk will advertise once in a newspaper of general paid circulation, interest and readership within the town that a public hearing or public meeting, as the case may be, will be held to consider any of the matters deemed appropriate. 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 reviewed. The advertisement will encourage the public to provide written or verbal comments on the matters under consideration. Nothing in this section is intended to alter or obviate the requirements of F.S. § 163.3184.
- (c) The publication shall appear not less than 7 days prior to the date of the hearing, meeting or workshop.
- (d) A notice will also be provided of any public hearing, public meeting or workshop to any group, agency or government that registers with the town to receive such notice at least seven 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.

### **SECTION 5: AMENDMENT TO CHAPTER 54, Article III, Section 54-74(a), TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 54-74(a), of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

**Section 54-74. Town council procedures.**

- (a) After the local planning agency makes a recommendation regarding any matter as described in section 54-73, the town council shall hold at least one public hearing to consider the recommendations. 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 and be generally available to those in attendance.

All remaining provisions of Section 54-74 shall remain unchanged.

**SECTION 6: SEVERABILITY.**

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon passage.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA  
ON THIS 8th DAY OF APRIL 2004.**

**ATTEST:**

BY: Nell Webb  
Nell Webb  
Town Manager/Clerk

**THE TOWN OF CINCO BAYOU, FLORIDA**

BY: Norm Frucci  
Norm Frucci  
Mayor

[SEAL]

The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney.

C. Jeffrey McInnis  
Town Attorney

