

ORDINANCE NO. 110

AN ORDINANCE PROVIDING FOR PUBLIC PARTICIPATION IN THE COMPREHENSIVE PLANNING PROCESS FOR THE TOWN OF CINCO BAYOU, OKALOOSA COUNTY, FLORIDA IN CONFORMANCE WITH THE MANDATES OF CHAPTER 163, PART II, FLORIDA STATUTES AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR NOTICE TO REAL PROPERTY OWNERS OF PROPOSED ACTIONS; PROVISIONS FOR GENERAL PUBLIC NOTICE; PROVISIONS FOR OPPORTUNITY FOR WRITTEN COMMENTS; PROVISIONS FOR REQUIRED PUBLIC HEARINGS; PROVISIONS FOR CONSIDERATION OF AND RESPONSE TO PUBLIC COMMENTS; AND PROVISIONS FOR AN EXECUTIVE SUMMARY OF THE COMPREHENSIVE PLAN AND/OR ELEMENT UNDER CONSIDERATION.

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 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; and,

WHEREAS, the State of Florida, through the Department of Community Affairs, has promulgated Chapter 9J-5.004, Florida Administrative Code, to implement the citizen participation process mandated in Chapter 163.3181, F.S.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cinco Bayou, Okaloosa County, Florida that the procedures/actions described herein are adopted in conformance with the State mandates contained within Chapter 163.3181, F.S. and Chapter 9J-5.004, F.A.C. for use in considering adoption of the Comprehensive plan or any portion thereof and/or any amendments thereto.

Section 1 - Title/Intent

1.1 This Ordinance shall be known as the Citizen Participation Process Ordinance for the Town of Cinco Bayou.

1.2 It is the intent of this Ordinance that all citizens affected by comprehensive planning proposals be encouraged to, and are afforded the opportunity for, input throughout the preparation, adoption, amendment and evaluation/appraisal processes.

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, its elements, the formal adoption process of the comprehensive plan, amendments to the comprehensive plan, preparation and adoption of the Evaluation and Appraisal Report, and any other matters deemed appropriate by the Cinco Bayou Town Council.

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.

2.2 For the purpose of this Ordinance, a workshop is a meeting which usually involves staff level review of the subject material and may not necessarily involve general public involvement. Workshops are used to revise proposed material pursuant to, or in preparation for, public hearings/meetings. Workshops are open to the public, but may not necessarily be subject to the due public notice requirements.

2.3 For the purpose of this Ordinance, a public hearing is a meeting held in conformance with all applicable due public notice requirements at which time a decision by the body holding the hearing is usually rendered.

2.4 For the purpose of this Ordinance, a public meeting is a meeting held in conformance with all applicable due public notice requirements, at which time the proposed material is generally discussed and a decision by the body holding the meeting is not usually rendered.

Section 3 - Notice Procedures

3.1 The Town will advertise twice in a newspaper that is published at least five (5) days per week that a public hearing or public meeting, 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 or meeting as well as the date, time, place and general subject or the hearing or meeting and the location where a summary of the proposed material 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.

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

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.

3.4 In addition to the advertising requirements described above, a notice of the hearing or meeting will be posted in a conspicuous place or places at least seven (7) days prior to the hearing or meeting. A notice will also be sent to the appropriate media representatives.

3.5 The Town will also provide a direct notice of any hearing or meeting to any group, agency or government that registers with the Town to receive such notice at least seven (7) 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.

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

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

Section 4 - Local Planning Agency

4.1 Prior to Town Council approval, adoption and/or enactment as appropriate, of any matter listed in Section 1.3, the Local Planning Agency, as designated by Chapter 12.5, Town of Cinco Bayou Code of Ordinances, 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 and available to those in attendance.

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

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.

(b) 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, media, proponents and any group registered pursuant to Section 3.5 at least seven (7) days prior to consideration.

(c) Receipt of 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.

(d) Close public input except for direct questions as may be initiated by the members of the Local Planning Agency.

(e) Local Planning Agency discussion, debate and recommendation by majority vote prior to considering the next matter or adjournment.

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

4.5 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.

4.6 As soon as practical, a meeting summary or minutes shall be prepared in conformance with the applicable public records laws of the State of Florida.

Section 5 - Town 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 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 and be generally available to those in attendance.

5.2 The Town Council public hearing shall encourage and afford members of the public reasonable opportunity to present their views on any matter under consideration. The Mayor may, at his or her discretion, rule out-of-order public comments deemed 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 Mayor.

(b) Presentation of staff reports/comments, if any, whether written or verbal. Written staff reports, if prepared, shall be provided to the Town 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.

(c) Receipt of 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.

(d) Close public input except for direct questions as may be initiated by the members of the Town Council.

(e) Town 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 The Town 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 in the agenda of the next date available that meets the notice requirements of Section 3.

5.5 As soon as practical, a meeting summary or minutes shall be prepared in conformance with the applicable public records laws of the State of Florida.

Section 6 - Advisory Committees

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

6.2 Advisory Committee meetings shall be subject to the notice requirements described in Section 3. Workshops conducted by the Advisory Committees are open to the public.

Section 7 - Executive Summaries

7.1 A summary of any matter 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, or any amendment thereto, a summary of the document shall be prepared and made available to the public at the cost of reproduction and handling.

Section 8 - Severability

8.1 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.

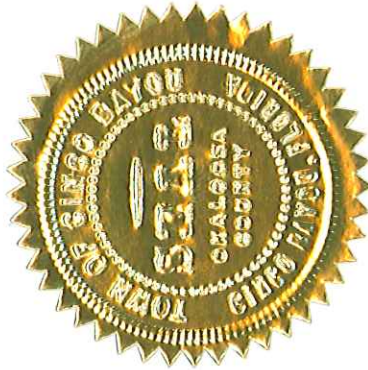
Section 9 - Repeal of Conflicting Ordinances & Resolutions

9.1 All ordinances and resolutions of the governing body in conflict herewith are repealed.

Section 10 - Effective Date

10.1 This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 20th day of MAY, 1987.



APPROVED:

Charles R. Lagunas
Mayor

ATTEST:

Wendy Bond
Town Manager/Clerk