

ORDINANCE NO. 03-14

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE II BOARDS, COMMITTEES AND COMMISSION, DIVISION 2. PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CODE OF ORDINANCES OF THE CITY OF DEBARY BY REVISING SECTION 2-49 AND CREATING A NEW SECTION 2-50 ADDRESSING POWERS, DUTIES AND NOTICE REQUIREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, § 2, Constitution of the State of Florida, as revised in 1968, grants to municipalities those governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, render municipal services, and further authorizes such municipalities to exercise any power for municipal purposes, except as otherwise provided by law;

WHEREAS, Chapter 166, Fla. Stat., the Municipal Home Rule Powers Act, further affirms the authority, police power, and jurisdiction granted to municipalities by the Florida Constitution;

WHEREAS, this Ordinance has been advertised as required by Chapter 166, Florida Statutes, and the required readings and public hearing have been held by the City Council in order to adopt this Ordinance; and

WHEREAS, the City Council finds that this Ordinance is in the best interests of the public health, safety and welfare of the citizens of the City of DeBary.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION I: Chapter 2, Article II, Division 2 of the Code of Ordinances for the City of DeBary is hereby amended as follows (~~struck-out~~ text indicates deletions while underlined text indicates additions; provisions not referenced are not modified):

Sec. 2-49. - Duties of commission/agency members.

- (a) The local planning agency shall have the following powers, duties, responsibilities and limitations.
 - (3) The local planning agency shall be responsible for preparation of the comprehensive plan or plan amendment after at least one public hearing and shall make recommendations to the City Council regarding the adoption or amendment of the plan or plan amendment~~to be held after due public notice.~~

- (5) During the preparation of the comprehensive plan or plan amendment the local planning agency shall hold at least one public hearing ~~with due public notice~~, on the proposed plan or plan amendment.
- (b) The planning and zoning commission shall have the following powers, duties, responsibilities and limitations.
- (2) The planning and zoning commission shall conduct a public hearing, review and provide recommendations to the city council on ~~Both public and privately initiated proposed changes to the city's land development regulations, zoning classifications and zoning map (or rezonings) shall be reviewed and recommended by the planning and zoning commission.~~
- (3) The planning and zoning commission shall ~~also~~ conduct a public hearing on, review and provide recommendations to the city council regarding variance and special exception requests.
- (4) The planning and zoning commission shall hold a public meeting to review and provide recommendations to the city council on proposed changes to the city's land development regulations and changes to the actual list of permitted, conditional, or prohibited uses within a zoning category.
- ~~(4)The planning and zoning commission shall hold a public hearing with due public notice to consider the proposed request/change and submit in writing its recommendation of the proposed change to city council for official action. All meetings of the commission shall be public meetings and all records shall be public.~~

Sec. 2-50. - Notice requirements.

Notice of planning and zoning commission public hearings and meetings shall be provided by posting of an agenda on the city's website and on the city hall bulletin board at least 72 hours in advance of the applicable planning and zoning commission public hearing and/or public meeting. In addition, at least ten (10) days notice of planning and zoning commission public hearings on rezonings, special exceptions and variances shall be provided in the same manner as set forth in Section 1-10(c), City of DeBary Land Development Code. Unless otherwise required by Florida Statutes for a particular item, planning and zoning commission public hearings and meetings are not required to be advertised in a newspaper. Further, any applicable notice and advertising requirements set forth in Florida Statutes concerning public hearings shall be met concerning particular items to be considered by the planning and zoning commission. In the event of a conflict between the notice requirements of this section and the notice requirements set forth in the City of DeBary Land Development Code, the notice requirements of this section shall control to the extent of the conflict.

SECTION 3. Conflicts. This Ordinance shall control over any ordinances or parts of ordinances in conflict herewith.

SECTION 4. Severability. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

SECTION 5. Codification. It is the intention of the City Council of the City of DeBary, Florida, and it is hereby ordained that Section I of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeBary, Florida, and the City staff is directed to cause the codification of the amendments set forth in this Ordinance. That the provisions of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word.

SECTION 7. Effective Date. This Ordinance shall take effect ten (10) days after the second reading and adoption of this Ordinance.

First reading and public hearing was held on the 15th day of January, 2014.

Second reading, public hearing and adoption was held on the 5th day of February, 2014

**CITY OF DEBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk