

TOWN OF CALLAHAN, FLORIDA
ORDINANCE NO.: 2020-O03

AN ORDINANCE OF THE TOWN OF CALLAHAN TO AMEND DUE PUBLIC NOTICE DEFINITIONS AND REQUIREMENTS IN CHAPTER 195 OF THE CALLAHAN CODE BY REDUCING THE ADVERTISING AND NOTICE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 195 of the Code of the Town of Callahan governing land use currently requires all land-use related public hearings before either the Town Council or the Planning Commission to be advertised in a newspaper of general circulation at least twice, notice to be mailed to nearby property owners, and notice posted on the property; and

WHEREAS the Town Council finds that reducing the notice requirement will save the Town substantial money, reduce the chances of failing to provide the required notice, and will still providing adequate notice to members of the public.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, AS FOLLOWS:

Section 1. Section 195-12, Due Public Notice definition, of the Code of the Town of Callahan is hereby amended as follows:

DUE PUBLIC NOTICE — ~~As used in connection with~~ The phrase "public hearing" or "hearings with due public notice," ~~shall used in connection with public hearings conducted by the Planning Commission on variances and conditional uses or the Town Council on reviews of site plans under Code § 195-44~~ means publication of notice of the time, place, and purpose of such hearing ~~at least twice once~~ in a newspaper of general circulation in the area, with the ~~first such~~ publication to be at least 45 days prior to the date of the hearing and the ~~second such publication to be at least five days prior to the hearing.~~ In addition, ~~except where the hearing applies to all of the lands within the area, similar notices setting forth the time, place, and purpose of such hearings shall be mailed to the last known address of the owners of the property involved in or whose land is within 300 feet of the periphery of the lands subject to rezoning; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of the land as may be involved in or directly affected by the hearing. Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing.~~ Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing. This Code does not regulate notice that the Town Council must give for any public hearing it holds other than for review of site plans.

Section 2. Section 195-21(B) of the Code of the Town of Callahan is hereby amended as follows:

(B) Requests for ~~rezoning changes to the future land use designation of lands~~ must be submitted to the Planning Commission before final action can be taken by the Town Council. Within 60 days from the filing date of the request, the Planning Commission shall review the proposed ~~rezoning change~~ and submit written recommendations to the Town Council. A public hearing, ~~with due public notice (see definition)~~, must be held by ~~both the Planning Commission and the Town Council~~ before final action can be taken on any request for a change to a future land use designation. ~~rezoning.~~ Approval or disapproval of any amendment of this chapter shall require a simple majority vote of the Town Council. If a request for a ~~rezoning future land use designation change~~ is denied by the Town Council, neither the Planning Commission nor the Town Council shall take any action on a request for basically the same amendment within 12 months after the last application was denied.

Section 3. Sections 195-22(D) and (E) of the Code of the Town of Callahan is hereby amended as follows:

(D) The Planning Commission shall study each rezoning request and submit a written recommendation to the Town Council within 60 days after receiving the request. ~~The Planning Commission shall hold a public hearing, with due public notice (refer to definition of "due public notice" for requirements), to consider rezoning requests and to receive public input.~~

(E) The Town Council shall review the Planning Commission's recommendations and hold a public hearing, ~~with due public notice (refer to definition of "due public notice" for requirements), to consider the rezoning request.~~

Section 4. Section 195-44(A)(5) of the Code of the Town of Callahan is hereby amended as follows:

(5) The Zoning Administrator shall submit the proposed site plan along with a written analysis and recommendations to the Planning Commission for consideration at its next meeting. The site plan analysis and recommendations shall reflect the review and comments of all the agencies involved in the site plan review process. The Planning Commission shall ~~hold a public hearing to~~ review the proposed site plan and submit written recommendations to the Town Council within 30 days after receipt from the Zoning Administrator.

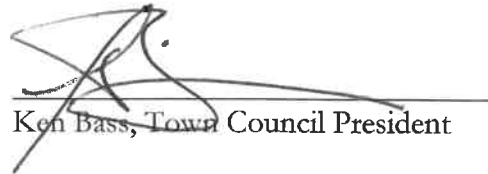
Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 6. Any and all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 7. This Ordinance shall become effective upon its adoption.

ADOPTED THIS 6th DAY OF APRIL, 2020.

TOWN OF CALLAHAN, FLORIDA


Ken Bass, Town Council President

ATTEST:


Town Clerk

APPROVED:


Martin Fontes, Mayor

Date of First Reading: March 16, 2020
Dates of Publication: March 25, 2020
Date of Public Hearing
& Second Hearing: April 6, 2020
Date of Final Passage: April 6, 2020