

ORDINANCE NO. 2020-11

AN ORDINANCE AMENDING ARTICLE III, ADMINISTRATION AND ENFORCEMENT, SECTION 3.1(D) OF THE LAND DEVELOPMENT CODE TO ALLOW REGULAR MAIL NOTICE FOR PUBLIC HEARINGS BEFORE THE CITY COUNCIL, EXCEPT AS REQUIRED BY LAW; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is an administrative amendment to the City of South Daytona *Land Development Code* ("the *LDC*"), of the City of South Daytona, by amending the certified mail notice requirement for Public Hearings before the City Council from certified mailings to regular mail, unless otherwise required by Law, and

WHEREAS, the local planning agency, being the Planning and Appeals Board of the City of South Daytona, has conducted a public hearing on June 3, 2020, on the requested amendment and has made recommendations thereon to the City Council, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Council finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of South Daytona, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SOUTH DAYTONA, FLORIDA, THAT:

SECTION ONE. Subsection (D), Notice of Public Hearing, of Section 3.1, City Council, of Article III, Administration and Enforcement, of the *LDC* is hereby amended to read as follows:

The city shall notify all property owners whose property adjoins the subject property. This shall include all properties separated from the subject property by a road, canal, easement, right-of-way, or similar barrier. Such notice shall include the date, time and place the public hearing will be held, as well as a clear and concise description of the proposed action and the reasons it is being requested. Such notification shall be made by ~~certified~~ regular mail unless otherwise required by Law.

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Council, this 9th day of June, 2020.

PASSED UPON at the second and final reading of the City Council, this ____ day of _____, 2020.

WILLIAM C. HALL
Mayor

ATTEST:

JAMES L. GILLIS, JR.
City Manager