

CITY OF LAKE CITY, FLORIDA

ORDINANCE NUMBER 2024-2273

1 **AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE**
2 **TEXT OF THE CITY OF LAKE CITY LAND DEVELOPMENT REGULATIONS, AS**
3 **AMENDED; PURSUANT TO AN APPLICATION, LDR 24-02; RELATING TO**
4 **AN AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT**
5 **REGULATIONS; PROVIDING FOR AMENDING SECTION 12.4 ENTITLED,**
6 **“NOTICE OF HEARING” BY ADDING A PROVISION REQUIRING NOTICES**
7 **TO PROPERTY OWNERS WITHIN THREE HUNDRED (300) FEET OF A**
8 **PROPERTY THAT IS THE SUBJECT OF CERTAIN LAND USE ACTIONS;**
9 **PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT;**
10 **AND PROVIDING AN EFFECTIVE DATE.**

11 **WHEREAS**, Section 166.021, Florida Statutes, as amended, empowers the City Council of the City of Lake
12 City, Florida, hereinafter referred to as the City Council, to prepare, adopt and enforce land development
13 regulations;

14 **WHEREAS**, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning
15 Act, requires the City Council to prepare and adopt regulations concerning the use of land and water to
16 implement the comprehensive plan;

17 **WHEREAS**, an application for an amendment, as described below, has been filed with the City;

18 **WHEREAS**, the Planning and Zoning Board of City of Lake City, Florida, hereinafter referred to as the
19 Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Lake City,
20 Florida, hereinafter referred to as the Local Planning Agency;

21 **WHEREAS**, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development
22 Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required
23 public hearing, with public notice having been provided, on said application for an amendment, as
24 described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local
25 Planning Agency, reviewed and considered all comments received during said public hearing and the
26 Concurrency Management Assessment concerning said application for an amendment, as described
27 below, and recommended to the City Council approval of said application for an amendment, as described
28 below;

29 **WHEREAS**, pursuant to Section 166.041, Florida Statutes, as amended, the City Council held the required
30 public hearing, with public notice having been provided, on said application for an amendment, as
31 described below, and at said public hearing, the City Council reviewed and considered all comments
32 received during said public hearing, including the recommendation of the Planning and Zoning Board,
33 serving also as the Local Planning Agency, concerning said application for an amendment, as described
34 below; and

35 **WHEREAS**, the City Council has determined and found that approval of said application for an
36 amendment, as described below, is consistent with the purposes and objectives of the Comprehensive
37 Plan; and

38 **WHEREAS**, the City Council has determined and found that approval of said application for an
39 amendment, as described below, will further the purposes of the Land Development Regulations and
40 other ordinances, regulations, and actions designed to implement the Comprehensive Plan; and

41 **WHEREAS**, the City Council has determined and found that approval of said application for an
42 amendment, as described below, would promote the public health, safety, morals, order, comfort,
43 convenience, appearance, prosperity or general welfare; and

44 **WHEREAS**, the City Council has determined and found that a need and justification exist for the approval
45 of said application for amendment, now, therefore;

46 **BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

47 **SECTION 1.** Section 12.4 of the Land Development Regulations entitled, "Notice of Hearing", is hereby
48 amended to read as follows:

49 SECTION 12.4 NOTICE OF HEARING

50 12.4.1 The Land Development Regulation Administrator shall give notice of any
51 public hearing required by Section 12.2 and 12.3 as follows:

52 1. Any application requiring a public hearing before the Planning and
53 Zoning Board or Board of Adjustment, shall be noticed once in a newspaper
54 of general circulation in the area, with the publication not less than ten (10)
55 days prior to the hearing.

56 2. A special permit requiring a public hearing before the City Council,
57 shall be noticed twice in a newspaper of general circulation in the area,
58 with the publication not less than ten (10) days prior to the hearing.

59 3. An amendment to these land development regulations, including the
60 Official Zoning Atlas, requiring a public hearing before the City Council shall
61 be noticed in accordance with the requirements of Chapter 166.041,
62 Florida Statutes, as amended.

63 4. In addition to the above stated notice requirements, in each of the
64 above stated circumstances

65 a. property owners within three hundred (300) feet of the property
66 subject to the applicable land use action shall be notified by the
67 applicant of such action by certified mail, and proof of the mailing of
68 these notices shall be submitted as part of the application package
69 submittal. The Growth Management Department shall supply the
70 names and addresses of the property owners to receive such notices,
71 the notification letters, and the envelopes to the proponent. The
72 notices shall to such property owners shall be postmarked a minimum
73 of ten (10) calendar days prior to the meeting or hearing where such
74 land use action is to be considered; and

75 b. all rezoning, special exception and variance public hearings
76 before the Planning and Zoning Board and Board of Adjustment, as
77 applicable, shall also be noticed by prominently posting a sign on the
78 property that is the subject of the proposed action. Such sign shall be
79 posted not less than ten (10) days prior to the public hearing.

80 5. The notices required by this Section shall:

- 81 a. State the date, time and place of the public hearing;
- 82 b. Shall reasonably identify the property that is the subject of the
83 application or appeal;
- 84 c. Give a brief description of the action requested or proposed;
- 85 d. State the place where a copy of the proposed action may be
86 inspected by the public; and
- 87 e. Advise that interested parties may appear at the public hearing(s)
88 and be heard regarding the proposed action.

89 **SECTION 2.** It is the declared intent of the City of Lake City, City Council that, if any section, sentence,
90 clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional,
91 void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or
92 unconstitutionality shall not affect the remaining provisions of this Ordinance and the remainder of this
93 Ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

94 **SECTION 3.** It is the intention of the City Council of the City of Lake City that the provisions of this
95 Ordinance shall become and be made part of the Code of Ordinances of the City of Lake City, Florida. The
96 Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed
97 to "Section", "Article" or such other word or phrase in order to accomplish such intention. The correction
98 of typographical errors which do not affect the intent or substance of the ordinance may be authorized
99 by the City Clerk or the City Clerk's designee with the consent of the City Attorney without public hearing,
100 by filing a corrected or re-codified copy of the same with the City. All text shown ~~as a strike through~~ is to
101 be deleted. All text underlined within a section of this ordinance is adopted.

102 **SECTION 4. Severability.** If any provision or portion of this ordinance is declared by any court of
103 competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and
104 portions of this ordinance shall remain in full force and effect.

105 **SECTION 5. Conflict.** All ordinances or portions of ordinances in conflict with this ordinance are hereby
106 repealed to the extent of such conflict.

107 **SECTION 6. Effective Date.** This ordinance shall become effective upon adoption.

108 **SECTION 7. Authority.** This ordinance is adopted pursuant to the authority granted by Section 166.021,
109 Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

110 PASSED upon first reading this ____ day of July 2024.

111 PUBLICLY NOTICED, by publication in a newspaper of general circulation in the City of Lake City, Florida,
112 by the City Clerk of the City of Lake City, Florida on the ____ day of July, 2024.

113 PASSED AND DULY ADOPTED, upon second and final reading, in regular session with a quorum present
114 and voting, by the City Council this ____ day of July 2024.

BY THE MAYOR OF THE CITY OF LAKE CITY, FLORIDA

Stephen M. Witt, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF
THE CITY OF LAKE CITY, FLORIDA:

Audrey Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney