

ORDINANCE NO. 255

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE TOWN OF HAVANA; PROVIDING FOR THE APPOINTMENT, TERMS OF OFFICE, REMOVAL AND VACANCIES OF MEMBERS OF SAID COMMISSION; PROVIDING FOR PROCEDURES FOR SAID COMMISSION, INCLUDING RULES AND REGULATIONS, OFFICERS, MEETINGS AND QUORUM; PROVIDING FOR THE POWERS AND DUTIES OF SAID COMMISSION; REPEALING ORDINANCE NO. 183 ADOPTED BY THE TOWN OF HAVANA ON JUNE 25, 1979 WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA:

SECTION 1. ESTABLISHMENT OF PLANNING COMMISSION.

The Town of Havana Planning Commission is hereby established pursuant to Section 8015 of the Town's Performance Zoning Ordinance No. 233.

SECTION 2. APPOINTMENT, TERMS OF OFFICE, REMOVAL AND VACANCIES OF MEMBERS OF PLANNING COMMISSION.

(a) The Planning Commission shall consist of five (5) residents of the Town who shall be appointed by the Town Council. In addition to the five (5) regular members of the Planning Commission, the Town Council may appoint two (2) alternate members. Said alternate members may be called upon to sit on said Planning Commission in the temporary absence or disability of any regular members, or may act when a member is otherwise disqualified in a particular case, and during such participation, said alternate members shall have all the rights and responsibilities of a regular member. No member or alternate member of the Planning Commission shall be a paid or elected official or employee of the Town.

(b) The term of office of each member of the Planning Commission shall be for two (2) years. The terms shall be staggered

so that not more than two terms expire within one (1) year. Alternate members shall also be appointed for a term of two (2) years.

(c) Members of the Planning Commission shall be removable for cause, after filing of written charges, a public hearing, and majority vote of the Town Council.

(d) Appointments to fill vacancies on the Planning Commission shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointments to fill vacancies shall be made in the same manner as the original appointment and shall be made within thirty (30) days after the vacancy occurs.

SECTION 3. PROCEDURES OF PLANNING COMMISSION, INCLUDING RULES AND REGULATIONS, OFFICERS, MEETINGS, AND QUORUM.

(a) The Planning Commission shall establish rules and regulations for its own operation consistent with Section 8015 of the Town's Performance Zoning Ordinance No. 233 and not inconsistent with the provisions of applicable state statutes or this ordinance.

(b) The Planning Commission shall elect from its members a Chairman, who shall be the presiding officer, and a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Commission shall also appoint a Secretary who may be an officer or employee of the Town. Other officers as the Planning Commission deems necessary may be appointed. The terms of all officers shall be for one (1) year, with eligibility for re-election.

(c) The Planning Commission shall meet as needed at the call of the Chairman, at the written request of two or more regular members, or within thirty (30) days after receipt of notice from the Town Council of a matter to be acted upon by the Commission. Three (3) members of the Commission shall constitute a quorum.

(d) All meetings of the Planning Commission shall be public. A record of all its resolutions, transactions, findings and determinations shall be made, which record shall be a public record on file in the office of the Town Clerk.

SECTION 4. POWERS AND DUTIES OF PLANNING COMMISSION.

The Planning Commission may initiate and shall consider and review all proposed amendments to the Town's Performance Zoning Code or to the Town's Zoning Map. It shall hold and conduct such public hearings as are required in connection therewith, after due notice thereof as provided in Section 8015 of the Town's Performance Zoning Ordinance No. 233, and it shall transmit a written report of its findings and recommendations to the Town Council of the Town of Havana. The Planning Commission shall have such other powers and perform such other duties as provided by Section 8015 of the Town of Havana Performance Zoning Ordinance No. 233 or as may otherwise be provided by ordinance of the Town.

SECTION 5. REPEAL.

Ordinance No. 183 adopted by the Town of Havana on June 25, 1979 establishing the Town's Planning and Zoning Board is hereby specifically repealed, and all other ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby subordinated to the provisions of this

ordinance or repealed to the extent necessary to give this ordinance full force and effect.

SECTION 6. SEVERABILITY.

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

SECTION 7. CODIFICATION.

It is the intention of the Town Council of the Town of Havana that this ordinance amend the Code of Ordinances of the Town of Havana, Florida, and be codified for inclusion therein.

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and approval as provided by law.

INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on this 25th day of August, A.D. 1992.

ADOPTED AND PASSED in open session of the Town Council of the Town of Havana, Florida, on this 29th day of September, A.D. 1992.

T. J. Davis
Presiding Officer of the Town
Council of the Town of Havana,
Florida

ATTEST:

Law T. Burt
Clerk of the Town of Havana and
Clerk of the Town Council thereof