

TOWN OF YANKEETOWN

ORDINANCE NO. 2024-6

AN ORDINANCE OF THE TOWN OF YANKEETOWN FLORIDA PROVIDING FOR ADOPTION OF AN AMENDMENT TO THE TOWN OF YANKEETOWN COMPREHENSIVE PLAN; AMENDING AND REPLACING CHAPTER 1 FUTURE LAND USE POLICY 1.1.3.4 TO AMEND THE PROVISION ALLOWING LIMITED ACCESSORY DEVELOPMENT PRIOR TO THE DEVELOPMENT OF A PRINCIPAL STRUCTURE ON A PARCEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS PROVISION AND RATIFICATION OF PRIOR ACTS OF THE TOWN; PROVIDING FOR CONFLICTS; CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVING FOR APPROVAL BY REFERENDUM.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN, FLORIDA, AS FOLLOWS:

WHEREAS, the TOWN'S PLANNING & ZONING BOARD has recommended approval of this Ordinance at its meeting of _____, 2024; and

WHEREAS, the TOWN COUNCIL has considered and reviewed the proposed Comprehensive Plan Amendment, and received public comment through at least two (2) public hearings on the proposed amendment; and

WHEREAS, the TOWN COUNCIL has received and considered any and all comment letters from the state and other commenting agencies; and

WHEREAS, the TOWN COUNCIL has determined that the adoption of this Ordinance is in the best interest of the public health, safety and welfare of the Town.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE YANKEETOWN TOWN COUNCIL TO ADOPT THE COMPREHENSIVE PLAN AMENDMENTS AS FOLLOWS:

**CHAPTER 1 FUTURE LAND USE ELEMENT
POLICY 1.1.3.4**

POLICY 1.1.3.4 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS STRICKEN):

[PROPOSED] Policy 1.1.3.4.

- 1.1.3.4 No development including of accessory structures, other than fences, wells, docks, seawalls, riprap, live landscaping and utilities serving the same shall be authorized or permitted prior to the commencement of construction of a principal structure on a parcel. No fill shall be allowed on a parcel prior to the issuance of site plan approval by the Zoning Official and the issuance of a building permit for the construction of a principal structure. Any fill placed as part of development that expires shall be removed within 90 days unless the development order is renewed or reissued.

- Section 2. Implementing Administrative Actions.** The Town Clerk/Administrator, Town Attorney, Town Planner, or their designees, are hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.
- Section 3. Savings Provision; Ratification of Prior Actions.** The prior actions of the Town Council and its agencies in enacting and causing amendments to the Comprehensive Plan of the Town of Yankeetown, as well as the implementation thereof, are hereby ratified and affirmed.
- Section 4. Severability.** If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the Ordinance or effect of any other action or part of this Ordinance.
- Section 5. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 6. Codification/Instructions to Code Codifier.** It is the intention of the Town Council of the Town of Yankeetown, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the Town of Yankeetown Comprehensive Plan and/or the Code of Ordinances of the Town of Yankeetown, Florida by adding a new Property Rights Element to the Comprehensive Plan.
- Section 7. Charter Referendum prior to Second Reading.** Pursuant to the home rule powers grandfathered by Florida Statutes in Town of Yankeetown Charter Section 11. "Voter approval is required for approval of comprehensive land use plan or comprehensive land use plan amendments affecting more than five parcels except for amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule. Amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule shall not require voter approval. A comprehensive plan or comprehensive amendment, (both as defined in Florida Statutes Chapter 163), shall not be adopted by the town council until such proposed plan or plan amendment is approved by the electors in a referendum as provided by Florida Statute Section 166.031 or by the town Charter or as otherwise provided by general or special law. Elector approval shall not be required for any plan or plan amendment that affects five or fewer parcels of land or as otherwise prohibited by Florida Statutes including but not limited to Florida Statute Section 163.3167 as may be amended from time to time."
- Section 8. Effective Date.** The Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section [163.3184\(3\)](#), Florida Statutes, until 31 days after the State land planning agency (Florida Department of Economic Opportunity) notifies the Town that the Comprehensive Plan amendment package is complete. If timely challenged, the Comprehensive Plan amendment shall not become effective until the said State land planning agency or the Administration Council enters a final order determining the adopted amendment to be in compliance.

Yankeetown Charter as may be amended by the voters.

FIRST HEARING HELD ON _____, 2024.

SECOND HEARING HELD ON _____, 2024.

PASSED AND DULY ADOPTED, with a quorum present and voting, this ____ day of _____, 2024, by a vote of ____ yeas and ____ nays.

TOWN OF YANKEETOWN, FLORIDA, BY AND THROUGH THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN

By: _____
ERIK ERKEL, Mayor of Yankeetown

ATTEST:

By: _____
WILLIAM ARY, Town Clerk

APPROVED AS TO FORM AND CONTENT FOR THE RELIANCE OF THE TOWN OF YANKEETOWN ONLY:

NORM FUGATE, Town Attorney