

ORDINANCE 1364-16

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA AMENDING CHAPTER 2, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED; AMENDING ARTICLE 8 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE, RELATING TO BOARDS AND COMMITTEES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Lake Alfred City Commission approved the Unified Land Development Code in 1993, and prescribed the composition, appointments, duties, and authority for the Planning Board and Board of Adjustment; and

WHEREAS, the City of Lake Alfred City Commission adopted Ordinance No. 1012-02 and 831-98 modifying the membership of the Parks and Recreation Board; and

WHEREAS, upon review, the City Commission desires to update the appointment of members, procedures, and to create consistency for all Boards and Committees in regards to their residency status; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

SECTION 1. UNIFIED LAND DEVELOPMENT CODE. Article 8 of the Unified Land Development Code of the City of Lake Alfred is hereby amended as identified in Exhibit "A" attached hereto and made a part hereof (deletions are shown in strikethrough and additions are shown in underline format).

SECTION 2. CODE OF ORDINANCES. Chapter 2 Article III of the Code of Ordinances for the City of Lake Alfred is hereby amended as identified in Exhibit "B" attached hereto and made a part hereof (deletions are shown in strikethrough and additions are shown in underline format).

SECTION 3. CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances, unless such repeal is explicitly set forth herein.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or re-codified copy of same with the City Clerk.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective immediately upon final adoption.

INTRODUCED AND PASSED on first reading at a regular meeting of the Lake Alfred City Commission held this 4th day of April, 2016.

PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 18th day April, 2016.



Ailee Bailey-Speck
Ailee Bailey-Speck, City Clerk

APPROVED AS TO FORM:

By: *Frederick J. Murphy Jr.*
Frederick J. Murphy Jr., City Attorney

CITY OF LAKE ALFRED
CITY COMMISSION

By: *Charles O. Lake*
Charles O. Lake, Mayor

Ordinance 1364-16
Exhibit "A"

Language stricken is shown in ~~strikethrough~~ format; language added is shown as underlined format.

LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE
ARTICLE 8

8.03.00 Development Boards

8.03.01 Planning Board

(A) Functions, Powers and Duties

- (1) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Ch.163, Part II, Florida Statutes, and perform all functions and duties prescribed in the statute.
- (2) Obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the City.
- (3) Advise and make recommendations to the City Commission regarding applications for amendments to the Official Zoning Map and requests for Conditional Uses or other special designations on property within the City.
- (4) At the request of the Chief Building Official, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.
- (5) Consider the need for revision or addition of regulations in this Code, and recommend changes to the City Commission.
- (6) Consider the need for revision of the Comprehensive Plan, and recommend changes to the City Commission.
- (7) Other duties as assigned by the City Commission.

(B) Appointment of Members

- (1) The Planning Board shall have seven (7) regular members, and may have up to two (2) alternate members, to be appointed by the City Commission.
- (2) Each member of the Planning Board shall ~~be an elector of the city who has resided within the city's municipal limits for not less than one full calendar year~~reside in the City. For the purposes of this section, reside shall mean the elector maintains his or her primary residential home within the municipal city limits.
- (3) Each regular member shall be appointed to a three (3) year term. In the event that all regular members are appointed at the same time, ~~two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and three (3) members shall be appointed for a term of three (3) years~~up to three (3) members may be appointed for an initial term of less than three (3) years at the discretion of the City Commission at the time of appointment.
- (4) Each alternate shall be appointed to a three (3) year term. In the event that all alternates are appointed at the same time, one (1) alternate shall be appointed

for a term of one (1) year and one (1) alternate shall be appointed for a term of two (2) years

- (5) ~~During meetings, alternate members will be seated with regular members on the dais.~~ The first alternate member will vote only when six or fewer regular members are in attendance at the meeting, and the second alternate member will vote only when six or fewer regular members are in attendance at the meeting. Except for this voting limitation, alternate members are free to ask questions, participate in discussions, and perform other functions in the same manner as regular members.
- (6) Regular vacancies shall be filled by appointments made at the last regular meeting of the City Commission in October of each year. All members shall serve until their successors are appointed.
- (7) If a position becomes vacant before the end of a term, the City Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member or alternate whose term expires may continue to serve until a successor is appointed and qualified.
- (8) Members and alternates may be removed without notice and without assignment of cause by a majority vote of the City Commission.
- (9) At the first meeting held after November 1 of each year, the Board shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one (1) year.
- (10) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Board.
- (11) Members and alternates shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business.
- (12) If any member fails to attend three (3) successive meetings, the Board may declare the member's office vacant and notify the City Commission.

(C) Procedures

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- (2) The Board shall meet at least ~~once each every other~~ month, unless a meeting is canceled for lack of business to be conducted, by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) Four (4) members shall constitute a quorum.
- (5) Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting.

8.03.02 Board of Adjustment

(A) Functions, Powers and Duties

- (1) To authorize specific variances from appropriate provisions of this Code as will not be contrary to the public interest, in cases where literal enforcement of the Code will result in unnecessary hardship for the applicant.
- (2) To hear and decide upon appeals of administrative decisions where it is alleged there is an error in an order, requirement or policy of City staff. The Board may reverse or affirm, wholly or in part, the order, requirement or policy of the administrative official.

(B) Appointment of Members

- (1) The Board of Adjustment shall have five (5) members and may have up to threetwo (32) alternates, to be appointed by the City Commission.
- (2) Each member of the Board of Adjustment shall be an elector of the city who has resided within the city's municipal limits for not less than one full calendar yearreside in the City. For the purposes of this section, reside shall mean the elector maintains his or her primary residential home within the municipal city limits.
- (3) Each member shall be appointed to a three (3) year term. In the event that all members are appointed at the same time, one (1) member shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of three (3) years.
- (4) Each alternate shall be appointed to a three (3) year term. In the event that all alternates are appointed at the same time, one (1) alternate shall be appointed for a term of one (1) year, one (1) alternate shall be appointed for a term of two (2) years, and one (1) alternate shall be appointed for a term of three (3) years.
- (5) Regular vacancies shall be filled by appointments made at the last regular meeting of the City Commission in October of each year. All members and alternates shall serve until their successors are appointed.
- (6) If a position becomes vacant before the end of a term, the City Commission shall appoint a substitute member or alternate to fill the vacancy for the duration of the vacated term. A member or alternate whose term expires may continue to serve until a successor is appointed and qualified.
- (7) Members and alternates may be removed without notice and without assignment of cause by a majority vote of the City Commission.
- (8) At the first meeting held after November 1 of each year, the Board shall elect a Chairman and Vice-Chairman. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one (1) year.
- (9) Members and alternates shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business.
- (10) If any member fails to attend three (3) successive meetings, the Board may declare the member's office vacant and notify the City Commission.

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Exhibit "B"

Language stricken is shown in ~~strikethrough~~ format; language added is shown as underlined format.

PART II - CODE OF ORDINANCES
ARTICLE III. - BOARDS, COMMITTEES, COMMISSIONS
Chapter 2 - ADMINISTRATION
DIVISION 3. - PARKS AND RECREATION BOARD

Sec. 2-112. - Composition; appointment, term of members.

Each member of the Parks and Recreation Board shall be an elector of the city who has resided within the city's municipal limits for not less than one full calendar year. For the purposes of this section, reside shall mean the elector maintains his or her primary residential home within the municipal city limits. The membership of the parks and recreation board shall consist of seven members. The members shall be appointed by the city commission, and each member shall serve for a term of three years; except that of the seven members first appointed, two shall serve for a term of one year, two shall serve for a term of two years and three shall serve for a term of three years. The city manager shall be an ex officio member of the board. All members shall serve until their successors are appointed. Members may be removed without notice and without assignment of cause by a majority of the city commission.