

ORDINANCE NO. 1387-17

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE 2030 COMPREHENSIVE PLAN OF THE CITY OF LAKE ALFRED, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT 17-02ESR"; SPECIFICALLY, CHANGING THE FUTURE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 16.95 ACRES AND CONSERVATION (CON) ON APPROXIMATELY 1.51 ACRES TO LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 18.45 ACRES, KNOWN AS THE LAKES TRACT 8, LOCATED NORTH OF LAKE ROCHELLE, SOUTH OF MACKAY BOULEVARD, AND WEST OF THE LAKE HAINES DRAINAGE CANAL, FURTHER DESCRIBED AS PARCEL: 262804-000000-012020; AND TRANSMITTING SAID AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates the City of Lake Alfred, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements, or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Commission held meetings and hearings on **Amendment 17-02ESR**, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City Commission has determined it necessary to adopt this **Amendment 17-02ESR** to the Comprehensive Plan, which map is marked as Exhibit "A" and is attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Lake Alfred; and

WHEREAS, the Commission of the City of Lake Alfred, Florida, amends its Comprehensive Plan in the following specific manner:

The Future Land Use Map is amended to specifically change the Future Land Use Classification From Medium Density Residential (MDR) on approximately 16.95 acres and Conservation (CON) on approximately 1.51 acres to Low Density Residential (LDR) on approximately 18.45 acres of land, known as The Lakes Tract 8, located north of Lake Rochelle, south of Mackay Boulevard, and west of the Lake Haines Drainage Canal, further described as parcel: 262804-000000-012020, as shown on the Proposed Future Land Use Map attached as Exhibit "A".

WHEREAS, this amendment provides consistency between the existing land use and the surrounding area; and

WHEREAS, in a wetland jurisdictional survey approved by the Southwest Florida Water Management District has been provided indicating there are no wetlands on the property therefore substantiating the need to remove the Conservation Future Land Use designation; and

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the City's Planning Board, sitting as the Local Planning Agency (LPA) as designated by the City, at a duly advertised public meeting, at which time interested parties and citizens had the opportunity to be heard and such regulations were recommended to the City Commission for adoption; and

WHEREAS, in accordance with the Expedited State Review procedures required by Section 163.3184(3), the City of Lake Alfred transmitted the proposed amendment and supporting data and analysis to the applicable review agencies.

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. FUTURE LAND USE MAP.

The Future Land Use Map of the City of Lake Alfred 2030 Comprehensive Plan of is hereby amended, as shown in Exhibit "A", for the subject parcels, which is attached and made a part of this ordinance.

SECTION 2. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency

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 Comprehensive Plan, 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 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 a corrected or re-codified copy of same with the City Clerk.

INTRODUCED AND PASSED on first reading at a regular meeting of the Lake Alfred City Commission held this 7th day of August, 2017.

PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 20th day November, 2017.



**CITY OF LAKE ALFRED
CITY COMMISSION**

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

By: Ameé Bailey-Speck
Ameé Bailey-Speck, City Clerk

APPROVED AS TO FORM:

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

**Ordinance No. 1387-17
Exhibit "A"
Map of Subject Parcel (Proposed Future Land Use Map)**

