

ORDINANCE NO. 1302-12

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA; AMENDING THE UNIFIED LAND DEVELOPMENT CODE; SPECIFICALLY ARTICLE 2 "ZONING DISTRICTS", ARTICLE 3 "DEVELOPMENT STANDARDS", ARTICLE 7 "DEVELOPMENT APPROVAL PROCESS", AND ARTICLE 9 "DEFINITIONS", BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT (EAR) PROVIDING FOR CONSISTENCY WITH THE 2010 COMPREHENSIVE PLAN UPDATE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, as revised in 1968, provides for and establishes municipalities and grants to those municipalities governmental, corporate, and propriety powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Section 163.3167 (1), Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and,

WHEREAS, Chapter 163.3191, Florida Statutes, requires local governments to periodically adopt an Evaluation and Appraisal Report (EAR) which was approved by the City of Lake Alfred City Commission on July 6, 2009 by Ordinance 11-09. The Department of Community Affairs issued a finding of sufficiency on September 11, 2009; and

WHEREAS, the EAR contains recommendations for the amendment of the Comprehensive Plan addressing the issues identified therein, and making the Comprehensive Plan a better regulatory and planning tool; and

WHEREAS, Chapter 163.3191 (2), Florida Statutes, requires local governments to prepare and transmit within one year amendments to the Comprehensive Plan based on the EAR for review by the State; and

WHEREAS, pursuant to Section 166.041(c)2, Florida Statutes, the City Commission and the Planning Board have in the preparation of the EAR Based Amendments to the City's Comprehensive plan performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, workshops and meetings, as necessary, and have effectively provided public participation, notice to real property owners, broad disseminations of proposals and alternatives, opportunity for written comments, open

discussions, communication programs, information services, consideration of and response to public and official comments; and

WHEREAS, the City Commission adopted the EAR Based Amendments to the Comprehensive Plan on October 18, 2010 by Ordinance 1276-10. The Department of Community Affairs issued a finding of in compliance on March 10, 2011; and,

WHEREAS, Chapter 163.3202, Florida Statutes, requires that within 1 year after submission of its revised comprehensive plan for review pursuant to s. 163.3167(2), each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

NOW, THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF LAKE ALFRED, FLORIDA, as follows:

Section 1. Amendment of Unified Land Development Code (ULDC): The Unified Land Development Code is hereby amended based on the City's Evaluation And Appraisal Report (EAR) providing for consistency with the 2010 Comprehensive Plan Update as set forth in Exhibit "A" (Deletions and additions are shown in strike through – underline format). In addition comments where helpful have been included although such comments may not be codified as provided in Section 2 below.

- Article 2 – Zoning Districts
- Article 3 – Development Standards
- Article 7 – Development Approval Process
- Article 9 – Definitions

Section 2. Scriveners Errors: It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code 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/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

Section 3. Conflicts: All ordinances in conflict herewith are repealed

Section 4. 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.

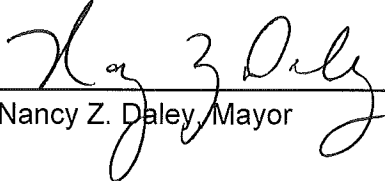
Section 5. Effective Date. This Ordinance shall be effective immediately after compliance with lawful prerequisites for passage.

This Ordinance shall be codified in the Unified Land Development Code of the City of Lake Alfred, Florida.

INTRODUCED AND PASSED on first reading with a quorum present and voting, by the City Commission of Lake Alfred, the 3rd day of January, 2012.


PASSED AND DULY ADOPTED, on second reading with a quorum present and voting, by the City Commission of Lake Alfred, Florida, the 17th of January, 2012.

**CITY OF LAKE ALFRED, FLORIDA
CITY COMMISSION**



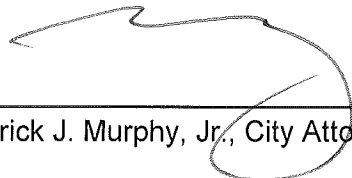
Nancy Z. Daley, Mayor

ATTEST:



Linda Bourgeois, CMC, City Clerk

APPROVED AS TO FORM:



Frederick J. Murphy, Jr., City Attorney