

ORDINANCE NO. 1274

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA; SPECIFICALLY, TO AMEND THE TEXT OF ARTICLE 7 TO ADD SECTION 7.10.06 PROVIDING FOR REQUIREMENTS REGARDING UNOCCUPIED DWELLING UNITS; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**AMENDMENT
TO THE
UNIFIED LAND DEVELOPMENT CODE**

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

WHEREAS, the City Council of the City of Polk City has determined it necessary and desirable to amend the regulations to provide requirement regarding unoccupied dwelling units; and

WHEREAS, pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Council have held meetings and hearings to amend the **Unified Land Development Code as presented in the attached exhibit**, such exhibit attached as Exhibit "A" and made a part hereof; and, the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF POLK CITY, FLORIDA that the **Unified Land Development Code of the City of Polk City** is amended as set forth in Exhibit "A".

- (a) **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.
- (b) **Codification:** This Ordinance shall be codified in the Code of Ordinances of the City of Polk City, Florida.
- (c) **Effective Date:** This Ordinance shall be effective 10 days after passage upon Second Reading.

INTRODUCED, PASSED on FIRST READING, this ___ day of _____, 2011.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness

Patricia R. Jackson, City Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Council of the City of Polk City, Florida meeting in Regular Session this ___ day of _____, 2011.

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Clerk

EXHIBIT "A"
AMENDMENT TO
ARTICLE 7 PROVIDING FO THE ADDITION OF SECTION 7.10.06
OF THE
UNIFIED LAND DEVELOPMENT CODE
PROVIDING RQUIREMENTS FOR UNOCCUPIED DWELLING UNITS

Text that is underlined is text to be added.

7.10.00 Nonconformities

Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

7.10.06 Unoccupied Dwelling Units

If a dwelling unit in the City is vacant/unoccupied, and without active utility service for a period of one year or greater, the owner of the dwelling unit shall be required to complete a building inspection through the City to ensure the unit meets minimum housing standards prior to occupancy.