

EMERGENCY ORDINANCE 2016-06

AN ORDINANCE OF POLK CITY, FLORIDA; DISSOLVING THE ZONING BOARD OF APPEAL; MODIFYING SECTIONS 7.08.00, 7.08.01, 8.03.02, AND 8.06.00 TO SUBSTITUTE “CITY COMMISSION” FOR “ZONING BOARD OF APPEALS”; TEMPORARILY TRANSFERRING THE RESPONSIBILITIES AND DUTIES OF THE ZONING BOARD OF APPEAL TO THE CITY COMMISSION; PROVIDING FOR LEGISLATIVE FINDINGS AND A DECLARATION OF EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Polk City, Florida (“City”) is authorized and empowered and has adopted the Polk City Unified Land Development Code (“ULDC”); and,

WHEREAS, pursuant to the ULDC, the City created a Zoning Board of Appeals (“Board”) and imbued the Board with certain powers, duties, and responsibilities as set forth in Sections 7.08.00, 7.08.01, 8.03.02, AND 8.06.00 thereof; and,

WHEREAS, the City has had insufficient interest from its citizens to serve on said Board and said Board has failed to meet for some time; and,

WHEREAS, the City has received an application for variance that would normally be heard by the Board but cannot be heard by the Board because in effect there is no Board at present; and,

WHEREAS, rather than delay the applicant on procedural grounds, the Commission has determined to dissolve the Board and transfer all its powers, duties, and responsibilities as set forth in Sections 7.08.00, 7.08.01, 8.03.02, and 8.06.00 back to the City Commission; and,

WHEREAS, the City has determined the need to adopt an ordinance to dissolve the Zoning Board of Appeals and transfer all the power, duties and

authorities thereof back to the City Commission until such time as the City decides whether or not to delegate such authority to a different entity

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF POLK CITY, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS. The above recitals represent the legislative findings of Polk City, Florida, relative to the provisions of this Ordinance and are incorporated herein by reference.

SECTION 2. DECLARATION OF EMERGENCY. Pursuant to state law and based upon the Legislative Findings set forth in the above-stated Recitals, the City Commission of Polk City hereby finds and declares that an emergency exists requiring immediate action by the City Commission. By virtue of the threat to public health and safety and the need to provide a tribunal to exercise land use review of variances to a duly constituted public body (the City Commission), it is necessary for the City to dissolve the Zoning Board of Appeals and transfer all the power, duties and authorities thereof back to the City Commission until such time as the City decides whether or not to delegate such authority to a different entity.

SECTION 3. MODIFICATION TO SECTIONS ~~7.08.00~~, ~~7.08.01~~, ~~8.03.02~~, and ~~8.06.00~~ OF THE CITY'S UNIFIED LAND DEVELOPMENT CODE.

Pursuant to state law and based upon the Legislative Findings set forth in the above-stated Recitals, the Polk City Commission hereby dissolves the Zoning Board of Adjustment and transfers all of its powers, duties, and obligations back to the City Commission and hereby instructs the City Clerk to delete all

references in these sections of the City's Unified Land Development Code and replace said references with the City Commission. In all other respects, the City's Unified Land Development Code shall remain unchanged.

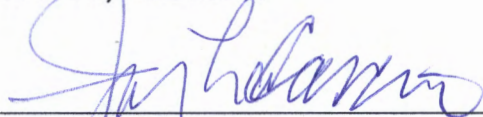
SECTION 4. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and approval as an emergency ordinance of the City Commission.

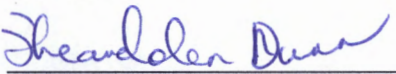
INTRODUCED AND PASSED AS AN EMERGENCY ORDINANCE this 17th day of October, 2016.

POLK CITY, FLORIDA



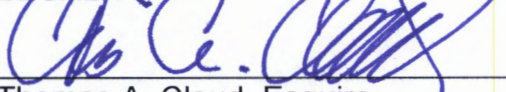
Joe LaCascia, Mayor

ATTEST:



Sheandolen Dunn, Deputy City Clerk

APPROVED AS TO FORM AND LEGALITY:



Thomas A. Cloud, Esquire
City Attorney