

ORDINANCE NO. 2021-2210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING ARTICLE 18 OF THE CODE OF ORDINANCES; PROVIDING FOR AMENDMENTS TO SECTIONS 18-82 and 18-83 OF THE CODE OF ORDINANCES; PROVIDING FOR THE ENFORCEMENT OF AVIATION REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Article 18 of the Code of Ordinances of the City of Lake City, Florida (hereinafter the “City”) contains sections related to a board titled the “Board of Adjustment” (hereinafter the “Board”); and

WHEREAS, sections 18-82 and 18-83 were codified through the adoption of the Code of Ordinances during 1968; and

WHEREAS, the city council has adopted section 3.2 of the Land Development Regulations for the City of Lake City, Florida, and said section provides for a Board of Adjustment; and

WHEREAS, certain conflicts between the two (2) aforementioned sources and the verbiage related to the Board of Adjustment; and

WHEREAS, the City Council finds it necessary to alleviate any conflicts and have one Board of Adjustment to enforce the land development regulations and the code; and

WHEREAS, the City Council finds that amending sections 18-82 and 18-83 of the Code of Ordinances is in the best interest of the city.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby

incorporated herein and made a part of this resolution.

Section 2. That sections 18-82 and 18-83 of the Code of Ordinances for the City of Lake City, Florida, are hereby amended to read as follows (words underlined are additions; words ~~stricken~~ are deletions):

Sec. 18-82. - Enforcement of article.

(a) It shall be the duty of the building and zoning director of each of the political entities that adopt this article to administer and enforce the regulations prescribed in this article within their respective jurisdictions. Applications for permits and variances shall be made to the building and zoning director in whose jurisdiction the permit or variance is sought upon a form furnished by him. Applications required by this article to be submitted to the building and zoning director shall be promptly considered and granted or denied by him. Application for action by the board of adjustment shall be forthwith transmitted by the building and zoning director.

(b) The Board of Adjustment created pursuant to section 3.2, Land Development Regulations for the City of Lake City, Florida, shall have and exercise the following powers:

(1) Hear and decide appeals from any order, requirement, decisions, or determination made by the building and zoning director in the enforcement of this article.

(2) Hear and decide special exceptions to the terms of this article upon which such board of adjustment under such regulations may be required to pass.

(3) Hear and decide specific variances.

Sec. 18-83. -- Board of adjustment.

~~(a)Creation; powers. There is hereby created a board of adjustment to have and exercise the following powers:(1)Hear and decide appeals from any order, requirement, decisions, or determination made by the building and zoning director in the enforcement of this article.(2)Hear and decide special exceptions to the terms of this article upon which such board of adjustment under such regulations may be required to pass.(3)Hear and decide specific variances.(b)Composition; terms; compensation; chair. The board of adjustment shall consist of five members, two of whom shall be appointed by the city council, and two of whom shall be appointed by the county board of commissioners, and one of whom shall then be appointed by the members thus appointed by the city and the county board of commissioners. Each member shall serve three years and until his successor is duly appointed and qualified, and shall serve without compensation. The board shall elect, from among itself, a chair.(c)Rules; meetings; oaths; hearings; minutes; records. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chair and at such other times as the board of adjustment may determine. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each~~

~~member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the building and zoning director, and shall be public records.~~(d)Written findings of fact and conclusions of law. The board of adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.(e)Decision by majority vote. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the building and zoning director or directors, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation in this article.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake City, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 4. If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall be effective as of the date of its adoption.

PASSED upon first reading this _____ day of _____ 2021.

NOTICE PUBLISHED on this _____ day of _____ 2021.

PASSED AND ADOPTED on the second and final reading this _____ day of _____ 2021.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney