

ORDINANCE 2008-28

(Amendments to zoning regulations - Ch. 23 Code of Ordinances – Board of Appeals Members)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II. ADMINISTRATION AND PROCEDURES, DIVISION 1. ADMINISTERING OFFICIALS AND BOARDS, BY ELIMINATING THE PROVISION PROHIBITING BOARD OF APPEALS AND PLANNING BOARD MEMBERS FROM SERVING ON OTHER CITY BOARDS; REDUCING THE NUMBER OF MEMBERS ON THE BOARD OF APPEALS FROM SEVEN TO FIVE; ELIMINATING THE REQUIREMENT FOR ALTERNATE MEMBERS ON THE BOARD OF APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida,

**SECTION 1. Eliminate prohibition on concurrent appointments – planning board
Sec. 23-205.2 Composition of planning board and terms of members**
is amended as follows:

- a. The planning board shall consist of seven (7) regular who shall be appointed by the governing body. At least six (6) members must be residents of the city, and one (1) member must either reside in or own real property in the city. ~~No member of the planning board may concurrently serve on any other city regulatory board.~~

**SECTION 2. Board of Appeals – number of members
Sec. 23-206.2 Composition of board of appeals and terms of members**
is amended as follows:

- a. The board of appeals shall consist of ~~seven~~ five regular members and ~~two~~ alternates who shall be appointed by the governing body in accordance with section 2-26 of the Lake Wales Code of Ordinances, except that all members shall be residents of the city. ~~No member of the board of appeals may concurrently serve on any other city board.~~
- b. Regular members shall be appointed to three-year terms, staggered so that three regular members are appointed or reappointed in one year, and two regular members are appointed or reappointed in each of two other years. Regular members serving on the board of zoning adjustment and appeals at the time this ordinance is adopted shall serve the terms to which they were originally appointed.

- c. ~~Alternate members shall serve only if a regular member is absent or disqualified from voting on a particular matter and shall be called on a rotating basis. Alternate members shall be appointed to three year terms. Alternate members serving on the board of zoning adjustment and appeals at the time this ordinance is adopted shall serve the terms to which they were originally appointed. The alternate member appointed after enactment of this ordinance shall serve an initial term expiring on July 1, 2007 and thereafter all appointments shall be for three years.~~
- ~~d.c.~~ All vacancies on the board of appeals shall be filled within thirty days. Any member may be removed by the mayor with the approval of the city commission for inefficiency, neglect of duty, malfeasance, conflict of interest or similar cause, after written notice and a public hearing.

SECTION 3.

If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4.

This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 2nd day of September, 2008.



Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:



City Clerk