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AN ORDINANCE OF THE TOWN OF YANKEETOWN, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO PROVIDE THAT MEMBERS OF THE PLANNING AND ZONING COMMISSION SHALL ALSO SERVE AS MEMBERS OF THE BOARD OF ADJUSTMENT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 18, Article VII, section 18-124 of the Town Code establishes the Planning and Zoning Commission, set forth in section 5.11 of the Town Charter, as a five-member body nominated by the Mayor and appointed by the Town Council; and

WHEREAS, Chapter 18, Article VIII, section 18-139 of the Town Code establishes the Board of Adjustment as a five-member body appointed by the Mayor, subject to approval of the Town Council; and

WHEREAS, the Town Council has determined that it should combine the two boards by providing that the members of the Planning and Zoning Commission shall serve as the members of the Board of Adjustment;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN, FLORIDA:

Section 1. Findings. The foregoing recitals are hereby adopted as legislative findings of the Town Council and are incorporated herein by reference.

Section 2. Amendment to Section 18-124 of the Town's Code of Ordinances.

Section 18-124, Chapter 18, Land Development Code, is hereby amended to read as follows, with deleted language shown as ~~strikethrough~~, and added language shown as underlined:

Sec. 18-124. - Establishment and composition.

(a) The planning and zoning commission (Commission), set forth in section 5.11 of the Charter, shall consist of five members nominated by the mayor and appointed by the town council (Council) pursuant to town Charter Section 12.

(b) The planning and zoning commission shall serve as the local planning agency (LPA) as described under F.S. ch. 163, as may be amended from time to time, and shall perform all duties of, and shall serve as the Board of Adjustment, as set forth in Chapter 18, Article VIII of the Town's Land Development Code.

Section 3. Amendment to Section 18-139 of the Town's Code of Ordinances.

Section 18-139(a), Chapter 18, Land Development Code, is hereby amended to read as follows, with deleted language shown as ~~strikethrough~~, and added language shown as underlined:

Sec. 18-139. - Composition; appeals and review; powers, functions.

(a) ~~Establishment.~~ *Members.*

~~A-The members of the Town's Planning and Zoning Commission shall serve as the Town's board of adjustment is hereby established, which shall consist of five members appointed by the mayor, subject to the approval of the town council, each for a term of three years.~~

~~(2) The town council, upon written charges and after public hearing, may remove members of the board of adjustment from office.~~

~~(3) Vacancies occurring in the membership of the board by resignation, illness, or for other causes shall be filled by appointment of the mayor, subject to approval of the town council, for the unexpired term of the member affected.~~

Section 4. Codification. It is the intent of the Town Council that the provisions of this ordinance shall be codified in the Town Code of Ordinances, and that the sections, subsections, and numbering may be renumbered or re-lettered to accomplish such codification.

Section 5. Conflicts. All ordinances, resolutions, code provisions, policies, or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect immediately upon adoption as provided by law.

PASSED ON FIRST READING by the Town Council of the Town of Yankeetown, Florida, this ____ day of _____, 20____.

PASSED AND ADOPTED ON SECOND AND FINAL READING by the Town Council of the Town of Yankeetown, Florida, this ____ day of _____, 20____.

TOWN OF YANKEETOWN, FLORIDA

By: _____
Mayor, Laurence Vorisek

ATTEST:

Town Administrator, Seante Gyukeri

Approved as to form and legal sufficiency:

Town Attorney, Norm D. Fugate