

ORDINANCE NO. 2910-13

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" BY REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO ADOPT ORDINANCES; REPEALING SECTION 58-89(e) REGARDING REZONING ORDINANCES; AMENDING SECTION 58-95 REGARDING COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.08(d) of the Charter of the City of Winter Park ("Charter") provides that a quorum of the City Commission shall exist when a majority of the Commissioners are present; and

WHEREAS, Section 2.01 of the Charter provides that the City Commission consists of five (5) members, and therefore, a majority of the City Commission consists of three (3) members; and

WHEREAS, Section 2.11 of the Charter provides that a proposed ordinance shall be adopted when it has received the affirmative vote of a majority of the City Commission physically present on at least two (2) separate days at either regular or special meetings of the Commission; and

WHEREAS, when only three (3) Commissioners are in attendance at a meeting of the City Commission, an ordinance may pass on two (2) votes of the Commissioners that are physically present;

WHEREAS, the Charter must be construed to lead to a reasonable result in accordance with the plain language of its provisions; and

WHEREAS, certain provisions of the City Code of the City of Winter Park ("Code"), in their current form, require an affirmative vote of a supermajority of four (4) votes of the Commissioners in order to pass;

WHEREAS, a conflict therefore exists between those provisions of the Code requiring an affirmative vote of a supermajority of the Commissioners in order to pass an ordinance, and Section 2.11 of the Charter, which requires only a majority of the Commissioners physically present in order to pass an ordinance; and

WHEREAS, the municipal charter is the paramount law of the municipality; and

WHEREAS, if a conflict exists between a municipal charter and an ordinance, the charter provision will prevail; and

WHEREAS, in order to remedy this conflict and achieve consistency between certain Code provisions and the City Charter, the City desires to amend certain sections of its Code to eliminate the supermajority requirement to pass an ordinance.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

Section 1. Incorporation of Recitals as Legislative Findings. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

Section 2. Revisions to Chapter 58, Land Development Code. That Section 58-89(e) of Chapter 58 "Land Development Code" of the Code of Ordinances is hereby repealed in its entirety.

Section 3. Revisions to Chapter 58, Land Development Code. That Chapter 58 "Land Development Code", Section 58-95 of the Code of Ordinances is hereby amended by amending the definition of "Community redevelopment area" as follows (underlined type indicates additions, ~~strikeout type~~ indicates deletions, and * * * indicates omitted text):

Sec. 58-95. - Definitions.

* * *

Community redevelopment area (CRA) means an area designated by the City of Winter Park and Orange County as an area for residential and commercial redevelopment with goals for affordable housing, blight elimination, enhanced safety and corridor enhancement pursuant to adopted CRA plans. Per the policies of the comprehensive plan, prior to the creation of a new CRA or expansion of the existing CRA there shall be a public notice requirement to all households in the city to inform residents of the proposal, the need for such action and the plans or actions contemplated as a result, ~~and a supermajority (four votes) of the city commission is required for approval.~~

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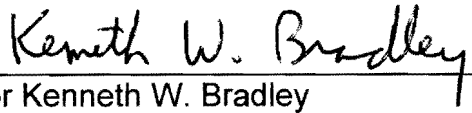
Section 4. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

Section 5. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

Section 6. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance 2909-13. If Ordinance 2909-13 does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 11th day of February, 2013.



Mayor Kenneth W. Bradley

ATTEST:



Cindy Bonham, City Clerk