

ORDINANCE 3206-21

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND THE MEMBERSHIP, FUNCTIONS, DUTIES AND PROCEDURES OF SUBSIDIARY CITY BOARDS; AMENDING SECTION 58-446 TO ELIMINATE THE REFERENCE TO ALTERNATE MEMBER TO THE HISTORIC PRESERVATION BOARD TO BE CONSISTENT WITH SUCH BOARD'S MEMBERSHIP SET FORTH IN CHAPTER 2, ARTICLE III; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City desires to amend Article III of Chapter 2 of the City of Winter Park Code of Ordinance to eliminate references to the golf course advisory board which has sunsetted, to create the Orange Avenue Overlay Appearance Review Advisory Board, alter the membership of the Economic Development Advisory Board and to eliminate transition language concerning the implementation of Section 2.19, City Charter; and

WHEREAS, the City desires to amend Section 58-446, City Code to eliminate the reference to the alternate member to the Historic Preservation Board to be consistent with such board's membership set forth in Chapter 2, Article III, City of Winter Park Code of Ordinances.

WHEREAS, the City determines the amendments to the code set forth herein are in the best interest of the City.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated by reference.

Section 2. Amendment/Adoption. Article III of Chapter 2 of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; provisions and sections not included are not being amended):

ARTICLE III. - SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK

DIVISION 1. ESTABLISHMENT OF CITY BOARDS

Sec. 2-46. - Establishment of city boards.

- (a) There shall be established in this division all boards of the City of Winter Park. If a board is required to be in existence by Florida Statute or City Charter, the section providing for the board shall so provide, as well as any special requirements. If, by Florida Statute or Charter there is a requirement with respect to the board that is different than the general rules in this chapter and article, then the requirements of state statute and the Charter shall control.
- ~~(b) During the general election held on March 17, 2020, the electors approved the adoption of Section 2.19, City Charter, which sets forth requirements for the size of and appointment to city boards and ad hoc committees. The city commission, by a majority vote, may establish a transition plan providing for the transition of the membership of the city boards to be consistent with Section 2.19, City Charter. Such transition plan may provide for the timing of initial appointments by the mayor and city commissioners and initial terms of office different from those prescribed in this chapter and may provide for the early removal of board and committee members serving as of the adoption of this subsection. The city clerk may delete this subsection after the transition of membership of the city boards occurs in the manner approved by the city commission.~~

Sec. 2-47. - List and size of boards established.

The general requirements for boards are specified in division 2 herein and the board specific requirements are specified in division 3. Unless otherwise provided by the City Charter, state law, other ordinance or this article, each board shall have seven members. The following boards are established:

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code compliance board (which also sits as the nuisance abatement board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;
- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;

- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways advisory board;
- (12) Parks and recreation advisory board;
- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board;
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) Orange Avenue Overlay Appearance Review Advisory Board ~~Golf course advisory board~~;
- (20) Tree preservation board.

DIVISION 3. - DESCRIPTION, DUTIES AND PROCEDURES OF EACH CITY BOARD

Sec. 2-52. - Code compliance board.

There is established within the City of Winter Park pursuant to F.S. § 162.05, and by the authority of the city commission, a code compliance board, subject to the following provisions:

- (1) *Membership.* The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 hereof. Members shall be residents of the city. In accordance with F.S. § 162.05(2), the membership of the code compliance board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.
- (2) *Quasi-judicial proceedings.* The code compliance board shall conduct its quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources

upon request to assure that the quasi-judicial activity of the code compliance board is in accordance with the requirements of Florida law.

- (3) *Authority.* The code compliance board shall have the authority, responsibility and jurisdiction of a code enforcement board pursuant to F.S. ch. 162 and any other matters set forth in the City Code conferring authority or quasi-judicial responsibility on the code compliance board, including without limitation false fire alarm appeals, pursuant to subsection 46-29(d) and those matters provided for in sections 2-104 through 2-110 of the City Code. The code compliance board shall also serve as the nuisance abatement board as provided in section 2-81 of the City Code ~~and the tree preservation board as provided in section 2-68 of the City Code.~~ In performing its function, the code compliance board shall be governed by the procedures set out in Florida law and section 2-101 et seq. of the City Code.

The provisions in divisions 1 and 2 of this article shall apply to the conduct of the code compliance board except for any provision thereof that conflicts with a provision in sections 2-104 through 2-110 of the City Code, in which case the conflicting provision in sections 2-104 through 2-110 shall control.

Sec. 2-56. - Economic development advisory board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park, an economic development advisory board, subject to the following provisions:

- (1) *Membership.* The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article. ~~The Winter Park Chamber of Commerce President shall be requested to serve as one of the mayor's appointed members of the economic development advisory board.~~ Two members of the board may be a non-resident owner of a business operating within the city.
- (2) *Advisory board.* The economic development advisory board is an advisory board and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission concerning economic

development. The economic development advisory board shall have no adjudicatory or enforcement authority.

- (3) *Procedures.* The procedures and rules for operation of the economic development advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.

~~Sec. 2-72. – Golf course advisory board.~~

~~Pursuant to the authority of the city commission, there is established within the City of Winter Park, a golf course advisory board, subject to the following provisions:~~

- (1) *Membership.* Membership and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article.
- (2) *Advisory board—functions and responsibility.* The golf course advisory board is an advisory board and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission concerning the Winter Park Golf Course. The board will provide advice on course and golf shop operations; program and events. Additionally, the board will promote the golf course and facilities to the Winter Park community. The golf course advisory board shall have no adjudicatory or enforcement authority.
- (3) *Procedures.* The procedures and rules for operation of the golf course advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.

Sec. 2-72. - Orange Avenue Overlay Appearance Review Advisory Board

Pursuant to the authority of the city commission, there is established within the City of Winter Park, an Orange Avenue Overlay (OAO) appearance review advisory board, subject to the following provisions:

- (1) *Membership.* There shall be five (5) voting members of the OAO appearance review advisory board. Three of the five members of the board shall be licensed architects. Two of the five members of the board shall have or be retired from the following vocations: professional land planner, licensed landscape architect, or licensed professional engineer. The Mayor and the City Commissioners shall each have one appointment to the membership of the

OAO appearance review advisory board. Given vocational requirements of board membership, residency within the city is preferred, but not a mandatory requirement for appointment to and service as a member of the OAO appearance review advisory board. Except as otherwise provided in this section, the procedures for appointment and removal of members to OAO appearance review advisory board will be in accordance with division 2 of this article.

(2) Advisory board functions and responsibility. The OAO appearance review advisory board is an advisory board that is to review and make comments and recommendations on architectural details for proposed development projects as and when specified in the City's land development regulations. In making its comments and recommendations, the OAO appearance review advisory board should consider applicable City adopted architectural guidelines or standards. The comments and recommendations of board are to be transmitted to the Building Official, Director of Planning and Transportation, Planning and Zoning Board and City Commission for consideration in rendering their respective recommendations and/or decisions on the applicable development project.

(3) Procedures. Except as otherwise provided in this section or in the land development regulations governing the OAO appearance review advisory board, the procedures and rules for the operation of the OAO appearance review advisory board will be in accordance with the provisions of division 2 of this article.

Section 3. Amendment/Adoption. Section 58-446 of Article VIII, Division 2 of Chapter 58 of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; language not included is not being amended):

Sec. 58-446. - Qualifications.

Members of the HPB shall have demonstrated civic pride, interest in historic preservation and the knowledge, experience and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. The board shall be comprised of seven members ~~and one alternate.~~

- (1) One member shall be a licensed architect; and
- (2) One member versed in local history; and
- (3) One member who owns or ~~lives~~ lives in a designated resource or district.

Section 4. Codification. Section 2 and Section 3 shall be codified in the City Code. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural or any other reason, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or portions hereof or hereto.

Section 6. Conflicts. In the event of any conflict between this Ordinance, or any part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the 12th day of May 2021.

CITY OF WINTER PARK

Mayor Phil Anderson

ATTEST:

Rene Cranis, City Clerk