

## ORDINANCE 3221-21

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 2.08 AND 2.11; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 8, 2022; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida pursuant to Chapter 166, Florida Statutes, and Section 1.03, Charter of the City of Winter Park, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

**WHEREAS**, the City Commission finds it in the best interests of the City and its residents to propose and submit to the electors of the City of Winter Park for referendum vote the City Charter amendments provided for herein, at the election to be held on March 8, 2022.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

**Section 2. Charter Amendment #1.** The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars \*\*\* indicate separations between sections and do not represent Charter amendments):  
Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than

twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) conveyance of fee simple ownership of real property owned by the city. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.

(b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 3. Amendment #1 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #1:**

**Require Supermajority Vote to Sell City Property**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor to approve the conveyance of fee simple title of city owned property?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 4. Charter Amendment #2.** The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars \*\*\* indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) comprehensive plan future land use map amendment, rezoning or change in use of park land to a use that is not a recreational or park use; and (ii) comprehensive plan future land use map amendment, rezoning or change in use of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members majority of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
  - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
  - (9) Establish zoning.

**Section 5. Amendment #2 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 4 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #2:**

**Require Supermajority Vote to Rezone Parks and Public Lands**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor to (i) approve a comprehensive plan future land use map amendment or rezoning of city-owned park land; and (ii) approve a comprehensive plan future land use map amendment, rezoning or change of use of land currently zoned public and quasi-public district or zoned parks and recreation district.

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 6. Charter Amendment #3.** The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars \*\*\* indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting,

either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) comprehensive plan future land use map amendment or rezoning of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use; and (ii) approval of a comprehensive plan future land use map amendment or zoning map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.

- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;

- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 7. Amendment #3 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 6 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #3:**

**Require Supermajority Vote for Residential and Lakefront Property Map Amendments**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of a comprehensive plan future land use map amendment or rezoning (i) from a residential category to a non-residential category, or (ii) to lakefront property from a residential use to a commercial use, mixed-use, medium density residential use or high density residential use?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 8. Charter Amendment #4.** The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars \*\*\* indicate separations between sections and do not represent Charter amendments):



Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members majority of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time

and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of ~~at least three members a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
  - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
  - (9) Establish zoning.

**Section 9. Amendment #4 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 8 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #4:**

**Require Supermajority Vote for Density/Intensity Increases**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five percent from the existing maximum allowed density or intensity of use?

Yes \_\_\_\_

No \_\_\_\_

**Section 10. Charter Amendment #5.** The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars \*\*\* indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings.* The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.
- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.

- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members majority of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

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#### Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;

- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charge for municipal services or grant administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
- (9) Establish zoning.

**Section 11. Amendment #5 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 10 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #5:**

**Require Supermajority Vote to Approve Development in Wetlands**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended to require at least four of five members of the city commission to vote in favor of development orders authorizing development within wetlands?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 12. Charter Amendment #6.** The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars \*\*\* indicate separations between sections and do not represent Charter amendments):

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

(a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the

affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a substantive or material change in the ordinance during the city commission's adoption process substance in the text, then the reading at the time of change will be deemed the first reading the city commission will conduct at least one reading and public hearing of the ordinance after such change is made. Further, if during the city commission's adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the ordinance that results in an increase in the maximum allowed residential units per acre (density) or maximum allowed floor area ratio (intensity) for uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made.

- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
  - (2) Establish a rule or regulation the violation of which carries a penalty;
  - (3) Levy taxes authorized by general law;
  - (4) Grant, renew or extend a franchise;
  - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
  - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
  - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
  - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
  - (9) Establish zoning.

**Section 13. Amendment #6 Ballot Question.** The ballot title and summary for the City Charter amendment(s) described in Section 12 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #6:**

**Ordinance Changes During Adoption Process**

Shall Section 2.11 of the Winter Park City Charter be amended to require an additional public meeting and reading of a proposed ordinance before its adoption if during the adoption process either (i) a substantive or material change is made, or (ii) a change is made to a proposed zoning or comprehensive plan amendment ordinance resulting in an increase in the maximum allowed density or intensity of uses or a change to the permitted uses?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 14. Referendum.** The forgoing proposed amendments to the Charter of the City of Winter Park and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 8, 2022**. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

**Section 15. Codification & Corrections.** Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Winter Park. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. There is overlap in the charter amendments proposed by Sections 2 through 11. Voter rejection of one or more charter amendments proposed by Sections 2 through 11 of the Ordinance does not negate other the charter amendments that are approved by the voters within these sections; the City Clerk is given liberal authority to renumber the subsections and make other typographical corrections as needed to consolidate and codify all voter approved provisions. Grammatical, typographical and similar like errors may be corrected,

and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

**Section 16. Severability.** If any section, subsection, sentence, clause, phrase, word or provision 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 portions of this Ordinance.

**Section 17. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**Section 18. Directions to City Staff.** City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

**Section 19. Effective Dates.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. Any City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Winter Park and certification by the Orange County Supervisor of Elections or other appropriate officer or entity.

First Reading held on September 22, 2021

Second Reading held on October 13, 2021

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 13th day of October, 2021.

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Mayor Phillip M. Anderson

ATTEST:

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Rene Cranis, City Clerk