



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL MEETING AGENDA

Tuesday, October 01, 2024, at 7:30 PM

Town Hall - 307 E Kennedy Blvd

Please note that the HTML versions of the agenda and agenda packet may not reflect changes or amendments made to the agenda.

I. CALL TO ORDER AND VERIFICATION OF QUORUM

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

IV. CITIZEN PARTICIPATION (Three minutes strictly enforced)

V. PUBLIC HEARING

A. Approval of **Second** Reading of Ordinance 2024-6 – Creating Chapter 38, Article VIII, Operating Golf Carts on Designated Town Streets (**Administration**)

B. Approval of **First** Reading of Ordinance 2024-7 – Discussion of Ordinance on Camping on Public Property and Right of Way in the Town of Eatonville (**Administration**)

C. Approval of **First** Reading of Ordinance 2024-8 Dissolving The Board of Adjustment (**Administration**)

VI. COUNCIL DECISIONS

1. Approval of Resolution 2024-30 Establishing Policy for Electing the Chair and Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA) (**Councilman Mack**)

VII. REPORTS

CHIEF ADMINISTRATIVE OFFICER'S REPORT

TOWN ATTORNEY'S REPORT

TOWN COUNCIL REPORT/DISCUSSION ITEMS

MAYOR'S REPORT

VIII. ADJOURNMENT

The Town of Eatonville is subject to the Public Records Law. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

****PUBLIC NOTICE****

This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

OCTOBER 1, 2024, AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE:

Approval of **Second** Reading of Ordinance 2024-6 – Creating Chapter 38, Article VIII, Operating Golf Carts on Designated Town Streets
(Administration)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1 ST / 2 ND READING	YES	Exhibits: - Ordinance 2024-6
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: For Town Council to Approve the First Reading of Ordinance 2024-6 – Creating Chapter 38, Article VIII, Operating Golf Carts on Designated Town Streets

SUMMARY: The Town of Eatonville has the authority under Sections 166.221 and 316.212, Florida Statutes, to authorize and regulate the operation of golf carts on designated municipal streets within the jurisdictional boundaries of the Town. Section 316.212(8), Florida Statutes, expressly allows a municipality to enact an ordinance relating to golf cart operation and equipment which is more restrictive than the provisions enumerated in Section 316.212, Florida Statutes.

The Town has considered factors including the speed, volume, and character of motor vehicle traffic using Town streets and has determined that, subject to the restrictions herein, golf carts may safely travel on or cross certain Town streets or roads. Golf carts are a valid form of transportation, commonly used as a mode of mobility from place-to-place, are utilized for utility purposes and are an environmentally friendly mode of transportation. It is the intent of the Town to provide for the orderly operation of golf carts on designated municipal streets and roads and to set standards for the operation and registration of such golf carts. The Town Council desires to amend Chapter 38 of the Town of Eatonville Code of Ordinances to create Article VIII to authorize and regulate the operation of golf carts on designated Town streets, subject to the restrictions and finds the adoption of an Ordinance is in the best interest of the health, safety, and welfare of the public.

The draft ordinance was workshopped on May 7, 2024, 6:30 p.m. at the request of Vice-Mayor Washington.

The First reading was held and approved on September 17, 2024.

RECOMMENDATION: It is recommended that the Town Council Approve the First Reading of Ordinance 2024-6 – Creating Chapter 38, Article VIII, Operating Golf Carts on Designated Town Streets.

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE NO. 2024-6

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, CREATING CHAPTER 38, ARTICLE VIII, “OPERATION OF GOLF CARTS ON DESIGNATED TOWN STREETS,” IN THE CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS, OPERATIONS, RESTRICTIONS, REGISTRATION, AND ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution, Article VIII, Section 2(b), and Florida Statutes, Section 166.021(1), establish the home rule powers of Florida municipalities and enable municipalities to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the Town of Eatonville has the authority under Sections 166.221 and 316.212, *Florida Statutes*, to authorize and regulate the operation of golf carts on designated municipal streets within the jurisdictional boundaries of the Town; and

WHEREAS, Section 316.212(8), *Florida Statutes*, expressly allows a municipality to enact an ordinance relating to golf cart operation and equipment which is more restrictive than the provisions enumerated in Section 316.212, *Florida Statutes*; and

WHEREAS, the Town has considered factors including the speed, volume, and character of motor vehicle traffic using Town streets and has determined that, subject to the restrictions herein, golf carts may safely travel on or cross certain Town streets or roads; and

WHEREAS, the Town hereby finds that golf carts are a valid form of transportation, commonly used as a mode of mobility from place-to-place, are utilized for utility purposes and are an environmentally friendly mode of transportation; and

WHEREAS, it is the intent of the Town to provide for the orderly operation of golf carts on designated municipal streets and roads and to set standards for the operation and registration of such golf carts; and

WHEREAS, the Town Council desires to amend Chapter 38 of the Town of Eatonville Code of Ordinances to create Article VIII to authorize and regulate the operation of golf carts on designated Town streets, subject to the restrictions herein; and

WHEREAS, the Town Council finds the adoption of this Ordinance to be in the best interest of the health, safety, and welfare of the public.

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Eatonville, Florida, as follows:

(Words in strike through type are deletions; words in underscore type are additions; asterisks (* * * *) indicate an omission from the existing text which is intended to remain unchanged.)

SECTION 1. The findings set forth in the recitals above are adopted and fully incorporated herein as legislative findings of the Town Commission pertaining to this Ordinance.

SECTION 2. Chapter 38, Article VIII, “Operation of Golf Carts on Designated Town Streets,” is hereby created and reads as follows:

ARTICLE VIII. OPERATION OF GOLF CARTS ON DESIGNATED TOWN STREETS

Sec. 38-256. – Definitions.

Golf cart means a personal, non-commercial use motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of twenty (20 miles per hour).

Designated street means all streets or roads specified in this Article which have been determined by the Town to meet the requirements of § 316.212, *Florida Statutes*.

Sec. 38-257. – Operation of Golf Carts.

- (a) Designation of Town streets. The Town Commission may by resolution designate and approve certain Town streets as streets authorized for golf cart use. Upon such approval, the Town shall install signage identifying where golf carts may be operated. The Town Commission may, at any time and in its sole discretion, revoke the status of any designated Town street by resolution. Nothing in this Article shall be construed to authorize the operation of golf carts on state or county roads or highways.
- (b) Authorization to operate golf carts. In accordance with § 316.212(1), *Florida Statutes*, golf carts meeting the definition set forth in Section 38-256, above, may be operated within the Town on the streets, alleys, and parking areas open to the public and designated pursuant to this Article and resolution. Golf carts shall not be operated on private property, unless authorized by the property owner, or on sidewalks or bicycle lanes, or any street not designated by Town Council.
- (c) Equipment and minimum standards. All golf carts operated on designated Town streets pursuant to this Article shall meet the minimum equipment standards established by § 316.212, *Florida Statutes*, and must be appropriately equipped with the following properly functioning items that are in usable and operable condition at all times:
 - i. Efficient brakes;

- ii. A reliable steering apparatus;
- iii. Safe tires;
- iv. A rearview mirror;
- v. Red reflectorized warning devices in both the front and rear.

Additionally, any golf cart operated in fog, smoke, or rain, or before sunrise or after sunset, must be equipped with properly functioning headlights, brake lights, turn signals, and a windshield.

Sec. 38-258. – Restrictions and Insurance.

Golf carts operating on designated roadways shall be subject to the following restrictions:

- (a) *Golf cart operator.* A golf cart may not be operated on designated roadways by a person:
 - i. Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
 - ii. Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.
- (b) *Modified golf carts.* Golf carts that have been modified to exceed the speed of twenty (20) miles per hour shall not be considered golf carts under the provisions of this Article and are not afforded the rights provided herein.
- (c) *Compliance with traffic laws.* Golf carts shall be operated in accordance with all applicable local and state traffic regulations. A golf cart operator who violates any traffic regulation may be ticketed in the same manner as the operator of a motor vehicle.
- (d) *Occupants.* The number of occupants in a golf cart operated on designated streets shall be limited to the number of seats on the golf cart, and a standard golf cart bench seat is deemed to allow seating for two occupants. The operator of the golf cart shall be responsible for ensuring that no occupants of a golf cart are standing at any time while the golf cart is in motion.
- (e) *Alcohol.* All state regulations governing the use and possession of alcoholic beverages while operating a motor vehicle shall apply to the operation of golf carts on designated streets.
- (f) *Insurance.* Golf carts operated on designated streets must be covered under a valid insurance policy including coverage for personal injury and property damage, with minimum amounts of \$10,000 per occurrence and \$10,000 in the aggregate. Proof of valid

insurance coverage must be in the golf cart at all times of operation on Town designated streets.

Sec. 38-259. – Registration

All golf carts operating on designated streets in the Town shall be registered with the Town as set forth herein.

- (a) Golf carts must be registered annually on a calendar year basis through an application process as determined by the Town in its sole discretion. The initial registration fee shall be \$25.00, with an annual renewal fee of \$15.00. Annual fees may be changed from time to time by the Town in its sole discretion through the adoption of a resolution.
- (b) Upon approval, the golf cart owner will receive an annual registration decal from the Town which shall be affixed to the golf cart.
- (c) The Town reserves the right to reject or not renew a golf cart registration application if the application is incomplete and/or all of the minimum requirements have not been met.
- (d) Prior to issuance of a registration decal, golf cart owners shall be required to provide (i) proof of ownership, (ii) proof of liability insurance, and (iii) a valid form of government-issued photographic identification.

Sec. 38-259. – Enforcement

- (a) A violation of this Article shall constitute a noncriminal infraction enforceable either as a code violation to be prosecuted by the Code Enforcement Board or Special Magistrate or shall be classified as a Class I Civil Citation Violation. Uniform Traffic Citations shall only be used for violations that are also violations of the Florida Uniform Traffic Control Law. A first violation of this Article shall result in a fine of \$150.00. A second violation of this Article shall result in a fine of \$250.00. A third violation of this Article shall result in a fine of \$250.00 and the non-renewal the golf cart registration.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the Town of Eatonville, as additions or amendments thereto.

SECTION 4. SEVERABILITY. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 5. CONFLICTING ORDINANCES. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the 17th day of September 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the 1st day of October 2024.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor



HISTORIC TOWN OF EATONVILLE, FLORIDA
TOWN COUNCIL MEETING
OCTOBER 1, 2024, AT 7:30 PM
Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of **First** Reading of Ordinance 2024-7 – Discussion of Ordinance on Camping on Public Property and Right of Way in the Town of Eatonville (**Administration**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: - Ordinance 2024-7
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: For Town Council to Approve the First Reading of Ordinance 2024-7 –Camping on Public Property and Right of Way within the Town of Eatonville.

SUMMARY: The Town of Eatonville has recently been experiencing an increase in misuse and camping on public property and right of way. Town Council recognizes the needs of individuals experiencing homelessness and is committed to exploring alternative solutions, such as shelters and social service programs, with community partners. This Ordinance is not intended to criminalize individuals who are unhoused but rather to ensure the health, safety, and welfare of the entire community by maintaining public spaces that are safe and sanitary for everyone. It is important to provide critical resources in understanding the needs and characteristics of people experiencing homelessness in the Town of Eatonville. An ordinance will help our community with addressing occurrences related to instability among individuals camping on Public Property and Right of Way within the Town. This proposed ordinance aims to address public safety and sanitation concerns arising from camping on public property, without criminalizing individuals who are unhoused. It is designed to ensure that public spaces remain safe and accessible for all community members.

RECOMMENDATION: It is recommended that the Town Council Approve the First Reading of Ordinance 2024-7 –Camping on Public Property and Right of Way within the Town of Eatonville

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE NO. 2024-7

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, RELATING TO THE PROHIBITION OF CERTAIN CONDUCT IN PUBLIC PLACES; AMENDING CHAPTER 26, “MISCELLANEOUS OFFENSES”, OF THE TOWN CODE TO PROHIBIT UNAUTHORIZED CAMPING ON PUBLIC PROPERTY AND RIGHTS-OF-WAY, PUBLIC NUDITY AND INDECENT EXPOSURE, AND PUBLIC URINATION AND DEFECATION; PROVIDING FOR ENFORCEMENT PROCEDURES AND PENALTIES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, public property and rights-of-way are intended for the use and enjoyment of all members of the public, and it is essential to maintain these areas in a safe and sanitary condition; and

WHEREAS, sleeping or camping in public spaces that are neither intended nor designed for temporary human habitation creates unsafe conditions for both those engaging in such activities and for other members of the community, including accumulation of hazardous and bio-hazardous waste, exposure to the elements, and obstructed access for pedestrians and emergency vehicles; and

WHEREAS, public nudity and indecent exposure can be offensive and disruptive to the enjoyment of public spaces by individuals in the community, and maintaining a standard of public decency is necessary to promote a respectful and orderly society; and

WHEREAS, public urination and defecation create unsanitary conditions that pose health and safety risks to the community; and

WHEREAS, the Town Council recognizes the needs of individuals experiencing homelessness and is committed to exploring alternative solutions, such as shelters and social service programs, with community partners; and

WHEREAS, this Ordinance is not intended to criminalize individuals who are unhoused but rather to ensure the health, safety, and welfare of the entire community by maintaining public spaces that are safe and sanitary for everyone; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Eatonville, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

[Words in ~~strike-through~~ type are deletions; words in underscore type are additions; asterisks (* * *) indicate an omission from the existing text which is intended to remain unchanged.]

SECTION 1. Recitals. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2. Amendment. Chapter 26, “Miscellaneous Offenses”, of the Town Code is hereby amended as follows:

ARTICLE I. - IN GENERAL

* * * *

Sec. 26-3. – Unlawful camping on public property.

(a) Prohibition.

- (1) It shall be unlawful for any person to erect, construct, maintain, or use any tent, lean-to, or other temporary shelter customarily used for camping purposes on any public property or right-of-way within the territorial limits of the Town except in an area approved by the Town for such purpose.
- (2) It shall be unlawful for any person to park, leave, or store a motor vehicle, recreational vehicle, tractor trailer, or other similar conveyance or recreational vehicle on any public property or right-of-way within the territorial limits of the Town during nighttime hours for use as sleeping accommodations or for camping, except in an area approved by the Town for such purpose.
- (3) It shall be unlawful for any person to sleep out-of-doors on any public property or right-of-way except as otherwise authorized by the Town by law or permit.

(b) Assistance; enforcement. No person may be cited or arrested for a violation of this section before a reasonable attempt has been made to ascertain whether the person is in need of shelter or housing assistance services. If such assistance is needed, the enforcing Town official or officer shall direct the person to a lawful alternative place to camp and afford the person an opportunity to relocate. Any person who fails or refuses to relocate shall be guilty of a violation of this section unless the enforcing official or officer determines that lawful alternatives, such as designated campsites and/or shelters, are at maximum capacity and are thus unavailable for relocation.

(c) Penalty. Any person violating the provisions of this section commits a violation of the Town’s municipal Code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.

Sec. 26-4. – Nudity and indecent exposure prohibited in public.(a) Definitions.

- (1) Nude means to display or expose the male or female genitals, pubic area, or the female breast with no covering or less than a fully opaque covering. A female breast is considered exposed if any part of the areola and nipple is not covered by an opaque covering. For purposes of this definition, body paint, body dye, a tattoo, latex, or any similar substances shall not be considered an "opaque covering."
- (2) Public place means any location open to the common and general use, participation, or enjoyment of the public where the public is present or likely to be present, or any location where the public is invited and is free to go upon special or implied invitation, or any location where a person may reasonably be expected to be observed by the public. A public place includes, but is not limited to, a street, sidewalk, park, business, or commercial establishment.

(b) Exposure prohibited. It shall be unlawful for any person to appear nude under any one or more of the following conditions:

- (1) While in or at any public place.
- (2) While serving any food or beverage in or at any place where the public is admitted or, in the case of a private club, where the members are admitted.

(c) Procuring or assisting violation. It shall be unlawful for any person to procure, employ, counsel, or aid or assist any person in violating any of the provisions of this section.(d) Penalty. Any person violating the provisions of this section commits a violation of the Town's municipal Code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.(e) Exceptions. This section shall not apply to the following:

- (1) Nudity during breastfeeding of a child.
- (2) Nudity in portions of public places specifically set aside for privacy, such as restrooms, locker rooms, motel rooms, and hotel rooms.

Sec. 26-5. – Urinating or defecating in public.(a) Prohibition. It shall be unlawful for any person to urinate or defecate in a public place other than one designated for that particular purpose.

(b) Penalty. Any person violating the provisions of this section commits a violation of the Town’s municipal Code and commits a misdemeanor of the second degree, punishable by up to sixty (60) days incarceration and up to a \$500 fine.

SECTION 3. Codification. It is the intent of the Town Council that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. Conflicts. All Town ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, repealed.

SECTION 5. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, then all remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective upon its adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its first reading on _____, 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its second reading on _____, 2024.

TOWN OF EATONVILLE

Attest:

Angie Gardner, Mayor

Veronica King, Town Clerk

Approved as to form:

Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

OCTOBER 1, 2024, AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of 1st Reading of Ordinance 2024-8 Dissolving The Board of Adjustment (**Administration**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1 ST / 2 ND READING	YES	Exhibits: - Ordinance 2024-8
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: For the Town Council’s approval of the 1st Reading of Ordinance 2024-8 Dissolving The Board of Adjustment Established By Chapter 44, Article III, Division 3 of The Code And Transferring Powers of The Board Of Adjustment To The Planning Board By Amending Chapter 44, Article III, Division 2.

SUMMARY: The Town Council finds that the dissolution of the Board of Adjustment and transfer of its power to the Planning Board will enhance and improve the Town’s decision-making process by providing for more efficient processing of requests and reducing the duplication of efforts regarding decisions; and Transferring powers will create consistency in planning and zoning by implementing a more uniform and consistent application of policies and procedures. In addition, the town council recognizes dissolving the Board of Adjustment will ensure resources are more efficiently managed, including but not limited to reducing expenses.

RECOMMENDATION: Recommend Town Council approve the 1st Reading of Ordinance 2024-8 Dissolving The Board of Adjustment

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE NO. 2024-8

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, DISSOLVING THE BOARD OF ADJUSTMENT ESTABLISHED BY CHAPTER 44, ARTICLE III, DIVISION 3 OF THE CODE AND TRANSFERRING POWERS OF THE BOARD OF ADJUSTMENT TO THE PLANNING BOARD BY AMENDING CHAPTER 44, ARTICLE III, DIVISION 2.

WHEREAS, the Town Council finds that the dissolution of the Board of Adjustment and transfer of its power to the Planning Board will enhance and improve the Town’s decision-making process by providing for more efficient processing of requests and reducing the duplication of efforts regarding decisions; and

WHEREAS, transferring powers will create consistency in planning and zoning by implementing a more uniform and consistent application of policies and procedures; and

WHEREAS, the Town Council recognizes dissolving the Board of Adjustment will ensure resources are more efficiently managed, including but not limited to reducing expenses; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Eatonville, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

[Words in ~~strike-through~~ type are deletions; words in underscore type are additions; asterisks (* * * *) indicate an omission from the existing text which is intended to remain unchanged.]

SECTION 1. Recitals. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2. Repeal. Chapter 44, “Board of Adjustment,” of the Town Code is hereby repealed as follows:

ARTICLE III. – BOARDS, COMMITTEES, COMMISSIONS

* * * *

~~DIVISION 3 – BOARD OF ADJUSTMENT~~

~~Sec. 44-108 – Established.~~

~~Pursuant to the provisions of the applicable state statutes, as amended, a board of adjustment, hereinafter referred to as the board of adjustment, is hereby established in the town.~~

~~Sec. 44-109—Appointment.~~

~~The board of adjustment shall consist of five residents who shall be appointed by the town council. In addition to the regular members of the board of adjustment, the town council shall be authorized to appoint two alternate members. Said alternate members may be called upon to sit upon said board of adjustment in the temporary absence or disability of any regular member, or may act when a member is otherwise disqualified in a particular case, and during such participation, shall have the rights and responsibilities of a regular member. No member or alternate member of the board of adjustment shall be a paid or elected official or employee of the town.~~

~~Sec. 44-110—Term of Office; removal for cause; vacancies.~~

- ~~(a) The term of office shall be for three years and shall be staggered so that not more than two terms expire within any one year by applying the procedure for appointing planning board members referenced in division 2 of this article. Alternate members shall be appointed for a term of three years.~~
- ~~(b) Members of the board of adjustment shall be removable for cause after filing of written charges, a public hearing, and a majority vote of the town council.~~
- ~~(c) Appointments to fill vacancies shall be for the unexpired term or term of the member whose term becomes vacant. Such appointments to fill vacancies shall be made in the same manner as the original appointment and shall be made within 30 days after the vacancy occurs.~~

~~Sec. 44-111—Procedures.~~

- ~~(a) The board of adjustment shall establish rules and regulations for its own operation consistent with the provisions of applicable state statute and this chapter.~~
- ~~(b) The board of adjustment shall elect a chairperson and vice chairperson. The chairperson shall be the presiding member of the board of adjustment and the vice-chairperson shall be the presiding member in the chairperson's absence or disqualification. The board of adjustment shall appoint a secretary who may be a member of the board of adjustment or an employee of the town. The terms of all officers elected and appointed shall be for one year with eligibility for reelection or reappointment.~~
- ~~(c) The board of adjustment shall meet at regular intervals, at the call of the chairperson, at the written request of three or more regular members or within 30 days after receipt of a matter to be acted upon by the board of adjustment. Three members of the board of adjustment shall constitute a quorum.~~

- ~~(d) The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses.~~
- ~~(e) All meetings of the board of adjustment shall be public. A record of all its resolutions, transactions, findings and determinations shall be made, which shall be a public record on file with the office of the town clerk.~~

~~Sec. 44-112—Decisions.~~

~~The concurring vote of a majority of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the planning director or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of this chapter or to effect any variations of this chapter.~~

~~Sec. 44-113—Powers and Duties.~~

~~The board of adjustment shall have the following powers and duties:~~

- ~~(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the planning director in the enforcement of this chapter.~~
- ~~(2) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.~~

~~Sec. 44-114—Appeals.~~

~~Appeals to the board of adjustment may be taken by any person aggrieved by any officer, board or commission of the town affected by any decision of the administrative official under any provision of this chapter.~~

- ~~(1) *Staying of work on premises.* An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed, unless the official from whom the appeal was taken shall certify to the board of adjustment, by reason of acts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the board of adjustment to a court of record on application, on notice of the officer from whom the appeal is taken and on due cause shown.~~
- ~~(2) *Procedure*~~

a. ~~Any person appealing any decision of an administrative official shall make such appeal within 30 days after rendition of the order. Requirement, decision or determination appealed from in writing to the board of adjustment and file the same, and ten copies thereof, with supporting facts and data with the planning director. This does not, however, restrict the filing of a request for a variance by any person at any time as provided for elsewhere in this article.~~

b. ~~Upon receipt of the appeal, the planning director shall forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed was taken and transmit same to the board of adjustment. Concurrently, the planning director shall transmit a copy of said appeal together with all documents, plans, papers, or other materials constituting the record to the town attorney for his review and opinion. The town attorney shall present his opinion to the board of adjustment with respect to two items as follows:~~

1. ~~As to whether the appeal is, in fact, an appeal and within the province of the board of adjustment.~~

2. ~~The merits of the appeal proper if requested by the board of adjustment.~~

(3) ~~Hearing of appeal. Before rendering a decision upon an appeal, the board of adjustment shall hold a public hearing. The board of adjustment shall fix a reasonable time of day for the hearing, give public notice thereof, as well as due notice to the parties involved. Upon the hearing, any party may appear in person or by agent or by attorney.~~

Sec. 44-115. Variances.

(a) ~~The board of adjustment shall authorize upon appeal such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this article, the board of adjustment must and shall find:~~

(1) ~~That the variance is in fact, a variance as set forth within this article and within the province of the board of adjustment upon the opinion of the town attorney.~~

(2) ~~That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.~~

- ~~(3) That the special conditions and circumstances do not result from the actions of the applicant.~~
 - ~~(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, buildings, or structures in the same zoning district.~~
 - ~~(5) That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this article and would work unnecessary and undue hardship on the applicant.~~
 - ~~(6) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.~~
 - ~~(7) That the granting of the variance will be in harmony with the general intent and purpose of this article, and that such variance will not be detrimental to the public welfare.~~
- ~~(b) In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this article. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this article. The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances shall the board of adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this article on the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance.~~

~~Sec. 44-116.—Judicial remedy by circuit court.~~

~~Any person jointly or severally aggrieved by any decision of the board of adjustment or any officer, department, board of commission of the town may apply to the circuit court in the judicial circuit where the board of adjustment is located for judicial relief within 30 days after rendition of the decision by the board of adjustment. The proceedings in the circuit court shall consist either by trial de novo, which shall be governed by the state rules of civil procedure, and by petition for writ or certiorari which shall be governed by the state appellate rules. The election of remedies shall lie with the appellant.~~

SECTION 3. Amendment. Chapter 44, “Planning Board”, of the Town Code is hereby amended as follows:

ARTICLE III. – BOARDS, COMMITTEES, COMMISSIONS

* * * *

DIVISION 2 – PLANNING BOARD

Sec. 44-81. – Duties.

* * * *

(7) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the planning director in the enforcement of this chapter.

(8) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

~~(7)~~ (9) To perform such other duties as may from time to time be assigned to the planning board by the town council. Those duties and responsibilities shall be performed in the same manner and with the same procedures except where changed herein or in future acts of the town council.

Sec. 44-83. - Appeals.

Appeals to the planning board may be taken by any person aggrieved by any officer, board or commission of the town affected by any decision of the administrative official under any provision of this chapter.

(1) Staying of work on premises. An appeal to the planning board stays all work on the premises and all proceedings in furtherance of the action appealed, unless the official from whom the appeal was taken shall certify to the planning board, by reason of acts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the planning board to a court of record on application, on notice of the officer from whom the appeal is taken and on due cause shown.

(2) Procedure

a. Any person appealing any decision of an administrative official shall make such appeal within 30 days after rendition of the order. Requirement, decision or determination appealed from in writing to the planning board and file the same, and ten copies thereof, with supporting facts and data with the planning director. This does not, however, restrict the filing of a request for a variance by any person at any time as provided for elsewhere in this article.

- b. Upon receipt of the appeal, the planning director shall forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed was taken and transmit same to the planning board. Concurrently, the planning director shall transmit a copy of said appeal together with all documents, plans, papers, or other materials constituting the record to the town attorney for his review and opinion. The town attorney shall present his opinion to the planning board with respect to two items as follows:
 - 1. As to whether the appeal is, in fact, an appeal and within the province of the planning board.
 - 2. The merits of the appeal proper if requested by the planning board.
- (3) Hearing of appeal. Before rendering a decision upon an appeal, the planning board shall hold a public hearing. The planning board shall fix a reasonable time of day for the hearing, give public notice thereof, as well as due notice to the parties involved. Upon the hearing, any party may appear in person or by agent or by attorney.

Sec. 44-84. – Variances.

- (a) The planning board shall authorize upon appeal such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this article, the planning board must and shall find:
 - (1) That the variance is in fact, a variance as set forth within this article and within the province of the planning board upon the opinion of the town attorney.
 - (2) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.
 - (3) That the special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, buildings, or structures in the same zoning district.
 - (5) That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same zoning

district under the terms of this article and would work unnecessary and undue hardship on the applicant.

- (6) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - (7) That the granting of the variance will be in harmony with the general intent and purpose of this article, and that such variance will not be detrimental to the public welfare.
- (b) In granting any variance, the planning board may prescribe appropriate conditions and safeguards in conformity with this article. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this article. The planning board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances shall the planning board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this article on the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance.

Sec. 44-85. – Judicial remedy by circuit court.

Any person jointly or severally aggrieved by any decision of the planning board or any officer, department, board of commission of the town may apply to the circuit court in the judicial circuit where the planning board is located for judicial relief within 30 days after rendition of the decision by the planning board. The proceedings in the circuit court shall consist either by trial de novo, which shall be governed by the state rules of civil procedure, and by petition for writ or certiorari which shall be governed by the state appellate rules. The election of remedies shall lie with the appellant.

SECTION 4. Codification. It is the intent of the Town Council that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 5. Conflicts. All Town ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, repealed.

SECTION 6. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, then all remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective upon its adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its first reading on _____, 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its second reading on _____, 2024.

TOWN OF EATONVILLE

Attest:

Angie Gardner, Mayor

Veronica King, Town Clerk

Approved as to form:

Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

OCTOBER 1, 2024, AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE:

Approval of Resolution 2024-30 Establishing Policy for Electing the
Chair and Vice Chair of the Town of Eatonville Community
Redevelopment Agency (TOECRA) (**Councilman Mack**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE (MACK)
PUBLIC HEARING 1ST / 2ND READING		Exhibits: - Resolution 2024-30
CONSENT AGENDA		
COUNCIL DECISION	YES	
ADMINISTRATIVE		

REQUEST: For the Town Council's approval of the Resolution 2024-30 Establishing Policy for Electing the Chair and Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA).

SUMMARY:

The town council by resolution duly adopted on December 16, 1997, approved a community redevelopment agency with respect to the redevelopment of the redevelopment agency. The Town Council is the Governing Body of the Town of Eatonville Community Redevelopment Agency (TOECRA), and the officers of the Town of Eatonville Community Redevelopment Agency (TOECRA) shall be the Chair and Vice-Chair.

The appointments of the Chair and Vice-Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA) shall be for one calendar year and will usually be considered by the Town Council at the last meeting (regular or special) of the calendar year.

The Town Council desires to establish policy by resolution appointing the Mayor as Chair and the Vice Mayor as the Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA).

RECOMMENDATION: Recommend Town Council approve Resolution 2024-30 Establishing Policy for Electing the Chair and Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA).

FISCAL & EFFICIENCY DATA: N/A

RESOLUTION #2024-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, ESTABLISHING POLICY TO APPOINT THE MAYOR AS CHAIR AND THE VICE MAYOR AS VICE CHAIR OF THE TOWN OF EATONVILLE COMMUNITY REDEVELOPMENT AGENCY (TOECRA), PROVIDING FOR POLICY, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS The town council by resolution duly adopted on December 16, 1997, approved a community redevelopment agency with respect to the redevelopment of the redevelopment agency; and

WHEREAS the Town of Eatonville Town Council is the Governing Body of the Town of Eatonville Community Redevelopment Agency (TOECRA); and

WHEREAS, the officers of the Town of Eatonville Community Redevelopment Agency (TOECRA) shall be the Chair and Vice-Chair; and

WHEREAS, the appointments of the Chair and Vice-Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA) shall be for one calendar year and will usually be considered by Town Council at the last meeting (regular or special) of the calendar year, and

WHEREAS, the Town Council desires to establish policy by resolution appointing the Mayor as Chair and the Vice Mayor as the Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA); and

WHEREAS, the Town Council must appoint a Chairman and Vice Chairman for the Town of Eatonville Community Redevelopment Agency (TOECRA), from the Town Council.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA THE FOLLOWING:

SECTION ONE: With the enactment of Ordinance #2022-1, the Town Council is the Community Redevelopment Agency Board of Directors. Town Council must appoint a Chairman and Vice Chair for the Town of Eatonville Community Redevelopment Agency (TOECRA), from the Town Council.

SECTION TWO: POLICY: the Town of Eatonville Town Council as the Governing Body of the Town of Eatonville Community Redevelopment Agency (TOECRA) shall establish policy by this resolution electing the Mayor as Chair and the Vice Mayor as the Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA).

SECTION THREE: CHAIRMAN: Upon a vote of a majority of the Town Council at the at the last meeting (regular or special) of the calendar year, will elect the Mayor as the Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA).

SECTION FOUR: VICE CHAIRMAN: Upon a vote of a majority of the Town Council at the at the last meeting (regular or special) of the calendar year, will elect the Vice Mayor as the Vice Chair of the Town of Eatonville Community Redevelopment Agency (TOECRA).

SECTION FIVE: CONFLICTS: All Resolution or parts of Resolutions in conflict with any other Resolution or any of the provisions of this Resolution are hereby repealed.

SECTION SIX: SEVERABILITY: If any section or portion of a section of this Resolution is found 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 Resolution.

SECTION SEVEN: EFFECTIVE DATE: This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 1ST day of OCTOBER 2024.

Angie Gardner, Mayor

ATTEST:

Veronica King, Town Clerk