

RESOLUTION NO. 639

A RESOLUTION OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT AMENDING ARTICLE 6, CHAPTER 6-90 AND ARTICLE 7, CHAPTER 7-20 AND CHAPTER 7-30 OF THE RCID LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Central Florida Tourism Oversight District (“District”) exists pursuant its enabling act codified at Chapter 2023-5, Laws of Florida becoming effective on February 27, 2023 (the “Act”); and

WHEREAS, pursuant to the Act, the District has superior authority within the entire District, including within the jurisdictional limits of the City of Lake Buena Vista and the City of Bay Lake, for comprehensive planning, zoning, land development regulations, environmental protection regulations, and platting and subdivision regulations; and

WHEREAS, pursuant to the Act, the District’s comprehensive planning, zoning, land development regulations, environmental protection regulations, and platting and subdivision regulations shall control within the city limits of City of Lake Buena Vista and the City of Bay Lake to the extent of any conflict between the District’s resolutions and regulations on such matters; and

WHEREAS, the Act gives the District the authority to review, process, and comment on and approve, approve with conditions, or reject applications for development orders and building permits pertaining to properties within the District; and

WHEREAS, pursuant to the Act, the District must exercise its authority set forth in the Act to adopt, amend, and enforce a comprehensive plan in accordance with the Community Planning Act, ss. 163.3161-163.3253, Florida Statutes, and adopt and enforce zoning regulations, land development regulations, environmental protection regulations, building and safety codes and regulations, platting and subdivision regulations, and fire prevention regulations governing the entire district, including within the city limits of any municipality within the District; and

WHEREAS, based on the Act, the Board of Supervisors finds it necessary to amend the RCID Land Development Regulations to address the District’s superior authority and control and authority to issue development orders within the District; and

WHEREAS, the Act gives the Board of Supervisors the authority to determine the manner in which the RCID Land Development Regulations and other codes, regulations, and restrictions shall be determined, established, and enforced, and amended, supplemented, changed, or repealed; and

WHEREAS, the Board of Supervisors desire to amend the RCID Land Development Regulations in order to provide for the District Board of Supervisors to serve as the local planning agency and perform the duties of the Planning Board under the RCID Land Development Regulations; and

WHEREAS, the Board of Supervisors finds this Resolution to be in the best interest of the public health, safety and welfare and is consistent with the Act; and

WHEREAS, the Act requires a single reading and public hearing for a District resolution adopting regulations; and

WHEREAS, the District and its employees are directed to comply with this Resolution and take actions as needed to implement the purposes and intent of this Resolution.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of the Central Florida Tourism Oversight District, 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 Resolution.

SECTION 2. Amendment. Article 7, Chapter 7-20 of the RCID Land Development Regulations are hereby amended to add a new Section 7-20.13 to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

Section 7-20.13 Superior Authority. Pursuant to Chapter 2023-5, Laws of Florida, the Central Florida Tourism Oversight District's authority over comprehensive planning, zoning, land development regulations, environmental protection regulations, and platting and subdivision regulations shall control within the entire District, including within the jurisdictional limits of the City of Lake Buena Vista and the City of Bay Lake. The District is responsible for reviewing, processing, evaluating, commenting on and approving, approving with conditions or denying applications for development orders throughout the District, including within the jurisdictional limits of City of Lake Buena Vista and the City of Bay Lake. Pursuant to Chapter 2023-5, Laws of Florida, the City of Lake Buena Vista and City of Bay Lake shall not adopt land development regulations that are less stringent than or in conflict with the District's Land Development Regulations. The City of Lake Buena Vista and City of Bay Lake shall not accept applications for, consider for approval or issue any development orders or development permits, or approve or execute any development agreement regarding any development projects. To the extent the City of Lake Buena Vista or City of Bay Lake adopt more stringent comprehensive plan goals, objectives or policies or land development regulations applicable to lands within their respective jurisdictions, the District will consider and evaluate such matters in the processing, review, evaluation, commenting on and issuance of development orders pertaining to proposed development within such municipalities, if applicable.

SECTION 3. Amendment. Article 7, Chapter 7-30 of the RCID Land Development Regulations are hereby amended to delete Section 7-30.5 and Section 7-30.6 and to revise Section 7-30.2 to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

Section 7-30.2 Local Planning Agency. The ~~Planning Board~~ Board of Supervisors of the District shall act as the "local planning agency" and perform those duties as set forth in Section 163.3174 Florida Statutes and

the duties of the Planning Board as set forth in this Chapter. When the Board of Supervisors makes a decision pursuant to the duties of the Planning Board as set forth in these Land Development Regulations, the Board of Supervisors are the final decision-making authority for the District and no further administrative appeal is available. The Board of Supervisors may concurrently act in its role as both the local planning agency and governing body of the District when considering matters.

~~**Section 7-30.5 Appointment of Members.** The membership of the Planning Board shall be five (5) members appointed by the Board of Supervisors. At all times, at least one (1) of the members must be professionally knowledgeable in the field of land use planning and regulations.~~

~~**Section 7-30.6 Terms of Membership.** All appointments to the Planning Board are for a period of three (3) years.~~

SECTION 4. Amendment. Article 6, Chapter 6-90 of the RCID Land Development Regulations are hereby amended to revise Section 6-90.4 to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not being included are not being amended):

~~**Section 6-90.4 Notice.** Notice shall be given in accordance with the provisions of Section 166.041 Florida Statutes and other applicable state laws.~~ (a) District. In accordance with Chapter 2023-05, Laws of Florida, a single reading and public hearing on a resolution proposing an amendment is required to amend the Land Development Regulations. A notice of intent to adopt a resolution proposing an amendment to the Land Development Regulations will be published in a newspaper of general circulation at least ten (10) days before the public hearing on such resolution. The Board of Supervisors may conduct a single public hearing on a resolution proposing amendments to the Land Development Regulations and serve in both its capacities as the local planning agency and the governing body of the District during such public hearing.

(b) City. For any proposed amendments to land development regulations within the City of Lake Buena Vista or City of Bay Lake, such cities will provide the District Board of Supervisors a copy of the proposed amendments at least sixty (60) days in advance of conducting the first reading and public hearing on an ordinance adopting such amendments along with a written summary of the purpose and intent of such proposed amendment and explaining why such amendments are more stringent than and not in conflict with the District's Land Development Regulations. As municipalities, the City of Lake Buena Vista and City of Bay Lake are required to comply with the notice and ordinance adoption procedures of Section 166.041, Florida Statutes for considering any amendments to land development regulations within their jurisdictions. Further, the City of Lake Buena Vista and City of Bay Lake are required to send to the District Board of Supervisors written notice of the time, date and place of the readings and public hearings on any ordinance adopting changes to land development regulations at least fifteen (15) days in advance of such readings and public hearings.

SECTION 5. Codification. Sections 2, 3 and 4 of this Resolution shall be incorporated into the RCID Land Development Regulations. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this resolution or the Land Development Regulations may be freely made.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Resolution 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 Resolution.

SECTION 7. Conflicts. In the event of a conflict or conflicts between this Resolution and any other resolution, ordinance/resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under the law. This Resolution shall apply to and be enforced throughout the unincorporated and incorporated areas of the Central Florida Tourism Oversight District, including within the jurisdictional boundaries of the City of Lake Buena Vista and City of Bay Lake.

SECTION 8. Effective Date. This Resolution shall become effective immediately upon adoption by the Board of Supervisors of the Central Florida Tourism Oversight District.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of Supervisors of the Central Florida Tourism Oversight District, this 19th day of April 2023.

CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT

By: _____
Martin Garcia
Chair of the Board of Supervisors

Attested:

By: _____
John H. Classe, Jr.
District Administrator and
Secretary of the Board of Supervisors