

DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM
PZ 05-11-99

TO: Mayor Harry Venis
Vice Mayor Kathy Cox
Councilmember Jim Bush
Councilmember Richard Weiner
Councilmember Judy Paul

FROM: Gayle Easterling, AICP, Planning and Zoning Manager

THRU: Mark A. Kutney, AICP, Development Services Director

DATE: May 5, 1999

RE: Vietnamese Buddhist Cultural Center - ZB 1-1-99

This ordinance implements the rezoning of the above referenced site from A-1 and B-2 to CF.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND B-2, COMMUNITY BUSINESS DISTRICT TO CF, COMMUNITY FACILITY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District, and B-2, Community Business District to CF, Community Facility District; and,

WHEREAS, said notice was given and publication made as required by law on February 17, 1999, and a public hearing thereunder was held on May 5, 1999.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District, and B-2, Community Business District to CF, Community Facility District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

b. The applicant has agreed to record Deed Restrictions in a form which is attached hereto and made a part hereof as Exhibit "B", which said undertaking shall be binding upon the applicant and its successors in title.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as CF, Community Facility District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER
ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

EXHIBIT "B"

Prepared by:
MICHAEL B. UDELL, ESQUIRE
5745 S. UNIVERSITY DRIVE
DAVIE, FLORIDA 33328

RETURN TO: Town Clerk's Off.
Town of Davie
6591 Orange Drive
Davie, FL 33314

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANTS by the VIETNAMESE BUDDHIST CULTURAL CENTER OF FLORIDA, INC. (hereinafter referred to as "Owner"), in favor of THE TOWN OF DAVIE, a municipal corporation of the State of Florida ("Town").

WITNESSETH:

WHEREAS, Owner holds fee simple title to certain property in the Town consisting of 3 acres, more or less, which property is commonly referred to as 5000 SW 82nd Avenue, Davie, Florida and legally described as follows:

The West 3 Acres of the North ½ of Tract 14 EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, Section 33, Township 50, Range 41 East, according to the Plat thereof, as recorded in Plat Book 3, Page 67, of the Public Records of Broward County, Florida. Together with an easement for egress over and across of said North ½ of Tract 14; and

WHEREAS, the Owner is desirous of making a binding commitment to assure that its said property shall be developed in accordance with the provisions of this Declaration.

NOW THEREFORE, in consideration of the foregoing, the Owner hereby agrees and declares as follows:

1. That the above recitals are true and are incorporated herein by reference.
2. The Owner hereby declares and voluntarily covenants and agrees that the property shall be used as a church or religious institution only.

3. Amendments and Modification. This instrument may only be modified, amended or released as to any portion of the Owner's property by a written instrument executed by the then owner of the fee simple title to the subject property to be affected by such modification, amendment or release, providing that same has been approved by the Town Council.

4. Term of Covenant. This voluntary covenant on the part of Owner shall remain in full force and effect and shall be binding upon Owner, their successors and assigns, for an initial period of thirty (30) years from the date this instrument is recorded in the Public Records and shall be automatically extended for successive periods of ten (10) years thereafter, unless modified, amended or released prior to the expiration thereof.

5. Inspection and enforcement. It is understood and agreed that any official inspector of the Town may have the right at any time during normal business hours to determine whether the conditions of this Declaration are being complied with. The prevailing party in any action or suit to enforce this Declaration shall be entitled to recover costs and reasonable attorney's fees. This enforcement provision shall be in addition to any remedies available under law.

6. Severability. Invalidation of any one of these covenants by judgment of a court of competent jurisdiction shall not affect any of the other provisions of this Declaration which shall remain in full force and effect provided, however, that such invalidation may be grounds for the Town to amend the zoning and/or land use regulations applicable to the subject property.

7. Recording. This Declaration shall be filed of record among the Public Records of Broward County, Florida at the cost of the Owner and a recorded copy given to the Town within thirty (30) days of its recording.

8. Effective Date. If the Town approves the application of the Owner for the rezoning of the subject property, as set forth above, and after said approval has become final and nonappealable, this instrument shall constitute a covenant running with the title to the subject property and be binding upon the Owner, their successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Declaration on this 11 day of May, 1999.

Signed, sealed and delivered
in the presence of:

Helene J. Udell
Witness Signature

HELENE J. UDELL
Witness Printed Name

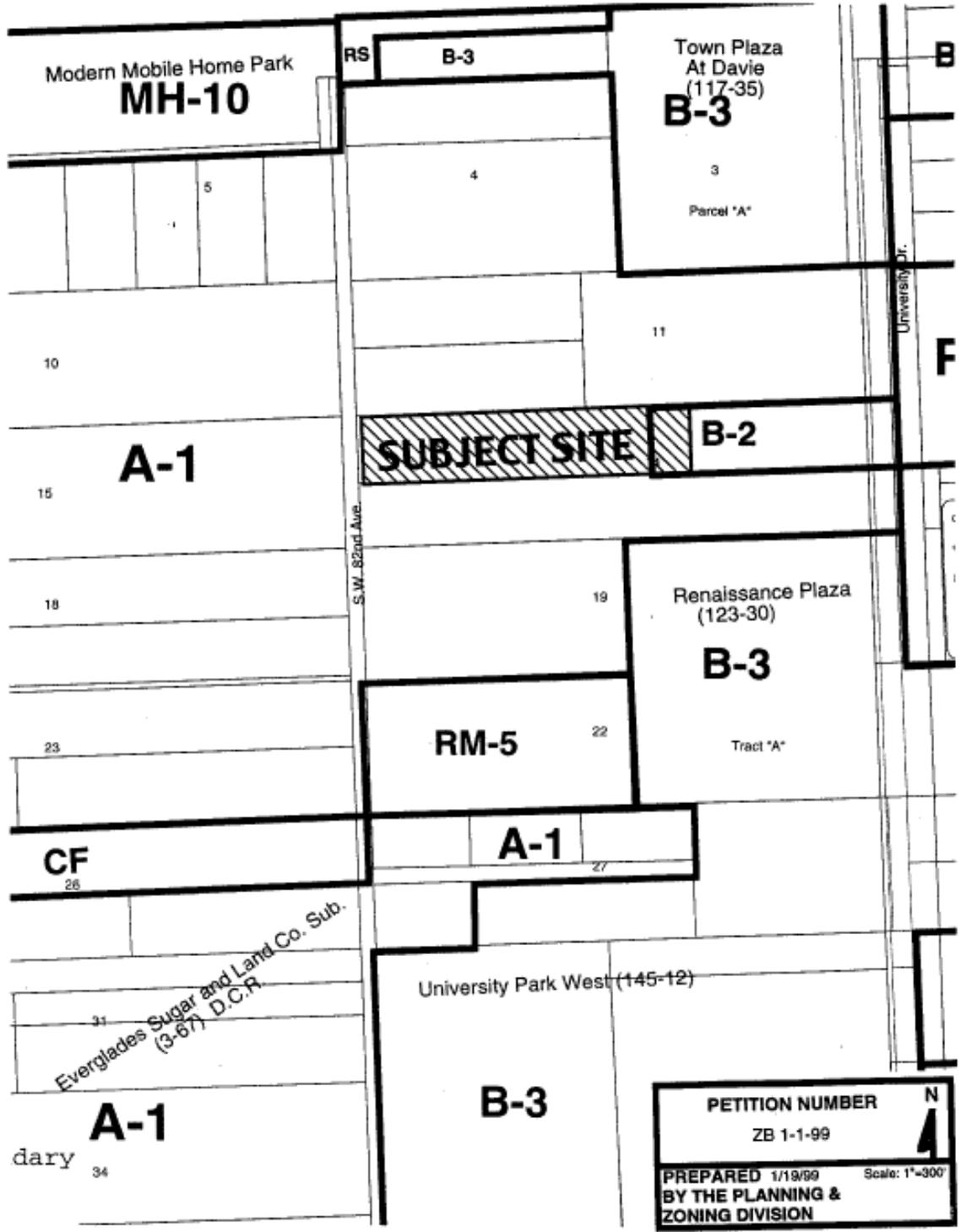
Sandy Perreles
Witness Signature

Sandy Perreles
Witness Printed Name

Khanh Minh Truong
KHANH MINH TRUONG
Secretary, Treasurer and Director and
Authorized Agent of:
VIETNAMESE BUDDHIST
CULTURAL CENTER OF FLORIDA, INC.

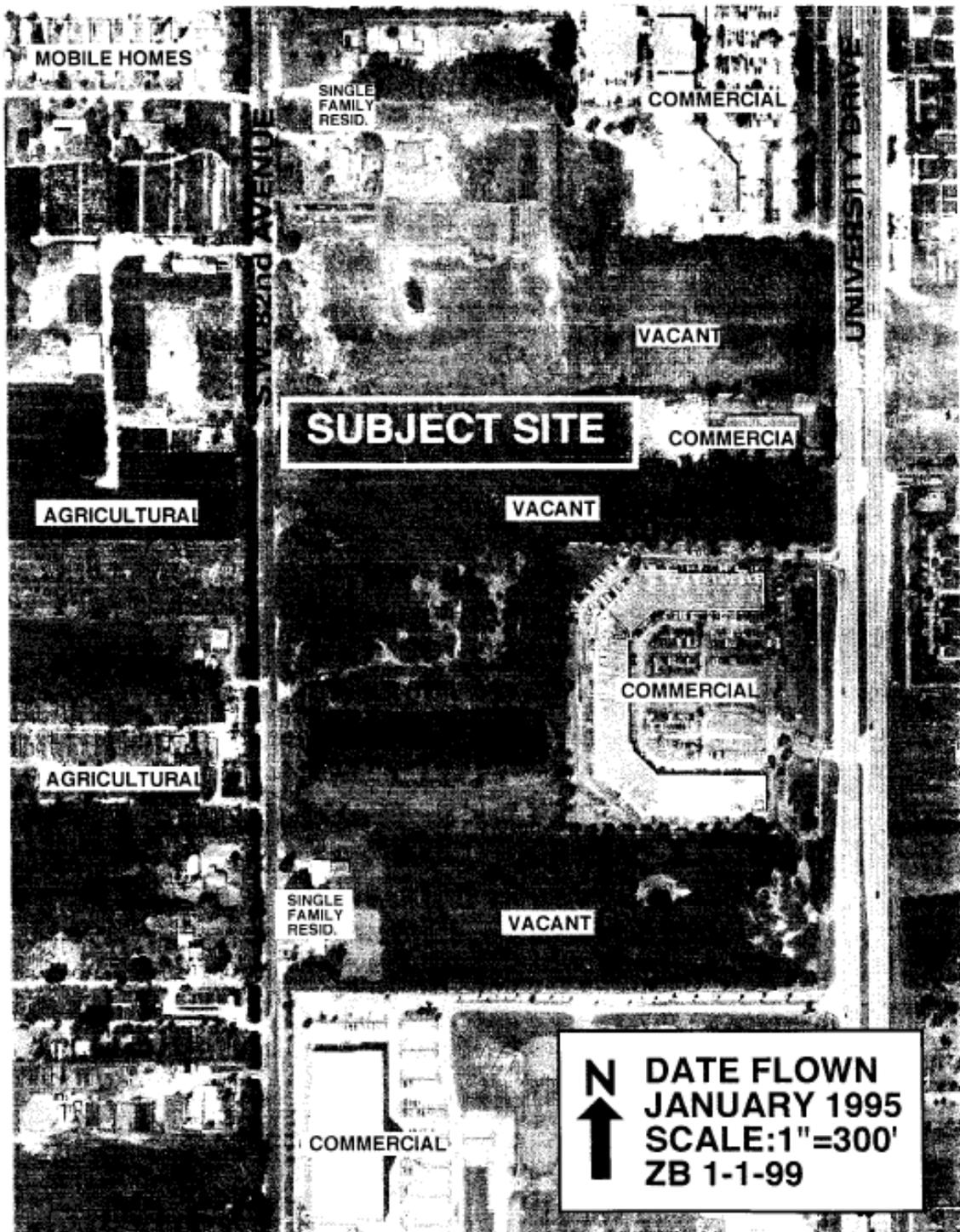
Date: May 11, 1999

(CORPORATE SEAL)



PETITION NUMBER
 ZB 1-1-99

PREPARED 1/19/99 Scale: 1"=300'
 BY THE PLANNING &
 ZONING DIVISION



MOBILE HOMES

SINGLE
FAMILY
RESID.

COMMERCIAL

S W 23RD AVENUE

UNIVERSITY DRIVE

VACANT

SUBJECT SITE

COMMERCIAL

AGRICULTURAL

VACANT

AGRICULTURAL

COMMERCIAL

SINGLE
FAMILY
RESID.

VACANT

COMMERCIAL



DATE FLOWN
JANUARY 1995
SCALE: 1" = 300'
ZB 1-1-99