

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, DIVISION 3, COMMUNITY REDEVELOPMENT, OF ARTICLE XIII , SPECIAL PLANNING AREAS AND DISTRICTS OF CHAPTER 12, LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part III of Florida Statutes known as the Community Redevelopment Act of 1969 provides for the establishment of Community Redevelopment Agencies in the State of Florida and provides regulatory standards for the responsibilities, duties, and powers of a Community Redevelopment Agency; and

WHEREAS, the Town of Davie approved Ordinance No. 88-23 which established a Community Redevelopment Agency in the Town of Davie, Florida; and

WHEREAS, Ordinance No. 88-23 approved appointing a seven (7) member CRA Board of Commissioners made up of appointed, non-elected, residents, business owners or property owners to share the responsibility with Town Council for community redevelopment in Davie; and

WHEREAS, the Community Redevelopment Plan, as originally adopted, for Davie was amended in 1994 and 1997; accordingly the time certain for completing all redevelopment financed by increment revenues was extended until 2027; and

WHEREAS, Section 163.357 of Chapter 163, Part III of Florida Statutes provides that the governing body of a municipality may declare itself to be the Community Redevelopment Agency at any time and if such body shall make such a declaration, the rights, powers, duties, privileges and immunities will be vested in the governing body of the municipality; and

WHEREAS, Section 163.357 of Chapter 163, Part III of Florida Statutes provides that the members of the governing body shall be the members of the Agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the municipality; and

WHEREAS, Chapter 163.357 of Chapter 163, Part III of Florida Statutes provides that, if the governing body declares itself to be an Agency which already exists, the new Agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency; and

WHEREAS, the Town Council of the Town of Davie, Florida has determined that the Town Council will be the Community Redevelopment Agency for the Town of Davie, Florida.

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

SECTION 1. That the above foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code is hereby amended by deleting the existing Division 3, Community Redevelopment of Article XIII, Special Planning Areas and Districts and replacing such provisions with the following language:

Division 3, Community Redevelopment

**Sec. \_\_\_\_\_ Town Council as Community Redevelopment Agency**

The Town Council of the Town of Davie, Florida declares that the Town Council is the Community Redevelopment Agency of the Town of Davie, Florida in the place and stead of the Board of Commissioners previously appointed by the Town Council pursuant to Section 163.356, F.S. The rights, powers, duties, privileges, and immunities vested in the Community Redevelopment Agency shall be vested in the Town Council. The members of Town Council shall constitute the members of the Community Redevelopment Agency which is a legal entity separate, distinct and independent of Town Council. The Board of Commissioners of the Community Redevelopment Agency is reduced from seven (7) members to five (5) members. The Town Council is subject to, and assumes, all existing responsibilities and liabilities of the previous Board of Commissioners. The Town Council will be governed in its actions, responsibilities and use of powers as described in Chapter 163, Part III of Florida Statutes.

**Sec. \_\_\_\_\_, Community Redevelopment Plan**

The Community Redevelopment Plan, as approved and amended, shall continue to be in full force and effect, unless and until further amended.

**Sec. \_\_\_\_\_, Boundaries of Davie Community Redevelopment District**

The Davie Community Redevelopment District shall continue to include all that portion of land lying within the areas described in ordinances and resolutions of the Town of Davie and the Davie Community Redevelopment Agency on file of the office of the Town Clerk.

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

SECTION 4. If any section, subsection, sentence, clause, phrase, title, or portion of this Ordinance is, for any reason, held invalid of 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 18<sup>th</sup> DAY OF July, 2012.

PASSED ON SECOND READING THIS 1<sup>st</sup> DAY OF August, 2012.

Judy Paul  
MAYOR/COUNCILMEMBER

ATTEST:

Russell Murray  
TOWN CLERK

APPROVED THIS 1<sup>st</sup> DAY OF August, 2012

## TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** Will Allen, Redevelopment Administrator (954) 797-2093  
**PREPARED BY:** Will Allen  
**SUBJECT:** Ordinance  
**AFFECTED DISTRICT:** District 1 and District 2

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, DIVISION 3, COMMUNITY REDEVELOPMENT, OF ARTICLE XIII , SPECIAL PLANNING AREAS AND DISTRICTS OF CHAPTER 12, LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved at first reading on July 18, 2012. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Hattan - yes; Councilmember Starkey - yes.} (Motion carried 5-0)

**EXECUTIVE SUMMARY:** Town Council held a workshop meeting on June 13, 2012 at which time they discussed the option of Town Council serving as the CRA Board as opposed to the CRA Board being an appointed board. An ordinance has been prepared which amends the Davie Code of Ordinances according to Section 163.357 of Chapter 163 Part III of Florida Statutes to have Town Council which indicates the Town Council may declare itself as the Community Redevelopment Agency. If the governing body decides to declare itself to be the Community Redevelopment Agency then it is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

- **KEY POINTS:** Town Council held a workshop meeting on June 13, 2012 and it was discussed that an option of Town Council was to serve as the CRA Board.
- Section 163.357 of Chapter 163.357 of Florida Statutes indicates the governing body can declare itself to be the Community Redevelopment Agency at any time and if such a declaration is made then the rights, powers, duties, privileges and immunities will be vested in the governing body.
- The CRA Board shall be members of the CRA , but such members constitute a legal entity which is separate, distinct, and independent from the governing body.
- The proposed ordinance determines the Town Council will be the Community Redevelopment Agency for Davie.
- The Town of Davie Code of Ordinances, Chapter 12, Land Development Code is amended by the ordinance and assumes all existing responsibilities and liabilities of the previous Board of

Commissioners. The Town Council will be governed in its actions, responsibilities and use of powers as described by Chapter 163, Part III of Florida Statutes.

**PREVIOUS ACTIONS:** This item was approved on first reading at the July 18, 2012 Council meeting.

**CONCURRENCES:** The Planning and Zoning Board is scheduled to conduct a public hearing on this item on July 11, 2012 and staff will provide their recommendation by separate memorandum.

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve ordinance

**Attachment(s):** Proposed Ordinance