

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney (797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: Application LA(TXT) 04-4, Amendment to the Recreation, Open Space and Conservation Element Text of the Comprehensive Plan

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 04-4 AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE RECREATION, OPEN SPACE AND CONSERVATION ELEMENT TO ESTABLISH A POLICY TO PROVIDE SAFE PUBLIC ACCESS TO WATER BODIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The ordinance before Town Council this evening is based on a need to establish Policy 1.2-3 in the Recreation, Open Space and Conservation Element of the Town's Comprehensive Plan. Staff is proposing language to amend the text of the Recreation, Open Space and Conservation Element of the Comprehensive Plan to establish a policy to provide new or enhanced safe public access to water bodies such as lakes, ponds and canals.

The Town recently purchased open space and future park sites with water bodies and wetlands. The Town also wishes to ensure that future plans for park and open space properties incorporate safe public access to water bodies. This new policy would help the Town meet the needs of its residents by helping to provide for improvements and enhancements to existing and future parks that have or will have access to water bodies.

The proposed amendment to Recreation, Open Space and Conservation Element text is included in the attached ordinance. First reading to approve transmittal of the ordinance will occur on May 5, 2004. Second reading of the ordinance will occur at a later date subsequent to review by the Florida Department of Community Affairs.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 28, 2004 Local Planning Agency (LPA) meeting Mr. Stevens made a motion, seconded by Vice Chair Turin, to approve. Motion carried 3-0, with Ms. Lee and Mr. McLaughlin absent.

FISCAL IMPACT: n/a

RECOMMENDATION(S): Staff recommends approval of the ordinance.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 04-4 AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE RECREATION, OPEN SPACE AND CONSERVATION ELEMENT TO ESTABLISH A POLICY TO PROVIDE SAFE PUBLIC ACCESS TO WATER BODIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Recreation, Open Space and Conservation Element of the Comprehensive Plan to establish a policy to provide safe public access to water bodies; and

WHEREAS, the Town of Davie recently purchased open space and future park sites with water bodies and wetlands; and

WHEREAS, the Town of Davie wishes to ensure that future plans for park and open space properties incorporate safe public access to water bodies; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing duly advertised as required by State Statutes on April 28, 2004; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on May 5, 2004 and on the date of adoption of this Ordinance; and

WHEREAS, the Town Council of the Town of Davie desires to transmit the Town's Comprehensive Plan Amendment provided herein to the State of Florida Department of Community Affairs (DCA) for their review and consideration.

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

SECTION 1. That the Recreation, Open Space and Conservation Element text of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended to read as follows:

Policy 1.2-3: The Town shall provide new or enhanced safe public access to water bodies such as lakes, ponds and canals.

SECTION 2. The Town Council hereby authorizes the appropriate Town officials to submit the appropriate number of copies of this ordinance and the Town's Comprehensive Plan, as amended herein, to the State of Florida Department of Community Affairs and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with and pursuant to Chapter 163, Florida Statutes.

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. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, F.S.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2004

PASSED ON SECOND READING THIS ____ DAY OF _____, 2004

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004