

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM: Monroe D. Kiar, Town Attorney

SUBJECT: Ordinance

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, SECTION 2-73 BY CREATING A PRESERVATION BOARD WITHIN THE UNITED RANCHES AREA FOR WHICH ALL APPLICATIONS FOR ZONING CHANGES WITHIN THE UNITED RANCHES SHALL COME BEFORE FOR RECOMMENDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: HB 1477, the legislation that in part provided for the annexation of the area known as United Ranches requires the formation of a Preservation Board. This board is to be composed of United Ranches area residents who will be appointed for two-year terms, and shall be responsible for issuing recommendations on zoning changes within the United Ranches area.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: None

RECOMMENDATION(S): The attached Ordinance is in proper legal form for the Town Council's review.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, SECTION 2-73 BY CREATING A PRESERVATION BOARD WITHIN THE UNITED RANCHES AREA FOR WHICH ALL APPLICATIONS FOR ZONING CHANGES WITHIN THE UNITED RANCHES SHALL COME BEFORE FOR RECOMMENDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to be in compliance with HB 1477, which provides in part for the annexation of the area known as “United Ranches”; and which was approved by the Governor on June 3, 2005; and

WHEREAS, HB 1477 requires that, “all applications for zoning changes within the United Ranches area require written notification of all United Ranches area residents. Moreover, any application for a change of zoning within the United Ranches area must first come before a Preservation Board made up of five members residing in the United Ranches area who shall be appointed every 2 years by the governing body and shall be responsible for issuing recommendations on zoning changes within the United Ranches area.”; and

WHEREAS, it is believed that the creation of this Preservation Board should be set forth in the Town’s Code of Ordinances under Chapter 2, Article V, entitled Boards and Commissions, specifically under Division 1, Generally, Section 2-73, Advisory boards/committees.

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

SECTION 1. Nothing contained in this ordinance shall contradict or supercede the substance of any provision contained in the Town’s Charter concerning Advisory Boards/Committees. In the event of a conflict between this ordinance and the Town’s Charter, the Town’s Charter controls.

SECTION 2. The following shall amend Chapter 2, Article V, Division 1, Section 2-73:

Sec. 2-73. Advisory boards/committees.

Advisory boards/committees are established by this article and continue until the term of the board/committee is sunset. The advisory boards/committees include (but are not limited to):

- (a) *Budget advisory committee.*
 - (1) There shall be five (5) members of the budget advisory committee.
 - (2) This committee reviews the annual audit and quarterly reports, as available, with the budget and finance director. Additionally, council may direct the committee through the town administrator to review special areas of interest.
 - (3) Members shall have experience in a financial related occupation, or similar skills.

- (b) *Youth education and safety advisory board.*
 - (1) This board shall provide and promote education and safety to the children in the community. The board's mission is to create an atmosphere of safety for children in the community, to serve as a child safety education and advocacy group, and to coordinate the development and promotion of a child safety day for children.
 - (2) Members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood.
 - (3) Meetings will be held once every two (2) months on odd numbered months.
- (c) *Community redevelopment agency* (governed by F.S. Statutes Chapter 163, Part III and Code Section 12 Article XIII, Division 3).
- (d) *Agricultural advisory board.*
 - (1) There shall be five (5) members of the agricultural advisory board.
 - (2) This board was created to advise the town council with regard to any and all matters affecting the agricultural community or the agricultural lifestyle of the town.
 - (3) Members, insofar as possible, shall have experience in agricultural matters, related occupations or other similar skills.
- (e) *[Reserved.]*
- (f) *[Reserved.]*
- (g) *Davie Water and Environmental Advisory Board.*
 - (1) There shall be five (5) members of the Davie Water and Environmental Advisory Board.
 - (2) This board provides advice to the town council and to the town administrator on matters of water quality and service level on issues affecting the preservation and protection of the environment, the town's natural resources and its wildlife. Within the areas of the board's charge shall be issues including, but not limited to, water conservation, water source and quality of supply, preservation of the quality of the environment and protection of wildlife. The areas of interest shall be broadly defined as they relate to the source, supply, treatment and construction of potable water resources in the community and the preservation and protection of the town's environment and wildlife.
 - (3) Insofar as possible, one member shall be a licensed engineer.
 - (4) Meetings will be held once every two (2) months on even numbered months.
- (h) *[Reserved.]*
- (i) *Open space advisory committee.*
 - (1) This committee was originally established to provide input to the town's consultant planning team for the preservation of green areas and for the planning process of an open space program. As the committee completed its assignment, the town council reestablished the committee to assist the town in future open space planning.
 - (2) Meetings will be held once every two (2) months on odd numbered months.
- (j) *Parks and recreation advisory board.*
 - (1) This board studies and makes recommendations concerning the development, operation and maintenance of all parks, playgrounds, and other recreational facilities of the town.
 - (2) Members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the town.
- (k) *Planning and zoning board* (governed by Charter Section 9(C) and Code Section 2, Article V, Division 4).
- (l) *Local planning agency* (governed by Code Section 2, Article V, Division 2).

- (m) *Senior citizen advisory committee.*
 - (1) This committee makes recommendations to the town council and the town administrator for proposed activities, programs and opinions about issues that will address the lifestyle of elderly residents.
 - (2) Members shall be a minimum sixty (60) years of age.
- (n) *Site plan committee* (governed by Code Section 2, Article V, Division 5).
- (o) *Unsafe structures board* (governed by Code Section 5, Article V).

(p) *United Ranches Preservation Board*

- (1) There shall be five members of the United Ranches Preservation Board.
- (2) Members will reside in the United Ranches area.
- (3) Members shall be appointed every two years by the governing body.
- (4) This board shall be responsible for issuing recommendations on zoning changes within the United Ranches area.

Reports. Each board/committee shall submit an annual report by the 31st of January to the town clerk's office for distribution to the town council and town administrator. Such report shall detail what issues the board/committee is addressing, what the board's/committee's various positions are, if there are any board/committee recommendations, and the accomplishments of the board/committee for the prior year. An oral presentation shall not be made unless requested by the town council.

Meetings. Meetings shall be held monthly unless otherwise noted in this article or determined by a vote of the board/committee members.

Quorum. Greater than forty (40) percent of the total number of board/committee members shall be required to be present to hold a meeting.

SECTION 3. 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 remaining portion of this ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2006.

PASSED ON SECOND AND FINAL READING THIS _____ DAY OF _____, 2006.

Mayor/ Council Member

ATTEST:

Town Clerk

APPROVED THIS _____ DAY OF _____, 2006.