



Town Council Agenda Report

SUBJECT: Ordinance regarding greater than majority vote for land use plan amendments.

CONTACT PERSON: Robert Middaugh (954) 797-1030

TITLE OF AGENDA ITEM: An Ordinance of the Town of Davie, Florida, amending Chapter 12, Article X of the Town Code, entitled "Planning and Development" by amending Section 12-304 concerning the processing of amendments to the Town's Comprehensive Plan by adding a new subsection to Section 12-304, requiring no less than four affirmative votes of members of the Town Council for approval of land use plan amendments; providing for severability; and providing an effective date.

REPORT IN BRIEF: Discussion on the greater than majority vote for land use changes was held on December 15, 1999, January 5, 2000 and February 16, 2000 and was brought up by Councilmember Paul. The ordinance would impose a more strict Council vote on land use changes undertaken by the Town. Other municipalities have been surveyed to see if other approaches are in use. Only this model is in use elsewhere and only on a limited basis.

PREVIOUS ACTIONS: This item was discussed on December 15, 1999, January 5, 2000 and February 16, 2000.

CONCURRENCES: The ordinance has been reviewed by the Town Attorney.

FISCAL IMPACT:

Is appropriation required? no

RECOMMENDATION(S): Motion to approve the ordinance

Attachment(s):

Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, ARTICLE X OF THE TOWN CODE ENTITLED "PLANNING AND DEVELOPMENT" BY AMENDING SECTION 12-304 CONCERNING THE PROCESSING OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN BY ADDING A NEW SUBSECTION TO SECTION 12-304, REQUIRING NO LESS THAN FOUR AFFIRMATIVE VOTES OF MEMBERS OF THE TOWN COUNCIL FOR APPROVAL OF LAND USE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 7(H) of the Charter of the Town of Davie provides that no less than three (3) members of the Council shall be required to make any determination of effect any action of the Town Council; and

WHEREAS, Section 163.3184(15) of the Florida Statutes requires an affirmative vote of not less than a majority of the members of the governing body present at the hearing for land use amendments; and

WHEREAS, the Town Council of the Town of Davie deems it in the public interest to provide for an extraordinary vote of the Town Council to approve proposed land use plan amendments.

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

SECTION 1. That Section 12-304 of Article X of Chapter 12 of the Code of the Town of Davie is hereby amended by adding thereto a subparagraph (E) which shall read as follows:

(E) All actions of the Town Council for approval of or support for a land use amendment pursuant to subparagraph (D) above shall require an affirmative vote of no less than four (4) members of the Town Council.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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 validity of 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 _____, 2000.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2000.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.