

ORDINANCE NO. 14- 1612

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b), Florida Constitution and Chapters 165 and 166, Florida Statutes; Chapters 170 and 197, Florida Statutes, the Town Commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner consistent with the law and such powers may be exercised in accordance with the Town of Surfside Charter and Code of Ordinances; and

WHEREAS, Section 163.511 Florida Statutes specifically authorizes the creation of a special or business neighborhood improvement district after a local planning ordinance has been adopted; and

WHEREAS, Chapter 170 of the Florida Statutes provides that a municipality may levy and collect special assessments against property benefited for the purpose of stabilizing and improving retail business districts through promotion, management, marketing, and other similar services in such districts of the municipality; and

WHEREAS, the Town Commission held its first public hearing on January 14, 2014; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 30, 2014 and recommended for consideration for approval and also found the proposed ordinance to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on this proposed ordinance as required by law on February 11, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Authorization of the Creation of a Special or Business Neighborhood Improvement District.

- 1) The Town Commission hereby declares the need for special neighborhood or a retail business improvement district, and authorizes the creation of such districts by separate ordinance for each district, which ordinance:

- a. Conditions the implementation of the ordinance on the approval of a referendum as provided in Section 163.511 (2) Florida Statutes.
 - b. Authorizes the special or business neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.
 - c. Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of Section 163.514(16) Florida including community policing innovations.
 - d. Specifies the boundaries, size, and name of the district.
 - e. Authorizes the district to receive a planning grant.
 - f. Provides the appointment of a minimum 3-member board of directors for the district.
 - g. Authorizes a special or business neighborhood improvement district to exercise the power of eminent domain pursuant to Chapters 73 and 74, Florida Statutes. Any property identified for eminent domain by the district shall be subject to approval of the Town Commission before eminent domain procedures are exercised.
 - h. May prohibit the use of any district power authorized by Section 163.514 Florida Statutes.
 - i. Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs, in writing, of its establishment within 30 days thereof pursuant to Section 163.5055 Florida Statutes.
 - j. May authorize a special neighborhood improvement district to develop and implement community policing innovations in consultation with the Town of Surfside Police Department.
- 2) A referendum to implement a special or business neighborhood improvement district as provided for hereinabove shall be held within 120 days after the occurrence of one of the following:
- a. The Town Commission, by the enactment of a separate ordinance, declares that there is a need for a special or business neighborhood improvement district to function within a proposed area; or
 - b. A petition containing the signatures of 40% of the electors of a proposed special or business neighborhood improvement district area or 20% of the property owners of a proposed special business neighborhood improvement district area is presented to the Town Commission. The petition shall define the proposed the area and shall state that it is for the purpose of calling a referendum to determine whether a special or business neighborhood improvement district should be created in such proposed area.

Section 3. **Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. **Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. **Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to

accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.


PASSED and ADOPTED on first reading this 14th day of Jan, 2014.

PASSED and ADOPTED on second reading this 11th day of Feb, 2014.




Daniel Dietch, Mayor

Attest:



Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Graubart

On Final Reading Seconded by: Commissioner Kligman

Vote:

Mayor Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Karukin	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Commissioner Graubart	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Kligman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>