

ORDINANCE NO. 2011-36

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE DOWNTOWN MELBOURNE COMMUNITY REDEVELOPMENT AREA AND AGENCY; MAKING FINDINGS; AMENDING THE DOWNTOWN COMMUNITY REDEVELOPMENT PLAN; AMENDING SECTION 10-19, CITY CODE, BY EXTENDING THE TERM OF EXISTENCE OF THE DOWNTOWN MELBOURNE COMMUNITY REDEVELOPMENT AREA AND AGENCY; AMENDING SECTION 10-101, CITY CODE, BY PROVIDING FOR AN AMENDMENT TO THE ADOPTED DOWNTOWN COMMUNITY REDEVELOPMENT PLAN; PROVIDING A REVISED TERMINATION DATE FOR THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA AND AGENCY; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, pursuant to Section 163.360, Florida Statutes, on July 10, 1979, the Melbourne City Council created the Downtown Melbourne Community Redevelopment Agency, a body of the City Council of the City of Melbourne, to create and operate a Chapter 163, Florida Statutes, Community Redevelopment Agency generally known as the Downtown Melbourne Community Redevelopment Agency within the area described in Section 10-15, City Code; and

WHEREAS, the Melbourne City Council has amended the Downtown Melbourne Community Redevelopment Plan six times, most recently adopting Ordinance No. 2007-15 on April 10, 2007; and

WHEREAS, pursuant to Section 163.361, Florida Statutes, the Downtown Melbourne Community Redevelopment Plan may be amended; and

WHEREAS, a longer term of existence for the district and the fund is required to enact additional redevelopment plan projects in the Downtown Melbourne Community Redevelopment Area; and

WHEREAS, an extension of the effective time period of the Downtown Melbourne Community Redevelopment Agency and Area along with the respective rehabilitation,

conservation and redevelopment, or a combination thereof, is necessary in the interest of the public health, safety, and welfare of the residents of the City of Melbourne, and in the interest of implementing the intent of the Florida Legislature as expressed in the Community Redevelopment Act of 1969, as amended, by revitalizing the area economically and socially, thereby improving tax base, promoting sound growth and providing infrastructure; and

WHEREAS, the Melbourne City Council and Local Planning Agency have found the proposed amendment to the redevelopment plan to be consistent with the Comprehensive Plan; and

WHEREAS, the State of Florida has found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; and that community redevelopment in such areas, when complete, will enhance such tax base and provide increase tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. Adoption of Amendment to Community Redevelopment Plan.

- (a) That the August 2011 amendment to the Downtown Melbourne Community Redevelopment Plan attached hereto as Exhibit "A" is hereby adopted as an amendment to the official community redevelopment plan for the Downtown Melbourne Community Redevelopment Agency.
- (b) That the City Council, after a public hearing, hereby determines that the proposed August 2011 amendment to the Downtown Melbourne Community Redevelopment Plan for the Downtown Community Redevelopment Area depicted in the attached Exhibit "A" meets the following requirements of Section 163.360(7) and (8), Florida Statutes:
 - (1) The proposed plan does not contemplate the relocation of any families in that the implementation of the plan will not cause any families to be displaced from the Downtown Community Redevelopment Area.

- (2) The proposed plan conforms to the general plan of the municipality as a whole.
- (3) The proposed plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special considerations for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan.
- (4) The proposed plan will afford the maximum opportunity, consistent with the sound needs of the municipality as a whole, for rehabilitation or redevelopment of the Downtown Community Redevelopment Area by private enterprise.
- (5) The proposed plan addresses the necessity of additional non-residential properties within the redevelopment area.
- (6) The proposed plan contemplates the acquisition of properties to facilitate redevelopment due to the outmoded street patterns, deterioration of site, economic disuse, lack of correlation in the area with other areas of the city by streets and modern traffic requirements and factors which will retard the future development of the area.

SECTION 2. That there is a need for a community redevelopment agency to function and carry out the community redevelopment purposes as specified in Chapter 163, Part III, Florida Statutes in the area described in Section 10-15, City Code.

SECTION 3. That Section 10-19 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-19. Redevelopment trust fund.

* * * *

- (b) *Term of existence.* The City of Melbourne Community Redevelopment Trust Fund shall be self-perpetuating and sustaining from year to year, unless specifically terminated by the council; provided, however, that the Downtown, ~~and the~~ and the Northern Expansion, and Southern Expansion Areas of the Downtown Melbourne Community Redevelopment District as described in section 10-15 (1) ~~and (2)~~ of this Code, shall terminate as ~~a part of a part of the Downtown Melbourne Community Redevelopment District Area District and the Downtown Melbourne Community Redevelopment Agency~~ at 11:59 p.m. on December 31, 2022 ~~20222032,~~ 20222032, and the Southern Expansion Area ~~portion of the Downtown Melbourne Community Redevelopment District, and the Downtown Melbourne Community Redevelopment Agency, shall terminate at 11:59 p.m. on December 31, 2031, and the Southern Expansion Area portion of the Downtown Melbourne Community~~

Redevelopment District, and the Downtown Melbourne Community Redevelopment Agency, shall terminate at 11:59 p.m. on December 31, 2031.

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SECTION 4. That Section 10-101 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 10-101. Downtown redevelopment plan, generally.

* * * *

(b) *Adoption.* The Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area consists of the document entitled Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area," adopted by Ordinance No. 82-58 on December 28, 1982, together with amendments entitled

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(7) "August 2011 Amendment to Community Redevelopment Plan," adopted by Ordinance No. 2011-36, adopted on August 30, 2011.

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SECTION 5. Severability/Interpretation Clause.

(a) That in the event that any term, provision, clause, sentence or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this ordinance, with the exception of ordinance section numbers, underlined words indicate additions to existing text, and ~~stricken-through~~ words include deletions from existing text.

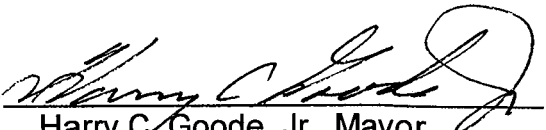
SECTION 6. Ordinances and Resolutions in Conflict. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 7. Effective Date. That this ordinance shall become effective immediately

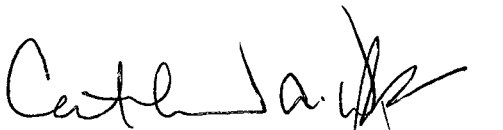
upon its adoption in accordance with the City Charter of the City of Melbourne.

SECTION 8. Adoption Schedule. That this ordinance was passed on the first reading

at a regular meeting of the City Council on the 26th day of July, 2011 and adopted on the second/final reading at a regular meeting of the City Council on the 30th day of August, 2011.

BY: 
Harry C. Goode, Jr., Mayor

ATTEST:


Cathleen A. Wysor, City Clerk

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Attachment: Exhibit "A" - Amendment to the Downtown Melbourne Community Redevelopment Plan

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Exhibit "A"

Amendment to the Downtown Melbourne Community Redevelopment Plan

On page 36 of the currently adopted Downtown Melbourne Community Redevelopment Plan, the section "Capital Projects Program" shall be amended to add the following project under the category "Historic Retail Hub":

| Implementation/Capital Improvements | Cost | Source |
|--|------------------|--------------------------------|
| Hyatt Place/City Center | To be determined | TIF, Grants, Private Financing |

On page 40 of the currently adopted Downtown Melbourne Community Redevelopment Plan, the section "Duration of the Plan" shall be amended to read:

"The provisions of this Plan shall remain in effect, and serve as a guide for the future redevelopment activities in the entire designated Downtown Melbourne Community Redevelopment Area through 11:59 p.m. on December 31, 2032, as said area is described in the City Code, unless otherwise extended by action of the Melbourne City Council."