

ORDINANCE NO. 92-07

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE MELBOURNE DOWNTOWN REDEVELOPMENT AREA; MAKING FINDINGS; AMENDING SECTION 10-101(b) OF THE CITY CODE; ADOPTING AN AMENDMENT TO THE DOWNTOWN REDEVELOPMENT PROGRAM; PROVIDING FOR LEASING PRIVATE PROPERTY TO PROVIDE NECESSARY OFF-STREET PARKING UNTIL SUCH TIME AS PERMANENT CITY OWNED PARKING AREAS CAN BE ESTABLISHED, PROVIDING FOR THE REPEAL OF CERTAIN INCONSISTENT ORDINANCES OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the City Council of the City of Melbourne has created the Melbourne Community Redevelopment Agency pursuant to the provisions of Ordinance No. 82-38 of the City of Melbourne to carry out the community redevelopment purposes of the Community Redevelopment Act of 1969, as amended, within a portion of the corporate limits of the City; and

WHEREAS, the City Council has adopted a Community Redevelopment Plan pursuant to Ordinance No. 82-58 for the Melbourne Downtown Redevelopment Area, codified in Section 10-101, City Code; and

WHEREAS, the City Council previously amended the Community Redevelopment Plan by adoption of Ordinance No. 89-36; and

WHEREAS, the City Council of the City of Melbourne has determined that the Community Redevelopment Plan should be amended to include additional provisions relating to leased parking, and said amendment is attached to this Ordinance as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the City's Local Planning Agency has reviewed the January 2, 1992 amendment to the Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area depicted in Exhibit "A" attached hereto and found said amendment to be consistent with the City's Comprehensive Plan as adopted in Section 10-124, City Code; and

WHEREAS, the City Council finds that the January 28, 1992 amendments to the Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area depicted in Exhibit "A" attached hereto meet the following requirements of Section 163.360(6), Florida Statutes:

(a) The amendment does not contemplate the relocation of any families in that the implementation of the amendment will not cause any families to be displaced with the Melbourne Downtown Redevelopment area;

(b) The amendment conforms to the general plan of the municipality as a whole;

(c) The amendment will afford the maximum opportunity consistent with the sound needs of the municipality as a whole for rehabilitation or redevelopment of the Melbourne Downtown Area by private enterprise; and

(d) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan;

WHEREAS, the City Council finds that the amendment to the Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area depicted in Exhibit "A" attached hereto, if adopted, will promote the public health, safety, welfare, economic order, convenience, and aesthetics; and

WHEREAS, after due consideration and public hearings as required by law, the City Council of the City of Melbourne, Florida, deems it appropriate to approve the Leased Parking Lots in Downtown - January 2, 1992 amendment to the Community Redevelopment Plan for the Melbourne Downtown Area.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA that:

SECTION 1. Section 10-101(b) of the City Code of Melbourne 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:

- i) Revised July 1, 1989 Amendment to Community Redevelopment Plan adopted by Ordinance No. 89-36 adopted on August 8, 1989;
- ii) Revised August 1, 1991 Amendment to the Community Redevelopment Plan adopted by Ordinance No. 91-43 adopted on August 27, 1991;
- iii) January 28, 1992 amendment to Community Redevelopment Plan adopted by Ordinance No. 92-07 adopted on February 11, 1992.

SECTION 2. Attached hereto as Exhibit "A" and incorporated herein by this reference is the amendment to the Community

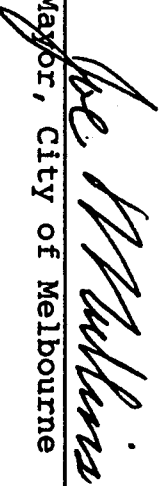
Redevelopment Plan for the Melbourne Downtown Redevelopment Area entitled Leased Parking Lots in Downtown - January 28, 1992 amendment to Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area, which amendment is hereby adopted as an amendment to the official Community Redevelopment Plan for the Melbourne Downtown Redevelopment Area for and of the City.

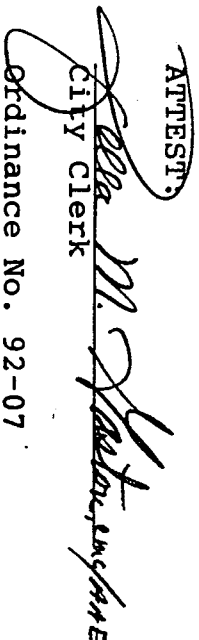
SECTION 3. Severability Clause. In the event that any term, provision, clause, sentence, or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable, unconstitutional, or illegal for any reason whatsoever, any such illegality, unconstitutionality 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 illegal, unconstitutional or unenforceable term, provision, clause, sentence or section did not exist.

SECTION 4. Ordinances and Resolutions in Conflict. All Ordinances and Resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall become in full force and effect in accordance with the Charter of the City of Melbourne, Brevard County, Florida.

SECTION 6. This Ordinance was passed on the first reading at a Regular Meeting of the City Council on the 28th day of January, 1992, and adopted on the second/final reading at a Regular Meeting of the City Council on the 11th day of February, 1992.

BY: 
Mayor, City of Melbourne

ATTEST,

City Clerk
Ordinance No. 92-07

Attachment: "Exhibit A"

EXHIBIT A

LEASED PARKING LOTS IN DOWNTOWN

JANUARY 28, 1992

The following shall amend Exhibit A of Ordinance 91-43 by adding to section B (2) the following:

n) Provide additional parking in the downtown redevelopment area by leasing private property to provide necessary off street parking until such time as permanent City owned parking areas can be established. At the present time, leased parking areas are on lots 11 and 14, Block 15 Powell's Resubdivision and on FECRR property on Depot Drive. Additional locations may be leased for parking areas in the downtown redevelopment area in the future.

Cost: Currently \$6,400.00 annually.