

ORDINANCE NO. 2017-56

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE MELBOURNE DOWNTOWN REDEVELOPMENT PLAN; MAKING FINDINGS; AMENDING CHAPTER 20 OF THE CITY CODE, ENTITLED "COMMUNITY PLANNING AND DEVELOPMENT"; AMENDING SECTION 20-64, ADOPTION; PROVIDING FOR THE EXTENSION OF THE DOWNTOWN MELBOURNE PUBLIC-PRIVATE DEVELOPMENT PROGRAM WITHIN THE REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the City operates a Florida Statutes, Chapter 163, Community Redevelopment Agency (CRA) known as the Downtown Melbourne Community Redevelopment Agency within the area established by the City Council and described in Section 20-40 of the City Code; and

WHEREAS, Florida Statutes, Section 163.361, provides that if it becomes necessary or desirable to amend or modify a redevelopment plan, a governing body may amend such plan upon the recommendation of the agency; and

WHEREAS, Florida Statutes, Section 163.345 of the Community Redevelopment Act of 1969 encourages opportunities for private entities to facilitate redevelopment within community redevelopment areas; and

WHEREAS, Melbourne City Council amended the Downtown Melbourne Community Redevelopment Plan to include a Downtown Public-Private Development Program as a redevelopment strategy within the plan under Ordinance No. 2014-44; and

WHEREAS, the Melbourne City Council desires to amend the Downtown Melbourne Community Redevelopment Plan to extend the Downtown Melbourne Public-Private Development Program an additional two years. Thereafter, the Melbourne City Council, in its authority as the CRA Board, shall consider an extension, modification or discontinuation of the

program, actionable through a majority vote of the governing body at a properly noticed public meeting; and

WHEREAS, the Melbourne City Council and the Local Planning Agency reviewed the plan amendment and found the proposed extension of the program to be consistent with the City's Comprehensive Plan; and

WHEREAS, attached as Exhibit "A" and incorporated herein by this reference is a proposed amendment to the Redevelopment Plan to include a two-year extension of the Downtown Melbourne Public-Private Development Program that may be extended by approval of the CRA Board, for incentivizing select private developments that are beneficial toward the redevelopment goals of the CRA.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Section 20-64 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 20-64. 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:

* * * *

(12) "November 2017 Amendment to Community Redevelopment Plan," adopted by Ordinance No. 2017- 56 on November 28, 2017.

A copy of the plan, and the amendments, are on file in the city clerk's office.

SECTION 2. That attached hereto as Exhibit "A" and incorporated herein by this reference is the amendment to the Community Redevelopment Plan dated November 2017.

SECTION 3. Severability/Interpretation Clause.

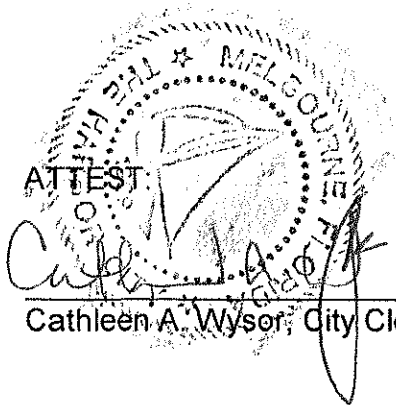
(a) That in the event that any term, provision, clause, sentence or section of this

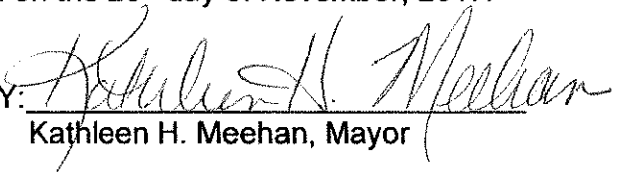
ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, 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, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (***) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 4. Effective Date. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 5. Adoption Schedule. That this ordinance was passed on the first reading at a regular meeting of the City Council on the 14th day of November, 2017, and adopted on the second and final reading at a regular meeting of the City Council on the 28th day of November, 2017.

ATTEST:

Cathleen A. Wyson, City Clerk

BY: 
Kathleen H. Meehan, Mayor

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Attachment: Exhibit "A" – Amendment to the Community Redevelopment Plan

Downtown Melbourne CRA

Downtown Melbourne Public-Private Development Program

November 2017

The extension of the program shall be included on Page 36 of the "Downtown Melbourne CRA Redevelopment Plan", under the Capital Projects Program as follows:

| <u>Capital Improvements</u> | <u>Cost</u> | <u>Source</u> | <u>Years</u> |
|---|-------------|---------------|--------------|
| Districtwide Downtown Melbourne Public-Private Development Program | TBD* | TIF & Other | 2018-2019** |

*The CRA Board and Melbourne City Council reviews and determines on a case by case basis if a project should receive incentives and the appropriate level of public participation

**The program is scheduled to sunset on December 31, 2019. Melbourne City Council, in its authority as the CRA Board, thereafter shall consider an extension, modification or discontinuation of the program, actionable through a majority vote of the governing body at a properly notice public meeting.