

SEP 17 1990

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ORDINANCE NO. 90-23

AN ORDINANCE ESTABLISHING CRITERIA UNDER WHICH THE BOARD OF COUNTY COMMISSIONERS MAY CREATE "SAFE NEIGHBORHOOD IMPROVEMENT DISTRICTS" PURSUANT TO CHAPTER 163, PART IV, FLORIDA STATUTES (1989).

WHEREAS, the Board of County Commissioners finds that safe neighborhoods are the product of planning and implementation of appropriate environmental design concepts, comprehensive crime prevention programs, land use recommendations and beautification techniques; and

WHEREAS, the Board of County Commissioners desires to guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods; to promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers; to establish, maintain and preserve property values and preserve and foster the development of attractive neighborhood and business environments; to prevent overcrowding and congestion; to reduce crime rates and the opportunities for the commission of crime; and to provide environmental security in neighborhoods so they are defensible against crime; and

WHEREAS, the Florida Legislature has provided that after a local planning ordinance has been adopted authorizing the creation of a local government safe neighborhood improvement district, that said district shall be eligible for a grant from the Safe Neighborhood Trust Fund, to prepare a safe neighborhood plan for the district, pursuant to Section 163.517, Florida Statutes (1989).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. In accordance with the Safe Neighborhoods Act of 1987, Section 163.501-163.522, Florida Statutes (1989), the Board of County Commissioners hereby authorizes the future formation by ordinance of "local government neighborhood improvement district(s)" in accordance with the provisions of and procedures set forth in Section 163.506, Florida Statutes (1989), provided, however, that

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APPROVED: 3
9/17/90

EFFECTIVE: 5
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1 the Board of County Commissioners shall not create such a
2 district unless the Board of County Commissioners first makes
3 a factual determination that the geographical area to be
4 encompassed within such a district is affected by

5 a) proliferation of crime, and also

6 b) at least any three of the following six
7 environmental conditions which contribute to a proliferation
8 of crime:

9 1) automobile traffic flow strangled by outmoded
10 street patterns

11 2) unsuitable topography and/or faulty lot layouts

12 3) fragmentation of land uses and parking areas
13 necessitating frequent automobile movement

14 4) lack of separation of pedestrian areas from
15 automobile traffic

16 5) lack of separation of vehicle traffic lanes and
17 railroad traffic

18 6) excessive noise levels from automobile traffic

19 Section 2. Growth Management Plan or County Code
20 amendments may be later enacted by the Board of County
21 Commissioners, pursuant to district study recommendations,
22 after duly required legal advertising and as otherwise
23 regulated by law.

24 Section 3. A district boundary may overlap into a
25 municipality only as agreed by and through an interlocal
26 agreement entered into pursuant to Section 163.504, Florida
27 Statutes (1989).

28 Section 4. Upon the creation of a local government
29 neighborhood improvement district, the Board of County
30 Commissioners may request a grant from the Safe Neighborhoods
31 Trust Fund to prepare a safe neighborhood plan for the
32 district.

33 Section 5. A local government neighborhood improvement
34 district created pursuant to this ordinance shall exercise
35 the levy of an ad valorem tax up to two (2) mills annually as

1 authorized by Section 163.506(c), or the levy of a special
2 assessment as authorized by Section 163.506(d), Florida
3 Statutes (1989), only upon the unanimous vote of all members
4 of the Board of County Commissioners and after the question
5 of the possible exercise of such a levy is approved through a
6 referendum submitted to the electors or the freeholders of
7 the geographical area encompassed by the district, such
8 referendum to be conducted by substantially the same
9 procedure as provided by Section 163.511(3) or Section
10 163.511(4), Florida Statutes (1989), whichever sub-section
11 may apply.

12 Section 6. If any section, subsection, sentence, clause,
13 phrase or portion of this ordinance is for any reason held
14 invalid or unconstitutional by any court of competent
15 jurisdiction, such portion shall not affect the validity of
16 the remaining portion thereof.

17 Section 7. This ordinance shall take effect upon its
18 passage and as provided by law.