

ORDINANCE NO. 2011-3

1 AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,  
2 RELATING TO NEIGHBORHOOD IMPROVEMENT  
3 DISTRICTS; AMENDING CHAPTER 40, ORLANDO CITY  
4 CODE TO ENACT THE ORLANDO NEIGHBORHOOD  
5 IMPROVEMENT DISTRICT CODE; AUTHORIZING THE  
6 SUBSEQUENT CREATION OF LOCAL GOVERNMENT  
7 NEIGHBORHOOD IMPROVEMENT DISTRICTS;  
8 PROVIDING CERTAIN LIMITATIONS ON AND  
9 PROCEDURES FOR THE CREATION OF SUCH  
10 DISTRICTS; PROVIDING GENERAL REGULATIONS  
11 RELATING TO SUCH DISTRICTS; PROVIDING FOR  
12 SEVERABILITY, REPEAL OF CONFLICTING  
13 ORDINANCES, CODIFICATION, CORRECTION OF  
14 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.  
15

16 WHEREAS, at section 163.502(1), Florida Statutes, the Florida Legislature found and  
17 declared, and the City Council of the City of Orlando, Florida (the "Council"), hereby finds and  
18 declares that among the many causes of deterioration in the business and residential  
19 neighborhoods of the state are the following: proliferation of crime, automobile traffic flow  
20 strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of  
21 land uses and parking areas necessitating frequent automobile movement, lack of separation of  
22 pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad  
23 traffic, and excessive noise levels from automobile traffic; and  
24

25 WHEREAS, with the enactment of the Safe Neighborhood Act, Part IV, Chapter 163,  
26 Florida Statutes, the Florida Legislature authorized the creation of neighborhood improvement  
27 districts by municipal and county governments in Florida for the purpose of planning, designing,  
28 financing, constructing, operating, maintaining, and otherwise providing important public goods  
29 and services to the business and residential neighborhoods of the state; and  
30

31 NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE  
32 CITY OF ORLANDO, FLORIDA:  
33

34 SECTION 1. CHAPTER 40, AMENDED. Chapter 40, Code of the City of Orlando,  
35 Florida, is hereby amended as follows:  
36

Chapter 40

**RESERVED**

NEIGHBORHOOD IMPROVEMENT DISTRICTS

Article I. In General

Sec. 40.1. Short title.

City Council Meeting 328-11  
Item: 11-1 Document: 1103281101

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47        This chapter may be cited as the Orlando Neighborhood Improvement District Code.

48  
49        **Sec. 40.2. Purpose.**

50  
51        The purpose of this article is to authorize the creation of neighborhood improvement  
52 districts in accordance with the Safe Neighborhoods Act and to provide additional appropriate  
53 rules governing the creation and operation of such districts within the City of Orlando.

54  
55        **Sec. 40.3. Definitions.**

56  
57        Terms used in this chapter have the meaning given in the Safe Neighborhoods Act. If a  
58 term is not defined by the Safe Neighborhoods Act or other relevant general law, then terms used  
59 in this chapter have the meaning given in this Code.

60  
61        **Sec. 40.4. Neighborhood improvement districts authorized; limitations.**

62  
63        (1) Pursuant to section 163.504(1), Florida Statutes, Council hereby authorizes the  
64 formation of neighborhood improvement districts through the following method:

65  
66            (a) Local government neighborhood improvement districts may be created pursuant  
67 to section 163.506, Florida Statutes.

68  
69        (2) In addition to the requirements of the Safe Neighborhoods Act, the Uniform Special  
70 District Accountability Act of 1989, and other general, special, and local laws, neighborhood  
71 improvements districts may be created only in accordance with the requirements of this article.

72  
73        (3) As dependent special districts, neighborhood improvement districts may require  
74 significant administrative and professional support from the City. The purpose of this part is to  
75 limit the number of neighborhood improvement districts within the City of Orlando. Districts  
76 may be created pursuant to this article only if one of the following three sets of standards is  
77 satisfied:

78  
79            (a) Option #1:

80  
81                    (i) Revenue generated each year by the levy of a single mill on taxable  
82 real property within the proposed district would equal or exceed \$200,000.

83  
84                    (ii) The proposed district would contain at least 50 parcels of real  
85 property.

86  
87                    (iii) The proposed district would contain at least 100 acres of real  
88 property.

89  
90                    (iv) More than 75% of the land area within the proposed district,  
91 excluding land used for public facilities, is used for nonresidential purposes.

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93                    (b) Option #2 – The exploratory committee created pursuant to section 40.5 of  
94 this Code considers, and the Council finds:

95  
96                    (i) The district would be financially feasible with respect to its operations  
97 and goals based on future revenues.

98  
99                    (ii) The district would be of appropriate size to support and justify the  
100 creation and maintenance of such district.

101  
102                    (iii) The district's land composition would be appropriate and consistent  
103 with the goals of such district.

104  
105                    (c) Option #3:

106  
107                    (i) The district is coterminous with a Council-approved Orlando Main  
108 Street area. If a district ceases to be an Orlando Main Street area or if the Orlando Main Street  
109 area ceases to be coterminous with the district, then the neighborhood improvement district shall  
110 be dissolved unless it meets one of the other two options of this part.

111  
112                    **Sec. 40.5. District formation procedures.**

113  
114                    Before adopting an ordinance creating a neighborhood improvement district, Council  
115 must create an exploratory committee for each proposed district and receive a report from the  
116 respective committee as described in this section.

117  
118                    Creation of an exploratory committee. Each exploratory committee must be created by  
119 resolution of Council. District exploratory committees must have at least three, but no more than  
120 five members. Members of the exploratory committee must be either a resident within the  
121 proposed district, an owner of real property within the proposed district, an owner, director, or  
122 officer of a business located within the proposed district, a representative of one of the foregoing,  
123 or a person with some recognizable and concrete stake in the future of the district. Members of  
124 the committee must be appointed by the Mayor and approved by Council. The resolution must  
125 set a date by which the committee must submit its report to Council. Exploratory committees  
126 must conduct their business in accordance with applicable state and local laws. The chief  
127 administrative officer shall provide the committee with reasonable administrative support and  
128 should, at a minimum, assign members of City staff to act as an executive secretary and as a  
129 recording secretary.

130  
131                    Duties of the committee. Each exploratory committee must, at a minimum, undertake the  
132 following activities:

133  
134                    (a) Conduct at least four public meetings, either at City Hall, or within a publically  
135 owned and publically accessible hall within the proposed district.

136  
137                    (b) Conduct at least two public hearings, either at City Hall, or within a publically owned  
138 and publically accessible hall within the proposed district. The public hearings must

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139 afford the opportunity for affected persons to testify on the proposed district. Notice  
140 of the public hearings must be provided in a manner determined by the committee and  
141 likely to apprise interested parties of the opportunity to be heard. Testimony and  
142 evidence provided by interested parties should be included within the committee's  
143 final report to Council.

144  
145 (c) Gather or create information, data, maps, plans, studies, and capital improvements  
146 plans as necessary to adequately inform Council of the need for a district.

147  
148 (d) Produce and issue a report to Council, as described by the section.

149  
150 Committee report. Each exploratory committee must issue a report to Council that  
151 contains, at a minimum, the following information and recommendations:

152  
153 (a) Whether a neighborhood improvement district is desirable.

154  
155 (b) A description of the goals and purposes of the proposed district.

156  
157 (c) Whether the City's Growth Management Plan must be amended to accommodate the  
158 establishment of the district.

159  
160 (d) The district's proposed boundaries as required by section 163.506(1)(a), Florida  
161 Statutes.

162  
163 (e) The district's proposed size as required by section 163.506(1)(a), Florida Statutes.

164  
165 (f) The district's proposed name as required by section 163.506(1)(a), Florida Statutes.

166  
167 (g) The proposed composition of the advisory council to the board of directors as  
168 required by section 163.506(1)(a), Florida Statutes.

169  
170 (h) Which if the powers authorized by section 163.514, Florida Statutes, and not  
171 otherwise prohibited by this article, should be granted or prohibited to the district as  
172 required by section 163.506(1)(g), Florida Statutes.

173  
174 (i) The proposed duties of the advisory council as required by section 163.506(2),  
175 Florida Statutes.

176  
177 (j) The composition of the district's board of directors as required by section 163.506(3),  
178 Florida Statutes.

179  
180 Each ordinance creating a neighborhood improvement district shall be codified as an  
181 article contained within this chapter.

182  
183 **Sec. 40.6. Powers of neighborhood improvement districts.**

185 Unless prohibited by the ordinance establishing the specific district, all neighborhood  
186 improvement districts created pursuant to this article shall have each of the powers identified by  
187 section 163.514, Florida Statutes, as may be amended from time to time.  
188

189 **Secs. 40.7 – 40.10. Reserved.**

190  
191 **Article II. Reserved.**  
192

193 **SECTION 2. SEVERABILITY.** If any provision of this ordinance or its application to  
194 any person or circumstance is held invalid, the invalidity does not affect other provisions or  
195 applications of this ordinance which can be given effect without the invalid provision or  
196 application, and to this end the provisions of this ordinance are severable.  
197

198 **SECTION 3. REPEAL.** All ordinances or parts of ordinances previously adopted and  
199 in conflict with this ordinance are hereby repealed.  
200

201 **SECTION 4. CODIFICATION.** The City Clerk and the City Attorney shall cause the  
202 Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may  
203 renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the  
204 finding of the law.  
205

206 **SECTION 5. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's  
207 errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.  
208

209 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect immediately upon final  
210 passage.  
211

212 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at  
213 a regular meeting, this 7<sup>th</sup> day of March, 2011.  
214

215 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of  
216 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 17<sup>th</sup> day of  
217 March, 2011.  
218

219 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an  
220 affirmative vote of a majority of a quorum present of the City Council of the City of Orlando,  
221 Florida, at a regular meeting, this 28<sup>th</sup> day of March, 2011.  
222

223 BY THE MAYOR/MAYOR PRO TEMPORE OF  
224 THE CITY OF ORLANDO, FLORIDA:

225   
226 \_\_\_\_\_  
227 Mayor / Mayor Pro Tempore  
228

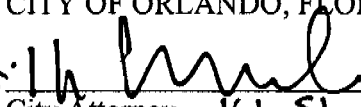

229  
230 ATTEST, BY THE CLERK OF THE

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231 CITY COUNCIL OF THE CITY OF  
232 ORLANDO, FLORIDA:

233   
234 \_\_\_\_\_  
235 City Clerk

236  
237 APPROVED AS TO FORM AND LEGALITY  
238 FOR THE USE AND RELIANCE OF THE  
239 CITY OF ORLANDO, FLORIDA:

240   
241 \_\_\_\_\_  
242 City Attorney   
243

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