Resolution

No. 88-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; APPROVING A COMMUNITY REDEVELOPMENT PLAN PURSUANT TO SECTION 163.360, FLORIDA STATUTES; REAFFIRMING THE FINDING OF THE EXISTENCE OF ONE OR MORE SLUM OR BLIGHTED AREAS IN THE CITY; DEFINING THE COMMUNITY REDEVELOPMENT AREA; MAKING CERTAIN FINDINGS AND DETERMINATIONS; FINDING CONFORMITY TO THE COMPREHENSIVE PLAN; AUTHORIZING AND DIRECTING THE COMMUNITY REDEVELOPMENT AGENCY TO IMPLEMENT THE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Ocala, Florida (the "City Council"), in its Resolution No. 88-37 adopted on March 15, 1988, expressly found the existence of one or more slum or blighted areas within the corporate limits of the City of Ocala, Florida (the "City") as such area was described therein and as described in Exhibit "A" hereof (the "Community Redevelopment Area"), and determined that the rehabilitation, conservation, or redevelopment, or a combination thereof, of the Community Redevelopment Area is necessary and is in the best interests of the public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council adopted Resolution No. 88-48 on April 12, 1988, which designated the City Council of the City as the Community Redevelopment Agency of the City of Ocala, Florida (the "Community Redevelopment Agency"), and authorized the Community Redevelopment Agency to exercise powers granted by the Redevelopment Act, and established and designated the Community Redevelopment Area as the area of operation of the Community Redevelopment Agency; and

WHEREAS, a study of the Community Redevelopment Area and a plan for the redevelopment of the Community Redevelopment Area in accordance with the Redevelopment Act have been undertaken and completed; and

WHEREAS, the Community Redevelopment Agency received the proposed community redevelopment plan and referred it to the Planning & Zoning Commission of the City of Ocala, the local planning agency of the City under the Local Government Comprehensive Planning and Land Development Regulation Act, in accordance with Section 163.360(3), Florida Statutes (1987), and the Planning & Zoning Commission, after reviewing the proposed plan, has determined the plan is consistent with the City's comprehensive plan and returned the proposed community redevelopment plan to the Community Redevelopment Agency with its recommendations; and

WHEREAS, the Agency approved the proposed community redevelopment plan on May 17, 1988 and recommended its adoption to the City Council; and

WHEREAS, notice of the City Council's intention to adopt a resolution adopting the proposed community redevelopment plan has been given to all taxing authorities as provided in Section 163.346, Florida Statutes (1987); and

WHEREAS, a public hearing regarding the proposed community redevelopment plan was duly noticed and held in accordance with Part III, Chapter 163, Florida Statutes (1987) (the "Redevelopment Act"); and

WHEREAS, all prerequisites under the Redevelopment Act having been accomplished, it is now appropriate and necessary in order to proceed further with the redevelopment of the Community Redevelopment Area in accordance with the Redevelopment Act that a community redevelopment plan for the Community Redevelopment Area be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA:

SECTION 1. The City Council does hereby reaffirm the finding in its Resolution No. 88-37 adopted on March 15, 1988 (the "Findings Resolution") that one or more slum or blighted

areas (as those terms are defined in Section 163.340, Florida Statutes (1987)) exist within the Community Redevelopment Area.

SECTION 2. The area designated in the Findings Resolution and as described in Resolution No. 88-48 designating the City of Ocala City Council as the City's Community Redevelopment Agency, which area is more particularly described in Exhibit "A" attached hereto, is the Community Redevelopment Area for the purpose of this Resolution and the community redevelopment plan approved hereby.

SECTION 3. The City Council does hereby find that:

(1) There has been prepared a community redevelopment plan for redevelopment of the Community Redevelopment Area in accordance with the Redevelopment Act (such plan being hereinafter defined and referred to herein as the "Plan"); and

(2) the Planning & Zoning Commission of the City, as the local planning agency of the City under the Local Government Comprehensive Planning and Land Development Regulation Act, has reviewed the Plan in accordance with the Redevelopment Act and has found it to be consistent with the comprehensive plan of the City; and

(3) the Community Redevelopment Agency reviewed and approved the Plan on May 17, 1988 and recommended its approval to the City Council; and

(4) a notice of public hearing was timely published in a newspaper of general circulation in the City and notice to taxing authorities was timely mailed as provided in Section 163.346, Florida Statutes (1987), and a public hearing has been held as required by Section 163.360(5), Florida Statutes (1987).

SECTION 4. The City Council finds that the Plan satisfies the requirements of Section 163.360(6), Florida Statutes (1987), and further finds that:

(1) even though no families are anticipated to be displaced as a result of community redevelopment as proposed in the Plan, a feasible method exists for the location of any such families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(2) the Plan conforms to the general plan of the City as a whole;

(3) the Plan gives due consideration to providing adequate park and recreation areas and facilities that may be desirable for neighborhood improvement; and

(4) the Plan affords the maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise.

SECTION 5. The City Council does hereby expressly find that the Plan is consistent with and conforms to the provisions of the City's comprehensive plan in effect on the date hereof.

SECTION 6. The City Council does hereby expressly determine that it is appropriate, proper, and timely that a community redevelopment plan be approved at this time so that the provisions of the Redevelopment Act, and other resolutions, ordinances, and laws may be utilized to further redevelopment within the Community Redevelopment Area. Therefore, the City Council does hereby approve as the community redevelopment plan for the Community Redevelopment Area pursuant to Section 163.360(6), Florida Statutes (1987), the document entitled "City of Ocala Community Redevelopment Plan," prepared by

Henigar and Ray Engineering Associates, Inc. and approved by the Community Redevelopment Agency on may 17, 1988, a copy of which is attached hereto as Exhibit "B" and made a part hereof (the "Plan").

SECTION 7. The City Council does hereby expressly find that the Plan is a sufficient and adequate plan for carrying out community redevelopment in accordance with the Redevelopment Act, and does approve same as the community redevelopment plan for the Community Redevelopment Area.

SECTION 8. Immediately upon adoption of this Resolution the Plan is deemed to be in full force and effect for the Community Redevelopment Area, and the Community Redevelopment Agency is authorized and directed to carry out such Plan and exercise those powers granted by the Redevelopment Act, or such other powers as may be granted by law or ordinance.

SECTION 9. This resolution shall take effect immediately upon its adoption.

ADOPTED by the City Council of the City of Ocala, Florida, this 24th day of May, 1988.

CITY OF OCALA

By _____
Craig Curry
Council President

Attest Deborah C. Bullock
Deborah C. Bullock
City Clerk

Approved as to form and legality:

_____
William H. Phelan, Jr.
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF COMMUNITY REDEVELOPMENT AREA

Commence at the southeast corner of the intersection of South West Pine Avenue and South West Tenth Street for the point of beginning, thence north along the east side of Pine Avenue to the south side of North West Third Street, thence northwesterly across North West Pine Avenue to the northeast corner of "Ditto's Revised Plat," a subdivision recorded in plat book "A", page 143 of the public records of Marion County, Florida, thence west along the north boundary of said subdivision to its northwest corner, thence westerly to the southwest corner of the intersection of North West Fourth Street and North West Sixth Avenue, thence north along the west side of North West Sixth Avenue to the south side of North West ~~Sixth~~ Fourth Place, thence west along the south side of North West ~~South~~ Fourth Place to the west side of North West Sixth Terrace, thence north along the west side of North West Sixth Terrace to the north side of the C.S.X. Railroad, thence northeasterly along the north side of the C.S.X. Railroad to the north side of North East Ninth Street, thence east along the north side of North East Ninth Street to the east side of North East Seventh ~~Street~~ Avenue, thence south along the east side of North East Seventh ~~Street~~ Avenue to the south side of North East Third Street, thence west along the south side of North East Third Street to the east side of North East Watula Avenue, thence southerly along the east side of Watula Avenue to the east side of South East Third Avenue, thence south along the east side of South East Third Avenue to the south side of South East Eighth Street, thence west along the south side of South East Eighth Street to the east side of South East First Avenue, thence southerly along the east side of South East First Avenue to the south side of South Tenth Street, thence west along the south side of South Tenth Street

* corrected pursuant to Res. #88-90

Resolution #88-52 "Exhibit B"

CITY OF OCALA

COMMUNITY REDEVELOPMENT PLAN

APRIL 1988

Prepared and Submitted by:

HENIGAR AND RAY ENGINEERING ASSOCIATES, INC.
640 East Highway 44
Crystal River, Florida 32629

3036 NE 14th Street
Ocala, Florida 32670

and

Henderson Young and Company
2963 Bridlewood Drive
Palm Harbor, Florida 33563

CITY COUNCIL

Wayne Rubinas, Mayor
Craig Curry, President
Gerald Ergle
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Lorenzo Edwards
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William Ten Broeck, City Engineer
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CONSULTANTS

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Henderson Young and Company

ECONOMIC DEVELOPMENT COUNCIL

Brett Wattles, General Manager
Linde Weatherman, Research and Marketing Manager

UNIVERSITY OF FLORIDA

CITY OF OCALA

COMMUNITY REDEVELOPMENT PLAN

APRIL 1988

EXECUTIVE SUMMARY

Prepared and Submitted by:

HENIGAR AND RAY ENGINEERING ASSOCIATES, INC.
640 East Highway 44
Crystal River, Florida 32629

3036 NE 14th Street
Ocala, Florida 32670

and

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2963 Bridlewood Drive
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RECEIVED
MAY 3 1988
CITY MGR. OFF.

The legislature of the State of Florida adopted the Community Redevelopment Act in 1969 as a means for a local community to conserve, rehabilitate, or redevelop an area, and carry out a program of improvements through establishment of a tax increment finance district. For many years it has been recognized that downtown Ocala plays an important role in the viability of the city's and region's economy. The City has successfully participated in the Florida Main Street Program, has designated an enterprise zone, and has a special taxing district. The creation of a tax increment financing district under the Community Redevelopment Act is a logical extension of these earlier activities and provides the means to pay for needed infrastructure improvements.

An analysis of the physical environment resulted in findings that the majority of the floor space is in standard condition; however, there is a concentration of dilapidated floor area in the north sector. Approximately 25% of the study area is in either deteriorated or dilapidated condition. While residential uses are not a major use of land, there is a concentration of residential use in the south sector. Vacancy rates for the area are 13.4% overall, 5.5% for the south sector, 13.1% for the north sector, and 16.7% for the central sector.

The traffic circulation system is characterized by an adequate level of service for the intersections, although some intersections have been identified as high hazard locations. There is a need for roadway improvements (resurfacing, reconstruction, and recycling), sidewalk installation, and construction of handicapped ramps. While parking deficiencies have been identified, additional study of parking needs is not a part of this plan.

Infrastructure needs are identified for the potable water system, the sanitary sewer system, and the drainage system. There is a need to upgrade 2" water lines to a minimum of 6" lines for fire flow and to install additional hydrants to provide adequate service throughout the area. The collection system for sanitary sewer is old and includes terra cotta pipes which should be replaced. Drainage presents a problem throughout the area; improvements to the stormwater control systems are being identified in a separate study.

Streetscape improvements can provide a pleasant environment for the pedestrian, and are identified as important for entrances into the Community Redevelopment Area as well as pedestrian-oriented areas in the central sector.

Recommendations in the plan include a land use plan, new residential development in the south sector, roadway improvements, construction of sidewalks and ramps, and streetscape improvements. Staff should develop a priority

listing of roadway links; all improvements within the right of way should be completed simultaneously. Zoning districts should be evaluated for consistency with the land use plan, and to consider the appropriateness of the standards. It is recommended that consideration be given to developing bonus provisions to apply to downtown districts. To foster economic development, it is recommended that an economic analysis be carried together with a study to identify under-supply and over-supply of businesses in the region. It is further recommended that the city develop a comprehensive program of code enforcement aimed at the elimination of dilapidated structures. Finally, the CRA plan should modified for compliance with 9J-5, F.A.C., and adopted as an optional element of the Ocala Comprehensive Plan under the Growth Management Act.

Costs to carry out the recommendations total $2.2 million for the capital improvements and marketing analysis studies. These costs can be paid through tax increment financing, which uses the tax on the increment by which property values increase as a result of the downtown plan. Projects can be carried out on a "pay-as-you-go" basis or through borrowing the funds. Repayment of bonds will add $2.1 million to the funds needed, in order to pay the interest.

Implementation of the plan is the responsibility of the Community Redevelopment Agency who ensures that actions are in conformance with the Ocala zoning ordinance and the adopted community redevelopment plan.

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INTRODUCTION

Purpose and content of the plan.

THE COMMUNITY REDEVELOPMENT ACT OF 1969

The legislature of the state of Florida, in recognizing that certain areas exist in communities of this state which constitute an economic and social liability, decreasing the tax base, impairing sound growth, or creating other burdens upon the larger community, has provided through The Community Redevelopment Act of 1969 a means for the local community to conserve, rehabilitate, or redevelop the area, to serve the interests of the public health, safety, morals or welfare. Chapter 163, Part III, of the Florida Statutes, titled "Community Redevelopment", lays out the requirements for establishing a community redevelopment area, a community redevelopment agency, preparing and adopting a community redevelopment plan, and establishing a taxing district, the tax increment finance district, to pay for improvements in the area.

In an area such as the Ocala downtown which exhibits evidence of deterioration and a decrease in the relative share of the tax base, it is important to the community that the downtown area once again provide its proportionate share of revenues, and that the area be strengthened as a vital focal point for the city and region. The Community Redevelopment Plan, and the use of the tax

increment financing method, allows the preservation and enhancement of the tax base so that the downtown area pays a higher share of city services than it presently does. Further, it encourages private development through the provision of incentives, stimulates improved use of under-utilized land, and prevents further deterioration which has previously resulted in a lower proportionate tax base.

The legislation lays out specifically the requirements for a community redevelopment plan. It is necessary that a redevelopment area be designated by resolution of the governing body, and that the plan conform to certain statutory requirements. The redevelopment plan must conform to the community's comprehensive plan, must be sufficiently complete to indicate acquisition, demolition, and removal activities, as well as redevelopment or rehabilitation proposed to be carried out in the area. The plan shall recommend planning and zoning changes, land uses, maximum densities and building requirements. It is required that the plan provide for relocation, should any families be displaced by activities recommended in the plan. There shall be due consideration to adequate park and recreation facilities, especially considering the health, safety, and welfare of the children in the planning area. It is important that the plan affords maximum opportunity for rehabilitation or redevelopment by private enterprise. Any recommended non-residential uses shall be necessary and appropriate for the

proper growth and development of the community.

The legislature has determined that the preservation or enhancement of the tax base providing tax revenues to the community is essential to the financial health of the community. Further, it has been determined that community redevelopment in a community redevelopment area will enhance the tax base, providing increased tax revenues to all affected taxing authorities, thereby increasing their ability to accomplish their appropriate purposes.

PURPOSE OF THE OCALA COMMUNITY REDEVELOPMENT PLAN

It has been recognized for a number of years that downtown Ocala plays an important role in the viability of the City's economy. Over recent years, a number of actions have been initiated to recognize the special role of downtown, and to strengthen its economic position. Such activities have included designation of an Ocala inner-city community redevelopment area, an enterprise zone encompassing the downtown area, and more recently, the official participation of Ocala in the Florida Main Street Program. The most recent activity, the Main Street Program, has been in effect approximately three (3) years, and has resulted in considerable progress towards downtown revitalization.

In many communities, each time a new program is undertaken, a new boundary defining the study area is developed. Ocala is no

exception. While the enterprise zone boundaries encompassed a fairly large geographic area, the special downtown taxing district and the Main Street Program areas are much smaller. It is important that a revitalization program be focused on a geographic area that is manageable. However, after a period of successful operation, it is equally important to expand the area to include all of what may be considered downtown Ocala, so that the entire area can benefit from any special programs. Therefore, a revised community redevelopment area was proposed and adopted in February 1988, to include the urban core, centered on the public square, as well as lands to the north with the railroad as a northern boundary, and extending to the south to S.R. 200.

Because downtown Ocala is a unique and economically significant section of the city, it deserves special effort for preservation, redevelopment, rehabilitation and enhancement. While the earliest efforts in downtown Ocala, over 20 years ago, were to resolve parking problems, more recent efforts have been centered on marketing, promotion, design assistance, business retention, public improvements, as well as parking control. It is now time that program emphasis be expanded to more general economic development activities, focusing on improving and upgrading the infrastructure, more aggressive recruitment of business activities to the downtown, and identifying and pursuing new development opportunities. This can best be accomplished through

the adoption of a community redevelopment plan for the downtown community. This is further strengthened by incorporating that redevelopment plan into the Ocala Comprehensive Plan as an optional element. It is, therefore, the purpose of this plan document to set forth the Community Redevelopment Plan for downtown Ocala, which can subsequently be adopted as a part of the Ocala Comprehensive Plan.

CONTENTS OF THIS REPORT

This document sets forth the Community Redevelopment Plan for the city of Ocala. The sections of this document include statements of purpose, an introduction which describes the general setting of Ocala, and specifically the downtown community; an identification of needs, deficiencies, and strengths; recommendations; discussions on financing the plan, including the economic analysis which forms the basis of a tax increment financing program; a statement of the relationship of the Community Redevelopment Plan to the existing Ocala Comprehensive Plan; and supplemental materials.

Ocala and the region.

In the mid 1880's Marion County and the City of Ocala had an economic base centered on small and large agricultural production, primarily a plantation economy of corn, sugar cane, cotton, and groves of wild oranges. Slow growth gave way to a period of prosperity with the development of the citrus industry in the 1800's and the building of railroads during this same time period. Real estate sales boomed near the turn of the century and the county's greatest period of development and prosperity produced more than one-third of the state's citrus crop until freezes destroyed the industry.

In those early days the financial and business center for the phosphate industry was near Dunnellon; however, Ocala began to experience the economic benefits of tourism as railroads provided safe and comfortable service from the north, and Silver Springs became a winter season destination. Much of the construction which comprised the Ocala City district at the turn of the century occurred during this period. A new county courthouse was built in 1907, followed by commercial buildings in this business area, and new residential homes in the eastern section of the city.

This combination of population growth and new commercial activity created a demand for banking facilities, and a financial center was born. Following World War I and until 1950, the economy of Marion County was centered on agriculture. Change occurred slowly in both Marion County and Ocala during these years.

During the 1950's, major roads were constructed in and around Ocala, and the resulting improvements to the transportation system affected the city's growth pattern. This highway construction activity continued into the 1960's and the completion of Interstate 75, which linked Ocala to the vast federal and state highway network. Tourism became a major economic force for Ocala and Marion County; at the same time, post World War II suburban development began to affect the growth patterns in Marion County.

Downtown Ocala continued as the center of government activity, with both city and county government occupying a significant place in downtown. However, suburban development, which increased more rapidly in the '70's and into the '80's, reduced the retail activity which had been found in early downtown. While the city of Ocala was growing due to annexation and in-migrations of new residents, suburban areas were growing due to continued population shifts within the state, bringing new

residents to Marion County.

Today, Marion County is one of the fastest growing counties in the country. Major retail and tourist based activities occur near SR200 and I-75 as well as around the Silver Springs area east of Ocala. Significant natural resources make the county attractive for a variety of tourist and leisure time activities. The general growth of the area has resulted in general growth in the downtown, as it retains its functions as an office center, housing city government, some activities of county government, the judicial buildings, and serving as a financial center.

Just as Marion County serves as the focal point for this region, Ocala serves as the focal point for Marion County. The Ocala-Marion County area is expected to continue to grow due primarily to in-migration. Just as they have in the past, newcomers in the future will have a dramatic impact on the social, economic, and cultural conditions of downtown, Ocala, and the surrounding county. A strong plan to guide the development and re-development of the downtown area into the 21st century will insure that the heart of the community remains vital.

An inventory, analysis, and identification of needs.

Planning for a community, whether it be for a special segment of the community, such as downtown, or the entire city, involves a certain amount of vision, imagination, and creative thought. The creators of a plan to guide a community into the future must do more than merely describe an inevitable future following existing trends. The creators of the plan must rely upon their own creativity and their own imagination of what might be for the community. Even more importantly, the plan preparers must learn, must elicit, from community members their vision of the future for their own community. Vision is not enough, however. In order to achieve a dream, there must be a solid plan for how to get to that future vision. The plan, to be successful, must be based upon a solid understanding of conditions that exist, upon which to build the vision of the future.

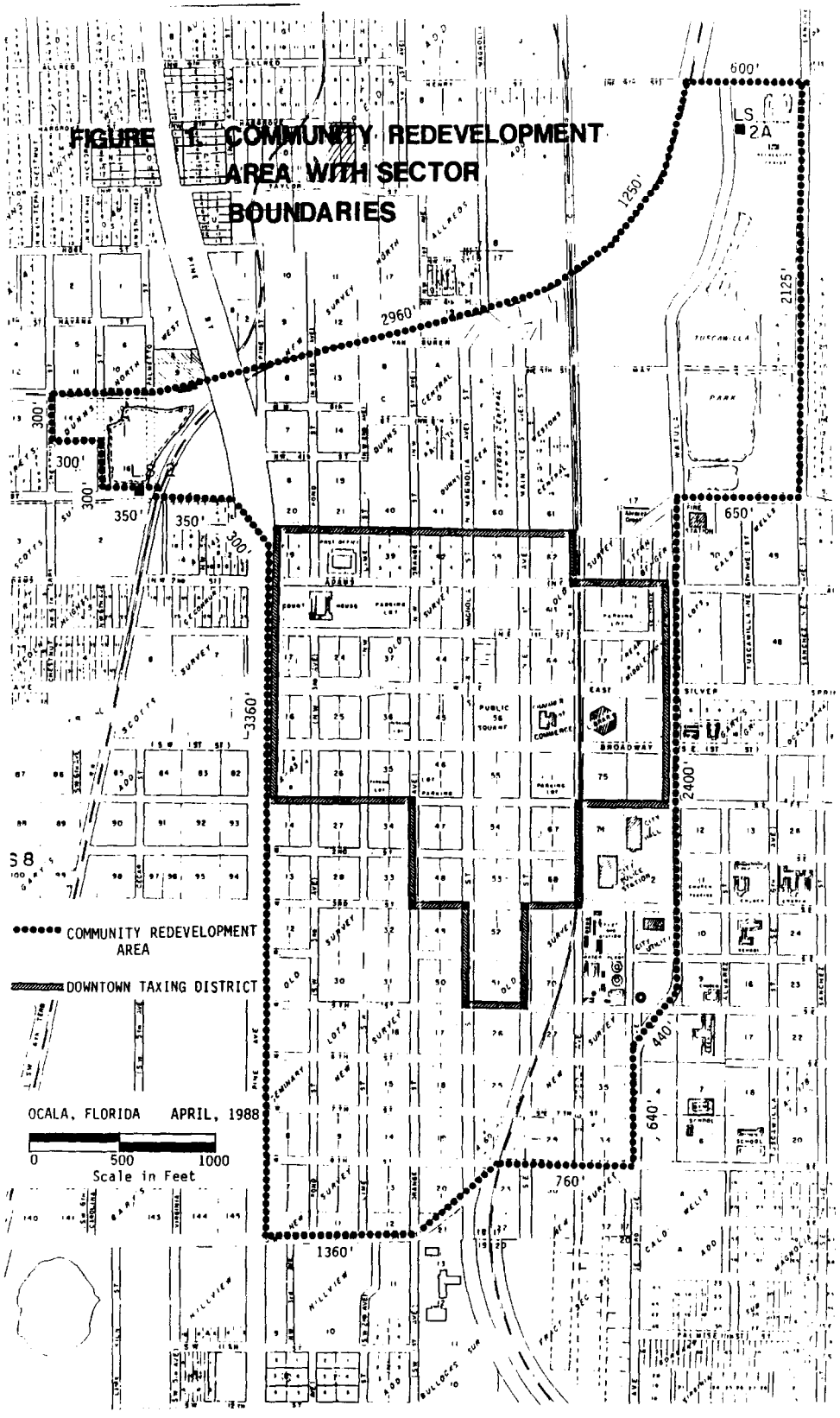
This section of the community redevelopment plan for downtown Ocala describes those conditions that exist; it contains a summary of information about downtown Ocala, and its place in the larger community. This section also contains an analysis of that data, and an identification of the strengths and weaknesses.

THE PHYSICAL ENVIRONMENT

The community redevelopment area (CRA) is defined as a 108 block section centered on downtown Ocala. For the purposes of this study and plan, the area has been divided into three sectors; the central sector is that area generally referred to as downtown Ocala. The central sector includes those blocks now in the special taxing district. The north sector includes the area generally bounded by Pine, the railroad lines, Watula, and lying north of the central sector. The south sector includes those blocks south of the central sector, and bounded by Pine, 10th Street, and Watula. The map of the community redevelopment area shown in Figure 1 identifies sector boundaries.

The predominant land uses within the community redevelopment area are business; office and retail account for the majority of the land use activity in the area. Other business uses include industrial development in the north sector, and various other types of commercial activity, such as restaurants or service businesses. Government offices and institutional uses also comprise a significant portion of the land use activity. Only a small portion of the land is devoted to recreation uses; however, Tuscawilla Park, in the north sector of the study area is an important feature to serve the downtown community. The public square in the heart of downtown Ocala provides an important open space and a focal point for the community. Residential uses are scattered throughout the study area, including all sectors.

FIGURE 1. COMMUNITY REDEVELOPMENT AREA WITH SECTOR BOUNDARIES



However, more residential uses are located in the south sector than in the other two sectors combined. Residential uses are primarily renter-occupied units and included are both single-family and multi-family housing.

Table 1 shows the uses found in the community redevelopment area and the approximate percentage of the land area devoted to each use. It is important to note that the traffic circulation system, including right-of-way for streets and sidewalks, as well as separate parking lots, is a major use of downtown land.

TABLE 1. SUMMARY OF LAND USES*

CATEGORY OF USE	ACRES	PERCENT OF TOTAL	SQ FT FLOOR AREA	PERCENT OF TOTAL
Residential	16.7	5.1	265,008	11.1
Office and Commercial	63.7	19.4	1,478,777	61.9
Industrial	35.1	10.7	336,938	14.9
Government and Institutional	41.0	12.5	234,012	9.8
Recreation & Open Space	26.2	8.0	75,384	3.2
Parking	18.0	5.5	N/A	N/A
Right of Way	112.3	34.1	N/A	N/A
Vacant	16.0	4.9	N/A	N/A
TOTAL	329.0	100.2	2,390,119	100.1

*Provided by University of Florida, College of Architecture, Department of Urban and Regional Planning, 1988

Structural Condition

The condition of the buildings in the CRA study area varies considerably by sector. Table 2 summarizes the results of a structural condition survey. While most of the buildings are structurally sound, there are significant numbers of deteriorated and dilapidated building throughout the area. Figure 2 shows the general concentration of deteriorated structures. The survey of structural conditions, conducted by the City of Ocala, was based upon the following definitions of sound, slightly deteriorated, deteriorated, and dilapidated.

Standard: A standard structure has no visible defects or possibly some slight defects correctable in the course of routine maintenance.

Slightly Deteriorated: A slightly deteriorated structure is structurally sound but is off a routine maintenance program such that deteriorating characteristics become a visible menace. Continuation of this deterioration would eventually result in the structures becoming more seriously deteriorated. Repairs, more than regular maintenance, are required to bring the structure up to standard.

TABLE 2. SUMMARY OF FLOOR AREA AND CONDITION*

Sector	Condition	Square Foot Floor Area	Percent of Total	Percent of Sector
Central	Standard	676,169	32.8	56.1
Central	Slightly Deteriorated	332,883	16.1	27.6
Central	Deteriorated	136,004	6.6	11.3
Central	Dilapidated	59,285	2.9	4.9
	TOTAL	1,204,341	58.4	99.9
North	Standard	116,237	5.6	32.5
North	Slightly Deteriorated	45,046	2.2	12.6
North	Deteriorated	63,720	3.1	7.8
North	Dilapidated	132,925	6.4	37.1
	TOTAL	357,928	17.3	100.0
South	Standard	243,523	11.8	48.8
South	Slightly Deteriorated	143,784	7.0	28.8
South	Deteriorated	94,411	4.6	18.9
South	Dilapidated	17,632	0.9	3.5
	TOTAL	499,350	24.3	100.0
TOTAL ALL SECTORS		2,061,619	100.0	N/A

*Derived from data provided by Downtown Development Department, and Community Development Department, Ocala, 1988.

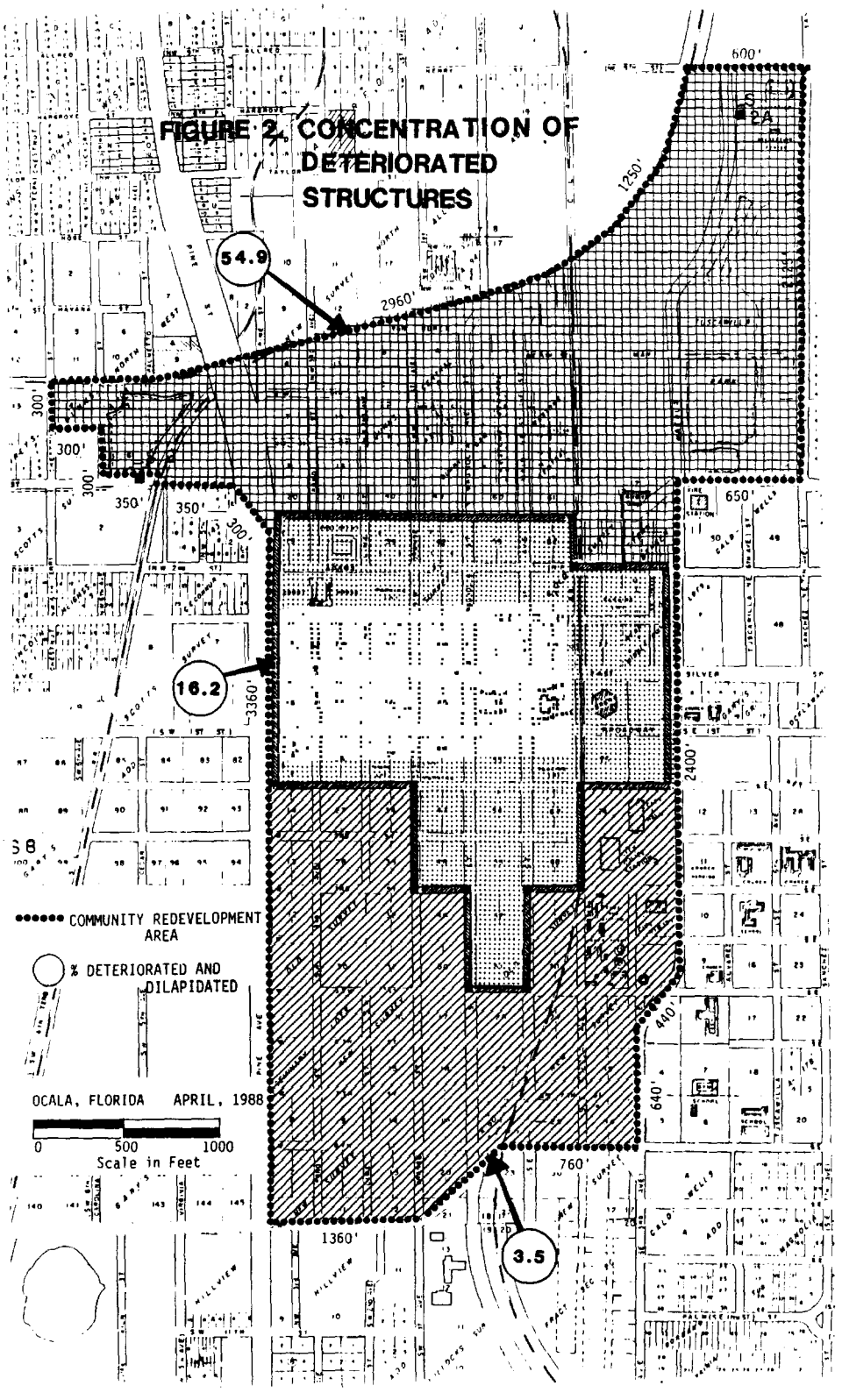


FIGURE 2. CONCENTRATION OF DETERIORATED STRUCTURES
54.9
16.2
3.5
600'
1250'
2960'
300'
350'
650'
2400'
440'
640'
760'
1360'
COMMUNITY REDEVELOPMENT AREA
% DETERIORATED AND DILAPIDATED
OCALA, FLORIDA APRIL, 1988
0 500 1000
Scale in Feet

Deteriorated: A deteriorated structure requires structural repairs not provided in the course of routine maintenance. Such a structure has one or more defects that must be corrected if the unit is to continue providing safe and adequate shelter.

Dilapidated: A dilapidated structure no longer provides adequate shelter. Such a unit endangers the health, safety or well-being of the inhabitants. This structure has one or more critical defects or a combination of intermediate defects in sufficient number that rehabilitation is not feasible.

The presence of dilapidated structures which are infeasible for rehabilitation can present a negative image of the area. Dilapidated structures can be an eyesore, can present a hazard if occupied, and can present an attractive opportunity for vandalism. Structures which are deteriorated may exhibit many of these same opportunities, but are feasible for rehabilitation. This represents an opportunity to save a useful building and reuse it productively. Routine inspections and code enforcement are the primary means to remove dilapidated structures at the current time.

When the deteriorated or dilapidated buildings are providing housing to individuals, the problem is especially difficult. If the structures are suitable for rehabilitation, temporary living quarters must often be found while rehabilitation takes place. If

the structures are dilapidated and infeasible for rehabilitation, it is then necessary to find other housing for individuals living there. Since 43.3% of the floor area in residential use in the CRA study area is deteriorated or dilapidated, it is necessary to provide information on assistance programs to the owners and occupants of these buildings.

Vacancy

There is wide variation in the vacancy rates among the three sectors of the CRA study area. Table 3 summarizes vacancy for each of the sectors and the study area as a whole. While the overall vacancy rate is 13.4%, the vacancy rate for the south is only 5.5%, for the central sector is 16.7%, and for the north sector is 13.1%.

TABLE 3. SUMMARY OF VACANCY BY AREA*

SECTOR:	Central	North	South	Total
Total Sq Ft	1,204,341	357,928	499,350	2,061,619
Occupied Sq Ft	1,003,018	310,963	471,640	1,785,621
% of Sector	83.3	86.9	94.5	N/A
% of Total	48.7	15.1	22.9	86.6
Vacant Sq Ft	201,323	46,975	27,710	275,998
% of Sector	16.7	13.1	5.5	N/A
% of Total	9.8	2.3	1.3	13.4

*Derived from data provided by Downtown Development Department Ocala, 1988

As might be expected there is a variation in vacancy rates based on condition of the structure. Table 4 contains a summary of vacancy data by condition of the buildings. For standard structures, only a 9.4% vacancy rate is found, while for dilapidated structures the vacancy rate is 30.1%. Since dilapidated buildings are those which are infeasible for rehabilitation, the fact that 69.9% of the floor area classified as dilapidated is occupied presents an area of concern in the CRA study area. It should be noted, however, that this floor area (dilapidated, occupied space) only accounts for 7.1% of the total floor area in the CRA study area.

TABLE 4. SUMMARY OF VACANCY BY CONDITIONS *

CONDITION:	Standard	Slightly Deteriorated	Deteriorated	Dilapidated	Total
Total Sq Ft	1,035,929	521,713	294,135	209,842	2,061,619
Occupied Sq Ft	938,471	491,771	208,766	146,613	1,785,621
% of Condition	90.6	94.3	71.0	69.9	N/A
% of Total	45.5	23.9	10.1	7.1	86.6
Vacant Sq Ft	97,458	29,942	85,369	63,229	275,998
% of Condition	9.4	5.7	29.0	30.1	N/A
% of Total	4.7	1.5	4.1	3.1	13.4

*Derived from data provided by the Downtown Development Department and Community Development Department, Ocala, 1988.

Zoning

Zoning districts in the CRA study area include GU (Government Use), B2, B3, B4, and B5 (Business Uses), M1 and M2 (Industrial), and TRO (Tourist Residential Office). These uses are specifically defined in the City of Ocala Land Development Regulations. Figure 3 is a map of zoning districts in the CRA study area.

In general the governmental district (GU) is applied to areas where activities of a unit of government are carried out. The business districts are differentiated by levels of intensity. The community business district (B2) includes such things as retail sales, services, offices, repair shops, but does not allow manufacturing processes. The B3 district, the central business district, is intended specifically to foster and enhance the commercial, financial, professional, governmental, and associated activities that form the Ocala Central Business District. Multi-family development is allowed as a special exception. The general business district (B4) is primarily a highway commercial category. Multi-family development is an allowable use. The B5 district is a wholesale business district including wholesale businesses, warehousing, trade and craftsman shops, activities requiring outdoor storage, and all other business activity. The B3 category has been applied to all of the central sector land, except those areas designated for government use, and approximately one-half block designated as B4. The south sector

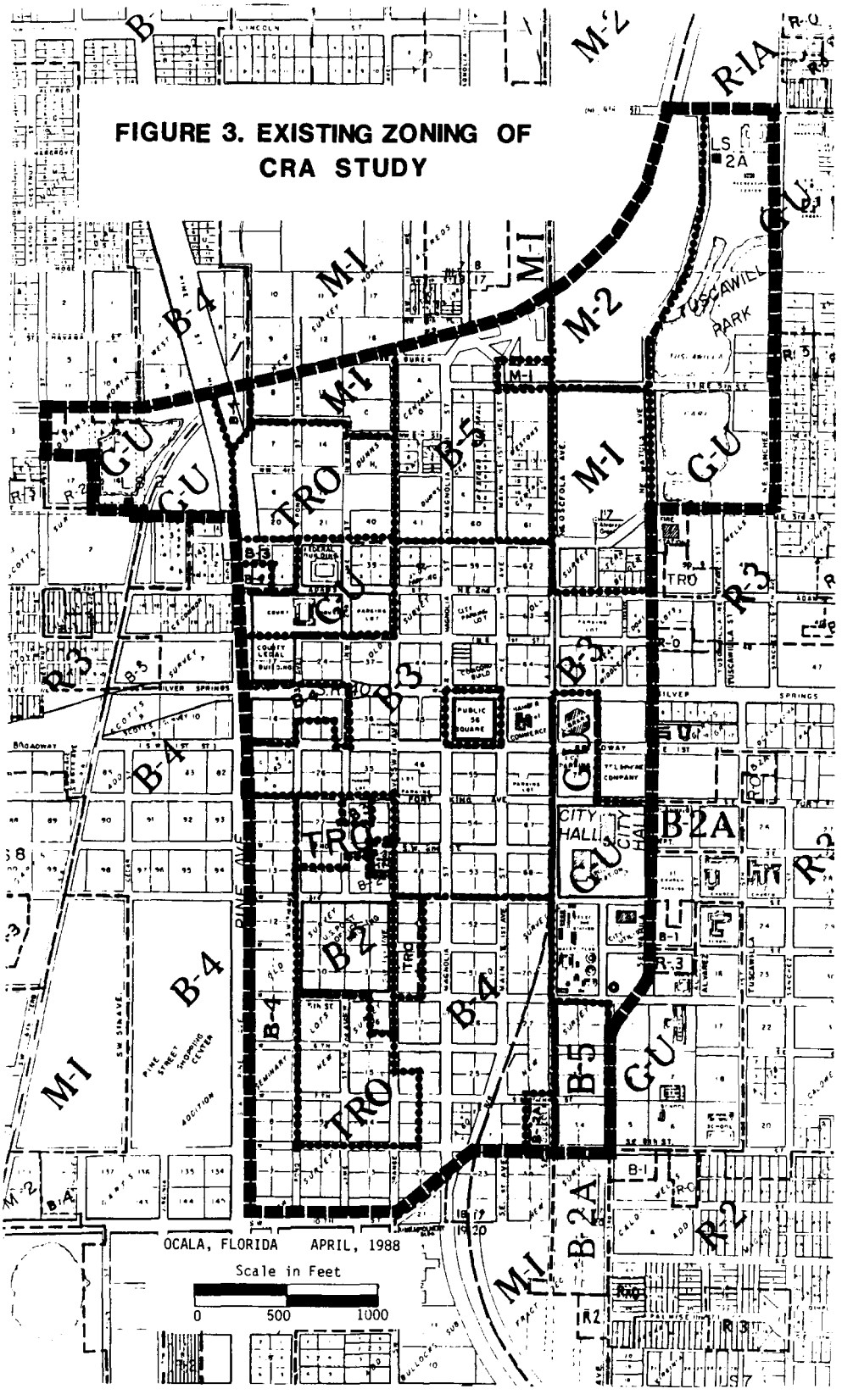


FIGURE 3. EXISTING ZONING OF CRA STUDY

contains lands designated B2, B3, B4, B5, TRO, and GU. The TRO district is intended for such uses as tourist oriented businesses, multi-family residential development, transient lodging, restaurants, attractions, etc. The TRO category is found in both the north and the south sectors, and has been applied to areas which are in transition from residential to office, and includes some transient lodging uses.

The two industrial districts are light industrial (M1) and heavy industrial (M2). The industrial classifications are located only in the north sector of the CRA study area, and are applied to lands which are currently designated for industrial use on the Ocala Comprehensive Plan.

The zoning districts appear to be generally consistent with the existing comprehensive plan for Ocala; however, the entire area, but especially the south sector, is divided into a number of relatively small districts with zoning classifications differing only by small degrees of intensity.

Traffic Circulation System

Information collected for the Ocala Area Transportation Study (OATS) indicates that there are no intersections in the community redevelopment area which operate at lower than a level of service C. In fact, most intersections which were analyzed operate at a level of service A or B. However, several intersections were

identified as high hazard locations. The map shown in Figure 4 identifies the intersections studied in the OATS report and indicates the level of service, and the high hazard locations.

While detailed data are not available, a visual observation of the pedestrian system in the CRA study area indicates that sidewalks are often discontinuous, in many cases in poor repair, and with few ramps. While the need for sidewalks may not be viewed by some as a top priority item, a successful downtown does require safe and convenient pedestrian movement. Based upon observation by Henigar and Ray planners and engineers during several visits in March and April, 1988, it is apparent that the pedestrians are now using the streets, grass or dirt areas adjacent to the streets, in addition to the sidewalks.

It is important to provide paved walkways and properly designed ramps to make public facilities in the general downtown area more accessible to all individuals, including handicapped persons. Therefore, additional field investigations were conducted to identify means to provide safe and traversable areas between both public and private parking facilities and essential public services in the CRA study area. Essential services were defined as those provided by the courthouse, the post office, Ocala City Hall, the city utilities, the federal court house, and the downtown public square. By including the public square as an identified destination, the study then includes the provision of

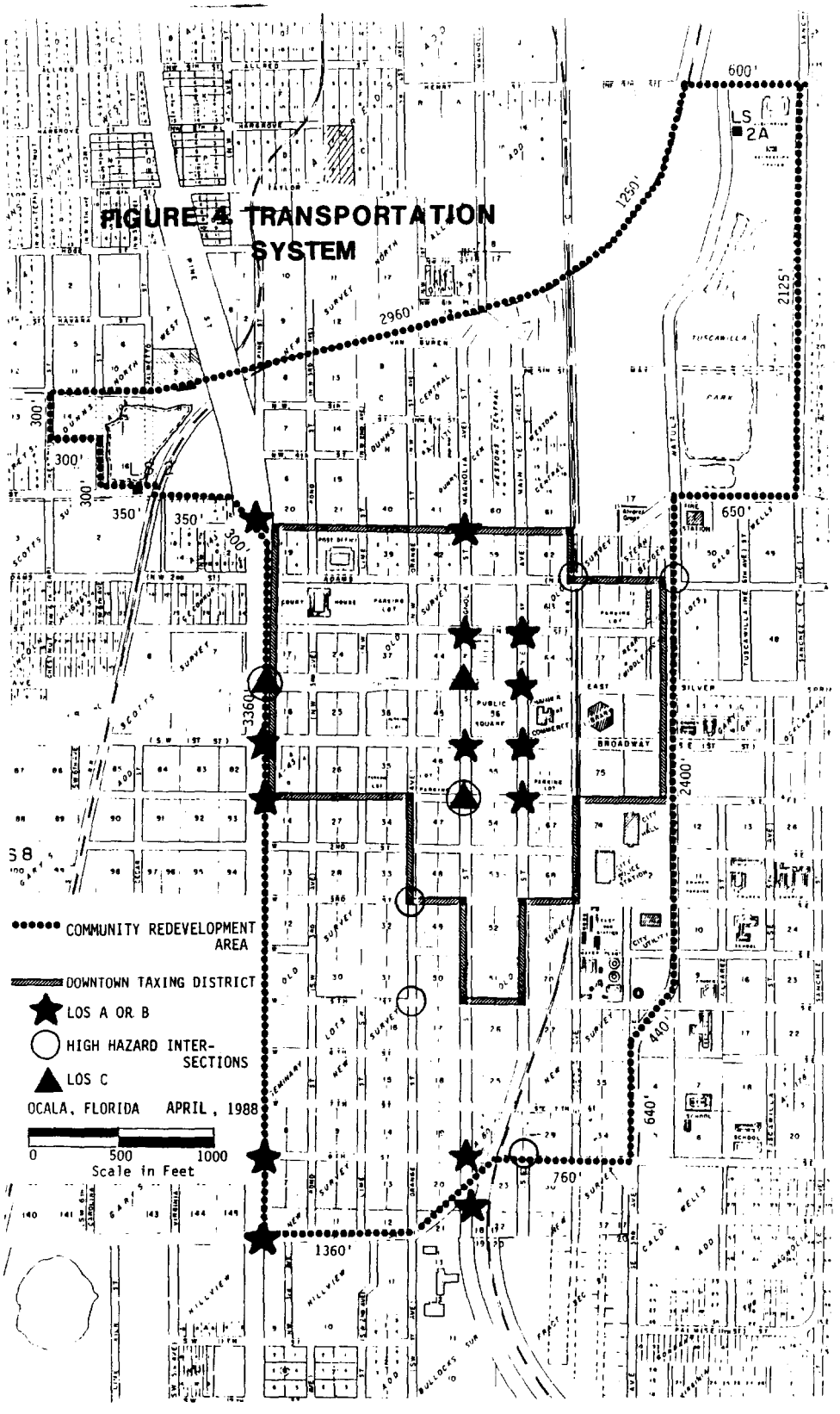


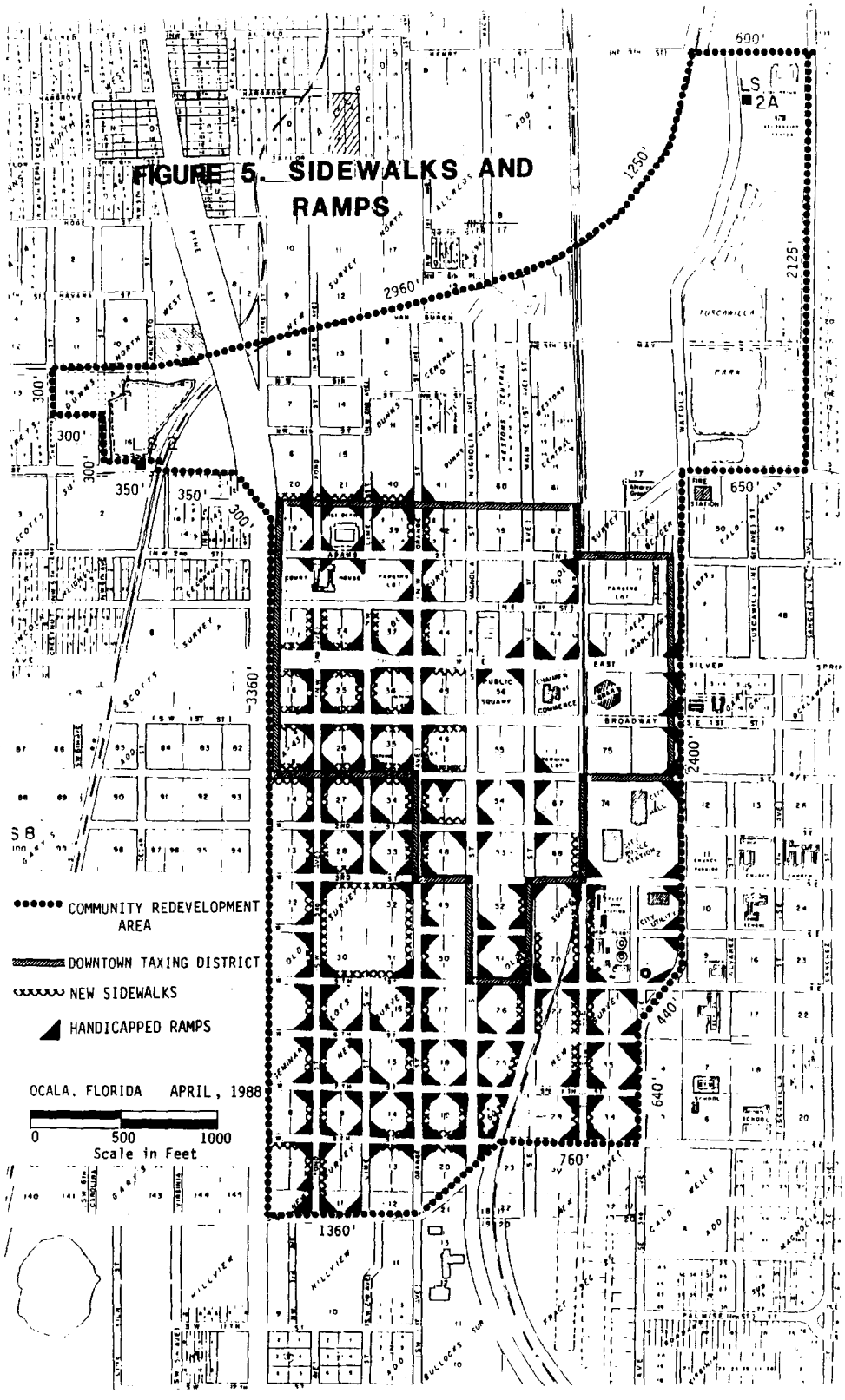
FIGURE 4 TRANSPORTATION SYSTEM
COMMUNITY REDEVELOPMENT AREA
DOWNTOWN TAXING DISTRICT
LOS A OR B
HIGH HAZARD INTER-SECTIONS
LOS C
OCALA, FLORIDA APRIL, 1988
0 500 1000
Scale in Feet
600'
1250'
2960'
2125'
300'
350'
650'
2400'
1360'
760'
640'
440'
LS
2A

access to many of the banking, legal, and commercial establishments in the central sector.

Figure 5 identifies those areas needing new sidewalk construction, and new ramps. The need for construction or re-construction would require approximately 23,250 linear feet of four foot wide concrete sidewalk with handicapped ramps. In addition, 66 locations have been identified for handicapped ramps on existing sidewalks. Based upon an estimated cost of $7.00 per LF of sidewalk, and $65 per additional ramp, the total cost to meet the needs identified in this investigation would be $167,040.00.

Another purpose of the field investigation was to make preliminary identification of possible intersection improvements with the purpose of correcting visibility problems or turning radius problems. However, preliminary investigations are insufficient to identify the specific improvements needed; it appears that many areas which exhibit the need for geometric improvements have limited right-of-way, or buildings or other structures immediately abutting the right-of-way. Therefore, it may be necessary to conduct a more extensive engineering investigation of intersections, especially high hazard locations, in order to identify additional improvements as part of Ocala's ongoing roadway maintenance and improvement program.

FIGURE 5. SIDEWALKS AND RAMPS



The major component of the traffic circulation system is the roadway network itself. The CRA study area has 12.14 miles of roadway. An evaluation of the condition of the streets in the CRA study area was carried out by the city engineer in April 1988. It was found that while more than one-third of the system is in satisfactory condition, the balance of the roadway system requires corrective measures including leveling/resurfacing, reconstruction and recycling, in order to improve the roadway condition. The following table summarizes the information provided by the city engineer.

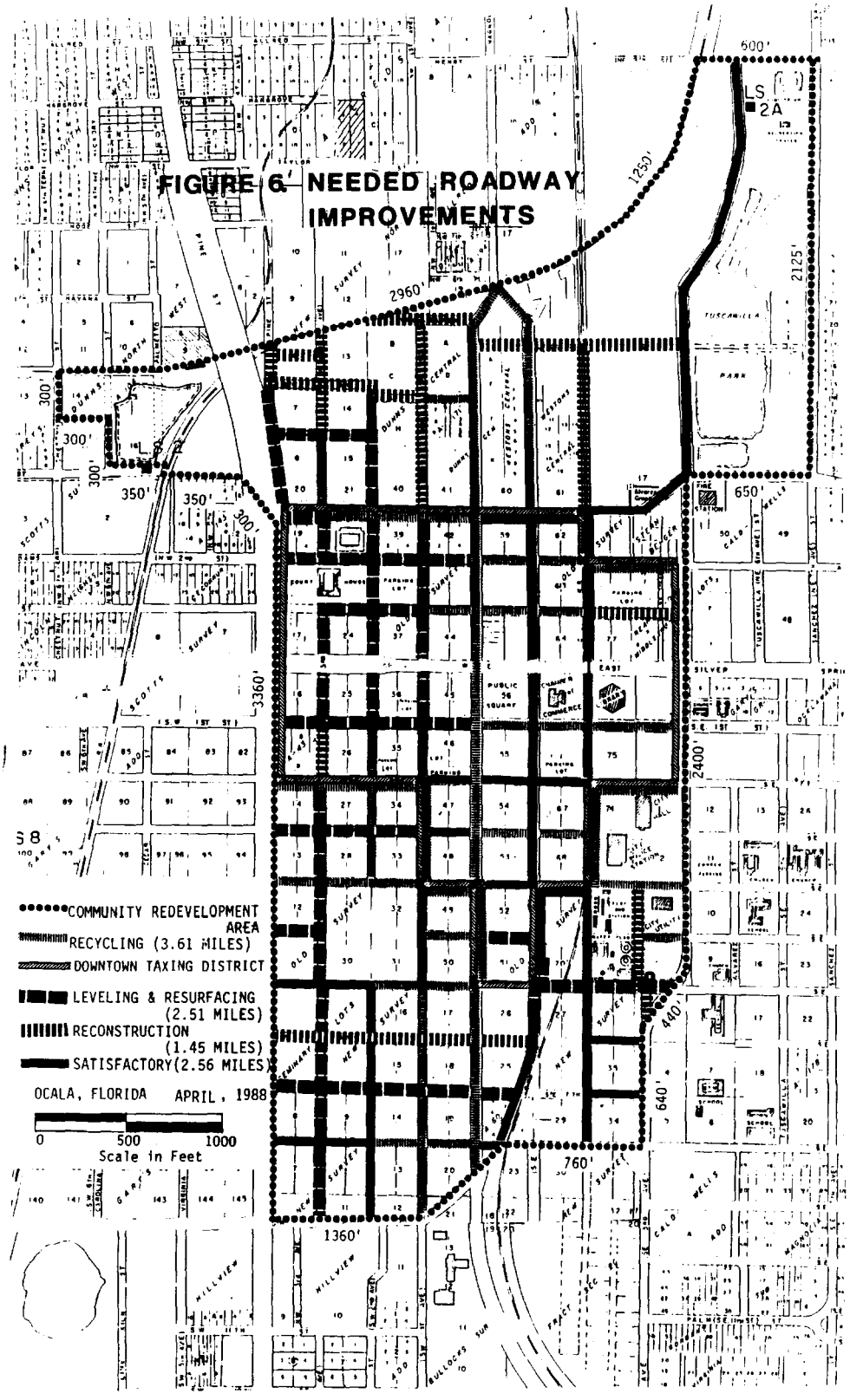
TABLE 5. SUMMARY OF ROADWAY IMPROVEMENTS*

Improvements	Miles	Cost/Mile	Total Costs
Leveling/resurfacing	2.51	$ 75,000	$ 188,250
Reconstruction	1.45	175,000	253,750
Recycling	3.61	125,000	451,250
No Improvements	4.57		
Contingency			$ 17,250
TOTAL	12.14		$ 910,500

* Data provided by Ocala City Engineer, April, 1988.

A map has been prepared to identify the location of needed roadway improvements. This map is shown in Figure 6.

FIGURE 6 NEEDED ROADWAY IMPROVEMENTS



Parking

A downtown Ocala parking study was conducted in 1984 to inventory the existing parking supply and demand in the central sector of Ocala, to identify future parking needs, and to recommend a comprehensive parking program. The study was limited to a 44 block study area for purposes of analysis, generally conforming to the boundaries of the special taxing district, the central sector of the CRA study area. It was found in this study that individual blocks in the central sector exhibit a pattern of a surplus in parking spaces and a deficiency in parking spaces. However, the surplus spaces are not located conveniently to eliminate deficiencies elsewhere within the study area.

The parking supply in 1984 was identified as 3,145 spaces; when adjusted based on operational efficiency of the parking spaces, this supply was reduced to 2,653 spaces. The parking demand in this study area in 1984 was identified as 2,507 spaces. This assessment was based upon occupied floor area within the central sector; therefore, when including parking demand for space unoccupied at the time of study, an overall deficiency exists.

Parking demand for the north and south sector is estimated to be approximately 1,620 spaces, calculated based on the City of Ocala's zoning standards of one space for each 300 square feet of business use. Uses, such as churches, are not included in this

estimate of demand, since such uses create a demand during non-business hours, and can be supplied by the same spaces meeting day time business needs. Data are not available on total supply of parking spaces in the north and south sectors; however, visual observation during the months of March and April 1988, indicated that existing parking lots providing on-site parking for business uses in the north and south sectors were not filled.

Continued redevelopment of buildings and properties in the CRA study area will increase parking demand; where such redevelopment is accompanied by adequate provision for parking, the existing balance between demand and supply will be maintained. However, where space now devoted to parking is converted to business use, an increase in the currently existing deficiency will be realized. This is the case with the new judicial center which will not only create new demand, but also will eliminate existing supply.

The 1984 parking study recommended a comprehensive parking program, described the feasibility of a parking garage at three different alternative locations, and recommended a series of immediate, intermediate, and long range actions to meet parking demand in the central sector.

Study of and recommendations regarding a potential parking structure to serve the central sector are now being handled by

the Ocala/Marion County Chamber of Commerce. Therefore, contemplation of changes to the comprehensive parking program, or consideration of construction of additional parking facilities, are not included in this plan.

Infrastructure

For the purposes of this plan, infrastructure is defined to include the potable water system, the sanitary sewer system, and the drainage system. The community redevelopment area is characterized by deficiencies in all three systems. Because the community redevelopment area is the oldest part of Ocala, the systems which are in place to distribute potable water, to collect wastewater, and to handle drainage are old and often not installed to modern standards.

Information provided by Ocala engineering staff in March, 1988, indicates that throughout downtown there are a number of two inch lines providing water distribution. Two inch lines are inadequate for fire flow purposes. While the situation may not present a clear and present danger in terms of fire suppression, it is certainly a substandard condition. Table 6 presents information on the extent of the deficiency in the potable water distribution system in the community redevelopment area.

TABLE 6. POTABLE WATER SYSTEM NEEDS*

PIPE REQUIRED	NO. FEET	ESTIMATED COSTS
12" Main	3,350	$123,950.00
8" Main	2,600	81,900.00
6" Main	1,580	42,660.00
Installation of Hydrants		45,000.00
Contingency		31,490.00
TOTAL SYSTEM NEEDS		$323,000.00

*Data provided by City of Ocala Engineering Department, April, 1988.

A similar situation exists in the wastewater collection system within the community redevelopment area. Because this is the older part of town, the system here is characterized by old lines, often terra cotta pipe. While there have been no recent studies of the condition of the collection system in the community redevelopment area, data has been provided by the City Engineering Department, which indicates that a minimal upgrade of the system will cost approximately $100,000.00.

No data are available concerning the drainage system within the CRA study area. However, a preliminary study is being conducted by an engineering consultant, with the purpose of eventually establishing a stormwater utility. Drainage is a well-recognized problem in downtown; estimates by the Ocala city engineer are that $500,000 should be set aside to improve the stormwater control system in the CRA study area.

AESTHETICS

An important part of redeveloping any area is its appearance. While many aspects of the appearance of a neighborhood will be improved as the structural conditions are improved, as redevelopment takes place for economic reasons, as streets are repaired, and infrastructure is upgraded, some aspects of the appearance of a downtown must be given special attention. Public improvements in a downtown are often concerned with the appearance of the streetscape. The streetscape is the combination of all elements in a pedestrian or vehicular area, usually the public right-of-way, and includes street furniture, landscaping, sidewalks, lights, signs, and the relationship of each of these elements both to each other and to adjacent buildings. Certain standards have already been adopted for the central sector, the special taxing district, with regard to these elements of the streetscape. Sidewalks, an essential part of the pedestrian circulation system, were discussed earlier in this chapter. For the purposes of this discussion the streetscape includes the street furniture (items such as benches, planters, trash receptacles, kiosks, etc.), landscaping (trees, tree grates and guards), and lights.

In order to make an area attractive for pedestrians, improvements to the appearance, or the streetscape are necessary. Such

improvements are now in evidence in Ocala only in the central sector centered on the public square and adjacent blocks. While individual property owners have made improvements to their building facades, and in some cases upgraded and installed landscaping, there has not yet been a comprehensive program throughout either the central sector, or the entire community redevelopment area, to upgrade the streetscape.

The cost for streetscape improvements are approximately $32,500.00 per block face. A block face is one side of one block between two intersections. There is no comprehensive study or prioritization for improvements to block faces in the CRA study area. However, it is important that streetscape improvements be incorporated into the plan, in order to improve the environment for the pedestrian in the downtown. It is likely that such improvements would be most successful if centered on entrance-ways to the downtown. The western and eastern entrances into the downtown are primarily Silver Springs Boulevard, which has already received some attention. The major southern entrance is SE 1st Avenue, approaching from SR 200. The northern entrance is primarily Magnolia. Therefore, should a streetscape improvement program be carried out, emphasis should be centered on the entrance-ways into the CRA study area, and the central sector, which is the most intense pedestrian use area of the study area.

INTERGOVERNMENTAL COORDINATION

While all the community redevelopment area is within the city limits of the City of Ocala, and thus is within the jurisdiction of the city council, there are other agencies and organizations which have an interest in or responsibility for the community redevelopment area. Those groups include the following:

Downtown Development Commission	Ocala/Marion County Chamber of Commerce
Economic Development Council	Ocala Planning and Zoning Commission
Downtown Ocala, Inc.	Historic Ocala Preservation Society
Ocala City Council	Board of County Commissioners

The success of the plan for the community redevelopment area of Ocala depends upon the coordination of all responsible agencies and organizations for the CRA study area. Specific site plans for new construction or redevelopment in the downtown will be reviewed by the Ocala Planning and Zoning Commission. The Downtown Development Commission will continue to serve the area identified as the central sector, which is the special taxing district. The Ocala/Marion County Chamber of Commerce is studying and preparing recommendations regarding parking needs in downtown. The Economic Development Council has a major responsibility for promotional activities and business recruitment to the general area. Their role can be strengthened to focus specifically on the recruitment of new business activity in the CRA study area. The Ocala City Council, serving as the

Community Redevelopment Agency, will have primary responsibility for carrying out the projects identified in this plan, and ensuring the future integrity of the community redevelopment area. Coordination with the Historic Preservation Society is important, as activities within the CRA study area may complement, be complemented by, or otherwise have an impact upon activities in the historic district. Decisions by the Marion County Board of County Commissioners should be carefully coordinated with the contents of this plan, and the activities of the other agencies, as it regards lands and buildings owned and occupied by County government.

RECOMMENDATIONS

The plan for community redevelopment.

This section of the study document describes the recommendations which translate the vision for Ocala's community redevelopment area into words. These recommendations represent a synthesis of the community's vision, together with the needs, strengths, and deficiencies identified in Chapter 3. All plan recommendations have been balanced, so that programs and capital expenditures match anticipated revenues over the planning period. Thus, this is a financially feasible plan, a practical and do-able plan, and a plan which leads the community toward realizing its vision.

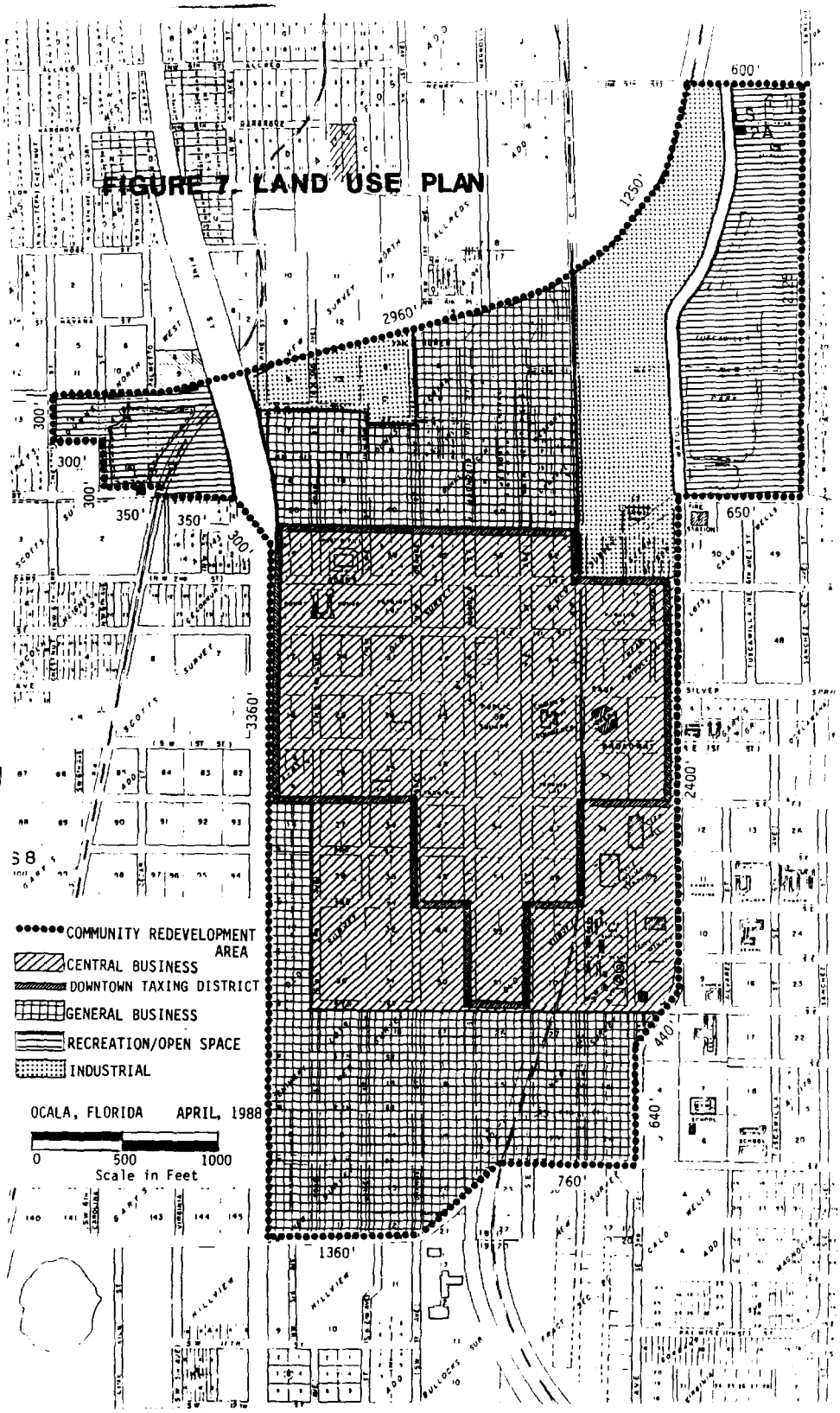
LAND USE

Recommendations for land use designations in the community redevelopment area are based upon a strengthening of the role of the area as the focal point of the entire community. This area serves as the central business district for the entire city, county, and region. As the central city of a high growth region in Florida, Ocala holds a unique position. Therefore, it is important to strengthen that position, through widespread recognition of the role of Ocala's downtown as the central business district, as the center for government activity, and as

the finance center of the region. A map reflecting the land use plan for the community redevelopment area is shown in Figure 7. This map shows that the majority of the area is designated as central business district, a unique category in the Ocala Comprehensive Plan. The balance of the area is shown in three uses, industrial, general business, and recreation/open space. This should not be an indication that residential is not considered a viable use in the downtown. On the contrary, residential uses are highly desirable in the downtown, as separate uses or intermixed with other business uses. In fact, the entire community redevelopment area is seen as a mixed use area, with the exception of lands designated for industrial use and recreation/open space. The land use categories are defined below, with the primary distinction between the central business and general business categories being one of intensity.

Central Business District: This area should consist of mixed uses, containing commercial activity such as retail, restaurants, service businesses (beauty salons, tailors, etc.); business and professional offices; government offices and government uses; residential, limited to upper floors only; entertainment and cultural activities; limited commercial uses which are dependent upon highway access; limited commercial uses which require outdoor storage. This area should be characterized by a concentration of the community's highest intensity uses.

FIGURE 7. LAND USE PLAN



General Business: This area should be characterized by mixed uses of moderate or medium intensity. Allowable within this district should be commercial activity, such as retail uses, restaurants, and service businesses; business and professional offices; entertainment and cultural activities; and commercial uses dependent upon highway access. Residential should be allowed, and need not be limited to upper floors.

Industrial: Industrial uses should include manufacturing, assembly, warehousing, and other similar light to moderate intensity industrial development. Heavy industrial uses which are inconsistent with an in-town location in close proximity to recreation areas and residential neighborhoods should not be allowed within this district.

Recreation/Open Space: Recreation and open space activities include active and passive play areas, facilities for cultural activities both indoor and outdoor, open spaces devoted to either passive recreational uses or water retention areas, and outdoor public assembly areas.

North Sector

The north sector of the community redevelopment area is distinctly different from the balance of the area. It is unique in that it now contains a community scale recreation facility, two drainage and retention areas, and a high concentration of

industrial use. It is recommended that the industrial areas be maintained, improved, and that efforts be taken to promote redevelopment of the industrial areas to provide an in-town industrial park. The center portion of the north sector is recommended for a general business category, some of which is a transition from existing uses scattered throughout this area. The continuation of the trend to locate offices and support services in this area because of its proximity to county government and the courthouse will likely continue. However, the majority of the dilapidated floor area in the CRA study area is located in the north sector; therefore, existing programs need to be reinforced to eliminate dilapidation, and to encourage renovation where feasible.

Central Sector

The entire central sector, except the public square, is designated for central business district use. This designation recognizes the high intermixture of uses, the variety already located there, and is recommended as a means of fostering a continuation of both the variety and the mixture of uses. The public square is designated as an open space area, to be preserved as the focal point of the entire CRA study area as well as the central sector.

South Sector

The south sector is characterized by two land use designations:

central business district, and general business. The general business designation is applied to those blocks which front Pine and the area south of 5th Street. The area between the railroad tracks and south of city property at the water plant is also designated for general business use. The balance of the south sector, including post office, city hall, and other city government uses, is designated central business district. This designation is applied in order to encourage an appropriate increase in intensity and mixture of uses throughout this sector.

While no specific blocks or parcels are designated for residential, it is expected through the application of appropriate zoning categories within these plan designations, a higher intensity residential use will be encouraged than is now found. The south sector is characterized by mature trees, quiet streets, low vacancy rates, and the highest concentration of residential found within the CRA study area. There is also sufficient vacant land for assembly which could be developed, or redeveloped, into a residential complex. It is felt that this is an appropriate location for residential development based partly upon the character of the area, but also based upon the services available, including employment opportunities, shopping opportunities, and good proximity to medical offices as well as other services needed to support a residential neighborhood. It is also felt that this area can benefit from its proximity to the

historic district of Ocala, and can provide a desirable in-town residential environment.

HOUSING

As noted in chapter 3 of this report there are approximately 67 dwelling units found in the CRA study area. These are located primarily in the south sector; the north sector, an area which has been experiencing transition over the last several years from residential to office, now only accounts for approximately 10 housing units. No efforts are proposed to hasten the transition and displace current residents.

It is recommended, however, that residential development play an increased role in future downtown land use activity than it has in recent years. The decline in the number of dwelling units in the CRA study area has been due to degradation of structural condition of units as well as changes of use throughout the area. It is recommended that residential be encouraged to be developed in two ways. Residential should be encouraged in mixed use areas through the CRA study area; within the central business district area it should be limited to second floors and above. For the vitality of retail and office uses within the CBD, it is important that these kinds of activities occur on the ground floor. However, upper floors can be especially attractive to in-town residential development, and have proven successful in many other communities. Maintaining retail use on the ground

floor has proven successful in other communities and should be encouraged through appropriate zoning standards.

There are opportunities in the south sector for the development or redevelopment of some blocks to provide new residential units. There are large areas of vacant land, concentrations of existing multi-family and single family residential development, and adequate services to make residential uses an attractive alternative. It is, therefore, recommended that the city not only encourage, but actively seek, developers for new multi-family residential development in the south sector. It is estimated that between 60 and 100 units could be accommodated, depending upon the land assembly. The city should examine the potential for abrogation of streets in order to create a contiguous parcel of enough size to accommodate development at the upper end of the range. This area would be especially attractive for a complex to serve the needs of the community's elderly population; adequate services are generally available within walking distance. Because of the current existence of residential development, and the proximity to residential development in the historic district, this area already has a residential character. Actions by the city with regard to street improvements, and other elements of the infrastructure, should be geared toward a larger residential component of land use activity, especially in the area generally south of the post office.

Neighborhood Impact: All proposals contained in this plan for redevelopment in the CRA area are designed to enhance portions of the study area for residential development, to improve traffic circulation throughout the entire study area, to improve the environmental quality of the area, and to increase the availability of community facilities and services. Therefore, the only impact upon existing residents of the area is positive. The current estimated population of the CRA study area is less than 150 persons. Even a doubling of the number of dwelling units throughout the CRA study area will have a minimal effect upon school population, especially if new units are to serve the elderly, and minimal effect upon others effecting the physical and social quality of the CRA study area.

Housing to serve low income residents is now located in the south sector. It is expected that not only would this complex be maintained, but that the south sector be identified as a portion of the study area with residential character, and encouragement given to developers of new residential opportunities to be located in the south sector. Thus, this neighborhood of the CRA study area will be strengthened as a residential area, and improvements in the area will be predicated upon this strengthening of residential use.

There are no proposals or recommendations contained within the CRA plan which would require dislocation or relocation of any existing residents of the CRA study area. The community redevelopment agency must carry out its activities to minimize hardship to displaced residents, should the plan be amended to include projects resulting in displacement. In the event of such amendment, the community redevelopment agency shall adopt a policy to provide appropriate assistance to displaced residents to minimize inconvenience, provide opportunities to locate comparable replacement housing, and ensure minimal financial hardships.

INFRASTRUCTURE AND TRAFFIC CIRCULATION SYSTEM IMPROVEMENTS

There were a number of needs and deficiencies identified in chapter 3 of this plan which should be corrected to improve the physical and social quality of the CRA study area. These needs include the potable water system, the sewer system, the drainage system, roadways, sidewalks and handicapped ramps, and streetscape. Some of the needs are based on deficiencies in the existing system, due to deterioration over time, or due to increased demands upon the systems generally due to growth in the Ocala Region, and needs which result from impacts of new uses in the area such as the County Judicial Building, or new private office and retail development. It is recommended, therefore, that through implementation of this redevelopment plan those

deficiencies, and needs due to growth in CRA study area, be addressed, and a program of corrective measures implemented.

Many of the improvements needed are in the public right-of-way. For example roadway improvements, replacement of sewer lines, replacement of water lines, and installation of sidewalks, all occur within the public right-of-way. While specific improvements projects are described in this report, such improvements are not listed in a priority order, either by improvement or by geographic area. Additional study by the engineering and technical staff in Ocala is needed in order to establish geographic priorities. This is important due to the fact that any improvements within the right-of-way should include all necessary improvements, including provision for future streetscape improvements. It is less costly to the public to coordinate all improvement projects within a roadway link, rather than to carry out projects on a system by system basis. Therefore, it is recommended that priority areas be established, based on roadway links, where a coordinated program of public improvements would be carried out to include, as needed, the potable water distribution system, the sanitary sewer collection system, installation of sidewalk and handicapped ramps, installation of underground wiring and irrigation to support future streetscape improvements, and improvements to the drainage system of the area.

In order to guide the staff in establishing priorities, the following assessment system is recommended. For each roadway link, defined as that segment of a road between two intersections, every improvment required within the public right-of-way for that link should be listed. The maps in Figures 5 and 6 provide information on location for pavement improvements, sidewalks, and handicapped ramps. Appendix D provides location information on water system improvements. Location information on sewer improvements is available from the Ocala city engineer and for drainage will soon be available from the storm water study. Compilation of these data into a matrix for each roadway link will identify those links with the greatest number of improvements. Priorities should be established to correct the greatest number of deficiencies per link as a first priority. After compilation of the data, several contiguous links may be grouped based on overall deficiencies and common needs for the group. This should result in a more efficient improvements project; contracts need not be let for only one block at a time.

Since the basis of financing improvements in the CRA study area is the receipt of revenues through tax increment financing, possibly to be used on a "pay as you go" basis, the first year of implementation should be devoted to carrying out this assessment to establish a clear list of geographic priorities for the expenditure of these funds. However, it is also recognized that continued economic analysis, also in the first year, may result

in a decision to borrow the funds, either through conventional loan or issuance of bonds. In either case, developing a list of geographic priorities will make reasoned decision-making possible.

It is recommended that the following improvements be made in the study area. More discussion of specific projects together with funding for projects, an analysis of revenues available to fund projects, is contained in the economic analysis chapter. It is recommended that the potable water distribution system be upgraded to provide, where needed, a minimum six inch main, together with the installation of hydrants to provide adequate spacing for fire suppression purposes (see Appendix D and Table 6). It is recommended that the sanitary sewer collection system be upgraded, to replace old lines in the CRA study area, and reduce problems of infiltration. It is recommended that the drainage system throughout the CRA study area be improved, to reduce flooding in the area, and to adequately handle stormwater runoff. New sidewalks should be installed in those areas identified on Figure 5, including handicapped ramps as part of sidewalk installation. In those locations with adequate sidewalks but without handicapped ramps as identified on Figure 5, new handicapped ramps should be installed. A program of roadway improvements, including both reconstruction, resurfacing, and recycling, as shown in Figure 6, should be carried out throughout this CRA study area.

STREETSCAPE

Streetscape improvements should be carried out, to be focused on entrance-ways into the study area, and especially into the central business district, as defined on the land use plan. Streetscape improvements should also be provided in areas of redevelopment and rehabilitation, within the central business district designations. Because funding is available within the central sector from the special taxing district, streetscape improvements within the central sector should be financed through revenues from the special taxing district. These improvements should be focused on the pedestrian-oriented central business district and provided in locations to supplement private investment in redevelopment and rehabilitation. However, no specific projects are identified in this plan for special taxing district revenues. (Note: It is important that projects, once identified, be coordinated with the improvements projects and priorities identified for infrastructure improvements described in the previous section).

However, because entrance into the CRA study area from SR 200 is a major entrance way, streetscape improvements should be carried out on SE 1st Avenue as part of this plan implementation. Based on historic cost figures, and improvements to approximately six block faces, total cost for this project is expected to be $195,000.00.

ZONING

There are three specific recommendations regarding zoning categories and standards within CRA study area. City staff should evaluate the zoning districts now applied to the study area as well as the standards which apply to development in each of those districts. The evaluation should consider the appropriateness of the standards and the categories for the land uses shown on the CRA plan. Until such an evaluation has been carried out, and recommendations for any amendments to district designations and standards within the districts, the existing limitations on the type, size, height, number, and proposed specific use of buildings within the community redevelopment area shall remain in force.

It is further recommended that the evaluation of zoning standards consider the adoption of bonus, or incentive, provisions to apply within zoning districts in the central business district. Such bonus provisions might allow the provision of off-street parking (where not otherwise required), especially parking which is available to the general public, provision of streetscape improvements, or provision of public areas such as courtyards, in exchange for a bonus in the form of additional floor area. Such provisions have proven successful in other downtown redevelopment areas, and should be considered for Ocala. It is important in considering such bonus provisions to insure there

is a direct relationship between the private provision of additional public amenities in exchange for additional rights for development. Amenities should clearly further the redevelopment plan for the area, and should clearly benefit the public.

It is also recommended that any rezoning of land necessary for consistency between the zoning districts and the land use plan category be carried out. It may be desirable to carry out any such comprehensive rezoning after the zoning districts and standards have been evaluated, and as part of any necessary city-wide rezoning efforts to achieve compliance with the Ocala Comprehensive Plan required as part of the Growth Management Act. Thus, this recommendation is not necessarily for immediate implementation.

ECONOMIC DEVELOPMENT

Physical improvements to a redevelopment area in and of themselves will not bring about economic redevelopment. In order for redevelopment of the downtown community to be not only complete, but also successful, it is necessary to foster economic redevelopment. Economic redevelopment is assisted by such things as the provision of physical improvements, the provision of low interest loans, and promotional activities to assist the business community. This plan provides very clearly for physical improvements within the study area. A low interest loan program is now on going for central sector. However, it is necessary to

identify additional assistance for both business retention and business expansion, and for the attraction of new business activity into the study area.

Therefore, it is recommended that a market analysis be carried out to identify the role of the Ocala downtown market within the city, county and regional markets. It is estimated that such an analysis would cost approximately $25,000. This study should be carried out in the first year, to provide a basis for promotional and recruitment activities, and to provide the very detailed information necessary to make future decisions regarding the study area. It is not likely, however, that such a study would identify with any specificity businesses which are in under-supply or over-supply. In order to carry out successful promotional or recruitment programs, it is highly desirable to have the best possible information regarding businesses which are needed (current under-supply). This study would identify such businesses based on a comparison of the Ocala market area with similar communities throughout the state. Such a study was completed approximately two years ago for the City of Largo, and can provide a useful methodology for conducting a similar study for Ocala. It is estimated that the study would cost approximately $10,000.

An important component of economic development is the promotion of existing businesses together with recruitment of new

businesses. Much of the success of the Ocala Main Street Program has been a result of promotional activities. These should be continued and expanded. It is recommended that all of the agencies and organizations involved in furthering the community redevelopment area coordinate among themselves to carry out promotional and recruitment activities. An important agency in this effort is the Economic Development Council whose responsibility is business recruitment for the larger community. Armed with information from this plan, together with the results of the market analysis, and the under- and over-supply analysis, the EDC can focus recruitment efforts on identifying businesses both desirable and potentially successful for downtown. Promotional activities, such as those now carried out in the special taxing district, should be expanded to include all of community redevelopment area.

PRIVATE DEVELOPMENT OPPORTUNITIES

At the current time, no specific private development opportunities have been identified; however, results of the market analysis together with the analysis of under- and over-supply of businesses, will identify very clearly and very specifically new private development opportunities. Until such time, it is expected that private development opportunities will continue, as they have in the past, to focus upon services to support the growing office community, and government center, now located in downtown Ocala. Areas which currently have relatively

high vacancies and which need rehabilitation present the best private development opportunities. An example of such a location is Broadway.

As discussed elsewhere in this plan, it has been recommended that additional residential development be located within the south sector of the community redevelopment area. This represents a significant private development opportunity, and such development should be encouraged, and actively promoted, by all of the agencies and organizations implementing this plan.

STRUCTURAL CONDITIONS

More than one-half of all floor area in the CRA study area is in standard condition. However, approximately one-fourth of all space is either deteriorated or dilapidated. There is a concentration of deteriorated and dilapidated space in the north sector of the study area. In fact the north sector accounts for nearly two-thirds of all dilapidated floor area; buildings defined as dilapidated are those which are infeasible for rehabilitation.

It is recommended that the city initiate a comprehensive code enforcement program aimed at the elimination of dilapidated structures. In the first year of plan implementation, staff should design a program to accomplish this objective. Program implementation should occur in years two through five.

It is also recommended that a public information program be developed and implemented which is designed to foster community pride and voluntary improvements to structures below standard.

IMPLEMENTATION

The responsibility for implementing this plan rests with the Community Redevelopment Agency. It is the intention of the community redevelopment agency that development in the downtown area shall be in conformance with the adopted zoning ordinance and the downtown plan, as presented in this redevelopment plan.

In the future, any leases, deeds, contracts, and agreements relative to any real property conveyed by the community redevelopment agency may contain restrictions, covenants, conditions subsequent, or such other provisions necessary to carry out the plan, and may require that owners, purchasers, lessees, or developers of real property within the redevelopment area must commence construction or rehabilitation of any building and proceed in a manner consistent with such reasonable periods of time as mutually agreed upon with the agency.

The City of Ocala has been steadily developing a framework for the orderly improvement of downtown. Beginning with establishment of the DDC to address parking needs over 20 years ago, and continuing to more recent efforts, such as special

needs of downtown in the Comprehensive Plan, participation in the Florida Main Street Program, and designation of an enterprise zone, the city has been working to achieve redevelopment. Designation of the community redevelopment agency and creation of this redevelopment plan set the stage for tax increment financing to better achieve the city's goal. In addition, grant funds are now being sought to rehabilitate the Marion Theatre, a community treasure in downtown.

These actions confirm that the city, the DDC, and others are involved in a continuing and sustained program to redevelop the downtown community with safeguards to assure program implementation pursuant to a plan.

This plan is consistent with the goals, objectives and policies of the current Ocala Comprehensive Plan, and upon modification to comply with 9J-5, F.A.C., can also serve as an optional element to the Ocala Comprehensive Plan being developed, pursuant to Chapter 163, F.S. It is recommended that this plan be modified to comply with 9J-5, F.A.C., and subsequently adopted under Chapter 163, F.S., as an element of the Ocala Comprehensive Plan.

Financing the plan.

One of the City's contributions to the success of the Downtown Redevelopment Plan is planning, constructing, and financing a variety of public improvements projects which will enhance the viability of Downtown Ocala.

PROJECTS AND COSTS

There are seven categories of public expenditures that are part of the Community Redevelopment Plan: streets, water, sewer, drainage, sidewalks, streetscape, and marketing analysis. The following list itemizes projects and their costs for each of the seven categories.

Project Description	Size	Unit Cost	Total Cost
Streets			
Leveling and Resurfacing	2.51 miles	$ 75,000	$ 188,250
Reconstruction	1.45 miles	175,000	253,750
Recycling	3.61 miles	125,000	451,250
Contingency			17,250
Street Subtotal			$ 910,500
Water			
Upgrade for Fire Protection (Hydrants, Lines, etc.)			
Hydrants	20 hydrants		35,000
Bore & Jack S.E. 1st St.	80 feet		10,000
12" Mains			
S.W. 2nd Street	1,070 feet		
Magnolia Avenue	530 feet		
S.W. 4th Street	600 feet		
Osceola	550 feet		
N.W. 3rd Street	600 feet		
Subtotal	3,350 feet	37	123,950
8" Mains			
S.E. 1st Street	260 feet		
S.W. 8th Street	840 feet		
S.W. 2nd Avenue	800 feet		
N.E. 5th Street	700 feet		
Subtotal	2,600 feet	31.50	81,900

Project Description	Size	Unit Cost	Total Cost
6" Mains			
S.W. 5th Street	240 feet		
S.W. 2nd Avenue	440 feet		
Sanchez Avenue	400 feet		
N.W. 3rd Avenue	400 feet		
N.W. 3rd Street	100 feet		
Subtotal	1,580 feet	27	42,660
Contingency			31,490
Water Subtotal			325,000
Sewer			
Estimate			100,000
Drainage			
Estimate (pending detailed study)			500,000
Sidewalks			
Install or replace	23,250 lineal feet	7	162,750
Handicapped ramps	65 ramps	65	4,290
Sidewalks Subtotal			167,040
Streetscape			
S.E. 1st Street	6 block faces	32,500	195,000
Marketing Analysis			
Marketing Study			25,000
Business Supply Study			10,000
Analysis Subtotal			35,000
TOTAL COST			$ 2,232,540

There are two other costs associated with support of the Community Redevelopment Plan. The first is a one-time cost of $25,000 to reimburse the City for the cost of the Community Redevelopment Plan. The second is the ongoing cost of the Downtown Development Commission (DDC). It is recommended that the reimbursement for the Plan be made from the financing program described below. It is recommended that the cost of the DDC be covered by continuing the special taxing district for the Downtown.

FINANCING

Florida law authorizes local governments to use tax increment financing to pay for the cost of capital improvements related to the community redevelopment area (see section 163.370(1)(c)(3), Florida Statutes).

Tax increment financing uses some of the ad valorem taxes from the property that receives the benefits (e.g., the community redevelopment area) to pay for the cost of capital improvements in the CR area. The only property taxes that are used for this purpose are city and county taxes on the "increment" by which property values increase as a result of the downtown plan. The property taxes on the original value of the property before the CR plan are kept by the city and county for regular governmental purposes.

The city and county taxes on the increment can be used for cash costs of capital improvements ("pay-as-you-go"), or to repay bonds which were used for capital improvements that benefit the CR area. The increment of property taxes of school districts, water management districts and most other special districts are retained by those taxing authorities, and are not used for the CR plan and its capital improvements costs.

The incremental increase of the taxable value of property is based on two factors: (1) the value of the property immediately

prior to the establishment of the tax increment program, and (2) the rate of growth in the taxable value after the tax increment program is initiated. Table 7 lists the taxable value for each land use type in 1985 (the most recent year for which data is available).

TABLE 7. TAXABLE VALUE OF DOWNTOWN PROPERTY 1985

Land Use Type	Taxable Value
Residential	$ 746,113
Commercial	13,373,428
Office	17,796,207
Industrial	3,311,110
Governmental	114,816
Institutional	528,422
Recreation/Open Space	12,600
Parking	1,566,765
Vacant	1,095,723
TOTAL	$ 38,545,184

Source: Marion County Property Appraiser

The incremental growth of the taxable value depends on the success of the community redevelopment plan, and a variety of economic conditions, including vacancy rates in the CR area and in the surrounding market, and the strength of the local economy. If the Ocala CRA Plan were to achieve results similar to those obtained in Gainesville, there would be an appreciation of over 69% in the first four years after the CRA plan was implemented. Table 8 shows the growth in taxable value, the resulting taxable increment, and the revenue that would be available at current tax

rates (10 mills), assuming a 69% increase in taxable value during the first four years, and a 5% annual increase thereafter. The rapid initial increase is based on the assumption that the capital improvements will spur redevelopment, and thus property values.

The slower subsequent increase recognizes that the redeveloped area will achieve its normal value, and subsequent increases will be due to inflation.

TABLE 8. OCALA TAX INCREMENT
Assuming Increase Similar to Gainesville

Year	Taxable Value	Taxable Increment	Tax Revenue at 10 Mills
Base	$ 38,545,184	$	$
+1	45,252,046	6,706,862	67,068
+2	51,958,908	13,413,724	134,137
+3	58,665,770	20,120,586	201,206
+4	65,372,632	26,827,448	268,274
+5	68,641,264	30,096,080	300,961
+6	72,073,327	33,528,143	335,281
+7	75,676,993	37,131,809	371,318
+8	79,460,843	40,915,659	409,157
+9	83,433,885	44,888,701	448,887
		Cumulative Total	$ 2,536,289
+10	87,605,579	49,060,395	490,604
+11	91,987,858	53,440,674	534,407
+12	96,587,251	58,040,067	580,401
+13	101,416,614	62,869,430	628,694
		Cumulative Total	$ 4,770,395

The City of Ocala's community redevelopment plan calls for expenditures totaling $2,232,540, as itemized above. In order to achieve the early rapid increase in taxable values, the capital

improvements would need to be made at the beginning of the implementation of the CR plan. Unfortunately, the revenue to pay for such improvements does not accumulate until year 9, according to Table 8. Therefore, the City will need to borrow $2.2 million for the capital improvements, and use the tax increment revenue to repay the bonds. The additional cost of the interest on the bonds (at 6.9% median interest, ranging from 5.25 to 8.1%) will add $2.1 million to the total needed from the increment, and will require the tax increment program to remain in place until year 13, based on the assumptions described earlier.

APPENDIX D

Supplemental Detail on Potable Water System Needs

Potable Water System Needs

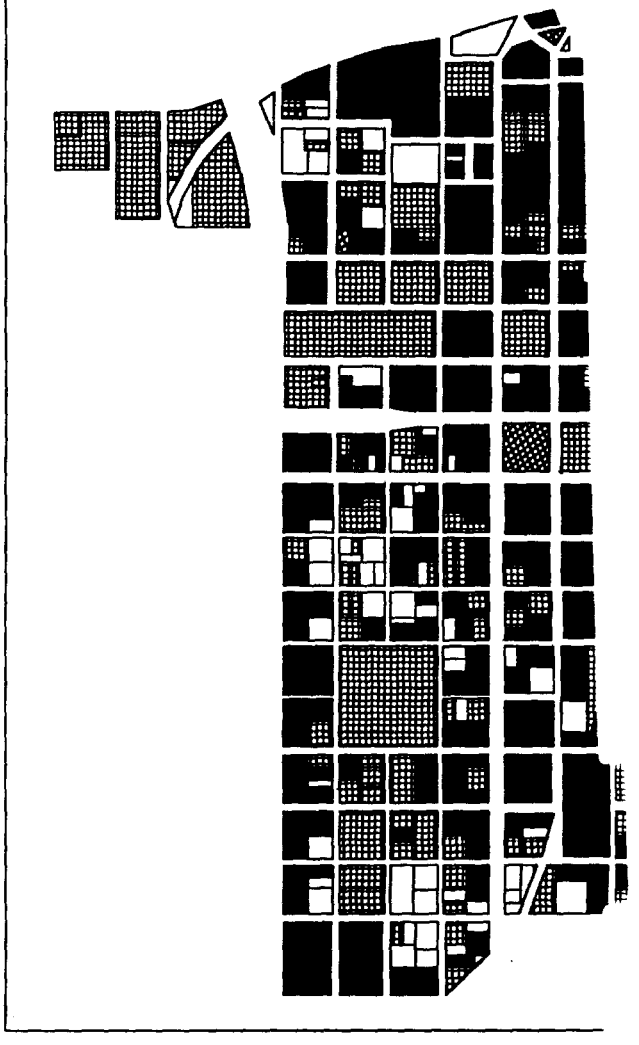
Pipe Required	Location	Length
12" Main	S.W. 2nd Street	1,070'
	Magnolia Avenue	530'
	S.W. 4th Street	600'
	Osceola	550'
	N.W. 3rd Street	600'
8" Main	S.E. 1st Street	260'
	S.W. 8th Street	840'
	S.W. 2nd Avenue	800'
	N.E. 5th Street	700'
6" Main	S.W. 5th Street	240'
	S.W. 2nd Avenue	440'
	Sanchez Avenue	400'
	N.W. 3rd Avenue	400'
	N.W. 3rd Street	100'

Hydrant range, 250'
20 hydrants needed plus bore and jack, S.E. 1st, 80'.

March 22, 1988, Ocala City Engineer

APPENDIX E

Base Map of Ocala, Florida
Downtown Redevelopment, 1988



BASE MAP OF OCALA,
DOWNTOWN REDEVELOI

APPENDICES

APPENDIX A

Chapter 163, Part III

163.3231 Consistency with the comprehensive plan and land development regulations.—A development agreement and authorized development shall be consistent with the local government's comprehensive plan and land development regulations.
History.—s. 25, ch. 86-191.

163.3233 Local laws and policies governing a development agreement.—

(1) The local government's laws and policies governing the development of the land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.

(2) A local government may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the local government has held a public hearing and determined:

(a) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;

(b) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;

(c) They are specifically anticipated and provided for in the development agreement;

(d) The local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or

(e) The development agreement is based on substantially inaccurate information supplied by the developer.

(3) This section does not abrogate any rights that may vest pursuant to common law.
History.—s. 26, ch. 86-191.

163.3235 Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.
History.—s. 27, ch. 86-191.

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
History.—s. 28, ch. 86-191.

163.3239 Recording of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
History.—s. 29, ch. 86-191.

163.3241 Modification or revocation of a development agreement to comply with subsequently enacted state and federal law.—If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.
History.—s. 30, ch. 86-191.

163.3243 Enforcement.—Any party, any aggrieved or adversely affected person as defined in s. 163.3215(2), or the state land planning agency may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement or to challenge compliance of the agreement with the provisions of ss. 163.3220-163.3243.
History.—s. 31, ch. 86-191.

PART III

COMMUNITY REDEVELOPMENT

163.330 Short title.
163.335 Findings and declarations of necessity.
163.340 Definitions.
163.345 Encouragement of private enterprise.
163.346 Notice to taxing authorities.
163.350 Workable program.
163.353 Power of taxing authority to tax or appropriate funds to a redevelopment trust fund in order to preserve and enhance the tax base of the authority.
163.355 Finding of necessity by county or municipality.
163.356 Creation of community redevelopment agency.
163.357 Governing body as the community redevelopment agency.
163.358 Exercise of powers in carrying out community redevelopment and related activities.
163.360 Community redevelopment plans.
163.361 Modification of community redevelopment plans.
163.362 Contents of community redevelopment plan.
163.365 Neighborhood and communitywide plans.
163.367 Public officials, commissioners, and employees subject to code of ethics.
163.370 Powers; counties and municipalities; community redevelopment agencies.
163.375 Eminent domain.
163.380 Disposal of property in community redevelopment area.
163.385 Issuance of revenue bonds.
163.387 Redevelopment trust fund.
163.390 Bonds as legal investments.

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.
163.400 Cooperation by public bodies.
163.405 Title of purchaser.
163.410 Exercise of powers in counties with home rule charters.
163.415 Exercise of powers in counties without home rule charters.
163.430 Powers supplemental to existing community redevelopment powers.
163.445 Assistance to community redevelopment by state agencies.
163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.

163.330 Short title.—This part shall be known and may be cited as the "Community Redevelopment Act of 1969."

History.—s. 1, ch. 69-305.

163.335 Findings and declarations of necessity.—(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(2) It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

(4) It is further 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 the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns. This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.

(5) It is further found and declared that there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.

History.—s. 2, ch. 69-305; ss. 1, 22, ch. 84-356.

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district as defined in s. 165.031(5), or other public body of the state, except a school district, library district, neighborhood improvement district created pursuant to the Safe Neighborhoods Act, metropolitan transportation authority, water management district created under s. 373.069, a special district which levies ad valorem taxes on taxable real property in more than one county, or a special district the sole available source of revenue of which is ad valorem taxes at the time an ordinance is adopted pursuant to s. 163.387. The exclusion of a library district from the definition of "public body" or "taxing authority" does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.

(3) "Governing body" means the council or other legislative body charged with governing the county or municipality.

4. "Mayor" means the mayor of a municipality or, for a county, the chairman of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

5. "Clerk" means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

6. "Federal Government" includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

7. "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.

8. "Blighted area" means either:

a. An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

1. Predominance of defective or inadequate street layout;

2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

3. Unsanitary or unsafe conditions;

4. Deterioration of site or other improvements;

5. Tax or special assessment delinquency exceeding the fair value of the land; and

6. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

b. An area in which there exists faulty or inadequate street layout, inadequate parking facilities, or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.

However, for purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area described in paragraph (a).

9. "Community redevelopment" or "redevelopment" means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) "Community redevelopment area" means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a combination thereof which the governing body designates as appropriate for community redevelopment.

(11) "Community redevelopment plan" means a plan as it exists from time to time, for a community redevelopment area.

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365; and

(b) The functions related to the acquisition and disposal of real property pursuant to [1]s. 163.370(3).

(13) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) "Area of operation" means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) "Housing authority" means a housing authority created by and established pursuant to chapter 421.

(19) "Board" or "commission" means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) "Public officer" means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

(21) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(22) "Increment revenue" means the amount calculated pursuant to s. 163.387(1).

History.—s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44; s. 3, ch. 83-231; ss. 2, 22, ch. 84-356; s. 83, ch. 85-180; s. 72, ch. 87-243.

[1]**Note.**—The reference to "s. 163.370(3)" was substituted by the editors for a reference to "s. 163.370(4)" to conform to renumbering by the reviser incident to compiling the Florida Statutes 1977 and the 1984 Supplement to the Florida Statutes 1983.

163.345 Encouragement of private enterprise.—(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, community-wide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the disposition of any property acquired; and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

History.—s. 4, ch. 69-305; s. 4, ch. 83-231; cf.—ss. 290.001-290.012, Florida Enterprise Zone Act of 1982.

163.346 Notice to taxing authorities.—Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates a community redevelopment agency; or approves, adopts, or amends a community redevelopment plan, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) and (4) or s. 166.041(3) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

History.—s. 8, ch. 84-356.

163.350 Workable program.—Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, to provide housing affordable to residents of low or moderate income, including the elderly, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

History.—s. 5, ch. 69-305; s. 3, ch. 84-356.

163.353 Power of taxing authority to tax or appropriate funds to a redevelopment trust fund in order to preserve and enhance the tax base of the authority.—Notwithstanding any other provision of general or special law, the purposes for which a taxing authority may levy taxes or appropriate funds to a redevelopment trust fund include the preservation and enhancement of the tax base of such taxing authority and the furthering of the purposes of such taxing authority as provided by law.

History.—s. 21, ch. 84-356.

163.355 Finding of necessity by county or municipality.—No county or municipality shall exercise the authority conferred by this part until after the governing body has adopted a resolution finding that:

(1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and,

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

History.—s. 6, ch. 69-305; s. 4, ch. 84-356.

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. The community redevelopment agency of a county has the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than seven commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.

(3)(a) A commissioner shall receive no compensation for his services, but is entitled to the necessary ex-

penses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chairman and vice chairman from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body and with the Auditor General, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

(d) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History.—s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356.

163.357 Governing body as the community redevelopment agency.—

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.—s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356.

163.358 Exercise of powers in carrying out community redevelopment and related activities.—The community redevelopment powers assigned to a community redevelopment agency created under s. 163.356 include all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, except the following, which continue to vest in the governing body of the county or municipality:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in "s. 163.370(3) and the power to assume the responsibility to bear loss as provided in "s. 163.370(3).

History.—s. 2, ch. 77-391; s. 70, ch. 81-259; s. 7, ch. 84-356.

Note.—The reference to "s. 163.370(3)" was substituted by the editors for a reference to "s. 163.370(2)" to conform to the renumbering by the reviser incident to compiling the 1984 Supplement to the Florida Statutes 1983.

163.360 Community redevelopment plans.—

(1) Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Local Government Comprehensive Planning and Land Development Regulation Act.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within such 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.

(4) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body. The governing body shall then proceed with the hearing on the proposed community redevelopment plan as prescribed by subsection (5).

(5) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(6) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) 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 plans; and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

(7) If the community redevelopment area consists of an area of open land to be acquired by the county or the municipality, such area may not be so acquired unless:

(a) In the event the area is to be developed for residential uses, the governing body determines:

1. That a shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the county or municipality;

2. That the need for housing accommodations has increased in the area;

3. That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and

4. That the acquisition of the area for residential uses is an integral part of and is essential to the program of the county or municipality.

(b) In the event the area is to be developed for nonresidential uses, the governing body determines that:

1. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, and

2. Acquisition may require the exercise of governmental action, as provided in this part, because of:

a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;

b. Tax delinquency;

c. Improper subdivisions;

d. Outmoded street patterns;

e. Deterioration of site;

f. Economic disuse;

g. Unsuitable topography or faulty lot layouts;

h Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements, or

i Any combination of such factors or other conditions which retard development of the area.

(8) Upon the approval by the governing body of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.

(9) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(2), with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

History.—s. 7, ch. 69-305; s. 3, ch. 77-391; s. 5, ch. 83-231; s. 6, ch. 83-334; s. 9, ch. 84-356; s. 26, ch. 85-55.

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area.

(2) The governing body shall hold a public hearing on a proposed modification of a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

History.—s. 4, ch. 77-391; s. 6, ch. 83-231.

163.362 Contents of community redevelopment plan.—Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.

(2) Show by diagram and in general terms:

(a) The approximate amount of open space to be provided and the street layout.

(b) Limitations on the type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.

(3) If the redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Identify specifically any publicly funded capital projects to be undertaken within the community redevelopment area.

(5) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.

(6) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

(8) Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly.

(9) Contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues.

(10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved or adopted.

(11) Subsections (1), (3), (4), and (8), as amended by s. 10, chapter 84-356, Laws of Florida, and subsections (9) and (10) do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body has approved and adopted a community redevelopment plan pursuant to s. 163.360 before chapter 84-356 became a law, nor do they apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.—s. 5, ch. 77-391; s. 7, ch. 83-231; ss. 10, 22, ch. 84-356.

163.365 Neighborhood and communitywide plans.

(1) Any municipality or county or any public body authorized to perform planning work may prepare a general neighborhood redevelopment plan for a community redevelopment area or areas, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages. Such plans may include, but not be limited to, a preliminary plan which:

(a) Outlines the community redevelopment activities proposed for the area involved;

(b) Provides a framework for the preparation of community redevelopment plans; and

(c) Indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment.

A general neighborhood redevelopment plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(2) Any county or municipality or any public body authorized to perform planning work may prepare or complete a communitywide plan or program for community redevelopment which shall conform to the general plan for the development of the county or municipality as a whole and may include, but not be limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, and scheduling of community redevelopment activities.

(3) Authority is hereby vested in every county and municipality to prepare, adopt, and revise from time to time a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

History.—s. 8, ch. 69-305.

163.367 Public officials, commissioners, and employees subject to code of ethics.—

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of part III of chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment area, he shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his commissionership or office with respect to such community redevelopment agency, board, or commission.

History.—s. 6, ch. 77-391; s. 76, ch. 79-400; s. 9, ch. 83-231.

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(1) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part;

(b) To disseminate slum clearance and community redevelopment information;

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which redevelopment may include:

1. Acquisition of a slum area or a blighted area or portion thereof.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise any real property (or personal property for its administrative purposes), together with any improvements thereon; except that a community redevelopment agency may not exercise any power of eminent domain unless the exercise has been specifically approved by the governing body of the county or municipality which established the agency.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize ex-

isting offices in order to carry out such purpose most effectively.

(o) To exercise all or any part or combination of powers herein granted or to elect to have such powers exercised by a community redevelopment agency.

(2) The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects which are not an integral part of or necessary for carrying out the community redevelopment plan if such projects or improvements are normally financed by the governing body with user fees or if such projects or improvements would be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

(3) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

History.—s. 9, ch. 69-305; s. 7, ch. 77-391; s. 11, ch. 84-356.

163.375 Eminent domain.—

(1) Any county or municipality, or any community redevelopment agency pursuant to specific approval of the governing body of the county or municipality which established the agency, as provided by any county or municipal ordinance has the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it deems necessary for, or in connection with, community redevelopment and related activities under this part. Any county or municipality, or any community redevelopment agency pursuant to specific approval by the governing body of the county or municipality which established the agency, as provided by any county or municipal ordinance may exercise the power of eminent domain in the manner provided in chapters 73 and 74 and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provision for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner. However, no real property belonging to the United States, the state, or any political subdivision of the state may be acquired without its consent.

(2) In any proceeding to fix or assess compensation for damages for the taking of property, or any interest therein, through the exercise of the power of eminent domain or condemnation, evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages in addition to evidence or testimony otherwise admissible:

(a) Any use, condition, occupancy, or operation of such property, which is unlawful or violative of, or subject to elimination, abatement, prohibition, or correction under, any law, ordinance, or regulatory measure of the state, county, municipality, or other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, unsanitary, or otherwise contrary to the public health, safety, morals, or welfare.

(b) The effect on the value of such property of any such use, condition, occupancy, or operation or of the elimination, abatement, prohibition, or correction of any such use, condition, occupancy, or operation.

(3) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination, or correction of any such use, condition, occupancy, or operation. Testimony or evidence that any public body or public officer charged with the duty or authority so to do has rendered, made, or issued any judgment, decree, determination, or order for the abatement, prohibition, elimination, or correction of any such use, condition, occupancy, or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition, or operation.

History.—s. 10, ch. 69-305; s. 8, ch. 77-391; s. 12, ch. 84-356.

163.380 Disposal of property in community redevelopment area.—

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may de-

termine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the community redevelopment plan and in accordance with such reasonable competitive bidding procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the fair value of real property for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the uses provided in such plan, the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part; however, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

History.—s. 11, ch. 69-305; s. 9, ch. 77-391; s. 13, ch. 84-356.

163.385 Issuance of revenue bonds.—

(1) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. In anticipation of the sale of such revenue bonds, the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund.

(2) Bonds issued under this section do not constitute an indebtedness within the meaning of any consti-

tutional or statutory debt limitation or restriction, and are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this part are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, are exempted from all taxes, except those taxes imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or by a trust indenture or mortgage issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the governing body may determine will effectuate the purpose of this part.

(4) In case any of the public officials of the county, municipality, or community redevelopment agency whose signatures appear on any bonds or coupons issued under this part cease to be such officials before the delivery of such bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this part, or the security therefor, any such bond reciting in substance that it has been issued by the county, municipality, or community redevelopment agency in connection with community redevelopment, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this part.

(6) Subsections (1), (4), and (5), as amended by s. 14, chapter 84-356, Laws of Florida, do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.—s. 12, ch. 69-305; s. 12, ch. 73-302; s. 2, ch. 76-147; s. 10, ch. 77-391; s. 77, ch. 79-400; ss. 14, 22, ch. 84-356.

163.387 Redevelopment trust fund.—

(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment plan. Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

(a) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as herein provided, each taxing authority shall, by January 1 of each year, appropriate to such fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum which is no less than the increment as defined and determined in subsection (1) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1)(b), each such taxing authority shall make such annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan. No taxing authority is exempt from the provisions of this section.

(b) Any taxing authority which does not pay the increment to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment and shall pay interest on the amount of the increment equal to 1 percent for each month the increment is outstanding.

(3) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(4) The revenue bonds and notes of every issue under this part are payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the local governing body or the state or any political subdivision thereof, or a pledge of the faith and credit of the local governing body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the local governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(6) Moneys in the redevelopment trust fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in a community redevelopment area pursuant to an approved community redevelopment plan:

(a) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.

(b) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

(c) The acquisition of real property in the redevelopment area.

(d) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in s. 163.370.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption; retirement, or purchase of agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the redevelopment area for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged; or

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged.

(8) Each community redevelopment agency shall provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The agency shall provide a copy of the report to each taxing authority.

History.—s. 11, ch. 77-391; s. 78, ch. 79-400; s. 9, ch. 83-231; s. 15, ch. 84-356; s. 27, ch. 87-224.

[1]Note.—As enacted, s. 163.361(1) is not divided into paragraphs.

163.390 Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this part or by any community redevelopment agency vested with community redevelopment powers. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

History.—s. 13, ch. 69-305; s. 12, ch. 77-391; s. 16, ch. 84-356.

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.—

(1) All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part are exempt from levy and sale by virtue of an execution, and no execution or other judicial process may issue against the same, nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community redevelopment.

(2) The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property

used for essential public and governmental purposes, and such property is exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption will terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

History.—s. 14, ch. 69-305, s. 13, ch. 77-391, s. 17, ch. 84-356.

163.400 Cooperation by public bodies.—

(1) For the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities authorized by this part, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a community redevelopment plan and related activities.

(d) Lend, grant, or contribute funds to a county or municipality; borrow money; and apply for and accept advances, loans, grants, contributions, or any other form of financial assistance from the Federal Government, the state, the county, another public body, or any other source.

(e) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with the Federal Government, a county, a municipality, or another public body respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing of funds or other assistance in connection with community redevelopment and related activities.

(f) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality.

If at any time title to or possession of any property in a community redevelopment area is held by any public body or governmental agency, other than the county or municipality, but including any agency or instrumentality of the United States, which is authorized by law to engage in the undertaking, carrying out, or administration of community redevelopment and related activities, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "county or municipality" also includes a community redevelopment agency.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(3) For the purpose of aiding in the planning, undertaking, or carrying out of any community redevelopment and related activities of a community redevelopment agency or a housing authority hereunder, any county or municipality may, in addition to its other powers and upon such terms, with or without consideration, as it determines, do and perform any or all of the actions or things which, by the provisions of subsection (1), a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities of a county or municipality, such county or municipality may, in addition to any authority to issue bonds pursuant to s. 163.385, issue and sell its general obligation bonds. Any bonds issued by the county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this part.

History.—s. 15, ch. 69-305, s. 14, ch. 77-391, s. 79, ch. 79-400, s. 18, ch. 84-356.

163.405 Title of purchaser.—Any instrument executed by any county, municipality, or community redevelopment agency and purporting to convey any right, title, or interest in any property under this part shall be conclusively presumed to have been executed in compliance with the provisions of this part insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

History.—s. 16, ch. 69-305, s. 15, ch. 77-391.

163.410 Exercise of powers in counties with home rule charters.—In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter.

History.—s. 17, ch. 69-305, s. 1, ch. 83-29.

163.415 Exercise of powers in counties without home rule charters.—The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a munici-

pality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.
History.—s. 18, ch. 69-305.

163.430 Powers supplemental to existing community redevelopment powers.—The powers conferred upon counties or municipalities by this part shall be supplemental to any community redevelopment powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Dade County, or under the provision of the charter of the consolidated City of Jacksonville.
History.—s. 21, ch. 69-305.

163.445 Assistance to community redevelopment by state agencies.—State agencies may provide technical and advisory assistance, upon request, to municipalities, counties, and community redevelopment agencies for community redevelopment as defined in this part. Such assistance may include, but need not be limited to, preparation of workable programs, relocation planning, special statistical and other studies and compilations, technical evaluations and information, training activities, professional services, surveys, reports, documents, and any other similar service functions. If sufficient funds and personnel are available, these services shall be provided without charge.
History.—s. 25, ch. 69-305; s. 16, ch. 77-391; s. 19, ch. 84-356.

163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.—Nothing contained herein shall be construed to prevent a county or municipality which is engaging in community redevelopment activities hereunder from participating in the neighborhood development program under the Housing and Urban Development Act of 1968 (Pub. L. No. 90-448) or in any amendments subsequent thereto.
History.—s. 26, ch. 69-305; s. 19, ch. 85-80.

PART IV

NEIGHBORHOOD IMPROVEMENT DISTRICTS

163.501 Short title.
163.502 Safe neighborhoods; legislative findings and purpose.
163.503 Safe neighborhoods; definitions.
163.504 Safe neighborhood improvement districts; planning funds.
163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.
163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.
163.511 Special neighborhood improvement districts; creation, referendum, board of directors, duration; extension.
163.513 Crime prevention through environmental design functions of neighborhood improvement districts.
163.514 Powers of neighborhood improvement districts.
163.5151 Fiscal management, budget preparation.
163.516 Safe neighborhood improvement plans.
163.517 Safe Neighborhoods Trust Fund.
163.518 Crime prevention through environmental design program.
163.519 Duties of Department of Community Affairs.
163.521 Neighborhood improvement district inside enterprise zone; funding.
163.522 State redevelopment programs.

163.501 Short title.—Sections [1]163.501-163.522 may be cited as the "Safe Neighborhoods Act."
History.—s. 55, ch. 87-243.
[1]Note.—Sections 163.501 through 163.522 represent the compilation of ss. 1 through 70 of ch. 87-243. Sections 71 through 73, ch. 87-243, affected and are compiled at ss. 290.007, 163.340, and 177.806.

163.502 Safe neighborhoods; legislative findings and purpose.—

(1) The Legislature hereby finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, and excessive noise levels from automobile traffic.

(2) The Legislature further finds and declares 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.

(3) The Legislature further finds and declares that the provisions of ss. 163.501-163.522 and the powers granted to local governments, property owners' associations, and special dependent districts are desirable 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 improve or redirect automobile traffic and provide pedestrian safety; 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.

(4) It is the intent of the Legislature to assist local governments in implementing effective crime prevention techniques to establish safe neighborhoods. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of neighbor-

APPENDIX B

Resolution Establishing Community
Redevelopment Area

Resolution

No. 88-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA; FINDING THE EXISTENCE OF ONE OR MORE SLUM AND BLIGHTED AREAS IN THE CITY OF OCALA; FINDING A NEED FOR A COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, administrative officials of the City of Ocala, Florida (the "City") have undertaken and completed a review of the downtown area of the City for purposes of determining if slum or blighted conditions, or both, exist within all or part of such area; and

WHEREAS, the City Council has received a recommendation from City staff that a finding of the existence of one or more slum or blighted areas within the downtown area of the City be adopted by the City Council and that a community redevelopment agency be created; and

WHEREAS, the City Council has received the City staff recommendation and has received a presentation by administrative officials of the City of the conditions in the downtown area;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA:

Section 1. The City Council does hereby find, based upon information presented to the City Council in a public meeting, that one or more slum and blighted areas, as defined in Part III, Chapter 163, Florida Statutes (the "Redevelopment Act"), exist within the area located within the City as described and depicted on Exhibit "A" attached hereto and incorporated herein (the "Redevelopment Area").

Section 2. The City Council further finds and determines that the rehabilitation, conservation, or redevelopment, or combination thereof, of the Redevelopment Area is necessary in the interest of public health, safety, morals, or welfare of the residents of the City.

Section 3. As a result of the finding of the existence of one or more slum or blighted areas in Section 1 hereof and the necessity for rehabilitation, conservation, or redevelopment, or combination thereof, in Section 2 hereof, the City Council does hereby find a need exists for the creation of a community redevelopment agency as provided in the Redevelopment Act for purpose of rehabilitating the Redevelopment Area and eradicating conditions of slum or blight, or both, therein.

Section 4. The City Clerk is hereby authorized and directed to notify all "taxing authorities," as that term is defined in the Redevelopment Act, of the adoption of this Resolution.

Section 5. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Council of the City of Ocala, Florida, this 15th day of March, 1988.

CITY OF OCALA

By _____
Craig Curry
Council President

Attest _____
Mary Jane Milam
City Clerk

Approved as to form and legality:

_____
William H. Phelan, Jr.
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF COMMUNITY REDEVELOPMENT AREA

Commence at the southeast corner of the intersection of South West Pine Avenue and South West Tenth Street for the point of beginning, thence north along the east side of Pine Avenue to the south side of North West Third Street, thence northwesterly across North West Pine Avenue to the northeast corner of "Ditto's Revised Plat," a subdivision recorded in plat book "A", page 143 of the public records of Marion County, Florida, thence west along the north boundary of said subdivision to its northwest corner, thence westerly to the southwest corner of the intersection of North West Fourth Street and North West Sixth Avenue, thence north along the west side of North West Sixth Avenue to the south side of North West Sixth Place, thence west along the south side of North West Sixth Place to the west side of North West Sixth Terrace, thence north along the west side of North West Sixth Terrace to the north side of the C.S.X. Railroad, thence northeasterly along the north side of the C.S.X. Railroad to the north side of North East Ninth Street, thence east along the north side of North East Ninth Street to the east side of North East Seventh Street, thence south along the east side of North East Seventh Street to the south side of North East Third Street, thence west along the south side of North East Third Street to the east side of North East Watula Avenue, thence southerly along the east side of Watula Avenue to the east side of South East Third Avenue, thence south along the east side of South East Third Avenue to the south side of South East Eighth Street, thence west along the south side of South East Eighth Street to the east side of South East First Avenue, thence southerly along the east side of South East First Avenue to the south side of South Tenth Street, thence west along the south side of South Tenth Street

APPENDIX C

Recommendations of Blue Ribbon Committee

March 3, 1988

To: Craig Curry, City Council President

From: Blue Ribbon Committee/DDC

The Blue Ribbon Committee was appointed by City Council on December 15, 1987 to examine the Downtown Development Commission. Our committee was charged with reviewing three specific areas of the DDC, (1) Membership Qualifications (2) Program Direction and (3) Financial Structure. The committee has met four (4) times and conducted a public hearing on these issues on February 10, 1988. Below are our conclusions and recommendations.

The first issue that should be examined is whether Downtown Ocala deserves a special commitment from the community. The committee reaffirms that Downtown is a unique and economically significant part of Ocala which merits a special effort to preserve and enhance. The next issue is what this special effort should be. Should this effort be human resource intensive or capital improvement oriented? These questions will be addressed below in this report.

Membership Qualifications

The committee feels that the existing residency requirements are too restrictive. Currently DDC members are required to be both a registered voter and a resident of the City. The committee recommends that these requirements be dropped. Further the committee recommends that the DDC membership be comprised as follows: one (1) property

owner from each of the three DDC special taxing districts, one (1) at-large DDC district property owner and one (1) at-large merchant/tenant.

The committee also recommends the elimination of the "natural person" requirement for DDC membership. The committee feels that a designated officer of a corporation which owns property in the DDC taxing district should be eligible for DDC membership.

The committee feels this composition coupled with the elimination of the residency requirements will ensure a more representative board.

Program Direction

The DDC was established in 1965 as an effort to resolve Downtown parking problems. In 1984 the first full-time DDC Director was hired. The emphasis of DDC programs has been on marketing Downtown through the promotion of festivals and other types of publicity. Additional activities include design assistance, development of economic incentives, business retention, public improvements and parking control. The committee feels that it is time for the DDC to shift its program emphasis from marketing to economic development activities. These economic development activities include infrastructure enhancement, aggressive recruitment of businesses, retention of existing businesses, and pursuing new development opportunities.

The committee feels that a crucial component of economic development is the need for a plan. Therefore the committee recommends that an optional element to the Comprehensive Plan be developed over the next year. This optional element should be much more comprehensive than the redevelopment plan currently being drafted by the City. While identification of levels of service and deficiencies in these levels of service is important and mandated by State Law, the proposed optional element should go further. Additional issues that should be addressed include questions about Downtown land use mix, the propriety of architectural design standards, and a unitary direction for Downtown. The committee feels that the comprehensive planning process can help forge a consensus among Downtown merchants and property owners by establishing specific goals and objectives.

The committee is concerned about the cost effectiveness of the current parking control program. The committee recommends that this program be carefully examined as to whether it can be administered in a more efficient manner. The whole issue of parking needs to be scrutinized as part of the comprehensive planning process over the next year. Parking regulations are a method of managing a scarce resource, i.e., parking spaces. This issue needs to be examined in its entirety and a long-range parking plan developed for Downtown.

Financial Structure

The committee is concerned that the tax dollars collected Downtown are spent primarily on human resources rather than capital improvements. While the committee recognizes the need for a Downtown Manager to conduct the planning process, we feel an alternative means of financing this office should be found. The committee feels that Tax Increment Financing is such an alternative. As DDC program emphasis shifts to economic development activities, the Downtown Manager will spend a majority of time implementing TIF programs and objectives. Thus TIF revenues will effectively fund that position. Implementation of DDC programs will still be funded by special tax district dollars, however these activities will comprise a small percentage of the Downtown Manager's time.

The special district tax revenues coupled with TIF revenues and other income sources can be used to fund needed capital improvement projects identified in the option comprehensive plan element. If the annual tax revenues are insufficient to fund such activities, then these revenues should be allowed to accumulate for several years. No large scale capital improvements projects should be undertaken until an analysis of needs has been conducted. Such an analysis would be a component of an optional Downtown Comprehensive Plan Element.

The financing of the DDC office staff leads to a discussion of Tax Increment Financing and the relationship between TIF and DDC. The

boundaries of the TIF district are essentially what the City staff has identified as the Central Business District. The DDC area is the urban core or heart of the TIF district. Since the DDC area is within the TIF boundaries, the issue arises as to whether the DDC boundaries should be merged into the TIF boundaries and no longer recognized as a distinct entity. The committee feels this course of action would be a mistake. The DDC and TIF boundaries can co-exist and enhance each other.

In conclusion, the committee wishes to examine the role of government in the redevelopment of Downtown. It is not the function of government to make Downtown a commercially viable area. The role of government is to ensure that an environment exists to allow the private sector to make Downtown a commercially viable and dynamic part of the community. An additional bureaucracy will not accomplish Downtown redevelopment. With the exception of the existing DDC staff, TIF dollars should not be used to add additional staff without a compelling need. Ultimately the success or failure of Downtown depends on the private sector.

The committee's recommendation in summary are as follows:

1. The residency requirement for DDC membership be dropped. In addition a designated officer of a corporation which owns property Downtown shall be

eligible for DDC membership. The DDC should consist of a five (5) person board consisting of one (1) property owner from each Downtown special taxing district, one at-large Downtown district property owner and one (1) at-large merchant/tenant member.

2. The DDC shift its program emphasis from marketing to economic development activities.

3. An optional Downtown element for the Comprehensive Plan be developed over the next calendar year to provide guidance and establish goals.

4. The committee is concerned about the cost effectiveness of the current parking control program. The parking issue should be examined in a comprehensive and analytical study rather than treating its various components. The optional Downtown element might be an appropriate forum for such an analysis.

5. Human resource expenses should be funded by TIF revenues collected from within the existing DDC boundaries. Property tax revenues should be

expended for capital improvements identified in the optional element. No large scale capital projects should be undertaken until an analysis of needs has been conducted.

6. TIF dollars should not be used to fund additional staff beyond current staff levels without a compelling need.

7. Property owners subject to the DDC special taxing district should be provided by mail with a copy of the proposed budget prior to final adoption by the City Council. The committee recommends that the DDC conduct a public hearing in the proposed budget.

Respectfully submitted,

William Stalnaker, Chairman

:fmd