

CITY OF WESTON, FLORIDA
ORDINANCE NO. 2019-11

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, REGARDING THE CREATION OF THE BOTANIKO COMMUNITY DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT; ESTABLISHING AND NAMING THE BOTANIKO COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING CONSENT FOR THE EXERCISE OF CERTAIN POWERS; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the Florida Legislature enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Second, a Petition (the "Petition") to establish Botaniko Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, was submitted to the City of Weston, Florida (the "City"), by Terra Weston Residential, LLC, a Florida limited liability company, on April 26, 2018; and

WHEREAS, Third, the proposed District comprises approximately 116.93 acres, all located within the City; and

WHEREAS, Fourth, the proposed District's authority to levy taxes and/or special assessments shall be limited to those properties located within the geographical boundaries of the District; and

WHEREAS, Fifth, pursuant to Section 190.005(1)(d), Florida Statutes, notice of the public hearing on the Petition to establish the proposed District was published in the Sun-Sentinel once a week for four (4) consecutive weeks prior to the hearing; and

WHEREAS, Sixth, the City Commission held a public hearing on the Petition to establish the District on September 11, 2019; and

WHEREAS, Seventh, the City Commission, having considered the Petition and all information presented at the public hearing, and being fully advised and informed of the premises, has determined that it is in the best interests of the residents of the City to approve the Petition to establish the District and approve this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, that:

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The City Commission hereby makes the following additional findings of fact:

Coding: underlined words are additions to existing text, ~~struck-through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

- 1 1. The property proposed to comprise the District consists of approximately 116.93
2 acres, more or less; lies entirely within the boundaries of the City; and is generally
3 located as identified on the location map attached hereto as Exhibit A. A metes and
4 bounds description of the external boundaries of the proposed District is set forth in
5 the legal description attached hereto as Exhibit B.
- 6
- 7 2. The City Commission has reviewed the Petition to establish the District and found
8 all the statements therein to be true and correct.
- 9
- 10 3. The establishment of the District is not inconsistent with any applicable element or
11 portion of the state comprehensive plan or the effective local government
12 comprehensive plan.
- 13
- 14 4. The District is of sufficient size, is sufficiently compact, and is sufficiently
15 contiguous to be developable as one functional, interrelated community and as an
16 independent special district.
- 17
- 18 5. The creation of the District is the best alternative available for delivering the
19 community development services and facilities set forth below to the area that will
20 be served by the District.
- 21
- 22 6. The community development services and facilities of the District will be
23 compatible with the capacity and uses of existing City and regional community
24 development services and facilities.
- 25
- 26 7. The area that will be served by the District is amenable to separate special district
27 government.
- 28
- 29

30 **Section 3.** The City Commission hereby grants the Petition to establish and create a community
31 development district which shall be known as "Botaniko Community Development District."
32

33 **Section 4.** The external boundaries of the District shall be as depicted on Exhibit A attached
34 hereto and described in Exhibit B attached hereto.
35

36 **Section 5.** Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the District shall
37 consist of Sections 190.006 through 190.049, Florida Statutes, inclusive.
38

39 **Section 6.** The five (5) persons designated to be the initial members of the Board of Supervisors
40 are as follows:
41

- 42 Jennifer Ortiz
- 43 Michael Piazza
- 44 Michael Patrizio
- 45 Jessica Mullins-Flores
- 46 Adam Adler
- 47

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1 **Section 7.** As provided in Chapter 190, Florida Statutes, the District shall have, subject to the
2 regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and
3 districts having authority with respect to any area included within the District, those general powers
4 set forth in Section 190.011 and those special powers relating to public improvements and
5 community facilities authorized by Section 190.012(1), Florida Statutes.
6

7 **Section 8.** The City Commission hereby consents to the exercise of, and grants to the District
8 the powers set forth in Sections 190.012(2)(a) and (d), Florida Statutes.
9

10 **Section 9.** The District and the Bonaventure Development District (the "BDD") shall enter into
11 an interlocal agreement ("ILA") to provide for the parties' responsibilities regarding the maintenance
12 of the stormwater infrastructure within the boundaries of the District, in accordance with the
13 Maintenance Map attached as Exhibit C, with such amendments to the Maintenance Map as may
14 be approved by the City Manager. The District is prohibited from issuing bonds until an executed
15 copy of the ILA is delivered by the District to the City Manager, for approval by the BDD.
16

17 **Section 10.** In the event a court of competent jurisdiction shall hold or determine that any part
18 of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be
19 affected thereby, and it will be presumed that the City Commission for the City of Weston, Florida
20 did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that
21 the City Commission would have adopted the remainder of this Ordinance without said invalid and
22 unconstitutional provision, thereby causing said remainder to remain in full force and effect.
23

24 **Section 11. Severability.**

25
26 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be
27 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the
28 validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be
29 invalid.
30

31 **Section 12. Conflict.**

32
33 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
34 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are
35 repealed to the extent of such conflict.
36

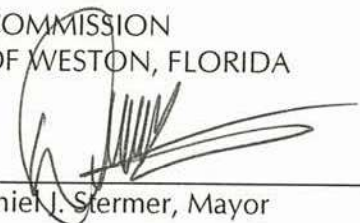
1 **Section 13. Effective Date.**

2 This Ordinance shall become effective upon passage and adoption.

3 PASSED ON FIRST READING September 11, 2019.

4 PASSED AND ADOPTED ON SECOND READING September 23, 2019.

5 CITY COMMISSION
6 CITY OF WESTON, FLORIDA

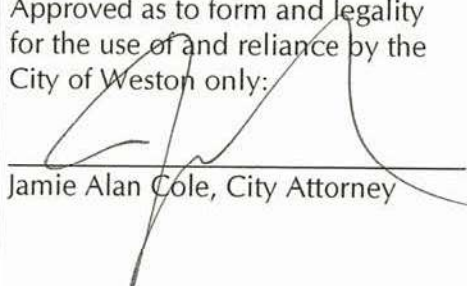
7 By 
8 Daniel J. Stermer, Mayor

9 ATTEST:

10 

11 Patricia A. Bates, City Clerk

12 Approved as to form and legality
13 for the use of and reliance by the
14 City of Weston only:

15 
16 Jamie Alan Cole, City Attorney

17 Roll Call:

18 Commissioner Molina-Macfie Yes
19 Commissioner Jaffe Yes
20 Commissioner Kallman Yes
21 Commissioner Brown Yes
22 Mayor Stermer Yes

23 **CERTIFICATION**

24 I CERTIFY THIS TO BE A TRUE & CORRECT
25 COPY OF THE ORIGINAL DOCUMENT ON
26 FILE.

27 WITNESS MY HAND AND OFFICIAL SEAL OF
THE CITY OF WESTON, IN THE COUNTY OF
BROWARD, FLORIDA, THIS 25th DAY OF
September, 2019.


CITY CLERK

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