

ORDINANCE NO. 2012 - 05

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN BY UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FY 2012-2016 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches Comprehensive Plan includes the statutorily required Capital Improvements Element; and

WHEREAS, Section 163.3177, F.S. requires that every local government annually update the Five-Year Schedule of Capital Improvements ("Schedule") of the Capital Improvements Element ("CIE") of its Comprehensive Plan; and

WHEREAS, this Ordinance updates the Schedule to comply with the requirements of Section 163.3177, F.S.; and

WHEREAS, House Bill 7207 amended Section 163.3177, F.S. to authorize updates to the Schedule by ordinance without the requirement to transmit the Schedule to the Department of Economic Opportunity ("Department"); and

WHEREAS, the adopted CIE contains references to third party capital plans and their dates of adoption, which must be updated annually by amending the comprehensive plan in direct conflict with the intent of House Bill 7207; and

WHEREAS, the Town Council wishes to amend the adopted CIE for consistency with these legislative changes, and is providing for transmittal the amendment to the Department as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1: Recitals adopted. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2: Amendment. That the Five Year Schedule of Capital Improvements and Capital Improvements Element goals, objectives and policies are hereby updated and amended in compliance with Section 163.3177, F.S. as shown in Exhibit "A", which is attached hereto and made a part hereof; and that the .

SECTION 3: Chapter 163 Part II, F.S. Transmittal. That the Town Planner is directed to transmit the revised Capital Improvement Element to the Florida Department of Economic Opportunity.

SECTION 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

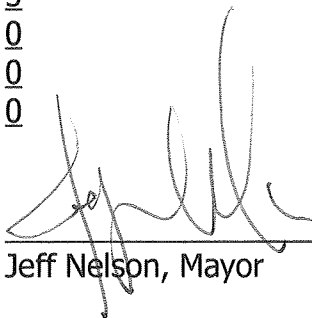
SECTION 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 6: Effective Date. This Ordinance shall take effect 31 days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete, unless timely challenged pursuant to sec. 163.32465(6), F.S., in which case the Ordinance shall take effect on the date that the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED ON FIRST READING this 23rd day of February, 2012 on a motion made by Council Member Breitkreuz and seconded by Council Member Fisikelli.

PASSED AND ADOPTED ON SECOND READING this 14th day of June, 2012, on a motion made by Council Member Breitkreuz and seconded by Vice Mayor McKay.

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|------------|------------|------------|----------|
| Nelson | <u>YES</u> | Ayes | <u>5</u> |
| McKay | <u>YES</u> | Nays | <u>0</u> |
| Breitkreuz | <u>YES</u> | Absent | <u>0</u> |
| Fisikelli | <u>YES</u> | Abstaining | <u>0</u> |
| Jablonski | <u>YES</u> | | |



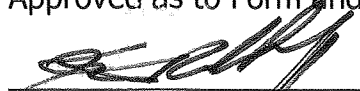
Jeff Nelson, Mayor

Attest:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney

ACTIVE: 3663045_1