

**ORDINANCE NO. 2007- 04**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, PROVIDING FOR THE CONCURRENCY MANAGEMENT REGULATIONS OF THE TOWN OF SOUTHWEST RANCHES BY SPECIFICALLY ADDING SECTION 110-060(F) TO THE TOWN OF SOUTHWEST RANCHES' UNIFIED LAND DEVELOPMENT CODE, ENTITLED "SATISFACTION OF BROWARD COUNTY CONCURRENCY STANDARDS," IN ORDER TO PROVIDE FOR COMPLIANCE WITH THE REQUIREMENTS OF SECTION 163.3180, FLORIDA STATUTES, AS AMENDED FROM TIME TO TIME, TO PROVIDE FOR THE ENACTMENT OF A PROPORTIONATE FAIR-SHARE MITIGATION ORDINANCE; INCORPORATING BY REFERENCE SECTION 5-182(a)(5)b) OF THE BROWARD COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2005 Florida State Legislature adopted amendments to the state growth management program which directed local governments to comply with a requirement that "proportionate share contributions" be accepted from developers in satisfaction of statewide transportation concurrency requirements by December 1, 2006; and

**WHEREAS**, pursuant to Section 163.3180, Florida Statutes, the Town of Southwest Ranches (hereinafter referred to as the "Town") is required to enact an ordinance to provide that the Town accept proportionate share contributions from developers in order to satisfy statewide transportation concurrency requirements; and

**WHEREAS**, the Town lies within Broward County's Southwest [Standard] Transportation Concurrency District, for purposes of Broward County's (hereinafter referred to as the "County") concurrency management system for the County roadway network; and

**WHEREAS**, the intent of the proportionate fair-share mitigation of development impacts on transportation corridors is to ensure that developments outside of the transit concurrency districts contribute their fair share towards the County-approved improvements for that district; and

**WHEREAS**, in order to meet the requirements of the 2005 legislative amendments with regard to the County roadway network, it is necessary for the Town

to incorporate by reference the requirements of Section 5-182(a)(5)b) of the Broward County Land Development Code, as amended from time to time; and

**WHEREAS**, the Town Council deems it to be in the best interests of the health, safety and welfare of the citizens and residents of the Town to add Section 110-060(F) to the Town's Unified Land Development Code as provided herein.

**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.** Section 110-060(F) of the Town of Southwest Ranches Unified Land Development Code is hereby added as follows:

**Section 110-060(F) Satisfaction of Broward County Concurrency Standards.**

The burden shall be on the applicant to demonstrate compliance with the standards detailed in this section. If applicable, the development application shall be reviewed to ensure that the proposed development satisfies the Broward County Concurrency Standards for the Regional Road Network as outlined in Section 5-182(a) of the Broward County Land Development Code, as amended from time to time. The applicant shall provide the necessary documentation from Broward County demonstrating satisfaction of these requirements. The applicant may choose to satisfy the transportation concurrency requirements by making a proportionate share contribution to an eligible transportation project located within the Southwest [Standard] Transportation Concurrency District, pursuant to the requirements set forth in Section 5-182(a)(5)b)(4) of the Broward County Land Development Code, as amended from time to, and Section 163.3280, Florida Statutes, as amended from time to time.

The options available for and methodology for determining the amount of proportionate share mitigation, and the procedures for the Town to implement such proportionate share mitigation on the Town's roadway network, shall be as specified in Section 5-182(a)(5)b)(4) of the Broward County Land Development Code, as amended from time to time.

**Section 3: Inclusion.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Unified Land Development Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith 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 be effective immediately upon its adoption.

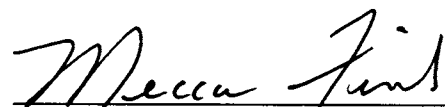
**PASSED ON FIRST READING** this 4<sup>th</sup> day of January, 2007 on a motion made by Council Member Aster Knight and seconded by Vice Mayor Don Maines.

**PASSED AND ADOPTED ON SECOND READING** this 1<sup>st</sup> day of February, 2007, on a motion made by Vice Mayor Don Maines and seconded by Council Member Steve Breitkreuz.

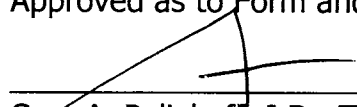
Fink	<u>Y</u>	Ayes	<u>4</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>1</u>
Knight	<u>A</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

Attest:

  
Susan A. Owens, Town Clerk

  
Mecca Fink, Mayor

Approved as to Form and Correctness:

  
Gary A. Poliakoff, J.D., Town Attorney

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