

**ORDINANCE NO. 2006-05**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, CHAPTER 39 ENTITLED, "TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE" (ULDC), SECTIONS 010-010, "GENERAL CONSTRUCTION OF TERMS," SECTION 010-030, "TERMS DEFINED," SECTION 090-140, "PUBLIC UTILITY AND DRAINAGE EASEMENTS," SECTION 090-160, "INSTALLATION OF IMPROVEMENTS; IMPROVEMENT AGREEMENTS AND FINANCIAL SECURITY," AND SECTION 110-070, "ADEQUACY OF WATER MANAGEMENT," TO ADOPT THE TOWN OF SOUTHWEST RANCHES MASTER TERTIARY DRAINAGE EXHIBIT BY REFERENCE, AS SUCH PLAN MAY BE AMENDED FROM TIME TO TIME; ESTABLISHING AS A PREREQUISITE AND REQUIREMENT FOR THE ISSUANCE OF A TOWN DEVELOPMENT ORDER, THAT A PROPERTY OWNER SHALL IMPLEMENT ALL PORTIONS OF THE MASTER TERTIARY DRAINAGE EXHIBIT WITHIN AND ADJACENT TO SUCH PROPERTY, AS WELL AS CONSTRUCTION OF IMPROVEMENTS AND/OR DEDICATION OF DRAINAGE WAYS THAT WOULD IMPLEMENT THE INTENT OF THE MASTER TERTIARY DRAINAGE EXHIBIT; PROVIDING FOR MEANS OF SECURITY TO GUARANTEE COMPLIANCE WITH SUCH REQUIREMENTS; PROVIDING FOR INCLUSION IN THE TOWN'S CODE PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council has recognized that the creation of proper drainage is necessary to secure the health, safety, and welfare of the Town and its citizens; and

**WHEREAS**, on November 10<sup>th</sup> 2004, the Town Council reviewed its drainage issues and, pursuant to Resolution No. 2005-008, adopted the Town's Master Tertiary Drainage Plan; and

**WHEREAS**, on April 14, 2005 the Town adopted its Unified Land Development Code ("ULDC"); and

**WHEREAS**, the Town Council desires to incorporate the Town's Master Tertiary Drainage Plan into its ULDC.

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

**Section 1:** 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:** That Section 010-010 of the ULDC, General construction of terms, is hereby amended as follows:

(P) Any reference to the Town Administrator, Town Attorney, Town Engineer, Director of Community Development, or other administrative official of the Town of Southwest Ranches, Florida, shall include their designees.

(Q) Any reference to the Town Engineer shall include any of the engineering firms the Town may utilize for Town permit review, general development review, or infrastructure planning or review.

(R) The term "tertiary drainage plan" shall mean the adopted Town of Southwest Ranches Master Tertiary Drainage Exhibit to Town Resolution Number 2005-08, as same may be amended or replaced from time to time. The tertiary drainage plan is a schematic plan, based upon information available at the time of its preparation, that is intended to provide means of stormwater drainage storage and/or conveyance toward secondary and primary drainage canal systems as regulated by the applicable local drainage and/or water control districts and the South Florida Water Management District, using Best Management Practices.

**Section 3:** That Section 010-030 of the ULDC, Terms defined, is hereby amended as follows:

*Development.* The meaning given in Section 380.04, Florida Statutes, as may be amended from time to time, provided the term specifically includes any construction, clearing, filling, excavating, grading, or paving, whether or not any such activities are occurring on a previously improved property.

**Section 4:** That Section 090-140 of the ULDC, Public utility and drainage easements, is hereby amended as follows:

Section 090-140. Public utility and drainage easements and rights-of-way.

A utility or drainage easement or right-of-way adjacent to a street shall be of a width determined by the applicable utility companies, drainage district, governmental entities, or Town Engineer, as appropriate. Such rights-of-way or easements shall run parallel to the street and shall not be included as part of the road dedication, ingress/egress easement or reservation unless waived by all utility service providers of the aforementioned entities, and may be required along side or rear lot lines as well. The Town shall specifically require granting of a right-of-way or drainage easement, in the Town Engineer's sole discretion, prior to issuance of a development order where the Town Engineer determines such easements or rights-of-way will implement the tertiary drainage plan and its intent, based upon generalized conveyance ways shown on the plan, or review of site-specific surveys or site inspection.

**Section 5:** That Section 090-160 of the ULDC, Installation of improvements; improvement agreements and financial security is hereby amended as follows:

(A) *Improvements required.* A developer shall be responsible for all roadway and drainage improvements, pursuant to Subsections (1) and (2), below, for those streets lying within or adjacent to the proposed development and necessary to provide access and to accommodate the traffic generated by the development. A developer shall also be responsible for all drainage improvements within and adjacent to the proposed development, pursuant to Subsections (1) and (2), below, that the Town Engineer determines will implement the Tertiary D rainage Plan and its intent, based upon specific improvements identified in the plan, review of site-specific surveys, other data, and/or site inspection. Such improvements shall be in accordance with the applicable portions of the following: Resolution No. 85-3606, "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction," set out in the Broward County Administrative Code; the Manual for Uniform Minimum Standards for the Design, Construction and Maintenance of Streets and Highways (the "Green Book"); the Grading and Drainage Regulations and Standards, Water Management Regulations and Standards and Drainage Design Criteria and Standards of the Broward County Water Resources Management Division; Town Tertiary Drainage Plan, and the Manual of Uniform Traffic Control Devices, as approved by the Broward County Traffic Engineering Division.

(1) *On-site improvements.* A developer shall be required to bond for and construct; the on-site improvements required by the provisions of this Article and any additional improvements necessary for traffic safety, including, but not limited to, the following: pavement, rock base, fill, curbs, gutters, sidewalks, bikeways, guardrail, shoulder areas, swales, roadside recovery areas, bridges, drainage outlets, catch basins, drainage

pipes, culverts, drainage ditches, headwalls, endwalls, rip-rap, traffic signals and interconnecting facilities, traffic control signs and pavement markings, street name signs, identification signs, left and right turn lanes, median openings, bus turnouts, and traffic separators.

(2) *Off-site improvements.* A developer shall be required to bond for and construct, the roadway and roadway drainage improvements on property adjacent to the proposed development necessary to connect the new development to an existing adequately paved adjacent street system, and provide drainage improvements to implement the Tertiary Drainage Plan and its intent, unless waived by the Town Engineer, unless bonding is not required pursuant to paragraphs (3) or (4), below.

(3) At the Town Attorney's discretion, the Town may accept alternative forms of surety.

(4) The Town Administrator may waive the surety requirements of this Section when the Administrator determines that such surety is not necessary to ensure that the improvements are constructed in a timely manner, that the Town will be able to recoup the cost of any improvements it constructs should a developer default on its responsibilities, and that public health and safety will not be compromised.

(B) *Installation required.* All improvements required from the developer as a condition to the approval of an application for a development order shall be installed and completed before the issuance of any C.O., except as provided in Subsec. (C), below. Any water, sewer or drainage improvements proposed or required to be constructed within the proposed road right-of-way shall be installed and completed before acceptance ~~of any proposed or required road improvements by the Town Council.~~

(C) *Improvement agreements.* At the discretion of the Town Administrator, the applicant may provide, in a form acceptable to the Town Council, a recordable agreement which includes all of the required improvements and the date of completion as an alternative to all required improvements being installed and completed prior to the issuance of a development permit, and provided that all other applicable requirements of this code are met. Any non-standard agreement or security proposed by a developer pursuant to this Subsection shall be considered for approval by the Town Council. Improvement agreements may be secured by lien, cash bond, surety bond executed by a company authorized to do business in the State of Florida, or an irrevocable letter of credit. The amount of the security shall be sufficient to ensure the completion of all required improvements, and providing for and securing to the public the actual construction and installation of said required improvements,

within a reasonable period of time or before issuance of building permits or certificates of occupancy as required by the Town Council and expressed in the bond or other security. The Council may also approve standard form agreements and securities for the installation of improvements, which do not require individual approval by the Town Council. A standard form agreement and security presented by a developer shall be approved by the Town Attorney prior to plat recordation, recordation of an agreement to place or amend the note on a plat, recordation of a document amending the non-vehicular access line, or the issuance of a development order for a site plan. Town Attorney approval is required for all such agreements.

(D) *Enforcement.* The Town Council is authorized to enforce such bonds, security deposits or other collateral agreements by appropriate legal proceedings. If the required improvements have not been completed prior to issuance of a certificate of occupancy or as otherwise specifically indicated in the terms of such bond or other security, the Town Council may thereupon declare the bond or other security to be in default and require that all the improvements be installed, regardless of the extent of the development at the time the bond or other security is declared to be in default. In addition to the Town Council's authority to enforce agreements under this Subsection, no certificate of occupancy shall be issued prior to the actual construction and installation of improvements provided for in the agreement, unless expressly authorized in the agreement.

(E) *Bonds to other regulatory entities.* With respect to improvements required by this Section, where such improvements are required by and bonded to any other appropriate unit of local government or regulatory entity, the Town Council shall not require duplicate bonds or additional bonds unless it determines that the bond or security already required is inadequate to assure completion of such required improvements. Where such improvements are not required by and bonded to any other appropriate unit of government or regulatory entity, said security shall be payable to the Town.

(F) *Bonding required improvements.* The amount necessary to secure required paving, grading and drainage improvements and water and sewer improvements, and all other improvements required under the ULDC shall be based upon approved plans for those improvements, a registered professional engineer's cost estimates submitted by the applicant and approved by the Town Engineer, or cost estimates developed by the Town Engineer. Security amounts for the required improvements, including pavement markings and signing, shall be submitted to the Town Engineer after approval of a plat, placement or amendment to a note on a plat, revision or amendment to a non-vehicular access line, modification to a condition of plat approval, or site plan prior to Town's issuance of the development order for which the improvements

are required. Security amounts for the required improvements, including pavement markings and signing, shall be submitted to the Town Engineer for approval prior to submittal of any improvement agreement. Security amounts shall be approved based on the following procedure:

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**Section 6:** That Section 110-070 of the ULDC, Adequacy of Water Management, is hereby amended as follows:

(A) The Town of Southwest Ranches Tertiary Drainage Plan, as same may be amended from time to time, is hereby adopted and incorporated by reference, as if made a part hereof.

(A\_B) The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a water management system to serve the proposed development and adjacent rights-of-way and implement the Tertiary Drainage Plan, in a manner which conforms to the said plan and to the regulations of the applicable water management review and permitting authority over the area.

(B\_C) In addition to (A\_B) above, the a Town development order for a building permit shall require the applicant to demonstrate, prior to the issuance of the building permit development order, within the development, that the following levels of service standards, where applicable, will be met prior to the issuance of a certificate of occupancy or certificate of completion where a certificate of occupancy is not required:

(1) *Road protection.* Residential streets not greater than fifty (50) feet wide, inclusive of private or public right-of-way, shall have crown elevations equal to the elevation for the respective area depicted on the ten-year "Flood Criteria Map." Streets with rights-of-way greater than fifty (50) feet wide shall have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."

(2) *Buildings.* The lowest floor elevation for buildings shall be no lower than the elevation for the respective area depicted on the Broward County "One hundred (100) year Flood Elevation Map," ~~which is eight (8) feet above mean sea level for the Town of Southwest Ranches, as well as the~~ or floodplain protection requirements specified within Ordinance No. 2004-11 contained within the Town Southwest Ranches Code of Ordinances.

(3) *Off-Site Discharge.* Off-site discharge is not to exceed the inflow limit of South Florida Water Management District primary receiving canal or the local conveyance system, whichever is less.

- (4) *Storm sewers.* The design frequency applicable to storm sewers is the three (3) year rainfall intensity of the State Department of Transportation Zone Ten (10) rainfall curves or the Town's adoption of the ~~Master Tertiary Drainage Plan~~ Town Tertiary Drainage Plan requirements, as determined by the Town Engineer.
- (5) *Flood plain routing.* Calculated flood elevations based on the ten (10) year and one hundred year (100) return frequency rainfall of three (3) day duration shall not exceed the corresponding elevations of the ten (10) year "Flood Criteria Map" and the "One hundred (100) Year Flood Elevation Map."
- (6) *Antecedent water level.* The antecedent water level is the higher elevation of either the control elevation or the elevation depicted on the map "Average Wet Season Water Levels," or as required by the local drainage district.
- (7) *On-site storage.* Minimum capacity above antecedent water level and below flood plain routing elevations shall be design rainfall volume minus off-site discharge occurring during design rainfall.
- (8) *Best management practices (BMP).* Prior to discharge to surface or ground water, BMP's will be used to reduce pollutant discharge.
- (9) Additionally, development shall be designed to remove stormwater from non-water-management areas, within seventy-two (72) hours of the end of the ten (10) year three (3) day design rainfall.
- (10) Installation of all drainage improvements and granting of all drainage easements shown on the Tertiary Drainage Plan, or otherwise required by the Town Engineer to implement said plan and its intent based upon review of site-specific surveys, site inspection or other data not available during the preparation of said plan, or not shown on the plan.

**Section 7: 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 8: 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.

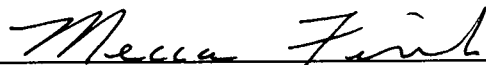
**Section 9: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 10: Effective Date.** All other provisions of this Ordinance shall take effect immediately upon it's adoption.

**PASSED ON FIRST READING** this 20<sup>th</sup> day of October, 2005 on a motion made by Council Member Don Maines and seconded by Council Member Aster Knight.

**PASSED AND ADOPTED ON SECOND READING** this 3<sup>rd</sup> day of November, 2005, on a motion made by Council Member Knight and seconded by Council Member Maines.

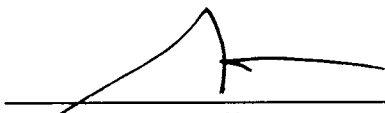
Fink	<u>Y</u>	Ayes	<u>5</u>
Knight	<u>Y</u>	Nays	<u>0</u>
Blanton	<u>Y</u>	Absent	<u>0</u>
Maines	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

  
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Mecca Fink, Mayor

Attest:

  
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Susan Owens, Town Clerk

Approved as to Form and Correctness:

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