

**ORDINANCE NO. 2017-010**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT AND THE DEFINITIONS OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN BY REVISING THE DEFINITIONS AND PLAN IMPLEMENTATION PROVISIONS RELATING TO COMMUNITY FACILITIES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes, Chapter 419 defines "community residential home" as a dwelling unit licensed to serve residents who are clients of specified state agencies which provide a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family; and

**WHEREAS**, pursuant to Chapter 419, F.S, homes of six or fewer residents which otherwise meet the definition of community residential home, shall be deemed a single-family unit and a non-commercial, residential use for the purpose of local laws and ordinances, and shall be allowed in single-family or multi-family zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another community residential home; and

**WHEREAS**, the Town of Southwest Ranches desires to define categories of Special Residential Facilities in accordance with Florida Statutes, Chapter 419 and Broward County Ordinance 85-92, for the purpose of determining permitted locations and density standards; and

**WHEREAS**, on June 22, 2017 the Local Planning Agency recommended the Town Council approve and adopt the proposed amendment at the conclusion of a duly noticed public hearing.

**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 the definitions in the Administration provisions of the adopted Town of Southwest Ranches Comprehensive Plan ("Comprehensive Plan") is hereby amended as follows:

**Special residential facilities** - Means a residential facility licensed by the State of Florida providing treatment, care, rehabilitation, or education. There are three categories of special residential facilities. These three categories are more specifically defined as follows:

Category 1 - means a housing facility which is licensed by the State of Florida for no more than ~~eight (8)~~ six (6) individuals who require treatment, care, rehabilitation or education. The facility is usually referred to as a group home. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training for its residents only. There may be more than one kitchen within the housing facility. For density purposes a Category 1 facility is equivalent to one dwelling unit.

Category 2 - means a housing facility which is licensed by the State of Florida for ~~nine (9)~~ seven (7) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (2) development on a parcel.

(BCPC Prov. Cert. #11)

Category 3 – means:

- (a) Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others; or
- (b) Any housing facility licensed by the State of Florida for more than ~~eight (8)~~ six (6) unrelated elderly individuals; or
- (c) Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overly of harm to themselves or others; or

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- (d) Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.

**Section 3:** That Subsection II, Permitted Uses in Future Land Use Categories, of the Future Land Use Element of the adopted Town of Southwest Ranches Comprehensive Plan, is hereby amended as follows:

\* \* \* \* \*

**1. AGRICULTURAL CATEGORY**

\* \* \* \* \*

Agricultural areas are designated on the Town’s Land Use Plan Map to promote agriculture and agricultural related uses. Rural residential development may occur within specific limits. Uses permitted in areas designated agricultural are as follows:

\* \* \* \* \*

D. Community facilities excluding Special Residential Facilities Categories (2) and (3), designed to serve the Town’s Rural Residential Areas, shall not to exceed five (5) acres in size. Parcels zoned or otherwise approved for community facility uses consistent with existing local regulations and permits as of the adoption date of the Town’s plan, and thereafter with extended, amended, renewed regulations and permits, may be developed for such uses pursuant to such regulations and permits. Community fFacilities shall be separated by a minimum of 1,000 feet and shall be contiguous to a limited access/controlled facility or an arterial facility as designated on the Town’s Trafficways Plan.

\* \* \* \* \*

F. Special Residential Facility Category (1) development as defined in the Administration ~~the Special Residential Facilities Permitted Uses subsection section of the this Plan Implementation Requirements section of the Broward County Land Use Plan,~~ subject to the Special Residential Facilities provisions herein ~~requirements of this land use category for the location of one (1) dwelling unit.~~

\* \* \* \* \*

**2. COMMERCIAL USE**

The areas designated for commercial use on the Town’s Land Use Plan Map provide land area for business, office, retail, service and other commercial enterprises which support the Town.

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Uses permitted in areas designated commercial are as follows:

\* \* \* \* \*

- G. a. A Special Residential Facility Category (2) development as defined in the Administration ~~Special Residential Facilities Permitted Uses~~ subsection of the ~~this Plan Implementation Requirements~~ section of the ~~Broward County Land Use Plan~~; subject to the Special Residential Facilities provisions herein and allocation of two (2) reserve or flexibility units in accordance with the ~~Special Residential Facility~~ provisions and policies for the application of these units as contained in the "Administrative Rules Document Broward County Land Use Plan."
- b. Special Residential Facility Category (3) development as defined in the ~~Special Residential Facilities Permitted Uses~~Administration subsection of the ~~this Plan Implementation Requirements~~ section of the ~~Broward County Land Use Plan~~; subject to the Special Residential Facilities provisions herein and allocation of reserve or flexibility units in accordance with the ~~Special Residential Facility~~ provisions and policies for the application of these units as contained in the "Administrative Rules Document Broward County Land Use Plan. Each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.

### 3. COMMUNITY FACILITIES CATEGORY

Community facilities may be permitted at the discretion of the Town in areas designated Residential, Rrural Estate & Rranches, Estate, Commercial, Agricultural or Industrial

\* \* \* \* \*

- C. Special Residential Facility Category (2) development as defined in subsection ~~16~~ of the Town's ~~the Administration~~ section of this Plan Implementation Requirements section; subject to the Special Residential Facilities Provisions herein and allocation of two (2) reserve or flexibility units in accordance with the ~~flexibility~~ Special Residential Facilities provisions and policies for application of these units as contained in the "Administrative Rules Document: Broward County Land Use Plan."
- D. Special Residential Facility Category (3) development as defined in the Administration subsection ~~16~~ of the Town's ~~this Plan Implementation Requirements~~ section; subject to the Special Residential Facilities Provisions herein and allocation of reserve or flexibility units in accordance with the ~~flexibility~~ Special Residential Facilities provisions and policies for application of these units as contained in the "Administrative Rules

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Document: Broward County Land Use Plan"; each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.

**8. ESTATE RESIDENTIAL CATEGORY**

\* \* \* \* \*

F. ~~Special Residential Facility~~Facilities Category (1); subject to: ~~meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the as defined in the Administration Plan Implementation Requirements section of the Broward County Land Use this Plan subject to the requirements of this land use category for the location of one (1) dwelling unit~~ Special Residential Facilities provisions herein; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document: Broward County Land Use Plan."

**9. RURAL ESTATES CATEGORY**

\* \* \* \* \*

D. Community Facilities designed to serve the Town's Rural Residential Areas, excluding Category (2) and Category (3) Sspecial Rresidential Ffacilities, Community facilities other than public schools, shall not exceed five (5) acres in size. ~~Notwithstanding the aforesaid, Public Schools shall not be subject to the five (5) acre restriction.~~ (BCPC Prov. Cert. #8B)

**10. RURAL RANCHES CATEGORY**

D. Community Facilities designed to serve the Town's Rural Residential Areas, excluding Category (2) and Category (3) Sspecial Rresidential Ffacilities, Community facilities other than public schools shall not exceed five (5) acres in size, ~~notwithstanding the afore said, Public Schools shall not be subject to the five (5) acre restriction.~~ (BCPC Prov. Cert. #9)

\* \* \* \* \*

**14. SPECIAL RESIDENTIAL FACILITIES**

This ~~The~~ Broward County Land Use Plan defines categories of Special Residential Facilities, in accordance with Broward County Ordinance 85-92, for the purpose of determining permitted locations and density standards.

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Special Residential Facilities development such as group homes and foster care facilities are defined by category type ~~below~~ and are subject, when applicable, to the Special Residential Facilities provisions and allocation of reserve, flexibility or bonus sleeping rooms as contained in the "Administrative Rules Document: Broward County Land Use Plan." In order to facilitate implementation of this section, ~~each local government~~the Town may permit a maximum of one hundred (100) "bonus" sleeping rooms, consistent with Broward County Ordinance 85-92, that are permanently dedicated to Special Residential Facility use without allocating density.

Special Residential Facilities are not specifically designated on the Town's Future Land Use Plan Map as a separate land use category. Special Residential Facilities are permitted within the limitations as stated below and in the Permitted Uses section of this Plan in the following land use categories:

- A. All Residential land use designations, including, but not limited to, Rural Ranch, Estate and Rural Estates Categories (Category 1 only) provided they are licensed by an appropriate State agency and are 1,000 feet away from any other such facility.
- B. Commercial (Categories 2± & 3± only).
- C. Agricultural (Category 1 only), provided they are licensed by an appropriate State agency and are 1,000 feet away from any other such facility.
- D. Community Facilities (Categories 2± & 3± only).

The Town does not encourage locating Special Residential Facilities in commercial or community facilities areas. Special Residential Facilities should be integrated into residential neighborhoods. Due to the need to locate Special Residential Facilities, ~~the this Broward County Land Use Plan~~ recognizes that, in some instances, ~~local governments~~there may have be a need to allocate Special Residential Facilities in these areas.

Definitions of Special Residential Facilities Categories are contained in Section II.A. of this Plan.

**Section 4:** That the Town Planner is hereby directed to transmit the amendments set forth herein to the State Land Planning Agency immediately following first reading of this Ordinance, and is hereby directed to transmit the adopted amendments immediately following the second and final reading of this Ordinance.

**Section 5:** That the Town Planner is hereby directed to apply to the Broward County Planning Council for recertification of the Future Land Use Element subsequent

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to the effective date of this Ordinance, and that the Town Council hereby requests such recertification.

**Section 6: 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.

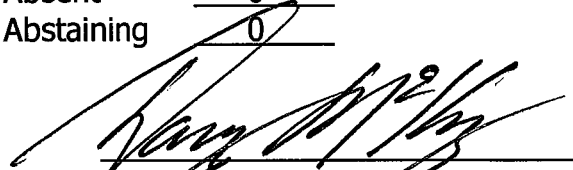
**Section 7: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 8: 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. 163.3184(5), F.S., in which case the Ordinance shall take effect on the date that the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

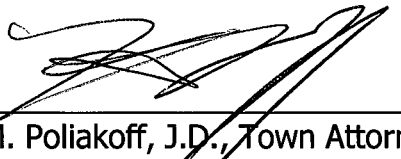
**PASSED ON FIRST READING** this 22nd day of June, 2017 on a motion made by Vice Mayor Breitreuz and seconded by Council Member Jablonski.

**PASSED AND ADOPTED ON SECOND READING** this 13<sup>th</sup> day of September, 2017, on a motion made by Vice Mayor Breitreuz and seconded by Council Member Schroeder.

Schroeder	<u>Yes</u>	Ayes	<u>5</u>
Fisikelli	<u>Yes</u>	Nays	<u>0</u>
Breitreuz	<u>Yes</u>	Absent	<u>0</u>
Jablonski	<u>Yes</u>	Abstaining	<u>0</u>
McKay	<u>Yes</u>		

  
\_\_\_\_\_  
Doug McKay, Mayor

Attest:   
\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:  
  
\_\_\_\_\_  
Keith M. Poliakoff, J.D., Town Attorney

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