



Southwest Ranches Town Council

REGULAR MEETING
 Agenda of April 25, 2024

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
 Southwest Ranches, FL 33330

<u>Mayor</u> Steve Breitreuz	<u>Town Council</u> Jim Allbritton Bob Hartmann Gary Jablonski	<u>Town Administrator</u> Russell C. Muniz, MBA, MPA	<u>Town Attorney</u> Keith M. Poliakoff, J.D.
<u>Vice Mayor</u> David S. Kuczenski, Esq.		<u>Town Financial Administrator</u> Emil C. Lopez, CPM	<u>Town Clerk</u> Debra M. Ruesga

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**

Presentations

3. **Presentation - Senator Steve Geller**
4. **Proclamation - Municipal Clerk's Week**
5. **Public Comment**

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.
- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

6. **Board Reports**
7. **Council Member Comments**
8. **Legal Comments**
9. **Administration Comments**

Ordinance - 2nd Reading

10. **AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES AND ORDINANCE NO. 2014-003 TO SPECIFY THE ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {APPROVED ON FIRST READING APRIL 11, 2024}**

Ordinance - 1st Reading

11. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REQUIRE (THE SUPER MAJORITY OR UNANIMOUS VOTE) OF THE TOWN COUNCIL BEFORE DIRECTING THE TOWN'S CODE ENFORCEMENT DEPARTMENT TO PROACTIVELY ENFORCE ADDITIONAL CODE VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN'S CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Discussion

12. Discussion - Municipal Water Sources - Mayor Breitzkreuz
13. Approval of Minutes
 - a. March 28, 2024 Regular Meeting Minutes

14. Adjournment

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

Proclamation

55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK May 5 - 11, 2024

Whereas, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, the Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, BE IT PROCLAIMED by the Town Council of Southwest Ranches, the week of May 5th through May 11th, 2024, as Professional Municipal Clerks Week, and further extend appreciation to our Town Clerk's Office, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 25th Day of April, 2024

STEVE BREITKREUZ, MAYOR

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL
33330-2628
(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Steve Breitkreuz, *Mayor*
David S. Kuczenski, Esq., *Vice Mayor*
Jim Allbritton, *Council Member*
Bob Hartmann, *Council Member*
Gary Jablonski, *Council Member*

Russell C. Muniz, MBA, MPA, *Town Administrator*
Keith M. Poliakoff, JD, *Town Attorney*
Debra M. Ruesga, *Town Clerk*
Emil C. Lopez, CPM, *Town Financial Administrator*

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Russell Muniz, Town Administrator
FROM: Emily Aceti, Community Services Manager
DATE: 4/25/2024
SUBJECT: Flood Insurance Rate Maps and New National Flood Insurance Program Requirements

Recommendation

Town Council consideration for a motion to approve the Ordinance.

Unanimous Vote of the Town Council Required?

Yes

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- D. Improved Infrastructure

Background

FEMA requires communities to participate in the National Flood Insurance Program (NFIP) and adopt Flood Insurance Rate Maps (FIRMs) as prerequisites to flood insurance eligibility for residents. FEMA recently completed work on the new FIRMs for Broward County. On January 31, 2024, FEMA issued the Letter of Final Determination for the revised Flood Insurance Study and FIRMs for Broward County. The letter establishes July 31, 2024, as the deadline to demonstrate the Town's floodplain management ordinance complies with the NFIP requirements and adopt the new FIRMS.

Southwest Ranches is a CRS Class 7 community. A new CRS Class 8 Prerequisite was

announced by FEMA/CRS in 2020. To maintain our CRS Class, the Town must adopt these amendments to the Town's regulations.

Fiscal Impact/Analysis

None.

Staff Contact:

Rod Ley, Public Works Director
Emil Lopez, Town Financial Administrator

ATTACHMENTS:

Description	Upload Date	Type
Ordinance - TA Approved	4/16/2024	Ordinance
FIRM MAP Panel 510	4/16/2024	Exhibit
FIRM MAP Panel 515	4/16/2024	Exhibit
FIRM MAP Panel 520	4/16/2024	Exhibit
FIRM MAP Panel 530	4/16/2024	Exhibit
FIRM MAP Panel 540	4/16/2024	Exhibit

ORDINANCE NO. _____

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES AND ORDINANCE NO. 2014-003 TO SPECIFY THE ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {APPROVED ON FIRST READING APRIL 11, 2024}

WHEREAS, the Legislature of the State of Florida has, in {Chapter 125 – County Government or Chapter 166 – Municipalities}, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Town of Southwest Ranches participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 7, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for Southwest Ranches to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Town of Southwest Ranches determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES that the following floodplain management regulations are hereby amended as set forth in the following amendments, as shown in ~~strikethrough~~ and underline format in Section 1 and Section 2.

SECTION 1. AMENDMENTS. Town of Southwest Ranches Ordinance 2014-003 , approved on May 22, 2014, and its codified Code of Ordinances is hereby amended as follows:

ARTICLE II. FLOOD DAMAGE PREVENTION
DIVISION 1. GENERALLY

Sec. 4-19. Title.

These regulations shall be known as the floodplain management ordinance of the town of Southwest Ranches hereinafter referred to as "this ordinance."
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-20. Scope.

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-21. Intent.

The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-22. Coordination with the Florida Building Code.

This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-23. Warning.

The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-24. Disclaimer of liability.

This ordinance shall not create liability on the part of Town Council of Southwest Ranches or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-25. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-26. Areas to which this ordinance applies.

This ordinance shall apply to all flood hazard areas within the Town of Southwest Ranches, as established in section 4-27 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-27. Basis for establishing flood hazard areas.

The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated ~~July 31, 2024~~ ~~August 18, 2014~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the town hall located at 13400 Griffin Road, Southwest Ranches, Florida 33330.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-28. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to sections 4-59 through 4-62 of this ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-29. Other laws.

The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-30. Abrogation and greater restrictions.

This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-31. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2014-003, § 2, 5-22-2014)

Secs. 4-32—4-41. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 4-42. Designation.

The town administrator is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-43. General duties and powers of the floodplain administrator.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to sections 4-78 through 4-85 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-44. Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when

compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

- (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-45. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-46. Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to sections 4-78 through 4-85 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-47. Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-48. Inspections.

The floodplain administrator shall make the required inspections as specified in sections 4-63 through 4-68 of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-49. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 4-45 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Southwest Ranches are modified.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-50. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the

Florida Building Code. These records shall be available for public inspection at town hall located at 13400 Griffin Road, Southwest Ranches, Florida 33330 by filing a Public Records Request with the town clerk.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-51. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-52. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-53. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

- (7) Family mausoleums not exceeding two hundred fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-54. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in sections 4-59 through 4-62 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-55. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-56. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not

more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-57. Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-58. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District (SFWMD); F.S. § 373.036.
- (2) Central Broward Water Control District (CBWCD), Chapter 61-1969, Laws of Florida;
- (3) South Broward Drainage District (SBDD); Chapter 2011-264, Laws of Florida,
- (4) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.
- (5) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
- (6) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the Clean Water Act.
- (7) Federal permits and approvals.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-59. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with section 4-60(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with section 4-60(1) of this ordinance.

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-60. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-61. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 4-62 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 4-62 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-62. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-63. Inspections—General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-64. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-65. Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-66. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 4-60(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-67. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 4-66 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-68. Manufactured homes.

The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the town administrator.

(Ord. No. 2014-003, § 2, 5-22-2014)

Secs. 4-69—4-77. Reserved.

DIVISION 3. VARIANCES AND APPEALS

Sec. 4-78. Variances and appeals, general.

The town council shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to F.S. § 553.73(5), the town council shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-79. Appeals.

The town council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of town council may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-80. Limitations on authority to grant variances.

The town council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 4-84 of this ordinance, the conditions of issuance set forth in section 4-85 of this ordinance, and the comments and recommendations of the floodplain administrator and the building official. The town council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-81. Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 4-61 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-82. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 ~~11~~ Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-83. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of section 4-81, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-84. Considerations for issuance of variances.

In reviewing requests for variances, the town council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-85. Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the town council that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2014-003, § 2, 5-22-2014)

Secs. 4-86—4-95. Reserved.

DIVISION 4. VIOLATIONS

Sec. 4-96. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in

conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-97. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-98. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-99. Penalties for violation.

- (1) Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this ordinance and all permits may be withheld until a final determination is made.
- (2) A violation of any provision of this section shall be prosecuted, at the town's sole discretion, in accordance with F.S. ch. 162 or through a court of competent jurisdiction. If a violation is found, the offending party shall be given no more than thirty (30) days to correct the violation and shall be assessed an administrative penalty of not less than two hundred fifty dollars (\$250.00) per day per violation until the violation has been corrected.
- (3) In accordance with section 005-030 in Part III of the Unified Land Development Code, the provisions of this section may also be enforced by the town's law enforcement as a violation of a town ordinance and, as such, shall be punishable in accordance with F.S. § 162.22.
- (4) Nothing contained herein shall prevent the town from taking such other lawful actions as are necessary to prevent or remedy any violation.

(Ord. No. 2014-003, § 2, 5-22-2014)

Secs. 4-100—4-109. Reserved.

DIVISION 5. DEFINITIONS

Sec. 4-110. Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-111. Terms defined in the Florida Building Code.

Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-112. Terms not defined.

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.
(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-113. Definitions.

Accessory structure (appurtenant structure). A structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and shall be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance ~~or a request for a variance.~~

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.]. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Critical facility. Hospitals, nursing homes, medical services facilities, convalescent and assisted living facilities; police stations, fire stations, storage of critical records; government buildings and law enforcement offices; evacuation shelters and emergency operation centers that are needed for flood response activities before, during, or after a flood; and public and private utility (water and wastewater) facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood; radio/cellular/TV towers; schools and universities; landfills; and structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. The term includes facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code, Building.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 27, 2004. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 27, 2004.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary

and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. (Also defined in FBC, B, Section 1612.2.)

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 ~~11~~ Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eighty-five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest adjacent grade. The lowest natural elevation surface outside the structure and adjacent to the foundation.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 27, 2004 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 27, 2004.~~

Obstruction. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. (Defined in F.S. § 320.01.)

Recreational vehicle. A vehicle, including a park trailer, which is: (see in F.S. § 320.01.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. (Also defined in FBC, B Section 1612.2.)

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction ~~Permanent construction~~ does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. (See Instructions and Notes)

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.
(Ord. No. 2014-003, § 2, 5-22-2014)

Secs. 4-114—4-124. Reserved.

DIVISION 6. FLOOD RESISTANT DEVELOPMENT

Sec. 4-125. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 4-53 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of sections 4-148 through 4-151 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-126. Specific methods of construction and requirements.

Pursuant to Broward County Administrative Provisions for the Florida Building Code, the following specific methods of construction and requirements apply:

- (1) *Minimum building and structure elevations and site elevations.* For buildings and structures in special flood hazard areas, the minimum elevation requirements in the Florida Building Code shall be at or above the base flood elevation plus one (1) foot. The highest adjacent grade shall be below the lowest floor elevation. To assure adequate site drainage, the lowest adjacent grade at the building site shall be eighteen (18) inches above the 10-year flood elevation or eighteen (18) inches above the crown of the adjacent roadway, whichever is greater. The floodplain administrator may waive the required drainage offset of eighteen (18) inches increase based on submission of supporting analysis and documentation from the engineer of record.
- (2) *Limitations on enclosed areas below elevated buildings.* For buildings in special flood hazard areas, the following limitations apply to enclosed areas below elevated buildings:

- a. Access shall be the minimum necessary to allow for only parking of vehicles (garage door), limited storage of maintenance equipment in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).
 - b. The interior portion shall not be temperature controlled, partitioned, or finished into separate rooms.
- (3) *Dry floodproofed nonresidential buildings.* Applications for nonresidential buildings proposed to be dry floodproofed shall include an operation and maintenance plan for the installation, storage and maintenance of any flood shields, coverings and devices that require human intervention. At the discretion of the floodplain administrator, the plan has be exercised periodically.
- (4) *Critical facilities.* Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the base flood elevation plus three (3) feet or the 500-year (0.2 percent chance) flood elevation, whichever is higher. Flood proofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the maximum extent possible. Critical facilities shall be designed to remain operable during such an event.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-127. Minimum requirements for subdivisions.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-128. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

- (2) Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 4-60(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of sections 4-129 through 4-133 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-129. Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-130. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-131. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-132. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 4-61(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-133. Limitations on placement of fill.

Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code. (Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-134. Manufactured homes—General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. (Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-135. Manufactured homes—Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance. (Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-136. Manufactured homes—Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance. (Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-137. Manufactured homes—Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the *Florida Building Code, Residential Section R322.2 (Zone A)*. Manufactured homes that are placed, replaced, or substantially improved shall comply with section 4-138 or 4-139 of this ordinance, as applicable. (Ord. No. 2014-003, § 2, 5-22-2014)

~~**Sec. 4-138. Manufactured homes—General elevation requirement.**~~

~~Unless subject to the requirements of section 4-139 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing~~

manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).
(Ord. No. 2014-003, § 2, 5-22-2014)

~~Sec. 4-139. Manufactured homes—Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 4-138 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or~~
- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

~~(Ord. No. 2014-003, § 2, 5-22-2014)~~

~~Sec. 4-138 4-140. Manufactured homes—Enclosures.~~

~~Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.~~

~~(Ord. No. 2014-003, § 2, 5-22-2014)~~

~~Sec. 4-139 4-141. Manufactured homes—Utility equipment.~~

~~Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.~~

~~(Ord. No. 2014-003, § 2, 5-22-2014)~~

Sec. 4-140—4-141. Reserved.

Sec. 4-142. Temporary placement of recreational vehicles and park trailers.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-143. Permanent placement of recreational vehicles and park trailers.

Recreational vehicles and park trailers that do not meet the limitations in section 4-142 of this ordinance for temporary placement shall meet the requirements of sections 4-134 through 4-141 of this ordinance for manufactured homes.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-144. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-145. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 4-146 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-146. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-147. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-148. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of section 4-132 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-149. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 4-132 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-150. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 4-132 of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Sec. 4-151. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 4-132 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 4-61(3) of this ordinance.

(Ord. No. 2014-003, § 2, 5-22-2014)

Secs. 4-152—4-172. Reserved.

SECTION 2. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Southwest Ranches. This ordinance shall

apply to all applications for development in flood hazard areas submitted on or after the effective date of this ordinance.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Southwest Ranches Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect on **its adoption.**

PASSED on first reading on the _____ day of _____, 2024.

PASSED and ADOPTED upon second and final reading with a quorum present and voting, by the **Town Council**, on a motion made by _____ and seconded by _____ this _____ day of _____, 2024.

Breitkreuz _____
Kuczenski _____
Allbritton _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

Attest:

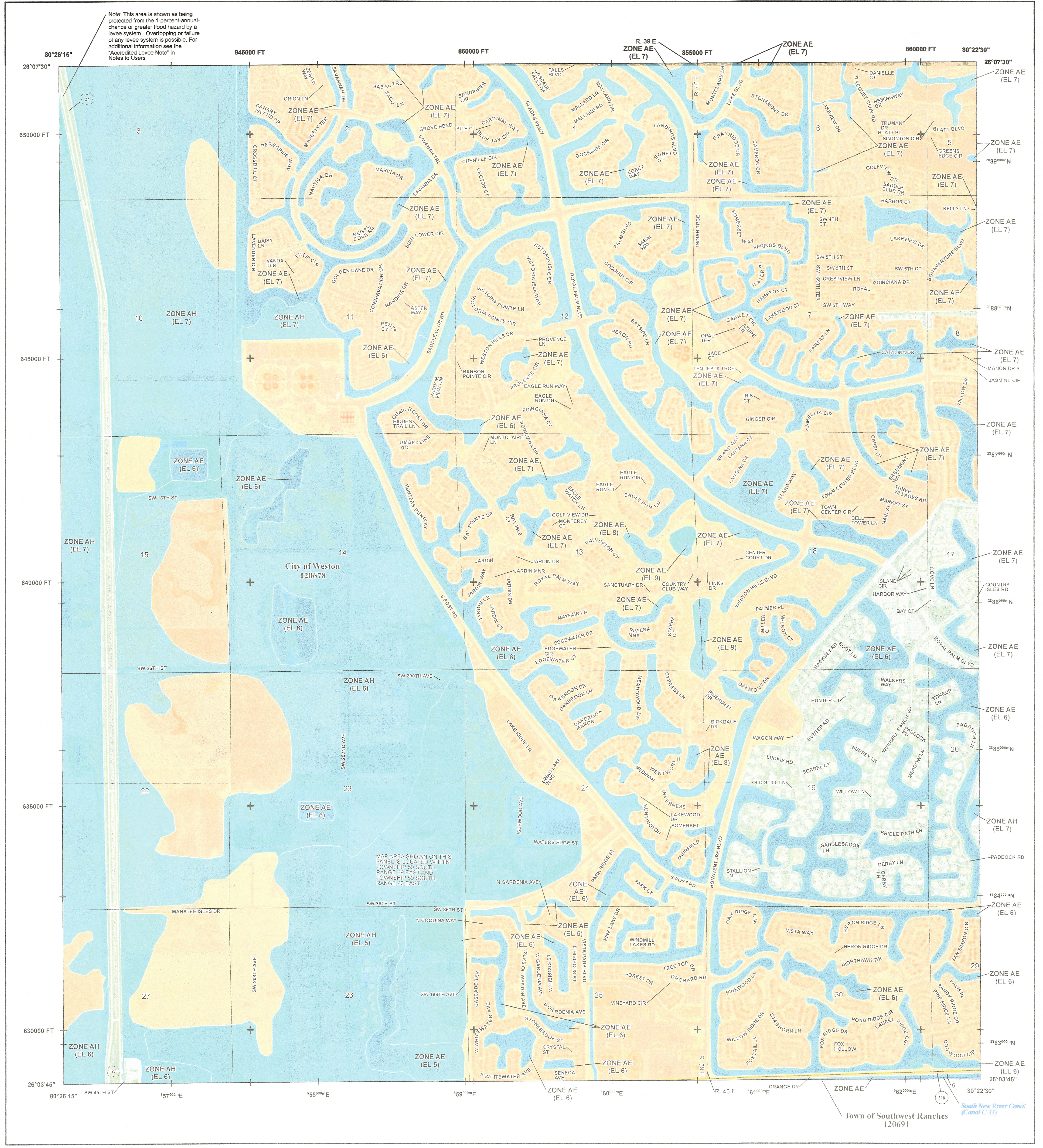
Debra Ruesga, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

1001.2024.18

Note: This area is shown as being protected from the 1-percent-annual-chance or greater flood hazard by a levee system. Overtopping or failure of any levee system is possible. For additional information see the "Accredited Levee Note" in Notes to Users



FLOOD HAZARD INFORMATION

- SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)
- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE)
 - With BFE or Depth
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
 - Future Conditions 1% Annual Chance Flood Hazard
 - Area with Reduced Flood Risk due to Levee See Notes.
 - Area with Flood Risk due to Levee
 - OTHER AREAS OF FLOOD HAZARD**
 - NO SCREEN Area of Minimal Flood Hazard
 - Area of Undetermined Flood Hazard
 - GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
 - OTHER FEATURES**
 - Limit of Study
 - Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAPS (1-877-368-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM index. These may be ordered directly from the Flood Map Service Center at the number listed above.

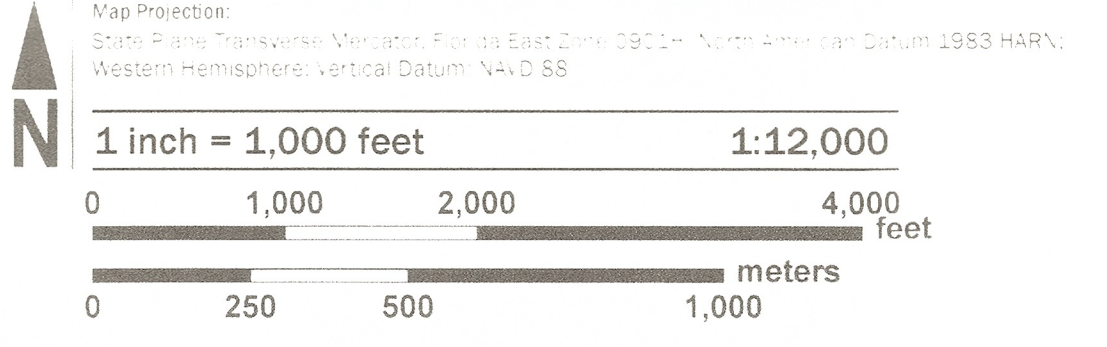
For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

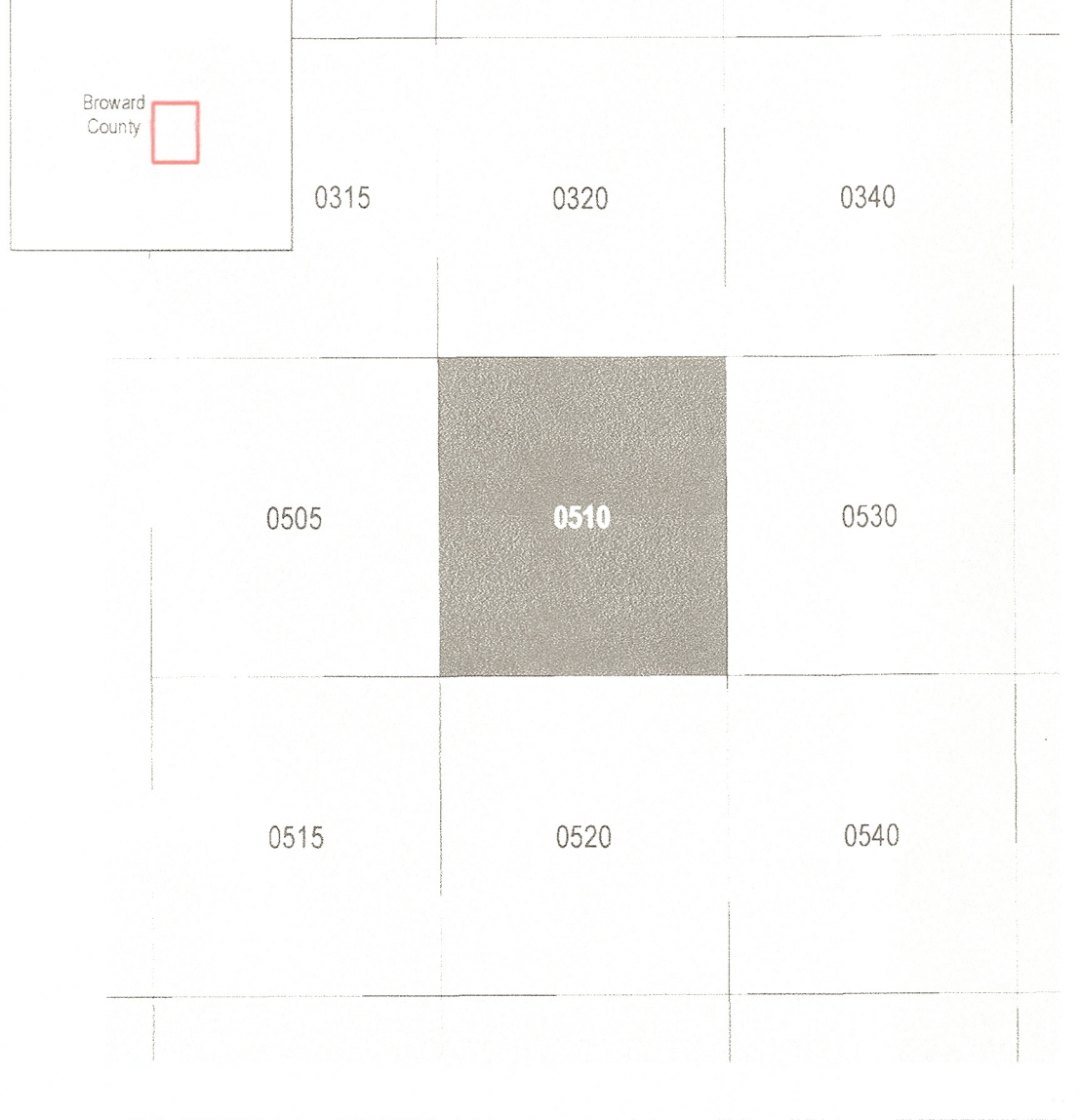
Base map information shown on this FIRM was provided by Broward County, dated 2003, 2004, 2009, and 2013; the U.S. Census Bureau, dated 2019; and the U.S. Department of Agriculture, dated 2018.

ACCREDITED LEVEE: Check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent-annual-chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection for areas on this panel. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit <https://www.fema.gov/national-flood-insurance-program>.

SCALE



PANEL LOCATOR



FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

BROWARD COUNTY, FLORIDA
 and Incorporated Areas
 PANEL 510 of 751

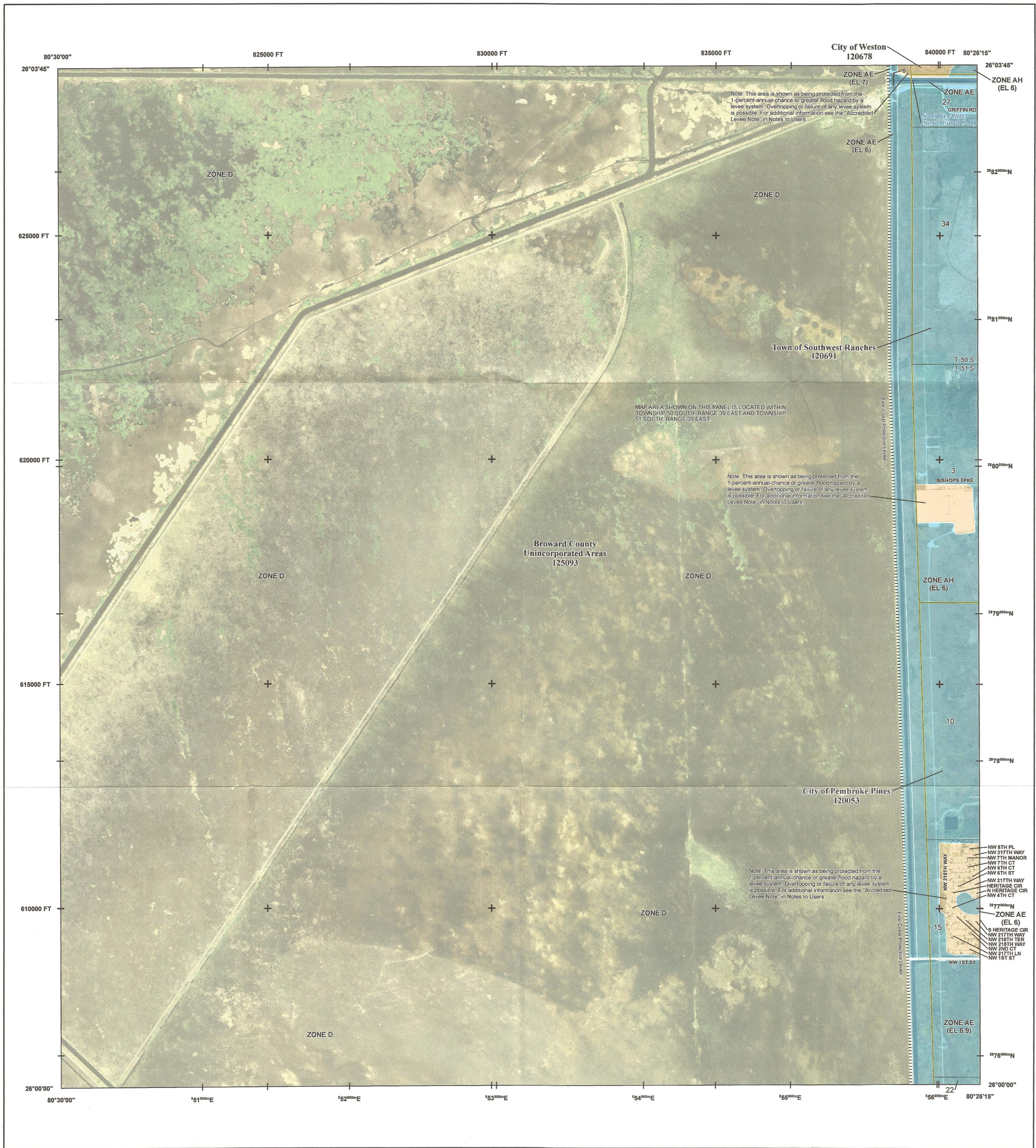
COMMUNITY: SOUTHWEST RANCHES, TOWN OF WESTON, CITY OF
 NUMBER: 120691
 PANEL: 0510
 SUFFIX: 0510

VERSION NUMBER: 2.6.3.5
 MAP NUMBER: 12011C0510J
 MAP REVISED: JULY 31, 2024

April 25, 2024 Regular Meeting - Amended

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FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
OTHER FEATURES	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

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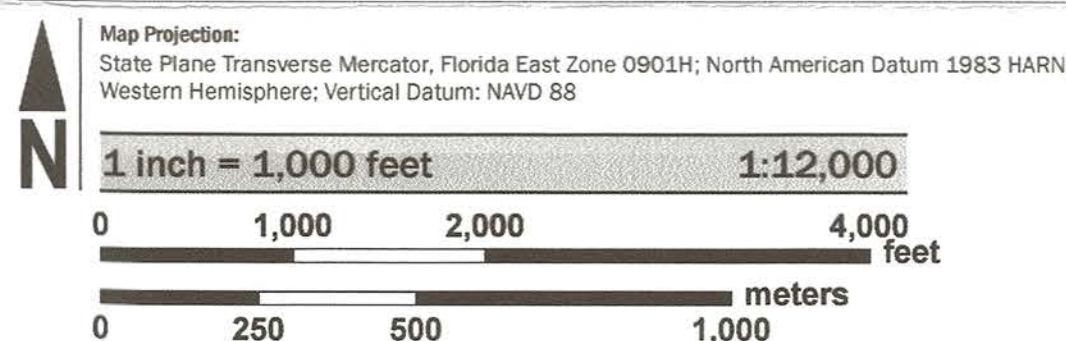
For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

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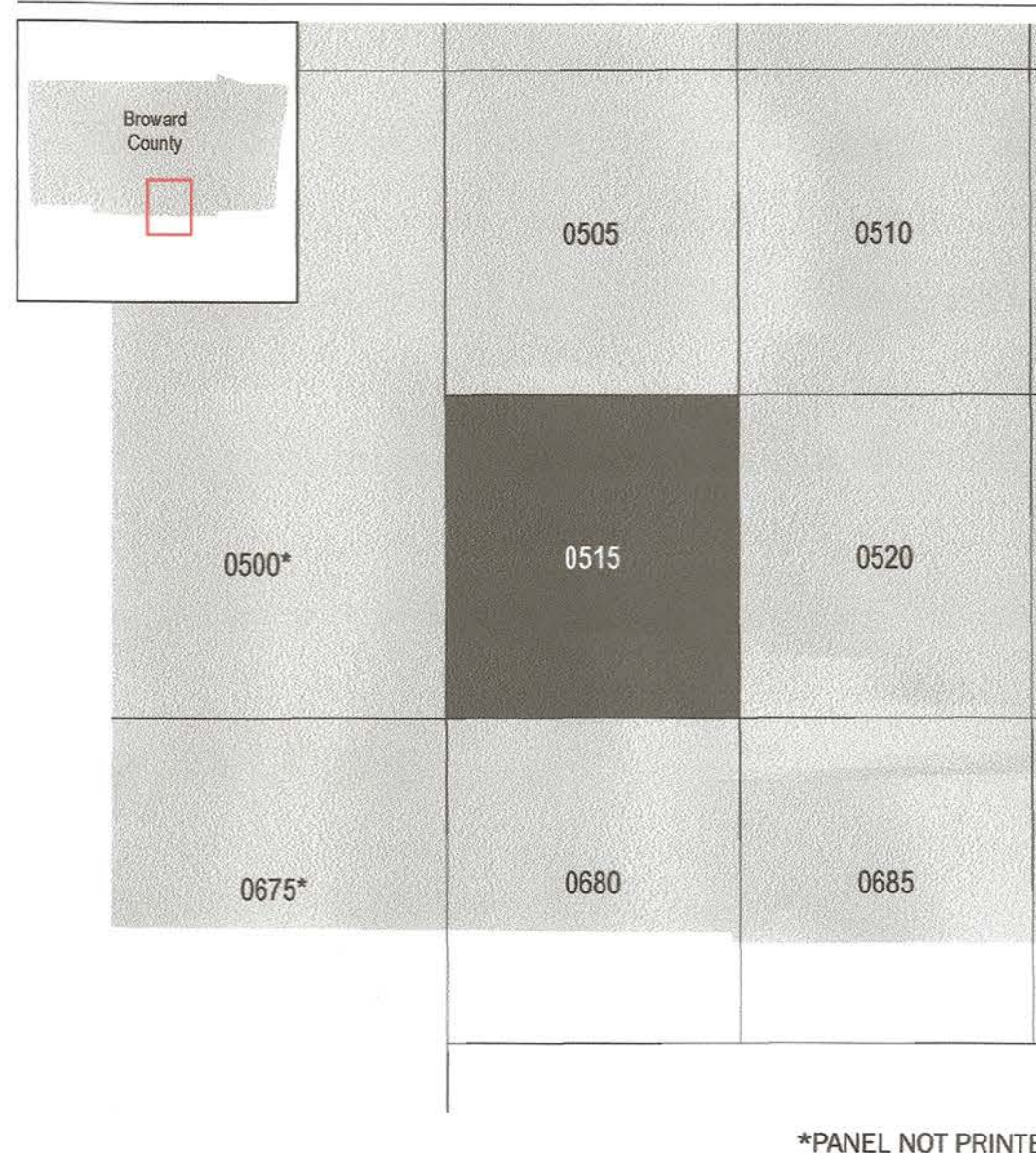
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SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

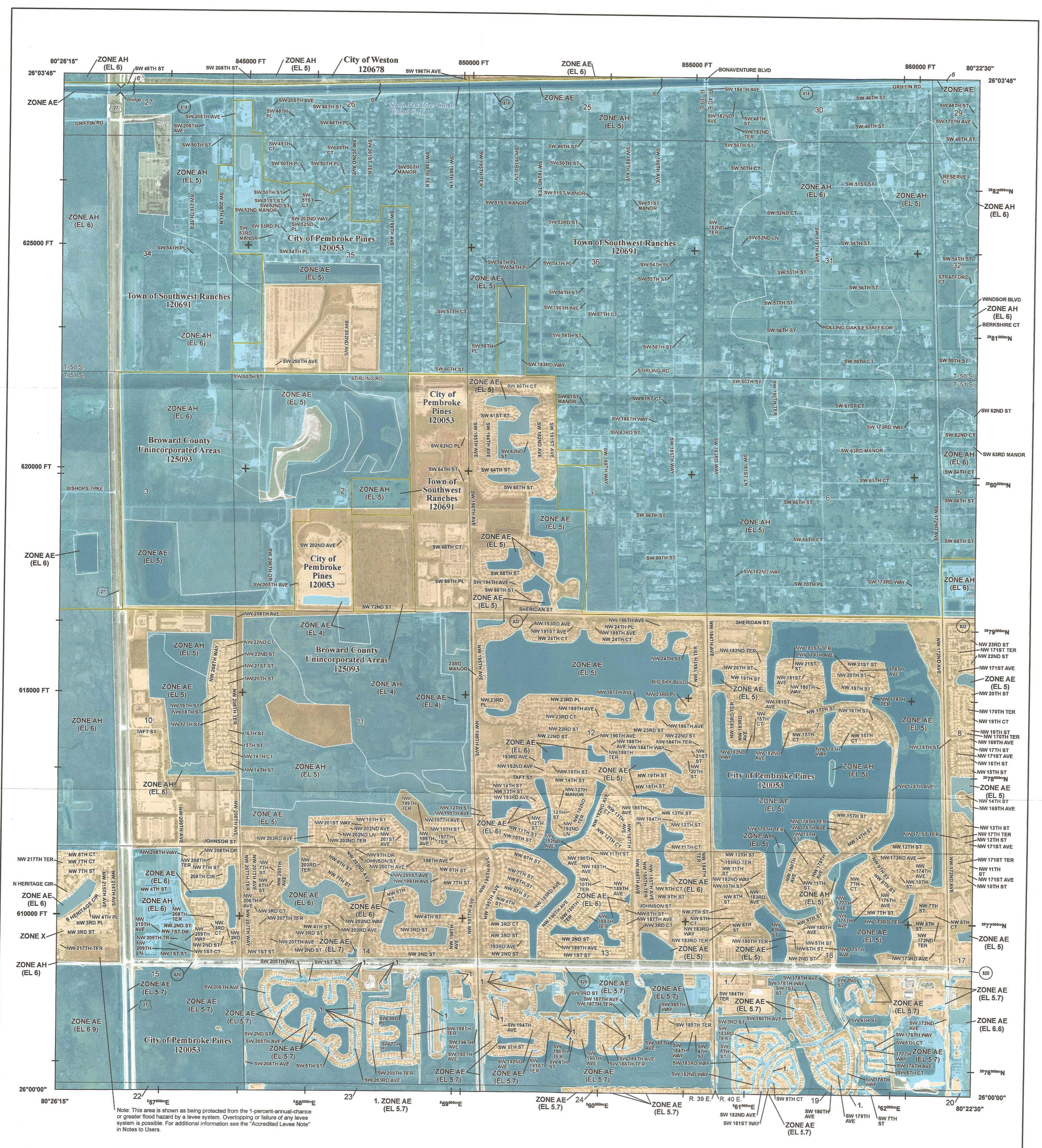
BROWARD COUNTY, FLORIDA
and Incorporated Areas
PANEL 515 OF 751

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
BROWARD COUNTY	125093	0515	J
PEMBROKE PINES, CITY OF	120053	0515	J
SOUTHWEST RANCHES, TOWN OF	120691	0515	J
WESTON, CITY OF	120678	0515	J

VERSION NUMBER: 2.6.3.5
MAP NUMBER: 12011C0515
MAP REVISED: JULY 31, 2024

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Note: This area is shown as being protected from the 1-percent-annual-chance or greater flood hazard by a levee system. Overtopping or failure of any levee system is possible. For additional information see the "Accredited Levee Note" in Notes to Users.

FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS

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- With BFE or Depth Zone AE, AO, AH, VE, AR
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- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Area of Undetermined Flood Hazard Zone D

OTHER AREAS

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall
- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

GENERAL STRUCTURES

OTHER FEATURES

NOTES TO USERS

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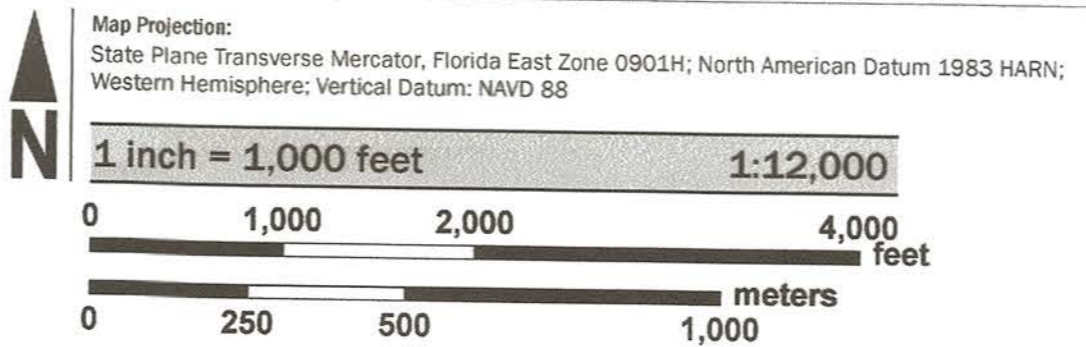
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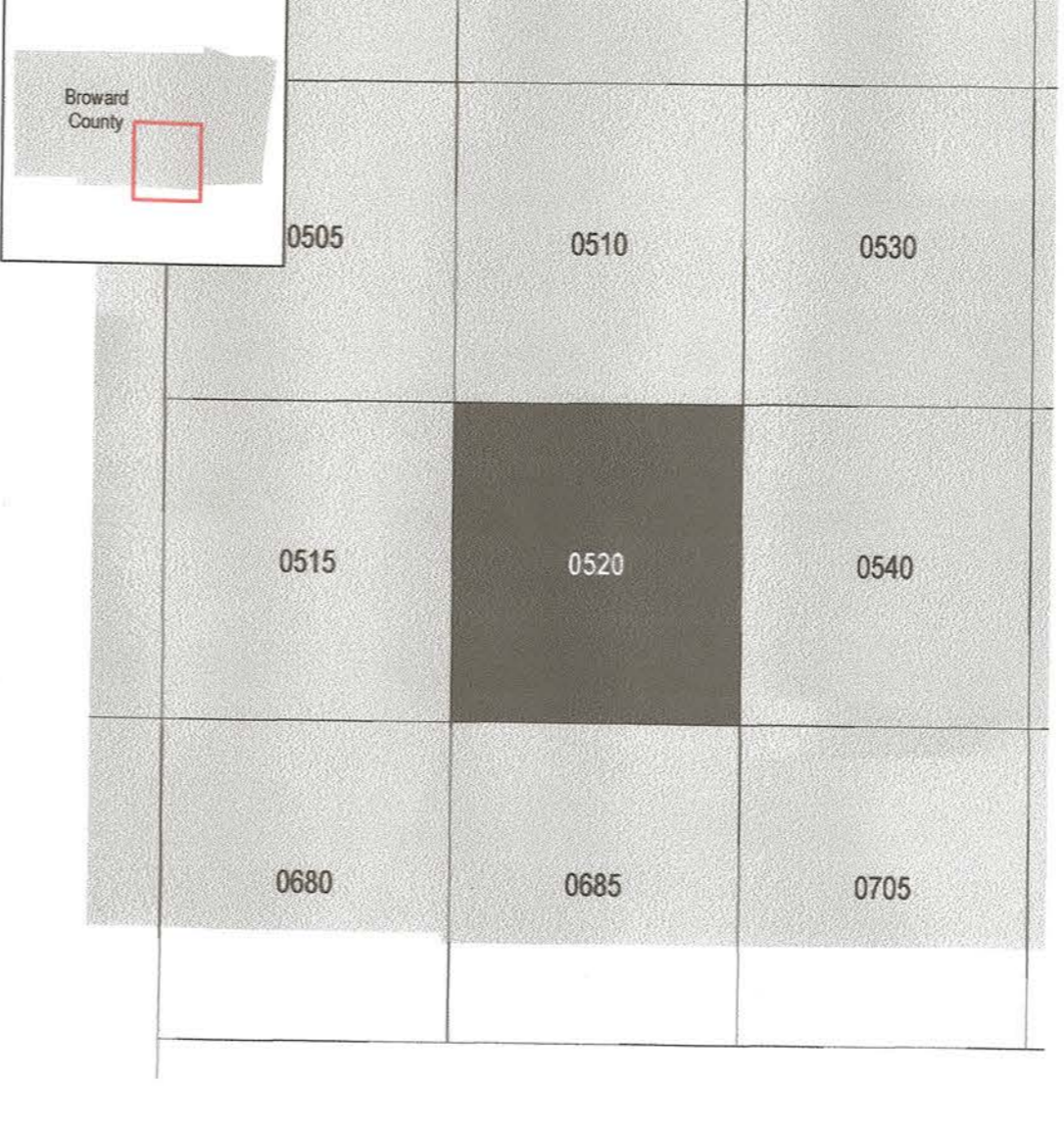
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SCALE



PANEL LOCATOR



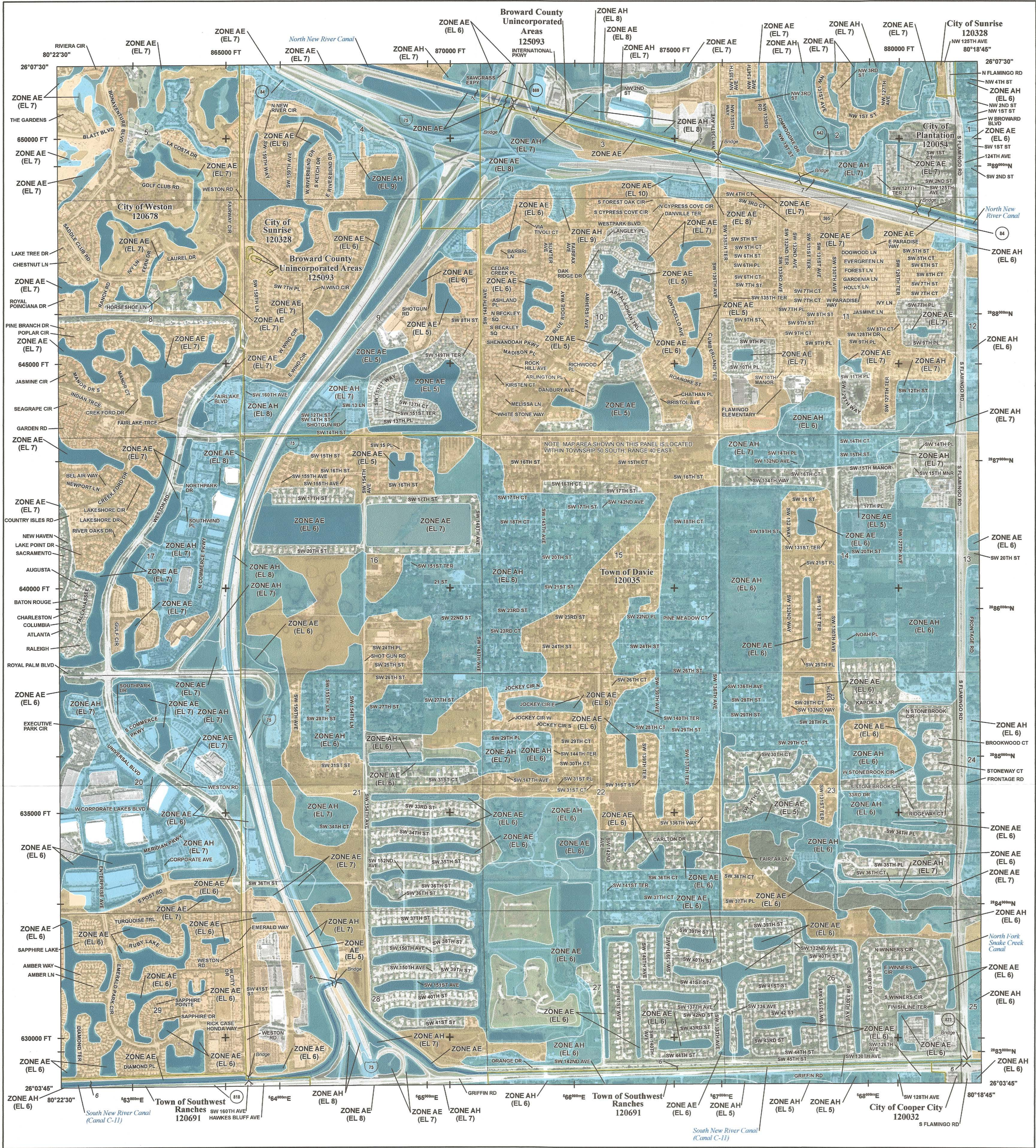
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
BROWARD COUNTY, FLORIDA
 and Incorporated Areas
 PANEL 520 of 751

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
BROWARD COUNTY	125093	0520	J
PEMBROKE PINES, CITY OF	120053	0520	J
SOUTHWEST RANCHES, TOWN OF	120691	0520	J
WESTON, CITY OF	120678	0520	J

VERSION NUMBER: 2.6.3.5
 MAP NUMBER: 12011C0520J
 MAP REVISED: JULY 31, 2024
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FLOOD HAZARD INFORMATION

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- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
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- Area with Flood Risk due to Levee Zone D
- NO SCREEN Area of Minimal Flood Hazard Zone X
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- Channel, Culvert, or Storm Sewer
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- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
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- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

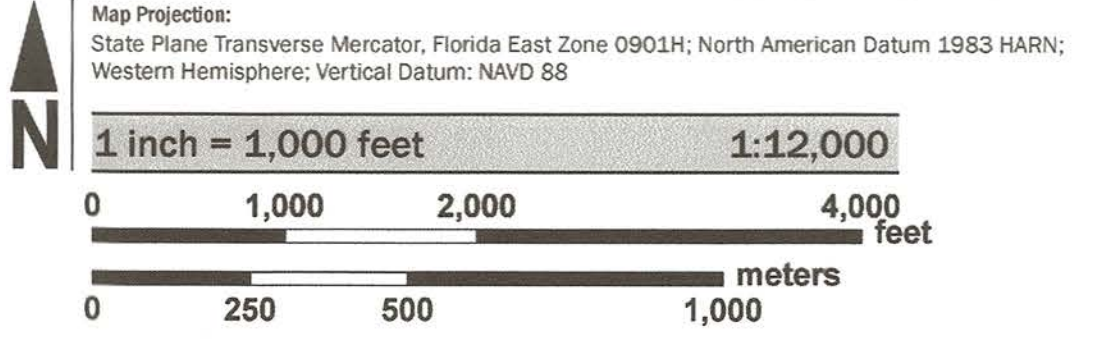
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

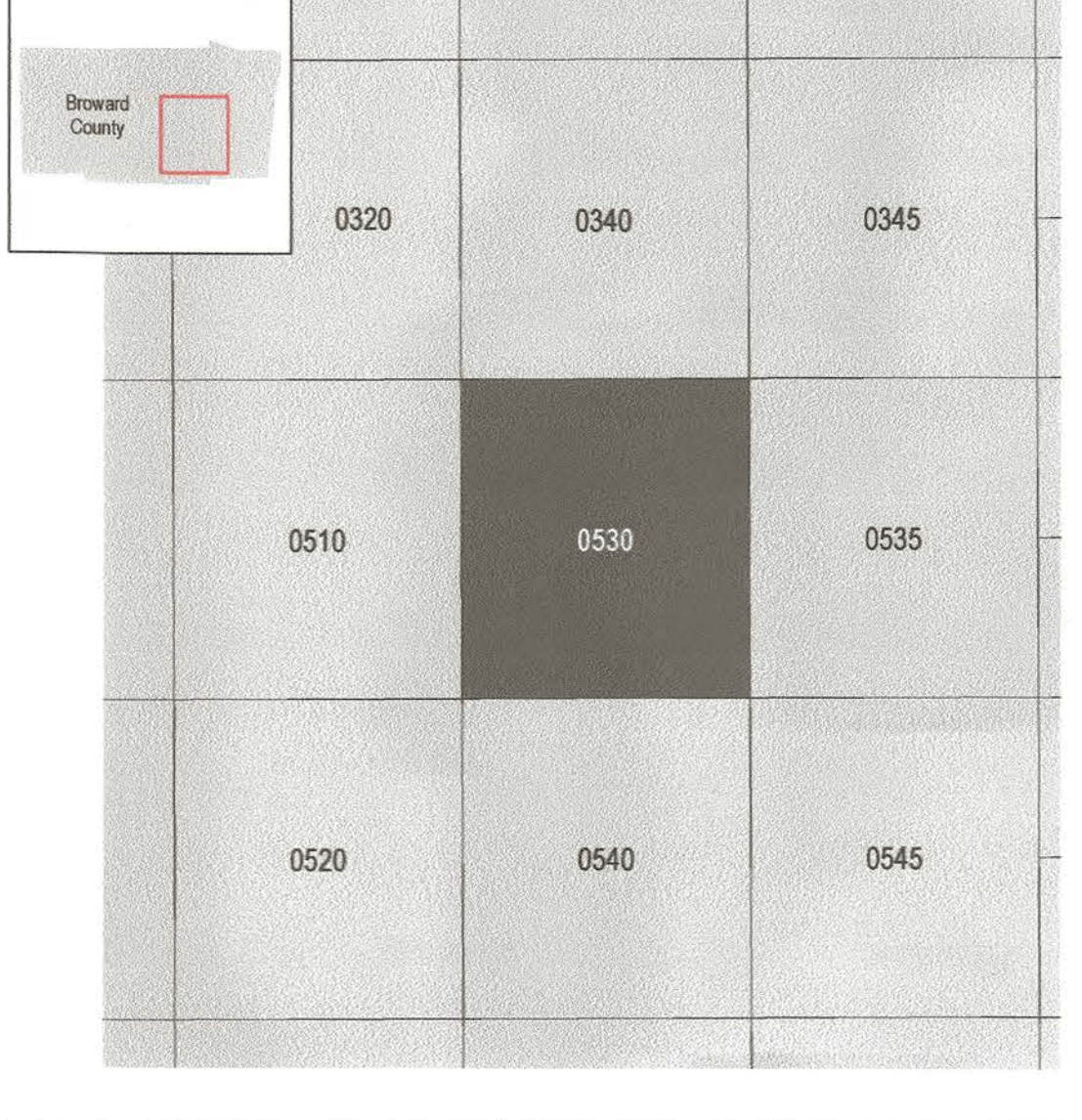
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was provided by Broward County, dated 2003, 2004, 2009, and 2013; the U.S. Census Bureau, dated 2019; and the U.S. Department of Agriculture, dated 2018.

SCALE



PANEL LOCATOR



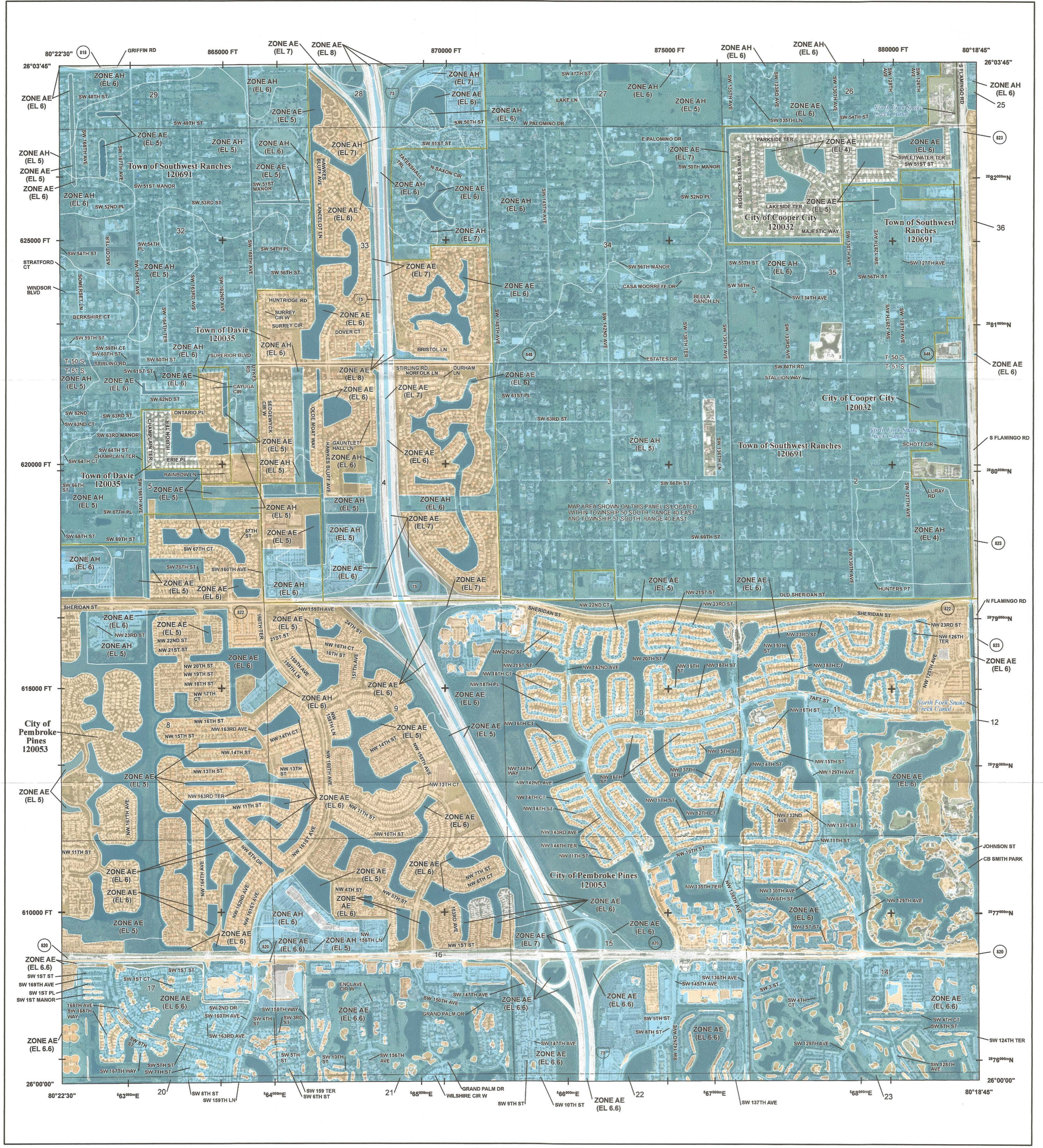
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
BROWARD COUNTY, FLORIDA
 and Incorporated Areas
 PANEL 530 OF 751

FEMA
 National Flood Insurance Program

COMMUNITY	NUMBER	PANEL	SUFFIX
BROWARD COUNTY	125093	0530	J
COOPER CITY, CITY OF	120032	0530	J
DAVIE, TOWN OF	120035	0530	J
PLANTATION, CITY OF	120054	0530	J
TOWN OF SOUTHWEST RANCHES	120691	0530	J
SUNRISE, CITY OF	120328	0530	J
WESTON, CITY OF	120678	0530	J

VERSION NUMBER: 2.6.3.5
 MAP NUMBER: 12011C0530J
 MAP REVISED: JULY 31, 2024

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FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)

	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
	NO SCREEN Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

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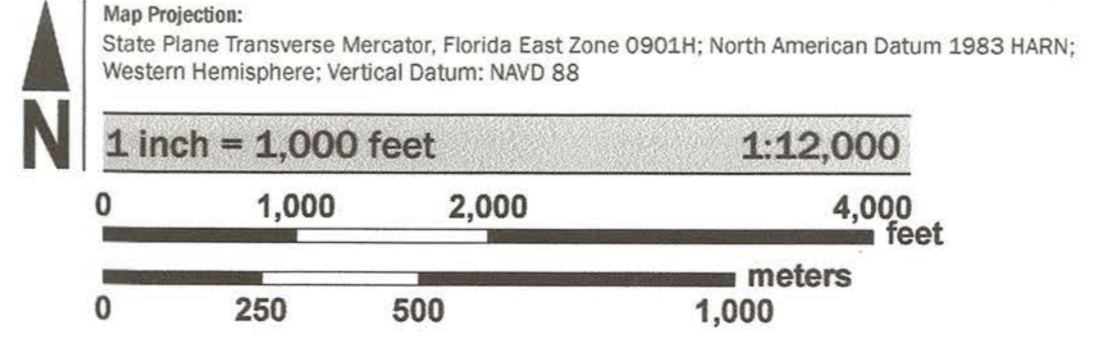
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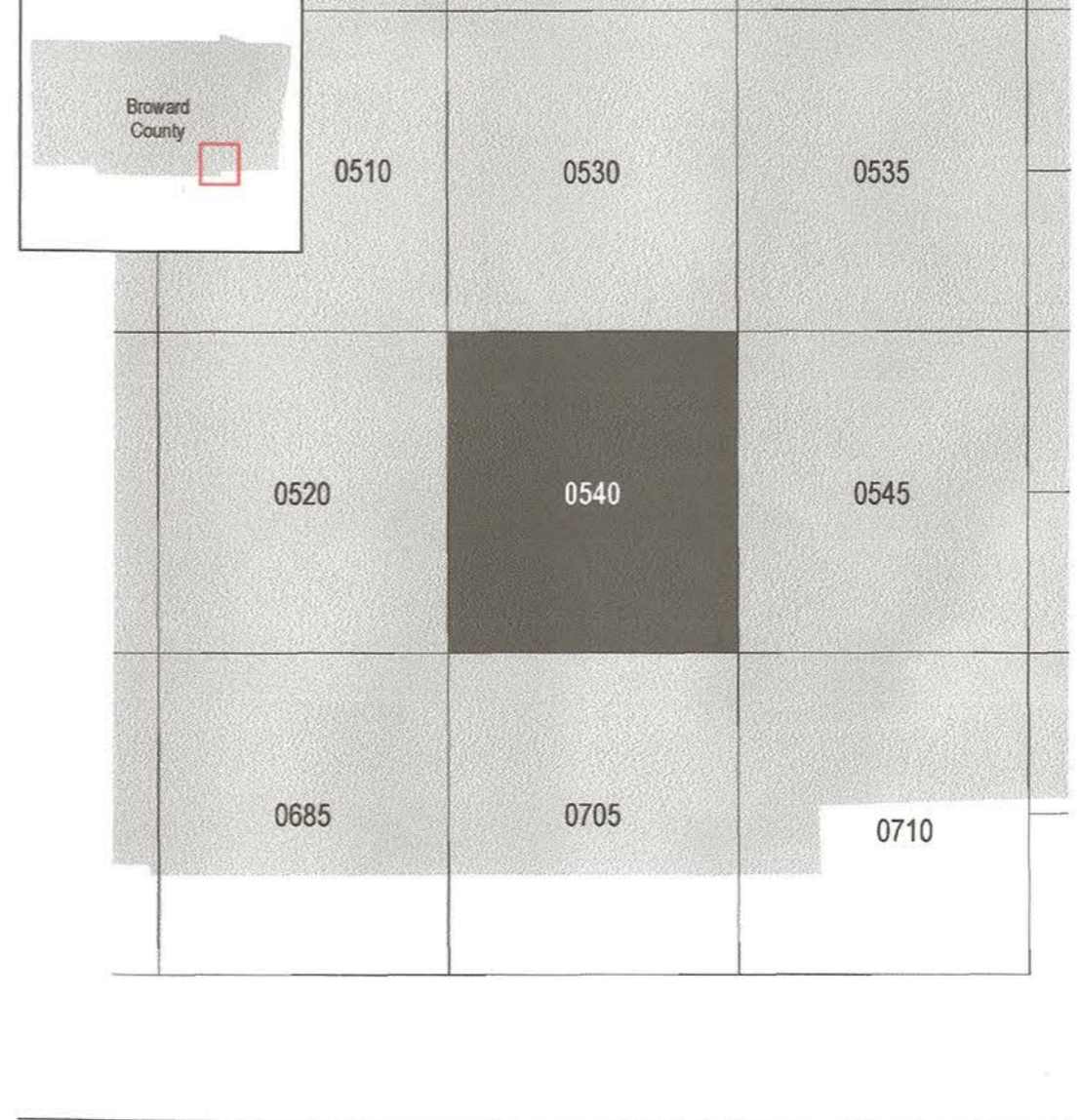
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SCALE



PANEL LOCATOR



National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

BROWARD COUNTY, FLORIDA
 and Incorporated Areas
 PANEL 540 of 751

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
COOPER CITY, CITY OF	120032	0540	J
DAVE, TOWN OF	120035	0540	J
PEMBROKE PINES, CITY OF	120033	0540	J
SOUTHWEST RANCHES, TOWN OF	120691	0540	J

VERSION NUMBER
2.6.3.5

MAP NUMBER
12011C0540J

MAP REVISED
JULY 31, 2024

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL
33330-2628
(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Steve Breitkreuz, *Mayor*
David S. Kuczenski, Esq., *Vice Mayor*
Jim Allbritton, *Council Member*
Bob Hartmann, *Council Member*
Gary Jablonski, *Council Member*

Russell C. Muniz, MBA, MPA, *Town Administrator*
Keith M. Poliakoff, JD, *Town Attorney*
Debra M. Ruesga, *Town Clerk*
Emil C. Lopez, CPM, *Town Financial Administrator*

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Russell C. Muñiz, Town Administrator
FROM: Keith Poliakoff, Town Attorney
DATE: 4/25/2024
SUBJECT: Procedure for Potential Additions to Proactive Code Enforcement

Recommendation

Town Council consideration for a motion to approve the ordinance on first reading.

Strategic Priorities

A. Sound Governance

Background

The Town of Southwest Ranches seeks to preserve and to protect its rural identity, which generally includes a reactive Code Enforcement Department.

In general, unless the Town witnesses or has knowledge of a life safety issue, Code Enforcement citations usually require a complainant before the Code Enforcement Department investigates a Code violation.

As a result of recent amendments to Section 162.06, Florida Statutes, when the Town is not the complainant, the complainant must be identified and residents who fear retribution sometimes request certain Town Officials to be the complainant on Code violations.

To avoid this issue, and to protect the Town's rural lifestyle, the Town Council has created a list of Code violations that it wishes to handle proactively and to help ensure that this list is not expanded arbitrarily, the Town Council desires to amend its Code of Ordinances to clarify that

adding additional items to the Town's proactive Code Enforcement list requires the affirmative vote of (the super majority or unanimous decision) of the Town Council.

Fiscal Impact/Analysis

Staff Contact:

Russell Muñiz, Town Administrator

ATTACHMENTS:

Description	Upload Date	Type
Business Impact Statement	4/19/2024	Backup Material
Ordinance - TA Approved	4/17/2024	Ordinance



Town of Southwest Ranches Business Impact Estimate Form

*This Business Impact Estimate Form is provided in accordance with **Section 166.041(4), Florida Statutes** and must be included in the agenda item backup for each proposed ordinance on first reading. A Business Impact Estimate Form must be prepared and posted on the Town's website for each ordinance by the date that the notice of the proposed ordinance is published, regardless of whether the ordinance is exempted under Section A below. This Business Impact Estimate Form may be revised following its initial posting.*

Title of proposed ordinance:

The provisions contained in this Section A constitute exemptions as provided in Section 166.041(4)(c). If one or more boxes are checked in Section A below, a business impact estimate is not required by state law for the proposed ordinance.

Section A

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the Town;
- The proposed ordinance is an emergency ordinance;
- The proposed ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If an exemption in Section A is applicable, then only Section A needs to be completed. If there is no exemption in Section A, Section B must be completed.

Section B This section with the business impact estimate must be completed if the proposed ordinance does not meet any of the exemptions in Section A.

1. A summary of the proposed ordinance which must include a statement of the public purpose (e.g., public health, safety, morals and welfare).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur.

(b) Any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

(c) An estimate of the Town's regulatory costs, including an estimate of revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information/methodology for preparation, if any:

ORDINANCE NO. 2024-XXX

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REQUIRE (THE SUPER MAJORITY OR UNANIMOUS VOTE) OF THE TOWN COUNCIL BEFORE DIRECTING THE TOWN'S CODE ENFORCEMENT DEPARTMENT TO PROACTIVELY ENFORCE ADDITIONAL CODE VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN'S CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches seeks to preserve and to protect its rural identity, which generally includes a reactive Code Enforcement Department; and;

WHEREAS, in general, unless the Town witnesses or has knowledge of a life safety issue, Code Enforcement citations usually require a complainant before the Code Enforcement Department investigates a Code violation; and

WHEREAS, as a result of recent amendments to Section 162.06, Florida Statutes, when the Town is not the complainant, the complainant must be identified; and

WHEREAS, residents who fear retribution sometimes request certain Town Officials to be the complainant on Code violations; and

WHEREAS, to avoid this issue, and to protect the Town's rural lifestyle, the Town Council has created a list of Code violations that it wishes to handle proactively; and

WHEREAS, to help ensure that this list is not expanded arbitrarily, the Town Council desires to amend its Code of Ordinances to clarify that adding additional items to the Town's proactive Code Enforcement list requires the affirmative vote of (the super majority or unanimous decision) of the Town Council; and

WHEREAS, the Town Council finds that the amendment is in the best interest of the health, safety, and welfare of the Town's residents.

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

SECTION 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

SECTION 2. The Town of Southwest Ranches Code of Ordinances is hereby amended to reflect that a (super majority or unanimous) vote of the Town Council is necessary prior to directing the Town’s Code Enforcement Department to proactively enforce additional Code Enforcement violations.

SECTION 3. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

SECTION 4. Inclusion. This Ordinance shall become part of and incorporated within the Town’s Code of Ordinances, and shall be titled, numbered, and lettered as may be necessary.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

[Signatures on Following Page]

PASSED ON FIRST READING this __ day of __, 2024 on a motion made by __ and seconded by __.

PASSED ON SECOND READING this __ day of __, 2024 on a motion made by _____ and seconded by _____.

Breitkreuz _____
Kuczenski _____
Allbritton _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

Attest:

Debra Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.2024.15

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PEMBROKE PINES
CITY COMMISSION

Frank C. Ortis
MAYOR
954-450-1020
fortis@ppines.com

Iris A. Siple
VICE MAYOR
DISTRICT 3
954-450-1030
isiple@ppines.com

Jay D. Schwartz
COMMISSIONER
DISTRICT 2
954-450-1030
jschwartz@ppines.com

Angelo Castillo
COMMISSIONER
DISTRICT 4
954-450-1030
acastillo@ppines.com

Thomas Good, Jr.
COMMISSIONER
DISTRICT 1
954-450-1030
tgood@ppines.com

Charles F. Dodge
CITY MANAGER
954-450-1040
cdodge@ppines.com

January 30, 2024

Russell Muñiz, Town Administrator
Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330

Dear Russell,

Congratulations on your promotion to Town Administrator, the town is in good hands. I am writing regarding the City of Pembroke Pines ability to provide water and sewer service to new developments on the western edge of the Town of Southwest Ranches.

In late 2023, I spoke with the former Town Administrator, Andy Berns, about potentially entering into an agreement for the City to provide water and sewer service to a limited area within the Town. We spoke about an area generally bound by 184th Avenue on the east, Griffin Road on the north, US 27 on the west and the Town's municipal boundary on the south.

The City has received inquiries to provide water and sewer service from BBX, the developer of the proposed warehouse project on the +/-25-acre parcel owned by the Town that is adjacent to the South Florida Distribution Center property in our City. We have also received similar inquiries for service from representatives of the Bergeron companies, who are interested in developing various parcels along the US 27 corridor. Based on those inquiries, the City believes we have the capacity to service this area at this time.

It's my understanding that your comprehensive plan has policies that require developers to connect to the City of Sunrise for water and sewer services (See excerpt below). The cost to connect to the City of Sunrise may inhibit the development of these parcels which could potentially cause the Town to lose out on a valuable tax base. I am confident we could enter into an agreement that would benefit both parties.

FLUE POLICY 1.8-p: All land designated US Highway 27 Business shall be connected to, or shall enter into a binding agreement providing for the connection to, the City of Sunrise water and sewer systems prior to issuance of any permit for the construction of any building or roofed structure. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.

I welcome the opportunity to discuss this issue with you further.

Sincerely,

Charles F. Dodge
City Manager, City of Pembroke Pines
CFD/md

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From: Ryan, Michael <MRyan@sunrisefl.gov>
Sent: Tuesday, April 2, 2024 4:31 PM
To: Steve Breitkreuz <SBreitkreuz@southwestranches.org>
Subject: [EXTERNAL] Water and Sewer Discussions

Discussion Item 12 "B"

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Mayor,

I have talked with staff regarding some of the issues related to the delivery of water and sewer services from Sunrise to all or parts of Southwest Ranches.

At the outset, in my experience Sunrise is always willing to discuss how we might be able to assist our neighbors in achieving their goals for delivery of water and sewer services to their residents and businesses. As you know, we currently supply such services to customers who reside outside our municipal boundaries.

The policy and engineering decisions supporting such efforts are a matter of collaboration between the staff and policy makers of Sunrise and the respective receiving municipalities. In some circumstances, we may need to take into consideration the right-of-way controlled by third parties and the need for their engagement and permission.

But I want to clarify that while I understand there have been staff level discussions related to potential plans for delivery of water and sewer services to some or all of Southwest Ranches, as I understand it, Sunrise has never agreed to any plan or committed to implementing a plan for delivery of such services to all or part of Southwest Ranches. There are many policy, engineering, and economic challenges to discuss and resolve before there would ever be a firm commitment from Sunrise staff to recommend to the Sunrise City Commission any plan to provide such services.

I personally believe that any decision to expand services must fully take into account public policy considerations, engineering realities, and economics for Sunrise, Southwest Ranches

and the ultimate customers in Southwest Ranches. To be sure, Southwest Ranches obviously must make the best decisions for its institution and residents. But, from my perspective, I personally believe a municipality seeking services from a provider outside its jurisdiction should at least consider, among other factors, opportunities to secure water and sewer services from providers who already have infrastructure in place, are more contiguous, have capacity and are cooperative in any such plan. Where one or more of those factors are not met, of course, it may be necessary to consider more distant suppliers for water and sewer services, understanding doing so presents engineering challenges and economic realities which may or may not be palatable to the ultimate consumers.

Obviously any plan is achievable with enough engineering acumen, time, right-of-way, and money. But, from my perspective, it is certainly rational to first consider whether there are possible engineering and economic efficiencies achieved from contiguous providers. In some circumstances, one municipality may have different utilities providing services to different portions of a municipality depending on, among other considerations, spatial relationship to the existing providers and the factors I outlined above.

Finally, as you know, Florida law permits utilities providing services outside its own municipal boundaries to charge a 25% surcharge. It is my understanding that Sunrise staff has never agreed in any discussions to waive the available surcharge for any potential plan involving Southwest Ranches, and certainly our Commission has never even been presented with that decision point. From my perspective, it is a virtual certainty that Sunrise staff would never recommend waiving the surcharge for some customers while charging other non-resident customers within our service area for the same services.

All that being said, I believe that our staff is open to any discussions you and your Town wish to have related to possible synergies to provide water and sewer services to residents and businesses in Southwest Ranches. Again, purely from my perspective and not speaking for the rest of the Commission, those discussions should fairly and accurately consider the engineering and economic realities as well as efficiencies achievable through alternative plans where there is an alignment of capacity and cooperation.

I remain open to discussing this further with you, as I know our Sunrise staff is as well.

Best regards,

Mike

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

March 28, 2024

13400 Griffin Road

Present:

Mayor Steve Breitkreuz

Russell Muñiz, Town Administrator

Vice Mayor David S. Kuczenski

Dan Stewart, Deputy Town Clerk

Council Member Jim Allbritton

Emil C. Lopez, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Breitkreuz at 7:07 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Quasi-Judicial Hearing

3. Resolution Approving Haydee Grove Plat

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. PL-62-23, HAYDEE GROVE PLAT, COMPRISING FOUR SINGLE-FAMILY DWELLING LOTS ON 9.05 ACRES; GENERALLY LOCATED ON THE SOUTH SIDE OF LURAY ROAD AND THE EAST SIDE OF APPALOOSA TRAIL; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Kuczenski and seconded by Council Member Hartmann and passed by a 5-0 roll call vote. The vote as follows: Council Members Allbritton, Hartmann, Jablonski, Vice Mayor Kuczenski, and Mayor Breitkreuz voting Yes.

MOTION: TO APPROVE THE RESOLUTION WITH THE CONDITIONS RECOMMENDED BY STAFF WITH THE ADDED STIPULATION THE HORSE TRAIL BE MAINTAINED BY THE PROPERTY OWNER.

4. Presentation – Legislative Update – Representative Robin Bartleman

Representative Robin Bartleman provided a Legislative Update to the Town Council.

Council Member Jablonski recognized Town Resident Savannah Hodgers and asked that she be allowed to make a brief presentation to Town Council.

Ms. Hodgers discussed the danger of accidental drowning in the State of Florida and proposed placing lifesaving flotation devices at the Town's retention ponds. She stated she is currently working with the Aden Perry Foundation and Florida Gulf Coast University to place life rings around bodies of water on the college campus and would like to do the same here around the Town. She provided background information on Aden Perry and the purpose and goals of the foundation

created in his honor. Town Administrator Muñiz stated that he had spoken to Ms. Perry in the past regarding the Aden Perry Foundation and would love to work with Ms. Hodgers on the project.

5. Annual Comprehensive Financial Report for Fiscal Year Ended September 30, 2023

Town Financial Administrator Lopez provided a brief explanation of the Annual Comprehensive Financial Report and thanked the Mayor and Council Members for their support. He also thanked Town Administrator Muñiz for his assistance and thanked Town Controller Richard Strum and Town Accountant Arianna Durbeej for their hard work and dedication. He introduced representatives from Keefe McCollough, the Town's auditing firm, to present their report to the Town Council.

The following motion was made by Council Member Jablonski, seconded by Mayor Breitkreuz, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Jablonski, Vice Mayor Kuczenski, and Mayor Breitkreuz voting yes.

MOTION: TO MOVE PUBLIC COMMENT TO THE END OF THE MEETING AFTER ITEM 12

7. Board Reports

Richard Ramcharitar spoke on behalf of the Zero Waste Broward Task Force. He said the Task Force has been working on an outreach program and discussed the involvement of a newly formed student committee with the Task Force. He announced the Task Force has a new Executive Director, Todd Storti, and spoke about his qualifications and experience. He talked about the upcoming training classes members of the Task Force will be attending and described various coalitions in the Miami area that are involved with the zero-waste initiative. He also discussed the Task Force's Facebook page.

Debbie Green spoke on behalf of the Zero Waste Broward Task Force. She discussed the youth committee that was created as part of the Task Force and their involvement with the initiative. She also talked about the Task Force's new Executive Director, Todd Storti, and his credentials.

George Morris spoke on behalf of the Aster Knight Parks Foundation and discussed the idea of having the Country Fair Carnival and the Car Show at the Southwest Meadows Sanctuary. He stated the Board was concerned the upcoming projects of stabilization and restroom facilities would not be completed in time and asked the Town Council or Town Administrator Muñiz to provide an update on the project.

8. Council Member Comments

Council Member Jablonski spoke about upcoming events within the Town such as the Broward County Property Appraiser Outreach Program at Town Hall on April 2nd, Hazmat at the Barn on April 27th, and Bingo at the Barn on May 11th. He stated the FLOW DMV events for April and May are cancelled and would provide an update on future dates when more information is available.

Council Member Hartmann discussed his upcoming article in the Town Newsletter regarding the Clusia plant and the dangers it presents to animals. He asked everyone to read the article and to research the Clusia plant before planting it on their property.

Vice Mayor Kuczenski discussed the "Dark Skies" ordinance and having the Comprehensive Plan Advisory Board review it. He stated that after review by the Board and some minor changes, there should be no issues enforcing the ordinance. He talked about designating the rights-of-way along Mustang Trail and Luray Road as part of the Horse Trail Map and how that would keep the equestrians of the Town safe along those streets. He spoke about requesting Town Administration to have a recycle dumpster placed at the Farmer's Market and said there would be a dumpster and bins at the next Farmer's Market.

Council Member Allbritton spoke about the Broward League of Cities and the issue of the incinerator. He said the League does discuss the issue of the incinerator and that he speaks to members about the initiatives the Town has started to stop the incinerator and to move towards zero waste. He talked about the purpose of the Town's Zero Waste Advisory Board was to move the Town towards "reusing, recycling, and refurbishing" through education and initiatives. He discussed attending an online meeting regarding "reusing, recycling, and refurbishing". He spoke about the class that members of the Zero Waste Advisory Board are attending and the class project they were working on that can be used to help the Town move towards zero-waste.

Mayor Breitkreuz discussed the issue of the incinerator and how the members of the Town have accomplished so much in a short time frame. He said that six to eight months ago it seemed like there would be no way to deter the issue but through hard work, members of the community have started mobilizing and educating people on alternatives to incineration. He said this has made a difference to the Executive Committee responsible for deciding on the incinerator as the members have become more open minded to alternatives and are deprioritizing incineration. He discussed the Open Play Chess Event occurring on March 30th at Town Hall. He stated this would be a fun and exciting event and said this was the "kick off" to the recreational programs planned for the Fall. He spoke about the recreational programs planned and how the events would build a sense of community for the Town. He read a letter from Pat Diaz, Chairman of the St. Marks Carnival, to Fire Chief Lee Bennett describing how Southwest Ranches Volunteer Firefighters Lieutenant Romeu and Paramedic Vollman performed CPR and used an AED to save the life of a carnival vendor. Mayor Breitkreuz commended the firefighters and said the Town was blessed and fortunate to have them as members of the Town.

9. Legal Comments

Town Attorney Poliakoff discussed the lawsuit involving the Town and Sky One Real Estate, LLC. He stated the business is still operating even after the Appellate Court ruled they could no longer conduct a landscape business from a landscape nursery as the Town Code states. He said the only way to enforce the Final Order of the Court was to sue Sky One Real Estate, LLC. and asked the Town Council to approve the lawsuit to enforce the order.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Jablonski, Vice Mayor Kuczenski, and Mayor Breitzkreuz voting yes.

MOTION: TO AUTHORIZE THE TOWN ATTORNEY TO FILE A LAWSUIT AGAINST SKY ONE REAL ESTATE, LLC. TO ENFORCE THE COURT ORDER.

10. Administration Comments

Town Administrator Muñiz discussed the Open Play Chess Event happening on March 30th at Town Hall. He provided an update to the Town Council regarding the acquisition of property for the future fire station. He stated that the Town made offers for the two parcels that have been discussed and the offers were initially rejected. He said the Town is also considering using a secondary parcel that is owned by the Town as an alternative. He stated the Town was going to weigh the benefits of the properties and make a recommendation to the Town Council. He briefed the Town Council on the status of the restroom facility at the Southwest Meadows Preserve. He said the architect has provided drawings that were permit ready, but the cost estimate of the project was higher than expected. He said the Town and architect have met to finalize the costs and plan on modifying the project into two phases, the first phase being the building and the second phase to include stabilized parking and possibly a road to Dykes Road. He informed the Town Council that there would be a presentation at the next meeting to show renderings of the project and to provide more information to the Town Council on the project. He spoke about the Letters of Interest for the Special Magistrate position and said that at the end of the opening period, April 8th, the responses would be evaluated, and a recommendation would be made to the Town Council on the matter. He advised the Town Council that the agreements for the sports programs would be items on the next Town Council Meeting. Lastly, he revised a statement made by Representative Bartleman during her legislative update, and said it was the SW 163rd project the Town received full funding, not the 183rd project.

Resolutions

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A CHANGE ORDER TO ABSOLUTE CONSTRUCTION SERVICES, INC. IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$45,000.00) TO MILL AND RESURFACE SW 54TH PLACE EAST OF DYKES ROAD AS PART OF THE SW 54TH PLACE FROM DYKES ROAD TO THE IVANHOE CANAL DRAINAGE IMPROVEMENT PROJECT; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2023-2024 TOWN BUDGET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY, TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Allbritton, seconded by Vice Mayor Kuczenski, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Jablonski, Vice Mayor Kuczenski, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

12. Approval of Minutes

a. March 14, 2024 Regular Meeting Minutes

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Jablonski, Vice Mayor Kuczenski, and Mayor Breitkreuz voting yes.

MOTION: TO APPROVE THE MARCH 14, 2024 REGULAR MEETING MINUTES.

6. Public Comment

The following members of the public addressed the Town Council: Laura Vetter, Mary Michel, Dee Schroder, Maryanne Allen, Debbie Green, and John Steven Garate.

Adjournment

Meeting adjourned at 8:49 p.m.

Respectfully submitted:

Debra M. Ruesga, CMC, Town Clerk

Adopted by the Town Council on this 25th day of April, 2024.

Steve Breitkreuz, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.