



Southwest Ranches Town Council

REGULAR MEETING

Agenda of June 22, 2017

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Doug McKay	Freddy Fisikelli	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice Mayor</u>	Gary Jablonski	<u>Town Financial</u>	<u>Assistant Town</u>
Steve Breitreuz	Denise Schroeder	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	Russell C. Muniz, MMC

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**
3. **Legislative Update - Representative Richard Stark**
4. **Presentation - Zika Awareness - Anh Ton, Director, Broward County Highway and Bridge Maintenance Division/Mosquito Control Section**
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 OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING TO AMEND ARTICLE IV "LEGISLATIVE", BY ADDING SECTION 4.10 ENTITLED "LONG TERM LEASE OR SALE OF PROPERTY OWNED BY THE TOWN" TO PLACE RESTRICTIONS ON THE SALE OR LONG TERM LEASE OF PROPERTY OWNED BY THE TOWN, EXCLUDING RIGHTS-OF-WAY,**

PROPERTY LESS THAN THE MINIMUM LOT SIZE REQUIREMENT, PROPERTY THAT WAS ACQUIRED THROUGH FORECLOSURE, AND PROPERTY, NOT LOCATED WITHIN OR ADJACENT TO A TOWN PARK, THAT WAS SPECIFICALLY ACQUIRED FOR RE-SALE OR LEASE PURPOSES; PROPOSING TO AMEND ARTICLE V "QUASI-JUDICIAL", BY AMENDING SECTION 5.01 TO REQUIRE THE UNANIMOUS VOTE OF THE ENTIRE COUNCIL FOR ALL LAND USE AND QUASI-JUDICIAL ITEMS; DIRECTING THE TOWN CLERK TO PROVIDE FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AT THE ELECTION OF NOVEMBER 6, 2018; ENACTING A ZONING IN PROGRESS FOR THE TOWN COUNCIL TO ACT IN ACCORDANCE WITH THESE BALLOT MEASURES UNTIL THEY ARE VOTED UPON BY THE ELECTORATE; PROVIDING THAT SUCH REFERENDUM, IF ADOPTED, SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading - June 8, 2017}

Ordinance - 1st Reading

11. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT AND THE DEFINITIONS OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN BY REVISING THE DEFINITIONS AND PLAN IMPLEMENTATION PROVISIONS RELATING TO COMMUNITY FACILITIES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {2nd Reading to be held at a later date}
12. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE DEFINITIONS AND THE TEXT OF THE FUTURE LAND USE AND TRANSPORTATION ELEMENTS OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN PERTAINING TO STREETS AND ACCESS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {2nd Reading to be held at a later date}
13. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 90 ENTITLED, "SUBDIVISION DESIGN AND ACCESS STANDARDS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN

EFFECTIVE DATE. {2nd Reading to be held at a later date}

- 14. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10 ENTITLED, "DEFINITIONS" TO AMEND THE DEFINITION OF THE TERM "FAMILY"; CREATING A NEW ARTICLE 141 ENTITLED, "REASONABLE ACCOMMODATION PROCEDURES"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {2nd Reading to be held at a later date}**

Resolutions

- 15. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2015-017, RELATING TO THE TOWN'S ADVISORY COMMITTEE/BOARD POLICY; AMENDING PROCEDURES SECTION VI I (G) RELATING TO THE ROLE OF THE BOARD CHAIR TO PROVIDE FOR THE REMOVAL OF THE BOARD CHAIR BY MAJORITY VOTE OF THE TOWN COUNCIL FOR LACK OF CIVILITY, DECORUM, OR FOR CONDUCT UNBECOMING OF A BOARD MEMBER; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**
- 16. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2015-017, RELATING TO THE TOWN'S ADVISORY COMMITTEE/BOARD POLICY; AMENDING PROCEDURES SECTION II (B) & (C) RELATING TO THE APPOINTMENT OF BOARD MEMBERS TO PROVIDE FOR THE APPOINTMENT OR REMOVAL OF BOARD MEMBERS BY MAJORITY VOTE OF THE TOWN COUNCIL; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

17. 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.

This page
intentionally left blank



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Keith Poliakoff, Town Attorney
DATE: 6/8/2017
SUBJECT: Charter Amendments - Long Term Lease & Sale of Town Property

Recommendation

Motion to pass the ordinance.

Strategic Priorities

A. Sound Governance

Background

The Town owns several parcels of land within its municipal boundaries. Over the years development pressures have led to inquiries of these lands and other vacant parcels which may not be incompatible with the Town's motto of "Preserving the Rural Lifestyle." Currently a simple majority of the Town Council could vote to sell, lease, or change the land of these parcels. The ordinance as proposed will require a unanimous vote of the Town Council and a referendum of the electorate prior to entering into lease agreements greater than 10 years, prior to the sale of any Town owned property excluding rights-of-way, property less than the minimum lot size requirement, property that was acquired through foreclosure, and property, not located within or adjacent to a Town park, that was specifically acquired for lease or re-sale purposes.

After discussion at the May 11, 2017 Town Council Meeting, and after much public participation through the advisory board deliberation process, direction was given to prepare an ordinance to effectuate these proposed changes to the Town Charter. If adopted, the

proposed ballot questions as specified in Exhibit B will be transmitted to the Broward County Supervisor of Election to be included on the November 8, 2018 General Election ballot to be decided upon by the Town's electorate.

Fiscal Impact/Analysis

N/A

Staff Contact:

Keith Poliakoff, Town Attorney

ATTACHMENTS:

Description	Upload Date	Type
Charter Amendments Ordinance - TA Approved	6/5/2017	Ordinance

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING TO AMEND ARTICLE IV "LEGISLATIVE", BY ADDING SECTION 4.10 ENTITLED "LONG TERM LEASE OR SALE OF PROPERTY OWNED BY THE TOWN" TO PLACE RESTRICTIONS ON THE SALE OR LONG TERM LEASE OF PROPERTY OWNED BY THE TOWN, EXCLUDING RIGHTS-OF-WAY, PROPERTY LESS THAN THE MINIMUM LOT SIZE REQUIREMENT, PROPERTY THAT WAS ACQUIRED THROUGH FORECLOSURE, AND PROPERTY, NOT LOCATED WITHIN OR ADJACENT TO A TOWN PARK, THAT WAS SPECIFICALLY ACQUIRED FOR RE-SALE OR LEASE PURPOSES; PROPOSING TO AMEND ARTICLE V "QUASI-JUDICIAL", BY AMENDING SECTION 5.01 TO REQUIRE THE UNANIMOUS VOTE OF THE ENTIRE COUNCIL FOR ALL LAND USE AND QUASI-JUDICIAL ITEMS; DIRECTING THE TOWN CLERK TO PROVIDE FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AT THE ELECTION OF NOVEMBER 6, 2018; ENACTING A ZONING IN PROGRESS FOR THE TOWN COUNCIL TO ACT IN ACCORDANCE WITH THESE BALLOT MEASURES UNTIL THEY ARE VOTED UPON BY THE ELECTORATE; PROVIDING THAT SUCH REFERENDUM, IF ADOPTED, SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 7.02 (a) (1) of the Charter of the Town of Southwest Ranches provides that the Town Council may by Ordinance propose amendments to the Town's Charter; and

WHEREAS, upon passage of the initiating ordinance the proposed amendments

shall be submitted to a vote of the electors at the next general election; and

WHEREAS, the Town Council has authorized the Town Administrator to seek approval from the Supervisor of Elections to have these Charter Amendments placed on the November 6, 2018, general election ballot, to allow the Town's electorate to determine if the Charter should be amended; and

WHEREAS, the Town's Charter is silent as to the long term lease or sale of Town owned Property; and

WHEREAS, the Town Council desires the Town's electorate to consider placing safeguards in the Town's Charter relating to the long term lease or sale of property owned by the Town, excluding rights-of-way, property less than the minimum lot size requirement, property that was acquired through foreclosure, and property, not located within or adjacent to a Town park, that was specifically acquired for lease or re-sale purposes; and

WHEREAS, the Town Council further wishes the electorate to consider a Charter Amendment to amend Section 5.01 of the Town's Charter to require the unanimous vote of the entire Town Council when considering all land use and quasi-judicial items; and

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Town Council hereby directs the Town Administrator to prepare a referendum proposing amendments to the Town's Charter, as set forth in Exhibit "A" attached, and in accordance with the Ballot Questions contained in Exhibit "B", attached hereto, with such changes as may be required by the Supervisor of Elections' Office to effectuate the intent of this Ordinance.

Section 3. The Town Council hereby directs the Town Administrator to seek approval from the Supervisor of Elections to place these proposed Charter Amendments on the November 6, 2018, general election ballot, to allow the Town's electorate to determine if the Charter should be amended.

Section 4. The Town hereby enacts a zoning in progress for the Town Council to act in accordance with these ballot measures until they have been voted upon by the electorate.

Section 5. Codification.

It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Charter of the Town, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 6. Severability.

If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 7. Conflicts.

That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 8. Effective Date.

That this Ordinance shall take effect immediately upon adoption.

Signatures on Following Page

PASSED ON FIRST READING this ____th day of June, 2017 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2017 on a motion made by _____ and seconded by _____.

McKay _____

Breitkreuz _____

Fisikelli _____

Jablonski _____

Breitkreuz _____

Ayes _____

Nays _____

Absent _____

Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator, Town Clerk

Approved as to Form and Correctness:

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

114115322.1

This page
intentionally left blank

EXHIBIT "A"

CHARTER AMENDMENTS

The Electorate will be asked whether the Charter should be amended to effectuate the following changes:

1. Section 4.10 – Long Term Lease or Sale of Town Property.

The unanimous vote of the all five (5) members of the Town Council and a referendum of the electorate shall be required prior to entering into any lease agreement greater than ten (10) years, including any renewals thereof, or prior to the sale of any property owned by the Town, excluding rights-of-way, property less than the minimum lot size requirement, property that was acquired through foreclosure, and property, not located within or adjacent to a Town park, that was specifically acquired for lease or re-sale purposes.

2. Section 5.01. – Quasi-judicial meeting procedures.

All land use and quasi-judicial items require ~~four affirmative votes~~ the unanimous vote of the entire Council. ~~Any four members of the~~ All five (5) members of the Council shall constitute a quorum for ~~be required to vote on all~~ land use and quasi-judicial items. All voting shall be by roll call.

EXHIBIT "B"

**SAMPLE BALLOT QUESTION
GENERAL ELECTION
NOVEMBER 4, 2014**

**SOUTHWEST RANCHES
AMENDMENT #1**

LONG TERM LEASE OR SALE OF PROPERTY OWNED BY THE TOWN.

Should the Charter of the Town of Southwest Ranches be amended to require the unanimous vote of the entire Town Council, and a referendum of the electorate, prior to entering into any long term lease agreement or sale of property owned by the Town, with limited exception?

Shall the above-described amendment be adopted?

YES ☐
NO ☐

**SOUTHWEST RANCHES
AMENDMENT #2**

QUASI-JUDICIAL AND LAND USE VOTING REQUIREMENTS.

Should the Charter of the Town of Southwest Ranches be amended to require the unanimous vote of all five Council Members for land use and quasi-judicial items?

Shall the above-described amendment be adopted?

YES ☐
NO ☐



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Jeff Katims
DATE: 6/22/2017
SUBJECT: 6 Bed Comp Plan Amendment

Recommendation

Approve on first reading

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance reduces the number of permitted beds in Special Residential Facilities and makes revisions of a housekeeping nature.

Fiscal Impact/Analysis

None

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
6 Bed Comp Plan Amendment - TA Approved	6/12/2017	Ordinance

This page
intentionally left blank

ORDINANCE NO. 2017 -

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

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

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

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

WHEREAS, on [Month day], 2017 the Local Planning Agency recommended the Town Council approve and adopt the proposed amendment at the conclusion of a duly noticed public hearing; and

WHEREAS, the Town Council believes that bringing its Comprehensive Plan into accordance with State law and the Broward County Code is in the best interest of the health, safety, and welfare of its residents;

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

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

Section 2: That the definitions in the Administration provisions of the adopted Town of Southwest Ranches Comprehensive Plan ("Comprehensive Plan") is hereby amended as follows:

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

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

Category 2 - means a housing facility which is licensed by the State of Florida for ~~nine (9)~~ seven (7) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (2) development on a parcel.
(BCPC Prov. Cert. #11)

Category 3 – means:

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

New text is underlined and deleted text is ~~stricken~~

- (c) Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overly of harm to themselves or others; or
- (d) Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.

Section 3: That Subsection III, Implementation, of the Future Land Use Element of the adopted Town of Southwest Ranches Comprehensive Plan is hereby amended as follows:

* * * * *

1. AGRICULTURAL CATEGORY

* * * * *

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

* * * * *

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

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

* * * * *

2. COMMERCIAL USE

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

New text is underlined and deleted text is ~~stricken~~

Uses permitted in areas designated commercial are as follows:

* * * * *

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

3. COMMUNITY FACILITIES CATEGORY

Community facilities may be permitted at the discretion of the Town in areas designated residential, rural estate & ranches, estate, commercial, agricultural or industrial

* * * * *

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

8. ESTATE RESIDENTIAL CATEGORY

New text is underlined and deleted text is ~~stricken~~

* * * * *

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

9. RURAL ESTATES CATEGORY

* * * * *

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

10. RURAL RANCHES CATEGORY

- D. Community Facilities designed to serve the Town's Rural Residential Areas, excluding Category 2 and Category 3 ~~S~~pecial ~~R~~esidential ~~F~~acilities, shall not exceed five (5) acres in size, notwithstanding the afore said, Public Schools shall not be subject to the five (5) acre restriction. (BCPC Prov. Cert. #9)

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

Section 5: That the Town Planner is hereby directed to apply to the Broward County Planning Council for recertification of the Future Land Use Element subsequent to the effective date of this Ordinance, and that the Town Council hereby requests such recertification.

Section 6: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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

New text is underlined and deleted text is ~~stricken~~

Section 8: Effective Date. This Ordinance shall take effect 31 days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete, unless timely challenged pursuant to sec. 163.3184(5), F.S., in which case the Ordinance shall take effect on the date that the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED ON FIRST READING this ____ day of [Month], 2017 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of ____, 2017, on a motion made by _____ and seconded by _____.

Schroeder _____
Fisikelli _____
Breitkreuz _____
Jablonski _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

Attest:

Russell Muñiz, MBA, MPA, MMCI , Town Clerk

Approved as to Form and Correctness:

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

114138751.1

New text is underlined and deleted text is ~~stricken~~



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Jeff Katims
DATE: 6/22/2017
SUBJECT: Streets and Access Comp Plan Amend Ord

Recommendation

Approve on first reading.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance amends the comprehensive plan to discourage the creation of through-streets.

Fiscal Impact/Analysis

None

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
Streets and Access Comp Plan Amend Ord - TA Approved	6/12/2017	Ordinance

This page
intentionally left blank

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Part II, Administration, is hereby amended to add the following definition:

Through-Street – A street or combination of connecting streets that connects any two arterial roads, collector roads, or arterial and collector roads.

Through-Traffic – Vehicular travel between different, nonadjacent areas of the Town, or between areas outside of the Town via streets within the Town.

Section 3: Future Land Use Policy 1.2-c is hereby amended as follows:

FLUE POLICY 1.2-c: The Town's Land Development Regulations shall provide for:

1. BMP standards for regulating storm water.
2. Adequate open space.
3. Safe and convenient on-site traffic flow, considering needed parking spaces.
4. Protecting, whenever possible, all existing and planned rural residential areas from disruptive land uses.
5. Preventing, whenever possible, new through-streets within the Town with the exception of SW 184th Avenue, which has previously been approved as a future two-lane roadway.

Section 4. Transportation Element Objective 1.5- is hereby created as follows:

TE OBJECTIVE 1.5: FOSTER A ROADWAY SYSTEM THAT IS CONSISTENT WITH AND COMPLEMENTS THE TOWN'S SEMI-RURAL CHARACTER.

TE POLICY 1.5-a: Adopt road construction and design standards in keeping with accepted engineering practice of street design consistent with ~~our~~ the Town's semi-rural character.

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

1 TE POLICY 1.5-b: Direct-through traffic to perimeter arterial roadways and
2 north-south trafficways.

3 TE POLICY 1.5-c: Adopt land development regulations that avoid the
4 creation of through streets that create opportunities for through traffic
5 flow.

6 **Section 5: Transmittal to State Land Planning Agency.** That the
7 Town Planner is hereby directed to transmit the amendments set forth herein to
8 the State Land Planning Agency immediately following first reading of this
9 Ordinance, and is hereby directed to transmit the adopted amendments
10 immediately following the second and final reading of this Ordinance.

11 **Section 6: Recertification.** The Town Council hereby requests
12 recertification of the Future Land Use Element, and hereby directs the Town
13 Planner to apply to the Broward County Planning Council for such recertification
14 upon completion of the Chapter 163 amendment process.

15 **Section 7: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
16 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
17 extent of such conflict.

18 **Section 8: Severability.** If any word, phrase, clause, sentence or section of
19 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
20 shall not affect the validity of any remaining portions of this Ordinance.

21 **Section 9: Effective Date.** This Ordinance shall take effect 31 days after the
22 Department of Economic Opportunity notifies the Town that the plan amendment
23 package is complete, unless timely challenged pursuant to sec. 163.3184(5), F.S., in
24 which case the Ordinance shall take effect on the date that the Department of
25 Economic Opportunity or the Administration Commission enters a final order
26 determining the adopted amendment to be in compliance.

27 **PASSED ON FIRST READING** this ____ day of _____, 2017 on a motion made
28 by _____ and seconded by _____.

Ordinance No. 2017-____

New text is underlined and deleted text is ~~stricken~~

PASSED AND ADOPTED ON SECOND READING this ____ day of _____,
2017, on a motion made by _____ and seconded by
_____.

McKay	_____	Ayes	_____
Breitkreuz	_____	Nays	_____
Fisikelli	_____		
Jabolonski	_____	Absent	_____
Schroeder	_____	Abstaining	_____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

114138912.1

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Jeff Katims
DATE: 6/22/2017
SUBJECT: Streets and Access ULDC Amend Ord

Recommendation

Approve on first reading.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance amends the ULDC to discourage the creation of through-streets.

Fiscal Impact/Analysis

None

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
Streets and Access ULDC Amend Ord - TA Approved	6/12/2017	Ordinance

This page
intentionally left blank

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 90 ENTITLED, "SUBDIVISION DESIGN AND ACCESS STANDARDS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 90 of the ULDC establishes standards for the layout of streets during the subdivision of land; and

WHEREAS, the standards were largely adopted from the Broward County Land Development Code, which applies countywide; and

WHEREAS, Broward County is predominantly an urban county, and the standards adopted from the Broward County Code do not fully reflect the Town's existing conditions and the development pattern that the Town desires; and

WHEREAS, the primary directive of the Town's adopted Comprehensive Plan ("Plan") is to protect the Town's rural character; and

WHEREAS, the Town continues to update and adapt the various zoning and land development standards that originated from the county's zoning and land development regulations to conform with the Town's rural character; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on _____, and has issued its recommendation to the Town Council, finding that the Ordinance is consistent with the adopted comprehensive plan; and

Ordinance No. 2017-

New text is underlined and deleted text is stricken.

1 **WHEREAS**, the Town Council finds that the enactment of this Ordinance will
2 further protect and enhance the Town's rural character; and

3 **WHEREAS**, the Town Council believes that this Ordinance is in the best interest
4 of the health, safety, and welfare of its residents;

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

7 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed
8 as being true and correct, and are hereby incorporated herein and made a part hereof.

9 **Section 2.** Section 090-010 "Arrangement of streets" is hereby amended
10 as follows:

11 **Sec. 090-010. - Arrangement of streets.**

- 12 (A) No subdivision may occur unless every lot or parcel created or altered
13 through the subdivision of land has access to a street, and such access
14 complies with the standards of this article. ~~The pattern of streets in new~~
15 ~~subdivisions shall provide for the continuation of existing streets properly~~
16 ~~aligned from adjoining areas, or for their proper projection where adjoining~~
17 ~~land is not subdivided. Where street extensions into adjacent undeveloped~~
18 ~~land are necessary to ensure a coordinated street system, provisions for~~
19 ~~such future street shall be made.~~
- 20 (B) ~~The arrangement of streets in new subdivisions or developments shall~~
21 ~~facilitate and coordinate with the desirable future platting of adjoining~~
22 ~~unplatted property of a similar character, and provide for local circulation~~
23 ~~and convenient access to neighborhood facilities.~~
- 24 (C) ~~Local residential s~~Streets shall be arranged and limited in extent so as to
25 prevent or discourage their use by through traffic. Residential streets shall
26 not connect with industrial areas except in cases where it is unavoidable.
- 27 (D) New through-streets, and connections between streets that facilitate through
28 traffic, are prohibited. This provision does not apply to established trafficway
29 corridors. ~~If lots resulting from an original subdivision are large enough to~~
30 ~~permit resubdivision, or if a portion of the tract is not subdivided or~~

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

~~developed, adequate street rights-of-way to permit future subdivision development shall be provided as necessary.~~

(E) Where development borders on or contains a right-of-way for a railroad, U.S. Highway 27~~expressway~~, drainage canal or waterway, a street may be required approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land and in compliance with all provisions of this section.

(F) Reserve strips controlling access to streets shall be prohibited.

(G) New half or partial streets shall not be permitted unless the half or partial street constitutes adequate public access to the development as determined by the town engineer. Whenever a tract borders on an existing half or partial street, the other part of the street shall be dedicated within such tract unless the town council specifically finds that the additional right-of-way is no longer necessary.

(H) New streets and extensions of existing streets that provide additional means of ingress and egress from arterial and collector roads on the town's perimeter are prohibited unless the town council finds that such street is necessary to provide access to property that has no other means of access that is compliant with the requirements of this article.

Section 3. Section 090-020, "Residential collector streets" is hereby amended to read as follows:

Sec. 090-020. - Residential collector streets.

(A) The residential collector street serves as the principal circulation facility within the residential neighborhood unit. Its function is to collect traffic from the interior and deliver it to the closest perimeter intra-neighborhood transportation between the residential units and the local centers of attraction such as neighborhood shopping centers, schools, and neighborhood parks.

(B) Collectors shall ~~penetrate residential development without~~not forming a continuous network, thus discouraging through traffic. When discontinuity of local collectors is obtained by offsetting the intersections with the arterials or other collector streets, such offsetting shall comply with the requirements of the county land development code, section 5-195(b)(3)a), as may be amended from time to time, regulating the spacing of street intersections with trafficways.

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

1 **Section 4.** Section 090-100, "Roadway capacity, construction and design
2 standards" is hereby amended to read as follows:

3 **Sec. 090-100. - Roadway capacity, construction and design standards.**

4 * * * * *

5 (F) *Local street requirements.* Local streets are required when connections of
6 driveways or private streets to a collector would be otherwise closer than
7 two hundred fifty (250) feet.

8 (1) *Minimum distance between intersecting streets.* There shall be a
9 minimum distance of two hundred fifty (250) feet between the
10 intersection of any two (2) local streets with a single collector, except
11 that there may be a minimum distance of one hundred twenty-five (125)
12 feet between T intersections.

13 (2) ~~*Streets shall be patterned to prohibit continuous traffic between*~~
14 ~~*collectors.*~~ Local streets shall be patterned in such a way that continuous
15 traffic from one collector to another collector, or from a collector to an
16 arterial, is not possible.

17 (3) *Dead end streets.*

18 a. Dead end streets shall be designed and constructed with a
19 turnaround at the closed end pursuant to the requirements of the
20 building code, and providing a minimum fifty (50) foot radius,
21 accommodating at least WB-40 geometric design vehicles.

22 b. The turnaround shall be paved except for unpaved streets permitted
23 pursuant to section 90-80(C)(1), "Access to development for private
24 streets." Adequate easement or right-of-way area shall be provided
25 for construction of the paved surface, roadway drainage, and
26 sidewalks, if required, adjacent to the turnaround.

27 c. Where existing right-of-way or ingress/egress easement width is
28 inadequate to accommodate the required turnaround, and additional
29 right-of-way or easement area cannot practically be obtained, an
30 alternate turnaround consistent with figure 90-1 may be provided
31 subject to approval by the fire marshal and town engineer.

32 (4) *Requirements for loop and/or local streets.* A loop street and/or a local
33 street which begins and ends at the same collector, shall be subject to
34 the following requirements:

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

- 1 a. A loop street may be designed with a right angle corner serving as a
2 cul-de-sac, providing that a recessed circular pavement at such
3 corner allowing greater frontage for irregularly shaped lots is
4 provided.
- 5 b. A loop street may begin at a collector and end at a local street,
6 provided that the system does not exceed the maximum number of
7 trips permitted.

8 * * * * *

9 **Section 5: Codification.** The Town Clerk shall cause this ordinance to
10 be codified as a part of the ULDC during the next codification update cycle.

11 **Section 6: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
12 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
13 extent of such conflict.

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

17 **Section 8: Effective Date.** This Ordinance shall take effect immediately upon
18 passage and adoption.

19 **PASSED ON FIRST READING** this ____ day of _____, 2017 on a motion made
20 by _____ and seconded by _____.

21 **PASSED AND ADOPTED ON SECOND READING** this ____ day of _____,
22 2017, on a motion made by _____ and seconded by
23 _____.

25	McKay	_____	Ayes	_____
26	Breitkreuz	_____	Nays	_____
27	Fisikelli	_____		
28	Jabolonski	_____	Absent	_____
29	Schroeder	_____	Abstaining	_____
30				

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

[114138952.1](#)

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Jeff Katims
DATE: 6/22/2017
SUBJECT: Reasonable Accommodation Ordinance - ULDC

Recommendation

Approve on first reading.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance revises the definition of "family" to ensure that groups of unrelated disabled persons living together as the functional equivalent of a family are not subject to greater occupancy restrictions than groups of unrelated persons without disabilities living in a similar arrangement. The Ordinance also creates a procedure whereby the Town can waive its regulations if necessary to make a reasonable accommodation under the federal Americans with Disabilities Act or federal Fair Housing Act.

Fiscal Impact/Analysis

None

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description

Reasonable Accommodation Ordinance - ULDC - TA
Approved

Upload Date

6/12/2017

Type

Ordinance

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

WHEREAS, the Town of Southwest Ranches Town Council ("Town Council") is to amend the ULDC to enact a procedure for making reasonable accommodations consistent with the intent of the federal Fair Housing Act and federal Americans with Disabilities Act; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on _____, and has issued its recommendation to the Town Council, finding that the Ordinance is consistent with the adopted comprehensive plan; and

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

Ordinance No. 2017-____
New text is underlined and deleted text is stricken

1 **Section 2.** Section 010-030, "Terms defined" is hereby amended as
2 follows:

3 *Family.* The term "family" means a person living alone, or any
4 number of the following groups persons living together as a single,
5 nonprofit housekeeping unit and sharing common living, sleeping,
6 cooking, and eating facilities; ~~whether legally related to each other or~~
7 ~~not.~~

8 (a) Any number of people related by blood, marriage, adoption,
9 guardianship, or other duly authorized custodial relationship; and their
10 gratuitous guests and domestic

11 (b) Three (3) unrelated people;

12 (c) Two (2) unrelated people and any children related to either of
13 them; or,

14 (d) Not more than six (6) people who are residents of a "community
15 residential home" as defined in Chapter 419, F.S.

16 (e) Any of the above groups ~~The persons constituting a family~~ may
17 also include gratuitous guests and domestic ~~servants~~ workers, but shall not
18 include paying guests. For the purpose of this provision, a "domestic
19 worker" is a person who is employed and paid to perform duties within
20 their employer's private household. Examples of domestic workers include
21 maids, cooks, housekeepers, butlers, nannies, and caregivers.

22 **Section 3:** A new Article 141 entitled, Reasonable Accommodation
23 Procedures" is hereby created, as follows:

24 **ARTICLE 141. REASONABLE ACCOMMODATION PROCEDURES.**

25 **Sec. 141-010. Applicability.**

26 This article implements the policy of the Town of Southwest Ranches
27 for processing of requests for reasonable accommodation to its
28 ordinances, rules, policies, and procedures for persons with
29 disabilities as provided by the Federal Fair Housing Amendments Act
30 (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with
31 Disabilities Act (42 U.S.C. Section 12131, et seq.) ("ADA"). For
32 purposes of this article, a "disabled" individual or person is an
33 individual that qualifies as disabled and/or handicapped under the
34 FHA and/or ADA. Any person who is disabled (or qualifying entities)

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

1 may request a reasonable accommodation with respect to the town's
2 land use or zoning laws, rules, policies, practices and/or procedures
3 as provided by the FHA and the ADA pursuant to the procedures set
4 out in this article.

5 **Sec. 141-020. Procedure.**

6 (A) A request by an applicant for reasonable accommodation under
7 this article shall be made in writing by completion of a
8 reasonable accommodation request form, which form shall be
9 maintained (and shall be submitted to) the town administrator.
10 The reasonable accommodation form shall contain such
11 questions and requests for information as are necessary for
12 processing the reasonable accommodation request.

13 (B) Should the information provided by the disabled individual to the
14 town include medical information or records, including records
15 indicating the medical condition, diagnosis or medical history of
16 the disabled individual, such individual may, at the time of
17 submitting such medical information, request that the town, to
18 the extent allowed by law, treat such medical information as
19 confidential information of the disabled individual. The town
20 shall thereafter endeavor to provide written notice to the
21 disabled individual, and/or their representative, or any request
22 received by the town for disclosure of the medical information
23 or documentation which the disabled individual has previously
24 requested be treated as confidential by the town. The town will
25 cooperate with the disabled individual, to the extent allowed by
26 law, in actions initiated by such individual to oppose the
27 disclosure of such medical information or documentation, but
28 the town shall have no obligation to initiate, prosecute or
29 pursue any such action, or to incur any legal or other expenses
30 (whether by retention of outside counsel or allocation of internal
31 resources) in connection therewith, and may comply with any
32 judicial order without prior notice to the disabled individual.

33 (C) The town administrator shall have the authority to consider and
34 act on requests for reasonable accommodation, after notice and
35 public hearing to receive comments, input and information from
36 the public, provided, however, the town administrator shall not

1 be required to render a decision at said public hearing. Once a
2 reasonable accommodation request form has been completed
3 and submitted to the town administrator, he or she shall have
4 forty-five (45) days from the date of receipt of the completed
5 application to request additional information pursuant to subsec.
6 (D), or issue a written determination and may, in accordance
7 with federal law, (1) grant the accommodation request, (2)
8 grant a portion of the request and deny a portion of the
9 request, and/or impose conditions upon the grant of the
10 request, or (3) deny the request, in accordance with federal
11 law.

12 (1) Any such denial shall be in writing and shall state the
13 grounds therefore.

14 (2) All written determinations shall give notice of the right to
15 appeal.

16 (3) The notice of determination shall be sent to the requesting
17 party (i.e. the disabled individual or his/her representative)
18 by certified mail, return receipt requested.

19 (D) If reasonably necessary to reach a determination on the request
20 for reasonable accommodation, the town administrator may,
21 prior to the end of said 45-day period, request additional
22 information from the requesting party, specifying in sufficient
23 detail the additional information that is required. The requesting
24 party shall have fifteen (15) days after the date of the request
25 for additional information to provide the requested information.

26 (1) In the event a request for additional information is made,
27 the 45-day period to issue a written determination shall no
28 longer be applicable, and the town administrator shall
29 issue a written determination pursuant to subsec. (C)
30 within thirty (30) days after receipt of the additional
31 information.

32 (2) If the requesting party fails to provide the requested
33 additional information within said 15-day period, the town
34 administrator shall issue a written notice advising that the
35 requesting party had failed to timely submit the additional
36 information and therefore the request for reasonable
37 accommodation shall be deemed abandoned and/or

1 withdrawn, and no further action by the town with regard
2 to said reasonable accommodation request shall be
3 required.

4 (E) In determining whether the reasonable accommodation request
5 shall be granted or denied, the requesting party shall be
6 required to establish that they are protected under the FHA
7 and/or ADA by demonstrating that they are handicapped or
8 disabled, as defined in the FHA and/or ADA. Although the
9 definition of disability is subject to judicial interpretation, for
10 purposes of this ordinance the disabled individual must show:
11 (i) a physical or mental impairment which substantially limits
12 one or major life activities; (ii) a record of having such
13 impairment; or (iii) that they are regarded as having such
14 impairment. Next, the requesting party will have to demonstrate
15 that the proposed accommodations being sought are
16 reasonable and necessary to afford handicapped/disabled
17 persons equal opportunity to use and enjoy housing. The
18 foregoing (as interpreted by the courts) shall be the basis for a
19 decision upon a reasonable accommodation request made by
20 the town administrator or by the town council in the event of an
21 appeal.

22 (F) Within thirty (30) days after the town administrator's
23 determination on a reasonable accommodation request is
24 mailed to the requesting party, such applicant may appeal the
25 decision. All appeals shall contain a statement containing
26 sufficient detail of the grounds for the appeal. Appeals shall be
27 to the town council who shall, after public notice and a public
28 hearing, render a determination as soon as reasonably
29 practicable, but in no event later than sixty (60) days after an
30 appeal has been filed.

31 (G) There shall be no fee imposed by the town in connection with a
32 request for reasonable accommodation under this section or an
33 appeal of a determination on such request to the town council,
34 and the town shall have no obligation to pay a requesting or
35 appealing party's attorney's fees or costs in connection with the
36 request, or an appeal.

(H) While an application for reasonable accommodation, or appeal or a determination of same, is pending before the town, the town will not enforce against the applicant the particular ordinance, rule, policy, or procedure from which reasonable accommodation has been requested.

(I) The following general provisions shall be applicable:

(1) The town shall display a notice on the town's public notice bulletin board advising the public that disabled individuals and qualifying entities may request reasonable accommodation as provided herein.

(2) The town shall maintain copies available for review in the town clerk's office.

(3) A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual.

(4) The town shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal; and appearing at a hearing, etc. to ensure the process is accessible.

Section 4: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 7: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

PASSED ON FIRST READING this ____ day of _____, 2017 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2017, on a motion made by _____ and seconded by _____.

McKay	_____	Ayes	_____
Breitkreuz	_____	Nays	_____
Fisikelli	_____		
Jabolonski	_____	Absent	_____
Schroeder	_____	Abstaining	_____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

114138906.1

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

This page
intentionally left blank



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Keith Poliakoff, Town Attorney
DATE: 6/22/2017
SUBJECT: Reso Amending Board Policy - Removal of Board Chair

Recommendation

Motion to approve the resolution.

Strategic Priorities

A. Sound Governance

Background

Section 1.04 of the Town's Charter authorizes the Town Council to create selected committees and boards. In response to the Town Council's desire for standard policies for the Town's various committees and boards, the Town Council adopted Resolution No. 2007-023, which was subsequently replaced by Resolution No. 2015-017. The Town Council now desires to modify its Board Policy relating to the role of the Board Chair.

Fiscal Impact/Analysis

N/A

Staff Contact:

Keith Poliakoff, Town Attorney

ATTACHMENTS:

Description	Upload Date	Type
Removal of Chair - TA Approved	6/16/2017	Resolution

RESOLUTION NO. 2017-0

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2015-017, RELATING TO THE TOWN'S ADVISORY COMMITTEE/BOARD POLICY; AMENDING PROCEDURES SECTION VI I (G) RELATING TO THE ROLE OF THE BOARD CHAIR TO PROVIDE FOR THE REMOVAL OF THE BOARD CHAIR BY MAJORITY VOTE OF THE TOWN COUNCIL FOR LACK OF CIVILITY, DECORUM, OR FOR CONDUCT UNBECOMING OF A BOARD MEMBER; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1.04 of the Town's Charter authorizes the Town Council to create selected committees and boards; and

WHEREAS, in response to the Town Council's desire for standard policies for the Town's various committees and boards, the Town Council adopted Resolution No. 2007-023, which was subsequently replaced by Resolution No. 2015-017; and

WHEREAS, the Town Council desires to modify its Board Policy relating to the role of the Board Chair;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: The Town Council hereby amends Resolution No. 2015-017, relating to the Town's Advisory Committee/Board Policy.

Section 3: The Town's Advisory Committee/Board Policy Procedures Section VI I (g) relating to the role of the Board Chair shall be amended as follows:

. . .

(g) ROLE OF THE CHAIR

The Chair is the key to the proper functioning of a BOARD meeting. The Chair has the important responsibility of ensuring that the meetings operate efficiently and for maintaining the unity of the BOARD. Consequently, the election of the Chair should be viewed as an important BOARD task. A BOARD Chair may be removed as BOARD Chair

Resolution No. 2017-____

New text is underlined and deleted text is ~~stricken~~

by a majority vote of the Town Council for lack of civility, decorum, or for conduct unbecoming of a Board Member. In the event of removal, the Vice-Chair shall become BOARD Chair and a new Vice-Chair shall be elected amongst the BOARD Members. The former BOARD Chair shall not be given a position on the BOARD for the remainder of the BOARD term.

Section 4: Conflicts. All resolutions or parts thereof which conflict herewith are, to the extent of such conflict, superseded and repealed.

Section 5: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this ____ day of _____, 2017, on a motion by

_____ and seconded by _____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, Town Attorney

114148682.1

Resolution No. 2017-____

New text is underlined and deleted text is ~~stricken~~



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Keith Poliakoff, Town Attorney
DATE: 6/22/2017
SUBJECT: Reso Amending Board Policy - Appointment/Removal of Members

Recommendation

Motion to approve the resolution.

Strategic Priorities

A. Sound Governance

Background

Section 1.04 of the Town's Charter authorizes the Town Council to create selected committees and boards. In response to the Town Council's desire for standard policies for the Town's various committees and boards, the Town Council adopted Resolution No. 2007-023, which was subsequently replaced by Resolution No. 2015-017. The Town Council now desires to modify certain provisions of its Board Policy relating to the appointment or removal of Board Members.

Fiscal Impact/Analysis

N/A

Staff Contact:

Keith Poliakoff, Town Attorney

ATTACHMENTS:

Description	Upload Date	Type
Amend Board Policy - TA Approved	6/12/2017	Resolution

RESOLUTION NO. 2017-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2015-017, RELATING TO THE TOWN'S ADVISORY COMMITTEE/BOARD POLICY; AMENDING PROCEDURES SECTION II (B) & (C) RELATING TO THE APPOINTMENT OF BOARD MEMBERS TO PROVIDE FOR THE APPOINTMENT OR REMOVAL OF BOARD MEMBERS VIA MAJORITY VOTE OF THE TOWN COUNCIL; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1.04 of the Town's Charter authorizes the Town Council to create selected committees and boards; and

WHEREAS, in response to the Town Council's desire for standard policies for the Town's various committees and boards, the Town Council adopted Resolution No. 2007-023, which was subsequently replaced by Resolution No. 2015-017; and

WHEREAS, the Town Council desires to modify certain provisions of its Board Policy relating to the appointment or removal of Board Members;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: The Town Council hereby amends Resolution No. 2015-017, relating to the Town's Advisory Committee/Board Policy.

Section 3: The Town's Advisory Committee/Board Policy Procedures Section II (b) & (c) relating to the appointment of Board Members shall be amended as follows:

II. Appointment or Removal of BOARD Members

. . .

(b) Each Council Member shall appoint one (1) member to each BOARD, which shall be voted upon and approved by a majority of the Town Council. ~~;however the~~ The Town Council may determine, at any time and via Resolution, the need to appoint additional members "at large" from the Town's Advisory Board and Committee

Application pool. Additional members shall be appointed such that the total number of BOARD members does not exceed nine (9) and remains an odd number.

(c) Council Members may choose to change their appointment(s) at any time. If making any changes, the Council Member must first provide adequate notice to the Town Clerk. An action discussion item will be placed on the agenda for debate and shall require the approval of a majority of the Town Council. In addition to the aforementioned, the Town Council, through the same procedure, can elect to remove a Board Member for conduct unbecoming of a Board Member by majority vote of the Town Council. Such removal shall be for the remainder of the term. ~~The new appointment must be stated at a public meeting.~~

Section 4: Conflicts. All resolutions or parts thereof which conflict herewith are, to the extent of such conflict, superseded and repealed.

Section 5: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this ____ day of _____, 2017, on a motion by

_____ and seconded by _____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, Town Attorney