



Southwest Ranches Town Council

REGULAR MEETING

Agenda of May 8, 2014 (Revised)

Southwest Ranches Council Chambers
7:00 PM THURSDAY

13400 Griffin Road
Southwest Ranches, FL 33330

Mayor
Jeff Nelson
Vice-Mayor
Gary Jablonski

Town Council
Steve Breitzkreuz
Freddy Fisikelli
Doug McKay

Town Administrator
Andrew D. Berns
Town Financial
Administrator
Martin Sherwood, CPA CGFO

Town Attorney
Keith M. Poliakoff, J.D.
Town Clerk
Russell C. Muñiz, 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**

Quasi-Judicial Hearings

Please be advised that the following items on the Council agenda are quasi-judicial in nature. All witnesses who will testify on any item in this portion of the Agenda will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Council shall not assign un-sworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material or argument will be allowed unless the Council chooses to request additional testimony. The members of the Town Council will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in court. The material in the Town Council agenda will be considered as evidence without authentication.

Anyone representing an organization must present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears during a public hearing shall identify himself or herself and give their address, and if appearing on behalf of an organization state the name and mailing address of the organization. The Council may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place.

No notice shall be required if a hearing is continued to a fixed date, time and place. Any Applicant shall have the right to request and be granted one continuance; however, all subsequent continuance shall be granted at the discretion of the Council and only upon good cause shown.

- 3. Presentation - Rolling Oaks Barn Design - East Coast Builders**

- 4. Waiver of Plat –** Consideration of waiver of plat application WP-006-14. Yosef Martin, Patricia Martin, and Rola Elannan, owners; Pulice Land Surveyors, Inc., petitioner, to subdivide a 4.6 acre lot to create 2 lots of 2.3 acres each. Property generally located on the east side of SW 148th Avenue (Volunteer Road), approximately 0.4 of a mile north of Stirling Road, within the Rural Ranches Zoning District, which allows one dwelling unit per 2 net acres. Legally described as Lot 20 of MEADOWVIEW ESTATES, according to the Plat thereof, as recorded in Plat Book 152, Page 17, of the Public Records of Broward County, Florida.

5. Site Plan - Consideration of Site Plan application number SP-055-13. Santa Fe at Southwest Ranches Holdings, LLC., Luis Rodriguez, and Rosa Rodriguez, owners; OH2 Consulting, LLC., petitioner. Applicants are seeking re-approval of an expired Site Plan to develop six lots of one acre each within a Rural Estates Zoning District, which allows one dwelling unit per 1 net acre. Property is generally located on the east side of I-75, between Griffin and Stirling Roads, with access off SW 148th Avenue (Volunteer Road), half a mile north of Stirling Road.

6. 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.

7. Board Reports

8. Council Member Comments

9. Legal Comments

10. Administration Comments

11. Ordinance – First Reading – AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REPEAL ORDINANCE NO. 2004-11 AND TOWN OF SOUTHWEST RANCHES, CODE OF ORDINANCES, PART II, CHAPTER 4, - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW ORDINANCE 2014-____; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

12. Ordinance – First Reading - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DIRECTING THE TOWN ADMINISTRATOR AND THE TOWN ATTORNEY TO PREPARE A NON-BINDING STRAW POLL REFERENDUM QUESTION CONCERNING HOW TO FUND THE TOWN'S TRANSPORTATION SURFACE AND DRAINAGE, ONGOING REHABILITATION PROGRAM ("TSDOR"); PROVIDING BALLOT LANGUAGE AS DELINEATED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; DIRECTING THE TOWN ADMINISTRATOR TO REQUEST THAT THIS NON-BINDING STRAW POLL QUESTION BE PLACED ON THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT, TO ENABLE THE TOWN'S ELECTORATE TO CAST A STRAW VOTE ON THIS MATTER; DIRECTING THE TOWN CLERK TO PROVIDE PROPER NOTICE FOR THIS STRAW BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

13. Resolution - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AUTHORIZING THE ENGAGEMENT OF G.W. BULLDOZING, INC. FOR AN AMOUNT NOT TO EXCEED \$12,000 TO COMPLETE THE EARTHWORK AND TREE CLEARING IN COUNTRY ESTATES FISHING HOLE PARK; AND PROVIDING AN EFFECTIVE DATE.

14. Approval of Minutes

- a. Minutes for April 10, 2014 – Regular Council Meeting

- 15. Ordinance – First Reading** - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTHWEST RANCHES; PROPOSING TO AMEND ARTICLE II, ENTITLED "TOWN COUNCIL; MAYOR", AND IN PARTICULAR SECTION 2.07 ENTITLED "COMPENSATION; REIMBURSEMENT FOR EXPENSES" BY CREATING SECTION 2.07(c) TO RECOGNIZE THAT THE OFFICES OF MAYOR AND COUNCIL MEMBER ARE PART-TIME POSITIONS AND AS SUCH THE MAYOR AND COUNCIL MEMBER SHALL BE PERMITTED TO ENGAGE IN OUTSIDE/CONCURRENT EMPLOYMENT CONSISTENT WITH CHAPTER 112, F.S.; AMENDING ARTICLE VIII, "ENTITLED GENERAL PROVISIONS" BY CREATING SECTION 8.08 ENTITLED "BOARDS AND COMMITTEES" TO ESTABLISH BOARDS AND COMMITTEES AND TO RECOGNIZE THAT MEMBERS OF TOWN BOARDS AND COMMITTEES SHALL BE PERMITTED TO ENGAGE IN OUTSIDE/CONCURRENT EMPLOYMENT CONSISTENT WITH CHAPTER 112, F.S; PROVIDING THAT ANY DISCLOSURES ASSOCIATED WITH SUCH OUTSIDE/CONCURRENT EMPLOYMENT SHALL BE CONSISTENT WITH AND LIMITED TO THE REQUIREMENTS OF CHAPTER 112, F.S., AMENDING ARTICLE VIII, "ENTITLED GENERAL PROVISIONS" BY CREATING SECTION 8.09 ENTITLED "LOBBY OR LOBBYIST" TO CLARIFY THAT THESE TERMS DO NOT INCLUDE UNCOMPENSATED RESIDENTS WHO ARE ADVOCATING ON BEHALF OF THEMSELVES OR FOR OTHER TOWN RESIDENTS; 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 NEXT ELECTION OF NOVEMBER 4, 2014; 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. (Second Reading – June 12, 2014)

16. 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.

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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
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitkreuz, Council Member
Doug McKay, Council Member
Freddy Fisikelli, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muñiz, Town Clerk
**Martin D. Sherwood, CPA, CGFO, Town Financial
Administrator**

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: The Mellgren Planning Group

DATE: May 8, 2014

SUBJECT: WAIVER OF PLAT APPLICATION WP-006-14

Recommendation

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could table this item to seek additional information.
3. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC, with a condition such as:
 - a. Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

Issue

This application is to subdivide a 4.6-net acre lot into two parcels of 2.3 net acres each.

Background

The Subject Property is comprised of approximately 4.6 net acres of vacant land located on the east side of Volunteer Road, approximately 2,000 feet north of Stirling Road, and is identified as Lot 20 of the Meadowview Estates plat. The property has a land use plan designation of Rural

Ranch and is zoned RR, Rural Ranches, both of which allow residential development at 1 unit per 2 net acres, or 1 unit per 2.5 gross acres.

With this application, the property owners seek approval of the subdivision of the Subject Property into 2 parcels of 2.3 acres each. Both parcels will be 165 feet in width, which exceeds the minimum width requirement of 125 feet, and will satisfy the minimum lot area requirement. Note that this is an after-the-fact request, as the Subject Property was subdivided as presented in this application, in August, 2013 without the benefit of a Waiver of Plat.

The Meadowview Estates Plat was approved in September 1992 with 23 lots and a restrictive note limiting development to 23 detached single-family units. In March 1994, a plat note amendment extended the number of units to allow for 26 single-family homes; therefore, this application is consistent with plat restrictions.

Currently, access to the Subject Property is provided by a canal-crossing asphalt driveway located on the southwest corner of Lot 20, which is shared with Lot 21. A 35-foot access easement connects the northern parcel created by the subdivision to the canal crossing shared by Lot 20 and Lot 21 (see attached survey). The Town Engineer has requested a letter of no objection from South Broward Drainage District. Any additional engineering requirements will be assessed when building/drainage plans are submitted for new single-family residences on each new parcel. Dedication of an equestrian trail is not required pursuant to the Trails Master Plan. The petitioner has provided the School Capacity Availability Determination (SCAD) from Broward County. The Local Park Impact fee required by the Town will be collected separately for each parcel prior to the issuance of their respective building permit.

Fiscal Impact

N/A

Staff Contact

Elizabeth Tsouroukdissian, Assistant Planner

**TOWN OF SOUTHWEST RANCHES
TOWN COUNCIL AGENDA REPORT**

May 8, 2014

- SUBJECT:** Waiver of Plat application WP-006-14
- LOCATION:** Generally located on the east side of SW 148th Avenue (Volunteer Road), approximately 2,000 feet north of Stirling Road
- APPLICANT:** Martin, Yosef & Patricia
Elannan, Rola
- LAND USE PLAN DESIGNATION:** Rural Ranch
- ZONING:** RR – Rural Ranches
- PUBLIC NOTICE:** Legal notice in newspaper, sign posting, mail notice
- EXHIBITS:** Staff Report, survey, aerial photograph, notification map and mailing label list

BACKGROUND AND ANALYSIS

The Subject Property is comprised of approximately 4.6 net acres of vacant land located on the east side of Volunteer Road, approximately 2,000 feet north of Stirling Road, and is identified as Lot 20 of the Meadowview Estates plat. The property has a land use plan designation of Rural Ranch and is zoned RR, Rural Ranches, both of which allow residential development at 1 unit per 2 net acres, or 1 unit per 2.5 gross acres.

With this application, the property owners seek approval of the subdivision of the Subject Property into 2 parcels of 2.3 acres each. Both parcels will be 165 feet in width, which exceeds the minimum width requirement of 125 feet, and will satisfy the minimum lot area requirement. Note that this is an after-the-fact request, as the Subject Property was subdivided as presented in this application, in August, 2013 without the benefit of a Waiver of Plat.

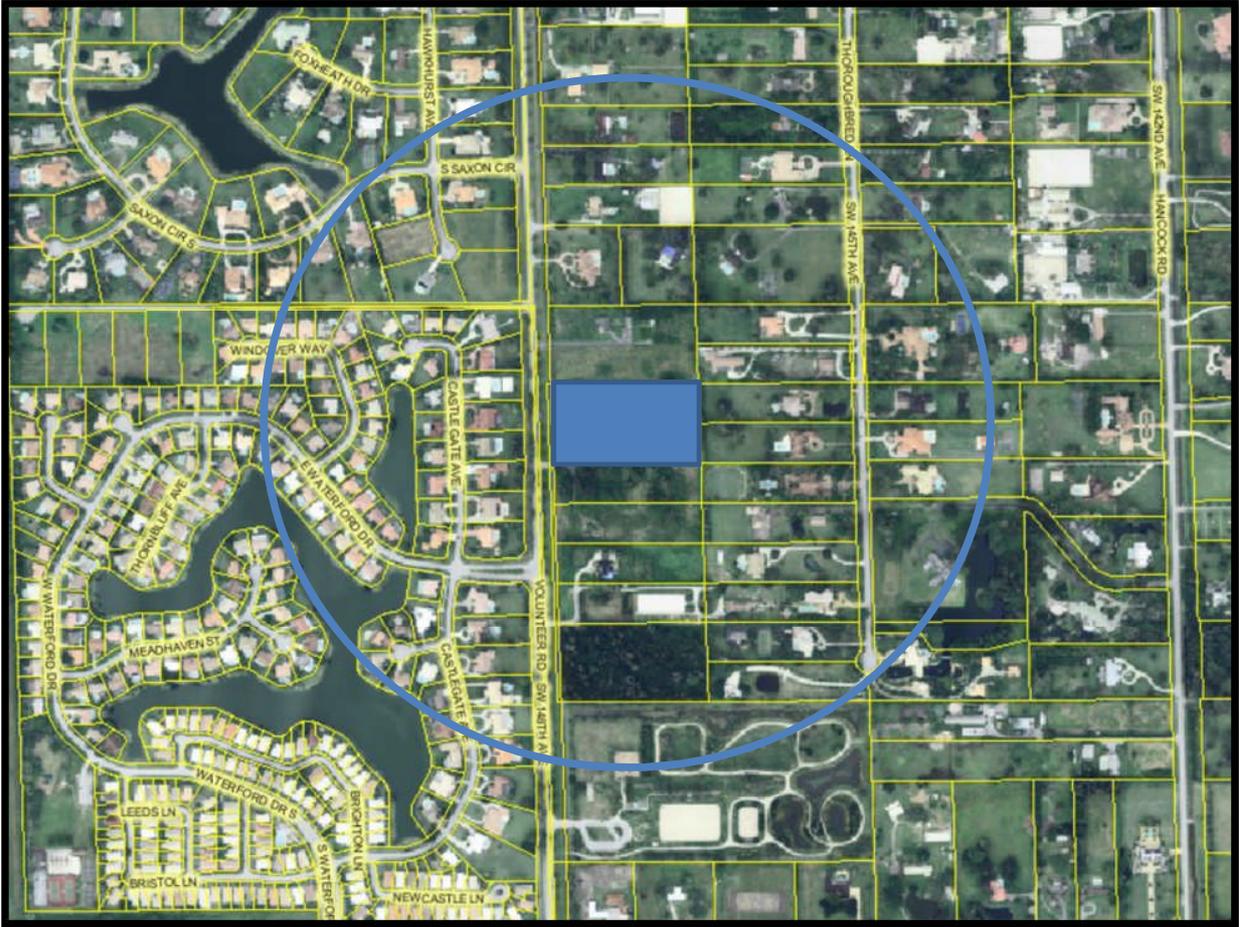
The Meadowview Estates Plat was approved in September 1992 with 23 lots and a restrictive note limiting development to 23 detached single-family units. In March 1994, a plat note amendment extended the number of units to allow for 26 single-family homes; therefore, this application is consistent with plat restrictions.

Currently, access to the Subject Property is provided by a canal-crossing asphalt driveway located on the southwest corner of Lot 20, which is shared with Lot 21. A 35-foot access easement connects the northern parcel created by the subdivision to the canal crossing shared by Lot 20 and Lot 21 (see attached survey). The Town Engineer has requested a letter of no objection from South Broward Drainage District. Any additional engineering requirements will be assessed when building/drainage plans are submitted for new single-family residences on each new parcel. Dedication of an equestrian trail is not required pursuant to the Trails Master Plan. The petitioner has provided the School Capacity Availability Determination (SCAD) from Broward County. The Local Park Impact fee required by the Town will be collected separately for each parcel prior to the issuance of their respective building permit.

RECOMMENDATION

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could table this item to seek additional information.
3. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC, with a condition such as:
 - a. Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

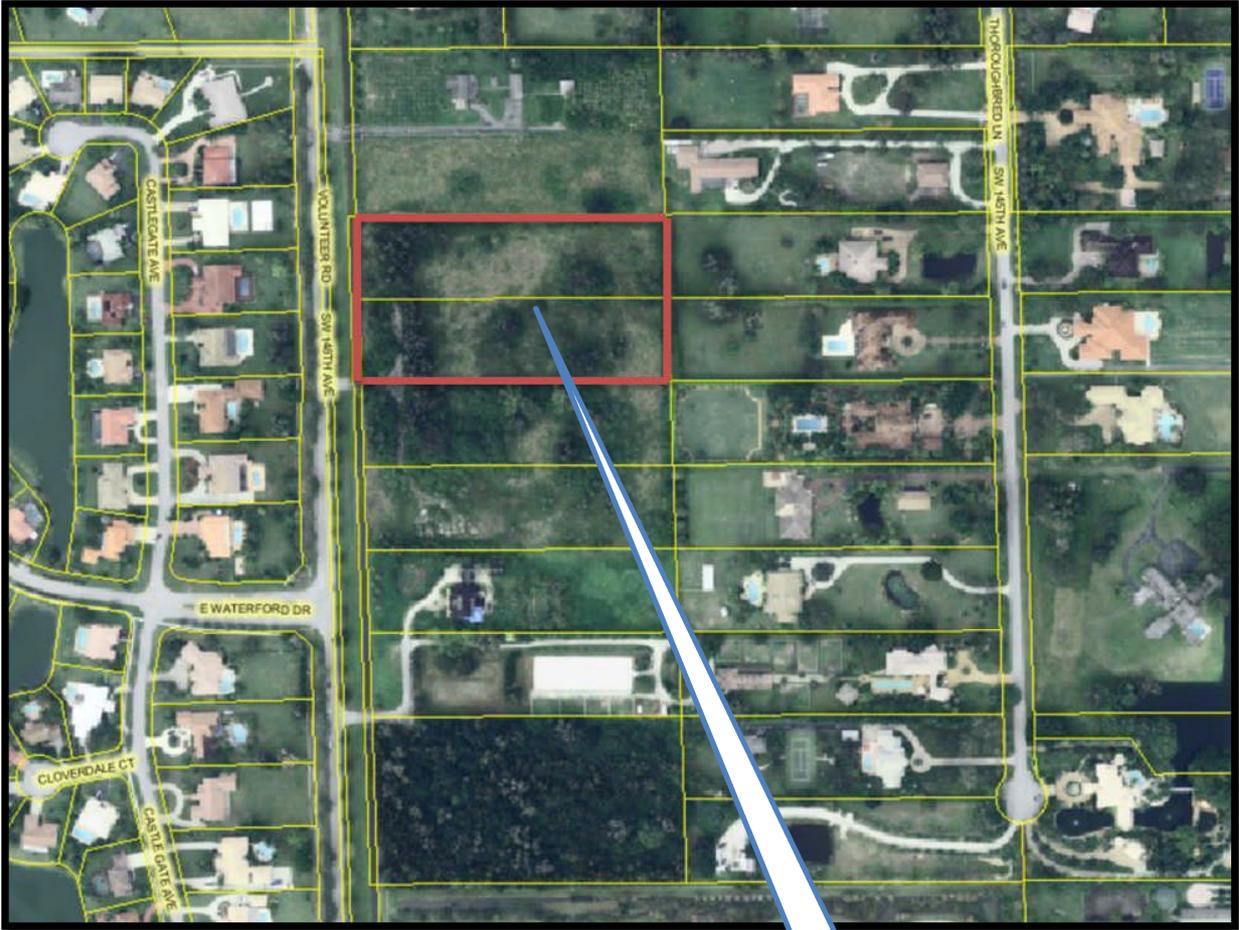
PROPERTY RADIUS MAP



Lot 20, MEADOWVIEW ESTATES

TOWN OF SOUTHWEST RANCHES

Waiver of Plat application WP-006-14



THIS SITE



BCPA_TAX_1	Name	Address	City, State, Zip
504034030230	BERMEO,RODRIGO R & CECILIA A	PO BOX 17-12-881	*QUITO EC
504033180060	SANTA FE AT SOUTHWEST RANCHES HOLDING LLC	305 ALCAZAR AVE STE 3	CORAL GABLES FL 33134
504033030660	COFINO,JULIO C & IRIS C	15121 E WATERFORD DR	DAVIE FL 33331
504033030650	MECHAS,JOHN J & CATHLEEN J	15111 E WATERFORD DR	DAVIE FL 33331
504033030500	GONZALEZ,LOUIS JR & MARTHA	15061 WINDOVER WAY	DAVIE FL 33331
504034030211	STARKS,DUANE L & ALETHIA K	14904 SW 35TH ST	DAVIE FL 33331
504033030490	JARRELL,AUDREY	15051 WINDOVER WAY	DAVIE FL 33331
504034010460	BRODY,JANETH	PO BOX 101494	FORT LAUDERDALE FL 33310
504034030210	TD BANK NA	104 S MAIN ST	GREENVILLE SC 29601
504034030200	ELANNAN,ROLA	19867 NW 85 AVE	MIAMI FL 33015
504034010391	5353 HANCOCK ROAD LLC	7270 NW 12TH ST STE 380	MIAMI FL 33126
504034030220	LAFAILLE,SAGE D	PO BOX 641234	MIAMI FL 33164
504033020130	RODRIGUEZ FAMILY GROUP LLC	16400 NW 59 AVE	MIAMI LAKES FL 33014
504033020150	RODRIGUEZ,JUAN CARLOS & ANNA	15476 NW 77 CT #351	MIAMI LAKES FL 33016
504033020120	MOLINA,ANGELA & JUAN P	13703 NW 10 CT	PEMBROKE PINES FL 33028
504034030170	TUCHMAN,ROBERTO & LAURIE M	5731 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034030120	JOSEFFY,JAMES A & LABELLA,PATRICIA	5551 THOROUGHbred LN	SOUTHWEST RANCHES FL 33330
504034030030	URBIETA,GUILLERMO	5621 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034030090	CAPRIO,JOSEPH	5650 THOROUGHbred LN	SOUTHWEST RANCHES FL 33330
504034010573	SCHROEDER,ARTHUR & DENISE	5501 THOROUGHbred LANE	SOUTHWEST RANCHES FL 33330
504034030070	JUDY HANCOCK	5701 HANCOCK RD	SOUTHWEST RANCHES FL 33330
504034030150	LAING,GERALD W	5631 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034030080	HANCOCK,JUDY	5701 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034030140	CASTRO,ERIC R & BARBARA R	5601 THOROUGHbred LN	SOUTHWEST RANCHES FL 33330
504034030100	GONZALEZ,JUAN & MAYLIN	5600 THOROUGHbred LN	SOUTHWEST RANCHES FL 33330
504034030020	FINKEL ADMIN DISBURSEMENT CORP	5601 HANCOCK RD	SOUTHWEST RANCHES FL 33330
504034010470	BRODY,JANETH R	5800 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034030040	URBIETA,GUILLERMO	5711 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034010482	DUNN,EILEEN A	14490 STIRLING ROAD	SOUTHWEST RANCHES FL 33330
504034010520	TOWN OF SOUTHWEST RANCHES	13400 GRIFFIN RD	SOUTHWEST RANCHES FL 33330
504034030180	HALBERG,JASON & WENDI	5751 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034030221	TUCHMAN,ROBERTO & LAURIE M	5731 THOROUGHbred LANE	SOUTHWEST RANCHES FL 33330
504034030010	IRIBAR,MANUEL R & IDANIA	5551 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034030110	SMITH,AUSTIN & WATSON-SMITH,CARLOYN	5530 THOROUGHbred LANE	SOUTHWEST RANCHES FL 33330

504034030160	DURKEE,MARK & CINDY	5701 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034010581	EDWARDS,MONICA F	5401 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034010601	HOYLE,PILAR	5281 THOROUGHBRED LANE	SOUTHWEST RANCHES FL 33330
504034010591	LUCENA,MOISES A & NORAYDA	5351 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034010610	PACK,ALBERT J & MARIANNE E	5146 SW 148 AVE	SOUTHWEST RANCHES FL 33330
504034010392	EVERHART,RICHARD E & DONNA L	5320 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034090010	CAREY,L & CAREY,V	5321 THOROUGHBRED LN	SOUTHWEST RANCHES FL 33330
504034010602	BROWNLOW,JOSEPH JR	5301 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034010612	GARCIA CHILDREN LAND TR	5161 THOROUGHBRED LN	SOUTHWEST RANCHES FL 33330
504034010400	STEVENS,MARK A & MOCNY,TONY J	5401 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034010582	EVENTAL,TOM & VALERIE	5400 SW 148 AVE	SOUTHWEST RANCHES FL 33330
504034010592	LINARES,HERNAN & LOPEZ,VILMA	5360 VOLUNTEER RD	SOUTHWEST RANCHES FL 33330
504034010580	SIMMONDS,WINSTON & GLENNIS	5410 SW 148 AVE	SOUTHWEST RANCHES FL 33330
504034010593	FLORES,RAUL F & GLORIA E	5300 SW 148 AVE	SOUTHWEST RANCHES FL 33330
504034010401	ESPINOSA,RODNEY	5380 THOROUGHBRED LN	SOUTHWEST RANCHES FL 33330
504034010590	WILHOIT,RONALD J & LINDA J LE	5330 VOLUNTEER RD	SOUTHWEST RANCHES FL 33330
504034010380	YALAZ,ROEY M	5300 THOROUGHBRED LANE	SOUTHWEST RANCHES FL 33330
504034010600	RIETTER,K C & ANITA L	5150 SW 148 AVE	SOUTHWEST RANCHES FL 33330
504034000060	FINK,HOWARD H & UNGER-FINK,NANCY ANN	5200 THOROUGHBRED LN	SOUTHWEST RANCHES FL 33330
504034010611	KORI,JOHN B III & CARYN S	5221 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034010381	BOY,ALINDA A	5280 THOROUGHBRED LN	SOUTHWEST RANCHES FL 33330
504034010402	JAFFIE,RAYMOND J	5400 THOROUGHBRED LANE	SOUTHWEST RANCHES FL 33330
504034010390	CLARK,JONAS & RHONDA	5360 THOROUGHBRED LANE	SOUTHWEST RANCHES FL 33330
504034010571	ADILI,MIRYAHYA	5455 SW 145 AVE	SOUTHWEST RANCHES FL 33330
504034010410	BAG	5501 HANCOCK ROAD	SOUTHWEST RANCHES FL 33330
504034010572	ENGQUIST,DRAY R	5450 SW 148 AVE	SOUTHWEST RANCHES FL 33330
504034040010	LUJO,RUBEN & DENISE	5500 THOROUGHBRED LANE	SOUTHWEST RANCHES FL 33330
504033020520	GURDAK,PETER J	14931 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
504033020110	PEREZ,ARTURO JR	5320 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020180	SGARLATA,ANTHONY & CORINNE L	15000 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020570	BUCCI,PATRICK J	14920 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
504033020580	NELSON,JEFFREY J & SANDUSKY-NELSON,GINA	14900 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
504033020070	MITCHELL,JOSEPH W JR & DONNA	5200 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020590	AARON,CURTIS LARRY & KATHRYN A	15011 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020160	CORRIPIO,ADOLFO & ALESSANDRA	5311 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331

504033020600	DABIRI,MAHMOUD T & MAHROO A	15041 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020200	DEL MAZO,ALEXANDER & ALIZ	15040 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020190	GREEN,MARIA C	15020 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020140	VARGAS,CRISTINA GIL	5341 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020170	MAKLAD,HADI EL HALABI	14980 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020550	WEECH,RONALD A & MICHELLE K	15000 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
504033020090	BORRUTO,DAWN LE H/E	5240 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020510	GILSON,DENNIS G & BARBARA W	5201 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020100	WILLIAMSON,PHILLIP A & SHARON	5300 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020210	KHAN,JALIL	15100 S SAXON CIR	SOUTHWEST RANCHES FL 33331
504033020560	CASEY,FRANCIS R JR & LORI ANN	14940 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
504033020080	REYES,NORBERTO	5220 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
504033020750	SOUTH BROWARD DRAINAGE DISTRICT	6591 SW 160 AVE	SOUTHWEST RANCHES FL 33331
504034030130	BURGESS,JOHN & JEFFREY,ROBERT & KATHLEEN	4142 MARINER BLVD	SPRING HILL FL 34609
504034030190	NIX,JACK VERNON	4581 WESTON RD	WESTON FL 33331
504034030060	NIX,JACK VERNON & ROSEMARIE	4581 WESTON RD 335	WESTON FL 33331

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**Martin D. Sherwood, CPA CGFO, Town Financial
Administrator**

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: The Mellgren Planning Group

DATE: May 8, 2014

SUBJECT: SITE PLAN APPLICATION SP-055-13

Recommendation

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could table this item to seek additional information.
3. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC, with a condition such as:
 - a. Homeowners association documents shall not restrict the keeping of horses or animals except as restricted by the ULDC.
 - b. Developer shall provide final homeowners association documents to the Town Attorney for review and approval prior to recordation, and prior to issuance of the first building permit.
 - c. Revised Landscape Plan as per the Town Landscape Inspector's specifications after site visit shall be provided.
 - d. Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this plat, prior to second and final signoff of the plat. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.

Issue

This application is for the re-approval of the expired Santa Fe site plan.

Background

The Subject Site contains approximately 6.12 acres, and is located immediately east of I-75 and south of Ivanhoe Estates. The site has access from Volunteer Road via SW 54th Place, but the site itself has no frontage on Volunteer Road. To its south and east is a residential development called Waterford, located within the Town of Davie.

Town Council approved the Santa Fe Estates Plat (PL-001-03) in October 2003, allowing the subdivision of the original parcel into 6 lots. Subsequently, in November of the same year, Town Council approved site plan application SP-001-03, providing additional site and construction details. Pursuant to Section 120-060 of the Town's Unified Land Development Code (ULDC), all site plans expire after one year if applications for building permits have not been submitted. Since permit applications were not submitted within the requisite timeframe, the site plan expired. The applicant is now requesting the site plan's re-approval.

The site plan being presented for re-approval is essentially the same plan that was approved by Town Council in 2003. There are minor variations between the approved and proposed plan, such as the location of the fence along the north property line (moved 2 feet to the south at the request of neighboring Ivanhoe Estates residents who abut the Subject Site), which caused a different distribution of landscape material (all in compliance with the ULDC), and the reduction in the width of the travel surface of SW 54th Place due to code changes that now allow 18-foot cul-de-sac streets in lieu of the previous 22-foot pavement requirement.

The permit to construct SW 54th Place was approved in 2008 and the street was subsequently constructed. The Town Engineer has requested the applicant to apply for a final engineering permit as related to all paving, grading and drainage plans, and to include South Broward Drainage District conditions of site plan approval. The Fire Marshal had no objections and approved the plans as submitted.

A 5-foot landscape buffer is proposed on the south and east sides of the site, and a 20-foot landscape buffer, including a berm, will separate the west side of the community from I-75. The site will also be enclosed by a 6-foot high masonry wall on the south, west and east boundaries. In 2008, the original developer installed a 5-foot high chain link fence along the north property boundary at the request of neighboring Ivanhoe Estates' homeowners.

No entrance feature, sidewalk, street lighting, or signage are proposed. The applicant has stated that a homeowner's association will govern the community.

Fiscal Impact

N/A

Staff Contact

Elizabeth Tsouroukdissian, Assistant Planner

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TOWN OF SOUTHWEST RANCHES TOWN COUNCIL AGENDA REPORT

May 8, 2014

- SUBJECT:** Site Plan Application SP-055-13
- LOCATION:** Generally located immediately south of Ivanhoe Estates, in between I-75 and Volunteer Road, with access from Volunteer Road via SW 54th Place. Located approximately one-half mile north of Stirling Road.
- OWNERS:** Santa Fe at Southwest Ranches Holdings, LLC., and Luis and Rosa Rodriguez
- PETITIONER:** Eduardo Curiel
OH2 Consulting, LLC
- LAND USE PLAN DESIGNATION:** Rural Estates
- ZONING:** RE, Rural Estate District
- EXHIBITS:** Staff Report, site plan, aerial photograph, notification map and mailing label list

BACKGROUND AND ANALYSIS

The Subject Site contains approximately 6.12 acres, and is located immediately east of I-75 and south of Ivanhoe Estates. The site has access from Volunteer Road via SW 54th Place, but the site itself has no frontage on Volunteer Road. To its south and east is a residential development called Waterford, located within the Town of Davie.

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The site plan being presented for re-approval is essentially the same plan that was approved by Town Council in 2003. There are minor variations between the approved and proposed plan, such as the location of the fence along the north property line (moved 2 feet to the south at the request of neighboring Ivanhoe Estates residents who abut the Subject Site), which caused a

different distribution of landscape material (all in compliance with the ULDC), and the reduction in the width of the travel surface of SW 54th Place due to code changes that now allow 18-foot cul-de-sac streets in lieu of the previous 22-foot pavement requirement.

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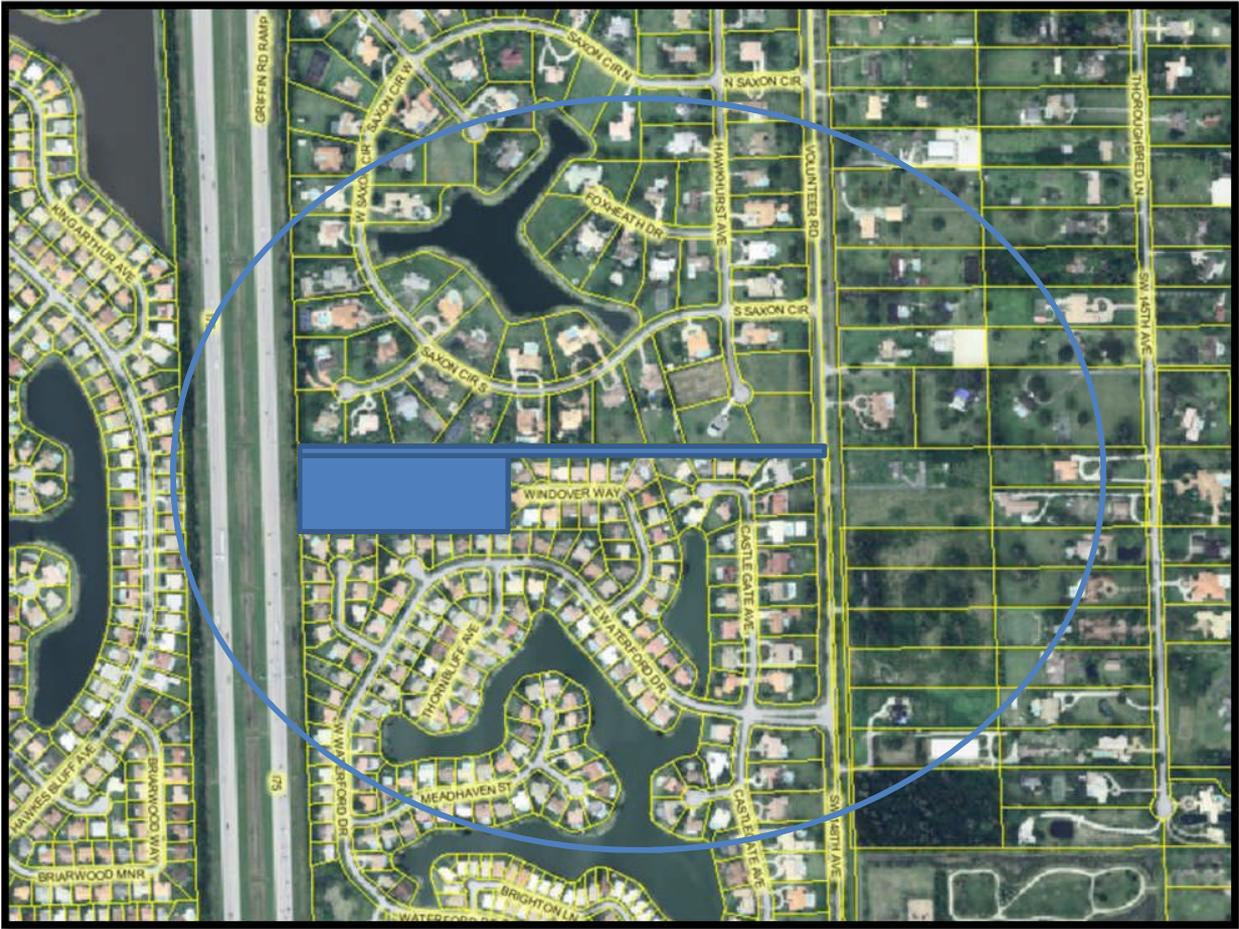
A 5-foot landscape buffer is proposed on the south and east sides of the site, and a 20-foot landscape buffer, including a berm, will separate the west side of the community from I-75. The site will also be enclosed by a 6-foot high masonry wall on the south, west and east boundaries. In 2008, the original developer installed a 5-foot high chain link fence along the north property boundary at the request of neighboring Ivanhoe Estates' homeowners.

No entrance feature, sidewalk, street lighting, or signage are proposed. The applicant has stated that a homeowner's association will govern the community.

RECOMMENDATION

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with conditions such as:
 - a. Homeowners association documents shall not restrict the keeping of horses or animals except as restricted by the ULDC.
 - b. Developer shall provide final homeowners association documents to the Town Attorney for review and approval prior to recordation, and prior to issuance of the first building permit.
 - c. Revised Landscape Plan as per the Town Landscape Inspector's specifications after site visit shall be provided.
 - d. Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this plat, prior to second and final signoff of the plat. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.

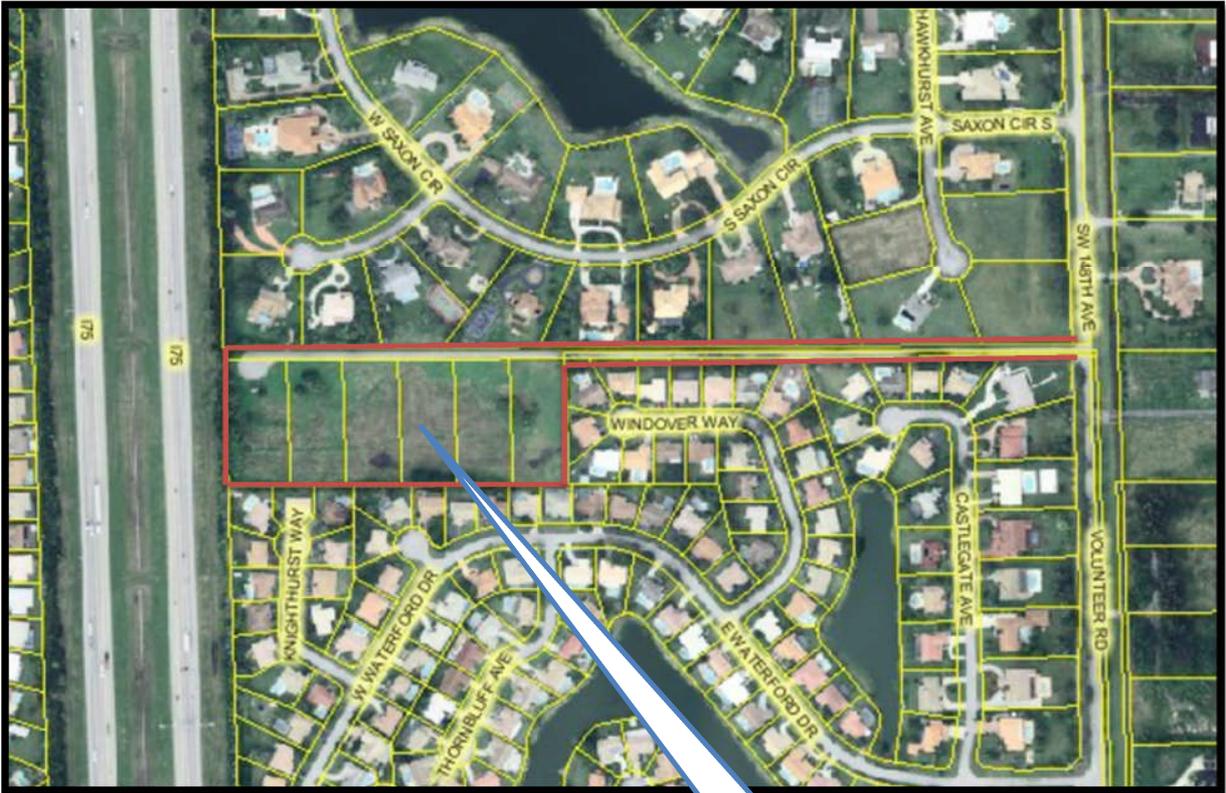
PROPERTY RADIUS MAP



Santa Fe Estates

TOWN OF SOUTHWEST RANCHES

Site Plan application SP-055-13, Santa Fe Estates



THIS SITE



NAME	ADDRESS	TOWN STATE ZIP
SANTOS, RUBEN & MONIQUE	5200 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
CRUZ, VICTOR & LOURDES	15103 TATENSHALL TRAIL	SOUTHWEST RANCHES FL 33331
SATANOSKY, SELMO - SELMO STANOSKY TR	15100 TATENSHALL TRAIL	SOUTHWEST RANCHES FL 33331
MILOPOULOS, GREGORY	5230 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
LAMPARIELLO, NICOLAS	5221 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
HASSAN,BIBI VANESSA	5241 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
HARRINGTON, GARY A & LINDA SUE	14940 N SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
WARD, ANTONIO E	8445 NE 2 AVE	MIAMI FL 33138
TSE, FRANKLIN K & NORMA E	5121 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
KAREEM,AYESHA A	5141 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
RUSHIN, JERRY J	5120 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
ESCOBAR, NELLY	5140 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
MITCHELL, JOSEPH W JR & DONNA	5200 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
REYES, NORBERTO H/E MAGDALENO, TANIA MARIA	5220 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
BORRUTO, DAWN H/E FORTUNATO D BORRUTO TR ETAL	5240 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
WILLIAMSON, PHILLIP A & SHARON	5300 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
GILSON,DENNIS G & BARBARA W	5201 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
GURDAK,PETER J PETER JOHN GURDAK REV TR	14931 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
WETZ,DONALD & TONI	15001 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
WETZ, DONALD & TONI - WEECH, RONALD & MICHELLE	15001 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
WEECH, RONALD A & MICHELLE K	15000 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
CASEY, FRANCIS R JR & LORI ANN	14940 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
BUCCI, PATRICK J	14920 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
TATE, MICHAEL & BERENICE	14900 FOXHEATH DR	SOUTHWEST RANCHES FL 33331
AGUERO, OSCAR J & STELLA M	5301 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
NADER, YOLANDA	5321 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
CROSBY FINANCIAL LLC	5310 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
SUBHANI, ZAKIA R	5340 W SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
HINTZE, SCOTT A & LINDA L	15100 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
DABIRI, MAHMOUD T & MAHROO A	15041 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
AARON, CURTIS L & KATHRYN A	15011 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
PEREZ, ARTURO JR	5320 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
RODRIGUEZ FAMILY GROUP LLC	16400 NW 59 AVE	MIAMI LAKES FL 33014
VARGAS, CRISTINA	5341 HAWKHURST AVE	SOUTHWEST RANCHES 33331
RODRIGUEZ, JUAN CARLOS & ALINA	15476 NW 77 CT #351	MIAMI LAKES FL 33016
CORRIPIO, ADOLFO & ALESSANDRA	5311 HAWKHURST AVE	SOUTHWEST RANCHES FL 33331
MAKLAD, HADI EL HALABI & PETCOVICH, ANMARY	14980 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
SGARLATA, ANTHONY & CORINNE L	15000 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
GREEN, MARIA C	15020 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
DEL MAZO, ALEXANDER & ALIZ	15040 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
KHAN, JALIL	15100 S SAXON CIRCLE	SOUTHWEST RANCHES FL 33331
FARTHING, ROBERT H & TAMI J	15110 WHETSTONE WAY	SOUTHWEST RANCHES FL 33331
KATZ, MICHAEL HARVEY & URANIA M	15120 WHETSTONE WAY	SOUTHWEST RANCHES FL 33331
ANDERSON,DENNIS R & JOYCELYN E	15130 WHETSTONE WAY	SOUTHWEST RANCHES FL 33331
YARBOROUGH,HAROLD G & VIKKI M	15140 WHETSTONE WAY	SOUTHWEST RANCHES FL 33331
MCLEAN, GILBERT & CODNER,ROXANNE	15131 WHETSTONE WAY	SOUTHWEST RANCHES FL 33331

MORALES, GONZALO JR & CRUZ-MORALES, ROXANA	15121 WHETSTONE WAY	SOUTHWEST RANCHES FL 33331
SIMMONDS, WINSTON & GLENNIS	5410 SW 148 AVE	SOUTHWEST RANCHES FL 33330
EVENTAL, TOM & VALERIE	5400 SW 148 AVE	SOUTHWEST RANCHES FL 33330
EDWARDS, MONICA F	5401 SW 145 AVE	SOUTHWEST RANCHES FL 33330
LINARES, HERNAN & LOPEZ, VILMA	5360 SW 148 AVE	SOUTHWEST RANCHES FL 33330
WILHOIT, RONALD J & LINDA J	5330 VOLUNTEER RD	SOUTHWEST RANCHES FL 33330
FLORES, RAUL F & GLORIA E	5300 SW 148 AVE	SOUTHWEST RANCHES FL 33330
RIETTER, K C & ANITA L	5150 SW 148 AVE	SOUTHWEST RANCHES FL 33330
HOYLE, PILAR	5281 THOROUGHNBRED LANE	SOUTHWEST RANCHES FL 33330
BROWNLOW, JOSEPH JR - JOSEPH BROWNLOW JR REV TR	5301 SW 145 AVE	SOUTHWEST RANCHES FL 33330
CAREY, L H/E CAREY, V	5321 THOROUGHNBRED LANE	SOUTHWEST RANCHES FL 33330
LUCENA, MOISES A & NORAYDA	5351 SW 145 AVE	SOUTHWEST RANCHES FL 33330
ENGQUIST, DRAY R - DRAY R ENGQUIST REV LIV TR	5450 SW 148 AVE	SOUTHWEST RANCHES FL 33330
ADILI, MIRYAHYA	5455 SW 145 AVE	SOUTHWEST RANCHES FL 33330
SCHROEDER, ARTHUR & DENISE	5501 THOROUGHNBRED LANE	SOUTHWEST RANCHES FL 33330
MARTIN, YOSEF & PATRICIA	2780 EVERGREEN WAY	COOPER CITY FL 33026
ELANNAN, ROLA	19867 NW 85 AVE	MIAMI FL 33015
JOSEFFY ,JAMES A & LABELLA, PATRICIA	5551 THOROUGHNBRED LANE	SOUTHWEST RANCHES FL 33330
NARDI,RALPH A & LISA S	5571 THOROUGHNBRED LANE	SOUTHWEST RANCHES FL 33330
CASTRO,ERIC R & BARBARA R	5601 THOROUGHNBRED LANE	SOUTHWEST RANCHES FL 33330
STARKS,DUANE L & ALETHIA K	5650 SW 148 AVE	SOUTHWEST RANCHES FL 33330
GONZALEZ, LISSETTE R & LOPEZ, DAVID L	5750 SW 148 AVE	SOUTHWEST RANCHES FL 33330
LAING, GERALD W	5631 SW 145 AVE	SOUTHWEST RANCHES FL 33330
DURKEE, MARK & CINDY	5701 SW 145 AVE	SOUTHWEST RANCHES FL 33330
DIFEDE, ANTHONY & DIFEDE, RENEE	5702 SW 148 AVE	SOUTHWEST RANCHES FL 33330
TUCHMAN, ROBERTO & LAURIE M	5731 SW 145 AVE	SOUTHWEST RANCHES FL 33330
DOYLE FIELDS LTD	60 MARKET SQUARE	PO BOX 364 BELIZE CITY BZ



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

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

Town Council
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitkreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muniz, MMC, Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
THRU: Andy Berns, Town Administrator
FROM: Clete J. Saunier, Public Works Director
DATE: May 8, 2014
SUBJECT: Flood Plain Ordinance

Recommendation

To place this item on the agenda to adopt the required Flood Plain Ordinance and Flood Insurance Rate Maps.

Issue

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.

Background

FEMA recently completed work on the new FIRMs for Broward County. These new FIRMs are scheduled to take effect on August 18, 2014 and have the potential to change flood insurance costs for many residents.

In order for the new FIRMs to be used in our community, the Town Council must formally adopt the FIRMs and, according to the Florida Division of Emergency Management (FDEM), adopt the updated state model ordinance before August 18, 2014. The Federal Register may publish the Town of Southwest Ranches as a community for possible suspension from the NFIP after the August 18, 2014 deadline unless the Town Council adopts the FIRMs and the model ordinance no later than July 18, 2014.

Fiscal Impact

There will be no direct budgetary impact to the Town of Southwest Ranches.

Staff Contact

Clete J. Saunier, Public Works Director

ORDINANCE NO. 2014-

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REPEAL ORDINANCE NO. 2004-11 AND TOWN OF SOUTHWEST RANCHES, CODE OF ORDINANCES, PART II, CHAPTER 4, - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW ORDINANCE 2014-____; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

SOUTHWEST RANCHES, FLORIDA, CODE OF ORDINANCES, PART II, CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, FLOOD DAMAGE PREVENTION

WHEREAS, the Legislature of the State of Florida has, in **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 Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **the Town of Southwest Ranches** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **Town of Southwest Ranches** was accepted for participation in the National Flood Insurance Program on **November 1, 2004** and the **Town Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Town Council previously adopted requirements for (a) minimum elevation of buildings on flood hazard areas, (b) limitations on enclosed areas under elevated buildings, (c) operation and maintenance plans for dry floodproofed buildings, and (d) critical facilities, pursuant to Broward County Board of Rules and Appeals, Section 103, is formatting those requirements to coordinate with the Florida Building Code; and

WHEREAS, the **Town Council** has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the **Town Council** of the **Town of Southwest Ranches** that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces Town of Southwest Ranches Ordinance No. 2004-11 and Town of Southwest Ranches Code of Ordinances, Part II,

Chapter 4, - Buildings and Building Regulations, Article II – Flood Damage Prevention in its entirety.

DIVISION 1 - GENERAL

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.”

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.

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.

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*.

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

BROWARD Model FPM Ordinance & Code Amendments: Zones A Only (June, 2013) 2

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.

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.

Sec. 4-25 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

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.

Sec. 4-27 Basis for establishing flood hazard areas. The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated **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**.

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.

Sec. 4-29 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

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.

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.

Sections 4-32 through 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.

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.

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.

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.

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.

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.

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.

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 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.

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.**

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.

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.

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 section 604.50, F.S.

- (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 section 366.02, F.S., 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 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 section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

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.

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.

Sec. 4-56 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

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.

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); Section 373.036, F.S.
- (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; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (5) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (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.

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 50 lots or is larger than 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.

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.

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.

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.

Sec. 4-63 Inspections - General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

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.

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.

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.

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.

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**.

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 section 553.73(5), F.S., 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*.

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.

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.

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.

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 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*.

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.

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.

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 \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sections 4-86 through 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.

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.

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.

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.

Sections 4-100 through 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.

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.

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.

Sec. 4-113 Definitions

Accessory structure (Appurtenant structure) means 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 means 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 BROWARD Model FPM Ordinance & Code Amendments: Zones A Only (June, 2013) 14

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 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 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:

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.

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.

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.

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 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 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 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest adjacent grade means 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 value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the 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 section 320.01, F.S.]

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

- (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 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 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 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 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 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.

Sections 4-114 through 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.

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 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.

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.

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 50 lots or is larger than 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.

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.

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.

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.

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.

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*.

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 section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

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.

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.

Sec. 4-137 Manufactured Homes - Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 4-138 or 4-139 of this ordinance, as applicable.

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).

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 36 inches in height above grade.

Sec. 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.

Sec. 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.

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Sections 4-152 through 4-172 Reserved

SECTION 3. 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, including building permit applications and subdivision proposals, submitted on or after **the date this ordinance is adopted**.

SECTION 4. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Ordinance No. 2004-11 and Code of Ordinances, Part II, Chapter 4, - Buildings and Building Regulations, Article II – Flood Damage Prevention.

SECTION 5. 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 **Town of Southwest Ranches** Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. 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 7. EFFECTIVE DATE.

This ordinance shall take effect on **its adoption**.

PASSED on first reading on the _____ day of _____, 2014.

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 _____, 2014.

Town Council

Jeff Nelson _____

Ayes _____

Gary Jablonski _____

Nays _____

Steve Breitkreuz _____

Absent or

Freddy Fisikelli, _____

Abstaining _____

Doug McKay _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, Town Clerk

APPROVED AS TO FORM:

Keith M. Poliakoff, Town Attorney

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ORDINANCE NO. 2014-

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DIRECTING THE TOWN ADMINISTRATOR AND THE TOWN ATTORNEY TO PREPARE A NON-BINDING STRAW POLL REFERENDUM QUESTION CONCERNING HOW TO FUND THE TOWN'S TRANSPORTATION SURFACE AND DRAINAGE, ONGOING REHABILITATION PROGRAM ("TSDOR"); PROVIDING BALLOT LANGUAGE AS DELINEATED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; DIRECTING THE TOWN ADMINISTRATOR TO REQUEST THAT THIS NON-BINDING STRAW POLL QUESTION BE PLACED ON THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT, TO ENABLE THE TOWN'S ELECTORATE TO CAST A STRAW VOTE ON THIS MATTER; DIRECTING THE TOWN CLERK TO PROVIDE PROPER NOTICE FOR THIS STRAW BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has performed an extensive examination of all of the roadways within the Town; and

WHEREAS, as part of this examination the Town has developed a Transportation Surface and Drainage Ongoing Rehabilitation program ("TSDOR"), to provide for a staged resurfacing of all of the streets and roadways within the Town, including the necessary drainage improvements; and

WHEREAS, the Town must now select a funding source to pay for the TSDOR program; and

WHEREAS, the Town Council believes that the best options for funding the TSDOR program is either through a special transportation assessment or through a millage rate increase; and

WHEREAS, the Town Council desires the electorate's input on how to fund this important program; and

WHEREAS, to garner the electorate's input and to help give the Town Council some additional guidance as it relates to this matter, the Town Council desires to place these two funding mechanisms on a straw ballot for consideration by the electorate; and

WHEREAS, the Town Council has authorized the Town Administrator to seek approval from the Supervisor of Elections to have this straw ballot question be placed on the November 4, 2014 general election ballot;

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: The Town Council hereby directs the Town Administrator and Town Attorney to prepare a non-binding straw poll referendum question concerning how to fund the Town's Transportation Surface and Drainage Ongoing Rehabilitation program ("TSDOR"), as set forth in Exhibit "A" 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 this non-binding straw poll question

on the November 4, 2014 general election ballot, to allow the Town's electorate to help determine this matter.

Section 4: The Town Council hereby directs the Town Clerk to provide proper notice for the proposed non-binding straw poll referendum and to coordinate with the Supervisor of Elections to have the non-binding straw poll referendum placed on the ballot.

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 portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 7: Effective Date. This Ordinance shall be effective immediately upon its adoption.

[Signatures on Following Page]

PASSED ON FIRST READING this ___th day of _____, 2014 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ___th day of _____, 2014, on a motion made by _____ and seconded by _____.

Nelson _____
Jablonski _____
Breitkreuz _____
Fisikelli _____
McKay _____

Ayes _____
Nays _____
Absent _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

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

EXHIBIT "A"
SAMPLE BALLOT
GENERAL ELECTION
NOVEMBER 4, 2014

The Electorate will be asked the following straw ballot question:

SOUTHWEST RANCHES
NON-BINDING STRAW POLL QUESTION
FUNDING FOR THE TOWN'S TRANSPORTATION SURFACE AND DRAINAGE, ONGOING
REHABILITATION PROGRAM ("TSDOR")

The Town must select a funding source to provide for the staged resurfacing of all Town streets and roadways. The Town will select either a special assessment or a millage rate increase. A special assessment would appear as a specific non-ad valorem line item on the annual tax bill, and is not generally considered tax deductible. A millage rate increase will be included as part of the municipality's overall millage rate, and is tax deductible.

To Fund the Town's Transportation Surface AND Drainage Ongoing Rehabilitation Program ("TSDOR"), the Town should use:

Special Assessment
Millage Rate Increase

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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
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitkreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muniz, CMC, Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: Emily McCord, Community Services Coordinator

DATE: April 28, 2014

SUBJECT: Award of Quote to GW Bulldozing for Clearing and Earthwork at Country Estates Fishing Hole Park

Recommendation

To place this item on the agenda to execute a Purchase Order to clear approximately one acre of exotic trees in Country Estates Fishing Hole Park for \$12,000.

Issue

A contractor is needed to remove exotic trees and level the earth in the Town's Fishing Hole Park.

Background

The Town of Southwest Ranches occasionally receives fill for the park's development. With recent improvements, storage space has become limited. Approximately one acre of land is needed to store fill for future park development. Clete Saunier and December Lauretano-Haines identified the project limits.

With Town Council direction, staff solicited quotes. The scope of work includes completely removing and disposing of all trees, brush, stumps, roots, rubbish, debris, irrigation pipes and all other obstructions resting on or protruding through the surface of the existing ground within the project limits (0.8 acres). Upon completion of the site clearing and grubbing work, filling, re-grading and levelling the site area within the project limits.

Fiscal Impact

Funds are available in the Capital Projects Fund account #301-5300-572-63200 (Parks, Recreation and Open Spaces Infrastructure).

A breakdown of the quotes received is below:

Company	Amount
G.W. Bulldozing	\$12,000.00
Boys Engineering	\$13,250.00
Chaples Tractor	\$15,000.00
JMS Construction	\$26,973.00

Staff Contact

Emily McCord, Community Services Coordinator

RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AUTHORIZING THE ENGAGEMENT OF G.W. BULLDOZING, INC. FOR AN AMOUNT NOT TO EXCEED \$12,000 TO COMPLETE THE EARTHWORK AND TREE CLEARING IN COUNTRY ESTATES FISHING HOLE PARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town purchased the real property located at 18900 Griffin Road to develop a passive public park; and

WHEREAS, the Town has begun constructing recreational elements in the park; and

WHEREAS, the Town needs additional space to store fill for future development of the park; and

WHEREAS, the Town sought quotes to clear approximately one acre of trees and to level the dirt; and

WHEREAS, the Town received four quotes in response to the request; and

WHEREAS, G.W. Bulldozing, Inc. has provided the lowest-priced responsive and responsible quote; and

WHEREAS, the Town of Southwest Ranches desires to issue a purchase order for this work; and

WHEREAS, as per the Town's Procurement Code, the Town Administrator needs Town Council approval to authorize work greater than \$10,000.

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 authorizes the engagement of G.W. Bulldozing, Inc., for an amount not to exceed \$12,000 to clear an approximately one acre of trees and to level the dirt in the County Estates Fishing Hole Park.

Section 3. That 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 _____, _____ on a motion by _____ and seconded by _____.

Nelson _____
Jablonski _____
Breitkreuz _____
Fisikelli _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

Attest:

Russell Muñiz, CMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

April 10, 2014

13400 Griffin Road

Present:

Mayor Jeff Nelson

Andrew Berns, Town Administrator

Vice Mayor Gary Jablonski

Keith Poliakoff, Town Attorney

Council Member Doug McKay

Russell Muñiz, Town Clerk

Council Member Freddy Fisikelli

Martin Sherwood, Town Financial Administrator

Council Member Steve Breitreuz

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 Nelson at 7:08 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Proclamation – Water Conservation Month – April 2014

Mayor Nelson read the proclamation into the record.

4. Presentation – Eagle Scout Project – Richard John Huse

Eagle Scout Richard John Huse presented his project to the Town Council. The project consisted of a horse corral that will be located in Fishing Hole Park.

5. Presentation – Update – Strategic Planning Process

Town Administrator Berns provided the Town Council with an update on the strategic planning process. He indicated that the next step would be formulating objectives from the goals that have been identified, and presented the Town Council with concept drafts of the vision statement.

6. Public Comment – The following members of the public addressed the Town Council: Vince Falletta, Jim Laskey, Mike Hanley, Eduard Gomez, Barry Neunzig, Mary Gay Chaples, and Newell Hollingsworth.

7. Board Reports –Mary Gay Chaples spoke about the renaming of Fishing Hole Park and gave an update on the construction of the park with an anticipated completion by September 2014.

8. Council Member Comments

Council Member McKay felt that the Town needed to be careful what grants the Town applied for and indicated that he did not support applying for a "Tiger" grant at this time.

Council Member Fisikelli spoke about the traffic issues and felt that 184th Avenue was the Town's only solution. He also stated we need to have a plan prior to moving forward. Further, he gave an update on the upcoming projects at Fishing Hole Park. He asked for support on a resolution

presented on behalf of the Drainage and Infrastructure Advisory Board to ensure that the Transportation Surface and Drainage Ongoing Rehabilitation (TSDOR) program provide for the resurfacing of the roadway system in its entirety over a finite period of time.

Vice Mayor Jablonski spoke about ideas he and the Town Administrator were working on regarding the scholarship program. He also agreed that the Town needed a plan in place for SW 184 Avenue before we move forward.

Council Member Breitzkreuz asked for a report on the activity occurring on Mr. Gomez's property. He agreed with Council Member McKay that a plan, and consensus needed to be acquired before any grants should be applied for regarding roadway improvements. Spoke about the upcoming Chili Cook-off event.

Mayor Nelson congratulated Bob Busch for his service on the Drainage and Infrastructure Advisory Board. He spoke about the past issues with traffic on 199th Avenue and the gates that were installed, and also reflected on past Council discussions regarding 184th Avenue and believed that no consensus was reached at that time. Regarding the issues with Mr. Gomez's property he reassured him that the Town would look into it and get to the bottom of it.

9. Legal Comments

Town Attorney Poliakoff gave a brief legislative update from the session he attended in Tallahassee. He also provided an update on litigation activity.

10. Administration Comments

The Town Administrator indicated that he would be attending a meeting in Sunrise for cities involved in litigation with the County regarding the Resource Recovery Board. He advised that if ballot language regarding TSDOR were to be considered for the November election he needed direction to bring forward a resolution.

Town Attorney Poliakoff recommended that an ordinance be brought forward in May. The Town Council indicated their support for an ordinance.

Town Administrator Berns asked the Town Council for feedback on a revised policy for the School Education Advisory Board scholarship. He further advised that staff will be looking into Mr. Gomez's concerns. He reminded Town Council about the Household Hazardous Waste and shredding event at Rolling Oaks Park on Saturday April 12th. He asked Vice-Mayor Jablonski to mention the Egg Hunt at Rolling Oaks Park on Sunday April 13th.

11. Adjournment – Meeting was adjourned at 8:45 p.m.

Respectfully submitted:

Russell Muñiz, MMC, Town Clerk

*Adopted by the Town Council on
this 8th day of May, 2014.*

Jeff Nelson, 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.

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ORDINANCE NO. 2014 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTHWEST RANCHES; PROPOSING TO AMEND ARTICLE II, ENTITLED "TOWN COUNCIL; MAYOR", AND IN PARTICULAR SECTION 2.07 ENTITLED "COMPENSATION; REIMBURSEMENT FOR EXPENSES" BY CREATING SECTION 2.07(c) TO RECOGNIZE THAT THE OFFICES OF MAYOR AND COUNCIL MEMBER ARE PART-TIME POSITIONS AND AS SUCH THE MAYOR AND COUNCIL MEMBER SHALL BE PERMITTED TO ENGAGE IN OUTSIDE/CONCURRENT EMPLOYMENT CONSISTENT WITH CHAPTER 112, F.S.; AMENDING ARTICLE VIII, "ENTITLED GENERAL PROVISIONS" BY CREATING SECTION 8.08 ENTITLED "BOARDS AND COMMITTEES" TO ESTABLISH BOARDS AND COMMITTEES AND TO RECOGNIZE THAT MEMBERS OF TOWN BOARDS AND COMMITTEES SHALL BE PERMITTED TO ENGAGE IN OUTSIDE/CONCURRENT EMPLOYMENT CONSISTENT WITH CHAPTER 112, F.S.; PROVIDING THAT ANY DISCLOSURES ASSOCIATED WITH SUCH OUTSIDE/CONCURRENT EMPLOYMENT SHALL BE CONSISTENT WITH AND LIMITED TO THE REQUIREMENTS OF CHAPTER 112, F.S., AMENDING ARTICLE VIII, "ENTITLED GENERAL PROVISIONS" BY CREATING SECTION 8.09 ENTITLED "LOBBY OR LOBBYIST" TO CLARIFY THAT THESE TERMS DO NOT INCLUDE UNCOMPENSATED RESIDENTS WHO ARE ADVOCATING ON BEHALF OF THEMSELVES OR FOR OTHER TOWN RESIDENTS; 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 NEXT ELECTION OF NOVEMBER 4, 2014; 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 4, 2014, general election ballot, to allow the Town's electorate to determine if the Charter should be amended; and

WHEREAS, Article II, Section 2.07 of the Charter of the Town's Charter provides for compensation for the Mayor and members of the Town Council; and

WHEREAS, the positions of Mayor and members of the Town Council are part-time positions with the individuals serving in such positions receiving limited compensation for their public service; and

WHEREAS, Chapter 112, F.S., authorizes public officers, including elected officials, to engage in outside/concurrent employment not otherwise inconsistent with Florida law, and establishes specific financial disclosure requirements for such individuals; and

WHEREAS, the Town Council of the Town of Southwest Ranches finds it to be in the best interests of the citizens and residents of the Town to embrace such provisions of Chapter 112, F.S., in the Town's Charter, and to allow such outside/concurrent employment, solely limited to the provisions of Chapter 112, F.S., as may be applicable, and as may be amended from time to time; and

WHEREAS, the Town Council desires for its Charter to be amended to specifically provide for the establishment of Boards and Committees; and

WHEREAS, the Town's board and committee members serve in a voluntary and part-time capacity and that they receive no compensation for their public service; and

WHEREAS, the Town Council finds it to be in the best interests of the citizens and residents of the Town to amend its Charter to reflect that Town board and committee members are allowed to engage in outside/concurrent employment, solely limited to the provisions of Chapter 112, F.S., as may be applicable, and as may be amended from time to time.

WHEREAS, the Town Council also finds it to be in the best interests of the citizens and residents of the Town to amend its Charter to reflect that the definition of the terms "lobby" or "lobbyist", as may be applicable to the Town, shall not include uncompensated residents who are simply advocating for themselves or for other Town residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION 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 4, 2014, general election ballot, to allow the Town's electorate to determine if the Charter should be amended.

Section 4. 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 5. 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 effecting the validity of the other provisions of this Ordinance.

Section 6. 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 7. Effective Date.

That this Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING this ____ day of _____, 2014 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2014 on a motion made by _____ and seconded by _____.

Nelson	_____	Ayes	_____
Jablonski	_____	Nays	_____
McKay	_____	Absent	_____
Fisikelli	_____	Abstaining	_____
Breitkreuz	_____		

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

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

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EXHIBIT "A"

CHARTER AMENDMENTS

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

1. Section 2.07. – Compensation; reimbursement for expenses.

...

(c) The positions of Mayor and Council member shall be part-time positions, and the individuals serving in such positions shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., as applicable and as may be amended. Any required disclosures associated with such outside/concurrent employment shall be consistent with and limited to the requirements of Chapter 112, F.S., as may be amended.

....

2. Section 8.08. – Boards and Committees.

(a) The Town Council may establish, from time to time as it deems necessary and appropriate, boards and committees to provide advice or recommendations to the Town Council or to render decisions on certain matters delegated by the Town Council.

(b) Service on the Town's boards and committees shall be voluntary and part-time. Individuals serving on Town boards and committees shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., as applicable and as may be amended. Any required disclosures associated with such outside/concurrent employment shall be consistent with and limited to the requirements of Chapter 112, F.S., as may be amended from time to time.

3. Section 8.09. – Lobby or Lobbyists.

The definition of the terms "lobby" or "lobbyist", as may be applicable to the Town, shall not include uncompensated residents who are simply advocating for themselves or for other Town residents.

EXHIBIT "B"

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

SOUTHWEST RANCHES
AMENDMENT #1

TOWN ELECTED OFFICIALS SERVE PART-TIME AND MAY BE
CONCURRENTLY EMPLOYED PURSUANT TO FLORIDA LAW.

Should the Charter of the Town of Southwest Ranches recognize that service on the Town Council be recognized as a part-time position whereby the Town's elected officials shall be permitted to engage in outside/concurrent employment consistent with Florida law provided that any disclosures associated with such employment shall be consistent with and limited to the requirements of Florida law?

Shall the above-described amendment be adopted?

YES

NO

SOUTHWEST RANCHES
AMENDMENT #2

TOWN BOARD AND COMMITTEE MEMBER SERVICE IS VOLUNTARY AND
MEMBERS MAY BE CONCURRENTLY EMPLOYED PURSUANT TO FLORIDA
LAW.

Should the Charter of the Town of Southwest Ranches recognize the establishment of boards and committees and should such service on Town board and committees be recognized as voluntary and part-time position whereby the members on such boards and committees shall be permitted to engage in outside/concurrent employment consistent with Florida law provided that any disclosures associated with such employment shall be consistent with and limited to the requirements of Florida law?

Shall the above-described amendment be adopted?

YES
NO

SOUTHWEST RANCHES
AMENDMENT #3

AN UNCOMPENSATED RESIDENT WHO ADVOCATES A POSTION ON BEHALF OF THEMSELVES OR FOR ANOTHER RESIDENT IS NOT A LOBBYIST.

Should the Charter of the Town of Southwest Ranches recognize that the terms "lobby" or "lobbyist", as may be applicable to the Town, should not include uncompensated residents who are simply advocating for themselves or for other residents within the Town.

Shall the above-described amendment be adopted?

YES
NO

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