



CITY OF TAMARAC
NOTICE OF WORKSHOP MEETING
CITY COMMISSION OF TAMARAC, FL
City Hall - Conference Room 105
January 25, 2016

CALL TO ORDER:

9:30 a.m.

ROLL CALL:

PLEDGE OF ALLEGIANCE:

Vice Mayor Diane Glasser

1. Presentation and Discussion - Broward County Cannabis Ordinance

Presentation and Discussion - Broward County Cannabis Ordinance - **Assistant County Administrator, Alphonso Jefferson, Jr. and Human Services Director Kimm Campbell**

2. TO2337 - Redistricting Ordinance

Item No, 8 (c) on Ordinances First Reading. (TO2337) An Ordinance of the City of Tamarac, Florida, providing for the re-creation and re-establishment of the geographic boundaries for four (4) Election Districts in the City of Tamarac in accordance with Section 6.03 of the City Charter; providing for the implementation of revised Election Districts to be effective for the elections to be held in the City of Tamarac, Florida, commencing at the General Municipal Election in November, 2016, and thereafter; providing a form of request to the Supervisor of Elections of Broward County, Florida, to implement the revised plan established pursuant to this Re-districting Ordinance and to create functional districts consistent with the identification of geographic boundaries for Election Districts; providing for the attachment of Election District Maps, Charts and street address descriptions, which are attached hereto as Exhibit "A" and incorporated herein by reference; providing for authorization and direction to the City Manager to implement the terms, conditions and provisions of this Ordinance to be effective for the next ensuing General Municipal Election of November 2016; providing for conflicts; providing for severability; providing for codification; and providing for an effective date. - **City Attorney Samuel S. Goren, FAU Adjunct Professor and Project Manager Michael D. Stamm, Jr. and Center for Urban & Environmental Solutions Computer Systems Analyst Asher Soldwedel**

3. Update Regarding E911 System

Update Regarding E911 System - **Fire Chief Mike Burton**

4. TO 2336 - Fire Pension Plan Amendment

Item 8 (a) on Ordinances First Reading. (TO2336) An Ordinance of the City Commission of the City of Tamarac, Florida; amending Chapter 16, Pensions and Retirement, Article VI, Pension Plan; amending Section 16-493 Optional Benefits, providing for modification of DROP eligibility; amending Section 16-515 Retirement Subsidy, providing for modification of retirement subsidy;

amending Section 16-516 Supplemental Pension Benefit, providing for modification of supplemental pension; providing for a savings clause; providing for severability; providing for codification and providing for an effective date. - **Human Resources Director Maria Swanson**

5. TO2335 - Ordinance Creating a Planned Development (PD) District

Item No. 8 (b) on Ordinances First Reading. (TO2335) An Ordinance of the City Commission of the City of Tamarac, Florida amending Chapter 24, entitled "Zoning", Article III entitled "District Regulations" of the City of Tamarac Code of Ordinances, specifically creating Division 27 entitled "PD Planned Development District", providing for a new zoning designation to allow for flexibility in development standards on Master Planned Developments within the City to include the following Sections: 24-542 "Purpose, Applicability and Creation of PD District", 24-543 "Rezoning to the PD District", 24-544 "General Standards for Planned Development District", and 24-545 "Minor Deviations and Amendments to Approved PD Plan/Agreement"; providing for codification; providing for conflicts; providing for severability; and providing for an effective date. - **Community Development Director Maxine Calloway**

Commission District(s): City-wide

The City Commission may consider and act upon such other business as may come before it. In the event this agenda must be revised, such revised copies will be available to the public at the City Commission meeting.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans with Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the City Clerk's Office at (954) 597-3505 of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service at either of the following numbers: 1-800-955-8770 or 1-800-955-8771.



Patricia Teufel, CMC
City Clerk



Title - 9:30 a.m.

9:30 a.m.



Title - Vice Mayor Diane Glasser

Vice Mayor Diane Glasser



Title - Presentation and Discussion - Broward County Cannabis Ordinance

Presentation and Discussion - Broward County Cannabis Ordinance - **Assistant County Administrator, Alphonso Jefferson, Jr. and Human Services Director Kimm Campbell**



Title - TO2337 - Redistricting Ordinance

Item No, 8 (c) on Ordinances First Reading. (TO2337) An Ordinance of the City of Tamarac, Florida, providing for the re-creation and re-establishment of the geographic boundaries for four (4) Election Districts in the City of Tamarac in accordance with Section 6.03 of the City Charter; providing for the implementation of revised Election Districts to be effective for the elections to be held in the City of Tamarac, Florida, commencing at the General Municipal Election in November, 2016, and thereafter; providing a form of request to the Supervisor of Elections of Broward County, Florida, to implement the revised plan established pursuant to this Re-districting Ordinance and to create functional districts consistent with the identification of geographic boundaries for Election Districts; providing for the attachment of Election District Maps, Charts and street address descriptions, which are attached hereto as Exhibit "A" and incorporated herein by reference; providing for authorization and direction to the City Manager to implement the terms, conditions and provisions of this Ordinance to be effective for the next ensuing General Municipal Election of November 2016; providing for conflicts; providing for severability; providing for codification; and providing for an effective date. - ***City Attorney Samuel S. Goren, FAU Adjunct Professor and Project Manager Michael D. Stamm, Jr. and Center for Urban & Environmental Solutions Computer Systems Analyst Asher Soldwedel***

ATTACHMENTS:

| Description | Upload Date | Type |
|--|--------------------|-----------------|
| ❏ TO2337 Memo | 1/20/2016 | Cover Memo |
| ❏ TO2337 Redistricting Ordinance | 1/21/2016 | Ordinance |
| ❏ Redistricting Options Executive Report | 1/21/2016 | Backup Material |

**CITY OF TAMARAC
INTEROFFICE MEMORANDUM
CITY CLERK**

**TO: Michael Cernech,
City Manager**

DATE: January 15, 2016

**FROM: Patricia Teufel,
City Clerk**

RE: TO2337 – Redistricting Ordinance

Recommendation: Present redistricting options to the Mayor and Commission for the re-creation and re-establishment of the geographic boundaries for four (4) election districts in the City of Tamarac in accordance Section 6.03 of the City Charter and direct the City Clerk to forward the adopted re-districting option to the Broward County Supervisor of Elections.

Issue: Redistricting based on population percentages. According to Section 6.03 of the Charter, districts must fall between 22.5% and 27.5% of the City's total population and Districts 2 and 3 do not fall within those parameters.

Background: Ordinance No. O-99-10, adopted on May 26, 1999, and approved by referendum on March 14, 2000 required the City to redistrict based on the population of each district.

Section 6.03 of the City Charter provides for the periodic review and redistricting of the City's election districts. After the November 2014 general election it was determined that redistricting was necessary because Districts 2 and 3 did not fall within the parameters set forth in Section 6.03.

In November 2015, the City engaged Florida Atlantic University (FAU), a four year university located within the State of Florida, to review the City's election districts and coordinate the preparation of redistricting options to ensure that the City's districts are of equal population, compact, proportional and logically related to the natural internal boundaries of the neighborhoods of the City.

FAU conducted a comprehensive review of the City's districts, considering a number of factors including, but not limited to, future growth, minority representation, and continuity, and have offered three (3) options for the City Commission to consider.

Fiscal Impact:

Based upon conversations with the Broward County Supervisor of Elections Office, no fiscal impact to the City of Tamarac is expected.

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF TAMARAC, FLORIDA, PROVIDING FOR THE RE-CREATION AND RE-ESTABLISHMENT OF THE GEOGRAPHIC BOUNDARIES FOR FOUR (4) ELECTION DISTRICTS IN THE CITY OF TAMARAC IN ACCORDANCE WITH SECTION 6.03 OF THE CITY CHARTER; PROVIDING FOR THE IMPLEMENTATION OF REVISED ELECTION DISTRICTS TO BE EFFECTIVE FOR THE ELECTIONS TO BE HELD IN THE CITY OF TAMARAC, FLORIDA, COMMENCING AT THE GENERAL MUNICIPAL ELECTION IN NOVEMBER, 2016, AND THEREAFTER; PROVIDING A FORM OF REQUEST TO THE SUPERVISOR OF ELECTIONS OF BROWARD COUNTY, FLORIDA, TO IMPLEMENT THE REVISED PLAN ESTABLISHED PURSUANT TO THIS REDISTRICTING ORDINANCE AND TO CREATE FUNCTIONAL DISTRICTS CONSISTENT WITH THE IDENTIFICATION OF GEOGRAPHIC BOUNDARIES FOR ELECTION DISTRICTS; PROVIDING FOR THE ATTACHMENT OF ELECTION DISTRICT MAPS, CHARTS AND STREET ADDRESS DESCRIPTIONS, WHICH ARE ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE; PROVIDING FOR AUTHORIZATION AND DIRECTION TO THE CITY MANAGER TO IMPLEMENT THE TERMS, CONDITIONS AND PROVISIONS OF THIS ORDINANCE TO BE EFFECTIVE FOR THE NEXT ENSUING GENERAL MUNICIPAL ELECTION OF NOVEMBER 2016; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 6.02 of the City Charter of the City of Tamarac, Florida (the "City"), provides for four (4) separate "political districts" within the City to known as districts One, Two, Three and Four; and

WHEREAS, Section 6.03 of the City Charter provides for the periodic review and redistricting of the City's election districts; and

WHEREAS, Ordinance No. O-99-10, adopted on May 26, 1999, and approved

by referendum on March 14, 2000 required the City to redistrict based on the population of each district; and

WHEREAS, on or about November 9, 2015, the City engaged Florida Atlantic University ("FAU"), a four (4) year university or educational research institution located within the State of Florida, to review the City's election districts and coordinate the preparation of redistricting options to ensure that the City's districts are of equal population, compact, proportional and logically related to the natural internal boundaries of the neighborhoods of the City; and

WHEREAS, FAU conducted a thorough and comprehensive review of the City's districts, considering a number of factors including, but not limited to, future growth, minority representation, and continuity, and offered three (3) options for the City Commission to consider; and

WHEREAS, the City Commission, after considering the input of its expert FAU consultants and the public, it has determined that adopting the redistricting option attached hereto as Exhibit "A", to be effective for the November 2016 general municipal election, is in the best interests of the citizens and residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA; 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. All exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. (a) The City Commission specifically finds and determines that the City, through its Administration, has complied with Charter Section 6.03 wherein the City's election districts have been comprehensively reviewed based on population pursuant to a contract between the City of Tamarac and Florida Atlantic University.

(b) The City Commission hereby ratifies, confirms and adopts the findings, conclusions, and recommendations prepared by FAU, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. The City Commission further finds, determines and concludes that the State of Florida Election Code, Chapters 97 and 106, Florida Statutes, as amended, specifically applies to the City's implementation of revised election districts in the City of Tamarac, consistent with this Ordinance and the applicable sections of the City Charter.

Section 4. (a) The City Commission further acknowledges the requirements of Sections 101.001 and 101.002, Florida Statutes, as amended, as the same is presently constituted, or as may be later amended, which specifies that the Board of County Commissioners of Broward County, Florida, upon recommendation and approval of the Supervisor of Elections of Broward County, Florida, shall have the power and authority to alter or create new election districts or precincts.

(b) Based upon the requirements of Section 101.001 and 101.002, Florida Statutes, the City Administration is further authorized and directed to transmit a certified copy of this Ordinance along with such maps, charts, graphic descriptions and street addresses for the revised election districts adopted herein, to the Supervisor of

Elections of Broward County, Florida within such time as may be necessary and required to implement the terms, conditions and provisions of the election districts adopted and promulgated by this Ordinance for the next General Municipal Election of November 2016.

Section 5. The City Commission further recognizes and concludes that in compliance with Section 101.001 and 101.002, Florida Statutes, and other applicable Sections of the State of Florida Election Code, that precincts in the City of Tamarac shall be altered, modified or increased to conform to the requirements imposed for district elections and for the creation, division, abolition or consolidation of the boundaries of election districts, pursuant to General Law only and this implementing Ordinance.

Section 6. The City of Tamarac, through its City Commission and City Administration, hereby formally requests the Supervisor of Elections of Broward County, Florida to implement the plan of election districts established by this Ordinance and to create such functional revised election districts pursuant to this Ordinance as may be consistent with the State of Florida Election Code and the terms, conditions and provisions of this Ordinance.

Section 7. Conflicts. All ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Severability. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,

such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED, FIRST READING this ____ day of _____, 2016.

PASSED, SECOND READING this ____ day of _____, 2016.

ATTEST: BY: _____
MAYOR HARRY DRESSLER

PATRICIA TEUFEL, CMC

CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

| | |
|-----------------------|-------|
| MAYOR DRESSLER | _____ |
| DIST 1: COMM BUSHNELL | _____ |
| DIST 2: V/M GLASSER | _____ |
| DIST 3: COMM. GOMEZ | _____ |
| DIST 4: COMM PLACKO | _____ |

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

SAMUEL S. GOREN
CITY ATTORNEY

| | |
|---------------------|-------|
| MAYOR DRESSLER | _____ |
| DIST 1: BUSHNELL | _____ |
| DIST 2: V/M GLASSER | _____ |
| DIST 3: COMM. GOMEZ | _____ |
| DIST 4: COMM PLACKO | _____ |

EXHIBIT "A"

TO BE PROVIDED ON JANUARY 27, 2016

2015 CITY COMMISSION REDISTRICTING
FOR THE CITY OF TAMARAC
Redistricting Options Executive Report
1-19-2016



CENTER FOR URBAN &
ENVIRONMENTAL SOLUTIONS
Florida Atlantic University

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Executive Summary

The City of Tamarac contracted with Florida Atlantic University (FAU) to review the current voting districts (which were formerly based on the City's total registered voters) using 2010 United States Census population totals and, if needed, to create new voting districts that are based on the total population for the City.

The Center for Urban & Environmental Solutions (CUES) redistricting team at FAU completed the analysis and determined that redistricting was necessary. CUES then created three (3) new city commission district boundaries options for the City to choose from. The new districts will be presented to the City Commission and adopted by ordinance.

The Center for Urban & Environmental Solutions

CUES is a research center that resides within the School of Urban & Regional Planning in the College for Design and Social Inquiry at Florida Atlantic University. For the past 15 years its redistricting team (formally within the VPT Lab at the same School) has conducted many district analyses and redistricting projects for local municipalities. For this project, the CUES redistricting team is composed of two faculty members; Dr. Jesse Saginor, CUES Research Associate and Associate Professor at the School of Urban & Regional Planning (SURP), and Asher Soldwedel, CUES Computer Systems Analyst and SURP Faculty Research Assistant; Adjunct Professor and Project Manager, Michael Stamm; and two graduate research assistants, Alexis Peña and Conor Campobasso.

The City Charter

A City Charter provides guidance and restrictions on how a municipality may be divided into city commission districts. There are two areas within the City Charter for the City of Tamarac that provided guidance and were of particular importance to this project.

Redistricting Using Total Population Instead of Registered Voters

As of today according to Article VI, Section 6.03 of the City of Tamarac City Charter, as published in *Municode* (a private internet municipal document library contracted by the City), election districts should be drawn based on registered voters.

However, during the 2000 Presidential Primary, the City, per Ordinance No. O-99-10, placed a charter amendment question on the ballot for voters of the City of Tamarac. The ballot question asked voters to allow the City to draw election districts based on the City's total population instead of registered voters. The ballot question read as follows:

Should section 6.03 of the Tamarac Charter be amended so that redistricting of voting districts will be based on the population of each district and not the number of registered voters in each district?

On March 14, 2000, over 73% of the voters voted in favor of amending the charter to use current population for voting districts. The charter amendment thereby was adopted on that date as outlined in Ordinance No. O-99-10.

The VPT Lab, through the City Clerk's office, requested a legal opinion as it pertains to the discrepancy between the above adopted ordinance and the language displayed on the Municode website. The legal opinion by the City Attorney's Office provides the legal basis for redistricting. Please see Exhibit 1.

Given this decision by the City Attorney's Office in favor of the citizen-approved Ordinance No. O-99-10, for the district analysis and redistricting of the City of Tamarac's commission districts, the VPT Lab will use the total population of the City according to the 2010 US Census and not the total registered voters as its population count.

Using A Maximum 2.5% Deviation Above and Below the District Population Average

The District Population Average (DPA) is the ideal district size if all districts were the same size. In the case of the City of Tamarac with four commissioners (not including the Mayor), the DPA is exactly 25% of the total population of the city.

The Established redistricting criteria (as noted on the VPT Lab's project proposal) requires that there must be no more than a total ten percent (10%) deviation from the District Population Average (DPA) or ideal district size. In fact, acceptable districts may be as much as 9% above the DPA (for the district with highest population) as long as the district with the lowest population is no more than 1% below the DPA. In other words, the 10% allowable deviation normally is a sliding range above and below the DPA.

However, according to section 6.03 of the Tamarac City Charter, districts must fall between 22.50 % of the City population and 27.50 % of the City's population. This not only results in a total acceptable population deviation of 5% but also a set range of only 2.5% deviation above and below the District Population Average of 25% for the City of Tamarac.

Therefore, for the district analysis and redistricting of the City of Tamarac's commission districts, the VPT Lab will use the required maximum 2.5% deviation above and below the District Population Average as outlined in the City Charter as an indicator for acceptable districts.

Annexation

It also should be noted that in order to approximate the 2015 District Population Average for the City of Tamarac, the VPT Lab had to first calculate the 2010 Census population census total for the City's current city boundary.

The current 2015 City of Tamarac municipal boundary file provided by the City includes an area south of Fort Lauderdale Executive Airport and east of NW 31st Avenue that was annexed into the City *after the 2010 Census* data collection. This area consists of two communities and 495 people (Tuscan Villas and Prospect Park).

Therefore, for the district analysis and redistricting of the City of Tamarac's commission districts, the VPT Lab will include both the Tuscan Villas and Prospect Park communities in its population estimates.

District Analysis Findings

Table 1: 2015 District Population Analysis

| District Number | District Population | Percentage of the Total City Population | Percentage Deviation from the DPA |
|-----------------|---------------------|---|-----------------------------------|
| District 1 | 14,744 | 24.20% | -.80% |
| District 2 | 17,541 | 28.79% | 3.79% |
| District 3 | 12,716 | 20.87% | -4.13% |
| District 4 | 15,921 | 26.14% | 1.14% |

Using Geographic Information Systems (GIS) software to identify all of the US 2010 Census blocks that reside within the current City boundary and in each commission district, the VPT Lab analyzed the current Commission district populations and found that:

1. The 2015 total population for the purpose of redistricting the City of Tamarac is 60,922 people.
2. The population count includes the population (495 people) from the area annexed into the City after the 2010 Census Count.
3. The District Population Average (DPA) is approximately 15,230 persons ($60,922 \times .25$).
4. The district with the highest population (District 2) had a population of 17,541 people or 28.79% of the population.
5. The district with the lowest population (District 3) had a population of 12,716 people or 20.87% of the population.
6. The percentage deviation from the DPA for both District 2 and District 3 exceed the maximum 2.5% deviation threshold established in the City's charter, requiring that redistricting occur to balance the districts.

For further information about how the analysis was conducted please see the full "District Analysis Interim Report" dated 12-29-2015.

Redistricting Criteria

The following established redistricting criteria were agreed on by the CUES redistricting team and the City to guide the redistricting effort:

1. Population Equality Standard Criteria

- Districts must have approximately the same number of people when all persons, regardless of age, are counted. The ideal district population size is based on the total population divided by the amount of districts (4).
- Districts must fall between 22.50 % of the City population and 27.50 % of the City's population per the City of Tamarac Charter. *
- Potential future development should be reviewed and incorporated in order to maintain district size.

2. Geographic Criteria

- Districts must be reasonably compact, to prevent gerrymandering and provide citizens a more identifiable district.
- Districts must be composed of contiguous territory.
- Districts should attempt to preserve integrity of communities of interest, including neighborhood associations or ethnic or religious enclaves.

3) Political Criteria

- Minimize the degree of change in pre-existing patterns of districts, to promote continuity of citizen identification with a district.

4) Political-Geographic Criteria

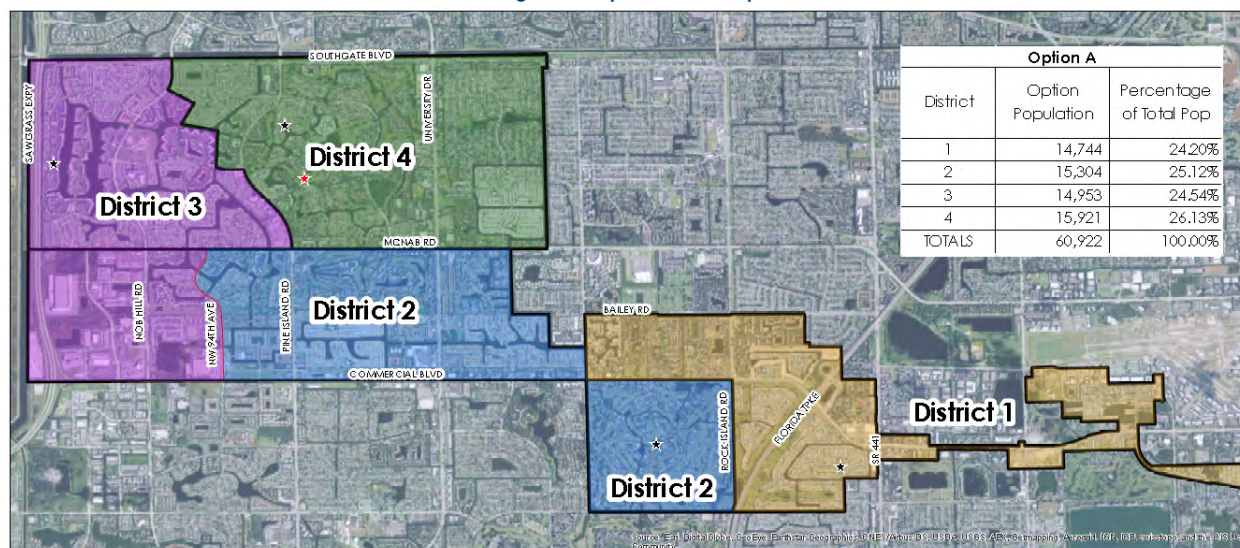
- Avoid placing any two incumbents in a single district; this is recognized as a legitimate goal.

**Amended to recognize the range set by the City Charter from a standard 10% overall deviation.*

CUES Created Redistricting Options

Option A

Image 1: Option A Map

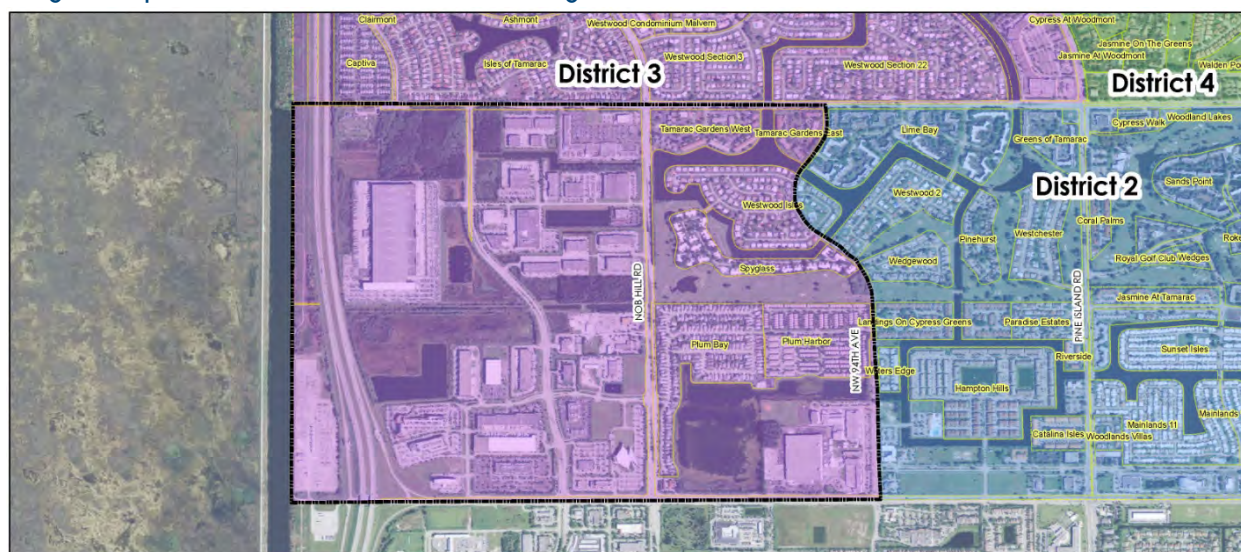


Option A Description

In this redistricting option, District 1 and 4 remain unchanged. The only changes proposed in this option occur between District 2 and District 3.

From District 2, 2,209 people residing west of 94th Avenue from the Plum Bay, Plum Harbor, Spyglass, Tamarac Gardens East and Tamarac Gardens West communities are moved to District 3. Also a portion of the Westwood Isles Community is moved into District 3. This move is represented on the **Option A Map** by the left portion of District 2 now being shaded purple for the area that would move to District 3. See Image 1 above. Image 2 is a close up of this area.

Image 2: Option A District 2 to District 3 Change Area



Option A Analysis

| City of Tamarac - Redistricting Option A | | | | |
|--|---------------------|---|--------------------------------|-------------------------------|
| Total Population | 60,922 | Total Deviation From DPA: | | 1.93 |
| Ideal District Size (60,922/4) | 15,230 | | | |
| Commission District | District Population | Percentage of the Total City Population (22.50 Min , 27.50 Max) | Population Difference from DPA | Percentage Deviation from DPA |
| District 1 | 14,744 | 24.20% | -486 | -0.80% |
| District 2 | 15,304 | 25.12% | 74 | 0.12% |
| District 3 | 14,953 | 24.54% | -277 | -0.45% |
| District 4 | 15,921 | 26.13% | 691 | 1.13% |

Option A Criteria Evaluation

Criteria 1: Population

This option meets this criterion. The population within each district falls within the allowed 22.5 to 27.5 percent limit. This option lowers the total variance between Districts from 7.92% to 1.93%. It is anticipated that District 1 will see the most growth over the next few years as development within the Central Parc communities is occupied. District 1 has the least amount of population of the four districts.

Criteria 2: Geographic

This option meets the criteria for being both contiguous and compact. Boundaries between districts are canals, large easements and roadways.

Criteria 3: Political

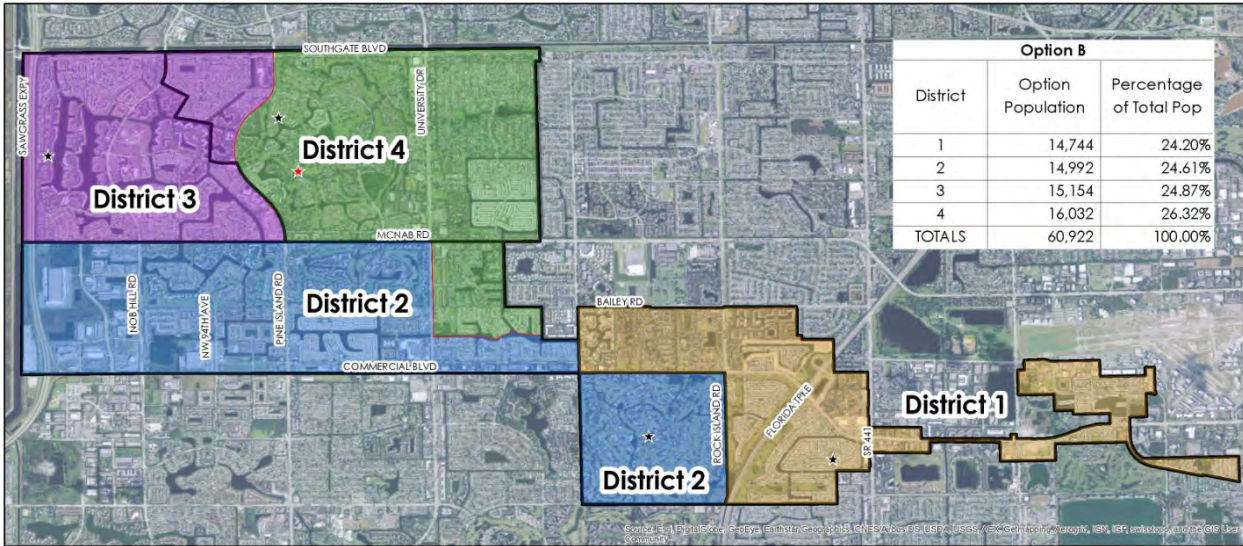
This option mostly meets this criterion. Identification with the current district is maintained as much as possible with only a limited number of communities changing Districts. The lone exception is that Westwood Isles is split between District 2 and District 3.

Criteria 4: Political-Geographic

The districts meet this criterion. No two commissioner residences are in a single district.

Option B

Image 3: Option B Map



Option B Description

Three Districts are changed in this proposed option and the boundaries between districts become easier to identify. District 1 remains unchanged in this option.

From District 4, 2,438 people that reside in Hidden Harbor, Heftler Homes Westwood Section 23, Prestige Condominiums and Spring Lake are moved District 3. This proposed change moves all of the communities west of Pine Island Road into District 3. See Images 3 and 4.

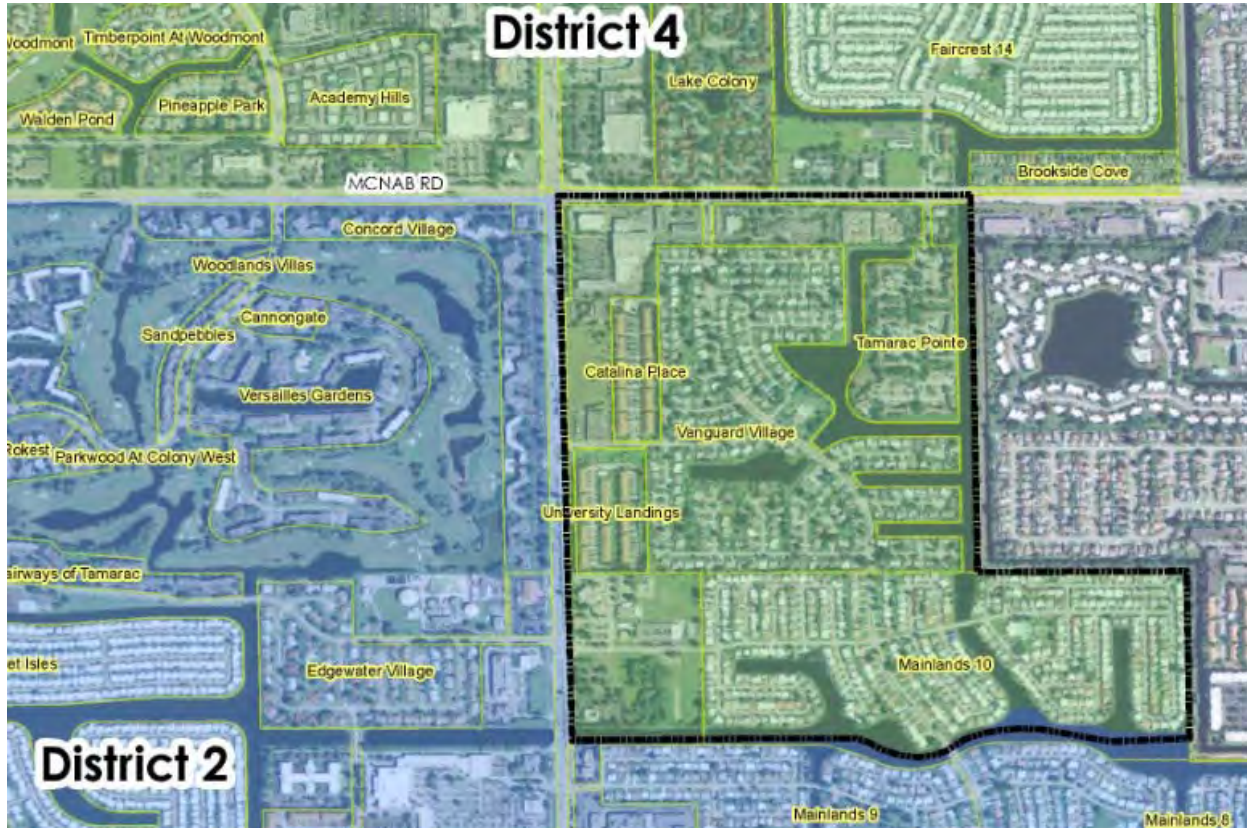
Image 4: Option B District 4 to District 3 Change Area



Option B Description *continued*

From District 2, 2,549 people that reside in Mainlands 10, University Landings, Catalina Place, Vanguard Village and Tamarac Pointe are moved to District 4. This results in the eastern boundary between District 2 and District 4 being outlined by McNab Road, University Drive, the large canal that is north of Mainlands 9 and south of Mainlands 10 and then back to the original municipal boundary. See Image 5.

Image 5: Option B District 2 to District 4 Change Area



Option B Analysis

| City of Tamarac - Redistricting Option B | | | | |
|--|---------------------|---|--------------------------------|-------------------------------|
| Total Population | 60,922 | Total Deviation From DPA: | | 2.12 |
| Ideal District Size (60,922/4) | 15,230 | | | |
| Commission District | District Population | Percentage of the Total City Population (22.50 Min , 27.50 Max) | Population Difference from DPA | Percentage Deviation from DPA |
| District 1 | 14,744 | 24.20% | -486 | -0.80% |
| District 2 | 14,992 | 24.61% | -238 | -0.39% |
| District 3 | 15,154 | 24.87% | -76 | -0.12% |
| District 4 | 16,032 | 26.32% | 802 | 1.32% |

Option B Criteria Evaluation

Criteria 1: Population

This option meets this criterion. The population within each district falls within the allowed 22.5 to 27.5 percent limit. This option lowers the total variance between Districts from 7.92% to 2.12%. It is anticipated that District 1 will see the most growth over the next few years as development within the Central Parc Communities is occupied. District 1 has the least amount of population of the four districts.

Criteria 2: Geographic

This option meets the criteria for being both contiguous and compact. Boundaries between districts are canals, large easements and roadways.

Criteria 3: Political

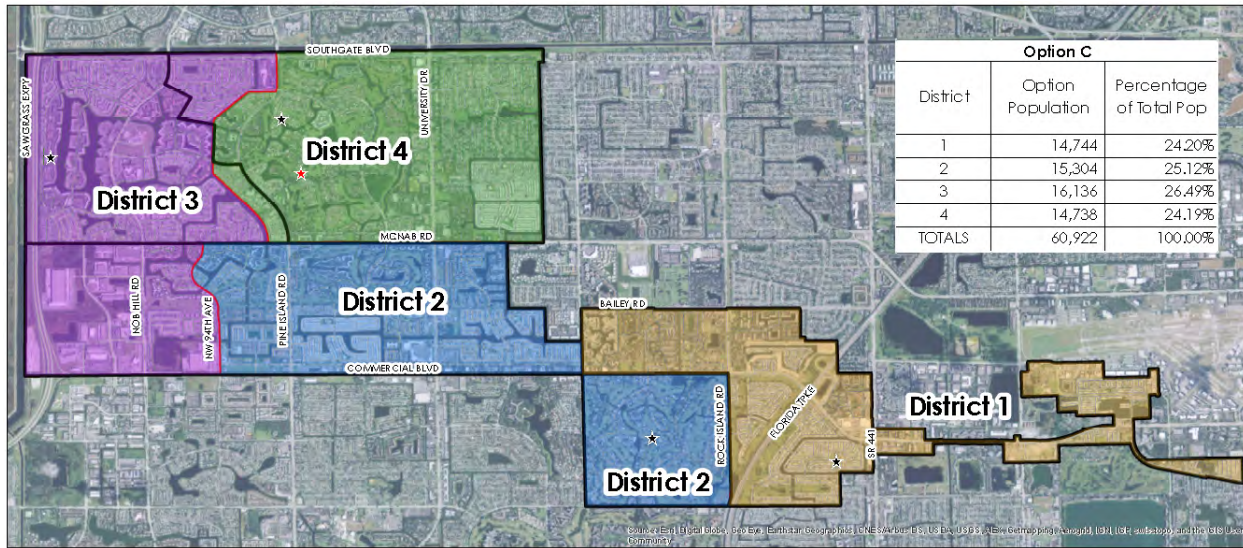
This option meets this criterion. Identification with current district is maintained as much as possible the boundary between District 3 and 4 becoming Pine Island Road. The proposed boundary between District 2 and 4 is also easy to describe with University Drive and a large canal delineating the Districts.

Criteria 4: Political-Geographic

The districts meet this criterion. No two commissioner residences are in a single district.

Option C

Image 6: Option C Map

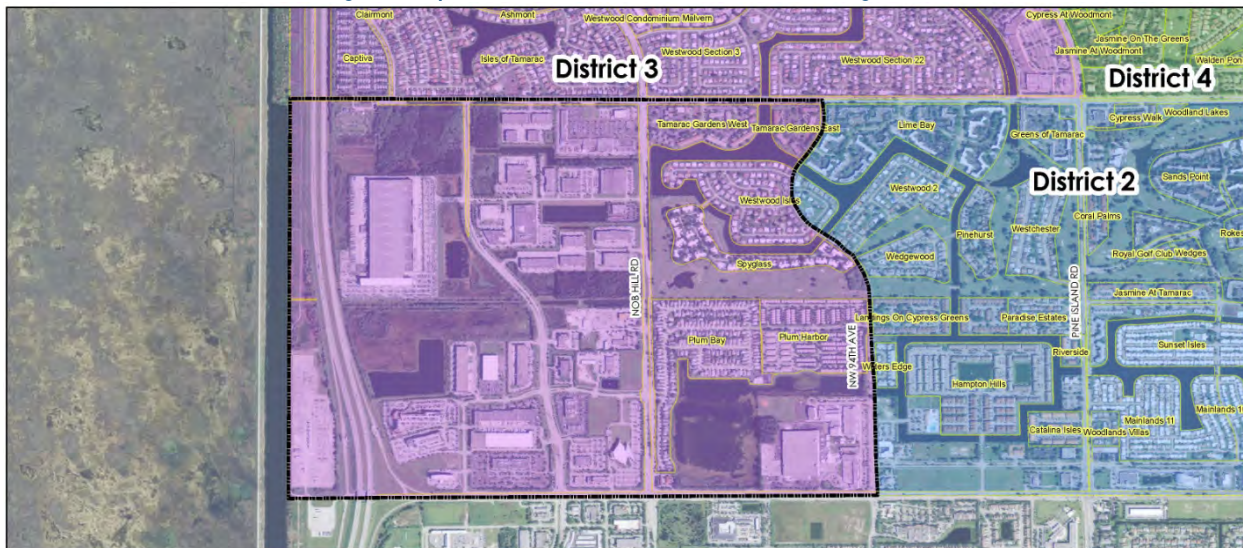


Option C Description

In this redistricting option, District 1 again remains unchanged.

Similar to Option A, from District 2, 2,209 people residing west of 94th Avenue from the Plum Bay, Plum Harbor, Spyglass, Tamarac Gardens East and Tamarac Gardens West communities are moved to District 3. Also, a portion of the Westwood Isles Community is moved into District 3. See Images 6 and 7.

Image 7: Option C District 2 to District 3 Change Area



Option C Description *continued*

Plus, from District 3, 300 people residing in Calico Country are moved to District 4 in addition to the Wal-Mart shopping center and City municipal complex. See Image 8.

Image 8: Option C District 3 to District 4 Change Area



And finally from District 4, 1,483 people residing in Westwood Section 23, Prestige Condominiums and Spring Lake in addition to the Publix plaza on Southgate and Pine Island are moved to District 3. See Image 9.

Image 9: Option C District 3 to District 4 Change Area



Option C Analysis

| City of Tamarac - Redistricting Option C | | | | |
|--|---------------------|---|--------------------------------|-------------------------------|
| Total Population | 60,922 | Total Deviation From DPA: | | 2.30 |
| Ideal District Size (60,922/4) | 15,230 | | | |
| Commission District | District Population | Percentage of the Total City Population (22.50 Min , 27.50 Max) | Population Difference from DPA | Percentage Deviation from DPA |
| District 1 | 14,744 | 24.20% | -486 | -0.80% |
| District 2 | 15,304 | 25.12% | 74 | 0.12% |
| District 3 | 16,136 | 26.49% | 906 | 1.49% |
| District 4 | 14,738 | 24.19% | -492 | -0.81% |

Option C Criteria Evaluation

Criteria 1: Population

This option meets this criterion. The population within each district falls within the allowed 22.5 to 27.5 percent limit. This option lowers the total variance between Districts from 7.92% to 2.30%. It is anticipated that District 1 will see the most growth over the next few years as development within the Central Parc Communities is occupied. This option makes District 3 the largest district and leaves room for growth in the remaining districts.

Criteria 2: Geographic

This option meets the criteria for being both contiguous and compact. Boundaries between districts are canals, large easements and roadways.

Criteria 3: Political

This option mostly meets this criterion. The boundary between District 3 and 4 becomes a canal that runs north parallel to Pine Island Road. The boundary between District 2 and 3 is NW 94th Avenue. The lone exception is that a portion of Westwood Isles is split between two districts in this option.

Criteria 4: Political-Geographic

The districts meet this criterion. No two commissioner residences are in a single district.

Exhibits

Exhibit 1: Letter from the City Attorney recognizing the use of total population instead of registered voters

Exhibit 2: Option A 11x17" Map

Exhibit 3: Option B 11x17" Map

Exhibit 4: Option C 11x17" Map

Exhibit 5: City of Tamarac New Developments Map

Stacey R. Weinger
sweinger@cityatty.com



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

June 2, 2015

Michael D. Stamm Jr.
Adjunct Faculty
Florida Atlantic University
777 Glades Road
Boca Raton, FL 33431

Re: City of Tamarac ("City") / Redistricting / Legal Opinion Re: City Charter

Dear Mike,

As you are aware, our office serves as the City Attorney to the City of Tamarac. The City has expressed an interest in retaining you and Florida Atlantic University as a consultant to assist the City with its redistricting project. In preparation of this project, it has been brought to our attention that the language contained in Section 6.03 of the City of Tamarac Charter, entitled "Redistricting" published by the Municipal Code Corporation conflicts with the Charter amendments adopted by the referenda vote of the electorate.

Section 6.03 of the City's Charter as published by the Municipal Code Corporation provides in pertinent part as follows:

Sec. 6.03. - Redistricting.

Each year, within thirty (30) days after the day of the municipal election, the city clerk shall ascertain the current number of registered voters in each of the four (4) districts of the city as of the day of the election (from the Broward County Supervisor of Elections) and determine in a written report to the city commission and the charter board if any of the districts contain less than twenty-two and one-half (22.50) percent or more than twenty-seven and one-half (27.50) percent of the total registered voters in the city. If such is the case, then within forty-five (45) days after the election day a redistricting committee shall be appointed as a board for redistricting. The redistricting committee shall consist of five (5) public members who are Broward County registered voters and residents in the city. Four (4) public members shall be appointed by city commission, with each commissioner appointing one (1) member from the district represented by the

(00078986.1 2704-0501640)

Please reply to Fort Lauderdale Office

Fort Lauderdale Office
3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4923

Delray Beach Office
76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

www.cityatty.com

commissioner. One (1) public member shall be appointed at large by the mayor. The committee shall elect its own chairman.

The redistricting process shall commence within two (2) weeks after the committee for redistricting has been appointed. The redistricting committee shall establish four (4) districts, each containing as close to one-quarter of the total population as possible in a contiguous region without dividing any precinct, residential rental or condominium development, or residential section. At least three (3) affirmative votes of the committee shall be needed to adopt a report.

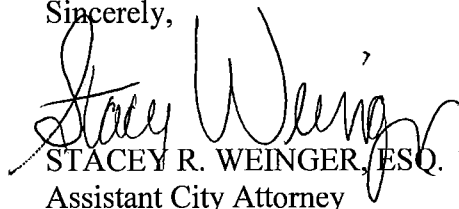
...

On March 14, 2000, a Presidential Preference Primary was held in Broward County. At that time, two amendments to Article VI, Section 6.03 of the City of Tamarac Charter were placed on the ballot, considered and adopted. The first charter amendment adopted on that date was Ordinance No. O-99-22, which amended the **composition** of the redistricting committee. This amendment is accurately reflected in the charter language above. **The second charter amendment adopted on that date was Ordinance No. O-99-10, which changed the basis for redistricting from number of registered voters to population.** This amendment is **not** accurately reflected in the version of the City's Charter that is published by the Municipal Code Corporation.

It is our legal opinion that the actual language contained in Ordinance No. O-99-10, as subsequently adopted by referenda vote takes precedence over the Municipal Code Corporation's publication. The Municipal Code Corporation is merely responsible for making those changes in its records, and publishing a document that reflects the changes adopted by the City. The Municipal Code Corporation's publication error does not change the Charter language that was adopted by referenda vote.

Copies of both Ordinances, as well as the Broward County voting results are attached hereto for your records. It is our position that Ordinance No. O-99-10 should be relied upon when determining the City's redistricting requirements. Should you require any additional information, please contact me.

Sincerely,


STACEY R. WEINGER, ESQ.
Assistant City Attorney

cc: Michael Cernech, City Manager
Diane Phillips, Assistant City Manager
Pat Teufel, City Clerk
Sam Goren, City Attorney

CANYASS
11:58pm Mar 14 2000

PRESIDENTIAL PREFERENCE PRIMARY
BROWARD COUNTY, FLORIDA
MARCH 14, 2000

Page 93

| TAMARAC REDISTRICTING TO BE BASED UPON CURRENT POPULATION | | | |
|---|-----|-------|--------|
| A. | YES | 7,250 | 73.34% |
| B. | NO | 2,635 | 26.66% |
| TAMARAC CREATION OF CERTAIN BOARDS TO BE BY RESOLUTION | | | |
| C. | YES | 6,930 | 72.87% |
| D. | NO | 2,580 | 27.13% |
| TAMARAC REDISTRICTING COMMITTEE MEMBERS' REPRESENTATION BY DISTRICT AND AT-LARGE WITH APPOINTMENT BY MAYOR AND COMMISSION | | | |
| E. | YES | 6,409 | 67.88% |
| F. | NO | 3,033 | 32.12% |

| Precinct | A. | B. | C. | D. | E. | F. |
|----------|-----|-----|-----|-----|-----|-----|
| 1J | 122 | 62 | 113 | 60 | 99 | 84 |
| 2J | 244 | 98 | 248 | 92 | 230 | 105 |
| 3J | 342 | 132 | 341 | 118 | 303 | 155 |
| 4J | 348 | 130 | 343 | 126 | 313 | 155 |
| 5J | 179 | 99 | 174 | 96 | 152 | 114 |
| 6J | 276 | 86 | 273 | 68 | 254 | 86 |
| 7J | 228 | 67 | 200 | 71 | 195 | 76 |
| 8J | 315 | 112 | 304 | 121 | 286 | 132 |
| 9J | 75 | 57 | 76 | 50 | 71 | 51 |
| 10J | 237 | 119 | 245 | 104 | 210 | 135 |
| 11J | 96 | 39 | 94 | 39 | 85 | 44 |
| 12J | 115 | 70 | 118 | 57 | 120 | 57 |
| 13J | 592 | 171 | 518 | 197 | 514 | 210 |
| 14J | 340 | 117 | 300 | 137 | 267 | 164 |
| 15J | 291 | 111 | 269 | 107 | 249 | 130 |
| 16J | 395 | 103 | 371 | 110 | 352 | 126 |
| 17J | 48 | 21 | 45 | 22 | 40 | 27 |
| 18J | 216 | 76 | 206 | 67 | 190 | 83 |
| 19J | 114 | 35 | 97 | 44 | 88 | 51 |
| 20J | 211 | 93 | 212 | 88 | 188 | 104 |
| 21J | 404 | 142 | 375 | 153 | 353 | 173 |
| 22J | 639 | 209 | 605 | 199 | 556 | 240 |
| 23J | 115 | 68 | 118 | 59 | 103 | 69 |
| 24J | 39 | 39 | 48 | 28 | 42 | 34 |
| 25J | 351 | 118 | 338 | 114 | 311 | 139 |
| 26J | 665 | 173 | 631 | 175 | 606 | 204 |
| 2519 | 160 | 59 | 166 | 51 | 166 | 51 |
| 2522 | 1 | 0 | 1 | 0 | 0 | 0 |
| 2523 | 21 | 8 | 22 | 7 | 18 | 5 |
| 2619 | 71 | 21 | 59 | 20 | 57 | 28 |

OFFICIAL BALLOT, NONPARTISAN ELECTION
BROWARD COUNTY, FLORIDA
MARCH 14, 2000

PROPOSED AMENDMENT

RESTRICTING TO BE BASED UPON CURRENT POPULATION

SHOULD SECTION 6.03 OF THE TAMARAC CHARTER BE AMENDED SO THAT RESTRICTING OF VOTING DISTRICTS WILL BE BASED ON THE POPULATION OF EACH DISTRICT AND NOT THE NUMBER OF REGISTERED VOTERS IN EACH DISTRICT?

YES 137
NO 136

CREATION OF CERTAIN BOARDS TO BE BY RESOLUTION

SHOULD SECTION 4.03 OF THE TAMARAC CHARTER BE AMENDED TO ALLOW CERTAIN BOARDS, AUTHORITIES AND AGENCIES TO BE CREATED FOR A PERIOD OF UP TO ONE (1) YEAR BY RESOLUTION UNLESS PROHIBITED BY LAW?

YES 141
NO 142

RESTRICTING COMMITTEE MEMBERS' REPRESENTATION BY DISTRICT AND AT-LARGE WITH APPOINTMENT BY MAYOR AND COMMISSION

SHOULD SECTION 6.03 OF THE TAMARAC CHARTER BE AMENDED TO PROVIDE THAT FOUR MEMBERS OF THE RESTRICTING COMMITTEE SHALL BE APPOINTED BY DISTRICT BY THE COMMISSIONER REPRESENTING THAT DISTRICT AND THE FIFTH MEMBER SHALL BE AN AT-LARGE MEMBER APPOINTED BY THE MAYOR AND NOT BY THE FOUR MEMBERS PREVIOUSLY APPOINTED BY THE COMMISSION?

YES 145
NO 146

ELECTION OF CHARTER BOARD MEMBERS BY DISTRICT

SHOULD SECTION 6.04 OF THE TAMARAC CHARTER BE AMENDED TO PROVIDE THAT CANDIDATES RUNNING FOR CHARTER BOARD SHALL RUN FOR ELECTION ONLY IN THE DISTRICT THE CANDIDATE PROPOSES TO REPRESENT, WITH THE EXCEPTION OF THE CANDIDATE FOR THE AT-LARGE SEAT, WHO SHALL RUN FOR ELECTION CITYWIDE?

YES 149
NO 150

OFFICIAL BALLOT, NONPARTISAN ELECTION
BROWARD COUNTY, FLORIDA
MARCH 14, 2000

PROPOSED AMENDMENT

RESTRICTING TO BE BASED UPON CURRENT POPULATION

SHOULD SECTION 6.03 OF THE TAMARAC CHARTER BE AMENDED SO THAT RESTRICTING OF VOTING DISTRICTS WILL BE BASED ON THE POPULATION OF EACH DISTRICT AND NOT THE NUMBER OF REGISTERED VOTERS IN EACH DISTRICT?

YES 137
NO 136

CREATION OF CERTAIN BOARDS TO BE BY RESOLUTION

SHOULD SECTION 4.03 OF THE TAMARAC CHARTER BE AMENDED TO ALLOW CERTAIN BOARDS, AUTHORITIES AND AGENCIES TO BE CREATED FOR A PERIOD OF UP TO ONE (1) YEAR BY RESOLUTION UNLESS PROHIBITED BY LAW?

YES 141
NO 142

RESTRICTING COMMITTEE MEMBERS' REPRESENTATION BY DISTRICT AND AT-LARGE WITH APPOINTMENT BY MAYOR AND COMMISSION

SHOULD SECTION 6.03 OF THE TAMARAC CHARTER BE AMENDED TO PROVIDE THAT FOUR MEMBERS OF THE RESTRICTING COMMITTEE SHALL BE APPOINTED BY DISTRICT BY THE COMMISSIONER REPRESENTING THAT DISTRICT AND THE FIFTH MEMBER SHALL BE AN AT-LARGE MEMBER APPOINTED BY THE MAYOR AND NOT BY THE FOUR MEMBERS PREVIOUSLY APPOINTED BY THE COMMISSION?

YES 145
NO 146

ELECTION OF CHARTER BOARD MEMBERS BY DISTRICT

SHOULD SECTION 6.04 OF THE TAMARAC CHARTER BE AMENDED TO PROVIDE THAT CANDIDATES RUNNING FOR CHARTER BOARD SHALL RUN FOR ELECTION ONLY IN THE DISTRICT THE CANDIDATE PROPOSES TO REPRESENT, WITH THE EXCEPTION OF THE CANDIDATE FOR THE AT-LARGE SEAT, WHO SHALL RUN FOR ELECTION CITYWIDE?

YES 149
NO 150

Induram
OK
1/27/00

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. O-99- /0

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING ARTICLE VI, SECTION 6.03 OF THE TAMARAC CHARTER ENTITLED "REDISTRICTING", BY CHANGING THE BASIS FOR REDISTRICTING FROM NUMBER OF REGISTERED VOTERS TO POPULATION; PROVIDING THAT IF THE AMENDMENT IS APPROVED BY A MAJORITY OF THE VOTERS AT THE MARCH 14, 2000 ELECTION, THEN SUCH AMENDMENT SHALL BECOME A PART OF THE CITY CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the courts have rarely accepted registered voters as a valid criteria for redistricting voter districts; and

WHEREAS, the United States Supreme Court has stated in Avery v. Midland County Texas, 390 U.S. 474 (1968) and Reynolds v. Simms, 377 U.S. 533 (1964), that the United States Constitution requires that units of general governmental powers over an entire geographic area may not be apportioned among single member districts of substantially unequal population; and

WHEREAS, pursuant to the City Commission's expression of interest at the commission workshop held on January 25, 1999, the apportionment and

redistricting of voter districts in the City of Tamarac should be based upon the population of each district and not the number of registered voters per district; and

WHEREAS, the City Commission of the City of Tamarac has deemed it to be in the best interest of the citizens and residents of the City of Tamarac that Article VI, Section 6.03 of the Tamarac Charter, entitled "Redistricting", be amended; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, a public hearing has been held on this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA:

SECTION 1: The following referendum question amending the City Charter shall be presented to the electorate of the City of Tamarac at the March 14, 2000 election, and if the following referendum question is approved by a majority of the electorate at said election, the amendment proposed shall become a part of the City Charter upon Certification and acceptance of the election results:

REDISTRICTING TO BE BASED UPON CURRENT POPULATION

SHOULD SECTION 6.03 OF THE TAMARAC CHARTER BE AMENDED SO THAT REDISTRICTING OF VOTING DISTRICTS WILL BE BASED ON THE POPULATION OF EACH DISTRICT AND NOT THE NUMBER OF REGISTERED VOTERS IN EACH DISTRICT?

YES _____ NO _____

If the proposed amendment is approved, Article VI, Section 6.03, entitled "Redistricting" will read as indicated below:

Sec. 6.03. Redistricting.

Each year, within thirty (30) days after the day of the municipal election, the city clerk shall ascertain the current ~~number of registered voters in~~ population of each of the four (4) districts of the city as of the day of the election (from the most recent population tabulation by the State of Florida at the time of the election ~~Broward County Supervisor of Elections~~) and determine in a written report to the city commission and the charter board if any of the districts contain less than twenty-two and one-half (22.50) percent or more than twenty-seven and one-half (27.50) percent of the total ~~registered voters in~~ population of the city. If such is the case, then within forty-five (45) days after the election day a redistricting committee shall be appointed as a board for redistricting. The redistricting committee shall consist of five (5) public members who are Broward County registered voters and residents in the city. Four (4) public members shall be appointed by city commission, (one (1) member from each district). One (1) public member shall be appointed by the four (4) previously appointed public members. The committee shall elect its own chairman.

The redistricting process shall commence within two (2) weeks after the committee for redistricting has been appointed. The redistricting committee shall establish four (4) districts, each containing as close to one-quarter of the total ~~registered voters~~ population as possible in a contiguous region without dividing any precinct, residential rental or condominium development, or residential section. At least three (3) affirmative votes of the committee shall be needed to adopt a report.

The report of the committee shall be advisory to the city commission. It shall include a map and description of the districts determined and shall be delivered to a joint meeting of the city commission and the charter board within one hundred eighty (180) days after the municipal election day. A copy of the redistricting

report in effect shall be kept on file with the city clerk for inspection or purchase by the public. Members of the redistricting committee shall serve without compensation.

The redistricting committee shall be discharged at the last regular city commission meeting prior to the next municipal election day.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

SECTION 2: Codification: It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 3: Conflicts: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: Severability: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5: Effective date: This Ordinance shall become effective immediately upon its passage and adoption.

PASSED, FIRST READING this 24th day of March, 1999.

PASSED, SECOND READING this 26th day of May, 1999.

Joe Schreiber
JOE SCHREIBER, MAYOR

ATTEST:

Carol Gold
CAROL GOLD
CITY CLERK

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form

Mitchell S. Kraft
MITCHELL S. KRAFT
CITY ATTORNEY

RECORD OF COMMISSION VOTE
MAYOR SCHREIBER
DIST 1: COMM. PORTNER
DIST 2: V/M MISHKIN
DIST 3: COMM. SULTANOF
DIST 4: COMM. ROBERTS

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. O-99- 22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING ARTICLE VI. QUALIFICATIONS AND ELECTIONS, SECTION 6.03, ENTITLED "REDISTRICTING" TO PROVIDE FOR REDISTRICTING COMMITTEE TO BE APPOINTED BY DISTRICT BY THE COMMISSIONER REPRESENTING SAID DISTRICT, WITH AN AT-LARGE MEMBER TO BE APPOINTED BY THE MAYOR; PROVIDING THAT IF THE AMENDMENT IS APPROVED BY A MAJORITY OF THE VOTERS AT THE MARCH 14, 2000, ELECTION, THEN SUCH AMENDMENT SHALL BECOME A PART OF THE CITY CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter Board has reviewed the revisions to Charter Section 6.03, has held a public hearing on the revisions, and recommends that Charter Section 6.03 is amended; and

WHEREAS, the City Commission of the City of Tamarac has deemed it to be in the best interest of the citizens and residents of the City of Tamarac that Article VI. Qualifications and Elections, Section 6.03, entitled "Redistricting" be amended; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, a public hearing has been held on this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF TAMARAC, FLORIDA:

SECTION 1: The following referendum question amending the City Charter shall be presented to the electorate of the City of Tamarac at the March 14, 2000, election and if the following referendum question is approved by a majority of the electorate at said election, the amendment proposed shall become a part of the City Charter upon Certification and acceptance of the election results:

PROPOSED AMENDMENT _____

REDISTRICTING COMMITTEE MEMBERS' REPRESENTATION BY DISTRICT AND
AT-LARGE WITH APPOINTMENT BY MAYOR AND COMMISSION

SHOULD SECTION 6.03 OF THE TAMARAC CHARTER BE AMENDED TO PROVIDE THAT FOUR MEMBERS OF THE REDISTRICTING COMMITTEE SHALL BE APPOINTED BY DISTRICT BY THE COMMISSIONER REPRESENTING THAT DISTRICT, AND THE FIFTH MEMBER SHALL BE AN AT-LARGE MEMBER APPOINTED BY THE MAYOR AND NOT BY THE FOUR MEMBERS PREVIOUSLY APPOINTED BY THE COMMISSION?

YES _____

NO _____

If the proposed amendment is approved, Article VI. Qualifications and elections, Section 6.03, entitled "Redistricting" will read as indicated below:

Sec. 6.03. Redistricting.

Each year, within thirty (30) days after the day of the municipal election, the city clerk shall ascertain the current number of registered voters in each of

the four (4) districts of the city as of the day of the election (from the Broward County Supervisor of Elections) and determine in a written report to the city commission and the charter board if any of the districts contain less than twenty-two and one-half (22.50) percent or more than twenty-seven and one-half (27.50) percent of the total registered voters in the city. If such is the case, then within forty-five (45) days after the election day a redistricting committee shall be appointed as a board for redistricting. The redistricting committee shall consist of five (5) public members who are Broward County registered voters and residents in the city. Four (4) public members shall be appointed by city commission, ~~(one (1) member from each district)~~ with each commissioner appointing one (1) member from the district represented by the commissioner. One (1) public member shall be appointed at large by the mayor ~~four (4) previously appointed public members.~~ The committee shall elect its own chairman.

* * * *

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

SECTION 2: Codification: It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 3: Conflicts: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

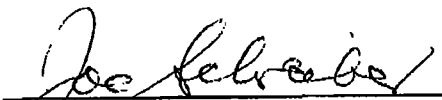
SECTION 4: Severability: If any provision of this Ordinance or the

application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5: Effective date: This Ordinance shall become effective immediately upon its passage and adoption.

PASSED, FIRST READING this 10th day of November, 1999.

PASSED, SECOND READING this 24th day of November, 1999.


JOE SCHREIBER, MAYOR

ATTEST:


CAROL GOLD
CITY CLERK

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form.


MITCHELL S. KRAFT
CITY ATTORNEY

RECORD OF COMMISSION VOTE

MAYOR SCHREIBER 

DIST 1: COMM. PORTNER 

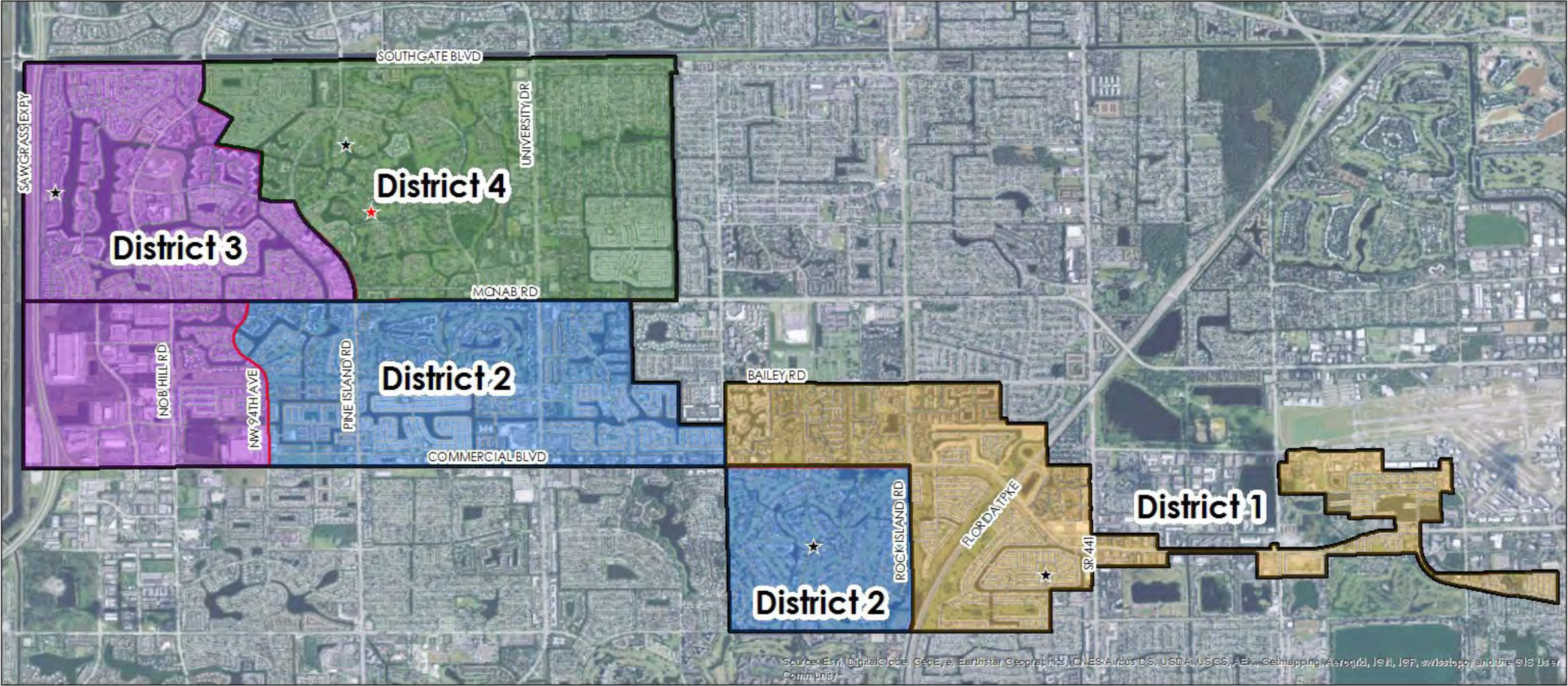
DIST 2: V/M MISHKIN 

DIST 3: COMM. SULTANOF 

DIST 4: COMM. ROBERTS 

City of Tamarac - Districts Option A

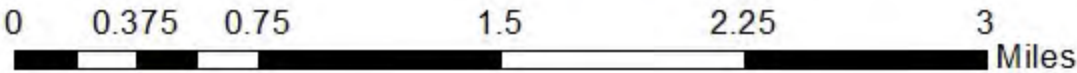
Exhibit 2



- Commission Districts**
- Current Districts
 - Proposed Districts
 - District 1
 - District 2
 - District 3
 - District 4

- Elected Official Residence**
- Mayor
 - Commissioners

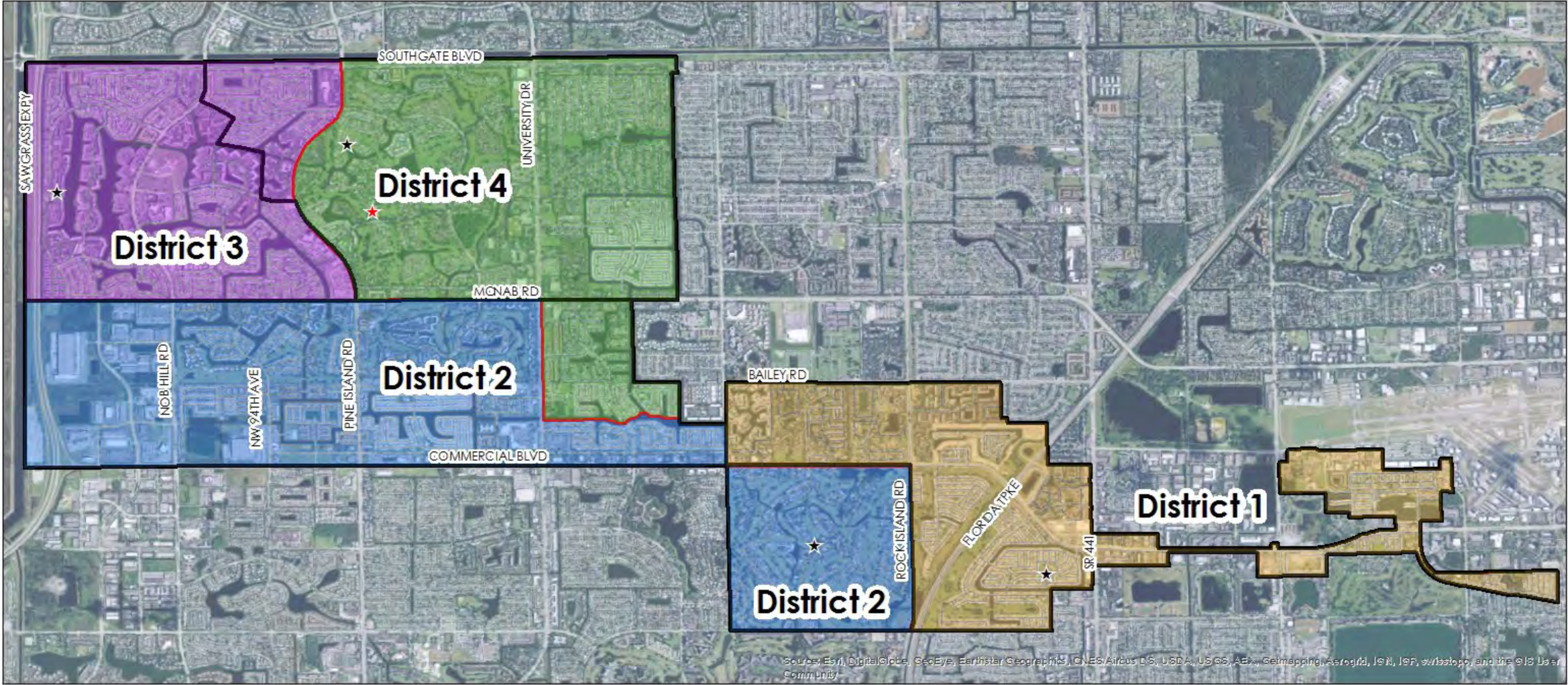
Coordinate System: GCS North American 1983
Datum: North American 1983
Units: Degree



Source: U.S. Census Bureau, City of Tamarac, Broward County GIS
Created by the CUES at FAU
Disclaimer: Created for the City of Tamarac - Not for general use

City of Tamarac - Districts Option B

Exhibit 3

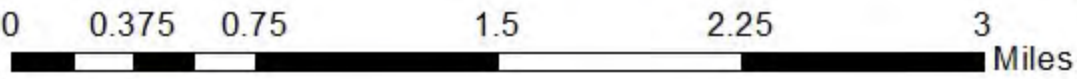


Source: U.S. Census Bureau, City of Tamarac, Broward County GIS
Created by the CUES at FAU
Disclaimer: Created for the City of Tamarac - Not for general use

- Commission Districts**
- Current Districts
 - Proposed Districts
 - District 1
 - District 2
 - District 3
 - District 4

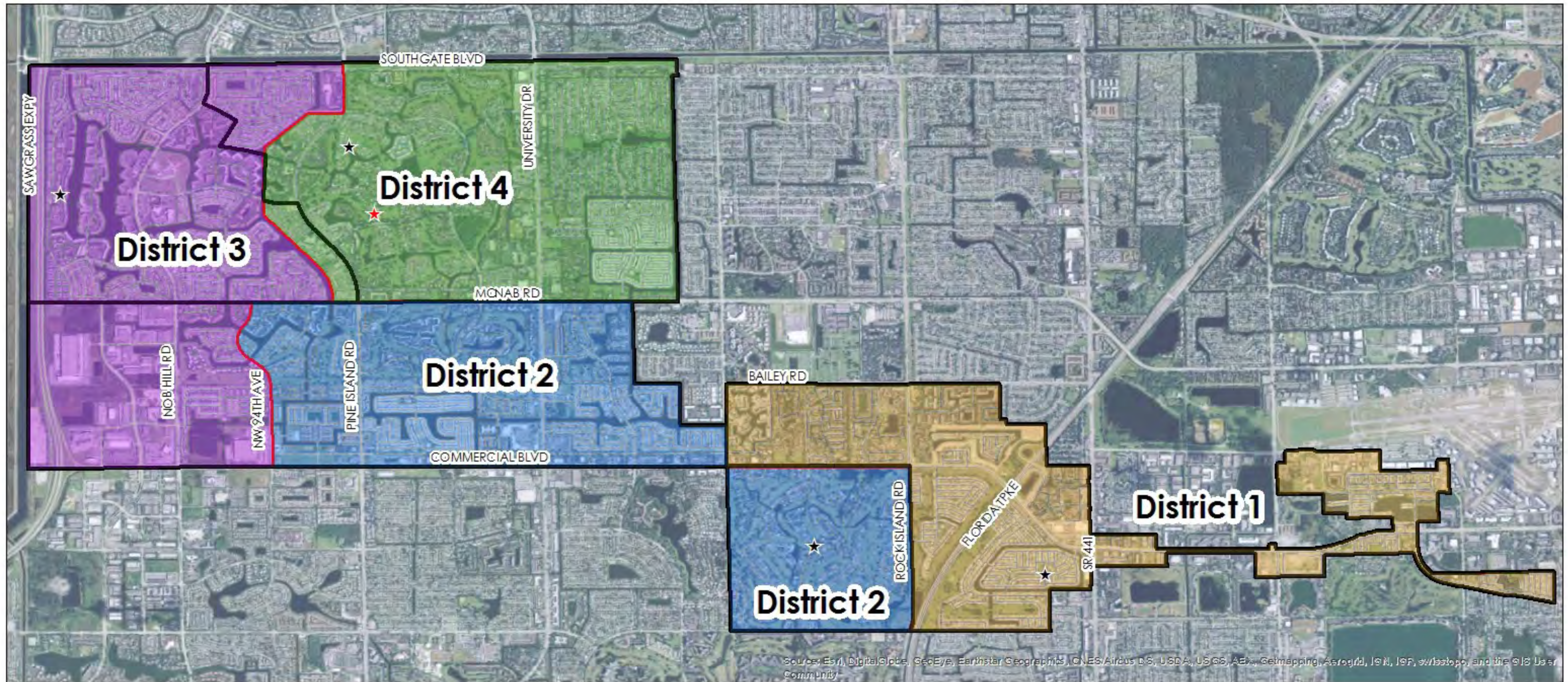
- Elected Official Residence**
- Mayor
 - Commissioners

Coordinate System: GCS North American 1983
Datum: North American 1983
Units: Degree



City of Tamarac - Districts Option C

Exhibit 4



Source: U.S. Census Bureau, City of Tamarac, Broward County GIS
Created by the CUES at FAU
Disclaimer: Created for the City of Tamarac - Not for general use

Commission Districts

- Current Districts
- Proposed Districts
- District 1
- District 2
- District 3
- District 4

Elected Official Residence

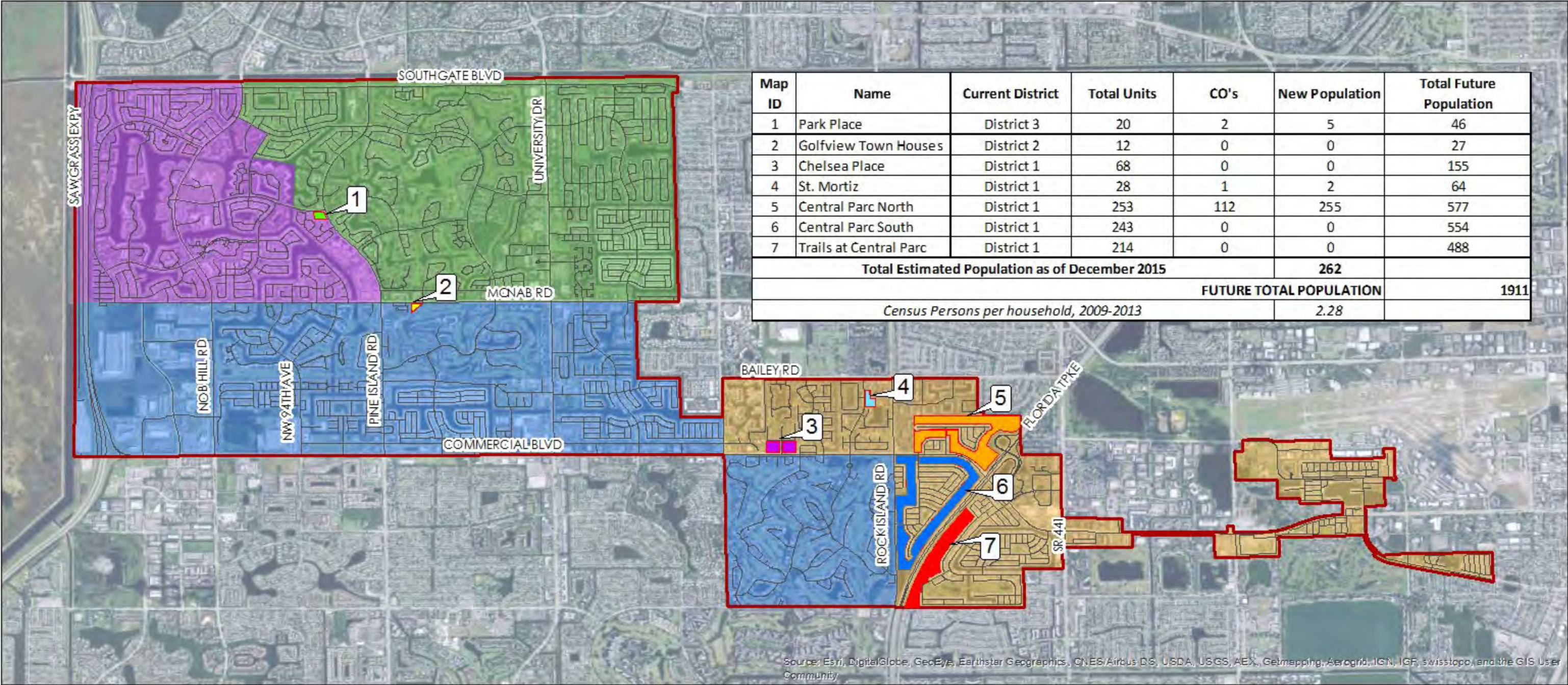
- ★ Mayor
- ★ Commissioners

Coordinate System: GCS North American 1983
Datum: North American 1983
Units: Degree



City of Tamarac - New Developments

Exhibit 5



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomapping, Aerogrid, IGN, IGF, swisstopo, and the GIS User Community

Current Commission Districts

- District 1
- District 2
- District 3
- District 4

- City Boundary
- New Developments

Coordinate System: GCS North American 1983
Datum: North American 1983
Units: Degree

0 0.4 0.8 1.6 2.4 3.2 Miles





Title - Update Regarding E911 System

Update Regarding E911 System - ***Fire Chief Mike Burton***



Title - TO 2336 - Fire Pension Plan Amendment

Item 8 (a) on Ordinances First Reading. (TO2336) An Ordinance of the City Commission of the City of Tamarac, Florida; amending Chapter 16, Pensions and Retirement, Article VI, Pension Plan; amending Section 16-493 Optional Benefits, providing for modification of DROP eligibility; amending Section 16-515 Retirement Subsidy, providing for modification of retirement subsidy; amending Section 16-516 Supplemental Pension Benefit, providing for modification of supplemental pension; providing for a savings clause; providing for severability; providing for codification and providing for an effective date. - ***Human Resources Director Maria Swanson***

ATTACHMENTS:

| Description | Upload Date | Type |
|--------------------------------------|--------------------|-------------|
| ▣ TO 2336 Memo | 1/14/2016 | Cover Memo |
| ▣ TO 2336 Ordinance | 1/19/2016 | Ordinance |
| ▣ TO 2336 Exhibit A - Pension Letter | 1/14/2016 | Exhibit |

**CITY OF TAMARAC
INTEROFFICE MEMORANDUM
HUMAN RESOURCES DEPARTMENT**

**TO: Michael C. Cernech,
City Manager**

DATE: January 8, 2016

**FROM: Maria Swanson, Director of
Human Resources**

**RE: Pension Ordinance Amendment –
Firefighter's Pension Fund**

Recommendation:

I recommend the approval of the Pension Ordinance resulting from the Agreement between the International Association of Firefighters (IAFF), Local 3080 and the City.

Issue:

Approval of a Pension Ordinance with changes negotiated between the City and the IAFF, Local 3080.

Background:

The Collective Bargaining Agreement (CBA) between the City of Tamarac and the International Association of Firefighters (IAFF), Local 3080 was approved by the City Commission in December, 2015. As part of the CBA, the City and the IAFF agreed to support changes to the Pension Ordinance as noted below:

- Effective 1/1/2016 - Adds eligibility for DROP at 18 years of service and age 55 with the same maximum DROP period of 5 years; and
- Effective 1/1/2016 - Eliminates the Retirement Subsidy (Section 16.515) for deferred vested plan participants; and
- Effective 1/1/2016 – Modifies the Supplemental Pension (Section 16.516) for all plan participants who retire (or enter DROP) to provide such benefit only if the participant has a balance of 200 hours or more of unpaid sick leave upon separation of service.

The Firefighter's Pension Board has reviewed and accepted the changes proposed.

Fiscal Impact:

According to the actuary for the Firefighter's Pension Fund, there is no actuarial cost impact to the changes proposed in this ordinance.

**CC: Michael C. Cernech, City Manager
Diane Phillips, Assistant City Manager
Mike Burton, Fire Chief**

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 0-2016- _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA; AMENDING CHAPTER 16, PENSIONS AND RETIREMENT, ARTICLE VI, PENSION PLAN; AMENDING SECTION 16-493 OPTIONAL BENEFITS, PROVIDING FOR MODIFICATION OF DROP ELIGIBILITY; AMENDING SECTION 16-515 RETIREMENT SUBSIDY, PROVIDING FOR MODIFICATION OF RETIREMENT SUBSIDY; AMENDING SECTION 16-516 SUPPLEMENTAL PENSION BENEFIT, PROVIDING FOR MODIFICATION OF SUPPLEMENTAL PENSION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tamarac and the International Association of Fire Fighters ("IAFF") have ratified a new collective bargaining agreement that includes certain changes to pension benefits as provided for herein and attached hereto as Exhibit A; and

WHEREAS, the City of Tamarac and the IAFF have agreed to add eligibility for DROP at 18 years of service and age 55 with the same maximum DROP period; and

WHEREAS, the City of Tamarac and the IAFF have agreed to eliminate the retirement subsidy for deferred vested plan participants; and

WHEREAS, the City of Tamarac and the IAFF have agreed to modify the supplemental pension for all plan participants who retire to provide such benefit only if the participant has a balance of 200 hours or more of unpaid sick leave upon separation of service; and

WHEREAS, the trustees of the City of Tamarac Firefighters' Pension Trust Fund has reviewed the proposed changes; and

WHEREAS, the City Commission has received, reviewed and considered an actuarial impact statement describing the liabilities associated with the amendments provided for herein and attached hereto as Exhibit B; and

WHEREAS, the City Commission of the City of Tamarac has deemed it to be in the best interest of the citizens of the City of Tamarac to amend the plan to reflect these changes.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Tamarac, Florida:

Section 1: That the foregoing recitals 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: That Section 16-493 of Chapter 16, Article VI, Division 4, of the City of Tamarac Code of Ordinances, be and is hereby amended as follows:

Sec. 16-493. Optional benefits.

* * *

(3) Deferred retirement option plan (DROP). A DROP, as defined in this plan, is established and shall be administered by the board of trustees of the city firefighters' pension plan. Participation shall be subject to the following terms and conditions:

- a. *Eligibility.* An "eligible participant" of the city firefighters' pension plan, which is defined as an individual currently on full-time work status, may elect to participate in the DROP on the first day of the month coincident with or next following the completion of twenty-five (25) years of credited service, regardless of age, which date shall constitute the "initial date of eligibility." Effective January 1, 2016, the "initial date of eligibility" shall also include the first day of the month coincident with or next following the completion of eighteen (18) years of service and the attainment of age fifty-five (55), provided that DROP participation shall never exceed five (5) years (i.e. 60 months) and provided further that an eligible participant shall not participate in DROP at any time after exceeding thirty (30) years of credited service. Eligible participants entering after the completion of twenty-five (25) years of credited service shall have DROP eligibility reduced by one (1) month for each month in which participation is delayed up to the completion of a total of thirty (30) years, of employment as a firefighter for the city, after which no further DROP eligibility shall be available.

* * *

Section 3: That Section 16-515 of Chapter 16, Article VI, Division 4, of the City of Tamarac Code of Ordinances, be and is hereby amended as follows:

Sec. 16-515. Retirement subsidy.

Each participant who was an active employee on or after March 1, 2001, shall receive, upon retirement and receipt of monthly benefits from this pension plan (separation of service), a monthly subsidy benefit of ten dollars (\$10.00) for each completed year of credited service, as adjusted herein, to be not less than fifty dollars (\$50.00) and not to exceed three hundred dollars (\$300.00) per month. Such subsidy benefit shall be adjusted annually, commencing March 1, 2002, by a two and one-half (2½) percent increase. This retirement subsidy shall continue until the participant attains Medicare eligibility, at which time the subsidy benefit shall cease. Effective January 1, 2016, all deferred vested plan participants (i.e. those participants who separated service, elected to leave contributions in plan and have deferred receipt of pension benefits until attainment of Early or Normal

Retirement Age as defined herein) shall no longer be eligible for receipt of the retirement subsidy.

Section 4: That Section 16-516 of Chapter 16, Article VI, Division 4, of the City of Tamarac Code of Ordinances, be and is hereby amended as follows:

Sec. 16-516. Supplemental Pension Benefits.

Each eligible participant who was an active employee on or after March 1, 2007₁ shall be entitled to a supplemental pension benefit that shall be considered an “extra benefit” within the meaning of F.S. § 175.351(1)(b) and a supplemental benefit within the meaning of F.S. § 112.65(1).

- (1) Eligibility for the supplemental pension benefit shall require:
 - a. Termination of employment as a firefighter with the city;
 - b. Receipt of a normal, early or disability pension benefit from this plan;
 - c. Effective January 1, 2016, an eligible participant must have a balance of at least two hundred (200) or more hours of Accrued~~al~~ unpaid unused sick leave at the time of separation of service.
- (2) Eligible firefighter participants shall₇ receive a supplemental pension benefit that:
 - a. Shall be in the form of an increased benefit that:
 1. For the maximum of two thousand four hundred ninety-six (2,496) hours of accrued sick leave (for which no payment has been received) is equivalent to three (3) percent of the average monthly compensation that was used to calculate the retiree’s standard monthly benefit; and
 2. Is proportionally reduced for lesser amounts of accrued sick leave.
 - b. Shall be adjusted in accordance with the optional form of benefit, if any, elected at the time of retirement and shall be payable for the remaining period that a pension benefit is payable under this plan.
 - c. Shall not be subject to cost of living adjustment provided in section 16-503(c) nor benefit limitations provided in section 16-506.

Section 5: It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this Ordinance may be renumbered or relettered, and the word “Ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 6: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8: This Ordinance shall become effective on adoption, satisfaction of each of the following three requirements set forth below having been achieved prior to second reading:

- (a) The City Commission received and has accepted a report establishing the actuarial soundness of these amendments in a letter of opinion from the Plan Actuary that the amendment has no actuarial impact; and
- (b) The Ordinance and impact statement have been sent to the State of Florida Division of Retirement; and
- (c) The International Association of Firefighters has accepted the changes proposed in this ordinance in writing.

PASSED, FIRST READING this ____ day of _____, 2016.

PASSED, SECOND READING this ____ day of _____, 2016.

HARRY DRESSLER
MAYOR

ATTEST:

PATRICIA TEUFEL, CMC
CITY CLERK

I HEREBY CERTIFY that I have approved this
ORDINANCE as to form.

SAMUEL S. GOREN, CITY ATTORNEY

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Words in underscoring type are additions.

T.A. For the Union
11/30/15

T.A. for the City
Robert D. Schaff
11/20/2015

November 19, 2015

287
District

Mr. John Gaul
President
Local 3080
Tamarac, Florida

Dear John:

As a condition of the acceptance and ratification of the proposed collective bargaining agreement, effective October 1, 2015, the City and the IAFF, Local 3080 agree to present and recommend to the Firefighters' Pension Board and the City Commission, amendments to the Pension Ordinance, which provides the following changes to the Firefighter's Pension Plan:

- Effective 1/1/2016 - Add eligibility for DROP at 18 years of service and age 55 with the same maximum DROP period of 5 years; and
- Effective 1/1/2016 - Eliminate the Retirement Subsidy (Section 16.515) for deferred vested plan participants; and
- Effective 1/1/2016 - Modify the Supplemental Pension (Section 16.516) for all plan participants who retire (or enter DROP) to provide such benefit only if the participant has a balance of 200 hours or more of unpaid sick leave upon separation of service.

The City and the IAFF, Local 3080 mutually consent and agree that the use of all insurance premium tax revenues, whether base premium tax revenue or additional premium tax revenue, received by the City will be used by the City to meet its annual actuarial required contributions to the City of Tamarac's Firefighter's Pension Plan via separate Mutual Consent Agreement (see attached.)

Sincerely,

Maria Swanson
Director of Human Resources

Cc: Michael C. Cernech, City Manager
Sam Goren, City Attorney
Mike Burton, Fire Chief



Title - TO2335 - Ordinance Creating a Planned Development (PD) District

Item No. 8 (b) on Ordinances First Reading. (TO2335) An Ordinance of the City Commission of the City of Tamarac, Florida amending Chapter 24, entitled "Zoning", Article III entitled "District Regulations" of the City of Tamarac Code of Ordinances, specifically creating Division 27 entitled "PD Planned Development District", providing for a new zoning designation to allow for flexibility in development standards on Master Planned Developments within the City to include the following Sections: 24-542 "Purpose, Applicability and Creation of PD District", 24-543 "Rezoning to the PD District", 24-544 "General Standards for Planned Development District", and 24-545 "Minor Deviations and Amendments to Approved PD Plan/Agreement"; providing for codification; providing for conflicts; providing for severability; and providing for an effective date. - ***Community Development Director Maxine Calloway***

Commission District(s):

City-wide

ATTACHMENTS:

| Description | Upload Date | Type |
|----------------------|--------------------|-------------|
| ▣ Memo | 1/13/2016 | Cover Memo |
| ▣ TO2335 - Ordinance | 1/20/2016 | Ordinance |

CITY OF TAMARAC
INTEROFFICE MEMORANDUM 15-12-005M
COMMUNITY DEVELOPMENT

TO: Michael C. Cernech,
City Manager

DATE: December 23, 2015

FROM: Maxine Calloway,
Director of Community Development

RE: Temp. Ordinance No.2335
Amending Chapter 24, Article III,
Creating Division 27 Entitled PD
Planned Development District,
Creating Sections 24-542, 24-
543, 24-544 and 24-545.

Recommendation: The Director of Community Development recommends that the Mayor and City Commission adopt on First Reading, Temporary Ordinance No. 2335, Amending Chapter 24, Article III, creating Division 27 entitled PD Planned Development District, creating Sections 24-542, 24-543, 24-544 and 24-545 at their January 13, 2016 meeting.

Issue: The current City of Tamarac Zoning Code and Official Zoning Map does not provide a zoning district which allows for the application of flexible development standards for master planned developments such as the Tamarac Village project.

Background: Since 2008 through the current year, the City has assembled seventeen (17) properties in the Tamarac Village area which is located along N.W. 57 Terrace between Pine Island Road and N.W. 94 Avenue (23+/- acres). The City issued a Request for Proposal to purchase and develop Tamarac Village on July 1, 2014. The City received only one response which was deemed non-responsive. The City then met with three (3) potential Master Developers. From those meetings, JKM Developers provided the best solution for the development of Tamarac Village. Over the past year, a Ground Lease has been developed and approved on October 14, 2015.

JKM Developers has provided a conceptual site plan that would provide approximately four hundred (400) residential units, thirty-five thousand (35,000) square feet of commercial space and approximately 0.79 acres of park space. Unfortunately, the proposed conceptual plan cannot be fully realized as envisioned under the current zoning designation and development standards without a significant amount of variances and developer concessions that threatens to impact the design, integrity and intensity of the project.

A Planned Development (PD) District or PUD, PDD as described in other jurisdictions, serves as a community zoning classification that is planned and developed within a city/municipality or County that contains both residential and non-residential uses and open land, such as parks. The PD District is typically achieved through a rezoning process, and is normally established to provide flexibility for large unified developments by waiving certain zoning requirements that are typically applied to projects under traditional zoning. Planned Developments encourage the efficient use of land resources and promote innovation in planning and building for residential, mixed use and commercial projects.

While the proposed Planned Development (PD) District is designed to initially remedy the strict application of development standards that would have been applied to the Tamarac Village conceptual plan, it will also serve as a strong redevelopment tool for any large project being proposed within the City's Local Activity Center (LAC).

In fact, the proposed creation of a PD District designation will not only serve as an attractive catalyst for redevelopment, but will also bring the City into the twenty first century by providing a flexible zoning designation that is similar to most of the jurisdictions in Broward County which currently offers a PD, PUD or PDD zoning district.

Analysis: While the PD designation was contemplated as a part of the City's Land Development Code rewrite process, the timing of the City's first mixed use master planned project made it imperative to advance the drafting of the PD legislation to allow for its application to the Tamarac Village project. Currently, the Tamarac Village area is zoned MXD (Mixed Use District). The regulations contained in that zoning district are very regimented and non-flexible. The development of the JKM conceptual plan under the strict application of this zoning district would be a detriment to the area itself and neighboring areas. The ability to negotiate development standards for this master planned area will encourage a creative approach to the use of this land that will result in better a development and design.

The addition of a PD district is necessary to provide legislation that will serve as a valuable mechanism to authorize the appropriate development of residential or commercial uses, or the combination thereof, in the best interest of the City and to provide for a scale and flexibility of development which could not otherwise be achieved through the existing single-use zoning districts, without detriment to neighboring properties.

City staff evaluated several neighboring municipalities that have established successful PD or PUD zoning Districts including Oakland Park, Plantation, Sunrise and Pompano Beach. Those regulations were provided to the City's current Planning consultant, Clarion Associates, who is working on the rewrite of the City's Land Development Regulations, to customize a PD ordinance that will provide the flexible development standards required to negotiate a well-designed, highly functional attractive development. A summary of the draft ordinance is provided below:

Division 27 – PD Planned Development District

Section 24-542: Purpose, Applicability and Creation of PD District

This portion of the proposed Ordinance provides for the establishment language of the PD District starting with the *Purpose* of the proposed district stating that its intent is to provide large tracts of land which are part of a Master Plan to be developed as a whole with greater flexibility by removing some of the detailed restrictions of conventional zoning.

The *Applicability* states that planned developments are planned and developed under unified control and in accordance with flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development, as well as community benefits and amenities, than could be achieved through base zoning district regulations.

This Section also provides for the establishment language for the district itself which is supported by the City's underlying Local Activity Center (LAC) land use designation.

Section 24-543: Rezoning to the PD District

This Section provides for the overall process of rezoning specific lands to the PD District. Included are the requirements for such application which include scheduling and notice requirements for both the Planning Board and City Commission as stated in other sections of City code, the Planning Board's role as a recommending body to the City Commission and the City Commission's role in either adopting the amendment, adopting a revised amendment, deny the amendment or remand the application back to the Director of Community Development and Planning Board for further consideration.

The PD plan that will accompany the application shall contain:

1. PD Plan – Plan that depicts the general configuration and relationship of the principal elements of the proposed development
2. PD Agreement – Agreement that specifies terms and conditions defining development parameters, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, and provides for management and maintenance of development.
3. Copy of a title of opinion indicating ownership

Effect of Approval states that approval authorizes revisions to the Official Zoning Map and that the PD Plan/Agreement is binding on the landowners, their successors and assigns.

Expiration of Approval states that any PD Plan/Agreement shall automatically expire if site plan approval is not submitted within one year after approval of the Planned Development, or an extension has been authorized.

Recordation states that the Community Development Director shall record the adopted ordinance and the PD Plan/Agreement with Broward County at the expense of the applicant.

Section 24-544: General Standards for Planned Development District.

This Section provides for the standards required for the City Commission to approve a rezoning to a PD Zoning District and PD Plan/Agreement. These standards are detailed in the attached Temporary Ordinance No. 2335. A summary of these standards are below:

- Planning objective for district
- Identify general location of individual development areas and entire PD District
- Identify location/size of open space
- Identify location of environmentally sensitive lands, wildlife habitat, wetlands etc.
- Identify onsite transportation circulation system
- Identify onsite potable water, wastewater and stormwater facilities
- Identify all onsite public facilities serving the development
- Include any conditions of approval related to the application
- Identify the common benefits and amenities that will be provided to compensate for the added flexibility afforded by the PD District

This Section details that the PD Plan/Agreement shall be consistent with the purpose and standards of this Section in addition to the Comprehensive Plan. The development along the perimeter of a PD District shall be compatible with adjacent existing development and a phasing plan shall be submitted if necessary.

Also included is language for a *Conversion Schedule* which would identify the extent to which one type of residential use may be converted to another type of residential use. This applies to non-residential uses also.

This Section requires specific information on the design and construction for onsite public facilities, dedication of rights-of-way and easements necessary for the construction or installation of required and proposed facilities. Additionally, modifications to street standards to facilitate the development of the project must be provided that keeps in mind separation of vehicular, pedestrian and bicycle traffic in a safe manner, while providing for access for emergency management, providing adequate off-street parking as supported by a traffic study.

Uses states that all uses in a PD District shall be established within the PD Plan/Agreement. The allowable density shall not exceed thirty-five (35) dwelling units/acre and shall be established in the PD Plan/Agreement.

Dimensional Standards provided are as follows:

- Minimum of ten (10) acres of contiguous land unless it is determined that a tract of land less than ten (10) acres is located within a quarter mile of access to mass transit or a provision of mass transit access is within the proposed PD Agreement.
- The PD Plan/Agreement shall include at least two (2) of the following types of dimensional standards, unless the PD Plan/Agreement expressly states otherwise:
 1. Maximum dwelling units per acre (residential development) and/or maximum floor area ratio (nonresidential development);
 2. Minimum net lot area;
 3. Minimum lot width;
 4. Maximum impervious surface area;
 5. Maximum structure height;
 6. Maximum individual building size;
 7. Minimum and maximum setbacks;
 8. Minimum setbacks from adjoining residential development or residential zoning districts.

Site Development Standards/Features provided are as follows:

- Off street parking shall be determined on a project by project basis
- Off street parking may be proposed that does not meet minimum Code requirements justified by a parking study
- The parking study shall include number of proposed spaces, public transit ridership statistics and justification for any deviations from City Code
- All onsite utilities shall be constructed underground
- Any required utility ground facilities shall be landscaped to, properly screen such facility
- Landscaping shall meet City Code. Any modification of these requirements must be requested through the PD Plan/Agreement

Section 24-545: Minor Deviations/Amendments to Approved PD Plan/Agreement.

This Section outlines the process for minor deviations to a PD Plan/Agreement. Minor deviations may be allowed without the need to amend the PD Plan/Agreement provided that such changes are determined to:

- (1) Address technical considerations that could not reasonably be anticipated during the planned development approval process
- (2) Have no material effect on the character of the approved PD district, the basic concept of the PD Plan/Agreement, and the terms in the PD Terms and Conditions. These include, but are not limited to, the following:
 - Changes in driveway locations;
 - Minor shifts in building size, configuration, or location;
 - Structure floor plan revisions; and
 - Facility design modifications for amenities.

Deviations that will require an amendment to the PD Plan/Agreement include:

- Changes in use designations;
- Density/intensity increases;
- Decreases in open space;
- Substantial changes in the location of streets, particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected;
- Substantial changes in the location of any public easement; or
- Change in the proportion of any housing type by more than 15 percent.

CONCLUSION: Staff recommends that the City Commission adopt Temporary Ordinance No. 2335, Amending Chapter 24, Article III, creating Division 27 entitled PD Planned Development District, creating Sections 24-542, 24-543, 24-544 and 24-545 to allow for the establishment of a PD zoning district with flexible development standards for large scale master planned projects.

This amendment supports Goal #5, “A Vibrant Community” of the City’s Strategic Plan in that, it allows for the opportunity for the City to remain competitive in the development arena while providing incentives and opportunities to revitalize our community.

Additionally, this effort supports Policy 1.4 and Policy 1.5 of the Future Land Use Element of the City’s Comprehensive Plan which states, “The Community Development Department will continue to review land use plan amendments, zoning amendments, site plans, and plat approval requests for compatibility with adjacent land uses as currently required in the Code of Ordinances,” and “The City will continue to promote ‘quality development’ in all land use categories by the establishment and implementation of design criteria and development standards in the Land Development Code (LDC) which promote the highest standards of urban development and community aesthetics

FISCAL IMPACT: This is a City initiated amendment with no direct fiscal impact. .



Maxine Calloway,
Community Development Director

Attachments: Temporary Ordinance No. 2335

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 24, ENTITLED "ZONING", ARTICLE III ENTITLED "DISTRICT REGULATIONS" OF THE CITY OF TAMARAC CODE OF ORDINANCES, SPECIFICALLY CREATING DIVISION 27 ENTITLED "PD PLANNED DEVELOPMENT DISTRICT", PROVIDING FOR A NEW ZONING DESIGNATION TO ALLOW FOR FLEXIBILITY IN DEVELOPMENT STANDARDS ON MASTER PLANNED DEVELOPMENTS WITHIN THE CITY TO INCLUDE THE FOLLOWING SECTIONS: 24-542 "PURPOSE, APPLICABILITY AND CREATION OF PD DISTRICT", 24-543 "REZONING TO THE PD DISTRICT", 24-544 "GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICT", AND 24-545 "MINOR DEVIATIONS AND AMENDMENTS TO APPROVED PD PLAN/AGREEMENT"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration has conducted a review of the regulations concerning master planned development and the application of strict zoning standards within the City; and

WHEREAS, upon its review, City Administration has determined that the current City of Tamarac Zoning Code and Official Zoning Map does not provide a zoning district which allows for the application of flexible development standards for master planned developments; and

WHEREAS, the establishment and creation of a Planned Development District ("PD"), as a new zoning designation will serve as a valuable mechanism to authorize the appropriate development of residential or commercial uses, or the combination thereof, in the best interest of the City and to provide for a scale and flexibility of development which could not otherwise be achieved through the existing single-use zoning districts, without detriment to neighboring properties; and

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WHEREAS, the ability to negotiate development standards for master planned developments encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Sections of the City's Code of Ordinances; and

WHEREAS, the Director of Community Development recommends approval of this ordinance amendment; and

WHEREAS, the City Commission of the City of Tamarac has deemed it to be in the best interest of the citizens and residents of the City of Tamarac to establish a new zoning designation known as a "PD Planned Development District" in accordance with the terms and provisions set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals 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. That Chapter 24, Article III, Division 27, "PD Planned Development District", of the City of Tamarac Code of Ordinances is hereby created with regulations as follows:

DIVISION 27. PD PLANNED DEVELOPMENT DISTRICT

Sec. 24-542. Purpose, Applicability and Creation of PD District.

(a) Purpose. The Planned Development (PD) district is established and intended to permit large tracts of land which are part of a master development plan to

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be planned and developed as a whole with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. Planned developments encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

(1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

(2) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;

(3) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;

(4) Allowing more efficient use of land, with smaller networks of streets and utilities, and thereby lowering development and housing costs; and

(5) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, floodplains, and historic features.

(6) Promoting "low impact design" also known as "LID" which seeks to minimize the hydrologic and water quality changes that result as part of site development.

(b) *Applicability.* Planned developments are planned and developed under unified control and in accordance with flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-

quality development, as well as community benefits and amenities, than could be achieved through base zoning district regulations.

(1) The purpose of this subsection is to provide a uniform means for amending the Official Zoning Map to reclassify land to the Planned Development (PD) zoning district established in 24-542.(c) below.

(c) *Creation of PD District.* The PD district is hereby established and is intended to encourage high-quality, mixed-use development that features innovative and creative design, yet is compatible with both surrounding existing development and available public infrastructure. The PD district is supported by an underlying Local Activity Center (LAC) land use designation.

Sec. 24-543. Rezoning to the PD District.

(a) *Overview.* Planned developments are established by amendments to the Official Zoning Map to rezone land to the Planned Development (PD) zoning district for which applicable development regulations are defined by a planned development master plan (PD Plan) and a planned development agreement (PD Agreement). Subsequent development within the PD district occurs through the appropriate site plan (§10-2) and plat review (Chapter 21, Article II, §26-89) procedures and standards (as appropriate), which ensure compliance with the PD Plan and PD Agreement.

(b) *Application Submittal and Acceptance.* An application to rezone to the PD district shall be submitted and accepted, and may be withdrawn, in accordance with §24-67 Applications for Rezoning, except that applications may be initiated only by the owner(s) of all property included in the proposed planned development district to ensure unified control, and shall include the following:

(1) A PD Plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing;

(2) A PD Agreement that specifies terms and conditions defining development parameters, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, and provides for management and maintenance of development; and

(3) A copy of a title opinion indicating the ownership of all land that is part of the proposed PD district to ensure unified control.

(c) *Scheduling and Public Notice of Meetings.* The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §24-67 Applications for Rezoning and Chapter 2, Article X Quasi-Judicial Proceedings.

(d) *Planning Board Review and Action.* The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §24-67 Applications for Rezoning and Chapter 2, Article X Quasi-Judicial Proceedings.

(e) *City Commission Review and Decision.* The City Commission shall review the application, hold a public hearing, and make a determination in accordance with §24-67 Applications for Rezoning and Chapter 2, Article X Quasi-Judicial Proceedings.

(1) The decision shall be one of the following:

i. Adopt the amendment as proposed;

ii. Adopt a revised amendment that reduces the area proposed to be designated;

iii. Deny the amendment; or

iv. Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(f) Post Decision Actions and Limitations. The post-decision actions and limitations in §24-67 Applications for Rezoning, shall apply to the application except as follows:

(1) Effect of Approval.

i. Approval of a Planned Development authorizes the approved revisions to the Official Zoning Map. Lands rezoned to a PD district shall be subject to the approved PD Plan/Agreement. The PD Plan/Agreement is binding on the land as an amendment to the Official Zoning Map.

ii. The PD Plan/Agreement shall be binding on the landowners, their successors, and assigns, and shall constitute the development regulations for the land.

iii. Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Plan/Agreement.

iv. The applicant may apply for and obtain subsequent improvement permits necessary to implement the PD Plan/Agreement in accordance with the appropriate procedures and standards set forth in this Code. Any development permits shall be in substantial compliance with the PD Plan/Agreement.

(2) Expiration of Approval. The PD Plan/Agreement shall automatically expire if an application for a Site Plan Approval (§10-2) for any part of the development shown on the approved PD Plan/Agreement is not submitted within one year after approval of the Planned Development, or an extension of this time period authorized by the Director. Extension requests shall be provided to the Community Development Director in writing no later than 60 days prior to the one year expiration date.

(3) Recordation. The Community Development Director shall record the adopting ordinance and the PD Plan/Agreement with the Broward County Records at the expense of the applicant.

Sec. 24-544. General Standards for Planned Development District.

Before approving a PD zoning district designation, the City Commission shall find that the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, comply with the standards below.

(a) PD Plan/Agreement.

(1) Include a statement of planning objectives for the district;

(2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;

(3) Identify for the entire PD district and each development area the land area, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

- (5) Identify the location of environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
- (6) Identify the onsite transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems as supported by an applicant provided traffic study;
- (7) Identify the general location of onsite potable water and wastewater facilities, and how they will connect to City systems;
- (8) Identify the general location of onsite stormwater management facilities, and how they will connect to City systems;
- (9) Identify the general location of all other onsite public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.
- (10) Include conditions related to approval of the application for the PD zoning district classification;
- (11) Identify the community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and
- (12) Include any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.

(b) Consistency with City Plans. The PD zoning district designation and the PD Plan/Agreement shall be consistent with the purpose and standards of this section in addition to the comprehensive plan of the City of Tamarac and all applicable regulations for PD zoning designations.

(c) Compatibility with Surrounding Areas. Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan/Agreement shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

(d) Development Phasing Plan. If development in the PD district is proposed to be phased, the PD Plan/Agreement shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the City's capital improvements program.

(e) Conversion Schedule. The PD Plan/Agreement may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use, such as multi-family dwellings to single-family dwellings, and one type of nonresidential use may be converted to another type of nonresidential use, such as office use to retail sales use. Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan.

and are consistent with established extents of conversion set down in the conversion schedule.

(f) Onsite Public Facilities.

(1) Design and Construction. The PD Plan/Agreement shall establish the responsibility of the developer/landowner to design and construct or install required and proposed onsite public facilities in compliance with applicable City, County, state, and federal regulations.

(2) Dedication. The PD Plan/Agreement shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, County, state, and federal regulations.

(3) Modifications to Street Standards. In approving a PD Plan/Agreement, the City Commission may approve modifications or reductions of City street design standards, including those for right-of-way widths, pavement widths, required materials, and turning radii. Such modifications shall be reviewed and approved by the Fire and Public Service Departments during PD Plan/Agreement approval, on finding that:

(i) The PD Plan/Agreement provides for separation of vehicular, pedestrian, and bicycle traffic as supported by an applicant provided traffic study;

(ii) Access for emergency service vehicles is not substantially impaired;

(iii) Adequate off-street parking is provided for the uses proposed and as supported by a parking study provided by the applicant; and

(iv) Adequate space for public utilities is provided within the street right-of-way.

(g) Uses. Allowed principal, accessory, and temporary uses in a particular PD district shall be established in the PD Plan/Agreement, subject to conversion in accordance with a schedule incorporated in the PD Plan/Agreement in accordance with §24-544(e), Conversion Schedule. Allowed uses shall be consistent with City's Comprehensive Plan, Local Activity Center (LAC) designation and the purpose of this section. The nonresidential uses in the PD district are restricted to the uses permitted in the City's mixed use district (MXD).

(h) Densities/Intensities. The total number of dwelling units permitted in a planned development shall not exceed 35 dwelling units/acre, and shall not exceed the total density/intensity permitted by the Land Use Element of the Tamarac Comprehensive Plan. The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan/Agreement, and shall be consistent with the comprehensive plan Local Activity Center (LAC) land use designation, other adopted special area and City plans, and with the purpose of the PD district.

(i) Dimensional Standards.

(1) All planned developments shall contain a minimum of ten (10) acres of contiguous land unless the Community Development Department finds that a tract which contains less than ten (10) acres is suitable as a planned development by virtue of:

- (i) Its location within a quarter mile of access to mass transit; or
- (ii) Provision of mass transit access in the proposed PD.
- (2) This minimum may be waived by the City Commission upon the recommendation of the Community Development Director.
- (3) The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan/Agreement, and shall be consistent with the Comprehensive Plan, other adopted special area and City plans, and with the purpose of the PD district.
- (4) The PD Plan/Agreement shall include at least the following types of dimensional standards, unless the PD Plan/Agreement expressly states otherwise:
 - (i) Maximum dwelling units per acre (residential development) and/or maximum floor area ratio (nonresidential development);
 - (ii) Minimum net lot area;
 - (iii) Minimum lot width;
 - (iv) Maximum impervious surface area;
 - (v) Maximum structure height;
 - (vi) Maximum individual building size;
 - (vii) Minimum and maximum setbacks; and
 - (viii) Minimum setbacks from adjoining residential development or residential zoning districts.
- (j) Site Development Standards/Features.
- (1) All development in a PD district shall comply with the development standards established in the PD Plan/Agreement as consistent with City plans, the objective of the particular type of development standard, and the purpose of the PD district.
- (2) Off Street Parking.
 - (i) Because of the unique land uses and design characteristics of projects zoned PD, the minimum parking space requirement and design shall be determined on a project by project basis.

(ii) The applicant may propose parking that does not meet minimum Code requirements, in which case the applicant shall submit a parking study, prepared by a registered traffic engineer.

(iii) At a minimum, the parking study shall include the number of proposed parking spaces, public transit ridership statistics, and justification for any deviations from the requirements of Article V of this Code for off-street parking and loading.

(iv) The study shall be reviewed and approved by the Director of Community Development or his/her designee.

(v) Parking and traffic studies shall be required to be submitted as part of a complete application package demonstrating required parking to support the planned development. Additionally, the applicant shall be responsible for all architectural reviews costs incurred by the City in review of the design elements of the buildings.

(3) Underground Utilities.

(i) All onsite utilities shall be installed underground.

(ii) Large transformers shall be placed on the ground within pad mounts, enclosures, or vaults.

(iii) The developer shall provide adequate landscaping to screen all above ground facilities in a manner not inconsistent with the requirements of the applicable utility provider.

(4) Landscaping, Buffering and Buildings Design.

Landscaping shall meet all the requirements of Chapter 11 of the City of Tamarac Code of Ordinances. Modification of Chapter 11 may be requested in the PD Plan/Agreement and must be explicitly listed in the PD Agreement and PD Plan.

(i) The applicant shall be responsible for all architectural review costs incurred by the City in association with the review of the buildings design.

(5) PD Plan/Agreement Development Standards.

Plan/Agreement shall include at least the following types of development standards, unless the PD Plan/Agreement expressly states otherwise:

(i) Total onsite parking spaces;

(ii) Landscaping to included total trees and shrubs;

(iii) Minimum and maximum open space; and

(iv) Percentage pervious and non-pervious area.

(k) Stormwater Management Standards.

All development in a PD district shall comply with the standards of §10-226 Stormwater Management that are in place at the time of Site Plan Approval (§10-2) application acceptance.

Sec. 24-545. Minor Deviations / Amendments to Approved PD Plan/Agreement.

(a) *Minor Deviations.* Subsequent applications for improvement permits within an approved PD district may include minor deviations from the PD Plan/Agreement, without the need to amend the PD Plan/Agreement, provided such deviations are limited to changes that the Community Development Director determines:

(1) Address technical considerations that could not reasonably be anticipated during the planned development approval process; and

(2) Have no material effect on the character of the approved PD district, the basic concept of the PD Plan/Agreement, and the terms in the PD Terms and Conditions. These include, but are not limited to, the following:

(i) Changes in driveway locations;

(ii) Minor shifts in building size, configuration, or location;

(iii) Structure floor plan revisions; and

(iv) Facility design modifications for amenities.

(b) *Amendments.* Deviations from the PD Plan/Agreement that would have a material effect on the character of the approved PD district, the basic concept or terms of the PD Plan/Agreement, including, but not limited to, the following modifications, shall require amendment of the Planned Development in accordance with §24-555.

Amendment of Exception Previously Approved:

(i) Changes in use designations;

(ii) Density/intensity increases;

(iii) Decreases in open space;

- (iv) Substantial changes in the location of streets, particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected;
- (v) Substantial changes in the location of any public easement; or
- (vi) Change in the proportion of any housing type by more than 15 percent.

SECTION 3. Codification. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, 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 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

PASSED, FIRST READING this _____ day of _____, 2016.

PASSED, SECOND READING this _____ day of _____, 2016.

ATTEST:

BY: _____
MAYOR HARRY DRESSLER

PATRICIA TEUFEL, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

| | |
|-----------------------|-------|
| MAYOR DRESSLER | _____ |
| DIST 1: COMM BUSHNELL | _____ |
| DIST 2: V/M GLASSER | _____ |
| DIST 3: COMM. GOMEZ | _____ |
| DIST 4: COMM PLACKO | _____ |

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

| | |
|---------------------|-------|
| MAYOR DRESSLER | _____ |
| DIST 1: BUSHNELL | _____ |
| DIST 2: V/M GLASSER | _____ |
| DIST 3: COMM. GOMEZ | _____ |
| DIST 4: COMM PLACKO | _____ |

SAMUEL S. GOREN,
CITY ATTORNEY