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Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

Thursday September 22, 2021 7:00 pm 13400 Griffin Road Southwest Ranches, FL 33330

Board Members

Joseph Altschul Jason Halberg Newell Hollingsworth Anna Koldys George Morris Lori Parrish Daniel Pradilla Robert Sirota <u>Council Liaison</u> Steve Breitkreuz

Staff Liaison

Emily Aceti

- Call to Order
- 2. Roll Call
- 3. Pledge of Allegiance
- 4. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
- Old Business
 - A. Approval of minutes for August 2021
 - B. Discussion on how to limit extent and impact of new residential development in Southwest Ranches
- 6. New Business
 - A. Guest Houses
- 7. Board Member / Staff Comments and Suggestions
- 8. Items for Next Meeting
- 9. Adjournment

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



Town of Southwest Ranches

Comprehensive Plan Advisory Board **Meeting Minutes**

August 19, 2021 Town Hall 7:00 PM 13400 Griffin Road

Call to Order

Roll Call

Joseph Altschul - Present
Jason Halberg - Present
Newell Hollingsworth - Present
Anna Koldys - Present
George Morris - Present
Lori Parrish - Present
Daniel Pradilla - Absent
Robert Sirota - Present

Also present: Mayor Steve Breitkreuz, Vice Mayor Bob Hartmann, Council Member Jim Allbritton, Council Member Gary Jablonski, Council Member David Kuczenszki; Town Planner Jeff Katims, Community Services Manager Emily Aceti; Daniela Kaelber; Lorens Kaelber; Danielle Borruto

Pledge of Allegiance

Public Comment: None

Motion: To approve the July meeting minutes as amended. 1st 2nd Result JA JH NH AK GM LP DP RS Passed LP NH Υ Υ Υ Υ Abs Υ Υ Υ

Motion: To approve the Property Rights Ordinance (Agenda Item 6A) and transmit it to the Town Council. Result 1st 2nd JA JH NH AK LP DP RS GM NH LP Υ Υ Υ Υ Passed Abs

Motion: To approve Section 2 Amendment of Definitions of the proposed ordinance.

Result $\mathbf{1}^{st}$ $\mathbf{2}^{nd}$ JA JH NH AK GM LP DP RS

Failed NH LP (Second Withdrawn)

Motion: To approve Section 2 Amendment of Definitions of the proposed ordinance but amend the language by removing "Within Rural Estate District Only" from (3) and (4).

Result1st2ndJAJHNHAKGMLPDPRSPassedJALPYYYYYY

Motion: To approve Section 3 Amendment to Minimum Plot Size and Dimensions of the proposed ordinance and amend the entire ordinance to include all the other classifications.

1st 2nd Result JA JH NH LP DP RS NH Υ Υ Υ Υ Υ Passed ΑK Υ Abs Υ

Motion: To approve the draft language provided, amending Sec. 090-080 "Access to development" and Sec. 015-110, "Flag plots."

1st 2nd Result JA LΡ DP JH NH AK GM RS NH Υ Passed JA Υ Υ Abs Υ Υ

Motion: To approve Section 090-080 Access to Developments proposed language.

1st 2nd Result JA JH NH AK GM LP DP RS LP Υ Passed NH Υ Υ Υ Abs Υ

Meeting adjourned at 8:58 PM.

1	ORDINANCE NO. 2022
2	
3	AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,
4	FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES
5	UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10
6	ENTITLED, "DEFINITIONS," SECTION 010-030, "TERMS DEFINED"
7	TO AMEND THE MEANING OF THE TERM, "FLAG PLOT;" AMENDING
8	ARTICLE 15, "GENERAL PROVISIONS," SECTION 015-110, "FLAG
9	PLOTS," TO REVISE THE STANDARDS FOR FLAG PLOTS AND
10	PROVIDING FOR LOTS MADE NONCONFORMING BY THIS
11	ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR
12	CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.
13	FOR AN EFFECTIVE DATE.
14	
15	WHEREAS, the flag plot provisions in the ULDC allow a property owner to create
16	plots that are located almost entirely behind an intervening lot, with minimal frontage on
17	a street; and
18	WHEREAS, flag plots appropriate various percentages of their area to the access
19	"throat" portion of the plot; and
20	WHEREAS, the ULDC includes certain standards for flag plots in the RE District
21	but not the remaining rural and agricultural districts; and
21	but not the remaining ratar and agricultural districts, and
22	WHEREAS, the Town Council wishes to enact commensurate flag plot standards
23	for the RR, A-1 and A-2 districts; and
	NAMED FAC the UIDC leader a store to foreste one and originating discount about a transfer of
24	WHEREAS, the ULDC lacks a street frontage and minimum dimensional standard
25	for flag plots; and
26	WHEREAS, the Town Council wishes to establish a minimum street frontage and
27	minimum dimensional standard for flag plots.

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

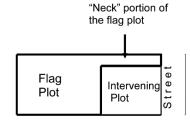
Section 1. Ratification. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein and made a part hereof.

<u>Section 2</u>. Amendment to flag plot definition. Article 10, "Definitions," Section 010-030, "Terms defined," is hereby amended as follows

8 * * *

Plot, flag. The term "flag plot" means a plot that is located at least partially behind another (intervening) plot and does not have the majority of its required plot width fronting a street. Flag plots <u>often</u> access streets by narrow extensions of the plot which connect to the street <u>as depicted in.</u> (See figure 10-1 <u>for illustrative purposes only.</u>)

Figure 10-1. <u>Prototypical Fflag lot illustration</u>.



<u>Section 3</u>. Amendment to flag plot regulation. Article 15, "General Provisions," Section 015-110, "Flag plots," is hereby amended as follows:

- (A) In addition to meeting the minimum plot size requirement for the zoning district within which the flag plot is located, every flag plot shall meet the following requirements to ensure that flag plots are buildable without variances and provide adequate open space on the buildable portion of
 - (1) <u>In the RE district, each flag plot</u> shall also have at least thirty-five thousand (35,000) square feet of net acreage excluding the required front yard; and

Ordinance No. 2022-__ New text is underlined and deleted text is stricken

the plot:

1 2 3 4 5 6		(2) In the RR, A-1 and A-2 districts, each flag plot shall have at least 70,000 square feet of net acreage excluding the required front yard. The purpose of this provision is to ensure that flag plots are buildable without variances and provide adequate open space on the buildable portion of the plot. Flag plots are only permitted in the agricultural and rural districts.
7 8 9	<u>(B)</u>	In addition to the lot width requirements in Sec. 045-070, no portion of a flag plot shall have a width, depth or street frontage dimension of less than twenty-five (25) feet.
10 11 12 13	(C)	Flag plots of record, lawfully existing as of [date of ordinance adoption], that do not comply with the requirements of paragraph (A)(2) and subsection (B), are nonconforming plots of record and are subject to Sec. 030-080, "Nonconforming plots of record."
14 15		tion 4: Codification. The Town Clerk shall cause this ordinance to be a part of the ULDC during the next codification update cycle.
16 17 18		tion 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts on sin conflict herewith, be and the same are hereby repealed to the extent of ct.
19 20 21 22	any portion or invalid,	tion 6: Severability. Should any section or provision of this Ordinance or thereof, any paragraph, sentence or word hereof be declared unconstitutional the invalidity thereof shall not affect the validity of any of the remaining this Ordinance.
23 24		tion 7: Effective Date. This Ordinance shall take effect immediately upor d adoption.
25 26		ED ON FIRST READING this day of, 2021 on a motion made and seconded by
27 28 29	2021, on a	ED AND ADOPTED ON SECOND READING this day of, motion made by and seconded by
30		[Signatures on Following Page]

Breitkreuz Hartmann Allbritton Jablonski Kuczenski		Ayes Nays Absent Abstaining	
			Steve Breitkreuz, Mayor
ATTEST:			
Russell Muñiz, MM	C, Assistant Town Adm	ninistrator/Town Cle	erk
Approved as to For	m and Correctness:		
Weight Delich of 3.D			
Keith Poliakoff, J.D	., Town Attorney		

1	ORDINANCE NO. 2022
2	
3	AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,
4	FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES
5	UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10,
6	ENTITLED, "DEFINITION OF TERMS" TO REVISE THE DEFINITION
7	OF THE TERM, "NET ACRE" TO EXCLUDE CERTAIN POWERLINE
8	TRANSMISSION EASEMENTS; AMENDING ARTICLE 45 ENTITLED,
9	"AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-070
10	"MINIMUM PLOT SIZE AND DIMENSIONS" TO PROVIDE FOR LOTS
11 12	MADE NONCONFORMING BY THIS ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR
13	SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.
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15	WHEREAS, and
16	WHEREAS,; and
17	WHEREAS,; and
18	WHEREAS, the Town Council wishes to
19 20	NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:
21 22 23	Section 1 . Ratification. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein and made a part hereof.
24 25	<u>Section 2</u> . Amendment to Definitions. Article 10, "Definition of Terms," Section 010-030, "Terms defined" is hereby amended as follows:
26	* * *
27 28 29	Acre, net. The term "net acre" means forty-three thousand five hundred sixty (43,560) square feet of land which includes contiguous, private property under the same ownership, excluding the following:
	Ordinance No. 2022 New text is <u>underlined</u> and deleted text is stricken

1 2 3 4 5	par eas the	reasement, reservation or other encumbrance existing, in whole or in t, for the purpose of providing access to real property, provided that an ement for ingress/egress and utilities shall be included as net acreage if town requires the easement to be granted for the purpose of fully ommodating a town capital improvement to an existing street; and						
6 7	(2) Water bodies that are not wholly contained within a single plot, including but not limited to, canals, wet retention areas and lakes.							
8	(3) Pov	verline transmission easements 50 feet or greater in width.						
9	* *	*						
10 11 12	"Agricultural	on 3. Amendment to minimum plot size and dimensions. Article 45, and Rural Districts," Section 045-070, "Minimum plot size and dimensions," ended as follows:						
13	(A) <i>Agric</i>	cultural districts.						
14 15	(1)	Any plot in an agricultural district shall have at least one (1) dimension of two hundred fifty (250) feet.						
16 17 18 19 20	(2)	No plot within an agricultural zoning district shall be developed for residential use unless the plot contains two (2) net or two and one-half $(2\frac{1}{2})$ gross acres of plot area, unless the plot satisfies one (1) of the exceptions listed in subparagraphs a. through h. below, in addition to subparagraph i.:						
21 22 23	;	 Became undersized due to a right-of-way dedication or change in district regulations prior to the adoption of the ordinance from which this ULDC is derived; or 						
24 25	1	o. Is specifically designated on a plat approved by the board or county commissioners prior to May 16, 1979; or						
26 27 28 29 30		time since the effective date of county Ordinance No. 79-34 (May 30, 1979), contiguous with another parcel in common ownership that could be combined into a single parcel of at least two (2) net acres, and which has received the approval of the applicable agency for a sewage disposal system; or						

d.

32 33 Is exempted from the minimum plot size requirement under the "Developed Areas" provision of the comprehensive plan; or

2 3 4		as a result of Town Ordinance No. 2006-02 (see section 010-030, definition of "Acre, net"), which excluded access easements and reservations from counting towards net plot area; or
5 6 7 8		f. Was of public record as of March 2, 2006, and became nonconforming as a result of Town Ordinance No. 2006-06 (see section 010-030, definition of "Acre, net"), which excluded drainage canals and lakes from counting towards net plot area; and or
9 10 11 12		g. Was of public record as of [date of adoption of ordinance] and became nonconforming as a result of Town Ordinance No. 2022-XXX (see section 010-030, definition of "Acre, net"), which excluded certain powerline transmission easements from counting toward net plot area; or
L3		h. Reserved. [and,]
14 15 16 17		g i. Has not, at any time subsequent to May 8, 2003, been under common ownership with a contiguous lot that, if combined, would form a single conforming lot (this provision does not apply to "Developed Areas" under subsection (A)(2)d of this section).
18 19 20 21 22 23	(B)	Rural ranches district. Every plot in a RR district shall be not less than one-hundred twenty-five (125) feet in width and shall contain not less than two (2) net or two and one-half ($2\frac{1}{2}$) gross acres unless the plot satisfies one (1) of the plot size exceptions established in subsectionparagraphs (A)(2) b, c, d, e, or f, g, or h, and subject to subparagraph g i. of this section, or has a minimum area of eighty thousand (80,000) square feet in net area, of record as of February 8, 1993.
25	(C)	Rural estate district.
26 27 28 29 30		(1) Every plot in an RE district shall be not less than one hundred twenty-five (125) feet in width and contain not less than one (1) net acre. One-family dwellings may be permitted on smaller plots which satisfy one (1) of the six (6) exceptions listed below in subparagraphs a. through h. an in addition to satisfying subsection (C)(1)g subparagraph i. of this section:
32 33 34		a. Contain thirty-five thousand (35,000) square feet or more in net area and are not less than one hundred twenty-five (125) feet in width and:
35		1. Were of public record prior to September 18, 1979; and

1 2 3 4		2. Have not been at any time since September 18, 1979, contiguous with another plot in common ownership which could be combined into a single plot of at least one (1) gross acre; or
5 6 7	b.	Are included within an approved plat in which the average density is not more than one (1) dwelling unit per gross acre, as defined in the comprehensive plan; or
8 9	C.	Comply with requirements of exemptions for developed areas specified in the comprehensive plan; or
10 11 12 13	d.	Were of public record as of October 6, 2005, and became nonconforming as a result of Town Ordinance No. 2006-02 (see section 010-030, definition of "Acre, net"), which excluded access easements and reservations from counting towards net plot area; or
15 16 17 18	e.	Was of public record as of March 2, 2006, and became nonconforming as a result of Town Ordinance No. 2006-06, (see section 010-030, definition of "Acre, net"), which excluded drainage canals and lakes from counting towards net plot area; or
19 20 21 22 23	f.	Was of public record as of [date of adoption of ordinance] and became nonconforming as a result of Town Ordinance No. 2021-XXX (see section 010-030, definition of "Acre, net"), which excluded certain powerline transmission easements from counting toward s net plot area; or
24	g.	Reserved.
25 26 27 28 29	<u>h</u> f.	When a plot which was recorded prior to January 1, 1973, and contained thirty-five thousand (35,000) square feet or more in area was reduced in size due to dedication for right-of-way, the resulting plot need be no larger than one hundred twenty-five (125) feet in width and thirty thousand (30,000) square feet in net area. Said plot shall not be further subdivided; and
31 32 33 34	<u>i </u> g.	Has not at any time subsequent to May 8, 2003, been under common ownership with a contiguous lot that, if combined, would form a single conforming lot (this provision does not apply to "Developed Areas" under subsection (A)(2)d of this section).

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codified as a part of the ULDC during the next codification update cycle.

Section 4: Codification. The Town Clerk shall cause this ordinance to be

1 2 3	Section 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.
4 5 6 7	<u>Section 6:</u> Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.
8 9	<u>Section 7:</u> Effective Date. This Ordinance shall take effect immediately upon passage and adoption.
0 1	PASSED ON FIRST READING this day of, 2021 on a motion made by and seconded by
2 3 4 5	PASSED AND ADOPTED ON SECOND READING this day of, 2021, on a motion made by and seconded by
6 7 8	[Signatures on Following Page]
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	Ordinance No. 2022 New text is <u>underlined</u> and deleted text is stricken

1	Breitkreuz	Ayes	
2	Hartmann	Nays	
3	Allbritton Jablonski	Absent	
4 5	Jabionski Kuczenski	Abstaining	
6	Nuczeriski		
7			
8			
9			
10			Steve Breitkreuz, Mayor
11	ATTEST:		
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13			
14			
15	Russell Muñiz, MMC, Assistant To	own Administrator/Town Cle	erk
16			
17	Approved as to Form and Correct	ctness:	
18			
19			
20			
21	Keith Poliakoff, J.D., Town Attor	ney	

ORDINANCE NO.	2022-
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AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10, **ENTITLED, "DEFINITION OF TERMS" TO REVISE THE DEFINITION** OF THE TERM, "NET ACRE" TO EXCLUDE CERTAIN SURFACE WATER MANAGEMENT AREAS AND DRAINAGE EASEMENTS; AMENDING ARTICLE 45 ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-070 "MINIMUM PLOT SIZE AND DIMENSIONS" TO PROVIDE FOR LOTS MADE NONCONFORMING ORDINANCE: **PROVIDING** THIS FOR CODIFICATION: PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the South Florida Regional Climate Change Compact has adopted sea level rise projections of up to 17 inches by 2040 and 54 inches by 2070; and

WHEREAS, the projected rise in sea level rise is expected to increase flooding by causing a commensurate increase in the groundwater table elevation, thereby reducing the ability of rainfall to infiltrate and be stored in the soil (Decker et al., 2019; Sukop et al., 2018); and

WHEREAS, flooding as a consequence of groundwater rise and reduced soil storage is anticipated to double or triple in flood frequency over the next 40 years (Sukop et al., 2018; Obeysekera et al., 2019); and

WHEREAS, large portions of Southwest Ranches have among the lowest ground elevations and highest relative groundwater elevations in Broward County; and

WHEREAS, the Town Council of the Town of Southwest Ranches ("Town Council") finds that additional provision for stormwater retention implemented at the time of land

Ordinance No. 2022-___ New text is underlined and deleted text is stricken subdivision will help the Town cope with the impacts of projected sea level rise and protect the public health, safety and welfare.

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

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

<u>Section 2</u>. Amendment to Definitions. Article 10, "Definition of Terms," Section 010-030, "Terms defined" is hereby amended as follows:

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- Acre, net. The term "net acre" means forty-three thousand five hundred sixty (43,560) square feet of land which includes contiguous, private property under the same ownership, excluding the following:
 - (1) Any easement, reservation or other encumbrance existing, in whole or in part, for the purpose of providing access to real property, provided that an easement for ingress/egress and utilities shall be included as net acreage if the town requires the easement to be granted for the purpose of fully accommodating a town capital improvement to an existing street; and
 - (2) Water bodies that are not wholly contained within a single plot, including but not limited to, canals, wet retention areas and lakes; and
- 21 (3) Reserved
 - (4) Portions of surface water management areas, drainage easements or equivalent areas, designated by the Town or applicable drainage district for retaining or conveying stormwater, that exceed ten (10) feet in width measured along each property line.

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<u>Section 3</u>. Amendment to minimum plot size and dimensions. Article 45, "Agricultural and Rural Districts," Section 045-070, "Minimum plot size and dimensions," is hereby amended as follows:

Ordinance No. 2022-___ New text is underlined and deleted text is stricken

(A) Agricultural districts. 1 (1) Any plot in an agricultural district shall have at least one (1) dimension of 2 two hundred fifty (250) feet. 3 (2) No plot within an agricultural zoning district shall be developed for 4 residential use unless the plot contains two (2) net or two and one-half 5 (2½) gross acres of plot area, unless the plot satisfies one (1) of the 6 exceptions listed in subparagraphs a. through h. below, in addition to 7 subparagraph i.: 8 9 Became undersized due to a right-of-way dedication or change in district regulations prior to the adoption of the ordinance from which this ULDC 10 is derived; or 11 b. Is specifically designated on a plat approved by the board or county 12 commissioners prior to May 16, 1979; or 13 Was of public record prior to May 16, 1979, and has not been at any 14 time since the effective date of county Ordinance No. 79-34 (May 30, 15 1979), contiguous with another parcel in common ownership that could 16 be combined into a single parcel of at least two (2) net acres, and which 17 has received the approval of the applicable agency for a sewage disposal 18 system; or 19 d. Is exempted from the minimum plot size requirement under the 20 "Developed Areas" provision of the comprehensive plan; or 21 Was of public record as of October 6, 2005, and became nonconforming 22 as a result of Town Ordinance No. 2006-02 (see section 010-030, 23 definition of "Acre, net"), which excluded access easements and 24 reservations from counting towards net plot area; or 25 Was of public record as of March 2, 2006, and became nonconforming 26 as a result of Town Ordinance No. 2006-06 (see section 010-030, 27 definition of "Acre, net"), which excluded drainage canals and lakes from 28 counting towards net plot area; and or 29 g. Reserved. 30 h. Was of public record as of [date of adoption of ordinance] and became 31

plot area; and

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nonconforming as a result of Town Ordinance No. 2022-XXX (see section

010-030, definition of "Acre, net"), which excluded certain surface water

management areas and drainage easements from counting toward net

1 2 3 4		<u>g i</u> .	own conf	ershi ormi	at any time subsequent to May 8, 2003, been under common p with a contiguous lot that, if combined, would form a single ng lot (this provision does not apply to "Developed Areas" bsection (A)(2)d of this section).
5 6 7 8 9 10	(B)	hund (2) r of th d, e, mini	dred net or ne plo , or f, mum	twen two ot siz g o area	district. Every plot in a RR district shall be not less than one-ty-five (125) feet in width and shall contain not less than two and one-half ($2\frac{1}{2}$) gross acres unless the plot satisfies one (1) e exceptions established in subsection paragraphs (A)(2) b, c, r. h. and subject to subparagraph g-i. of this section, or has a of eighty thousand (80,000) square feet in net area, of record 8, 1993.
12					
13 14 15 16 17 18	(C)	(1)	Ever five fami	y plo (125 ily dw ne six dditio	ot in an RE district shall be not less than one hundred twenty-) feet in width and contain not less than one (1) net acre. One- vellings may be permitted on smaller plots which satisfy one (1) (6) exceptions listed below in subparagraphs a. through h. and on to satisfying subparagraph subsection (C)(1)g i. of this
20 21 22			a.	area	tain thirty-five thousand (35,000) square feet or more in net a and are not less than one hundred twenty-five (125) feet in the and:
23				1.	Were of public record prior to September 18, 1979; and
24 25 26 27				2.	Have not been at any time since September 18, 1979, contiguous with another plot in common ownership which could be combined into a single plot of at least one (1) gross acre; or
28 29 30			b.	is no	included within an approved plat in which the average density of more than one (1) dwelling unit per gross acre, as defined in comprehensive plan; or
31 32			C.		apply with requirements of exemptions for developed areas cified in the comprehensive plan; or
33 34 35			d.	non	re of public record as of October 6, 2005, and became conforming as a result of Town Ordinance No. 2006-02 (see ion 010-030, definition of "Acre, net"), which excluded access

2		or
3 4 5	e.	Was of public record as of March 2, 2006, and became nonconforming as a result of Town Ordinance No. 2006-06, (see section 010-030, definition of "Acre, net"), which excluded
6		drainage canals and lakes from counting towards net plot area; or
7	f.	Reserved.
8	<u>g.</u>	Was of public record as of [date of adoption of ordinance] and
9		became nonconforming as a result of Town Ordinance No. 2021-
10		XXX (see section 010-030, definition of "Acre, net"), which excluded certain surface water management areas and drainage
11 12		easements from counting toward s net plot area; or
13	<u>h_</u> f.	When a plot which was recorded prior to January 1, 1973, and
14		contained thirty-five thousand (35,000) square feet or more in area
15		was reduced in size due to dedication for right-of-way, the resulting
16 17		plot need be no larger than one hundred twenty-five (125) feet in width and thirty thousand (30,000) square feet in net area. Said
18		plot shall not be further subdivided; and
19	<u>g i</u> .	Has not at any time subsequent to May 8, 2003, been under
20		common ownership with a contiguous lot that, if combined, would
21		form a single conforming lot (this provision does not apply to "Developed Areas" under subsection (A)(2)d of this section)
22		"Developed Areas" under subsection (A)(2)d of this section).
23	Section 4:	Codification. The Town Clerk shall cause this ordinance to be
24	codified as a part of t	he ULDC during the next codification update cycle.
25	Section F. Co	meliate All Ordinances or parts of Ordinances Decolutions or parts
25		inflicts. All Ordinances or parts of Ordinances, Resolutions or parts
26	such conflict.	lict herewith, be and the same are hereby repealed to the extent of
27	Such conflict.	
28	Section 6: S	everability. Should any section or provision of this Ordinance or
29	any portion thereof, a	ny paragraph, sentence or word hereof be declared unconstitutional
30	or invalid, the invalid	dity thereof shall not affect the validity of any of the remaining
31	portions of this Ordin	ance.

easements and reservations from counting towards net plot area;

passage and adoption.

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

					, 2021 on a motion ma
2021, o	ASSED AND ADOI on a motion made b				nis day of, onded by
		[Signatu	ires on	Next Page]	
 	Breitkreuz Hartmann Allbritton Jablonski Kuczenski			Ayes Nays Absent Abstaining	
					Steve Breitkreuz, Mayor
ATTEST	7:				
Russell	Muñiz, MMC, Assis	tant Town A	dministr	ator/Town Cle	erk
Approv	ed as to Form and	Correctness	:		
	ce No. 2022 t is underlined and del				

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3 Keith Poliakoff, J.D., Town Attorney

1	ORDINANCE NO. 2022
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3	AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,
4	FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES
5	UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 90,
6	"SUBDIVISION DESIGN AND ACCESS STANDARDS," SECTION 090-
7	080, "ACCESS TO DEVELOPMENT," TO MODIFY STANDARDS FOR
8	SHARED DRIVEWAYS; PROVIDING FOR CODIFICATION;
9	PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;
LO	AND, PROVIDING FOR AN EFFECTIVE DATE.
L1 L2	WHEREAS, the ULDC authorizes shared driveways as a less costly and less land-intensive alternative to dedication and construction of streets; and
L3 L4 L5	WHEREAS, the Town Council wishes to require additional area for drainage and utilities within shared driveway easements while still constituting a less expensive and land-intensive alternative than dedication and construction of streets.
L6 L7	NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:
18 19 20	<u>Section 1</u> . Ratification. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein and made a part hereof.
21 22 23	<u>Section 2</u> . Amendment to shared driveway standards. Article 90, "Subdivision Design and Access Standards," Section 090-080, "Access to development," is hereby amended as follows
24	* * *
25 26	(C) Exceptions to street access. Every plot shall front on and access a publicly dedicated street, except as follows:
27	* * *
28 29	(2) A plot without direct frontage on a public or private street may be created if the following conditions are met:
30 31	a. <i>Individual access to a landlocked parcel.</i> One (1) landlocked lot or parcel may be served by an ingress/egress easement at least

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twenty-five (25) fifteen (15) feet wide, with a ten (10) foot-wide

1 2 3 4 5 6 7	travel surface connecting the landlocked lot or parcel to a public or private street through an intervening lot or parcel. The easement shall provide for access by emergency vehicles and government officials, employees or contractual service providers during the course of their official duties. Geometry shall be approved by the town engineer, fire department and other applicable service providers; or
8	b. Shared access to multiple landlocked parcels. Up to four (4) lots or
9	parcels may be served by an ingress/egress easement at least
10	thirty-five (35) twenty-five (25) feet wide, providing access for
11	emergency vehicles and government officials, employees or
12	contractual service providers during the course of their official
13	duties, and providing a travel surface, pull-off shoulders and traffic
14	markings as depicted by Figure 90-2.
15	* * *
16	i. A turn-around acceptable to the town engineer and/or fire marshal
17	shall be provided at the end of the shared driveway, consistent with
18	one of the details shown in Figure 90-1 and shall be fully contained
19	within the ingress/egress easement.
20	Section 3: Codification. The Town Clerk shall cause this ordinance to be
21	codified as a part of the ULDC during the next codification update cycle.
22	Section 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts
23	of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of
24	such conflict.
25	Section 5: Severability. Should any section or provision of this Ordinance or
25	 , , , , , , , , , , , , , , , ,
26	any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional
27	or invalid, the invalidity thereof shall not affect the validity of any of the remaining
28	portions of this Ordinance.
29	Section 6: Effective Date. This Ordinance shall take effect immediately upon
30	passage and adoption.
31	PASSED ON FIRST READING this day of, 2021 on a motion made
32	
32	by and seconded by

2021, on a motion made by	and seco	onded by
Breitkreuz Hartmann Allbritton Jablonski Kuczenski	Ayes Nays Absent Abstaining	
		Steve Breitkreuz, May
ATTEST:		
Russell Muñiz, MMC, Assistant Town Adı	ministrator/Town Cle	erk
Approved as to Form and Correctness:		

1	ORDINANCE NO. 2022
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3	AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,
4	FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES
5	UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 140
6	ENTITLED, "VARIANCES," SECTION 140-020 "AUTHORITY" TO
7	EXPAND CONSIDERATIONS FOR VARIANCES; PROVIDING FOR
8 9	CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.
9	SEVERABILITY, AND, PROVIDING FOR AN EFFECTIVE DATE.
LO	
l1	WHEREAS, the ULDC was designed to limit the scope of relief from available from
L2	its provisions; and
L3	WHEREAS, the Town Council lacks authority under the ULDC to grant variances
L4	outside its limited authority that may be necessary to provide relief from a ULDC provision
L5	that a petitioner alleges violates state or federal law; and
L6	WHEREAS, the Town Council wishes to ensure that it has the authority to provide
L7	such relief if deemed necessary
L8	NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
L9	TOWN OF SOUTHWEST RANCHES, FLORIDA:
20	Section 1. Ratification. The foregoing "WHEREAS" clauses are hereby ratified
21	and confirmed as being true and correct and are hereby incorporated herein and made a
22	part hereof.
23	
24	Section 2: Amendment to variance authority. Article 140, "Variances,"
25	Section 140-020, "Authority," is hereby amended as follows:
26 27	(A) The council shall have the authority to grant a variance to provisions of the ULDC relating to the following:
28	(1) Height;
	Ordinance No. 2022
	New text is <u>underlined</u> and deleted text is stricken

1		(2)	Yards;
2		(3)	Offstreet parking and loading;
3		(4)	Landscaping and buffers;
4		(5)	Separation of uses;
5		(6)	Plot coverage;
6 7		(7)	Such other provisions of the Code which do not specifically prohibit such requests.
8 9 10 11	(B)	a us class	variance request may be acted upon by the town council that would allow se which is specifically or by inference prohibited in any zoning district sification, including an increase in density, or any provisions for which the C specifically prohibits waiver or modification.
12 13 14 15 16 17	<u>(C)</u>	may clain the prec	withstanding the foregoing subsections (A) and (B), the Town Council grant a variance from any provision of this chapter that a petitioner as violates state or federal law, upon a finding that the petitioner satisfies standard set forth in the applicable federal or state statutes, or legal state interpreting the applicable statutes, to establish that the requested if is required by law.
18 19	(<u>D</u> E	•	applications for variances will not be considered with respect to the wing:
20 21 22 23 24 25 26		(1)	Where application, either formal or informal, has been made for construction or alteration of buildings, structures, or other improvements that commenced subsequent to April 14, 2005 (the date of adoption of the ordinance from which this provision is derived), and for which all necessary development orders and permits have not been issued or where the town has denied such application, but the building structure, or other improvement is later constructed.
27 28 29		(2)	Where plans have been submitted and approved and permits issued and the building, structure, or other improvement is not built according to plan.
30 31		(3)	Where plans have been submitted and approved and permits issued, but additional work not shown on the approved plans has been performed.
32 33		(4)	Where a property has been subdivided and as a result an existing structure is in violation of the provisions of this ULDC.
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1 2	Section 3: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.
3 4 5	<u>Section 4:</u> Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.
6 7 8 9	<u>Section 5:</u> Severability. Should any section or provision of this Ordinance of any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.
LO L1	Section 6: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.
12 13	PASSED ON FIRST READING this day of, 2021 on a motion made by and seconded by
14 15 16 17	PASSED AND ADOPTED ON SECOND READING this day of, 2021, on a motion made by and seconded by
L8 L9 <u>2</u> 0	[Signatures on the Following Page]
21	
22 23	
24	
25	
26	
	Ordinance No. 2022 New text is <u>underlined</u> and deleted text is stricken

Breitkreuz Hartmann Allbritton Jablonski Kuczenski	Ayes Nays Absent Abstaining	
		Steve Breitkreuz, Mayor
ATTEST:		
Russell Muñiz, MMC, Assistant Town A	Administrator/Town Cle	erk
Approved as to Form and Correctness	::	

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AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 45 ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS," BY AMENDING SECTION 045-080, "PLOT COVERAGE, FLOOR AREA RATIO AND PERVIOUS AREA" TO PROVIDE BARNS A LIMITED **EXEMPTION FROM THE PLOT COVERAGE LIMITATION; CREATING** SECTION 045-081 "AGRICULTURAL RESERVE AREA" TO REQUIRE RESERVATION OF LAND **FOR AGRICULTURAL** USE CONJUNCTION WITH CONSTRUCTION OF **NEW HOMES**; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN **EFFECTIVE DATE.**

WHEREAS, the Town was founded to preserve its rural character and the rural lifestyle of its residents; and

WHEREAS, residents' ability to keep horses and livestock, and to engage in other incidental agricultural use on their land is essential to these founding principles; and

WHEREAS, the Town has been developing in a manner that precludes such agricultural uses; and

WHEREAS, the Town Council intends that the design of lots for residential development include at least a minimum consideration for incidental agricultural use, even if the current owner has no interest in same, in order not to foreclose a future owner's opportunity to engage in such activities.

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

<u>Section 1</u>. Ratification. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein and made a part hereof.

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Section 3. Agricultural reserve area requirement. Article 45, "Agricultural and Rural Districts," is hereby amended to create Section 045-081, "Agricultural reserve area" to read as follows:

- (A) *Intent.* The intent of this subsection is to preserve the opportunity of a future property owner to engage in an agricultural use. The requirements of this section are modeled after the best practices for a two-stall barn with tack room and paddock. Construction of a barn is not required to comply with this section.
- (B) Prior to issuance of a building permit for a dwelling, the plot plan in the permit plan set shall designate a single contiguous area within the plot for agricultural use that meets the following requirements:

Ordinance No. 2022-New text is underlined and deleted text is stricken

1		(1)	Area of at least twelve hundred (1,200) square with a minimum dimension of at least eighteen (18) feet.
3 4		(2)	Setback of at least four (4) feet from property lines, surface water management areas and drainage easements. The setback is intended to
5 6			allow for one (1) foot of fill above the elevation of adjacent water retention and flowage areas at a transitional slope of 4:1.
7 8		(3)	Setback of at least ten (10) feet from any pool, deck and patio, and any roofed structure other than an agricultural structure.
9		(4)	Setback of at least fifty (50) feet from a waterbody.
10 11 12 13 14		(5)	Capable of accommodating a six hundred (600) square-foot barn with a minimum eighteen-(18) foot dimension that complies with the setback requirements in Sec. 045-100(A). This dimension is based upon twelve (12) feet of stall depth and six (6) feet of roof overhang at the front of the stall.
15 16 17 18 19 20	(C)	curre pern hous Adm	area shall remain reserved for agricultural use whether or not the thenent owner intends to engage in any agricultural use. No structures are nitted within the agricultural use area except barns, greenhouses, shade ses, and other agricultural structure authorized by the Town inistrator for bona fide agricultural use. Storage buildings are not cultural structures for the purpose of this section.
21 22 23	(D)		Noncommercial Farm Special Exception procedures of Article 155 are authorized to provide relief from the minimum requirements of this ion.
24 25			4: Codification. The Town Clerk shall cause this ordinance to be t of the ULDC during the next codification update cycle.
26			5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts
27			conflict herewith, be and the same are hereby repealed to the extent of
28	such confli	ct.	
29			6: Severability. Should any section or provision of this Ordinance or
30			eof, any paragraph, sentence or word hereof be declared unconstitutional
31	or invalid,	uie I	invalidity thereof shall not affect the validity of any of the remaining

portions of this Ordinance.

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by and seco	this day of, 2021 on a motion manded by
PASSED AND ADOPTED ON S 2021, on a motion made by	SECOND READING this day of,
	and seconded by
Breitkreuz Hartmann Allbritton Jablonski Kuczenski	Ayes Nays Absent Abstaining
NGCZCHSKI	Steve Breitkreuz, Mayor
ATTEST:	
Russell Muñiz, MMC, Assistant Town A	
Approved as to Form and Correctness	·
Keith Poliakoff, J.D., Town Attorney	

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE DEFINITION OF GUEST HOUSE IN THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; AND, PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-1)

WHEREAS, Section II.A. of the Town of Southwest Ranches Comprehensive Plan entitled, "Definitions," restricts the gross floor area of guest homes on parcels between 35,000 square feet and 43,560 square feet in area to six hundred (600) square feet; and

WHEREAS, Section II.A. allows guest homes of 1,200 square feet of gross floor area on plots of more than 43,560 square feet in area; and

WHEREAS, the Town Council wishes to standardize the allowable guest house size on all plots of 35,000 square feet and larger in area.

WHEREAS, the Town Council, sitting as the Local Planning Agency, held a duly noticed public hearing on September 23, 2021 and recommended that the Town Council adopt the proposed amendment; and

WHEREAS, the Town Council finds that the amendment is internally consistent with goals, objectives and policies of the adopted Comprehensive Plan.

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

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

<u>Section 2:</u> Amendment to Part II.A. The Definitions of Part II, Administration, of the Town of Southwest Ranches Comprehensive Plan are hereby amended as follows:

* * *

Guest house - A structure or any part of a structure ancillary to a detached single family dwelling unit, excluding mobile homes, and located on the same

parcel as the principle dwelling unit, that is occupied in whole or in part as the temporary residence or living quarters of one or more persons, that shall not exceed 600 square feet for parcels between 35,000 square feet to 43,560 square feet and shall not exceed 1,200 square feet in gross living area for parcels greater than 43,560 square feet. Only one (1) guest house shall be permitted per parcel and it may not be rented, leased or sold separately from the overall property. A guest house may not contain, or be designed to contain, a complete kitchen facility. In no event shall a guest house be considered a dwelling unit, as defined herein. If a temporary or permanent residence or living quarter does not meet the definition of guest house, it shall be deemed to be a dwelling for purposes of density calculation. For purposes of this definition, a temporary residence or living quarter shall not have a separate mailing address or electric meter. A guest house shall not be permitted on parcels less than 35,000 square feet.

<u>Section 3:</u> **F.S. Chapter 163 Transmittal.** That the Town Planner is hereby directed to transmit the amendment to the State Land Planning Agency immediately following first reading of this Ordinance, and is hereby directed to transmit the adopted amendments to the State Land Planning Agency immediately following the second and final reading of this Ordinance.

<u>Section 4:</u> Recertification. That the Town Planner is hereby directed to apply to the Broward County Planning Council for recertification of the Future Land Use Map subsequent to the effective date of this Ordinance.

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

	PASS	ED ON	FIR	ST REA	DING th	nis	_ day o	f	, 2021	on a m	notion	
m	ade by _				ar	nd seco	onded l	оу				
	PASS	ED ANI	D AD	OPTED	ON SE	CONI	D REAI	DING t	his	_day of	, 2021	., on
a	motion	made	by							_ and	seconded	by

Underlined text is added and stricken text is deleted.

Breitkreuz Hartmann Allbritton Jablonski Kuczenski	Ayes Nays Absent Abstaining	
		Steve Breitkreuz, Mayor
Attest:		
Russell Muñiz, MBA, MPA, MMCl , Town Clerk		
Approved as to Form and Correctness:		
Keith M. Poliakoff 1.D. Town Attorney		

<u>Underlined</u> text is added and stricken text is deleted.