



Southwest Ranches Town Council

LOCAL PLANNING AGENCY

Agenda of April 14, 2022

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
 Southwest Ranches, FL 33330

<u>Mayor</u> Steve Breitkreuz	<u>Town Council</u> Jim Allbritton Bob Hartmann David Kuczenski	<u>Town Administrator</u> Andrew D. Berns, MPA	<u>Town Attorney</u> Keith M. Poliakoff, J.D.
<u>Vice Mayor</u> Gary Jablonski		<u>Town Financial Administrator</u> Martin Sherwood, CPA CGFO	<u>Assistant Town Administrator/Town Clerk</u> Russell C. Muniz, MPA

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

1. **Call to Order**
2. **Roll Call**

Resolutions

3. **LPA RESOLUTION FOR SURFACE WATER MANAGEMENT AREAS**
 A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA (“LOCAL PLANNING AGENCY”), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (“ULDC”), TO EXCLUDE CERTAIN SURFACE WATER MANAGEMENT AREAS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE. **{Item tabled from March 24, 2022}**
4. **Approval of Minutes**
 - a. **March 24, 2022 LPA Minutes**
5. **Adjournment**

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

This page
intentionally left blank



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

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

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

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

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 4/14/2022
SUBJECT: LPA RESOLUTION FOR SURFACE WATER MANAGEMENT AREAS

Recommendation

The proposed Ordinance is a policy matter for consideration of the Town Council in its legislative capacity.

A. Sound Governance

Background

On March 25, 2021, the Town Council passed Resolution No. 2021-037 to establish a zoning in progress (which has since expired), prohibiting subdivision of properties encumbered by stormwater retention areas in the Rural Estate district. The Council tasked the CPAB with producing an ordinance for Council consideration.

The CPAB voted 8-0 to recommend the attached Ordinance, which excludes surface water management areas more than 10 feet in width from net lot area calculations in all zoning districts, not just the Rural Estate district.

The Ordinance would apply to parcels that are currently large enough to be subdivided. Any legally existing lot of record that would not meet the minimum net lot area requirement because of this Ordinance would become grandfathered as a [legal] nonconforming lot of record.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
LPA Reso for SWMAs - TA Approved	12/10/2021	Resolution
SFWMAs Ordinance - TA Approved	12/10/2021	Exhibit

LPA RESOLUTION NO. 2022-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN SURFACE WATER MANAGEMENT AREAS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.

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 already substantial unusable area of residential plots in portions of the Town during rainy season, resulting from saturated soil and standing water, will be exacerbated in severity, extent and duration by rising groundwater elevations; and

WHEREAS, the Local Planning Agency finds that it is in the best interest of the public health, safety and welfare that new subdivisions provide dedicated stormwater retention areas outside of individual plots, or provide additional plot area for stormwater retention, so as to preserve most of the minimum required plot area for residential and agricultural uses.

WHEREAS, the Local Planning Agency finds the amendment is consistent with the goals, objectives and policies of the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. RECOMMENDATION. The Local Planning Agency recommends that the Town Council adopt the proposed amendment, attached as Exhibit "A" hereto.

Section 3. EFFECTIVE DATE. This Resolution shall be effective immediately upon its passage.

PASSED this ___ day of October, 2021 on a motion made by Council Member _____ and seconded by Council Member _____.

Breitkreuz	_____	Ayes	_____
Hartmann	_____	Nays	_____
Allbritton	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

(Signatures on the Following Page)

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2022-_____

Page 2 of 4

Steve Breitzkreuz, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.817.01

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2022-_____

Page **3** of **4**

EXHIBIT "A"
PROPOSED ULDC AMENDMENT

(ATTACHED)

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2022-_____

Page 4 of 4

1 **WHEREAS**, the already substantial unusable area of residential plots in portions
2 of the Town during rainy season, resulting from saturated soil and standing water, will
3 be exacerbated in severity, extent and duration by rising groundwater elevations; and

4 **WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council")
5 finds that it is in the best interest of the public health, safety and welfare that new
6 subdivisions provide dedicated stormwater retention areas outside of individual plots, or
7 provide additional plot area for stormwater retention, so as to preserve most of the
8 minimum required plot area for residential and agricultural uses.

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

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

14 **Section 2. Amendment to Definitions.** Article 10, "Definition of Terms,"
15 Section 010-030, "Terms defined" is hereby amended as follows:

16 * * *

17 *Acre, net.* The term "net acre" means forty-three thousand five hundred sixty
18 (43,560) square feet of land which includes contiguous, private property under
19 the same ownership, excluding the following:

20 (1) Any easement, reservation or other encumbrance existing, in whole or in
21 part, for the purpose of providing access to real property, provided that an
22 easement for ingress/egress and utilities shall be included as net acreage if
23 the town requires the easement to be granted for the purpose of fully
24 accommodating a town capital improvement to an existing street; and

25 (2) Water bodies that are not wholly contained within a single plot, including
26 but not limited to, canals, wet retention areas and lakes; and

27 (3) Reserved

28 (4) Portions of surface water management areas, drainage easements or
29 equivalent areas, designated by the Town or applicable drainage district for

Ordinance No. 2022-__

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

1 retaining or conveying stormwater, that exceed ten (10) feet in width
2 measured along each property line.

3 * * *

4 **Section 3. Amendment to minimum plot size and dimensions.** Article 45,
5 "Agricultural and Rural Districts," Section 045-070, "Minimum plot size and dimensions,"
6 is hereby amended as follows:

7 (A) *Agricultural districts.*

8 (1) Any plot in an agricultural district shall have at least one (1) dimension of
9 two hundred fifty (250) feet.

10 (2) No plot within an agricultural zoning district shall be developed for
11 residential use unless the plot contains two (2) net or two and one-half
12 (2½) gross acres of plot area, unless the plot satisfies one (1) of the
13 exceptions listed in subparagraphs a. through h. below, in addition to
14 subparagraph i.:

15 a. Became undersized due to a right-of-way dedication or change in district
16 regulations prior to the adoption of the ordinance from which this ULDC
17 is derived; or

18 b. Is specifically designated on a plat approved by the board or county
19 commissioners prior to May 16, 1979; or

20 c. Was of public record prior to May 16, 1979, and has not been at any
21 time since the effective date of county Ordinance No. 79-34 (May 30,
22 1979), contiguous with another parcel in common ownership that could
23 be combined into a single parcel of at least two (2) net acres, and which
24 has received the approval of the applicable agency for a sewage disposal
25 system; or

26 d. Is exempted from the minimum plot size requirement under the
27 "Developed Areas" provision of the comprehensive plan; or

28 e. Was of public record as of October 6, 2005, and became nonconforming
29 as a result of Town Ordinance No. 2006-02 (see section 010-030,
30 definition of "Acre, net"), which excluded access easements and
31 reservations from counting towards net plot area; or

32 f. Was of public record as of March 2, 2006, and became nonconforming
33 as a result of Town Ordinance No. 2006-06 (see section 010-030,

Ordinance No. 2022-__

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

1 definition of "Acre, net"), which excluded drainage canals and lakes from
2 counting towards net plot area; ~~and~~ or

3 g. Reserved.

4 h. Was of public record as of [date of adoption of ordinance] and became
5 nonconforming as a result of Town Ordinance No. 2022-XXX (see section
6 010-030, definition of "Acre, net"), which excluded certain surface water
7 management areas and drainage easements from counting toward net
8 plot area; and

9 ~~g.i.~~ Has not, at any time subsequent to May 8, 2003, been under common
10 ownership with a contiguous lot that, if combined, would form a single
11 conforming lot (this provision does not apply to "Developed Areas"
12 under subsection (A)(2)d of this section).

13 (B) *Rural ranches district.* Every plot in a RR district shall be not less than one-
14 hundred twenty-five (125) feet in width and shall contain not less than two
15 (2) net or two and one-half (2½) gross acres unless the plot satisfies one (1)
16 of the plot size exceptions established in ~~subsection paragraphs~~ paragraphs (A)(2) b, c,
17 d, e, ~~or f,~~ g or h. and subject to subparagraph g-i. of this section, or has a
18 minimum area of eighty thousand (80,000) square feet in net area, of record
19 as of February 8, 1993.

20
21 (C) *Rural estate district.*

22 (1) Every plot in an RE district shall be not less than one hundred twenty-
23 five (125) feet in width and contain not less than one (1) net acre. One-
24 family dwellings may be permitted on smaller plots which satisfy one (1)
25 of the ~~six (6)~~ exceptions listed below in subparagraphs a. through h. and
26 in addition to satisfying subparagraph subsection (C)(1)g-i. of this
27 section:

28 a. Contain thirty-five thousand (35,000) square feet or more in net
29 area and are not less than one hundred twenty-five (125) feet in
30 width and:

- 31 1. Were of public record prior to September 18, 1979; and
32 2. Have not been at any time since September 18, 1979,
33 contiguous with another plot in common ownership which
34 could be combined into a single plot of at least one (1) gross
35 acre; or

Ordinance No. 2022-__

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

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

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

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

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

1 **Section 6: Severability.** Should any section or provision of this Ordinance or
2 any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional
3 or invalid, the invalidity thereof shall not affect the validity of any of the remaining
4 portions of this Ordinance.

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

7 **PASSED ON FIRST READING** this ___ day of _____, 2021 on a motion made
8 by _____ and seconded by _____.

9 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____,
10 2021, on a motion made by _____ and seconded by
11 _____

12

13	Breitkreuz	_____	Ayes	_____
14	Jablonski	_____	Nays	_____
15	Allbritton	_____	Absent	_____
16	Hartmann	_____	Abstaining	_____
17	Kuczenski	_____		

18

19

20

Steve Breitkreuz, Mayor

21 ATTEST:

22

Russell Muñiz, Assistant Town Administrator/Town Clerk

24 Approved as to Form and Correctness:

25

Keith Poliakoff, J.D., Town Attorney

27

1001.817.01

Ordinance No. 2022-__

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

LOCAL PLANNING AGENCY MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

March 24, 2022

13400 Griffin Road

Present:

Chair Steve Breitkreuz

Andrew Berns, Town Administrator

Vice Chair Gary Jablonski

Russell Muñiz, Assistant Town Administrator/Town Clerk

Board Member Jim Allbritton

Martin D. Sherwood, Town Financial Administrator

Board Member Bob Hartmann

Keith Poliakoff, Town Attorney

Board Member David S. Kuczenski

Local Planning Agency of the Town of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Chair Breitkreuz at 7:03 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

3. LPA RESOLUTION FOR POWER LINES ORDINANCE

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN POWERLINE TRANSMISSION EASEMENTS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE. {Item Tabled from December 16, 2021} **STAFF REQUESTS THIS ITEM BE WITHDRAWN**

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

MOTION: TO WITHDRAW THE RESOLUTION.

4. LPA RESOLUTION FOR SURFACE WATER MANAGEMENT AREAS

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN SURFACE WATER MANAGEMENT AREAS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE. **STAFF REQUESTING A TABELING TO APRIL 14, 2022**

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

MOTION: TO TABLE THE RESOLUTION TO APRIL 14, 2022.

5. Approval of Minutes
a. February 10, 2022 LPA Meeting

The following motion was made by Vice Chair Jablonski and seconded by Board Member Kuczenski and passed by 5-0 roll call vote. The vote was as follows Board Members Allbritton, Hartmann, Kuczenski, Vice Chair Jablonski, and Chair Breitzkreuz voting Yes.

MOTION: TO APPROVE THE FEBRUARY 10, 2022 LPA MEETING MINUTES.

6. Adjournment - Meeting was adjourned at 7:07 PM.

Respectfully submitted:

Russell Muniz Assistant Town Administrator/Town Clerk, MMC

Adopted by the Town Local Planning Agency on this 14th day of April, 2022.

Steve Breitzkreuz, Chair

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