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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 140 ENTITLED, "VARIANCES," SECTION 140-020 "AUTHORITY" TO EXPAND THE TOWN COUNCIL'S AUTHORITY TO GRANT VARIANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the ULDC was designed to limit the scope of relief from available from its provisions; and

WHEREAS, the Town Council lacks authority under the ULDC to grant variances outside its limited authority that may be necessary to provide relief from a ULDC provision that a petitioner alleges violates state or federal law; and

WHEREAS, the Town Council wishes to ensure that it has the authority to provide such relief if deemed necessary.

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.

- **Section 2: Amendment to variance authority.** Article 140, "Variances," Section 140-020, "Authority," is hereby amended as follows:
 - (A) The council shall have the authority to grant a variance to provisions of the ULDC relating to the following:

Ordinance No. 2022-<u>008</u> New text is <u>underlined</u> and deleted text is stricken

1		(1)	Height;
2		(2)	Yards;
3		(3)	Offstreet parking and loading;
4		(4)	Landscaping and buffers;
5		(5)	Separation of uses;
6		(6)	Plot coverage;
7 8		(7)	Such other provisions of the Code which do not specifically prohibit such requests.
9 10 11 12	(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.
13 14 15 16 17	(C)	may clain the prec	vithstanding 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 edent interpreting the applicable statutes, to establish that the requested f is required by law.
19 20	(<u>D</u> E)		pplications for variances will not be considered with respect to the wing:
21 22 23 24 25 26 27		(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.
28 29 30		(2)	Where plans have been submitted and approved and permits issued and the building, structure, or other improvement is not built according to plan.
31 32		(3)	Where plans have been submitted and approved and permits issued, but additional work not shown on the approved plans has been performed.
33 34		(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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2	Section 3: Codification. The Town Clerk shall cause this ordinance to be							
3	codified as a part of the ULDC during the next codification update cycle.							
4	Section 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts							
5	of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of							
6	such conflict.							
7	Section 5: Severability. Should any section or provision of this Ordinance or							
8	any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional							
9	or invalid, the invalidity thereof shall not affect the validity of any of the remaining							
10	portions of this Ordinance.							
11	Section 6: Effective Date. This Ordinance shall take effect immediately upon							
12	passage and adoption.							
13	PASSED ON FIRST READING this 16th day of December, 2021 on a motion							
14	made by Vice Mayor Jablonski and seconded by Council Member Kuczenski.							
15	PASSED AND ADOPTED ON SECOND READING this 10th day of February,							
16	2022, on a motion made by <u>Council Member Kuczenski</u> and seconded by <u>Vice Mayor</u>							
17	<u>Jablonski</u> .							
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20	[Signatures on the Following Page]							
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6 7 8 9 10	Breitkreuz Hartmann Allbritton Jablonski Kuczenski		Ayes Nays Absent Abstaining	5				
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14 15				Steve Breitkreuz, Mayor				
16	ATTEST:			2.0.0 2.0.0 0.0 0.0 0.0				
17 18 19	fun	Q M.	when					
20	Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk							
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22	Approved as to For	m and Correctnes	ss:					
23 24		1/	_					
25	Keith Poliakoff, J.D	Town Attorney						
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Ordinance No. 2022-___ New text is <u>underlined</u> and deleted text is stricken