

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

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

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

8 * * *

9 *Acre, net.* The term "net acre" means forty-three thousand five hundred sixty
10 (43,560) square feet of land which includes contiguous, private property under
11 the same ownership, excluding the following:

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

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

19 (3) Portions of surface water management areas, drainage easements or
20 equivalent areas in the RE District, designated by the Town or applicable
21 drainage district for retaining or conveying stormwater, that:

22 (a) Exceed fifteen (15) feet in width within lots of record measuring five
23 and one-half (5.5) gross acres or more as of [date of adoption of
24 ordinance]; or

25 (b) Exceed ten (10) feet in width on lots of record measuring seven and
26 one-half (7.5) gross acres of more as of [date of adoption of ordinance].

27 * * *

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

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

1 (A) *Agricultural districts.*

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

4 (2) No plot within an agricultural zoning district shall be developed for
5 residential use unless the plot contains two (2) net or two and one-half
6 (2½) gross acres of plot area, unless the plot satisfies one (1) of the
7 exceptions listed in subparagraphs a. through f. below, in addition to
8 subparagraph g.:

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

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

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

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

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

26 f. Was of public record as of March 2, 2006, and became nonconforming
27 as a result of Town Ordinance No. 2006-06 (see section 010-030,
28 definition of "Acre, net"), which excluded drainage canals and lakes from
29 counting towards net plot area; and ~~or~~

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

34 (B) *Rural ranches district.* Every plot in a RR district shall be not less than one-
35 hundred twenty-five (125) feet in width and shall contain not less than two
36 (2) net or two and one-half (2½) gross acres unless the plot satisfies one (1)

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1 of the plot size exceptions established in subsection paragraphs (A)(2) b, c,
2 d, e, ~~or f, g or h.~~ and subject to subparagraph ~~g-i.~~ of this section, or has a
3 minimum area of eighty thousand (80,000) square feet in net area, of record
4 as of February 8, 1993.

5 (C) *Rural estate district.*

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

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

15 1. Were of public record prior to September 18, 1979; and

16 2. Have not been at any time since September 18, 1979,
17 contiguous with another plot in common ownership which
18 could be combined into a single plot of at least one (1) gross
19 acre; or

20 b. Are included within an approved plat in which the average density
21 is not more than one (1) dwelling unit per gross acre, as defined in
22 the comprehensive plan; or

23 c. Comply with requirements of exemptions for developed areas
24 specified in the comprehensive plan; or

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

30 e. Was of public record as of March 2, 2006, and became
31 nonconforming as a result of Town Ordinance No. 2006-06, (see
32 section 010-030, definition of "Acre, net"), which excluded
33 drainage canals and lakes from counting towards net plot area; or

34 f. ~~Reserved.~~

35 Was of public record as of [date of adoption of ordinance], and on
36 such date became nonconforming or thereafter became

1 noncompliant with this ULDC as a result of Town Ordinance No.
2 2021-XXX (see section 010-030, definition of "Acre, net"), which
3 excluded certain surface water management areas and drainage
4 easements from counting toward net plot area, provided that such
5 lot of record made nonconforming or noncompliant shall not be
6 reduced in area; or

7 g.f. When a plot which was recorded prior to January 1, 1973, and
8 contained thirty-five thousand (35,000) square feet or more in area
9 was reduced in size due to dedication for right-of-way, the resulting
10 plot need be no larger than one hundred twenty-five (125) feet in
11 width and thirty thousand (30,000) square feet in net area. Said
12 plot shall not be further subdivided; and

13 h.g Has not at any time subsequent to May 8, 2003, been under
14 common ownership with a contiguous lot that, if combined, would
15 form a single conforming lot (this provision does not apply to
16 "Developed Areas" under subsection (A)(2)d of this section).

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

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

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

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

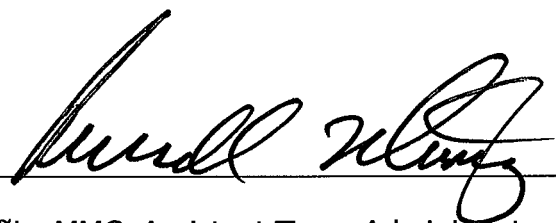
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30 **[Signatures on Following Page]**
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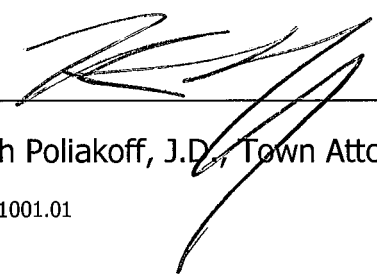
1 **PASSED ON FIRST READING** this 14th day of April, 2022 on a motion made by
2 Council Member Hartmann and seconded by Vice Mayor Jablonski.

3 **PASSED AND ADOPTED ON SECOND READING** this 28th day of April, 2022,
4 on a motion made by V/m Jablonski and seconded by V/m Kuczenski.

5
6 Breitkreuz Yes Ayes 5
7 Hartmann Yes Nays 0
8 Allbritton Yes Absent 0
9 Jablonski Yes Abstaining 0
10 Kuczenski Yes

11
12
13
14 
15 Steve Breitkreuz, Mayor

16 ATTEST:
17
18 
19 _____
20 Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

21
22 Approved as to Form and Correctness:
23
24 
25 _____
26 Keith Poliakoff, J.D., Town Attorney
27 1001.1001.01

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