



Southwest Ranches Town Council

LOCAL PLANNING AGENCY

Agenda of July 28, 2022

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u> Steve Breitreuz	<u>Town Council</u> Jim Allbritton Bob Hartmann	<u>Town Administrator</u> Andrew D. Berns, MPA	<u>Town Attorney</u> Keith M. Poliakoff, J.D.
<u>Vice Mayor</u> Gary Jablonski	David Kuczenski	<u>Town Financial Administrator</u> Emil C. Lopez, CPM	<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 HOME-BASED BUSINESSES ULDC AMENDMENT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA (“LOCAL PLANNING AGENCY”), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (“ULDC”) TO COMPLY WITH SECTION 559.955, FLORIDA STATUTES PERTAINING TO HOME-BASED BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE.

4. **LPA RESOLUTION FOR NEW RR-A DISTRICT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA (“LOCAL PLANNING AGENCY”), RECOMMENDING THAT THE TOWN COUNCIL ADOPT/ NOT ADOPT AN AMENDMENT TO THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (“ULDC”) TO CREATE A NEW RURAL RESIDENTIAL ZONING DISTRICT WITH A MINIMUM PLOT SIZE REQUIREMENT OF 2.5 NET ACRES; PROVIDING FOR AN EFFECTIVE DATE.

5. **Approval of Minutes**
 - a. **April 14, 2022 LPA Minutes**

6. **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.



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
Emil C. Lopez, CPM, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 7/28/2022
SUBJECT: LPA RESOLUTION FOR HOME-BASED BUSINESSES ULDC
AMENDMENT

Recommendation

Staff recommends approval.

A. Sound Governance

Background

Effective July 1, 2021, the Florida Legislature enacted F.S. 559.955 (attached), preempting local governments from regulating several major aspects of home occupations ("home-based businesses" per the statute) differently than other businesses in the jurisdiction. As a result, nearly all of the Town's regulations are at odds with the statute, and are amended accordingly in the proposed Ordinance. The Town's regulations are affected as follows:

- The Town can no longer limit home businesses to office use only. The statute does not allow any express use limitations.
- The Town can no longer limit home businesses to ten percent of a dwelling, nor can the use be confined to the dwelling. The Town can only require that home-based businesses are incidental and secondary to a property's use as a residential dwelling.
- The Town can no longer prohibit in-person transactions and provision of services on the property. The statute does authorize restricting retail transactions to the dwelling and not accessory structures.
- The Town can no longer limit onsite employees/personnel to residents of the dwelling. The statute requires the Town to allow two non-residents to participate in the business on

the residential property.

The Town retains the ability to regulate signage, prohibit exterior modifications that are inconsistent with the residential character of the neighborhood, regulate parking and storage of commercial vehicles and equipment, regulate the use and storage of dangerous materials, and regulate equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, provided the regulations are not more restrictive than those that apply to residential properties without home-based businesses.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
LPA Resolution - Home Based Business	7/21/2022	Resolution
Exhibit "A" Home Business Ordinance	7/22/2022	Backup Material
F.S. 559.955	6/22/2022	Backup Material

LPA RESOLUTION NO. 2022-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA (“LOCAL PLANNING AGENCY”), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (“ULDC”) TO COMPLY WITH SECTION 559.955, FLORIDA STATUTES PERTAINING TO HOME-BASED BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 559.955, Florida Statutes restricts local government regulation of home-based businesses; and

WHEREAS, the proposed ordinance amends the ULDC to comply with the statute; and

WHEREAS, the Local Planning Agency finds the amendment is consistent with state law.

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 ____, 2022 on a motion made by Council Member _____ and seconded by Council Member _____.

[Signatures on the Following Page]

Breitkreuz _____
Jablonski _____
Allbritton _____
Hartmann _____
Kuczenski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.1040.01

LPA Resolution No. 2022-_____

Page 2 of 3

EXHIBIT "A"
PROPOSED ULDC AMENDMENT

(ATTACHED)

**This page
intentionally left blank**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

* * *

Section 3. Amendment to Article 35, "Conditional Uses." Section 035-030, "Home offices" is hereby amended as follows:

Sec. 035-030. – Home-based businesses.

Home-based businesses as defined in Article 10, "Definition of Terms," shall be permitted in all residential zoning districts subject to the following limitations:

- (A) Only residents of the single-family dwelling and up to two (2) additional people who do not reside at the dwelling may be engaged in the business at the dwelling. The business may have additional, remote employees that do not work at the dwelling, provided they do not park or store their vehicles on the plot, nor on any public or private right-of-way.
- (B) Any parking or storing of commercial, construction, agricultural or recreational vehicles, equipment and machinery at the home-based business in all residential districts shall be subject to section 045-030(C) "Parking and storage."
- (C) The need for parking generated by the home-based business shall not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business shall not be parked within any public or private right-of-way.
- (D) No sign for the home-based business shall be visible from the exterior of the dwelling.
- (E) As viewed from the street, the plot must appear to be consistent with that of the surrounding rural residential areas within the Town, and shall not have the appearance of a business as indicated by physical improvements, equipment, vehicle parking, activity, or other perceivable characteristic. Any external modifications made to a dwelling to accommodate a home-based business must conform to the rural residential character and architectural aesthetics of the neighborhood.

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

(F) The home-based business shall not conduct retail transactions at a structure on the plot other than the dwelling; however, incidental business uses and activities may be conducted on the plot containing the home-based business.

(G) The home-based business shall not create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors of an intensity, frequency or duration that is not customary for a single-family residential property where no business is conducted.

(H) The home-based business shall not use, store or dispose of any corrosive, combustible, or other hazardous or flammable materials or liquids of a type, quantity or manner that are not customary for a single-family residential property where no business is conducted.

(I) A certificate of use from the town and business tax receipt from the county shall be obtained for any home-based business.

Section 4. Amendment to Article 45, "Agricultural and Rural Districts." Section 045-050, "Permitted and prohibited uses" is hereby amended as follows:

Sec. 045-050. Permitted and prohibited uses.

Plots in rural and agricultural districts may be used for one (1) or more of the uses that are specified below as being permitted or conditionally permitted uses:

Key to abbreviations:		
P=Permitted use	NP=Not permitted	C=Conditional use

* * *

	A-1	A-2	RE	RR
<i>Permitted accessory uses to a single-family dwelling</i>				
* * *				
Home-based businesses (subject to section 035-030 pertaining to conditional uses)	C	C	C	C
* * *				

Section 5. Amendment to Article 70, "Sign Regulations." Section 070-120, "Promotional signs" is hereby amended as follows:

(A) Any nonresidential use or commercial enterprise, other than a home-based business, which has been issued a certificate of use, may make application for a temporary sign permit for any of the following purposes:

Ordinance No. 2022-__

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

* * *

Section 6. Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 7. 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.

Section 8. Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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

PASSED ON FIRST READING this ____ day of _____, 2022 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2022, on a motion made by _____ and seconded by _____.

[Signatures are on the Following Page]

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Breitkreuz _____
Jablonski _____
Allbritton _____
Hartmann _____
Kuczenski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney
1001.1039.01

**This page
intentionally left blank**

559.955 Home-based businesses; local government restrictions.—

(1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(2) A home-based business that operates from a residential property as provided in subsection (3):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-

based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

(d) The activities of the home-based business are secondary to the property's use as a residential dwelling.

(e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

(f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.

(4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

(5) The application of this section does not supersede:

(a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.



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
Emil C. Lopez, CPM, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 7/28/2022
SUBJECT: LPA RESOLUTION FOR NEW RR-A DISTRICT

Recommendation

This item is a legislative policy matter. The Local Planning Agency should evaluate the item with respect to its consistency with the goals, objectives and policies of the comprehensive plan and make a recommendation to the Town Council.

A. Sound Governance

Background

This Ordinance establishes a new zoning classification that is intended to provide an option for property owners petitioning to change their nonresidential zoning to rural residential zoning.

The proposed new classification is based upon Rural Ranches, but with an increase in the plot size requirement from 2.0 net/2.5 gross acres to 2.5 net acres, a decrease in maximum plot coverage from 10 percent to 8 percent, an increase in minimum pervious area from 60 percent to 70 percent, and a requirement that a portion of each plot be reserved for agricultural and/or open space use ("reserved area").

In order to ensure that the reserved area is fully useable for agriculture and truly supplemental to areas that would have to be largely undeveloped anyway, the reserved area must be exclusive of surface water management areas ("SWMAs") and certain other easements. Since each drainage district has different SWMA size requirements, the proposed ordinance coordinates the required size of the reserved area with the applicable SWMA requirement to

ensure that parcels in a particular drainage basin are not unduly impacted by the reserve area requirement.

The new category would allow the same size residence (and combined area of roofed structures) as permitted on a lot of 2.0 net acres zoned Rural Ranches.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
LPA Resolution - RR A	7/21/2022	Resolution
Exhibit "A" - RR-A Ordinance	7/21/2022	Backup Material
Exhibit "B" - RR-A Ordinance - Alternate	7/26/2022	Ordinance

LPA RESOLUTION NO. 2022-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT/ NOT ADOPT AN AMENDMENT TO THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO CREATE A NEW RURAL RESIDENTIAL ZONING DISTRICT WITH A MINIMUM PLOT SIZE REQUIREMENT OF 2.5 NET ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are large nonresidentially zoned parcels within the Town that have not been developed; and

WHEREAS, the Town is an increasingly desirable location for large-scale residential development; and

WHEREAS, the potential exists for residential development to be sought on such underutilized parcels; and

WHEREAS, the proposed rural residential zoning category would provide an option for owner-initiated residential rezoning of parcels to enhance the Town's rural character; and

WHEREAS, the Local Planning Agency finds that the proposed ordinance is/is not consistent with the goals, objectives and policies of the adopted Town of Southwest Ranches 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/adopt with changes/not 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 _____, 2022 on a motion made by Council Member _____ and seconded by Council Member _____.

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

Steve Breitkreuz, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.1041.01

LPA Resolution No. 2022-_____

Page 2 of 3

EXHIBIT "A"
PROPOSED ULDC AMENDMENT

(ATTACHED)

**This page
intentionally left blank**

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

4 **Section 2. Amendment to Section 045-010.** Section 045-010, "Zoning
5 districts," is hereby amended as follows:

6 The following shall constitute the rural and agricultural zoning districts for
7 the purposes of the ULDC:

District	Title
A-1	Agricultural Estate
A-2	General Agricultural
RR-A	Rural Residential-Agriculture

8

RE	Rural Estate
RR	Rural Ranches

9

10 **Section 3. Amendment to Section 045-020.** Section 045-020, "Purpose and
11 intent of districts," is hereby amended as follows:

- 12 (A) A-1, agricultural estate, and A-2, general agricultural districts are intended to
13 apply to those areas of the town designated agricultural or rural ranches on
14 the future land use plan map of the comprehensive plan, the present or
15 prospective use of which is primarily rural estates or agricultural. The
16 regulations of these districts are intended to protect, preserve and enhance
17 the rural character and life-style of existing very low density areas and
18 agricultural uses.
- 19 (B) The RR-A, rural residential-agriculture district is intended to apply to areas
20 designated rural ranches or agricultural on the future land use plan map of
21 the comprehensive plan to protect, preserve and enhance the rural character
22 and lifestyle of the Town by requiring larger plots than other districts with an
23 agricultural or open space component to rural residential development.
- 24 (C) The RE, rural estate district is intended to apply to areas which are primarily
25 residential estates and agricultural uses. The regulations of this district are
26 intended to protect, preserve and enhance the character and life-style of
27 existing low density areas in compliance with the rural estate and estate land
28 use plan designations of the comprehensive plan.

Ordinance No. 2022-__

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

1 (D) The RR, rural ranches district is intended to apply to areas designated rural
2 ranches on the future land use plan map of the comprehensive plan, and is
3 intended to protect, preserve and enhance the rural character and lifestyle of
4 existing very low density neighborhoods predominately for one (1) family
5 dwelling, with ranches and related agricultural uses.

6 **Section 4. Amendment to Sec. 045-070.** Section 045-070, "Minimum plot
7 size and dimensions," is hereby amended as follows:

8 * * *

9 (D) *Rural residential-agriculture district.*

10 (1) Every plot in a RR-A district shall be not less than one-hundred twenty-
11 five (125) feet in width and shall contain not less than two and one-half
12 (2.5) net acres in area.

13 (2) Each plot shall reserve a contiguous area for agriculture and/or open
14 space use ("reserved area") that is separate and distinct from the area
15 used for residential purposes, subject to the following requirements:

16 a. The reserved area shall exclude water bodies, easements for ingress
17 and egress, designated surface water management areas, drainage
18 easements, and any portion of a canal or lake maintenance easement
19 in which the applicable drainage district precludes planting of crops
20 and plants other than trees. The reserved area may be partially or fully
21 located in a front or street-side yard only if authorized on the approved
22 site plan.

23 b. The reserved area, together with the surface water management area
24 ("SWMA") required by the applicable drainage district, shall comprise
25 at least fifty-five percent (55%) of the net area of the plot. For
26 example, in a drainage district that requires 20 percent SWMA, the
27 SWMA on a 2.5-acre plot would be .50 acre, and the reserved area
28 would be 0.875 acre. If a drainage district requires 30 percent SWMA,
29 the SWMA on a 2.5-acre plot would be 0.75 acre and the reserved area
30 would be 0.625 acre. In no event shall the reserved area be less than
31 0.50 acre.

32 c. The minimum dimension of the reserved area shall be fifty (50) feet,
33 the minimum average dimension shall be at least seventy-five (75)
34 feet and the area shall be capable of accommodating an 800 square-
35 foot barn while maintaining a 50-foot setback to property lines, water
36 bodies, and wells.

Ordinance No. 2022-__

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

1 d. The reserved area shall be established on the approved site plan. The
2 approved boundaries may be amended administratively to
3 accommodate proposed resident improvements, subject to strict
4 compliance with the standards of this subsection.

5 e. Agricultural use under this subsection must be predominantly open land
6 (ex: pasture or crops,) such that roofed agricultural structures, other than greenhouses,
7 shall be accessory structures to the agricultural use and shall not exceed twenty-five
8 percent (25%) of the reserved area in total horizontal area under roof. **Section 5.**
9 **Amendment to Section 045-080.** Section 045-020, "Plot coverage, floor area ratio
10 and pervious area," is hereby amended as follows

11 (A) The combined area occupied by all buildings and roofed structures shall not
12 exceed twenty (20) percent of the area of a plot in A-1, A-2, and RE
13 districts, ten (10) percent of the area of a plot area in the RR district, and
14 eight (8) percent of the area of a plot in the RR-A district, less any public or
15 private street right-of-way.

16 (1) Plot coverage for enclosed structures on plots designated agricultural
17 on the future land use plan map shall not exceed ten percent (10%), in
18 accordance with the maximum permitted floor area ratio of one-tenth
19 (0.10) as established by the adopted comprehensive plan.

20 (2) The aforesaid limitations shall not apply to nonresidential farm
21 buildings. To the extent that a noncommercial farm applicant needs to
22 exceed the plot coverage limitation, the applicant must follow the
23 review procedures set forth in article 155, "Noncommercial farm special
24 exceptions." The noncommercial farm applicant must demonstrate that
25 the requirement prohibits, restricts, or otherwise limits a generally
26 accepted farming practice.

27 * * *

28 (B) The minimum pervious area shall be forty (40%) percent of the plot area for
29 plots under two (2) net acres in area, sixty (60%) percent of the plot area
30 for plots of two (2) net acres and greater in area in the RR, RE, A-1 and A-2
31 districts, and seventy percent (70%) for all plots in the RR-A district. The
32 pervious area calculation shall be for the entire plot less any public or private
33 street right-of-way.

34 **Section 6: Codification.** The Town Clerk shall cause this ordinance to be
35 codified as a part of the ULDC during the next codification update cycle.

Ordinance No. 2022-__

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

1 **Section 7: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts
2 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of
3 such conflict.

4 **Section 8: Severability.** Should any section or provision of this Ordinance or
5 any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional
6 or invalid, the invalidity thereof shall not affect the validity of any of the remaining
7 portions of this Ordinance.

8 **Section 9: Effective Date.** This Ordinance shall take effect immediately upon
9 passage and adoption.

10 **PASSED ON FIRST READING** this ___ day of _____, 2022 on a motion made
11 by _____ and seconded by _____.

12 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____,
13 2022, on a motion made by _____ and seconded by
14 _____.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

[Signatures on the Following Page]

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Breitkreuz _____
Jablonski _____
Allbritton _____
Hartmann _____
Kuczenski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

1001.1042.01

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

1 **Section 2. Amendment to Section 045-010.** Section 045-010, "Zoning
2 districts," is hereby amended as follows:

3 The following shall constitute agricultural zoning districts for the purposes of
4 the ULDC:

District	Title
A-1	Agricultural Estate
A-2	General Agricultural

5 The following shall constitute rural and estate zoning districts for the
6 purposes of the ULDC:

District	Title
RE	Rural Estate
RR	Rural Ranches
<u>RR+</u>	<u>Rural Ranches-Plus</u>

7
8 **Section 3. Amendment to Section 045-020.** Section 045-020, "Purpose and
9 intent of districts," is hereby amended as follows:

10 (A) A-1, agricultural estate, and A-2, general agricultural districts are intended to
11 apply to those areas of the town designated agricultural or rural ranches on
12 the future land use plan map of the comprehensive plan, the present or
13 prospective use of which is primarily rural estates or agricultural. The
14 regulations of these districts are intended to protect, preserve and enhance
15 the rural character and life-style of existing very low density areas and
16 agricultural uses.

17 (B) The RE, rural estate district is intended to apply to areas which are primarily
18 residential estates and agricultural uses. The regulations of this district are
19 intended to protect, preserve and enhance the character and life-style of
20 existing low density areas in compliance with the rural estate and estate land
21 use plan designations of the comprehensive plan.

22 (C) The RR, rural ranches district is intended to apply to areas designated rural
23 ranches on the future land use plan map of the comprehensive plan, and is
24 intended to protect, preserve and enhance the rural character and life-style of
25 existing very low density neighborhoods predominately for one (1) family
26 dwelling, with ranches and related agricultural uses.

27 (D) The RR+, rural ranches-plus district is intended to apply to areas designated
28 rural ranches on the future land use plan map of the comprehensive plan to

Ordinance No. 2022-__

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

1 protect, preserve and enhance the rural character and lifestyle of the Town
2 by requiring larger plots and more open space than other districts.

3 **Section 4. Amendment to Sec. 045-070.** Section 045-070, "Minimum plot
4 size and dimensions," is hereby amended as follows:

5 * * *

6 (D) Rural residential-plus district. Every plot in a RR+ district shall be not less than
7 one-hundred twenty-five (125) feet in width and shall contain not less than two
8 and one-half (2.5) net acres in area.

9
10 **Section 5. Amendment to Section 045-080.** Section 045-020, "Plot coverage,
11 floor area ratio and pervious area," is hereby amended as follows:

12 (A) The combined area occupied by all buildings and roofed structures shall not
13 exceed twenty (20) percent of the area of a plot in A-1, A-2, and RE districts,
14 and ten (10) percent of the area of a plot area in the RR district, and eight
15 (8) percent of the area of a plot in the RR+ district, less any public or private
16 street right-of-way.

17 (1) Plot coverage for enclosed structures on plots designated agricultural on
18 the future land use plan map shall not exceed ten percent (10%), in
19 accordance with the maximum permitted floor area ratio of one-tenth
20 (0.10) as established by the adopted comprehensive plan.

21 (2) The aforesaid limitations shall not apply to nonresidential farm buildings.
22 To the extent that a noncommercial farm applicant needs to exceed the
23 plot coverage limitation, the applicant must follow the review procedures
24 set forth in article 155, "Noncommercial farm special exceptions." The
25 noncommercial farm applicant must demonstrate that the requirement
26 prohibits, restricts, or otherwise limits a generally accepted farming
27 practice.

28 * * *

29 (B) The minimum pervious area shall be forty (40%) percent of the plot area for
30 plots under two (2) net acres in area, and sixty (60%) percent of the plot
31 area for plots of two (2) net acres and greater in area in the RR, RE, A-1 and
32 A-2 districts, and seventy percent (70%) for all plots in the RR+ district. The
33 pervious area calculation shall be for the entire plot less any public or private
34 street right-of-way ~~in the agricultural and rural districts.~~

Ordinance No. 2022-__

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Breitkreuz _____
Jablonski _____
Allbritton _____
Hartmann _____
Kuczenski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

1001.140.01

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

**This page
intentionally left blank**

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

Thursday 7:00 PM

April 14, 2022

13400 Griffin Road

Present:

Chair Steve Breitreuz

Vice Chair Gary Jablonski

Board Member Jim Allbritton

Board Member Bob Hartmann

Board Member David S. Kuczenski

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin Sherwood, Town Financial Administrator

Richard Dewitt, Assistant Town Attorney

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 Breitreuz at 7:22 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

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 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 Breitreuz voting Yes.

MOTION: TO APPROVE THE LPA RESOLUTION USING THE BACKUP FOR ITEM 11 FROM THE APRIL 14, 2022 REGULAR MEETING.

4. Approval of Minutes

a. March 24, 2022 LPA Meeting

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 Breitreuz voting Yes.

MOTION: TO APPROVE THE MARCH 24, 2022 LPA MEETING MINUTES.

5. Adjournment - Meeting was adjourned at 7:27 PM.

Respectfully submitted:

Russell Muniz Assistant Town Administrator/Town Clerk, MMC

Adopted by the Town Local Planning Agency on this 28th day of July, 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.