

**ORDINANCE NO. 2014 - 005**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES, TO PROMOTE ENERGY EFFICIENCY BY ENABLING RESIDENTS TO CONSTRUCT ROOF EAVES WITHOUT IMPACTING THEIR OVERALL PLOT COVERAGE; AMENDING THE TOWN'S ULDC TO DISCOURAGE THE ILLEGAL CONVERSION OF FARM BUILDINGS AND FARM STRUCTURES; AMENDING SECTION 015-080 ENTITLED, "FARMS"; AMENDING SECTION 045-080 ENTITLED, "PLOT COVERAGE, FLOOR AREA RATIO AND PERVIOUS AREA"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council") adopted the ULDC in April, 2005; and

**WHEREAS**, the Florida Legislature recently modified Section 163.08, Florida Statutes to require local governments to promote energy efficiency and energy conservation; and

**WHEREAS**, as a result of the current ULDC language, many new homes and structures fail to contain energy efficient design, such as roof eaves, since roof eaves are counted toward the overall plot coverage; and

**WHEREAS**, the Florida Green Building Coalition strongly recommends that homes in South Florida be constructed with roof eaves to promote energy efficiency; and

**WHEREAS**, several municipalities in Broward County have recently adopted Code revisions to help implement green building design in conformity with Section 163.08, Florida Statutes; and

**WHEREAS**, the Town Council wishes to revise its ULDC, in accordance with Section 163.08, Florida Statutes to encourage energy efficiency and better quality home and structure design through the use of roof eaves; and

**WHEREAS**, the Town Council also desires to comply with the requirements of Section 604.50, Florida Statutes, by helping to promote the construction of farm buildings and farm structures; and

**WHEREAS**, to help facilitate the construction of farm buildings and farm structures, and to discourage illegal conversion in the future, the Town Council desires to provide notice to prospective purchasers of properties that contain farm buildings or farm structures, that such buildings or structures must comply with all ULDC and Florida Building Code requirements upon conversion to an alternative use;

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

**Section 1:** 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.

**Section 2:** That Section 045-080 of the ULDC entitled, "Plot coverage, floor area ratio and pervious area" is hereby amended as follows:

- (A) The combined area occupied by all buildings and roofed structures shall not exceed twenty percent (20%) of the area of a plot in A-1, A-2, and RE districts, and ten percent (10%) of the area of a plot in the RR District less any public or private street right-of-way, except as follows:
- (1) Nonresidential farm buildings and roofed farm structures may exceed the total net plot coverage allowance in the RR District by an additional ten percent (10%) of the plot area less public or private street right-of-way.
  - (2) Plot coverage for enclosed structures on plots designated agricultural on the future land use plan map shall not exceed ten percent (10%), in accordance with the maximum permitted floor area ratio of one-tenth (0.10) as established by the adopted comprehensive plan.
  - (3) The aforesaid limitations shall not apply to farm buildings used for growing plants, including, but not limited to, shade houses, greenhouses, and hydroponics nurseries. To the extent that a farm applicant needs to exceed the plot coverage, the farm applicant must follow the review procedures set forth in article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

To encourage the use of roof eaves for energy efficiency and for better quality home and structural design, in all zoning districts, a two and a half percent (2.5%) plot coverage bonus shall be given provided that the principal structure maintains a roof eave that extends at least two (2) feet beyond the exterior face of the exterior wall, along at least ninety percent (90%) of the perimeter of the principal structure. Notwithstanding the

aforementioned, and notwithstanding the total area of the plot, in no event shall the plot coverage bonus be used for anything except for open air roof overhangs or open air structures, and in no event shall the plot coverage bonus exceed two thousand five hundred (2,500) square feet. For any plot that can be legally subdivided pursuant to the standards of Section 045-070, the plot coverage bonus shall be calculated as if the plot has been subdivided to the maximum extent possible, unless the owner records a Unity of Title in the Public Records of Broward County, Florida making the plot undividable consistent with the intent of this subsection.

- (B) The minimum pervious area shall be forty (40) percent of the plot area for plots under two (2) net acres in area, and sixty (60) percent of the plot area for plots of two (2) net acres and greater in area. The pervious area calculation shall be for the entire plot less any public or private street right-of-way in the agricultural and rural districts.

**Section 3:** That Section 015-080 of the ULDC entitled, "Farms" is hereby amended as follows:

- (A) *Generally.* Various provisions of this ULDC provide for modifications or exceptions to regulations as they apply to farms. Such modifications and exceptions apply only to plots the town has determined to be farms pursuant to article 155, "Administrative Farm Claim Determinations."
- (B) *Farm buildings and structures.* In all zoning categories, any property owner erecting a nonresidential farm buildings or roofed farm structures, which is not in accordance with Section 604.50, Florida Statutes, as may be amended from time to time, or any property owner that has previously erected a nonresidential farm buildings or roofed farm structures, which is not in accordance with Section 604.50, Florida Statutes, or which no longer meets the legal requirements of Section 604.50, Florida Statutes, as may be amended from time to time, shall, prior to the issuance of any permit, record a deed restriction in the Public Records of Broward County, Florida, in a form and format approved by the Town Attorney, restricting the use of the nonresidential farm buildings and/or roofed farm structures to bona fide farm purposes~~farm use only~~, in accordance with Section ~~823.146~~604.50, Florida Statutes, as may be amended from time to time. Such deed restriction shall be removed in the event that the nonresidential farm buildings and/or roofed farm structure has been legally converted to an alternative use in accordance with this chapter.

**Section 4: 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 5: 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 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: Effective Date.** This ordinance shall take effect immediately upon adoption.

**[SIGNATURES ON FOLLOWING PAGE]**

**PASSED ON FIRST READING** this 26<sup>th</sup> day of June, 2014 on a motion made by Council Member Breitkreuz and seconded by Council Member McKay.

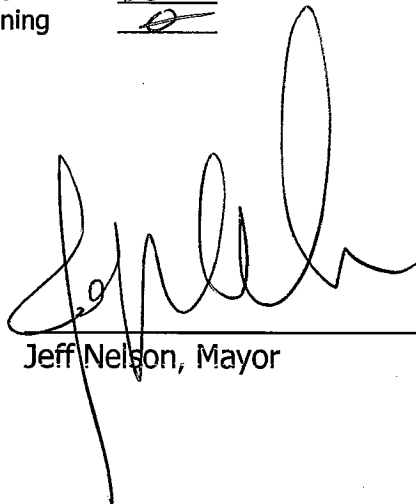
**PASSED AND ADOPTED ON SECOND READING** this 24<sup>th</sup> day of July, 2014, on a motion made by Council Member Breitkreuz and seconded by Council Member McKay.

Nelson  
Breitkreuz  
Fisikelli  
Jablonski  
McKay

Ayes  
Ayes  
Ayes  
Ayes  
Ayes

Ayes  
Nays  
Absent  
Abstaining

5  
0  
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0



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Jeff Nelson, Mayor

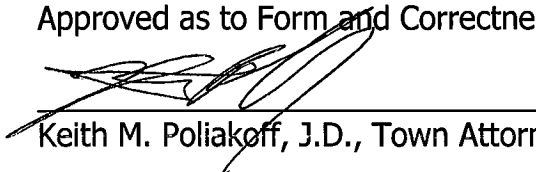
Attest:



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Russell Muñiz, MBA, MPA, MMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakoff, J.D., Town Attorney