1	ORDINANCE NO. 2021 - 010
2	AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,
3	FLORIDA, AMENDING ARTICLE 130, "ZONING MAP
4	AMENDMENTS," OF THE TOWN OF SOUTHWEST RANCHES
5	UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO MODIFY THE
6	CONSIDERATIONS FOR ZONING REQUESTS AND MAKE
7	REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR
8	CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR
9	SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.
10	
11	WHEREAS, Article 130 of the ULDC establishes considerations for the review
12	and approval of rezoning requests; and
13	WHEREAS, the Town Council of the Town of Southwest Ranches ("Town
14	Council") wishes to strengthen the criteria for the evaluation of rezoning applications
15	and make minor changes of a housekeeping nature.
16	WHEREAS, the Town Council, sitting as the Local Planning Agency, held a duly
17	noticed public hearing on April 22, 2021 and recommended that the Town Council
18	adopt the proposed amendment; and
19	WHEREAS, the Town Council finds the amendment furthers the goals,
20	objectives and policies of the Comprehensive Plan.
21	
22	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
23	TOWN OF SOUTHWEST RANCHES, FLORIDA:
24	Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby

**Section 1: Ratification.** 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: Amendment to sec. 130-20.** Sec. 130-020, "Processing" is hereby amended as follows:

\* \* \*

25

26

27

28

29

Key: <u>Underlined</u> text is added and stricken text is deleted.

1 2 3	°r€	In furtherance of section 5.01 of the town's Charter, all quasi-judicial items equire a unanimous vote of the entire four (4) affirmative votes of the town puncil.			
4	* *	*			
5 6	· · · · · · · · · · · · · · · · · · ·	ion 3: Amendment to sec. 130-30. Sec. 130-030, "Considerations for ests" is hereby amended as follows:			
7	Sec.	130-030 Considerations for zoning map amendments requests.			
8 9 10	In formulating a recommendation or decision on a zoning <u>map amendment</u> modification, the reviewing agency shall consider and shall evaluate the <u>modification proposed amendment</u> in relation to <u>the following pertinent</u> factors.				
11 12	• • •	That the request does not meet any one of the following criteria whereby the request would be considered contract or spot zoning:			
13 14		(1) The proposed rezoning would give privileges not generally extended to similarly situated property in the area.			
15 16		(2) The proposal is not in the public's best interest and it only benefits the property owner.			
17		(3) The proposed zoning request violates the town's comprehensive plan.			
18 19		(4) The proposed change will result in an isolated district unrelated to adjacent or nearby districts.			
20 21		A zoning modification may be approved if the request is The request shall be consistent with one (1) or more of the following four (4) criteria:			
22		(1) That there exists an error or ambiguity which must be corrected.			
23 24		(2) That there exists changed or changing conditions which make approval of the request appropriate.			
25 26		(3) That substantial reasons exist why the property cannot be used in accordance with the existing zoning.			
27 28 29		(4) That the request would advance a public purpose, including, but not limited to, protecting, conserving, or preserving environmentally critical areas and natural resources.			
30 31 32		When determining if <u>at least</u> one (1) of the four (4) criteria delineated in subsection (B) of this section, have <u>has</u> been satisfied, the reviewing agency shall consider the following:			
33		(1) That the request is compatible with surrounding zoning districts and			

Key: <u>Underlined</u> text is added and <del>stricken</del> text is deleted.

34

land uses. A proposed zoning district that has a greater maximum

1 2			permitted density than any contiguous residential zoning district is not deemed compatible and shall not be approved.			
3 4 5		(2)	That the request is consistent with or furthers the goals, objectives, policies, and the intent of the town's comprehensive plan and the town's future land use map.			
6 7		(3)	That the anticipated impact of the application would not create an adverse impact upon public facilities such as schools and streets.			
8	(D)	The	e reviewing agency shall also consider:			
9		(1)	The recommendation of staff.			
10		(2)	The testimony of any applicants, their agents or representatives.			
11 12		(3)	The facts and opinions presented to the reviewing agency during public hearings.			
13 14	<u>Section 4.</u> Amendment to Sec. 130-50. Sec. 130-050, "Further requests after withdrawal or denial" is hereby amended as follows					
15	Sec.	130-	050 Further requests after withdrawal or denial.			
16 17 18 19 20	(1)	char hear zoni	ept as set forth in subsection (2) of this section, when any request for a nge of zoning district is withdrawn by the applicant after the initial publicing or is denied by the town council, no other petition for a change of ng on the same property shall be considered within one (1) year from date of such withdrawal or denial.			
21 22 23	(2)	<del>(4)</del>	e town council, for good cause and to avoid undue hardship, upon four affirmative unanimous votes of the entire council, may permit the bmission of a withdrawn application within the one (1) year period.			
24 25			5: Codification. The Town Clerk shall cause this ordinance to be t of the ULDC during the next codification update cycle.			
26 27 28		ons ir	<b>6: Conflict.</b> All Ordinances or parts of Ordinances, Resolutions or parts conflict herewith, be and the same are hereby repealed to the extent			
29 30 31	this Ordina	nce is	<b>7: Severability.</b> If any word, phrase, clause, sentence or section of s, for any reason, held unconstitutional or invalid, the invalidity thereof the validity of any remaining portions of this Ordinance.			
32	Sec	tion	8: Effective Date. This Ordinance shall take effect immediately upon			
33	its adoption	Դ.				

Key: <u>Underlined</u> text is added and <del>stricken</del> text is deleted.

1					
2 3	PASSED ON FIRST READING this 22nd day of April, 2021 on a motion				
3	PASSED ON TIRST READING this 22 day of April, 2021 on a motion				
4	made by Council Member Kuczenski and seconded by Vice Mayor Hartmann.				
5	PASSED AND ADOPTED ON SECOND READING this 27th day of May, 2021, on				
6	a motion made by Council Member Jablonski and seconded by Council Member				
7	Kuczenski.				
8 9					
	Breitkreuz Yes Ayes 5				
	Hartmann Yes Nays 0				
	Allbritton Yes Absent 0				
	Jablonski <u>Yes</u> Abstaining <u>0</u>				
	Kuczenski <u>Yes</u>				
10					
11					
12					
13					
14	Steve Breitkreuz, Mayor				
15					
16	Attest:				
17					
18	Mussell Will				
19	wirely roungs				
20	Russell Muñiz, Assistant Town Administrator/Town Clerk				
21					
22 23					
24	Approved as to Form and Correctness:				
25					
26					
27					
28 29	Keith M. Poliakoff, J.D., Town Attorney 38347910.1				

Key: <u>Underlined</u> text is added and stricken text is deleted.