



Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

March 16, 2023
7:00 pm

13400 Griffin Road
Southwest Ranches, FL 33330

Board Members

Joseph Altschul
Jason Halberg
Newell Hollingsworth
Anna Koldys
George Morris
Lori Parrish
Robert Sirota

Council Liaison

Steve Breitzkreuz

Staff Liaison

Emily Aceti

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
5. Old Business
 - A. Approval of minutes for February 2023
 - B. Review of Comprehensive Plan
 - I. Review Part 3 (Tabled from 2/16/23)
 - C. Review of Draft Fireworks Ordinance
6. New Business
7. Board Member / Staff Comments and Suggestions
8. Items for Next Meeting
9. 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 BOARD OR COMMITTEE 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 Comprehensive Plan Advisory Board Meeting Minutes

February 16, 2023
7:00 PM

Town Hall
13400 Griffin Road

Call to Order

Roll Call

Joseph Altschul - Present
 Jason Halberg - Present
 Newell Hollingsworth - Present
 Anna Koldys - Absent
 George Morris - Present
 Lori Parrish - Present
 Robert Sirota – Absent (Arrived 7:14 PM)

Also present: **Town Council:** Mayor Steve Breitkreuz, Vice Mayor Jim Allbritton, Council Member Bob Hartmann, Council Member Gary Jablonski, Council Member David Kuczenski, Town Planner Jeff Katims, Community Services Manager Emily Aceti (via phone)

Pledge of Allegiance

Motion: To approve January minutes with spelling correction.

Result	1 st	2 nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>LP</i>	<i>NH</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>

Motion: To change "semi-rural" to "rural" in Section 10 Rural Ranches Category; to table Part 3 for next meeting; request Jeff to amend 5-acre requirement in Section E.

Result	1 st	2 nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JH</i>	<i>LP</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To replace "semi-rural" with "rural" throughout the Comprehensive Plan.

Result	1 st	2 nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JH</i>	<i>LP</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To adopt the language in IIE as revised.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JH</i>	<i>NH</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To approve Sections 1-4 of the draft Fireworks Ordinance as written.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JH</i>	<i>LP</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To change Section 5(c) from 500 feet to 2,500 feet.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed</i>	<i>LP</i>								

Motion: To change Section 5(c) from 500 feet to 2,000 feet.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed</i>	<i>LP</i>								

Motion: To change Section 5(c) from 500 feet to 1,500 feet.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>GM</i>	<i>NH</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>N</i>	<i>N</i>

Motion: To amend Section 5(a) from 20 days to 30 days.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JH</i>	<i>NH</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To change 5(e)(1)(a) to a minimum of 1500 feet.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed</i>	<i>JH</i>								

Motion: To change 5(E)(1)b from 150 feet to 100 feet.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed - Tied</i>	<i>RS</i>	<i>LP</i>	<i>N</i>	<i>N</i>	<i>Y</i>	<i>Abs</i>	<i>N</i>	<i>Y</i>	<i>Y</i>

Items for Next Meeting:

- Review Part 3 (Tabled from 2/16/23)
- Review of Draft Fireworks Ordinance

Meeting Adjourned at 8:58 PM

OLD BUSINESS

- ✚ Board motion: defer reconsideration of revision to 9. and 10. pending staff revisions to lot size exceptions to mirror ULDC.

Below are the two provisions the board deferred reconsidering:

9. RURAL ESTATES CATEGORY

Areas are designated Rural Estates on the Town's Future Land Use Plan Map to protect the semi-rural character and lifestyle of existing low density residential estate areas. Rural estate areas are characterized by residential estates, horse ranches and related agricultural uses. The maximum permitted density within this category is one unit per net acre. Community facilities designed to serve the surrounding residential area and utility uses are permitted for the purposes of serving the rural estate communities. Application of flexibility/reserve units and commercial flexibility is not permitted within areas designated Rural Estates. Dwelling units are permitted at a maximum of one unit per gross-net acre with no clustering permitted.

~~Part 3 of this Element, "Plan Implementation" provides for nonconforming lots within the Rural Estates land use category. a legal nonconforming lot shall not be separately conveyed, nor shall any dwelling be constructed upon such lot, unless the lot, if the following is true: that the lot has, at any time subsequent to the original adoption of this Comprehensive Plan, been under common ownership with a contiguous lot or lots that, if combined, would form a single conforming lot. However, this rule shall not apply within "Developed Areas" as set forth in the Future Land Use Implementation, Section C "Lot Size / Density Exceptions" subsection A. (BCPC PROV. CERT. #8.A)~~

10. RURAL RANCHES CATEGORY

Areas are designated Rural Ranches on the Town's County Land Use Plan Map to protect the semi-rural character and lifestyle of existing low density rural ranch areas. Rural ranch areas are characterized by residential estates, horse ranches and related agricultural uses. The maximum permitted density within this category is one unit per two and one-half acres (measured per the definition of gross acreage) or one unit per two acres (measured per the definition of net acreage). Limited community facility and utility uses are permitted for the purposes of serving the rural ranch communities. Application of flexibility/reserve units and commercial flexibility is not permitted within areas designated Rural Ranches.

~~Part 3 of this Element, "Plan Implementation" provides for nonconforming lots within the Rural Ranches land use category. Within the Rural Ranches land use category, a legal nonconforming lot shall not be separately conveyed, nor shall any dwelling be constructed upon such lot, unless the lot has not, at any time subsequent to the original adoption of this Comprehensive Plan, been under common ownership with a contiguous lot or lots that, if combined, would form a single~~

conforming lot. However, this rule shall not apply "Developed Areas" as set forth in the Future Land Use Implementation, Section C "Lot Size / Density Exceptions" subsection B.

Below are the proposed revisions to Part 3. to encompass the stricken language in 9. and 10. above, and to mirror the ULDC.

3. FUTURE LAND USE IMPLEMENTATION:

c. Lot Size/Density Exceptions

This section sets forth exceptions for the construction of a single-family detached dwelling on a lot or parcel of record that is not in compliance with this Plan with regard to maximum density/minimum lot size and minimum lot dimensions. In all cases, it shall be the responsibility of the applicant to provide evidence of compliance with the listed exceptions.

- A. In the Rural Estates designation, a single-family detached dwelling may be constructed on a lot or parcel that is less than one (1) gross acre in area if the lot or parcel has not at any time subsequent to May 8, 2003 been under common ownership with a contiguous lot that, if combined, would form a single conforming lot (not applicable to "developed areas" as specified in C., below) and provided the lot satisfies one of exceptions 1 through 7 listed below:
- 1a. Contains thirty-five thousand (35,000) square feet or more in area and is not less than one hundred twenty-five (125) feet in width, and:
 - a~~b~~. Was of public record prior to September 18, 1979; and
 - b~~c~~. Has not been at any time s~~Since~~ September 18, 1979, contiguous with another ~~p~~lot or ~~p~~lots in common ownership, which could be combined into a single-family ~~p~~lot of at least one (1) gross acre~~.~~ - 2~~d~~. Is included within an approved plat in which the average density is not more than one (1) dwelling unit per gross acre~~.~~
 - 3~~e~~. Is located within a Developed Area as specified in C. ~~(below)~~.
 - 4~~f~~. Was a plot, which was recorded prior to January 1, 1973, and contained thirty-five thousand (35,000) square feet or more in area before being reduced in size due to dedication for right-of-way, resulting in a plot of at least one-hundred twenty-five (125) feet in width and thirty-thousand (30,000) square feet in net area. Said plot shall not be further subdivided.

5. Was of public record as of October 6, 2005, and became nonconforming as a result of Town Ordinance No. 2006-02, which excluded access easements and reservations from counting towards net plot area.
6. Was of public record as of March 2, 2006, and became nonconforming as a result of Town Ordinance No. 2006-06, which excluded drainage canals and lakes from counting towards net plot area.
7. Was of public record as of April 28, 2022, and on such date became nonconforming or thereafter became noncompliant with this ULDC as a result of Town Ordinance No. 2022-011, which excluded certain surface water management areas and drainage easements from counting toward net plot area, provided that such lot of record made nonconforming or noncompliant shall not be reduced in area.

B. In the Agricultural and Rural Ranch designations, a single-family detached dwelling may be constructed on a lot ~~or parcel~~ that is less than two (2) net acres or two and one-half (2.5) gross acres in area if the lot ~~or parcel~~ has not at any time subsequent to May 8, 2003 been under common ownership with a contiguous lot that, if combined, would form a single conforming lot (not applicable to "developed areas" as specified in C., below) and provided the lot satisfies one of exceptions 1 through 6 listed below:

- 1a. Is specifically designated on a plat approved by the Board of County Commissioners prior to May 16, 1979~~;~~
- 2b. Was of public record prior to May 16, 1979, and has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another plot or plots in common ownership that could be combined into a single plot of at least two (2) net acres, and which has received the approval of the applicable agency for a sewage disposal system~~;~~
- 3e. Within the Rural Ranches designation only, contains a minimum area of eighty thousand (80,000) square feet in net area, and was a plot of record as of February 8, 1993.
- 4d. Is located within a Developed Area as specified in C., below.
5. Was of public record as of October 6, 2005, and became nonconforming as a result of Town Ordinance No. 2006-02, which excluded access easements and reservations from counting towards net plot area.

6. Was of public record as of March 2, 2006, and became nonconforming as a result of Town Ordinance No. 2006-06, which excluded drainage canals and lakes from counting towards net plot area.

- C. Developed Areas: Development of one (1) single-family dwelling on a lot or parcel of land located within a developed area as defined below that has a density that is consistent with the established ~~desnity~~density of the developed area within which it is located, shall be in substantial conformity with the Town of Southwest Ranches Land Use Plan. For the purpose of this provision, a developed area means any portion of a residential zoning district in which the predominant density has been established by existing, lawful buildings, a lawful subdivision prior to May 8, 2003, which is the date of adoption of this Comprehensive Plan.

- ✚ Board motion: rework the 5-acre requirement as it applies to public utilities facilities.

Discussion: the state limits the authority of local governments to regulate electrical power substations. Part of this limitation is the authority to regulate their size. Recommend deleting the 5-acre limitation.

ORDINANCE NO. 2023 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 11 ENTITLED, "MISCELLANEOUS OFFENCES," ARTICLE 1, "FIREWORKS;" PROHIBITING THE USE OF FIREWORKS WITHOUT A TOWN PERMIT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS,; and

WHEREAS,; and

WHEREAS,; and

WHEREAS,.

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

Section 1. 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. Chapter 11 entitled, "Miscellaneous Offenses," Article 1 entitled, "Fireworks" is hereby created.

Section 3. Section 11-1 entitled, "Scope and applicability" is hereby created to read as follows:

- (A) This article governs the discharge of products defined as fireworks in F.S. 791.01, as may be amended from time to the extent authorized, or which may be authorized, by Florida law.
- (B) The terms, "discharge," "use" and "display" may be used interchangeably in this article.

Section 4. Section 11-2 entitled, "Permit required" is hereby created to read as follows:

It is unlawful for any person to discharge fireworks within the Town of Southwest Ranches without a permit issued pursuant to this article.

Section 5. Section 11-3 entitled, "Permit process" is hereby created to read as follows:

- (A) An application for permit shall be submitted to the town no later than 4520 days before the intended date of fireworks discharge.
- (B) The permit application shall be made on a form designated by the town for this purpose, and shall contain all of the information and include all documentation required on the form, including a certificate of insurance naming the town as additional insured in the amount of at least \$1,000,000 for bodily injury and \$100,000 for property damage per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to the location of the fireworks display or the general aggregate shall be twice the occurrence limit. The insurance shall cover or be endorsed to cover liability arising from the proposed event, and the liability assumed by the permit applicant.
- (C) The town shall provide notification, by certified mail, to the owners of all properties inside the Town within 1,500 feet of the proposed fireworks discharge after receipt of a complete application. The notification shall advise ~~each~~ recipients of their right to submit comments on the application within a specified time period, which shall not be less than 10 calendar days following mailing of the notices.
- (~~DE~~) The town administrator shall evaluate the application and any objections received from noticed property owners and any others within the general area of the proposed fireworks display. The administrator shall issue the permit within 4020 days of the filing of a complete application upon finding that the application satisfies the following requirements after consideration of the application and feedback received from area residents and property owners:
 - (1) The location of the proposed fireworks display will:
 - a. Occur at least 1,000 feet from any other property with one or more horses or livestock;
 - b. Occur at least 150 feet from any street, roofed structure, or flammable gases or liquids, including, but not limited to, tanks of gasoline, oil, propane, and/or oxygen;
 - (2) The location or manner of display will not result in sparks or any portion of the fireworks landing upon the property of another person without

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

that property owner's express written permission.

(3) The location and manner of display will not present a danger to the public health, safety or welfare.

(DF) In issuing a permit, the town administrator may impose reasonable conditions that the administrator deems necessary or appropriate to ensure compliance with the criteria in this section. Such conditions may include, but are not limited to, a requirement for fire department overwatch during the firework display at the applicant's expense.

(EG) Denial of a permit application by the town administrator shall be in writing, and shall state the reason for denial.

(FH) Denial of a permit application may be appealed in accordance with Article 135 of this code.

Section 6. Section 11-4 entitled, "Effect of permit" is hereby created to read as follows:

(A) The permit shall be valid only for the date(s) specified on the application.

(B) The permit shall be null and void if wind velocity exceeds 25 miles per hour at the specified time for which the permit authorizes the use of fireworks.

Section 7. Section 11-5 entitled, "Penalties" is hereby created to read as follows:

(A) Provision of false information on an application for permit is a violation of this code.

(B) In addition to, and notwithstanding, any procedure, penalty or other sanction allowed by law, the use of fireworks without a permit or in violation of the terms of a permit constitutes an irreparable and irreversible offense, and as such is subject to a maximum fine as delineated in Section 162.09(2)(d), as may be amended from time to time.

Section 8 Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 9: 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.

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

Section 10: 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 11: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this ____ day of _____, 2023 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2023, on a motion made by _____ and seconded by _____.

Breitkreuz _____
Allbritton _____
Hartmann _____
Jablonski _____
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

Ordinance No. 2023-____

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