



# Southwest Ranches Town Council

## LOCAL PLANNING AGENCY

Agenda of November 16, 2023

Southwest Ranches Council Chambers  
7:00 PM Thursday

13400 Griffin Road  
Southwest Ranches, FL 33330

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<b><u>Mayor</u></b> Steve Breitkreuz	<b><u>Town Council</u></b> Bob Hartmann Gary Jablonski David S.Kuczenski, Esq.	<b><u>Town Administrator</u></b> Andrew D. Berns, MPA	<b><u>Town Attorney</u></b> Keith M. Poliakoff, J.D.
<b><u>Vice Mayor</u></b> Jim Allbritton		<b><u>Town Financial Administrator</u></b> Emil C. Lopez, CPM	<b><u>Assistant Town Administrator/Town Clerk</u></b> Russell C. Muniz, MPA

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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. Outdoor Gatherings- Code 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 AMEND THE PERMIT PROVISIONS PERTAINING TO INDOOR AND OUTDOOR ASSEMBLY IN RURAL AND AGRICULTURAL DISTRICTS WITHIN THE TOWN; PROVIDING FOR AN EFFECTIVE DATE.

**4. Approval of Minutes**

**a. September 14, 2023 LPA Meeting Minutes**

**5. 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.

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**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**  
**Jim Allbritton, Vice Mayor**  
**Bob Hartmann, Council Member**  
**Gary Jablonski, Council Member**  
**David S. Kuczenski, Esq. 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 D Berns, Town Administrator  
**FROM:** Russell Muniz, Assistant Town Administrator/Town Clerk  
**DATE:** 11/16/2023  
**SUBJECT:** Outdoor Gatherings- Code Amendment

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### **Recommendation**

Town Council consideration for a motion to approve the LPA Resolution.

A. Sound Governance

### **Background**

The ULDC establishes a definition for a permissible assembly within Section 035-080(D) and provides for a permit process, subject to Town approval, to allow for assemblies that exceed the intended standards. The Town has received numerous complaints from residents relating to indoor and outdoor assemblies disturbing their quality of life, and impacting their farm animals.

The Town believes that the current regulation must be amended to better preserve and protect the Town's rural agrarian community.

The Town Council finds that the amendment to the ULDC contained herein is in the best interest of and will reasonably protect the health, safety, and welfare of the Town's residents.

The Local Planning Agency finds the amendment is consistent with the adopted Town of Southwest Ranches Comprehensive Plan.

### **Fiscal Impact/Analysis**

None.

**Staff Contact:**

Russell Muñiz, Assistant Town Administrator/Town Clerk

**ATTACHMENTS:**

Description	Upload Date	Type
LPA Reso for ULDC Amendment - Indoor and Outdoor Assemblies - TA Approved	11/8/2023	Resolution
ULDC Amendment - Outdoor Assemblies - TA Approved	11/9/2023	Exhibit

**LPA RESOLUTION NO. 2024-\_\_\_\_\_**

**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 AMEND THE PERMIT PROVISIONS PERTAINING TO INDOOR AND OUTDOOR ASSEMBLY IN RURAL AND AGRICULTURAL DISTRICTS WITHIN THE TOWN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC establishes a definition for a permissible assembly within Section 035-080(D) and provides for a permit process, subject to Town approval, to allow for assemblies that exceed the intended standards; and

**WHEREAS**, the Town has received numerous complaints from residents relating to indoor and outdoor assemblies disturbing their quality of life, and impacting their farm animals; and

**WHEREAS**, the Town believes that the current regulation must be amended to better preserve and protect the Town's rural agrarian community;

**WHEREAS**, the Town Council finds that the amendment to the ULDC contained herein is in the best interest of and will reasonably protect the health, safety, and welfare of the Town's residents.

**WHEREAS**, the Local Planning Agency finds the amendment is consistent with 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 the proposed amendment, attached hereto and incorporated herein by reference as Exhibit "A".

**Section 3. EFFECTIVE DATE.** This Resolution shall be effective immediately upon its passage.

**PASSED** 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, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, Town Attorney  
1001.2409.01

LPA Resolution No. 2024-\_\_\_\_\_

**EXHIBIT "A"**  
**PROPOSED ULDC AMENDMENT**

**(ATTACHED)**

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**ORDINANCE NO. 2024-XXX**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 35, "CONDITIONAL USES," SECTION 035-080, "INDOOR AND OUTDOOR ASSEMBLY IN RURAL AND AGRICULTURAL DISTRICTS," TO AMEND THE LIST OF EXEMPTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC establishes a definition for a permissible assembly within Section 035-080(D) and provides for a permit process, subject to Town approval, to allow for assemblies that exceed the intended standards; and

**WHEREAS**, the Town has received numerous complaints from residents relating to indoor and outdoor assemblies disturbing their quality of life, and impacting their farm animals; and

**WHEREAS**, the Town believes that the current regulation must be amended to better preserve and protect the Town's rural agrarian community;

**WHEREAS**, the Town Council finds that the amendment to the ULDC contained herein is in the best interest of and will reasonably protect the health, safety, and welfare of the Town's residents.

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

**SECTION 1.** Recitals. The above recitals are true, correct and incorporated herein by reference.

**SECTION 2.** Amendment. Article 35, "Conditional Uses," Section 035-080 "Indoor and Outdoor Assembly in Rural and Agricultural Districts," of the Unified Land Development Code of the Town is hereby amended as follows:

- (D) *Permissible assembly.* Assembly shall be deemed an accessory use of an occupied single-family detached residence when the assembly complies with this subsection, as follows:

1. Assembly is limited to family, friends and acquaintances of the property owner(s) and/or permanent resident(s) of the premises, and their permitted guests.
  2. In no event shall any assembly be held for profit, nor shall there be any admission fee, payment or other consideration, aside from normal congratulatory gifts, given for participation in the assembly or for use of the premises, and in no event shall any assembly be advertised or open to the general public.
  3. Amplified and non-amplified noise from the assembly shall not be audible from within an adjacent dwelling or guest house (with windows and doors closed) from 8:00 p.m. to 9:00 a.m. Monday thru Friday and 11:00 p.m. to 9:00 a.m. Saturday and Sunday. National Holiday's shall follow the Saturday and Sunday schedule. On New Year's Eve non-amplified noise shall not be audible from within an adjacent dwelling or guest house from 1:00 a.m. on New Year's Day to 9:00 a.m. In no event shall amplified noise from- a permitted assembly exceed four hours in duration. This section is supplemental and is not intended to replace Section 27 of the Town's Code concerning noise restrictions. The more stringent of the provisions shall apply.
  4. ~~An a~~Assembly ~~of thirty (30) or more persons at any one time~~with amplified noise shall not occur on any parcel of land within the Town more than two (2) times in any one (1) calendar year period, and may only occur upon the proper issuance of a permit by the Town. ~~unless the town issues a permit pursuant to subsections (D) and (E) below.~~ All such assemblies shall be attended for the full duration by an owner or permanent resident of the premises. ~~At least ten (10) business days prior to such assembly, the property owner or permanent resident of the premises shall notify the town in writing of the time and date of the assembly, the purpose of the assembly, and the approximate duration of the assembly.~~
  5. ~~Notwithstanding paragraph (4), no permit or notice shall be required for an emergency assembly such as a gathering for friends and family after a funeral service.~~
- (E) *Permit submittal requirements.* To apply for an amplified assembly permit, ~~In the event that~~ a property owner or permanent resident of the premises resident desires to exceed the occurrence limitations set forth in paragraph ~~(C)(4) above,~~ the property owner or a permanent resident of the property shall submit an application to the Town form no later than fifteen (15) business days prior to a proposed gathering, detailing at a minimum:

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- (1) The proposed date of the gathering;
- (2) The anticipated number of persons that will be in attendance;
- (3) Whether there will be any live entertainment or temporary structures;
- ~~(4)~~ Where the vehicles of attendees will be parked;
- ~~(4)~~~~(5)~~ The cause and extent of the amplified noise;
- ~~(5)~~~~(6)~~ The proposed hours during which the gathering will occur, which in no event can exceed four hours or extend beyond 11:00 p.m.;
- ~~(6)~~~~(7)~~ Any other information stipulated on the application form; and,
- ~~(8)~~ Any fee and/or deposit that the town council may establish by resolution.
- ~~(9)~~ Acknowledgement by the applicant that they shall notify all adjacent property owners by U.S. mail, or signed petition, including those directly across a canal or roadway, at least ten (10) calendar days prior to the event.
- ~~(10)~~ That the applicant posts the issued permit in a conspicuous place that is visible from the street.
- ~~(7)~~~~(11)~~ Acknowledgement by the property owner that they shall not allow their guests to park on the Town Right-of-Way.

- (F) *Disposition of permit.* The town administrator shall determine whether to issue the permit or deny the permit within three (3) business days of a complete application submittal, and shall notify the applicant immediately upon such determination. Failure of the administrator to act upon a complete application within the allotted time shall constitute an approval of the application. The town administrator shall approve the application if the administrator finds that it is consistent with all of the following criteria:
- (1) That the proposed gathering, as described on the application, will be consistent with the provisions of this section;
  - (2) That no assembly has occurred in violation of this section within ~~one-two~~ (2) years preceding the proposed gathering;
  - (3) That neither a code compliance officer nor law enforcement officer has been called to the subject property in relation to a gathering within the ~~one two~~ (12) year period preceding the date of the proposed gathering, due to a verified complaint about unpermitted noise, parking, disorderly conduct, litter, property damage, or other similar complaint;
  - (4) That public safety will not be substantially compromised as a result of the assembly; and,
  - (5) That the frequency of recurrence, scale and character of assembly at the location has not and will not disturb the peaceful use and enjoyment of properties in the immediate area.

(G) *Enforcement and penalty.* The code compliance department and the town's law enforcement agency are authorized to enforce the provisions of this section to the fullest extent allowed by law, including the authority to shut-down an assembly that is in violation of this section. All amplified noise that exceeds the timeframes set forth herein shall be immediately turned off by the responding officer.

(G)

(1) Upon a second violation of this section, no further amplified assemblies ~~of greater than thirty (30) persons at any one time~~ shall be permitted on the property for a period of one two (12) years from the date of the second violation.

(H) Nothing in this section shall be construed as repealing other laws or code provisions requiring separate applications for permits, such as building or related permits. Those permits must be applied for separately and in accordance with the laws or code provisions governing those activities.

**SECTION 3.** Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

**SECTION 4.** Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

**PASSED ON FIRST READING** this \_\_ day of \_\_, 2023 on a motion

made by \_\_ and seconded by \_\_.

**PASSED ON SECOND READING** this \_\_ day of \_\_, 2023 on a

motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Kuczynski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

**[Signatures on Next Page]**

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\_\_\_\_\_  
Steve Breitzkreuz, Mayor

Attest:

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, Town Attorney  
1001.2408.01

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

Thursday 7:30 PM

September 14, 2023

13400 Griffin Road

Present:

Chair Steve Breitkreuz

Andrew Berns, Town Administrator

Vice Chair Jim Allbritton

Russell Muñiz, Assistant Town Administrator/Town Clerk

Board Member Bob Hartmann

Emil Lopez, Town Financial Administrator

Board Member Gary Jablonski

Keith Poliakoff, Town Attorney

Board Member David S. Kuczenski, Esq.

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 Breitkreuz at 7:31 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

**3. LPA RESOLUTION FOR PROHIBITION OF PHOSPHOGYPSUM TO CREATE OR REPAIR TOWN OF PRIVATE ROADS.**

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 SECTION 090-100 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) ENTITLED ROADWAY CAPACITY, CONSTRUCTION AND DESIGN STANDARDS; PROHIBITING THE USE OF PHOSPHOGYPSUM TO CREATE OR REPAIR TOWN OR PRIVATE ROADS; PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Board Member Jablonski and seconded by Board Member Kuczenski and passed by 5-0 roll call vote. The vote was as follows Board Members Hartmann, Jablonski, Kuczenski, Vice Chair Allbritton, and Chair Breitkreuz voting Yes.

**MOTION: TO APPROVE THE RESOLUTION.**

**4. APPROVAL OF MINUTES**

**a. December 8, 2022 LPA Minutes**

**b. August 24, 2023 LPA Minutes**

The following motion was made by Board Member Hartmann and seconded by Board Member Jablonski and passed by 5-0 roll call vote. The vote was as follows Board Members Hartmann, Jablonski, Kuczenski, Vice Chair Allbritton, and Chair Breitkreuz voting Yes.

**MOTION: TO APPROVE THE DECEMBER 8, 2022 AND AUGUST 24, 2023 LPA MEETING MINUTES.**

**5. Adjournment** - Meeting was adjourned at 7:35 PM.

*Respectfully submitted:*

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*Russell Muñiz Assistant Town Administrator/Town Clerk, MMC*

*Adopted by the Town Local Planning Agency on this 16<sup>th</sup> day of November, 2023.*

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*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.