



Southwest Ranches Town Council

REGULAR MEETING

Agenda of June 26, 2014

Southwest Ranches Council Chambers
7:00 PM THURSDAY

13400 Griffin Road
Southwest Ranches, FL 33330

Mayor
Jeff Nelson
Vice-Mayor
Gary Jablonski

Town Council
Steve Breitreuz
Freddy Fisikelli
Doug McKay

Town Administrator
Andrew D. Berns
**Town Financial
Administrator**
Martin Sherwood, CPA CGFO

Town Attorney
Keith M. Poliakoff, J.D.
Town Clerk
Russell C. Muñiz, MMC

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/Roll Call

2. Pledge of Allegiance

3. Presentation – Recognition of School Education Advisory Board Scholarship Recipients

4. Public Comment

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.
- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

5. Board Reports

6. Council Member Comments

7. Legal Comments

8. Administration Comments

9. Ordinance – 1st Reading – 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.

10. Approval of Minutes

- a. Minutes for May 22, 2014 – Regular Council Meeting

11. 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
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Doug McKay, Council Member
Freddy Fisikelli, Council Member
Steve Breitreuz, Council Member

Andrew Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Martin Sherwood, Town Financial Administrator
Russell C. Muñiz, MMC, Town Clerk

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andrew Berns, Town Administrator

FROM: Jeff Katims, AICP, CNU-A, Assistant Town Planner

DATE: June 18, 2014

SUBJECT: Code Amendment for Bonus Plot Coverage and Farm Building Conversions

Recommendation

Staff recommends approval of the proposed Ordinance.

Issues

- 1) Farm buildings being converted to non-farm uses are not being brought into compliance with the Land Development Code and Florida Building Code as required.
- 2) Roof overhangs (eaves) provide many benefits, but are unintentionally discouraged on large homes due to plot coverage limitations.

Background

Issue 1: Farm building conversions

Farm buildings and structures ("farm structures") are used for nonresidential farm purposes on properties with an agricultural property tax exemption. The proposed Ordinance requires any property owner erecting a nonresidential farm building to record a deed restriction, with the Town as a party, limiting the use of the building to farm use only. The Town will consent to remove the deed restriction once the structure has been legally converted to an alternative permitted use. This requirement would also apply to any owner of property that contains a previously erected farm building and has submitted an application for a Town permit of any kind.

Issue 2: Plot coverage limitations vs. roof overhangs

In 2008, Planning staff was asked to prepare a synopsis of the plot coverage requirements for Council discussion, with an eye toward allowing eaves to exceed the plot coverage allowance. The Council debated the issue, but ultimately did not take action. The issue has been revisited recently, resulting in this Ordinance that is proposed for Council consideration.

Plot coverage is defined as the percentage of plot area (excluding any ingress/egress easement) covered by roofed structures, whether or not enclosed. This is not the same as impervious area, which also includes any paved surface, and is not affected by the number of stories in a building.

Analysis

Issue 1: Farm building conversions.

The deed restriction requirement will inform prospective purchasers of properties subject to such deed restrictions that permits must be obtained, and structures brought into compliance, should the farm use be discontinued. The requirement will also assist the Town in its enforcement of permit requirements.

Issue 2: Plot coverage limitations vs. roof overhangs

The proposed Ordinance allows bonus plot coverage for eaves of at least 2 feet. Plots of less than one acre are not eligible for a bonus; plots of one acre are eligible for a 1% bonus; plots of 1.01 to 1.99 acres may receive a 2% bonus, and plots 2.0 acres or larger may receive a 3% bonus.

Eaves provide benefits that include energy efficiency and aesthetics. Eaves reduce the amount of solar energy that penetrates a home and allow heat to escape from the attics via soffit vents, and therefore decrease the amount of energy needed to maintain a comfortable temperature inside. Eaves keep storm water sheet flow from the roof away from the building foundation, and are a customary architectural feature in the tropics for these reasons. Eaves also provide an aesthetic benefit, as they “finish” the roof at its edges. Town staff has observed instances of architects reducing or eliminating roof overhangs so as to maximize the interior floor area that their clients could construct given the plot coverage limitation.

Fiscal Impact

None

Staff Contact

Keith Poliakoff, Town Attorney

ORDINANCE NO. 2014 -

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 ~~(20)~~ percent (20%) of the area of a plot in A-1, A-2, and RE districts, and ten ~~(10)~~ percent (10%) of the area of a plot ~~area~~ in the RR ~~D~~district less any public or private street right-of-way, except that 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 ~~(10)~~ percent (10%) of the plot area less public or private street right-of-way.
- ~~(B)~~ (2) Plot coverage for enclosed structures ~~Development~~ 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.
- ~~(C)~~ (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.
- (4) In all zoning districts, on plots one (1) net acre or greater in area, a plot coverage bonus shall be given provided that the principal structure maintains an eave that extends at least two (2) feet beyond the exterior face of the exterior wall, along at least seventy-five percent (75%) of the

perimeter of the principal structure. The amount of the bonus shall be based upon the land area of the plot, as follows:

- a. For plots of less than one (1) net acre in area, no bonus shall be given.
- b. For plots of one (1) net acre in area, a one percent (1%) plot coverage bonus shall be given.
- c. For plots greater than one (1) net acre, up to and including two (2) net acres in area that cannot be legally subdivided pursuant to the standards of Section 045-070, a two percent (2%) plot coverage bonus shall be given.
- d. For plots in excess of two (2) net acres in area that cannot be legally subdivided pursuant to the standards of Section 045-070, a three percent (3%) plot area bonus shall be given.
- e. For any plot that can be legally subdivided pursuant to the standards of Section 045-070, the maximum allowable 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.

~~(D)~~(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 nonresidential farm buildings or roofed farm structures, or any property owner that has previously erected nonresidential farm buildings or roofed farm structures, 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 farm use only, in accordance with Section 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 ____ day of June, 2014 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of July, 2014, on a motion made by _____ and seconded by _____.

Nelson _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Attest:

Jeff Nelson, Mayor

Russell Muñiz, MBA, MPA, MMC, Town Clerk

Approved as to Form and Correctness:

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

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**REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida**

Thursday 7:00 PM

May 22, 2014

13400 Griffin Road

Present:

Mayor Jeff Nelson

Vice Mayor Gary Jablonski

Council Member Doug McKay

Council Member Freddy Fisikelli

Council Member Steve Breitkreuz

Andrew Berns, Town Administrator

Keith Poliakoff, Town Attorney

Martin Sherwood, Town Financial Administrator

Russell Muñiz, Town Clerk

Jeff Katims, Assistant Town Planner

Regular Meeting of the Town Council 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 Mayor Nelson, who attended by telephone, at 7:05 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance which was led by members of the Marine Corps League.

3. Presentation – Toys for Tots Appreciation by Marine Corps League

Guy Roy of the Marine Corps League presented the Town with a Certificate of Appreciation for the Town's efforts in the Toys for Tots program which benefits children at Chris Evert Children's Hospital.

4. Public Comment – None.

5. Board Reports – None.

6. Council Member Comments

Council Member Fisikelli gave an update on Fishing Hole Park.

Council Member Breitkreuz indicated that staff from Broward County were working on the issues relative to the traffic light on the Griffin Road I-75 overpass. He remained hopeful that some improvements would be occurring.

7. Legal Comments – None

8. Administration Comments

The Town Administrator indicated that the Town surplus vehicles had been removed from the parking lot. He reminded everyone that the Town Birthday and Town Hall building dedication would be celebrated prior to the Town Council meeting on June 12th. He spoke of the median improvements in front of Town Hall and was hopeful that the work would be completed prior to June 12th. He spoke about a small business workshop that was being sponsored by Congresswoman Debbie Wasserman-Schultz on May 31st at the Broward County Convention

Center. Lastly, he advised the Town's tentative property values reflect a 5.6% increase over the last year.

The following motion was made by Council Member McKay, seconded by Council Member Fisikelli and passed by 4-0 roll call vote. The vote was as follows: Council Members McKay, Fisikelli, Breitkreuz, and Mayor Nelson voting Yes.

MOTION: TO EXCUSE THE ABSENCE OF VICE MAYOR JABLONSKI.

9. Ordinance – 2nd Reading – AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REPEAL ORDINANCE NO. 2004-11 AND TOWN OF SOUTHWEST RANCHES, CODE OF ORDINANCES, PART II, CHAPTER 4, - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW ORDINANCE 2014-____; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

The following motion was made by Council Member Fisikelli, seconded by Council Member McKay, and passed by 4-0 roll call vote. The vote was as follows: Council Members McKay, Fisikelli, Breitkreuz, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE ORDINANCE.

10. Ordinance – 2nd Reading - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DIRECTING THE TOWN ADMINISTRATOR AND THE TOWN ATTORNEY TO PREPARE A NON-BINDING STRAW POLL REFERENDUM QUESTION CONCERNING HOW TO FUND THE TOWN'S TRANSPORTATION SURFACE AND DRAINAGE, ONGOING REHABILITATION PROGRAM ("TSDOR"); PROVIDING BALLOT LANGUAGE AS DELINEATED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; DIRECTING THE TOWN ADMINISTRATOR TO REQUEST THAT THIS NON-BINDING STRAW POLL QUESTION BE PLACED ON THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT, TO ENABLE THE TOWN'S ELECTORATE TO CAST A STRAW VOTE ON THIS MATTER; DIRECTING THE TOWN CLERK TO PROVIDE PROPER NOTICE FOR THIS STRAW BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Fisikelli, seconded by Council Member McKay but was not approved. The vote was as follows: Council Members McKay, Fisikelli, Breitkreuz, and Mayor Nelson voting No.

MOTION: TO APPROVE THE ORDINANCE.

11. Resolution - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES FLORIDA, ACCEPTING A DONATION FROM THE ASTER KNIGHT PARKS FOUNDATION IN THE AMOUNT OF \$22,000; APPROVING CHANGE ORDERS TO THE ROLLING OAKS BARN RENOVATION CONTRACT FOR UPGRADES TO CEILING AND FLOOR INSTALLATIONS BY EAST COAST BUILDERS AND DEVELOPERS CORP. FOR AN AMOUNT NOT TO EXCEED \$28,201.25; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2013-2014 BUDGET FOR THIS PROJECT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Fisikelli, seconded by Council Member McKay and passed by 4-0 roll call vote. The vote was as follows: Council Members McKay, Fisikelli, Breitkreuz, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

12. Approval of Minutes

a. Minutes for April 24, 2014 – Regular Council Meeting

The following motion was made by Council Member Fisikelli, seconded by Council Member McKay and passed by 4-0 roll call vote. The vote was as follows: Council Members McKay, Fisikelli, Breitkreuz, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE AMENDED MINUTES.

13. Adjournment – Meeting was adjourned at 7:54 p.m.

Respectfully submitted:

Russell Muñiz, MMC, Town Clerk

*Adopted by the Town Council on
this 26TH day of June, 2014.*

Jeff Nelson, Mayor

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.