



# Southwest Ranches Town Council

## LOCAL PLANNING AGENCY

Agenda of September 23, 2021

Southwest Ranches Council Chambers  
7:00 PM Thursday

13400 Griffin Road  
Southwest Ranches, FL 33330

<b><u>Mayor</u></b> Steve Breitkreuz	<b><u>Town Council</u></b> Jim Allbritton Gary Jablonski David Kuczenski	<b><u>Town Administrator</u></b> Andrew D. Berns, MPA  <b><u>Town Financial</u></b> <b><u>Administrator</u></b> Martin Sherwood, CPA CGFO	<b><u>Town Attorney</u></b> Keith M. Poliakoff, J.D.  <b><u>Assistant Town</u></b> <b><u>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. LPA RESOLUTION FOR PROPERTY RIGHTS ELEMENT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN'S COMPREHENSIVE PLAN TO CREATE A PROPERTY RIGHTS ELEMENT; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-2)

**4. LPA RESOLUTION FOR GUEST HOUSE COMP PLAN AMENDMENT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN'S COMPREHENSIVE PLAN TO AMEND THE DEFINITION OF THE TERM, "GUEST HOUSE;" PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-1)

**5. LPA RESOLUTION FOR ULDC GUEST HOUSE AMENDMENT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO AMEND THE GUEST HOUSE REGULATIONS IN SECTION 045-030; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-1)

**6. Approval of Minutes**

- a. April 22, 2021 LPA Meeting
- b. September 13, 2021 LPA Meeting

## **7. 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.



**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**  
**Bob Hartmann, Vice Mayor**  
**Jim Allbritton, Council Member**  
**Gary Jablonski, Council Member**  
**David Kuczenski, Council Member**

**Andrew D. Berns, MPA, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muniz, MPA, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 9/23/2021  
**SUBJECT:** LPA RESOLUTION FOR PROPERTY RIGHTS ELEMENT

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### **Recommendation**

The LPA should recommend that the Town Council approve adopt the proposed Ordinance in order to comply with Section 163.3177(6)(i), F.S., which prohibits a local government from amending its comprehensive plan until it adopts a property rights element.

A. Sound Governance

### **Background**

In July of this year, an amendment creating Section 163.3177(6)(i) F.S. took effect, requiring that all local governments adopt a private property rights element within their comprehensive plans. The intent of the requirement is, "that governmental entities respect judicially acknowledged and constitutionally protected private property rights," by considering such rights in local decision-making.

The proposed property rights element consists of a statement that the Town will consider specified private property rights in its decision-making, taken verbatim from Section 163.3177(6)(i), F.S. Staff finds that the statutory language is suitable for adoption, noting that a municipality is not required to adopt the statutory language verbatim, and may create a commensurate and more expansive version.

The statute requires that the Town adopt a property rights element in compliance with Section 163.3177(6)(i) before it can adopt any other amendment to the comprehensive plan.

### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims, AICP, CNU-A

**ATTACHMENTS:**

Description	Upload Date	Type
LPA_RESOLUTION-PROPERTY_RIGHTS_ELEMENT - TA Approved	9/16/2021	Resolution
EXHIBIT "A" TO LPA RESOLUTION	9/10/2021	Exhibit
Section 163.3177(6)(i), F.S.	9/10/2021	Exhibit

**LPA RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN'S COMPREHENSIVE PLAN TO CREATE A PROPERTY RIGHTS ELEMENT; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-2)**

**WHEREAS**, Section 163.3167, Florida Statutes, requires The Town of Southwest Ranches to maintain a comprehensive plan to guide its future development and growth; and

**WHEREAS**, Section 163.3177(6)(i)1., Florida Statutes, requires that all local governments' comprehensive plans include a property rights element; and

**WHEREAS**, the Town of Southwest Ranches respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, the proposed Ordinance will amend the comprehensive plan by adding a property rights element in compliance with Section 163.3177(6)(i)1., Florida Statutes; and

**WHEREAS**, the Local Planning Agency finds the amendment is consistent with the goals, objectives and policies of the 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 as Exhibit "A" hereto.

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

**PASSED** this 23rd day of September, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
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  
1001.424.01

LPA Resolution No. 2021-\_\_\_\_\_

Page **2** of **3**

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**EXHIBIT "A"**  
**PROPOSED COMPREHENSIVE PLAN AMENDMENT**  
**(ATTACHED)**

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2021-\_\_\_\_\_

Page **3** of **3**

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ORDINANCE NO. 2022-\_\_\_\_

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND OTHER REVIEW AGENCIES DEFINED IN F.S. 163.3184(1)(C); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-2)**

**WHEREAS**, Section 163.3167, Florida Statutes, requires The Town of Southwest Ranches to maintain a comprehensive plan to guide its future development and growth; and

**WHEREAS**, Section 163.3177(6)(i)1., Florida Statutes, requires that all local governments' comprehensive plans include a property rights element; and

**WHEREAS**, the Town of Southwest Ranches respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, this Ordinance will amend the comprehensive plan by adding a property rights element in compliance with Section 163.3177(6)(i)1., Florida Statutes; and

**WHEREAS**, the Town Council, sitting as the Local Planning Agency, held a duly noticed public hearing on September 23, 2021 and recommended that the Town Council adopt the proposed Ordinance.

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

**Section 1: Ratification.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

1        **Section 2: New Element.** The Town's Comprehensive Plan is amended by  
2 adding the property rights element attached as Exhibit "A" and made a part of this  
3 Ordinance as if set forth in full.

4        **Section 3: F.S. Chapter 163 Transmittal.** That the Town Planner is hereby  
5 directed to transmit this Ordinance to the State Land Planning Agency immediately  
6 following first reading of this Ordinance, and is hereby directed to transmit the adopted  
7 Ordinance to the State Land Planning Agency immediately following the second and final  
8 reading of this Ordinance.

9        **Section 4: Conflict.** All Ordinances or parts of Ordinances, Resolutions or parts  
10 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of  
11 such conflict.

12       **Section 5: Severability.** Should any section or provision of this Ordinance or any  
13 portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or  
14 invalid, the invalidity thereof shall not affect the validity of any of the remaining portions  
15 of this Ordinance.

16       **Section 6: Effective Date.** This Ordinance shall take effect 31 days after the  
17 Department of Economic Opportunity notifies the Town that the plan amendment  
18 package is complete, unless timely challenged pursuant to sec. 163.3184(5), F.S., in  
19 which case the Ordinance shall take effect on the date that the Department of Economic  
20 Opportunity or the Administration Commission enters a final order determining the  
21 adopted amendment to be in compliance.

22  
23       **PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2021 on a motion made  
24 by \_\_\_\_\_ and seconded by \_\_\_\_\_.

25       **PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_,  
26 2021, on a motion made by \_\_\_\_\_ and seconded by  
27 \_\_\_\_\_.

28  
29  
Ordinance No. 2022-\_\_

**[Signatures on the Following Page]**

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
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. 2022-\_\_

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## **EXHIBIT "A"**

### **III. J. PROPERTY RIGHTS ELEMENT (PRE)**

#### **1. GOALS OBJECTIVES AND POLICIES**

##### **PRE GOAL 1**

**The Town will make planning and development decisions with respect for property rights.**

**PRE Objective 1:** The Town will respect judicially acknowledged and constitutionally protected private property rights.

**PRE Policy 1.1:** The Town will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

**PRE Policy 1.2:** The Town will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

**PRE Policy 1.3:** The Town will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

**PRE Policy 1.4:** The Town will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

# The 2021 Florida Statutes

## Title XI

### COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

#### Chapter 163

#### INTERGOVERNMENTAL PROGRAMS

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

\* \* \*

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local

government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

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**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 9/23/2021  
**SUBJECT:** LPA RESOLUTION FOR GUEST HOUSE COMP PLAN AMENDMENT

---

### **Recommendation**

The Local Planning Agency should evaluate the proposed ordinance as a policy matter and make its recommendation to the Town Council.

A. Sound Governance

### **Background**

The Comprehensive Plan limits the size of guest houses to 600 square feet on properties up to one net acre in area, and 1,200 square feet on properties greater than one acre (43,560 square feet) in area. Guest houses are not permitted on properties less than 35,000 square feet in area.

The proposed Ordinance would allow 1,200 square-foot guest homes on properties between 35,000 and 43,560 square feet in area while continuing to allow the same sized guest houses on properties in excess of 43,560 square feet in area.

Guest houses would still be subject to the plot coverage restrictions of the applicable zoning district. Therefore a larger guest house will only be permitted when the total roof area of all structures on the property remains within the plot coverage limit.

### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims, AICP, CNU-A

**ATTACHMENTS:**

Description	Upload Date	Type
LPA_Reso_for_Guest_House_LUPA - TA Approved	9/16/2021	Resolution

**LPA RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN'S COMPREHENSIVE PLAN TO AMEND THE DEFINITION OF THE TERM, "GUEST HOUSE;" PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-1)**

**WHEREAS**, Section II.A. of the Town of Southwest Ranches Comprehensive Plan entitled, "Definitions," restricts the gross floor area of guest homes on parcels between 35,000 square feet and 43,560 square feet in area to six hundred (600) square feet; and

**WHEREAS**, Section II.A. allows guest homes of 1,200 square feet of gross floor area on plots of more than 43,560 square feet in area; and

**WHEREAS**, the Town Council wishes to standardize the allowable guest house size on all plots of 35,000 square feet and larger in area; and

**WHEREAS**, the Local Planning Agency finds the amendment is consistent with the goals, objectives and policies of the 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 as Exhibit "A" hereto.

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

**PASSED** this 23<sup>rd</sup> day of September, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**(Signatures on the Following Page)**

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
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  
1001.432.01

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Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2021-\_\_\_\_\_

Page of **3**

1 **EXHIBIT "A"**

2 **PROPOSED COMPREHENSIVE PLAN AMENDMENT**

3  
4 **Part II. Administration**

5 **IIA. Definitions**

6 \* \* \*

7 **Guest house** - A structure or any part of a structure ancillary to a detached  
8 single family dwelling unit, excluding mobile homes, and located on the same  
9 parcel as the principle dwelling unit, that is occupied in whole or in part as the  
10 temporary residence or living quarters of one or more persons, that shall not  
11 exceed ~~600 square feet for parcels between 35,000 square feet to 43,560 square~~  
12 ~~feet and shall not exceed 1,200 square feet in gross living area for parcels~~  
13 ~~greater than 43,560 square feet.~~ Only one (1) guest house shall be permitted per  
14 parcel and it may not be rented, leased or sold separately from the overall  
15 property. A guest house may not contain, or be designed to contain, a complete  
16 kitchen facility. In no event shall a guest house be considered a dwelling unit, as  
17 defined herein. If a temporary or permanent residence or living quarter does not  
18 meet the definition of guest house, it shall be deemed to be a dwelling for  
19 purposes of density calculation. For purposes of this definition, a temporary  
20 residence or living quarter shall not have a separate mailing address or electric  
21 meter. A guest house shall not be permitted on parcels less than 35,000 square  
22 feet.

23 \* \* \*

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**13400 Griffin Road**  
**Southwest Ranches, FL 33330-2628**

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**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 9/23/2021  
**SUBJECT:** LPA RESOLUTION FOR ULDC GUEST HOUSE AMENDMENT

---

### **Recommendation**

The Local Planning Agency should evaluate the proposed ordinance as a policy matter and make its recommendation to the Town Council.

A. Sound Governance

### **Background**

The ULDC limits the size of guest houses to 600 square feet on properties up to one net acre in area, and 1,200 square feet on properties greater than one acre (43,560 square feet) in area. Guest houses are not permitted on properties less than 35,000 square feet in area.

The proposed Ordinance would allow 1,200 square-foot guest homes on properties between 35,000 and 43,560 square feet in area while continuing to allow the same sized guest houses on properties in excess of 43,560 square feet in area.

Guest houses would still be subject to the plot coverage restrictions of the applicable zoning district. Therefore a larger guest house will only be permitted when the total roof area of all structures on the property remains within the plot coverage limit.

### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims, AICP, CNU-A

**ATTACHMENTS:**

Description	Upload Date	Type
LPA_Reso_for_Guest_House_ULDC_Amendment - TA Approved	9/16/2021	Resolution



**LPA RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO AMEND THE GUEST HOUSE REGULATIONS IN SECTION 045-030; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-22-1)**

**WHEREAS**, ULDC Subsection 045-030(G) restricts the gross floor area of guest homes on parcels between 35,000 square feet and 43,560 square feet in area to six hundred (600) square feet; and

**WHEREAS**, Subsection 045-030(G) allows guest homes of 1,200 square feet of gross floor area on plots of more than 43,560 square feet in area; and

**WHEREAS**, the Town Council wishes to standardize the allowable guest house size on all plots of 35,000 square feet and larger in area; and

**WHEREAS**, the Local Planning Agency finds the amendment is consistent with the goals, objectives and policies of the Comprehensive Plan, and proposed Town of Southwest Ranches local amendment No. PA-22-1.

**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 as Exhibit "A" hereto.

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

**PASSED** this 23<sup>rd</sup> day of September, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**(Signatures on the Following Page)**

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
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  
1001.425.01

Key: underlined text is added and ~~stricken~~ text is deleted.

LPA Resolution No. 2021-\_\_\_\_\_

Page **2** of **3**

1 **EXHIBIT "A"**

2 **PROPOSED COMPREHENSIVE PLAN AMENDMENT**

3  
4 **Part II. Administration**

5 **IIA. Definitions**

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7 **Guest house** - A structure or any part of a structure ancillary to a detached  
8 single family dwelling unit, excluding mobile homes, and located on the same  
9 parcel as the principle dwelling unit, that is occupied in whole or in part as the  
10 temporary residence or living quarters of one or more persons, that shall not  
11 exceed ~~600 square feet for parcels between 35,000 square feet to 43,560 square~~  
12 ~~feet and shall not exceed 1,200 square feet in gross living area for parcels~~  
13 ~~greater than 43,560 square feet.~~ Only one (1) guest house shall be permitted per  
14 parcel and it may not be rented, leased or sold separately from the overall  
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16 kitchen facility. In no event shall a guest house be considered a dwelling unit, as  
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18 meet the definition of guest house, it shall be deemed to be a dwelling for  
19 purposes of density calculation. For purposes of this definition, a temporary  
20 residence or living quarter shall not have a separate mailing address or electric  
21 meter. A guest house shall not be permitted on parcels less than 35,000 square  
22 feet.

23 \* \* \*

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

Thursday 7:00 PM

April 22, 2021

13400 Griffin Road

Present:

Chair Steve Breitkreuz

Vice Chair Bob Hartmann

Board Member Jim Allbritton

Board Member Gary Jablonski

Board Member David S. Kuczenski

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin D. Sherwood, Town Financial Administrator

Keith Poliakoff, Town Attorney

Local Planning Agency of the Town of Southwest Ranches was held virtually via the ZOOM Meeting platform. The meeting, having been properly noticed, was called to order by Chair Breitkreuz at 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

**3. LPA RESOLUTION FOR PLAN AMENDMENT CONSIDERATIONS**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO AMEND POLICY 1.3 TO PREVENT FUTURE INCOMPATIBLE LAND USES; 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 Allbritton, Jablonski, Kuczenski, Vice Chair Hartmann, and Chair Breitkreuz voting Yes.

**MOTION: TO APPROVE THE RESOLUTION.**

**4. LPA RESOLUTION FOR REZONING CRITERIA**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO ARTICLE 130, "ZONING MAP AMENDMENTS" OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO MODIFY CRITERIA FOR REVIEW AND APPROVAL OF REZONING REQUESTS AND MAKE REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION: TO APPROVE THE RESOLUTION.**

**5. Approval of Minutes**  
**a. January 28, 2021 LPA Meeting**

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

**MOTION: TO APPROVE THE MINUTES.**

**6. Adjournment - Meeting was adjourned at 7:07 PM.**

*Respectfully submitted:*

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

*Adopted by the Town Local Planning Agency on  
this 23<sup>rd</sup> day of September, 2021.*

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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.

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

Thursday 7:30 PM

September 13, 2021

13400 Griffin Road

Present:

Chair Steve Breitkreuz

Vice Chair Bob Hartmann

Board Member Jim Allbritton

Board Member Gary Jablonski

Board Member David S. Kuczenski

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin D. Sherwood, Town Financial Administrator

Keith Poliakoff, Town Attorney

Local Planning Agency of the Town of Southwest Ranches was held virtually via the ZOOM Meeting platform. The meeting, having been properly noticed, was called to order by Chair Breitkreuz at 7:32 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

**3. LPA RESOLUTION FOR RETAIL SALE OF PLANTS NOT ON FARMS**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT, ADOPT WITH CHANGES OR NOT ADOPT, AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") PERTAINING TO THE COMMERCIAL RETAIL SALE OF PLANTS NOT ON FARMS; AND PROVIDING 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 Allbritton, Jablonski, Kuczenski, Vice Chair Hartmann, and Chair Breitkreuz voting Yes.

**MOTION: TO APPROVE THE RESOLUTION.**

**4. Home Conversion - LPA Reso**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT, ADOPT WITH CHANGES, OR NOT ADOPT, AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO REGULATE THE CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USES; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION: TO APPROVE THE RESOLUTION.**

**5. Adjournment** - Meeting was adjourned at 7:36 PM.

*Respectfully submitted:*

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

*Adopted by the Town Local Planning Agency on  
this 23<sup>rd</sup> day of September, 2021.*

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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.