



# Southwest Ranches Town Council

## LOCAL PLANNING AGENCY

Agenda of December 16, 2021

Southwest Ranches Council Chambers  
7:00 PM Thursday

13400 Griffin Road  
Southwest Ranches, FL 33330

<b><u>Mayor</u></b> Steve Breitreuz	<b><u>Town Council</u></b> Jim Allbritton Bob Hartmann 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 POWER LINES ORDINANCE**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN POWERLINE TRANSMISSION EASEMENTS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.

#### **4. LPA RESOLUTION FOR SURFACE WATER MANAGEMENT AREAS**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN SURFACE WATER MANAGEMENT AREAS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.

#### **5. LPA RESOLUTION FOR SHARED DRIVEWAY ORDINANCE**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY STANDARDS FOR CERTAIN INGRESS/EGRESS EASEMENTS BY NARROWING THE EASEMENTS REQUIRED TO

SERVE UP TO FOUR LANDLOCK PLOTS OF LAND; PROVIDING FOR AN EFFECTIVE DATE.

**6. LPA RESOLUTION FOR FLAG PLOTS ORDINANCE**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO AMEND THE MEANING OF THE TERM, "FLAG PLOT," TO REVISE THE STANDARDS FOR FLAG PLOTS AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.

**7. LPA RESOLUTION FOR ORDINANCE AMENDING VARIANCES IN ULDC**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXPAND THE TOWN COUNCIL'S AUTHORITY TO GRANT VARIANCES; PROVIDING FOR AN EFFECTIVE DATE.

**8. LPA RESOLUTION FOR WAIVER OF PLAT 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 ESTABLISH ELIGIBILITY REQUIREMENTS FOR WAIVER OF PLAT APPLICATIONS, AND TO MAKE CHANGES OF A HOUSEKEEPING NATURE; PROVIDING FOR AN EFFECTIVE DATE.

**9. Approval of Minutes**

**a. November 18, 2021 LPA Minutes**

**10. 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*  
*Gary Jablonski, Vice Mayor*  
*Jim Allbritton, Council Member*  
*Bob Hartmann, 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:** 12/16/2021  
**SUBJECT:** LPA RESOLUTION FOR POWER LINES ORDINANCE

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#### **Recommendation**

The proposed Ordinance is a policy matter for consideration of the Town Council in its legislative capacity.

A. Sound Governance

#### **Background**

On March 25, 2021, the Town Council passed Resolution No. 2021-037 to establish a zoning in progress (which has since expired), prohibiting subdivision of properties encumbered by primary power line transmission easements in the Rural Estate district. The Council tasked the CPAB with producing an ordinance for Council consideration.

The CPAB voted 7-1 to recommend the attached Ordinance, which excludes primary power line transmission easements from net lot area calculations in all zoning districts, not just the Rural Estate district.

The Ordinance would apply to parcels that are currently large enough to be subdivided. Any legally existing lot of record that would not meet the minimum net lot area requirement because of this Ordinance would become grandfathered as a [legal] nonconforming lot of record.

#### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims

**ATTACHMENTS:**

Description	Upload Date	Type
LPA Reso for Powerlines - TA Approved	12/10/2021	Resolution
Powerlines Ordinance - TA Approved	12/10/2021	Exhibit

**LPA RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN POWERLINE TRANSMISSION EASEMENTS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, primary electrical power transmission easements occupy easements up to 180 feet in width within the Town of Southwest Ranches; and

**WHEREAS**, Florida Power and Light limits the types and extent of improvements within these easements; and

**WHEREAS**, the physical obstructions created by the transmission towers and restriction on improvements within the easements reduce the net functional plot area; and; and

**WHEREAS**, the Local Planning Agency finds that primary electrical power transmission easements should not be credited toward net lot area in the rural residential zoning districts; 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 \_\_\_\_ day of December, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Hartmann \_\_\_\_\_  
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  
1001.817.01

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

LPA Resolution No. 2022-\_\_\_\_\_

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

**(ATTACHED)**

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

LPA Resolution No. 2022-\_\_\_\_\_

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

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

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10, ENTITLED, "DEFINITION OF TERMS" TO REVISE THE DEFINITION OF THE TERM, "NET ACRE" TO EXCLUDE CERTAIN POWERLINE TRANSMISSION EASEMENTS; AMENDING ARTICLE 45 ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-070 "MINIMUM PLOT SIZE AND DIMENSIONS" TO PROVIDE FOR LOTS MADE NONCONFORMING BY THIS ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, primary electrical power transmission easements occupy easements up to 180 feet in width within the Town of Southwest Ranches; and

**WHEREAS,** Florida Power and Light limits the types and extent of improvements within these easements; and

**WHEREAS,** the physical obstructions created by the transmission towers and restriction on improvements within the easements reduce the net functional plot area; and; and

**WHEREAS,** the Town Council finds that primary electrical power transmission easements should not be credited toward net lot area in the rural residential zoning districts.

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

Ordinance No. 2022-

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



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

4       **Section 2. Amendment to Definitions.** Article 10, "Definition of Terms,"  
5 Section 010-030, "Terms defined" is hereby amended as follows:

6           \*    \*    \*

7       *Acre, net.* The term "net acre" means forty-three thousand five hundred sixty  
8 (43,560) square feet of land which includes contiguous, private property under  
9 the same ownership, excluding the following:

10       (1) Any easement, reservation or other encumbrance existing, in whole or in  
11       part, for the purpose of providing access to real property, provided that an  
12       easement for ingress/egress and utilities shall be included as net acreage if  
13       the town requires the easement to be granted for the purpose of fully  
14       accommodating a town capital improvement to an existing street; and

15       (2) Water bodies that are not wholly contained within a single plot, including  
16       but not limited to, canals, wet retention areas and lakes.

17       (3) Powerline transmission easements 50 feet or greater in width.

18           \*    \*    \*

19       **Section 3. Amendment to minimum plot size and dimensions.** Article 45,  
20 "Agricultural and Rural Districts," Section 045-070, "Minimum plot size and dimensions,"  
21 is hereby amended as follows:

22       (A) *Agricultural districts.*

23       (1) Any plot in an agricultural district shall have at least one (1) dimension of  
24       two hundred fifty (250) feet.

25       (2) No plot within an agricultural zoning district shall be developed for  
26       residential use unless the plot contains two (2) net or two and one-half  
27       (2½) gross acres of plot area, unless the plot satisfies one (1) of the  
28       exceptions listed in subparagraphs a. through h. below, in addition to  
29       subparagraph i.:

30       a. Became undersized due to a right-of-way dedication or change in district  
31       regulations prior to the adoption of the ordinance from which this ULDC  
32       is derived; or

Ordinance No. 2022-\_\_

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

- 1 b. Is specifically designated on a plat approved by the board or county  
2 commissioners prior to May 16, 1979; or
- 3 c. Was of public record prior to May 16, 1979, and has not been at any  
4 time since the effective date of county Ordinance No. 79-34 (May 30,  
5 1979), contiguous with another parcel in common ownership that could  
6 be combined into a single parcel of at least two (2) net acres, and which  
7 has received the approval of the applicable agency for a sewage disposal  
8 system; or
- 9 d. Is exempted from the minimum plot size requirement under the  
10 "Developed Areas" provision of the comprehensive plan; or
- 11 e. Was of public record as of October 6, 2005, and became nonconforming  
12 as a result of Town Ordinance No. 2006-02 (see section 010-030,  
13 definition of "Acre, net"), which excluded access easements and  
14 reservations from counting towards net plot area; or
- 15 f. Was of public record as of March 2, 2006, and became nonconforming  
16 as a result of Town Ordinance No. 2006-06 (see section 010-030,  
17 definition of "Acre, net"), which excluded drainage canals and lakes from  
18 counting towards net plot area; ~~and or~~
- 19 g. Was of public record as of [date of adoption of ordinance] and became  
20 nonconforming as a result of Town Ordinance No. 2022-XXX (see section  
21 010-030, definition of "Acre, net"), which excluded certain powerline  
22 transmission easements from counting toward net plot area; or
- 23 h. Reserved. [and,]
- 24 ~~g~~ i. Has not, at any time subsequent to May 8, 2003, been under common  
25 ownership with a contiguous lot that, if combined, would form a single  
26 conforming lot (this provision does not apply to "Developed Areas"  
27 under subsection (A)(2)d of this section).
- 28 (B) *Rural ranches district.* Every plot in a RR district shall be not less than one-  
29 hundred twenty-five (125) feet in width and shall contain not less than two  
30 (2) net or two and one-half (2½) gross acres unless the plot satisfies one (1)  
31 of the plot size exceptions established in ~~subsection paragraphs~~ (A)(2) b, c,  
32 d, e, ~~or f~~, g, or h, and subject to subparagraph g i. of this section, or has a  
33 minimum area of eighty thousand (80,000) square feet in net area, of record  
34 as of February 8, 1993.
- 35 (C) *Rural estate district.*

Ordinance No. 2022-\_\_

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

- 1 (1) Every plot in an RE district shall be not less than one hundred twenty-  
2 five (125) feet in width and contain not less than one (1) net acre. One-  
3 family dwellings may be permitted on smaller plots which satisfy one (1)  
4 of the ~~six (6)~~ exceptions listed below in subparagraphs a. through h. and  
5 in addition to satisfying subsection (C)(1)g subparagraph i. of this  
6 section:
- 7 a. Contain thirty-five thousand (35,000) square feet or more in net  
8 area and are not less than one hundred twenty-five (125) feet in  
9 width and:
- 10 1. Were of public record prior to September 18, 1979; and  
11 2. Have not been at any time since September 18, 1979,  
12 contiguous with another plot in common ownership which  
13 could be combined into a single plot of at least one (1) gross  
14 acre; or
- 15 b. Are included within an approved plat in which the average density  
16 is not more than one (1) dwelling unit per gross acre, as defined in  
17 the comprehensive plan; or
- 18 c. Comply with requirements of exemptions for developed areas  
19 specified in the comprehensive plan; or
- 20 d. Were of public record as of October 6, 2005, and became  
21 nonconforming as a result of Town Ordinance No. 2006-02 (see  
22 section 010-030, definition of "Acre, net"), which excluded access  
23 easements and reservations from counting towards net plot area;  
24 or
- 25 e. Was of public record as of March 2, 2006, and became  
26 nonconforming as a result of Town Ordinance No. 2006-06, (see  
27 section 010-030, definition of "Acre, net"), which excluded  
28 drainage canals and lakes from counting towards net plot area; or
- 29 f. Was of public record as of [date of adoption of ordinance] and  
30 became nonconforming as a result of Town Ordinance No. 2021-  
31 XXX (see section 010-030, definition of "Acre, net"), which  
32 excluded certain powerline transmission easements from counting  
33 toward s net plot area; or
- 34 g. Reserved.
- 35 h. f. When a plot which was recorded prior to January 1, 1973, and  
36 contained thirty-five thousand (35,000) square feet or more in area

Ordinance No. 2022-\_\_

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

1 was reduced in size due to dedication for right-of-way, the resulting  
2 plot need be no larger than one hundred twenty-five (125) feet in  
3 width and thirty thousand (30,000) square feet in net area. Said  
4 plot shall not be further subdivided; and

5 i.g. Has not at any time subsequent to May 8, 2003, been under  
6 common ownership with a contiguous lot that, if combined, would  
7 form a single conforming lot (this provision does not apply to  
8 "Developed Areas" under subsection (A)(2)d of this section).

9 **Section 4: Codification.** The Town Clerk shall cause this ordinance to be  
10 codified as a part of the ULDC during the next codification update cycle.

11 **Section 5: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts  
12 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of  
13 such conflict.

14 **Section 6: Severability.** Should any section or provision of this Ordinance or  
15 any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional  
16 or invalid, the invalidity thereof shall not affect the validity of any of the remaining  
17 portions of this Ordinance.

18 **Section 7: Effective Date.** This Ordinance shall take effect immediately upon  
19 passage and adoption.

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

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

25  
26  
27  
28 **[Signatures on Following Page]**

Ordinance No. 2022-\_\_

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Breitkreuz	_____	Ayes	_____
Jablonski	_____	Nays	_____
Allbritton	_____	Absent	_____
Hartmann	_____	Abstaining	_____
Kuczenski	_____		

\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

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

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

1001.818.01

Ordinance No. 2022-\_\_  
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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*  
*Gary Jablonski, Vice Mayor*  
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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:** 12/16/2021  
**SUBJECT:** LPA RESOLUTION FOR SURFACE WATER MANAGEMENT AREAS

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#### **Recommendation**

The proposed Ordinance is a policy matter for consideration of the Town Council in its legislative capacity.

#### **A. Sound Governance**

#### **Background**

On March 25, 2021, the Town Council passed Resolution No. 2021-037 to establish a zoning in progress (which has since expired), prohibiting subdivision of properties encumbered by stormwater retention areas in the Rural Estate district. The Council tasked the CPAB with producing an ordinance for Council consideration.

The CPAB voted 8-0 to recommend the attached Ordinance, which excludes surface water management areas more than 10 feet in width from net lot area calculations in all zoning districts, not just the Rural Estate district.

The Ordinance would apply to parcels that are currently large enough to be subdivided. Any legally existing lot of record that would not meet the minimum net lot area requirement because of this Ordinance would become grandfathered as a [legal] nonconforming lot of record.

**Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims

**ATTACHMENTS:****Description**

LPA Reso for SWMAs - TA Approved

SFWMAs Ordinance - TA Approved

**Upload Date**

12/10/2021

12/10/2021

**Type**

Resolution

Exhibit



**LPA RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXCLUDE CERTAIN SURFACE WATER MANAGEMENT AREAS FROM NET PLOT AREA AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the South Florida Regional Climate Change Compact has adopted sea level rise projections of up to 17 inches by 2040 and 54 inches by 2070; and

**WHEREAS**, the projected rise in sea level rise is expected to increase flooding by causing a commensurate increase in the groundwater table elevation, thereby reducing the ability of rainfall to infiltrate and be stored in the soil (Decker et al., 2019; Sukop et al., 2018); and

**WHEREAS**, flooding as a consequence of groundwater rise and reduced soil storage is anticipated to double or triple in flood frequency over the next 40 years (Sukop et al., 2018; Obeysekera et al., 2019); and

**WHEREAS**, large portions of Southwest Ranches have among the lowest ground elevations and highest relative groundwater elevations in Broward County; and

**WHEREAS**, the already substantial unusable area of residential plots in portions of the Town during rainy season, resulting from saturated soil and standing water, will be exacerbated in severity, extent and duration by rising groundwater elevations; and

**WHEREAS**, the Local Planning Agency finds that it is in the best interest of the public health, safety and welfare that new subdivisions provide dedicated stormwater retention areas outside of individual plots, or provide additional plot area for stormwater retention, so as to preserve most of the minimum required plot area for residential and agricultural uses.

**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 \_\_\_\_ day of October, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Kuczenski \_\_\_\_\_

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

**(Signatures on the Following Page)**

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

LPA Resolution No. 2022-\_\_\_\_\_

Page **2** of **4**

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Steve Breitzkreuz, Mayor

Attest:

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Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, Town Attorney  
1001.817.01

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

LPA Resolution No. 2022-\_\_\_\_\_

Page **3** of **4**

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

**(ATTACHED)**

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

LPA Resolution No. 2022-\_\_\_\_\_

Page **4** of **4**

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**WHEREAS**, the South Florida Regional Climate Change Compact has adopted sea level rise projections of up to 17 inches by 2040 and 54 inches by 2070; and

**WHEREAS**, the projected rise in sea level rise is expected to increase flooding by increasing a commensurate increase in the groundwater table elevation, thereby reducing the ability of rainfall to infiltrate and be stored in the soil (Decker et al., 2019; Sukop et al., 2018); and

**WHEREAS**, flooding as a consequence of groundwater rise and reduced soil infiltration is anticipated to double or triple in flood frequency over the next 40 years (Sukop et al., 2018; Obeysekera et al., 2019); and

**WHEREAS**, large portions of Southwest Ranches have among the lowest groundwater elevations and highest relative groundwater elevations in Broward County; and

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

1       **WHEREAS**, the already substantial unusable area of residential plots in portions  
2 of the Town during rainy season, resulting from saturated soil and standing water, will  
3 be exacerbated in severity, extent and duration by rising groundwater elevations; and

4       **WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council")  
5 finds that it is in the best interest of the public health, safety and welfare that new  
6 subdivisions provide dedicated stormwater retention areas outside of individual plots, or  
7 provide additional plot area for stormwater retention, so as to preserve most of the  
8 minimum required plot area for residential and agricultural uses.

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

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

14       **Section 2. Amendment to Definitions.** Article 10, "Definition of Terms,"  
15 Section 010-030, "Terms defined" is hereby amended as follows:

16       \*    \*    \*

17       *Acre, net.* The term "net acre" means forty-three thousand five hundred sixty  
18 (43,560) square feet of land which includes contiguous, private property under  
19 the same ownership, excluding the following:

20       (1) Any easement, reservation or other encumbrance existing, in whole or in  
21 part, for the purpose of providing access to real property, provided that an  
22 easement for ingress/egress and utilities shall be included as net acreage if  
23 the town requires the easement to be granted for the purpose of fully  
24 accommodating a town capital improvement to an existing street; and

25       (2) Water bodies that are not wholly contained within a single plot, including  
26 but not limited to, canals, wet retention areas and lakes; and

27       (3) Reserved

28       (4) Portions of surface water management areas, drainage easements or  
29       equivalent areas, designated by the Town or applicable drainage district for

Ordinance No. 2022-\_\_

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

1            retaining or conveying stormwater, that exceed ten (10) feet in width  
2            measured along each property line.

3            \*   \*   \*

4            **Section 3. Amendment to minimum plot size and dimensions.** Article 45,  
5            "Agricultural and Rural Districts," Section 045-070, "Minimum plot size and dimensions,"  
6            is hereby amended as follows:

7            (A) *Agricultural districts.*

8            (1) Any plot in an agricultural district shall have at least one (1) dimension of  
9            two hundred fifty (250) feet.

10           (2) No plot within an agricultural zoning district shall be developed for  
11           residential use unless the plot contains two (2) net or two and one-half  
12           (2½) gross acres of plot area, unless the plot satisfies one (1) of the  
13           exceptions listed in subparagraphs a. through h. below, in addition to  
14           subparagraph i.:

15           a. Became undersized due to a right-of-way dedication or change in district  
16           regulations prior to the adoption of the ordinance from which this ULDC  
17           is derived; or

18           b. Is specifically designated on a plat approved by the board or county  
19           commissioners prior to May 16, 1979; or

20           c. Was of public record prior to May 16, 1979, and has not been at any  
21           time since the effective date of county Ordinance No. 79-34 (May 30,  
22           1979), contiguous with another parcel in common ownership that could  
23           be combined into a single parcel of at least two (2) net acres, and which  
24           has received the approval of the applicable agency for a sewage disposal  
25           system; or

26           d. Is exempted from the minimum plot size requirement under the  
27           "Developed Areas" provision of the comprehensive plan; or

28           e. Was of public record as of October 6, 2005, and became nonconforming  
29           as a result of Town Ordinance No. 2006-02 (see section 010-030,  
30           definition of "Acre, net"), which excluded access easements and  
31           reservations from counting towards net plot area; or

32           f. Was of public record as of March 2, 2006, and became nonconforming  
33           as a result of Town Ordinance No. 2006-06 (see section 010-030,

Ordinance No. 2022-\_\_

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

definition of "Acre, net"), which excluded drainage canals and lakes from counting towards net plot area; ~~and or~~

g. Reserved.

h. Was of public record as of [date of adoption of ordinance] and became nonconforming as a result of Town Ordinance No. 2022-XXX (see section 010-030, definition of "Acre, net"), which excluded certain surface water management areas and drainage easements from counting toward net plot area; and

~~g.i.~~ 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 (this provision does not apply to "Developed Areas" under subsection (A)(2)d of this section).

(B) *Rural ranches district.* Every plot in a RR district shall be not less than one-hundred twenty-five (125) feet in width and shall contain not less than two (2) net or two and one-half (2½) gross acres unless the plot satisfies one (1) of the plot size exceptions established in ~~subsection paragraphs~~ (A)(2) b, c, d, e, ~~or f,~~ g or h. and subject to subparagraph g-i. of this section, or has a minimum area of eighty thousand (80,000) square feet in net area, of record as of February 8, 1993.

(C) *Rural estate district.*

(1) Every plot in an RE district shall be not less than one hundred twenty-five (125) feet in width and contain not less than one (1) net acre. One-family dwellings may be permitted on smaller plots which satisfy one (1) of the ~~six (6)~~ exceptions listed below in subparagraphs a. through h. and in addition to satisfying subparagraph ~~subsection (C)(1)g-i. of this section:~~

a. Contain thirty-five thousand (35,000) square feet or more in net area and are not less than one hundred twenty-five (125) feet in width and:

1. Were of public record prior to September 18, 1979; and

2. Have not been at any time since September 18, 1979, contiguous with another plot in common ownership which could be combined into a single plot of at least one (1) gross acre; or

Ordinance No. 2022-\_\_

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



- 1 b. Are included within an approved plat in which the average density  
2 is not more than one (1) dwelling unit per gross acre, as defined in  
3 the comprehensive plan; or
- 4 c. Comply with requirements of exemptions for developed areas  
5 specified in the comprehensive plan; or
- 6 d. Were of public record as of October 6, 2005, and became  
7 nonconforming as a result of Town Ordinance No. 2006-02 (see  
8 section 010-030, definition of "Acre, net"), which excluded access  
9 easements and reservations from counting towards net plot area;  
10 or
- 11 e. Was of public record as of March 2, 2006, and became  
12 nonconforming as a result of Town Ordinance No. 2006-06, (see  
13 section 010-030, definition of "Acre, net"), which excluded  
14 drainage canals and lakes from counting towards net plot area; or
- 15 f. Reserved.
- 16 g. Was of public record as of [date of adoption of ordinance] and  
17 became nonconforming as a result of Town Ordinance No. 2021-  
18 XXX (see section 010-030, definition of "Acre, net"), which  
19 excluded certain surface water management areas and drainage  
20 easements from counting toward s net plot area; or
- 21 h. f. When a plot which was recorded prior to January 1, 1973, and  
22 contained thirty-five thousand (35,000) square feet or more in area  
23 was reduced in size due to dedication for right-of-way, the resulting  
24 plot need be no larger than one hundred twenty-five (125) feet in  
25 width and thirty thousand (30,000) square feet in net area. Said  
26 plot shall not be further subdivided; and
- 27 g.i. Has not at any time subsequent to May 8, 2003, been under  
28 common ownership with a contiguous lot that, if combined, would  
29 form a single conforming lot (this provision does not apply to  
30 "Developed Areas" under subsection (A)(2)d of this section).

31 **Section 4: Codification.** The Town Clerk shall cause this ordinance to be  
32 codified as a part of the ULDC during the next codification update cycle.

33 **Section 5: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts  
34 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of  
35 such conflict.

Ordinance No. 2022-\_\_

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

**Section 6: 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 7: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

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

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

Breitkreuz	_____	Ayes	_____
Jablonski	_____	Nays	_____
Allbritton	_____	Absent	_____
Hartmann	_____	Abstaining	_____
Kuczenski	_____		

\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

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

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

1001.817.01

Ordinance No. 2022-\_\_

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



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

**(954) 434-0008 Town Hall**  
**(954) 434-1490 Fax**

**Town Council**  
*Steve Breitzkreuz, Mayor*  
*Gary Jablonski, Vice Mayor*  
*Jim Allbritton, Council Member*  
*Bob Hartmann, 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 Breitzkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 12/16/2021  
**SUBJECT:** LPA RESOLUTION FOR SHARED DRIVEWAY ORDINANCE

---

#### **Recommendation**

The proposed Ordinance is a policy matter for consideration of the Town Council in its legislative capacity.

#### **A. Sound Governance**

#### **Background**

On September 22, 2021, the CPAB voted 8-0 to recommend the attached Ordinance, which increases the minimum width required for ingress/egress easements serving up to four landlocked plots. The minimum width would increase from 15 feet to 25 feet for an easement serving a single landlocked plot, and would increase from 25 feet to 35 feet for an easement serving two to four landlocked plots. Additionally, turnarounds would no longer be excluded from the ingress/egress easements.

Required driveway pavement width would remain unchanged, consistent with the intent to provide additional area for drainage and utilities within these easements and to increase separation of structures at the periphery of the easements to the travel ways within the easements.

The Ordinance would apply to easements created after Ordinance adoption and to existing easements that change in function from serving a single plot to multiple lots as a result of subdivision that occurs after Ordinance adoption. Easements existing as of the date of

Ordinance adoption that do not comply with the new minimum width requirement and which do not change in function would become grandfathered.

**Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims

**ATTACHMENTS:**

Description	Upload Date	Type
LPA Reso for Shared Driveways - TA Approved	12/10/2021	Resolution
Shared Driveways Ordinance - TA Approved	12/10/2021	Exhibit

**LPA RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY STANDARDS FOR CERTAIN INGRESS/EGRESS EASEMENTS BY NARROWING THE EASEMENTS REQUIRED TO SERVE UP TO FOUR LANDLOCK PLOTS OF LAND; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC authorizes narrow ingress/egress easements serving up to four landlocked plots as a less costly and less land-intensive alternative to construction of streets; and

**WHEREAS**, the Local Planning Agency finds that such ingress/egress easements should provide additional area for drainage and utilities while still constituting a less expensive and land-intensive alternative than construction of streets; 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 \_\_\_\_ day of December, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**(Signatures on the Following Page)**

Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Hartmann \_\_\_\_\_  
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  
1001.815.01

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

LPA Resolution No. 2022-\_\_\_\_\_

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

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

**(ATTACHED)**

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

LPA Resolution No. 2022-\_\_\_\_\_

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

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

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 90, "SUBDIVISION DESIGN AND ACCESS STANDARDS," SECTION 090-080, "ACCESS TO DEVELOPMENT," TO MODIFY STANDARDS FOR CERTAIN INGRESS/EGRESS EASEMENTS BY NARROWING THE EASEMENTS REQUIRED TO SERVE UP TO FOUR LANDLOCK PLOTS OF LAND; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the ULDC authorizes narrow ingress/egress easements serving up to four landlocked plots as a less costly and less land-intensive alternative to construction of streets; and

**WHEREAS**, the Town Council wishes to require additional area for drainage, utilities and open space within such easements while still constituting a less expensive and land-intensive alternative than construction of streets.

**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.

**Section 2. Amendment to driveway easement standards.** Article 90, "Subdivision Design and Access Standards," Section 090-080, "Access to development," is hereby amended as follows

\* \* \*

(C) *Exceptions to street access.* Every plot shall front on and access a publicly dedicated street, except as follows:

\* \* \*

Ordinance No. 2022-\_\_

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



(2) A plot without direct frontage on a public or private street may be created if the following conditions are met:

- a. *Individual access to a landlocked parcel.* One (1) landlocked lot or parcel may be served by an ingress/egress easement at least twenty-five (25) ~~fifteen (15)~~ feet wide, with a ten (10) foot-wide travel surface connecting the landlocked lot or parcel to a public or private street through an intervening lot or parcel. The easement shall provide for access by emergency vehicles and government officials, employees or contractual service providers during the course of their official duties. Geometry shall be approved by the town engineer, fire department and other applicable service providers; or
- b. *Shared access to multiple landlocked parcels.* Up to four (4) lots or parcels may be served by an ingress/egress easement at least thirty-five (35) ~~twenty-five (25)~~ feet wide, providing access for emergency vehicles and government officials, employees or contractual service providers during the course of their official duties, and providing a travel surface, pull-off shoulders and traffic markings as depicted by Figure 90-2.

\* \* \*

- i. A turn-around acceptable to the town engineer and/or fire marshal shall be provided at the end of the shared driveway, consistent with one of the details shown in Figure 90-1 and shall be fully contained within the ingress/egress easement.

**Section 3: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

**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.** 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.

Ordinance No. 2022-\_\_

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

**Section 6: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

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

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

Breitkreuz	_____	Ayes	_____
Hartmann	_____	Nays	_____
Allbritton	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

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

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

1001.816.01

Ordinance No. 2022-\_\_

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Ordinance No. 2022-\_\_

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**Town of Southwest Ranches**  
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**Russell Muniz, MPA, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

### **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitzkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 12/16/2021  
**SUBJECT:** LPA RESOLUTION FOR FLAG PLOTS ORDINANCE

---

#### **Recommendation**

The proposed Ordinance is a policy matter for consideration of the Town Council in its legislative capacity.

A. Sound Governance

#### **Background**

On September 22, 2021, the CPAB voted 8-0 to recommend the attached Ordinance revising flag plot standards. The Ordinance makes the following revisions to the ULDC:

1. Updates the definition of the term, "flag plot" for clarity.
2. Requires at least 70,000 square feet of net lot area excluding the front yard in the two-acre zoning districts. Note that the RE district already has its own such requirement (for 35,000 square feet of net plot area exclusive of the front yard).
3. Establishes a minimum dimensional requirement of 25 feet to match the minimum 25-foot ingress/egress easement width requirement proposed in a separate ordinance on this Council agenda.
4. Provides that existing flag plots of record that do comply with these requirements are grandfathered as [legal] nonconforming plots of record.

#### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims

**ATTACHMENTS:**

## Description

LPA Reso for Flag Plots - TA Approved

Flag Plots Ordinance-Rev - TA Approved

## Upload Date

12/10/2021

12/10/2021

## Type

Resolution

Exhibit

**LPA RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO AMEND THE MEANING OF THE TERM, "FLAG PLOT", TO REVISE THE STANDARDS FOR FLAG PLOTS AND PROVIDE FOR NONCONFORMITIES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC includes certain standards for flag plots in the RE District but not the remaining rural and agricultural districts; and

**WHEREAS**, the ULDC lacks a street frontage and minimum dimensional standard for flag plots; and

**WHEREAS**, the Local Planning Agency finds that the ULDC should provide standards for flag plots in the RR, A-1 and A-2 districts commensurate with the type of standard established for flag plots in the RE District, and should provide minimum street frontage and minimum dimensional standard for flag plots; 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 \_\_\_\_ day of October, 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  
1001.812.01

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

LPA Resolution No. 2022-\_\_\_\_\_

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



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

**(ATTACHED)**

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

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10 ENTITLED, "DEFINITIONS," SECTION 010-030, "TERMS DEFINED" TO AMEND THE MEANING OF THE TERM, "FLAG PLOT;" AMENDING ARTICLE 15, "GENERAL PROVISIONS," SECTION 015-110, "FLAG PLOTS," TO REVISE THE STANDARDS FOR FLAG PLOTS AND PROVIDING FOR LOTS MADE NONCONFORMING BY THIS ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the flag plot provisions in the ULDC allow a property owner to create plots that are located almost entirely behind an intervening lot, with minimal frontage on a street; and

**WHEREAS**, flag plots appropriate various percentages of their area to the access “throat” portion of the plot; and

**WHEREAS,** the ULDC includes certain standards for flag plots in the RE District but not the remaining rural and agricultural districts; and

**WHEREAS,** the Town Council wishes to enact commensurate flag plot standards for the RR, A-1 and A-2 districts; and

**WHEREAS,** the ULDC lacks a street frontage and minimum dimensional standard for flag plots; and

**WHEREAS,** the Town Council wishes to establish a minimum street frontage and minimum dimensional standard for flag plots.

Ordinance No. 2022-

New text is underlined and deleted text is stricken.

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

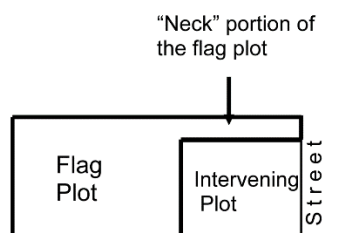
3           **Section 1. Ratification.** The foregoing "WHEREAS" clauses are hereby ratified  
4 and confirmed as being true and correct and are hereby incorporated herein and made a  
5 part hereof.

6           **Section 2. Amendment to flag plot definition.** Article 10, "Definitions,"  
7 Section 010-030, "Terms defined," is hereby amended as follows

8           \* \* \*

9           *Plot, flag.* The term "flag plot" means a plot that is located at least partially  
10 behind another (intervening) plot and does not have the majority of its required plot  
11 width fronting a street. Flag plots often access streets by narrow extensions of the plot  
12 which connect to the street as depicted in. (See figure 10-1 for illustrative purposes  
13 only.)

14                               Figure 10-1. Prototypical Fflag lot illustration.



16           \* \* \*

17           **Section 3. Amendment to flag plot regulation.** Article 15, "General  
18 Provisions," Section 015-110, "Flag plots," is hereby amended as follows:

19           (A) In addition to meeting the minimum plot size requirement for the zoning  
20 district within which the flag plot is located, every flag plot shall meet the  
21 following requirements to ensure that flag plots are buildable without  
22 variances and provide adequate open space on the buildable portion of  
23 the plot:

24           (1) In the RE district, each flag plot shall also have at least thirty-five  
25 thousand (35,000) square feet of net acreage excluding the required  
26 front yard; and  
27

Ordinance No. 2022-\_\_

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

(2) In the RR, A-1 and A-2 districts, each flag plot shall have at least 70,000 square feet of net acreage excluding the required front yard.  
~~The purpose of this provision is to ensure that flag plots are buildable without variances and provide adequate open space on the buildable portion of the plot. Flag plots are only permitted in the agricultural and rural districts.~~

(B) In addition to the lot width requirements in Sec. 045-070, no portion of a flag plot shall have a width, depth or street frontage dimension of less than twenty-five (25) feet.

(C) Flag plots of record, lawfully existing as of [date of ordinance adoption], that do not comply with the requirements of paragraph (A)(2) and subsection (B), are nonconforming plots of record and are subject to Sec. 030-080, "Nonconforming plots of record."

**Section 4: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

**Section 5: 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 6: 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 7: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

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

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

**[Signatures on Following Page]**

Ordinance No. 2022-\_\_

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Breitkreuz	_____	Ayes	_____
Hartmann	_____	Nays	_____
Allbritton	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

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

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

1001.814.01

Ordinance No. 2022-\_\_  
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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 Breitzkreuz, Mayor*  
*Gary Jablonski, Vice Mayor*  
*Jim Allbritton, Council Member*  
*Bob Hartmann, 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 Breitzkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 12/16/2021  
**SUBJECT:** LPA RESOLUTION FOR ORDINANCE AMENDING VARIANCES IN  
ULDC

---

#### **Recommendation**

Staff recommends the LPA forward the proposed Ordinance to the Council with a recommendation of approval.

A. Sound Governance

#### **Background**

The proposed Ordinance would authorize the Council to grant a variance without a petitioner's demonstration of unnecessary hardship in the event the Council finds that a ULDC provision, as applied to a petitioner's property, unintentionally violates the petitioner's rights under state or federal law. As well, Council would be authorized to grant a variance that is otherwise not authorized under the ULDC in order to avoid potential litigation.

The CPAB voted 8-0 to forward this Ordinance to Council with a recommendation of approval.

#### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims

**ATTACHMENTS:**

Description	Upload Date	Type
LPA Reso for Preemptive Variances - TA Approved	12/10/2021	Resolution
Variances Ordinance - TA Approved	12/10/2021	Exhibit



**LPA RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), MAKING A RECOMMENDATION THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO EXPAND THE TOWN COUNCIL'S AUTHORITY TO GRANT VARIANCES UPON A FINDING THAT THE PETITIONER SATISFIES THE STANDARD SET FORTH IN THE APPLICABLE FEDERAL OR STATE STATUTES, OR LEGAL PRECEDENT INTERPRETING THE APPLICABLE STATUTES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the ULDC was designed to limit the scope of relief from available from its provisions; and

**WHEREAS,** the Town Council lacks authority under the ULDC to grant variances outside its limited authority that may be necessary to provide relief from a ULDC provision that a petitioner alleges violates state or federal law; and

**WHEREAS,** the Local Planning Agency wishes to ensure that the Town Council has the authority to provide such relief if deemed necessary upon a finding that the petitioner satisfies the standard set forth in the applicable federal or state statutes, or legal precedent interpreting the applicable statutes, to establish that the requested relief is required by law; 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 \_\_\_\_ day of October, 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  
1001.810.01

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

LPA Resolution No. 2022-\_\_\_\_\_

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

**(ATTACHED)**

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**WHEREAS**, the ULDC was designed to limit the scope of relief from available from provisions; and

**WHEREAS,** the Town Council wishes to ensure that it has the authority to provide such relief if deemed necessary.

**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.

(A) The council shall have the authority to grant a variance to provisions of the ULDC relating to the following:

Page 1 of 4

- (1) Height;
- (2) Yards;
- (3) Offstreet parking and loading;
- (4) Landscaping and buffers;
- (5) Separation of uses;
- (6) Plot coverage;
- (7) Such other provisions of the Code which do not specifically prohibit such requests.

(B) No variance request may be acted upon by the town council that would allow a use which is specifically or by inference prohibited in any zoning district classification, including an increase in density, or any provisions for which the ULDC specifically prohibits waiver or modification.

(C) Notwithstanding the foregoing subsections (A) and (B), the Town Council may grant a variance from any provision of this chapter that a petitioner claims violates state or federal law, upon a finding that the petitioner satisfies the standard set forth in the applicable federal or state statutes, or legal precedent interpreting the applicable statutes, to establish that the requested relief is required by law.

(D) Applications for variances will not be considered with respect to the following:

- (1) Where application, either formal or informal, has been made for construction or alteration of buildings, structures, or other improvements that commenced subsequent to April 14, 2005 (the date of adoption of the ordinance from which this provision is derived), and for which all necessary development orders and permits have not been issued or where the town has denied such application, but the building, structure, or other improvement is later constructed.
- (2) Where plans have been submitted and approved and permits issued and the building, structure, or other improvement is not built according to plan.
- (3) Where plans have been submitted and approved and permits issued, but additional work not shown on the approved plans has been performed.
- (4) Where a property has been subdivided and as a result an existing structure is in violation of the provisions of this ULDC.

Ordinance No. 2022-\_\_

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

**Section 3: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

**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.** 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 6: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

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

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

**[Signatures on the Following Page]**

Ordinance No. 2022-\_\_

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Breitkreuz	_____	Ayes	_____
Hartmann	_____	Nays	_____
Allbritton	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

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

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

1001.801.01

Ordinance No. 2022-\_\_  
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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 Breitzkreuz, Mayor*  
*Gary Jablonski, Vice Mayor*  
*Jim Allbritton, Council Member*  
*Bob Hartmann, 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 Breitzkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 12/16/2021  
**SUBJECT:** LPA RESOLUTION FOR WAIVER OF PLAT CODE AMENDMENT

---

#### **Recommendation**

The proposed Ordinance is a policy matter for consideration of the Town Council in its legislative capacity.

A. Sound Governance

#### **Background**

The Town Council established a zoning in progress on July 29, 2021 for waivers of plat, enacted by Resolution No. 2021-069. The zoning in progress deferred acceptance of waiver of plat applications pending further study and a possible code amendment revising or eliminating waivers of plat, or until January 29, 2022 absent completion of such actions.

The proposed ordinance establishes eligibility criteria for waiver of plat applications. Staff would reject applications that fail to meet the criteria, requiring the applicant to instead submit a plat application. Waivers of plat would only be accepted if the property being subdivided has at least three times the minimum lot acreage required in the applicable zoning district and will be deed restricted upon approval of the application to prevent any further subdivision.

For example, a parcel in the RE district would need to be at least 3.0 net acres in area to qualify for a waiver of plat, and upon approval, would need to be deed restricted to ensure that the property is never further subdivided to create a third lot.

**Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims

**ATTACHMENTS:**

Description	Upload Date	Type
LPA Reso for Waivers of Plat - TA Approved	12/10/2021	Resolution
Waiver of Plat Ordinance - TA Approved	12/10/2021	Exhibit

**LPA RESOLUTION NO. 2022-\_\_\_\_\_**

**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 ESTABLISH ELIGIBILITY REQUIREMENTS FOR WAIVER OF PLAT APPLICATIONS, AND TO MAKE CHANGES OF A HOUSEKEEPING NATURE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the ULDC requires Town Council approval of all land subdivision through the plat or waiver of plat processes; and

**WHEREAS,** the ULDC authorizes waivers of plat in cases where platting is not required; and

**WHEREAS,** the Town Council proposes to establish eligibility criteria to limit the use of waivers of plat in favor of the more thorough process and uniform land record that platting provides; 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 \_\_\_\_ day of December, 2021 on a motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**(Signatures on the Following Page)**

Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Kuczenski \_\_\_\_\_

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

---

Steve Breitkreuz, Mayor

Attest:

---

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, Town Attorney  
1001.819.01

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

LPA Resolution No. 2022-\_\_\_\_\_

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

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

**(ATTACHED)**

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

LPA Resolution No. 2022-\_\_\_\_\_

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

**ORDINANCE NO. 2022 - XXX**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 115, "PLATTING AND SUBDIVISION OF LAND," DIVISION 1., "PLATTING," SECTION 115-010, "APPLICABILITY," AND DIVISION 2., "WAIVER OF PLAT," SECTION 115-070, "PURPOSE," TO RESTRICT THE USE OF THE WAIVER OF PLAT PROCESS FOR SUBDIVISION AND MAKE CHANGES OF A HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC requires Town Council approval of all land subdivision through the plat or waiver of plat processes; and

**WHEREAS**, the ULDC authorizes waivers of plat in cases where platting is not required; and

**WHEREAS**, the Town Council wishes to establish eligibility criteria to limit the use of waivers of plat in favor of the more thorough process and uniform land record that platting provides; and

**WHEREAS**, subdivision of land that does not satisfy the eligibility requirements for waiver of plat must be accomplished by platting.

**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.** Article 155, "Platting and Subdivision of Land," Division 1, "Platting," Section 115-010, "Applicability" is hereby amended as follows:

- (A) No parcel of land, whether platted or unplatted, shall be subdivided unless a plat or waiver of plat has been approved by the town council in accordance with divisions 1 and 2 of this article, respectively.

Ordinance No. 2022-\_\_\_\_

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- (B) No application for a building permit for the construction of a principal building on a parcel of land in the town shall be granted unless a plat including such parcel of land has been recorded in the official records of the county pursuant to county platting requirements subsequent to June 4, 1953, which commences with Plat Book 32, Page 15, Official Records of Broward County, Florida. The only exception to the mandatory platting rule is for building permits for construction of two (2) or fewer single-family dwelling units that meet either of the following criteria and meet the eligibility criteria for waivers of plat set forth in Sec. 115-070:(1) Located at least one thousand (1,000) feet from any lot or portion thereof that was exempted from platting under this paragraph within twenty-four (24) months preceding the submittal of the permit application; or
- (2) Has been under different ownership than any such exempted property within one thousand (1,000) feet, at all times during the twenty-four (24) months preceding submittal of the permit application.

And is consistent with the requirements of the comprehensive plan.

- (C) No agreement shall be entered into providing for the conveyance, leasing or mortgaging thereof by reference solely to a plat, unless such plat shall have been approved and recorded as provided herein.
- (D) No conveyance, lease or mortgage or agreement to convey, lease or mortgage lands in violation of the provisions of this article shall be recorded in the public records. Any and all such conveyances, leases or mortgages, or agreements to convey, lease or mortgage, or attempts to convey, lease or mortgage lands in violation of the provisions of this division, made or attempted to be made hereafter, shall be void ab initio.

**Section 3.** Article 155, "Platting and Subdivision of Land," Division 2, "Waiver of Plat," Section 115-070, "Purpose," is hereby amended as follows:

- (A) It shall be unlawful to subdivide land without first platting the property in accordance with division 1 of this article or obtaining a waiver of plat from the town council pursuant to this division.
- (B) The waiver of plat is intended as an economical alternative to platting under limited circumstances to ensure that the subdivision of land satisfies all zoning and land development requirements of the ULDC pertaining to plot dimensions, plot area, setbacks where applicable, legal, safe and adequate access, and other basic ULDC requirements.

Ordinance No. 2022-\_\_\_\_

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(C) Waivers of plat are authorized only in the following circumstances:

- (1) Platting is not otherwise required for issuance of a building permit pursuant to division 1 of this article; and
- (2) The waiver of plat application is for approval to move a common lot line between two (2) lawfully created lots of record a distance of up to fifty (50) feet without creating an additional lot or parcel; or
- (3) The waiver of plat application is for approval to subdivide a single tract into two (2) lots, provided that the tract has a net area at least three (3) times the minimum net lot area required in the applicable zoning district, and that the property owner deed restricts the tract to prohibit any further subdivision.

**Section 4 Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

**Section 5: 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 6: 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 7: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

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

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2022, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Kuczenski \_\_\_\_\_

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

Ordinance No. 2022-\_\_\_\_

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Steve Breitzkreuz, Mayor

ATTEST:

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Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, J.D., Town Attorney

1001.820.01

Ordinance No. 2022-\_\_\_\_

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

Thursday 7:00 PM

November 18, 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 at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Chair Breitkreuz at 7:01 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

**3. LPA RESOLUTION FOR PROPERTY RIGHTS ELEMENT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2022-2026; 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. Approval of Minutes**

**a. September 23, 2021 LPA Meeting**

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 MINUTES.**

**5. Adjournment** - Meeting was adjourned at 7:04 PM.

*Respectfully submitted:*

---

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

*Adopted by the Town Local Planning Agency on this 16th day of December, 2021.*

---

*Steve Breitkreuz, 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.