

ORDINANCE NO. 2006 - 02

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, CHAPTER 39, "UNIFIED LAND DEVELOPMENT CODE," SECTION 010-030, "TERMS DEFINED" TO EXCLUDE PRIVATE ROADS FROM THE DEFINITION OF NET PLOT AREA; AMENDING SECTION 045-070, "MINIMUM PLOT SIZE AND DIMENSIONS" TO PROVIDE FOR PLOTS RENDERED NONCONFORMING BY THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a "private road" includes ingress and egress easements, road easements, access easements, right-of-way easements and similarly titled easements and reservations that are not publicly owned as public rights-of-way; and

WHEREAS, currently any portion of a private road located within a plot may be used to satisfy the minimum net plot area requirement, even though a private road cannot be counted as part of a required yard, and the erection or placement of structures within a private road is prohibited; and

WHEREAS, no part of a public street right-of-way can be used to satisfy the minimum net plot area requirement; and

WHEREAS, the Town Council of the Town of Southwest Ranches wishes to treat private roads and public street rights-of-way in a consistent manner when calculating net plot area.

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

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: Section 010-030, Terms defined, is hereby amended as follows:

Acre, net. Forty-three thousand five hundred-sixty (43,560) square feet of contiguous, private property under the same ownership, excluding any easement, reservation or other encumbrance existing, in whole or in part, for the purpose of providing access to real property.

Section 3: Section 045-070, Minimum plot size and dimensions, is hereby amended as follows:

(A) Agricultural districts.

- (1) Any plot in an agricultural district shall have at least one (1) dimension of two hundred fifty (250) feet.
- (2) No plot within an agricultural zoning district shall be developed for residential use unless the plot contains two (2) net or two and one-half (2 ½) gross acres* of plot area, unless the plot:
 - a. Became undersized due to a right-of-way dedication or change in district regulations prior to the adoption of the ULDC; or
 - b. Is specifically designated on a plat approved by the Board or County Commissioners prior to May 16, 1979; or
 - c. Was of public record prior to May 16, 1979, and has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another parcel or parcels in common ownership that could be combined into a single parcel of at least two (2) net acres, and which has received the approval of the applicable agency for a sewage disposal system; or
 - d. Is exempted from the minimum plot size requirement under the "Developed Areas" provision of the Comprehensive Plan; or
 - e. Was of public record as of September 1, 2005 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 - 02, which excluded access easements and reservations from counting towards net plot area.

* Note: Water bodies within the Agricultural Land Use Plan Designation that extend beyond a given property line shall not count towards the minimum required net plot area for that plot pursuant to the Agricultural permitted uses section of the Comprehensive Plan.

(B) Rural Ranches District. Every plot in a RR District shall be not less than one-hundred twenty-five feet in width and shall contain not less than two (2) net or two and one-half (2 ½) gross acres unless the plot satisfies one of the plot size exceptions established in (A)(2) b, c, or d, or e above, 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:

- (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 or plots in common ownership which could be combined into a single plot of at least one (1) gross acre.
- (b) Are included within an approved plat in which the average density is not more than one (1)-dwelling unit per gross acre, as defined in the Comprehensive Plan; or
- (c) Comply with requirements of exemptions for developed areas specified in the Comprehensive Plan; or
- (d) Were of public record as of September 1, 2005 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 – 02, which excluded access easements and reservations from counting towards net plot area.

Section 4: Inclusion in the code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Unified Land Development Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

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 become effective immediately upon its adoption.

PASSED ON FIRST READING this 1th day of September, 2005 on a motion made by Council Member Don Maines and seconded by Council Member Aster Knight.

PASSED AND ADOPTED ON SECOND READING this 6th day of October, 2005, on a motion made by Vice Mayor Forest Blanton and seconded by Council Member Aster Knight.

Fink Y
Blanton Y
Knight Y
Maines Y
Nelson Y

Ayes 5
Nays 0
Absent 0
Abstaining 0



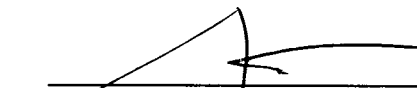
Mecca Fink, Mayor

Attest:



Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
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