

**ORDINANCE NO. 2008 - 05**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING CHAPTER 39 OF THE "UNIFIED LAND DEVELOPMENT CODE," SECTION 010-030, "TERMS DEFINED" TO INCLUDE PRIMARY ELECTRICAL POWER TRANSMISSION EASEMENTS IN THE DEFINITION OF NET PLOT AREA; AMENDING SECTION 045-070, "MINIMUM PLOT SIZE AND DIMENSIONS" TO REMOVE ANY REFERENCE OF LOTS WHICH MAY CONTAIN PRIMARY ELECTRICAL TRANSMISSION EASEMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on March 2, 2006, pursuant to Ordinance No. 2006-06, the Town amended the Town's Unified Land Development Code to exclude primary electrical transmission easements from the definition of net plot area; and

**WHEREAS**, after carefully reviewing this issue, the Town does not find that the practice of including primary electrical power transmission easements towards the minimum required plot area, will be contrary to the intent of the Rural and Agricultural zoning districts; and

**WHEREAS**, after further deliberation, the Town does not find that this practice reduces the land area that can be devoted to equestrian and agricultural uses or that it detracts from the community's rural character; and

**WHEREAS**, the Town believes that the inclusion of primary electrical power transmission easements towards the minimum required plot area is in the best interest of the health, safety, and welfare of its residents.

**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 the following: 1) any easement, reservation or other encumbrance existing, in whole or in part, for the purpose of providing access to real property;~~2)~~

~~any easement, reservation or other encumbrance existing for the purpose of primary electrical power transmission; and 3)2~~ water bodies that are not wholly contained within a single plot, including but not limited to, canals, wet retention areas and lakes.

**Section 3:** That 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 July 14, 2005 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 – 06, which excluded access easements and reservations from counting towards net plot area.
  - f. Was of public record as of March 2nd, 2006 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 - 06, which excluded ~~primary electrical transmission easements, as well as~~ drainage canals and lakes from counting towards net plot area.
- (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, e, or f, 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 satisfy one of the five (5) exceptions listed below:

(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.

Or,

- (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 July 14, 2005 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 - 06 which excluded access easements and reservations from counting towards net plot area; or
- (e) Was of public record as of March 2<sup>nd</sup>, 2006 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 - 06, which excluded ~~primary electrical transmission easements, as well as drainage~~ canals and lakes from counting towards net plot area.

**Section 4: Inclusion in the code.** Sections 2 and 3 of this Ordinance shall be codified as part of the Town of Southwest Ranches Unified Land Development Code. The Town Clerk of the Town of Southwest Ranches is hereby authorized and directed to cause such codification.

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

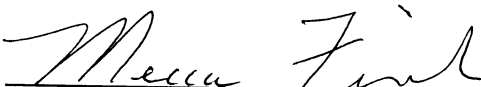
**Section 6: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 7: Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**PASSED ON FIRST READING** this 7<sup>th</sup> day of February, 2008 on a motion made by Council Member Steve Breitkreuz and seconded by Council Member Aster Knight.

**PASSED AND ADOPTED ON SECOND READING** this 6<sup>th</sup> day of March, 2008, on a motion made by Council Member Don Maines and seconded by Vice Mayor Jeff Nelson.

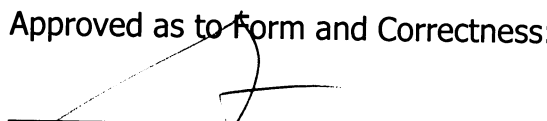
Fink	<u>Y</u>	Ayes	<u>5</u>
Nelson	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Maines	<u>Y</u>		

  
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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Additional language is underlined and stricken language is ~~struck through~~