

ORDINANCE NO. 2011 – 06

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", SECTION 010-030, "TERMS DEFINED" TO INCLUDE CERTAIN EASEMENTS IN THE DEFINITION OF "NET ACRE"; CREATING SECTION 045-140 ENTITLED, "CERTAIN EASEMENTS TO SATISFY ON-PLOT DIMENSIONAL REQUIREMENTS" TO PROVIDE THAT CERTAIN EASEMENTS SHALL COUNT TOWARD SATISFYING REQUIREMENTS FOR MINIMUM SETBACKS AND OTHER DIMENSIONAL REQUIREMENTS FOR DEVELOPED LOTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are streets within the Town that are substandard in terms of the width and surface composition of travel lanes and recovery areas, flood elevation, and/or drainage; and

WHEREAS, in some instances, property owners are desirous of making their streets public and to work with the municipality to gradually upgrade such streets, which will be in the best interests of the health, safety, and welfare of the Town's residents; and

WHEREAS, existing rights-of-way and ingress/egress easements are, in places, inadequate to accommodate the necessary improvements, thereby preventing the Town from making the improvements unless the Town obtains additional right-of-way or easement area; and

WHEREAS, since the acquisition of additional right-of-way, in some instances, cannot be provided without making the lot's net acreage less than legally permitted, this Ordinance seeks to allow property owners, in these instances, to dedicate easements in lieu of right-of-ways without impacting their the lot's net acreage and if their lot is developed, their dimensional requirements.

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

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

Section 2: That Article 10 entitled, "Definitions", Section 010-030 "Terms defined" is hereby amended as follows:

Acre, net. The term "net acre" means forty-three thousand five hundred sixty (43,560) square feet of land which includes 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, provided that an easement for ingress/egress and utilities shall be included as net acreage if the Town requires the easement to be granted for the purpose of fully accommodating a Town capital improvement to an existing street; and
- (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 Article 45 entitled, "Agricultural and Rural Districts", is hereby amended to create Section 045-140, as follows:

Sec. 045-140. Certain easements to satisfy on-plot dimensional requirements.

- (A) Notwithstanding any provision to the contrary, the land area within an easement for ingress/egress and utilities on a developed lot shall count toward satisfaction of all dimensional requirements of this article if the Town requires the easement to be granted for the purpose of fully accommodating a Town capital improvement to an existing street. A lot shall be considered "developed" for the purpose of this section if a principal structure exists on the plot or the Town has issued a building permit that is still valid for same as of February 24, 2011.
- (B) The intent of this section is to ensure that easements granted to the Town pursuant to subsec. (A) do not create or exacerbate nonconformities as to the dimensional regulations of this article within developed plots from which the easements are granted, and that such plots shall continue to enjoy the same degree of compliance with such regulations as existed prior to the granting of the easement.

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

Section 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

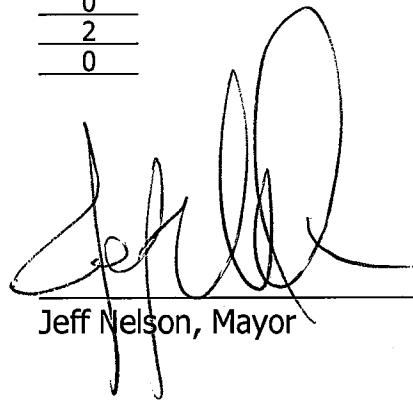
Section 7: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING this 10th day of February, 2011 on a motion made by Vice Mayor Fisikelli and seconded by Council Member McKay.

PASSED AND ADOPTED ON SECOND READING this 24th day of February, 2011, on a motion made by Council Member McKay and seconded by Council Member Jablonski.


Nelson	<u>ABSENT</u>
Fisikelli	<u>AYE</u>
Breitkreuz	<u>ABSENT</u>
McKay	<u>AYE</u>
Jablonski	<u>AYE</u>

Ayes	<u>3</u>
Nays	<u>0</u>
Absent	<u>2</u>
Abstaining	<u>0</u>



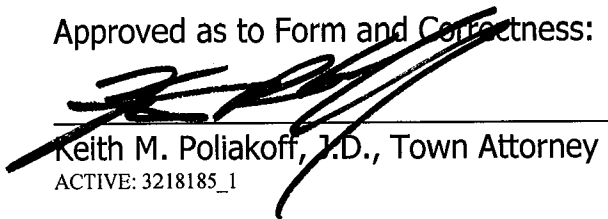
Jeff Nelson, Mayor

Attest:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakov, J.D., Town Attorney
ACTIVE: 3218185_1