



Thursday  
August 19, 2021  
7:00 pm

## Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

13400 Griffin Road  
Southwest Ranches, FL 33330

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### **Board Members**

Joseph Altschul  
Jason Halberg  
Newell Hollingsworth  
Anna Koldys  
George Morris  
Lori Parrish  
Daniel Pradilla  
Robert Sirota

### **Council Liaison**

Steve Breitzkreuz

### **Staff Liaison**

Emily Aceti

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
5. Old Business
  - A. Approval of minutes for July 2021
  - B. Discussion on how to limit extent and impact of new residential development in Southwest Ranches
6. New Business
  - A. Property Rights Ordinance
7. Board Member / Staff Comments and Suggestions
8. Items for Next Meeting
9. 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 BOARD OR COMMITTEE 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**  
 Comprehensive Plan Advisory Board  
**Meeting Minutes**

July 15, 2021  
 7:00 PM

Town Hall  
 13400 Griffin Road

**Call to Order**

**Roll Call**

Joseph Altschul - Present  
 Jason Halberg - Present  
 Newell Hollingsworth - Present  
 Anna Koldys - Absent  
 George Morris - Present  
 Lori Parrish - Absent  
 Daniel Pradilla - Absent  
 Robert Sirota - Present

Also present: **Town Council:** Mayor Steve Breitkreuz, Vice Mayor Bob Hartmann, Council Member Jim Allbritton, Council Member Gary Jablonski, Council Member David Kuczenszki **Town Staff:** Town Planner Jeff Katims, Engineer I Philip Chorath **Town Residents and other attendees:** Richard Ramcharitar, Michele McBride, Jacob Katims, Kylie Katims

**Pledge of Allegiance**

**Motion: To approve the June meeting minutes.**

Result	1 <sup>st</sup>	2 <sup>nd</sup>	JA	JH	NH	AK	GM	LP	DP	RS
Passed	NH	JH	Y	Y	Y	Abs	Y	Abs	Abs	Y

**Motion: To approve the draft language provided, amending Sec. 090-080 "Access to development" and Sec. 015-110, "Flag plots."**

Result	1 <sup>st</sup>	2 <sup>nd</sup>	JA	JH	NH	AK	GM	LP	DP	RS

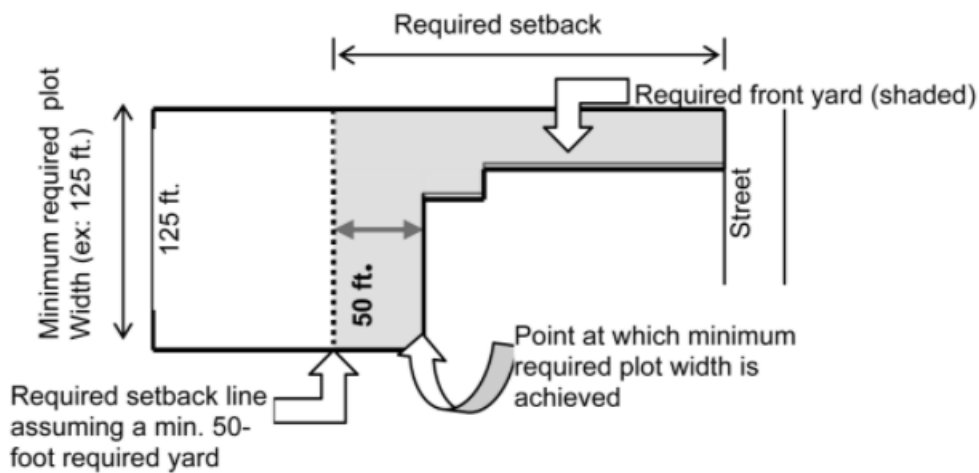
**Motion: To table the above motion.**

Result	1 <sup>st</sup>	2 <sup>nd</sup>	JA	JH	NH	AK	GM	LP	DP	RS
Passed	GM	JA	Y	Y	Y	Abs	Y	Abs	Abs	Y

Meeting adjourned at 9:00 PM.

**Sec. 015-110. - Flag plots.**

In addition to meeting the minimum plot size requirement for the zoning district within which the flag plot is located, every flag plot [in the RE District](#) shall also have at least thirty-five thousand (35,000) square feet of net acreage excluding the required front yard [and every flag plot in the RR, A-1 and A-2 Districts 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. [In addition to the lot width requirements in Sec. 045-070, no portion of a flag lot shall have a dimension of less than twenty-five \(25\) feet.](#)



ORDINANCE NO. 2021-\_\_\_\_

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, SURFACE WATER MANAGEMENT AREAS AND DRAINAGE 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, ;and

WHEREAS, ; and

WHEREAS,; and

WHEREAS,; and

WHEREAS,; and

WHEREAS,; and

WHEREAS, the Town Council wishes to.....

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.

Ordinance No. 2021-\_\_  
New text is underlined and deleted text is ~~stricken~~

1           **Section 2. Amendment to Definitions.** Article 10, "Definition of Terms" is  
2 hereby amended as follows:

3           \* \* \*

4           *Acre, net.* The term "net acre" means forty-three thousand five hundred sixty  
5 (43,560) square feet of land which includes contiguous, private property under  
6 the same ownership, excluding the following:

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

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

14           (3) Within the Rural Estate District only, powerline transmission easements 50  
15 feet or greater in width.

16           (4) Within the Rural Estate District only, portions of surface water management  
17 areas, drainage easements or equivalent areas, designated by the Town or  
18 applicable drainage district for retaining or conveying stormwater, that  
19 exceed ten (10) feet in width.

20  
21           \* \* \*

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

25           \* \* \*

26           (C) *Rural estate district.*

27           (1) Every plot in an RE district shall be not less than one hundred twenty-five (125)  
28 feet in width and contain not less than one (1) net acre. One-family dwellings  
29 may be permitted on smaller plots which satisfy one (1) of the ~~six (6)~~ seven (7)  
30 exceptions listed below and subparagraph subsection ~~(C)(1)gh~~ of this section:

Ordinance No. 2021-\_\_

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

- 1 a. Contain thirty-five thousand (35,000) square feet or more in net area and  
2 are not less than one hundred twenty-five (125) feet in width and:
- 3 1. Were of public record prior to September 18, 1979; and  
4 2. Have not been at any time since September 18, 1979, contiguous with  
5 another plot in common ownership which could be combined into a single  
6 plot of at least one (1) gross acre; or
- 7 b. Are included within an approved plat in which the average density is not  
8 more than one (1) dwelling unit per gross acre, as defined in the  
9 comprehensive plan; or
- 10 c. Comply with requirements of exemptions for developed areas specified in  
11 the comprehensive plan; or
- 12 d. Were of public record as of October 6, 2005, and became nonconforming as  
13 a result of Town Ordinance No. 2006-02 (see section 010-030, definition of  
14 "Acre, net"), which excluded access easements and reservations from  
15 counting towards net plot area; or
- 16 e. Was of public record as of March 2, 2006, and became nonconforming as a  
17 result of Town Ordinance No. 2006-06, (see section 010-030, definition of  
18 "Acre, net"), which excluded drainage canals and lakes from counting  
19 towards net plot area; or
- 20 f. Was of public record as of [date of adoption of ordinance] and became  
21 nonconforming as a result of Town Ordinance No. 2021-XXX (see section  
22 010-030, definition of "Acre, net"), which excluded certain powerline  
23 transmission easements, surface water management areas and drainage  
24 easements from counting toward s net plot area; or
- 25 gf. When a plot which was recorded prior to January 1, 1973, and contained  
26 thirty-five thousand (35,000) square feet or more in area was reduced in size  
27 due to dedication for right-of-way, the resulting plot need be no larger than  
28 one hundred twenty-five (125) feet in width and thirty thousand (30,000)  
29 square feet in net area. Said plot shall not be further subdivided; and
- 30 hg. Has not at any time subsequent to May 8, 2003, been under common  
31 ownership with a contiguous lot that, if combined, would form a single  
32 conforming lot (this provision does not apply to "Developed Areas" under  
33 subsection (A)(2)d of this section).

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

Ordinance No. 2021-\_\_  
New text is underlined and deleted text is ~~stricken~~



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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



Sec. 090-080. - Access to development.

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

\* \* \*

(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.

**ORDINANCE NO. 2021-\_\_**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND OTHER REVIEW AGENCIES DEFINED IN F.S. 163.3184(1)(C); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, this Ordinance will amend the comprehensive plan by adding a property rights element.

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

**Section 3: F.S. Chapter 163 Transmittal.** That the Town Planner is hereby directed to transmit this Ordinance to the State Land Planning Agency immediately

1 following first reading of this Ordinance, and is hereby directed to transmit the adopted  
2 Ordinance to the State Land Planning Agency immediately following the second and final  
3 reading of this Ordinance.

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

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

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

17  
18 **PASSED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2021 on a motion made  
19 by \_\_\_\_\_ and seconded by \_\_\_\_\_.

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

23

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25 **[Signatures on the Following Page]**

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

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

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

ATTEST:

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

Approved as to Form and Correctness:

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

## EXHIBIT "A"

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

#### 1. GOALS OBJECTIVES AND POLICIES

##### PRE GOAL 1

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

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

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

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

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

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