



Southwest Ranches Town Council

LOCAL PLANNING AGENCY

Agenda of August 22, 2024

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

| | | | |
|---|--|--|---|
| <u>Mayor</u> Steve Breitreuz | <u>Town Council</u> Jim Allbritton Bob Hartmann Gary Jablonski | <u>Town Administrator</u> Russell C. Muñiz, MBA, MPA | <u>Town Attorney</u> Keith M. Poliakoff, J.D. |
| <u>Vice Mayor</u> David S. Kuczenski, Esq. | | <u>Town Financial Administrator</u> Emil C. Lopez, CPM | <u>Town Clerk</u> Debra M. Ruesga, CMC |

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/Roll Call**
2. **Pledge of Allegiance**

Resolutions

3. **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”) RELATING TO THE MEASUREMENT OF HEIGHT OF FENCES, WALLS, HEDGES, AND STRUCTURES OTHER THAN BUILDINGS AND SIGNS; PROVIDING FOR AN EFFECTIVE DATE.**

4. **Approval of Minutes**
 - a. **August 8, 2024 LPA Minutes**

5. **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.

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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*
David S. Kuczenski, Esq., *Vice Mayor*
Jim Allbritton, *Council Member*
Bob Hartmann, *Council Member*
Gary Jablonski, *Council Member*

Russell C. Muñiz, MBA, MPA, *Town Administrator*
Keith M. Poliakoff, JD, *Town Attorney*
Debra M. Ruesga, CMC, *Town Clerk*
Emil C. Lopez, CPM, *Town Financial Administrator*

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Russell Muniz, Town Administrator
FROM: Jeff Katims
DATE: 8/14/2024
SUBJECT: LPA Resolution for Wall Height Ordinance

Recommendation

Staff recommends the LPA pass the resolution.

A. Sound Governance

Background

New residential construction often involves substantially elevating the grade of property. In these instances, the current method of measuring the height of walls and fences from the grade upon which they are erected can result in heights that are out of scale with adjacent rights-of-way and neighboring properties. The Mayor initiated the proposed Ordinance to ensure that the method for determining the height of fences and walls takes into account lower elevations of adjacent rights-of-way and properties. For example, if a property is filled behind a retaining wall, the height of the retaining wall must be deducted from the fence or wall height.

The proposed Ordinance also clarifies that hedges are not subject to a height limit in the rural, agricultural and manufacturing/industrial districts. The CPAB expanded the scope of the proposed Ordinance to include consideration of canal banks that had been raised on one side from dredging activity.

Fiscal Impact/Analysis

N/A

Business Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

| Description | Upload Date | Type |
|---------------------------------|-------------|------------|
| LPA Reso - TA Approved | 8/16/2024 | Resolution |
| Exhibit - Wall Height Ordinance | 8/16/2024 | Exhibit |

LPA RESOLUTION NO. 2024-_____

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") RELATING TO THE MEASUREMENT OF HEIGHT OF FENCES, WALLS, HEDGES, AND STRUCTURES OTHER THAN BUILDINGS AND SIGNS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to ensure that method for determining the height of fences and walls takes into account the elevations of adjacent rights-of-way and properties; and

WHEREAS, the Local Planning Agency finds that the proposed text 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.

(Signatures on the Following Page)

PASSED this 22nd day of August, 2024 on a motion made by Council Member _____ and seconded by Council Member _____.

Breitkreuz _____
Kuczenski _____
Allbritton _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

Attest:

Debra Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.054.2024

EXHIBIT "A"
PROPOSED ULDC AMENDMENT

(ATTACHED)

ORDINANCE NO. 2024 - XXX

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10, "DEFINITION OF TERMS," SECTION 010-030, "TERMS DEFINED," ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS," AND ARTICLE 55, "MANUFACTURING AND INDUSTRIAL DISTRICT," SECTION 55-030, "GENERAL PROVISIONS," PERTAINING TO THE MEASUREMENT OF HEIGHT, AND PARTICULARLY THE HEIGHT OF FENCES, WALLS, HEDGES, AND STRUCTURES OTHER THAN BUILDINGS AND SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to ensure that method for determining the height of fences and walls takes into account the elevations of adjacent rights-of-way and properties; and

WHEREAS, after holding a duly noticed public hearing on August 8, 2024, the Local Planning Agency found the proposed amendments to be consistent with the adopted Town of Southwest Ranches Comprehensive Plan.

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 010, "Definition of Terms," Section 010-030, "Terms Defined," is hereby amended as follows:

Grade, established or grade, finished. The term "established grade" or "finished grade" means the elevation of land above mean sea level (~~NAVGD-1929~~ NAVD 88), in its final, graded condition.

Ordinance No. 2024-__

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

* * *

Hedge. The term, "hedge," shall have the meaning ascribed to it in sec. 075-020.

Height. The term, "height," means as follows:

- 1) For all buildings and roofed structures, ~~except as provided below~~, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs, ~~and to the highest point of any nonroofed structure~~, provided that any portion of the finished grade exceeding ~~ten (10)~~ 8.5 feet ~~NAVGD NAVD 88~~ shall be included in the height calculation.
- 2) For signs, ~~as height is defined within article 70, "Sign Regulations."~~
- 3) For fences, freestanding walls, retaining walls, all other structures, hedges and berms, ~~other than buildings and signs~~, height shall be the vertical distance from the lowest finished grade below abutting the structure, hedge or berm to the highest point of the structure, hedge or berm; provided that:
 - a. ~~The the height calculation of structures, hedges and berms placed within any required yard abutting a public or private street right-of-way on berm shall be measured from the include the height of the berm.~~ average finished grade of the abutting public or private right-of-way line. Where a street is not contained within a public or private right-of-way, height shall be measured from the average elevation of the closest edge of street pavement between the side lot lines.
 - b. The height of structures, hedges and berms placed within any required yard abutting a canal shall be measured from the average finished grade at the public or private right-of-way line of the canal between the lot lines, except as follows:
When spoil from canal dredging has been deposited primarily on one side of a canal, as determined by the town engineer, height shall be measured from the average finished grade at the lower of the opposing right-of-way lines.
 - c. The height measurement of any structure or hedge placed on a berm, or placed on property elevated by a retaining wall, shall include the height of the berm or retaining wall. Berms height shall be the vertical distance from the height of the crown of the adjacent street to the top of the berm.

* * *

Ordinance No. 2024-___

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

Shrub. The term, "shrub," shall have the meaning ascribed to it in sec. 075-020.

Section 3. Article 045, "Agricultural and Rural Districts," Section 045-030, "General Provisions" is hereby amended as follows:

(A) *Fences, walls and hedges.* Fences and walls, not including entrance features, shall be permitted to a maximum height of eight (8) feet ~~above the established grade~~ within any required yard, and in any location on a residential or agricultural plot; provided that a fence enclosing a tennis court or other customary enclosure may be higher if located outside of a required yard. Fences on farms shall be governed by F.S. ch. 588. Hedges are not limited as to maximum height.

Section 4. Article 055, "M Manufacturing and Industrial District," Section 055-030, "General Provisions" is hereby amended as follows:

(F) *Fences, walls and hedges.* Maximum height of fences and walls is ten (10) feet, except for penal institutions or detention facilities, which shall not be subject to a maximum fence or wall height limitation.

* * *

(5) Hedges are not limited as to maximum height.

Section 5. Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 6. 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 7. 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 8. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

Ordinance No. 2024-___

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

PASSED ON FIRST READING this 8th day of August, 2024 on a motion made by Council Member Allbritton and seconded by Vice Mayor Kuczenski.

PASSED AND ADOPTED ON SECOND READING this ___ day of ____, 2024, on a motion made by _____ and seconded by _____.

Breitkreuz _____
Kuczenski _____
Allbritton _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

ATTEST:

Debra Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney
1001.046.2024

Ordinance No. 2024-____

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

Thursday 7:00 PM

August 8, 2024

13400 Griffin Road

Present:

Chair Steve Breitkreuz

Vice Chair David S. Kuczenski, Esq.

Board Member Jim Allbritton

Board Member Bob Hartmann

Board Member Gary Jablonski

Russell Muñiz, Town Administrator

Debra M. Ruesga, Town Clerk

Emil Lopez, Town Financial Administrator

Richard Dewitt, Assistant 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 7:02 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

3. US HIGHWAY 27 WATER AND SEWER TEXT AMENDMENT

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF FUTURE LAND USE ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN, PERTAINING TO POTABLE WATER AND SANITARY SEWER FACILITIES REQUIRED TO SERVE DEVELOPMENT DESIGNATED US HIGHWAY 27 BUSINESS CATEGORY ON THE FUTURE LAND USE PLAN MAP; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-24-2) **{Tabled from May 23, 2024 Meeting}**

The following motion was made by Board Member Hartmann, seconded by Board Member Allbritton, and passed by a 5-0 roll call vote. The vote was as follows: Board Members Allbritton, Hartmann, Jablonski, Vice Chair Kuczenski, and Chair Breitkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION/ORDINANCE [AS APPLICABLE] AS AMENDED BY ELIMINATING ALL STRIKETHROUGHS OF THE PHRASE, "OR ROOFED STRUCTURE."

4. APPROVAL OF MINUTES

a. May 23, 2024 LPA Minutes

The following motion was made by Vice Chair Kuczenski, seconded by Board Member Jablonski, and passed by 5-0 roll call vote. The vote was as follows Board Members Allbritton, Hartmann, Jablonski, Vice Chair Kuczenski, and Chair Breitkreuz voting Yes.

MOTION: TO APPROVE THE MAY 23, 2024 LPA MEETING MINUTES.

6. Adjournment - Meeting was adjourned at 8:16 PM.

Respectfully submitted:

Debra M. Ruesga, CMC, Town Clerk

Adopted by the Town Local Planning Agency on this 22nd day of August, 2024.

Steve Breitzkreuz, 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.