

ORDINANCE NO. 2002-2

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES TO CREATE A CONDITIONAL USE CLASSIFICATION FOR "EXHIBITION OF CLASS I AND CLASS II WILDLIFE" AS AN ACCESSORY USE TO A SINGLE-FAMILY RESIDENCE IN THOSE AGRICULTURAL, RURAL AND ESTATE RESIDENTIAL ZONING DISTRICTS WITH A TWO (2) ACRE MINIMUM PLOT SIZE REQUIREMENT, BY AMENDING ARTICLE XIII, ENTITLED, "CONDITIONAL USES" TO CREATE SECTION 39-243, "EXHIBITION OF CLASS I AND CLASS II WILDLIFE"; AMENDING ARTICLE XIV ENTITLED, "AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS", SECTION 39-249, USES PERMITTED; AMENDING ARTICLE XV ENTITLED, "RURAL AND ESTATE DISTRICTS", SECTION 39-263, USES PERMITTED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, federal and state law permits the keeping of wild animals by individuals with proper licenses; and

Whereas, the keeping of wild animals on large plots of land is a unique use that is consistent with the Town's rural lifestyle values and is permitted within the agricultural, rural and estate districts; and

Whereas, unwanted wild animals that may have been neglected and abused, cannot be returned to their native habitat due to injury, or previous captivity, and require habitat and care; and

Whereas, the public can benefit from observation of wild animals under the supervision of persons trained and licensed by the state and federal governments to handle such animals; and

Whereas, limited public observation of wild animals affords the owner of such animals an opportunity to raise money for the care of the animals.

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

Section 1: Article XIV, entitled, "Agricultural Estate A-1 and General Agricultural A-2 Districts," Section 39-249, Uses permitted, of the Code of Ordinances of the Town of Southwest Ranches is hereby amended as follows:
Permitted accessory uses to a 1-family dwelling

| | | |
|---|-----|-----|
| | A-1 | A-2 |
| Detached Guest house or servant's quarters (no kitchen) | P | P |
| Exhibition of Class I and Class II | | |
| Wildlife (subject to sec. 39-243) | C | C |
| Yard sales | C | C |
| * * * * * | | |

Section 2: Article XV entitled, "Rural and Estate Districts," Section 39-263, Uses permitted, of the Code of Ordinances of the Town of Southwest Ranches is hereby amended as follows:

| | | | | |
|---|-----------|-----------|--------|---------|
| Permitted accessory uses to a 1-family dwelling | | | Rural | Rural |
| | E-1 | E-2 | Estate | Ranches |
| Detached Guest house or servant's quarters (no kitchen) | P | P | P | P |
| Exhibition of Class I and | | | | |
| Class II Wildlife (subject to sec. 39-243) | NP | C | NP | C |
| Yard sales (subject to sec. 39-241) | C | C | C | C |
| | * * * * * | * * * * * | | |

Section 3: Section 39-243 of the Code of Ordinances of the Town of Southwest Ranches is hereby created, as follows:

Sec. 39-243. Exhibition of Class I and Class II Wildlife.

Individuals providing care and permanent habitat for Class I and Class II Wildlife that have been abused, neglected or otherwise need sanctuary may request a license from the Town to allow limited exhibition of said wildlife, subject to the provisions of this section. The Town will establish a one-time application fee for licensure to cover the cost of processing the application.

(1) For purposes of this section only, exhibition of wildlife shall be defined as a public or private showing of Class I and Class II wildlife for financial or other consideration.

(2) For purposes of this section, Class I and Class II wildlife are defined pursuant to F.S. Section 372.922, as may be amended from time to time.

(3) The property on which the animals are kept (hereinafter called, "the property") shall have a minimum plot size of 5 net acres and a minimum plot width of 250 feet and must conform with all of the minimum requirements established in the Florida Administrative Code.

(4) The property shall be located on a collector or arterial roadway where all abutting properties at the time of application are zoned RR, E-2, A-1 or A-2 and average at least 2 acres in area.

(5) No wildlife habitat license may be issued for a location that is within one (1) mile of another licensed wild animal habitat.

(6) The owner of the animals must hold a USDA, Animal Welfare Act, Class C Exhibitor License and a Florida Fish and Game Conservation

Commission Class I or II (as applicable) License, and must live on the property on a permanent basis.

(7) The owner of the animals shall maintain 501(C)(3) non-profit status for the specific purpose of caring and providing habitat for the wild animals.

(8) A six (6) foot-high barrier shall be erected along the entire perimeter of the property, consisting of chain link, iron, masonry or other comparable material sufficient to prevent unauthorized access to the property. The property shall be fully screened along all property lines to a height of six (6) feet through the use of landscape materials or a masonry wall.

(9) Signage is not permitted.

(10) Public premises liability coverage in the amount of one million dollars (\$1,000,000) shall be maintained at all times. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The Town Attorney must approve the policy.

(11) The number of wild animals on the property shall be limited to 3 per net acre.

(12) At no time shall the property be unattended and without the presence of someone licensed to handle wild animals, or with at least six (6) months experience working under the jurisdiction of the licensee's Federal and State licenses when the owner of the animal(s) is away from the premises.

(13) All parking shall be accommodated on-site, and shall be screened from view along all property lines adjoining any private or public street, or residentially zoned plot. Parking areas shall be set back at least 50 feet from any residentially zoned plot line. Parking areas need not be paved.

(14) Public admission shall be by appointment only, and shall be limited to 40 people on the property at any given time, except that groups from educational institutions arriving by bus shall be limited to 100 people, and that special events with attendance greater than that provided for herein may be held up to 12 times per year, provided the owner notifies the Town Clerk's Office in writing at least five (5) days prior to the event. The notification shall state the date and time, nature of the event, and maximum number of people expected.

(15) Noise levels resulting from public admission, not including noises made by the wild animals, shall not exceed the limits set by the Noise Control Ordinance for single-family residential areas, as measured from any abutting residential property.

(16) Upon determination that an application for an exhibition of Class I and Class II wildlife license satisfies the criteria of this section, the Town shall notice property owners within 750 feet of the subject property, by certified mail, that an application for a wild animal habitat license will be administratively approved and issued ten (10) days from the mailing

date indicated on the notice, unless a written objection is received by the Town Clerk within the ten (10) day period.

(17) Upon satisfying all of the conditions for licensure, a license under this section shall be issued administratively unless the Town receives written objection from a noticed property owner within the ten (10) day response period. In the case of a timely objection, the application for licensure shall be scheduled for the next available Town Council agenda as an advertised public hearing. After hearing the testimony of affected property owners, the Town Council may approve, approve with conditions, or deny the application for licensure based upon consideration of the following criteria:

- a) That the use is compatible with the existing natural environment and other properties in the vicinity;
- b) That there will be adequate provision for safe traffic movement, both vehicular and pedestrian, in the area which will serve the use;
- c) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances; and,
- d) That the land area is sufficient, appropriate and adequate for the use as proposed.

Conditions placed upon the license by Town Council may supplement the requirements of this section contained in provisions (1) through (14).

(18) Licenses are valid only to the person named on the license and shall not be transferable.

(19) Upon a second violation of any one or more provisions of this section within a twenty-four (24) month period, as determined pursuant to the Town's Code Enforcement procedures, the Town shall notify the licensee, by certified mail, of its intent to revoke the license. The licensee or designee may initiate an appeal of the revocation by filing written notice of intent to appeal with the Town Clerk's Office no later than 15 days from receipt of the Town's notice of intent to revoke the license. The license will be administratively revoked should the licensee not file an appeal within the allotted time. The Town Clerk shall schedule the appeal for the next available Town Council meeting. In determining the existence of extenuating factors contributing to the code violation(s), Council may uphold the revocation or continue the license with any conditions Council may deem appropriate to protect the public health, safety and welfare.

(20) Nothing within this section shall be construed to prevent the Town Council from revoking the license at any time, provided that after conducting an

advertised public hearing on the matter, a supermajority of councilmembers make a determination that the licensed activity no longer satisfies the criteria for licensure set forth in provision (17). The Council shall provide the licensee with notice of their intent to revoke the license by certified mail. The notification shall state the date, time and place of the public hearing.

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: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 13th day of December, 2001.

PASSED AND ADOPTED ON SECOND READING this 10th day of January, 2002.

Mecca Fink, Mayor

Attest:

Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

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

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