

ORDINANCE NO. 2013 - 010

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (ULDC), ARTICLE 65, "RECREATION AND OPEN SPACE DISTRICT" TO CHANGE THE LIST OF PERMITTED AND CONDITIONAL USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches adopted Ordinance No. 2012-07 on June 14, 2013, which amended the list of permitted recreation uses in the comprehensive plan; and

WHEREAS, state law requires the Town's Unified Land Development Code (ULDC) to be consistent with its adopted comprehensive plan; and

WHEREAS, the keeping and breeding of livestock and other animals is consistent with the Town's rural character and lifestyle, but it is not currently permitted in the Recreation and Open Space District; and

WHEREAS, to make its ULDC consistent with its comprehensive plan, the Town desires to amend the Recreation and Open Space District regulations in the ULDC for consistency with comprehensive plan amendments enacted by Ordinance No. 2012-07, and to allow the keeping and breeding of animals within the Recreation and Open Space District; and

WHEREAS, the Town has held two duly advertised public hearings on this text amendment in accordance with Florida law; and

WHEREAS, the Town believes that this Ordinance 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: Recitals. 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: Code Amendment. That Article 65 of the ULDC is hereby amended to read as follows:

* * * * *

Sec. 065-030. - Permitted uses.

Permitted uses in the OSR district shall be limited to those uses specified in the master use list and similar recreation uses thereto, as determined by the town council. All uses shall be subject to section 065-080, "Limitations of uses." Specific subsection references are included in the following master use list:

P = Permitted

C = Conditional Use

Conditional uses are subject to the provisions of Article 35, "Conditional Uses."

| Use | OSR |
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| | |
| Animals, keeping and breeding | P |
| Archery range (see section 065-080(A)) | P |
| Boating | P |
| Botanical garden | P |
| Bridle, foot or bicycle path | P |
| Essential services, excluding power transformer substations | P |
| Fishing pier or dock | P |
| Nature trail | P |
| Nonprofit neighborhood social and recreational facilities (see section 065-080(C)) | P |
| Outdoor Events (see section 035-040 under Conditional uses) | C |
| Park, public or private (see section 065-080(D)) | P |
| Water area (lake, pond) | P |
| Wireless communication facilities (see article 40, "Telecommunication Towers and Antennas") | P |

Sec. 065-040. - Prohibited uses.

Any use not specifically, or by inference, listed in the master use list shall be prohibited.

Sec. 065-050. - Plot coverage.

Except as specified in section 065-080, "Limitations of uses," the maximum plot coverage by buildings or other roofed structures shall be five (5) percent.

Sec. 065-060. - Height.

No building or structure shall exceed twenty (20) feet in height, except wireless communication facilities, or as permitted in section 015-030, "Exclusions from height limits."

Sec. 065-070. - Required yards and plot dimensions.

- (A) No off-street parking facility shall be located within twenty-five (25) feet of any residential plot in separate ownership.
- (B) No building or structure, except permitted fences or walls, shall be located within fifty (50) feet of any residential plot, nor within fifty (50) feet of any street line.
- (C) Plots with cul-de-sac frontage shall comply with the frontage requirement of section 090-070, "Lots; generally."
- (D) The frontage of a plot along an arterial shall comply with section 090-080(B), "Access to development."

Sec. 065-080. - Limitations of uses.

- (A) *Archery ranges.* Target areas for archery ranges shall be at least one hundred fifty (150) feet from any plot line and shall provide barriers sufficient to preclude any intrusion of such activities upon adjacent properties.
- (B) *Nonprofit neighborhood social and recreational facilities.* Nonprofit neighborhood social and recreational facilities located on plots less than five (5) acres may increase the maximum plot coverage by buildings and roofed structures to a maximum of forty (40) percent.
- (C) *Swimming pools* shall be enclosed with a fence or wall a minimum of five (5) feet in height above the ground, measured from the outside of the fence. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self-latching mechanisms. All fences and gates shall comply with all requirements of the building code pertaining to required barriers around public swimming pools.

(D) *Privately owned parks.* Privately owned parks are restricted to passive recreation principal use, excluding nonprofit neighborhood social and recreational facilities, and school facilities.

Section 3: Codification. That the Town Administrator or designee shall, immediately following the effective date of this Ordinance, cause this Ordinance to be recorded in the Public Records of Broward County, Florida, and shall cause the Town of Southwest Ranches Official Zoning Map to be updated to reflect this amendment.

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.

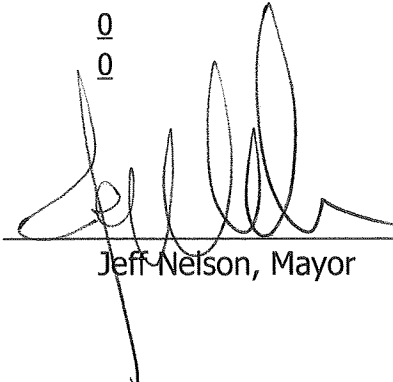
Section 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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

PASSED ON FIRST READING this 25th day of April, 2013 on a motion made by Vice Mayor Breitreuz and seconded by Council Member Fisikelli.

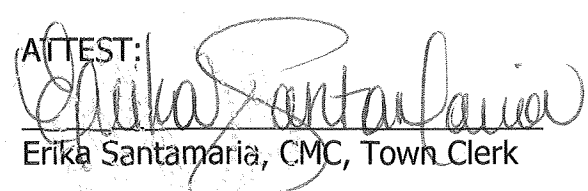
PASSED AND ADOPTED ON SECOND READING this 9th day of May, 2013, on a motion made by Vice Mayor Breitreuz and seconded by Council Member McKay.

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|-----------|------------|--------|----------|
| Nelson | <u>YES</u> | Ayes | <u>5</u> |
| Breitreuz | <u>YES</u> | Nays | <u>0</u> |
| Fisikelli | <u>YES</u> | Absent | <u>0</u> |
| Jablonski | <u>YES</u> | | |
| McKay | <u>YES</u> | | |



Jeff Nelson, Mayor

ATTEST:



Erika Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney

ACTIVE: 4646583_1