

ORDINANCE NO. 2013 - 009

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REZONING APPROXIMATELY 3.8 ACRES FROM RURAL RANCHES DISTRICT TO RECREATION AND OPEN SPACE DISTRICT, GENERALLY LOCATED 750 FEET EAST OF VOLUNTEER ROAD ON THE SOUTH SIDE OF GRIFFIN ROAD, MORE PARTICULARLY DESCRIBED AS THE WEST 150 FEET OF THE EAST 550 FEET OF TRACT 45, LESS RIGHT-OF-WAY FOR GRIFFIN ROAD, AND THE WEST 427.08 FEET OF THE EAST 828.01 FEET OF TRACT 44, ALL LYING SOUTH OF THE SOUTH NEW RIVER CANAL IN SECTION 27, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. APPLICATION NUMBER RZ-018-13.

WHEREAS, Weekley Bros. Leasing, LTD. is the owner of the subject property ("Property"), described in Exhibit "A" attached hereto and incorporated herein by reference, and has petitioned the Town of Southwest Ranches for a change in the zoning designation for the property from Rural Ranches to Recreation and Open Space District; and

WHEREAS, the Town Council of the Town of Southwest Ranches, has held two duly advertised public hearings on this rezoning in accordance with Florida law; and

WHEREAS, the property owner has voluntarily proffered, as part of the application for rezoning, certain restrictions and limitations upon the use and development of the Property, attached hereto and incorporated herein by reference as Exhibit "B"; and

WHEREAS, these restrictions and limitations are intended to maximize the compatibility of such use and development with adjacent properties and to help protect the Town's rural character and lifestyle; and

WHEREAS, the Town Council finds that the application is consistent with the adopted Comprehensive Plan, and satisfies the criteria for the consideration and approval of rezoning applications set forth in the Town of Southwest Ranches Unified Land Development Code.

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: Zoning change. That in consideration of the proffered restrictions and limitations attached hereto and incorporated herein by reference as Exhibit "B", the Town hereby finds that the rezoning is consistent with the Town's Unified Land Development Code, and that the zoning map designation of the property described in Exhibit "A", attached hereto and incorporated herein by reference, is hereby amended and changed from Rural Ranches District to Recreation and Open Space District.

Section 3: Map amendment and recordation. 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.

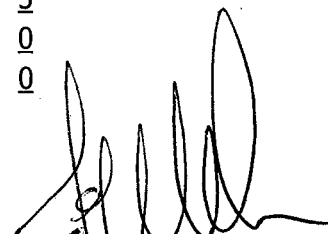
Section 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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

PASSED ON FIRST READING this 7th day of March, 2013 on a motion made by Council Member McKay and seconded by Council Member Jablonski.


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

Nelson	<u>YES</u>	Ayes	<u>5</u>
Breitzkreuz	<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

EXHIBIT "A"

LEGAL DESCRIPTION:

The west 150 feet of the east 550 feet of tract 45, less right-of-way for Griffin Road, and the west 427.08 feet of the east 828.01 feet of Tract 44, all lying south of the South New River Canal in Section 27, Township 50 South, Range 40 East, of the Florida Fruit Lands Company's Subdivision No. 1, according the plat thereof as recorded in Plat Book 2, Page 17 of the Public Records Of Miami-Dade County, Florida.

**TOWN OF SOUTHWEST RANCHES
TOWN COUNCIL AGENDA REPORT**

March 7, 2013

- SUBJECT:** Rezoning application RZ-018-13
- ADDRESS:** Vacant lot in 14600 block of Griffin Road
Southwest Ranches, FL 33330
- LOCATION:** Generally located on the south side of Griffin Road, immediately west of Griffin Road Church of Christ, approximately 800 feet east of Volunteer Road
- APPLICANT:** Daniel D. Weekley, Troy L. Weekley and Wayne D. Weekley
- AGENT:** Tod Workman
- REQUEST:** Rezoning approximately 4 acres,
FROM: RR, Rural Ranches District
TO: OSR, Recreation and Open Space District
- PUBLIC NOTICE:** Ad in the *Sun-Sentinel*, sign posting, mail notice
- EXHIBITS:** Staff Report, aerial photograph, petitioner letter of intent, notification map and mailing label list, and Lobbyist Registration and Ethics Form for applicant and agent

BACKGROUND

The petitioner is requesting a rezoning of the subject property ("Property") from Rural Ranches to Recreation and Open Space. The Property consists of 3.98 gross / 3.84 net acres of undeveloped, irregularly shaped land area, with 150 feet of frontage on Griffin Road. The Property is bordered on its north side across Griffin Road and the C-11 Canal by County-owned Vista View Park, on its south side by a 9.7-acre private equestrian facility with a single-family home, on its east side by the Griffin Road Church of Christ (4.7 acres), and on its west side by Seven Brothers Nursery (1.5 acres) and a 4.9-acre stormwater retention area owned by the Florida Department of Transportation.

The Property is owned by three (3) members of the Weekley family. Until recently, the Weekleys owned several acres of open land with an enclosed pavilion on SW 54th Place in Pembroke Pines, which they used as a retreat for family gatherings, and gatherings of various civic groups, including boy scouts campouts. The Weekleys sold the property to

Pembroke Pines in January, and the family proposes to use their 3.84-acre property on Griffin Road as a replacement.

APPLICATION DETAILS AND ANALYSIS

The petitioner proposes to construct a pavilion structure of approximately 8,000 square feet under roof, of which about half would be enclosed and include a kitchen, with the remainder being roofed porch area. According to the petitioner's letter of intent, the Property would be used for:

“Sporadic gatherings and social events [that] may include the following groups: Weekley family, community members, church members, Boy Scouts, Girl Scouts, politicians and government officials, retirees, civic groups, service organizations, school groups, and similar groups and organizations.”

The petitioner has stated that third party groups have not been charged for using the existing facility in Pembroke Pines, and indicated that such groups will not be charged for using the proposed facility.

The proposed use is not permitted in the Rural Ranches District, but can be classified as a private park/recreation facility permitted in the Recreation and Open Space (OSR) District. The Recreation and Open Space District permits private, not-for-profit parks only for passive recreational use. Therefore, improvements that would facilitate active recreation uses on the Property must be minimal and incidental to the overall passive use of the Property in order to be considered passive. Examples of active recreation uses include athletic fields, sports courts, shooting ranges, and playgrounds. Limitations on the extent and time of use of any active recreation could be considered in order to ensure that the intent of the passive use restriction is observed.

Rezoning to OSR District does not require a land use plan map amendment, as recreation and open space uses that are “designed to serve the residential area” are permitted within the Rural Ranches land use plan category. Improvements to the Property would be subject to OSR District limitations that include maximum five (5) percent plot coverage—which equates to 8,363 square feet—and twenty (20) feet maximum height.

From a vantage point along Griffin Road, approximately half of the Property is obscured from view by Seven Brothers Nursery. The Property can also be viewed from Volunteer Road, through the drainage retention pond. Potential adverse impact from the rezoning would most likely be noise. The abutting properties to the east and west are nonresidential (FDOT drainage retention and a church), but there is a single-family home to the north within the nursery property, and on the 9.7-acre Jet Show Stables property to the south.

Considering the relatively large size of the proposed pavilion structure, the potential for renting it to various organizations, and the absence of an enforceable conceptual plan and usage parameters for the Property, the potential for adverse impacts to adjacent residential properties is a concern. Staff advised the petitioner that this information

would assist in evaluating this application, but the petitioner chose to move forward without providing it.

CONSIDERATIONS FOR REQUEST

Consideration of a rezoning request must be in conjunction with the criteria contained in Section 130-030 of the Unified Land Development Code (ULDC). These include consideration of materials provided by the petitioner, the public and the staff report, as well as the following criteria enumerated in the ULDC.

(A) That the request does NOT meet any of the following criteria whereby the request would be considered contract, or spot zoning:

- (1) The proposed rezoning would give privileges not generally extended to similarly situated property in the area.
- (2) The proposal is not in the public's best interest and it only benefits the property owner.
- (3) The proposed zoning request violates the Town's Comprehensive Plan.
- (4) The proposed change will result in an isolated district unrelated to adjacent or nearby districts.

If the Town Council finds that the rezoning request does not meet the foregoing criteria above, then the Council must next evaluate the request in conjunction with the four criteria contained immediately below. In evaluating the four criteria contained in (B) below, the Council shall consider the three criteria contained in (C) below.

(B) A zoning modification may be approved if the applicant can demonstrate by competent substantial evidence that the request is consistent with one of the following four criteria:

- (1) That there exists an error or ambiguity that must be corrected.
- (2) That there exists changed or changing conditions that make approval of the request appropriate.
- (3) That substantial reasons exist why the property cannot be used in accordance with the existing zoning.
- (4) That the request would advance a public purpose, including but not limited to, protecting, conserving, or preserving environmentally critical areas and natural resources.

(C) When determining if one of the four (4) criteria delineated in (B), above, has been satisfied, the following considerations shall be made:

- (1) That the request is compatible with surrounding zoning districts and land uses.
- (2) That the request is consistent with, or furthers the goals, objectives, policies, and the intent of the Town's Comprehensive Plan and the Town's Future Land Use Map.

- (3) That the anticipated impact of the application would not create an adverse impact upon public facilities such as schools and streets.

STAFF RECOMMENDATION

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item while considering any voluntary stipulations the petitioner may proffer to address staff concerns regarding the extent and scope of use as they relate to compatibility with neighboring residences, and the following conditions:
 - a. Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application, prior to the issuance of the first building permit. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.
 - b. The ULDC requires that a site plan be approved prior to any development on the Property. Staff recommends processing the site plan based upon the following considerations:
 - i. If Petitioner does not proffer a conceptual improvement plan for the Property with a rendering of the proposed building as part of the rezoning application, the site plan shall be considered at a public hearing before the Town Council; or
 - ii. If Petitioner proffers a conceptual improvement plan for the Property with a rendering of the proposed building as part of the rezoning application, the site plan and staff review comments shall be forwarded to each Town Councilmember for review. If any Town Councilmember wishes to consider the site plan at a public hearing, the Councilmember shall notify the Town Administrator of same within seven (7) days from the date each Councilmember receives the site plan and staff analysis. Absent any request to consider the item at a public hearing within the seven (7) day period, the plan may be approved administratively, subject to compliance with all Town code requirements.

DANIEL D. WEEKLEY, TROY L. WEEKLEY AND WAYNE D. WEEKLEY

20701 STIRLING ROAD
PEMBROKE PINES, FLORIDA 33332
(954) 680-8005 FACSIMILE (954) 680-8671

February 15, 2013

**JUSTIFICATION STATEMENT IN SUPPORT
OF REQUESTED REZONING OF THE WEEKLEY 3.84-ACRE PARCEL,
FOLIO NUMBERS 504027010260 and 504027010272**

To whom it may concern:

The subject property ("Property") is 3.98 gross acres and 3.84 net acres of undeveloped land area, with 150 feet of frontage on Griffin Road. The Property is bordered on its north side by Griffin Road, on its south side by the Jet Show Stables equestrian facility and a single-family home both situated on 9.8 acres, on its east side by Church of Christ (4.7 acres), and on its west side by Seven Brothers Nursery (1.5 acres) and a 4.9-acre storm water retention area owned by Florida Department of Transportation.

The Property is irregularly shaped with approximately 2.1 acres (approximately 55 percent of the Property) situated behind Seven Brothers Nursery and therefore most of the property not visible from Griffin Road. The property abuts CF zoning to the east, and a large and permanent water feature to the west. Development on the Property may be visible from Volunteer Road, as viewed through the water retention parcel looking east, as well as from the parcel to the south, depending upon the height of the building(s), the location of the building(s) within the Property, and the landscape treatment installed on the Property to screen the development.

Daniel D. Weekley, Troy L. Weekley and Wayne D. Weekley ("Weekley") is in the process of requesting a change in the zoning from Rural Ranches to Recreation and Open Space District.

In preparation for this request, Weekley participated in numerous meetings with various Town Staff, including Town Planners, Jeff Katims and Michele Mellgren, Town Administrator Andy Berns, Town Engineer Willie Nabong, Town Attorney Keith Poliakoff, and Town Vice Mayor Doug McKay, and received support for this rezoning and the proposed construction of the Weekley Family Pavilion, a nonprofit social and recreational facility.

During the most-recent of these meetings on February 5, 2013, the Town agreed to allow Weekley to process a Building Permit application simultaneously with this rezoning request, at Weekley's risk and expense, and the Town agreed to amend the Recreation

and Open Space District Permitted Uses to specifically include Keeping and Breeding of Animals.

The Weekley Family Pavilion will be used as a nonprofit social and recreational facility and a privately owned park, per Article 65-Recreation and Open Space District, Section 065-030-Permitted Uses. Sporadic gatherings and social events may include the following groups: Weekley family, community members, neighborhood residents, church members, boy scouts, girl scouts, politicians and government officials, retirees, civic groups, service organizations, school groups, and similar groups and organizations.

Weekley will comply with all provisions of Article 65-Recreation and Open Space District, including Purpose and Intent, General Provisions, Prohibited Uses, Plot Coverage, Height, Required Yards and Plot Dimensions and Limitations of Uses.

Weekley's Rezoning Application is consistent with the goals, objectives and policies of the adopted Comprehensive Plan and the proposed uses will be appropriate with the proximity to adjacent properties and will not adversely affect adjacent properties nor the Town's rural character or lifestyle.

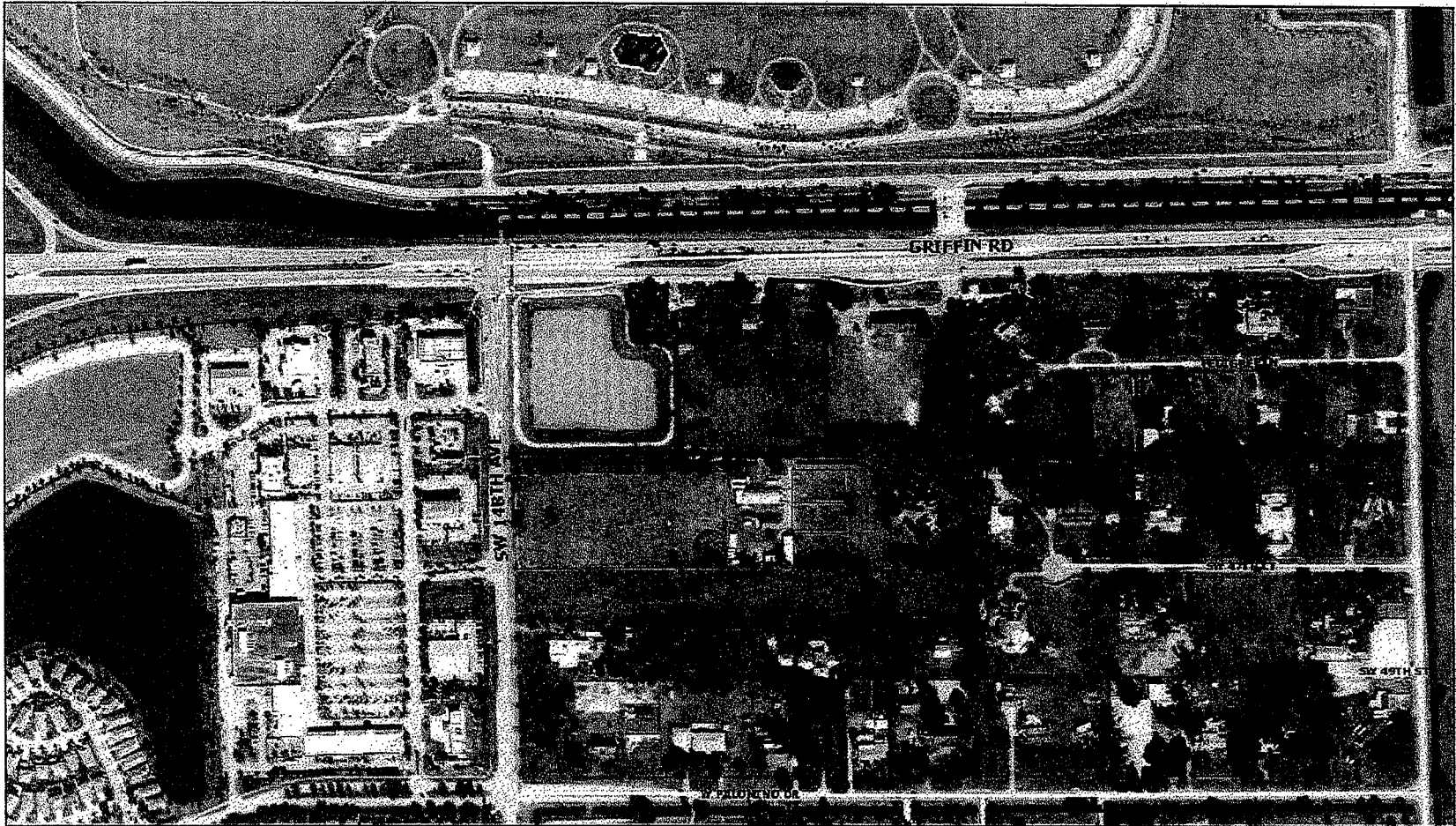
Please let me know if you have any questions or require further justification.

Respectfully,






Tod Workman
Petitioner

RZ-18-13 Location Map, Aerial View

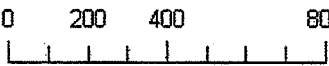


Legend

-  Subject Site
-  Southwest Ranches Boundary



0 200 400 800 Feet



RZ-18-13



BCPA_TAX_1	Name	Address	BCPA_TAX_8	City, State, Zip
504027010230	BREEDEN,MICHELLE E & ROBERT E	14571 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027040010	CHURCH OF CHRIST GRIFFIN ROAD INC	14550 GRIFFIN ROAD	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010228	CLINTON,TIMOTHY D & LISA	14501 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010235	COFFIN,EDWARD I & CAVALIER,CHRIS COFFIN	14661 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010273	COOMBS JOINT REV TR	16402 DIAMOND PL	WESTON FL 33331	WESTON FL 33331
504027010242	DAIAGI,BRIAN	5310 SW 186TH AVE	SOUTHWEST RANCHES FL 33332	SOUTHWEST RANCHES FL 33332
504027010401	FLORIDA DEPT OF TRANSPORTATION OFFICE OF RI	3400 W COMMERCIAL BLVD	FORT LAUDERDALE FL 33309	FORT LAUDERDALE FL 33309
504027010236	GARCIA,JEANETTE & GEORGE	14671 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010237	GAVRILOIU,LUCIAN & SILVIA & GAVRILOIU,ALEXAN	14481 LAKE LANE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010232	ITEN,LOUIS R & DEBRA C	14521 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010222	JANNACH,DONNA SHULA	14300 LAKE LANE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010410	KUTZ,DONALD & SUSAN	14330 PEDIGREE LANE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010250	LAURENZO,BEN	4660 SW 148 AVE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010240	LEVINSON,HOWARD	4700 SW 148 AVE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010231	LEVINSON,HOWARD & BETTY	4700 VOLUNTEER ROAD	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010234	MEAD,SHEILA	14601 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010400	MEARS,GREGORY J & MICHELLE	1156 CHENILLE CIR	WESTON FL 33327	WESTON FL 33327
504027010219	MEIKLE,MAXIEN & RODEREICK	14430 LAKE LN	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010223	PATE,J A & BEVERLY J	14491 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010220	QUADRI,MUHAMMAD SHARIEF & SHARIEF,SABRIN	14400 PEDIGREE LANE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010274	RIVERA,RAMON & CAROLYN	16402 DIAMOND PL	WESTON FL 33331	WESTON FL 33331
504027010041	ROMANCE,JUANITA M	14331 LAKE LN	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010411	SAMPSON,ROLAND B & CAROLYN S	14631 W PALOMINO DR	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010233	TOWN OF SOUTHWEST RANCHES	13400 GRIFFIN RD	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010272	WEEKLEY BROS LEASING LTD	20701 STIRLING ROAD	PEMBROKE PINES FL 33332	PEMBROKE PINES FL 33332
504027010420	WELLINGTON,WILLIAM P & ESTHER L	14301 PEDIGREE LANE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330
504027010210	ZIADIE,ELIZABETH T	14451 PEDIGREE LANE	SOUTHWEST RANCHES FL 33330	SOUTHWEST RANCHES FL 33330

EXHIBIT "B"

DECLARATION OF RESTRICTIVE COVENANTS

To:

Name: Town of Southwest Ranches.
Address:
13400 Griffin Road
Southwest Ranches, Florida 33330

This Instrument Prepared by:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS ("Declaration") is made this _____ day of _____, 2013 by Weekley Bros. Leasing, LTD., a Florida limited partnership, with a principal address of 20701 Stirling Road, Pembroke Pines, FL 33332 ("Declarant"), for the benefit of the Town of Southwest Ranches, a Florida Municipal Corporation, with an address at 13400 Griffin Road, Southwest Ranches, FL 33330 ("Town") and the general public.

WITNESSETH:

WHEREAS, Declarant owns approximately 3.84 acres legally described as follows:

The west 150 feet of the east 550 feet of tract 45, less right-of-way for Griffin Road, and the west 427.08 feet of the east 828.01 feet of Tract 44, all lying south of the South New River Canal in Section 27, Township 50 South, Range 40 East, of the Florida Fruit Lands Company's Subdivision No. 1, according to the plat thereof as recorded in Plat Book 2, Page 17 of the Public Records Of Miami-Dade County, Florida said land situate and lying in the Town of Southwest Ranches, Broward County, Florida (the "Property"); and

WHEREAS, Declarant has submitted an application to the Town to rezone the Property from Rural Ranches District to Recreation and Open Space District (the "Application") in order to utilize the Property for family gatherings and outdoor recreation; and

WHEREAS, In connection with the Application, Declarant has voluntarily offered to enter into this Declaration to place restrictions on the use and development of the Property, upon approval of the Application by the Town; and

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used, and occupied subject to the covenants and restrictions set forth herein.

1. Recitations. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. Development of the Property. Development of the Property shall be limited to a principle structure (proposed as an enclosed air conditioned pavilion) and a secondary open air roofed structure (proposed as a tiki hut), totaling no more than Five Thousand (5,000) square feet; and up to Three Thousand (3,000) square feet of additional impervious area for use as a patio area or other recreational use (the "improvements"). Notwithstanding any law to the contrary, all Improvements on the Property shall be built with permits, in accordance with the Florida Building Code, and the Town's Unified Land Development Code.

3. Permitted use of the Property. Principal use of the Property is limited to passive recreational use by the Declarant, the family of the beneficial owners of Declarant, guests, invitees, federally recognized not-for-profit organizations, and agricultural uses, including the keeping and breeding of livestock. Passive recreational use shall include gardening, picnics, barbeques and similar social gatherings. Active recreational uses shall be permitted only as an accessory to passive gatherings on the Property, limited to uses that are customarily incidental to residential single-family dwellings, such as badminton, croquet, basketball, and similar outdoor recreational sports. The total area devoted to incidental active recreational use shall not exceed five (5) percent of the net lot area of the Property.

4. Prohibited use of the Property. Use of the Property for anything other than specified in paragraph 3 is strictly prohibited. The collection of rent or acceptance of any consideration for the use of the Property is strictly prohibited. No vendor may give anything of value or consideration, of any kind, for supplying goods or services to the Property. Sale of food or alcoholic beverages is strictly prohibited.

5. The Declarant shall be in full custody and control of the Property at all times.

6. Hours of use; noise. Use of the Property shall cease by 11:00 P.M. Further, the use of the Property is subject to the residential noise regulations provided in the Town's Code of Ordinances, as may be amended from time to time.

7. Parking. Parking of motorized vehicles for all activities occurring on the Property shall be completely accommodated within the Property, and shall not be permitted within twenty-five (25) feet of any property line.

8. Termination. The subject Application is for the benefit of the Declarant and the family of the beneficial owners of Declarant, and shall not benefit any other party without the express written approval of the Town Council of the Town of Southwest Ranches. Declarant shall not sell, lease, encumber, or transfer any ownership interest in the Property, or alter its corporate ownership in the Property by more than forty nine percent (49%), without the express written consent of the Town Council, which consent may be unreasonably withheld. If Town Council consent is not obtained, Declarant shall seek to rezone the Property from the Recreation and Open Space District to the Rural Ranches District prior to any conveyance of the Property as stated above. Within one hundred and eighty (180) days from the completion of the rezoning, the Property shall be brought into strict compliance with the Florida Building Code, and the Town of Southwest Ranches Unified Land Development Code, which may require the Improvements to be demolished or completely retrofitted for single family purposes.

9. Maintenance of the Property. The Property shall be maintained, operated and managed by the Declarant, in accordance with all applicable governmental laws, rules, ordinances, regulations and code provisions; provided, however, Declarant, its successors and/or assigns, shall be permitted to assign its obligations to maintain, operate and manage the Property to a property association or licensed management company.

10. Amendments. This Declaration shall not be modified, amended, released or terminated, except by written instrument, executed by the Declarant and the Town.

11. Recordation and Effective Date. This Agreement shall be recorded in the Public Records of Broward County, Florida, and the provisions hereof shall constitute a covenant running with the land, shall remain in full force and effect, and shall be binding upon and inure to the Declarant, its heirs, legal representatives, grantees, successors and/or assigns until released or terminated as provided for herein.

12. The covenants and restrictions set forth in this Declaration, during their lifetime shall be for the benefit of, and limitation upon all present and future owners of the Property and for the public welfare.

13. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part hereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

14. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions there under or the terms and provisions of this Declaration.

15. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

16. This Declaration shall be construed and shall be enforced in accordance with the laws of the State of Florida and venue shall be in the courts of Broward County, Florida.

17. The prevailing party in any action or suit pertaining to or arising out of enforcement of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for costs and attorney's fees. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

