

**ORDINANCE NO. 2013 - 011**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ARTICLE 100. OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (ULDC), ENTITLED "APPLICATION SUBMITTAL AND NOTICE PROCEDURES"; AMENDING SECTION 100-060. ENTITLED "MAIL NOTICE REQUIREMENTS FOR PUBLIC HEARINGS" TO PROVIDE MAIL NOTICE REQUIREMENTS FOR PLATS AND FOR WAIVER OF PLATS; AMENDING THE PRESCRIBED DISTANCES FOR MAIL NOTIFICATION TO 1,500 FEET; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article 100 of the Town of Southwest Ranches Unified Land Development Code (ULDC) contains the Town's general application and notice requirements; and

**WHEREAS**, Section 100-060 of the ULDC provides the Town's mail notice requirements for public hearings; and

**WHEREAS**, although the Town has always provided mail notice for plats, there is no mail notice requirement in the ULDC; and

**WHEREAS**, similarly, the Town's ULDC does not contain a mail notice requirement for waiver of plats; and

**WHEREAS**, the Town Council would like to increase the overall distance of mailed notification to include more affected properties within the Town; and

**WHEREAS**, the Town believes that mail notice provides surrounding property owners with greater knowledge of pending applications and a greater opportunity to be heard; and

**WHEREAS**, the Town believes that this amendment is in the best interest of the health, safety, and welfare, of its residents.

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

**Section 1:** 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:** That Article 100, entitled "APPLICATION SUBMITTAL AND NOTICE PROCEDURES", Section 100-060, entitled "Mail notice requirements for public hearings", of the Town's ULDC is hereby amended as follows:

**Sec. 100-060. - Mail notice requirements for public hearings.**

- (A) *Notification required.* For certain types of applications, the owners of all lands located with the town under consideration for approval of an application, and the owners of all lands within the town lying within the prescribed distances in subsection (B) of the section of the exterior boundaries of the application subject site, shall be notified by the town of the application and of the first meeting at which the application will be considered. Mail notification of subsequent public hearings is not required. Such notices shall be sent U.S. Mail, postage-paid, to the persons shown upon the current tax rolls of the county to be the respective owners, unless there is actual knowledge of a subsequent property owner. The mailing of such notices shall constitute service.
- (B) *Prescribed distances for notification.* Properties located within the distances prescribed in subsections (B)(1) through (B)(5) of the section shall be notified by mail of any of the following pending application types:
  - (1) Variances: One thousand (1,500) feet, except that variance requests from minimum distance separations required by the ULDC shall be noticed using the same distance as the request for variance.
  - (2) Rezoning: One thousand five hundred (1,500) feet.
  - (3) Future land use plan map amendment: One thousand (1,500) five hundred feet.
  - (4) Site Plans: One thousand five hundred (1,500) feet.

(5) Appeal of an Administrative Decision: One thousand (1,500) five hundred feet.

(6) Plats & Waiver of Plats: One thousand (1,500) five hundred feet.

**Section 3: Inclusion in the Town Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. The Town Clerk is hereby authorized and directed to cause said codification.

**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.

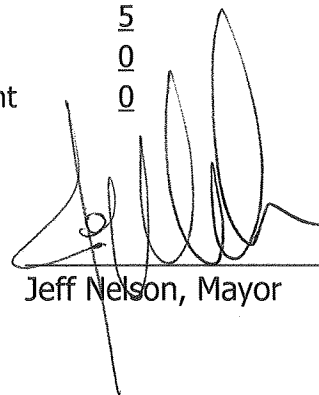
**Section 6: Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 25<sup>th</sup> day of April, 2013 on a motion made by Vice Mayor Breitkreuz and seconded by Council Member McKay.

**PASSED AND ADOPTED ON SECOND READING** this 9<sup>th</sup> day of May 2013, on a motion made by Council Member Jablonski and seconded by Council Member McKay.

Nelson	<u>YES</u>
Breitkreuz	<u>YES</u>
Fisikelli	<u>YES</u>
Jablonski	<u>YES</u>
McKay	<u>YES</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>




Jeff Nelson, Mayor

Attest:

  
\_\_\_\_\_  
Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Keith M. Poliakoff, J.D., Town Attorney  
ACTIVE: 4641569\_1