

ORDINANCE NO. 2023 - 005

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE USE OF HELICOPTERS WITHIN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is a rural residential and agrarian community that seeks to preserve its rural lifestyle; and

WHEREAS, helicopters generate extreme sound, which has been found to impact farm animals by creating extreme stress and fertility problems; and

WHEREAS, the Town believes that it is in the best interest of the health, safety, and welfare of the Town and its residents to regulate the use of helicopters within the Town;

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

SECTION 1: Ratification. 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: Text Amendment. The Town of Southwest Ranches' Unified Landed Development Code shall be amended to include the following provision:

Use of helicopters within the Town

Aside from emergency services providers, law enforcement, and in the case of an emergency, no helicopter may land or takeoff within the Town.

The Town Council, upon a super majority vote, may approve a limited permit for helicopter landings and/or takeoffs provided that the applicant is able to demonstrate the following:

- (1) That residents within 750 feet of the site have been notified of the request;
- (2) That the request is limited to a specific date and time;
- (3) That the request will not be deleterious to the surrounding community;

- (4) That there is no livestock maintained within 750 feet. The applicant is exempted from this provision for their own livestock; and
- (5) That the request has been made at least 60 days in advance; and
- (6) That the landing and/or takeoff site meet FAA standards.

A violation of this provision shall be deemed to cause irreparable harm to the community and shall be enforced to the maximum amount allowed by law.

Nothing herein seeks to usurp the Federal Aviation Administration’s regulation of aeronautic travel. If any of the provisions stated herein conflict with any state or federal law to the contrary, such state or federal law shall take precedence.

SECTION 3: Conflict: 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 4: 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 the remaining portions of this Ordinance.


SECTION 5: Effective Date: This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 10th day of August, 2023 on a motion made by Council Member Kuczenski and seconded by Council Member Hartmann.

PASSED AND ADOPTED ON SECOND READING this 24th day of August, 2023 on a motion made by Council Member Jablonski and seconded by Council Member Kuczenski.

Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Allbritton	<u>Yes</u>	Nays	<u>0</u>
Hartmann	<u>Yes</u>	Absent	<u>0</u>
Jablonski	<u>Yes</u>	Abstaining	<u>0</u>
Kuczenski	<u>Yes</u>		

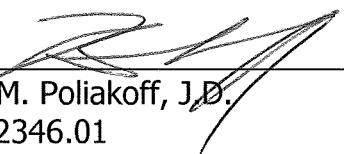
[Signatures on Following Page]


Steve Breitkreuz, Mayor

Attest:


Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness


Keith M. Poliakoff, J.D.
1001.2346.01