

**ORDINANCE NO. 2025-010**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 35, "CONDITIONAL USES," SECTION 035-080, "INDOOR AND OUTDOOR ASSEMBLY IN RURAL AND AGRICULTURAL DISTRICTS"; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC establishes a definition for a permissible assembly within Section 035-080(D) and provides for a permit process, subject to Town approval, to allow for assemblies that exceed the intended standards; and

**WHEREAS**, the Town has received numerous complaints from residents relating to indoor and outdoor assemblies that have obtained permits but still disturb their quality of life, and impacting their farm animals; and

**WHEREAS**, the ability to regulate assemblies, noise, and to prevent noise pollution is a permitted police power; and

**WHEREAS**, Article II, Section 7, of the Florida Constitution provides that adequate provisions shall be made by law for abatement of excessive and unnecessary noise; and

**WHEREAS**, providing for the quietude of residential and agricultural areas within the Town is an important governmental interest and in direct compliance with Article II, Section 7, of the Florida Constitution; and

**WHEREAS**, the Town finds that this amendment serves and addresses an important governmental interest, in a fair and constitutional manner, and that the adoption of this Ordinance is in the best interest of the public health, comfort, safety, and welfare; and

**WHEREAS**, the Town has the power and authority to enact this Ordinance under State Law, the Florida Constitution, as well as controlling case law of the State of Florida.

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

**SECTION 1.** Recitals. The above recitals are true, correct and incorporated herein by reference.

**SECTION 2.** Amendment. Article 35, "Conditional Uses," Section 035-080 "Indoor and Outdoor Assembly in Rural and Agricultural Districts," of the Unified Land Development Code of the Town is hereby amended as follows:

. . . .

- (D) *Permissible assembly.* Assembly shall be deemed an accessory use of an occupied single-family detached residence when the assembly complies with this subsection, as follows:
  - 5. The issuance of a permissible assembly permit shall exempt the permittee from the "Noise" regulations set forth in Section 9-5 of Chapter 9 of the Town's Code of Ordinances; however, the permittee shall abide by the noise, sound, and vibration limitations set forth herein.
- (E) *Permit submittal requirements.* To apply for an amplified assembly permit, a property owner or permanent resident of the premises shall submit an application to the Town no later than fifteen (15) business days prior to a proposed gathering, detailing at a minimum:
  - (13) The permittee shall work with the Town to establish a circumference ring that extends five hundred (500) feet from the edge of the property. The Town shall then delineate the property addresses of all properties that are contained, in whole or in part, within that circumference ring. This ring shall be known as the "affected area". The permittee, in its application, shall provide evidence of its plan to mitigate and to limit the sound being emanated and the steps being taken to avoid impacts beyond the "affected area". As part of the notice provision contained herein, the "affected area" property owners shall be provided written notice advising them that they are within the "affected area" and the steps that the permittee is taking to limit impacts. The permittee shall stipulate and agree in its application that it will not allow noise, sound, or vibration, to extend beyond the "affected area". If noise, sound, or vibration, is audible to a Town representative, using a plainly audible standard, outside of the "affected area" the permittee shall be told to immediately lower its noise to an acceptable level.

Failure to do so, or failure to keep the noise level at an acceptable level, shall be documented and shall subject the permittee to a violation of this Code.

- (F) *Disposition of permit.* The town administrator shall determine whether to issue the permit or deny the permit within three (3) business days of a complete application submittal, and shall notify the applicant immediately upon such determination. Failure of the administrator to act upon a complete application within the allotted time shall constitute an approval of the application. The town administrator shall approve the application if the administrator finds that it is consistent with all of the following criteria:

(6) The Town Administrator may waive any of the timeframes set forth herein, in the Town Administrator's sole discretion, for good cause shown.

- (G) *Enforcement and penalty.* The code compliance department and the town's law enforcement agency are authorized to enforce the provisions of this section to the fullest extent allowed by law, including the authority to shut-down an assembly that is in violation of this section. All amplified noise that exceeds the timeframes set forth herein shall be immediately turned off by the responding officer.

- (2) A violation of Article 35, repeat violations, and Section 9-8 of the Town's Code, shall constitute a violation that is irreparable or irreversible in nature, and may be assessed a fine to the maximum amount permitted by law. In addition, notwithstanding and without limitation to anything in the Town's Code or State law to the contrary, in the case of a habitual violation or repeat violation relating to a violation of Section 9-8 or Article 35 of the Town's Code, the Town shall utilize the alternative Code Enforcement Proceeding process outlined in Section 162.23 of the Florida Statutes, as may be amended from time to time, which may subject the violator to the penalties set forth in Section 162.22, Florida Statutes, as may be amended from time to time. A habitual violation shall be defined as a finding of three (3) or more violations of the Section 9-8 or Article 35 of the Town's Code.

**SECTION 3.** Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional

or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

**SECTION 4.** Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.


**PASSED ON FIRST READING** this 26th day of June, 2025 on a motion made by Council Member Kuczenski and seconded by Council Member Jablonski.

**PASSED ON SECOND READING** this 14th day of August, 2025 on a motion made by r/m [signature] and seconded by Chm Jablonski.

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

  
Steve Breitkreuz, Mayor

Attest:

  
Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

  
Keith Poliakoff, Town Attorney  
1001.041.2025