

ORDINANCE NO. 2026-003

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 impact their farm animals either through no notification of said assembly or noise disturbance; 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:

. . . .

(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:

- (1) The proposed date of the gathering;
- (2) The anticipated number of persons that will be in attendance;
- (3) Whether there will be any live entertainment or temporary structures;
- (4) Where the vehicles of attendees will be parked;
- (5) The cause and extent of the amplified noise;
- (6) The proposed hours during which the gathering will occur, which in no event can exceed four hours or extend beyond 11:00 p.m.;
- (7) Any other information stipulated on the application form; and,
- (8) Any fee and/or deposit that the town council may establish by resolution.
- (9) ~~Acknowledgement-Reimbursement~~ by the applicant to the Town that they shall notify for the notification to all adjacent property owners by ~~U.S. mail, or signed petition,~~ hand delivery including those directly across a canal or roadway, at least ten (10) calendar days prior to the event.
- (10) That the applicant posts the issued permit in a conspicuous place that is visible from the street.
- (11) Acknowledgement by the property owner that they shall not allow their guests to park on the Town Right-of-Way.
- (12) In the event that an applicant desires to utilize the swale parking the Town may authorize the use of same provided that the Town finds that such parking will not create a life safety issue and provided that the resident provides the Town with insurance as approved by the Town listing the Town as an additional insured.

- (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~~ police officer or code compliance officer, 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.

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.

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{SIGNATURE PAGE FOLLOWS}**

PASSED ON FIRST READING this 12th day of February, 2026 on a motion made by Council Member Kuczenski and seconded by Council Member Hartmann.

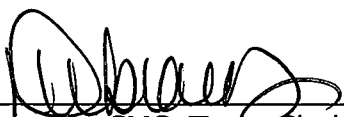
PASSED ON SECOND READING this 26th day of February, 2026 on a motion made by VICE MAYOR JABLONSKI and seconded by COUNCIL MEMBER KUCZENSKI.

Breitkreuz	<u>YES</u>
Jablonski	<u>YES</u>
Allbritton	<u>YES</u>
Hartmann	<u>YES</u>
Kuczenski	<u>YES</u>

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


Steve Breitkreuz, Mayor

Attest:


Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, Town Attorney
1001.2026.015