

**ORDINANCE NO. 2012 - 01**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (ULDC), ARTICLE 45 ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS" TO PERMIT CEMETERIES WITHIN THE A-1, AGRICULTURAL ESTATE DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Southwest Ranches wishes to provide for the location of cemetery uses within the Town, as may be appropriate; and

**WHEREAS**, the Future Land Use Element ("land use plan") of the Town of Southwest Ranches Comprehensive Plan establishes multiple classifications for the purpose of regulating the use of land; and

**WHEREAS**, the Town of Southwest Ranches has one (1) existing cemetery located within the Community Facility land use category; and

**WHEREAS**, the majority of the vacant land surrounding the existing cemetery is designated Agricultural on the land use plan and A-1, agricultural zoning; and

**WHEREAS**, permitted uses within the Agricultural land use category include uses permitted within the Recreation and Open space land use category; and

**WHEREAS**, such recreation and open space permitted uses include public and private parks, golf courses and cemeteries that are "intended to remain as permanent open space"; and

**WHEREAS**, a cemetery use is an appropriate open space use within the Agricultural Land Use Category; and

**WHEREAS**, a cemetery use within the A-1, Agricultural zoning district subject to certain restrictions; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF 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 45, "Agricultural and Rural Districts", is hereby amended as follows:

**Sec. 045-050. Uses permitted.**

Plots in rural and agricultural districts may be used for one (1) or more of the following specified uses:

Key to abbreviations:

P = Permitted

NP = Not Permitted

C = Permitted

<i>Permitted Principal Uses</i>	A-1	A-2	RE	RR
One single-family detached dwelling on a lot of record	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Cemetery, (subject to section 045-030(U))	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Sec. 045-030. General provisions.**

\* \* \*

(U) Cemeteries. A cemetery shall be permitted only on land with an Agricultural future land use plan map designation, and which is contiguous to, or within two hundred fifty(250) feet of and separated only by a right-of-way from, another principal cemetery use with a Community Facilities future land use plan map designation.

(1) Cemeteries shall comply with the requirements in F.S. ch. 497, "Florida Funeral and Cemetery Services Act."

(2) Mausoleums are prohibited within any cemetery with fewer than thirty (30) net acres of land area.

(3) An application for a cemetery shall be accompanied by an application fee and a site plan, and is subject to approval by the town council pursuant to the notice requirements in Article 100, "Application Submittal and Notice Procedures" and site plan procedures of Article 120, "Site Plan Procedures and Requirements."

(4) The town council may approve the application only upon finding that:

(a) The proposed cemetery provides for safe and adequate vehicular and pedestrian movement in the area that will serve the use;

(b) The proposed site plan provides adequate design, including yards and buffering, in order to beautify the adjacent street frontage, limit the view into the property from adjacent streets within the town, and control any adverse effects of noise, light, dust and other potential nuisances;

(c) The proposed site plan demonstrates that the cemetery site is adequate in land area and configuration for the proposed use.

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(5) Prior to approval of any development order for a cemetery, the applicant shall provide documentary proof from the county health department that the proposed cemetery will meet all state and county health standards.

**Section 3: 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 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 any remaining portions of this Ordinance.

**Section 5: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

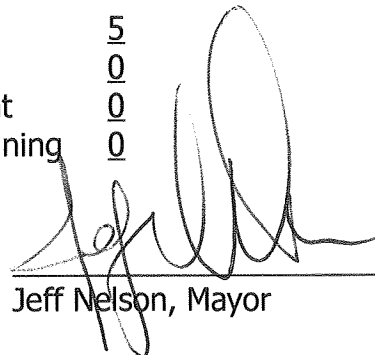
**Section 6: Effective Date.** This ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 13<sup>th</sup> day of October, 2011 on a motion made by Council Member Breitkreuz and seconded by Council Member McKay.

**PASSED AND ADOPTED ON SECOND READING** this 7<sup>th</sup> day of November, 2011, on a motion made by Council Member McKay and seconded by Council Member Breitkreuz.

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

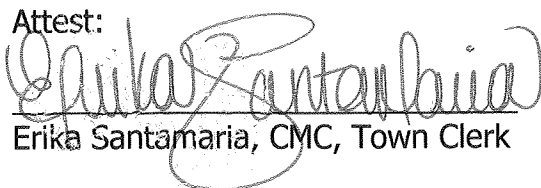
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



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Jeff Nelson, Mayor

Attest:



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Erika Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakoff, J.D., Town Attorney  
ACTIVE: 3528116\_1

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