

**ORDINANCE NO. 2002-4**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, ARTICLE XIII ENTITLED, "CONDITIONAL USES," TO ELIMINATE OUTDOOR EVENTS IN RESIDENTIAL, RURAL AND AGRICULTURAL DISTRICTS; AMENDING ARTICLE XIV ENTITLED, "AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS" AND ARTICLE XV ENTITLED, "RURAL AND ESTATE DISTRICTS" BY REMOVING CERTAIN NONRESIDENTIAL AND NONAGRICULTURAL USES FROM THE LISTS OF PERMITTED USES AND ELIMINATING RELATED DEVELOPMENT STANDARDS; REPEALING ARTICLE XXII ENTITLED, "COMMUNITY FACILITIES DISTRICTS" IN ITS ENTIRETY AND REPLACING THE REPEALED PROVISIONS WITH A NEW ARTICLE XXII ENTITLED, "CF, COMMUNITY FACILITY DISTRICT"; PROVIDING FOR PERMITTED AND PROHIBITED USES, AND DEVELOPMENT STANDARDS WITHIN THE CF, COMMUNITY FACILITY DISTRICT; REDESIGNATING LANDS CURRENTLY DESIGNATED I-1 TO CF, COMMUNITY FACILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Southwest Ranches was formed to preserve its rural residential character; and

**WHEREAS**, the Code of Ordinances of the Town of Southwest Ranches allows for nonresidential, nonagricultural facilities within its rural and estate residential and agricultural zoning districts; and

**WHEREAS**, this zoning practice is not consistent with the purpose of the Town's incorporation; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches wishes to better regulate nonresidential, nonagricultural facilities within the Town's residential areas in order to maintain the Town's rural residential character and preserve the integrity of its rural residential areas; and

**WHEREAS**, the Town Council wishes to accomplish this by allowing nonresidential, nonagricultural facilities principally within the CF, Community Facility District; and

**WHEREAS**, there are three (3) existing community facility districts that permit various scales and intensities of community facilities, many of which are not appropriate within the Town, given their incompatibility with the very-low density residential areas that characterize the Town; and

**WHEREAS**, the Town Council wishes to repeal the existing community facilities zoning districts in favor of one (1) newly created CF, Community Facility District to address the need for community facilities on a neighborhood and Town-wide basis;

**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 XIII, entitled, “Conditional Uses,” Section 39-238 of the Code of Ordinances of the Town of Southwest Ranches, is hereby amended as follows:

**Sec. 39-238. Outdoor event permits.**

Permits for certain outdoor events may be issued subject to compliance with this section. The following outdoor events may be permitted in the zoning districts designated:

<i>Event</i>	<i>Permitted Zoning Districts</i>
(a) Carnival or circus	Commercial, industrial, and commercial recreation. Community Facility if sponsored by a non-profit organization. For purposes of this section, a carnival or circus is as defined in Section 39-4 of this Code and requires a fee for admission or participation.

**Section 3:** That Article XIV entitled, “Agricultural Estate A-1 and General Agricultural A-2 Districts,” Section 39-245(9), Limitations for nonresidential, nonagricultural uses, is hereby repealed.

**Section 4:** That Article XIV entitled, “Agricultural Estate A-1 and General Agricultural A-2 Districts,” Section 39-249, is hereby amended as follows:

**Sec. 39-249. Uses permitted.**

Plots in agricultural districts may be used for one or more of the following specified uses:

*Key to abbreviations:*

P = Permitted  
NP = Not Permitted  
C = Conditional

<i>Permitted Uses</i>	A-1	A-2
1-family detached dwellings	P	P
Nonprofit neighborhood social and recreational facilities	P	P
Community residential facilities	P	P
Crop raising and plant nurseries (commercial and non-commercial) with on-premise sales limited to crops or plants grown or cultivated on the plot where they are being sold, and related landscaping materials incidental to such sales	P	P
Essential services	P	P
Fish breeding (commercial and noncommercial)	P	P
Animals (subject to section 39-245)	P	P
Veterinary clinics (no overnight stays or animal runs)	P	P
Veterinary hospitals	NP	P
Kennels, commercial boarding and breeding	NP	P
<i>Permitted accessory uses to a 1-family dwelling</i>		
Detached guest house or servants' quarters (no kitchen)	P	P
Yard sales	C	C
Home offices	C	C
Family day care homes	P	P
Horse boarding stable	P	P
Commercial equestrian operations	P	P

**Section 5:** That Article XIV entitled, "Agricultural Estate A-1 and General Agricultural A-2 Districts," Section 39-252, Maximum plot size for nonresidential and nonagricultural uses, is hereby repealed.

**Section 6:** That Article XIV, Conditional Uses, Section 39-255(3)(b), Yards, is hereby amended as follows:

*All other yards:*

(a) On all remaining sides of any agriculturally or residentially used plot there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory buildings and uses, except permitted fences and signs, and except as required by paragraph (1) of this section.

**Section 7:** That Article XV Rural and Estate Districts, Section 39-263 is hereby amended as follows:

**Sec. 39-263. Uses permitted.**

Plots in rural and estate districts may be used for one or more of the following specified uses:

*Key to abbreviations:*

P = Permitted  
NP = Not Permitted  
C = Conditional

<i>Permitted Uses</i>	<i>E-1</i>	<i>E-2</i>	<i>Rural Estate</i>	<i>Rural Ranches</i>
1-family detached dwellings	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Community residential facilities	P	P	P	P
Essential services	P	P	P	P
Animals (subject to Section 39-238)	P	P	P	P
Wireless communication facilities (subject to Telecommunication Towers and Antennas provisions Adopted July 12, 2001)	P	P	P	P

*Permitted accessory uses to a 1-family dwelling*

Detached guest house or servants' quarters (no kitchen)	P	P	P	P
Yard sales (subject to Sec. 39-241)	C	C	C	C

Home offices (subject to Sec. 39-239)	C	C	C	C
Family day care homes	P	P	P	P
Crop raising and plant nurseries (commercial and non-commercial) with on-premise sales limited to crops or plants grown or cultivated on the plot where they are being sold, and related landscaping materials incidental to such sales	P*	P	P*	P
Fish breeding (commercial and noncommercial)	NP	P**	NP	P**
Private riding instruction, training or breeding of horses, riding and boarding stables	P*	P**	P*	P**

\*On plots exceeding 2.3 acres in net area

\*\*On plots exceeding 4.5 acres in net area

**Section 8:** That Article XV Rural and Estate Districts, Section 39-266, Limitations for nonresidential and nonagricultural uses, is hereby repealed.

**Section 9:** That Article XV Rural and Estate Districts, Section 39-269, is hereby amended as follows:

**39-269. Yards.**

*All other yards:*

(a) On all remaining sides of any agriculturally or residentially used plot there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory buildings and uses, except permitted fences and signs, and except as required by paragraph (1) of this section..

**Section 10:** Article XXII, Community Facilities Districts, is hereby repealed in its entirety. The provisions of the I-1 District are hereby replaced by new regulations contained within Exhibit "A."

**Section 11:** Properties zoned I-1, Institutional and Educational District as of the date of adoption of this ordinance shall be subject to the new regulations of the CF, Community Facility District which replaces the I-1 District, and shall be designated as CF on the official zoning map.

**Section 12: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 13: 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 14: Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 11<sup>th</sup> day of April, 2002.

**PASSED AND ADOPTED ON SECOND READING** this 9<sup>th</sup> day of May, 2002.

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Mecca Fink, Mayor

Attest:

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Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

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Gary A. Poliakoff, J.D., Town Attorney

## EXHIBIT "A"

### ARTICLE XXII. COMMUNITY FACILITY DISTRICT

#### Sec. 39-361. Purpose of district.

The CF, Community Facility District is intended to accommodate land uses providing governmentally owned or operated services and facilities, and a limited range of privately owned and operated services and facilities necessary to serve the Southwest Ranches community or meet the needs of a particular neighborhood. The CF District is intended for application only to properties with frontage along Griffin Road, Sheridan Street, Dykes Road, U.S. Highway 27 and Flamingo Road. The CF District is not intended for application to interior residential areas, except as necessary to accommodate Town uses and facilities.

#### Sec. 39-362. General provisions.

(a) *Definitions.* Terms used within this Article are defined in Article II, "Definitions," of this Code.

(b) *Dumpsters and dumpster enclosures.* Dumpsters existing as of the effective date of this article and/or which are constructed subsequent to the effective date of this Article shall comply with the following:

- (1) Dumpsters, which are visible from any street or from contiguous property, shall be kept within opaque or translucent enclosures. Dumpster enclosures shall not be located in a required setback area, unless a street separates the plot from adjacent property.
- (2) Dumpsters shall be maintained free of jagged or sharp edges or inside parts, which could prevent the free discharge of their contents.
- (3) A licensed collector shall empty dumpsters at intervals that will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist,

additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

- (4) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.
- (5) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (6) Dumpster enclosures shall be constructed so as to accommodate recycling bins, if over forty (40) gallons.
- (7) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- (8) The base of the enclosure must be poured concrete, in accordance with the requirements of the Florida Building Code, as may be amended from time to time. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

(c) *Landscaping.* All buildings and uses shall provide landscaping in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code.

(d) *Nonconforming uses and structures.* Any use or structure which has been established as a legal nonconforming use or structure, or which becomes a legal nonconforming use or structure, shall be subject to provisions of Article VII, "Nonconforming Uses and Structures," of this Code, except as follows. Existing facilities that rezone to the CF District shall be considered legal, conforming uses even if they do not satisfy minimum distance separation, minimum or maximum plot area, or dimensional requirements.



(e) *Off-street parking.* All buildings and uses shall provide off-street parking, loading areas and lighting in accordance with Article XII, "Off-street Parking and Loading," of this Code.

(f) *Property maintenance.* All buildings and properties shall be maintained in accordance with standards provided in Article X, "Property Maintenance and Junk or Abandoned Property," of this Code.

(g) *Setbacks and buffers.*

- (1) 35 feet from any property line abutting a public street or roadway, or in the case of a private roadway, 35 feet from the outer edge of the ingress/egress easement.
- (2) 25 feet from any interior side property line.
- (3) 15 feet from the rear property line.
- (4) 50 feet from any property line contiguous to a residentially zoned plot, except for Town and other government uses, and essential facilities. A landscape buffer as required by Article VIII, "Functional Landscaping and Xeriscaping," shall be provided within the setback area, including a visual barrier in the form of a fence, wall or hedge a minimum of six (6) feet in height constructed or planted and maintained as provided in subsection (6) following.
- (5) The setbacks required by this section shall also apply to those lands that abut another municipal jurisdiction. Such setbacks shall be applied in the same manner as if the abutting lands were within the Town.
- (6) Fences, walls and hedges may be erected or planted and maintained to a maximum height of eight (8) feet. Hedges used as a required visual barrier shall be a minimum of four (4) feet in height at time of planting and shall be of a species which will reach a height of at least six (6) feet within two years after planting. Open-weave or chain-link type fences may only be used if appropriate landscape material, in accordance with Article VIII, "Functional Landscaping and Xeriscaping," is planted along such fence which, after planting, will obscure the fence within one year after planting. Within twenty-five (25) feet of the intersection of two streets or within fifteen (15) feet of the intersection of a private accessway and a street no fencing may be erected or

maintained. The use of barbed wire, razor wire or electrified fencing shall be prohibited.

(h) *Signs.* Signs shall be subject to provisions in Article VI, "Signs," of this Code.

(i) Use of residentially zoned property for access. No public or private street upon which residentially zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in a CF District, except where such a street is the only viable access to the property.

(j) *Wireless communication facilities.* Wireless communication facilities shall be subject to the Telecommunication Towers and Antennas provisions of the code, as amended on July 12, 2001.

(k) *Miscellaneous provisions.* In addition to general provisions herein, development within the CF District shall be subject to Article IX, "General Provisions," of this Code.

### **Sec. 39-363. Permitted uses.**

Permitted uses in the Community Facilities District shall be limited to those uses specified in the Master Use List. All permitted uses shall be governmentally owned or operated, or not-for-profit unless otherwise specified. All uses shall be subject to sections 39-366 through 39-368 regulating plot size, plot frontage, plot coverage and building height. Specific subsection references are included in the following Master Use List.

#### Master Use List

P = Permitted

C = Conditional Use

A = Accessory Use Only

Use

Accessory dwelling [see subsection 39-369(a)]

A

Agricultural uses

P

Cemeteries, public or private

P

[see subsection 39-369(b)]

Cemeteries accessory to a place of worship

A,C

[see subsection 39-369(b)]

Childcare center, pre-school or adult day care,

P

including commercial facilities [see subsection 39-365 and 39-369(c)]

Civic and cultural centers, incl. library, museum, art gallery and other such exhibitions	P
Community residential facilities [see subsection 39-369(d)]	P
Public or private primary or secondary School/educational centers [see subsection 39-365, 39-366]	P
Electrical substations	P
Essential services	P
Fire protection facilities	P
Governmental administration offices	P
Outdoor events [see section 39-238 under "community facility" zoning districts]	C
Parks, public	P
Places of worship [see subsection 39-365]	P
Police protection facilities	P
Water and wastewater treatment plants and pumping stations [see subsection 39-369(e)]	C
Wireless communication facilities [see Telecommunication Towers and Antennas provisions amended July 12, 2001]	P

**Sec. 39-364. Prohibited uses.**

Any use which is not specifically listed, or which by inference is not listed, in section 39-363 shall be prohibited.

**Sec. 39-365. Distance separation.**

Child care centers, pre-school or adult day care, primary and secondary schools, and places of worship shall be permitted only on properties located a minimum distance of one-thousand (1,000) feet from any other property containing such a use. For purposes of this section, distance shall be measured in a straight line, using the shortest airline distance between the property lines of any two (2) or more uses subject to this distance separation requirement. Any person or entity seeking to rezone property to the CF District for a use regulated under this section shall furnish to the Town a special purpose survey sealed by a land surveyor certified to the State of Florida, indicating the distance between the property proposed for rezoning to the CF District and any property with existing CF District zoning containing a use subject to this distance requirement.

**Sec. 39-366. Plot size and frontage.**

(a) The minimum plot size shall be one net acre with one hundred twenty-five (125) feet of property frontage on an arterial or collector roadway designated for community facilities herein, except as follows:

- (1) A lift station may be located on a plot seven thousand five hundred (7,500) square feet or more in area and seventy-five (75) feet or more wide.
- (2) An electrical transformer substation and switching station may be located on a plot two (2) acres or more in area.
- (3) Public parks and wireless communication facilities shall be exempt from minimum plot size requirements.

(b) The maximum plot size for Child care centers, Pre-school or adult day care and places of worship is five (5) acres.

**Sec. 39-367. Plot coverage.**

In addition to previous area requirements in the Broward County Land Development Code, maximum plot coverage shall be thirty-five percent (35%).

**Sec. 39-368. Height.**

The maximum height of buildings and structures (except telecommunication towers or antennae) is 35 feet.

**Sec. 39-369. Limitations of uses.**

(a) *Accessory dwellings.* One accessory dwelling per property is permitted for a caretaker or security quarters for cemeteries and properties with a principal agricultural use, and a rectory is permitted accessory to a place of worship. Each dwelling unit shall not exceed one thousand five hundred (1,500) square feet in gross floor area, or fifty percent (50%) of the gross floor area of the building where the unit is located (if applicable), whichever is less, and shall not be less than four hundred (400) square feet in gross floor area.

(b) *Cemeteries.*

- (1) In addition to requirements herein, cemeteries shall comply with requirements in Chapter 497, F.S., as may be amended from time to time.
- (2) Cemeteries shall require a minimum plot size of thirty (30) acres, except that cemeteries accessory to a place of worship are permitted on smaller plots. All applications for cemeteries accessory to a place of worship shall be accompanied by an application fee and a site plan, and are subject to approval by the Town Council after a public hearing noticed in accordance with Sec. 39-38. The Town Council may approve the application only upon finding that: the proposed cemetery is compatible with the existing natural environment and other properties in the vicinity; that there will be adequate provision for safe vehicular and pedestrian movement in the area that will serve the use; that the site plan provides adequate design, including setbacks and buffering in order to control any adverse effects of noise, light, dust and other potential nuisances; and, that the land area is sufficient, appropriate and adequate for the use as proposed.
- (3) All structures, except fences and walls, shall be located at least thirty-five (35) feet from any street.
- (4) Mausoleums or other burial structures shall be located at least one hundred fifty (150) feet from streets and at least fifty (50) feet from any other plot line.

(c) *Childcare centers and pre-schools.* All child care centers and pre-schools shall be designed to accommodate an outdoor play area that is separated and buffered from off-street parking areas, drive aisles, streets and alleys. Such play areas shall be completely enclosed with a fence at least five (5) feet in height.

(d) *Community residential facilities.* Density for community residential facilities and nursing homes shall be calculated as two (2) bedrooms equals one dwelling unit. The Future Land Use Plan Map shall determine the maximum permissible density for such use. If the proposed facility is not within an area designated residential by the Future Land Use Plan Map, any such proposed facility will be subject to availability and allocation of reserve units.

(e) *Water/wastewater treatment plants* shall be permitted subject to the same requirements and procedures for approval of accessory cemeteries under subsection 39-369(b)2.