

**ORDINANCE NO. 2003-6**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, TO CONSIDER THE APPLICATION OF RIVER OF GRASS UNITARIAN UNIVERSALIST CONGREGATION TO REZONE THE PROPERTY LOCATED AT 5200 SW 160 AVENUE, MORE PARTICULARLY DESCRIBED AS TRACT 5 AND THE NORTH 15 FEET OF THE EAST 227 FEET OF TRACT 6, LESS THE EAST 53 FEET FOR ROAD, IN THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 32, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF CHAMBERS LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE(S) 5-A, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, FROM A-1, AGRICULTURAL ESTATES DISTRICT, AND RE, RURAL ESTATES DISTRICT, TO CF, COMMUNITY FACILITIES DISTRICT; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council has created a new Community Facility zoning district which provides for houses of worship as a permitted use on parcels that have satisfied certain criteria; and

**WHEREAS**, the River of Grass Unitarian Universalist Congregation, a house of worship, seeks to rezone the property located between Stirling and Griffin Roads and bordered by Dykes Road to the east and SW 162<sup>nd</sup> Avenue to the west, from A-1, Agricultural Estates District, and RE, Rural Estates District, to the CF, Community Facility designation; and

**WHEREAS**, it has been determined the property satisfies the Community Facility zoning district criteria; and

**WHEREAS**, the parcel is 4.67 acres, and is currently occupied by the Hopkins Rare Fruit Nursery; and

**WHEREAS**, to further demonstrate compatibility with the surrounding community, and in an effort to appease resident concerns, the owner and petitioner have voluntarily placed a number of restriction on the property, which have been codified in a "Declaration of Restrictions Running With The Land;" and

**WHEREAS**, the rezoning of this property is necessary for a house of worship to exist on this parcel.

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

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

**Section 2.** That following an extensive review of the staff report, all written and oral evidence received during the public hearing, the criteria set-forth in the Town Code, and the standards set-forth in both state and federal law, the Town Council hereby approves the rezoning of the aforementioned property from A-1, Agricultural Estates District, and RE, Rural Estates District, to the CF, Community Facility designation.

**Section 3.** That in an effort to appease resident concerns, the applicant and owner have voluntarily placed a number of restrictions on the property, and have offered to execute and to record a "Declaration of Restrictions Running With the Land," in a form substantially similar to Exhibit "A," prior to the Town's final execution of this Ordinance.

**Section 4.** That the applicant has submitted a conceptual master plan for the parcel and to further demonstrate compatibility with the surrounding neighborhood has voluntarily stipulated that the final site plan for this parcel will be substantially similar to the submitted rendering.

**Section 5.** That the appropriate Town officials are hereby authorized and directed to execute the necessary documents to effectuate this Ordinance.

**Section 6.** The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

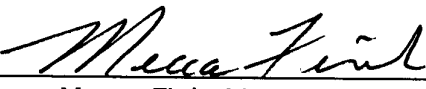
**Section 7: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 8: 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 9: Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this day of March 13, 2003.

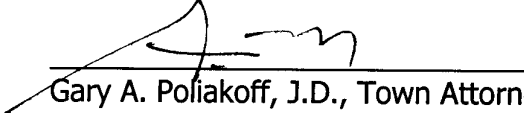
**PASSED AND ADOPTED ON SECOND READING** this 10<sup>th</sup> day of April 2003.

  
\_\_\_\_\_  
Mecca Fink, Mayor

Attest:

  
\_\_\_\_\_  
Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

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

752326\_1.DOC

Return to: (enclose self-addressed stamped envelope)

Name: Bonnie L. Miskel, Esq.  
P.O. Box 1900  
Fort Lauderdale, Florida 33302

This Instrument Prepared by:

Hope W. Calhoun, Esq.  
Ruden, Barnett, McClosky, Smith  
Schuster & Russell, P.A.  
200 East Broward Boulevard  
15th Floor  
Fort Lauderdale, Florida 33301

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### DECLARATION OF RESTRICTIONS RUNNING WITH THE LAND

THIS DECLARATION ("Declaration") is made as of the 17 day of APRIL, 2003, by WILIAM L. HOPKINS and BARBARA A. HOPKINS, (collectively "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of that certain real property located in the Town of Southwest Ranches ("Town") in Broward County, Florida, more particularly described on Exhibit "A" ("Property"); and

WHEREAS, Public Hearing Application No. RZ-006-02 was filed with the Zoning Department of the Town requesting a change of zoning from the Town A-1 and RE zoning designations to the Town CF zoning designation for the Property ("Application"); and

WHEREAS, as a material inducement to Town granting the Application, Declarant has volunteered to impose certain restrictions upon the use of the Property, to become effective upon the recordation of this Declaration and prior to the issuance of a building permit for development of the Property.

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, sold, conveyed, leased, mortgaged and otherwise dealt with subject to the terms, conditions, easements, restrictions and other matters set forth in this Declaration as follows:

1. Use of the Property identified on Exhibit "A" shall be restricted to the following:

- (i) Any use permitted in the CF District excluding a school, cultural center, cellular tower facility, cemetery, crematorium or child daycare facility with the exception of Sunday school;
- (ii) The minimum setback for any structure on the Property shall be 50 feet;
- (iii) The maximum square footage for all building(s) on the Property shall be 20,000 square feet;
- (iv) The maximum height of any building on the Property shall be 25 feet;
- (v) Any buildings constructed on the Property shall be oriented toward Dykes Road;
- (vi) Declarant shall make an annual contribution to the Town in the amount of \$1300 dollars each year for the next 5 years commencing on January 1, 2004 ("Payment Date"). Every year thereafter, such payment shall increase to \$3000 and shall be payable on January 1 each year for so long as the Property is exempt from the payment of taxes;
- (vii) Outside lighting shall be photosensitive and will be limited to hours that the facility is in use unless otherwise required by Town Code or for the safety and security of the public; and
- (viii) Declarant shall minimize use of asphalt and concrete in parking areas and limit such material to the structure(s), entrances, exits, driveways, turnabouts, walkways or any other impervious areas required by Town, State or Federal law.
- (ix) Declarant shall use Dykes Road for ingress and egress unless secondary access to other thoroughfares is mandated by the Town or other regulatory agency.

2. The restrictions in this Declaration shall run with the land and be a continuing benefit to and servitude upon the Property and shall be binding upon Declarant's successors in interest for so long as the Property is zoned CF.

3. This Declaration may be amended by written request of the Declarant and approval by the Town.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

Witnesses:

[Signature]  
Signature  
Brian Bovee  
Printed Name  
William L. Hopkins Jr.  
Signature  
William L. Hopkins Jr.  
Printed Name

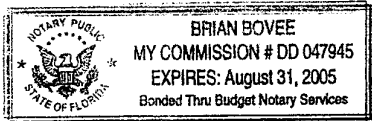
DECLARANT:

[Signature]  
WILLIAM L. HOPKINS  
[Signature]  
BARBARA A. HOPKINS

STATE OF FLORIDA )  
COUNTY OF Bernal ) SS:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by WILLIAM L. HOPKINS and BARBARA A. HOPKINS, who are personally known to me or who have produced D.I.C. as identification.

WITNESS my hand and official seal in the County and State last aforesaid this day of April 7, 2003.



[Signature]  
Notary Public  
Brian Bovee  
Typed, printed or stamped name of Notary Public

My Commission Expires: