

ORDINANCE NO. 2006-01

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, CHAPTER 39 ENTITLED, "TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE," (ULDC) SECTION 010-030, "TERMS DEFINED," SECTION 015-090, "PROHIBITED ACCESSORY STRUCTURES" AND SECTION 045-030, "GENERAL PROVISIONS" TO REGULATE THE PARKING AND STORAGE OF COMMERCIAL VEHICLES; TO REGULATE THE USE OF TRUCK BODIES, SHIPPING CONTAINERS AND SIMILAR OBJECTS AS ACCESSORY STRUCTURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 14, 2005 the Town adopted its Unified Land Development Code ("ULDC"); and

WHEREAS, certain provision of the ULDC concerning the parking and storage of commercial vehicles, the use of truck bodies, shipping containers and similar objects can be clarified or amended to convey the Town Council's actual intent; and

WHEREAS, the Town Council believes that these modifications are necessary in order to protect the health, safety, and welfare of its residents.

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 Section 010-030 of the ULDC, Terms defined, is hereby amended as follows:

Portable storage unit. Any container designed for the storage of personal property which is typically rented to owners or occupants of residences or businesses for their temporary use, and which may be delivered to a residence or business and later retrieved from the premises by vehicle and stored in a

commercial storage facility until needed by the renter. Portable storage units shall not include shipping containers.

Shipping container. Any container originally designed for transporting cargo, or a container that is similar in design or function to such a container, but excluding a portable storage unit.

Section 3: That Section 015-090 of the ULDC, Prohibited accessory structures, is hereby amended as follows:

~~The use of shipping containers, including portable~~

(A) Portable storage units, shall not be permitted as accessory buildings or structures on plots within all zoning districts except the M, Manufacturing District. Temporary use of portable storage units within the agricultural and rural zoning districts is regulated in Sec. 045-030(D), General provisions/miscellaneous storage.

(B) Truck bodies shall be prohibited in all zoning districts as accessory structures except as provided in Sec. 045-030(D) for plots with a Town farm designation and/or classification as agricultural exempt by the Broward County Property Appraiser's Office, and also provided that properties owned or used by the Town of Southwest Ranches are exempt from this prohibition.

Section 4: That Section 045-030 (C) of the ULDC, General provisions, parking and storage, is hereby amended as follows:

(3) *Agricultural vehicles and equipment.* Storage of vehicles and equipment necessary for conducting a permissible agricultural or equestrian use is permitted ~~upon~~ on the plot upon which they are used, provided that the vehicles and equipment are registered to an owner or lessee of said plot, except in the case of equestrian boarding operations that allow boarders to keep their equestrian transports on the plot. The aggregate capacity of equestrian transports shall not exceed the number of stables or horses kept on the property, whichever is greater. Agricultural vehicles and equipment may be stored anywhere within a plot without the need for screening or enclosure, and with no limitation on quantity.

(4) *Commercial vehicles.*

a. *Parking.* No more than ~~Up to~~ one (1) commercial vehicle for plots under two (2) per net acres in area, and no more than ~~of property, not to exceed a total of~~ two (2) commercial vehicles for plots of two (2) or

more net acres in area; may be parked on a plot by permanent, full-time residents of the plot who regularly drive the vehicle(s) for business occupational purposes not pertaining to any business use of the plot where parked, and bring the vehicle(s) home in between work shifts, subject to the following provisions:

1. Screening or enclosure is not required for one (1) commercial vehicle not exceeding fifteen thousand (15,000) pounds of gross vehicle weight, but shall be required for a second commercial vehicle regardless of weight, so that such additional vehicle is not visible from any adjacent street or property.
 2. Any commercial vehicle exceeding fifteen thousand (15,000) pounds of gross vehicle weight shall be screened so as not to be visible from any adjacent street or property, and shall not be parked closer than fifty (50) feet from any property or street line.
 3. No commercial vehicles may be parked within a required yard, unless parked on a stabilized driveway surface; and.
 4. The operation of refrigeration units is prohibited while the vehicle is parked or stored on the premises.
- b. *Storage.* In addition to the vehicles that may be parked pursuant to Subsection a. above, ~~an unlimited number of storage of one (1) commercial vehicles, is permitted if~~ used for hobby or other personal, non-business and non-storage purpose, ~~may be stored on said plot~~ Storage of a personal-use commercial vehicle shall be, subject to the following requirements. Editor's note: The intent of permitting one (1) commercial vehicle for personal use is to recognize that in rare instances, certain unusual personal uses exist for commercial-type vehicles, and to accommodate such unusual uses.
1. The vehicles shall not contain signage; and,
 2. The vehicles shall not be stored within a required yard unless on a stabilized driveway surface, provided that such storage shall be subject to screening and setbacks where required by Subsection (4)a.; and
 3. The vehicles shall not be visible from any adjacent street or property.

Section 5: That Section 045-030(D) of the ULDC is hereby amended as follows:

- (1) Outside storage of household items belonging to a resident of a permanent dwelling is permitted, provided the items are designed and intended for outdoor residential use.
- (2) The open air storage of junk and debris shall be subject to removal as provided in Chapter 14, Article IV, "Land Clearance," of the Town of Southwest Ranches Code of Ordinances, as provided by state law for public nuisances or as provided in the ULDC, Article 20, "Property Maintenance and Junk or Abandoned Property."
- (3) Portable storage units, including but not limited to, "Portable On Demand" ("PODs") units shall not be kept upon a plot in excess of two (2) years if there is an active building permit for construction on the plot, or until the issuance of a Certificate of Occupancy or Completion, whichever occurs first. Portable storage units not associated with an active permit for construction on the same plot shall be kept not longer than thirty (30) days within any six (6) month period. Portable storage units shall be removed from a plot and secured at a commercial storage facility that is intended for the storage of such units, whenever a hurricane warning is issued by the National Hurricane Center for the Town of Southwest Ranches.
- (4) One (1) shipping container not exceeding twenty-seven hundred (2,700) cubic feet capacity and nine and one-half (9.5) feet in height (typically forty [40] feet long and eight [8] feet wide) may be kept on a plot as an accessory storage structure regardless of plot size, provided that plots with a current agricultural exempt classification from the Broward County Property Appraiser's Office are permitted a total of two (2) containers for agricultural use on a minimum five (5) net acres, and a total of three (3) containers for agricultural use on seven and one-half (7.5) or more acres. Containers shall not be stacked. Shipping containers shall be subject to all required yard and setback requirements, and shall be screened from view of adjacent properties and rights-of-way.
- (5) One (1) truck body may be kept on a plot with a current classification of agricultural exempt from the Broward County Property Appraiser's Office, as an accessory storage structure, in lieu of each shipping container permitted in paragraph (4) above, subject to all required yard and setback requirements, and provided the truck bodies are screened from the view of adjacent properties and rights-of-way. Truck bodies must be registered to the property owner of the plot upon which they are placed, except for operable semi-trailers with a valid motor vehicle tag and registration, that are periodically removed and replaced when new supplies are delivered.

- (6) One (1) truck body may be kept on a plot *without* a classification of agricultural exempt from the Broward County Property Appraiser's Office, provided:
- a. The plot has a current Town farm designation; and
 - b. That the truck body is used exclusively for the storage of feed accessory to the keeping, breeding or boarding of horses or other farm animals; and
 - c. That all of the requirements of (5), above, shall apply.
- (7) Nothing herein shall preclude the temporary storage of shipping containers or tractor trailers as an accessory use to a developed plot within the CF District, having loading dock facilities designed for semi-trailer deliveries, which facility is collecting goods for the distribution to the needy or for individuals recovering from a natural disaster. Notwithstanding the aforesaid, the number of containers or trailers, in aggregate, shall not exceed five (5) at any given time. Said containers and/or trailers shall not exceed twenty-seven hundred (2,700) cubic feet capacity and nine and one-half (9.5) feet in height.
- (8) Nothing herein shall preclude the use of shipping containers and/or truck bodies on property owned or used by the Town of Southwest Ranches.

Section 6: 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 7: 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 8: Effective Date. This Ordinance shall take effect immediately upon its adoption.

[Signatures on Following Page]

PASSED ON FIRST READING this 1st day of September, 2005 on a motion made by Council Member Knight and seconded by Council Member Maines.

PASSED AND ADOPTED ON SECOND READING this 6th day of October, 2005, on a motion made by Council Member Knight and seconded by Council Member Maines.

Fink	<u>Y</u>	Ayes	<u>5</u>
Blanton	<u>Y</u>	Nays	<u>0</u>
Knight	<u>Y</u>	Absent	<u>0</u>
Maines	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

Mecca Fink, Mayor

Attest:

Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

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