

ORDINANCE NO. 2006 - 03

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE RELATING TO RIGHTS-OF-WAY AND PUBLIC NUISANCES; AMENDING SECTION 05-030 TERMS DEFINED TO CREATE A DEFINITION FOR "SWALE"; AMENDING SECTION 005-270 USE OF RIGHT-OF-WAY TO REQUIRE A TOWN PERMIT WHEN UTILIZING THE RIGHT-OF-WAY AND SWALES; AMENDING SECTION 010-030 TERMS DEFINED TO CREATE A DEFINITION FOR "RIGHT-OF-WAY"; DELETING THE DEFINITION OF "SWALE" CONTAINED IN SECTION 020-020; AMENDING SECTION 020-030 PUBLIC NUISANCES TO REQUIRE PROPERTY OWNERS TO CONTAIN THEIR OWN STORMWATER; AND AMENDING SECTION 075-090 LANDSCAPING WITHIN RIGHTS-OF-WAY AND SWALES TO INCLUDE STREETS AND SWALES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; 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 can be clarified or amended to convey the actual intent; and

WHEREAS, the provisions dealing with rights-of-way and public nuisances can be modified to better reflect the utilization of swales and the necessity for property owners to retain their own of storm water; and

WHEREAS, the Town Council believes that these changes 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: Recitals Adopted. 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: The Town of Southwest Ranches hereby amends the provisions of its ULDC relating to rights-of-way and public nuisances.

Section 3: Code Amendment. Specifically, the ULDC shall be amended as follows:

Section 05-030. Terms defined.

Swale. Land within a street other than the travel surface, and land adjacent to a street that holds, is designed to hold, or is required by the applicable drainage district, tertiary drainage plan or ULDC to contain and/or to convey storm water runoff from a street and private property abutting the street. Further, a swale shall also include the area of land necessary to create the necessary clear zones established by Table 3-12 of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, published by American Association of State Highway and Transportation Officials (AASHTO), as may be amended from time to time or replaced.

Section 005-270. Use of rights-of-way and swales.

A Town permit is required for any use of any rights-of-way and swales that involves installation, erection, placement or removal of any structure, object or landscaping material, earthwork, grading, paving, physical occupation, and any commercial or business use, including but not limited to, use of rights-of-way and swales to grow or store plants or material incidental to a plant nursery or other agricultural use for wholesale or retail.

Section 010-030. Terms defined.

Right-of-way. An area of land and/or water that has been dedicated, deeded, reserved, or otherwise conveyed to the public for public use, ownership and control, and intended to be occupied by uses such as a street, walkway, trail, utility infrastructure, canal or other storm water conveyance. The term "right-of-way" shall mean "public right-of-way" unless preceded by the word "private," which for the purpose of the ULDC shall have the same meaning as an easement.

Section 020-030. Public nuisances.

(A) The following are prohibited as public nuisances: the open storage or discarding of junk vehicles and vessels, derelict aircraft, junk items, debris, garbage, trash, and litter—except in facilities approved by the town for storage or discarding of such items or materials, the existence of overgrown groundcover or vegetation, unmaintained buildings and structures within the town, and the covering of windows and door openings with storm panels in violation of Sec. 020-040(G). Such storage, discarding and conditions have been determined by the Town Council to constitute a public

nuisance in that such items create an eyesore to the community, become a breeding ground for rats and other vermin, create an attractive nuisance to children, lead to the further accumulation of junk, garbage, trash, litter, and debris, and contribute to the deterioration of both residential and nonresidential areas. The Town Council has further determined, in accordance with Florida law, that the failure of a property to contain the quantity of storm water it is required to contain by the applicable drainage district standards and ULDC shall constitute a nuisance, in that the premature runoff of storm water onto adjacent properties and rights-of-way contributes to flooding conditions which interferes with the enjoyment of property, damages structures and vegetation, and impedes the safe use of streets.

Section 020-040. Duty to maintain property.

(D) It shall be the responsibility of all owners of parcels of land to maintain such lands and contiguous swales free of overgrown groundcover hedges and groundcover and free of any and all encumbrances unless a permit for such encumbrances has first been issued by the Town pursuant to Sec. 005-270, Use of rights-of-way and swales.

Section 075-090. Landscaping within streets public rights-of-way, and swales.

The owner of every developed plot shall be responsible for sodding the area in between the plot line and the adjacent street(s) to the edge of pavement. Installation of trees and shrubs within any public right-of-way private street, and swale requires a town permit.

Section 4: Inclusion. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Unified Land Development Code; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

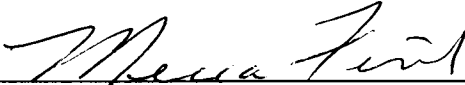
Section 6: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 7: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 1st day of September, 2005 on a motion made by Council Member Don Maines and seconded by Vice Mayor Forest Blanton.

PASSED AND ADOPTED ON SECOND READING this 20th day of October, 2005, on a motion made by Council Member Aster Knight and seconded by Council Member Jeff Nelson.

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>		



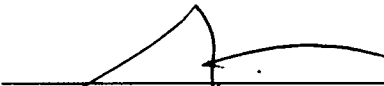
Mecca Fink, Mayor

Attest:



Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



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

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