

ORDINANCE NO. 2006 - 09

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, CHAPTER 39, "UNIFIED LAND DEVELOPMENT CODE (ULDC)," SECTION 015-100, "YARD ENCROACHMENTS," MODIFYING THE LIST OF PERMITTED AND PROHIBITED YARD ENCROACHMENTS; PROVIDING FOR INCLUSION IN THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Agricultural and Rural zoning districts of the Town of Southwest Ranches do not permit roof overhangs, air conditioning condensers, pool equipment and similar types of equipment within required yards; and

WHEREAS, it is generally acceptable and typical practice for zoning and land development codes to allow the aforesaid structures to encroach into required yards; and

WHEREAS, requiring such structures to adhere to the same yard requirements applicable to principal buildings causes hardship from time to time when residents of the Town attempt to expand their existing residences consistent with the yard requirements of the ULDC.

WHEREAS, the Town of Southwest Ranches Town Council finds that any benefit to the Town and its residents derived by maintaining the current prohibition on yard encroachments is outweighed by the additional flexibility of property use that residents would gain by discontinuing this prohibition.

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: Whereas, Section 015-100, "Yard encroachments," is hereby amended as follows:

Section 015-100. Yard encroachments.

- (A) The following structures may encroach into required yards, as provided:

- (1) Vehicular use areas, and walkways up to six (6) feet in width, subject to special setbacks from property lines set forth in Sec. 080-190, "Minimum separation requirements."
- (2) Utility poles and transmission lines
- (3) Fences, walls and hedges subject to district regulations
- (4) Landscaping
- (5) Underground utilities, including stormwater pipes, culverts, septic tanks, and drainfields
- (6) Signs, subject to Article 70, "Signs"
- (7) Lighting, subject to Article 95, "Outdoor Lighting Standards, " provided that any freestanding lights shall be no taller than eight (8) feet above the established grade.
- (8) Irrigation water pumps, wells, water meters, electrical meters and similar above-ground telephone and cable utility company equipment typically found on single-family residential plots.
- (9) Sewer or water lift stations
- 10) Roof projections and eaves may encroach not more than two and one-half (2 ½) feet into any required yard
- (11) Air conditioning condenser units, permanent generators, pool equipment, other customary mechanical equipment, and their associated slabs, may encroach not more than five (5) feet into a required side and/or rear yard, but shall not encroach into a required front yard.

(B) The following structures are specifically not permitted to encroach into required yards:

- (1) Slabs, decks, and any paved area other than a walkway of six (6) feet or less in width.
- (2) Anything not specifically permitted under Subsection (A), above.
- ~~(1) Roof projections, eaves~~
- ~~(2) Air conditioning pads and condenser units~~
- ~~(3) Pool and other mechanical equipment~~
- ~~(4) Anything not specifically permitted under Subsection (A), above.~~
- ~~(5) Slabs, decks, and any paved area other than a walkway of six (6) feet or less in width.~~

Section 3: Inclusion in the code. Section 2 of this Ordinance shall be codified as part of the Town of Southwest Ranches Unified Land Development Code. The Town Clerk of the Town of Southwest Ranches is hereby authorized and directed to cause such codification.

Section 4: 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 5: 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 6: Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED ON FIRST READING this 9th day of March 2006, on a motion by Council Member Aster Knight and seconded by Vice Mayor Don Maines.

PASSED AND ADOPTED ON SECOND READING this 6th day of April, 2006, on a motion by Council Member Aster Knight and seconded by Vice Mayor Don 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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Additional language is underlined and stricken language is ~~struck through~~