

ORDINANCE NO. 2008 - 06

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 080-060 "CALCULATING REQUIRED PARKING," TO REQUIRE THE PROVISION OF ADDITIONAL OFF-STREET PARKING AFTER A DETERMINATION THAT THE PROPERTY CONSISTENTLY LACKS SUFFICIENT PARKING TO ACCOMMODATE THE ACTUAL DEMAND; AND SECTION 080-070 "AMOUNT OF OFF-STREET PARKING," TO INCREASE THE AMOUNT OF OFF-STREET PARKING REQUIRED FOR PLACES OF WORSHIP; 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, a primary purpose and intent of the Town's Unified Land Development Code ("ULDC") and Charter is to protect the rural and agrarian character of the Town of Southwest Ranches; and

WHEREAS, the Town has a limited amount of sidewalks and promotes the use of its swales as multi-purpose trails; and

WHEREAS, in some instances certain community facilities have been found to have insufficient parking to meet the needs of its congregations and as a direct result motorized vehicles are forced to park illegally on the swales and in other unlawful locations; and

WHEREAS, illegally parked motorized vehicles impede the clear zone and force multi-purpose trail users to meander into the streets; and

WHEREAS, based on resident testimony and observation the Town Council finds that the actual parking conditions associated with community facilities is not sufficient to consistently provide for the actual off-street parking demands associated with such uses; and

WHEREAS, the Town Council desires to amend the Town's ULDC to ensure that community facilities have ample off-street parking; and

WHEREAS, the Town Council has determined that this modification is necessary to protect the health, safety, and welfare of the Town's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That ULDC Section 080-060, "Calculating required parking," is hereby amended as follows:

(F) When a developed property complies with the minimum off-street parking requirement hereunder, but the Town through its own investigation determines that the property consistently lacks sufficient parking to accommodate the actual demand for same, any application for expansion of the use, or for site modification, shall be evaluated as if the existing supply of off-street parking spaces is inadequate and does not conform to the requirements of this Division. The actual parking requirement, in such cases, shall be based upon the demonstrated demand during typical peak parking periods unless the applicant proposes mitigation acceptable to the Town.

Section 3: That ULDC Section 080-070, "Amount of off-street parking," is hereby amended as follows:

(E)	<u>Types of Buildings and Uses</u>	Min. Number of Parking Spaces Required <u>per Indicated Unit</u>	<u>Unit of Measure</u>
(5)	Places of worship	1.0	Per each 4 <u>3</u> seats in the sanctuary, or equivalent thereto;
	OR	1.0	Per 50 square feet of worship <u>total public</u> <u>assembly area</u> , whichever results in a greater amount of required parking.

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.

Underlined words are additions and ~~stricken~~ words are deletions.

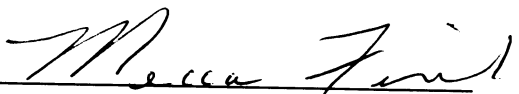
Section 6: Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED ON FIRST READING this 6th day of March, 2008, on a motion made by Council Member Don Maines and seconded by Vice Mayor Jeff Nelson.

PASSED AND ADOPTED ON SECOND READING this 1st day of May 2008, on a motion made by Council Member Aster Knight and seconded by Vice Mayor Jeff Nelson.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>Y</u>
Maines	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



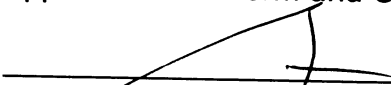
Mecca Fink, Mayor

Attest:



Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



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

FTL_DB: 1099134_1

Underlined words are additions and ~~stricken~~ words are deletions.