



Thursday
April 15, 2021
7:00 pm

Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

Town Hall
13400 Griffin Road
Southwest Ranches, FL 33330-2628

Board Members

Joseph Altschul
Jason Halberg
Newell Hollingsworth
Anna Koldys
Jorge Lorenzo
George Morris
Lori Parrish
Daniel Pradilla
Robert Sirota

Council Liaison

Steve Breitzkreuz

Staff Liaison

Emily Aceti

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Introduction of New Members
5. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
6. Old Business
 - A. Approval of minutes for March 2021
 - B. Nursery Ordinance
 - C. Discussion on how to limit extent and impact of new residential development in Southwest Ranches
7. New Business
8. Board Member / Staff Comments and Suggestions
9. Items for Next Meeting
10. Adjournment

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES

NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE,
NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



**Town of Southwest Ranches
Comprehensive Plan Advisory Board
Meeting Minutes**

Thursday, March 18, 2021
7:00 p.m.

Town Hall
13400 Griffin Road
and via Zoom

Call to Order: 7:00 p.m.

Roll Call:

Joseph Altschul - Present
Jason Halberg – Present
Newell Hollingworth - Present
Anna Koldys - Present
George Morris – Present
Lori Parrish - Present
Robert Sirota – Present

Also Present: **Town Council:** Mayor Steve Breitkreuz, Vice Mayor Bob Hartmann, Council Member Jim Allbritton, Council Member Gary Jablonski, Council Member David Kuczenszki; **Town Staff:** Assistant Town Administrator Russell Muñiz, Community Services Manager Emily Aceti, Town Planner Jeff Katims; **Town Residents and other attendees:** Marianne Allen, Simon Angelini, John Bavaro, Fred Cox, Jennifer Dachtou, Laura Driskell, Linda Flack, Maria George, Lauren R. Gould, Luke Hansford, Debbie Iten, Kristine Johnson, Lorena Kaelber, Ron & Myriam Kovacs, Michele McBride, Douglas McKay, Joanne McShane, Barb Parker, Judi Parker, Daniel Pradilla, Richard Ramcharitar, Eloy Roman, Beatriz C. Sears, James Starkweather, **and as identified on Zoom:** CBAVAR2, Elva, ER, Fabian, iPhone, iPhone 7, Jeilen, Jorge’s I-phone, Junior’s Iphone, Kyle, MC, Mickel’s iPhone, Mom’s iPhone, Tania, TJ.

Pledge of Allegiance

Public Comment: None

Old Business:

Motion: To approve minutes of February 2021 meeting.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>NH</i>	<i>GM</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To approve the added language to the Land Use Plan Amendment Criteria Ordinance to cross-reference it to Town and County Codes.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JA</i>	<i>LP</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: For Jeff Katims to speak with Town Attorney to amend the definition of Farm Product to include: "...useful to humans and animals..."

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed</i>	<i>NH</i>								

Motion: To add the language amending the definition of Farm Product to include "...useful to humans and animals..." if the Town Attorney accepts the change.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>AK</i>	<i>JA</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>

Motion: To include pots in the definition of landscape material.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
	<i>LP</i>	<i>JA</i>							

Second Withdrawn

Motion: To include pots in the definition of landscape material and limit the size of the pots.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed</i>	<i>LP</i>								

Motion: To amend Section 3A to include “, as defined by Section...”

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>JA</i>	<i>LP</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>

Public Comment on Draft Nursery Ordinance: The following residents commented: Marianne Allen, John Bavaro, Fred Cox, Jennifer Dachtou, Debbie Iten, Jorge’s I-phone, Michele McBride, Barb Parga, Daniel Pradilla, Richard Ramcharitar, TJ.

Review of Nursery Ordinance commenced.

Motion: Once changes recommended by the Board are approved by the Town Attorney, include those changes in the Ordinance without the updated Ordinance having to come before the Board for re-approval. This is to be done to decrease the time it takes for the Ordinance to come before the Town Council.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>AK</i>	<i>JA</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>

Motion: To strike Section 4.1

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>NH</i>	<i>JA</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Motion: To extend the meeting until 10 PM.

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Failed</i>	<i>NH</i>								

Motion: To extend the meeting until 9:15 PM

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>LP</i>	<i>JA</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Items for Next Meeting: Continuation of review of Draft Nursery Ordinance and commencement of the discussion on how to limit extent and impact of new residential development in Southwest Ranches.

Meeting Adjourned: 9:15 pm

From: [Andy Berns](#)
To: [Emily Aceti](#); [Jeffrey Katims](#); [Jason Halberg \(jhalberg@gmail.com\)](#)
Cc: [Russell Muniz](#); [SWR - Keith M Poliakoff, Atty](#); [Fred Segal \(fsegal@juno.com\)](#)
Subject: Nursery ordinance
Date: Monday, March 29, 2021 3:21:58 PM

All-

As we have worked through the issues with the nursery ordinance, I reached out to Farm Bureau President Fred Segal to ask his thoughts. Fred has made two suggestions he asks the CPAB consider in their deliberations.

The first is that our definitions in the ordinance should mirror the definitions in state statute.

His second comment was that it should not matter if a nursery is wholesale or retail, provided they are actually growing something on their property (as opposed to bringing product in for sale).

I have copied Fred on this email in the event I misinterpreted his feedback. (Thank you Fred).

Please let me know if you have any questions.

-AB

Andy Berns
Town Administrator,
Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330
954.434.0008

1 **WHEREAS**, the Town Council further finds it necessary to reinforce in the ULDC
2 the fact that landscape maintenance businesses are not a permitted use in the Rural and
3 Agricultural zoning districts of the Town; and

4 **WHEREAS**, the Town Council wishes to permit cottage food operations in
5 accordance with Florida Statutes.

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

8 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed
9 as being true and correct, and are hereby incorporated herein and made a part hereof.

10 **Section 2.** Section 10-30, "Terms Defined" is hereby amended as follows:

11 * * *

12 *Cottage foods.* The term "cottage foods" means the preparation of farm
13 products in an unlicensed kitchen that are sold directly to consumers without a
14 permit from the Florida Department of Agriculture and Consumer Services and in
15 compliance with Chapter 500.80, Florida Statutes. The term does not include
16 products sold wholesale.

17 * * *

18 * * *

19 *Farm.* The term "Farm" means the land, buildings, support facilities,
20 machinery, and other appurtenances used in the production of farm and
21 agricultural or aquaculture products when such land is classified agricultural
22 pursuant to F.S. § 193.461(3)(b), as may be amended from time to time. The term
23 includes equipment necessary to maintain the farm, provided that such
24 equipment is used exclusively on the farm for this purpose.

25 * * *

26 * * *

27 *Farm product.* The term "farm product" means any plant ~~, as defined in~~
28 ~~F.S. § 581.011, any or~~ animal, ~~except household pets,~~ useful to humans or
29 animals, and ~~including~~includes, but is not limited to, any product derived
30 therefrom, ~~the cultivation of crops, groves, thoroughbred and pleasure horse~~

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1 ranches, including horse boarding, private game preserves, fish breeding areas,
2 tree and plant nurseries, cattle ranches, and other similar activities involving
3 livestock or poultry.

4
5 * * *

6 Landscape materials. The term "landscape materials" means items sold by a
7 plant nursery at that are accessory to plants and plant products, including stepping
8 stones, river rocks, cap rocks, tree-bracing kits, mulch, top soil, and fertilizer. The
9 term does not include lawn furniture, picnic tables, rocking chairs, outdoor fire
10 pits, grilles, monuments, decorative fountains, hot tubs, Jacuzzis, rugs, statues,
11 gazebos and playground equipment.

12
13 * * *

14 Nursery. The term "nursery" means any grounds or premises on or in which
15 nursery stock is grown, propagated, or held for sale or distribution, except where
16 aquatic plant species are tended for harvest in the natural environment.

17
18 Nursery retail sales. The terms "nursery retail sales" and "retail nursery"
19 means a nursery that sells plants and plant products directly to the public at a
20 specific location with established hours of operation. The term does not include
21 the sale of plants grown on the property for wholesale to a broker or other person
22 for resale.

23
24 Nursery stock. The term "nursery stock" means all plants, trees, shrubs, vines,
25 bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation
26 or distribution.

27
28 * * *

29 Plants and plant products. The term "plants and plant products" means trees,
30 shrubs, vines, forage and cereal plants, and all other plants and plant parts,
31 including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds,
32 wood, lumber, and all products made from them.

33
34 * * *

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1 **Section 3.** Article 5, "Administrative and legal provisions," Section 005-120,
2 "Certificates Required" is hereby amended as follows:
3
4

5 (A) Conduct of any nonresidential, nonagricultural use, and any home occupation
6 as defined in Section 10-30, without a current and valid certificate of use
7 from the town is prohibited. A town certificate of use is required prior to any
8 change of a nonresidential, nonagricultural use or home occupation to
9 another use or to another location. Nursery retail sales and sale of landscape
10 materials are nonresidential, nonagricultural uses for the purpose of this
11 provision. No nonresidentially zoned building or premises or part thereof,
12 except farm buildings or structures, or premises zoned to permit any
13 community facility, commercial or industrial use, except farms, or premise-s
14 established as a legal nonconforming use, existing as of the effective date of
15 the ordinance from which this ULDC is derived which undergoes a change of
16 occupancy or upon which a new or different use is established, shall be
17 occupied or used unless a certificate of use shall have been issued therefor.
18 The original certificate shall be posted at the business location at all times.

19 * * *

22 **Section 4.1** [The proposed amendment to Section 045-030 (C),
23 parking and storage is deleted from this Ordinance. The existing Section
24 045-30(C) remains in the code, unaffected by this Ordinance]

25 **Section 4.2** Article 45, "Agricultural and Rural Districts," Section 045-030,
26 "General Provisions," Subsection (J) is hereby amended as follows:

27 * * *

29 (J) *Farm, ~~and plant nursery retail sales and tree nursery site display and~~*
30 *~~sales (commercial and noncommercial).~~*

31
32 (1) On-premises sales and display for farms and noncommercial
33 farms are limited to farm products and cottage foods prepared

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1 from farm products that are grown, raised or cultivated on the
2 plot where they are being sold, except as provided in paragraph
3 (2), below.

4 (2) A nursery may sell materials that are customarily incidental to the
5 installation, maintenance, and use of such plant products. ~~On-~~
6 ~~premise sales and display for nurseries that are farms are limited~~
7 ~~to plants grown or cultivated on the plot where they are being~~
8 ~~displayed or sold, and to accessory on-premise sales and display~~
9 ~~of related landscaping materials that are customarily incidental to~~
10 ~~such plant sales and display, and that are an integral part of the~~
11 ~~landscape or hardscape, or are tools used to install landscaping~~
12 ~~and hardscaping. The display of incidental landscape materials~~
13 ~~must be screened from the view of adjacent streets and~~
14 ~~properties.~~

15 a. By way of example, the following are classified as incidental
16 materials: stepping stones, river rocks, railroad ties, ponds,
17 mulch, topsoil, fertilizer, and tree-bracing kits.

18 b. By way of example, the following are not incidental
19 materials: trailers, wagons, lawn furniture, including
20 benches and picnic tables, gazebos, decorative fountains,
21 statues, recreational and playground equipment, pools and
22 hot tubs, household goods, and rugs.

23 c. The outdoor display of incidental landscape materials must
24 be screened from the view of adjacent streets and
25 properties.

26
27 **Section 4.3** Article 45, "Agricultural and Rural Districts," Section 045-030,
28 "General Provisions," Subsection (K) is hereby amended as follows:

29
30 (K) Permitted nursery locations.

31 (1) Nurseries may be established on plots that have legal access to
32 one of the following roadways, provided that nursery traffic shall
33 exclusively use such roadways for access:

34 a. Griffin Road

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- b. Sheridan Street
- c. Flamingo Road
- d. Volunteer Road
- e. Dykes Road
- f. SW 172nd Avenue
- g. U.S. Highway 27

(2) Any nursery not authorized in paragraph (1) above is permitted only under the following circumstances:

- a. Wholesale nurseries with no retail sales, located on plots not exceeding 2.5 net acres in area. If there is a dwelling on the plot, the nursery shall not occupy more than 50 percent of the plot. If the plot has not been developed for residential as of [date of ordinance adoption] and remains undeveloped for residential use, the nursery may occupy the entire plot.
- b. By special exception permit in accordance with paragraph (4), below and Article 112.

(3) Nurseries existing as of [date of ordinance adoption] that do not comply with the requirements of paragraphs (1) or (2) are nonconforming uses that may continue to operate until such time that the use is changed to another use or is discontinued for a period of six (6) consecutive months. The town administrator may grant a single six (6) month extension upon request. In the event the property is sold or leased within the extension period, the balance of the extension shall be transferrable to the new owner or lessee. A nursery that has lost its nonconforming use status may be re-established on the same plot only upon issuance of a special exception use permit in accordance with paragraph (4) Article 112.

(4) The following are requirements of all special exception use permits for nurseries:

- a. The applicant shall demonstrate how the nursery will be operated in a manner that is consistent with the character of the surrounding neighborhood and will not create a nuisance. Required information shall include: hours of operation; detailed site plan that addresses building size, location, screening and adequate parking for employees and patrons (if applicable), including **handicap**

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1 disabled-accessible parking, restrooms, ingress and egress of
2 vehicular traffic, setbacks from the street and adjacent properties,
3 outdoor equipment screening or storage, screening of items for
4 retail sale stored outside (if applicable), and use of outdoor lighting
5 in compliance with Article 95.

6 b. The applicant shall demonstrate how stormwater will be retained
7 onsite or appropriately conveyed, as applicable, in compliance with
8 the requirements of this chapter and the applicable drainage
9 district standards.

10 c. The property shall adequately buffer and screen abutting
11 residential uses and streets, to the satisfaction of the town council,
12 from the vehicular use areas and portions of the property
13 associated with retail sales, including any portion of the nursery
14 periphery where retail customers have access.

15 d. The nursery shall utilize commercial waste collection service.

16 *[existing subsections k. through u. are hereby re-numbered as l. through v.]*

17 **Section 4.4** Article 45, "Agricultural and Rural Districts," Section 045-030,
18 "General Provisions," Subsection (X) is hereby created as follows:

19 * * *

20 (X) Conversion of single-family dwelling prohibited. A building designed,
21 constructed or used as a single-family detached dwelling shall not
22 thereafter be modified or utilized for any nonresidential purpose other
23 than a permitted home occupation residential accessory use.

24
25 * * *

26 **Section 4.5** Article 45, "Agricultural and Rural Districts," Section 045-050,
27 "Permitted and Prohibited Uses" is hereby amended as follows:

28 Sec. 045-050. – Permitted, accessory, conditional, special exception and
29 prohibited uses.

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1 Plots in rural and agricultural districts may be used for one (1) or more of
 2 the uses that are specified below as being permitted, or conditionally permitted,
 3 accessory, or special exception uses. Special exception uses require town council
 4 approval pursuant to article 112:

Key to abbreviations:			
P=Permitted use	NP=Not permitted	C=Conditional use	<u>SE=Special exception use</u>

5

Permitted Principal Uses	A-1	A-2	RE	RR
One single-family detached dwelling on a lot of record	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Cemetery (subject to section 045-030(U))	P	NP	NP	NP
Community residential facilities (subject to section 045-030(S))	P	P	P	P
Crop raising and nurseries (commercial and noncommercial (subject to section 045-030(J))	P	P	P	P
<u>Any business, activity, parking or storage relating to maintenance of offsite lawns and landscaping except as provided in section 045-030 (C)(4)a.</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Essential services (subject to section 045-030(K))	P	P	P	P
Fish breeding (commercial and noncommercial)	P	P	P	P
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Commercial equestrian operations	P	P	P	P
Veterinary clinics (no overnight stay or animal runs)	P	P	NP	NP
Veterinary hospitals	NP	P	NP	NP
Kennels, commercial boarding and breeding	NP	P	NP	NP
Cannabis-related uses	NP	NP	NP	NP
Wireless communication facilities (subject to article 40, "Telecommunication Towers and Antennas.")	P	P	P	P

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<i>Permitted accessory uses to a single-family dwelling</i>				
Detached guesthouse (subject to section 045-030(G))	P	P	P	P
Exhibition of Class I and Class II wildlife (subject to section 035-070 pertaining to conditional uses)	C	C	NP	C
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Yard sales (subject to section 035-060 pertaining to conditional uses)	C	C	C	C
Home offices (subject to section 035-030 pertaining to conditional uses)	C	C	C	C
Family day care homes	P	P	P	P
Cannabis-related uses	NP	NP	NP	NP
Accessory structures and uses, other	P	P	P	P

1 **Section 5.** Article 60, "Community Facility District," Section 060-030, "Permitted
2 and Prohibited Uses" is hereby amended as follows:

3 0-030. – Permitted, accessory, conditional, special exception and prohibited uses.

4
5 Permitted uses in the community facility district shall be limited to those uses
6 specified as permitted, ~~or~~ conditionally permitted or special exception uses in the master
7 use list. Special exception uses require town council approval pursuant to article 112. All
8 permitted uses shall be governmentally owned (public) or operated, or not-for-profit,
9 unless otherwise specified. Uses are subject to applicable provisions of section 060-090,
10 "Limitations of uses." Specific subsection references are included in the following master
11 use list:

12
13 Master Use List

P=Permitted use	C=Conditional use	A=Accessory use only	<u>SP=Special exception use</u>	NP=Not permitted
-----------------	-------------------	----------------------	---------------------------------	------------------

14

Use	
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Accessory dwelling (see section 060-090(A))	A
Agricultural uses (subject to sections <u>045-030(J), "Sale of farm products and incidental-nursery retail sales products,"</u> and 060-020(I), "Animals")	P
Cannabis-related uses	NP
Cemeteries (see section 060-090(B))	P
Cemeteries accessory to a place of worship (see section 060-090(B))	A, C
Civic center, incl. library, museum, art gallery and other such exhibitions	P
Community residential facilities (see section 060-090(C))	P
Day care or preschool, accessory to place of worship or primary school only	A
Essential services	P
Fire protection facilities	P
Funeral home accessory to a cemetery	A
Governmental administration offices	P
Outdoor events (see section 035-040, "Outdoor event permits")	C
Parks, public	P
Places of worship (see section 060-060, 060-090(D) and 060-090(E))	P
Police protection facilities	P
School, primary and secondary, public or private (see section 060-090 (D))	C
Wireless communication facilities (see article 40, "Telecommunication Towers and Antennas")	P

1 **Section 6: Codification.** The Town Clerk shall cause this ordinance to be
2 codified as a part of the ULDC during the next codification update cycle.

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

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Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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COMPARISON OF DEFINITIONS IN DRAFT ORDINANCE AND FLORIDA STATUTES

Draft ordinance with CPAB recommendations	Florida Statutes
<ul style="list-style-type: none"> • (CPAB revisions are in <u>bold, blue underline</u>) • Language not in FS is in <u>regular underlined text</u>. 	<p>Language not in draft town ordinance is in <u>regular underlined text</u>.</p>
<p>“Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm <u>and agricultural</u> or aquaculture products <u>when such land is classified agricultural pursuant to F.S. § 193.461(3)(b), as may be amended from time to time*</u>. <u>The term includes equipment necessary to maintain the farm, provided that such equipment is used exclusively on the farm for this purpose.</u></p>	<p>“Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.</p>
<p>“Farm product” means any plant or animal useful to humans <u>or animals</u>, and includes, but is not limited to, any product derived therefrom.</p>	<p>“Farm product” means any plant, <u>as defined in s. 581.011</u>, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.</p>
<p>“Plants and plant products” means trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them.</p>	<p>“Plants and plant products” means trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by the rules of [Agriculture and Consumer Affairs] department.</p>
<p>“Nursery” means any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, except where aquatic plant species are tended for harvest in the natural environment.</p>	<p>“Nursery” means any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, except where aquatic plant species are tended for harvest in the natural environment.</p>
<p>“Nursery stock” means all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution.</p>	<p>“Nursery stock” means all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution, <u>unless specifically excluded by the rules of the Agriculture and Consumer Affairs department.</u></p>

*Necessary pursuant to 604.50 Nonresidential farm buildings; farm fences; farm signs, which states:

- (1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for *bona fide agricultural purposes* is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal

COMPARISON OF DRAFT ORDINANCE AND FLORIDA STATUTES DEFINITIONS

floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).

(2) As used in this section, the term:

(a) "*Bona fide agricultural purposes*" has the same meaning as provided in s. 193.461(3)(b).

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

* * *

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- a. The length of time the land has been so used.
- b. Whether the use has been continuous.
- c. The purchase price paid.
- d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- g. Such other factors as may become applicable.

1 **WHEREAS, Agricultural Property Tax Exemptions are determined by the**
2 **Broward County Property Appraiser. This Ordinance does not eliminate, reduce**
3 **or modify the Agricultural Exempt classification of any property or portion**
4 **thereof within the Town;**

5 **WHEREAS**, the Town Council further finds it necessary to reinforce in the ULDC
6 the fact that landscape maintenance businesses are not a permitted use in the Rural and
7 Agricultural zoning districts of the Town; and

8 **WHEREAS**, the Town Council wishes to permit cottage food operations in
9 accordance with Florida Statutes.

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

12 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed
13 as being true and correct, and are hereby incorporated herein and made a part hereof.

14 **Section 2.** Section 10-30, "Terms Defined" is hereby amended as follows:

15 * * *

16 Cottage foods. The term "cottage foods" means the preparation of farm
17 products in an unlicensed kitchen that are sold directly to consumers without a
18 permit from the Florida Department of Agriculture and Consumer Services and in
19 compliance with Chapter 500.80, Florida Statutes. The term does not include
20 products sold wholesale.

21 * * *

22 Farm. The term "Farm" means the land, buildings, support facilities,
23 machinery, and other appurtenances used in the production of farm and
24 agricultural or aquaculture products when such land is classified agricultural
25 pursuant to F.S. § 193.461(3)(b), as may be amended from time to time. **The term**
26 **includes equipment necessary to maintain the farm, provided that such**
27 **equipment is used exclusively on the farm for this purpose.**

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2 *Farm product.* The term "farm product" means any plant ~~, as defined in~~
3 ~~F.S. § 581.011, any or animal, except household pets,~~ useful to humans or
4 animals, and ~~including~~ includes, but is not limited to, any product derived
5 therefrom, ~~the cultivation of crops, groves, thoroughbred and pleasure horse~~
6 ~~ranches, including horse boarding, private game preserves, fish breeding areas,~~
7 ~~tree and plant nurseries, cattle ranches, and other similar activities involving~~
8 ~~livestock or poultry.~~

9
10 * * *

11 *Landscape materials.* The term "landscape materials" means items sold by a
12 plant nursery at that are accessory to plants and plant products, including stepping
13 stones, river rocks, railroad ties, cap rocks, ponds, tree-bracing kits, mulch, top
14 soil, and fertilizer and similar items. The term does not include trailers, wagons,
15 lawn furniture, benches, picnic tables, rocking chairs, outdoor fire pits, grilles,
16 monuments, decorative fountains, pools, hot tubs, Jacuzzis, rugs, household
17 goods, statues, gazebos, recreational and playground equipment, and similar
18 items.

19
20 * * *

21 *Nursery.* The term "nursery" means any grounds or premises on or in which
22 nursery stock is grown, propagated, or held for sale or distribution, except where
23 aquatic plant species are tended for harvest in the natural environment.

24
25 *Nursery retail sales.* The terms "nursery retail sales" and "retail nursery"
26 means a nursery that sells plants and plant products directly to the public at a
27 specific location with established hours of operation, whether or not the nursery
28 also sells plants at wholesale. The term does not include the sale of plants grown
29 on the property for wholesale to a broker or other person for resale.

30
31 *Nursery stock.* The term "nursery stock" means all plants, trees, shrubs, vines,
32 bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation
33 or distribution.

34
35 *Nursery, wholesale.* The term, "wholesale nursery" means a nursery that sells
36 plants for wholesale to a broker or other person for resale, and which does not
37 engage in nursery retail sales.

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2 * * *

3 Plants and plant products. The term "plants and plant products" means trees,
4 shrubs, vines, forage and cereal plants, and all other plants and plant parts,
5 including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, and seeds
6 wood, lumber, and all products made from them.

7
8 * * *

9
10 **Section 3.** Article 5, "Administrative and legal provisions," Section 005-120,
11 "Certificates Required" is hereby amended as follows:
12
13

14 (A) Conduct of any nonresidential, nonagricultural use, and any home occupation
15 as defined in Section 10-30, without a current and valid certificate of use
16 from the town is prohibited. A town certificate of use is required prior to any
17 change of a nonresidential, nonagricultural use or home occupation to
18 another use or to another location. Nursery retail sales and sale of landscape
19 materials are nonresidential, nonagricultural uses for the purpose of this
20 provision. No nonresidentially zoned building or premises or part thereof,
21 except farm buildings or structures, or premises zoned to permit any
22 community facility, commercial or industrial use, except farms, or premise-s
23 established as a legal nonconforming use, existing as of the effective date of
24 the ordinance from which this ULDC is derived which undergoes a change of
25 occupancy or upon which a new or different use is established, shall be
26 occupied or used unless a certificate of use shall have been issued therefor.
27 The original certificate shall be posted at the business location at all times.

28
29 * * *

30
31 **Section 4.1** [The proposed amendment to Section 045-030 (C),
32 parking and storage is deleted from this Ordinance. The existing Section
33 045-30(C) remains in the code, unaffected by this Ordinance]

34 **Section 4.2** Article 45, "Agricultural and Rural Districts," Section 045-030,
35 "General Provisions," Subsection (J) is hereby amended as follows:

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* * *

(J) ~~Farm, and plant nursery retail sales and tree nursery site display and sales (commercial and noncommercial).~~

(1) On-premises sales and display for farms and noncommercial farms are limited to farm products and cottage foods prepared from farm products that are grown, raised or cultivated on the plot where they are being sold, except as provided in paragraph (2), below.

(2) A nursery may sell **landscape materials as defined in Section 10-030** that are customarily incidental to the installation, maintenance, and use of such plant products. ~~On-premise sales and display for nurseries that are farms are limited to plants grown or cultivated on the plot where they are being displayed or sold, and to accessory on-premise sales and display of related landscaping materials that are customarily incidental to such plant sales and display, and that are an integral part of the landscape or hardscape, or are tools used to install landscaping and hardscaping. The display of incidental landscape materials must be screened from the view of adjacent streets and properties.~~

a. ~~By way of example, the following are classified as incidental materials: stepping stones, river rocks, railroad ties, ponds, mulch, topsoil, fertilizer, and tree bracing kits.~~

b. ~~By way of example, the following are not incidental materials: trailers, wagons, lawn furniture, including benches and picnic tables, gazebos, decorative fountains, statues, recreational and playground equipment, pools and hot tubs, household goods, and rugs.~~

e. The outdoor display of incidental landscape materials must be screened from the view of adjacent streets and properties.

1 **Section 4.3** Article 45, "Agricultural and Rural Districts," Section 045-030,
2 "General Provisions," Subsection (K) is hereby amended as follows:

3
4 (K) Permitted nursery locations.

5 (1) Nurseries may be established on plots that ~~front have legal~~
6 ~~access to~~ one of the following roadways ~~rights-of-way~~, provided
7 that ~~the plot has one or more driveway openings onto~~
8 ~~such roadway approved by the governmental entity with~~
9 ~~jurisdiction over the roadway that all nursery-related~~
10 traffic ~~shall must use~~ exclusively ~~use such roadways for to~~
11 access ~~the plot~~:

- 12 a. Griffin Road
13 b. Sheridan Street
14 c. Flamingo Road
15 d. Volunteer Road
16 e. Dykes Road
17 f. SW 172nd Avenue
18 g. U.S. Highway 27

19 (2) Any nursery not authorized in paragraph (1) above is permitted
20 only under the following circumstances:

21 a. Wholesale nurseries, **as defined in Section 10-030** with
22 no retail sales, located on plots not exceeding 2.5 net acres
23 in area. If there is a dwelling on the plot, the nursery shall
24 not occupy more than 50 percent of the plot. If the plot has
25 not been developed for residential as of [*date of ordinance*
26 *adoption*] and remains undeveloped for residential use, the
27 nursery may occupy the entire plot.

28 b. By special exception permit in accordance with paragraph
29 (4), below and Article 112.

30 (3) Nurseries existing as of [*date of ordinance adoption*] that do not
31 comply with the requirements of paragraphs (1) or (2) are
32 nonconforming uses that may continue to operate until such time
33 that the use is changed to another use or is discontinued for a
34 period of six (6) consecutive months. The town administrator may
35 grant a single six (6) month extension upon request. In the event

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1 the property is sold or leased within the extension period, the
2 balance of the extension shall be transferrable to the new owner
3 or lessee. A nursery that has lost its nonconforming use status
4 may be re-established on the same plot only upon issuance of a
5 special exception use permit in accordance with paragraph (4)
6 Article 112.

7 (4) The following are requirements of all special exception use permits for
8 nurseries:

9 a. The applicant shall demonstrate how the nursery will be operated
10 in a manner that is consistent with the character of the surrounding
11 neighborhood and will not create a nuisance. Required information
12 shall include: hours of operation; detailed site plan that addresses
13 building size, location, screening and adequate parking for
14 employees and patrons (if applicable), including ~~handicap~~
15 **disabled-accessible** parking, restrooms, ingress and egress of
16 vehicular traffic, setbacks from the street and adjacent properties,
17 outdoor equipment screening or storage, screening of items for
18 retail sale stored outside (if applicable), and use of outdoor lighting
19 in compliance with Article 95.

20 b. The applicant shall demonstrate how stormwater will be retained
21 onsite or appropriately conveyed, as applicable, in compliance with
22 the requirements of this chapter and the applicable drainage
23 district standards.

24 c. The property shall adequately buffer and screen abutting
25 residential uses and streets, to the satisfaction of the town council,
26 from the vehicular use areas and portions of the property
27 associated with retail sales, including any portion of the nursery
28 periphery where retail customers have access.

29 d. The nursery shall utilize commercial waste collection service.

30 *[existing subsections k. through u. are hereby re-numbered as l. through v.]*

31 **Section 4.4** Article 45, "Agricultural and Rural Districts," Section 045-030,
32 "General Provisions," Subsection (X) is hereby created as follows:

33 * * *

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1 (X) Conversion of single-family dwelling prohibited. A building designed,
 2 constructed or used as a single-family detached dwelling shall not
 3 thereafter be modified or utilized for any nonresidential purpose other
 4 than a permitted home occupation residential accessory use.

5

6 * * *

7 **Section 4.5** Article 45, "Agricultural and Rural Districts," Section 045-050,
 8 "Permitted and Prohibited Uses" is hereby amended as follows:

9 Sec. 045-050. – Permitted, accessory, conditional, special exception and
 10 prohibited uses.

11 Plots in rural and agricultural districts may be used for one (1) or more of
 12 the uses that are specified below as being permitted, ~~or~~ conditionally permitted,
 13 accessory, or special exception uses. Special exception uses require town council
 14 approval pursuant to article 112:

Key to abbreviations:			
P=Permitted use	NP=Not permitted	C=Conditional use	<u>SE=Special exception use</u>

15

Permitted Principal Uses	A-1	A-2	RE	RR
One single-family detached dwelling on a lot of record	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Cemetery (subject to section 045-030(U))	P	NP	NP	NP
Community residential facilities (subject to section 045-030(S))	P	P	P	P
Crop raising and nurseries (commercial and noncommercial (subject to section 045-030(J))	P	P	P	P
<u>Any business, activity, parking or storage relating to maintenance of offsite lawns and landscaping except as provided in section 045-030 (C)(4)a.</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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Essential services (subject to section 045-030(K))	P	P	P	P
Fish breeding (commercial and noncommercial)	P	P	P	P
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Commercial equestrian operations	P	P	P	P
Veterinary clinics (no overnight stay or animal runs)	<u>NP</u>	<u>NP</u>	NP	NP
Veterinary hospitals	NP	<u>NP</u>	NP	NP
Kennels, commercial boarding and breeding	NP	<u>NP</u>	NP	NP
Cannabis-related uses	NP	NP	NP	NP
Wireless communication facilities (subject to article 40, "Telecommunication Towers and Antennas.")	P	P	P	P
<i>Permitted accessory uses to a single-family dwelling</i>				
Detached guesthouse (subject to section 045-030(G))	P	P	P	P
Exhibition of Class I and Class II wildlife (subject to section 035-070 pertaining to conditional uses)	C	C	NP	C
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Yard sales (subject to section 035-060 pertaining to conditional uses)	C	C	C	C
Home offices (subject to section 035-030 pertaining to conditional uses)	C	C	C	C
Family day care homes	P	P	P	P
Cannabis-related uses	NP	NP	NP	NP
Accessory structures and uses, other	P	P	P	P

1 **Section 5.** Article 60, "Community Facility District," Section 060-030, "Permitted
2 and Prohibited Uses" is hereby amended as follows:

3 0-030. – Permitted, accessory, conditional, special exception and prohibited uses.
4

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1 Permitted uses in the community facility district shall be limited to those uses
 2 specified as permitted, ~~or~~ conditionally permitted or special exception uses in the master
 3 use list. Special exception uses require town council approval pursuant to article 112. All
 4 permitted uses shall be governmentally owned (public) or operated, or not-for-profit,
 5 unless otherwise specified. Uses are subject to applicable provisions of section 060-090,
 6 "Limitations of uses." Specific subsection references are included in the following master
 7 use list:

8
 9 Master Use List

P=Permitted use	C=Conditional use	A=Accessory use only	<u>SP=Special exception use</u>	NP=Not permitted
-----------------	-------------------	----------------------	---------------------------------	------------------

10

Use	
Accessory dwelling (see section 060-090(A))	A
Agricultural uses (subject to sections <u>045-030(J), "Sale of farm products and incidental-nursery retail sales products,"</u> and 060-020(I), "Animals")	P
Cannabis-related uses	NP
Cemeteries (see section 060-090(B))	P
Cemeteries accessory to a place of worship (see section 060-090(B))	A, C
Civic center, incl. library, museum, art gallery and other such exhibitions	P
Community residential facilities (see section 060-090(C))	P
Day care or preschool, accessory to place of worship or primary school only	A
Essential services	P
Fire protection facilities	P
Funeral home accessory to a cemetery	A
Governmental administration offices	P
Outdoor events (see section 035-040, "Outdoor event permits")	C
Parks, public	P
Places of worship (see section 060-060, 060-090(D) and 060-090(E))	P
Police protection facilities	P

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Allbritton _____
Jablonski _____
Kuczenski _____

Absent _____
Abstaining _____

Steve Breitzkreuz, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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