



Thursday  
May 20, 2021  
7:00 pm

## Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

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

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### **Board Members**

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

### **Council Liaison**

Steve Breitkreuz

### **Staff Liaison**

Emily Aceti

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

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>GM</b>	<b>LP</b>	<b>RS</b>
<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 recommend the Town Council adopt the language presented to the Comprehensive Plan Advisory Board amending the Code to prohibit rezoning that allow higher density than contiguous zoning districts, and to direct the Town Planner to prepare similar language amending the Comprehensive Plan for Board review.

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>GM</b>	<b>LP</b>	<b>RS</b>
<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..."

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>GM</b>	<b>LP</b>	<b>RS</b>
<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.

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>GM</b>	<b>LP</b>	<b>RS</b>
<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.

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Second Withdrawn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

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

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

**Motion:** To amend Section 3A to include ", as defined by Section..."

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>GM</b>	<b>LP</b>	<b>RS</b>
<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.

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

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>GM</b>	<b>LP</b>	<b>RS</b>
<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.

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

**Motion:** To extend the meeting until 9:15 PM.

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



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

Thursday  
April 15, 2021  
7:00 PM

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

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### **Board Members**

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

### **Council Liaison**

Steve Breitzkreuz

### **Staff Liaison**

Emily Aceti

### **1. Call to Order at 7:13 PM**

### **2. Roll Call:**

Joseph Altschul - Present  
Jason Halberg - Present  
Newell Hollingsworth - Present  
Anna Koldys - Present  
Jorge Lorenzo – New Member - Present  
George Morris - Present  
Lori Parrish - Present  
Daniel Pradilla – New Member - Present  
Robert Sirota – Present

Also present: **Town Council:** Mayor Steve Breitzkreuz, 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; Code Enforcement Director Julio Medina; **Town Residents and other attendees:** James Barry, John Bavaro, Fred Cox, Jennifer Dachtou, Luke Hansford, Michele McBride, Tamara Peterson, Elliott Safne, Fred Segal **and as identified on Zoom:** 336864, Daniel, Geoffrey, Jeilen's iPad.

### **3. Pledge of Allegiance**

### **4. Introduction of New Members:** Jorge Lorenzo and Daniel Pradilla

### **5. Public Comment: Items relating to the Comprehensive Plan but not on the agenda:** None

**6. Old Business**

- A. **Approval of minutes for March 2021:** Approval of minutes tabled to next meeting to allow for update to description of second motion.
- B. **Nursery Ordinance:** Public comments from Michele McBride, Fred Segal, Fred Cox, James Berry, Jennifer Dachtou, Elliott Safne

**Motion:** To approve the header and whereas clauses with the following changes: change "ag exemption" to "ag classification" and remove language pertaining to parking and storage of vehicles and equipment.

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>JL</b>	<b>GM</b>	<b>LP</b>	<b>DP</b>	<b>RS</b>
<i>Passed</i>	<i>NH</i>	<i>LP</i>	<i>Y</i>	<i>Y</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 Sections 1 and 2.

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>JL</b>	<b>GM</b>	<b>LP</b>	<b>DP</b>	<b>RS</b>
<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>	<i>N</i>	<i>Y</i>

**Motion:** To extend the meeting until 9:30 PM.

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

**Motion:** To approve Section 3.

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>JL</b>	<b>GM</b>	<b>LP</b>	<b>DP</b>	<b>RS</b>
<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>	<i>Y</i>	<i>Y</i>

**Motion:** To extend the meeting until 9:15 PM.

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>JH</b>	<b>NH</b>	<b>AK</b>	<b>JL</b>	<b>GM</b>	<b>LP</b>	<b>DP</b>	<b>RS</b>
<i>Failed</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>	<i>Y</i>	<i>N</i>

- C. **Discussion on how to limit extent and impact of new residential development in Southwest Ranches:** Tabled to next meeting

- 7. New Business:** Tabled to next meeting
- 8. Board Member / Staff Comments and Suggestions**
- 9. Items for Next Meeting:** To continue reading of draft Nursery Ordinance
- 10. Adjournment:** Meeting adjourned at 9:00 pm

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.





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.

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.**

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**

Ordinance No. 2021-\_\_\_\_  
New text is underlined and deleted text is ~~stricken~~  
3/18/21 CPAB revisions are **blue underlined and bold text**  
4-15-21 CPAB revisions have been accepted and are not shown as underlined or stricken  
Suggested language from individual CPAB member, public and staff input is shown in **yellow highlight**.

1 animals, and including includes, but is not limited to, any product derived  
2 therefrom, the cultivation of crops, groves, thoroughbred and pleasure horse  
3 ranches, including horse boarding, private game preserves, fish breeding areas,  
4 tree and plant nurseries, cattle ranches, and other similar activities involving  
5 livestock or poultry.

6  
7 \* \* \*

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

15  
16 \* \* \*

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

20  
21 Nursery retail sales. The terms "nursery retail sales" and "retail nursery"  
22 means a nursery that sells plants directly to the public at a specific location with  
23 established hours of operation.

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

28  
29 Nursery, wholesale. The term, "wholesale nursery" means a nursery that sells  
30 plants for wholesale to a broker or other person for resale, and which does not  
31 engage in nursery retail sales.

32  
33 \* \* \*

Ordinance No. 2021-\_\_

New text is underlined and deleted text is ~~stricken~~

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1 Plants. The term "plants" means trees, shrubs, vines, forage and cereal plants,  
2 and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit,  
3 vegetables, roots, bulbs, and seeds.

4  
5 \* \* \*

6  
7 **Section 3.** Article 5, "Administrative and legal provisions," Section 005-120,  
8 "Certificates Required" is hereby amended as follows:  
9  
10

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

25  
26 \* \* \*  
27

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

31 **Section 4.2** Article 45, "Agricultural and Rural Districts," Section 045-030,  
32 "General Provisions," Subsection (J) is hereby amended as follows:  
33

Ordinance No. 2021-\_\_\_

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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.~~

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

Ordinance No. 2021-\_\_

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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 172<sup>nd</sup> 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

Ordinance No. 2021-\_\_\_

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4-15-21 CPAB revisions have been accepted and are not shown as underlined or stricken

Suggested language from individual CPAB member, public and staff input is shown in **yellow highlight**.

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

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

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

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

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

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

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

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

3 \* \* \*

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

8  
 9 \* \* \*

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

12 Sec. 045-050. – Permitted, accessory, conditional, special exception and  
 13 prohibited uses.

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

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

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

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Crop raising and nurseries ( <del>commercial and noncommercial</del> (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)	<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

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Accessory structures and uses, other	P	P	P	P
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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
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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

14  
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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.

6           **Section 8: Severability.** If any word, phrase, clause, sentence or section of  
7 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof  
8 shall not affect the validity of any remaining portions of this Ordinance.

9           **Section 9: Effective Date.** This Ordinance shall take effect immediately upon  
10 passage and adoption.

11           **PASSED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2021 on a motion made  
12 by \_\_\_\_\_ and seconded by \_\_\_\_\_.

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1 **PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_,  
2 2021, on a motion made by \_\_\_\_\_ and seconded by  
3 \_\_\_\_\_.

4 **(Signatures are on the Following Page)**

5

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Kuczenski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

---

Steve Breitkreuz, Mayor

ATTEST:

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Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

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Approved as to Form and Correctness:

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Keith Poliakoff, J.D., Town Attorney

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