



1 **Sec. 155-020. Administrative Non-commercial Farm Special Exception**  
2 **Procedure**

3 (A) In the event that the owner of a property containing a non-commercial farm seeks a  
4 special exception to deviate ten percent (10%) or less from the Town's Unified Land  
5 Development Code requirements, such special exception may be approved  
6 administratively by the town administrator provided that the applicant has  
7 demonstrated by competent substantial evidence that the administrative special  
8 exception is warranted as set forth in Sec. 155-030 below

9 (B) Applications for an administrative special exception shall be made to the town  
10 administrator. There shall be no fee for the application.

11 (C) The town administrator shall review the application and any supporting documents to  
12 determine, in a quasi-judicial capacity, whether the applicant has demonstrated by  
13 competent substantial evidence that the criteria set forth in Sec. 155-030 has been  
14 satisfied and that an administrative special exception is warranted. Within twenty  
15 (20) business days after the receipt of a complete and sufficient application, the town  
16 administrator shall either grant the application or respond to the applicant in writing  
17 the reason or reasons for denial. The decision shall be mailed by U.S. Mail to the  
18 address indicated on the application, return receipt requested. Copies of the town  
19 administrator's decision shall be provided to the town council and to the town  
20 attorney. All approvals shall be placed into recordable form and shall only be valid  
21 upon satisfaction of the requirements set forth in Section (E) below.

22 (D) If the applicant disagrees with the decision of the town administrator, the applicant  
23 may file a non-administrative special exception for review by the town council as set  
24 forth in Section 155-040 below. The town administrator's decision shall be made part  
25 of the record.

26 (E) If the applicant is granted an administrative special exception, such special exception  
27 shall remain valid until any of the following conditions occur: property ownership  
28 changes; the agricultural use of a building or structure, for which a special exception  
29 is granted, is converted to a nonagricultural use; or the noncommercial farm activity  
30 ceases for sixty (60) days or more. Upon any of the preceding occurrences, the  
31 administrative special exception shall be deemed to be immediately revoked, and the  
32 improvements that were the subject of the special exception shall be in violation of  
33 the chapter until they are brought into compliance with the height, setback, and/or  
34 plot coverage standards from which the special exception was granted. The property  
35 owner shall execute a deed restriction acknowledging the terms of this subsection, in  
36 a form and format approved by the town attorney, which shall be recorded, at the  
37 applicant's expense, in the Public Records of Broward County Florida, prior to receiving  
38 the administrative special exception. In the event that the town administrator  
39 approves a setback reduction, the reduced side shall have a buffer consisting of an  
40 opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

41 **Sec. 155-030. Criteria for Administrative Non-commercial Farm Special**  
42 **Exception**

- 1 (A) To grant an administrative non-commercial farm special exception, the town  
2 administrator must find that the applicant has demonstrated by competent  
3 substantial evidence that it satisfies the following criteria:
  - 4 (1) The application relates to a "non-commercial farm", as defined by Section 010-030  
5 of the Town's Unified Land Development Code.
  - 6 (2) The Town's ULDC inordinately prohibits, restricts, or limits a generally accepted  
7 farming practice;
  - 8 (3) That the administrative special exception proposed is the minimum that will make  
9 possible the reasonable use of the property as a non-commercial farm;
  - 10 (4) That the granting of the administrative special exception will not negatively impact  
11 the neighboring properties.

12 **Sec. 155-040. Non-commercial Farm Special Exception Procedure**

- 13 (A) In the event that the owner of a property that contains a non-commercial farm seeks  
14 a special exception to deviate more than ten percent (10%) from the Town's Unified  
15 Land Development Code requirements, or in the event that an administrative non-  
16 commercial farm special exception has been denied, a special exception may be  
17 approved by the town council, in a quasi-judicial capacity, provided that the  
18 applicant has demonstrated by competent substantial evidence that the special  
19 exception is warranted as set forth in Sec. 155-50 below.
- 20 (B) Applications for a special exception shall be made to the town administrator. The  
21 town administrator shall confirm the sufficiency of all applications within ten (10)  
22 business days of receipt. Completed applications will be scheduled to be heard at  
23 the next available regularly scheduled council meeting as a quasi-judicial item.  
24 There shall be no cost for the application, however the applicant shall reimburse the  
25 Town its cost for advertising the item. In the event that the town has other public  
26 hearing items on the agenda, the applicant shall solely pay the amount necessary  
27 to cover the cost of the additional copy. In the event that there are no public hearing  
28 items on an the agenda, the applicant shall have the option of paying the full cost  
29 of the advertisement or waiting for the next regularly scheduled council meeting  
30 containing advertised public hearing items.
- 31 (C) The application shall be heard in accordance with the town's rules for quasi-  
32 judicial procedures. The town council shall review the application, supporting  
33 documents, and testimony received to determine whether the applicant has  
34 demonstrated by competent substantial evidence that the criteria set forth in Sec.  
35 155-050 has been satisfied and that an administrative special exception is  
36 warranted. The town council may deny the special exception, may approve the  
37 special exception, may approve the special exception with conditions, or it may table  
38 the item in order to obtain additional information. All final decisions of the town  
39 council shall be recorded, at the applicants expense, in the Public Records of  
40 Broward County, Florida. All approvals or approvals with conditions shall only be  
41 valid upon satisfaction of the requirements set forth in Section (D) below.

1 (D) If the applicant is granted a special exception or a special exception with conditions,  
2 such special exception shall remain valid until any of the following conditions occur:  
3 property ownership changes; the agricultural use of a building or structure, for which  
4 a special exception is granted, is converted to a nonagricultural use; or the  
5 noncommercial farm activity ceases for sixty (60) days or more. Upon any of the  
6 preceding occurrences, the administrative special exception shall be deemed to be  
7 immediately revoked, and the improvements that were the subject of the special  
8 exception shall be in violation of the chapter until they are brought into compliance  
9 with the height, setback, and/or plot coverage standards from which the special  
10 exception was granted. The property owner shall execute a deed restriction  
11 acknowledging the terms of this subsection, in a form and format approved by the  
12 town attorney, which shall be recorded, at the applicant's expense, in the Public  
13 Records of Broward County Florida, prior to receiving the special exception. In the  
14 event that the town council approves a setback reduction, the reduced side shall  
15 have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum  
16 height of six (6) feet.

17 **Sec. 155-050. Criteria for Non-commercial Farm Special Exception**

- 18 (A) To grant a non-commercial farm special exception, the Town Council must find that  
19 the applicant has demonstrated by competent substantial evidence that it satisfies  
20 the following criteria:
- 21 (1) The application relates to a "non-commercial farm", as defined by Section 010-  
22 030 of the Town's Unified Land Development Code; and
  - 23 (2) The Town's ULDC inordinately prohibits, restricts, or limits a generally accepted  
24 farming practice; and
  - 25 (3) That the administrative special exception proposed is the minimum that will  
26 make possible the reasonable use of the property as a non-commercial farm;  
27 and,
  - 28 (4) That the granting of the administrative special exception will not negatively  
29 impact the neighboring properties.

30 **Sec. 155-060. Denial of Non-commercial Farm Special Exceptions & Appeals**

- 31 (A) Whenever the town council has taken action to reject a non-commercial farm special  
32 exception, the town council shall not consider any further requests for a non-  
33 commercial farm on any part of the same property for a period of twelve (12) months  
34 from the date of such action (or date of any final court order denying the non-  
35 commercial farm special exception).
- 36 (B) An appeal from a decision of the town council shall be as provided by law.

37 **Sec. 155-070. Existing structures.**

- 38 (A) Any nonresidential farm building or farm structure on a non-commercial farm that  
39 had obtained a town farm certification and/or was constructed pursuant to Section

1 604.50, Florida Statutes, prior to July 1, 2013, which nonresidential farm building  
2 or farm structure is not in compliance with ULDC regulations governing plot  
3 coverage, height or setbacks, shall enjoy relief from such regulations without the  
4 need to apply for a special exception, subject to the requirements in subsections  
5 (B) and (C).

6 (B) In order to qualify for such relief, the property owner shall submit information to  
7 the town administrator on a standard form to be prepared by the town  
8 administrator, as to the farm buildings and farm structures for which relief is  
9 required, and the extent of noncompliance with the ULDC requirements, and shall  
10 execute a deed restriction acknowledging the terms of subsection (C) by June 30,  
11 2015. The deed restriction shall be in a form and format approved by the town  
12 attorney, which shall be recorded, at the applicant's expense, in the Public Records  
13 of Broward County Florida. Failure of a property owner to comply with the  
14 requirements of this subsection shall cause any noncompliant nonresidential farm  
15 building or farm structure on a non-commercial farm, to be in violation of the  
16 ULDC.

17 (C) Upon compliance with subsection (B), relief from plot coverage, height and/or  
18 setback requirements shall remain in effect until there is a change in property  
19 ownership, the agricultural use of the building or structure changes to a  
20 nonagricultural use, or the non-commercial farm activity ceases for sixty (60)  
21 days or more. Upon any of the preceding occurrences, the improvements that  
22 were the subject of the ULDC relief shall be in violation of the chapter until they  
23 are brought into compliance with the applicable ULDC height, setback, and/or  
24 plot coverage regulations.  
25

26 **Section 2.** Article 10 of the Town's Unified Land Development Code entitled  
27 "Definition of Terms", Section 010-030 shall be amended as follows (new text is  
28 underlined and deleted text is stricken):

29 . . . .

30 *Farm.* The term "farm" means the land, buildings, structures, support facilities,  
31 machinery, and other appurtenances used in the production of farm and agricultural  
32 products when such land is classified agricultural pursuant to F.S. § 193.461(3)(b), as  
33 may be amended from time to time, ~~or has been determined to be a farm pursuant to~~  
34 ~~administrative determination by the town administrator, or a final determination of the~~  
35 ~~town council in accordance with article 155, "Administrative Farm Claim Determinations."~~

36 *Non-commercial Farm.* The term "non-commercial farm" means the use of a  
37 property for bona fide agricultural purposes, that fails to meet the requirements of F.S. §  
38 193.461(3)(b), as may be amended from time to time.

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**Section 3.** 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 4.** Severability. If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portions hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstances(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

**Section 5.** Inclusion in Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made part of the Town of Southwest Ranches Unified Land Development Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6.** Effective Date. This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 23rd day of October, 2014 on a motion

by Council Member Breitzkreuz and seconded by Council Member Fisikelli.

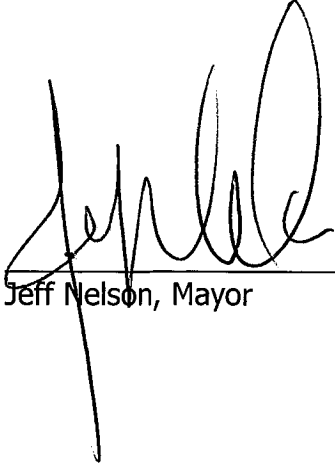
**PASSED AND ADOPTED ON SECOND READING** this 11<sup>th</sup> day of December

2014 on a motion by C/M McKay and seconded by C/M Breitzkreuz.

Nelson	<u>Ayes</u>	Ayes	<u>5</u>
Breitzkreuz	<u>Ayes</u>	Nays	<u>0</u>
Fisikelli	<u>Ayes</u>	Absent	<u>    </u>
Jablonski	<u>Ayes</u>		
McKay	<u>Ayes</u>		

[Signatures on next page]

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Jeff Nelson, Mayor

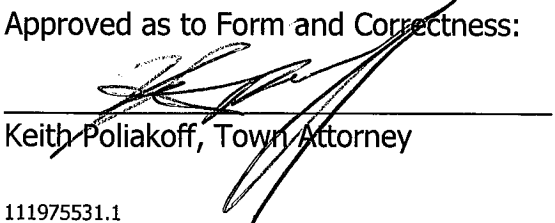
ATTEST:



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Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:



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Keith Poliakoff, Town Attorney

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