Town of Southwest Ranches
Comprehensive Plan Advisory Board
Meeting Agenda

Thursday
February 21, 2019
7:00 pm

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

Board Members
Steve Breitkreuz
Stephanie Cawein
Josh Dykes
Jason Halberg
Newell Hollingsworth
George Morris
Robert Sirota

Council Liaison
Bob Hartmann

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 January 2019
   B. Excuse absences
   C. Nursery Ordinance
   D. Industrial Use
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  

January 17, 2019                             Town Hall  
7:00 PM                                    13400 Griffin Road  

Call to Order

Roll Call

Steve Breitkreuz - Present  
Stephanie Cawein - Present  
Josh Dykes - Absent  
Jason Halberg - Present  
Newell Hollingsworth - Present  
George Morris - Present  
Robert Sirota - Present  

Also Present: Bob Hartmann, Council Member; Dee Schroder, Council Member;  
Council Member Gary Jablonski; Emily Aceti, Town Staff; Jeff Katims, Town  
Planner; Robert Solera

Pledge of Allegiance

Motion: To nominate Steve Breitkreuz for Chair.

Result  Passed  
1st  2nd  SB  SC  JD  JH  NH  GM  RS

Motion: To nominate George Morris for Vice Chair.

Result  Passed  
1st  2nd  SB  SC  JD  JH  NH  GM  RS

Motion: To nominate Stephanie Cawein as recording secretary.

Result  Passed  
1st  2nd  SB  SC  JD  JH  NH  GM  RS

Discussion: Presentation by Russell Muniz - Advisory Handbook
Motion: To approve the November meeting minutes.

<table>
<thead>
<tr>
<th>Result</th>
<th>1st</th>
<th>2nd</th>
<th>SB</th>
<th>SC</th>
<th>JD</th>
<th>JH</th>
<th>NH</th>
<th>GM</th>
<th>RS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed</td>
<td>NH</td>
<td>GM</td>
<td>Y</td>
<td>Y</td>
<td>Abs</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

Motion: To excuse Josh Dykes’ absence.

<table>
<thead>
<tr>
<th>Result</th>
<th>1st</th>
<th>2nd</th>
<th>SB</th>
<th>SC</th>
<th>JD</th>
<th>JH</th>
<th>NH</th>
<th>GM</th>
<th>RS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed</td>
<td>NH</td>
<td>GM</td>
<td>Y</td>
<td>Y</td>
<td>Abs</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

Motion: To change “person” to “legal entity.”

<table>
<thead>
<tr>
<th>Result</th>
<th>1st</th>
<th>2nd</th>
<th>SB</th>
<th>SC</th>
<th>JD</th>
<th>JH</th>
<th>NH</th>
<th>GM</th>
<th>RS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failed</td>
<td>NH</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Motion: Delete second half of J1a: [and must obtain a certificate of use for the retail sale of cottage foods on the property]

<table>
<thead>
<tr>
<th>Result</th>
<th>1st</th>
<th>2nd</th>
<th>SB</th>
<th>SC</th>
<th>JD</th>
<th>JH</th>
<th>NH</th>
<th>GM</th>
<th>RS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed</td>
<td>GM</td>
<td>SC</td>
<td>Y</td>
<td>Y</td>
<td>Abs</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

Motion: To extend the meeting 15 minutes.

<table>
<thead>
<tr>
<th>Result</th>
<th>1st</th>
<th>2nd</th>
<th>SB</th>
<th>SC</th>
<th>JD</th>
<th>JH</th>
<th>NH</th>
<th>GM</th>
<th>RS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed</td>
<td>JH</td>
<td>GM</td>
<td>Y</td>
<td>Y</td>
<td>Abs</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

Motion: The Chair request the Town Council to defer this item to a future date.

<table>
<thead>
<tr>
<th>Result</th>
<th>1st</th>
<th>2nd</th>
<th>SB</th>
<th>SC</th>
<th>JD</th>
<th>JH</th>
<th>NH</th>
<th>GM</th>
<th>RS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed</td>
<td>NH</td>
<td>SB</td>
<td>Y</td>
<td>Y</td>
<td>Abs</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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</tbody>
</table>

Items for Next Meeting:
- Old Business: Nursery Ordinance
- New Business: Procedure for the discussion and inclusion of changes to the Comp Plan.

Meeting Adjourned at 9:15 PM
ORDINANCE NO. 2019 -


WHEREAS, the Town of Southwest Ranches (“Town”) was founded to preserve its rural character and the rural lifestyle of its residents; and

WHEREAS, property owners using their property for bona fide agricultural uses may seek to diversify their farm income through the production and retail sale of cottage foods on their property; and

WHEREAS, the Town recognizes the need to provide a definition for cottage foods and to modify Section 045-050 of the zoning code to allow for the retail sale of
cottage foods produced from farm products grown on the property as an accessory use
provided that the property owner obtains a certificate of use for the retail sale of
cottage foods; and

WHEREAS, the Town recognizes the community’s need for construction trade
businesses that provide services to the public for the installation, removal and
maintenance of nursery stock; and

WHEREAS, the Town Council finds it necessary to establish a definition for
commercial landscape maintenance operations and to establish regulations to ensure
that such use is located and operated in a manner that is compatible with the
surrounding neighborhood and avoids the creation of a nuisance; and

WHEREAS, plant nurseries may seek to diversify their existing bona fide
agricultural operations on their property by adding land uses not recognized or
protected as bona fide agriculture such as retail sales and commercial landscape
maintenance operations; and

WHEREAS, existing plant nurseries that wish to use a portion of their property
for retail sales or commercial landscape maintenance operations should be afforded an
opportunity to use their property for these accessory uses, provided that the zoning
district allows for these accessory uses, and that the property owner obtains a
certificate of use and a special use exception permit for such use; and

WHEREAS, a property owner who wishes to use all of the property for
commercial landscape maintenance operations may do so, provided that the zoning
district allows for this conditional use and that the property owner has obtained a
certificate of use by January 1, 2019 and a special use exception permit by January 1,
2020.
WHEREAS, the Town Council finds it necessary to establish that any person engaged in plant nursery retail sales or a commercial landscape maintenance operation on the effective date of this Ordinance is using their property for a nonconforming use that will be deemed unlawful after January 1, 2022. A property owner who wishes to continue using the property for plant nursery retail sales or commercial landscape maintenance operations must obtain a certificate of use pursuant to Section 005-120 by December 1, 2018, and must obtain a Special Use Exception Permit by December 31, 2021 or discontinue the unlawful use by January 1, 2019; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on _____ and has issued its recommendation to the Town Council, finding that the Ordinance is consistent with the adopted comprehensive plan.

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

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

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

* * *

Commercial Landscape Maintenance Operation. The term “commercial landscape maintenance operation” means a person engaged in the installation, removal and maintenance of plants-and plant products on other properties.

* * *

Cottage foods. The term “cottage foods” means the preparation of farm products in an unlicensed kitchen that are sold directly to consumers without a permit from the Florida Department of Agriculture and Consumer Services and in compliance with Chapter 500.80, Florida Statutes. The term does not include products sold wholesale.
Ordinance No. 2019-___

Farm product. The term “farm product” means any plant or animal useful to humans and includes, but is not limited to, any product derived therefrom.

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

Plant nursery. The term “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, owned and operated by a person that has a valid certification of registration from the Florida Department of Agriculture and Consumer Services for the sale and distribution of any nursery stock.

Nursery stock. The term “nursery stock” means all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution.

Plant nursery. The term “plant nursery” means a person that has a valid certification of registration from the Florida Department of Agriculture and Consumer Services for the sale and distribution of any nursery stock.

Plants and plant products. The term “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.

Plant nursery retail sales. The term “plant nursery retail sales” means a plant nursery that sells plants and plant products or landscape materials directly to the public at a specific location with established hours of operation. The term does not include the sale of plants grown on the property for wholesale to a broker or other person for resale.
* * *

**Special exception use.** The term, “special exception use” means a use with one or more characteristics that may be incompatible with the permitted uses and intended character of a particular zoning district, and which therefore requires special review and consideration to ensure that each instance of the proposed use is appropriately sited, designed and operated within the zoning district.

**Special exception use permit.** The term “special exception use permit” means a resolution of the Town Council authorizing a special exception use on a specific property, including terms and conditions of such authorization.

* * *

**Yard trash** means vegetative matter resulting from landscaping maintenance, land clearing operations and any other offsite source, and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils.

**Section 3.** Article 45, “Agricultural and Rural Districts,” Section 045-030, “General Provisions” is hereby amended as follows:

* * *

(J) **Sale of farm products and incidental plant nursery products.**

(1) Farm products grown, raised or cultivated may be sold on the same plot for wholesale without a special use exception permit.

a. Persons engaged in the sale of cottage foods must comply with Ch. 500.80, Florida Statutes and must obtain a certificate of use for the retail sale of cottage foods on the property.

(2) A plant nursery may sell materials that are customarily incidental to the installation, maintenance, and use of such plant products with a special use exception permit.

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: lawn furniture, including benches and picnic tables, gazebos, decorative fountains, statues, recreational
c. The outdoor display of incidental landscape materials must be screened from the view of adjacent properties.

(3) The following are requirements of all special exception use permits for plant nurseries with incidental retail sales, unless the applicant receives a unanimous vote of the five (5) members of the town council to waive or modify a requirement for a particular application based upon unique circumstances of approval:

a. The applicant must possess an active agricultural classification from the Property Appraiser on the plant nursery for which the special exception use permit for incidental retail sales is sought, the entire portion of the property being considered, pursuant to Chapter 193.461, Florida Statutes, as may be amended from time to time.

b. The applicant must possess a valid certificate of registration from the Florida Department of Agriculture and Consumer Services.

c. The applicant shall make an application for a special use exception permit using the form prescribed by the Town and shall provide the following information to demonstrate how the incidental retail sales will be conducted in a manner that is consistent with the character of the surrounding neighborhood and will not create a nuisance: hours of operation; detailed site plan that addresses building size, location, screening and adequate parking for employees and patrons including handicapped parking, restrooms, ingress and egress of vehicular traffic, setbacks from the street and adjacent properties, outdoor equipment screening or storage, and screening of items for retail sale stored outside.

d. Paved driveway aprons deemed suitable by the town engineer are required to prevent degradation of adjacent street surfaces.

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

f. The property shall adequately buffer and screen abutting residential uses and streets, to the satisfaction of the Town
Council, from the vehicular use areas and portions of the property
associated with retail sales, including any portion of the nursery
periphery where retail customers have access.

g. The property shall comply with the outdoor lighting regulations
in Article 95, and the sign regulations in Article 70.

(4) The following are minimum guidelines for plant nurseries with
incidental retail sales. The Town Council may grant a Special Exception
Use Permit that does not follow one or more of the guidelines based
upon unique operational, locational or other circumstances pertaining
to the proposed use.

a. The property should have frontage on, and exclusively access to,
an arterial roadway.

b. The property should have a minimum plot size of five (5)
acres.

c. Parking of passenger vehicles should be limited to patrons and
not more than one (1) personal passenger vehicle for each
employee or worker who have driven to the site, and who are
engaged in onsite work for the entire time that the vehicle is
parked on the plot.

d. The property shall provide at least ten (10) paved off-
street parking spaces

e. No business should be conducted before 7:00 a.m. and after
6:00 p.m.

(V) Commercial landscape maintenance operations.

(1) Commercial landscape maintenance operations are permitted as an
accessory use to a plant nursery provided that the owner obtains a special
use permit and that the use is incidental to the plant nursery’s primary use
of the premises for the cultivation of plants.

(2) The following are requirements of all special exception use permits for
commercial landscape maintenance operations incidental to plant nurseries.

a. The landscape maintenance business must be located on the same
premises as the plant nursery to which it is an accessory use. The
nursery must possess an active agricultural classification from the
Property Appraiser and a valid certificate of registration from the
Florida Department of Agriculture and Consumer Services.

Ordinance No. 2019___
New text is underlined and deleted text is stricken

Page 7 of 22
b. The applicant shall make an application for a special use exception use permit using the form prescribed by the Town and shall provide the following information to demonstrate how the incidental commercial landscape maintenance operation will be conducted in a manner that is consistent with the character of the surrounding neighborhood and will not create a nuisance, cause premature wear of Town streets or create traffic congestion during times of fleet ingress and egress through the neighborhood where the nursery is located; hours of operation; the number of landscape maintenance trucks that will operate from the property; the method of fueling the trucks; detailed site plan that addresses building size, location, screening and adequate provision of parking for employees, including the number of employee vehicles to be parked, handicapped parking, restrooms, ingress and egress of vehicular traffic, setbacks from the street and adjacent properties, fuel storage, the location and screening of areas for the storage of and outdoor equipment screening or storage, trucks, and materials such that the storage is undetectable from abutting residential properties and streets.

b. The applicant must obtain all local, state and federal permits and insurance for the on-site storage of fuel for the trucks or equipment used in the commercial landscape maintenance operation.

c. Storage, recycling or processing. The applicant may not store, recycle or otherwise process of any vegetative debris or yard trash on the property.

d. Mulching or grinding of yard trash waste is not permitted.

e. The use of air curtain incinerators is not permitted unless the Town Council approves it as part of the conditions to the issuance of the special use permit. Air curtain incinerators used in connection with a commercial landscape maintenance operation must be in permitted and accordance with all local, state and federal laws. Air curtain incinerators may not be used on properties with fewer than five (5) acres.

e. The parking and storage of equipment, machinery and trucks that are not owned or leased by the applicant or are not used solely in the commercial landscape maintenance operation is prohibited.

g. Onsite Fueling is prohibited within any public or private street right-of-way. All fueling tanks must have all required licenses from Broward County.

Ordinance No. 2019—___
New text is underlined and deleted text is struckout
h. Paved driveway aprons deemed suitable by the town engineer are required to prevent degradation of adjacent street surfaces.

i. The property shall adequately buffer abutting residential uses and street lines to the satisfaction of the Town Council from the vehicular use areas and portions of the property associated with the commercial landscape maintenance operation, including but not limited to worker parking and commercial vehicle and equipment parking.

j. The property shall comply with the outdoor lighting regulations in Article 95, and the sign regulations in Article 70.

k. All special exception use permits granted in whole or in part for commercial landscape maintenance operations shall establish a specific limit as to the number of commercial vehicles that may be used for the commercial landscape maintenance operation.

(3) The following are minimum guidelines for commercial landscape maintenance operations accessory to a plant nursery. The Town Council may grant a Special Exception Use Permit that does not follow one or more of the guidelines based upon unique operational, locational or other circumstances pertaining to the proposed use.

a. The property should have frontage on, and exclusive access to, an arterial roadway.

b. The property should have a minimum plot size of five (5) acres.

* * *

Section 4. Article 45, “Agricultural and Rural Districts,” Section 045-050, “Permitted and Prohibited Uses” is hereby amended as follows:

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

Plots in rural and agricultural districts may be used for one (1) or more of the uses that are specified below as being permitted or conditionally permitted uses. Special exception uses require town council approval pursuant to article 112:
### Permitted Principal Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>A-1</th>
<th>A-2</th>
<th>RE</th>
<th>RR</th>
</tr>
</thead>
<tbody>
<tr>
<td>One single-family detached dwelling on a lot of record</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Nonprofit neighborhood social and recreational facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cemetery (subject to section 045-030(U))</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Community residential facilities (subject to section 045-030(S))</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sale of farm products for wholesale (subject to section 045-030(J))</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm-product retail sales (subject to section 045-030(J))</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
</tr>
<tr>
<td>Essential services (subject to section 045-030(K))</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Fish breeding (commercial and noncommercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Keeping, breeding of animals (subject to section 045-030(F))</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial equestrian operations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Veterinary clinics (no overnight stay or animal runs)</td>
<td>P</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Veterinary hospitals</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Kennels, commercial boarding and breeding</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Cannabis-related uses</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Wireless communication facilities (subject to article 40, &quot;Telecommunication Towers and Antennas.&quot;)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial landscape maintenance operations incidental to a plant nursery (subject to section 045-030(V))</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
</tr>
<tr>
<td>Sale of cottage food products for retail (subject to section 045-030(J))</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Sale of Items Incidental to Plant Product Sales (subject to section 045-030(J))</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
</tr>
</tbody>
</table>

Key to abbreviations:
- **P** = Permitted use
- **NP** = Not permitted
- **C** = Conditional use
- **SE** = Special exception use
Permitted accessory uses to a single-family dwelling

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached guesthouse (subject to section 045-030(G))</td>
<td></td>
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<tr>
<td>Exhibition of Class I and Class II wildlife (subject to section 035-070 pertaining to conditional uses)</td>
<td>C</td>
<td>C</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Keeping, breeding of animals (subject to section 045-030(F))</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Yard sales (subject to section 035-060 pertaining to conditional uses)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Home offices (subject to section 035-030 pertaining to conditional uses)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Family day care homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cannabis-related uses</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Accessory structures and uses, other</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Section 5. Article 60, “Community Facility District,” Section 060-030, “Permitted and Prohibited Uses” is hereby amended as follows:

Sec. 060-030. – Permitted, accessory, conditional, special exception and prohibited uses.

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

Master Use List

<table>
<thead>
<tr>
<th>P=Permitted use</th>
<th>C=Conditional use</th>
<th>A=Accessory use only</th>
<th>SP=Special exception use</th>
<th>NP=Not permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Use
Accessory dwelling (see section 060-090(A)) A

Agricultural uses (subject to section 060-020(l), "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

Farm product and plant nursery retail sales (subject to article 45, section 045-030(J)) SE

Police protection facilities P

School, primary and secondary, public or private (see section 060-090 (D)) C

Commercial landscape maintenance operations incidental to a plant nursery SE

Wireless communication facilities (see article 40, "Telecommunication Towers and Antennas") P

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Section 6. Article 100, “Application Submittal and Notice Procedures,” Section 100-020, “General Application Requirements,” is hereby amended as follows:

* * *

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(C) Traffic study. Applications for plan amendment, site plan, special exception use, variance, or rezoning that could result in an increase in the density or intensity of permitted uses, specifically excluding any variance for one (1) single-family residence, shall submit to the town a traffic study assessing the proposed development's vehicular, pedestrian and bicycle access; on-site circulation; parking; any proposed roadway or easement vacations or road closures, whether permanent or temporary for construction purposes; and off-site roadway impacts, including net traffic impact and traffic impact within adjacent neighborhoods. The traffic study shall utilize the most current edition of the Institute of Transportation Engineers' Trip Generation manual and shall use generally accepted methodologies. The town administrator may waive any or all of the traffic study requirements upon consideration of a report issued by the town's zoning department determining that the study or any portion thereof is not necessary based upon the location, intensity of use, and other facts specific to an application.

Section 7. Article 100, “Application Submittal and Notice Procedures,” Section 100-030, “Minimum Required Content For All Public Hearing Notifications,” is hereby amended as follows:

* * *

(C) Sign notices. The petitioner shall be responsible for posting a sign along each property line of the subject property with street frontage for the following applications: land use plan amendments, zoning map amendments, variances, special exception uses, and site plans. The notice shall be posted so as to be visible from each public right-of-way abutting the subject property, and shall be at least six (6) square feet in area. The sign shall state the nature of the request and the phone number to call for further information. The town administrator shall provide the applicant with the specific language required to appear on the sign for each application. The petitioner shall provide proof of the sign posting no later than one (1) business day following the posting date required by section 100-040, "Timing of public notice." Proof shall consist of one (1) or more photographs.
of the sign placed upon the site, as necessary to demonstrate the location
of the real property upon which the sign is posted, and the exact location of
the sign upon the property. A notarized affidavit, signed by the petitioner or
sign company responsible for posting the sign, shall accompany the
photographs. Other proof may be provided if acceptable to the town
administrator. If the applicant fails to submit the affidavit, processing of the
application shall cease until such affidavit is received. The sign shall be
removed by the applicant within five (5) working days after the application
receives final disposition. The sign shall be exempt from all sign and permit
regulations.

Section 8. Article 100, “Application Submittal And Notice Procedures,” Section
100-060, “Mail Notice Requirements For Public Hearings” is hereby amended as follows:

* * *

(B) Prescribed distances for notification. Properties located within the distances
prescribed in subsections (B)(1) through (B)(5) of the section shall be
notified by mail of any of the following pending application types:

(1) Variances: One thousand five hundred (1,500) feet, except that
variance requests from minimum distance separations required by the
ULDC shall be noticed using the same distance as the request for
variance.

(2) Rezonings: One thousand five hundred (1,500) feet.

(3) Future land use plan map amendments: One thousand five hundred
(1,500) feet.

(4) Site plans: One thousand five hundred (1,500) feet.

(5) Appeal of administrative decisions: One thousand five hundred (1,500)
feet.

(6) Plats and waiver of plats: One thousand five hundred (1,500)
feet.

(7) Special exception uses: One thousand five hundred (1,500) feet.
Section 9. Article 112, “Special Exception Uses” is hereby created as follows:

ARTICLE 112. SPECIAL EXCEPTION USES.
Sec. 112-010. Purpose.
This article establishes the procedures and requirements for review of applications to establish special exception uses.

Sec. 112-020. Applicability.
Uses identified in zoning district regulations as special exception uses shall be established only after submittal of an application for special exception use and approval by the town council.

Sec. 112-030. Procedure.
(A) Filing of petition. Applications for special exception use shall be filed on forms provided by the Town and shall be submitted to the Town Administrator. The property owner must be the applicant for the special exception use. The applicant as owner must be the operator of the use unless otherwise provided in the special exception use permit.

(B) Review and scheduling of petition for public hearing. Upon receipt of a completed application and processing fee, and upon receipt of any additional documentation that the town may request, the Town Administrator shall review the application and prepare a report which, at a minimum, details the facts and circumstances pertaining to the requested special exception use. Upon completion of such report, the application shall be duly advertised and scheduled before the Town Council, at the next available regular council meeting that considers quasi-judicial items.

(C) Notice. Notice shall be provided pursuant to the requirements in Article 100 pertaining to special exception uses.

(D) Application fee. There shall be an application fee deposit for each application in an amount set by the town administrator. The petitioner shall be responsible for all costs associated with petition processing plus costs incurred by the town.

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(E) **Public hearing procedure.** The town council shall hear the application pursuant to the town's quasi-judicial procedures set forth in article 105.

(F) **Burden of proof under quasi-judicial procedures.** In making a presentation, the petitioner shall bear the burden of demonstrating by competent substantial evidence that the evidence on the record demonstrates that the special exception use should be granted.

(G) **The vote.** A special exception may be granted upon receiving five (5) affirmative votes of the town council.

(H) **Recordation.** The Town Council's decision concerning any special exception use application shall be recorded in the public records of the county.

Sec. 112-040. Review criteria.

A special exception use shall be granted only when the Town Council determines that the use, together with sufficient safeguards established in the special exception use permit, will be congruous and in harmony with the uses, improvements and character of the surrounding area, such that it will not create or foster undesirable health, safety or aesthetic effects conditions, or otherwise constitute a disruption that detracts from the peaceful enjoyment or value of surrounding and nearby properties arising from any of the following:

(a) Density or intensity of use
(b) Scale of use and improvements
(c) Placement, design and orientation of functions and improvements
(d) Hours of operation
(e) Aesthetics
(f) Noise
(g) Vibration
(h) Dust
(i) Fumes and emissions
(j) Odor
(k) Glare
(l) Nighttime lighting
(m) Shadow effect
(n) Vehicular traffic generation including vehicle type, site access and circulation
(o) Drainage
(p) Impact on adjacent properties
(q) Parking

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Sec. 112-050. Effect of approval.

(A) A special exception use permit, issued pursuant to the requirements of this article, grants to the applicant the right to develop and/or utilize the subject premises in accordance with the terms and conditions contained in the resolution approving the special exception use, unless otherwise provided in such resolution.

(B) Operation of an approved special exception use shall not be commenced until the Town has verified that all conditions of approval applicable to the establishment of the use have been satisfied, and has issued a certificate of use.

(C) Approval of a special exception use shall run with the property owner once established (i.e., not expired or revoked), and shall not be transferable.

(D) Representations made in the application and on the record at the public hearing shall be part of the conditions of approval of such use, whether or not such representations are incorporated into the special exception use permit.

Sec. 112-060. Expiration of special exception uses.

(A) Expiration. All special exception use approvals shall expire unless the applicant obtains a certificate of use from the town within one hundred eighty (180) days of the date of approval, unless otherwise provided in the special exception use permit. A certificate of use shall not be issued unless all conditions of special permit use approval pertaining to the establishment of the use have been satisfied.

(B) Due diligence. It shall be the responsibility of the applicant to ensure that a special exception permit does not expire.

(C) Extensions. The Town Administrator may grant a single extension of not more than six (6) months upon written request from the applicant, prior to expiration, that includes a demonstration of good cause for the delay. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors beyond the control of the
applicant. The Town Administrator may grant subsequent extensions of not more than six (6) months each only upon demonstration of delay caused by governmental action or inaction, or other factors beyond the control of the applicant.

(D) Discontinuance. If, for any reason, the special exception use ceases or is discontinued for a period of six (6) or more months, the premises shall not thereafter be used for that special exception use without the subsequent approval of a new special exception use application in accordance with this article.

Sec. 112-070. Modification of approved special exception use.

Applicant-initiated amendments to an approved special exception use shall be processed and reviewed in accordance with the procedures and standards set forth in this article for new special exception uses.

Sec. 112-080. Inspections.

All premises for which the Town has granted a special exception use permit are subject to inspection by the Town on a periodic basis, but not less than annually, to ensure compliance with all requirements of this article and conditions of approval.

Sec. 112-090. Revocation.

(A) The Town council may revoke or modify a special exception use permit or modify its terms of approval after conducting a public hearing that is noticed pursuant to the requirements in Article 100 for special exception uses upon any of the following occurrences:

(1) Failure to adhere to the representations made in the application and to the terms and conditions of the approval.

(2) A repeat violation as defined in sec. 2-149 of this code.

(3) Code violation that is not remedied within the timeframe the town has allotted.

(4) A third Violations of three (3) this code provisions within any five (5) year period.
(B) Upon any of the foregoing instances, the Town Administrator shall refer the matter to the Town Council for public hearing, with written notice given to the special exception use permit holder and the general public as provided in Article 100 for special exception uses. At the conclusion of the hearing, the Town Council may modify the terms of the permit or revoke the permit.

(C) Upon revocation of special exception use permit, the town shall not process any subsequent application for the same property or by the same applicant for twelve (12) months.

Sec. 112-100. Status of special exception uses established without town council approval pursuant to this article.

When a use that was established as permitted by right (a permitted use or use indicated by a "P" in a particular zoning district), and the ULDC is later amended to designate the use as a special exception use, that use shall be considered a lawful special exception use. Town council approval pursuant to this article is required before any expansion of the use outside of the plot or portion thereof occupied by the use as of the date the ULDC is amended to designate the use as a special exception use.

Section 10. Chapter 8, Emergency Management, of the Code of Ordinances is hereby amended as follows:

Sec. 8-1. Authority of town administrator.

(a) The town administrator is hereby designated as the town's emergency coordinator, and is hereby granted the authority to create and implement a disaster plan for the town and to declare a "state of local emergency" in the event of an emergency affecting the limits of the town, when the administrator, in his sole judgment, determines that the magnitude and extent of damages will necessitate outside assistance.

(b) The town administrator is granted such authority as may be necessary to direct and coordinate the development of the emergency management mitigation, preparedness and response operations, as well as the performance of public work and to take such other actions as may be deemed necessary and appropriate to protect the safety, health and welfare of the residents of the town.
(c) As part of the authority granted herein, the Town Administrator may permit the use of air curtain incinerators on plant nurseries with five (5) or more acres of property after a Presidential or Gubernatorial state of emergency declaration resulting from a tropical cyclone. Such approval shall be contingent upon Broward County’s authorization pursuant to its code of ordinances, which provides for the use of air curtain incinerators under declared emergencies.

Section 11: Non-conforming Uses. Any person engaged in plant nursery retail sales or a commercial landscape maintenance operation on the effective date of this Ordinance shall be deemed to be a legal non-conforming use through December 31, 2021, provided that such property owner obtains a certificate of use pursuant to Section 005-120 by December 1, 2018. Failure to obtain a certificate of use by December 31, 2018, shall render such use to be unlawful. Provided that a property owner has obtained a certificate of use by December 1, 2018, such property shall be deemed to be a legal non-conforming use through December 31, 2021. Any property owner desiring to extend the term of their plant nursery retail sales or commercial landscape operation thereafter must obtain a Special Use Exception Permit by December 31, 2021, or such use thereafter shall be deemed to be unlawful.

Section 12: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 13: 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 14: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.
Section 15: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this ___ day of _______, 2019 on a motion made by ____________________ and seconded by ______________________.

PASSED AND ADOPTED ON SECOND READING this ___ day of _______, 2019, on a motion made by __________________ and seconded by ____________________.

McKay _______ Ayes _______
Fisikelli _______ Nays _______
Jablonski _______ Absent _______
Schroeder _______ Abstaining _______
Hartman _______ _______

___________________________
Doug McKay, Mayor

ATTEST:

____________________________________________________
Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

______________________________
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