



Southwest Ranches Town Council

LOCAL PLANNING AGENCY

Agenda of December 12, 2019

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u> Doug McKay	<u>Town Council</u> Delsa Amundson Bob Hartmann Gary Jablonski	<u>Town Administrator</u> Andrew D. Berns	<u>Town Attorney</u> Keith M. Poliakoff, J.D.
<u>Vice Mayor</u> Denise Schroeder		<u>Town Financial Administrator</u> Martin Sherwood, CPA CGFO	<u>Assistant Town Administrator/Town Clerk</u> Russell C. Muniz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. **Call to Order**
2. **Roll Call**

Resolutions

3. **School Board Site Land Use Plan Amendment**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TOWN OF SOUTHWEST RANCHES FUTURE LAND USE PLAN MAP TO CHANGE THE DESIGNATION OF APPROXIMATELY 33 ACRES FROM MEDIUM DENSITY RESIDENTIAL (16 DU/AC) TO RURAL RANCH TO MATCH BROWARD COUNTY'S FUTURE LAND USE MAP DESIGNATION, GENERALLY LOCATED AT THE NORTHEAST QUADRANT OF SHERIDAN STREET AND SW 190TH AVENUE; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-2)

4. **Plant Nurseries Code Amendment**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT/NOT ADOPT AN ORDINANCE PERTAINING TO THE REGULATION OF PLANT NURSERIES, COTTAGE FOOD OPERATIONS, LANDSCAPE MAINTENANCE OPERATIONS, CONVERSION OF DWELLINGS, AND PARKING AND STORING OF VEHICLES AND EQUIPMENT ON AGRICULTURAL PROPERTIES; PROVIDING FOR AN EFFECTIVE DATE.

5. **Code Amendment Creating a Special Exception Process**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT/NOT ADOPT AN ORDINANCE CREATING A SPECIAL EXCEPTION USE CATEGORY AND A REVIEW PROCESS; PROVIDING FOR AN EFFECTIVE DATE.

6. CIE Update - LPA

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RECOMMENDING ADOPTION OF THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2020-2024; AND PROVIDING FOR AN EFFECTIVE DATE.

7. 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 COUNCIL 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.

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

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
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Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 12/2/2019
SUBJECT: School Board Site Land Use Plan Amendment

Recommendation

Staff recommends that the LPA pass the Resolution.

Strategic Priorities

A. Sound Governance

Background

The amendment site is owned by the Broward County School Board ("BCSB"), which intends to surplus the property. The Town's land use map allows development of up to 16 dwelling units per acre on this property, which is not compatible with the adjacent rural land uses. The proposed amendment will remedy the incompatibility by redesignating it "Rural Ranch," consistent with the surrounding area.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
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Staff report	12/2/2019	Executive Summary
LPA Resolution - TA Approved	12/6/2019	Resolution
LUPA Application	12/9/2019	Backup Material
Mail Notice Map	12/2/2019	Backup Material
Mail Notice List	12/9/2019	Backup Material

TOWN OF SOUTHWEST RANCHES TOWN COUNCIL AGENDA REPORT

DATE: December 12, 2019

SUBJECT: Future Land Use Map Amendment Application No. PA-20-2

ADDRESS: Located at the northeast quadrant of SW 190th Avenue alignment and Sheridan Street, Southwest Ranches, FL

PETITIONER: Town of Southwest Ranches

OWNER: Broward County School Board

EXHIBITS: Ordinance, Application Analysis, Mail Notification Radius Map, and Mailing List.

REQUEST: To amend the Town of Southwest Ranches Future Land Use Map as follows:
FROM: Medium Density Residential (16 du/ac)
TO: Rural Ranch

ANALYSIS:

The amendment site is bordered on all sides by rural and low density residential neighborhoods, agriculture and open space. The attached aerial photograph shows the location of the site. The prevailing developed density is less than 0.5 dwelling units per acre to the north, west and east, and is 2.0 dwelling units per acre to the south in Pembroke Pines. As well, the effective land use plan designations on three sides is Rural Ranch, which requires at least 2.0 net or 2.5 gross acres for construction of a residence.

The amendment site was at one time intended for a public high school. Accordingly, The Broward County School Board purchased the site from the Town as then-owner. The school board has no further plans to utilize the site, and is in the process of surplussing it.

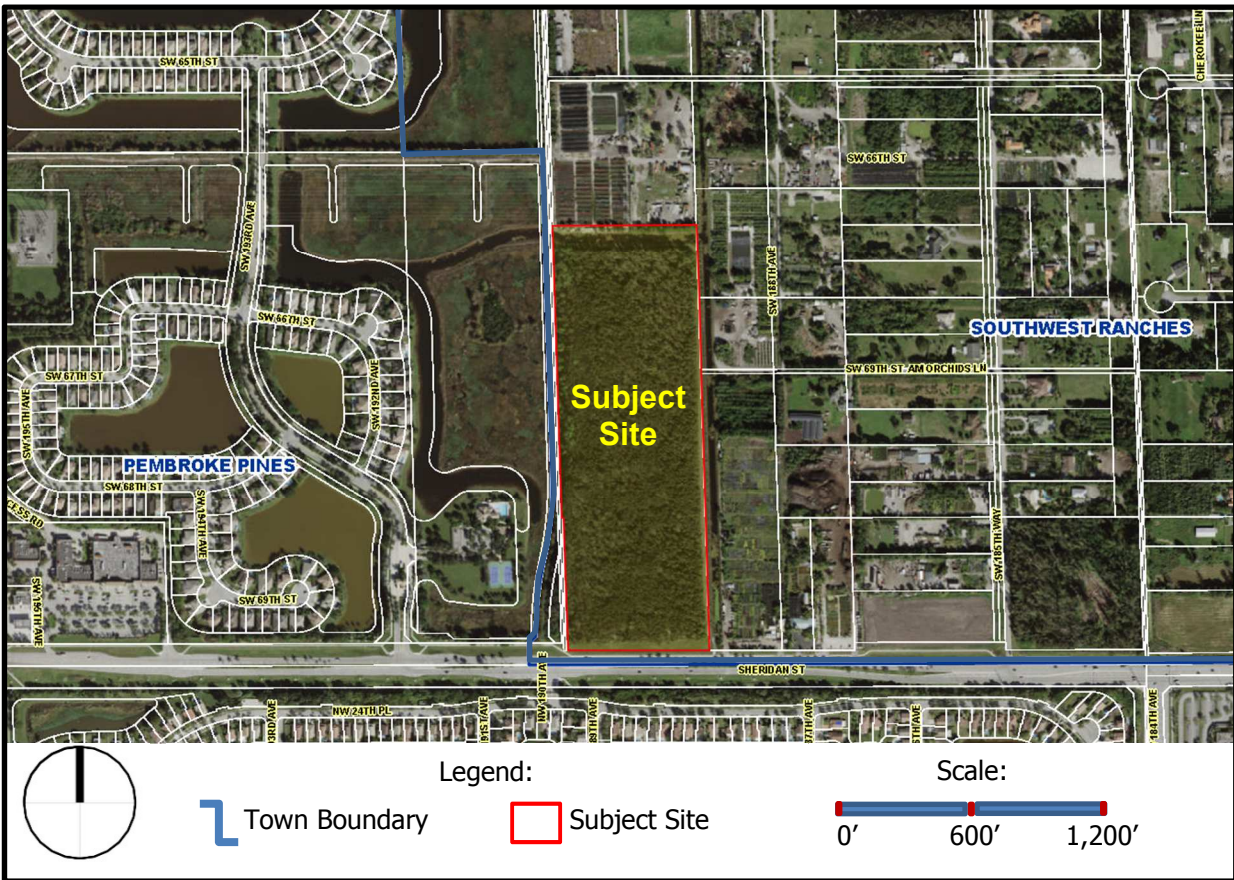
Now that the site is no longer going to be under the school board's ownership, this is an appropriate time to revisit the land use plan designation of the site, which is incompatible with both existing and planned/permitted land uses. As well, the medium-density plan designation on the Town's map is not in alignment with the Broward County Land Use Plan's Rural Ranches designation for the site, and should be reconciled.

The proposed amendment will reduce the need for all public facilities and services, as detailed in the accompanying amendment analysis.

STAFF RECOMMENDATION:

Staff recommends approval of Application No. PA-20-2 to amend the land use plan map designation of approximately 33 acres, legally described in the attached analysis, from Medium Density Residential (16 du/ac) to Rural Ranch (1 du/2.0 net or 2.5 gross ac).

LOCATION MAP AND AERIAL PHOTOGRAPH
PA-20-2



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LPA RESOLUTION NO. 2020-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TOWN OF SOUTHWEST RANCHES FUTURE LAND USE PLAN MAP TO CHANGE THE DESIGNATION OF APPROXIMATELY 33 ACRES FROM MEDIUM DENSITY RESIDENTIAL (16 DU/AC) TO RURAL RANCH TO MATCH BROWARD COUNTY'S FUTURE LAND USE MAP DESIGNATION, GENERALLY LOCATED AT THE NORTHEAST QUADRANT OF SHERIDAN STREET AND SW 190TH AVENUE; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-2)

WHEREAS, the Town of Southwest Ranches, Florida has initiated an amendment to the Town's adopted Comprehensive Plan to change the land use plan designation of approximately 33 acres of land from Medium Density Residential (16 du/ac) to Rural Ranch to match Broward County's future land use map designation, legally described in Exhibit "A" hereto; and

WHEREAS, since the parcel is deed restricted for an educational institution, such amendment is simply a cleanup measure and has no bearing on the use of the property; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, finds that the proposed amendment is consistent with goals, objectives and policies of the adopted Comprehensive Plan.

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

Section 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. RECOMMENDATION. The Local Planning Agency recommends that the Town Council adopt the proposed amendment to amend the Town's future land use plan map to change the designation of approximately 33 acres from medium density residential (16 du/ac) to rural ranch to match Broward County's future land use map designation.

Section 3. EFFECTIVE DATE. This Resolution shall be effective immediately upon its passage,

PASSED this ___ day of ____, 2019 on a motion made by _____
and

seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

36291801.1

Town of Southwest Ranches Land Use Plan Map Amendment No. PA-20-2

Table of Contents

1. TRANSMITTAL INFORMATION 2

D. APPLICANT INFORMATION 2

2. AMENDMENT SITE DESCRIPTION..... 3

3. EXISTING AND PROPOSED USES..... 4

4. ANALYSIS OF PUBLIC FACILITIES AND SERVICES 5

1. **TRANSMITTAL INFORMATION**

A. LOCAL GOVERNMENT CONTACT: See “agent” information, below.

B. PUBLIC NOTIFICATION PROCEDURE: The Town noticed the proposed amendment consistent with F.S. 163.3184(11).

C. TYPE OF AMENDMENT: The amendment is not:

- A small-scale amendment
- An emergency amendment
- A proposed rural stewardship area
- A proposed sector plan or amendment thereto
- Within a F.S. 380.05 area of critical state concern
- An EAR-based amendment
- An amendment pursuant to 380.06

D. APPLICANT & OWNER INFORMATION

Applicant:

Town of Southwest Ranches
Andrew Berns, Town Administrator
13400 Griffin Road
Southwest Ranches, Florida 33330
Phone: (954) 434-0008
Email: aberns@southwestranches.org

Agent/Local government contact:

Jeff Katims, AICP, CNU-A, Town Planner
The Mellgren Planning Group, Inc.
3550 NW 53rd Street, Suite 101
Fort Lauderdale, FL 33309
Phone: (954) 475-3070
Email: jeff@floridaplanning.net

Property Owner:

School Board of Broward County
Facility Management Dept.
600 SE 3rd Ave
Fort Lauderdale, FL 33301

E. RATIONALE FOR THE AMENDMENT:

The existing land use designation of 16 du/ac is anomalous in this area of low and very-low density single-family residential development at the extreme western edge of southwest Broward County, unserved by public mass transit. The land use designation of the amendment site is not compatible with adjacent development and adjacent land use plan designations, and is not consistent with the prevailing Broward County Land Use Plan designation for the amendment site, which is Rural Ranches (Broward County is a charter county with land use authority over all of its municipalities). As well, there is no municipal water or sewer available to serve the amendment

site, as the only such available system is in the City of Pembroke Pines, which will not extend its system into Southwest Ranches.

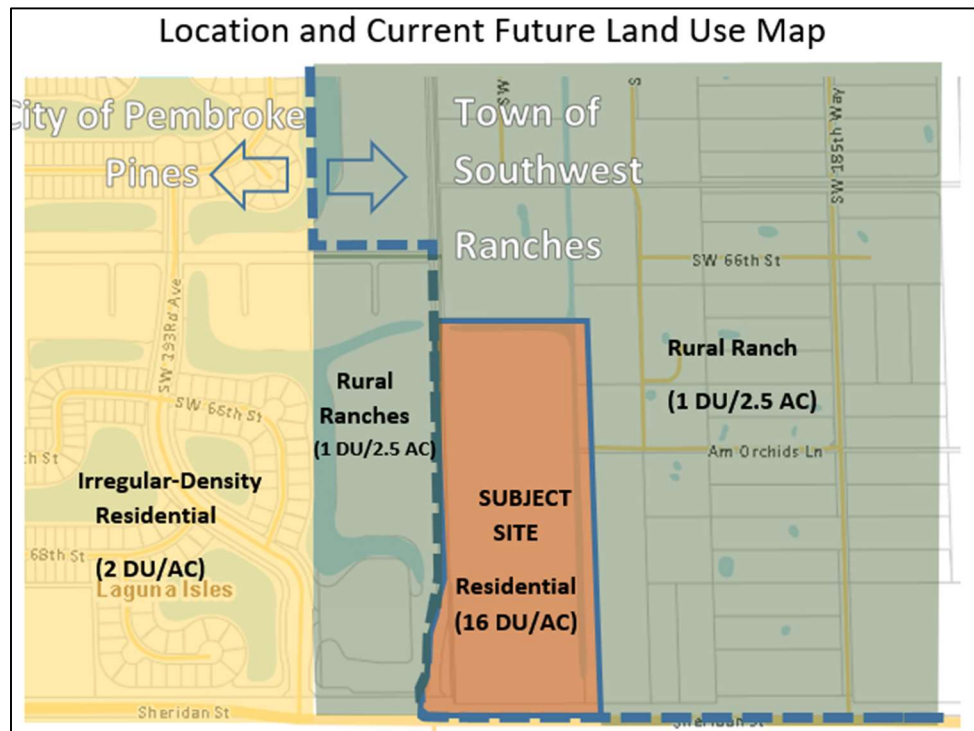
It is noted that the Broward County School Board owns the amendment site, and that public schools are a permitted use in both the existing and proposed land use map designations.

2. AMENDMENT SITE DESCRIPTION

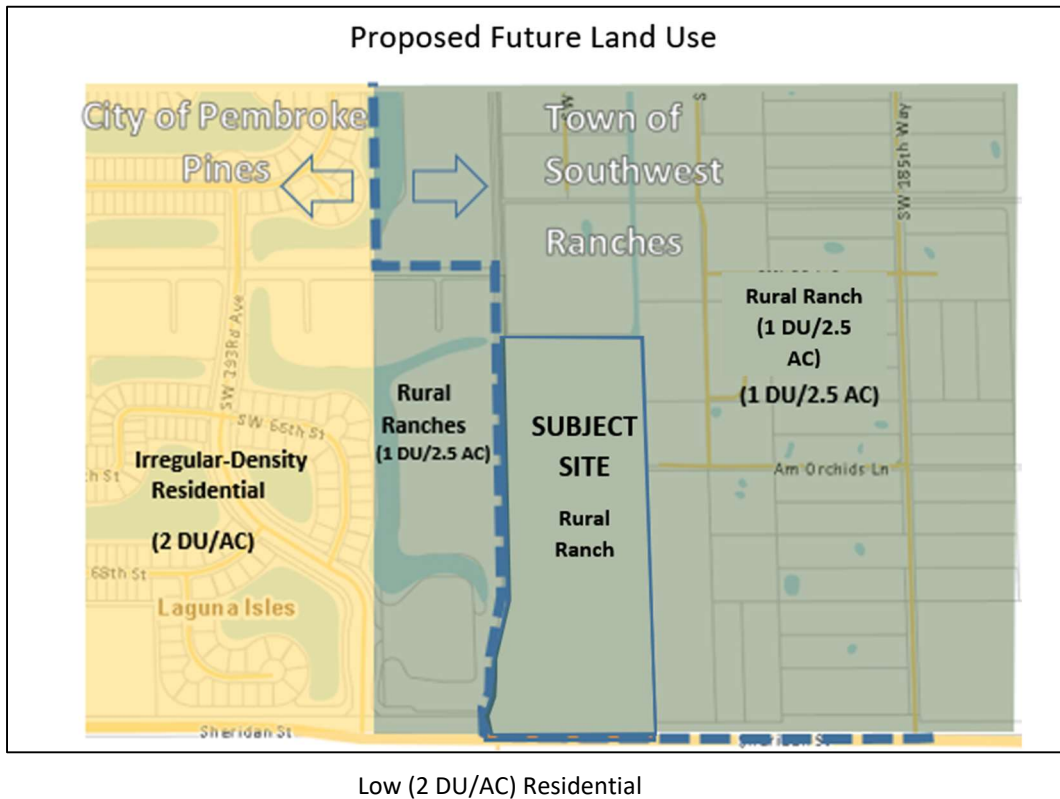
The amendment site encompasses 32.8 gross acres located in Southwest Ranches, Florida on the north side of Sheridan Street, 0.36 miles west of 184th Avenue, and is legally described as follows:

Tracts 45, 52 and 61, Section 1, Township 51 South, Range 39 East of "THE EVERGLADES LAND COMPANY SUBDIVISION" as recorded in Plat Book 2, Page 1, of the Public Records of Miami-Dade County, Florida, LESS that portion lying within 65.00 feet of the South line of the Southeast one-quarter (SE ¼) of said Section 1, and ALSO LESS that portion lying within 10.00 feet of the West line of the Southeast one-quarter (SE ¼) of said Section 1; and ALSO LESS therefrom those portions of said Tracts 45 and 52 lying within 10 feet of the north line of the Southwest one-quarter (SW ¼) of the Southeast one-quarter (SE ¼) of said Section 1.

Said lands situate and lying in Broward County, Florida.



Low (2 DU/AC) Residential



3. **EXISTING AND PROPOSED USES**

A. **CURRENT AND PROPOSED LAND USE PLAN DESIGNATION FOR THE AMENDMENT SITE.**

Current: Medium Density (16 DU/AC) Residential

Proposed: Rural Ranch (1 DU/2.5 AC)

B. **EXISTING USE OF AMENDMENT SITE AND ADJACENT AREAS.**

Existing Use of Amendment Site	
Undeveloped	
Existing Use of Adjacent Areas	
North	Agriculture
East	Agriculture
South	Residential subdivision (single-family detached, 2 du/ac)
West	Wetland preserve, residential subdivision (single-family detached, 2 du/ac)

C. **MAXIMUM ALLOWABLE DEVELOPMENT:**

	Category	Density	Maximum Development
Current:	Residential (16)	16 du/ac	524 du
Proposed:	Rural Ranch	1 du/2.5 ac	13 du

4. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

A. POTABLE WATER

The amendment site is not within a municipal potable water service area, and there is no overall LOS standard provided for the majority of the Town that relies on wells. Only a small portion of the Town are served by municipal utilities. The Town does not provide potable water service. The amendment will *reduce* the average daily potable water demand by 47, 850 gpd

Land Use Designation	Maximum Development	Multiplier	Potable Water Demand
Current	524	100 gpd per capita*	171,348 gpd
Proposed	13	350 gpd per SFR unit	4,550 gpd
Net change:			-166,798 gpd

*Average household size of 3.27 persons per 2010 Census

B. SANITARY SEWER

The adopted level of service from the Town's comprehensive plan is:

- For private on-site septic systems, compliance with all applicable regulations for such systems.
- For centralized wastewater service, the LOS Standard shall be the standard of the applicable municipal provider of such service.

The amendment site is not within a municipal wastewater service area. The amendment will *reduce* sanitary sewage by 153,300 gpd, as follows:

	Maximum Development	Multiplier	Formula	Sanitary Sewer Demand
Current	524	300 gpd	524 du * 300 gpd	157,200 gpd
Proposed	13	300 gpd	13 du * 300 gpd	3,900 gpd
Net Change:				-153,300 gpd

C. SOLID WASTE

The adopted level of service standard for solid waste collection and disposal is 8.9 pounds per residential unit, per day. The Town's solid waste hauler recycles a percentage of the solid waste it collects at its recycling facility, and disposes of the remainder at the Wheelabrator South Broward facility with a capacity of 831,000 tons per year and a current demand of 725,000 tons per year. The amendment will *reduce* the demand for solid waste collection and disposal by 4,548lbs/day.

	Maximum Development	Multiplier	Formula	Solid Waste Demand
Current	524	8.9 lbs/day	524 du * 8.9 gpd	4,664 lbs/day
Proposed	13	8.9 lbs/day	13 du * 8.9 gpd	116 lbs/day
Net Change:				-4,548 lbs/day

D. DRAINAGE

Development will have to comply with the Town's LOS standards for road protection, building elevation, offsite discharge, floodplain routing elevations, antecedent water levels,

onsite storage, and water quality. The reduction in development intensity from 524 units to 13 units will produce less stormwater runoff by keeping more of the property pervious at low elevation.

E. RECREATION AND OPEN SPACE

The Town has 152.83 acres of parks and a 2018 estimated population of 7,981 (U.S. Census Bureau), resulting in current LOS of 19.15 acres per 1,000 residents. This well exceeds the Town's LOS of 6 acres of parks per 1,000 residents. The amendment will *reduce* the demand for parks by 10.002 acres, as follows:

	Maximum Development	Multiplier	Formula	Parks Demand
Current	524	0.006 ac	$(524 \text{ du} * 3.27) * 0.006$	10.28 acres
Proposed	13	0.006 ac	$(13 \text{ du} * 3.27) * 0.006$	0.26 acres
Net Change:				-10.002 acres

*3.27 persons per household per 2010 U.S. Census

F. TRAFFIC CIRCULATION ANALYSIS

The amendment will *reduce* the number of PM peak hour trips by 280, as follows:

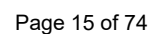
	Maximum Development	PM peak hour trips (ITE) per unit	Trips
Current	524 low-rise/garden apartments	0.56	293 trips
Proposed	13 single-family units	0.99	13 trips
Net Change:			-280 trips

G. PUBLIC EDUCATION ANALYSIS

The amendment will *reduce* the number of potential students by 416, as follows:

		Elementary		Middle School		High School	
Land Use	Maximum Development	Rate*	Impact	Rate*	Impact	Rate*	Impact
Current	524 garden apartments	.2320	122	.11136	58	.46581	244
Proposed	13 single-family units	.19338	2	.11324	1	.42944	5
Net Change:			-120		-57		-239

*Broward County School Board adopted student generation rates



NAME_LINE_1	NAME_LINE_2	ADDRESS_LINE_1	CITY	STATE	ZIP
6501 SW BB LLC		6501 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
7001 WAY		19260 SW 62 ST	PEMBROKE PINES	FL	33332
A & D LANDSCAPING CORP		4921 SW 170 AVE	SOUTHWEST RANCHES	FL	33331
ADLER HOLDINGS LLC		4921 SW 170 AVE	SOUTHWEST RANCHES	FL	33331
ADLER HOLDINGS LLC		6951 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
AMEZQUITA,EDGAR	COLLIER,FRANZ A	4700 SW 186 AVE	SOUTHWEST RANCHES	FL	33332
ARCAMONTE,STEVEN & CARLA		6400 SW 188 AVE	SOUTHWEST RANCHES	FL	33332
ARMAO,KELLY N H/E	ARMAO,ANDREW R	6391 SW 188 AVE	SOUTHWEST RANCHES	FL	33332
BISNAUGHT,FELIX & DAHLIA		6600 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
CHAUDHRY,MOBASHIR A & TASNEEM		15892 SW 51 ST	MIRAMAR	FL	33027
CHONG,JORGE	CHONG,GUILING	4348 SW 195 TER	MIRAMAR	FL	33029
CHRISTENSEN,DANIEL K & MARJORIE		18700 SW 69 ST	SOUTHWEST RANCHES	FL	33332
CITY OF PEMBROKE PINES		601 CITY CENTER WAY	PEMBROKE PINES	FL	33025
DIEMMANUELE,JOSEPH A & LORRAINE		397 MALLARD LANE	WESTON	FL	33327
EGHBAL JALALI REV TR	JALALI,EGHBAL TRSTEE	6406 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
ESTOPINAN,JESUS M & CECILIA		6840 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
F & S HOLDING CORP		1430 NW 161 AVE	PEMBROKE PINES	FL	33028
FARMS OF SOUTHWEST LLC		500 THREE ISLANDS BLVD #418	HALLANDALE BEACH	FL	33009
FOWLER, TYRONE L H/E	FOWLER,CHRISTINE	6900 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
HESTER,DAVID A & MARIE JOELLE		6841 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
JUDITH A FERNANDEZ REV TR	FERNANDEZ,JUDITH A TRSTEE	6331 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
LAGUNA ISLE COMMUNITY ASSN INC	NEXTGEN MANAGEMENT	15951 SW 41 ST	DAVIE	FL	33331
LILENFELD,ALLAN J	ALLAN J LILENFELD REV TR	6331 SW 186 WAY	SOUTHWEST RANCHES	FL	33332
LOSENBECK,RICHARD P		6390 SW 188 AVE	SOUTHWEST RANCHES	FL	33332
MARANO,MATTHEW & ANN		7088 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
MAUREEN E MURPHY REV LIV TR	PATRICK T MURPHY REV LIV TR	933 JOHN HENRY LEWIS RD	DUNLAP	TN	37327
MGK INVESTMENT GROUP LLC		800 POINCIANA DR	PEMBROKE PINES	FL	33025
MISSION & SERVICE INC		120 N MIAMI AVE	MIAMI	FL	33128
MOINUDDIN,KHALIDA &	CHAUDHRY,MUNAWAR A & NAILA M	15892 SW 51 ST	MIRAMAR	FL	33027
MORRIS,DEBORAH J		12555 ORANGE DR #4093	DAVIE	FL	33330
NAVARRO,RAFAEL A		6197 SPENCER TER	BRONX	NY	10471
PARRA,ANA MARIA		6590 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
PRADILLA,CARLOS & PATRICIA		18900 SW 63 ST	FORT LAUDERDALE	FL	33332
PRINCESSES G LAND HOLDINGS LLC		6406 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
R & N CONST CO		PO BOX 430737	MIAMI	FL	33243
REGINA SAADA REV TR	SAADA,REGINA TRSTEE	4001 N 35 AVE	HOLLYWOOD	FL	33021
RODRIGUEZ,ARMANDO R &	CORN,DEBORAH L	6551 SW 185 WAY	SOUTHWEST RANCHES	FL	33332

ROSARIO,LUIS G & MARY C		6910 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
S & R REAL ESTATE HOLDINGS LLC		16398 SW 16 ST	PEMBROKE PINES	FL	33027
SCHOOL BOARD OF BROWARD COUNTY	ATTN:FACILITY MANAGEMENT	600 SE 3 AVE	FORT LAUDERDALE	FL	33301
SHERIDAN LLC		18701 NW 3 ST	PEMBROKE PINES	FL	33029
SOUTHEAST MANAGEMENT LLC	LANDMARK MANAGEMENT SVC	1941 NW 150 AVE	PEMBROKE PINES	FL	33028
TAPIA,VICTOR M &	TAPIA,ANA M	6780 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
TERRIBLE,FREDERICK & TARA		6915 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
THOMAS,MARJORIE BROWN EST		6600 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
TIRONE,SALVATORE	SALVATORE TIRONE REV TR ETAL	6401 SW 188 AVE	SOUTHWEST RANCHES	FL	33332
TOLEDO,SUHAIL M H/E	TOLEDO,NOSBELY	6430 SW 188 AVE	SOUTHWEST RANCHES	FL	33332
VALDES GARDENS LLC		18701 NW 3 ST	PEMBROKE PINES	FL	33029
VIDAL,RUBEN		3109 JUNIPER LN	DAVIE	FL	33330
VILLACORTA,STEVE & MARTA		120 SW 126 AVE	FORT LAUDERDALE	FL	33325
WALTER S WENDOLKOWSKI LIV TR	BARRY,BARBARA TRSTEE	6501 SW 185 WAY	SOUTHWEST RANCHES	FL	33332
YELLOWSTONE NURSERY LLC		PO BOX 327955	SOUTHWEST RANCHES	FL	33332

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(954) 434-0008 Town Hall
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Town Council
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Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 12/2/2019
SUBJECT: Plant Nurseries Code Amendment

Recommendation

Staff recommends the LPA consider the proposed ordinance as a matter of legislative policy and make a recommendation to the Town Council to adopt, not adopt, or adopt with changes.

Strategic Priorities

A. Sound Governance

Background

The Town Council tasked the CPAB with developing regulations that protect rural neighborhoods from incompatible commercial aspects of plant nurseries. The following is a summary of the proposed text amendment. Note that the Special Exception Use Ordinance is a companion item needed to implement the Plant Nursery Ordinance.

Proposed Major Changes to the Code:

1. Requires farms to obtain a certificate of use.
2. Establishes *cottage food operations* as a permitted use, subject to a certificate of use.
3. Prohibits conversion of a residence to nonresidential use.
4. Requires equestrian transports to be parked or stored at least 25 feet from property lines and screened along said property line.
5. Prohibits parking and storage of vehicles and equipment on a farm if not predominantly used on the farm operation.

6. Allows plant nurseries on major roads, local roads if wholesale only and size-limited, or potentially any location by special exception.
7. Allows nurseries not compliant with this ordinance to continue operation until the use is changed to another use or discontinued for 6 consecutive months. If terminated due to discontinuance, the Council may authorize re-establishment through the special exception process.

Other Proposed Changes

1. Aligns *farm* definition with Florida Statutes to include aquaculture.
2. Aligns *farm product* definition with Florida Statutes.
3. Defines *landscape materials, nursery, nursery retail sales, nursery stock, plant and plant products*.
4. Clarifies that noncommercial farms must also obtain a certificate of use.
5. Clarifies that landscape maintenance businesses are prohibited in rural and agricultural zoning districts..

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
LPA Resolution - TA Approved	12/6/2019	Resolution
Proposed Ordinance	12/6/2019	Ordinance

- 1
- 2
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Section 2. Recommendation. The Town Council sitting as the Local Planning Agency recommends that the Town Council adopt/not adopt an ordinance pertaining to the regulation of plant nurseries, cottage food operations, landscape maintenance operations, conversion of dwellings, and parking and storing of vehicles and equipment on agricultural properties, as attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3: Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED this ____ day of _____, 2019 on a motion made by _____ and seconded by _____.

McKay	_____	Ayes	_____
Schroeder	_____	Nays	_____
Amundson	_____	Absent	_____
Hartmann	_____	Abstaining	_____
Jablonski	_____		

[Signatures on Following Page]

LPA Resolution No. 2020-____

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Doug McKay, 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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LPA Resolution No. 2020-____

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ORDINANCE NO. 2020 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") ARTICLE 5, "ADMINISTRATIVE AND LEGAL PROVISIONS," SECTION 005-120, "CERTIFICATES REQUIRED" TO REQUIRE CERTIFICATES OF USE FOR FARMS, NONCOMMERCIAL FARMS, COTTAGE FOOD OPERATIONS, AND HOME OCCUPATIONS, AND PROVIDING CERTAIN EXEMPTIONS FROM FEES; AMENDING SECTION 10-30, "TERMS DEFINED" AS IT PERTAINS TO AGRICULTURAL DEFINITIONS; AMENDING ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" TO REVISE REGULATIONS GOVERNING REGISTRATION, PARKING AND STORING OF AGRICULTURAL VEHICLES AND EQUIPMENT, TO PERMIT THE SALE AND DISPLAY OF COTTAGE FOODS, TO ENCOURAGE THEMATIC ARCHITECTURAL DESIGN OF COMMERCIAL FARM BUILDINGS, TO REGULATE NURSERY LOCATIONS AND PROVIDE FOR NONCONFORMING USES, AND TO PROHIBIT CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USE; AMENDING SECTION 045-050, "PERMITTED AND PROHIBITED USES" TO PROHIBIT LANDSCAPE MAINTENANCE OPERATIONS; MAKING VARIOUS AMENDMENTS OF A HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Council finds it necessary to safeguard the character and intent of Agricultural and Rural Districts by regulating the location of plant nurseries, preventing the conversion of residential dwellings for commercial purposes, and regulating the parking and storage of vehicles and equipment on properties with agricultural uses; and

Ordinance No. 2020-____

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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
3 and 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
11 follows:

12 * * *

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

18
19 * * *

20 *Farm.* The term "Farm" means the land, buildings, support facilities,
21 machinery, and other appurtenances used in the production of farm and
22 agricultural or aquaculture products when such land is classified agricultural
23 pursuant to F.S. § 193.461(3)(b), as may be amended from time to time.

24
25 * * *

26 *Farm product.* The term "farm product" means any plant ,as defined in
27 F.S. § 581.011, any or animal, except household pets, useful to humans and
28 including includes, but is not limited to, any product derived therefrom, the
29 cultivation of crops, groves, thoroughbred and pleasure horse ranches, including
30 horse boarding, private game preserves, fish breeding areas, tree and plant
31 nurseries, cattle ranches, and other similar activities involving livestock or
32 poultry.

Ordinance No. 2020-____

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* * *

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.

* * *

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.

Nursery retail sales. The terms "nursery retail sales" and "retail nursery" means a nursery that sells plants and plant products 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.

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.

* * *

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.

* * *

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

(A) ~~No nonresidentially-zoned building or premises or part thereof, except farm buildings or structures, or premises zoned to permit any community facility, commercial or industrial use, except farms, or premises established as a legal nonconforming use, existing as of the effective date of the ordinance from which this ULDC is derived which undergoes a change of occupancy or~~

Ordinance No. 2020-____

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

1 ~~upon which a new or different use is established,~~ shall be occupied or used
2 ~~for non-residential purposes~~ unless a certificate of use shall have been
3 ~~issued therefor for the proposed use.~~ For the purpose of this provision,
4 ~~home occupations, farms and noncommercial farms accessory to a~~
5 ~~residence are classified as nonresidential uses, and not residential uses.~~
6 The original certificate shall be posted at the business location at all times.

7 (1) ~~The town shall not charge a fee for review and issuance of a certificate~~
8 ~~of use for the following uses, provided that the zoning district allows~~
9 ~~for such use:~~

10 ~~a. Places of worship.~~

11 ~~b. Cottage food operations.~~

12 (2) ~~No residential building or any part thereof may be converted to a non-~~
13 ~~residential use.~~

14 * * *

15
16 **Section 4.** Article 45, "Agricultural and Rural Districts," Section 045-030,
17 "General Provisions" is hereby amended as follows:

18 * * *

19 (C) *Parking and storage.* This subsection identifies the types of vehicles that
20 may be parked or stored within the agricultural and rural districts, and
21 associated regulations. Vehicles may be parked or stored only as an
22 accessory use to a permanent dwelling, except that construction and
23 agricultural vehicles and equipment may be stored on unimproved land as
24 provided herein.

25 (1) *Generally.* All vehicles and equipment parked or stored as provided for
26 herein must be registered to a permanent, full-time resident of the
27 premises unless otherwise provided, be operable and capable of
28 immediate use unless being repaired pursuant to subsection (B) of this
29 section, and all vehicles must have a current, valid registration and
30 associated department of highway safety and motor vehicles license
31 plate where license plates are required by law. Additionally, none of the
32 provisions of this subsection shall be construed to allow the parking or
33 storage of any vehicle or equipment upon any drainage swale abutting
34 a street, or within any street right-of-way or easement, except as
35 specifically provided for the storage of construction equipment.

36 * * *

Ordinance No. 2020-____

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(3) *Agricultural vehicles and equipment.* Parking and storage of vehicles and equipment necessary for conducting a permissible agricultural or equestrian use is permitted on the plot upon which they are used; provided that the vehicles and equipment are registered to an owner or lessee of said plot at the address of the plot, except in the case of equestrian boarding operations that allow boarders to keep their equestrian transports on the plot. The aggregate capacity of equestrian transports shall not exceed the number of stables or horses kept on the property, whichever is greater, and such transports shall be parked or stored at least 25 feet from plot lines and screened by a fence, wall or hedge at least six (6) feet in height. All other agricultural vehicles and equipment may be stored anywhere within a plot without the need for screening or enclosure, and with no limitation on quantity. Unless otherwise provided herein, the parking and storage of vehicles and equipment that are not used predominantly on the farm or agricultural operation is prohibited.

* * *

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

(1) On-premise 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 materials 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.

Ordinance No. 2020-____

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b. By way of example, the following are not incidental materials: 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.

(3) The town encourages commercial farm buildings to be designed in the Florida Vernacular architecture of Caribbean or Cracker style. This architecture generally promotes generous roof overhangs, colonnades, porches and balconies, and sloped standing seam metal roofs.

(K) Permitted nursery locations.

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

a. Griffin Road

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

Ordinance No. 2020-____

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time that the use is changed to another use or is discontinued for a period of six (6) consecutive months. 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 parking, restrooms, ingress and egress of vehicular traffic, setbacks from the street and adjacent properties, outdoor equipment screening or storage, screening of items for retail sale stored outside (if applicable), and use of outdoor lighting in compliance with Article 95.
- b. 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.
- c. 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.

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

* * *

(X) Conversion of single-family dwelling prohibited. A building designed, constructed or used as a single-family detached dwelling shall not thereafter be modified or utilized for any nonresidential purpose other than a permitted home occupation residential accessory use unless a special exception use permit is first approved by the town council.

* * *

Ordinance No. 2020-____

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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,~~ accessory, or special exception uses. Special exception uses require town council 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
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

Ordinance No. 2020-____

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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

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 or special exception 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

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

Ordinance No. 2020-____

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Use	
Accessory dwelling (see section 060-090(A))	A
Agricultural uses (subject to sections 045-030(J), " <u>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

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

Section 7: 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 8: 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.

Ordinance No. 2020-____

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

Section 9: 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 _____, 2020, on a motion made by _____ and seconded by _____.

McKay	_____	Ayes	_____
Schroeder	_____	Nays	_____
Amundson	_____		
Hartmann	_____	Absent	_____
Jablonski	_____	Abstaining	_____

Doug McKay, 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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Ordinance No. 2020-____

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

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 12/2/2019
SUBJECT: Code Amendment Creating a Special Exception Process

Recommendation

Staff recommends that the Local Planning Agency consider the proposed ordinance as a matter of legislative policy.

Strategic Priorities

A. Sound Governance

Background

This Ordinance adds "special exception use" to the existing categories of use (permitted, conditional and prohibited). A special exception use is one that is generally compatible with permitted and conditionally permitted uses, but which has one or more potentially incompatible characteristics that warrant a case-by-case review by the Town Council with public notice and input.

Special exception uses are widely used by local governments throughout the country to regulate uses that may be compatible and appropriate based upon specific locational context and operational characteristics, both of which typically vary from one instance to another.

The Ordinance does not designate any particular uses as special exception uses, but merely creates the category and review procedure should Council wish to designate certain uses as special exception uses.

An application for special exception use would undergo one Town Council public hearing with the same public notice provided for variances and site plans. The Ordinance establishes criteria for review of an application for special exception use, and the Council may approve, approve with conditions, or deny an application.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
Special Exception Use LPA Resolution - TA Approved	12/6/2019	Resolution
Ordinance	12/6/2019	Ordinance

RESOLUTION NO. 2020 -XXX

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT/NOT ADOPT AN ORDINANCE CREATING A SPECIAL EXCEPTION USE CATEGORY AND A REVIEW PROCESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council sitting as the Local Planning Agency of the Town of Southwest Ranches has reviewed the proposed ordinance creating a special exception use category and review process, and is forwarding its recommendation to the Town Council.

**NOW THEREFORE, BE IT RESOLVED BY THE LOCAL PLANNING AGENCY
OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

Section 1. Ratification. 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. Recommendation. The Town Council sitting as the Local Planning Agency recommends that the Town Council adopt/ not adopt an Ordinance creating a special exception use category and a review process, as attached hereto as Exhibit A, and incorporated herein by reference.

LPA Resolution No. 2020-

Section 3: Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED this ____ day of _____, 2019 on a motion made by _____ and seconded by _____.

McKay	_____	Ayes	_____
Schroeder	_____	Nays	_____
Amundson	_____	Absent	_____
Hartmann	_____	Abstaining	_____
Jablonski	_____		

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

36291651.1

LPA Resolution No. 2020-____

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

WHEREAS, the special exception process is a long-established zoning technique for regulating such uses based upon the unique circumstances of each application; and

Ordinance No. 2020-____
New text is underlined and deleted text is stricken.

1 **WHEREAS**, the Town Council, sitting as the Local Planning Agency, has reviewed
2 the contents of this Ordinance at a duly noticed public hearing on December 12, 2019,
3 and has issued its recommendation to the Town Council, finding that the Ordinance is
4 consistent with the adopted comprehensive plan.

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

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

9 **Section 2.** Section 10-30, "Terms Defined" is hereby amended to add the
10 following definitions:

11 * * *

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

17
18 *Special exception use permit.* The term "special exception use permit" means
19 a resolution of the Town Council authorizing a special exception use on a specific
20 property, including terms and conditions of such authorization.

21
22 * * *

23 **Section 3.** Article 100, "Application Submittal and Notice Procedures,"
24 Section 100-020, "General Application Requirements," is hereby amended as
25 follows:

26 * * *

27 (C) *Traffic study.* Applications for plan amendment, site plan, special exception
28 use, variance, or rezoning that could result in an increase in the density or
29 intensity of permitted uses, specifically excluding any variance for one (1)
30 single-family residence, shall submit to the town a traffic study assessing the
31 proposed development's vehicular, pedestrian and bicycle access; on-site

Ordinance No. 2020-____

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1 circulation; parking; any proposed roadway or easement vacations or road
2 closures, whether permanent or temporary for construction purposes; and
3 off-site roadway impacts, including net traffic impact and traffic impact within
4 adjacent neighborhoods. The traffic study shall utilize the most current
5 edition of the Institute of Transportation Engineers' Trip Generation manual
6 and shall use generally accepted methodologies. The town administrator may
7 waive any or all of the traffic study requirements upon consideration of a
8 report issued by the town's zoning department determining that the study or
9 any portion thereof is not necessary based upon the location, intensity of use.
10 and other facts specific to an application.

11
12 **Section 4.** Article 100, "Application Submittal and Notice Procedures,"
13 Section 100-030, "Minimum Required Content For All Public Hearing Notifications,"
14 is hereby amended as follows:

15 * * *

16 (C) *Sign notices.* The petitioner shall be responsible for posting a sign along each
17 property line of the subject property with street frontage for the following
18 applications: land use plan amendments, zoning map amendments,
19 variances, special exception uses, and site plans. The notice shall be posted
20 so as to be visible from each public right-of-way abutting the subject
21 property, and shall be at least six (6) square feet in area. The sign shall state
22 the nature of the request and the phone number to call for further
23 information. The town administrator shall provide the applicant with the
24 specific language required to appear on the sign for each application. The
25 petitioner shall provide proof of the sign posting no later than one (1)
26 business day following the posting date required by section 100-040, "Timing
27 of public notice." Proof shall consist of one (1) or more photographs of the
28 sign placed upon the site, as necessary to demonstrate the location of the
29 real property upon which the sign is posted, and the exact location of the
30 sign upon the property. A notarized affidavit, signed by the petitioner or sign
31 company responsible for posting the sign, shall accompany the photographs.
32 Other proof may be provided if acceptable to the town administrator. If the
33 applicant fails to submit the affidavit, processing of the application shall cease

Ordinance No. 2020-____

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1 until such affidavit is received. The sign shall be removed by the applicant
2 within five (5) working days after the application receives final disposition.
3 The sign shall be exempt from all sign and permit regulations.
4

5 **Section 5.** Article 100, "Application Submittal And Notice Procedures," Section
6 100-060, "Mail Notice Requirements For Public Hearings" is hereby amended as follows:

7 * * *

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

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

14 (2) *Rezoning:* One thousand five hundred (1,500) feet.

15 (3) *Future land use plan map amendments:* One thousand five hundred
16 (1,500) feet.

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

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

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

22 (7) *Special exception uses:* One thousand five hundred (1,500) feet.

23
24
25 **Section 6.** Article 112, "Special Exception Uses" is hereby created as
26 follows:

27 ARTICLE 112. -SPECIAL EXCEPTION USES.

28 Sec. 112-010. Purpose.

Ordinance No. 2020-__

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

1 This Article establishes the procedures and requirements for review of applications
2 to establish special exception uses.

3 Sec. 112-020. Applicability.

4 Uses identified in zoning district regulations as special exception uses shall be
5 established only after submittal of an application for special exception use and approval
6 by the Town Council.

7 Sec. 112-030. - Procedure.

8 (A) Filing of petition. Applications for special exception use shall be filed on forms
9 provided by the Town and shall be submitted to the Town Administrator. The
10 property owner must be the applicant for the special exception use. The
11 applicant as owner must be the operator of the use unless otherwise provided
12 in the special exception use permit.

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

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

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

27 (E) Public hearing procedure. The Town Council shall hear the application
28 pursuant to the town's quasi-judicial procedures set forth in Article 105.

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

33 (G) The vote. A special exception may be granted upon receiving five (5)
34 affirmative votes of the Town Council.

Ordinance No. 2020-__

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1 (H) *Recordation.* The Town Council's decision concerning any special exception
2 use application shall be recorded in the Public Records of Broward County.

3
4 Sec. 112-040. Review criteria.

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

- 12 (a) Density or intensity of use
- 13 (b) Scale of use and improvements
- 14 (c) Placement, design and orientation of functions and improvements
- 15 (d) Hours of operation
- 16 (e) Aesthetics
- 17 (f) Noise
- 18 (g) Vibration
- 19 (h) Dust
- 20 (i) Fumes and emissions
- 21 (j) Odor
- 22 (k) Glare
- 23 (l) Nighttime lighting
- 24 (m) Shadow effect
- 25 (n) Vehicular traffic generation including vehicle type, site access and
26 circulation
- 27 (o) Drainage
- 28 (p) Impact on adjacent properties
- 29 (q) Parking
- 30 (r) Fueling of vehicles and equipment
- 31 (s) Number of employees
- 32 (t) Outdoor storage
- 33 (u) Other conditions, effects or impacts that may be applicable

34
35 Sec. 112-050. Effect of approval.

36 (A) A special exception use permit, issued pursuant to the requirements of this
37 article, grants to the applicant the right to develop and/or utilize the subject

Ordinance No. 2020-____

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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 Administer 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.

Ordinance No. 2020-__

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1
2 Sec. 112-070. Modification of approved special exception use.

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

6
7 Sec. 112-080. Inspections.

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

12
13 Sec. 112-090. Revocation.

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

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

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

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

23 (4) Violations of three (3) code provisions within any five (5) year period.

24 (B) Upon any of the foregoing instances, the Town Administrator shall refer the
25 matter to the Town Council for public hearing, with written notice given to
26 the special exception use permit holder and the general public as provided in
27 Article 100 for special exception uses. At the conclusion of the hearing, the
28 Town Council may modify the terms of the permit or revoke the permit.

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

32
33 Sec. 112-100. Status of uses lawfully established prior to designation as a special
34 exception use.

Ordinance No. 2020-__

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(A) Except as may otherwise provided herein, 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.

(B) Reserved.

Section 7: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 8: 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 9: 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 10: 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 _____, 2020, on a motion made by _____ and seconded by _____.

(Signatures on Next Page)

Ordinance No. 2020-____
New text is underlined and deleted text is ~~stricken~~

1	McKay	_____	Ayes	_____
2	Schroeder	_____	Nays	_____
3	Amundson	_____	Absent	_____
4	Hartmann	_____	Abstaining	_____
5	Jablonski	_____		

6
7
8

9

Doug McKay, Mayor

10

11 ATTEST:

12

13 _____

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

15

16 Approved as to Form and Correctness:

17

18 _____

19 Keith Poliakoff, J.D., Town Attorney

20

Ordinance No. 2020-____
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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Emily McCord Aceti, Community Services Manager
DATE: 12/12/2019
SUBJECT: CIE Update - LPA

Recommendation

Recommend that the Town Council adopt the updated Five-Year Schedule of Capital Improvements.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- D. Improved Infrastructure
- E. Cultivate a Vibrant Community

Background

Chapter 163, Florida Statutes requires that every local government annually update the Five-Year Schedule of Capital Improvements ("Schedule") within Its Comprehensive Plan in order to demonstrate that the local government has the ability to implement the plan and ensure that adopted level of service standards are maintained for concurrency related facilities (drainage, parks and recreation, schools, and transportation facilities).

The Schedule contained within the Capital Improvements Element (CIE) is a list of capital improvement expenditures that are proposed each year fiscal year over a five-year period. The Schedule identifies dedicated or anticipated funding sources, as well as unfunded improvements that are included should funding become available. For comprehensive planning purposes, the Schedule outlines how level of service standards (ex: park acreage, traffic movement, drainage) will be maintained over the next five years. The updated Schedule reflects that there are no level of service deficiencies relative to Town facilities that require the Town to commit capital funds.

Amendments to the Schedule are not deemed to be comprehensive plan amendments, and do not require State Land Planning Agency review. The Southwest Ranches Comprehensive Plan Advisory Board reviewed the proposed Schedule update and recommends its approval.

Fiscal Impact/Analysis

Capital Improvement Projects are Town projects where the anticipated value of the asset created generally has an estimated value of at least \$25,000. An asset for these purposes is an item which is not generally consumed for operating purposes and which has an expected life of not less than three years.

Funding for capital improvement project items generally comes from surplus revenues from other governmental funds (particularly the general governmental operating fund – also known as the “General Fund”). Additional revenue maybe derived from the Fire Assessment, debt service proceeds, grants, other permissible interfund transfers or from Fund Balance. Wherever possible, the various projects included in the 5-Year Capital Improvement Plan have identified funding sources for each fiscal year of appropriation.

Staff Contact:

Jeff Katims, AICP, CNU-A, Assistant Town Planner
Emily McCord Aceti, Community Services Manager
Martin Sherwood, CPA, CGMA, CGFO, Town Financial Administrator
Venessa Redman, Senior Procurement and Budget Officer

ATTACHMENTS:

Description	Upload Date	Type
CIE Update LPA Reso	12/6/2019	Resolution
CIE Ordinance - Exhibit A	12/9/2019	Backup Material
CIE Data	12/9/2019	Backup Material

LPA RESOLUTION NO. 2020-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RECOMMENDING ADOPTION OF THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2020-2024; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3177, F.S. requires the Town to annually update its Five-Year Schedule Of Capital Improvements ("Schedule"); and

WHEREAS, the Comprehensive Plan Advisory Board has reviewed the proposed Schedule and recommends its approval; and

WHEREAS, the Town Council of the Town of Southwest Ranches, sitting as the Local Planning Agency, held an advertised public hearing on December 12, 2019; and

WHEREAS, the Local Planning recommends that the Town Council adopt the Schedule.

NOW, THEREFORE, BE IT ORDAINED BY LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: Recitals Adopted. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: Plan Amendment. That the Local Planning Agency recommends approval of the Schedule, set forth in Exhibit "A", attached hereto and made a part hereof.

Section 3: Effective Date. This Resolution shall be effective immediately upon passage.

[Signatures on Following Page]

PASSED AND ADOPTED this 12th day of December, 2019 on a motion made
by _____ and seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Chair

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney
36291665.1

CAPITAL IMPROVEMENT ELEMENT

III.I Capital Improvements Element (CIE)

1. GOALS, OBJECTIVES AND POLICIES

CIE GOAL 1

ENSURE THAT THE INFRASTRUCTURE NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC IS PROVIDED IN A TIMELY AND EFFICIENT MANNER, AND THAT PUBLIC FACILITIES ARE MAINTAINED AT OR ABOVE THE LEVEL OF SERVICE STANDARDS ADOPTED IN THIS PLAN.

{9J-5.016(3)(a)}

CIE OBJECTIVE 1.1

THE TOWN SHALL DEVELOP AND CONTINUOUSLY IMPROVE A PROCESS THAT GUIDES THE CAPITAL FACILITY PLANNING OF THE TOWN IN ORDER TO:

1. Accommodate projected growth, maintain existing facilities, replace obsolete or deteriorated facilities.
2. Coordinate future land use decisions and fiscal resources with a schedule of capital improvements which maintain adopted LOS standards.
3. Upgrade public infrastructure serving developed lands that do not currently meet LOS standards.
4. Remain fiscally responsible.

{9J-5.016(3)(b)(1,3 &5)}

Measurement: Annual update of a 5 year schedule of capital improvements.

CIE POLICY 1.1-a: Public facilities and services needed to support development will be provided concurrent with the impacts of development, as measured by the Town's adopted LOS standards. The LOS standards are as established in other elements of the Comprehensive Plan, as follows:

- potable water: UE Policy 1.2-m;
- wastewater: UE Policy 1.2-z
- drainage: UE Policy 1.1-g
- solid waste: UE Policy 1.1-f
- traffic: TE Policy 1.1-l and TE Policy 1.1-m
- parks and recreation: ROS Policy 1.2-a
- public school facilities: PSFE Policy 1.2-c

- water quality: UE Policy 1.1-h

CIE POLICY 1.1-b: All capital improvement projects shall meet an initial objective standard test of furthering the Town's Comprehensive Plan, providing necessary infrastructure replacement/renewal, correcting existing deficiencies, maintaining adopted LOS and providing facilities concurrent with development. Prioritizing and funding of all projects shall be based on the nature of funds available.

{9J-5.016(3)(c)(1,3-6 & 7)}

CIE POLICY 1.1-c: The following standards regarding debt shall be adhered to, where feasible: The total debt service shall not exceed 15% of the Town's total revenues. The average annual bond maturities shall not exceed 15 years. Debt payment shall not exceed 30 years.

{9J-5.016(3)(c)(2)}

CIE POLICY 1.1-d: The Town Council shall annually monitor, evaluate, adopt and prioritize the implementation of a 5-year schedule of capital improvements.

{9J-5.016(3)(c)(7)}

CIE POLICY 1.1-e: All future developments shall be responsible for paying proportionate fair share of the cost of all public facilities required to accommodate the project's impact without exceeding the adopted level of service standards.

CIE Policy 1.1-f: The Town shall annually update the five year capital improvements schedule included in this element as provided by law in order to adjust the five year planning horizon, reflect project status, and ensure the Town's ability to meet its adopted level of service standards.

CIE Policy 1.1-g: The five year schedule of capital improvements shall reflect the current City of Sunrise 10-Year Water Supply Facilities Work Plan (Amendment No. 15-1ESR, January 20, 2015), and the capital projects described therein for the purposes of ensuring that adequate water supply will be provided for the limited number of properties that are or will be served by City of Sunrise.

CIE Policy 1.1-h: The Town hereby adopts by reference the Cooper City 10-year Water Supply Facilities Work Plan (Amendment No. 15-1ESR, December 30, 2014) as incorporated and adopted in the Infrastructure Element of its Comprehensive Plan and the capital improvement projects contained therein.

CIE POLICY 1.1-i: The Town shall include in its land development regulations provisions to implement a proportionate fair-share mitigation system for transportation per the requirements of s. 163.3180, Florida Statutes.

SCHOOL CAPITAL FACILITIES PLANNING

CIE Objective 1.2

THE TOWN, IN COLLABORATION WITH THE SCHOOL BOARD, BROWARD COUNTY AND THE LOCAL GOVERNMENTS WITHIN BROWARD COUNTY, SHALL ENSURE THAT PUBLIC SCHOOL FACILITIES ARE AVAILABLE FOR CURRENT AND FUTURE STUDENTS CONSISTENT WITH AVAILABLE FINANCIAL RESOURCES AND THE ADOPTED LEVEL OF SERVICE (LOS).

Measurement:

- School enrollment projections compared to the School District's Adopted Five-Year District Educational Facilities Plan (DEFP)

CIE Policy 1.2-a: Consistent with policies and procedures within the Amended Interlocal Agreement for Public School Facility Planning (ILA), the DEFP shall contain a five year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted LOS in all concurrency service areas (CSAs). Pursuant to the ILA, this financially feasible schedule shall be updated by the School Board on an annual basis. The Town's five-year schedule of capital improvements shall reflect each annual DEFP update.

CIE Policy 1.2-b: The uniform, district-wide LOS shall be 100 percent of gross capacity (with re-locatable classrooms) for each CSA until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be 110 percent of permanent FISH capacity for each public elementary, middle, and high school.

CIE Policy 1.2-c: Pursuant to the ILA, the adopted LOS shall be applied consistently by Broward County, the Town, the municipalities and the School Board, district-wide to all schools of the same type.

CIE Policy 1.2-d: The five year schedule of capital improvements shall reflect the School Board's current DEFP.

CIE Objective 1.3

FORMALLY RECOGNIZE THE CAPITAL EXPENDITURES OF OTHER AGENCIES THAT PROVIDE CAPITAL FACILITIES UPON WHICH THE TOWN OF SOUTHWEST RANCHES RELIES TO MEET ADOPTED LEVEL OF SERVICE STANDARDS.

- Annual review and update of implementing policies as appropriate to reflect changes to capital facility plans upon which the Town of Southwest Ranches relies to meet adopted level of service standards.

CIE Policy 1.3-a: In order to ensure that adopted level of service standards for the transportation system are maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the following plans and programs as updated annually, to the extent that such improvements are required in order to maintain the Town's adopted levels of service for transportation facilities:

- Broward County Capital Improvements Program
- Broward County MPO Transportation Improvement Program
- Broward County MPO Cost Feasible Long Range Transportation Plan
- FDOT's Adopted Work Program

CIE Policy 1.3-b: In order to ensure that adopted level of service standards for the parks and recreation system continue to be maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the current Broward County Capital Improvements Program to the extent that such improvements are required in order to maintain the Town's adopted level of service standard for parks.

CIE Policy 1.3-c: In order to ensure that adopted level of service standards for the countywide public school system are maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the current Broward County School District's Adopted Five-Year District Educational Facilities Plan.

CIE Policy 1.3-d: In order to ensure that adopted level of service standards for the solid waste disposal system continue to be maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the current Broward County Capital Improvements Program.

2. CAPITAL IMPROVEMENT IMPLEMENTATION

THE TOWN OF SOUTHWEST RANCHES SHALL CONTINUE TO CONSIDER THE FOLLOWING:

1. Pursue alternative methods for protecting, preserving and enhancing the Town's rural lifestyle.
2. Evaluate the public benefits of annexing lands into the Town.
3. Maintain Land Development Code regulations which are consistent with the adopted comprehensive plan.
4. Explore methods of obtaining funds for purchasing and constructing public passive open space and trails.
5. Explore possibilities of securing funds for improving traffic capacity on Griffin Road and constructing 184th Avenue.
6. Encourage removing Dykes Road and S.W. 172nd Avenue as major collector roadways between Griffin Road and Sheridan Street and initiate amendments to Broward County MPO.
7. Encourage enforcement of the Town's current land development regulations.
8. Analyze the 2010 Census data, and evaluate the Comprehensive Plan to reflect new data.
9. Develop and maintain a tertiary drainage plan for all the areas within our Town.
10. Any Town developed tertiary drainage system must be coordinated with the Central Broward Water Control District and the South Broward Drainage District.
11. Pursue discussions with government authorities in order to develop methods to protect the integrity of 8 archeological sites (LAPC) in environmentally sensitive areas, as designated by the Broward County Board of County Commissioners.
12. Adopt a procedure for upgrading and increasing landscaping along all major arterial roadways and designated multi-use Greenways to conform to Xeriscape landscape requirements.

13. The Evaluation and Monitoring System shall include an annual report of its five-year capital improvements element to determine the status of its existing programs or any new programs.
14. Implement the capital improvements identified in this Comprehensive Plan as may be updated from time to time.
15. The Town shall determine feasibility of constructing a Comprehensive Mitigation Bank in lieu of preserving and enhancing individual isolated wetlands.

Five Year Capital Improvement Plan
All Funds Project Expenditure Summary FY 2020 - FY 2024

Department Name	Project Name	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total
Public Safety/ General Fund & Capital Projects Fund	Fire Wells Replacement and Installation	30,000	30,000	30,000	30,000	30,000	150,000
	Public Safety Fire Rescue Modular Facility Generator	141,000	-	-	-	-	141,000
	Public Safety Fire Modular Protective Awning	19,500	-	-	-	-	19,500
	Emergency Operations Center	-	-	-	-	5,400,000	5,400,000
Townwide/Capital Projects Fund	Town Hall Complex Safety, Drainage & Mitigation Improvements	215,039	-	-	-	-	215,039
Parks, Recreation & Open Space/ Capital Projects Fund	Frontier Trails Conservation Area	60,000	125,000	223,500	689,650	841,500	1,939,650
	Country Estates Park	150,000	175,000	240,000	229,575	270,425	1,065,000
	PROS Entranceway Signage	60,000	40,000	-	-	-	100,000
	Calusa Corners Park	50,000	296,000	503,225	195,500	211,000	1,255,725
	Southwest Meadows Sanctuary Park	50,000	518,406	518,406	518,406	518,406	2,123,624
	Country Estates Park Ballfield Improvement	31,726	-	-	-	-	31,726
	Sunshine Ranches Equestrian Park Playground Rehabilitation	25,700	-	-	-	-	25,700
Public Works: Engineering/ Transportation Fund	Transportation Surface Drainage & Ongoing Rehabilitation (TSDOR)	1,000,101	450,000	450,000	450,000	450,000	2,800,101
	Drainage Improvement Projects	618,490	92,000	92,000	138,000	138,000	1,078,490
	Guardrails Installation Project	440,000	390,000	205,000	205,000	-	1,240,000
	Pavement Striping and Markers	26,735	33,265	50,000	50,000	50,000	210,000

	Townwide Entranceway Signage		10,000	NF	10,000	NF	10,000	NF	10,000	NF	-		40,000
	Street Lighting		-		25,000	TFB	201,000	NF	196,000	NF	-		422,000
	PROJECT TOTALS			\$2,928,291		\$2,184,671		\$2,523,131		\$2,712,131		\$7,909,331	\$18,257,555

	Funding Source Code	Funding Source Name
	CIP-FB	Capital Projects Fund Fund Balance
	DEBT	DEBT-General Obligation or otherwise
	FA	Fire Assessment
	G	Grant Funding
	GAS	Local Option Gas Taxes
	GF-FB	General Fund Fund Balance
	GF Tfr	General Fund Transfer from Operating Revenues
	NF	Not Funded
	TFB	Transportation Fund Fund Balance

Five Year Capital Improvement Plan - All Funds Funding Source Summary

FY 2020 - FY 2024

	Source Name	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total
CIP-FB	Capital Projects Fund Fund Balance	23,039	-	-	-	-	23,039
DEBT	DEBT-General Obligation or otherwise	-	-	-	-	-	-
FA	Fire Assessment	30,000	30,000	30,000	30,000	30,000	150,000
G	Grant Funding	549,490	-	-	-	-	549,490
GAS	Local Option Gas Taxes	-	5,000	5,000	5,000	5,000	20,000
GF-FB	General Fund Fund Balance	-	-	-	-	-	-
GF Tfr	General Fund Transfer from Operating Revenues	796,267	570,265	587,000	633,000	633,000	3,219,532
NF	Not Funded	1,004,661	1,554,406	1,901,131	2,044,131	7,241,331	13,745,660
TFB	Transportation Fund Fund Balance	524,834	25,000	-	-	-	549,834
Totals		2,928,291	2,184,671	2,523,131	2,712,131	7,909,331	18,257,555

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PROPOSED FY 2019-2020 ANNUAL UPDATE TO CIE

CAPITAL IMPROVEMENTS ELEMENT

Part III-G: Support Documents

Town of Southwest Ranches

CAPITAL IMPROVEMENTS ELEMENT

The purpose of the Capital Improvements Element is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that the Level of Service (LOS) standards adopted in the comprehensive plan are achieved and maintained through at least the five-year planning horizon.

Public Facility Needs

Transportation including Mass Transit

As identified in the adopted comprehensive plan, there are two arterial roadway facilities that are projected to operate below the adopted LOS standard over the five-year capital improvement planning time frame ([2020-2024](#)): Sheridan Street and Griffin Road. Both roadways are owned and maintained by Broward County, and as discussed in the comprehensive plan, Broward County MPO has developed a strategy to improve each of these facilities. The Town of Southwest Ranches has no capital responsibility for either roadway.

All Town owned and maintained roadways operate at or above the adopted LOS Standard, and are projected to continue to do so within the five year planning period, except for Dykes Road (160th Avenue), which is currently over capacity at its intersections with both Griffin Road and Sheridan Street. Dykes Road is a two lane regional collector spanning the Town from north to south (approximately 2.5 miles) that connects the densely populated cities of Miramar, Pembroke Pines and Weston, via the sparsely populated Town of Southwest Ranches. Within Southwest Ranches, the road functions as more of a conduit for extra-jurisdictional traffic and local residential access than it does as a local collector (as evidenced by only one full intersection bookended by two other jurisdictions, and the predominating one dwelling unit per acre residential future land use map designation of the corridor). The few properties within the corridor designated for nonresidential use (Community Facility) are developed, and the remainder of properties and the few streets feeding into Dykes Road are designated residential at one dwelling unit per acre, and thereby constitute de minimis impacts. Therefore, the Town does not plan to improve Dykes Road. Mass Transit facilities are provided by Broward County Transit.

The following documents are hereby incorporated by reference:

- * Broward County Transportation Improvement Program for FY [2019/20 – 2023/24](#)
- * Broward County MPO Cost Feasible Long-Range Transportation Plan 2035
- *FDOT Adopted Work Program FY [2019/20 – 2023/24](#)

Sanitary Sewer

The 60-acre Coquina Commercial Center at the Town's southern boundary and the New Testament Church at the Town's northern boundary are served by the City of Sunrise sanitary sewer system. The City of Sunrise Utilities Department maintains a retail service agreement with these two locations. The only other properties served by

centralized sanitary sewer are within the Cooper City service area, which covers frontage properties on Flamingo Road at the Town's eastern boundary, and the Stone Creek at Sunshine Ranches neighborhood (eight single-family homes). Included in this service area are St. Mark's Church and Archbishop McCarthy High School. All other properties in the Town utilize private septic tank systems. The Town is not involved in any manner with sanitary sewer service and thus, has no capital expenditures related to sanitary sewer service.

Potable Water

The Town does not maintain potable water treatment or distribution facilities and thus, does not have any capital improvement expenditures related to the supply or distribution of potable water. At least 90 percent of the households in the Town of Southwest Ranches are supplied with potable water via an on-site domestic self supply system (private well). The remaining ten percent of households have the option to connect to public water systems, but do not need to. The City of Sunrise, and Cooper City maintain retail service agreements with properties connected to their systems located in the Town of Southwest Ranches, however, the Town itself is not involved in any manner with potable water service, and thus, has no capital expenditures related to potable water service.

The January 20, 2015 Sunrise 10-Year Water Supply Facilities Work Plan is hereby incorporated by reference.

Solid Waste

Collection and disposal of Solid Waste are the responsibility of contracted haulers and Broward County Solid Waste Division. The Town of Southwest Ranches maintains agreements with these entities to ensure that solid waste is collected and disposed of according to the terms of the contract and within all safety regulations. No public capital improvements are needed to maintain the adopted level of service standards. All agreements are currently up-to-date and will be continuously monitored as needed.

The Broward County Capital Improvements Program FY [2019/20 – 2023/24](#) is hereby incorporated by reference.

Drainage

Primary and secondary drainage within the Town is the responsibility of two independent drainage districts, each with regulatory, taxing and bonding authority. The drainage districts are responsible for the establishment and maintenance of all primary and secondary canals within the Town, and review development permits for compliance with their respective LOS Standards, which the Town has adopted. Both drainage basins function at their respective adopted LOS Standards.

The Town has adopted a Comprehensive Tertiary Drainage Master Plan. This conceptual plan identifies the general pathways (swales and drainage easements) that stormwater uses to make its way to the canal system. The purpose of the plan is to speed the clearance of stormwater from streets and yards after major storm events. A principal means of implementing the plan is enforcing proper swale grading and driveway swale cross-sections when new homes are constructed and when driveways are added or re-graded. The plan and the conceptual improvements it identifies are not necessary for maintaining the adopted LOS Standard, and do not impose a capital obligation upon the Town.

The Town may undertake targeted improvements from time to time when funds are available, in order to compliment drainage district canal improvements and to improve the drainage from storm events that exceed the design storm events for which the adopted LOS Standards are based. There are no existing or projected drainage LOS deficiencies identified in the comprehensive plan over the next five years.

Parks and Recreation

The adopted parks and recreation level of service standard of the Town of Southwest Ranches is to provide six acres of local and community park land per 1,000 residents. Currently, the Town owns a total of 153.54 acres of park land. According to the adopted comprehensive plan, the demand for local and community parks and recreation facilities in the year 2019, the long term planning horizon, will be 58.38 acres. The Town of Southwest Ranches far exceeds the adopted level of service standard. Therefore, no funding is included or needed in order to satisfy the adopted LOS Standard. Capital expenditures for parks and open space will be designated for ongoing improvements to existing parkland, including trails, picnic areas, boat ramps, and play areas.

Schools

The uniform, district-wide adopted LOS is 100 percent of gross capacity (with relocatable classrooms) for each public elementary, middle, and high school within Broward County. The adopted LOS will be met within the short and long range planning horizons, which is addressed by the Broward County School District's Five-Year District Educational Facilities Plan (DEFP). Any potential deficiencies will be addressed by the School Board in the annual update of the District's DEFP.

The School Board of Broward County District Educational Facilities Plan FY [2019/20 – 2023/24](#) is hereby incorporated by reference.

Public Education and Public Health Systems

Public Education Facilities

There are no public education facilities within the Town of Southwest Ranches.

Public Health Facilities

There are no public health facilities located within the Town of Southwest Ranches.

Existing Revenue Sources and Funding Mechanisms

The Town of Southwest Ranches has established four revenue and expenditure fund categories: general, transportation, debt service, and capital. As common with most other local governments, the largest of these fund categories is the general fund which is used to pay for all personnel and operating expenditures. The transportation fund is used to pay for general road maintenance, traffic studies, traffic calming and other transportation-related activities. The debt service fund is established to set aside all money needed to repay debt issuances. Finally, the capital fund is established to pay for all major capital improvements that have a life of three or more years.

Below is an inventory of revenue sources, organized by fund category, which are available to the Town of Southwest Ranches.

General Fund

As stated above, the Town's General Fund is the largest of four funds established by the Town. Fund revenues include taxes, franchise fees, licenses and permits, fines and forfeitures, charges for services, and other miscellaneous service fees. General Fund expenditures include all operating and personnel expenditures and the allocation of monetary reserves.

Transportation Fund

Transportation Fund revenues include intergovernmental revenues which are made up of local option and gas taxes, revenue transfers from general funds, and unexpended reserves from previous years. Fund revenues are typically dedicated to road maintenance activities, traffic studies, and other transportation-related activities.

Debt Service Fund

The debt service fund was established by the Town to repay two issues of credit. The first is a 2001A Series Florida Municipal Loan Council Revenue Bond (30 years) issued to pay for the obligations and acquisition of certain parks and recreation land. The second issue of credit is a commercial paper loan agreement with the Florida Local Government Finance Commission to finance the acquisition of property for the Town's Capital Improvement Program.

Capital Fund

The capital fund was established to track and plan for all major capital projects of the Town. Revenues to pay for capital expenses typically come from intergovernmental revenues including grants, transfers from the general fund, and various lines of credit and bonding mechanisms.

ANALYSIS

The element is based on the following analyses which support the comprehensive plan.

Current local practices that guide the timing and location of construction, extension, or increases in capacity of each public facility.

The Town of Southwest Ranches reviews the impact of all new development on drainage, parks and recreation, and transportation facilities. It also coordinates with Broward County in the permitting process to ensure that all new development meets any adopted LOS standards of the county. The Town relies upon its comprehensive plan to identify any projected LOS deficiencies or needs for capacity increases. At this time, there are no deficiencies projected to occur in the five year capital improvement planning horizon.

Fiscal implication of existing deficiencies

As indicated in the section on public facility needs, above, there are no existing deficiencies in the Town of Southwest Ranches in which the Town is financially responsible. All of the existing transportation deficiencies identified are to be funded and corrected exclusively by Broward County as indicated in the Broward County MPO Cost Feasible Long Range Transportation Plan.

Impacts of public education and public health systems on infrastructure

There are no public education or public health facilities in the Town of Southwest Ranches. As such, there are no impacts of these systems on the Town's infrastructure.

Timing of Capital Improvements

The Town continues to schedule improvements so that they are available concurrent with the impact of development in accordance with Chapter 163, Florida Statutes.

Ability to Fund Capital Improvements

The Town does not have any planned capital improvement projects needed to maintain adopted level of service standards. Shown in Appendix D is the five-year schedule of capital improvements (SCI) for facilities subject to concurrency evaluations. All capital improvements included in the table are enhancements to public facilities already meeting adopted level of service standards. The ability to fund these capital improvements is demonstrated in a balance of revenues and expenditures as shown in Appendices A and B.

Summary and Conclusions

The Town of Southwest Ranches has successfully secured the public facilities needed through capital improvement planning to implement the comprehensive plan as currently adopted. There are no further capital improvements that need to be funded over the next five years in order to meet adopted level of service standards.

Appendix A: Five-Year Forecast of Capital Expenditures (Capital Improvements Program)

	PROJECT TOTALS	\$2,928,291	\$2,184,671	\$2,523,131	\$2,712,131	\$7,909,331	\$18,257,555			

Funding Source Code	Funding Source Name
CIP-FB	Capital Projects Fund Fund Balance
DEBT	DEBT-General Obligation or otherwise
FA	Fire Assessment
G	Grant Funding
GAS	Local Option Gas Taxes
GF-FB	General Fund Fund Balance
GF Tfr	General Fund Transfer from Operating Revenues
NF	Not Funded
TFB	Transportation Fund Fund Balance

Five Year Capital Improvement Plan - All Funds Funding Source Summary

FY 2020 - FY 2024

	Source Name	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total
CIP-FB	Capital Projects Fund Fund Balance	23,039	-	-	-	-	23,039
DEBT	DEBT-General Obligation or otherwise	-	-	-	-	-	-
FA	Fire Assessment	30,000	30,000	30,000	30,000	30,000	150,000
G	Grant Funding	549,490	-	-	-	-	549,490
GAS	Local Option Gas Taxes	-	5,000	5,000	5,000	5,000	20,000
GF-FB	General Fund Fund Balance	-	-	-	-	-	-
GF Tfr	General Fund Transfer from Operating Revenues	796,267	570,265	587,000	633,000	633,000	3,219,532
NF	Not Funded	1,004,661	1,554,406	1,901,131	2,044,131	7,241,331	13,745,660
TFB	Transportation Fund Fund Balance	524,834	25,000	-	-	-	549,834
Totals		2,928,291	2,184,671	2,523,131	2,712,131	7,909,331	18,257,555