

1 **ORDINANCE NO. 2017 -03**

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3 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
4 **FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES**
5 **UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10**
6 **ENTITLED, "DEFINITION OF TERMS" TO DEFINE NEWLY**
7 **REGULATED TERMS; AMENDING ARTICLE 45 ENTITLED,**
8 **"AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-050**
9 **"USES PERMITTED" TO PROHIBIT CANNABIS-RELATED USES AND**
10 **MAKE REVISIONS OF A HOUSEKEEPING NATURE; AMENDING**
11 **ARTICLE 50 ENTITLED, "COMMERCIAL DISTRICTS," SECTION**
12 **050-040, "PERMITTED USES" AND SECTION 050-080,**
13 **"LIMITATIONS OF USES" TO PROHIBIT CANNABIS-RELATED**
14 **USES, PROHIBIT OR RESTRICT CERTAIN ADDITIONAL USES AND**
15 **MAKE REVISIONS OF A HOUSEKEEPING NATURE; AMENDING**
16 **ARTICLE 55 ENTITLED, "M, MANUFACTURING AND INDUSTRIAL**
17 **DISTRICT", SECTION 55-040, "PERMITTED AND PROHIBITED**
18 **USES" TO PROHIBIT CANNABIS-RELATED USES AND MAKE**
19 **REVISIONS OF A HOUSEKEEPING NATURE; AMENDING ARTICLE**
20 **60, ENTITLED, "CF, COMMUNITY FACILITY DISTRICT," SECTION**
21 **060-030, "PERMITTED USES" TO PROHIBIT CANNABIS-RELATED**
22 **USES AND MAKE REVISIONS OF A HOUSEKEEPING NATURE;**
23 **AMENDING ARTICLE 65 ENTITLED, "RECREATION AND OPEN**
24 **SPACE DISTRICT," SECTION 065-030, "PERMITTED USES" TO**
25 **PROHIBIT CANNABIS-RELATED USES AND MAKE REVISIONS OF A**
26 **HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION;**
27 **PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;**
28 **AND, PROVIDING FOR AN EFFECTIVE DATE.**

29
30 **WHEREAS,** the Town Council of the Town of Southwest Ranches, Florida
31 ("Town," "Town Council") wishes to amend the lists of permitted, conditional and
32 prohibited uses set forth in the ULDC; and

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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 January 26, 2017, and
3 has issued its recommendation to the Town Council, finding that the Ordinance is
4 consistent with the adopted comprehensive plan;

5 **WHEREAS**, until the Florida Legislature has fully addressed the rules and
6 regulations for cannabis dispensaries, the Town desires to enact a moratorium on such
7 commercial enterprises, and to revisit this issue after the Florida Legislature has acted;

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8 **WHEREAS**, the Town Council finds that the enactment of this Ordinance is in the
9 best interest of the health, safety, and welfare of its residents.

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

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

14 **Section 2.** Section 010-030 "Terms defined" is hereby amended to add
15 the following definitions:

16 *Cannabis.* The term, "cannabis" shall have the meaning given in Section
17 893.02(3), Florida Statutes (2013), as may be amended from time to time.

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18 *Cannabis-related use.* The term, "cannabis-related use" means any
19 activity that involves growing, cultivating, processing (including
20 development of related products such as food, tinctures, aerosols, oils or
21 ointments), selling, dispensing, processing orders for, or administering
22 cannabis, products containing cannabis, or related supplies, except that this
23 term shall not apply to cultivating and processing facilities approved by the
24 State of Florida for which local governments are preempted from regulating
25 pursuant to s. 381.986, F.S., as may be amended from time to time.

26 *Smoke shop or lounge.* (i) The term, "smoke shop or lounge" means an
27 establishment whereupon tobacco, tobacco products or paraphernalia is sold,
28 distributed, displayed, presented, exchanged, serviced, stored, modified, or used.

1 (ii) For the purpose of this definition, the term, "paraphernalia" means equipment,
 2 apparatus or items that are intended for, customarily used for, or adapted for, the
 3 smoking or inhaling of tobacco, tobacco products, vaporized nicotine, marijuana,
 4 or other substance that is intended or known to be smoked or inhaled. (iii)
 5 Convenience stores, grocery stores and similar establishments that display such
 6 items for retail sale only are not a smoke shop or lounge provided that the display
 7 and inventory of such items comprises less than one percent (1%) of the total
 8 number of products on display and in stock, and further provided that the
 9 establishment does not otherwise comport with this definition.

10 **Section 3.** Section 045-050 "Uses permitted" is hereby amended to read
 11 as follows:

12 Sec. 045-050. Uses-Permitted and prohibited uses.

13 Plots in rural and agricultural districts may be used for one (1) or more of the
 14 following uses that are specified below as being permitted or conditionally
 15 permitted uses:

16 Key to abbreviations:

- 17 P = Permitted use
 18 NP = Not Permitted
 19 C = Conditional use

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	P	P	P	P
Crop raising and plant nurseries (commercial and	P	P	P	P
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

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Kennels, commercial boarding and breeding	NP	P	NP	NP
<u>Cannabis-related uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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
<u>Cannabis-related uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Accessory structures and uses, other	P	P	P	P

1 **Section 4.** Section 050-040 "Permitted uses" is hereby amended to read as
2 follows:

3 Sec. 050-040. Permitted and prohibited uses.

4 Permitted principal uses in all commercial districts shall be limited to those uses
5 specified in the master business list as being permitted or conditionally permitted
6 uses, and uses determined by the town administrator to be similar to a permitted
7 use in terms of use type, intensity and compatibility with adjacent uses, provided
8 that the use is not first permitted in a more intense zoning district. All other uses
9 shall be prohibited. Permitted uses shall be subject to the applicable provisions of
10 section 050-080, "Limitations of uses." Specific subsection references are included
11 in the following master business list:

12 Master Business List

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P=Permitted Use	C=Conditional Use	A=Accessory use only	NP=Not Permitted
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1 Conditional use regulations are found in article 35, "Conditional uses."

Use	CB	MUS
Accessory dwelling (subject to see-section 050-080(A))	A	A
Adult entertainment establishment, adult video store (see chapter 20, article XVI, and ULDC article 25, "Alcoholic Beverages and Adult Entertainment")	NP	NP
Amusement center (video arcade, games) (see-subject to section 050-080(BS))	P	NP
Animal grooming parlor	NP	P
Appliance store	P	NP
Auditorium, amphitheatre	NP	P
Automobile repair garage (mechanical) (subject to see-section 050-080(C))	P	NP
Bank or financial institution	P	P
Bar, lounge, tavern or pub	NP	NP
Barbershop, beauty salon, nail salon	P	NP
Bakery, retail (in MUS, subject to see-section 050-080(E))	P	P
Billiard center or pool hall	NP	NP
Blood bank	P	NP
Bookstore, newsstand	P	P
Cannabis-related use	NP	NP
Carwash, self-service or automated	P	NP
Catering or food delivery service	P	NP
Child care center, preschool or adult day care (subject to see-section 050-080(D))	P	A
Clothing store	P	NP
Club, private fraternal or lodge	P	NP
Community centers, meeting facilities	NP	P
Convenience store	P	NP
Courier service	P	NP
Dance club	NP	NP
Delicatessen (in MUS, subject to section 050-080(E))	P	P
Department store	P	NP

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Dinner theater	P	NP
Dry cleaning or laundry drop-off and pick-up	P	NP
Electronics sales or repair	P	NP
Employment agency, business and professional, excluding day labor agencies	P	NP
Essential services and utilities	P	P
Feed and tack store	P	P
Flooring store (carpet, tile, etc.)	P	NP
Florist (in MUS, subject to see-section 050-080(E))	P	P
Funeral home, mortuary	P	NP
Furniture store	P	NP
Gasoline station (subject to see-section 050-080(F))	P	NP
General store, rural (see-subject to section 050-080(E), (G))	P	P
Glass and mirror shop	P	NP
Golf course	NP	NP
Golf driving range	NP	NP
Golf, miniature	NP	NP
Governmental offices and support facilities, including public safety and rescue facilities	P	P
Gym or fitness center	P	A
Hardware store	P	NP
Hobby or craft store	P	NP
Holiday wayside stand (see-subject to section 035-050, "Holiday wayside stands")	C	C
Home Improvement center	P	NP
Hotel	P	NP
Kennel, animal boarding or breeding (see-subject to section 050-080(E), (H))	P	P
Laboratory (medical, dental, research and development)	P	NP
Lawn and garden shop	A	NP
Library, museum, art gallery and other such exhibitions	P	P
Mobile collection center (see-subject to section 050-080(I))	P	NP
Mobile food unit (see-subject to section 050-080(J))	C	NP
Nightclub	NP	NP
Offices, (business and professional) (in MUS, see section 050-080(E))	P	P

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Offices (medical, dental, psychiatric or chiropractic)	P	NP	Formatted Table	... [118]
Outdoor event (see <u>subject</u> to section 035-040, "Outdoor events.")	C	C	Formatted	... [119]
Outdoor recreation club	NP	NP	Formatted	... [120]
Package delivery service (in MUS, see <u>subject</u> to section 050-080(E))	P	P	Formatted	... [121]
Package liquor, beer or wine	P	NP	Formatted	... [122]
Parts store, vehicles (see <u>subject</u> to section 050-080(B), (K))	P	NP	Formatted Table	... [123]
Personal service shops (other than those specified herein)	P	NP	Formatted	... [124]
Pest control service	P	NP	Formatted	... [125]
Pharmacy	P	NP	Formatted	... [126]
Plant or produce sales, farmers market	P	P	Formatted	... [127]
Plant or produce sales, farmers market	P	P	Formatted	... [128]
Post office or private mail facility; (local branch office only, no regional sorting or distribution) (in MUS, see <u>subject</u> to section 050-080(E))	P	P	Formatted	... [129]
Post office or private mail facility; (local branch office only, no regional sorting or distribution) (in MUS, see <u>subject</u> to section 050-080(E))	P	P	Formatted	... [130]
Photocopy or small job printing shop	P	NP	Formatted	... [131]
Photocopy or small job printing shop	P	NP	Formatted	... [132]
Recording or broadcasting studio (music, radio, television, film)	P	NP	Formatted	... [133]
Recording or broadcasting studio (music, radio, television, film)	P	NP	Formatted	... [133]
Recreation and open space, public	P	P	Formatted Table	... [134]
Recreation and open space, public	P	P	Formatted Table	... [134]
Repair shop, household and personal items	P	NP	Formatted	... [135]
Repair shop, household and personal items	P	NP	Formatted	... [135]
Restaurant, fast food (see <u>subject</u> to section 050-080(L))	P	NP	Formatted	... [136]
Restaurant, fast food (see <u>subject</u> to section 050-080(L))	P	NP	Formatted	... [136]
Restaurant, full service (in MUS, see <u>subject</u> to section 050-080(E))	P	P	Formatted	... [137]
Restaurant, full service (in MUS, see <u>subject</u> to section 050-080(E))	P	P	Formatted	... [137]
Restaurant, take-out	P	NP	Formatted	... [138]
Restaurant, take-out	P	NP	Formatted	... [138]
Retail store (other than those specified herein)	P	NP	Formatted	... [139]
Retail store (other than those specified herein)	P	NP	Formatted	... [139]
Retail store (other than those specified herein)	P	NP	Formatted	... [140]
Retail store (other than those specified herein)	P	NP	Formatted	... [140]
Rodeo arena	NP	P	Formatted Table	... [141]
Rodeo arena	NP	P	Formatted Table	... [141]
School or studio, commercial (art, music, <u>dance</u> , theatrical, business, <u>martial arts</u> , gymnastics, technical)	P	NP	Formatted	... [142]
School or studio, commercial (art, music, <u>dance</u> , theatrical, business, <u>martial arts</u> , gymnastics, technical)	P	NP	Formatted	... [142]
School or studio, commercial (art, music, <u>dance</u> , theatrical, business, <u>martial arts</u> , gymnastics, technical)	P	NP	Formatted	... [143]
School, public or private, preschool, elementary and secondary	P	NP	Formatted	... [144]
School, public or private, preschool, elementary and secondary	P	NP	Formatted	... [144]
School, trade or vocational (see <u>subject</u> to section 050-080(O))	P	NP	Formatted	... [145]
School, trade or vocational (see <u>subject</u> to section 050-080(O))	P	NP	Formatted	... [145]
Shopping center	P	NP	Formatted Table	... [146]
Shopping center	P	NP	Formatted Table	... [146]
Skateboard facility (see <u>subject</u> to section 050-080(M))	NP	NP	Formatted	... [147]
Skateboard facility (see <u>subject</u> to section 050-080(M))	NP	NP	Formatted	... [147]
Skating rink (see <u>subject</u> to section 050-080(M))	P	NP	Formatted	... [148]
Skating rink (see <u>subject</u> to section 050-080(M))	P	NP	Formatted	... [148]
Skating rink (see <u>subject</u> to section 050-080(M))	P	NP	Formatted	... [149]
Skating rink (see <u>subject</u> to section 050-080(M))	P	NP	Formatted	... [149]
Smoke shop or lounge	NP	NP	Formatted	... [150]
Smoke shop or lounge	NP	NP	Formatted	... [150]
Sports courts (tennis, batting cages, etc.)	NP	NP	Formatted	... [151]
Sports courts (tennis, batting cages, etc.)	NP	NP	Formatted	... [151]
Supermarket	P	NP	Formatted	... [152]
Supermarket	P	NP	Formatted	... [152]
Swimming pool supplies (see section 050-080(N))	P	NP	Formatted Table	... [153]
Swimming pool supplies (see section 050-080(N))	P	NP	Formatted Table	... [153]
Theater, movie	P	NP	Formatted	... [154]
Theater, movie	P	NP	Formatted	... [154]
Theater, performing arts	P	P	Formatted	... [155]
Theater, performing arts	P	P	Formatted	... [155]
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Tool rental (small tools and equipment)	P	NP
Upholstery shop	P	NP
Union hall	P	NP
Valet parking (subject to section 050-080(P))	AP	AP
Veterinary clinic (in MUS, see section 050-080(E))	P	P
Veterinary hospital (see subject to section 050-080(E), (QP))	P	P
Video store	P	NP
Warehouse, self-storage (see subject to section 050-080(RQ))	P	NP
Water parks, commercial (water slides, pools, etc.)	NP	NP
Wholesale stores	P	NP
Wireless communication facilities (see subject to article 40, "Telecommunication Towers and Antennas")	P	P

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3 **SECTION 5.** Section 050-080 "Limitations of Use" is hereby amended to
4 add subsection (S) as follows:

5 * * * * *
6 (S) Hours of use. Any business or use that is subject to this Subsection (S) as
7 stipulated within the Master Business List shall not operate after 10:00 p.m.

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8 **SECTION 6.** Section 055-040. Permitted and prohibited uses, is hereby
9 amended to read as follows:

10 Permitted principal uses shall be limited to those uses specified as permitted
11 or conditionally permitted uses in the master business list, and uses determined
12 by the town administrator to be similar to a permitted use in terms of use type,
13 intensity and compatibility with adjacent uses. All other uses shall be prohibited.
14 All permitted uses shall be subject to applicable provisions of section 055-080,
15 "Limitations of uses." Specific subsection references for section 055-080 are
16 included in the master business list.

17 Master Business List

P=Permitted use	C=Conditional use	A=Accessory use only	NP=Not permitted
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18 Conditional use regulations are found in article 35, "Conditional Uses."

Use	
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Cannabis-related use

NP

Section 7. Section 060-030. Permitted uses, is hereby amended to read as follows:

Sec. 060-030. - Permitted and prohibited uses.

Permitted uses in the community facilities district shall be limited to those uses specified as permitted or conditionally permitted uses in the master use list. 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	NP=Not permitted
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Use	
Cannabis-related uses	NP

Section 8. Section 065-030. Permitted uses, is hereby amended to read as follows:

Sec. 065-030. - Permitted and prohibited uses.

Permitted uses in the OSR district shall be limited to those uses specified as permitted or conditionally permitted uses in the master use list, and similar recreation uses thereto, as determined by the town council. All uses shall be subject to applicable provisions of section 065-080, "Limitations of uses." Specific subsection references are included in the following master use list:

P = Permitted use

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C = Conditional ~~Use~~-use

NP = Not permitted

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Conditional uses are subject to the provisions of Article 35, "Conditional Uses."

Use	OSR
Cannabis-related use	NP

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1 **Section 5: Codification.** The Town Clerk shall cause this ordinance to be
2 codified as a part of the ULDC during the next codification update cycle.

3 **Section 6: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
4 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
5 extent of such conflict.

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

9 **Section 8: Effective Date.** This Ordinance shall take effect immediately upon
10 passage and adoption.

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[Signatures on Following Page]

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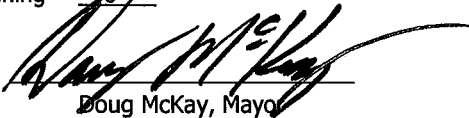
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PASSED ON FIRST READING this 9th day of February, 2017 on a motion made by Vice Mayor Breitreuz and seconded by Council Member Jablonski.

PASSED AND ADOPTED ON SECOND READING this 23rd day of February, 2017, on a motion made by Vice Mayor Breitreuz and seconded by Council Member Jablonski.

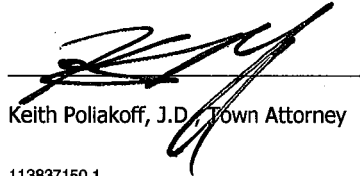
McKay	<u>Yes</u>	Ayes	<u>5</u>
Breitreuz	<u>Yes</u>	Nays	<u>0</u>
Fisikelli	<u>Yes</u>		
Jabolonski	<u>Yes</u>	Absent	<u>0</u>
Schroeder	<u>Yes</u>	Abstaining	<u>0</u>


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. 2017-03
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