

ORDINANCE NO. 2021-015

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" TO REGULATE THE LOCATION OF NEW BUSINESSES ENGAGED IN COMMERCIAL RETAIL SALES OF PLANTS ON PLOTS AND PORTIONS OF PLOTS THAT ARE NOT FARMS (NO AGRICULTURAL PROPERTY TAX CLASSIFICATION) AND TO PROVIDE FOR NONCONFORMING USES; 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 new businesses engaged in commercial retail sales of plants on plots and portions of plots that are not farms (i.e. no agricultural property tax classification), and providing for the continued operation of such existing businesses; and

WHEREAS, agricultural classifications are determined by the Broward County Property Appraiser. This Ordinance does not eliminate, reduce or modify the agricultural classification of any property or portion thereof within the Town; and

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

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

Section 2. Article 45, "Agricultural and Rural Districts," Section 045-030, "General Provisions," Subsection (K) is hereby amended as follows:

1 (K) Commercial retail sales of plants not on farms. This subsection
2 regulates the location of businesses engaged in the commercial retail
3 sales of plants and accessory sales of landscape materials direct to the
4 public, on plots and portions of plots that are not farms (i.e. no
5 agricultural property tax classification), at a specific location and with
6 established hours of operation. This subsection does not regulate retail
7 sales of plants and landscape materials on a plot or portion of a plot
8 that is a farm.

9 (1) Businesses established after [the effective date of this ordinance]
10 may be located on lots of record existing as of such date that
11 front one of the following road rights-of-way, provided that the
12 lot has one or more driveway openings onto such roadway
13 approved by the governmental entity with jurisdiction over the
14 roadway that all retail-related traffic must use exclusively to
15 access the plot:

- 16 a. Griffin Road
- 17 b. Sheridan Street
- 18 c. Flamingo Road
- 19 d. Volunteer Road
- 20 e. Dykes Road
- 21 f. SW 172nd Avenue
- 22 g. U.S. Highway 27

23 (2) Any location not authorized in paragraph (1) above is permitted
24 only by special exception permit in accordance with paragraph
25 (4), below and Article 112.

26 (3) Such businesses existing as of [effective date of this ordinance]
27 that are not in accordance with of paragraphs (1) or (2), are
28 nonconforming uses that may continue to operate until such time
29 that the use is changed to another use or is discontinued for a
30 period of six (6) consecutive months. The town administrator may
31 grant a single six (6) month extension upon request. In the event
32 the property is sold or leased within the extension period, the
33 balance of the extension shall be transferrable to the new owner
34 or lessee. A business that has lost its nonconforming use status
35 may be re-established on the same plot only upon issuance of a
36 special exception use permit in accordance with paragraph (4)
37 and Article 112.

1 (4) The following are requirements of all special exception use permits
2 pursuant to paragraphs (2) and (3) above:

3 a. The applicant shall demonstrate how the retail use will be operated
4 in a manner that is consistent with the character of the surrounding
5 neighborhood and will not create a nuisance. Required information
6 shall include: hours of operation; detailed site plan that addresses
7 building size, location, screening and adequate parking for
8 employees and patrons, including disabled-accessible parking,
9 restrooms, ingress and egress of vehicular traffic, setbacks from
10 the street and adjacent properties, outdoor equipment screening
11 or storage, screening of items for retail sale stored outside, and
12 use of outdoor lighting in compliance with Article 95.

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

17 c. The property shall adequately buffer and screen abutting
18 residential uses and streets, to the satisfaction of the town council,
19 from the vehicular use areas and portions of the property
20 associated with retail sales, including any portion of the property's
21 periphery where retail customers have access.

22 d. The business shall utilize commercial waste collection service.

23 *[existing subsections k. through u. are hereby relettered as l. through v. and*
24 *references in Sec. 045-050 and 060-030 shall be relettered accordingly]*

25 **Section 3: Codification.** The Town Clerk shall cause this ordinance to be
26 codified as a part of the ULDC during the next codification update cycle.

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

30 **Section 5: Severability.** If any word, phrase, clause, sentence or section of
31 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
32 shall not affect the validity of any remaining portions of this Ordinance.

33 **Section 6: Effective Date.** This Ordinance shall take effect immediately upon
34 passage and adoption.

Ordinance No. 2021-015

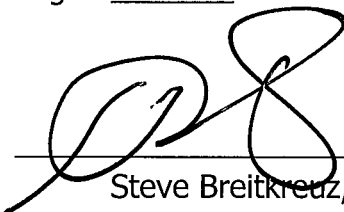
New text is underlined and deleted text is ~~stricken~~

1 **PASSED ON FIRST READING** this 13th day of September, 2021 on a motion made
2 by C/m Jablonski and seconded by C/m Allbritton.

3 **PASSED AND ADOPTED ON SECOND READING** this 23rd day of September,
4 2021, on a motion made by V/en Hartmann and seconded by
5 C/m Jablonski.

Breitkreuz	<u>yes</u>
Hartmann	<u>yes</u>
Allbritton	<u>yes</u>
Jablonski	<u>yes</u>
Kuczenski	<u>yes</u>

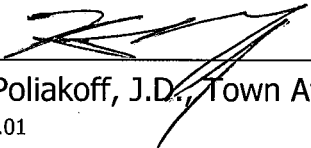
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Steve Breitkreuz, Mayor

ATTEST:


Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, J.D., Town Attorney
1001.331.01