ORDINANCE NO. 2017 - 014

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AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10 ENTITLED, "DEFINITION OF TERMS" TO DEFINE THE TERM "COMPOSTING OR MULCHING OPERATION;" AMENDING ARTICLE ENTITLED, "M, **MANUFACTURING** AND **INDUSTRIAL** DISTRICT" TO REVISE THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES, AND THE LIMITATIONS OF USES PERTAINING TO COMPOSTING, MULCHING, RECYCLING AND OTHER WASTE PROCESSING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the production of mulch or compost, using materials not grown on the plot where such mulch or compost is produced, is neither a principal nor accessory agricultural use; and

WHEREAS, the Town Council of the Town of Southwest Ranches ("Town Council") wishes to clarify that production of mulch or compost in whole or in part from acceptance of off-site plant and tree materials is an industrial use, and is therefore permitted only in the M, Manufacturing and Industrial District and prohibited in all other zoning districts; and

WHEREAS, the Town Council wishes to clarify and amend the permitted uses and limitations thereof in the M District pertaining to processing, recycling, storage and transfer of waste materials; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on September 13, 2017,

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New text is underlined and deleted text is stricken

- and has issued its recommendation to the Town Council, finding that the Ordinance is consistent with the adopted comprehensive plan;
- WHEREAS, the Town Council finds that the Ordinance is consistent with the adopted comprehensive plan and is in the best interest of the health, safety, and welfare, of the Town 's residents.

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

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

Section 2. Section 010-030 "Terms defined" is hereby amended as follows:

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Composting or mulching operation. The term, "composting or mulching 13 operation" means the processing of any organic, plant, or tree material into 14 compost, or the processing of any organic, plant, tree, or other material, into 15 small chips or pieces consistent with that of mulch (hereinafter referenced as 16 "mulch" regardless of intended use), typically through grinding or cutting, when: 17 (1) any of the source materials are obtained from offsite; or (2) any of the 18 compost or mulch is removed from the property where processed; or (3) 19 deposition of compost or mulch alters the grade of any portion of the land on the 20 plot where the activity is occurring, including deposition into a water body or 21 excavated area. Composting or mulching operations are industrial uses, and are 22 expressly not agricultural uses. 23

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Section 3. Article 55, M Manufacturing and Industrial District, Section 055-040, Permitted and prohibited uses is hereby amended to read as follows:

* * * *

Master Business List

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New text is underlined and deleted text is stricken

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

Use	- COLUMN
* * * *	
Fertilizer, compost and mulch compounding, and composting or mulching operations, including storage and distribution of fertilizer, compost and/or mulch	P
* * * *	
Recycling facility (see section 055-080(I))	Р
* * * *	
Sanitation companies and waste haulers (see section 055-080(\underline{I} K))	
* * * *	
Trash, garbage and debris processing; transfer station (see sec. 055-080(I))	Р

Section 4. Section 055-080, Limitations of uses, is hereby amended to read as
 follows:

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(I) Recycling facilityies; trash, garbage and debris processing; transfer station; sanitation companies and waste haulers.;

Includes, but is not limited to, collection, processing (but not disposal or incineration), and transfer of trash, garbage, construction debris, and demolition debris. All materials stored, handled or repackaged on the premises shall either be in containers or stored within a building.

* * * *

(K) <u>Reserved.</u> Sanitation companies. All dumpsters, waste containers and sanitation vehicles shall be emptied prior to storage on the plot.

* * * * *

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2	be codified as a part of the ULDC during the next codification update cycle.
3 4 5	<u>Section 6:</u> 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.
6 7 8	<u>Section 7:</u> 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.
9 10	Section 8: Effective Date. This Ordinance shall take effect immediately upor passage and adoption.
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24	[Signatures on Following Page]

Ordinance No. 2017-<u>014</u> New text is u<u>nderlined</u> and deleted text is stricken

1	PASSED ON FIRST READING this / 3 day of 2017 on a motion made
2	by Win Breithauf and seconded by Grafaboushi.
3	PASSED AND ADOPTED ON SECOND READING this 20th day of Apple
4	2017, on a motion made by Achiele and seconded by
5	C/m Fisikelli
6	McKay 4u Ayes 5
7	Breitkreuz Nays
8	Fisikelli Alexant
9	Jablonski Absent Abstaining
10 11	Abstairing Abstairing
12	I had Melas
13	Doug McKay, Mayor
14	ATTEST
	Lange Of Teller &
15	munce or way
16	Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk
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18	Approved as to Form and Correctness:
	AM/h
19	
20	Keith Poliakoff, J.D., Town Attorney
21	114370284.1