



Southwest Ranches Town Council

REGULAR MEETING

Agenda of September 28, 2017

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Doug McKay	Freddy Fisikelli	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice Mayor</u>	Gary Jablonski	<u>Town Financial</u>	<u>Assistant Town</u>
Steve Breitreuz	Denise Schroeder	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	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/Roll Call

2. Pledge of Allegiance

3. Public Comment

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.
- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

4. Board Reports

5. Council Member Comments

6. Legal Comments

7. Administration Comments

Ordinance - 2nd Reading

- 8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 45 ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS," ARTICLE 50, ENTITLED, "COMMERCIAL DISTRICTS," ARTICLE 55 ENTITLED, "M, MANUFACTURING AND INDUSTRIAL DISTRICT," ARTICLE 60 ENTITLED, "CF, COMMUNITY FACILITY DISTRICT," AND ARTICLE 65 ENTITLED, "RECREATION AND OPEN SPACE DISTRICT" TO REQUIRE THAT THE FINISHED SIDE OF FENCES FACE OUTWARD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

{Approved on First Reading - September 13, 2017}

9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, SECTION 10-23, "DEFINITIONS" UNDER ARTICLE II, "TREE PRESERVATION" IN CHAPTER 10, "ENVIRONMENT," TO CHANGE THE DEFINITION OF "NUISANCE TREE"; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), SECTION 075-060, "PLANT MATERIAL" IN ARTICLE 75, "LANDSCAPING REQUIREMENTS," TO CHANGE THE LIST OF PROHIBITED PLANTS, AND TO REQUIRE REMOVAL OF SUCH PLANTS FROM CONSTRUCTION SITES PRIOR TO ISSUANCE OF A BUILDING PERMIT; AMENDING SECTION 075-110, "SINGLE-FAMILY REQUIREMENTS" TO REQUIRE REMOVAL OF PROHIBITED PLANT SPECIES FROM CONSTRUCTION SITES PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR A PRINCIPAL STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading September 13, 2017}
10. 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 55, 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. {Approved on First Reading September 13, 2017}

Resolutions

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PURCHASE ORDER WITH ERDMAN ANTHONY FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR THE STIRLING ROAD GUARDRAIL IMPROVEMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

12. 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
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, 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: Jeff Katims
DATE: 9/13/2017
SUBJECT: Good Neighbor Fence Ordinance

Recommendation

Approve on first reading.

Strategic Priorities

A. Sound Governance

Background

Installing a wood fence with the "good side" facing out, or installing a fence that has two equally "good" sides is known across the country as a "good neighbor fence." It is common for local governments throughout the country to require installation of fences in this manner.

The proposed Ordinance would require installation of fences with the finished side facing outward. The Ordinance would apply only to fences installed or replaced after its adoption, and provides a waiver process for fences facing only interior property lines if the abutting property owner consents to an "inside out" installation.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description

Good Neighbor Fence Ordinance - TA Approved

Upload Date

9/6/2017

Type

Ordinance

1 **ORDINANCE NO. 2017 -**

2

3 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
4 **FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES**
5 **UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 45**
6 **ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS,"**
7 **ARTICLE 50, ENTITLED, "COMMERCIAL DISTRICTS," ARTICLE 55**
8 **ENTITLED, "M, MANUFACTURING AND INDUSTRIAL DISTRICT,"**
9 **ARTICLE 60 ENTITLED, "CF, COMMUNITY FACILITY DISTRICT,"**
10 **AND ARTICLE 65 ENTITLED, "RECREATION AND OPEN SPACE**
11 **DISTRICT" TO REQUIRE THAT THE FINISHED SIDE OF FENCES**
12 **FACE OUTWARD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR**
13 **CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR**
14 **SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

15

16 **WHEREAS,** certain types of privacy fences such as stockade, board-on-board and
17 variations thereof have both a designated finished side, often known as the "good side"
18 and structural side, often known as the "bad side;" and

19 **WHEREAS,** the structural side of such fences is characterized by vertical posts,
20 horizontal rails, or similar structural members; and

21 **WHEREAS,** a fence installed with the finished side facing outward is often known
22 as a "good side out" or "good neighbor fence" because it respects the community's
23 aesthetics; and

24 **WHEREAS,** there are several types of fences that have dual finished sides,
25 eliminating the need for fences with an unfinished, structural side; and

26 **WHEREAS,** the Town Council of the Town of Southwest Ranches ("Town Council")
27 finds that all fences erected in the Town should have a finished side facing outward in
28 the interest of the community's aesthetics and best practices; and

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

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

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

7 **Section 2.** Article 45, Agricultural and Rural Districts, Section 045-030,
8 General Provisions, is hereby amended as follows:

- 9 (A) *Fences, walls and hedges.* Fences and walls, not including entrance
10 features, shall be permitted to a maximum height of eight (8) feet
11 above the established grade within any required yard, and in any
12 location on a residential or agricultural plot; provided that a fence
13 enclosing a tennis court or other customary enclosure may be higher
14 if located outside of a required yard. Fences on farms shall be
15 governed by F.S. ch. 588.
- 16 (1) Hedges and all natural vegetation shall not be subject to height limits
17 except as provided in [section 075-060\(E\)\(3\)](#), "Plant material; shrubs
18 and hedges."
- 19 (2) Decorative lighting mounted on posts as an integral part of any fence
20 or wall shall not be counted in determining fence height, and shall
21 comply with the requirements of [article 95](#), "Outdoor Lighting
22 Standards."
- 23 (3) Barbed wire and razor wire are prohibited for use as fencing material
24 and as any part of any fence or wall. Low voltage electrical wire,
25 a.k.a. hot wire, shall be permitted for use as fencing material on all
26 plots.
- 27 (4) Every fence that is installed or replaced subsequent to the
28 enactment of this Ordinance, shall be erected with a finished side
29 facing outward toward other properties and rights-of-way, such that
30 all posts, rails and other structural members are contained on the
31 inside of the fence, and the exterior of the fence is equal to or better
32 than the inside of the fence in the quality of its appearance. The
33 Town may waive this provisions for the portion of a fence that is to

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1 be installed along an interior property line if the abutting property
2 owner consents to such waiver.

3 * * * *

4 **Section 3.** Article 50, Commercial Districts, Section 050-030, General
5 Provisions, is hereby amended to read as follows:

6 * * * *

7 (H) *Fences, walls and hedges.* Maximum height shall be eight (8) feet within
8 required yards. The use of barbed wire, razor wire or electrified fencing is
9 prohibited. Every fence that is installed or replaced subsequent to the
10 enactment of this Ordinance, shall be erected with a finished side facing
11 outward toward other properties and rights-of-way, such that all posts, rails
12 and other structural members are contained on the inside of the fence, and
13 the exterior of the fence is equal to or better than the inside of the fence in
14 the quality of its appearance.

15 * * * *

16 **Section 4.** Article 55, M Manufacturing and Industrial District, Section 055-
17 030, General Provisions, is hereby amended to read as follows:

18 * * * *

19 (F) *Fences, walls and hedges.* Maximum height of fences and walls is ten
20 (10) feet, except for penal institutions or detention facilities, which shall
21 not be subject to a maximum fence or wall height limitation.

22 (1) The use of barbed wire, razor wire or electrified fencing abutting
23 existing zoning districts other than industrial and utility districts is
24 prohibited.

25 (2) Fences, walls and hedges may be required for buffering and
26 screening purposes under article 75, "Landscaping Requirements,"
27 and as otherwise required herein. There shall be no height
28 limitation for hedges.

29 (3) Every fence that is installed or replaced subsequent to the
30 enactment of this Ordinance, shall be erected with a finished side
31 facing outward toward other properties and rights-of-way, such
32 that all posts, rails and other structural members are contained on

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1 the inside of the fence, and the exterior of the fence is equal to or
2 better than the inside of the fence in the quality of its appearance..

3
4 * * * *

5 **Section 5.** Article 60, CF Community Facility District, Section 060-020,
6 General Provisions, is hereby amended to read as follows:

7 * * * *

8
9 (H) *Fences, walls and hedges.* Fences, walls and hedges may be erected or
10 planted and maintained to a maximum height of eight (8) feet.

11 (1) The use of barbed wire, razor wire or electrified fencing shall be
12 prohibited.

13 (2) Fences on farms shall be governed by F.S. ch. 588.

14 (3) Every fence that is installed or replaced subsequent to the enactment
15 of this Ordinance, shall be erected with a finished side facing outward
16 toward other properties and rights-of-way, such that all posts, rails
17 and other structural members are contained on the inside of the fence,
18 and the exterior of the fence is equal to or better than the inside of
19 the fence in the quality of its appearance.

20 * * * *

21 **Section 5.** Article 65, Recreation and Open Space District, Section 060-
22 020, General Provisions, is hereby amended to read as follows:

23 * * * *

24 (G) *Fences, walls and hedges.* Fences, walls and hedges may be erected or
25 planted and maintained to a maximum height of eight (8) feet.

26 (1) The use of barbed wire, razor wire or electrified fencing shall be
27 prohibited.

28 (2) Every fence that is installed or replaced subsequent to the
29 enactment of this Ordinance, shall be erected with a finished side
30 facing outward toward other properties and rights-of-way, such that
31 all posts, rails and other structural members are contained on the

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1 inside of the fence, and the exterior of the fence is equal to or better
2 than the inside of the fence in the quality of its appearance.

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

5 **Section 7: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
6 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
7 extent of such conflict.

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

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

13 **PASSED ON FIRST READING** this ____ day of _____, 2017 on a motion made
14 by _____ and seconded by _____.

15 **PASSED AND ADOPTED ON SECOND READING** this ____ day of _____,
16 2017, on a motion made by _____ and seconded by
17 _____.

18
19
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1 McKay _____ Ayes _____
2 Breitzkreuz _____ Nays _____
3 Fisikelli _____
4 Jablonski _____ Absent _____
5 Schroeder _____ Abstaining _____

6
7
8
9 _____
Doug McKay, Mayor

10 ATTEST:

11
12 _____
13 Russell Muñiz, Assistant Town Administrator/Town Clerk

14
15 Approved as to Form and Correctness:

16
17 _____
18 Keith Poliakoff, J.D., Town Attorney

19 114370197.1

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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: Jeff Katims
DATE: 8/24/2017
SUBJECT: Invasive Exotic Plant Removal Ordinance

Recommendation

Approval on first reading.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management

Background

The code requires removal of invasive exotic vegetation, including "nuisance trees," from construction sites, but does not specify when they must be removed. The proposed Ordinance clarifies that they must be removed prior to issuance of a building permit. This is the stage of the construction process where their removal is most enforceable.

The proposed Ordinance also supplements the Town's outdated list of plants that are known to be invasive and destructive to local ecosystems.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
Invasive Exotic Plant Removal Ordinance - TA Approved	9/7/2017	Ordinance

1 **ORDINANCE NO. 2017 -**

2

3 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
4 **FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE**
5 **OF ORDINANCES, SECTION 10-23, "DEFINITIONS" UNDER**
6 **ARTICLE II, "TREE PRESERVATION" IN CHAPTER 10,**
7 **"ENVIRONMENT," TO CHANGE THE DEFINITION OF "NUISANCE**
8 **TREE"; AMENDING THE TOWN OF SOUTHWEST RANCHES**
9 **UNIFIED LAND DEVELOPMENT CODE ("ULDC"), SECTION 075-**
10 **060, "PLANT MATERIAL" IN ARTICLE 75, "LANDSCAPING**
11 **REQUIREMENTS," TO CHANGE THE LIST OF PROHIBITED PLANTS,**
12 **AND TO REQUIRE REMOVAL OF SUCH PLANTS FROM**
13 **CONSTRUCTION SITES PRIOR TO ISSUANCE OF A BUILDING**
14 **PERMIT; AMENDING SECTION 075-110, "SINGLE-FAMILY**
15 **REQUIREMENTS" TO REQUIRE REMOVAL OF PROHIBITED PLANT**
16 **SPECIES FROM CONSTRUCTION SITES PRIOR TO ISSUANCE OF A**
17 **BUILDING PERMIT FOR A PRINCIPAL STRUCTURE; PROVIDING**
18 **FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING**
19 **FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

20

21 **WHEREAS,** the ULDC requires removal of nuisance trees on construction sites;
22 and

23 **WHEREAS,** the Town of Southwest Ranches ("Town") has allowed this
24 requirement to be met any time prior to issuance of a Certificate of Occupancy; and

25 **WHEREAS,** in deferring enforcement of compliance to Certificate of Occupancy,
26 the Town has experienced instances of difficulty in enforcement; and

27 **WHEREAS,** the Town Council of the Town of Southwest Ranches ("Town
28 Council") finds that enforcing the removal of nuisance trees prior to issuance of a

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1 construction permit will eliminate the enforcement difficulties to the benefit of the public
2 health, safety and welfare; and,

3 **WHEREAS,** new invasive plant species and new evidence of ecological damage
4 from known exotic plant species are documented from time to time; and

5 **WHEREAS,** the Florida Exotic Pest Plant Council ("FLEPPC") supports the
6 management of invasive exotic plants in Florida's natural areas by providing a forum for
7 the exchange of scientific, educational, and technical information, including prioritizing
8 the state's invasive plant species; and

9 **WHEREAS,** the Town Council finds that adopting the most current FLEPPC list of
10 invasive exotic plants, as amended from time to time, is more efficient than revising the
11 list of species in the Code of Ordinances each time the FLEPPC list is amended; and

12 **WHEREAS,** the Town Council finds this Ordinance to be in the best interest of the
13 health, safety, and welfare of its residents.

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

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

18 **Section 2.** Chapter 10, Article II, Section 10-23 of the Code of Ordinances
19 is hereby amended as follows:

20 * * * * *

21 *Nuisance tree* means species that have been deemed invasive or undesirable,
22 including but not limited to any of the following, in addition to select species
23 contained within the Florida Exotic Pest Plant Council's List of Category I Invasive
24 Plant Species, current edition:

25 (1) *Schinus terebinthifolius* (Brazilian pepper tree/Florida holly).

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- (2) *Metopium toxiferum* (poison wood).
(3) *Melaleuca quinquenervia* (cajepit tree/melaleuca).
(4) *Casuarina spp.* (Australian pine, all species).
(5) *Bischofia javanica* (bischofia, bishopwood).
(6) *Acacia auriculaeformis auriculiformis* (earleaf acacia).
(7) *Araucaria excelsa* (Norfolk Island pine).
(8) *Brassia actinophylla* (schefflera).
(9) *Leucaena leucocephala* (lead tree).
(10) *Cupaniopsis anacardioides* (carrotwood).
(11) *Rhodomyrtus tomentosa* (Downy Rose Myrtle)
(12) *Ardisia solanacea or elliptica* (Shoebutton Ardisia)
(13) *Dalbergia sissoo* (Indian Rosewood)
(14) *Grevillea robusta* (Silk Oak)

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Section 3. Article 75, Landscaping Requirements, Section 075-110, Single-Family Requirements, is hereby amended as follows:

* * * * *

- (C) *Turf requirements: removal of prohibited trees.* Turf shall be used in the front yard but is not required to extend past the first one (1) acre of property, measured from each abutting street line. The remainder of the property must be maintained, either in its natural state, in pasture land or other approved open space. This area, however, may not contain any invasive or prohibited species as identified in this article, which must be removed from the site prior to issuance of a building permit for construction of a principal structure.

Section 4. Article 75, Landscaping Requirements, Section 075-060, Plant Material, is hereby amended to read as follows:

* * * * *

- (D) *Trees.*

* * * * *

- (4) The following plant species, in addition to select species contained within the Florida Exotic Pest Plant Council's List of Category I Invasive Plant Species, current edition, shall not be planted as required or optional

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landscaping and, in addition, these species shall be removed from the all construction sites prior to issuance of a building permit for any construction that is subject to submittal of a landscape plan or tree survey pursuant to sec. 075-030(A) or (B), and sec. 075-110 prior to issuance of a building permit for a principal structure:

Botanical Name	Common Name
<i>Acacia auriculiformis</i>	Earleaf Acacia Ficus
<i>Ficus spp.</i>	Ficus (see 075-060(E)(3))
<i>Bischofia javanica</i>	Bischofia, Toog, <u>Bishopwood</u>
<i>Casuarina spp.</i>	Australian Pine
<i>Cupaniopsis anacardioides</i>	<u>Carrotwood</u>
<i>Melaleuca quinquenervia</i>	Melaleuca, Punk Tree, Paperbark
<i>Schinus terebinthifolius</i>	Brazilian Pepper, Florida Holly
<i>Rhodomyrtus tomentosa</i>	Downy Rose Myrtle
<i>Leucaena leucocephala</i>	Lead Tree, Jumbie Bean
<i>Ardisia solanacea or elliptica</i>	Shoebutton Ardisia
<i>Araucaria heterophylla, excelsa</i>	Norfolk Island Pine
<i>Dalbergia sissoo</i>	Indian Rosewood
<i>Grevillea robusta</i>	Silk Oak
<i>Brassaia actinophylla</i>	Schefflera
<i>Metopium toxiferum</i>	<u>Poison Wood</u>

- (5) ~~Reserved. The town shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of this article.~~

* * * *

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

Ordinance No. 2017-__

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Section 6: 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 7: 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 8: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this ____ day of _____, 2017 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2017, on a motion made by _____ and seconded by _____.

[Signatures on following page]

Ordinance No. 2017-

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McKay	_____	Ayes	_____
Breitkreuz	_____	Nays	_____
Fisikelli	_____		
Jablonski	_____	Absent	_____
Schroeder	_____	Abstaining	_____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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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
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, 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: Jeff Katims
DATE: 9/13/2017
SUBJECT: Ordinance Clarifying Mulching Operations and Other Industrial Uses

Recommendation

Approve on first reading.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance clarifies that producing compost or mulch for use offsite is an industrial use that is permitted only in the Town's "M" Manufacturing and Industrial District. The proposed Ordinance also clarifies and expands the types of recycling and waste processing that is permitted in the M District.

Converting landscape debris into compost or mulch is not a prohibited activity when the materials are used only on the premises in order to support an agricultural use. In this manner, production of compost and mulch are naturally and customarily incidental to the use of land for a plant or tree nursery. Furthermore, mulch may be sold in quantities that are incidental to the sale of trees and plants grown on premises.

However, production of compost and mulch in quantities sufficient to support off-site agriculture, wholesale or retail sale to consumers takes on the characteristics of a primarily commercial or industrial use, and not a primary agricultural use. Production of such quantities

involves acceptance (often at a charge) of yard waste and other landscape debris from lawn maintenance services and other sources, composting or grinding the materials to produce compost or mulch, and then transporting the material offsite.

Compost and mulch are desirable and useful horticultural materials. However, the process of creating the materials can create nuisances for occupants of adjacent properties. The limited quantities involved in accessory production of these materials limits the impacts on adjacent properties.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
Mulching and Composting Ordinance - TA Approved	9/6/2017	Ordinance

- 1
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Ordinance No. 2017-____
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1 and has issued its recommendation to the Town Council, finding that the Ordinance is
2 consistent with the adopted comprehensive plan;

3 **WHEREAS,** the Town Council finds that the Ordinance is consistent with the
4 adopted comprehensive plan and is in the best interest of the health, safety, and welfare,
5 of the Town 's residents.

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 010-030 "Terms defined" is hereby amended as
11 follows:

12 * * * *

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

24 * * * *

25 **Section 3.** Article 55, M Manufacturing and Industrial District, Section 055-
26 040, Permitted and prohibited uses is hereby amended to read as follows:

27 * * * *

28 Master Business List

Ordinance No. 2017-__

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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	
* * * * *	
Fertilizer, compost and mulch compounding, <u>and composting or mulching operations, including storage and distribution of fertilizer, compost and/or mulch</u>	P
* * * * *	
Recycling facility (see section 055-080(I))	P
* * * * *	
Sanitation companies and waste haulers (see section 055-080(IK))	P
* * * * *	
Trash, garbage and debris processing; transfer station (see sec. 055-080(I))	P

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

* * * *

(I) ~~Recycling facility~~ ies; 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) ~~Reserved. Sanitation companies. All dumpsters, waste containers and sanitation vehicles shall be emptied prior to storage on the plot.~~

* * * *

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Ordinance No. 2017-__

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1 **Section 5: Codification.** The Town Clerk shall cause this ordinance to
2 be 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]

Ordinance No. 2017-____
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1 **PASSED ON FIRST READING** this ____ day of _____, 2017 on a motion made
2 by _____ and seconded by _____.

3 **PASSED AND ADOPTED ON SECOND READING** this ____ day of _____,
4 2017, on a motion made by _____ and seconded by
5 _____.

6	McKay	_____	Ayes	_____
7	Breitkreuz	_____	Nays	_____
8	Fisikelli	_____		
9	Jablonski	_____	Absent	_____
10	Schroeder	_____	Abstaining	_____

13 Doug McKay, Mayor

14 ATTEST:

15 _____
16 Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

18 Approved as to Form and Correctness:

19 _____
20 Keith Poliakoff, J.D., Town Attorney

21 114370284.1

Ordinance No. 2017-____
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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
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, 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: Rod Ley, Town Engineer
DATE: 9/28/2017
SUBJECT: Construction Engineering Inspection (CEI) Services for Stirling Road Guardrails

Recommendation

Consideration of approval of a resolution authorizing a work order to Erdman Anthony for construction engineering inspection (CEI) services for the installation of guardrails along Stirling Road.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- D. Improved Infrastructure

Background

The Town was appropriated \$300,000 from the State Legislature for the installation of guardrails along Stirling Road. The Town entered into an agreement with the Florida Department of Transportation to begin the improvements. The work must be completed before June 30, 2019.

Section 7 of the FDOT Agreement mandates the Town must contract with an independent engineer for CEI services. The Town has a contract with Erdman Anthony for continuing engineering services. Per the above referenced agreement, CEI services will be

reimbursed through FDOT as part of the grant agreement.

Fiscal Impact/Analysis

Erdman Anthony provided a proposal in the amount of \$10,430 to complete the work. Funds are available in the Fiscal Year 2017 Municipal Transportation Fund account #101-5100-541-63320 (Infrastructure - Guardrails). The total amount budgeted for the project in Fiscal Year 2017 is \$350,000. The summary of the previously approved work orders is below:

- Surveying - Craven Thompson, Inc.: \$21,800.00
- Design - Craig A. Smith and Associates: \$34,300

Staff Contact:

Rod Ley, PE, LEED AP, CPESC

ATTACHMENTS:

Description	Upload Date	Type
Resolution - Erdman Anthony - TA Approved	8/3/2017	Resolution
Exhibit A - Proposal - Erdman Anthony	7/13/2017	Exhibit

RESOLUTION NO. 2017-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PURCHASE ORDER WITH ERDMAN ANTHONY FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR THE STIRLING ROAD GUARDRAIL IMPROVEMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Fiscal Year 2016-17 General Appropriations Act provided the Town with an appropriation of \$300,000 in the Economic Development Transportation Projects for guardrail installation on Stirling Road; and

WHEREAS, pursuant to Resolution No. 2017-013 the Town entered into an agreement with the Florida Department of Transportation to accept this funding; and

WHEREAS, the Town is prepared to complete the project at an estimated total cost of \$350,000; and

WHEREAS, these improvements are required to be completed by June 30, 2019; and

WHEREAS, construction engineering inspection (CEI) services are mandated by FDOT to complete the construction; and

WHEREAS, on June 20, 2014, the Town advertised a Request for Letters of Interest (RLI # 14-007) for a continuing contract for professional engineering services; and

WHEREAS, pursuant to Resolution No. 2015-005 the Town approved a continuing contract for engineering services with Erdman Anthony; and

WHEREAS, this project is specifically named in the FY 2016-2017 Town Budget; and

WHEREAS, Erdman Anthony provided a proposal for CEI services for this project in the amount of Ten Thousand Four Hundred Thirty Dollars (\$10,430); and

WHEREAS, the Town budgeted \$350,000 for this improvement in Account # 101-5100-541-63320 (Infrastructure – Guardrails); and

WHEREAS, the Town Council believes the approval of this purchase order to complete the construction of guardrails along Stirling Road is in the best interest of the health, safety, and welfare of its residents;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. Recitals. The above-referenced recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Council hereby approves a purchase order for the work described in the proposal attached hereto as Exhibit "A" and to make such modifications, additions, and / or deletions, which they deem necessary to effectuate the intent of this Resolution.

Section 3. Approval. The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to execute a purchase order for the work described in the proposal attached hereto as Exhibit "A," and to make such modifications, additions, and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 4. Effective Date. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this ____ day of _____, _____ on a motion by

_____ and seconded by _____.

McKay _____
Breitkreuz _____
Jablonski _____
Fisikelli _____
Schroeder _____

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

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July 12, 2017

Rod Ley, P.E.
Public Works Director/Town Engineer
Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, Florida 33330-2628
Via email: RLey@southwestranches.org

SUBJECT: Stirling Road Guardrail Phase 2 - CEI Services

Dear Mr. Ley:

Erdman Anthony is pleased to submit this proposal for Professional Engineering Services to the Town of Southwest Ranches (Client), in connection with the subject project.

Project Understanding

We will provide Construction Phase Services for the Stirling Road Guardrail Phase 2 project as shown on the construction drawings prepared by Craig A. Smith & Associates. Based on our understanding of the project, Erdman Anthony is pleased to present the following proposed scope of services for your consideration.

Scope of Work and Deliverables

Project Start-up and Ongoing Activities

Attend the Pre-Construction Meeting with the Contractor, FDOT, Town and Engineer Of Record (EOR) and initiate project management and reporting activities.

Deliverables: agendas, minutes and other associated documents

Shop Drawing Reviews (N/A - Shop drawing submittals will be reviewed by the EOR)

Construction Observation

Monitor the Contractor's on-site construction activities and inspect materials entering into the work in accordance with the plans, specifications, and special provisions for the Construction Contract to determine that the project is constructed in reasonable conformity with such documents. Maintain detailed accurate records of the Contractor's operations and of significant events that affect the work. It is assumed that the construction will be substantially completed within 45 days. Provide two on-site inspection visits each week to witness construction work (estimate based on two (2.5) hours on site each visit). Attend one pre-final inspection and one final inspection.

Deliverables: Inspection reports.

Project Closeout

Review Test Reports and Record Drawings (prepared by the contractor) for compliance with the plans. It is assumed that the Owner and other team members such as the surveyor will prepare the Final Documents and our effort will be limited to review.

Deliverables: Memorandum/report

Assumptions/Clarifications

- Erdman Anthony may rely upon the accuracy and completeness of any information, requirements, reports, data, surveys, and instructions (information) provided by Client unless expressly stated otherwise with respect to such information.
- Erdman Anthony shall use that degree of usual and customary professional skill and care ordinarily exercised by members of its profession under similar circumstances practicing in the same or similar locality at a similar time.
- Erdman Anthony will be promptly paid for services performed.

Schedule

Erdman Anthony will begin work on the project after receipt of a fully executed agreement.

Compensation

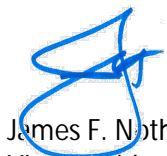
Erdman Anthony proposes to complete the above described scope of services in accordance with the terms, conditions and rate schedule established in our Continuing Contract For Professional Services executed November 13, 2014 between the Town Of Southwest Ranches and Erdman Anthony Of Florida, Inc. The attached spreadsheet identifies the staff hours and fee anticipated for the work described above. We will notify the Town if it appears that this budgeted amount will be exceeded.

Expenses: Reimbursable expenses including printing, copying and mileage will be invoiced at the rate that is charged to Erdman Anthony by the vendor/IRS mileage allowance.

Thank you for your interest in utilizing Erdman Anthony's services for this project. We would appreciate an opportunity to further discuss any questions you may have with regard to this proposal or our services in general and appreciate your time and consideration in reviewing the proposal.

If you have any questions or require additional information, please contact me at 561-753-9723. We look forward to working with you and continuing our successful relationship.

Sincerely,
ERDMAN ANTHONY



James F. Noth, PE, PSM
Vice President

Attachments: Terms & Conditions

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© 2017, Erdman Anthony



ESTIMATE OF WORK EFFORT AND COST

Stirling Road Guardrail, Phase 2

CONSTRUCTION OBSERVATION SERVICES

Name of Project:

SW Ranches RLI No.

FDOT FM No. 436040-2-54-01

Date:

7/12/2017

James F. Noth, PE, PSM

Staff Classification	Hours From "SH Summary - Firm"	Principal	Project Manager	PE	Project Engineer	Tech CADD	Admin Assistant	SH By Activity	Salary Cost By Activity	Deliverables	
										Scale	No. of Sheets
Hourly Based Tasks	24										
Plan Review		4						4	800	n/a	
Construction Observation		8			12			20	\$2,620	n/a	
TOTAL HOURLY TASKS								24	\$3,420		
Total Staff Hours	24	12	0	0	12	0	0	24			
Total Staff Cost		\$2,400.00	\$0.00	\$0.00	\$1,020.00	\$0.00	\$0.00		\$3,420.00		0

SALARY RELATED COSTS: (LUMP SUM FEE)

SALARY RELATED COSTS: (BUDGETED AMOUNT FOR HOURLY TASKS)

EXPENSES:

Blueprints/Repros

Permit Fees

Travel (mileage and tolls)

Equipment/Supplies

TOTAL EXPENSES

EXPENSES:

Blueprints/Repros

Permit Fees

Travel (mileage and tolls)

Equipment/Supplies

TOTAL EXPENSES

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