



# Southwest Ranches Town Council

LOCAL PLANNING AGENCY  
Agenda of September 13, 2021

Southwest Ranches Council Chambers  
7:30 PM Monday

13400 Griffin Road  
Southwest Ranches, FL 33330

<b><u>Mayor</u></b> Steve Breitreuz	<b><u>Town Council</u></b> Jim Allbritton Gary Jablonski David Kuczenski	<b><u>Town Administrator</u></b> Andrew D. Berns, MPA	<b><u>Town Attorney</u></b> Keith M. Poliakoff, J.D.
<b><u>Vice Mayor</u></b> Bob Hartmann		<b><u>Town Financial Administrator</u></b> Martin Sherwood, CPA CGFO	<b><u>Assistant Town Administrator/Town Clerk</u></b> Russell C. Muniz, MPA

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. **LPA RESOLUTION FOR RETAIL SALE OF PLANTS NOT ON FARMS**  
A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT, ADOPT WITH CHANGES OR NOT ADOPT, AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") PERTAINING TO THE COMMERCIAL RETAIL SALE OF PLANTS NOT ON FARMS; AND PROVIDING AN EFFECTIVE DATE.
4. **Home Conversion \_LPA Reso**  
A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE TOWN COUNCIL ADOPT, ADOPT WITH CHANGES, OR NOT ADOPT, AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO REGULATE THE CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USES; AND PROVIDING AN EFFECTIVE DATE.
5. **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**  
**Steve Breitkreuz, Mayor**  
**Bob Hartmann, Vice Mayor**  
**Jim Allbritton, Council Member**  
**Gary Jablonski, Council Member**  
**David Kuczenski, Council Member**

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

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 9/13/2021  
**SUBJECT:** LPA RESOLUTION FOR RETAIL SALE OF PLANTS NOT ON FARMS

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### **Recommendation**

The disposition of this Ordinance is a policy matter for the LPA'S consideration.

A. Sound Governance

### **Background**

Some months ago, the Council tasked the CPAB with reviewing the nursery ordinance that was last presented to the Council prior to the election of three councilmembers to office. The CPAB produced recommendations that left the document substantially intact.

At the Mayor's direction, the document was retooled to regulate only commercial retail sale of plants not on farms (i.e. taking place on any portion of land lacking an agricultural property tax classification). The document was further retooled by eliminating all sections extraneous to the permitted location of such businesses, which has come to be known as "Section 4.3."

The intent of this "stripped down" version of the nursery ordinance, and its change in focus to retail activities not protected as farms under Florida Statutes, is to address the core concern that led to the development of the ordinance and to eliminate incidental and potentially contentious provisions outside of this core area of regulation.

### **Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims, Town Planner

**ATTACHMENTS:**

Description	Upload Date	Type
LPA Resolution for Retail Sale of Plants - TA Approved	9/3/2021	Resolution
Retail Sale of Plants Ordinance - TA Approved	9/3/2021	Ordinance



1 **PASSED** this \_\_\_ day of \_\_\_\_\_, 2021 on a motion made by  
2 \_\_\_\_\_ and seconded by \_\_\_\_\_.

3

4	Breitkreuz	_____	Ayes	_____
5	Hartmann	_____	Nays	_____
6	Allbritton	_____	Absent	_____
7	Jablonski	_____	Abstaining	_____
8	Kuczenski	_____		

9

10 \_\_\_\_\_  
11 Steve Breitkreuz, Mayor

12 ATTEST:

13

14

15 \_\_\_\_\_

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

17

18 Approved as to Form and Correctness:

19

20

21 \_\_\_\_\_

22 Keith Poliakoff, J.D., Town Attorney

23 1001.249.01

24

LPA Resolution No. 2021-\_\_\_\_

Exhibit "A"  
(Attached)

LPA Resolution No. 2021-\_\_\_\_

Page **3** of **3**

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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 172<sup>nd</sup> 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.

Ordinance No. 2021-\_\_\_

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

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-\_\_\_\_  
New text is underlined and deleted text is ~~stricken~~

1 **PASSED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2021 on a motion made  
2 by \_\_\_\_\_ and seconded by \_\_\_\_\_.

3 **PASSED AND ADOPTED ON SECOND READING** this \_\_\_ day of \_\_\_\_\_,  
4 2021, on a motion made by \_\_\_\_\_ and seconded by  
5 \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Kuczenski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

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Steve Breitkreuz, Mayor

ATTEST:

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Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, J.D., Town Attorney  
1001.331.01

Ordinance No. 2021-\_\_\_\_  
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**13400 Griffin Road**  
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**Russell Muniz, MPA, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

### **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Breitkreuz and Town Council  
**VIA:** Andrew D. Berns, Town Administrator  
**FROM:** Jeffrey Katims Town Planner  
**DATE:** 9/13/2021  
**SUBJECT:** Home Conversion \_LPA Reso

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#### **Recommendation**

Town Council consideration for a motion to approve the resolution.

A. Sound Governance

E. Cultivate a Vibrant Community

#### **Background**

The nursery ordinance that the CPAB recommended to the Council for adoption includes a prohibition against using or converting a dwelling for a nonresidential use. This prohibition is one of several regulations that CPAB recommended that are not included in the streamlined version of the ordinance that regulates commercial retail sale of plants not on farms. During its discussion of the streamlined ordinance on August 23rd, at least one Councilmember requested that the prohibition against home conversions be included in the streamlined ordinance.

In order to maintain the streamlining of the ordinance regulating commercial retail sales of plants not on farms, staff drafted the attached ordinance prohibiting the conversion of dwellings for nonresidential use. The Ordinance clarifies that conversion or use of a dwelling for a residential accessory use is not precluded by the Ordinance. For example, someone building a new home on a parcel with an existing dwelling could retain the old dwelling and convert it for use as storage, as a home gym, or any other permitted accessory use or combination of accessory uses. Finally, the Ordinance allows Council to approve conversion

of a dwelling for nonresidential use through granting of a special exception permit. Granting of a special exception permit requires a 5-0 vote of the Council.

**Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeffrey Katims Town Planner

**ATTACHMENTS:**

Description	Upload Date	Type
2021 LPA Reso for Home Conversions - TA Approved	9/3/2021	Resolution
Home Conversion Ordinance - TA Approved	9/3/2021	Ordinance

1 **LPA RESOLUTION NO. 2021 -**

2

3 **A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN**  
4 **OF SOUTHWEST RANCHES, FLORIDA RECOMMENDING THAT THE**  
5 **TOWN COUNCIL ADOPT, ADOPT WITH CHANGES, OR NOT ADOPT,**  
6 **AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT**  
7 **CODE ("ULDC") TO REGULATE THE CONVERSION OF DWELLINGS**  
8 **FOR NONRESIDENTIAL USES; AND PROVIDING AN EFFECTIVE**  
9 **DATE.**

10

11 **WHEREAS,** the Town Council, sitting as the Local Planning Agency, has reviewed  
12 the proposed Ordinance attached as Exhibit "A" hereto, pertaining to the conversion of  
13 dwellings for nonresidential uses and is forwarding its recommendation to the Town  
14 Council.

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

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

20 **Section 2. Recommendation.** The Town Council sitting as the Local Planning  
21 Agency recommends that the Town Council adopt, not adopt, or adopt the proposed  
22 ordinance in Exhibit "A" hereto with changes.

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

25

LPA Resolution No. 2021-\_\_\_

1 **PASSED** this \_\_\_ day of \_\_\_\_\_, 2021 on a motion made by  
2 \_\_\_\_\_ and seconded by \_\_\_\_\_.

3

4	Breitkreuz	_____	Ayes	_____
5	Hartmann	_____	Nays	_____
6	Allbritton	_____	Absent	_____
7	Jablonski	_____	Abstaining	_____
8	Kuczenski	_____		

9

10 \_\_\_\_\_  
11 Steve Breitkreuz, Mayor

12 ATTEST:

13

14

15 \_\_\_\_\_

16 Russell Muñiz, Assistant Town Administrator/Town Clerk

17

18 Approved as to Form and Correctness:

19

20

21 \_\_\_\_\_

22 Keith Poliakoff, J.D., Town Attorney

23 1001.329.01

24

25

LPA Resolution No. 2021-\_\_\_\_



Exhibit "A"  
(Attached)

LPA Resolution No. 2021-\_\_\_\_

Page **3** of **3**

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

6           **Section 5: 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 6: Effective Date.** This Ordinance shall take effect immediately upon  
10 passage and adoption.

11           **PASSED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2021 on a motion made  
12 by \_\_\_\_\_ and seconded by \_\_\_\_\_.

13           **PASSED AND ADOPTED ON SECOND READING** this \_\_\_ day of \_\_\_\_\_,  
14 2021, on a motion made by \_\_\_\_\_ and seconded by  
15 \_\_\_\_\_.

Breitkreuz	_____	Ayes	_____
Hartmann	_____	Nays	_____
Allbritton	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

**[Signatures are on the Following Page]**

Ordinance No. 2021-\_\_\_\_  
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Steve Breitkreuz, Mayor

ATTEST:

---

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, J.D., Town Attorney

1001.330.01

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