

**ORDINANCE NO. 2003-8**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, "TOWN OF SOUTHWEST RANCHES, FLORIDA ZONING CODE," AMENDING ARTICLE II, "DEFINITIONS," SECTION 39-4, "TERMS DEFINED," ADDING FARM DEFINITIONS; AMENDING ARTICLE III, "ADMINISTRATION AND LEGAL PROVISIONS," SUBSECTION 39-19(a), "CERTIFICATES REQUIRED" PROVIDING FOR FARM BUILDING EXCEPTIONS; AMENDING ARTICLE V, "VARIANCES AND APPEALS," ADDING SECTION 39-45, "ADMINISTRATIVE FARM CLAIM DETERMINATIONS," AND SECTION 39-46, "FARM CLAIM CRITERIA"; AMENDING ARTICLE VI, "SIGNS," SUBSECTION 39-54(4)(f), "SIGN PERMITS" AND SUBSECTION 39-58(1), "PERMITTED PERMANENT SIGNS" EXEMPTING FARM SIGNS FROM PERMITTING REQUIREMENTS; AMENDING ARTICLE X, "PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY," SUBSECTIONS 39-130(b)(4) AND (5), "PURPOSE AND INTENT" RELATING TO OPERATION OF FARM PROPERTY AND PUBLIC NUISANCES; AMENDING ARTICLE XII, OFF-STREET PARKING AND LOADING, SUBSECTION 39-215(A), "OFF-STREET PARKING REQUIRED" AND SUBSECTIONS 39-228(b) AND (d), "AMOUNT OF OFF-STREET PARKING" EXEMPTING FARM USES; AMENDING ARTICLE XIV, "AGRICULTURAL, ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS," SUBSECTIONS 39-245(1), (2), (3)(c), (5), (10) AND (11) "GENERAL PROVISIONS," RELATING TO THE OPERATION OF A FARM AS IT RELATES TO FENCES, STORAGE, NUMBER AND TYPE OF ANIMALS, LANDSCAPING AND SIGNS, EXEMPTING OR LIMITING FARMS FROM THE REQUIREMENTS OF SECTION 39-253, "PLOT COVERAGE"; SECTION 39-254, "HEIGHT" AND SUBSECTIONS 39-255(1), (2), (3)(a) AND (4), "YARDS," CREATING SECTION 39-257, "DISCONTINUANCE OF FARM OPERATIONS"; AMENDING ARTICLE XV, RURAL AND ESTATE DISTRICTS, SUBSECTIONS 39-260(1), (2), (3)(c), (5), (8) AND (9), "GENERAL PROVISIONS" RELATING TO THE OPERATION OF A FARM AS IT RELATES TO FENCES, STORAGE, NUMBER AND TYPE OF ANIMALS, LANDSCAPING AND SIGNS, EXEMPTING OR LIMITING FARMS FROM THE REQUIREMENTS OF SECTION 39-267, "PLOT COVERAGE," SECTION 39-268(a) AND (b), "HEIGHT" AND SUBSECTIONS 39-269(1), (2), (3)(a) AND (4), "YARDS,"**

**CREATING SECTION 39-271, "DISCONTINUANCE OF FARM OPERATIONS"; AMENDING ARTICLE XXII, COMMUNITY FACILITIES DISTRICTS, SECTION 39-362(c), AND (g)(7) AND (6) AND (H) AND (L) , "GENERAL PROVISIONS" RELATING TO THE OPERATION OF A FARM AS IT RELATES TO LANDSCAPING, SET BACKS AND BUFFERS, SIGNS, ANIMALS, EXEMPTING OR LIMITING FARMS FROM THE REQUIREMENTS OF SECTION 39-367, "PLOT COVERAGE," SECTION 39-368, "HEIGHT," AND CREATING SECTION 39-379, "DISCONTINUANCE OF FARM OPERATIONS;" AMENDING ARTICLE XV, RURAL AND ESTATE DISTRICTS, SECTION 39-263, "USES PERMITTED;" PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature enacted Section 823.14, Florida Statutes, entitled The Right to Farm Act and Section 604.50 entitled Nonresidential Farm Buildings; and

**WHEREAS**, the Town Council has determined that the Town code should be modified to conform with the change of law.

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

**Section 1.** Article II, DEFINITIONS, Section 39-4, "Terms Defined," is hereby amended to add the following definitions:

**Sec. 39-4. Terms defined.**

...

*Farm.* The land, buildings, support facilities, machinery, and other appurtenances used in the production of farm and agriculture products when such land is classified agricultural pursuant to Section 193.461, F.S., or has been determined to be a farm pursuant to administrative determination by the Town Administrator, the Town Administrator's designee, or a final determination of the Planning and Zoning

Board in accordance with Section 39-45 of the Town of Southwest Ranches Zoning Code.

*Farm building or structure:* Any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls and hedges along the plot line of a farm.

*Farm operation:* All conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production or marketing of a farm's products.

*Farm product:* Any plant, as defined in Section 581.011, F.S., as may be amended from time to time, any animal, except household pets, useful to humans including any product derived therefrom, the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches, and other similar activities involving livestock or poultry.

*Livestock:* Grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ruminants, ostriches, emus, and rheas.

**Section 2.** Article III, ADMINISTRATION AND LEGAL PROVISIONS, Subsection 39-19(a), "Certificates required," is hereby amended as follows:

**Sec. 39-19. Certificates required.**

(a) No commercially or industrially zoned building or structure, except farm buildings or structures, or part thereof, or premises zoned to permit any commercial or industrial use, except farms, or established as a legal nonconforming use, existing as of the effective date of this code, which undergoes a change of occupancy or upon which a new or different use is established, shall be occupied or used unless a certificate of

use shall have been issued therefor. The original certificate shall be posted at the business location at all times.

**Section 3.** Article V, VARIANCES AND APPEALS, is amended by adding Section 39-45, "Administrative farm claim determinations," and Section 39-46, "Farm claim criteria," as follows:

**Article V. VARIANCES, ADMINISTRATIVE DETERMINATIONS AND APPEALS**

**Sec. 39-45. Administrative farm claim determinations**

(a) Any authorized individual or entity whose property does not currently have an agricultural classification pursuant to Section 193.461 F.S., and is claiming that a parcel of land or a portion of a parcel of land is a farm shall make an application for an administrative determination. Requests for such a determination may be made to the Town Administrator or the Town Administrator's designee. A filing fee in an amount necessary to cover the costs for the processing of the application and the inspection of the property, if any, shall be owed prior to obtaining a farm classification. The applicant may also be responsible for reimbursing the Town for costs associated with the postcard confirmation as set forth in section 39-45 (i), below.

(b) The Town Administrator or the Town Administrator's designee shall review the application and any supporting documents to determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria set forth within Section 39-46 of the Town of Southwest Ranches Zoning Code and the definitions set forth within Section 39-4 of the Town of Southwest Ranches Zoning Code. Within twenty (20) business days after the receipt of a complete and sufficient application, the Town Administrator or the Town Administrator's designee shall either grant the application or respond to the applicant in

writing the reason or reasons for denial. The decision shall be mailed by U.S. Mail to the address indicated on the application, return receipt requested.

(c) If the applicant disagrees with the determination of the Town Administrator or the Town Administrator's designee, the decision may be appealed by notifying the Town Administrator and Town Attorney, in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty (30) calendar days after the administrative decision is "rendered." If the notification is not received within thirty (30) days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision. For the purposes of this section, the term "rendered" means the date the applicant initials or otherwise indicates receipt of the decision. However, in the event the decision is not accepted or is returned, the term "rendered" means ten (10) calendar days after the date the decision was mailed. If the applicant has challenged a decision that the property should be granted an agricultural classification pursuant to § 193.461, F.S., then the time frame to seek an appeal shall be stayed until the final determination by the Value Adjustment Board if the applicant has appealed the decision of the classification of the applicant's property.

(d) Upon receipt of a timely notice of appeal, the appeal shall be assigned to the Planning and Zoning Board serving in an appellate capacity at one of the next two (2) regularly scheduled Planning and Zoning Board Meetings unless an extension of time is requested or agreed to by the applicant. The Planning and Zoning Board shall be given a copy of the evidence previously presented as well as the administrative findings. All evidence previously submitted shall be incorporated by reference into the Planning and Zoning Board's review proceeding. After reviewing all of the evidence, and after conducting a properly noticed public hearing to review the petition, the Planning and Zoning Board shall make a final determination based on the evidence presented and the applicable criteria set forth in 39-45 (e) below.

(e) The Town Attorney shall represent the Planning and Zoning Board in the administrative hearing. The Planning and Zoning Board shall determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria set forth within Section 39-46 of the Town of Southwest Ranches Zoning Code, the definitions set forth within Section 39-4 of the Town of Southwest Ranches Zoning Code, all applicable statutes, and established case law.

(f) Nothing in this Section prohibits the officials from reconsidering and reversing a denial of the administrative decision at any time prior to the start of the hearing before the Planning and Zoning Board.

(g) The Town Attorney shall, within forty-five (45) calendar days of the Planning and Zoning Board's hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of the applicant.

(h) If no Council Member appeals the Planning and Zoning Board's decision, pursuant to the provisions of the Town's code, the decision of the Planning and Zoning Board shall be deemed final. Appeal of the Planning and Zoning Board's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days of the rendition of the Planning and Zoning Board's final decision.

(i) If the applicant is granted a farm classification, each year the applicant will receive a postcard from the Town confirming that the property has maintained its farm classification and stating the language set forth in section 39-45 (j), below. If the property's farm classification has ended, the applicant must notify the Town by returning the postcard to the Town within forty-five (45) calendar days from the date the postcard has been mailed. Failure to return the postcard shall result in the applicant being held responsible for all of the Town's costs, attorney fees, and attorney

fees on appeal if the property is later determined to have lost its farm classification by the Planning and Zoning Board, Town Council, or a court of competent jurisdiction.

(i) If the property's farm classification has ended, any non residential farm building or structure which has not been reviewed or inspected to determine if the building or structure was constructed in accordance with the South Florida Building Code, or any successor building code and which building or structure ceases to be used as a part of a farm operation for a period of one (1) year shall be presumed to be an unsafe structure and shall be subject to the unsafe structure provisions of the Uniform Florida Building Code, or any successor building code.

**Sec. 39-46. Criteria for farm claims**

The criteria set forth below shall be considered in determining whether a property constitutes a farm. The applicant shall not be required to show that the applicant meets all of the criteria. However, the applicant shall be required to show by competent substantial evidence that the applicant meets a preponderance of the criteria under the particular circumstances for the Town Administrator, the Town Administrator's designee, the Planning and Zoning Board, or the Town Council, as may be applicable, to determine that the applicant's property is a farm.

(a) The applicant can demonstrate that the applicant has satisfied the general intent of the "Right to Farm Act" by preserving productive land for agricultural purposes and protecting established farmers from the demands of sprawling urban development.

(b) The applicant can demonstrate that there are clearly identifiable farm products as defined in Section 39-4 of the Town of Southwest Ranches Zoning Code resulting from the farm operation.

(c) The proportion of the gross acreage of the land used for agricultural purposes and the intensity of that agricultural purpose as compared to any residential or other non-agricultural uses which are also present on the land.

(d) Whether the parcel in question is comparable to similar farm operations of the same type in the community which have been classified as agriculture pursuant to Section 193.461, F.S., or which have been determined to be a farm pursuant to Section 39-45 of the Town of Southwest Ranches Code of Ordinances.

(e) Whether a Schedule "F" or other Federal Income Tax return has been filed in connection with any farm income and expenditures.

(f) The length of time the land has been used for agriculture by the current operator and the level of agricultural activity achieved commensurate to this time period.

(g) The length of time the applicant has used other lands for agricultural purposes and the level of agricultural activity achieved commensurate to this time period.

(h) The amount of time, effort and capitalization invested in the agricultural use of the land.

(i) Membership or involvement with agricultural associations, such as the Farm Bureau, the Nursery and Growers Association, breed societies or other organizations which may be specific to various forms of agriculture.

(j) If the property has been previously granted an agricultural classification pursuant to § 193.461, F.S., Broward County's Value Adjustment, or a court of competent jurisdiction and there has been no change in the property's agricultural use.

**Section 4.** Subsection 39-54(4)(f), "Sign permits," is hereby added to read as follows:

**Sec. 39-54. Sign permits.**

...

(4) Permits shall not be required for the following signs:

...



(f) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities.

**Section 5.** Subsection 39-58(1), "Permitted permanent signs," is hereby amended as follows:

**Sec. 39-58. Permitted permanent signs.**

Signs specified in Figure 1 shall be permitted subject to limitations contained in section 39-57 and subject to the following additional limitations and requirements:

(1) *Agricultural uses.* ~~The following non-illuminated signs shall be permitted for agricultural uses such as farms, fish breeding, ranches, equestrian operations, groves or plant nurseries:~~

~~(a) One free standing identification sign which shall be either a monument sign or a fence or free standing wall sign or a panel sign, not larger than thirty two (32) square feet in area. Such signs may include changeable copy to indicate the current available products or services or may be an option sign; and~~

~~(b) Directional and general information signs~~ Non-illuminated identification signs, directional signs and general information signs related to farm activities shall be permitted on the portion of any plot occupied by a farm without limitation. It is specifically recognized that any structure which would otherwise constitute a billboard, shall be subject to all conditions, restrictions and prohibitions applicable to billboards set forth within this Code.

**Section 6.** Article X, PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY, Subsections 39-130(b)(4) and (5), "Purpose and intent," are hereby added to read as follows:

**Sec. 39-130. Purpose and intent.**

...

(b) This article shall not be construed to:

...

(4) Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, F.S., where such activity is regulated through implemented best-management practices or interim measures developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or water management districts and adopted under Chapter 120, F.S., as part of a statewide or regional program.

(5) Prohibit, restrict, regulate, or otherwise limit any activity of a farm operation, as defined in Section 39-4 so long as such activity has not been determined to be a nuisance pursuant to Section 39-132.

**Section 7.** Article X, PROPERTY MAINTENANCE AND JUNK OR ABANDONED PROPERTY, Subsections 39-132(d), (e) and (f), "Public Nuisance," are hereby added to read as follows:

**Sec. 39-132. Public Nuisance.**

...

(d) Farm operations located on that portion of a plot or plots of land located in agricultural, rural and estate districts which have been classified as agricultural pursuant to Section 193.461, F.S., or the use of which has been determined to be a farm pursuant to an administrative determination of the Town Administrator, his designee, a final order of the Planning and Zoning Board, the Town Council, or a court of law in accordance with Section 5-45 of the Town of Southwest Ranches Code of

Ordinances, which has been in existence for one (1) year or more since its established date of operation and which was not a nuisance at the time of its established date of operation, shall constitute a public or private nuisance if the farm operation does not conform to generally accepted agricultural and management practices or if it is determined by the code enforcement board or authorized hearing officer that any of the following conditions exist:

- (1) The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.
- (2) The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
- (3) The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.
- (4) The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.
- (e) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for one (1) year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.
- (f) The expansion of a farm operation will not be permitted to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

**Section 8.** Article XII, OFF-STREET PARKING AND LOADING, Subsection 39-215(a), "Off-street parking required," is hereby amended as follows:

**Sec. 39-215. Off-street parking required.**

(a) Every building, use or structure, except buildings and structures on portions of plots occupied by a farm, instituted or erected after the effective date of this article shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

**Section 9.** Subsections 39-228(b) and (d), "Amount of off-street parking" are hereby amended as follows:

**Sec. 39-228. Amount of off-street parking.**

...

(b) The following minimum amounts of off-street parking shall be supplied for all business and commercial buildings and uses:

...

<del>(40)</del> Plant nursery, <del>tree farm or other crops</del>	<del>3.0</del>	Minimum
<del>(41)</del> (40) Retail plant nursery, open air produce market or other open air display areas <del>not otherwise specified other than farms</del>		1.0 Per each 1000 square feet of display area open to the public
<del>(42)</del> (41) Boarding and breeding kennel	1.0	Per 600 square feet of gross floor area
<del>(42)</del> (42) Shopping center:		If gross aggregate floor area is less than 10,000 square feet, all uses shall be calculated separately
10,000 to 40,000	1.0	Per 200 square feet square feet of gross (limited to 5% of

		floor area total floor area for restaurants, bars, theaters or clubs)
40,000 to 200,000 square feet of gross floor area	1.0	Per 250 square feet (limited to 10% of total floor area for restaurants, bars, theaters or clubs)
Over 200,000 square feet of gross floor area	1.0	Per 30 square feet (limited to 20% of total floor area for restaurants, bars, theaters or clubs if Restaurants, bars, theaters or clubs exceed percentages as limited above, such facilities shall be calculated as would be required if such uses were separate and distinct)

...

(d) The following minimum amounts of off-street parking shall be provided for all outdoor recreational uses and properties:

...

<del>(12)</del> Equine riding or boarding stable plus	<del>1.0</del> Per each 4 stalls <del>1.0</del> For the owner
<del>(13)</del> (12) Public parks and public recreation areas, other than county owned or operated facilities	Determined by the agency facilitating and maintaining the use

~~(14)~~(13) Nonprofit community centers (i.e. child or adolescent activity centers, athletic facilities, etc.)

1.0 Per 400 sq. ft. of assembly areas

**Section 10.** Article XIV, AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS, Subsections 39-245(1), (2), (3)(c), (5), (10) and (11)

"General provisions," are hereby amended as follows:

**Sec. 39-245. General provisions.**

The following general requirements shall apply in all agricultural districts:

(1) *Fences, walls and hedges:* Fences, walls and hedges, not including entrance features, shall be permitted to a maximum height of six (6) feet above the established grade along any street line, except that at the intersection of any two public or private streets, no fence, wall or hedge shall be placed or maintained within twenty-five (25) feet of the intersection of the two public or private streets. Fences and walls, along any plot line not adjacent to a street or within any required yard shall be limited to a height of six (6) feet above the established grade; however, hedges and all natural vegetation shall not be subject to height limits. Decorative lighting mounted on posts as an integral part of any fence or wall shall not be counted in determining fence height. Any such lighting must be shaded, hooded or translucent fixtures. Fences on farms shall be governed by Chapter 588, Florida Statutes, as may be amended from time to time.

(2) *Vehicle and farm equipment repair.* Mechanical repairs to vehicles and boats owned by the resident shall be permitted inside a building or carport. Mechanical repairs to farm or agricultural equipment used on the plot to maintain a permissible agricultural use being conducted on the property, or equipment used to maintain the property, such as lawn tractors, shall be permitted inside or outside.

(3) *Storage:* The following may be stored in all agricultural districts:

...

(c) Operable vehicles and equipment necessary for ~~conducting a permissible agricultural use~~ the operation of a farm.

...

(5) *Animals:* Breeding, raising or keeping of animals shall be permitted as follows:

(a) In all A-1 Districts:

1. Livestock, limited to four (4) animals for each net acre of plot area, two (2) animals for each half acre of plot area and one (1) animal for each quarter acre of plot area on plots less than ten (10) acres. ~~There shall be no limit on the number of livestock on plots more than 10 net acres in size.~~

Provided that the livestock are not a nuisance pursuant to Florida Statutes §823.14, as may be amended from time to time, the number and types of livestock shall not be restricted on farms in the A-1 Districts except that it is presumed that the raising, breeding or keeping of swine of any type except for one (1) pot bellied Vietnamese pig, shall be presumed to be a nuisance and shall not be allowed. Said nuisance determination may also be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best Management Practices of the Water Management District and the Department of Agriculture.

2. Poultry.

~~2.3.~~ In addition to the animals in paragraphs 1 and 2 above, the following may be kept on a plot containing a permanent dwelling:

- a. ~~Birds, and fowl; and poultry~~

- b. Dogs, cats and other household pets;
- c. Wildlife pets as permitted and licensed by the State of Florida.

3.4. Commercial breeding of animals, limited to ~~livestock and fish~~ farm products.

4.5. Swine of any type, except for one (1) pot bellied Vietnamese pig, are prohibited.

5.6. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

6.7. On plots 3.5 acres or more in net area, the number of animals specified in paragraphs 1 and 2 may be doubled, provided all animals are sheltered.

- (b) The number and type of livestock in A-2 districts shall not be restricted provided that the livestock are not a nuisance pursuant to Florida Statutes §823.14, as may be amended from time to time. Said nuisance determination may also be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best Management Practices of the Water Management District and the Department of Agriculture.

...

(10) *Landscaping:* Except for portions of plots used for farm operations, installation and maintenance of landscaping shall be subject to compliance with Article VIII, Functional Landscaping and Xeriscaping, of this code.

(11) *Signs:* Installation and maintenance of signs shall be subject to compliance with Article VI, Signs, of this code.

...



**Section 11.** Article XIV, AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS, Section 39-253, "Plot coverage," is hereby amended as follows:

**Sec. 39-253. Plot coverage.**

The combined area occupied by all buildings and roofed structures shall not exceed twenty percent (20%) of the plot area. The aforesaid limitation shall not apply to buildings used for growing plants, including but not limited to shade houses, greenhouses, and hydroponics nurseries. To the extent that a farm applicant needs to exceed the plot coverage, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Section 12.** Article XIV, AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS, Section 39-254, "Height," is hereby amended as follows:

**Sec. 39-254. Height.**

No building or structure, or part thereof, shall be erected or maintained to a height exceeding thirty-five (35) feet, except as permitted by section 39-103, exclusions from height limits, and section 39-102, wireless communication facilities. To the extent that a farm applicant needs to exceed the maximum height, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Section 13.** Article XIV, AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS, Subsections 39-255(1), (2), (3)(a) and (4), "Yards," are hereby amended as follows:

**Sec. 39-255. Yards.**

All plots in agricultural districts shall maintain yard setbacks for all buildings and roofed structures and accessory uses not less than the following:

(1) Any building or roofed structure, pen or coop or fish breeding tank used for the shelter, housing or keeping of animals, birds, fowl, poultry or fish shall be located not less than fifty (50) feet from any plot line. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a setback reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

(2) *Front yard:* A front yard of at least fifty (50) feet must be provided. For the purpose of this section, the front yard shall be determined to be on the side of the plot which provides primary access by means of a public or private street or recorded access easement. In the case of cul-de-sac plots, the front yard setback shall be measured parallel to the arc of the cul-de-sac. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

(3) *All other yards:*

(a) On all remaining sides of any ~~agriculturally or residentially used plot, or portion thereof~~, there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory

buildings and uses, except permitted fences and signs, and except as required by paragraph (1) of this section. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a setback reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

...

(4) ~~There shall be a minimum separation between all detached buildings on a single plot of at least ten (1) feet~~ no minimum separation between detached farm buildings or structures on a single plot, or portion thereof, occupied by a farm. The minimum separation for all dwellings and non-farm buildings and structures shall be ten (10) feet.

**Section 14.** Article XIV, AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS, Section 39-255.1, "Minimum floor area for dwellings" is hereby renumbered as follows:

**Sec. 39.255.1 256. Minimum floor area for dwellings.**

The minimum floor area of a one-family dwelling shall be 1,500 square feet.

**Section 15.** Article XIV, AGRICULTURAL ESTATE A-1 AND GENERAL AGRICULTURAL A-2 DISTRICTS, Section 39-257, "Discontinuance of farm operations" is hereby created to read as follows:

**Sec. 39-257. Discontinuance of farm operations.**

In the event a plot is not used for farm operations for a period of one (1) year, all buildings and structures shall meet all requirements of this article for residential or nonresidential and nonagricultural uses.

**Section 16.** Article XV, RURAL AND ESTATE DISTRICTS, Subsections 39-260(1), (2), (3)(c), (5), (8) and (9), "General provisions" are hereby amended as follows:

**Sec. 39-260. General provisions.**

The following general requirements shall apply in all rural and estate districts:

- (1) *Fences, walls and hedges:* Fences, walls and hedges, not including entrance features, shall be permitted to a maximum height of six (6) feet above the established grade along any street line, except that at the intersection of any two public or private streets, no fence, wall or hedge shall be placed or maintained within twenty-five (25) feet of the intersection of the two public or private streets. Fences and walls, along any plot line not adjacent to a street or within any required yard shall be limited to a height of six (6) feet above the established grade; however, hedges and all natural vegetation shall not be subject to height limits. Decorative lighting mounted on posts as an integral part of any fence or wall shall not be counted in determining fence height. Any such lighting must be shaded, hooded or translucent fixtures. Fences on farms shall be governed by Chapter 588, Florida Statutes, as may be amended from time to time.
- (2) *Vehicle and farm equipment repair.* Mechanical repairs to vehicles and boats owned by the resident shall be permitted inside a building. Mechanical repairs to farm or agricultural equipment used on the plot to maintain a permissible agricultural use being conducted on the property,

or equipment used to maintain the property, such as lawn tractors, shall be permitted inside or outside.

(3) *Storage:* The following may be stored in all agricultural districts:

...

(c) Operable vehicles and equipment necessary for ~~conducting a permissible agricultural use~~ the operation of a farm.

...

(5) *Animals:* Breeding, raising or keeping of animals shall be permitted as follows:

(a) In all Rural and Estate districts:

1. One animal for each ten thousand (10,000) square feet of plot area. Said restriction on the number of animals, however, shall not apply to household pets as defined in Article II of this Code. Provided that the livestock are not a nuisance pursuant to Florida Statutes §823.14, as may be amended from time to time, the number and types of livestock shall not be restricted on farms in the Rural and Estate Districts. Said nuisance determination may also be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best Management Practices of the Water Management District and the Department of Agriculture.

2. Poultry.

2:3. In addition to the animals in paragraphs 1 and 2 above, the following may be kept on a plot containing a permanent dwelling:

- a. A total of twenty-five (25) birds, and fowl, ~~or poultry~~, provided such birds, or fowl ~~or poultry~~ are kept in an enclosure which is at least fifty (50) feet from any plot line;
- b. Dogs, cats and other household pets; and
- c. Wildlife pets as permitted and licensed by the State of Florida.

~~3.4.~~ Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

~~4.5.~~ On plots exceeding 4.5 acres in net area, one additional animal shall be permitted for each ten thousand (10,000) square feet of plot area, if all animals are sheltered, not including hogs and household pets.

...

(8) *Landscaping:* Except for portions of plots used for farm operations, installation and maintenance of landscaping shall be subject to compliance with Article VIII, Functional Landscaping and Xeriscaping, of this code.

(9) *Signs:* Installation and maintenance of signs shall be subject to compliance with Article VI, Signs, of this code.

...

**Section 17.** Article XV, RURAL AND ESTATE DISTRICTS, Section 39-267, "Plot coverage," is hereby amended as follows:

**Sec. 39-267. Plot coverage.**

The combined area occupied by all buildings and roofed structures shall not exceed twenty percent (20%) of the plot area in Rural Estate and E-1 districts and ten percent (10%) of the plot area in Rural Ranches and E-2 districts. Farm buildings and

roofed structures may exceed the total plot area in Rural Ranches and E-2 districts by an additional ten percent (10%). The aforesaid limitation shall not apply to buildings used for growing plants, including but not limited to shade houses, greenhouses, and hydroponics nurseries. To the extent that a farm applicant needs to exceed the plot coverage, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Section 18.** Article XV, RURAL AND ESTATE DISTRICTS, Subsections 39-268(a) and (b), "Height," are hereby amended as follows:

**Sec. 39-268. Height.**

(a) No building or structure, or part thereof, in an E-1 district, shall be erected or maintained to a height exceeding forty (40) feet, except as permitted by section 39-103, exclusions from height limits, and section 39-102, wireless communication facilities. To the extent that a farm applicant needs to exceed the maximum height, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

(b) No building or structure, or part thereof, in a Rural Estate, Rural Ranches or E-2 district, shall be erected or maintained to a height exceeding thirty five (35) feet, except as permitted by section 39-103, exclusions from height limits, and section 39-150, wireless communication facilities. To the extent that a farm applicant needs to exceed the maximum height must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Section 19.** Article XV, RURAL AND ESTATE DISTRICTS, Subsections 39-269(1), (2), (3)(a) and (4), "Yards," are hereby amended as follows:

**Sec. 39-269. Yards.**

All plots in rural and estate districts shall maintain yard setbacks for all buildings and roofed structures and accessory uses not less than the following:

(1) Any building or roof structure, pen or coop or fish breeding tank used for the shelter, housing, or keeping of animals, birds, fowl, poultry or fish shall be located not less than fifty (50) feet from any plot line. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a setback reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

(2) *Front yard:* A front yard of at least fifty (50) feet must be provided. For the purpose of this section, the front yard shall be determined to be on the side of the plot which provides primary access by means of a public or private street or recorded access easement. In the case of cul-de-sac plots, the front yard setback shall be measured parallel to the arc of the cul-de-sac. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

(3) *All other yards:*

(a) On all remaining sides of any ~~agriculturally or residentially used plot, or portion thereof~~, there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory buildings and uses, except permitted fences and signs. To the extent that



a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a setback reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

...

- (4) ~~There shall be a minimum separation between all detached buildings on a single plot of at least ten (10) feet.~~ There shall be no minimum separation between detached farm buildings or structures on a single plot, or portion thereof, occupied by a farm. The minimum separation for all dwellings and non-farm buildings and structures shall be ten (10) feet.

**Section 20.** Article XV, RURAL AND ESTATE DISTRICTS, Section 39-271, "Discontinuance of farm operations," is hereby created to read as follows:

**Sec. 39-271. Discontinuance of farm operations.**

In the event a plot is not used for farm operations for a period of one (1) year, all buildings and structures shall meet all requirements of this article for residential or nonresidential and nonagricultural uses.

**Section 21.** Article XXII, COMMUNITY FACILITIES DISTRICTS, Section 39-362(c), and (g)(7) and (6) and (h) and (l), "General provisions," are hereby amended as follows:

**Sec. 39-362. General provisions.**

...

(c) *Landscaping.* Except for portions of plots used for farm operations, all buildings and uses shall provide landscaping in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code.

...

(g) *Setbacks and buffers.*

...

(7) Any building or roof structure, pen or coop or fish breeding tank used for the shelter, housing, or keeping of animals, birds, fowl, poultry or fish shall be located not less than fifty (50) feet from any plot line. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a setback reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

(2) *Front yard:* A front yard of at least fifty (50) feet must be provided. For the purpose of this section, the front yard shall be determined to be on the side of the plot which provides primary access by means of a public or private street or recorded access easement. In the case of cul-de-sac plots, the front yard setback shall be measured parallel to the arc of the cul-de-sac. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

(3) *All other yards:*

(a) On all remaining sides of any plot, or portion thereof, there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory uses, except permitted fences and signs. To the extent that a farm applicant needs to decrease the setback, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a setback reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

...

(6) Fences on farms shall be governed by Chapter 588, Florida Statutes, as may be amended from time to time.

...

(h) Signs: Installation and maintenance of signs shall be subject to compliance with Article VI, Signs, of this code.

...

(l) Animals: Breeding, raising or keeping of animals shall be permitted as follows:

(a) In all C-F Districts

1. One animal for each ten thousand (10,000) square feet of plot area. Said restriction on the number of animals, however, shall not apply to household pets as defined in Article II of this Code. Provided that the livestock are not a nuisance pursuant to Florida Statutes §823.14, as may be amended from time to time, the number and types of

livestock shall not be restricted on farms in the Rural and Estate Districts. Said nuisance determination may also be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best Management Practices of the Water Management District and the Department of Agriculture.

2. Poultry.

3. In addition to the animals in paragraphs 1 and 2 above, the following may be kept on a plot containing a permanent dwelling:

a. A total of twenty-five (25) birds and fowl, provided such birds or fowl are kept in an enclosure which is at least fifty (50) feet from any plot line;

b. Dogs, cats and other household pets; and

c. Wildlife pets as permitted and licensed by the State of Florida.

4. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

5. On plots exceeding 4.5 acres in net area, one additional animal shall be permitted for each ten thousand (10,000) square feet of plot area, if all animals are sheltered, not including hogs and household pets.

**Section 22.** Article XXII, COMMUNITY FACILITIES DISTRICTS, Section 39-366(c), "Plot coverage," is hereby amended as follows:

**Sec. 39-367. Plot coverage.**

(a) Any plot coverage limitation shall not apply to any buildings used for growing plants, including but not limited to shade houses, greenhouses, and hydroponics nurseries. To the extent that a farm applicant needs to exceed the maximum plot coverage, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Sec. 39-368. Height.**

(a) To the extent that any farm applicant needs to exceed the maximum height, the farm applicant must follow the review procedures set forth in section 39-45 above. The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Section 23.** Article XXII, COMMUNITY FACILITIES DISTRICTS, Section 39-369, "Discontinuance of farm operations in the CF zoning District," is hereby created to read as follows:

**Sec. 39-370. Discontinuance of farm operations in the CF zoning District.**

In the event a plot in the CF zoning district is not used for farm operations for a period of one (1) year, all buildings and structures shall meet all requirements of this article.

**Section 24.** Article XV, Rural and Estate Districts, Section 39-263, "Uses permitted," is hereby amended as follows:

**Sec. 39-263 Uses permitted.**

*Permitted Uses*

<i>E-1</i>	<i>E-2</i>	<i>Rural</i>	<i>Rural</i>
		<i>Estate</i>	<i>Ranches</i>

Crop raising and plant nurseries (commercial and noncommercial) with on-premises sales limited to crops or plants grown or cultivated on the plot where they are being sold, and related landscaping materials incidental to such sales	<u>p*p</u>	<u>p</u>	<u>p*p</u>	<u>p</u>
Fish breeding ( <del>commercial and non-NP</del> <del>commercial</del> )	<del><u>p**p</u></del>	<del><u>NPP</u></del>	<del><u>p**p</u></del>	<del><u>p</u></del>
Private riding instruction, training or breeding of horses, riding and boarding stables	<u>p*p</u>	<u>p**p</u>	<u>p*p</u>	<u>p**p</u>

**Section 25. 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 26. SEVERABILITY.**

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

**Section 27. INCLUSION IN CODE.**

It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance"

may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 28. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon its adoption.


**PASSED ON FIRST READING** this 11<sup>th</sup> day of April, 2003.

**PASSED AND ADOPTED ON SECOND READING** this 8 day of May, 2003.

  
\_\_\_\_\_  
Mecca Fink, Mayor

Attest:  
  
\_\_\_\_\_  
Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney

715671\_1.DOC