



# Southwest Ranches Town Council

## REGULAR MEETING

Agenda of September 15, 2015

Southwest Ranches Council Chambers  
**7:30 PM TUESDAY**

13400 Griffin Road  
Southwest Ranches, FL 33330

Mayor  
Jeff Nelson  
  
Vice-Mayor  
Freddy Fisikelli

Town Council  
Steve Breitreuz  
Gary Jablonski  
Doug McKay

Town Administrator  
Andrew D. Berns

Town Financial  
Administrator  
Martin Sherwood, CPA CGFO

Town Attorney  
Keith M. Poliakoff, J.D.

Assistant Town  
Administrator/Town Clerk  
Russell C. Muñiz, 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. Presentation – Yellow Dot Program – Martin Kiar, Broward County Vice Mayor**

**4. 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.

**5. Board Reports**

**6. Council Member Comments**

**7. Legal Comments**

**8. Administration Comments**

**9. Ordinance – 2<sup>nd</sup> Reading - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO REFLECT CHANGES IN THE FLORIDA STATUTES GOVERNING MUNICIPAL REGULATION OF FARMS; AMENDING ARTICLE 155 ENTITLED, "NONCOMMERCIAL FARM SPECIAL EXCEPTIONS", TO MODIFY CONDITIONS APPLICABLE TO SUCH SPECIAL EXCEPTIONS AND TO THE CONTINUED USE OF EXISTING NONRESIDENTIAL, AGRICULTURAL STRUCTURES ON NONCOMMERCIAL FARMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on 1<sup>st</sup> Reading August 27, 2015}****

**10. Ordinance – 1<sup>st</sup> Reading – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING ARTICLE 40, TELECOMMUNICATIONS TOWERS AND ANTENNAS, OF THE LAND DEVELOPMENT CODE, PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE. **{Second reading to be held on September 29, 2015}****

- 11. Resolution** – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING AN UNANTICIPATED EXPENSE NOT TO EXCEED \$15,000.00 (FIFTEEN THOUSAND DOLLARS AND ZERO CENTS) FOR PLANNING; APPROVING A FY 2014-2015 BUDGETARY APPROPRIATION BETWEEN GENERAL FUND ACCOUNTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, TOWN FINANCIAL ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.
- 12. Approval of Minutes**
  - a. August 13, 2015, Special Town Council Meeting**
  - b. August 13, 2015, Regular Town Council Meeting**
- 13. 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.



Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall  
(954) 434-1490 Fax

**Town Council**  
**Jeff Nelson, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitkreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Doug McKay, Council Member**

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

## COUNCIL MEMORANDUM

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Jeff Katims, AICP, CNU-A  
Assistant Town Planner

**DATE:** September 15, 2015

**SUBJECT: Code amendment to update farm-related provisions consistent with Florida Statutes**

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### **Recommendation**

Adopt the Ordinance, as amended, on second reading (Council removed the March 31, 2016 date for compliance at first reading).

### **Strategic Priorities**

This item supports the following strategic priority as identified in the Town's adopted strategic plan.

A. Sound Governance

### **Background**

1. Several years ago the Florida Legislature exempted nonresidential farm structures from compliance with zoning regulations. Several Town zoning regulations are inconsistent with state law because they attempt to regulate nonresidential farm structures, and are therefore preempted. This Ordinance eliminates the inconsistencies.
2. In 2013, the Florida Legislature limited the zoning (and building permit) exemptions to properties with an agricultural property tax exemption. In response, the Town Council adopted Ordinance No.2015-001 that allows former 'farm' structures to remain, despite noncompliance with one or more zoning regulations, until the agricultural use is discontinued or property ownership changes.

### **This Ordinance**

The subject Ordinance addresses the legal concern that Ordinance No. 2015-001 does not require building code compliance. It does this by authorizing structural inspections

and requiring a 'farm' structures comply with the building code or be demolished within 20 years. The Ordinance allows the noncompliant structures to remain through changes in property ownership within the 20-year period.

**Fiscal Impact/Analysis**

No fiscal impact.

**Staff Contact:**

Jeff Katims



1 (A) *Generally.* In the event of conflict between any provision of this chapter and  
2 Section 604.50, F.S., which pertains to nonresidential farm buildings, farm  
3 fences and farm signs, Section 604.50, F.S. shall prevail. ~~Various provisions~~  
4 ~~of this ULDC provide for modifications or exceptions to regulations as they~~  
5 ~~apply to farms. Such modifications and exceptions apply only to plots that~~  
6 ~~are farms as defined in sec. 010-030.~~

7 - (B) *Noncommercial farm buildings and structures.*

8 (1) In all zoning categories, any property owner proposing to erect a  
9 noncommercial, nonresidential farm building or roofed farm structure,  
10 which is not in accordance with Section 604.50, Florida Statutes, as  
11 may be amended from time to time, that would deviate ~~s~~ from the  
12 applicable plot coverage, setback and/or height regulations of this  
13 chapter, shall comply with the procedures and requirements of Article  
14 155, "Noncommercial farm special exceptions."

15 (2) Any property owner that ~~has previously~~ erected a nonresidential farm  
16 building or roofed farm structure as of July 1, 2013, which is not in  
17 accordance with Section 604.50, Florida Statutes, as may be amended  
18 from time to time, or which no longer meets the legal requirements of  
19 Section 604.50, Florida Statutes, as may be amended from time to time,  
20 is required to comply with the procedures and requirements of Sec.  
21 155-070, "Existing structures", prior to the issuance of any permit, ~~and~~  
22 ~~in no event later than June 30, March 31, 2016.~~ Such compliance shall  
23 include, but may not be limited to, recording a deed restriction in the  
24 Public Records of Broward County, Florida, in a form and format  
25 approved by the Town Attorney, restricting the use of the  
26 noncommercial, nonresidential farm buildings and/or roofed farm  
27 structures to bona fide agricultural purposes, and acknowledging the  
28 requirements as contained in subsec. 155-070(DC), as may be amended  
29 from time to time. Such deed restriction shall be removed in the event  
30 that the noncommercial, nonresidential farm buildings and/or roofed  
31 farm structure has been legally converted to an alternative use in  
32 accordance with this chapter.

33 (C) Except as provided in subsec. (B), within ninety (90) days of any plot or  
34 portion thereof ceasing to be a farm as defined in sec. 010-030, all farm  
35 buildings and structures shall be made to comply with the requirements of  
36 this chapter.

37 **Section 3.** Section 015-090 entitled, "Prohibited accessory structures" is  
38 hereby amended to read as follows:

Ordinance No. 2015-\_\_

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Underlined text is new and

1           Sec. 015-090. - Prohibited accessory structures.

2           \* \* \* \*

3           (B) Truck bodies shall be prohibited in all zoning districts as accessory  
4           structures ~~except as provided in section 045-030(D) for farms, and also~~  
5           provided that properties owned or used by the town are exempt from this  
6           prohibition.

7           **Section 4.** Section 020-010 entitled, "Purpose and intent" is hereby  
8           amended to read as follows:

9           Sec. 020-010. - Purpose and intent.

10          \* \* \* \*

11          (B) This article shall not be construed to:

12          \* \* \* \*

13                 (4) Prohibit, restrict, regulate, or otherwise limit any activity of a ~~bona~~  
14                 ~~fade farm operation on land classified as agricultural land pursuant to~~  
15                 ~~F.S. § 193.461 as defined in article 10, "Definition of Terms",~~ where  
16                 such activity is regulated through implemented best management  
17                 practices or interim measures developed by the state department of  
18                 environmental protection, the state department of agriculture and  
19                 consumer services, or water management districts and adopted  
20                 under F.S. Ch. 120, as part of a statewide or regional program;

21                 (5) Prohibit, restrict, regulate, or otherwise limit any activity of a farm  
22                 operation, ~~as defined in article 10, "Definition of Terms,"~~ so long as  
23                 such activity has not been determined to be a nuisance pursuant to  
24                 section 020-030, "Public nuisances."

25          **Section 5.** Section 020-030 entitled, "Public nuisances" is hereby amended  
26          to read as follows:

27          Sec. 020-030. - Public nuisances.

28          \* \* \* \*

29          (D) ~~A Farm~~ farm operations, as defined in sec. 010-030, "Terms Defined",  
30          ~~located on that portion of a plot of land located in agricultural and rural~~  
31          ~~districts that have been classified as agricultural pursuant to F.S. § 193.461,~~  
32          ~~or the use of which has been determined to be a farm pursuant to an~~  
33          ~~administrative determination of the town administrator, a final order of the~~

Underlined text is new and

1 town council, or a court of law in accordance with article 155,  
2 "Administrative Farm Claim Determinations," which that has been in  
3 existence for one (1) year or more since its established date of operation  
4 and which was not a nuisance at the time of its established date of  
5 operation, shall constitute a public or private nuisance if the farm operation  
6 does not conform to generally accepted agricultural and management  
7 practices or if it is determined by the special magistrate that any of the  
8 following conditions exist:

9 \* \* \* \*

10 **Section 6.** Section 045-030 entitled, "General provisions" is hereby  
11 amended to read as follows:

12 Sec. 045-030. - General provisions.

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

14 (A) *Fences, walls and hedges.* Fences and walls, not including entrance  
15 features, shall be permitted to a maximum height of eight (8) feet above  
16 the established grade within any required yard, and in any location on a  
17 residential or agricultural plot; provided that a fence enclosing a tennis  
18 court or other customary enclosure may be higher if located outside of a  
19 required yard. Fences on farms shall be governed by F.S. ch. 588.

20 (1) Hedges and all natural vegetation shall not be subject to height limits  
21 except as provided in section 075-060(E)(3), "Plant material; shrubs  
22 and hedges." Decorative lighting mounted on posts as an integral part  
23 of any fence or wall shall not be counted in determining fence height,  
24 and shall comply with the requirements of article 95, "Outdoor  
25 Lighting Standards." Barbed wire and razor wire are prohibited for use  
26 as fencing material and as any part of any fence or wall, ~~unless  
27 authorized by F.S. ch. 588. "Legal Fences and Livestock at Large,"  
28 which chapter shall govern the use of fences on farms with livestock,  
29 as defined therein.~~ Low voltage electrical wire, a.k.a. hot wire, shall  
30 be permitted for use as fencing material on all plots ~~without being  
31 limited to livestock operations or other farms.~~

32 \* \* \* \*

33 (D) *Miscellaneous storage.*

34 \* \* \* \*

35 (4) One (1) shipping container not exceeding twenty-seven hundred  
36 (2,700) cubic feet capacity and nine and one-half (9½) feet in height

(typically forty (40) feet long and eight (8) feet wide) may be kept on a plot as an accessory storage structure regardless of plot size; provided that plots with a current agricultural exempt classification from the county property appraiser's office are permitted a total of two (2) containers for agricultural use on a minimum five (5) net acres, and a total of three (3) containers for agricultural use on seven and one half (7½) or more acres. Containers shall not be stacked. Shipping containers shall be subject to all required yard and setback requirements, and shall be screened from view of adjacent properties and rights-of-way. This subsection does not apply to farms.

~~(5) One (1) truck body may be kept on a plot with a current classification of agricultural exempt from the county property appraiser's office, as an accessory storage structure, in lieu of each shipping container permitted in subsection (D)(4) of this section, subject to all required yard and setback requirements, and provided the truck bodies are screened from the view of adjacent properties and rights of way. Truck bodies must be registered to the property owner of the plot upon which they are placed, except for operable semitrailers with a valid motor vehicle tag and registration that are periodically removed and replaced when new supplies are delivered.~~

~~(6) Nothing herein shall preclude the temporary storage of shipping containers or tractor trailers as an accessory use to a development plot within the CF district, having loading dock facilities designed for semitrailer deliveries, which facility is collecting goods for the distribution to the needy or for individuals recovering from a natural disaster. Notwithstanding the aforesaid, the number of containers or trailers, in aggregate, shall not exceed five (5) at any given time. Said containers and/or trailers shall not exceed twenty seven hundred (2,700) cubic feet capacity and nine and one half (9 ½) feet in height.~~

*[Paragraphs 7 and 8 shall be renumbered to 5 and 6]*

\* \* \* \*

(F) *Animals.* Breeding, raising and/or keeping of animals shall be permitted as follows:

- (1) In all A-1 districts:
  - a. Livestock, limited to four (4) animals for each net acre of plot area, two (2) animals each half (½) acre of plot area and one (1) animal for each quarter (¼) acre of plot area. On plots three and one-half (3½) acres or more in net area, the number of animals specified in this subsection may be doubled, provided all animals

1 are sheltered. There shall be no limit on the number of livestock  
2 on plots greater than ten (10) net acres in area.

3 (i) Provided that the livestock are not a nuisance pursuant to F.S.  
4 § 823.14, the number and types of livestock shall not be  
5 restricted on farms, ~~except that in the A-1 district it is~~  
6 ~~presumed that the raising, breeding or keeping of swine of any~~  
7 ~~type shall not be allowed, except as specifically provided in~~  
8 ~~subsection (c) below.~~ Said nuisance determination may also be  
9 made by the town's special magistrate who shall consider F.S.  
10 § 823.14, case law, and the best management practices of the  
11 water management district and the department of agriculture  
12 and consumer services. ~~As it relates to domesticated pigs, the~~  
13 ~~special magistrate shall consider the Town's Code, case law,~~  
14 ~~and the best management practices of the water management~~  
15 ~~district and the department of agriculture and consumer~~  
16 ~~services. F.S. § 823.14 shall not be considered as a factor in~~  
17 ~~the special magistrate's determination.~~

18 b. Poultry.

19 c. In addition to the animals in subsection (F)(1)a. of this section,  
20 the following may be kept on a plot containing a permanent  
21 dwelling:

- 22 1. Birds and fowl.
- 23 2. Dog, cats and other household pets.
- 24 3. Wildlife pets as permitted and licensed by the state.
- 25 4. One (1) non-breeding domesticated pig as a household pet.  
26 The domesticated pig shall be spayed or neutered and de-  
27 tusked. The domesticated pig shall not create a nuisance to  
28 surrounding property(s). Any domesticated pig found to create  
29 a nuisance by the town's special magistrate shall be removed  
30 from the plot of land and such plot of land shall not be entitled  
31 to have another domesticated pig for a period of three (3)  
32 years.

33 d. Commercial breeding of animals, limited to farm products.

34 e. [Reserved.]

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

37 (2) The number and type of animals in A-2 districts shall not be restricted;  
38 provided that the livestock are not a nuisance pursuant to F.S. §  
39 823.14. Said nuisance determination shall be made by the town's

1 special magistrate who shall consider F.S. § 823.14, case law, and the  
2 best management practices of the water management district and the  
3 department of agriculture and consumer services.

4 (3) In the rural districts:

5 a. One (1) livestock for each ten thousand (10,000) square feet of  
6 plot area. Said restriction on the number of animals, however, shall  
7 not apply to household pets as defined in article 10 of this ULDC.

8 (i) Provided that the livestock are not a nuisance pursuant to F.S.  
9 § 823.14, the number and types of livestock shall not be  
10 restricted on farms in the rural districts. Said nuisance  
11 determination shall be made by the town's special magistrate  
12 who shall consider F.S. § 823.14, case law, and the best  
13 management practices of the water management district and  
14 the department of agriculture and consumer services. ~~As it  
15 relates to domesticated pigs, the special magistrate shall  
16 consider the Town's Code, case law, and the best management  
17 practices of the water management district and the department  
18 of agriculture and consumer services. F.S. § 823.14 shall not  
19 be considered as a factor in the special magistrate's  
20 determination.~~

21 b. Poultry.

22 c. In addition to the animals in subsections (F)(3)a and (3)b of this  
23 section, the following may be kept on a plot containing a  
24 permanent dwelling:

- 25 1. A total of twenty-five (25) birds and fowl, provided such birds  
26 and fowl are kept in an enclosure which is at least fifty (50)  
27 feet from any plot line or street line;
- 28 2. Dogs, cats and other household pets; and
- 29 3. Wildlife pets as permitted and licensed by the state.

30 d. One (1) non-breeding domesticated pig as a household pet. The  
31 domesticated pig shall be spayed or neutered and de-tusked. Any  
32 domesticated pig found to be a nuisance by the town's special  
33 magistrate shall be removed from the plot of land and such plot of  
34 land shall not be entitled to have another domesticated pig for a  
35 period of three (3) years.

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

1 f. On plots exceeding four and one-half (4½) acres in net area, one  
2 (1) additional animal shall be permitted for each ten thousand  
3 (10,000) square feet of plot area, if all animals are sheltered, not  
4 including hogs and household pets.

5 (4) Yards where livestock or other animals are allowed access shall be  
6 fenced to prevent the animals from accessing streets and adjacent  
7 properties.

8 \* \* \* \*

9 (J) *Farm, plant and tree nursery on-site display and sales (commercial and*  
10 *noncommercial).*

11 (1) On-premise sales and display for farms and noncommercial farms are  
12 limited to farm products ~~crops or plants~~ grown, raised or cultivated on  
13 the plot where they are being sold.

14 (2) On-premise sales and display for nurseries that are farms are limited  
15 to plants grown or cultivated on the plot where they are being  
16 displayed or sold, and to accessory on-premise sales and display of  
17 related landscaping materials that are customarily incidental to such  
18 plant sales and display, and that are an integral part of the landscape  
19 or hardscape, or are tools used to install landscaping and hardscaping.  
20 The display of incidental landscape materials must be screened from  
21 the view of adjacent streets and properties.

22 a. By way of example, the following are classified as incidental  
23 materials: stepping stones, river rocks, railroad ties, ponds, mulch,  
24 topsoil, fertilizer, and tree-bracing kits.

25 b. By way of example, the following are not incidental materials: lawn  
26 furniture, including benches and picnic tables, gazebos, decorative  
27 fountains, statues, recreational and playground equipment, pools  
28 and hot tubs, household goods, and rugs.

29 **Section 7.** Section 045-080 entitled, "Plot coverage, floor area ratio and  
30 pervious area" is hereby amended to read as follows:

31 Sec. 045-080. - Plot coverage, floor area ratio and pervious area.

32 (A) The combined area occupied by all buildings and roofed structures shall  
33 not exceed twenty (20) percent of the area of a plot in A-1, A-2, and RE  
34 districts, and ten (10) percent of the area of a plot area in the RR district  
35 less any public or private street right-of-way, ~~except as follows:~~

1           ~~(1) Nonresidential farm buildings and roofed farm structures may exceed~~  
2           ~~the total net plot coverage allowance in the RR District by an~~  
3           ~~additional ten percent (10%) of the plot area less public or private~~  
4           ~~street right of way.~~

5           (1) Plot coverage for enclosed structures on plots designated agricultural  
6           on the future land use plan map shall not exceed ten percent (10%),  
7           in accordance with the maximum permitted floor area ratio of one-  
8           tenth (0.10) as established by the adopted comprehensive plan.

9           (23) The aforesaid limitations shall not apply to nonresidential farm  
10           ~~buildings used for growing plants, including, but not limited to, shade~~  
11           ~~houses, greenhouses, and hydroponics nurseries.~~ To the extent that  
12           a noncommercial farm applicant needs to exceed the plot coverage  
13           limitation, the applicant must follow the review procedures set forth  
14           in article 155, "Noncommercial farm special exceptions." The  
15           noncommercial farm applicant must demonstrate that the  
16           requirement prohibits, restricts, or otherwise limits a generally  
17           accepted farming practice.

18           \* \* \* \*

19           (B) The minimum pervious area shall be forty (40) percent of the plot area for  
20           plots under two (2) net acres in area, and sixty (60) percent of the plot  
21           area for plots of two (2) net acres and greater in area. The pervious area  
22           calculation shall be for the entire plot less any public or private street right-  
23           of-way in the agricultural and rural districts.

24           **Section 8.** Section 045-090 entitled, "Height" is hereby amended to read  
25           as follows:

26           Sec. 045-090. – Height.

27           No building or structure, or part thereof, shall be erected or maintained to a height  
28           exceeding thirty-five (35) feet, except as permitted by section 015-030,  
29           "Exclusions from height limits," and article 40, "Telecommunications Towers and  
30           Antennas." To the extent that a noncommercial farm applicant needs to exceed  
31           the maximum height, the farm applicant must follow the review procedures set  
32           forth in article 155, "Noncommercial farm special exceptions." The noncommercial  
33           farm applicant must demonstrate that the requirement prohibits, restricts, or  
34           otherwise limits a generally accepted farming practice. This section does not apply  
35           to nonresidential farm buildings.

1           **Section 9.** Section 045-100 entitled, "Required yards" is hereby amended  
2 to read as follows:

3           Sec. 045-100. - Required yards.

4           All plots in agricultural and rural districts shall maintain yards for all buildings,  
5 structures and accessory uses not less than the following, except as provided in  
6 section 015-100, "Yard encroachments". This section does not apply to  
7 nonresidential farm buildings.

8           (A) *Yard footage requirements for noncommercial farms.* Any building or  
9 roofed structure, pen or coop or fish breeding tank used for the shelter,  
10 housing or keeping of animals, birds, fowl, poultry or fish shall be subject  
11 to a fifty (50) foot yard requirement, including veterinary clinics, veterinary  
12 hospitals, and kennels. To the extent that a noncommercial farm applicant  
13 needs to decrease the yard, the noncommercial farm applicant must follow  
14 the review procedures set forth in article 155, "Noncommercial farm special  
15 exceptions." The noncommercial farm applicant must demonstrate that the  
16 requirement prohibits, restricts, or otherwise limits a generally accepted  
17 farming practice. If a noncommercial farm is granted a yard reduction, it  
18 shall have a buffer consisting of an opaque fence or wall, hedge or berm  
19 to a minimum height of six (6) feet.

20           (B) *Front yard.* A front yard of at least fifty (50) feet must be provided. To the  
21 extent that a noncommercial farm applicant needs to reduce the yard, the  
22 noncommercial farm applicant must follow the review procedures set forth  
23 in article 155, "Noncommercial farm special exceptions." The  
24 noncommercial farm applicant must demonstrate that the requirement  
25 prohibits, restricts, or otherwise limits a generally accepted farming  
26 practice.

27           (C) *All other yards.* On all remaining sides of any plot or portion thereof, there  
28 shall be a yard of at least twenty-five (25) feet. To the extent that a  
29 noncommercial farm applicant needs to decrease the required yard, the  
30 noncommercial farm applicant must follow the review procedures set forth  
31 in article 155, "Noncommercial farm special exceptions." The  
32 noncommercial farm applicant must demonstrate that the requirement  
33 prohibits, restricts, or otherwise limits a generally accepted farming  
34 practice. If a noncommercial farm is granted a yard reduction, it shall have  
35 a buffer consisting of an opaque fence or wall, hedge or berm at a minimum  
36 height of six (6) feet.

37           (D) *Minimum separation.* The minimum separation for all dwellings, ~~and~~  
38 ~~nonfarm~~ buildings and roofed structures shall be ten (10) feet. ~~There shall~~

1 ~~be no minimum separation between detached farm buildings or structures~~  
2 ~~on a single plot, or portion thereof, occupied by a farm.~~

3 **Section 10.** Section 045-110 entitled, "Discontinuance of farm operations"  
4 is hereby repealed.

5 **Section 11.** Section 060-020 entitled, "General provisions" is hereby  
6 amended to read as follows:

7 Sec. 060-020. - General provisions.

8 \* \* \* \*

9 (C) *Landscaping.* Except for portions of plots used for farm or noncommercial  
10 farm operations, all structures and uses shall provide landscaping in  
11 accordance with article 75, "Landscaping Requirements."

12 \* \* \* \* \*

13 (G) *Required yards and plot dimensions.*

- 14 (1) Fifty (50) feet along any street line;
- 15 (2) Twenty-five (25) feet from any interior side property line;
- 16 (3) Fifteen (15) feet from the rear property line;
- 17 (4) Fifty (50) feet from any residential plot line, except for town uses. A  
18 landscape buffer as required by article 75, "Landscaping  
19 Requirements," shall be provided within the yard.
- 20 (5) The yards required by this section shall also apply to those lands that  
21 abut another municipal jurisdiction. Such yards shall be applied in the  
22 same manner as if the abutting lands were within the town.  
23 Nonresidential farm buildings are exempt the setback requirements of  
24 this subsection.
- 25 (6) Any building or roofed structure, pen or coop or fish breeding tank  
26 used for the shelter, housing, or keeping of animals, birds, fowl,  
27 poultry or fish on a noncommercial farm shall be located not less than  
28 fifty (50) feet from any plot line. To the extent that a noncommercial  
29 farm applicant needs to decrease the required yard, the  
30 noncommercial farm applicant must follow the review procedures set  
31 forth in article 155, "Noncommercial farm special exceptions." The  
32 noncommercial farm applicant must demonstrate that the  
33 requirement prohibits, restricts, or otherwise limits a generally  
34 accepted farming practice. If a noncommercial farm is granted a yard

1 reduction it shall have a buffer consisting of an opaque fence or wall,  
2 hedge or berm to a minimum height of six (6) feet.

3 \* \* \* \*

4 (H) *Fences, walls and hedges.* Fences, walls and hedges may be erected or  
5 planted and maintained to a maximum height of eight (8) feet. The use of  
6 barbed wire, razor wire or electrified fencing shall be prohibited. Fences on  
7 farms shall be governed by F.S. ch. 588.

8 **Section 12.** Section 060-070 entitled, "Plot coverage, floor area ratio and  
9 pervious area" is hereby amended to read as follows:

10 Sec. 060-070. - Plot coverage, floor area ratio and pervious area.

11 (A) *Maximum plot coverage.* Properties that have a community facilities land  
12 use plan designation and had a zoning designation of I-1 prior to May 9,  
13 2002, shall have a maximum plot coverage of thirty-five (35) percent. All  
14 other properties shall be limited to the plot coverage allowed in the most  
15 restrictive of the abutting zoning districts.

16 (1) The plot coverage limitation shall not apply to nonresidential farm  
17 buildings ~~any buildings used for growing plants, including, but not~~  
18 ~~limited to, shade houses, greenhouses, and hydroponics nurseries.~~ To  
19 the extent that a noncommercial farm applicant needs to exceed the  
20 maximum plot coverage, the noncommercial farm applicant must  
21 follow the review procedures set forth in article 155, "Noncommercial  
22 farm special exceptions." The noncommercial farm applicant must  
23 demonstrate that the requirement prohibits, restricts, or otherwise  
24 limits a generally accepted farming practice.

25 (B) *Maximum floor area ratio.* Properties that have a community facilities land  
26 use plan designation and had a zoning designation of I-1 prior to May 9,  
27 2002, shall have a maximum floor area ratio of thirty-five one hundredths  
28 (0.35). All other properties shall be limited to a floor area ratio of one-  
29 quarter (0.25) except for farms, which are not subject to the requirements  
30 of this subsection.

31 (C) *Minimum pervious area.* The minimum pervious area is forty (40) percent  
32 of the net plot area. Any farm that cannot provide the minimum pervious  
33 area required herein must comply with all on-site drainage retention and  
34 conveyance requirements of the Town and applicable drainage district.  
35

36 **Section 13.** Section 060-080 entitled, "Height" is hereby amended to read  
37 as follows:

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Underlined text is new and

1 Sec. 060-080. Height.

2 The maximum height of buildings and structures (except telecommunication  
3 towers and antennas, and ~~nonresidential farm buildings~~) is thirty-five (35) feet,  
4 except that ~~nonhabitable~~ uninhabitable structures within cemeteries shall not  
5 exceed twenty (20) feet in height. To the extent that any noncommercial farm  
6 applicant needs to exceed the maximum height, the noncommercial farm applicant  
7 must follow the review procedures set forth in article 155, "~~Administrative Farm~~  
8 Claim Determinations-Noncommercial Farm Special Exceptions".

9 The noncommercial farm applicant must demonstrate that the requirement  
10 prohibits, restricts, or otherwise limits a generally accepted farming practice.

11 **Section 14.** Section 060-090 entitled, "Limitation of uses" is hereby  
12 amended to read as follows:

13 Sec. 060-090. Limitation of uses.

14 \* \* \* \*

15 (F) Temporary containers and trailers. Temporary storage of shipping  
16 containers or tractor trailers is permitted as an accessory use to a  
17 development plot within the CF district having loading dock facilities  
18 designed for semitrailer deliveries, which facility is actively collecting goods  
19 for the distribution to the needy or for individuals recovering from a natural  
20 disaster. The number of containers or trailers, in aggregate shall not  
21 exceed five (5) at any given time. Said containers and/or trailers shall not  
22 exceed twenty-seven hundred (2,700) cubic feet capacity and nine and  
23 one-half (9 1/2) feet in height.

24 **Section 15.** Section 060-100 entitled, "Discontinuance of farm operations  
25 in the CF zoning district" is hereby repealed.

26 **Section 16.** Section 070-090 entitled, "Permanent permitted signs" is  
27 hereby amended to read as follows:

28 Sec. 70-090. Permanent permitted signs.

29 Signs specified in Table 70-2 shall be permitted, subject to limitations contained in  
30 section 070-080, "Basic design schedule for nonresidential signs," and subject to  
31 the following additional limitations and requirements:

32 ~~(A) Agricultural uses.~~

1           ~~(1) Farms. One (1) nonilluminated identification sign, which may be~~  
2           ~~double-faced, not to exceed thirty-two (32) square feet in area per~~  
3           ~~side and related to farm activities on the plot or portion thereof, shall~~  
4           ~~be permitted on the portion of any plot occupied by a farm or principal~~  
5           ~~agricultural use. It is specifically recognized that any structure which~~  
6           ~~would otherwise constitute a billboard, shall be subject to all~~  
7           ~~conditions, restrictions and prohibitions applicable to billboards set~~  
8           ~~forth within this ULDC.~~

9           ~~(A)(2) Noncommercial farms.~~

10           ~~(1)(a)One (1) non-illuminated identification sign, which may be double-~~  
11           ~~faced, identifying the name of the noncommercial farm shall be~~  
12           ~~permitted on the portion of any plot occupied by a noncommercial farm,~~  
13           ~~not to exceed twelve (12) square feet in area and five (5) feet in height~~  
14           ~~along arterial and collector road frontages, and not to exceed eight (8)~~  
15           ~~square feet in area and four (4) feet in height along all other road~~  
16           ~~frontages. The standards for sign area in Table 70-1 shall not apply.~~

17           ~~[Subparagraphs (b) and (c) shall be renumbered as paragraphs (2) and (3)]~~

18           **Section 17.** Section 075-120 entitled, "Farms" is hereby amended to read  
19 as follows:

20           Sec. 075-120. - Farms.

21           Plots, or portions thereof that are farms or noncommercial farms, ~~with a town farm~~  
22           ~~designation pursuant to article 155, "Administrative Farm Claim Determinations,"~~  
23           ~~are exempt from the requirements of this article, provided that a noncommercial~~  
24           ~~farm is exempt pertaining only to from on-site landscaping requirements, and only~~  
25           ~~to the extent such requirements prohibit, restrict, or otherwise limit a generally~~  
26           ~~acceptable farming practice, provided any portion of a noncommercial farm plot~~  
27           ~~containing a house and not used primarily for farm purposes, inclusive of the~~  
28           ~~landscaped area required, section 075-110(B), shall comply with the requirements~~  
29           ~~of this article.~~

30           **Section 18.** Section 080-010 entitled, "Off-street parking required" is  
31 hereby amended to read as follows:

32           Sec. 080-010. - Off-street parking required.

33           (A) Every building, use or structure, except buildings and structures on portions  
34           of plots occupied by a farm, instituted or erected after the effective date of  
35           the ordinance from which this ULDC is derived shall be provided with off-

1 street parking facilities in accordance with the provisions of this article for  
2 the use of occupants, employees, visitors or patrons.

<del>(31) Plant nursery, tree farm or other crops, open air produce market</del>	<del>3.0 Minimum 1.0 per each 1,000 sq. ft. of display area open to the public</del>
--	--

3 *[Remainder of list shall be renumbered]*

4 **Section 19.** Section 155-020 entitled, "Administrative noncommercial farm  
5 special exception" is hereby amended to read as follows:

6 Sec. 155-020. Administrative noncommercial farm special exception  
7 procedure.

8 \* \* \*

9 (E) If the applicant is granted an administrative special exception, such special  
10 exception shall remain valid until the agricultural use of a building or  
11 structure, for which a special exception is granted, is converted to a  
12 nonagricultural use or the noncommercial farm activity ceases for sixty (60)  
13 days or more. Upon any of the preceding occurrences, the administrative  
14 special exception shall be deemed to be immediately revoked, and the  
15 improvements that were the subject of the special exception shall be in  
16 violation of the chapter until they are brought into compliance with the  
17 height, setback, and/or plot coverage standards from which the special  
18 exception was granted. The property owner shall execute a deed restriction  
19 acknowledging the terms of this subsection, in a form and format approved  
20 by the town attorney, which shall be recorded, at the applicant's expense,  
21 in the Public Records of Broward County Florida, prior to receiving the  
22 administrative special exception. In the event that the town administrator  
23 approves a setback reduction, the reduced side shall have a buffer consisting  
24 of an opaque fence or wall, hedge or berm to a minimum height of six (6)  
25 feet.

26  
27 **Section 20.** Section 155-040 entitled, "Noncommercial farm special  
28 exception procedure" is hereby amended to read as follows:

29 Sec. 155-040. Noncommercial farm special exception procedure.

30 \* \* \*

31 (D) If the applicant is granted a special exception or a special exception with  
32 conditions, such special exception shall remain valid until the agricultural use

1 of a building or structure, for which a special exception is granted, is  
2 converted to a nonagricultural use or the noncommercial farm activity  
3 ceases for sixty (60) days or more. Upon any of the preceding occurrences,  
4 the administrative special exception shall be deemed to be immediately  
5 revoked, and the improvements that were the subject of the special  
6 exception shall be in violation of the chapter until they are brought into  
7 compliance with the height, setback, and/or plot coverage standards from  
8 which the special exception was granted. The property owner shall execute  
9 a deed restriction acknowledging the terms of this subsection, in a form and  
10 format approved by the town attorney, which shall be recorded, at the  
11 applicant's expense, in the Public Records of Broward County Florida, prior  
12 to receiving the special exception. In the event that the town council  
13 approves a setback reduction, the reduced side shall have a buffer  
14 consisting of an opaque fence or wall, hedge or berm to a minimum height  
15 of six (6) feet.  
16

17 **Section 21.** Section 155-070 entitled, "Existing structures" is hereby  
18 amended to read as follows:

19 Sec. 155-070. Existing structures.

20 (A) Intent. It is the intent of this section to provide relief for plots, or portions  
21 thereof, that are no longer farms because of an amendment to Section  
22 193.461, Florida Statutes that became effective on July 1, 2013.

23 (BA) Relief provided. Any nonresidential building or structure on a non-  
24 commercial farm that continues to be used exclusively for agricultural and  
25 related purposes, shall continue to enjoy relief from sec. 005-080, "Permits  
26 required; expiration of permits and development orders", and ULDC  
27 regulations governing plot coverage, height and setbacks subject to the terms  
28 in subsec. (D) without the need to apply for a special exception, if:

29 (1) The building or structure was constructed pursuant to a town farm  
30 certification and/or Section 604.50, Florida Statutes prior to July 1, 2013;  
31 and

32 (2) The town inspects the building or structure and determines that it has  
33 sufficient structural integrity so as not to constitute a threat to life, safety  
34 and property; and

1 (3) The property owner fully complies with the requirements in subsections (C)  
2 and (D). ~~(CB)~~ Procedure. In order to qualify for such relief, ~~by March 31,~~  
3 ~~2016,~~ the property owner shall:

4 (1) Submit information to the town administrator on a standard form to be  
5 prepared by the town administrator, as to the farm buildings and farm  
6 structures for which relief is required, and the extent of noncompliance  
7 with the ULDC requirements; ~~and~~

8 (2) Execute deed restrictions and other standard forms to be prepared by the  
9 town attorney a deed restriction acknowledging limitations and conditions  
10 that shall apply to the relief provided under this section, including but not  
11 limited to, the terms of subsection (DE). All such standard forms ~~The~~  
12 ~~deed restriction shall be in a form and format approved by the town~~  
13 ~~attorney, which shall be recorded, at the applicant's expense, in the Public~~  
14 ~~Records of Broward County, Florida. Failure of a property owner to comply~~  
15 ~~with the requirements of this subsection shall cause any noncompliant~~  
16 ~~nonresidential farm building or farm structure on a non-commercial farm,~~  
17 ~~to be in violation of the ULDC.~~

18 (DE) Terms and limitations. Upon compliance with subsection (CB), relief from  
19 plot coverage, height and/or setback requirements shall remain in effect until  
20 ~~March 31~~ September 15, 2035 ~~2036~~ unless:

21 (1) The agricultural use of the building or structure changes to a  
22 nonagricultural use; or

23 (2) The non-commercial farm activity ceases for sixty (60) days or more; or

24 (3) A Town inspection determines that the building or structure has  
25 deteriorated, been damaged or altered such that it poses a threat to life,  
26 safety and property. The Town reserves the right to enter the property  
27 upon reasonable notice to inspect the building or structure to ensure  
28 compliance with the provisions of this section.

29 Upon any of the preceding occurrences, the improvements that were the  
30 subject of the ULDC relief shall be in violation of ~~the~~ this chapter until they  
31 are brought into compliance with the applicable ULDC height, setback, and/or  
32 plot coverage regulations.

1           **Section 22.** Conflicts. All Ordinances or parts of Ordinances, Resolutions  
2 or parts of Resolutions in conflict herewith, be and the same are hereby repealed  
3 to the extent of such conflict.

4           **Section 23.** Severability. If any portion of this Ordinance is determined  
5 by any Court to be invalid, the invalid portion shall be stricken, and such striking  
6 shall not affect the validity of the remainder of this Ordinance. If any Court  
7 determines that this Ordinance, or any portions hereof, cannot be legally applied  
8 to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such  
9 determination shall not affect the applicability hereof to any other individual,  
10 group, entity, property, or circumstance.

11           **Section 24.** Inclusion in Code. It is the intention of the Town Council that  
12 the provisions of this Ordinance shall become and be made part of the Town of  
13 Southwest Ranches Unified Land Development Code; and that the sections of this  
14 Ordinance may be renumbered or relettered and the word, "ordinance" may be  
15 changed to "section", "article" or such other appropriate word or phrase in order  
16 to accomplish such intentions.

17           **Section 25.** Effective Date. This Ordinance shall be effective immediately upon  
18 its adoption.

19  
20  
21  
22  
23

1 **PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2015 on a motion  
2  
3 by \_\_\_\_\_ and seconded by \_\_\_\_\_.4

5 **PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_,  
6  
7 2015 on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_.8

8	Nelson	_____	Ayes	_____
9	Fisikelli	_____	Nays	_____
10	Breitkreuz	_____	Absent	_____
11	Jablonski	_____		
12	McKay	_____		

13  
14  
15 \_\_\_\_\_  
16 Jeff Nelson, Mayor  
17

18 ATTEST:

19  
20 \_\_\_\_\_  
21 Russell Muñiz, Assistant Town Administrator/Town Clerk  
22

23 Approved as to Form and Correctness:

24  
25 \_\_\_\_\_  
26 Keith Poliakoff, Town Attorney  
27

28 112659904.1

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**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING ARTICLE 40, TELECOMMUNICATIONS TOWERS AND ANTENNAS, OF THE LAND DEVELOPMENT CODE, PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the Town of Southwest Ranches, Florida to exercise its authority to amend its previously enacted rules and regulations under Article 40 of the Land Development Code with respect to the siting of telecommunications towers and antennas within the town and ensure compliance with all applicable federal and State statutory requirements;

**WHEREAS**, after notice duly published, a public hearing was held before the Planning and Zoning Board on \_\_\_\_\_, 2015, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the Board was presented with a text amendment to the Land Development Code and after due consideration, recommended \_\_\_\_\_ (\_\_\_\_-\_\_\_\_ vote) of the amendment; and

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the Town Council on September 15, 2015 at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the Town Council was presented with a text amendment to the Land Development Code, and after due consideration and discussion, \_\_\_\_\_ (\_\_\_\_-\_\_\_\_ vote) the amendment on First Reading; and

**WHEREAS**, it is the intent of the Town that this Ordinance shall amend the existing regulations codified under Article 40, entitled "Telecommunications Towers and Antennas" Section 040-010 *et seq.* of the Land Development Code.

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

**SECTION 1.** The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this section.

**SECTION 2.** Article 40, Section 040-010 *et seq.* of the Land Development Code of the Town of Southwest Ranches, Florida, entitled "Telecommunications Towers and Antennas," is hereby amended as follows<sup>1</sup>:

**Sec. 040-020. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use* means a use incidental to, subordinate to, and subservient to the main use of the property. As defined in this section, an accessory use is a secondary use.

*Antenna* means a transmitting and/or receiving device and/or relays used for wireless services that radiates or captures electromagnetic waves, including directional antennas, such as, but not limited to, panel and microwave dish antennas, Digital Antenna System ("DAS"), and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas and satellite earth stations.

*Antenna support structure* means any building or structure, other than a tower, that can be used for the location of telecommunications facilities.

*Antenna support structures for personal radio services* means any poles, masts, towers and/or support structures for supporting antenna used in the operation of personal radio services.

*Base Station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
- c. Any structure other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in paragraphs (a) or (b) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

---

<sup>1</sup> Language added is indicated by underline, and language deleted is indicated by ~~strikethrough~~.

Base Station does not include any structure that, at the time the relevant application is filed under this section, does not support or house equipment described in (a) or (b) of this section.

*Combined antenna* means an antenna or an array of antennas designed and utilized to provide services for more than one (1) carrier.

*Distributed Antenna System, or DAS, is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna elevations are generally at or below the clutter level and node installations are compact. A distributed antenna system may be deployed indoors (an iDAS) or outdoors (an oDAS).*

*Eligible Facilities Request* means any request for modification of an existing tower or base station pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. §1455(a), that does not substantially change the physical dimensions of such tower or base station, involving:

- a. Collocation of new transmission equipment;
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment,

as such terms are defined by FCC regulations.

*Equipment facilities* means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply and related structure or enclosure that houses such equipment. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Extraordinary conditions* occur subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

*Guyed tower* means a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

*Master microcell facility* means a telecommunications facility consisting of an antenna (as defined in this section) and related equipment which is located either on a telecommunications tower or affixed to a structure in some fashion for the provision of wireless services.

*Microwave dish antenna* means a dish-like antenna used to link wireless service sites together by wireless transmission of voice or data.

*Monopole tower* means a telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

*Panel antenna* means an array of antennas designed to concentrate a radio signal in a particular area.

*Personal radio services* include the following services as defined by the Federal Communications Commission (FCC) as amended: the General Mobile Radio Service, the Family Radio Service, the Radio Control Radio Service, the Citizens Band Radio Service, the Low Power Radio Service, the Wireless Medical Telemetry Service, the Medical Device Radio Communications Service, the Multi-Use Radio Service, and the Dedicated Short-Range Communications Service On-Board Units. Personal Radio Services provide short-range, low power radio for personal communications, radio signaling, and business communications not provided for in other wireless services. The range of applications is wide, spanning from varied one- and two way voice communications systems to non-voice data transmission devices used for monitoring patients or operating equipment by radio control. Licensing and eligibility rules vary. Some personal radio services require a license grant from the FCC, while others require only the use of equipment that is properly authorized under the FCC's rules. The personal radio services are: Citizens Band (CB) Radio Service - 1-5 mile range two-way voice communication for use in personal and business activities. Family Radio Service (FRS) - 1 mile range Citizen Band service for family use in their neighborhood or during group outings. General Mobile Radio Service (GMRS) - 5-25 mile range Citizen Band service for family use in their neighborhood or during group outings. Low Power Radio Service (LPRS) - private, one-way communications providing auditory assistance for persons with disability, language translation, and in educational settings, health care, law, and AMTS coast stations. Medical Implant Communications Service (MICS) - for transmitting data in support of diagnostic or therapeutic functions associated with implanted medical devices. Multi-Use Radio Service (MURS) - private, two-way, short-distance voice or data communications service for personal or business activities of the general public. Personal Locator Beacons (PLB) - used by hikers, and people in remote locations to alert search and rescue personnel of a distress situation. Radio Control Radio Service (R/C) - one-way non-voice radio service for on/off operation of devices at places distant from the operator. Wireless Medical Telemetry Service (WMTS) - for remote monitoring of patients' health through radio technology and transporting the data via a radio link to a remote location, such as a nurses' station.

*Roofline* means the overall ridge line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed the maximum height of the structure.

*Self-support lattice tower* means a tapered structure, broad at the base and more narrow at the top, consisting of cross-members and diagonal bracing and without guyed support.

*Stealth/camouflaged monopole* means a telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors and designed to blend into the surrounding environment. Examples of stealth/camouflaged monopole towers telecommunication and/or wireless services towers designed to look like light poles, flag poles, power poles or trees.

*Stealth facility* means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof mounted antennas, antennas integrated into architectural elements, and telecommunication and/or wireless services towers designed to look like light poles, flag poles, power poles, trees or other similar structures.

*Telecommunication facility* means a combination of equipment which is located either upon a telecommunication tower or a structure which includes some form of antenna for the purpose of transmitting and receiving wireless services.

*Telecommunications tower or Tower* means a stealth/camouflaged monopole, monopole, self-support/lattice, or guyed tower, constructed as a free-standing structure, containing one (1) or more antennas, used in the provision of wireless services, excluding radar towers, amateur radio support structures licensed by the FCC, private home use of satellite dishes and television antennas and satellite earth stations installed in accordance with applicable needs.

*Whip antenna* means a cylindrical antenna that transmits and/or receives signals in three hundred sixty (360) degrees.

#### **Sec. 040-030. - Telecommunication tower siting in certain zoning districts.**

- (a) Free-standing telecommunication towers shall be located in the following order of hierarchy:
  - (A) Town-owned property;
  - (B) M, manufacturing and industrial district;
  - (C) CB, community business district.
- (b) Town-owned property shall take preference over privately owned property. If the proposed site is other than town-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need.
  - (A) ~~Free-standing~~ Telecommunications towers shall be deemed a permitted use on any town-owned property in accordance with an executed lease agreement acceptable to the town. The town shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The town reserves the right to require a tenant to reimburse the town for reasonable costs incurred in connection with the lease of town property, including consultant and attorneys' fees.

- (1) The town may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for town-owned property. Setback and distance requirements in the town Code may be modified to the extent necessary to provide for the public interest as determined by the town council. This provision further does not preclude the town from issuing a letter of interest for the purposes of leasing sites on designated town property for the construction and installation of telecommunications facilities. For designated town-owned property, the town will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.
- (B) Telecommunications towers shall be deemed a permitted use in the M district subject to the applicant showing that he has met the requirements of the minimum standards for the development of towers as specified in this article and subject to site plan review by the town administrator or a designee with final approval by the town council.
- (C) Telecommunications towers shall be deemed a conditional use within the CB District.
  - (1) Each conditional use pursuant to subsection (C) of this section shall be reviewed by the town administrator to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein, and approval is subject to review by the town administrator or a designee with final approval by the town council.
- (D) Telecommunications facilities may be permitted on existing utility poles as a conditional use pursuant to paragraph (c) in the Florida Power & Light Easement, Use for Major Electric Transmission. Nothing herein shall be deemed to authorize equipment facilities in such Florida Power & Light Easement. No free-standing towers constructed exclusively for wireless service shall be permitted other than as provided in subsections (A), (B) and (C) of this section. No additional rights other than provided herein shall be deemed created by this designation.
- (E) The location of a new telecommunications tower on a property other than those specified in subsection (A), (B), (C) or (D) of this section shall be prohibited.
- (F) Once a telecommunications tower is approved by the town, a building permit application shall be submitted within six (6) months.

**Sec. 040-040. - Minimum standards for development of towers.**

All telecommunications towers must meet the following minimum standards:

- (A) *Tower types.* To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:
  - (1) Stealth/camouflaged monopole.

- (2) Monopole.
- (3) Self-support/lattice tower.

The applicant shall be required to demonstrate, in a technical manner acceptable to the town council why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.

(B) *Guyed towers.* Guyed towers shall not be permitted.

(C) *Site development plan required for permit.* Prior to the issuance of a building, electrical, engineering or construction permit, a site development plan shall be presented to the town council. If, however, the proposed tower is located on town property, since the lease agreement will be reviewed by the town council prior to the submittal of a site development plan application, prior to the issuance of a building, electrical, engineering or construction permit, a site development plan shall be presented to the town administrator. Each application for a proposed telecommunications tower shall include all requirements for site development plan approval as required in other sections of the town ULDC. To help ensure compatibility with surrounding land uses, each application for a proposed communication tower shall include the following information:

- (1) The exact location of the proposed tower location on a town official zoning map;
- (2) The maximum height of the tower;
- (3) The location of the proposed tower, placed upon an aerial photograph possessing a scale of not more than one (1) inch equals three hundred (300) feet, indicating all adjacent land uses within a radius of three thousand (3,000) feet from a property line of the proposed tower location site;
- (4) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within the search area of the proposed new tower site, including town-owned property;
- (5) Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on all town-owned towers or antenna support structures located within the search area of the proposed tower site;
- (6) Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on all towers or antenna support structures owned by other persons located within the search area of the proposed tower site;
- (7) A delineation of the search area needed for the coverage or capacity;
- (8) A line of sight analysis which shall include the following information:

- a. An identification of significant existing natural and manmade features adjacent to the proposed tower location, to indicate those features that will provide buffering for adjacent properties and public rights-of-way;
  - b. A statement as to the potential visual and aesthetic impacts of the proposed tower on all adjacent residential zoning districts;
  - c. An identification of specific points, measured two thousand (2,000) feet north of the proposed tower, two thousand (2,000) feet south of the proposed tower, and two thousand (2,000) feet east and west of the proposed tower from which the line of sight analysis is presented or the closest accessible public property from each of the above delineated points;
  - d. A graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from specific points identified within the line of sight analysis.
- (9) A report shall be submitted, prepared by a licensed professional engineer, which describes the tower height and design, including a cross section of the structure; through rational engineering analysis demonstrates the tower's compliance with applicable standards as set forth in the building code, latest Broward County edition; and describes the tower's capacity, including number and type of antennas and dishes it can accommodate;
- (10) Proof of adequate insurance coverage acceptable by the town for any potential damage caused by the tower. Thirty (30) days' notice of cancellation of insurance to the town is required.
- (11) Such other additional information as may be reasonably required by town staff to fully review and evaluate the potential impact of the proposed tower, including:
- (i) The existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate;
  - (ii) An RF plot indicating the coverage of existing sites, and that of the proposed site;
  - (iii) Antenna heights and power levels of the proposed site;
  - (iv) A written affidavit stating that there are no existing alternative sites within the provided search area, and there are no alternative technologies available which could provide the proposed service enhancement without the tower.

Town staff may utilize the services of a registered professional engineer or a radio frequency engineer who has at least a four (4) year engineering degree to confirm the statements made as a requirement of subsection (11) of this section and may

use the services of an outside consultant to assist the town in processing the application. The cost of same shall be borne by the applicant.

- (D) *Standards for new towers.* No new tower shall be built, constructed or erected in the town unless such tower is capable of accommodating, at a future date, additional telecommunications facilities owned by other persons and the tower owners agree to comply with section 040-140, "Existing towers." All new towers shall be designed and built to accommodate multiple users; at a minimum, stealth/camouflaged monopole and monopole towers shall be able to accommodate three (3) users and at a minimum, self-support/lattice towers shall be able to accommodate four (4) users. As wireless technology advances, applicants may be required to construct facilities utilizing advancing technologies including, but not limited to, combined antennas when determined necessary for health, safety, welfare aesthetics, and compatible with providers technical, capacity and coverage requirements. The applicant shall state in any application for a permit that it will, as a condition of issuance of the permit, accommodate antenna facilities of other providers, on a nondiscriminatory basis on terms which are reasonable in the industry, unless the applicant can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal to continually comply with this obligation shall be a violation of this article and shall be grounds for revoking the applicant's permit.
- (E) *Noninterference.* Each applicant to allow construction of a telecommunications tower shall include a certified statement, prepared by a radio frequency (RF) engineer who has at least a four (4) year engineering degree or a licensed professional engineer, that the construction and placement of the tower will not unnecessarily interfere with public safety communications and the usual customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties. A statement shall be prepared by a radio frequency (RF) licensed professional engineer or a radio frequency engineer who has at least a four (4) year engineering degree, identifying any interference that may result from the proposed construction and placement.
- (F) *Access.* A parcel of land upon which a tower is located must provide access during normal business hours to at least one (1) paved vehicular parking space adjacent to each tower location.
- (G) *Towers to comply with FCC standards.* Each application for a telecommunications tower may be required to include a statement that there is no objection from other federal or state agencies that may regulate telecommunications tower siting, design and construction. All proposed telecommunication towers shall comply with current radio frequency emissions standards of the Federal Communications Commission, or other legally regulating body.
- (H) *Waiving requirements.* Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the town and in the best

interest of telecommunication service to the community. Such waiver shall require four (4) affirmative votes of the town council.

- (I) *Notice of public notification.* Notice of an application for a telecommunications tower shall be set via certified mail to all property owners within a fifteen hundred (1,500) foot radius of the affected property. The applicant shall provide the notification mailing labels and shall pay the town's costs for the preparation of the notification letters and the mailing as well as the cost of the certified mailing.

(J) Timeframes for application.

(1) The town may establish separate applications for the various administrative approvals needed by an applicant including, but not limited to, site plan, zoning compliance, public safety, and building permit reviews.

(2) Notification of completeness. The town shall notify the applicant within twenty (20) business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed, containing sufficiently reliable information, and has been properly submitted in accordance with the requirements set forth above. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed. If the application has been properly submitted, the application shall be scheduled for the next regularly scheduled public hearing of the Planning and Zoning Board, if such a hearing is required by applicable law.

(3) Timeframe for decision. Each application for a new tower or antenna shall be approved or denied by the town within ninety (90) business days after the date that the properly completed application is submitted to the town, provided that such application complies with all applicable federal regulations, and applicable local zoning and/or land development regulations, including but not limited to any aesthetic requirements. If applicable law provides for a different time frame, the town shall comply with such law.

(4) Each application for collocation of a second or subsequent antenna on a tower, building, or structure within the Town's jurisdiction shall be approved or denied by the town within forty-five (45) business days after the date the properly completed application is submitted to the Town, provided that such application complies with all applicable federal regulations, and applicable local zoning and/or land development regulations, including but not limited to any aesthetic requirements. If applicable law provides for a different time frame, the town shall comply with such law.

(5) For an Eligible Facilities Request, within 60 days of the date on which an applicant submits an application seeking approval of an eligible facilities request, the town shall approve the application unless it determines that the application is not covered by such provision. The 60-day review period begins

to run when the application is filed, and may be tolled only by mutual agreement by the town and the applicant, or in cases where town determines that the application is incomplete.

(6) Extension and waiver. Unless prohibited by applicable law, where action by a town Board, Committee, or the Town Council is required on an application, the town may, by letter to the applicant, extend the timeframe for a decision until the next available regularly scheduled meeting of the town Board, Committee, or Town Council. Notwithstanding the foregoing, the applicant may voluntarily agree to waive the timeframes set forth above.

(7) Emergency extension. In addition to the extensions referenced in subsection C(6), the town shall also have the discretion to declare a one (1) time waiver of the time frames set forth herein in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities in the town.

#### **Sec. 040-050. - Height/setbacks and related location requirements.**

- (A) The height of a telecommunication tower shall not exceed one hundred fifty (150) feet, not including nonstructural lightning rods and required safety lightning rods. Tower height shall be measured from the crown of the road of the nearest public street.
- (B) Telecommunication towers shall, at a minimum, conform with the setback established for the underlying zoning district.
- (C) Stealth/camouflaged monopole, monopole, or self-support/lattice telecommunication towers shall not be permitted in proximity to any residential zoned parcel that is within four (4) times the height of the tower. By way of illustration, if the tower is one hundred fifty (150) feet, it must be at least six hundred (600) feet from any residential plot.
- (D) All buildings and other structures to be located on the same property as a telecommunications tower shall conform with the setbacks established for the underlying zoning district.
- (E) The provision in subsection (D) of this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the town or compliance with other regulations, and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the town council.

#### **Sec. 040-060. - Buffering.**

- (A) An eight (8) foot high fence or wall, as measured from the finished grade of the site, shall be required around the tower and any accessory buildings or structures. In no

case will barbed wire or razor wire fencing be permitted. Access to the tower shall be through a locked gate.

- (B) Landscaping, consistent with the requirements of section 075-070, "Nonresidential perimeter and vehicular use area landscape requirements" shall be installed around the entire outside perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer in order to enhance compatibility with adjacent residential and nonresidential land uses.
- (C) Landscaping consistent with section 075-070 shall be installed around any accessory buildings or structures.

**Sec. 040-070. - High voltage, "No Trespassing" and other warning signs.**

- (A) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "High Voltage-Danger" warning signs shall be permanently attached to the fence or wall and shall be placed no more than forty (40) feet apart.
- (B) "No Trespassing" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.
- (C) The letter for the "High Voltage-Danger" and "No Trespassing" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.
- (D) The warning signs may be attached to free-standing poles if the content of the signs may be obstructed by landscaping.
- (E) Signs noting federal registration (if required) shall be attached to the tower structure in compliance with federal regulation.
- (F) The use of any portion of a tower for signs or advertising purposes, including, but not limited to, a company name, banners, streamers, religious icons, etc., shall be strictly prohibited.

**Sec. 040-080. Equipment storage facilities.**

~~Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility, unless repairs to the facility are being made. Portable emergency generators may be temporarily located at a telecommunications facility in the event of a power outage but must be removed upon resumption of power. Portable "crank-up" or otherwise mobile telecommunications facilities may not be located at a telecommunications facility. Nothing in this section shall preclude the placement of a permanent generator onsite; provided that the generator meets the criteria set forth in the town Code and is in compliance with the building code, latest Broward County edition.~~

(A) Equipment facilities for a telecommunications tower or antennas mounted on a tower shall not occupy more square feet or be of greater height than reasonably necessary and in no event shall exceed one thousand (1,000) square feet of gross floor area not including the surrounding concrete pad, or be more than ten (10) feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

(B) Equipment facilities used in association with antennas mounted on structures or rooftops shall comply with the following:

1. All equipment facilities for an array on a structure or rooftop shall not exceed six hundred (600) square feet of gross floor area or be more than ten (10) feet in height or as otherwise allowed by the town. This ten (10) foot height limitation shall be measured from the top of the structure or roofline to the highest point of the equipment facility. The base pad shall be considered part of the facility for purposes of measuring the height. In addition, for structures which are less than four (4) stories in height, the related unmanned equipment facility, if over one hundred (100) square feet of gross floor area or six (6) feet in height, including base pad, shall be located on the ground or inside the structure and shall not be located on the top of the structure or rooftop unless the structure is completely screened from site.

2. Providers shall place equipment facilities inside the building or structure where technically feasible. If the equipment facility is located on the roof of a building, the area of the equipment facility and all other equipment and structures shall not occupy more than fifty (50%) percent of the roof area. Once fifty (50%) percent of the roof area has been occupied by telecommunications equipment and all other equipment and structures, no additional antennas or equipment may be placed on that rooftop. The town may grant an exception to this provision allowing for additional equipment on a particular rooftop, if the applicant first, at its own cost, conducts an examination of the structural integrity of the roof to determine whether the roof can accept the placement of additional equipment. The town shall balance this report with the aesthetic issues related thereto in considering whether to allow for additional equipment.

3. The town may require that equipment facilities installed on a building shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting building and shall be screened as required by the town so as to make the equipment facility as visually unobtrusive as possible. The town shall have the discretion to require that any aesthetic screening exceed the height of the equipment associated with the antenna by a minimum of one (1) foot.

(C) Equipment facilities shall comply with all applicable zoning and building codes, including minimum setback requirements as provided herein.

(D) Mobile or immobile equipment not used in direct support of a telecommunications tower shall not be stored or parked on the site of the telecommunication tower, except while repairs or inspections of the telecommunications tower are being made.

- (E) All buildings and equipment cabinets shall be unoccupied at all times except for routine maintenance.
- (F) Equipment facilities associated with towers or antennas shall not be located in public rights-of-ways unless located underground, on existing utility poles or an existing tower, or in existing buildings adjacent to the public rights-of-ways. All lines and cabling to and from such equipment facilities shall be located underground. Design and size of such equipment facilities shall be subject to regulation of the town.
- (G) Portable emergency generators may be temporarily located at a telecommunications facility in the event of a power outage but must be removed upon resumption of power. Nothing in this section shall preclude the placement of a permanent generator onsite; provided that the generator meets the criteria set forth in the town Code and is in compliance with the building code, ~~latest Broward County~~. Portable emergency generators and permanent generators are required to obtain a permit from the town prior to installation.
- (H) All accessory buildings or structures shall meet all building design standards as listed in the town Code and in accordance with the provisions of the building code, ~~latest Broward County edition~~. All accessory buildings or structures shall require a building permit.
- (I) Accessory structures shall be designed to resemble the basic design of the principal use or be designed to resemble the neighborhood's basic building design. In no case will metal exteriors be allowed for accessory buildings or structures.

**Sec. 040-090. - Removal of abandoned or unused facilities.**

All abandoned or unused telecommunications tower facilities shall be removed by the tower owner/operator within ninety (90) days of the cessation of use. A tower shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days. Telecommunications towers being utilized for other purposes, including, but not limited to, light standards and power poles, may be exempt from this provision where superseded by the requirements of other county, state or federal regulatory agencies. The town may require a bond when issuing a permit to ensure the removal of towers pursuant to this Section.

**Sec. 040-100. ~~Signs and advertising~~Public safety and Town communications.**

~~The use of any portion of a tower for signs or advertising purposes, including, but not limited to, a company name, banners, streamers, religious icons, etc., shall be strictly prohibited.~~ (A) Town telecommunications facilities and wireless services. The town may reasonably require appropriate space on towers and structures for location of town communications facilities as necessary for the town internal communications, public safety, or public purposes as determined by the town for the health, safety and welfare of the town's residents.

1. The town reserves the right to negotiate with an applicant for a telecommunications tower for space on the proposed telecommunications tower as may be determined by the town and the applicant. If such negotiations do not

result in an agreement, the parties shall submit such dispute to mediation under terms to which the parties shall agree.

2. The town may reasonably require a developer or property owner seeking approvals from the town to permit the town without charge to the town to locate town communications facilities on or in their building, on another structure, or on their property to allow for the provision of town public safety or internal communications.

3. All developers or property owners allowing wireless facilities on their buildings, on other structures, or on their property that requires the town's approval shall reserve on their structure or property sufficient space as reasonably specified and required by the town to accommodate town telecommunications facilities.

4. The town may reasonably require a developer or property owner seeking approvals from the town to permit service providers to locate telecommunications facilities on their buildings, on another structure, or on their property with reasonable compensation to allow for the provision of personal wireless services within the town limits.

(B) Interference with town telecommunications facilities. To the extent not inconsistent with applicable law, all service providers of and owners of telecommunications facilities, buildings, or property within the town shall comply with the following:

1. No telecommunications facility, building, or structure shall interfere with any public frequency or town telecommunications facilities. Any service provider that causes interference with any public frequency or the operations of town telecommunications facilities, shall, after receiving notice, rectify the interference immediately.

2. The town shall not issue a building permit for any proposed building that will interfere with town telecommunications facility or public frequency unless such building complies with this Division.

**Sec. 040-110. ~~Accessory buildings or structures.~~ Personal radio antenna support structures.**

~~(A) All accessory buildings or structures shall meet all building design standards as listed in the town Code and in accordance with the provisions of the building code, latest Broward County edition. All accessory buildings or structures shall require a building permit.~~

~~(B) Accessory structures shall be designed to resemble the basic design of the principal use or be designed to resemble the neighborhood's basic building design. In no case will metal exteriors be allowed for accessory buildings or structures~~

Antenna Support Structures used in the operation of Personal Radio Services shall be exempted from the provisions contained within this Article except as noted within this Section. Personal radio services' Antenna Support Structures shall be governed by the following:

(A) Application requirements and fees. An application shall comply with the requirements of Sections 040-040 (C)(1), (3), (4) and (8). The town may establish a filing fee for such application. The timeframes for review contained within Section 040-040 (J) shall not apply to such application. Other application requirements may be requested as determined by the Department completing the review.

(B) Required reviews and permits.

1. By right review. Applications for Antenna Support Structures less than fifty (50) feet in height shall be submitted to the Building and Zoning Department for review and permit issuance.
2. Conditional use review. Antennas Support Structures greater than fifty (50) feet in height require conditional use review pursuant to the Conditional Use provisions of the Zoning Code. Conditional use review applications shall be submitted to the Planning Department for review. The Department shall provide a recommendation which shall be forwarded for public hearing review by the town Council at which all interested persons shall be afforded an opportunity to be heard.
3. Permits shall be required for installation of all Antenna Support Structures.
4. If approval is recommended and/or granted, town staff and town council may proscribe conditions and safeguards to such approval.

(C) Requirements.

1. Such Antenna Support Structures as a minimum shall be subject to the following standards.
  - a. Measurement of height. In computing the height of the installation, the top section of the pole, mast or tower, including antennae array, when fully extended, shall be considered the top for the purpose of these provisions.
  - b. Permitted locations and number permitted. A maximum of one (1) Antenna Support Structure shall be permitted on each building site with a A-1, A-2, RE and RU zoning districts.
  - c. Building site location. Antenna Support Structures shall be located behind the required primary/principle building within the rear and interior side yard of the property. Antenna Support Structures are prohibited within the front and side street yard areas.

- d. Setbacks. Antenna Support Structures shall maintain the same rear and side setbacks as required for the principal building of the building site. All of the above shall also be a minimum of eight (8) feet from any overhead utility line(s) and power line(s). Where such Antenna Support Structure is located on a building site which is fronting upon two or more streets and/or alleys, the Antenna Support Structure shall maintain the same primary/principle building setback as required for each such street or alley.
- e. Dismantling/tilting provisions for Antenna Support Structures exceeding fifty (50) feet in height. An Antenna Support Structure exceeding fifty (50) feet in height shall have the capability of being cranked up and down or being tilted over. Tilted Antenna Support Structures shall comply with all setbacks contained herein. In case of an impending hurricane or other natural disasters, the Antenna Support Structure shall be cranked down to its nested position or tilted over and antenna shall be removed. Antennae engaged in emergency communications shall be exempted from the dismantling provisions.
- f. Installation. The installation or modification of an Antenna Support Structure and foundation shall be in accordance with the manufacturer's prescribed installation and safety procedures and shall meet all applicable town, State and Federal requirements, as amended including but not limited to following: Florida Building Code, town Code, Zoning Code, National Electric Code and F.C.C. regulations.

(D) Violations. Violations of any conditions and safeguards, when made part of the terms under which the application is approved, shall be deemed grounds for revocation of the permit and punishable as a violation of the Zoning Code.

**Sec. 040-120. - Colors.**

Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, telecommunications towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment such as noncontrasting gray.

**Sec. 040-130. - Inspection report required.**

(A) Telecommunication tower owners shall submit a report to the town administrator certifying structural and electrical integrity on the following schedule:

- (1) Stealth/camouflaged monopole towers: once every two (2) years;
- (2) Monopole towers: once every two (2) years;
- (3) Self-support/lattice towers: once every two (2) years.

- (B) Inspections shall be conducted by an engineer licensed to practice in the state. The results of such inspections shall be provided to the town administrator. Based upon the results of an inspection, the town administrator may require repair or removal of a telecommunication tower.
- (C) The town may conduct periodic inspections with the cost of such inspection paid by the tower owner of the telecommunications tower to ensure structural and electrical integrity. The owner of the telecommunication tower may be required by the town to have more frequent inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions.

**Sec. 040-140. - Existing towers.**

- (A) All telecommunications towers existing ~~on May 10, 2001, (as of the effective date of this ordinance,)~~ which do not meet the requirements of this article shall be considered legally nonconforming under this section and allowed to continue their legal usage as they presently exist, provided that they comply with applicable federal and state regulations of the with the exception of federal regulations relating to the health and safety of exposure levels as defined by the Occupational Safety and Health Act as amended and radio frequency (RF) exposure levels as defined by Federal Communications Commission regulations. Any modification of a legal nonconforming tower must be submitted for review as required herein for modifications, ~~however, approval shall may be granted by the town council.~~ New construction, other than routine maintenance on an existing telecommunications tower, shall comply with the requirements of this section.
- ~~(B) Notwithstanding the provisions of subsection (A) of this section, telecommunications antennas may be placed on existing towers with sufficient loading capacity after approval by the town administrator. The capacity shall be certified by an engineer licensed to practice in the state.~~
- ~~(C) Any owner of land upon whose parcel of land a tower is located, which contains additional capacity for installation or collocation of telecommunications facilities, shall allow other persons to install or collocate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties and subject to the terms of the original tower agreement.~~
- ~~(B)~~ An existing tower may be modified to accommodate collocation of additional telecommunications facilities as follows:
  - (1) Application for a development permit shall be made to the town administrator who shall have the authority to issue a development permit without further approval by the town council.
  - (2) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the pre-modification height approved for that location. If

no height restriction was specified for such tower, the collocation may increase the height pursuant to applicable federal law.

(3) A tower that is being rebuilt to accommodate the collocation of additional telecommunications facilities may be moved on site subject to the setback requirements of the zoning district where the tower is located.

(4) A request to collocate or an eligible facilities request for Additional antennas, communication dishes and similar receiving or transmission devices proposed for attachment to an existing telecommunications tower, shall require review of the town council administrator. The application for approval to install additional antennas shall include certification from an engineer registered in the state indicating that the additional device installed will not adversely affect the structural integrity of the tower, providing an explanation that it complies with the requirements of an eligible facilities request under federal law regulations, and complies with all requirements on the tower when approved. A visual impact analysis shall be included as part of the application for approval to install one (1) or more additional devices to an existing tower. However, a request to add equipment on an existing tower that does not satisfy the requirements for an eligible facilities request under federal law or collocation under state law shall require the review and approval addition of up to two (2) antennas per sector, of similar profile to those existing on an existing antenna sectorized "platform," shall not require review of the town council. Applicants must still demonstrate the structural integrity of the tower with the additional antennas to the town prior to construction.

**Sec. 040-150. - Permit fees, application and inspection fees required.**

(A) *Permit required.* Construction without a town permit is prohibited. No construction shall be started until a permit to construct has been granted by the town administrator. At the time of filing the construction drawings and documents referred to herein, the developer or owner or applicant as the case may be shall provide a detailed cost analysis of the cost of construction of the telecommunications facilities covered by this section. The applicant, developer, or owner, as the case may be, shall pay the town permit fees in accordance with the schedule of permit fees of the town Code.

(B) *Application fee required.* A filing fee in an amount necessary to cover the costs for the processing of the application shall be submitted for site development approval. In addition, a biennial inspection fee in the amount necessary to cover the costs of the inspection process is due to the town at the time of inspection. In addition to application fees, the town reserves the right to charge applicants reasonable costs and fees for experts and consultants used for a particular application.

**Sec. 040-160. - Maintenance.**

(A) Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing

failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(B) Providers shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electrical Safety Code and all FCC, state and local regulations, and in such a manner that will not interfere with the use of other property.

(C) All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(D) All maintenance or construction on a tower, telecommunications facilities or antenna support structure shall be performed as provided by law.

(E) All antennas and towers shall maintain compliance with current radio frequency emissions standards of the FCC.

(F) In the event any portion of the use of the tower is discontinued by any provider, that tower owner ~~provider~~ shall provide written notice to the town of its intent to discontinue use and the date when the use shall be discontinued. The tower owner shall obtain a permit from the town to remove the tower.

**Sec. 040-170. - Antennas not located on telecommunications towers.**

(A) *Districts where permitted.* Stealth and nonstealth rooftop or building-mounted antennas not exceeding twenty (20) feet above the roofline and not exceeding ten (10) feet above maximum height of the applicable zoning district shall be permitted as a conditional use in the following districts:

- (1) Town-owned property.
- (2) M, manufacturing and industrial district.
- (3) CB, community business district.

(B) *Approval subject to site plan review.* The approval of any antenna not located on telecommunications towers shall be subject to site plan review by the town administrator or a designee with a showing that the minimum standards as specified in this ULDC have been met with a final approval by the town council.

(C) *Preference for town-owned property.* Town-owned property shall take preference over privately owned property. If the proposed site is other than town-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need.

- (1) Stealth and nonstealth rooftop or building-mounted antennas shall be deemed a permitted use on any town-owned property in accordance with an executed lease agreement acceptable to the town. The town shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The town may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for town-owned property. Setback and distance requirements in the town ULDC may be

modified to the extent necessary to provide for the public interest as determined by the town council. This provision further does not preclude the town from issuing a letter of interest for the purposes of leasing sites on designated town property for the construction and installation of telecommunications facilities. For designated town-owned property, the town will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(D) *Minimum standards.* Buildings or rooftop antennas shall be subject to the following standards:

- (1) No commercial advertising or religious icons shall be allowed on an antenna;
- (2) No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
- (3) Any related unmanned equipment building shall not contain more than seven hundred fifty (750) square feet of gross floor area or be more than twelve (12) feet in height;
- (4) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five (25) percent of the roof area;
- (5) Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility;
- (6) Antennas shall only be permitted on buildings which are at least two (2) stories in height;
- (7) Antennas may not exceed more than ten (10) feet above the highest point of a roof. Stealth antennas attached to, but not above rooftop structures shall be exempt from this provision;
- (8) Antennas and related equipment buildings shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of the material or color which matches the exterior of the building or structure upon which it is situated;
- (9) When located on a building facade, building mounted antennas shall be painted and texturized to match the existing building.

Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the town and in the best interest of telecommunication service to the community.

(E) *Antenna types.* To minimize adverse visual impacts, antenna types shall be selected based upon the following hierarchy:

- (1) Panel.
- (2) Dish.

(3)Whip.

If a nonstealth antenna is proposed, the applicant shall be required to demonstrate, in a technical manner acceptable to the town, why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of an antenna type lower in the hierarchy. This does not preclude a combination of the various types of antennas.

(F) *Antenna dimensions.* A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the state, or a radio frequency engineer who has at least a four (4) year engineering degree, who is competent to evaluate the suitability of antenna types, to certify the need for required dimensions.

(G) *Aircraft hazard.* Prior to the issuance of a building permit, the application shall provide evidence that the telecommunications towers or antennas are in compliance with Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is mounted, such evidence shall not be required.

**Sec. 040-180. - Shared use of communication towers.**

(A) Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, collocation of facilities on existing or new towers shall be encouraged by:

(1) Only issuing permits to approved shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

(2) Giving preference to approved shared facilities over other facilities in authorizing use at particular locations.

~~(B) No development approval to develop, build, construct, or erect a tower pursuant to this section shall be granted to any person on the basis that it is economically unfeasible for such person to collocate or install its telecommunications facilities on a tower or antenna support structure owned by another person.~~

~~(B)~~ Collocation of communication antennas by more than one (1) provider on existing or new telecommunications tower shall take precedence over the construction of a new single-use telecommunications tower. Accordingly, each application for a telecommunications tower shall include the following:

(1) A written evaluation of the feasibility of sharing a telecommunication tower, if appropriate telecommunications towers are available. The evaluation shall analyze one (1) or more of the following factors:

- a. Structural capacity of the towers;
- b. Radio frequency interference;
- c. Geographical search area requirements;
- d. Mechanical or electrical incompatibility;

- e. Inability or ability to locate equipment on the tower;
- f. Availability of towers for collocation;
- g. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower;
- h. Additional information requested by the town.

(2) The town may deny an application if an available collocation is feasible and the application is not for such collocation.

(3) For any telecommunications tower approved for shared use, the owner of the tower shall provide ~~notice, via certified mail, upon request, of the location of the telecommunications tower and sharing capabilities to all other wireless tower users in the county.~~

(4) The owner of any telecommunications tower approved for shared use shall cooperate and negotiate fairly with all other possible tower users regarding collocation ~~leases.~~

(5) Requirements in this section may be waived where it is determined that based upon site, location, or facility, such waiver is in the best interest of the health, safety, welfare, or aesthetics of the town and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the town council.

(D) A filing fee in the amount necessary to process the collocation application shall be submitted upon the application for collocation approval.

**Sec. 040-190. - Satellite receiving antenna (SRA).**

(A) *Defined.* As used in this section, the term "satellite receiving antenna" means a round dish-like antenna larger than one (1) meter (39.37 inches) in diameter, intended to receive signals from orbiting or geo-stationary satellites and other sources, or to link wireless service sites together by wireless transmission of voice or data.

(B) *Single- and two-family residential standards.*

(1) Any SRA located on residential property shall be restricted to residential use.

(C) *Nonresidential and multifamily standards.*

(1) All SRAs shall be ground-mounted and located in the rear yard so as not to be visible from any public right-of-way.

(2) A SRA may not be located in the rear yard if the rear lot lines abut a public right-of-way or lands zoned residential.

(3) Landscaping, including shrubs a minimum of thirty-six (36) inches on all sides, an opaque screen (e.g., wood fence, translucent mesh, etc.), or both, shall be incorporated on any dish located in a rear yard.

(4) No SRA shall exceed twenty (20) feet in height measured from grade. No dish shall exceed fifteen (15) feet in diameter.

(5) Nonresidential SRAs may be considered for roof installation, provided that application is made to the development review committee as a conditional use and

the same shall be grated or denied by the town council. Roof-mounted SRAs must be screened by parapets that appear to be an integral part of the building so that not more than twenty-five (25) percent of the antenna height is visible from the grade level of adjacent property and adjacent public or private rights-of-way.

(6) All SRAs shall not be light reflective. Dish antennas shall not have any sign copy on them nor shall they be illuminated.

(7) Each person wishing to place SRAs in nonresidential and multifamily zoned property shall make application to development review committee as a conditional use and the same shall be granted or denied by the town council.

(8) There shall be no more than one (1) antenna as described in subsection (A) of this section on any plot. However, where business is licensed by the town as a dealer of electronic equipment, such business may have two (2) antennas as described in subsection (A) of this section for their plot.

**Sec. 040-200. - Payment to the town for telecommunication towers and antennas.**

All monies received for the leasing of town property for telecommunication towers and antennas shall be deposited in the town's general fund.

**Sec. 040-210. - Waiver.**

Any provision of this article may be waived by the town council where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the town or compliance with other regulations, and in the best interest of telecommunication service to the community. Any waiver shall require four (4) affirmative votes of the town council.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town's Land Development Code, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**SECTION 6.** This Ordinance shall become effective upon the date of its adoption herein.

**PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2015 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_ 2015, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Nelson \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
McKay \_\_\_\_\_

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

\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith M. 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**  
**Jeff Nelson, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitzkreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Doug McKay, Council Member**

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

## COUNCIL MEMORANDUM

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Martin D. Sherwood, Town Financial Administrator

**DATE:** September 15, 2015

**SUBJECT: FY 2014-2015 Budget Amendment for farm-related Town Code Amendments**

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### **Recommendation**

It is recommended that Council consider and approve the attached Resolution to maintain compliance with budgetary provisions of the Town Charter.

### **Strategic Priorities**

A. Sound Governance

### **Background**

The Town desires to amend its existing Town Code to include farm-related provisions consistent with Florida Statutes pursuant to Ordinance 2015-XXX. However, timing for funding for the necessary Planning consulting work was not anticipated nor estimable during the regular FY 2014-2015 budget cycle.

### **Fiscal Impact/Analysis**

Funding will need to be redistributed: decreasing the General Fund – Contingency expenditure account (001-3900-519-9910) and increasing the General Fund – Planning and Zoning Department – Land Use expenditure account (001-2500-515-34330) in the amount of \$15,000, respectively and which may potentially ultimately impact the amount of anticipated excess of revenues over expenditures (a/k/a surplus) at fiscal year-end.

### **Staff Contact:**

Martin D. Sherwood, Town Financial Administrator

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**RESOLUTION NO. 2015 -**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING AN UNANTICIPATED EXPENSE NOT TO EXCEED \$15,000.00 (FIFTEEN THOUSAND DOLLARS AND ZERO CENTS) FOR PLANNING; APPROVING A FY 2014-2015 BUDGETARY APPROPRIATION BETWEEN GENERAL FUND ACCOUNTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, TOWN FINANCIAL ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town has established Ordinance 2015-\_\_\_ updating the Town's Code to include new Farm-related provision; and

**WHEREAS**, the Town's existing Code does not meet the requirements of the Farm-related provisions Ordinance; and

**WHEREAS**, the Town desires to bring the Town's Code into compliance; and

**WHEREAS**, Mellgren and Associates, is the Town's Planner pursuant to Resolution 2014-053; and

**WHEREAS**, the project is unfunded in the current fiscal year 2014-2015, and the Town desires to provide funds for this project from its General Fund; and

**WHEREAS**, the Town of Southwest Ranches desires to authorize Mellgren & Associates to perform Farm-related code amendment services.

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

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

**Section 2.** The Town Council hereby authorizes Mellgren & Associates to perform code amendment update services for farm-related provisions consistent with Florida Statutes in the amount not-to-exceed \$15,000.00 (Fifteen Thousand Dollars and Zero Cents).

**Section 3.** In accordance with the Town Charter and the budget adopted in Ordinance No. 2013-012 is hereby amended by increasing the General Fund: P&Z Land Use expenditure account 001-2500-515-34330 in the amount of \$15,000 and

decreasing the General Fund-Contingency expenditure account 001-3900-519-99100 in the amount of \$15,000.

**Section 4.** The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to engage Mellgren & Associates to make such modifications, additions, and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 5.** 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 \_\_\_\_\_ 2015 on a motion by \_\_\_\_\_

and seconded by \_\_\_\_\_.

Nelson \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
McKay \_\_\_\_\_

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

\_\_\_\_\_  
Jeff Nelson, 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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**SPECIAL MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

August 13, 2015

13400 Griffin Road

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Present:

Mayor Jeff Nelson

Vice Mayor Freddy Fisikelli

Council Member Steve Breitkreuz

Council Member Doug McKay

Richard DeWitt, Assistant Town Attorney

Martin Sherwood, Town Financial Administrator

Russell Muñiz, Assistant Town Administrator

Special Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Nelson at 7:15 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The following motion was made by Council Member McKay, seconded by Vice Mayor Fisikelli and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO EXCUSE THE ABSENCE OF COUNCIL MEMBER JABLONSKI.

Community Services Coordinator Emily McCord Aceti explained the purpose of the meeting was to gain approval for the grant application for to construct one of the ballfields at Country Estates Park.

**4. Resolution - A RESOLUTION** A RESOLUTION OF THE TOWN COUNCIL OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO SUBMIT A FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT TO THE STATE OF FLORIDA; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO ANY NECESSARY AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member McKay, seconded by Council Member Breitkreuz and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**5. Adjournment** – Meeting was adjourned at 7:20 p.m.

*Respectfully submitted:*

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

*Adopted by the Town Council on  
this 15<sup>th</sup> day of September, 2015.*

---

*Jeff Nelson, Mayor*

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 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.

**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

August 13, 2015

13400 Griffin Road

---

Present:

Mayor Jeff Nelson

Vice Mayor Freddy Fisikelli

Council Member Steve Breitkreuz

Council Member Doug McKay

Richard DeWitt, Assistant Town Attorney

Martin Sherwood, Town Financial Administrator

Russell Muñiz, Assistant Town Administrator

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Nelson at 7:22 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO EXCUSE THE ABSENCE OF COUNCIL MEMBER JABLONSKI.

**3. Public Comment** – The following members of the public addressed the Town Council: Mike Hanley, Gay Chaples, Vince Falletta, and Newell Hollingsworth.

**4. Board Reports**

Gay Chaples, Chair of the Recreation, Forestry, and Natural Resources Advisory Board spoke about the Council recommendation to rename the trail on the north side of the C-11 canal in honor of the young lady who was thrown from her horse and killed. The Board felt that memorials were already available that can be utilized instead of expending Town funds to rename streets, trails, etc. The Board also discussed the sound distortion at the Rolling Oaks Barn and the need to install sound panels. Proposals would be brought back to the Town Council for approval.

**5. Council Member Comments**

Council Member Breitkreuz spoke about the negotiations with FPL to acquire property on 190<sup>th</sup> Avenue and asked Town Administrator Berns to provide an update. He thanked the Council for their individual efforts in getting support for guardrails on Griffin Road. Spoke of his frustration with the Medical Examiner's office in getting information requested by Broward County Traffic Engineering.

Council Member McKay spoke about the summary provided by Town Administrator Berns regarding the options for the Southwest Ranches Volunteer Fire Rescue. He clarified that the Town was still looking at options in addition to the Broadwing site.

Vice Mayor Fisikelli felt that the Town should contact the church on SW 192<sup>nd</sup> Avenue about donating or selling us some of their property for the station.

Council Member McKay added that the School Education Advisory Board wished to expand from five members to seven or nine members. Mayor Nelson asked that this be brought to the next meeting.

Mayor Nelson spoke of a meeting being hosted by the Mayor of the City of Miramar on August 18<sup>th</sup> regarding opposition to an oil drilling permit that had been applied for in the Florida Everglades. He also spoke about a recent conversation with the Vice Chair of the South Florida Water Management District (SFWMD) concerning guardrails on Griffin Road. He confirmed to Mayor Nelson that the canal banks are SFWMD right-of-way, that they have expended funds for guardrails in the past, and they have collaborated with Broward County in the past to develop a plan to install guardrails. Mayor Nelson remained "cautiously optimistic" that feedback would be received on a plan to install guardrails along those sections of Griffin Road. Council Member McKay felt that the new school proposed by Pembroke Pines would create an even greater need for the guardrails.

## **6. Legal Comments**

Assistant Town Attorney Richard DeWitt advised that Town Attorney Keith Poliakoff would return to the office on Monday August 17<sup>th</sup>.

## **7. Administration Comments**

Town Administrator Berns advised that the Town was working with Broward County on additional speed signs for the westernmost portions of Griffin Road. He reminded the Town Council about the Budget Workshop scheduled for August 25<sup>th</sup> at 7 p.m. He provided an overview of the Town's efforts to secure the easement from FPL on SW 190<sup>th</sup> Avenue which ultimately led to an agreement to purchase the property. He hoped to bring forth a purchase and sale agreement at the next meeting.

- 8. Ordinance – 1<sup>ST</sup> Reading** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 24, ARTICLE IV, ENTITLED "PARKING, STOPPING, AND STANDING ENFORCEMENT" TO COMPLY WITH CURRENT STATE LAWS, INCLUDING THOSE APPLICABLE TO PARKING SPACES FOR DISABLED PERSONS AND TO CREATE PROCEDURES SO AS TO DELEGATE AUTHORITY FOR ENFORCEMENT AND COLLECTION OF PARKING VIOLATION FINES TO THE OFFICE OF THE BROWARD COUNTY, FLORIDA, CLERK OF THE COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT; AUTHORIZING THE USE OF HEARING OFFICERS IN THE SYSTEM ESTABLISHED BY BROWARD COUNTY FOR SUCH PURPOSE; PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **{Second reading will be held on August 27, 2015}**

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE ORDINANCE.

- 9. Resolution** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO A.C. SHULTES INC., D.B.A. JAFFER WELL DRILLING, FOR \$38,013 FOR THE INSTALLATION, TESTING AND REPAIR OF FIRE PROTECTION WATER WELLS; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE FIRE WELL REPAIR PROPOSALS; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

- 10. Resolution** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA OPPOSING THE OIL DRILLING PERMIT APPLICATION SUBMITTED BY KANTER REAL ESTATE LLC, A FLORIDA FOR PROFIT LIMITED LIABILITY CORPORATION, TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SEEKING OIL DRILLING RIGHTS ON PROPERTY LOCATED IN THE FLORIDA EVERGLADES, APPROXIMATELY SIX MILES WEST OF THE CITY OF MIRAMAR'S WESTERNMOST BOUNDARIES, AND SUPPORTING EFFORTS OPPOSING EXTREME WELL STIMULATION, HYDRAULIC FRACTURING, ACID FRACTURING, AND ANY FORM OF EXTREME WELL STIMULATION FOR PURPOSES OF RESOURCE EXTRACTION IN THE FLORIDA EVERGLADES; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**11. Approval of Minutes**

**a. July 9, 2015, Regular Town Council Meeting**

The following motion was made by Council Member Breitkreuz, seconded by Vice Mayor Fisikelli and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitkreuz, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE MINUTES.

**12. Adjournment** – Meeting was adjourned at 8:13 p.m.

*Respectfully submitted:*

---

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

*Adopted by the Town Council on  
this 15<sup>th</sup> day of September, 2015.*

---

*Jeff Nelson, Mayor*

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 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.