



Southwest Ranches Town Council

LOCAL PLANNING AGENCY

Agenda of October 8, 2020

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

| | | | |
|--|--|---|--|
| <u>Mayor</u> Doug McKay | <u>Town Council</u> Delsa Amundson Bob Hartmann Gary Jablonski | <u>Town Administrator</u> Andrew D. Berns | <u>Town Attorney</u> Keith M. Poliakoff, J.D. |
| <u>Vice Mayor</u> Denise Schroeder | | <u>Town Financial Administrator</u> Martin Sherwood, CPA CGFO | <u>Assistant Town Administrator/Town Clerk</u> Russell C. Muniz, MMC |

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. **Call to Order**
2. **Roll Call**

Resolutions

3. **LPA RESOLUTION FOR US 27 COMPREHENSIVE PLAN TEXT AMENDMENT**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF FUTURE LAND USE ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN, PERTAINING TO THE US HIGHWAY 27 BUSINESS LAND USE CATEGORY; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-4)

4. **LPA RESOLUTION FOR US 27 ZONING REGULATIONS**

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO CREATE A NEW ZONING CLASSIFICATION TO IMPLEMENT THE US HIGHWAY 27 BUSINESS LAND USE CATEGORY; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-4)

5. **Adjournment**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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

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

Town Council
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

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

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 10/8/2020
SUBJECT: LPA RESOLUTION FOR US 27 COMPREHENSIVE PLAN TEXT AMENDMENT

Recommendation

Staff recommends that the Local Planning Agency find the proposed amendments internally consistent with the adopted comprehensive plan, and recommend that the Town Council adopt the proposed amendments.

Strategic Priorities

A. Sound Governance

Background

The Ordinance makes the following changes, noting that the Council previously reviewed the first two changes at a workshop:

1. Amending the list of permitted uses in the US Highway 27 Business land use category to reflect additional uses recommended by the Comprehensive Plan Advisory Board and made part of the US Highway 27 Business zoning regulations.
2. Clarifying that the US Highway 27 Business land use category can be applied to both east and west sides of US 27.
3. Adjusting performance standards for noise and other impacts to allow for reasonable implementation. The revision prohibits levels of noise and other impacts that are not compatible with residential uses.

Fiscal Impact/Analysis

Not Applicable

Staff Contact:

Jeff Katims

ATTACHMENTS:

| Description | Upload Date | Type |
|--|-------------|------------|
| LPA Reso - US 27 FLUE Text - TA Approved | 10/2/2020 | Resolution |

LPA RESOLUTION NO. 2021-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF FUTURE LAND USE ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN, PERTAINING TO THE US HIGHWAY 27 BUSINESS LAND USE CATEGORY; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-4)

WHEREAS, the Town of Southwest Ranches, Florida has initiated an amendment to the text of the Future Land Use Element pertaining to the US Highway 27 Business land use category; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, finds that the proposed amendment is internally consistent with the Comprehensive Plan.

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

Section 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. RECOMMENDATION. The Local Planning Agency recommends that the Town Council adopt the proposed amendment, attached as Exhibit "A" hereto.

Section 3. EFFECTIVE DATE. This Resolution shall be effective immediately upon its passage.

PASSED this ___ day of _____, 2020 on a motion made by Council Member _____ and seconded by Council Member _____.

| | | | |
|-----------|-------|------------|-------|
| McKay | _____ | Ayes | _____ |
| Schroeder | _____ | Nays | _____ |
| Amundson | _____ | Absent | _____ |
| Hartmann | _____ | Abstaining | _____ |
| Jablonski | _____ | | |

Doug McKay, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

37526802.1

EXHIBIT "A"

FUTURE LAND USE ELEMENT AMENDMENTS

PART 1 – GOALS, OBJECTIVES AND POLICIES

FLUE POLICY 1.8-a: The Town has identified the US 27 Corridor as appropriate for business uses on the land use plan map. The Town created the US Highway 27 Business Category for this purpose. Only parcels west of US Highway 27, and parcels that fronting the east side of US Highway 27 that are buffered from Rural Ranch land use designations by an intervening open space or community facilities land use designation are eligible for this designation, including parcels that also front Griffin Road or Stirling Road. Parcels designated US Highway 27 Business on the land use plan map must only be developed and used in strict compliance with the following policies. The Town Council shall consider the extent to which each application submitted for land use plan amendment, rezoning and development furthers the intent and spirit of the policies hereunder in determining whether to approve the application.

PART 2 – PERMITTED USES

5. US HIGHWAY 27 BUSINESS CATEGORY

The US Highway 27 Business Category is intended to facilitate a limited range of "clean" light industrial and business uses along the US 27 corridor that are not a threat to the potable water quality of the Biscayne Aquifer or to the peaceful enjoyment of residential properties to the east. ~~This category may be applied only to properties fronting the east side of U.S. Highway 27 that are buffered from parcels designated Rural Ranches, Rural Estates and Agricultural by an intervening permanent open space or community facility land use.~~

The Town shall carefully consider potential environmental, traffic and quality of life impacts before changing the land use plan map designation of any parcel to US Highway 27 Business. An application for land use plan amendment to designate a property as US Highway 27 Business must affirmatively demonstrate that the amendment is consistent with all of the performance standards established herein. Every such application for plan amendment shall be submitted concurrently with a rezoning application to an implementing zoning district.

A. Performance Standards.

1. Development shall not generate levels of noise, vibration, odor, dust, fumes, smoke, glare, or night-time illumination that can be detected from any property are incompatible with residential land uses east of US Highway 27~~an Agricultural, Rural Ranch or Rural Estate land use plan map designation.~~
 2. City of Sunrise sanitary sewer and potable facilities must be in place, or the provision of City of Sunrise sanitary sewer and potable facilities must be the subject of a binding agreement with the City of Sunrise to serve any parcel designated US Highway 27 Business, prior to issuance of any permit for the construction of any building or roofed structure. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.
 3. Development shall not involve use of any chemicals, substances or processes that create byproducts that are combustible, carcinogenic, biohazardous, or are otherwise toxic to humans or animals. The land development regulations may permit fuel storage tanks for emergency generators and for the purpose of servicing vehicles or equipment used in the regular course of business, provided that any such tanks may be required to exceed the installation, containment, inspection and other requirements of Article 27, Chapter 10, "Storage Tanks" of the Broward County Code of Ordinances, as may be amended from time to time.
 4. Any use – the nature of which may be considered dangerous, or which may potentially compromise the comfort, peace, enjoyment, health or safety of the community or any property with a Rural Ranches, Rural Estate or Agricultural land use plan map designation - shall be prohibited.
 5. All development shall provide for north-south cross-access to abutting parcels in accordance with the conceptual master access management plan for the US-27 corridor (see FLUE Policy 1.8-e.). Such access may include dedication and construction of a frontage drive and/or site design that anticipates driveway connections or drive aisle connections with abutting properties, and which provides cross-access easements for such connections.
- B. Uses permitted in areas designated US Highway 27 Business are as follows, subject to limitations, conditions of use and review requirements established within the Unified Land Development Regulations:

Light industrial uses:

1. Fabrication and assembly.
2. Contractor shops and similar uses.
3. Sales and display of agricultural equipment, construction equipment, utility trailers, boats, and similar uses.
4. A limited range of light manufacturing and light industrial uses that are consistent with the performance standards set forth herein.
5. Educational and scientific research businesses, including dental laboratories but excluding medical and industrial laboratories. Industrial laboratories may be

approved on a case-by-case basis after review by the Town Council. All such uses shall be that are consistent with the performance standards set forth herein.

6. A limited range of commercial recreation uses that are consistent with the performance standards set forth herein.
7. Wholesaling, warehousing and storage provided that only storage or materials and items that are consistent with the performance standards set forth herein may be permitted.
8. Distribution uses that the Town determines are consistent with the performance standards set forth herein.

Other permitted uses:

9. Communication facilities.
10. Non-residential agricultural uses.
11. Office uses, excluding call centers, ~~provided that principal office uses shall not exceed twenty percent (20%) of the land area within the Town designated Industrial on the Broward County Land Use Plan.~~
12. Utilities located on the site of a development and confined to serving only the specific development.
13. Recreation and open space that does not adversely affect the suitability of adjacent US 27 frontage parcels for business use.
14. One (1) residential caretaker or watchman unit within the same structure as a light industrial use.
15. ~~Retail, restaurants, personal services and other ancillary commercial uses, limited to less than fifty percent (50%) of any building occupied by a light industrial use.~~
16. ~~The following uses may also be permitted as long as the total area of these uses does not consume more than twenty percent (20%) of the land designated Industrial on the Future Broward County Land Use Plan Map (Series) within the Town, and as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for light industrial use:~~
 15. a. Commercial and retail business uses, including restaurants and personal services.
 16. b. Hotel, motel and similar lodging.
17. Community facilities uses limited to cemeteries, mausoleums, trade and vocational schools, and theatrical studios.

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COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 10/8/2020
SUBJECT: LPA RESOLUTION FOR US 27 ZONING REGULATIONS

Recommendation

Staff recommends that the Local Planning Agency find the amendment consistent with the comprehensive plan, and recommend the Council adopt the amendment.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance creates zoning regulations to implement the US Highway 27 Business land use category in the comprehensive plan. The staff memorandum provides a comprehensive summary of the proposed amendments.

Fiscal Impact/Analysis

Not Applicable.

Staff Contact:

Jeff Katims

ATTACHMENTS:

| Description | Upload Date | Type |
|-------------|-------------|------|
|-------------|-------------|------|



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Gary Jablonski, *Council Member*

Andrew Berns, *Town Administrator*
Keith Poliakoff, *Town Attorney*
Martin Sherwood, *Town Financial Administrator*
Russell Muñiz, *Assistant Town Administrator/Town Clerk*

MEMORANDUM

TO: The Honorable Mayor and Town Council

FROM: Jeff Katims, Town Planner

THRU: Andy Berns, Town Administrator

DATE: October 8, 2020

RE: First Reading of Ordinance Creating the US Highway 27 Planned Business District

Background

The Town Council adopted the US Highway 27 Business future land use category on January 26, 2017 by Ordinance No. 2017-02. That ordinance established policies, permitted uses and requirements for the new category in the text of the comprehensive plan, but did not change future land use map.

Before any change to the future land use map can be considered, Policy 1.8-m requires the Town establish a zoning classification in the form of a planned development district, whereby specific permitted uses, development standards and a conceptual development plan for the property are made part of the rezoning and will govern use and development of the property. Policy 1.8-n requires submitting both applications for land use map amendment and rezoning concurrently.

Proposed Zoning Regulations

The proposed ordinance creates a new zoning classification, "US Highway 27 Business District" to implement the land use category that Council established in 2017. The regulations are in the form of a planned development district that gives the Town

flexibility to ensure each development follows the intent of the comprehensive plan policies for US 27, while also allowing the developer flexibility to design each site as long as Town objectives are met.

Procedure

The property owner must submit a rezoning application together with an application for land use map amendment. The US Highway 27 Business District is the only zoning classification that can be used in conjunction with the US Highway 27 Business land use category.

A master plan is required as an integral part of the rezoning application. The master plan is a regulatory tool that allows the Town to review an overall plan for a large land holding, and to achieve its objectives of compatibility, environmental neutrality and aesthetics on both a large-scale and site-by-site basis, while also providing the developer flexibility in designing each site without the need for variances. The planned development approach offers opportunities for creativity and large-area planning that traditional zoning regulations do not.

Each site plan must be consistent with the approved master plan, in the same way that building plans must conform to an approved site plan. The information requirements for master plans are found in Sec. 051-050. It is expected that corridor will develop incrementally within the overall parameters of the master plan, and that master plan amendments will be required as more detailed development plans are formed. Since the master plan is adopted as an integral part of the ordinance rezoning the property, each master plan amendment is also subject to the rezoning process.

Permitted uses

The list of permitted and prohibited uses in Sec. 051-020 of the ordinance is the same list recommended by the Comprehensive Plan Advisory Board, with the following exceptions:

- In row 34 of the schedule of uses table, "menagerie, or keeping of wild animals" is deleted because a similar use, "animal refuge" is a use the CPAB recommended be permitted, and is included on line 12 as special exception use.
- In row 121 of the schedule of uses table, "construction equipment" is added to the sales and display of tractor equipment. As a permitted use.

Preceding the schedule of uses table are procedures for allowing unlisted uses similar to permitted or special exception uses.

Compatibility and environmental impact

The proposed regulations address comprehensive plan directives to protect the residential area east of the cemetery from potential negative impacts of corridor development.

- Subsection 051-050(D) requires a detailed disclosure of processes, activities, equipment, and materials involved in any use of property within the district. Since list of permitted and special exception uses was vetted for categorically incompatible, environmentally harmful and noxious uses, the disclosure is for a finer-grain review to ensure that businesses do not utilize prohibited chemicals and that potential noise sources are mitigated before they are established.
- Subsection 051-30(A) authorizes the Town to require a noise study and attenuation when a proposed use involves processes or activities that may not be compatible with residential uses.
- Subsection 051-030(B) recognizes that the Town's noise ordinance is subjective, and that the regulations address potential noise impacts before a business can operate. Therefore, any business that complies with the disclosure requirements and operates with approved sound attenuation measures, if applicable, is exempt from the subjective standards of the noise ordinance in Chapter 9 from 7:00 a.m. to 10:00 p.m. on weekdays, and 8:00 a.m. and 10:00 p.m. on holidays. Outside of those hours, the subjective standards of the noise ordinance take effect.
- Subsection 051-030(D) limits the amount of accessory fuel storage authorized in the comprehensive plan for servicing vehicles and equipment for use onsite.
- Subsection 051-030(F) regulates the retail sales of chemical products.

Companion Comprehensive Plan Text Amendments

A comprehensive plan text amendment accompanies this ordinance, proposing the following changes, noting that the Council already reviewed the first two at a workshop:

1. Amending the list of permitted uses in the US Highway 27 Business land use category to reflect additional uses recommended by the Comprehensive Plan Advisory Board and made part of the US Highway 27 Business zoning regulations.
2. Clarifying that the US Highway 27 Business land use category can be applied to both east and west sides of US 27.
3. Adjusting performance standards for noise and other impacts to allow for reasonable implementation. The revision prohibits levels of noise and other impacts that are not compatible with residential uses.

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LPA RESOLUTION NO. 2021-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO CREATE A NEW ZONING CLASSIFICATION TO IMPLEMENT THE US HIGHWAY 27 BUSINESS LAND USE CATEGORY; PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-4)

WHEREAS, the Town of Southwest Ranches, Florida has initiated an amendment to the text of the ULDC to create a new zoning district entitled, "US Highway 27 Planned Business District;" and

WHEREAS, the Town Council, sitting as the Local Planning Agency, finds that the proposed amendment is consistent with the Comprehensive Plan.

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

Section 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. RECOMMENDATION. The Local Planning Agency recommends that the Town Council adopt the proposed amendments to the ULDC, attached hereto as Exhibit "A" and made a part hereof.

Section 3. EFFECTIVE DATE. This Resolution shall be effective immediately upon its passage.

PASSED this ___ day of _____, 2020 on a motion made by Council Member _____ and seconded by Council Member _____.

(Signatures on Following Page)

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
37535403.1

Article 51. US Highway 27 Planned Business District.

Sec. 051-010. Intent and applicability.

- (A) *Intent.* The US Highway 27 Planned Business District ("US 27 District") is intended to facilitate a limited range of light industrial and business uses along the US 27 corridor that are not a threat to the potable water quality of the Biscayne Aquifer or to the peaceful enjoyment of residential properties to the east.

It is the further the intent of this district to coordinate access, circulation, buffering and screening, utilities, drainage, and design among parcels within the US 27 corridor through a master development plan, and to utilize the flexibility of the master development plan process to coordinate certain development standards with locational contexts and the unique impacts of different land uses.

- (B) *Applicability.* This zoning district shall only be applied to property designated US Highway 27 Business Category on the Future Land Use Map. The provisions of this article, together with policies under Objective 1.8, the permitted uses in the Future Land Use Element of the comprehensive plan, and master development plans approved pursuant to this article shall govern the use and development of land within this district.

Sec. 051-020. Permitted, prohibited and special exception uses.

- (A) *Unauthorized use.* No land or improvements thereon shall be used for any purpose other than as provided in this section. Further, no land shall be used for any use not authorized by an approved master development plan for a given parcel or tract.
- (B) *Permitted uses.* Uses followed by a "P" are permitted, subject to compliance with all applicable conditions for the use set forth in section 051-030.
- (C) *Special exception uses.* Uses followed by an "SE" are special exception uses that require town council approval pursuant to the procedures and requirements of Article 112 - Special Exception Uses, with an additional required finding that the use does not involve chemicals, substances or byproducts that are combustible, carcinogenic, biohazardous, or are otherwise toxic to humans or animals.
- (D) *Prohibited uses.* Uses followed by an "NP" are prohibited.
- (E) *Unlisted uses.* An unlisted use may be permitted if it is not a listed permitted, conditional, special exception, or prohibited use in any district, pursuant to the findings and procedures of this subsection.

- (1) The town council may approve a use that it finds is similar to a listed special exception use in this district upon consideration of an application for similar special exception use that shall follow the process for special exception uses in Article 112.
 - (2) The town administrator may approve a use upon finding the use similar to a listed permitted use in this district subject to the following requirements:
 - (a) Finding that the use possesses similar characteristics to a permitted use in this district, including but not limited to operating hours, emission of noise, odor, dust, smoke or other particulates, vibration, and glare. Approval of a similar use may be made subject to any master plan and site plan conditions that are applicable to the similar use, or as deemed appropriate by the town administrator to mitigate potential incompatibilities with residential uses.
 - (b) The use shall not involve chemicals, substances or byproducts that are combustible, carcinogenic, biohazardous, or that are otherwise toxic to humans or animals.
 - (c) The town administrator shall provide written notice to all town council members the intent to authorize the similar use. If no councilmember files a written objection with the town administrator within ten (10) business days, the town administrator may approve the use.
 - (d) If by the end of the ten (10)-day period any councilmember files an objection, the use may only be approved as a special exception use.
- (F) *Schedule of uses.* The schedule in this subsection enumerates those uses that are permitted, prohibited and subject to special exception permit.

| | Use | |
|-----|--|----|
| 1. | Abrasive product manufacturing | NP |
| 2. | Accessory uses & structures, including outdoor storage, incidental fuel storage and caretaker/watchman living quarters, [subject to sec. 051-030 (C), (D) and (E), respectively] | P |
| 3. | Acid (corrosive) manufacturing, including hydrochloric, nitric, picric, sulfurous, and sulfuric | NP |
| 4. | Adult entertainment | NP |
| 5. | Agricultural equipment sales and display | P |
| 6. | Agricultural uses (non-residential) | P |
| 7. | Airport and airport hanger | NP |
| 8. | Alkaline products manufacturing | NP |
| 9. | Ammunition reloading | NP |
| 10. | Animal burial ground | NP |
| 11. | Animal hospital or veterinary clinic including equine [subject to sec. 051-030(A) – noise] | P |
| 12. | Animal refuge | SE |

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| 13. | Asphalt manufacturing or refining | NP |
| 14. | Asphalt paving plant | NP |
| 15. | Assembly of appliances and instruments | P |
| 16. | Assembly of pre-manufactured components | P |
| 17. | Automobile, commercial vehicle, RV, boat, tractor, trailer storage, transport, parking or open-air storage [subject to sec. 051-030(B)-screening] | P |
| 18. | Automobile, motor vehicle, motorcycle, vehicle accessories, parts sales and display - new & used | P |
| 19. | Automobile, motor vehicle detailing including car washes | P |
| 20. | Automobile wrecking yard | NP |
| 21. | Awning and canvas repair | P |
| 22. | Battery repair and rebuilding | NP |
| 23. | Boarding kennel [subject to sec. 051-030(A)-noise] | P |
| 24. | Boat sales, including outdoor display, and indoor minor repair of components as an accessory use (ex: upholstery, wiring and electronics, switchgear, pumps, batteries, hydraulics, window seals, etc.) but excluding any work relating to the hull and power generating components. | P |
| 25. | Body and paint shop, both as stand-alone use and accessory to auto sales | NP |
| 26. | Bookbinding- no use of adhesives | P |
| 27. | Bottling plant - only liquids safe for human consumption | P |
| 28. | Broadcasting, movie production, relay station | P |
| 29. | Brewing and distilling -subject to ability of municipal sewer to treat effluent | P |
| 30. | Brick, tile, terra cotta manufacturing | NP |
| 31. | Bulk storage excluding chemicals | P |
| 32. | Building supplies sales and display. May be outdoors if roofed and if screened from view pursuant to sec. 51-030(B). | P |
| 33. | Butane or propane manufacturing | NP |
| 34. | Carnival, circus, circus quarters, menagerie, or keeping wild animals | NP |
| 35. | Carpet manufacture, power looms | NP |
| 36. | Cement and concrete products manufacturing, batching or mixing plant | NP |
| 37. | Cemetery, columbarium, mausoleum | P |
| 38. | Chemical manufacturing | NP |
| 39. | Clothing fabrication – no use of chemicals | P |
| 40. | Cold storage facility [subject to sec. 051-030(A)-noise] | SE |
| 41. | Commercial recreation uses including rifle and gun range - indoors only [subject to sec. 051-030(A)-noise] | P |

| | | |
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| 42. | Contractor shops-indoor only; carpentry shops are subject to sec. 051-030(A)-noise. | P |
| 43. | Contractor yards, principal or accessory to a contractor shop | SE |
| 44. | Courier, packing or delivery service | P |
| 45. | Creosote manufacture or treatment | NP |
| 46. | Daycare | P |
| 47. | Dental lab | P |
| 48. | Disinfectant and insecticide manufacturing | NP |
| 49. | Distribution warehouse, truck or freight terminal [subject to sec. 051-030(A)-noise.] | P |
| 50. | Educational lab | P |
| 51. | Electronics assembly | P |
| 52. | Electronics manufacturing | NP |
| 53. | Fabrication | P |
| 54. | Feed, seed and fertilizer sales and display | P |
| 55. | Fertilizer compounding | NP |
| 56. | Food catering service | P |
| 57. | Food processing, packaging and distribution without refrigeration | P |
| 58. | Food processing, packaging and distribution with refrigeration [subject to sec. 051-030(A)-noise] | SE |
| 59. | Foundry | NP |
| 60. | Frozen food lockers, bulk storage & warehousing [subject to sec. 051-030(A)-noise] | SE |
| 61. | Fruit packing and shipping | P |
| 62. | Funeral home or mortuary including monument sales and display | P |
| 63. | Furniture manufacturing [subject to sec. 051-030(A)-noise] | P |
| 64. | Furniture, appliance repair [subject to sec. 051-030(A)-Noise] | P |
| 65. | Gas station, fuel sales | NP |
| 66. | Glass and mirror shop | P |
| 67. | Hazardous materials storage in bulk | NP |
| 68. | Home improvement center including accessory outdoor sale and display of utility trailers, lawn furniture and barbeques | P |
| 69. | Hospitals, sanitariums, orphanages, and similar institutions for the treatment of persons (excluding adult day care) | NP |
| 70. | Hotel | P |
| 71. | Household items repair shop | P |
| 72. | House wrecking yards; used building materials yard | NP |
| 73. | Ice manufacturing including storage, distributing and self-service ice station [subject to sec. 051-030(A)-noise] | P |
| 74. | Incineration, reduction, or storage of garbage, offal, dead animal refuse, and rancid fats | NP |

| | | |
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| 75. | Industrial lab | SE |
| 76. | Junk yard | NP |
| 77. | Laboratories/labs: see individual lab types: dental lab; educational lab; industrial lab; and research and development lab | --- |
| 78. | Lawnmower rental, sales, repair [repair subject to sec. 051-030(A)-noise]. | P |
| 79. | Light manufacturing | SE |
| 80. | Livery stable, riding academy or dude ranch | P |
| 81. | Livestock auction | P |
| 82. | Lumber yard with planning mill | NP |
| 83. | Machine shop, including use of screw machines [subject to sec. 051-030(A)-noise] | P |
| 84. | Manufacturing of canvas, cork, textiles -no chemical treatment of textiles | P |
| 85. | Manufacturing of glass products from previously manufactured glass | P |
| 86. | Machinery sales and display | P |
| 87. | Medical waste incineration, sterilization or transfer station | NP |
| 88. | Metalsmithing [subject to sec. 051-030(A) – noise] | P |
| 89. | Mobile collection center and food units | NP |
| 90. | Motor vehicle repair, including body shops, both as a principal use and accessory use | NP |
| 91. | Motor vehicle and equipment wholesale and public auctions including boat, RV, commercial vehicles (whole car or salvage) | NP |
| 92. | New equipment and tool sales and display including tool rental (commercial and contractor) | P |
| 93. | Night club, music hall, bar, tavern, pool or billiard room, penny arcades, games of skill and science | NP |
| 94. | Offices | P |
| 95. | Paint or varnish manufacture | NP |
| 96. | Paper or pulp mills | NP |
| 97. | Penal Institutions and detention centers | NP |
| 98. | Personal services | P |
| 99. | Pest control service | NP |
| 100. | Petroleum product manufacturing | NP |
| 101. | Poisonous gas storage | NP |
| 102. | Photographic, radio and TV studio | P |
| 103. | Printing plant - no use of solvents or offset printing | P |
| 104. | Railroad freight or passenger station, transfer, storage or team tracks | NP |
| 105. | Recycling facility | NP |

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| 106. | Research and development lab | SE |
| 107. | Restaurant including bakery and delicatessen | P |
| 108. | Restaurant and hotel supplies and equipment sales and display, including store fixtures | P |
| 109. | Retail sales, including firearms, ammunition [subject to 051-030(F)-incidental retail sale of prepackaged chemicals] | P |
| 110. | Rock, gravel, or sand distribution | P |
| 111. | Self-storage and mini warehouses | P |
| 112. | Sewage or water treatment, pumping and storage plants | NP |
| 113. | Sharpening and grinding [subject to sec. 051-030(A)-noise] | P |
| 114. | Sign printing shop - digital printing only | P |
| 115. | Slaughterhouse | NP |
| 116. | Smelting or refining of ores or metals | NP |
| 117. | Swimming pool supplies retail sales and display [subject to sec. 051-030(F)-incidental sale of prepackaged chemicals] | P |
| 118. | Tank storage of bulk oil or gas | NP |
| 119. | Theatrical studio | P |
| 120. | Tire recapping and vulcanizing | NP |
| 121. | Tractor, construction equipment sales and display | P |
| 122. | Trade and vocational schools | P |
| 123. | Truck stop | NP |
| 124. | Upholstery shop | P |
| 125. | Utility trailer sales and display | P |
| 126. | Welding equipment and supplies sales and display | P |
| 127. | Wholesale (no chemicals) | P |

Sec. 051-030. Limitations of uses.

(A) *Noise compatibility.*

- (1) The town may require a noise study for any use subject to this subsection in the table of permitted uses, and any other use, equipment or machinery that may be expected to generate noise detectable beyond the property line. The study shall identify the anticipated noise impact from the proposed use at the nearest point of the lot line of the receiving residentially zoned property ("impact location").
- (2) The impact analysis shall consider the level of sound that would be generated by the proposed use, as well as its temporal characteristics (how it varies with time) and its spectral characteristics ((how it varies over frequency). If the projected noise from the proposed use or proposed modifications to an existing use exceed either 5 dB above the average daytime ambient sound level or 55 dB at the impact location, the noise study shall include recommendations to mitigate the noise impacts. Design and construction recommendations shall be

incorporated in the design of all plans submitted for town approval. All use-related recommendations shall be made part of the approved site plan, an enforceable agreement approved as to form by the town attorney, the certificate of use, or a combination of these. The 55 dB noise threshold shall be corrected to 50 dBA for sources emitting a discrete tone as defined in ANSI S.13, and shall be corrected to 50 dBA for noise sources that are of an impulsive character as defined in ANSI S.13.

- (3) Acceptable methods of sound attenuation may include limitations on the scope of a use or its operations, deliberate site design, sound walls, acoustic blankets or insulation, and other measures or combinations of same acceptable to the town.
- (4) In determining whether to require a noise study, the town shall consider the applicability of previous studies, distance of the noise source from residentially zoned parcels, intermediate conditions such as intervening land uses and land cover, site design characteristics, existing noise walls or other attenuation measures, and any other factors the town deems relevant.
- (5) The town may inspect construction pursuant to approved sound attenuation plans to verify strict compliance with the plans and may test the effectiveness of the sound attenuation measures to verify attainment of the approved noise reduction levels.
- (6) The applicant shall be responsible for full cost recovery relating to the town's use of acoustical consultants.

(B) *Noise violations.*

- (1) Notwithstanding the town's noise ordinance set forth in Chapter 9 of the Code of Ordinances, the operation of lawful uses in this district between the hours of 7:00 a.m and 10:00 p.m. on weekdays, and from 8:00 a.m. to 10:00 p.m on weekends and holidays for which town administrative offices are closed, shall not constitute a violation of Chapter 9. Lawful use includes, at a minimum, use of land in compliance with this chapter, the approved master plan and site plan, and any limitations including noise attenuation measures made part of, or required for, any town approval.
- (2) Use of outside loudspeakers and other amplified sound is specifically prohibited unless the town determines that such use is adequately addressed in the noise study.

(C) *Outdoor storage-screening.* Outdoor storage shall be screened on all open sides by an eight- (8)-foot opaque enclosure unless otherwise approved by the town council. The outside perimeter of such enclosures facing, or visible from a bordering public street shall meet the requirements in subsec. 051-040(O).

(D) *Fuel storage as an accessory use.*

- (1) On plots of 3.5 acres or more in area, one fuel storage tank up to 1,100 gallons capacity is permitted for servicing vehicles or equipment used in the regular course of business and for backup generators.
 - (2) The town council may permit additional fuel storage by special exception permit upon demonstration that the larger tank is necessary for the reasonable operation of the business, provided that the total amount of fuel storage within the master plan shall not exceed 300 gallons multiplied by the number of net acres zoned US 27 District within the master plan.
 - (3) Above ground tanks shall be protected on all sides from vehicular impact and potential windstorm-driven debris damage to ensure the continued integrity of the tank, as shall be demonstrated on the site plan to the satisfaction of the town council. The tank and enclosure shall be screened with a hedge on all sides visible from public rights-of-way and adjoining zoning districts.
 - (4) Underground tanks shall be installed to a depth of at not less than 12 inches above the future projected average wet season groundwater elevation established in Broward County Ordinance No. 2017-16 as may be amended from time to time, or the South Broward Drainage District control elevation, whichever is higher.
 - (5) All tanks shall comply with the installation, containment, inspection and other requirements of Article 27, Chapter 10, "Storage Tanks" of the Broward County Code of Ordinances, as may be amended from time to time.
- (E) *Watchman's quarters.* One (1) dwelling unit is permitted accessory to a principal use on the plot for exclusive occupancy by a guard or night watchman. The unit may be constructed as part of a principal nonresidential building or a separate building. Use of a mobile home for watchman's quarters is permitted by special exception permit only.
- (F) *Sale of chemicals.* Retail sale of chemicals that are combustible, flammable, carcinogenic, biohazardous, or are otherwise toxic to humans or animals is permitted when pre-packaged and sealed from the factory in containers designed and intended for retail sale to individual consumers, in quantities that are incidental to the sale of other goods, comprising not more than fifteen percent (15%) of inventory at any one time. Wholesale of such chemicals is prohibited.

Sec. 051-040. Development standards.

- (A) *Generally.* The US Highway 27 Business District is a planned development district that provides the flexibility for the applicant to propose certain development standards for evaluation by the town council, based upon site location, site configuration and proposed use.

- (B) *Setbacks.* Setbacks for each parcel shall be established by the master development plan.
- (C) *Pervious area.* Each master plan shall provide at least 25 percent pervious area. Abutting property not zoned US 27 District, that meets the requirements in subsec. (I) for an offsite landscape buffer, may be shown on the master plan and counted toward the pervious area requirement of this subsection rather than that of the abutting property.
- (D) *Separation from local streets, rural land uses.* There shall be no nonresidential, nonagricultural building, structure, parking, storage or use within two hundred (200) feet of SW 209th Avenue and 210th Terrace, nor shall there be any such structure, parking, storage or use within two hundred (200) feet of any parcel with a rural land use plan designation, unless such parcel is under unified control with the parcel designated US Highway 27 Business. Open space use, including buffers and drainage retention for a US Highway 27 Business use, is not subject to this restriction.
- (E) *Access.* Access to development from public streets shall be limited to US 27, Stirling Road and Griffin Road. Access to US 27 shall be in accordance with a master access management plan approved by the Florida Department of Transportation (FDOT) for the entire US 27 corridor within the Town. The town will not approve a plat application for property fronting US 27 until the applicant has submitted the plat to FDOT for review and obtained approval.
- (F) *Floor Area Ratio (F.A.R.).* The overall F.A.R. within a master plan shall not exceed 0.75.
- (G) *Height.* No building or structure shall exceed forty (40) feet in height, measured to the highest point on the building, including parapets and roof-mounted equipment, provided that the town council may authorize up to eight (8) additional feet of height after consideration of a line-of-site study demonstrating that the additional height will not adversely affect any property with a rural land use plan designation.
- (H) *Parking and loading.* All buildings and uses shall provide off-street parking and loading facilities in accordance with Article 80, "Off-Street Parking and Loading,"
- (I) *Landscaping and screening.* The landscaping requirements of Article 75, shall apply except as otherwise provided in this article, provided that:
 - (1) The town council may recognize a permanent offsite, upland vegetated area as satisfying a perimeter buffer requirement when it functions as an equivalent to a required buffer, and its permanence and upkeep are guaranteed by an enforceable agreement deemed acceptable by the town attorney. The intent of this provision is to encourage a forested buffer between development on the east side of US 27 and residential properties to the east.
 - (2) The master development plan shall include a street tree and understory planting program for the edge of the highway corridor.

- (J) *Design.* Building facades that are visible from a public street shall, to the greatest extent possible, be lined with office, retail, service, and other types of habitable space with fenestration, utilizing Florida Vernacular architecture of Caribbean or Cracker style, or a combination thereof. This architecture generally promotes generous roof overhangs, colonnades and sloped standing seam metal roofs. Pleasing architecture and building placement shall emphasize and showcase the building(s). The town council may approve variations in architectural style that are consistent with the town's rural character. However, stucco walls in combination with flat, unarticulated rooflines or Mediterranean-style tile roofs that are typical of commercial development in South Florida are prohibited as a means of complying with the architectural requirement for building facades that are visible from a public street.
- (K) *Lighting.* Outdoor lighting shall comply with Article 95, with the following exceptions:
- (1) Ambient outdoor lighting impacts shall be further mitigated by limiting the height of parking lot lighting fixtures to 25 feet.
 - (2) An applicant may petition the town council for a waiver of the requirement to provide parking lot lighting based upon limited hours of operation. The town council may approve the request subject to recordation of an enforceable agreement, approved as to form by the town attorney, that limits hours of operation and indemnifies the town.
- (L) *Water and Sewer.* No permit for the construction of any building or roofed structure may be issued until the development is connected to, or the subject of a binding agreement for, connection to municipal water and sewer systems. No certificate of occupancy, temporary or otherwise, may be issued until the property is served by municipal water and sewer.
- (M) *Signs.* The standards and requirements of Article 70 shall govern signage. For the purpose of determining permissible freestanding sign height and area in Sec. 070-080, Table 70-1, the "non-shopping center" standards shall be used, and distance from edge of pavement shall be based upon US 27 (not any frontage road). The design of signage shall compliment the building architecture and site design .
- (N) *Dumpsters.* Dumpsters and dumpster enclosures shall be provided in accordance with Section 015-070, "Dumpster enclosures."
- (O) *Fences, walls and hedges.* Fences and walls shall not exceed eight (8) feet in height unless specifically authorized on the approved site plan. The outside perimeter of fencing and walls visible from public rights-of-way shall be lined with a continuous hedge maintained at a height of at least six (6) feet unless the town council waives the requirement upon finding that the fencing is of architectural or decorative quality, such as aluminum, iron or aesthetically commensurate material. Hedges are not limited in maximum height. The use of barbed wire and razor wire is prohibited on fences facing public rights-of-way.

- (P) *Wireless communication facilities.* Wireless communication facilities are subject to provisions in Article 40, "Telecommunications Towers and Antennas."
- (Q) *Definitions.* Definitions for certain terms used in this Article are located in Article 10, "Definition of Terms."
- (R) *Nonconforming buildings uses and plots.* Any building, use or plot that has been established as nonconforming, or which becomes nonconforming, shall be subject to provisions of Article 30, "Nonconforming Uses, Structures and Plots."
- (S) *Property maintenance.* Buildings and properties shall be maintained in accordance with Article 20, "Property Maintenance and Junk or Abandoned Property."
- (T) *Construction trailers.* One (1) mobile home may be placed upon a plot to be used as a construction office, upon issuance of a building permit for the construction of a building or addition thereto. Such mobile home may not be utilized for dwelling purposes. The mobile home shall be removed from the property prior to issuance of a certificate of occupancy or after one (1) year, whichever occurs first. The town administrator may grant one (1) extension for a maximum six (6) months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress, such that construction can reasonably be completed within the six-month extension period. A decision of the town administrator to deny the request for extension may be appealed to the town council subject to the requirements of Article 135, "Appeals of Administrative Decisions." Placement of the mobile home shall be subject to all minimum yard requirements.
- (U) *General provisions.* In addition to the general provisions herein, buildings, uses and properties shall be subject to the requirements of Article 15, "General Provisions."

Sec. 051-050. Rezoning procedure.

- (A) *Procedure.* Rezoning to US 27 District shall follow the procedure in Article 130, "Zoning map amendments," and the additional requirements in this section.
- (B) *Unified control.* All land included in an application for rezoning to US 27 District shall be owned by or be under the complete control of the applicant, whether the applicant be an individual, partnership, corporation, other entity, group, or agency.
- (C) *Master development plan.* A master development plan, containing the information required in this section, shall be made part of the rezoning ordinance. The master development plan shall be prepared by a professional engineer, architect or landscape architect licensed in the State of Florida to scale. To the extent that an application involves parcels for which specific development plans do not yet exist, the master development plan shall reserve these parcels for later amendment through the rezoning process. The following information is required for a master development plan.

- (1) Tier I information requirements, applicable to the entire master plan:
 - (a) Dimensioned boundaries and legal description for the property to be rezoned, and dimensions of abutting rights-of-way.
 - (b) A master circulation and access plan showing the location and width of public and private streets and their rights-of-way, and the location of access points to the external and internal thoroughfare network.
 - (c) A master utilities plan, including conceptual stormwater drainage.
 - (d) Architectural style standards for all buildings. The applicant shall be responsible for cost-recovery pertaining to the Town's use of an architectural consultant to review the architectural standards and advise the town council.
 - (e) Thematic landscape treatment of US 27 frontage, including a street tree and understory planting program. Specific development sites within the master plan may provide additional landscaping and buffering to compliment the US 27 edge treatment.
 - (f) Typical buffer treatment along parcel lines that abut other zoning districts.
 - (g) Delineation and area of lots and parcels if the master development will be subdivided.
 - (h) An analysis of the adequacy of police, fire, municipal water and municipal sewer facilities for serving the master plan area.
 - (2) Tier II information requirements, pertaining to development sites within the master plan. Tier II information for future phases may initially be indicated on the master plan as conceptual or preliminary, to be refined as development plans progress. Alternatively, areas of the master plan may be labeled as reserved for future amendment.
 - (a) The proposed use(s) of each parcel or site (ex: retail, office and warehouse, refrigerated storage, etc.).
 - (b) Location, floor area, dimensions, and number of stories of each building and structure.
 - (c) Orientation and placement of loading doors and loading zones.
 - (d) Location of areas for outdoor storage, refrigeration equipment, generators, and fuel tanks larger than 200 gallons both above and below ground.
 - (e) Site-specific landscape buffers.
- (D) *Site plan requirements.* Each site plan application shall conform with the approved master plan and shall comply with the site plan provisions in Article 120 and this subsection. The following information is required to demonstrate compliance with the US Highway 27 Business land use category of the comprehensive plan and this article:

- (1) The application shall provide a detailed description of the processes, activities, equipment, and materials involved in the proposed use(s) of the property, and an analysis identifying any use and storage of chemicals or fuel, and identify any causes of noise, dust, smoke or other particulates, vibration, glare, or odor. Certain uses may require provision of more detailed information at time of building permit and certificate of use. See also, noise compatibility in subsec. 051-030 (A).
- (2) The application shall detail how the site plan design and proposed uses will minimize the need for police and fire services. By way of example, site design may use Crime Prevention Through Environmental Design principals, commercial uses that are associated with loitering may avoid late night operating hours, and businesses may provide on-site security.

Sec. 051-060. Master plan amendment.

Amendments to an approved master development plan shall be by ordinance and shall follow the same process set forth herein for rezoning to the US 27 Business District. Master plan amendments for new phases or modifications to an existing phase may be processed concurrently with associated site plans and site plan modifications.

Sec. 051-070. Effect of zoning.

All development in the district shall proceed in accordance with the site plan review and subdivision approval provisions of this chapter. Site plan and subdivision approval shall be granted only for developments that conform to the approved master development plan and stipulations made a part thereof.