



Town of Southwest Ranches
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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: August 27, 2015

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

Recommendation

Approval of the Ordinance on 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 Sec. 015-080. - Farms.

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

8 (B) *Noncommercial farm buildings and structures.*

9 (1) In all zoning categories, any property owner proposing to erect a
10 noncommercial, nonresidential farm building or roofed farm structure,
11 which is not in accordance with Section 604.50, Florida Statutes, as
12 may be amended from time to time, that would ~~deviate-s-~~ from the
13 applicable plot coverage, setback and/or height regulations of this
14 chapter, shall comply with the procedures and requirements of Article
15 155, "Noncommercial farm special exceptions."

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

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

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

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~~
34 ~~town council, or a court of law in accordance with article 155,~~

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

8 * * * *

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

11 Sec. 045-030. - General provisions.

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

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

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

31 * * * *

32 (D) *Miscellaneous storage.*

33 * * * *

34 (4) One (1) shipping container not exceeding twenty-seven hundred
35 (2,700) cubic feet capacity and nine and one-half (9½) feet in height
36 (typically forty (40) feet long and eight (8) feet wide) may be kept on
37 a plot as an accessory storage structure regardless of plot size;

1 provided that plots with a current agricultural exempt classification
2 from the county property appraiser's office are permitted a total of
3 two (2) containers for agricultural use on a minimum five (5) net
4 acres, and a total of three (3) containers for agricultural use on seven
5 and one-half (7½) or more acres. Containers shall not be stacked.
6 Shipping containers shall be subject to all required yard and setback
7 requirements, and shall be screened from view of adjacent properties
8 and rights-of-way. This subsection does not apply to farms.

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

19 ~~(6) Nothing herein shall preclude the temporary storage of shipping~~
20 ~~containers or tractor trailers as an accessory use to a development~~
21 ~~plot within the CF district, having loading dock facilities designed for~~
22 ~~semitrailer deliveries, which facility is collecting goods for the~~
23 ~~distribution to the needy or for individuals recovering from a natural~~
24 ~~disaster. Notwithstanding the aforesaid, the number of containers or~~
25 ~~trailers, in aggregate, shall not exceed five (5) at any given time. Said~~
26 ~~containers and/or trailers shall not exceed twenty-seven hundred~~
27 ~~(2,700) cubic feet capacity and nine and one-half (9 ½) feet in height.~~

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

29 * * * *

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

32 (1) In all A-1 districts:

33 a. Livestock, limited to four (4) animals for each net acre of plot area,
34 two (2) animals each half (½) acre of plot area and one (1) animal
35 for each quarter (¼) acre of plot area. On plots three and one-
36 half (3½) acres or more in net area, the number of animals
37 specified in this subsection may be doubled, provided all animals
38 are sheltered. There shall be no limit on the number of livestock
39 on plots greater than ten (10) net acres in area.

1 (i) Provided that the livestock are not a nuisance pursuant to F.S.
2 § 823.14, the number and types of livestock shall not be
3 restricted on farms, ~~except that in the A-1 district it is~~
4 ~~presumed that the raising, breeding or keeping of swine of any~~
5 ~~type shall not be allowed, except as specifically provided in~~
6 ~~subsection (c) below.~~ Said nuisance determination may also be
7 made by the town's special magistrate who shall consider F.S.
8 § 823.14, case law, and the best management practices of the
9 water management district and the department of agriculture
10 and consumer services. ~~As it relates to domesticated pigs, the~~
11 ~~special magistrate shall consider the Town's Code, case law,~~
12 ~~and the best management practices of the water management~~
13 ~~district and the department of agriculture and consumer~~
14 ~~services. F.S. § 823.14 shall not be considered as a factor in~~
15 ~~the special magistrate's determination.~~

16 b. Poultry.

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

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

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

32 e. [Reserved.]

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

35 (2) The number and type of animals in A-2 districts shall not be restricted;
36 provided that the livestock are not a nuisance pursuant to F.S. §
37 823.14. Said nuisance determination shall be made by the town's
38 special magistrate who shall consider F.S. § 823.14, case law, and the
39 best management practices of the water management district and the
40 department of agriculture and consumer services.

1 (3) In the rural districts:

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

5 (i) Provided that the livestock are not a nuisance pursuant to F.S.
6 § 823.14, the number and types of livestock shall not be
7 restricted on farms in the rural districts. Said nuisance
8 determination shall be made by the town's special magistrate
9 who shall consider F.S. § 823.14, case law, and the best
10 management practices of the water management district and
11 the department of agriculture and consumer services. ~~As it
12 relates to domesticated pigs, the special magistrate shall
13 consider the Town's Code, case law, and the best management
14 practices of the water management district and the department
15 of agriculture and consumer services. F.S. § 823.14 shall not
16 be considered as a factor in the special magistrate's
17 determination.~~

18 b. Poultry.

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

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

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

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

35 f. On plots exceeding four and one-half (4½) acres in net area, one
36 (1) additional animal shall be permitted for each ten thousand
37 (10,000) square feet of plot area, if all animals are sheltered, not
38 including hogs and household pets.

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

4 * * * *

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

7 (1) On-premise sales and display for farms and noncommercial farms are
8 limited to farm products ~~cro~~~~ps~~ ~~or~~ ~~plants~~ grown, raised or cultivated on
9 the plot where they are being sold.

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

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

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

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

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

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

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

36 (1) Plot coverage for enclosed structures on plots designated agricultural
37 on the future land use plan map shall not exceed ten percent (10%),

1 in accordance with the maximum permitted floor area ratio of one-
2 tenth (0.10) as established by the adopted comprehensive plan.

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

12 * * * *

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

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

20 Sec. 045-090. – Height.

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

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

32 Sec. 045-100. - Required yards.

33 All plots in agricultural and rural districts shall maintain yards for all buildings,
34 structures and accessory uses not less than the following, except as provided in

1 section 015-100, "Yard encroachments":. This section does not apply to
2 nonresidential farm buildings.

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

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

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

32 (D) *Minimum separation.* The minimum separation for all dwellings, ~~and~~
33 ~~nonfarm~~ buildings and roofed structures shall be ten (10) feet. ~~There shall~~
34 ~~be no minimum separation between detached farm buildings or structures~~
35 ~~on a single plot, or portion thereof, occupied by a farm.~~

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

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

1 Sec. 060-020. - General provisions.

2 * * * *

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

6 * * * * *

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

8 (1) Fifty (50) feet along any street line;

9 (2) Twenty-five (25) feet from any interior side property line;

10 (3) Fifteen (15) feet from the rear property line;

11 (4) Fifty (50) feet from any residential plot line, except for town uses. A
12 landscape buffer as required by article 75, "Landscaping
13 Requirements," shall be provided within the yard.

14 (5) The yards required by this section shall also apply to those lands that
15 abut another municipal jurisdiction. Such yards shall be applied in the
16 same manner as if the abutting lands were within the town.
17 Nonresidential farm buildings are exempt the setback requirements of
18 this subsection.

19 (6) Any building or roofed structure, pen or coop or fish breeding tank
20 used for the shelter, housing, or keeping of animals, birds, fowl,
21 poultry or fish on a noncommercial farm shall be located not less than
22 fifty (50) feet from any plot line. To the extent that a noncommercial
23 farm applicant needs to decrease the required yard, the
24 noncommercial farm applicant must follow the review procedures set
25 forth in article 155, "Noncommercial farm special exceptions." The
26 noncommercial farm applicant must demonstrate that the
27 requirement prohibits, restricts, or otherwise limits a generally
28 accepted farming practice. If a noncommercial farm is granted a yard
29 reduction it shall have a buffer consisting of an opaque fence or wall,
30 hedge or berm to a minimum height of six (6) feet.

31 * * * *

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

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

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

2 (A) *Maximum plot coverage.* Properties that have a community facilities land
3 use plan designation and had a zoning designation of I-1 prior to May 9,
4 2002, shall have a maximum plot coverage of thirty-five (35) percent. All
5 other properties shall be limited to the plot coverage allowed in the most
6 restrictive of the abutting zoning districts.

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

16 (B) *Maximum floor area ratio.* Properties that have a community facilities land
17 use plan designation and had a zoning designation of I-1 prior to May 9,
18 2002, shall have a maximum floor area ratio of thirty-five one hundredths
19 (0.35). All other properties shall be limited to a floor area ratio of one-
20 quarter (0.25) except for farms, which are not subject to the requirements
21 of this subsection.

22 (C) *Minimum pervious area.* The minimum pervious area is forty (40) percent
23 of the net plot area. Any farm that cannot provide the minimum pervious
24 area required herein must comply with all on-site drainage retention and
25 conveyance requirements of the Town and applicable drainage district.
26

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

29 Sec. 060-080. Height.

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

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

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

3 Sec. 060-090. Limitation of uses.

4 * * * *

5 (F) Temporary containers and trailers. Temporary storage of shipping
6 containers or tractor trailers is permitted as an accessory use to a
7 development plot within the CF district having loading dock facilities
8 designed for semitrailer deliveries, which facility is actively collecting goods
9 for the distribution to the needy or for individuals recovering from a natural
10 disaster. The number of containers or trailers, in aggregate shall not
11 exceed five (5) at any given time. Said containers and/or trailers shall not
12 exceed twenty-seven hundred (2,700) cubic feet capacity and nine and
13 one-half (9 ½) feet in height.

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

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

18 Sec. 70-090. Permanent permitted signs.

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

22 ~~(A) Agricultural uses:~~

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

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

32 (1)(a)One (1) non-illuminated identification sign, which may be double-
33 faced, identifying the name of the noncommercial farm shall be
34 permitted on the portion of any plot occupied by a noncommercial farm,
35 not to exceed twelve (12) square feet in area and five (5) feet in height

1 along arterial and collector road frontages, and not to exceed eight (8)
2 square feet in area and four (4) feet in height along all other road
3 frontages. The standards for sign area in Table 70-1 shall not apply.

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

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

7 Sec. 075-120. - Farms.

8 Plots, or portions thereof that are farms or noncommercial farms, with a town farm
9 designation pursuant to article 155, "Administrative Farm Claim Determinations,"
10 are exempt from the requirements of this article, provided that a noncommercial
11 farm is exempt pertaining only to from on-site landscaping requirements, and only
12 to the extent such requirements prohibit, restrict, or otherwise limit a generally
13 acceptable farming practice, provided any portion of a noncommercial farm plot
14 containing a house and not used primarily for farm purposes, inclusive of the
15 landscaped area required, section 075-110(B), shall comply with the requirements
16 of this article.

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

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

20 (A) Every building, use or structure, except buildings and structures on portions
21 of plots occupied by a farm, instituted or erected after the effective date of
22 the ordinance from which this ULDC is derived shall be provided with off-
23 street parking facilities in accordance with the provisions of this article for
24 the use of occupants, employees, visitors or patrons.

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

25 [Remainder of list shall be renumbered]

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

28 Sec. 155-020. Administrative noncommercial farm special exception
29 procedure.

30 * * *

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

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

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

22 * * *

23 (D) If the applicant is granted a special exception or a special exception with
24 conditions, such special exception shall remain valid until the agricultural use
25 of a building or structure, for which a special exception is granted, is
26 converted to a nonagricultural use or the noncommercial farm activity
27 ceases for sixty (60) days or more. Upon any of the preceding occurrences,
28 the administrative special exception shall be deemed to be immediately
29 revoked, and the improvements that were the subject of the special
30 exception shall be in violation of the chapter until they are brought into
31 compliance with the height, setback, and/or plot coverage standards from
32 which the special exception was granted. The property owner shall execute
33 a deed restriction acknowledging the terms of this subsection, in a form and
34 format approved by the town attorney, which shall be recorded, at the
35 applicant's expense, in the Public Records of Broward County Florida, prior
36 to receiving the special exception. In the event that the town council
37 approves a setback reduction, the reduced side shall have a buffer
38 consisting of an opaque fence or wall, hedge or berm to a minimum height
39 of six (6) feet.
40

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

3 Sec. 155-070. Existing structures.

4 (A) Intent. It is the intent of this section to provide relief for plots, or portions
5 thereof, that are no longer farms because of an amendment to Section
6 193.461, Florida Statutes that became effective on July 1, 2013.

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

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

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

19 (3) The property owner fully complies with the requirements in subsections (C)
20 and (D). (CB) Procedure. In order to qualify for such relief, by March 31,
21 2016, the property owner shall:

22 (1) Submit information to the town administrator on a standard form to be
23 prepared by the town administrator, as to the farm buildings and farm
24 structures for which relief is required, and the extent of noncompliance
25 with the ULDC requirements; and

26 (2) Execute deed restrictions and other standard forms to be prepared by the
27 town attorney a deed restriction acknowledging limitations and conditions
28 that shall apply to the relief provided under this section, including but not
29 limited to, the terms of subsection (D). All such standard forms. The
30 deed restriction shall be in a form and format approved by the town
31 attorney, which shall be recorded, at the applicant's expense, in the Public
32 Records of Broward County, Florida. Failure of a property owner to comply

1 with the requirements of this subsection shall cause any noncompliant
2 nonresidential farm building or farm structure on a non-commercial farm,
3 to be in violation of the ULDC.

4 (DE) Terms and limitations. Upon compliance with subsection (CB), relief from
5 plot coverage, height and/or setback requirements shall remain in effect until
6 March 31, 2036 unless:

- 7 (1) The agricultural use of the building or structure changes to a
8 nonagricultural use; or
- 9 (2) The non-commercial farm activity ceases for sixty (60) days or more; or
- 10 (3) A Town inspection determines that the building or structure has
11 deteriorated, been damaged or altered such that it poses a threat to life,
12 safety and property. The Town reserves the right to enter the property
13 upon reasonable notice to inspect the building or structure to ensure
14 compliance with the provisions of this section.

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

19 **Section 22.** Authorizing a Budget Amendment increasing the GF Planning and
20 Zoning Department - other contractual services – P&Z Land Use (acct #001-2500-515-
21 34300) via an inter-fund transfer between departments from the GF Non-Departmental
22 Contingency/Reserve Account (001-3900- 519-99100) in the amount of \$15,000.

23 **Section 23.** Conflicts. All Ordinances or parts of Ordinances, Resolutions
24 or parts of Resolutions in conflict herewith, be and the same are hereby repealed
25 to the extent of such conflict.

26 **Section 24.** Severability. If any portion of this Ordinance is determined
27 by any Court to be invalid, the invalid portion shall be stricken, and such striking
28 shall not affect the validity of the remainder of this Ordinance. If any Court
29 determines that this Ordinance, or any portions hereof, cannot be legally applied
30 to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such
31 determination shall not affect the applicability hereof to any other individual,
32 group, entity, property, or circumstance.

1 **Section 25.** Inclusion in Code. It is the intention of the Town Council that
2 the provisions of this Ordinance shall become and be made part of the Town of
3 Southwest Ranches Unified Land Development Code; and that the sections of this
4 Ordinance may be renumbered or relettered and the word, "ordinance" may be
5 changed to "section", "article" or such other appropriate word or phrase in order
6 to accomplish such intentions.

7 **Section 26.** Effective Date. This Ordinance shall be effective immediately upon
8 its adoption.

9
10 **PASSED ON FIRST READING** this ____ day of _____, 2015 on a motion
11
12 by _____ and seconded by _____.

13
14 **PASSED AND ADOPTED ON SECOND READING** this ____ day of _____,
15
16 2015 on a motion by _____ and seconded by _____.

17

1 Nelson _____
2 Fisikelli _____
3 Breitzkreuz _____
4 Jablonski _____
5 McKay _____
6
7

Ayes _____
Nays _____
Absent _____

8
9 _____
10 Jeff Nelson, Mayor

11 ATTEST:

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

15
16 Approved as to Form and Correctness:

17 _____
18
19 Keith Poliakoff, Town Attorney

20
21 112612339.1