



**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**  
**Steve Breitkreuz, Vice Mayor**  
**Freddy Fisikelli, Council Member**  
**Gary Jablonski, Council Member**  
**Denise Schroeder, 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 D. Berns, Town Administrator  
**FROM:** Jeff Katims  
**DATE:** 9/13/2017  
**SUBJECT:** Ordinance Clarifying Mulching Operations and Other Industrial Uses

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### **Recommendation**

Approve on first reading.

### **Strategic Priorities**

A. Sound Governance

### **Background**

The proposed Ordinance clarifies that producing compost or mulch for use offsite is an industrial use that is permitted only in the Town's "M" Manufacturing and Industrial District. The proposed Ordinance also clarifies and expands the types of recycling and waste processing that is permitted in the M District.

Converting landscape debris into compost or mulch is not a prohibited activity when the materials are used only on the premises in order to support an agricultural use. In this manner, production of compost and mulch are naturally and customarily incidental to the use of land for a plant or tree nursery. Furthermore, mulch may be sold in quantities that are incidental to the sale of trees and plants grown on premises.

However, production of compost and mulch in quantities sufficient to support off-site agriculture, wholesale or retail sale to consumers takes on the characteristics of a primarily commercial or industrial use, and not a primary agricultural use. Production of such quantities

involves acceptance (often at a charge) of yard waste and other landscape debris from lawn maintenance services and other sources, composting or grinding the materials to produce compost or mulch, and then transporting the material offsite.

Compost and mulch are desirable and useful horticultural materials. However, the process of creating the materials can create nuisances for occupants of adjacent properties. The limited quantities involved in accessory production of these materials limits the impacts on adjacent properties.

**Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Jeff Katims, AICP

**ATTACHMENTS:**

Description	Upload Date	Type
Mulching and Composting Ordinance - TA Approved	9/6/2017	Ordinance

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**ORDINANCE NO. 2017 -**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10 ENTITLED, "DEFINITION OF TERMS" TO DEFINE THE TERM "COMPOSTING OR MULCHING OPERATION;" AMENDING ARTICLE 55, ENTITLED, "M, MANUFACTURING AND INDUSTRIAL DISTRICT" TO REVISE THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES, AND THE LIMITATIONS OF USES PERTAINING TO COMPOSTING, MULCHING, RECYCLING AND OTHER WASTE PROCESSING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the production of mulch or compost, using materials not grown on the plot where such mulch or compost is produced, is neither a principal nor accessory agricultural use; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council") wishes to clarify that production of mulch or compost in whole or in part from acceptance of off-site plant and tree materials is an industrial use, and is therefore permitted only in the M, Manufacturing and Industrial District and prohibited in all other zoning districts; and

**WHEREAS**, the Town Council wishes to clarify and amend the permitted uses and limitations thereof in the M District pertaining to processing, recycling, storage and transfer of waste materials; and

**WHEREAS**, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on September 13, 2017,

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1 and has issued its recommendation to the Town Council, finding that the Ordinance is  
2 consistent with the adopted comprehensive plan;

3 **WHEREAS**, the Town Council finds that the Ordinance is consistent with the  
4 adopted comprehensive plan and is in the best interest of the health, safety, and welfare,  
5 of the Town 's residents.

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

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

10 **Section 2.** Section 010-030 "Terms defined" is hereby amended as  
11 follows:

12 \* \* \* \*

13 Composting or mulching operation. The term, "composting or mulching  
14 operation" means the processing of any organic, plant, or tree material into  
15 compost, or the processing of any organic, plant, tree, or other material, into  
16 small chips or pieces consistent with that of mulch (hereinafter referenced as  
17 "mulch" regardless of intended use), typically through grinding or cutting, when:  
18 (1) any of the source materials are obtained from offsite; or (2) any of the  
19 compost or mulch is removed from the property where processed; or (3)  
20 deposition of compost or mulch alters the grade of any portion of the land on the  
21 plot where the activity is occurring, including deposition into a water body or  
22 excavated area. Composting or mulching operations are industrial uses, and are  
23 expressly not agricultural uses.

24 \* \* \* \*

25 **Section 3.** Article 55, M Manufacturing and Industrial District, Section 055-  
26 040, Permitted and prohibited uses is hereby amended to read as follows:

27 \* \* \* \*

28 Master Business List

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P =	C = Conditional	A = Accessory use only	NP = Not Permitted
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1 Conditional use regulations are found in article 35, "Conditional Uses."

Use	
* * * * *	
Fertilizer, <del>compost and mulch</del> compounding, <u>and composting or mulching operations, including storage and distribution of fertilizer, compost and/or mulch</u>	P
* * * * *	
Recycling facility (see section 055-080(I))	P
* * * * *	
Sanitation companies and waste haulers (see section 055-080( <del>I</del> K))	P
* * * * *	
Trash, <del>garbage and debris processing;</del> transfer station (see sec. 055-080(I))	P

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2 **Section 4.** Section 055-080, Limitations of uses, is hereby amended to read as  
3 follows:

4 \* \* \* \*

5 (I) ~~Recycling facilities; trash, garbage and debris processing; transfer station;~~  
6 ~~sanitation companies and waste haulers.;~~

7 Includes, but is not limited to, collection, processing (but not disposal or  
8 incineration), and transfer of trash, garbage, construction debris, and  
9 demolition debris. All materials stored, handled or repackaged on the  
10 premises shall either be in containers or stored within a building.

11 \* \* \* \*

12 (K) ~~Reserved. Sanitation companies. All dumpsters, waste containers and~~  
13 ~~sanitation vehicles shall be emptied prior to storage on the plot.~~

14 \* \* \* \*

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1           **Section 5: Codification.** The Town Clerk shall cause this ordinance to  
2 be codified as a part of the ULDC during the next codification update cycle.

3           **Section 6: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or  
4 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the  
5 extent of such conflict.

6           **Section 7: Severability.** If any word, phrase, clause, sentence or section of  
7 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof  
8 shall not affect the validity of any remaining portions of this Ordinance.

9           **Section 8: Effective Date.** This Ordinance shall take effect immediately upon  
10 passage and adoption.

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**[Signatures on Following Page]**

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1 **PASSED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2017 on a motion made  
2 by \_\_\_\_\_ and seconded by \_\_\_\_\_.

3 **PASSED AND ADOPTED ON SECOND READING** this \_\_\_ day of \_\_\_\_\_,  
4 2017, on a motion made by \_\_\_\_\_ and seconded by  
5 \_\_\_\_\_.

6	McKay	_____	Ayes	_____
7	Breitkreuz	_____	Nays	_____
8	Fisikelli	_____		
9	Jablonski	_____	Absent	_____
10	Schroeder	_____	Abstaining	_____

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12  
13 \_\_\_\_\_  
Doug McKay, Mayor

14 ATTEST:  
15 \_\_\_\_\_  
16 Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

17  
18 Approved as to Form and Correctness:  
19 \_\_\_\_\_  
20 Keith Poliakoff, J.D., Town Attorney

21 114370284.1

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