



Thursday
July 18, 2019
7:00 pm

Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

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

Board Members

Jim Allbritton
Steve Breitreuz
Mary Gay Chaples
Josh Dykes
Jason Halberg
George Morris
Robert Sirota

Council Liaison

Bob Hartmann

Staff Liaison

Emily Aceti

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
5. Old Business
 - A. Approval of minutes for May 2019
 - B. Excuse absences
 - C. Nursery Ordinances
6. New Business
7. Board Member / Staff Comments and Suggestions
8. Items for Next Meeting
9. 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 BOARD OR COMMITTEE 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.

Nursery / Landscaping Guidelines

April 2019

- 1) Residential Farming
 - a. Legal Today?
 - i. Yes
 - b. Certificate of Use required
 - i. No
 - c. Agricultural Exemption required
 - i. ~~Yes or No~~
 - ii. If one is obtained, then they are no longer a Residential Farm
 - d. Vehicles used for business off site
 - i. No special requirements
 - e. Office Space
 - i. No special requirements
 - i. ~~In home or external shed~~
 - f. Property Size
 - i. Any
 - g. Special Restrictions
 - i. Agricultural use is secondary use to the primary residential use

Commented [SB1]: This document is a combination of the current code and the direction where I think that the committee is going. It would probably be good to indicate which of these are part of the current code and which are not. I will highlight what I think are the new ideas and if you could check my work, that would be appreciated.

- 2) Wholesale Nurseries
 - a. Legal Today?
 - i. Yes
 - b. Certificate of Use required
 - i. Yes
 - c. Agricultural Exemption required
 - i. No; the Retail Nursery may or may not have an Ag exemption
 - i. ~~Yes~~
 - d. Vehicles used for business off site
 - i. ~~1 vehicle for every 3 acres or portion thereof~~ Vehicles are required to be registered to either the bonafide business that is operated from that location or the property owner
 - e. Office Space
 - i. Separate structure allowed
 - ii. This non-agricultural building that needs permitting
 - f. Property Size
 - i. Any
 - g. Special Restrictions
 - i. For large-scale wholesale nurseries only:
 - 1. All business ingress and egress must be on an arterial / collector roadway

Commented [JK2]: Agriculture does not need to be secondary to residential. It can coexist as a separate principal use.

Commented [SB3R2]: Makes sense

Commented [JK4]: Where did this come from!?

Commented [SB5R4]: This is my proposal, for the board to discuss.

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Commented [JK6]: Desirable but not required.

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Commented [SB7R6]: This is my proposal, for the board to discuss.

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1. All business ingress and egress must be on an arterial / collector roadway

a. A specific list of roadways is shown below:

i. Griffin

ii. Flamingo

iii. US 27

iv. Sheridan

v. Dykes

4) Landscape Maintenance Companies

a. Legal Today?

i. No

b. Certificate of Use required

i. ~~No~~N/A

c. Agricultural Exemption required

i. ~~No~~N/A

d. Vehicles used for business off site

i. ~~1 vehicle for every 3 acres or portion thereof~~N/A

e. Office Space

i. ~~Separate structure allowed~~

~~#i. This non-agricultural building that needs permitting~~N/A

f. Property Size

i. ~~Any~~N/A

g. Special Restrictions

~~i. Primary ingress and egress must be on an arterial roadway~~

~~#i. Need safeguards to prevent fuel and oil seepage into the ground~~N/A

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1 **Section 2.** Section 10-30, "Terms Defined" is hereby amended as
2 follows:

3 * * *

4 Cottage foods. The term "cottage foods" means the preparation of farm
5 products in an unlicensed kitchen that are sold directly to consumers without a
6 permit from the Florida Department of Agriculture and Consumer Services and in
7 compliance with Chapter 500.80, Florida Statutes. The term does not include
8 products sold wholesale.

9
10 Farm. The term "Farm" means the land, buildings, support facilities,
11 machinery, and other appurtenances used in the production of farm or
12 aquaculture products.

13 * * *

14 Farm product. The term "farm product" means any plant or animal useful
15 to humans and includes, but is not limited to, any product derived therefrom.

16 * * *

17 Landscape materials. The term "landscape materials" means items sold by a
18 plant nursery at that are accessory to plants and plant products, including
19 stepping stones, river rocks, cap rocks, tree-bracing kits, mulch, top soil, and
20 fertilizer. The term does not include lawn furniture, picnic tables, rocking chairs,
21 outdoor fire pits, grilles, monuments, decorative fountains, hot tubs, Jacuzzis,
22 rugs, statues, gazebos and playground equipment.

23 * * *

24 Plant Nursery. The term "plant nursery" means any grounds or premises on
25 or in which nursery stock is grown, propagated, or held for sale or distribution,
26 except where aquatic plant species are tended for harvest in the natural
27 environment.

28
29 Nursery stock. The term "nursery stock" means all plants, trees, shrubs,
30 vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of
31 propagation or distribution.

32 * * *

33
34 Plants and plant products. The term "plants and plant products" means
35 trees, shrubs, vines, forage and cereal plants, and all other plants and plant

Comment [KAE1]: Inserted the statutory definition of "farm." See F.S. 823.14(3)(a).

Comment [KAE2]: This term is consistent with statutory definition. See F.S. 823.14(3)(c).

Comment [KAE3]: I revised the definition so it is consistent with statutory definition.

*FYI: Per F.S. 581.131, persons engaged in selling, brokering, distributing, advertising nursery stock for sale must have a valid certificate of registration from FDACS. I originally added the last part so the Town would have additional methods to verify it is a nursery. Each location where plants are grown is listed with the Plant Inventory Report tied to the certificate holder's listed principal place of business.

1 parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs,
2 seeds, wood, lumber, and all products made from them.

Comment [KAE4]: Consistent with F.S. 581.011.

3
4 Plant nursery retail sales. The term "plant nursery retail sales" means a
5 plant nursery that sells plants and plant products and/or landscape materials
6 directly to the public at a specific location with established hours of operation.
7 The term does not include the sale of plants grown on the property for wholesale
8 to a broker or other person for resale.

9
10 Vegetable garden. The term "vegetable garden" means a plot of ground where
11 herbs, fruits, flowers, or vegetables are cultivated for human ingestion.

Comment [KAE5]: Consistent with statutory definition, per F.S. 604.71 which states that a municipality may not regulate vegetable gardens on residential properties.

12 * * *

13 **Section 3.** Article 5, "Administrative and legal provisions," Section 005-
14 120, "Certificates Required" is hereby amended as follows:

15 ~~(A) No nonresidentially zoned No nonresidential building or premises or part~~
16 ~~thereof, except farm buildings or structures, or premises zoned to permit~~
17 ~~any community facility, commercial or industrial use, except farms, or~~
18 ~~premises established as a legal nonconforming use, existing as of the~~
19 ~~effective date of the ordinance from which this ULDC is derived which~~
20 ~~undergoes a change of occupancy or upon which a new or different use is~~
21 ~~established, shall be occupied or used for non-residential purposes unless a~~
22 ~~certificate of use shall have been issued therefor for the proposed use. The~~
23 ~~original certificate shall be posted at the business location at all times.~~

24 (1) The Town shall not charge a fee for review and issuance of a certificate
25 of use for the following uses, provided that the zoning district allows for
26 such use:

27 (i) Places of worship.

28 (ii) Vegetable gardens.

29 (iii) Cottage food operations.

30 (2) No residential building or any part thereof may be converted to a non-
31 residential use.

32 **Section 4.** Article 45, "Agricultural and Rural Districts," Section 045-030,
33 "General Provisions" is hereby amended as follows:

34 * * *

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New text is underlined and deleted text is ~~stricken~~

1 (C) *Parking and storage.* This subsection identifies the types of vehicles that
2 may be parked or stored within the agricultural and rural districts, and
3 associated regulations. Vehicles may be parked or stored only as an
4 accessory use to a permanent dwelling, except that construction and
5 agricultural vehicles and equipment may be stored on unimproved land as
6 provided herein.

7 (1) *Generally.* All vehicles and equipment parked or stored as provided for
8 herein must be registered to a permanent, full-time resident of the
9 premises unless otherwise provided, be operable and capable of
10 immediate use unless being repaired pursuant to subsection (B) of this
11 section, and all vehicles must have a current, valid registration and
12 associated department of highway safety and motor vehicles license
13 plate where license plates are required by law. Additionally, none of the
14 provisions of this subsection shall be construed to allow the parking or
15 storage of any vehicle or equipment upon any drainage swale abutting
16 a street, or within any street right-of-way or easement, except as
17 specifically provided for the storage of construction equipment.

18 * * *

19 (3) *Agricultural vehicles and equipment.* Parking and Sstorage of vehicles
20 and equipment necessary for conducting a permissible agricultural or
21 equestrian use is permitted on the plot upon which they are used;
22 provided that the vehicles and equipment are registered to an owner or
23 lessee of said plot at the address of the plot, except in the case of
24 equestrian boarding operations that allow boarders to keep their
25 equestrian transports on the plot. The aggregate capacity of equestrian
26 transports shall not exceed the number of stables or horses kept on the
27 property, whichever is greater. Agricultural vehicles and equipment may
28 be stored anywhere within a plot without the need for screening or
29 enclosure, and with no limitation on quantity. Unless otherwise
30 provided herein, the parking and storage of vehicles and equipment
31 that are not used predominantly on the farm operation is prohibited.

Comment [KAE6]: I deleted this clause because it is redundant. The equestrian transport may be registered to the boarder, their parents, an LLC tied to their horse operation, etc. The Town just needs to see that the transport is tied to a valid lease and you have already specified registration to a lessee suffices.

Comment [KAE7]: I added this to emphasize one of the Town's biggest problems and provide an additional vehicle for Code Enforcement: people using ag lands for parking and storage of trucks and machines.

32 * * *

33 (J) Farm, and plant nursery retail sales and tree nursery site display and
34 sales (commercial and noncommercial).

Comment [KAE8]: Changed the header to Farm and plant nursery retail sales.

35 (1) On-premise sales and display for farms ~~and noncommercial~~
36 ~~farms~~ are limited to farm products grown, raised or cultivated

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on the plot where they are being sold, except as provided in paragraph (2), below.

(2) A plant nursery may sell materials that are customarily incidental to the installation, maintenance, and use of such plant products. ~~On premise sales and display for nurseries that are farms are limited to plants grown or cultivated on the plot where they are being displayed or sold, and to accessory on-premise sales and display of related landscaping materials that are customarily incidental to such plant sales and display, and that are an integral part of the landscape or hardscape, or are tools used to install landscaping and hardscaping. The display of incidental landscape materials must be screened from the view of adjacent streets and properties.~~

- a. By way of example, the following are classified as incidental materials: stepping stones, river rocks, railroad ties, ponds, mulch, topsoil, fertilizer, and tree-bracing kits.
- b. By way of example, the following are not incidental materials: lawn furniture, including benches and picnic tables, gazebos, decorative fountains, statues, recreational and playground equipment, pools and hot tubs, household goods, and rugs.
- c. The outdoor display of incidental landscape materials must be screened from the view of adjacent properties.

(3) Plant nurseries may be established on the same plot as a single-family dwelling and or on plots without single-family dwellings that have legal access to one of the following roadways:

- 1. Griffin Road
- 2. Sheridan Street
- 3. Flamingo Road
- 4. Volunteer Road
- 5. Dykes Road
- 6. SW 172nd Avenue
- 7. US 27

(4) Any new plant nursery not authorized in paragraph (3) above is permitted only under the following circumstances:

Comment [KAE9]: In the definitions, we make it clear nursery retail sales do not include wholesale so there should not be a reference to wholesale here. I think the additional highlighted language should be deleted as it's confusing. You address the conditions for retail sales later on to deal with the nuisance abatement.

Comment [KAE10]: Clarified the language so it is clear we are dealing first with the establishment of a new nursery. This use of "new" also avoids any Right to Farm and related legal challenges.

I think you meant to use "or" instead of "and" here...

We will address legal non-conforming uses next.

Comment [KAE11]: Added the word "new" so it is clear we are dealing with those new establishments that are neither an accessory use to a dwelling nor meet the location requirements where there is no dwelling.

1 (a) On plots not exceeding 2.0 net acres in area, limited to
2 wholesale only.

3 * * *

4 **Section 4.** Article 45, "Agricultural and Rural Districts," Section 045-050,
5 "Permitted and Prohibited Uses" is hereby amended as follows:

6 Sec. 045-050. – Permitted, accessory, conditional, special exception and
7 prohibited uses.

8 Plots in rural and agricultural districts may be used for one (1) or more of
9 the uses that are specified below as being permitted, ~~or~~ conditionally permitted
10 or special exception uses. Special exception uses require town council approval
11 pursuant to article 112:

Key to abbreviations:			
P=Permitted use	NP=Not permitted	C=Conditional use	<u>SE=Special exception use</u>

Permitted Principal Uses	A-1	A-2	RE	RR
One single-family detached dwelling on a lot of record	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Cemetery (subject to section 045-030(U))	P	NP	NP	NP
Community residential facilities (subject to section 045-030(S))	P	P	P	P
Crop raising and nurseries (commercial and noncommercial (subject to section 045-030(J))	P	P	P	P
<u>Sale of cottage food products for retail</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential services (subject to section 045-030(K))	P	P	P	P
Fish breeding (commercial and noncommercial)	P	P	P	P
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Commercial equestrian operations	P	P	P	P
Veterinary clinics (no overnight stay or animal runs)	P	P	NP	NP

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Veterinary hospitals	NP	P	NP	NP
Kennels, commercial boarding and breeding	NP	P	NP	NP
Cannabis-related uses	NP	NP	NP	NP
Wireless communication facilities (subject to article 40, "Telecommunication Towers and Antennas.")	P	P	P	P
<i>Permitted accessory uses to a single-family dwelling</i>				
Detached guesthouse (subject to section 045-030(G))	P	P	P	P
Exhibition of Class I and Class II wildlife (subject to section 035-070 pertaining to conditional uses)	C	C	NP	C
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Yard sales (subject to section 035-060 pertaining to conditional uses)	C	C	C	C
Home offices (subject to section 035-030 pertaining to conditional uses)	C	C	C	C
Family day care homes	P	P	P	P
Cannabis-related uses	NP	NP	NP	NP
Accessory structures and uses, other	P	P	P	P

1 **Section 5.** Article 60, "Community Facility District," Section 060-030, "Permitted
2 and Prohibited Uses" is hereby amended as follows:

3 Sec. 060-030. – Permitted, accessory, conditional, special exception and prohibited
4 uses.

5
6 Permitted uses in the community facility district shall be limited to those uses
7 specified as permitted, ~~or~~ conditionally permitted or special exception uses in the
8 master use list. Special exception uses require town council approval pursuant to article
9 112. All permitted uses shall be governmentally owned (public) or operated, or not-for-
10 profit, unless otherwise specified. Uses are subject to applicable provisions of section
11 060-090, "Limitations of uses." Specific subsection references are included in the
12 following master use list:

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Master Use List

P=Permitted use	C=Conditional use	A=Accessory use only	<u>SP=Special exception use</u>	NP=Not permitted
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3

Use	
Accessory dwelling (see section 060-090(A))	A
<u>Agricultural uses (subject to sections 045-030(J), "Sale of farm products and incidental plant nursery retail sales products," and 060-020(I), "Animals")</u>	P
Cannabis-related uses	NP
Cemeteries (see section 060-090(B))	P
Cemeteries accessory to a place of worship (see section 060-090(B))	A, C
Civic center, incl. library, museum, art gallery and other such exhibitions	P
Community residential facilities (see section 060-090(C))	P
Day care or preschool, accessory to place of worship or primary school only	A
Essential services	P
Fire protection facilities	P
Funeral home accessory to a cemetery	A
Governmental administration offices	P
Outdoor events (see section 035-040, "Outdoor event permits")	C
Parks, public	P
Places of worship (see section 060-060, 060-090(D) and 060-090(E))	P
Police protection facilities	P
School, primary and secondary, public or private (see section 060-090 (D))	C
Wireless communication facilities (see article 40, "Telecommunication Towers and Antennas")	P

Comment [KAE12]: Modified to plant nursery retail sales for consistency in definitions and usage.

4

5 **Section 6: Codification.** The Town Clerk shall cause this ordinance to be
6 codified as a part of the ULDC during the next codification update cycle.

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1 _____

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

3

4 Approved as to Form and Correctness:

5

6 _____

7 | Keith Poliakoff, J.D., Town Attorney

8

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

3 **Section 2.** Section 15-080, "Farms" is hereby amended as follows:

4 Section 15-080, Farms "Nonresidential farm buildings, farm fences and
5 signs"

6 (A) *Generally.* In the event of conflict between any provision of this
7 chapter and F.S. § 604.50, which pertains to nonresidential farm buildings,
8 farm fences and farm signs, F.S. § 604.50, shall prevail.

9 (B) Definitions. As used in this section, the following terms are defined as
10 follows:

11 (1) "Bona fide agricultural purposes." The term bona fide agricultural purposes
12 means good faith commercial agricultural use of the land. In determining whether the
13 use of the land for agricultural purposes is bona fide, the following factors may be
14 taken into consideration:

15 a. The length of time the land has been so used.

16 b. Whether the use has been continuous.

17 c. The purchase price paid.

18 d. Size, as it relates to specific agricultural use, but a minimum acreage may
19 not be required for agricultural assessment.

20 e. Whether an indicated effort has been made to care sufficiently and
21 adequately for the land in accordance with accepted commercial agricultural practices,
22 including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other
23 accepted agricultural practices.

24 f. Whether the land is under lease and, if so, the effective length, terms, and
25 conditions of the lease.

26 g. Such other factors as may become applicable.

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1 h. Offering property for sale does not constitute a primary use of land and may
2 not be the basis for denying an agricultural classification if the land continues to be
3 used primarily for bona fide agricultural purposes while it is being offered for sale.

4 (2) "Farm sign." The term farm sign means a sign erected, used, or
5 maintained on a farm by the owner or lessee of the farm which relates solely to
6 farm produce, merchandise, or services sold, produced, manufactured, or
7 furnished on the farm.

8 (3) "Nonresidential farm building." The term nonresidential farm
9 building means any temporary or permanent building or support structure that is
10 classified as a nonresidential farm building on a farm, is used primarily for
11 agricultural purposes, is located on land that is an integral part of a farm
12 operation or is classified as agricultural land under F.S. 193.461, and is not
13 intended to be used as a residential dwelling. The term may include, but is not
14 limited to, a barn, greenhouse, shade house, storage building, or poultry house.

15 (B) Noncommercial farm buildings and structures.

16 ~~(1) In all zoning categories, any property owner proposing to erect a~~
17 ~~noncommercial, nonresidential farm building or roofed farm structure, which is~~
18 ~~not in accordance with F.S. § 604.50, as may be amended from time to time,~~
19 ~~that would deviate from the applicable plot coverage, setback and/or height~~
20 ~~regulations of this chapter, shall comply with the procedures and requirements~~
21 ~~of article 155, "Noncommercial farm special exceptions."~~

22 ~~(2) Any property owner that erected a nonresidential farm building or~~
23 ~~roofed farm structure as of July 1, 2013, which is not in accordance with F.S. §~~
24 ~~604.50, as may be amended from time to time, or which no longer meets the~~
25 ~~legal requirements of F.S. § 604.50, as may be amended from time to time, is~~
26 ~~required to comply with the procedures and requirements of section 155-070,~~

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1 ~~"Existing structures", prior to the issuance of any permit. Such compliance shall~~
2 ~~include, but may not be limited to, recording a deed restriction in the public~~
3 ~~records of Broward County, Florida, in a form and format approved by the town~~
4 ~~attorney, restricting the use of the noncommercial, nonresidential farm~~
5 ~~buildings and/or roofed farm structures to bona fide agricultural purposes, and~~
6 ~~acknowledging the requirements as contained in subsection 155-070(D), as~~
7 ~~may be amended from time to time. Such deed restriction shall be removed in~~
8 ~~the event that the noncommercial, nonresidential farm buildings and/or roofed~~
9 ~~farm structure has been legally converted to an alternative use in accordance~~
10 ~~with this chapter.~~

11 ~~(C) Except as provided in subsection (B), within ninety (90) days of any~~
12 ~~plot or portion thereof ceasing to be a farm as defined in section 010-030, all~~
13 ~~farm buildings and structures shall be made to comply with the requirements of~~
14 ~~this chapter.~~

15 (C) Floodplain development permits. Nothing in this section precludes a
16 property owner from obtaining a floodplain development permit when the
17 nonresidential farm building, farm sign or fence is proposed to be built within a
18 local, state or federal floodplain. The property owner or his agent shall consult
19 with the Town before building or expanding such structures to determine
20 whether a floodplain development permit is needed for the proposed building
21 or expansion.

22 (D) Effect of agricultural classification by property appraiser. A building
23 permit shall not be required to construct or to expand a nonresidential farm
24 building when either the property appraiser has classified the property as
25 agricultural pursuant to F.S. 193.461 or the property is capable of obtaining an
26 agricultural tax exemption pursuant to F.S. 193.461.

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1 (1) A denial or repeal of an agricultural tax classification by the property
 2 appraiser shall require the property owner to retroactively apply for a building
 3 permit within five (5) years for an existing nonresidential farm building, farm sign
 4 or fence.

5 (E) A nonresidential farm building, farm sign or fence that is no longer
 6 used for bona fide agricultural purposes shall be required to obtain a building
 7 permit before any modification, alteration, or expansion is made.

8 (F) A nonresidential farm building shall be encouraged to comply with the
 9 Town’s recommended building setbacks to avoid the creation of a nuisance,
 10 conflicts with adjacent and abutting property owners, stormwater management
 11 and drainage impacts.

12 **Section 3.** Article 45, “Agricultural and Rural Districts,” Section 045-050,
 13 “Permitted and Prohibited Uses is hereby amended as follows:

14 Sec. 045-050. – Permitted, accessory, conditional, special exception and
 15 prohibited uses.

16

Permitted Principal Uses	A-1	A-2	RE	RR
One single-family detached dwelling on a lot of record	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Cemetery (subject to section 045-030(U))	P	NP	NP	NP
Community residential facilities (subject to section 045-030(S))	P	P	P	P
Crop raising and plant nurseries (commercial and)	P	P	P	P

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 New text is underlined and deleted text is ~~stricken~~

noncommercial , subject to section 045-030(J))				
Essential services (subject to section 045-030(K))	P	P	P	P
Fish breeding (commercial and noncommercial)	P	P	P	P
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Commercial equestrian operations	P	P	P	P
Veterinary clinics (no overnight stay or animal runs)	P	P	NP	NP
Veterinary hospitals	NP	P	NP	NP
Kennels, commercial boarding and breeding	NP	P	NP	NP
Cannabis-related uses	NP	NP	NP	NP
Wireless communication facilities (subject to article 40 , "Telecommunication Towers and Antennas.")	P	P	P	P
<i>Permitted accessory uses to a single-family dwelling</i>				
Detached guesthouse (subject to section 045-030(G))	P	P	P	P
Exhibition of Class I and Class II wildlife (subject to section 035-070 pertaining to conditional uses)	C	C	NP	C
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Yard sales (subject to section 035-060 pertaining to conditional uses)	C	C	C	C
Home offices (subject to section 035-030)	C	C	C	C

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New text is underlined and deleted text is ~~stricken~~

pertaining to conditional uses)				
Family day care homes	P	P	P	P
Cannabis-related uses	NP	NP	NP	NP
Accessory structures and uses, other	P	P	P	P
<u>Commercial equestrian operations (subject to section 045-50(a))</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

1•

2• (A) A commercial equestrian operation established after January 1, 2020 will
3 be deemed a permitted accessory use to a single-family residential dwelling.

4• (1) A commercial equestrian operation that exists before January 1, 2020 shall
5 be considered a legal, nonconforming use until such time as the use ceases or the
6 property is sold after which the use will be considered a permitted accessory use to a
7 single-family residential dwelling.

8• (2) In the event that there is no single family residential dwelling existed on the
9 property, the property owner shall not be required to build such. The property owner
10 may apply for a special exception to continue using the property for commercial
11 equestrian operations pursuant to Section 112.

12• **Section 4: Codification.** The Town Clerk shall cause this ordinance to be
13 codified as a part of the ULDC during the next codification update cycle.

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

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

4 **Section 7: Effective Date.** This Ordinance shall take effect immediately upon
5 passage and adoption.

6 **PASSED ON FIRST READING** this ___ day of _____, 2019 on a motion made
7 by _____ and seconded by _____.

8 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____,
9 2019, on a motion made by _____ and seconded by
10 _____.

11

12	McKay	_____	Ayes	_____
13	Fisikelli	_____	Nays	_____
14	Jablonski	_____		
15	Schroeder	_____	Absent	_____
16	Hartman	_____	Abstaining	_____

17

18

19

20

21

Doug McKay, Mayor

22 ATTEST:

23

24

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

26

Ordinance No. 2019-____
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1 Approved as to Form and Correctness:

2

3 _____

4 Keith Poliakoff, J.D., Town Attorney

5

Ordinance No. 2019-__

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