



Thursday
March 18, 2021
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

Joseph Altschul
Jason Halberg
Newell Hollingsworth
Anna Koldys
George Morris
Lori Parrish
Robert Sirota

Council Liaison

Steve Breitzkreuz

Staff Liaison

Emily Aceti

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Introductions
5. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
6. Old Business
 - A. Approval of minutes for February 2021
 - B. Land Use Plan Amendment Criteria Ordinance
 - C. Nursery Ordinance
 - D. Discussion on how to limit extent and impact of new residential development in Southwest Ranches
7. New Business
8. Board Member / Staff Comments and Suggestions
9. Items for Next Meeting
10. 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.



Town of Southwest Ranches
Comprehensive Plan Advisory Board
Meeting Minutes

February 18, 2021
7:00 PM

Town Hall
13400 Griffin Road
and on Zoom

Call to Order: 7:04 pm

Roll Call:

Joseph Altschul - Present
Jason Halberg – Present
Newell Hollingworth - Present
Anna Koldys - Present
George Morris – Present
Lori Parrish - Present
Robert Sirota – Present

Also Present: Town Council: Mayor Steve Breitreuz, Vice Mayor Bob Hartmann, Council Member Gary Jablonski, Council Member Jim Allbritton, Council Member David Kuczenszki; **Town Staff:** Town Administrator Andy Berns, Community Services Manager Emily Aceti, Town Planner Jeff Katims, Senior Procurement & Budget Officer Venessa Redman; **Town Residents:** James Laskey; **Other:** Sharon (full name unknown)

Pledge of Allegiance

Old Business:

Motion: To table discussion on how to limit extent and impact of new residential development in Southwest Ranches until after joint workshop of CPAB and Town Council scheduled for 6:00 pm on Thursday, March 11, 2021

Result	1st	2nd	JA	JH	NH	AK	GM	LP	RS
<i>Passed</i>	<i>LP</i>	<i>JA</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>

Public Comment: None

Old Business:

Motion: To approve minutes of January 2021 meeting

Result <i>Passed</i>	1st <i>LP</i>	2nd <i>NH</i>	JA <i>Y</i>	JH <i>Y</i>	NH <i>Y</i>	AK <i>Y</i>	GM <i>Y</i>	LP <i>Y</i>	RS <i>Y</i>
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New Business:

Motion: To recommend the Town Council approve final wording of the Rezoning Criteria Ordinance.

Result <i>Passed</i>	1st <i>LP</i>	2nd <i>NH</i>	JA <i>Y</i>	JH <i>Y</i>	NH <i>Y</i>	AK <i>Y</i>	GM <i>Y</i>	LP <i>Y</i>	RS <i>Y</i>
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Motion: To establish a companion amendment to the Comprehensive Plan that includes the Rezoning Criteria Ordinance language for all residential districts. The final wording of the Comprehensive Plan amendment is to come before the CPAB prior to being submitted to the Town Council.

Result <i>Passed</i>	1st <i>NH</i>	2nd <i>GM</i>	JA <i>Y</i>	JH <i>Y</i>	NH <i>Y</i>	AK <i>Y</i>	GM <i>Y</i>	LP <i>Y</i>	RS <i>Y</i>
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Board Member/Staff Comments Suggestions: Lori Parrish recommended that new surveys are attached to the files of any newly subdivided properties to address potential past errors in previous surveys. Robert Sirota presented information on receiving Dark Sky Community certification and played a video he made of Circle S Ranch. Multiple attendees volunteered to work with Andy Berns on contacting the new owner to retrieve items of historical significance from the Circle S Ranch prior to its demolition.

Items for Next Meeting: Continuation of the discussion on how to limit extent and impact of new residential development in Southwest Ranches.

Meeting Adjourned: 8:18 pm

1 FLUE POLICY 1.3-e: In order to prevent future incompatible land uses, the
2 established rural character of the Town shall be a primary consideration when
3 amendments to the Town's Land Use Plan are proposed. Without limiting the
4 scope of this policy, it is specifically established that for the purpose of
5 evaluating applications for Future Land Use Plan Map amendment, a proposed
6 land use plan designation that has a greater maximum permitted density than
7 any contiguous residential designation or residential designation within 50 feet of
8 the amendment site boundary is not deemed compatible and shall not be
9 approved.

10 * * *

11 **Section 3: F.S. Chapter 163 Transmittal.** That the Town Planner is hereby
12 directed to transmit the amendment to the State Land Planning Agency immediately
13 following first reading of this Ordinance, and is hereby directed to transmit the adopted
14 amendment to the State Land Planning Agency immediately following second and final
15 reading of this Ordinance.

16 **Section 4: Recertification.** That the Town Planner is hereby directed to apply
17 for recertification of the Future Land Use Element by the Broward County Planning
18 Council following second and final reading of this Ordinance.

19 **Section 5: Conflict.** All Ordinances or parts of Ordinances, Resolutions or parts
20 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent
21 of such conflict.

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

25 **Section 7: Effective Date.** This Ordinance shall take effect 31 days after the
26 State Land Planning Agency notifies the Town that the plan amendment package is
27 complete, unless timely challenged pursuant to F.S. 163.3184(5), in which case the
28 Ordinance shall take effect on the date that the State Land Planning Agency or
29 Administrative Commission enters a final order determining the adopted amendment to
30 be in compliance.

31
32 **PASSED ON FIRST READING** this ___ day of _____, 2021 on a motion
33 made by _____ and seconded by _____.

Key: Underlined text is added and ~~stricken~~ text is deleted.

1 **PASSED AND ADOPTED ON SECOND READING** this ___day of ___, 2021, on
2 a motion made by _____ and seconded by
3 _____.

4
5

Breitkreuz	_____	Ayes	_____
Hartmann	_____	Nays	_____
Allbritton	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

6
7
8

9 _____
10 Steve Breitkreuz, Mayor

11
12 Attest:

13
14
15 _____
16 Russell Muñiz, Assistant Town Administrator/Town Clerk

17
18
19
20 Approved as to Form and Correctness:

21
22
23 _____
24 Keith M. Poliakoff, J.D., Town Attorney

25
26

Key: Underlined text is added and ~~stricken~~ text is deleted.



Town of Southwest Ranches

13400 Griffin Road
Southwest Ranches, FL 33330

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

Town Council
Steve Breikreuz, Mayor
Bob Hartmann, Vice Mayor
Jim Allbritton, Council Member
Gary Jablonski, Council Member
David Kuczenski, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Martin Sherwood, Town Financial Administrator
Russell Muñiz, Assistant Town Administrator/Town Clerk

MEMORANDUM

TO: Comprehensive Plan Advisory Board

FROM: Jeff Katims, Town Planner

DATE: March 15, 2021

RE: Draft Nursery Ordinance

Attached is the draft ordinance that was reviewed and approved by the town attorney's office, presented to Council and subsequently referred to the CPAB for review. The main purpose of the ordinance is to keep incompatible aspects of nurseries out of residential neighborhoods.

The draft was produced by the CPAB and modified slightly by the Council. However, the composition of both the Council and CPAB has changed, and the Council has referred the draft to the current CPAB for review before moving forward with adoption.

Below is a section-by-section summary of the draft.

Section 2: definitions.

This section adds 5 new definitions that are needed to regulate plant nurseries and amends two existing definitions in order to be consistent with state law (i.e. the Right to Farm Act, or "RTFA").

Section 3: certificates of use.

This section cleans up the requirements for certificate of use. It maintains the exemption for farms but requires nursery retail sales and home occupations to obtain certificates of use.

Section 4.1: parking and storage of vehicles.

This section amends the existing requirements for parking and storage of vehicles, trailers and agricultural equipment by requiring that these be registered (to the extent required by Florida law) to the address of the plot except for equestrian boarders who keep their horse trailers on the property where the horses are boarded. This section also allows for rental equipment to be stored onsite without registration.

Section 4.2: products that nurseries may sell at retail

This section is essentially unchanged from the existing code. Most of the stricken and underlined text is due to reorganization.

Section 4.3: permitted locations for retail and wholesale nurseries.

This section allows all plant nurseries on major roads and limited size wholesale nurseries on local roads. This section allows for nurseries to potentially be in any location by special exception. The details are outlined below.

All new nurseries may be established on land that has legal access to one of these roads:

- a. Griffin Road
- b. Sheridan Street
- c. Flamingo Road
- d. Volunteer Road
- e. Dykes Road
- f. SW 172nd Avenue
- g. U.S. Highway 27

Wholesale nurseries can be located on other roads on land not exceeding 2.5 net acres. If there is a house on the land, the nursery can't occupy more than 50% of the land. If there isn't a house, the nursery can occupy the entire property. A wholesale nursery can apply for a special exception permit to exceed these restrictions.

Nonconforming nurseries

Existing nurseries that do not comply with the above Section 4.3 become nonconforming uses that can operate until the use is changed or the use is discontinued for six consecutive months (extendable to 12 months by Town Administrator). A nursery that has lost its nonconforming use status can apply for a special permit to re-establish the use on the same property.

- Council has not decided the following aspects:
 - 1. Process for granting the extension:
 - a. Whether automatically grant the extension upon request by owner; or
 - b. Whether owner must show good cause (illness, financial difficulties, etc.) for the discontinuance.
 - 2. Applicability of the extension:
 - a. the extension shall run with the property owner only; or
 - b. the extension shall be transferrable to the new owner upon sale.

Applications for special exception

Finally, this section lists the application requirements for nursery special exception permits. These include:

- Demonstrating how the nursery will be consistent with the surrounding neighborhood and will not create a nuisance.
- Hours of Operation
- Detailed Site Plan
 - Building size and location
 - Parking (employee, patron and handicap)
 - Restrooms
 - Ingress and egress of vehicular traffic
 - Setbacks from street and adjacent properties
 - Screening of outdoor equipment / storage and retail sales
 - Outdoor lighting as per Town's code
 - Stormwater retainage and conveyance
 - Buffers and screening from adjacent residential uses and streets
 - Confirm that the nursery will utilize a commercial waste collection service.

Section 4.4:

This section prohibits single family homes from being converted for any nonresidential purpose other than a permitted home occupation.

Section 4.5

This section clarifies that landscape maintenance business are prohibited in rural and agricultural zoning districts. It prohibits any business, activity, parking or storage relating to maintenance of offsite lawns and landscaping except as for residents who take home up to two work vehicles to be operated and transport only the residents of the property.

Section 5: sale of farm products in the Community Facility District

This section subjects sale of farm products and nursery retail sales to the same requirements as the residential/agricultural districts (A-1, A-2, RE, RR).

From: [Andy Berns](#)
To: [Emily Aceti](#); [Russell Muniz](#); kpoliakoff@saul.com; [Jeffrey Katims](#)
Cc: [Danielle Caban](#)
Subject: Nursery Ordinance
Date: Friday, March 12, 2021 10:34:53 AM
Attachments: [2020 Nursery Ordinance for CPAB March 2021 meeting.docx](#)
[2020 Nursery Ordinance for CPAB March 2021 meeting.docx](#)

Mayor and Council-

You have been blind copied on this email so that you may respond with any questions or concerns you may have.

Attached is the latest version of the proposed nursery ordinance. At your request, the CPAB is expected to expedite their review and return this to the Council promptly.

We have worked over a long period of time to remove any aspects that might be objectionable to the residents, and we believed this was ready for Council consideration last fall. If it is not in final form at this point, we believe it is certainly very close.

We request you review this and let us know if there is anything remaining you or your constituents find problematic. While the Zoning in Progress approved last night is valid for 6 months, we hope to have this in place well within that time frame.

The CPAB will be meeting next Thursday night, so this is time sensitive. If you're good with this as is, please also let me know that.

Thank you,

-AB
Andy Berns
Town Administrator

1 **WHEREAS**, the Town Council further finds it necessary to reinforce in the ULDC
2 the fact that landscape maintenance businesses are not a permitted use in the Rural and
3 Agricultural zoning districts of the Town; and

4 **WHEREAS**, the Town Council wishes to permit cottage food operations in
5 accordance with Florida Statutes.

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 10-30, "Terms Defined" is hereby amended as follows:

11 * * *

12 *Cottage foods.* The term "cottage foods" means the preparation of farm
13 products in an unlicensed kitchen that are sold directly to consumers without a
14 permit from the Florida Department of Agriculture and Consumer Services and in
15 compliance with Chapter 500.80, Florida Statutes. The term does not include
16 products sold wholesale.

17
18 * * *

19 *Farm.* The term "Farm" means the land, buildings, support facilities,
20 machinery, and other appurtenances used in the production of farm and
21 agricultural or aquaculture products when such land is classified agricultural
22 pursuant to F.S. § 193.461(3)(b), as may be amended from time to time.

23
24 * * *

25 *Farm product.* The term "farm product" means any plant, ~~as defined in~~
26 F.S. § 581.011, any or animal, ~~except household pets,~~ useful to humans and
27 including includes, but is not limited to, any product derived therefrom, ~~the~~
28 cultivation of crops, groves, thoroughbred and pleasure horse ranches, including
29 horse boarding, private game preserves, fish breeding areas, tree and plant
30 nurseries, cattle ranches, and other similar activities involving livestock or poultry.

31

1 * * *

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

8
9 * * *

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

13
14 Nursery retail sales. The terms "nursery retail sales" and "retail nursery"
15 means a nursery that sells plants and plant products directly to the public at a
16 specific location with established hours of operation. The term does not include
17 the sale of plants grown on the property for wholesale to a broker or other person
18 for resale.

19
20 Nursery stock. The term "nursery stock" means all plants, trees, shrubs, vines,
21 bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation
22 or distribution.

23
24 * * *

25 Plants and plant products. The term "plants and plant products" means trees,
26 shrubs, vines, forage and cereal plants, and all other plants and plant parts,
27 including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds,
28 wood, lumber, and all products made from them.

29
30 * * *

31
32 **Section 3.** Article 5, "Administrative and legal provisions," Section 005-120,
33 "Certificates Required" is hereby amended as follows:

- 34
35
36 (A) Conduct of any nonresidential, nonagricultural use and any home occupation
37 without a current and valid certificate of use from the town is prohibited. A
38 town certificate of use is required prior to any change of a nonresidential,

Ordinance No. 2021-__

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

1 nonagricultural use or home occupation to another use or to another location.
2 Nursery retail sales and sale of landscape materials are nonresidential,
3 nonagricultural uses for the purpose of this provision. ~~No nonresidentially~~
4 ~~zoned building or premises or part thereof, except farm buildings or~~
5 ~~structures, or premises zoned to permit any community facility, commercial~~
6 ~~or industrial use, except farms, or premises established as a legal~~
7 ~~nonconforming use, existing as of the effective date of the ordinance from~~
8 ~~which this ULDC is derived which undergoes a change of occupancy or upon~~
9 ~~which a new or different use is established, shall be occupied or used unless~~
10 ~~a certificate of use shall have been issued therefor.~~ The original certificate
11 shall be posted at the business location at all times.

12
13 * * *

14
15 **Section 4.1** Article 45, "Agricultural and Rural Districts," Section 045-030,
16 "General Provisions," Subsection (C) is hereby amended as follows:

17 * * *

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

23 (1) *Generally.*

24 (a) All vehicles and equipment parked or stored as provided for herein
25 must be registered to a permanent, full-time resident of the
26 premises at the address of the plot, unless otherwise provided
27 herein.

28 (b) All such vehicles and equipment shall be operable and capable of
29 immediate use unless being repaired pursuant to subsection (B) of
30 this section.

31 (c) All ~~and all~~ vehicles must have a current, valid registration and
32 associated department of highway safety and motor vehicles license
33 plate where license plates are required by law.

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

1 (d) ~~Additionally, none~~ None of the provisions of this subsection shall be
2 construed to allow the parking or storage of any vehicle or
3 equipment upon any drainage swale abutting a street, or within any
4 street right-of-way or easement, except as specifically provided for
5 the storage of construction equipment.

6 * * *

7 (3) *Agricultural vehicles and equipment.* Parking and storage of vehicles
8 and equipment necessary for conducting a permissible agricultural or
9 equestrian use is permitted on the plot upon which they are used,
10 ~~provided that the vehicles and equipment are registered to an owner or~~
11 ~~lessee of said plot except in the case of equestrian boarding operations~~
12 ~~that allow boarders to~~ Agricultural vehicles and equipment may be stored
13 anywhere within a plot without the need for screening or enclosure, and
14 with no limitation on quantity and shall be registered pursuant to
15 paragraph (C)(1), except as follows:

16 (a) The registration requirement in (C)(1) shall not apply to boarders
17 who keep their equestrian transports on the plot of an equestrian
18 boarding operation.

19 (b) The aggregate capacity of equestrian transports shall not exceed the
20 number of stables or horses kept on the property, whichever is
21 greater.

22 (c) When registration is not required by Florida law.

23 (d) The registration requirement in (C)(1) shall not apply to agricultural
24 vehicles or equipment rented to the owners or lessees of the plot
25 upon where they are parked, stored and used for up to 60 days per
26 12 month period.

27 **Section 4.2** Article 45, "Agricultural and Rural Districts," Section 045-030,
28 "General Provisions," Subsection (J) is hereby amended as follows:

29 * * *

31 (J) ~~Farm, and plant nursery retail sales and tree nursery site display and~~
32 ~~sales (commercial and noncommercial).~~

- 1
- 2 (1) On-premise sales and display for farms and noncommercial farms
- 3 are limited to farm products and cottage foods prepared from
- 4 farm products that are grown, raised or cultivated on the plot
- 5 where they are being sold, except as provided in paragraph (2),
- 6 below.
- 7 (2) A nursery may sell materials that are customarily incidental to the
- 8 installation, maintenance, and use of such plant products. ~~On-~~
- 9 ~~premise sales and display for nurseries that are farms are limited~~
- 10 ~~to plants grown or cultivated on the plot where they are being~~
- 11 ~~displayed or sold, and to accessory on-premise sales and display~~
- 12 ~~of related landscaping materials that are customarily incidental to~~
- 13 ~~such plant sales and display, and that are an integral part of the~~
- 14 ~~landscape or hardscape, or are tools used to install landscaping~~
- 15 ~~and hardscaping. The display of incidental landscape materials~~
- 16 ~~must be screened from the view of adjacent streets and~~
- 17 ~~properties.~~
- 18 a. By way of example, the following are classified as incidental
- 19 materials: stepping stones, river rocks, railroad ties, ponds,
- 20 mulch, topsoil, fertilizer, and tree-bracing kits.
- 21 b. By way of example, the following are not incidental
- 22 materials: trailers, wagons, lawn furniture, including
- 23 benches and picnic tables, gazebos, decorative fountains,
- 24 statues, recreational and playground equipment, pools and
- 25 hot tubs, household goods, and rugs.
- 26 c. The outdoor display of incidental landscape materials must
- 27 be screened from the view of adjacent streets and
- 28 properties.

29

30 **Section 4.3** Article 45, "Agricultural and Rural Districts," Section 045-030,

31 "General Provisions," Subsection (K) is hereby amended as follows:

32

33 (K) Permitted nursery locations.

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

1 (1) Nurseries may be established on plots that have legal access to
2 one of the following roadways, provided that nursery traffic shall
3 exclusively use such roadways for access:

- 4 a. Griffin Road
- 5 b. Sheridan Street
- 6 c. Flamingo Road
- 7 d. Volunteer Road
- 8 e. Dykes Road
- 9 f. SW 172nd Avenue
- 10 g. U.S. Highway 27

11 (2) Any nursery not authorized in paragraph (1) above is permitted
12 only under the following circumstances:

- 13 a. Wholesale nurseries with no retail sales, located on plots not
14 exceeding 2.5 net acres in area. If there is a dwelling on
15 the plot, the nursery shall not occupy more than 50 percent
16 of the plot. If the plot has not been developed for residential
17 as of [date of ordinance adoption] and remains
18 undeveloped for residential use, the nursery may occupy the
19 entire plot.
- 20 b. By special exception permit in accordance with paragraph
21 (4), below and Article 112.

22 (3) Nurseries existing as of [date of ordinance adoption] that do not
23 comply with the requirements of paragraphs (1) or (2) are
24 nonconforming uses that may continue to operate until such time
25 that the use is changed to another use or is discontinued for a
26 period of six (6) consecutive months. The town administrator may
27 grant a single six (6) month extension upon request. In the event
28 the property is sold or leased within the extension period, the
29 balance of the extension shall be transferrable to the new owner
30 or lessee. A nursery that has lost its nonconforming use status
31 may be re-established on the same plot only upon issuance of a
32 special exception use permit in accordance with paragraph (4)
33 Article 112.

34 (4) The following are requirements of all special exception use permits for
35 nurseries:

- 36 a. The applicant shall demonstrate how the nursery will be operated
37 in a manner that is consistent with the character of the surrounding

1 neighborhood and will not create a nuisance. Required information
2 shall include: hours of operation; detailed site plan that addresses
3 building size, location, screening and adequate parking for
4 employees and patrons (if applicable), including handicap parking,
5 restrooms, ingress and egress of vehicular traffic, setbacks from
6 the street and adjacent properties, outdoor equipment screening
7 or storage, screening of items for retail sale stored outside (if
8 applicable), and use of outdoor lighting in compliance with Article
9 95.

10 b. The applicant shall demonstrate how stormwater will be retained
11 onsite or appropriately conveyed, as applicable, in compliance with
12 the requirements of this chapter and the applicable drainage
13 district standards.

14 c. The property shall adequately buffer and screen abutting
15 residential uses and streets, to the satisfaction of the town council,
16 from the vehicular use areas and portions of the property
17 associated with retail sales, including any portion of the nursery
18 periphery where retail customers have access.

19 d. The nursery shall utilize commercial waste collection service.

20 *[existing subsections k. through u. are hereby re-numbered as l. through v.]*

21 **Section 4.4** Article 45, "Agricultural and Rural Districts," Section 045-030,
22 "General Provisions," Subsection (X) is hereby created as follows:

23 * * *

24 (X) Conversion of single-family dwelling prohibited. A building designed,
25 constructed or used as a single-family detached dwelling shall not
26 thereafter be modified or utilized for any nonresidential purpose other
27 than a permitted home occupation residential accessory use.

28
29 * * *

30 **Section 4.5** Article 45, "Agricultural and Rural Districts," Section 045-050,
31 "Permitted and Prohibited Uses" is hereby amended as follows:

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

1 Sec. 045-050. – Permitted, accessory, conditional, special exception and
 2 prohibited uses.

3 Plots in rural and agricultural districts may be used for one (1) or more of
 4 the uses that are specified below as being permitted, ~~or~~ conditionally permitted,
 5 accessory, or special exception uses. Special exception uses require town council
 6 approval 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>Any business, activity, parking or storage relating to maintenance of offsite lawns and landscaping except as provided in section 045-030 (C)(4)a.</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</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
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

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

<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 0-030. – Permitted, accessory, conditional, special exception and prohibited uses.

4
5 Permitted uses in the community facility district shall be limited to those uses
6 specified as permitted, ~~or~~ conditionally permitted or special exception uses in the master
7 use list. Special exception uses require town council approval pursuant to article 112. All
8 permitted uses shall be governmentally owned (public) or operated, or not-for-profit,
9 unless otherwise specified. Uses are subject to applicable provisions of section 060-090,
10 "Limitations of uses." Specific subsection references are included in the following master
11 use list:

12
13 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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14

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

Accessory dwelling (see section 060-090(A))	A
Agricultural uses (subject to sections <u>045-030(J), "Sale of farm products and incidental-nursery retail sales products,"</u> and 060-020(I), "Animals")	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

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

3 **Section 7: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts
4 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of
5 such conflict.

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

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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

(B)

AGRICULTURAL MINIMUM CONSIDERATIONS FOR
NON-AGRICULTURAL EXEMPT PROPERTIES
submitted by Newell Hollingsworth

TO: All members of the Town Council and
the Comprehensive Plan Advisory Board.

RE: My position as to future areas reserved for
agricultural use in residential areas.

A. A minimum of an additional one thousand four hundred square feet (1,400 sq. ft.) of contiguous Plot coverage above the allowed Plot coverage in all single family classifications shall be granted to the property owner for agricultural uses. (Barns or shade/greenhouses, Paddocks/turn-out areas or container/field plantings)

B. The agricultural area shall be designated on the survey of the property and submitted on the building plans as an "Agricultural Reserve Area"

C. The Agricultural Reserve Area will have a minimum width of sixteen feet (16') and be a minimum of fifty feet (50') from any occupied building.

D. Any structure (Farm animal housing or plant material grow house.) constructed within this area shall conform to the building code of the Town and be for agricultural use only.

E. Any agricultural structure built within the Agricultural Reserve Area shall not have the roof overhangs used in determining the square footage of the structure.

F. Any structure built as an agricultural structure must be maintained and used as an agricultural structure to continue the additional plot coverage.

G. Any structure within the Agricultural Reserve Area must be maintained within the agricultural category of uses or the structure must be removed or a new agricultural area must be designated on the property survey and approved by the Town.

H. Any agricultural structure built before the implementation date of this ordinance or ordinances shall be grandfathered, as long as all of the other Town Codes have been complied with.