



## **RANCHES ACTION PLAN**

### **1. History**

The Ranches area is located north of Holmberg Road between University Drive and the Future Riverside Drive Trail. (BBB Ranches, BBB Ranches 1<sup>st</sup> Addition, BBB Ranches 2<sup>nd</sup> Addition, BBB Ranches 3<sup>rd</sup> Addition) It encompasses approximately one hundred thirty-four (134) lots and contains thirty-seven (37) occupational licenses for various businesses. See Exhibit 1 which is a location map. The area possesses a Future Land Use Designation of Estate 4 and a Zoning Designation of Agricultural Estates (“AE-1”). See Exhibit 2 which is the applicable zoning code provisions.

Late last year, City staff began to actively enforce land use, zoning and occupational license violations. This resulted in resistance from several Ranches property owners as well as public challenges to the City’s actions. As a result, at the City Commission workshop of January 4, they discussed a detailed memorandum from the City Attorney entitled “Ranches Lifestyle/Zoning Issues.” This memorandum discussed BBB Ranches historical land use and zoning issues dating back to the original formation of the City. According to the memorandum, there are a number of lifestyle issues as well as ordinances and charter provisions that are specific to the Ranches as they relate to land use and zoning. The legal memorandum also detailed proposed or enacted ordinance or charter revisions which can be interpreted in varying ways. See Exhibit 3 which is a copy of the Legal Memorandum

Further, in February the City Manager issued a memorandum outlining the City’s action plan for the Ranches area. See Exhibit 4 which is a copy of the memorandum. Upon receipt of the memorandum, additional issues arose which required staff to delay the implementation of its Action Plan. The main issue referred to the applicability of Broward County’s Property Appraiser’s designation of Agricultural Exemption and the Right to Farm Act to the City’s proposed Action Plan. Due to a potential attorney relationship conflict, Weiss Serota Helfman Pastoriza Cole & Boniske P.A. was

requested to provide City staff with a legal opinion regarding these issues. See Exhibit 5 which is a copy of the Legal Memorandum from this law firm.

## **2. Staff Analysis**

The Right to Farm Act is to protect reasonable agricultural activities. It exempts “all nonresidential farm buildings” from the Florida and City’s Building Code. This means that any structure that is used for agricultural purposes, not a residential dwelling and is located on land that is an integral part of a farm operation cannot be required to obtain a building permit from the City. To avoid inconsistent decisions, City staff has decided to exempt from building permits any property that is classified as agricultural by the Broward County Appraiser’s Office. However, the Right to Farm Act does not prohibit zoning compliance for nonresidential farm buildings in certain situations. Enforcement of general zoning regulations is valid as long as such regulations do not restrict or hinder the farm activity itself. Whether a regulation hinders an agricultural activity is a factual interpretation that must be made by City staff by examining the specific circumstances of each situation.

## **3. Staff Action**

1. Occupational Licensing
  - a. Landscape Maintenance – City staff has stopped issuing separate landscape maintenance occupational licenses. Instead City staff is issuing nursery occupational licenses with a note that accessory uses to service the on-site needs and installation of products grown at the nursery is permitted. Since all of the Ranches nurseries are businesses and not persons, they are all required to obtain occupational licenses.
2. Land Uses
  - a. Purely commercial business is not permitted in the Ranches except for those uses outlined in Section 22-30 of the Code of Ordinances (“Code”) which include agricultural uses. Staff will enforce those uses which are specifically allowed per Code. To determine whether a business is purely commercial in nature may entail staff judgment calls. However, with the addition of a Special Master to hear code enforcement cases, a fair and equitable decision can be made. In addition, many of the uses listed in Section 22-30 are not defined within the Code. Although staff possesses the right to reasonable interpret the Code, to avoid any confusion, staff is recommending the adoption of a Zoning Text Amendment to define those words which may result in different meanings. Based upon our attorney’s opinion since the definitions would be applicable throughout the City, the 80/20 rule does not apply. Since home occupations are permitted, staff will continue to approve these occupational licenses.
3. General Zoning
  - a. Based upon our attorneys’ opinion that local government enforcement of general zoning regulations is permitted as long as they do not interfere or hinder agricultural activity, staff will proceed with citing property owners

for violations of the Code. To assist with making the determination on whether physical structures interfere or hinder agricultural activity within the Ranches, starting with the next occupational license cycle, staff will require a sketch or survey showing all structures on a property where the owner is seeking an occupational license. This way staff can see immediately whether there are any existing zoning violations. In addition, staff will perform a zoning review, through the occupational license process, so additional steps or delays should be observed by the property owner. A minor fee for this staff time will be added to the occupational license fee. For other types of zoning violations, staff will continue to require corrections or a code enforcement case will be initiated. Any other zoning violations observed by the City can and will be required to be corrected.

4. Stormwater Options Study

Keith and Associates has completed a preliminary study. This issue will be handled as follows:

- a. Provided to the City Commission and staff for review
- b. Provided to the Utilities Advisory Board (UAB) along with other background information in order to seek a recommended direction
- c. Staff will review UAB recommendations and the study options and provide a recommended course of action in consideration of all factors including existing State Laws, ordinances and appropriate financial policy

5. Objects in Right-Of-Way

- a. Any landscaping, plant materials, fences or other objects that are actually placed within the City rights-of-way will be identified by the City Engineer and removed or the property owner needs to obtain a City license. The license system would need to be reviewed and codified before we proceed.

6. Maintenance Project:

- a. The City is working with NCRS in clearing the Ranches canals. Cutting back the holly will be included in this work. Thereafter, the Public Services Department will include the cutting of the holly on a quarterly basis and ditch maintenance on a monthly basis.