

ORDINANCE NO. 2001-11

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING SECTION 39-31 OF THE TOWN CODE “AUTHORITY TO WITHHOLD PERMITS AND APPROVALS, ZONING IN PROGRESS”, BY PROVIDING FOR ADDITIONAL OCCASIONS IN WHICH ZONING IN PROGRESS MAY BE ENACTED; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 8, 2001, the Town Council approved Resolution 2001-29 authorizing the engagement of Craven Thompson and Associates, Inc. to prepare a Comprehensive Land Use Plan for the Town; and

WHEREAS, said Comprehensive Land Use Plan will take approximately one year to complete; and

WHEREAS, the Town may receive applications for permits and licenses that may violate the Comprehensive Land Use Plan that is being prepared, any subsequent Comprehensive Land Use Plan Amendment, or Rezoning; and

WHEREAS, section 39-31 of the Town Code authorizes the Town Council to enact zoning in progress when a change of text of the Zoning Code relating specifically to residential densities and permitted land uses or a change of zoning district classification is being considered; and

WHEREAS, all of the Town’s other land use and zoning categories may be effected by a change of text of the Zoning Code relating specifically to density, permitted land uses or a change of zoning district classification is being considered; and

WHEREAS, the Town Council of the Town of Southwest Ranches finds that it is in the best interest of the residents of the Town to hold on the determination of said applications until full review of the potential Comprehensive Land Use Plan, Comprehensive Land Use Plan Amendment, or Rezoning has been completed.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That Section 39-31 of the Town Code, is hereby modified to read as follows:

Sec. 39-31. Authority to withhold permits and approvals; zoning in progress.

When a change of text of the Zoning Code relating specifically to density, permitted land uses or a change of zoning district classification is being considered by the Town Council, no permit or development order shall be issued by the Town for a period of time not to exceed six (6) months after notice of public hearing before the Town Council for such change has been published where the issuance of such permit or development order would result in the nonconforming or unlawful use of property should such proposed change be adopted; provided that, if final action by the Town Council is not taken on the proposed change within six (6) months from the date of such publication, the permit or development order shall be issued if it is consistent with existing permitted land uses or zoning district requirements.

Section 3: Severability. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

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

Section 5: Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED ON FIRST READING this 12th day of July, 2001.

PASSED AND ADOPTED ON SECOND READING this 13th day of September, 2001.

Mecca Fink, Mayor

Attest:

Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney

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