

**RESOLUTION NO. 2004-35**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, GRANTING A DEVELOPED AREA DETERMINATION FOR THE PROPERTY GENERALLY LOCATED AT 5305 SW 186<sup>TH</sup> AVENUE; AND AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SUPPORT THE COUNCIL'S FINDINGS; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS,** Manuel R. Alonso is the current owner of the property legally described as the Everglades Lands Co. Subdivision 1-63 D 36-50-39 TR 18 N ½ of S ½ of W ½; and

Generally described as 5303 SW 186<sup>th</sup> Avenue; and

**WHEREAS,** Mr. Alonso seeks to develop a single family dwelling unit on this parcel, however, the parcels 1.16 net acre size is less than the Rural Ranches land use designation and A-1 Zoning District's requirement of 2 net acres; and

**WHEREAS,** although an initial review of this site would indicate that the lot does not conform with the current land use and zoning requirements, Section 2.6 of the Broward County Administrative Rules Document provides that a parcel may be smaller than 2.5 acres if it was a lot of record prior to November 18, 1977; and

**WHEREAS,** although this parcel was a lot of record as of March 24, 1973, Section 2.6(A)(2)(a) of the Broward County Administrative Rules Document further provides that if contiguous nonconforming parcels, in the Agricultural or Rural Ranches land use district, come under common ownership, and together these parcels net at least two (2) acres, the new unified parcel cannot be re-subdivided if the subdivision would make the parcels smaller than two (2) net acres; and

**WHEREAS**, on April 10, 2003, this parcel, after being under common ownership with a contiguous parcel for more than thirty years, was sold creating a lot less than two acres; and

**WHEREAS**, unbeknownst to the parties, this sale violated Section 2.6(A)(2)(a), which prohibited the subdivision since the combined properties were greater than two acres; and

**WHEREAS**, the only exception to Section 2.6(A)(2)(a) has been the application of Administrative Rules Document Section 2.4, Developed Areas; and

**WHEREAS**, under the County Attorney's interpretation, if the parcel is deemed to be in a "Developed Area," meaning an area whose predominant character has been established as of November 22, 1977, then the contiguous ownership rule does not apply; and

**WHEREAS**, at a duly noticed public hearing held on January 15, 2004, the Town Council reviewed the parcel to determine whether the parcel lies within a "Developed Area" as defined by Section 2.4 of the Administrative Rules Document; and

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

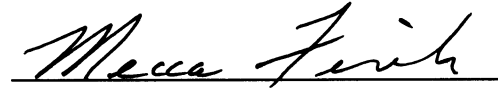
**Section 1.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** That, at a duly noticed public hearing held on January 15<sup>th</sup>, 2004, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby finds that the property generally located at 5303 SW 186<sup>th</sup> Avenue lies within a "Developed Area" as defined by Section 2.4 of the Administrative Rules Document and accordingly finds that this 1.16 net acre parcel may be developed with a single family dwelling unit.

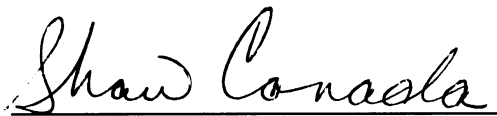
**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute said any and all documents necessary to support the Council's findings.

**Section 4.** This Resolution shall become effective immediately upon adoption.


**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 15<sup>th</sup> day of January 2004.

  
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Mecca Fink, Mayor

Attest:

  
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Shari Canada, Town Clerk

Approved as to Form and Correctness:

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

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