

RESOLUTION NO. 2008 - 046

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ESTABLISHING A ZONING IN PROGRESS, PURSUANT TO SECTION 005-240 OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, TO ESTABLISH MINIMUM PLOT SIZES FOR NEW AGRICULTURAL USES OF LAND; PROHIBITING THE ESTABLISHMENT OF ANY AGRICULTURAL USE ON ANY PLOT OF LAND SMALLER THAN 2.3 ACRES IN NET AREA WITHIN THE RURAL ESTATE DISTRICT, OR 4.5 ACRES IN NET AREA WITHIN ALL OTHER ZONING DISTRICTS; ESTABLISHING THE ZONING IN PROGRESS FOR A PERIOD OF TIME NOT TO EXCEED SIX (6) MONTHS OR UNTIL THE TOWN'S REVISED REGULATIONS HAVE BEEN ADOPTED, WHICHEVER IS SOONER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the electorate formed the Town of Southwest Ranches on June 6, 2000; and

WHEREAS, pursuant to Section 9.05 of the Town's Charter all of Broward County's codes shall remain in effect until otherwise determined by the Town Council; and

WHEREAS, when the Town codified its Unified Land Development Code it inadvertently modified the Broward County Code provision that prohibited the establishment of any agricultural use on any plot of land smaller than 2.3 acres in net area within the Rural Estate District, or 4.5 acres in net area within all other zoning districts; and

WHEREAS, the Town desires to review the affect of its inadvertent modification and to determine whether it should correct this scrivener's error; and

WHEREAS, the Town fears that once its proposed revisions have been drafted that it will cause a flood of submittals, which will attempt to qualify under the erroneous Code provisions; and

WHEREAS, in order to give the Town the necessary time to review this matter, a zoning in progress is necessary to protect the health, safety, and welfare of the Town's residents;

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 Ordinance.

Section 2: That in furtherance of Section 005-240 of Town's Unified Land Development Code ("ULDC"), the Town Council hereby establishes a zoning in progress to establish minimum plot sizes for new agricultural uses of land.

Section 3: That the Town shall prohibit the establishment of any agricultural use on any plot of land smaller than 2.3 acres in net area within the Rural Estate District, or 4.5 acres in net area within all other zoning districts.

Section 4: That this zoning in progress shall provide a temporary hold on permits for a period of time not to exceed six (6) months where the issuance of such permit or development order would result in the nonconforming or unlawful use of a property should such code amendment be adopted.

Section 5: That this zoning in progress shall not be applied to complete and pending applications that have already appeared before the Town Council.

Section 6: Severability. If any clause, section or other part of this Resolution 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 Resolution.

Section 7: 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 8: Effective Date. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 6th day March 2008, on a motion by Vice Mayor Jeff Nelson and seconded by Council Member Don Maines.

Fink	<u> N </u>	Ayes	<u> 4 </u>
Nelson	<u> Y </u>	Nays	<u> 1 </u>
Breitkreuz	<u> Y </u>	Absent	<u> 0 </u>
Knight	<u> Y </u>	Abstaining	<u> 0 </u>
Maines	<u> Y </u>		

[Signatures on Following Page]

Mecca Fink
Mecca Fink, Mayor

ATTEST:

Susan A. Owens
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

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