

**RESOLUTION NO. 2018-074**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2018-054 AND EXTENDING A ZONING IN PROGRESS, PURSUANT TO SECTION 005-240 OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, TO FURTHER REGULATE ANY NEW COMMERCIAL NURSERY, EXPANSION OF AN EXISTING COMMERCIAL NURSERY, OR STORAGE OR GROWTH OF ANY PLANT MATERIAL IN CONTAINERS; EXTENDING A 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.**

**WHEAREAS**, as vacant lands become scarce in Broward County, more and more nursery operators are looking to open commercial nursery operations within the Town; and

**WHEREAS**, although the Town prides itself on being rural, commercial nursery operations have been popping up in the middle of residential communities, without any regard to access or minimum lot size requirements; and

**WHEREAS**, the commercial traffic generated by these nurseries are causing damage to the Town's rural roadway network, and creating unsafe conditions; and

**WHEREAS**, as a result, the Town is now forced to enact guidelines to properly site commercial nursery operations in order to ensure the health, safety, and welfare of its residents; and

**WHEREAS**, in order to give the Town the necessary time to fully examine this matter, a zoning in progress was enacted on April 12, 2018, pursuant to Resolution No. 2018-046; and

**WHEREAS**, the Town needs some additional time to finalize an appropriate solution, and as such an extension of the enacted zoning in progress is necessary;

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

**Section 1. Recitals.** 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 in furtherance of Section 005-240 of the Town's Unified Land Development Code ("ULDC"), the Town Council hereby establishes a zoning in progress to further regulate any new commercial nursery, expansion of an existing commercial nursery, or storage or growth of any plan material in containers.

**Section 3.** The Town shall prohibit the creation of any new commercial nursery operation until this zoning in progress has been terminated.

**Section 4.** This zoning in progress shall place a temporary hold on the issuance of any permit, business tax receipt, or certificate of use, for any new, or the expansion of, a nursery operation in the Town for a period of time not to exceed six (6) months or until the Town's revised regulations have been adopted, whichever is sooner.

**Section 5. 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 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. Effective Date.** This Resolution shall become effective immediately upon its passage and adoption.

**[Signatures on Following Page]**

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 12<sup>th</sup> day of September 2018 on a motion by

C/M Breithuis and seconded by C/M Jablonski.

McKay Yes  
Fisikelli Yes  
Breitkreuz Yes  
Jablonski Yes  
Schroeder Yes

Ayes 5  
Nays 0  
Absent 0  
Abstaining 0

ATTEST:

Russell Muñiz

Russell Muñiz, Assistant Town Administrator/Town Clerk

Doug McKay  
Doug McKay, Mayor

Approved as to Form and Correctness:

Keith Poliakoff, J.D.  
Keith Poliakoff, J.D., Town Attorney  
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