

## PROPOSED ORDINANCE NO. 2016-31

## ORDINANCE NO. 1873

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA ADOPTING THE PROPOSED SMALL SCALE LAND USE PLAN AMENDMENT LAND USE PLAN AMENDMENT AMENDING THE CITY'S LAND USE ON AN APPROXIMATE 7.5-ACRE PARCEL OF PROPERTY GENERALLY LOCATED SOUTH SIDE OF PINES BOULEVARD, WEST OF SW 184TH AVENUE, JUST EAST OF THE ENTRANCE INTO ESTANCIA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, FROM COMMERCIAL TO IRREGULAR RESIDENTIAL (7.9 DU/AC) FOR THE PURPOSE OF DEVELOPING A MAXIMUM OF 59 DWELLING UNITS; RECOMMENDING AN AMENDMENT TO THE BROWARD COUNTY LAND USE DESIGNATION ON THE AFOREMENTIONED PROPERTY; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE AND PROPOSED LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL; REQUESTING THE COUNTY ADMINISTRATOR TO AMEND THE BROWARD COUNTY LAND USE MAP; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Applicant submitted a Small Scale Land Use Plan Amendment application for the approximate 7.5-acre parcel of property generally located on the south side of Pines Boulevard, west of SW 184th Avenue, just east of the entrance into Estancia, as more particularly described in **Exhibit "A"**, attached hereto; and

**WHEREAS**, the Applicant proposes to change the land use on this parcel from Commercial to Irregular Residential (7.9 du/ac) for the purpose of developing a maximum of 59 dwelling units on the property; and

**WHEREAS**, the Applicant proposes to amend both the City of Pembroke Pines' (the "City") and Broward County's (the "County") land use plan designations for the above-referenced property; and

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**WHEREAS**, On May 23, 2017, the County Commission adopted the proposed land use plan amendment; and

**WHEREAS**, an analysis conducted on the Public Facilities and Services indicates that such land use change will result in an increase in impacts on all public facilities and services except transportation, and the **applicant has provided letters** regarding the available capacity of the Public Facilities and Services and **will** mitigate any increased impacts prior to adoption to accommodate the proposed amendments; and

**WHEREAS**, in addition to the Small Scale Land Use Plan Amendment approval, the property will require plat and site plan approvals; and

**WHEREAS**, at its regular meeting on November 10, 2016, the Planning and Zoning Board, acting as the City's Local Planning Agency considered the proposed Small Scale Land Use Plan Amendment, and the proposed Amendment is being transmitted to the City Commission with a favorable recommendation, subject to staff recommendations; and

**WHEREAS**, City Staff recommends the approval of the proposed Small Scale Land Use Plan Amendment and recommends transmitting the proposed Small Scale Land Use Plan Amendment to the Broward County Planning Council with a favorable recommendation; and

**WHEREAS**, the City Commission has held the required public hearings and desires that the Small Scale Land Use Plan Amendment be transmitted to the



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Broward County Planning Council for recertification of the City's Future Land Use Plan; and

**WHEREAS**, the City Commission of the City of Pembroke Pines finds the adoption of the Small Scale Land Use Plan Amendment to be in the best interests of the citizens and residents of the City of Pembroke Pines.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. All exhibits attached hereto are hereby incorporated herein by this reference.

**Section 2.** The City Commission hereby adopts this Small Scale Land Use Plan Amendment for the approximate 7.5-acre parcel of property generally located property located on the south side of Pines Boulevard, west of SW 184th Avenue, just east of the entrance into Estancia, as more particularly described in **Exhibit "A"**, attached hereto, attached hereto, by amending the land use on the property from Commercial to Irregular Residential (7.9 du/ac) for the purpose of developing a maximum of 59 dwelling units on the property.

**Section 3.** The City Commission of the City of Pembroke Pines, Florida, hereby directs that the proposed Small Scale Land Use Plan Amendment for the approximate 7.5-acre parcel of property generally located property located on the south side of Pines Boulevard, west of SW 184th Avenue, just east of the entrance

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into Estancia, as more particularly described in **Exhibit "A"**, attached hereto, be transmitted to the Broward County Planning Council with a favorable recommendation. The City Commission hereby further recommends that the Broward County Planning Council approve the land use for the subject property.

**Section 4.** The City's Land Use Map and Certified Land Use Plan are hereby amended to include the amendments and re-designation described herein.

**Section 5.** The City Commission hereby further requests that the County Administrator amend the Broward County Land Use Map for the subject property.

**Section 6.** The City Clerk is directed to transmit a certified copy of this Ordinance to the Broward County Planning Council with a request that the Council re-certify the City of Pembroke Pines Land Use Plan.

**Section 7.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 8.** If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance remaining in full force and effect.

**Section 9.** This Ordinance shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 14TH DAY OF DECEMBER, 2016.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 7TH DAY OF JUNE, 2017.

CITY OF PEMBROKE PINES, FLORIDA

By: 

MAYOR FRANK C. ORTIS

ATTEST: 

MARLENE GRAHAM, CITY CLERK

APPROVED AS TO FORM:

  
OFFICE OF THE CITY ATTORNEYORTIS AYECASTILLO AYESCHWARTZ AYESHECHTER AYESIPLE AYE

**LEGAL DESCRIPTION:**

THE WEST ONE HALF (W1/2), OF THE WEST ONE HALF (W1/2), OF TRACTS 49, 50 AND 51, LESS NORTHERLY 100 FEET OF TRACT 49, IN SECTION 13, TOWNSHIP 51 SOUTH, RANGE 39 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PEMBROKE PINES, BROWARD COUNTY, FLORIDA.