

## PROPOSED ORDINANCE NO. 2019-19

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, MODIFYING THE PEMBROKE PINES CITY CENTER MIXED USE DEVELOPMENT (“MXD”) DISTRICT DESIGN GUIDELINES FOR THE APPROXIMATE 162 ACRE PARCEL OF THE PEMBROKE PINES CITY CENTER PROPERTY GENERALLY LOCATED WEST OF PALM AVENUE, BETWEEN PINES BOULEVARD AND WASHINGTON STREET; BY AMENDING THE PEMBROKE PINES CITY CENTER MXD DESIGN GUIDELINES TO ALLOW FOR AN ASSISTED LIVING AND MEMORY CARE FACILITY AS A PERMITTED USE ON A SPECIFIC PARCEL WITHIN THE CITY CENTER PROPERTY WITH ASSOCIATED DESIGN GUIDELINES; BY PERMITTING OUTDOOR SALES AND DISPLAYS WITHIN THE PEMBROKE PINES CITY CENTER PROPERTY; AND BY PERMITTING OUTDOOR DINING WITHIN BUILDING SETBACKS FOR RESTAURANT USES SUBJECT TO CITY APPROVAL; AS REFERENCED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on August 3, 2005, the City Commission adopted Ordinance No. 1519, which rezoned the approximate 146-acre parcel of the Pembroke Pines City Center Property, generally located west of Palm Avenue, between Pines Boulevard and Washington Street, to Mixed Used Development (MXD), and subsequently amended that ordinance on April 4, 2007, in Ordinance No. 1575A, on October 16, 2013 in Ordinance No. 1762A, on November 12, 2015 in Ordinance No. 1831, on February 1, 2017 in Ordinance No. 1867,

**WHEREAS**, the City Commission at its September 17, 2018 meeting adopted Ordinance No. 1917 which further expanded the Pembroke Pines City Center MXD from 146-acres to approximately 162 acres through the addition of

**PROPOSED ORDINANCE NO. 2019-19****ORDINANCE NO. \_\_\_\_\_**

the former City Hall property, located at the southwest corner of Palm Avenue and Pines Boulevard;

**WHEREAS**, on January 16, 2019, The City Commission passed Ordinance 1922 which approved the sale of 3.15 acre parcel within Pembroke Pines City Center MXD to Providence Investments, LLC for the development of up to a 150 room assisted living and memory care facility; and

**WHEREAS**, the Applicant has requested a modification of the Pembroke Pines City Center Mixed Use Development (MXD) Design Guidelines (“Design Guidelines”) to allow an assisted living facility and memory care facility with associated development criteria within a specific parcel on the Pembroke Pines City Center Property consistent with the purchase and sale agreement; and

**WHEREAS**, the Applicant is also requesting modification of the Design Guidelines to allow for outdoor sales and displays within the City Center Property, and to permit outdoor dining within the building setbacks for restaurant uses at the City Center Property subject to City approval; and,

**WHEREAS**, amending the Design Guidelines is necessary to permit the development of an assisted living and memory care facility and to allow outdoor sales and displays and outdoor dining at the City Center Property; and,

**PROPOSED ORDINANCE NO. 2019-19****ORDINANCE NO. \_\_\_\_\_**

**WHEREAS**, the proposed amendments to the Design Guidelines are attached hereto and incorporated herein as **Exhibit “A”**; and

**WHEREAS**, at the September 12, 2019 Planning and Zoning Board meeting, the City Planning and Zoning Board reviewed the proposed changes to the Design Guidelines and voted to transmit this item to the City Commission with a favorable recommendation;

**WHEREAS**, the City Commission of the City of Pembroke Pines has determined that modifying the Design Guidelines for the City Center Property to allow an assisted living facility and memory care facility with associated development criteria within a specific parcel on Pembroke Pines City Center Property, to allow for outdoor sales and displays within the City Center Property, and to permit outdoor dining for restaurants within building setbacks at the City Center Property subject to City approval;

**WHEREAS**, the City Commission of the City of Pembroke Pines has determined that the following amendments promote and protect the general health, safety, and welfare of the 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 incorporated herein

**PROPOSED ORDINANCE NO. 2019-19****ORDINANCE NO. \_\_\_\_\_**

and made a part hereof. All exhibits attached hereto are incorporated herein and made a specific part hereof.

**Section 2.** The City Commission of the City of Pembroke Pines, Florida hereby approves the modification of the Pembroke Pines City Center Mixed Use Development (“MXD”) District Design Guidelines for the property generally located generally located west of Palm Avenue, between Pines Boulevard and Washington Street by amending the Pembroke Pines City Center MXD Design Guidelines to allow for an assisted living and memory care facility as a permitted use on a specific parcel within the Pembroke Pines City Center Property with associated design guidelines, by permitting outdoor sales and displays within Pembroke Pines City Center Property, and by permitting outdoor dining within the building setbacks for restaurant uses within the Pembroke Pines City Center Property subject to City approval as referenced in **Exhibit “A.”**

**Section 3.** 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.

**PROPOSED ORDINANCE NO. 2019-19****ORDINANCE NO. \_\_\_\_\_**

**Section 4.** 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 part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 5.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

CITY OF PEMBROKE PINES, FLORIDA

By: \_\_\_\_\_

ATTEST:

MAYOR FRANK C. ORTIS

\_\_\_\_\_  
MARLENE GRAHAM, CITY CLERK

ORTIS \_\_\_\_\_

GOOD \_\_\_\_\_

APPROVED AS TO FORM:

SCHWARTZ \_\_\_\_\_

CASTILLO \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY

SIPLE \_\_\_\_\_

REV 1

**PROPOSED ORDINANCE NO. 2019-19**

**ORDINANCE NO. \_\_\_\_\_**

BJS