



City of Pembroke Pines
Planning & Economic Development Department
601 City Center Way 3rd Floor
Pembroke Pines FL, 33025

Summary

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|---------------------------------|---|---|------------|
| Agenda Date: | January 23, 2020 | Application ID: | AM 2020-01 |
| Project: | Land Development Code Update Article 1 - Purpose | | |
| Project Planner: | Joseph Yaciuk, Planning Administrator | | |
| Agent: | City of Pembroke Pines | | |
| Reference Applications: | N/A | | |
| Applicant Request: | Update of City Land Development Code | | |
| Staff Recommendation: | Direct staff to work with the City Attorney to draft an Ordinance for transmittal to the City Commission for their review. | | |
| Final: | <input type="checkbox"/> Planning & Zoning Board | <input checked="" type="checkbox"/> City Commission | |
| Reviewed for the Agenda: | Director: <u></u> Planning Administrator: <u></u> | | |

Project Description / Background

The City of Pembroke Pines has contracted with Calvin Giordano and Associates to update the City Land Development Code. The general goals of the Land Development Code update include the following:

- To consolidate most development related activities / regulations into one area of the Code.
- To make the Code easier to understand for all parties.
- Ensure all development applications and processes are updated to current practices.
- To review current Code and remove obsolete uses / regulations / zoning districts.
- To ensure the Code remains consistent with Comprehensive Plan.
- To strengthen the Code from a legal perspective.
- Free the Code of contradictions and cross referencing errors.
- Encourage public participation.

The identified target audiences of the Land Development Code Update include the following:

- Residents / Public
- Developers
- Business Owners
- Legal Community
- City Staff
- City Advisory Boards

The City consultant Calvin Giordano and Associates, Incorporated has been hired to help the City update the Code. Their role includes the following:

- Overall technical assistance in drafting the Code update.
- Help facilitate public participation
- Attend and participate in staff meetings and public meetings.
- Website & Graphics creation
- Coordinate and attend stakeholder interviews.
- Create drafts and revisions to the Code based on stakeholder input.

Calvin Giordano and Associates is contracted to complete the Land Development Code updates by September 2020. To date, the following meetings have taken place related to this project:

- **November 19, 2018** City Commission meeting: Approved the City budget which included the funding of the Land Development Code Update project.
- **January 30, 2019** City Commission meeting: Contract Proposal received by Calvin, Giordano & Associates
- **March 11, 2019** City Commission meeting: Contract Accepted by City of Pembroke Pines
- **June 13, 2019:** Joint Advisory Board, Kick- off Meeting (Public Meeting)
- **June- August 2019:** Internal Staff Meetings
- **August 28, 2019:** Open House #1 (Public Meeting)
- **September, 2019:** Annotated Outline Created

- **October 10, 2019:** Project Update provided to Planning and Zoning Board (Public Meeting)
- **October 15, 2019:** Staff Working Group (Public Meeting)
- **October 29, 2019:** Staff Working Group (Public Meeting)
- **November 19, 2019:** Staff Working Group (Public Meeting)
- **December 03, 2019:** Staff Working Group (Public Meeting)
- **January 07, 2020:** Staff Working Group (Public Meeting)
- **January 21, 2020:** Staff Working Group (Public Meeting)

Based on the meetings above, Calvin Giordano and the City have started to create and overall outline as to the organization of this Code. Both the City staff and consultant have agreed to reorganize the proposed Land Development Code into the following general Articles as stated below:

- Article I: Purpose
- Article II: Definitions
- Article III: Administration – Summary of development application types and processes
- Article IV: Zoning Districts – List of all zoning districts with general development criteria specific to that zone.
- Article V: Use Regulations – Creation of a use table which outlines uses and the zone in which those uses are permitted. Additional criteria for specific uses (ie. Schools, Adult Entertainment)
- Article VI: General Zoning Regulations – Site specific supplemental regulations which apply to more than one zoning district (ie: Land Use separation requirements, accessory structures, driveways)
- Article VII: Development Regulations – Other larger scale regulations related to a site. (ie. Signage, Lighting, Landscape)

The City Commission at its January 15, 2020 meeting endorsed staff's proposed review process for the reorganization of this large document. Under the proposal, staff would bring each article separately to the Planning and Zoning Board for consideration. Each individual article would then be transmitted to the City Commission for first reading review. After passage of the first reading, the article would be scheduled for second reading only after all remaining articles have been passed on first reading. The order in which the articles are to be reviewed by the Boards would be determined by staff. Second reading of the entire document has been tentatively scheduled toward the end of the year. It is anticipated that the new Code will take effect in January 2021.

Tonight, the City is proposing article 1 of the Land Development Code update entitled, "Purpose". The purpose will replace 155.001 – 155.007 of the Code of Ordinances. The purpose has been updated to reflect a new numbering system as well as updated provisions which address not only the purpose of the document but also various legal provisions related to the creation of this Code.

Staff recommendation: Direct staff to work with the City Attorney to draft an Ordinance for transmittal to the City Commission for their review.

Enclosures:

Article 1 - Purpose

ARTICLE 1

PURPOSE

ARTICLE 1 PURPOSE

155.100 TITLE

This Code shall be officially entitled the "Land Development Code of the City of Pembroke Pines, Florida", and may be referred to as the "Pembroke Pines Land Development Code," the "Land Development Code," the "LDC," or "this Code".

155.101 AUTHORITY

This Code is enacted pursuant to the requirements and authority of F.S. ch. 163, pt. II (the "Local Government Comprehensive Planning and Land Development Regulation Act"), the general powers confirmed in Florida Statutes Chapter 166 ("Home Rules Powers Act") and the Constitution of the State.

155.102 GENERAL APPLICABILITY AND VESTED RIGHTS

(A) General Applicability.

Unless otherwise permitted as an exception under subsection (b) below or allowed to continue as a nonconforming use, all existing, proposed and new development and uses of land in the City shall conform strictly to the provisions of this Code. Except as expressly provided in this Code, no development or use of land shall be undertaken without prior approval and issuance of a development order pursuant to the provisions of these LDCs. The fact that a development order, permit or decision has been issued by an officer or employee with ostensible authority over the interpretation or enforcement of this Code shall not estop or otherwise prevent the City from strict enforcement of the provisions of this Code. If provisions of these LDCs are inconsistent with one another, or with provisions of other adopted codes or ordinances of the City, or with provisions of applicable county, state, and federal laws, the more restrictive provision shall govern to the extent permitted by law unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions, or more stringent controls.

(B) Exceptions.

1. The provisions of this LDC and any amendments hereto, shall not affect existing development which has been previously approved and is otherwise exempted in accordance with the provisions of this subsection, or the nonconformity section of this Code.
2. The provisions of this LDC shall not affect development, or portions thereof, which has gained a vested right to complete development pursuant to Florida law, prior to the effective date of this Code. Upon completion of such vested development, or portions

thereof, each non-vested and vested development project with regard to future development expansion or redevelopment will be subject to the then currently effective provisions of this Code. If a vested right expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

3. Notwithstanding anything to the contrary in this Code, properties zoned _____ prior to the effective date of this Code shall be permitted to complete development of the portion(s) of the project having a valid and current master site plan that includes specific land development standards adopted by the City Commission. If no such master site plan exists, or such plan has expired, such development shall conform to the provisions of this Code.
4. A development application accepted as complete under the prior regulations, but still pending a final decision as of the Effective Date of this Code, shall be reviewed and decided, at the applicant's option as stated in writing, wholly under the development regulations in effect when the application was accepted, or wholly under this Code (but not under a mix of provisions from both sets of regulations).

155.103 CONSISTENCY WITH COMPREHENSIVE PLAN

Nothing in this section shall be construed to authorize development that is inconsistent with the City's comprehensive plan, as may be amended from time to time.

155.104 PURPOSE

The purpose and intent of the LDC is to promote the public health, safety, and general welfare, and to implement the goals, objectives, and policies in the City of Pembroke Pines Comprehensive Plan. More specifically, the LDC is intended to do the following:

- (A) Establish comprehensive, consistent, effective, and equitable standards, processes and procedures for the review and approval of development which implement the comprehensive plan and other adopted plans, respect the right of landowners, and consider the interest of the City's citizens.
- (B) Enhance the quality of life of all residents and property owners of the City.
- (C) Establish rules of procedure for land development approvals.
- (D) Promote the orderly development of land within the City.
- (E) Strengthen the value of land, buildings and resources, by protecting landowners from adverse impacts of adjoining developments.

- (F) Support economic development that is consistent with the City's mission.
- (G) Provide diverse housing opportunities.
- (H) Support and encourage green building practices.
- (I) Provide for efficient traffic and circulation of people and goods, for convenient distribution of population, for adequate public utilities and facilities, and for safe pedestrian traffic.
- (J) Establish an overall sense of place for the City.

155.105 INTERPRETATION

The interpretation and application of the provisions of this Code will be construed broadly to promote the public health, safety, and general welfare of the City, its residents, and businesses.

Responsibility for interpretation.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Director of the Planning and Economic Development Department shall be responsible for interpretation and shall look to the city comprehensive plan for guidance. Responsibility for interpretation by the Director shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, not be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

155.106 SEVERABILITY

- (A) If any court of competent jurisdiction invalidates any provision of this Code, such judgment shall not affect the validity of any other provision of this Code.
- (B) If any court of competent jurisdiction invalidates the application of any provision of this Code to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.
- (C) If any court of competent jurisdiction invalidates any condition attached to a development approval granted under this Code, such judgment shall not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

155.107 USE OF PROPERTY IN GOVERNMENT CAPACITY

The provisions of this chapter are not intended, and shall not be construed, to preclude the use of any property by the City in any city government capacity, function, or purpose.

155.108 EFFECTIVE DATE

The effective date of The Land Development Code of the City of Pembroke Pines, Florida is January 01, 2021.