

PROPOSED ORDINANCE 2021-02

ORDINANCE NO. 1963

1 AN ORDINANCE OF THE CITY COMMISSION OF THE
2 CITY OF PEMBROKE PINES, FLORIDA, PERTAINING
3 TO THE SUBJECT OF ZONING AND LAND
4 DEVELOPMENT; REPEALING IN ITS ENTIRETY
5 CHAPTERS 37, 116, 153, 155 AND 159 OF THE CITY OF
6 PEMBROKE PINES CODE OF ORDINANCES; ADOPTING
7 NEW LAND DEVELOPMENT CODE FOR THE CITY OF
8 PEMBROKE PINES; ADOPTING A ZONING MAP FOR
9 THE CITY OF PEMBROKE PINES; ADOPTING
10 PHYSICAL AND DIGITAL VERSIONS OF THE LAND
11 DEVELOPMENT CODE AND MAP; PROVIDING FOR
12 THE REPEAL AND AMENDMENTS OF ALL OTHER
13 CODE PROVISIONS AND ORDINANCES INCONSISTENT
14 WITH THIS ORDINANCE; PROVIDING FOR
15 TRANSITION FROM EXISTING LAND DEVELOPMENT
16 CODE; PROVIDING FOR CONFLICT; PROVIDING FOR
17 SEVERABILITY; PROVIDING FOR CODIFICATION;
18 AND, PROVIDING FOR AN EFFECTIVE DATE.
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22 **WHEREAS**, Article VIII, Section 2(b) of the Florida Constitution; Chapter 166 Florida
23 Statutes (Municipal Home Rules Powers Act); Section 163.3161 Florida Statutes (Community
24 Planning Act) and the Charter of the City empower and require the City to establish a land
25 development code and provide for its administration, enforcement and amendment; and

26 **WHEREAS**, the City of Pembroke Pines City Staff working group, have reviewed, revised
27 the attached land development code at numerous properly advertised public meetings were held
28 on **October 15, 2019, October 29, 2019, November 19, 2019, December 03, 2019, January**
29 **07, 2020 and January 21, 2020, February 18, March 17, 2020**; and

30 **WHEREAS**, a joint advisory board meeting of the City of Pembroke Pines Planning and
31 Zoning Board and Board of Adjustment and City Staff was held where the Boards reviewed the
32 process to amend the land development code at a properly advertised public meeting held on
33 **June 13, 2019**; and

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34 **WHEREAS**, the City of Pembroke Pines City Staff working group held an “open house”
35 public meeting where the City Staff reviewed the process to amend the land development code at
36 the properly advertised public meeting held and on **August 28, 2019**; and

37 **WHEREAS**, the City of Pembroke Pines Planning and Zoning Board and City Staff, have
38 reviewed, revised and recommended the attached land development code at numerous properly
39 advertised public meetings and hearings held and on **October 10, 2019, January 23, 2020, May**
40 **28, 2020, June 25, 2020, August 13, 2020, October 22, 2020, and November 12, 2020,**
41 **December 10, 2020**, the Planning and Zoning Board recommended approval; and

42 **WHEREAS**, the City of Pembroke City Commission and City Staff, have incrementally
43 reviewed, revised and accepted the attached land development code at numerous properly
44 advertised public meetings and hearings held and on **November 19, 2018, January 30, 2019,**
45 **March 11, 2019, March, 4, 2020, June 17, 2020, August 5, 2020, September 16, 2020 and**
46 **December 2, 2020**; and

47 **WHEREAS**, the City Commission of the City of Pembroke Pines has considered the
48 adoption of the proposed Land Development Code at properly advertised public hearings held on
49 **February 03, 2021 and March 03, 2021**; and;

50 **WHEREAS**, the City Commission finds that the adoption, administration and enforcement
51 of the Land Development Code serves to implement the adopted Comprehensive Plan and the
52 Elements thereof; and

53 **WHEREAS**, the Director of Planning and Economic Development has reviewed the item
54 and determines that the approval of the Land Development Code attached hereto as Exhibit “A”
55 and Zoning Map attached hereto as Exhibit “B” are consistent with the goals, objectives and
56 policies of the City of Pembroke Pines Comprehensive Plan as amended; and

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57 WHEREAS, the City Commission desires to approve and adopt the Land Development
58 Code and Zoning Map and repeal any inconsistent provisions of the City Code and Map.

59 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
60 THE CITY OF PEMBROKE PINES, FLORIDA:

61 SECTION 1: That the foregoing recitals are hereby ratified and confirmed as being true
62 and correct and are hereby made a specific part of this Ordinance. All exhibits attached hereto
63 and referenced herein are hereby incorporated by this reference.
64

65 SECTION 2: The following Chapters of the City of Pembroke Pines Code of
66 Ordinances are hereby repealed in their entirety:

- 67 (1) Chapter 37, titled "Quasi-Judicial Proceedings"
- 68 (2) Chapter 116, titled "Lighting Standards"
- 69 (3) Chapter 153, titled "Landscaping"
- 70 (4) Chapter 155, titled "Zoning Code"
- 71 (5) Chapter 159, titled "Green Building Certification Requirements"

72 SECTION 3: From and after the effective date of this ordinance, the Land Development
73 Code of the City of Pembroke Pines, Florida (hereinafter referred to as the "LDC") is hereby
74 enacted and adopted as set forth in both the physical and digital forms of the document which are
75 attached hereto as Exhibit "A", and incorporated herein by reference, each being entitled the
76 "Land Development Code – City of Pembroke Pines Florida, dated **March 08, 2021**," including
77 all tables, maps, charts, lists and similar components included therein.

78 SECTION 4: From and after the effective date of this Ordinance, the map establishing
79 the geographic boundaries of the Zoning Districts of the City of Pembroke Pines, Florida, as
80 defined in the LDC (hereinafter referred to as the "Zoning Map") is hereby enacted and adopted

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81 as set forth in both the physical and digital forms, which are attached hereto as Exhibit “B”, and
82 incorporated herein by reference, each being entitled “The Official Zoning Map of the City of
83 Pembroke Pines,” and which upon adoption shall further be identified by the signature of the
84 Mayor, attested by the City Clerk.

85 **SECTION 5:** Chapter 32 of the City of Pembroke Pines Code of Ordinances is hereby
86 amended as set forth in both the physical and digital forms of the document which are attached
87 hereto as Exhibit “C” and incorporated herein by reference.

88 **SECTION 6:** Chapter 52 of the City of Pembroke Pines Code of Ordinances is hereby
89 amended as set forth in both the physical and digital forms of the document which are attached
90 hereto as Exhibit “D” and incorporated herein by reference.

91 **SECTION 7:** Chapter 111 of the City of Pembroke Pines Code of Ordinances is hereby
92 amended as set forth in both the physical and digital forms of the document which are attached
93 hereto as Exhibit “E” and incorporated herein by reference.

94 **SECTION 8:** Chapter 114 of the City of Pembroke Pines Code of Ordinances is hereby
95 amended as set forth in both the physical and digital forms of the document which are attached
96 hereto as Exhibit “F” and incorporated herein by reference.

97 **SECTION 9:** Chapter 118 of the City of Pembroke Pines Code of Ordinances is hereby
98 amended as set forth in both the physical and digital forms of the document which are attached
99 hereto as Exhibit “G” and incorporated herein by reference.

100 **SECTION 10:** Chapter 150 of the City of Pembroke Pines Code of Ordinances is hereby
101 amended as set forth in both the physical and digital forms of the document which are attached
102 hereto as Exhibit “H” and incorporated herein by reference.

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103 **SECTION 11:** Chapter 154 of the City of Pembroke Pines Code of Ordinances is hereby
104 amended as set forth in both the physical and digital forms of the document which are attached
105 hereto as Exhibit “I” and incorporated herein by reference.

106 **SECTION 12:** Transition.

107 (1) Any use of land, structure, or other condition which, on the effective date of this
108 Ordinance, violated any provision of the Land Development Code, Zoning or Code of
109 Ordinances of the City of Pembroke Pines, and which is a violation of a provision of the LDC
110 adopted by this Ordinance, shall continue to be deemed a violation of the law existing on the
111 effective date of this Ordinance as well as a violation as provided in the LDC, and shall not be
112 deemed grandfathered unless such use, structure, or other condition is expressly grandfathered by
113 the LDC.

114 (2) Any use of land, structure, or other condition which, on the effective date of this
115 Ordinance, violated any provision of the Land Development Code, Zoning or Code of
116 Ordinances of the City of Pembroke Pines, Florida, repealed by this Ordinance, but which is not
117 in violation of the LDC shall be deemed conforming with the LDC.

118 (3) Notwithstanding the generality of Subsection (2) of this section, nothing herein
119 shall be deemed to impair or affect any order of the City of Pembroke Pines’ Code Enforcement
120 Special Magistrate, or of any court, entered prior to the effective date of this Ordinance.

121 (4) Any use of land, structure, or other condition which was lawful before the effective
122 date of this Ordinance, but which is rendered nonconforming or grandfathered by the adoption of
123 this Ordinance shall be governed by the provisions of the LDC applicable to nonconforming and
124 grandfathered uses as defined in the LDC.

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125 (5) Land development applications which are submitted to the City and determined to be
126 complete prior to 12:01 AM. on Monday, March 08, shall be reviewed under, and the associated
127 development shall be governed by the regulations in effect prior to the adoption of this
128 Ordinance unless the applicant chooses to have all, but not less than all, of the application and
129 associated project reviewed under and governed by the LDC.

130 (6) Rights which are vested, valid and enforceable on the effective date of this Ordinance
131 and which were acquired under a lawful development order, or under a lawful development
132 agreement pursuant to the Florida Local Government Development Agreement Act (Section
133 163.3221, Florida Statutes) shall not be affected by the adoption of this Ordinance and the LDC.

134 (7) For purposes of construing these transition rules, the phrase “on the effective date of
135 this Ordinance” means immediately before the date this Ordinance became effective.

136 **SECTION 13:** SEVERABILITY.

137 If any portion of the City’s Land Development Code or this Ordinance or the application
138 thereof to any person or circumstance is held invalid, unconstitutional or unenforceable, such
139 invalidity shall not affect other provisions or applications of this Ordinance that can be given
140 affect without the invalid provision or application, and to this end the provisions of this
141 Ordinance are declared to be severable.

142 **SECTION 14:** CONFLICT.

143 All ordinances or parts of ordinances or resolutions of the City Commission, in conflict
144 with this Ordinance, the LDC, and the Zoning Map are hereby repealed to the extent such
145 conflict, and are superseded and replaced in their entirety by this Ordinance.

146 **SECTION 15:** The appropriate officers and agents of the City are authorized and
147 directed to codify, include and publish the provisions of this Ordinance, the LDC, and the Zoning

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148 Map. Section numbers may be assigned and changed whenever necessary or convenient, and
149 staff is directed to promptly furnish a digital or physical copy of the LDC to the Florida
150 Department of Economic Opportunity.

151 **SECTION 16:** EFFECTIVE DATE.

152 This Ordinance shall become effective immediately upon its passage and adoption.

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