

**ORDINANCE NO. 2006 - 07**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CONSIDERING THE APPLICATION OF ALFRED AND SARAH FISIKELLI, TO REZONE THE PROPERTY GENERALLY LOCATED WITHIN 196 FEET WEST OF SW 166<sup>th</sup> AVENUE ALONG 69<sup>th</sup> STREET, AS MORE PARTICULARLY DESCRIBED AS LOCATED WITHIN TRACT 36 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION OF SECTION 5, TOWNSHIP 51 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA, COMPRISING APPROXIMATELY 8.57 ACRES, FROM A-1, AGRICULTURAL ESTATE DISTRICT, ALLOWING ONE (1) HOME PER TWO (2) NET ACRES, TO RE, RURAL ESTATE DISTRICT, ALLOWING ONE (1) HOME PER ACRE, TO MAKE IT COMPATIBLE WITH THE UNDERLYING FUTURE LAND USE DESIGNATION OF ESTATE (1) RESIDENTIAL, WHICH ALLOWS ONE (1) UNIT PER ACRE; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Fisikelli property is generally located at 16700 S.W. 68<sup>th</sup> Street (herein after the "Property"); and

**WHEREAS**, the Property is located 196 feet west of the southern terminus of SW 166<sup>th</sup> Avenue, on the Town's southern border with the City of Pembroke Pines; and

**WHEREAS**, the Property comprises approximately 8.58 acres, of which the eastern third is occupied by a single family residence, and the western two-thirds are vacant; and

**WHEREAS**, the Property is zoned A-1, Agricultural District, and is designated Estate (1) Residential on the on the future land use plan map; and

**WHEREAS**, the zoning and future land use designations of the abutting parcels to the north, east, and west are also A-1 and Estate (1) Residential; and

**WHEREAS**, the property to the south is an educational campus located within the City of Pembroke Pines; and

**WHEREAS**, the petitioner requests a rezoning from A-1, which requires a minimum of two net acres per residential plot, to RE, Rural Estate District, which requires at least one net acre per residential plot; and

**WHEREAS**, the rezoning is the first step necessary to enable the property to be subdivided; and

**WHEREAS**, under the RE zoning, up to six additional lots could be created within the Property, for a total of eight lots; and

**WHEREAS**, Florida law requires a zoning classification to be consistent with the underlying land use; and

**WHEREAS**, the petitioner's request to rezone the property is consistent with the Property's land use; and

**WHEREAS**, Town Council believes that this rezoning will/will not help further protect the health, safety and welfare of its citizens.

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

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council and are incorporated herein by reference. All exhibits referenced herein and attached hereto are hereby incorporated herein.

**Section 2.** That following an extensive review of the staff report, all written and oral evidence received during the public hearing, the criteria set-forth in the Town Code, and the standards set-forth in both state and federal law, the Town Council hereby finds that the petitioner has/has not demonstrated by competent substantial evidence that the rezoning criteria has been satisfied and therefore recommends approval/denial of the rezoning of the property generally located at 16700 S.W. 68<sup>th</sup> Street and more particularly described as:

TRACT 36 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION OF SECTION 5, TOWNSHIP 51 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA, LESS THE EAST 196.35 FEET, SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 8.58 ACRES MORE OR LESS.

From A-1, Agricultural Estate District, to RE, Rural Estate District.

**Section 3.** That the appropriate Town officials are hereby authorized and directed to execute the necessary documents to effectuate this Ordinance.

**Section 4.** The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

**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 word, phrase, clause, sentence, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 7: Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 9<sup>th</sup> day of February, 2006 on a motion made by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

**PASSED AND ADOPTED ON SECOND READING** this 9<sup>th</sup> day of March, 2006, on a motion made by Vice Mayor Don Maines and seconded by Council Member Aster Knight.

Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Blanton	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

\_\_\_\_\_  
Mecca Fink, Mayor

ATTEST:

\_\_\_\_\_  
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

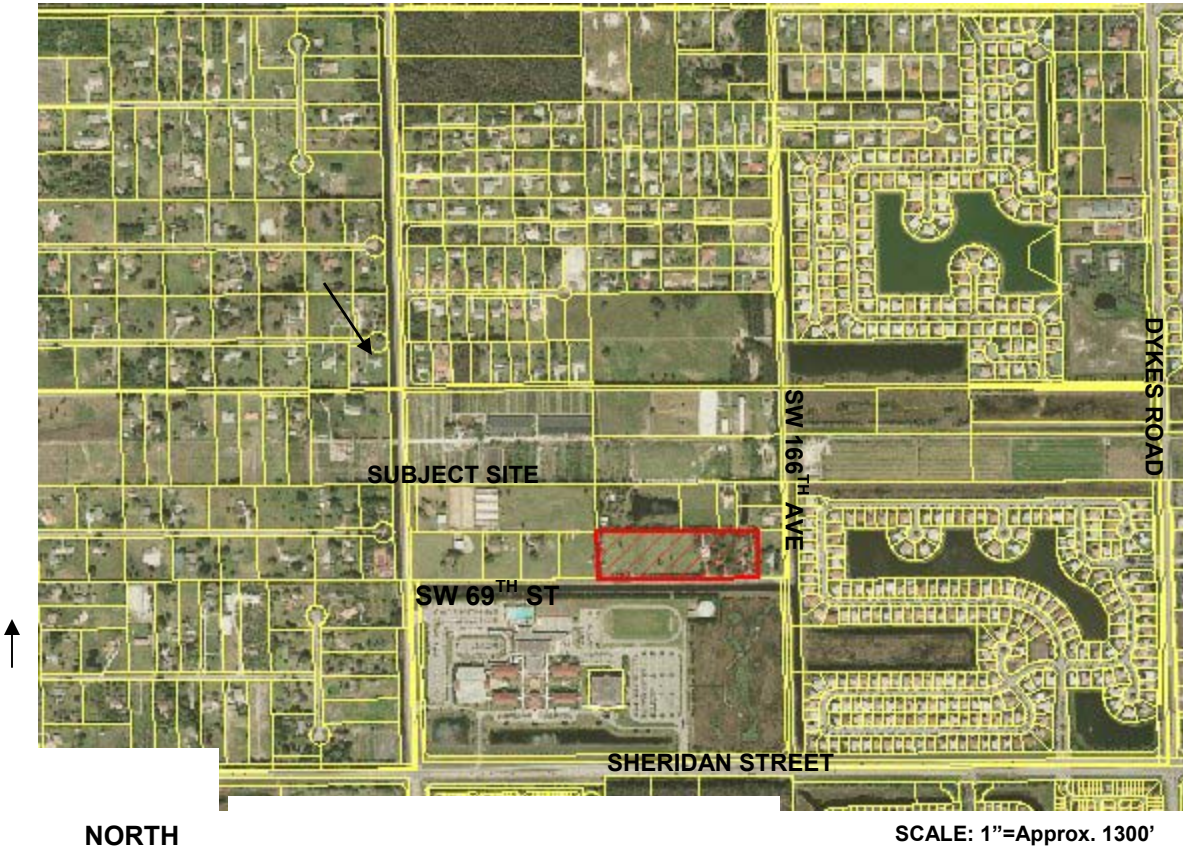
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Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: S20572/69682:938961\_1

**TOWN OF SOUTHWEST RANCHES**

**FRED AND SARAH FISIKELLI**

**16700 SW 68<sup>TH</sup> ST**

**RZ-010-05**



**MICHELE MELLGREN  
& ASSOCIATES, INC.**

*Professional Planning, Zoning,  
and Land Use Consulting Services*