

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** Mark Kutney, AICP, (954) 797-1101  
**SUBJECT:** Ordinance: Rezoning

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO E, ESTATE DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 11-2-00 H.J. Zimmerman & Assoc., Inc., petitioner/South Post, Inc., owners - General Address: 4200 Shotgun Road/Generally located on the east side of Shotgun Road approximately 700' north of Orange Drive.

**REPORT IN BRIEF:**

The attached ordinance rezones the subject site from A-1, Agricultural District to E, Estate District.

**PREVIOUS ACTIONS:**

- The Town Council approved this item on its merits at its March 21, 2001 meeting (Motion carried: 5-0)

**CONCURRENCES:**

- The Planning and Zoning Board recommended denial (motion carried 3-2, Mr. Davenport and Mrs. Moore dissenting, January 10, 2001).

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance, land use map, subject site map, and aerial.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO E, ESTATE DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District, to E, Estate District,

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That consistent with the Settlement Agreement ("Settlement Agreement") and the First Amendment to the Settlement Agreement ("First Amendment") in the case of *Town of Davie v. Pasadena at Imagination Farms, Inc., et. al.*, Case No. 95-007822 (04), in the Circuit Court of the 17th Judicial District, in and for Broward County, Florida, the subject property, as described in Exhibit "A" ("Property"), which is attached hereto and made a part hereof, is hereby rezoned and changed from A-1, Agricultural District, to E, Estate District, with the obligation running with the property that the northern area buffer be at least the distance as indicated on the attached conceptual site plan (Exhibit "B"), that landscaping be placed at the north ten (10) feet of the forty (40) foot recreational trail at the north property line, and that the landscaping at the north ten (10) of the forty (40) foot recreational trail be planted with material similar to the roadway landscaping at SW 36 Street, and that there shall be no pavement within the recreational trail located within the Imagination Farms West Site Plan.

SECTION 2. That consistent with Paragraph 4, Section 23 of the First Amendment, the Property is entitled to be rezoned to the Estate (E) District as contemplated by the Settlement Agreement even though the Town has repealed the Estate (E) District zoning classification.

SECTION 3. That the owner has provided a conceptual master plan which is attached hereto as Exhibit "B" and deemed a part hereof. This Ordinance is conditioned upon the obligation running with the property that the northern area buffer be at least the distance as indicated on the attached conceptual site plan (Exhibit "B"), that the landscaping be placed at the northern ten (10) feet of the forty (40) foot recreational trail at the north property line, and that the landscaping at the north ten (10) feet of the forty (40) foot recreational trail be planted with material similar to the roadway landscaping at Southwest 36 Street, and that there shall be no pavement within the recreational trail located within the Imagination Farms West Site Plan, which the property owner/applicant has fully agreed to. The property owner/applicant will prepare and file in the Official Records Book of Broward County, Florida, these obligations which run with the land in favor of the Town of Davie.

SECTION 4. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the Property as E, Estate District, with the above obligation running with the land so indicated.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

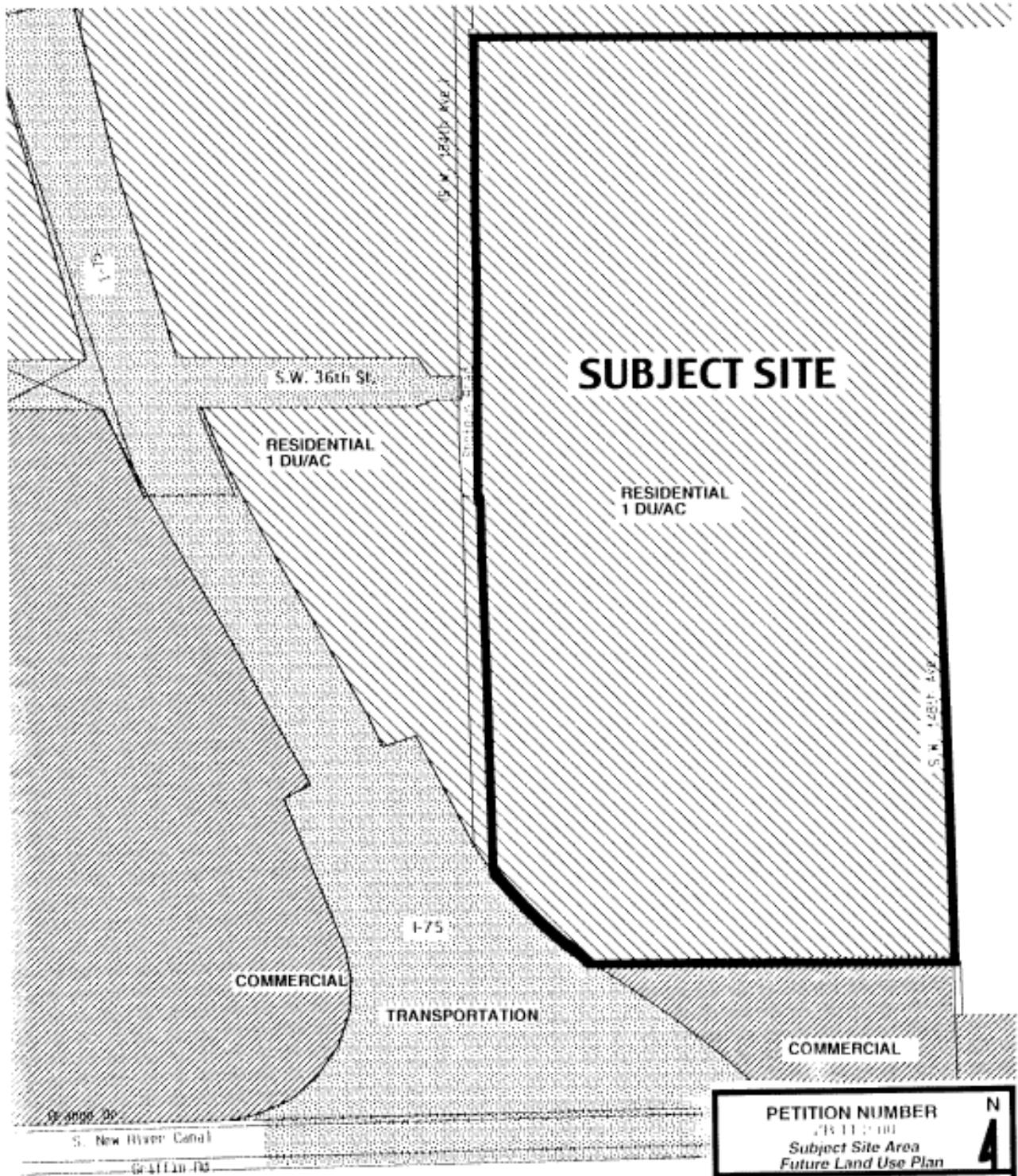
PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.



**SUBJECT SITE**

RESIDENTIAL  
1 DU/AC

RESIDENTIAL  
1 DU/AC

COMMERCIAL

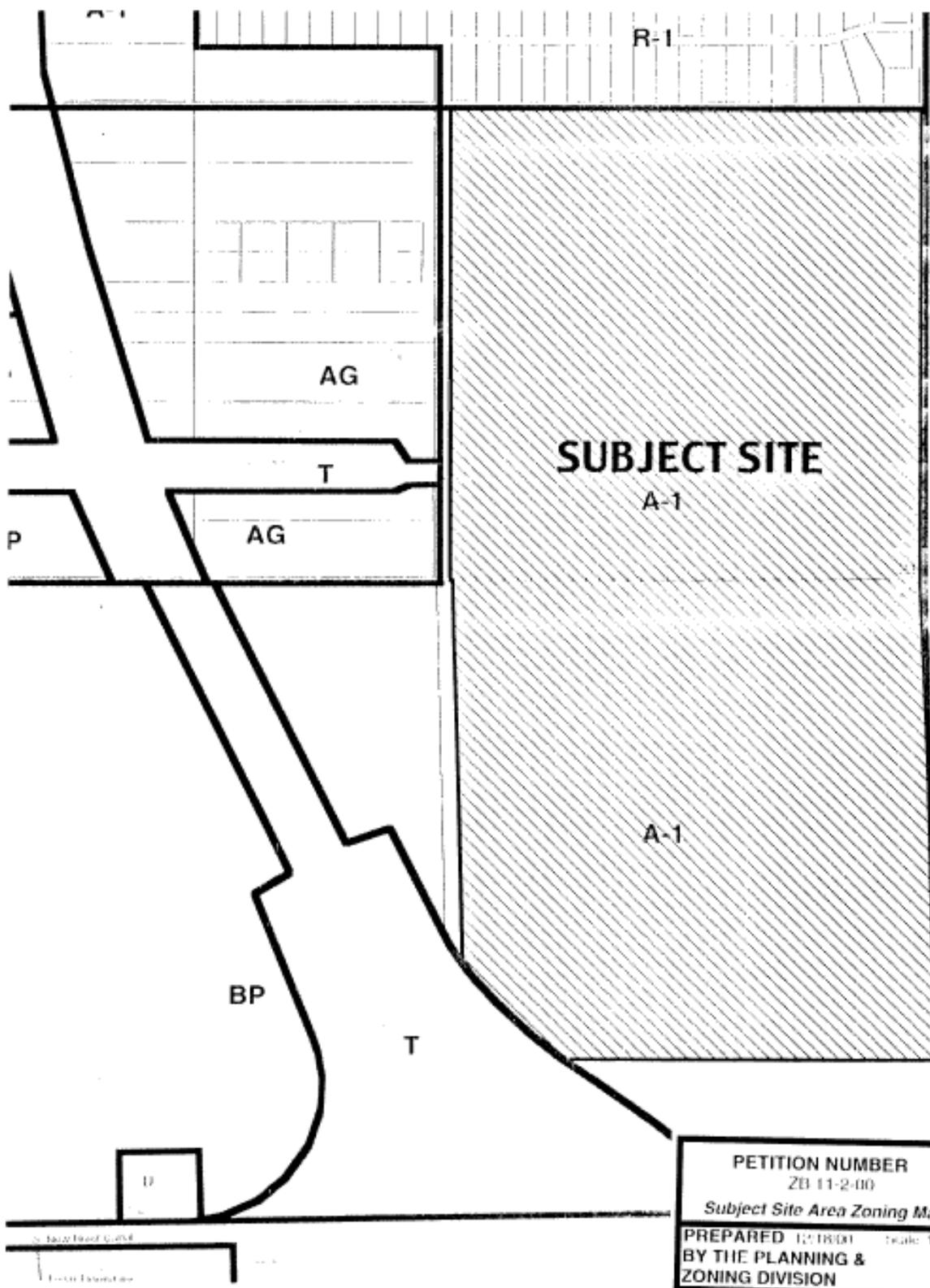
TRANSPORTATION

COMMERCIAL

PETITION NUMBER  
2011-004  
Subject Site Area  
Future Land Use Plan

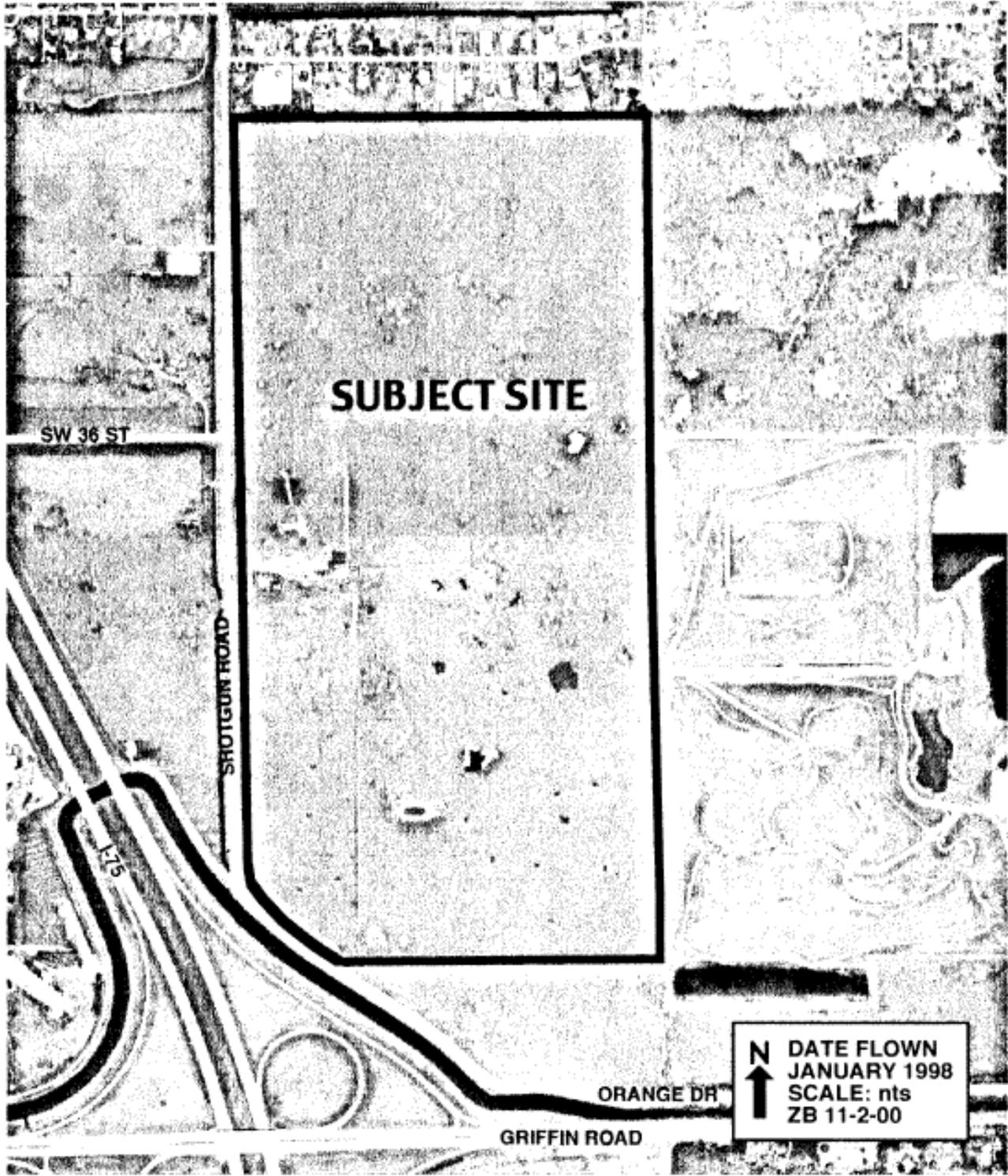
N  
4

PREPARED 1-18-09 Scale 1/2"  
BY THE PLANNING &  
ZONING DIVISION



PETITION NUMBER  
ZD 11-2-00  
*Subject Site Area Zoning Map*  
PREPARED BY THE PLANNING & ZONING DIVISION  
DATE: 11/2/00  
SCALE: 1" = 100'

N



**SUBJECT SITE**

SW 36 ST

SHOTGUN ROAD

175

ORANGE DR

GRIFFIN ROAD

**N** DATE FLOWN  
JANUARY 1998  
SCALE: nts  
ZB 11-2-00