

EXHIBIT 2

ORDINANCE NO. 2014 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF PLANTATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Broward County adopted the 1989 Broward County Comprehensive Plan on March 1, 1989; and

WHEREAS, the Department of Economic Opportunity has found the Broward County Comprehensive Plan in compliance with the Community Planning Act; and

WHEREAS, Broward County now wishes to propose an amendment to the Broward County Land Use Plan within the City of Plantation; and

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, has held its hearings on March 27, 2014, and June 26, 2014, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on April 22, 2014, having complied with the notice requirements specified in Subsection 163.3184(11), Florida Statutes; and

WHEREAS, the Board of County Commissioners held an adoption public hearing on August 12, 2014, at 2:00 p.m. [also complying with the notice requirements specified in Subsection 163.3184(11), Florida Statutes] at which public comment was accepted and comments of the Department of Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
2 and Department of Education, as applicable, were considered; and

3 WHEREAS, the Board of County Commissioners, after due consideration of all
4 matters, hereby finds that the following amendment to the 1989 Broward County
5 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
6 County Comprehensive Plan; complies with the requirements of the Community
7 Planning Act; and is in the best interests of the health, safety, and welfare of the
8 residents of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The 1989 Broward County Comprehensive Plan is hereby
12 amended by Amendment PC 14-4, which is an amendment to the Broward County Land
13 Use Plan located in the City of Plantation, as set forth in Exhibit "A," attached hereto
14 and incorporated herein.

15 Section 2. SEVERABILITY.

16 If any portion of this Ordinance is determined by any Court to be invalid, the
17 invalid portion shall be stricken, and such striking shall not affect the validity of the
18 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
19 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
20 or circumstance(s), such determination shall not affect the applicability hereof to any
21 other individual, group, entity, property, or circumstance.

22 Section 3. EFFECTIVE DATE.

23 (a) The effective date of the plan amendment set forth in this Ordinance shall
24 be the latter of:

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity
2 notifies Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued
4 by the Administration Commission or the Department of Economic
5 Opportunity finding the amendment to be in compliance;
- 6 (3) If the Department of Economic Opportunity or the Administration
7 Commission finds the amendment to be in noncompliance, pursuant to
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
9 Commissioners nonetheless, elects to make the plan amendment effective
10 notwithstanding potential statutory sanctions; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as
12 per Exhibit "B," the date the Declaration of Restrictive Covenants or
13 agreement is recorded in the Public Records of Broward County.
- 14 (b) This Ordinance shall become effective as provided by law.

15
16 ENACTED August 12, 2014

17 FILED WITH THE DEPARTMENT OF STATE

18 EFFECTIVE

19 Approved as to form and legal sufficiency:
20 Joni Armstrong Coffey, County Attorney

21 By Maite Azcoitia 06/09/14
22 Maite Azcoitia (date)
23 Deputy County Attorney

24 MA/gmb
06/09/14
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PC 14-4 City of Plantation Ordinance.doc

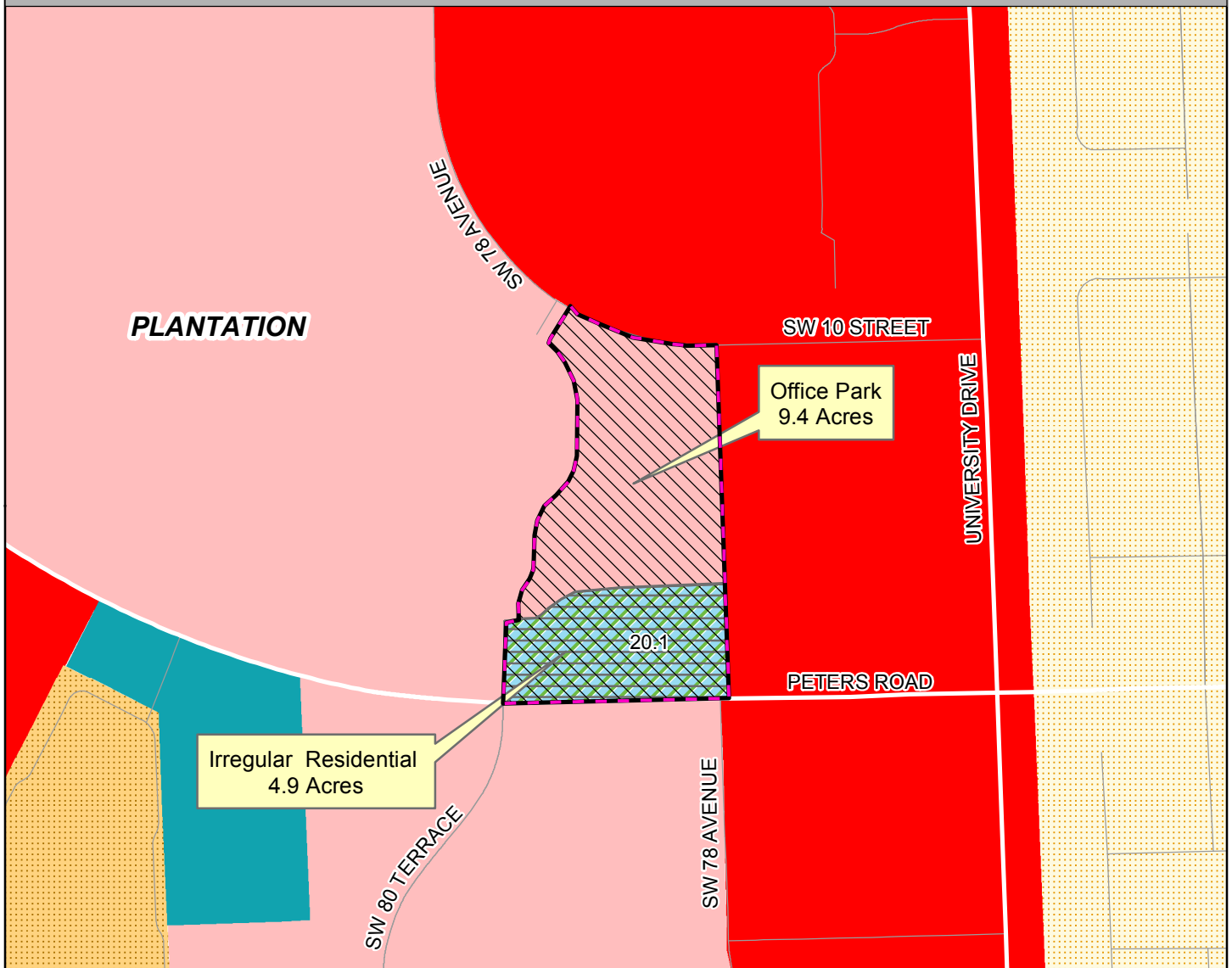
EXHIBIT A

BROWARD COUNTY LAND USE PLAN PROPOSED FUTURE LAND USE DESIGNATIONS AMENDMENT PC 14-4

Current Land Use: OFFICE PARK

Proposed Land Use: 9.4 ACRES OF OFFICE PARK AND 4.9 ACRES OF IRREGULAR RESIDENTIAL ALL WITHIN A "DASHED-LINE AREA" WITH AN OVERALL DENSITY OF 20.1 UNITS PER ACRE

Acreage: Approximately 14.3 Acres



Low (3)
Residential



Commercial



Dashed-line
Area



Office
Park



Site



Medium (16)
Residential



Community
Facilities



Irregular
Residential



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 14-4
(PLANTATION)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

March 18, 2014

Planning Council staff recommends **denial** of the proposed amendment, as it is not consistent with the goals, objectives and policies of the Broward County Land Use Plan (BCLUP), specifically:

Policy 1.07.07
(summarized)

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

Section IV.(B)

"Permitted Uses Permitted in Future Land Use Categories: Residential Use – Residential Density" describes the areas appropriate for designation as a "Dashed-Line Area" as "selected Developments of Regional Impact, planned unit developments and partially completed large scale developments."

Planning Council staff recognizes that the location of the proposed residential development would be appropriate for higher density residential uses, and therefore would make an alternative recommendation that the proposed amendment be changed to include only the vacant 4.9 gross acres site intended for the residential use, to be amended from "Office Park" to "High (50) Residential," allowing for a total of 245 dwelling units on the site.

However, as the proposed amendment has not yet been deemed to meet BCLUP Policy 1.07.07 regarding affordable housing, should the Planning Council decide to make a positive transmittal recommendation for either residential scenario (4.9 acres of Irregular (20.1) Residential within a "Dashed-Line Area" or 4.9 acres of High (50) Residential), Planning Council staff would suggest that said recommendation be subject to the resolution of the issue of consistency with BCLUP Policy 1.07.07 regarding the affordable housing, prior to the Planning Council's second public hearing.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued) **March 18, 2014**

Update: March 27, 2014: The City of Plantation has provided additional information regarding the City's methods and programs to achieve and/or maintain a sufficient supply of affordable housing. Broward County Planning and Redevelopment staff has reviewed the submitted information, and found that it satisfactorily demonstrates compliance with Policy 1.07.07.

II. Planning Council Transmittal Recommendation **March 27, 2014**

Planning Council recommended approval of the proposed amendment as presented (from 14.3 acres of "Office Park" to 9.4 acres of Office Park within a "Dashed-Line Area" and 4.9 acres of Irregular (20.1) Residential within a "Dashed-Line Area"), understanding that the Council reserves the right to approve or reject any future "Dashed-Line Area" proposals based on its merits or lack thereof. (Vote of the board; Unanimous: 17-0; Aronson, Bascombe, Blattner, Boccard, de Jesus, DuBose, Furr, Good, Graham, Hobby, Kaplan, Long, Mack, Ryan, Steffens, Stermer and Castro)

III. County Commission Transmittal Recommendation **April 22, 2014**

Approval per Planning Council transmittal recommendation. Further, the Board requested that the applicant meet with the Director of the Housing Finance & Community Development, regarding affordable housing issues.

IV. Summary of State of Florida Review Agency Comments **May 28, 2014**

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

V. Planning Council Staff Final Recommendation **June 17, 2014**

Planning Council staff recommends approval, recognizing the Planning Council's discussion regarding "Dashed-Line Areas" and action taken at its March 27, 2014, meeting.

PROPOSED AMENDMENT PC 14-4

INTRODUCTION AND APPLICANT'S RATIONALE

- | | | |
|------|--|--|
| I. | <u>Municipality:</u> | Plantation |
| II. | <u>County Commission District:</u> | District 5 |
| III. | <u>Site Characteristics</u> | |
| A. | Size: | Approximately 14.3 acres |
| B. | Location: | In Section 9, Township 50 South, Range 41 East; generally located west of University Drive, between Peters Road and Southwest 10 Street. |
| C. | Existing Uses: | Office and vacant |
| IV. | <u>Broward County Land Use Plan (BCLUP) Designations</u> | |
| A. | Current Designation: | Office Park |
| B. | Proposed Designations: | 9.4 acres of Office Park within a “Dashed-Line Area”*
4.9 acres of Irregular (20.1) Residential within a “Dashed-Line Area” |
| C. | Estimated Net Effect: | Reduction of 4.9 acres of office park use
Addition of 287 dwelling units [zero dwelling units currently permitted by BCLUP] |
| V. | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> | |
| A. | Existing Uses: | North: Retail
East: Retail
South: Office
West: Hotel and office |

* "Dashed-Line Area" means an area having a particular maximum overall allowable density of dwelling units for all land and land uses within the area for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site (continued)

B. *Planned Uses:* *North:* Commercial
 East: Commercial
 South: Office Park
 West: Office Park

VI. Applicant/Petitioner

A. *Applicant:* Stiles Development Company

B. *Agents:* Leigh Robinson Kerr & Associates, Inc. and Doumar,
 Allsworth, Laystrom & Voigt

C. *Property Owners:* Duke Crossroads Building 4 LLC and Duke
 Crossroads 5 LLC

VII. Recommendation of Local Governing Body:

The City of Plantation recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in June of 2014.

VIII. Applicant's Rationale

The applicant states: "The applicant is requesting a change in land use designation from Office Park on the City and County Land Use Plans to Office Park and Residential all within a Dashed Line Area with an overall density of 20.1 dwelling units per acre. The subject site is located in the City's Midtown District and the proposed development implements the Plantation Midtown Conceptual plan that ensures the highest quality development, a safe environment, an appropriate mix of uses, and a functional circulation system. A companion local plan amendment is also being processed by the City."