

EXHIBIT 2

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ORDINANCE NO. 2018-

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 WESTON; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Broward County adopted the Broward County Comprehensive Plan on April 25, 2017 (the Plan); 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 Weston; and

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, has held its hearings on August 24, 2017, and November 30, 2017, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on September 26, 2017, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes; and

WHEREAS, the Board of County Commissioners held an adoption public hearing on January 23, 2018, at 10:00 a.m. [also complying with the notice requirements specified in Section 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 Wildlife

1 Conservation Commission, Department of Agriculture and Consumer Services, and
2 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 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 Planning
7 Act; and is in the best interests of the health, safety, and welfare of the residents of
8 Broward County,

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

11 Section 1. The Broward County Comprehensive Plan is hereby amended by
12 Amendment PC 17-13, which is an amendment to the Broward County Land Use Plan
13 located in the City of Weston, as set forth in Exhibit "A," attached hereto and incorporated
14 herein.

15 Section 2. SEVERABILITY.

16 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
17 portion shall be stricken, and such striking shall not affect the validity of the remainder of
18 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
19 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
20 circumstance(s), such determination shall not affect the applicability hereof to any other
21 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 notifies
2 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 per
12 Exhibit "B," the date the Declaration of Restrictive Covenants or agreement
13 is recorded in the Public Records of Broward County.

14 (b) This Ordinance shall become effective as provided by law.

15 ENACTED

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

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

20
21 By /s/ Maite Azcoitia 12/20/17
Maite Azcoitia (date)
22 Deputy County Attorney

23 MA/gmb
12/20/17
24 #17-401.15
PC 17-13 City of Weston Ord.doc

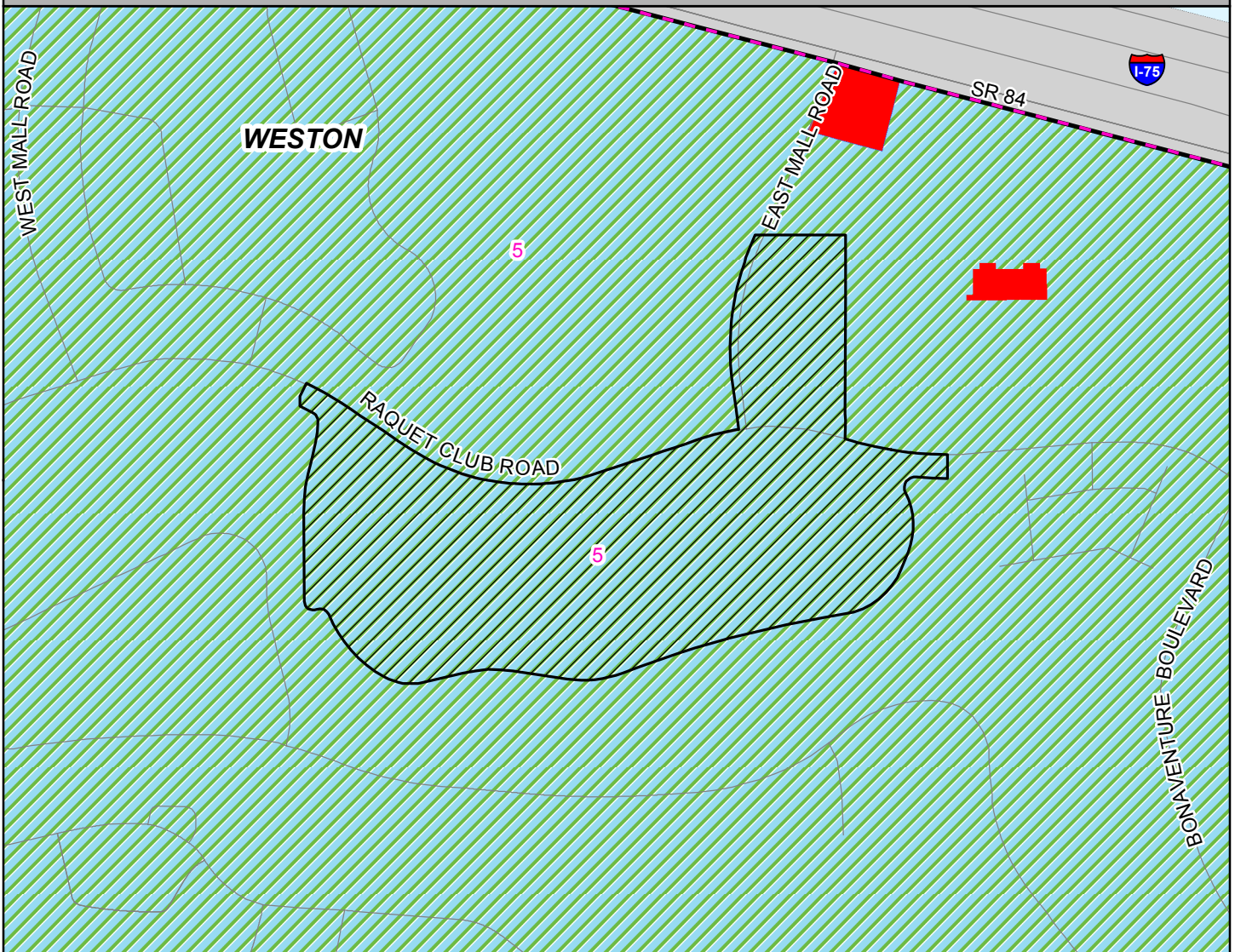
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 17-13

Current Land Use: Irregular (5) Residential within a Dashed-Line Area

Proposed Land Use: Irregular (28.44) Residential

Gross Acres: Approximately 25 acres



Site



Dashed-Line Area



Irregular Residential



Commerce



Transportation



Water



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 17-13
(WESTON)

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Transmittal Recommendation August 15, 2017

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, subject to the applicant's voluntary contribution of \$1 per gross square foot per additional dwelling unit for affordable housing to be paid at time of building permit.

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the Declaration of Restrictive Covenants proffered by the applicant, as an inducement for Broward County to favorably consider its application.

- II. Planning Council Transmittal Recommendation August 24, 2017

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 13-0; Blackwelder, Blattner, DiGiorgio, Ganz, Gomez, Graham, Grosso, Rosenof, Rosenzweig, Ryan, Seiler, Williams and Stermer)

- III. County Commission Transmittal Recommendation September 26, 2017

Approval per Planning Council transmittal recommendation.

- IV. Summary of State of Florida Review Agency Comments October 31, 2017

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

- V. Planning Council Staff Final Recommendation November 20, 2017

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, subject to the applicant's voluntary contribution of \$1 per gross square foot per additional dwelling unit for affordable housing to be paid at time of building permit.

V. Planning Council Staff Final Recommendation (continued) November 20, 2017

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the Declaration of Restrictive Covenants proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

VI. Planning Council Final Recommendation November 30, 2017

Approval per Planning Council staff final recommendation. (Vote of the board: 13-1; Yes: Blattner, Castillo, Ganz, Gomez, Good, Graham, Grosso, Rosenzweig, Ryan, Seiler, Udine, Williams and DiGiorgio. No: Blackwelder)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 17-13

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Weston
- II. County Commission District: District 1
- III. Site Characteristics
 - A. Size: Approximately 25.0 acres
 - B. Location: In Sections 5 and 6, Township 50 South, Range 40 East; generally located on both sides of Racquet Club Road, between West Mall Road and Bonaventure Boulevard.
 - C. Existing Uses: Hotel and parking lot
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Dashed-Line Area* consisting of 25.0 acres of Irregular (5) Residential
 - B. Proposed Designation: Irregular (28.44) Residential
 - C. Estimated Net Effect: Addition of 586 dwelling units [125 dwelling units currently permitted by the Broward County Land Use Plan]
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
 - A. Existing Uses:
 - North: Single-family residential and multi-family residential
 - East: Multi-family residential
 - South: Single-family residential (under construction)
 - West: Single-family residential and multi-family residential

*A “Dashed-Line Area” is defined as 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. | <i>Planned Uses:</i> | <i>North:</i> | Irregular (5) Residential within a Dashed-Line Area |
| | | <i>East:</i> | Irregular (5) Residential within a Dashed-Line Area |
| | | <i>South:</i> | Irregular (5) Residential within a Dashed-Line Area |
| | | <i>West:</i> | Irregular (5) Residential within a Dashed-Line Area |

VI. Applicant/Petitioner

- | | | |
|----|-------------------------|---|
| A. | <i>Applicant:</i> | Hospitality Investing Group, LLC |
| B. | <i>Agent:</i> | Bonnie Miskel, Esquire
Dunay, Miskel & Backman, LLP |
| C. | <i>Property Owners:</i> | There are numerous property owners in the subject area. |

VII. Recommendation of Local Governing Body:

The City of Weston recommends approval. The City anticipates adopting the corresponding local amendment in October of 2017.