

EXHIBIT 2

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 MIRAMAR; 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 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 Miramar; and

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, has held its hearings on October 26, 2017, and January 25, 2018, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on December 5, 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 March 20, 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 Plan is consistent with the State
5 Plan, Regional Plan, and the Broward County Comprehensive Plan; complies with the
6 requirements of the Community Planning Act; and is in the best interests of the health,
7 safety, and welfare of the residents of Broward County,

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

10 Section 1. The Plan is hereby amended by Amendment PC 18-2, which is an
11 amendment to the Broward County Land Use Plan located in the City of Miramar, as set
12 forth in Exhibit "A," attached hereto and incorporated herein.

13 Section 2. SEVERABILITY.

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

20 Section 3. EFFECTIVE DATE.

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

23 (1) Thirty-one (31) days after the Department of Economic Opportunity notifies
24 Broward County that the plan amendment package is complete;

1 (2) If the plan amendment is timely challenged, the date a final order is issued
2 by the Administration Commission or the Department of Economic
3 Opportunity finding the amendment to be in compliance;

4 (3) If the Department of Economic Opportunity or the Administration
5 Commission finds the amendment to be in noncompliance, pursuant to
6 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
7 Commissioners nonetheless, elects to make the plan amendment effective
8 notwithstanding potential statutory sanctions; or

9 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per
10 Exhibit "B," the date the Declaration of Restrictive Covenants or agreement
11 is recorded in the Public Records of Broward County.

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

13
14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

17 Approved as to form and legal sufficiency:
18 Andrew J. Meyers, County Attorney

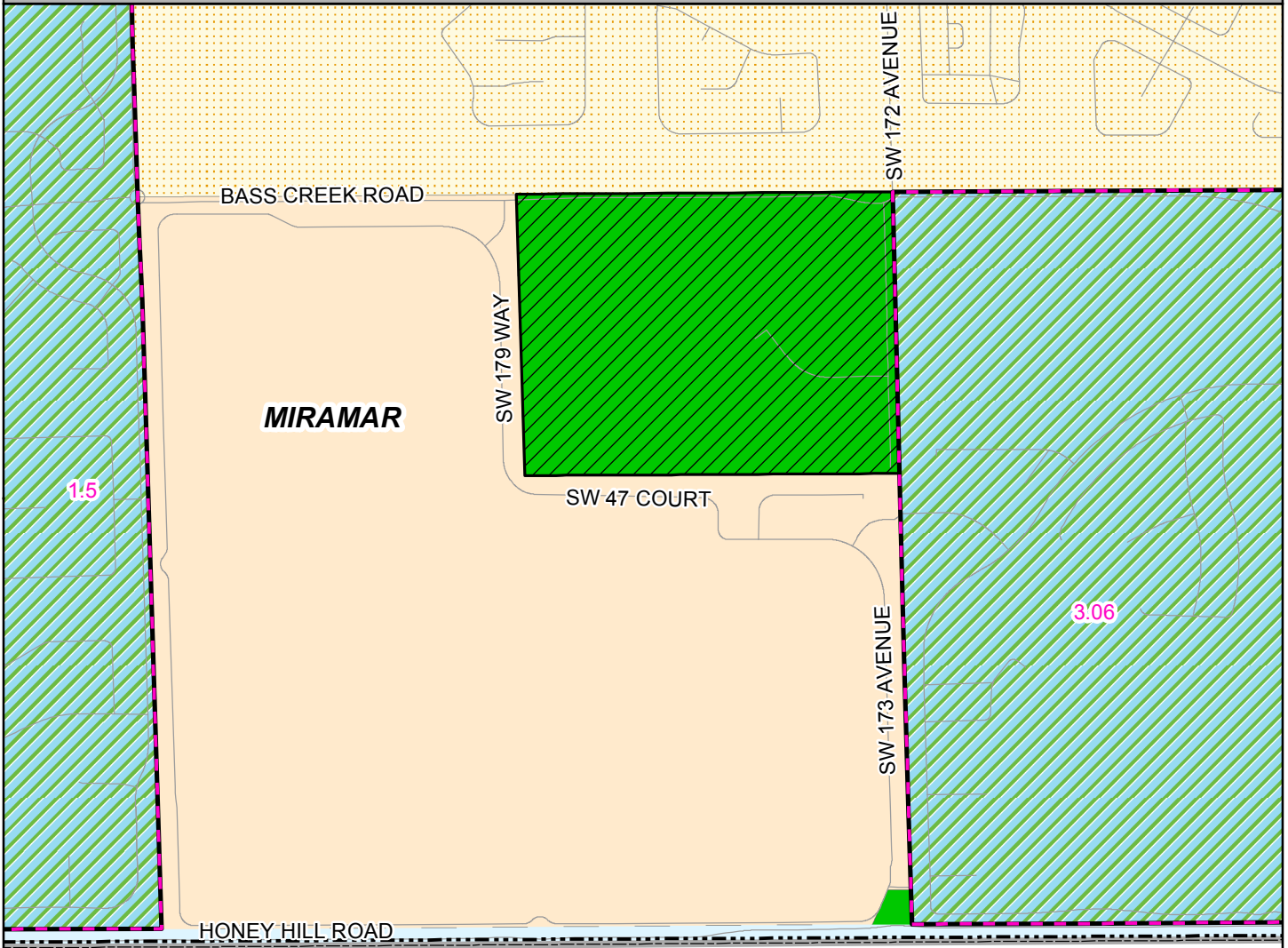
19
20 By /s/ Maite Azcoitia 01/25/18
21 Maite Azcoitia (date)
22 Deputy County Attorney

23 MA/gmb
01/25/18
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24 PC 18-2 City of Miramar Ord.doc









EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 18-2

Current Land Use: Agricultural
 Proposed Land Use: Irregular (3.21) Residential
 Gross Acres: Approximately 120.0 acres



MIAMI-DADE COUNTY

- | | |
|--|---|
|  Site |  Low (3) Residential |
|  Municipal Boundary |  0.0 Irregular Residential |
|  0.0 Dashed-Line Area |  Agricultural |
|  Estate (1) Residential |  Water |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 18-2
(MIRAMAR)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

October 17, 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, recognizing the data and analysis submitted by the City of Miramar regarding affordable housing Policy 2.16.2 and subject to the applicant's voluntary contribution of \$500 per additional dwelling unit towards the City's affordable housing programs.

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, the applicant's confirmation of its ongoing commitment to the City regarding transportation improvements and that any non-licensed wetlands cannot be impacted without additional licensing and mitigation is recognized.

II. Planning Council Transmittal Recommendation

October 26, 2017

Approval per Planning Council staff transmittal recommendation and subject to the following additional conditions:

- Applicant commits to all transportation improvements as required by the City of Miramar; and
- Applicant will pursue a traffic signal at the intersection of Bass Creek Road and Southwest 172 Avenue. If a traffic signal is not warranted or feasible, applicant will build a roundabout at said intersection. Applicant will design, construct and fund either alternative improvement; and
- Applicant will meet with School Board of Broward County safety staff regarding the referenced improvement at Bass Creek Road and Southwest 172 Avenue prior to the second Planning Council public hearing.

Further, Planning Council staff should coordinate with County staff regarding the status of endangered species on-site.

(Vote of the board; 11-4; Yes: Blattner, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Rosenof, Rosenzweig, Udine, Williams and Stermer. No: Blackwelder, Good, Graham and Grosso.)

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. County Commission Transmittal Recommendation December 5, 2017

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments January 9, 2018

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

V. Planning Council Staff Final Recommendation January 16, 2018

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, recognizing the data and analysis submitted by the City of Miramar and the applicant's voluntary contribution of \$500 per additional dwelling unit for affordable housing, as well as the applicant's commitment to include the County as a beneficiary to transportation improvements, including the type of warranted technology and/or safe design at the intersection of Southwest 172 Avenue and Bass Creek Road.

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.

The applicant's confirmation that any non-licensed wetlands cannot be impacted without additional licensing and mitigation is also recognized.

Planning Council staff notes that the applicant has applied for an Environmental Resource License (File Number DF17-1249) from the Broward County Environmental Engineering and Permitting Division (EPPD). The EPPD conducted a site visit as part of its license review process and has verified the Ecological Evaluation submitted by the applicant regarding endangered species.

Regarding the Council's request related to endangered species, it is noted that endangered species review for land use plan amendments is conducted by the Florida Fish and Wildlife Conservation Commission (FFWCC) during the State review process per Chapter 163.3184(3), Florida Statutes. The FFWCC reviewed the proposed amendment and had no comments, recommendations or objections related to listed species and their habitat or other fish and wildlife resources.

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. Planning Council Staff Final Recommendation (continued)

January 16, 2018

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

January 25, 2018

Approval per Planning Council staff final recommendation, recognizing the data and analysis submitted by the City of Miramar and the applicant’s voluntary contribution of \$500 per additional dwelling unit for affordable housing, as well as the applicant’s commitment to include the County as a beneficiary to transportation improvements, including the type of warranted technology and/or safe design at the intersection of Southwest 172 Avenue and Bass Creek Road.

(Vote of the board; 12-3; Yes: Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Rosenof, Rosenzweig, Udine, Williams and Stermer. No: Blackwelder, Good and Graham.)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 18-2

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Miramar

- II. County Commission District: District 8

- III. Site Characteristics
 - A. Size: Approximately 120.0 acres

 - B. Location: In Section 31, Township 51 South, Range 40 East; generally located on the southwest corner of Southwest 172 Avenue and Bass Creek Road.

 - C. Existing Use: Communication towers

- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Agricultural

 - B. Proposed Designation: Irregular (3.21) Residential

 - C. Estimated Net Effect: Addition of 337 dwelling units
48 dwelling units currently permitted by the Broward County Land Use Plan
385 total dwelling units

- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
 - A. Existing Uses:
 - North:* Single-family residential
 - East:* Educational facility and single-family residential
 - South:* Single-family residential
 - West:* Single-family residential

 - B. Planned Uses:
 - North:* Low (3) Residential
 - East:* Irregular (3.06) Residential within a Dashed-Line Area
 - South:* Estate (1) Residential
 - West:* Estate (1) Residential

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* Lennar
- B. *Agent:* Greenspoon Marder, P.A.
- C. *Property Owner:* HBC Florida, Inc.

VII. Recommendation of
Local Governing Body:

The City of Miramar recommends approval. The City anticipates adopting the corresponding local amendment in March of 2018.