

## 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 PLANTATION; 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 Plantation; and

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, has held its hearings on January 25, 2018, and May 24, 2018, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on March 20, 2018, 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 August 14, 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 18-4, which is an amendment to the Broward County Land Use Plan  
13 located in the City of Plantation, as set forth in Exhibit "A," attached hereto and  
14 incorporated 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) Thirty-one (31) days after the Department of Economic Opportunity notifies Broward County that the plan amendment package is complete;
- (2) If the plan amendment is timely challenged, the date a final order is issued by the Administration Commission or the Department of Economic Opportunity finding the amendment to be in compliance;
- (3) If the Department of Economic Opportunity or the Administration Commission finds the amendment to be in noncompliance, pursuant to Section 163.3184(8)(b), Florida Statutes, the date the Board of County Commissioners nonetheless, elects to make the plan amendment effective notwithstanding potential statutory sanctions; or
- (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per Exhibit "B," the date the Declaration of Restrictive Covenants or agreement is recorded in the Public Records of Broward County.

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

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By /s/ Maite Azcoitia 05/16/18  
Maite Azcoitia (date)  
Deputy County Attorney

MA/gmb  
05/16/18  
PC 18-4 City of Plantation Ord.doc  
Imanage File #80041

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

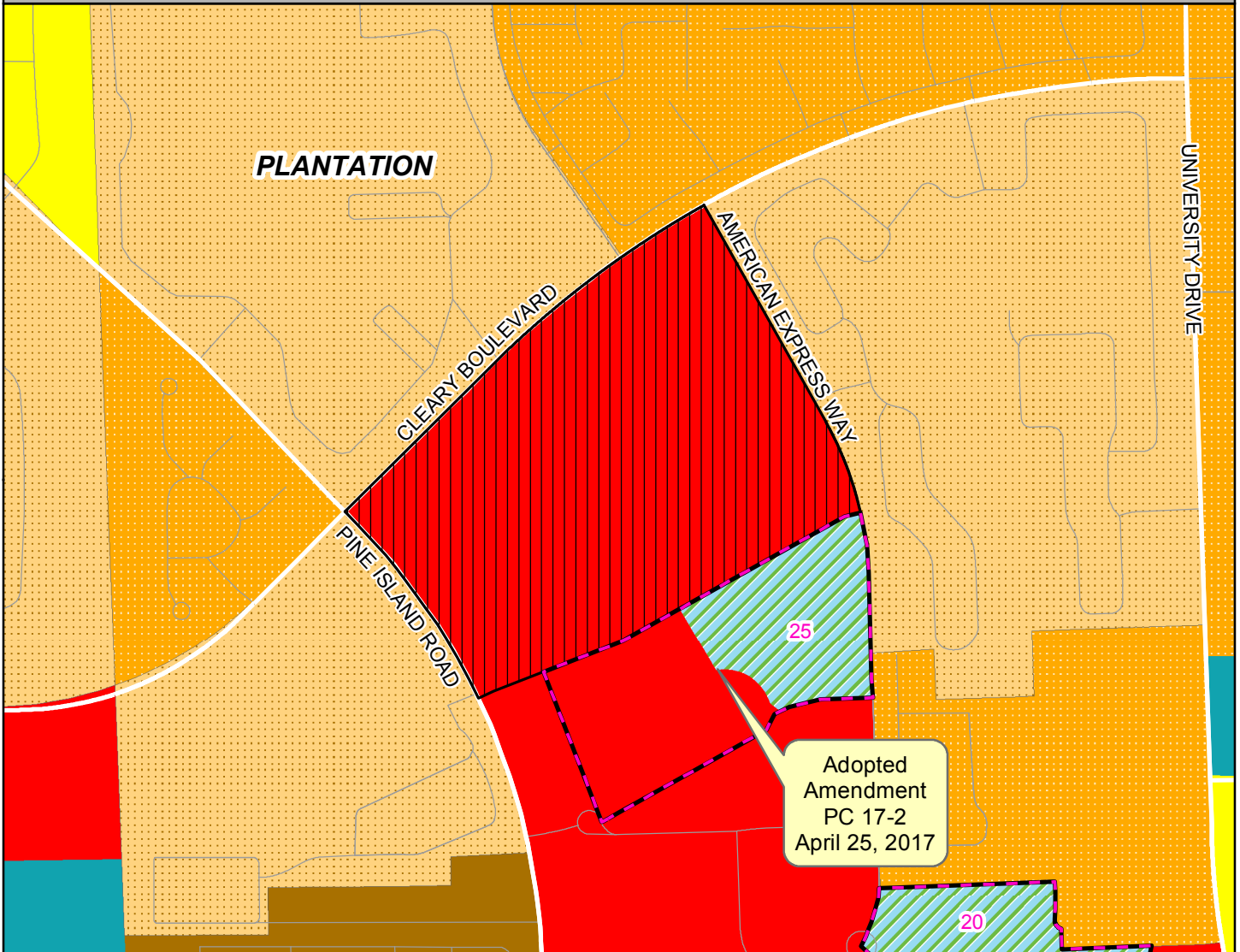
# EXHIBIT A










## BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 18-4

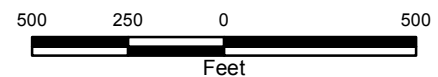
**Current Land Use:** Commerce

**Proposed Land Use:** 5.0 acres of Commerce and 23.7 acres of Irregular (21) Residential within a Dashed-Line Area

**Gross Acres:** Approximately 28.7 acres



- |   |  |   |
|---|--|---|
|  Site                |  Low-Medium (10) Residential  |  Irregular Residential |
|  Dashed-Line Area    |  Medium (16) Residential      |  Commerce              |
|  Low (5) Residential |  Medium-High (25) Residential |  Community             |



**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN**  
**PROPOSED AMENDMENT PC 18-4**  
**(PLANTATION)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

**I. Planning Council Staff Transmittal 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 Plantation regarding affordable housing Policy 2.16.2, inclusive of and subject to the applicant's voluntary contribution of \$250 per dwelling unit towards the County's affordable housing programs. See Attachment 7.

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** **January 25, 2018**

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 15-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Rosenof, Rosenzweig, Udine, Williams and Stermer)

**III. County Commission Transmittal Recommendation** **March 20, 2018**

Approval per Planning Council transmittal recommendation.

**IV. Summary of State of Florida Review Agency Comments** **April 24, 2018**

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

**V. Planning Council Staff Final Recommendation** **May 15, 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 Plantation regarding affordable housing Policy 2.16.2, inclusive of and subject to the applicant's voluntary contribution of \$250 per dwelling unit towards the County's affordable housing programs. See Attachments 7 and 11.

**RECOMMENDATIONS/ACTIONS (continued)**

V. Planning Council Staff Final Recommendation (continued)

May 15, 2018

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, as outlined in the Administrative Rules Document: BrowardNext. 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

May 24, 2018

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 14-0; Blackwelder, Blattner, Breslau, Castillo, DiGiorgio, Ganz, Gomez, Graham, Grosso, Moraitis, Rosenof, Rosenzweig, Williams and Stermer)

**PROPOSED AMENDMENT PC 18-4**

## **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 28.7 acres  |
| B.   | Location:  | In Section 4, Township 50 South, Range 41 East; generally located on the south side of Cleary Boulevard, between Pine Island Road and American Express Way. |
| C.   | Existing Uses:   | Office use, parking garage and surface parking  |
| IV.  | <u>Broward County Land Use Plan (BCLUP) Designations</u>                   |   |
| A.   | Current Designation:   | Commerce  |
| B.   | Proposed Designations:   | 5.0 acres of Commerce within a Dashed-Line Area*<br>23.7 acres of Irregular (21) Residential within a Dashed-Line Area                                      |
| C.   | Estimated Net Effect:  | Addition of 602 dwelling units [Zero (0) dwelling units currently permitted by the Broward County Land Use Plan]<br>Reduction of 23.7 acres of commerce use |
| V.   | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> |   |
| A.   | Existing Uses:   | North: Multi-family residential<br>East: Multi-family residential<br>South: Office and future multi-family residential<br>West: Multi-family residential    |

\*“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>B. Planned Uses:</b>	<b>North:</b> Medium (16) Residential and Low-Medium (10) Residential
	<b>East:</b> Medium (16) Residential
	<b>South:</b> Irregular (25) Residential within a Dashed-Line Area, Commerce within a Dashed-Line Area and Commerce
	<b>West:</b> Medium (16) Residential and Low-Medium (10) Residential

**VI. Applicant/Petitioner**

<b>A. Applicant:</b>	TM Residential, LLC
<b>B. Agents:</b>	Craven Thomson & Associates, Inc. and Doumar, Allsworth, Laystrom, Voigt, Wachs, Adair & Bosack, LLP
<b>C. Property Owner:</b>	Plantation 25, LLC

**VII. Recommendation of Local Governing Body:**

The City of Plantation recommends approval of the proposed amendment. The City has not determined a date for adoption of the corresponding local amendment.