

# EXHIBIT 1

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## ORDINANCE NO. 2018-

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF DEERFIELD BEACH; 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);

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

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

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearings on May 24, 2018, and August 23, 2018, with due public notice;

WHEREAS, the Board of County Commissioners held an adoption public hearing on September 25, 2018, at 10:00 a.m., having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes, at which public comment was accepted and considered;

WHEREAS, the Board of County Commissioners, after due consideration of all matters, hereby finds that the following amendment to the Broward County Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward County Comprehensive Plan; complies with the requirements of the Community Planning

1 Act; and is in the best interests of the health, safety, and welfare of the residents of  
2 Broward County; and

3 WHEREAS, the proposed amendment constitutes a Broward County permitted  
4 small scale amendment to the Broward County Comprehensive Plan pursuant to Section  
5 163.3187(1), Florida Statutes,

6 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
7 BROWARD COUNTY, FLORIDA:

8 Section 1. The Broward County Land Use Plan is hereby amended by  
9 amendment PC 18-8 in the City of Deerfield Beach, set forth in Exhibit "A," attached  
10 hereto and incorporated herein.

11 Section 2. Severability.

12 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
13 portion will be stricken, and such striking will not affect the validity of the remainder of this  
14 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
15 legally applied to any individual, group, entity, property, or circumstance, such  
16 determination will not affect the applicability of this Ordinance to any other individual,  
17 group, entity, property, or circumstance.

18 Section 3. Effective Date.

19 1. The effective date of the plan amendment set forth in this Ordinance will be  
20 the latter of:

21 (a) Thirty-one (31) days after the enactment of this Ordinance;

22 (b) The date a final order is issued by the Department of Economic Opportunity  
23 or the Administration Commission finding the amendment to be in  
24 compliance;

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

- 1 (c) If the Department of Economic Opportunity or the Administration  
2 Commission finds the amendment to be in noncompliance, pursuant to  
3 Section 163.3184(8)(b), Florida Statutes, the date the Board of County  
4 Commissioners nonetheless, elects to make the plan amendment effective  
5 notwithstanding potential statutory sanctions; or  
6 (d) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the  
7 date the Declaration of Restrictive Covenants is recorded in the Public  
8 Records of Broward County.

9 2. This Ordinance is effective as of the date provided by law.  
10

11 ENACTED

12 FILED WITH THE DEPARTMENT OF STATE

13 EFFECTIVE  
14

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

17 By /s/ Maite Azcoitia 08/21/18  
18 Maite Azcoitia (date)  
19 Deputy County Attorney  
20  
21  
22

23 MA/gmb  
24 08/21/18  
PC 18-8 City of Deerfield Beach.SmallScaleOrd.  
Imange File #80041

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underscored type are additions.

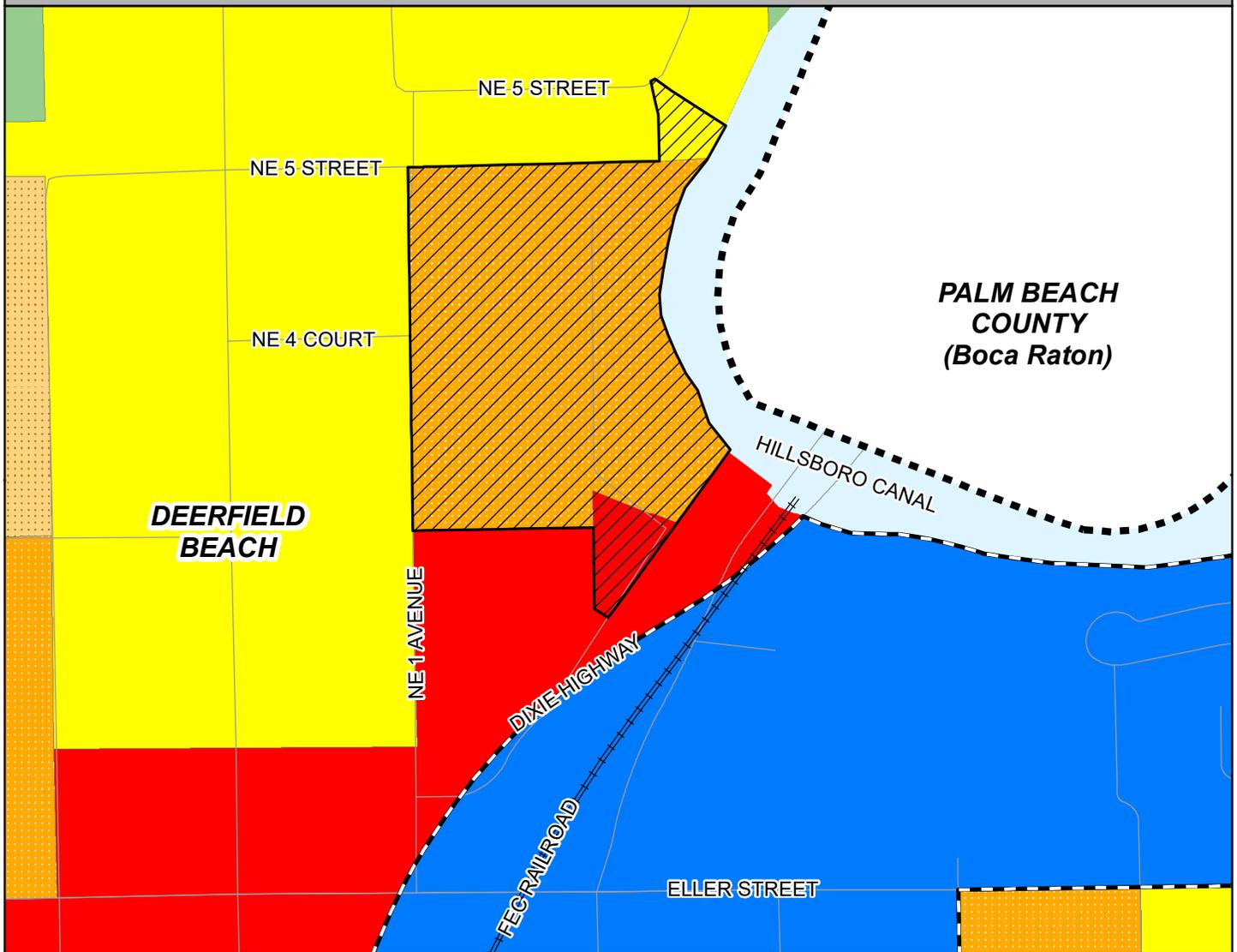
# EXHIBIT A

## BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 18-8

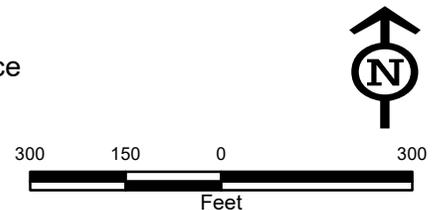
**Current Land Uses:** 7.6 acres of Low-Medium (10) Residential, 0.5 acres of Commerce and 0.3 acres of Low (5) Residential

**Proposed Land Use:** Irregular (39) Residential

**Gross Acres:** Approximately 8.4 acres



- |   |   |
|---|---|
|  Site                        |  Activity Center           |
|  Municipal Boundary          |  Commerce                  |
|  Low (5) Residential         |  Recreation and Open Space |
|  Low-Medium (10) Residential |  Water                     |
|  Medium (16) Residential     |   |



**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN**  
**PROPOSED AMENDMENT PC 18-8**  
**(DEERFIELD BEACH)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

*I. Planning Council Staff 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.

Further, the Broward County Planning and Development Management Division (PDMD) staff has requested that prior to the Planning Council's second public hearing, the City of Deerfield Beach provide additional information regarding the City's plans to address the current and future supply of very-low income rental housing units. Planning Council staff has no objection to the PDMD request; however, it is noted that the data and analysis submitted has been deemed to meet Policy 2.16.2 and that any supplemental material provided is for informational purposes only.

*II. Planning Council First Public Hearing Recommendation May 24, 2018*

Approval per Planning Council staff recommendation. (Vote of the board; 10-3; Yes: Blattner, Breslau, Castillo, DiGiorgio, Ganz, Moraitis, Rosenof, Rosenzweig, Williams, and Stermer. No: Blackwelder, Graham and Grosso)

*III. Planning Council Staff Second Public Hearing Recommendation August 14, 2018*

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan (BCLUP). Therefore, it is recommended that the proposed amendment be approved, recognizing the applicant's voluntary commitment to restrict building height to a maximum of six (6) stories.

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 a legally enforceable agreement, such as a Declaration of Restrictive Covenants, to memorialize the voluntary commitment proffered by the applicant, as an inducement for Broward County to favorably consider its application.

**RECOMMENDATIONS/ACTIONS (continued)**

**DATE**

III. Planning Council Staff Second Public Hearing Recommendation (continued) August 14, 2018

Regarding affordable housing, Planning Council staff notes that the City of Deerfield Beach affordable housing study was found **to be in compliance** with Policy 2.16.2. prior to the first Planning Council public hearing. Further, consistent with the Broward County Planning and Development Management Division (PDMD) staff's informational request, the City has provided additional information regarding its policies and programs to address the current and future supply of very-low income rental housing units, its commitment to maintain and improve its affordable housing stock, and its partnership with the Deerfield Beach Housing Authority.

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.

IV. Planning Council Second Public Hearing Recommendation August 23, 2018

Approval per Planning Council staff recommendation. (Vote of the board; 11-4; Yes: Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Rosenof, Rosenzweig and Stermer. No: Blackwelder, Graham, Grosso and Rich)

**SECTION II**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PC 18-8**

**INTRODUCTION AND APPLICANT'S RATIONALE**

- I. Municipality: Deerfield Beach
- II. County Commission District: District 4
- III. Site Characteristics
- A. Size: Approximately 8.4 acres
- B. Location: In Section 31, Township 47 South, Range 43 East; generally located on the east side of Northeast 1 Avenue, between Northeast 5 Street and Dixie Highway.
- C. Existing Uses: Marina, boat storage, single-family residential and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designations: 7.6 acres of Low-Medium (10) Residential  
0.5 acres of Commerce  
0.3 acres of Low (5) Residential
- B. Proposed Designation: Irregular (39) Residential
- C. Estimated Net Effect: Addition of 250 dwelling units  
77 dwelling units currently permitted by the Broward County Land Use Plan  
327 total dwelling units  
Reduction of 0.5 acres of commerce use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses: *North:* Single-family residential and vacant  
*East:* Hillsboro Canal  
*South:* Warehouse and boat repair  
*West:* Multi-family residential, vacant and single-family residential

**INTRODUCTION AND APPLICANT'S RATIONALE (continued)**

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

B. Planned Uses:	North:	Low (5) Residential
	East:	Water
	South:	Commerce
	West:	Low (5) Residential

VI. Applicant/Petitioner

A. Applicant:	Deerfield Development Resources, LLC
B. Agents:	Greenspoon Marder and Leigh Robinson Kerr & Associates, Inc.
C. Property Owners:	Deerfield Development Resources LLC, BGPUP LLC/RJP Ultra Enterprises LLC, Patricia E. Pennell Trust, Williams G A Fam LTD, and Land & Sea Ventures Inc.

VII. Recommendation of Local Governing Body:

The City of Deerfield Beach recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in October of 2018.

## **EXHIBIT B**

The Declaration of Restrictive Covenants has not been filed as of this mailing, however will conform to the stipulations outlined in the following email.

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**From:** Alicia Lewis <[Alicia.Lewis@gmlaw.com](mailto:Alicia.Lewis@gmlaw.com)>

**Sent:** Tuesday, August 07, 2018 12:11 PM

**To:** Blake Boy, Barbara <[BBLAKEBOY@broward.org](mailto:BBLAKEBOY@broward.org)>

**Cc:** Dennis Mele <[dennis.mele@gmlaw.com](mailto:dennis.mele@gmlaw.com)>; 'lkerr808@bellsouth.net' <[lkerr808@bellsouth.net](mailto:lkerr808@bellsouth.net)>; 'Christopher Partridge' <[chp@partridgeequities.com](mailto:chp@partridgeequities.com)>; 'William Morris' <[bill@southcp.com](mailto:bill@southcp.com)>

**Subject:** RE: PC 18-8 (Vista Clara LUPA Update) [IWOV-ACTIVE.FID11196274]

**Importance:** High

*(There was a small typo with the date provided in paragraph #4 of the last version. Please use the revised version below)*

Barbara,

The following correspondence has been prepared and submitted on behalf of Deerfield Development Resources, LLC ("Applicant"). The Applicant owns an +/- 8.4 acre parcel of land ("Property") located in the City of Deerfield Beach, Florida ("City"). Although a large portion of the Property is vacant, the remaining portions include a marina, boatyard, and residential uses.

The Applicant proposes to develop 326 mid-rise units on the Property which requires a Land Use Plan Amendment (LUPA"). The Applicant submitted LUPA Application No. PC 18-8 to change the existing land use designation to Irregular Residential/ 39 Units per Acre. The LUPA was approved by the City Commission for transmittal to the County.

On April 24, 2018, the Applicant held its first community meeting with the surrounding residents. Following the first community meeting, the Applicant made revisions to the conceptual plan in an effort to address the residents' concerns. A second community meeting was held on May 22, 2018 and the LUPA was reviewed by the Planning Council on May 24, 2018. Both the residents and the Planning Council expressed concerns regarding the (8) eight story height of the proposed development.

On May 24, 2018, the Planning Council recommended approval of the LUPA on first reading with a 10-3 vote. Following the Planning Council meeting, the Applicant continued to meet with the residents which included walking the neighborhood and meeting directly with the adjacent homeowners.

The Applicant has reduced the building height to (6) six stories and has scheduled a third community meeting for tonight, August 7, 2018. We will provide any additional feedback to the Planning Council, following the meeting tonight. Please feel free to contact me directly should you have any questions.

Thank you,

<image008.jpg>

**Greenspoon Marder LLP**

Alicia J. Lewis, Esq.

200 East Broward Boulevard, Suite 1800

Fort Lauderdale, FL 33301

Direct: (954) 527-6276 Fax: (954) 333-4176

<http://www.gmlaw.com> |