

EXHIBIT 2

ORDINANCE NO. 2019-

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 TEXT REGARDING THE CITY OF MIRAMAR ACTIVITY CENTER II; 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 text regarding the City of Miramar Activity Center II;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, has held its hearings on October 25, 2018, and January 24, 2019, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on December 4, 2018, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held an adoption public hearing on February 26, 2019, 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

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 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 PCT 19-3, which is an amendment to the Broward County Land Use Plan
13 regarding the City of Miramar Activity Center II, 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 invalid
17 portion will be stricken, and such striking will not affect the validity of the remainder of this
18 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
19 legally applied to any individual, group, entity, property, or circumstance, such
20 determination will not affect the applicability of this Ordinance to any other individual,
21 group, entity, property, or circumstance.

22 Section 3. EFFECTIVE DATE.

23 (a) The effective date of the plan amendment set forth in this Ordinance will be
24 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 is effective as of the date provided by law.

15 ENACTED

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

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

20
21 By /s/ Maite Azcoitia 01/14/19
22 Maite Azcoitia (date)
Deputy County Attorney

23 MA/gmb
01/14/19
24 PCT19-3 City of Miramar Activity Center II Ord.doc
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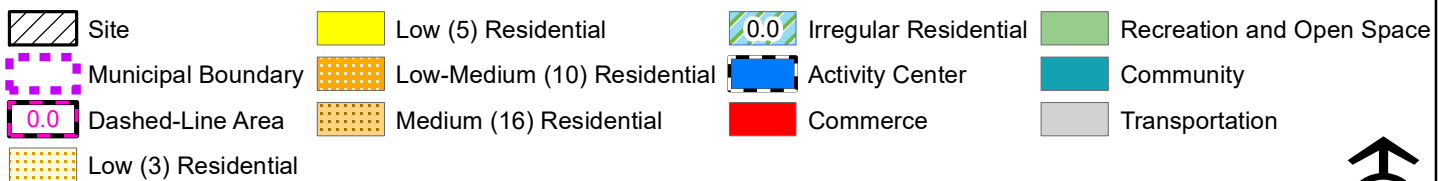
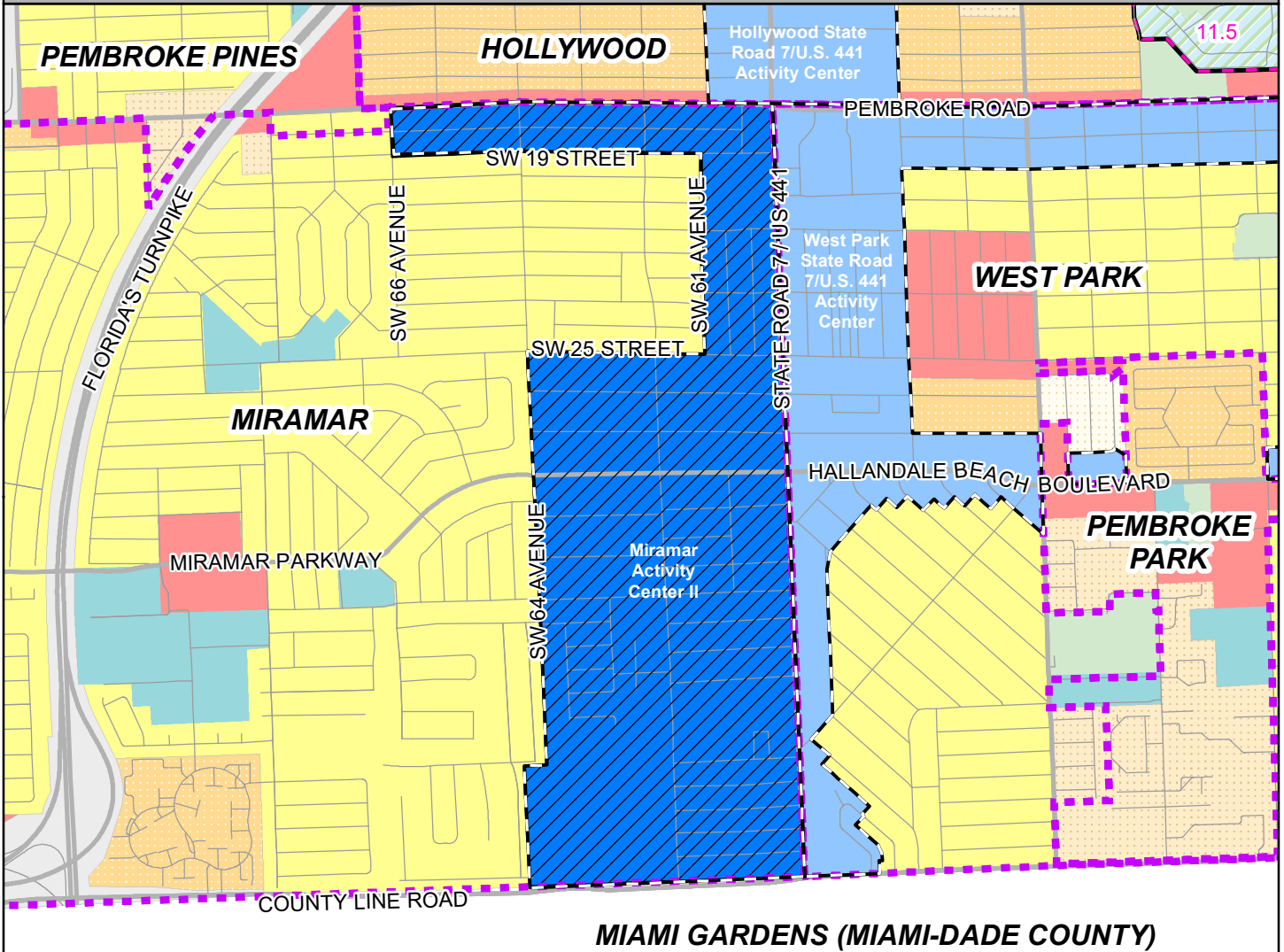
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PCT 19-3

Current Land Use: Activity Center

Proposed Land Use: Activity Center - Reduction of 500,000 square feet of office use

Gross Acres: Approximately 439.7 acres



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 19-3
(MIRAMAR)

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Transmittal Recommendation October 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.

- II. Planning Council Transmittal Recommendation October 25, 2018

Approval per Planning Council staff transmittal recommendation. (Vote of the board; Unanimous: 11-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, DiGiorgio, Graham, Hardin, Rich, Rosenzweig and Stermer)

- III. County Commission Transmittal Recommendation December 4, 2018

Approval per Planning Council transmittal recommendation.

- IV. Summary of State of Florida Review Agency Comments January 7, 2019

The South Florida Water Management District (SFWMD) has commented on the proposed amendment:

Comment: The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District’s Governing Board. The District’s Governing Board approved the LEC Water Supply Plan Update on November 8, 2018. Therefore, the County’s Work Plan needs to be updated and adopted by May 2020. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District’s website and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal.

Response: Broward County will revise the Work Plan by May 2020.

The Florida Division of Historical Resources (FDHR) has commented on the proposed amendment:

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. **Summary of State of Florida Review Agency Comments (continued)** **January 7, 2019**

Comment: The FDHR review indicates that the county is aware of the historic structures and archaeological sites within the amendment area and has some measures in place to avoid adversely affecting them. The two archaeological sites (8BD01867 and 8BD02112) within the proposed area are located in Snake Warrior Island Park, owned by the State of Florida and leased to Broward County. There are no plans to disturb these sites. Both are recorded as containing human remains and are protected under Section 872.05, *Florida Statutes*. Also protected under this statute is the historic cemetery, Miramar Grave Site (8BD2914). The cemetery appears to be partially located in Snake Warrior Island Park but may extend beyond into the project area. The FDHR recommends caution regarding any ground disturbing activities in the area of the cemetery.

Further, the FDHR notes that the amendment document (See Attachment 9) lists 20 recorded historic structures within the proposed amendment area. These structures were evaluated by the State Historic Preservation Office and one was determined to be eligible for the National Register of Historic Places (NRHP): the Dairy Queen Structure at 1900 South State Road 7 (8BD04729). The FDHR recommends that any future plans for this structure should be sensitive to potential adverse impacts.

Response: The City acknowledges the resources and 1) ensures it will be consistent with its 2009 commitment to take all necessary measures and coordinate with all appropriate county and state agencies to protect these resources, 2) require all historic property owners to work with respective agencies to address historic preservation issues prior to (re)development, and 3) continue to preserve and protect any existing historic resources as well as periodically assess environmental, architectural and archaeological resources in need of future preservation.

V. **Planning Council Staff Final Recommendation** **January 15, 2019**

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.

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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

VI. Planning Council Final Recommendation

January 24, 2019

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

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-3

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Miramar
- II. County Commission District: District 8
- III. Area Characteristics
- A. Size: Approximately 439.7 acres
- B. Location: In Sections 23, 24 and 25, Township 51 South, Range 41 East; generally located east of Southwest 66 Avenue and bound on the north by Pembroke Road, on the east by State Road 7/U.S. 441, and on the south by County Line Road.
- C. Existing Uses: Single-family residential, multi-family residential, commercial, educational facility, religious institution, parks and recreation, and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Activity Center:
Residential Land Uses: 3,406 dwelling units consisting of:
1,883 mid-rise units
659 (3-bedroom) townhouse units
623 single-family units
209 (2-bedroom) garden apartment units
32 mobile homes
Office Land Uses: **2,500,000** square feet
Commercial Land Uses: 2,500,000 square feet
Hotel: 250 rooms
Parks: 61.31 acres minimum
- B. Proposed Designation: Activity Center:
Residential Land Uses: 3,406 dwelling units consisting of:
2,651 multi-family units
755 single-family units (includes 32 mobile homes)

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

IV. Broward County Land Use Plan (BCLUP) Designations (continued)

B. Proposed Designation (continued):

Office Land Uses: **2,000,000** square feet
Commercial Land Uses: 2,500,000 square feet
Hotel: 250 rooms
Parks: 61.31 acres minimum

C. Estimated Net Effect: Reduction of 500,000 square feet of office use
No net change in number of dwelling units permitted by the BCLUP; however, there is a proposed change in the permitted unit type to multi-family and single-family units.

V. Existing Uses and BCLUP Designations Adjacent to the Amendment Area

A. Existing Uses: *North:* Commercial and single-family residential
East: Commercial
South: Single-family residential
West: Single-family residential

B. Planned Uses: *North:* Commerce and Activity Center (Hollywood) and Low (5) Residential
East: Activity Center (West Park)
South: Neighborhood and Commerce (Miami Gardens)
West: Low (5) Residential

VI. Applicant/Petitioner

A. Applicant: City of Miramar

B. Agent: City of Miramar

C. Property Owners: There are numerous property owners within the subject area.

VII. Recommendation of Local Governing Body:

The City of Miramar recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in April of 2019.

ATTACHMENT 1

BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT PCT 19-3

Miramar Activity Center II

Acreage: Approximately 439.7 acres

General Location: Located east of Southwest 66 Avenue and bound on the north by Pembroke Road, on the east by State Road 7/U.S. 441, and on the south by County Line Road.

Density and Intensity of Land Uses:

Residential Land Uses: 3,406 dwelling units

Consisting of:

Single-Family: 755 dwelling units, including 32 existing mobile homes

Multi-Family: 2,651 dwelling units

Office Land Uses: ~~2,500,000~~ 2,000,000 square feet

Commercial Land Uses: 2,500,000 square feet

Hotel: 250 rooms

Parks: 61.31 acres minimum*

Remarks:

~~Consisting of 1,883 mid-rise units, 659 (3-bedroom) townhouse units, 623 single-family units, 209 (2-bedroom) garden apartment units, and 32 mobile homes.~~

*Park acreage includes Snake Warrior's Island Park (55 acres), and Miramar Athletic Park (~~5.71~~ 6.31 acres), ~~and the City's proposed Miramar Athletic Park Addition (0.6 acres).~~ Acquisition of 0.6 acres of the Miramar Athletic Park ~~Addition site~~ was accommodated through the Broward County Safe Parks and Land Preservation Bond Program.

NOTE: Underlined words are proposed additions. ~~Struck through~~ words are proposed deletions.