

EXHIBIT 2

ORDINANCE NO. 2021-

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 ADOPTING AN AMENDMENT TO THE BROWARD
4 COUNTY COMPREHENSIVE PLAN; AMENDING THE
5 BROWARD COUNTY LAND USE PLAN WITHIN THE CITY
6 OF TAMARAC; AND PROVIDING FOR SEVERABILITY AND
7 AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

8 WHEREAS, Broward County adopted the Broward County Comprehensive Plan
9 on April 25, 2017 (the Plan);

10 WHEREAS, the Department of Economic Opportunity has found the Plan in
11 compliance with the Community Planning Act;

12 WHEREAS, Broward County now wishes to propose an amendment to the
13 Broward County Land Use Plan within the City of Tamarac;

14 WHEREAS, the Planning Council, as the local planning agency for the Broward
15 County Land Use Plan, has held its hearings on January 23, 2020, and
16 February 25, 2021, with due public notice;

17 WHEREAS, the Board of County Commissioners held its transmittal public hearing
18 on October 20, 2020, having complied with the notice requirements specified in
19 Section 163.3184(11), Florida Statutes;

20 WHEREAS, the Board of County Commissioners held an adoption public hearing
21 on May 4, 2021, at 10:00 a.m. [also complying with the notice requirements specified in
22 Section 163.3184(11), Florida Statutes] at which public comment was accepted and
23 comments of the Department of Economic Opportunity, South Florida Regional Planning
24 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

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

12

13 Section 1. The Broward County Comprehensive Plan is hereby amended by
14 Amendment PC 20-2, which is an amendment to the Broward County Land Use Plan
15 located in the City of Tamarac, as set forth in Exhibit "A," attached hereto and
16 incorporated herein.

17

18 Section 2. Severability.

19 If any portion of this Ordinance is determined by any court to be invalid, the invalid
20 portion will be stricken, and such striking will not affect the validity of the remainder of this
21 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
22 legally applied to any individual, group, entity, property, or circumstance, such
23 determination will not affect the applicability of this Ordinance to any other individual,
24 group, entity, property, or circumstance.

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

1 Section 3. Effective Date.

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

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

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

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

14 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per
15 Exhibit "B," the date the Declaration of Restrictive Covenants or agreement
16 is recorded in the Public Records of Broward County; or

17 (5) If recertification of the municipal land use plan amendment is required, the
18 date the municipal amendment is recertified.

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underscored type are additions.

1 (b) This Ordinance is effective as of the date provided by law.

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3 ENACTED

4 FILED WITH THE DEPARTMENT OF STATE

5 EFFECTIVE

6
7 Approved as to form and legal sufficiency:
8 Andrew J. Meyers, County Attorney

9
10 By /s/ Maite Azcoitia 03/25/2021
11 Maite Azcoitia (date)
Deputy County Attorney

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PC20-2 City of Tamarac Ord.doc
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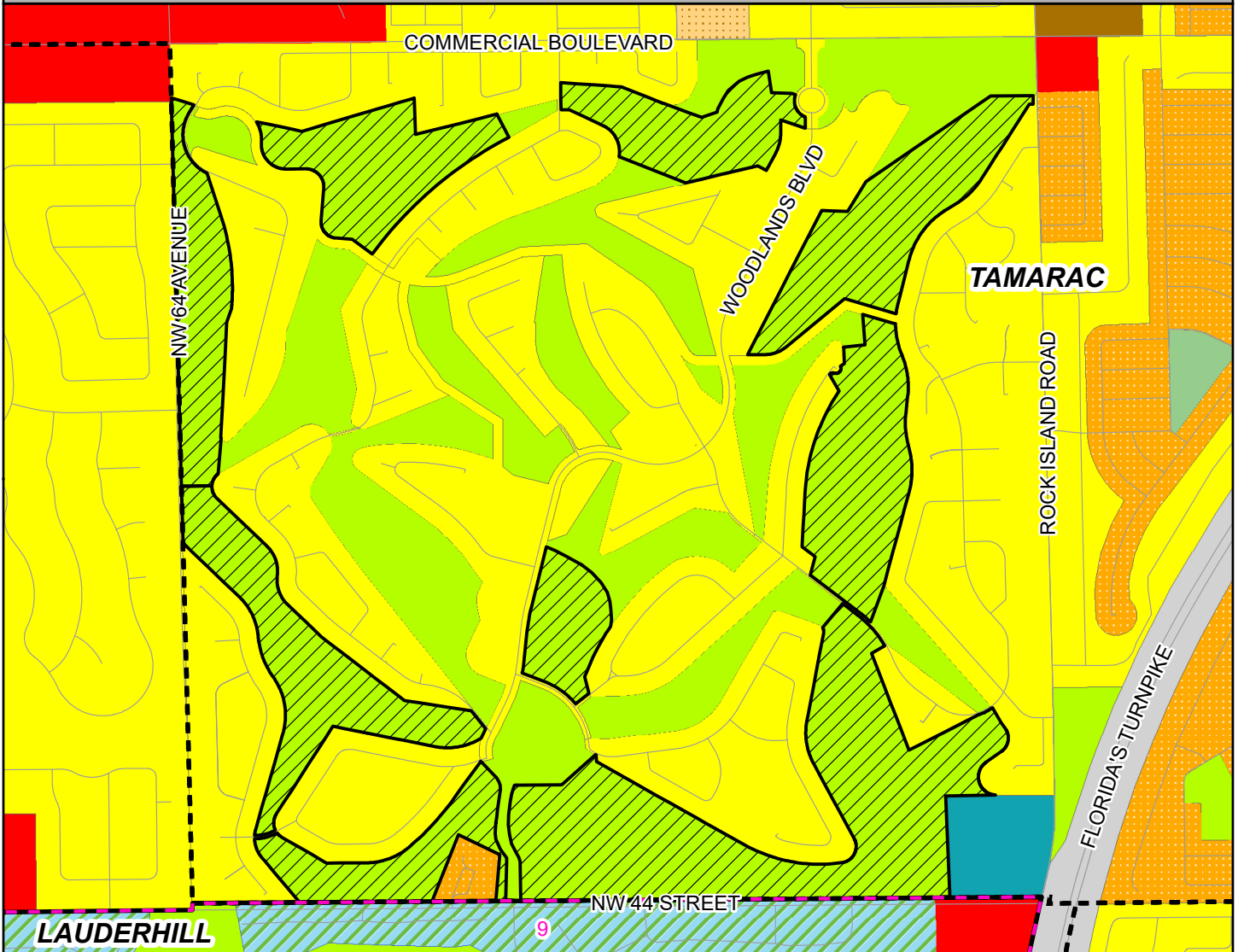
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 20-2

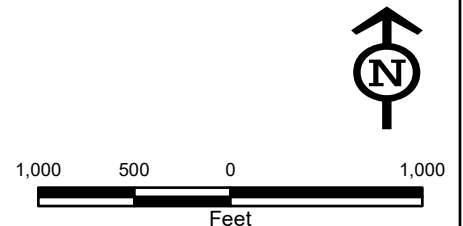
Current Land Use: Commercial Recreation

Proposed Land Use: Low (5) Residential

Gross Acres: Approximately 168.7 acres



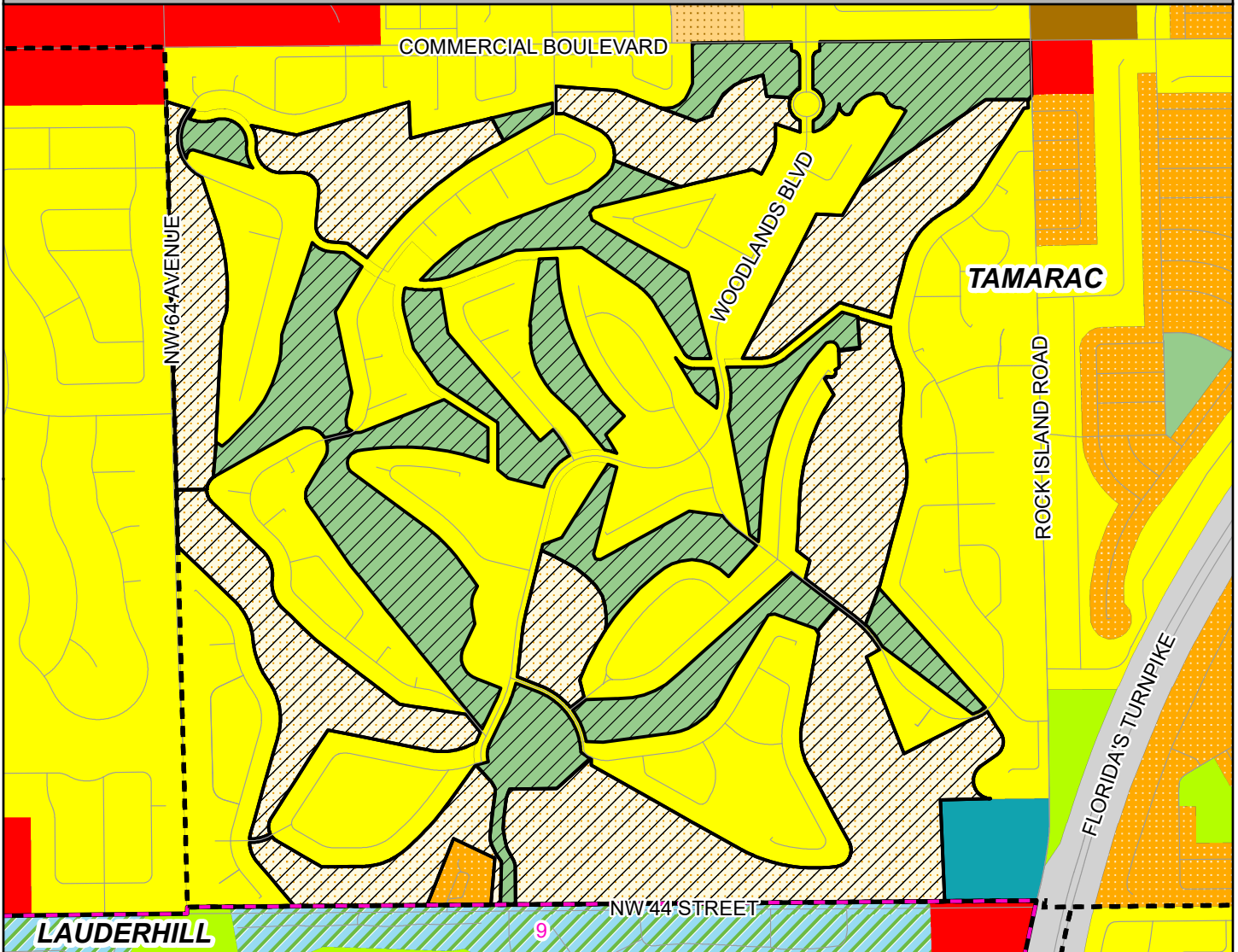
- | | |
|------------------------------|---------------------------|
| Municipal Boundary | Irregular Residential |
| Dashed-Line Area | Commerce |
| Low (5) Residential | Recreation and Open Space |
| Low-Medium (10) Residential | Commercial Recreation |
| Medium (16) Residential | Community |
| Medium-High (25) Residential | Transportation |



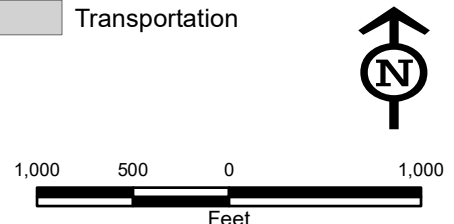
**BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
 PLANNING COUNCIL JANUARY 23, 2020 AND FEBRUARY 25, 2021 RECOMMENDATIONS AND
 BROWARD COUNTY COMMISSION OCTOBER 20, 2020 TRANSMITTAL RECOMMENDATION
 FUTURE LAND USE DESIGNATIONS
 AMENDMENT PC 20-2**

Proposed Land Uses: 168.7 acres of Low (3) Residential and 110.0 acres of Recreation and Open Space

Gross Acres: Approximately 278.7 acres



- | | | |
|-----------------------------|------------------------------|----------------|
| Site | Medium (16) Residential | Community |
| Municipal Boundary | Medium-High (25) Residential | Transportation |
| Dashed-Line Area | Irregular Residential | |
| Low (3) Residential | Commerce | |
| Low (5) Residential | Recreation and Open Space | |
| Low-Medium (10) Residential | Commercial Recreation | |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 20-2
(TAMARAC)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

January 14, 2020

It is recommended that the proposed amendment be approved, recognizing the applicant's voluntary commitments to 1) restrict development to a maximum of 398 single-family dwelling units, 2) contribute \$1,000 per dwelling unit towards the City's affordable housing programs, 3) reserve approximately 160 acres of the overall Woodlands property for community recreation and open space (approximately 110 acres of remaining Commercial Recreation and 50 acres within the proposed Low (5) Residential designation with the location(s) determined at time of site plan) and 4) restrict the development's non-emergency vehicular ingress and egress access to and from Northwest 44 Street. See Attachment 3.

In addition to the applicant's voluntary commitments listed above, Planning Council staff recommends the following:

- A) The approximately 110 acres currently designated as Commercial Recreation of the 160 acres that will be reserved for community recreation and open space be amended to the Recreation and Open Space land use designation to further enhance the voluntary commitment. See Attachment 13.C.
- B) As an alternative to the proposed Low (5) Residential designation, Planning Council staff finds that a designation of Low (3) Residential, which permits a maximum of 506 dwelling units, may be more appropriate, as the applicant has proffered a voluntary commitment to restrict the development to a maximum of 398 single-family dwelling units, which is less than half of the density permitted by a Low (5) Residential designation. The Low (3) Residential designation would further protect the lower density by more accurately reflecting the voluntary commitment to restrict the development to a maximum of 398 single-family dwelling units and require a more stringent County and City land use plan amendment process be engaged if an increase in residential density is ever sought, as opposed to the release of a Declaration of Restrictive Covenants. This action would require that the City of Tamarac also adopt the same or more restrictive density designation for its future land use plan to be recertified and effective.

Should the Planning Council support staff's additional recommendations of A) and/or B) above, Maps 2 and 3 and the amendment report will be updated prior to the County Commission public hearing to consider transmittal of the proposed amendment to the State of Florida review agencies for review under the Florida Statutes, Chapter 163 process.

(Planning Council staff recommendation continued on next page)

I. Planning Council Staff Transmittal Recommendation (continued) January 14, 2020

Effectiveness of the approval of the land use plan amendment 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 to legally enforce any voluntary commitments proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition, the applicant's confirmation to 1) comply with the environmental licensing and permitting requirements to redevelop the property with a residential use, 2) comply with the City's historic preservation regulations throughout the redevelopment process and 3) continue to coordinate with applicable governmental agencies to discuss potential off-site improvements to the traffic network surrounding the proposed amendment site is recognized. See Attachment 6.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

(Planning Council staff recommendation continued on next page)

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued) **January 14, 2020**

In addition, if the Planning Council does not require a second Planning Council public hearing and 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 BCLUP 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.

II. Planning Council Transmittal Recommendation **January 23, 2020**

Approval per Planning Council staff transmittal recommendation. See Map 4. (Vote of the board; 10-4; Yes: Blattner, Breslau, Castillo, DiGiorgio, Gomez, Hardin, Maxey, Rosenof, Williams and Stermer. No: Blackwelder, Fernandez, Graham and Rich.)

(The Planning Council also voted not to hold a second Planning Council public hearing: Vote of the board; 10-4; Yes: Blattner, Breslau, Castillo, DiGiorgio, Gomez, Hardin, Rich, Rosenof, Williams and Stermer. No: Blackwelder, Fernandez, Graham and Maxey.)

III. County Commission Transmittal Recommendation **October 20, 2020**

Approval per Planning Council transmittal recommendation. (Please see the January 14, 2020, Planning Council staff transmittal recommendation for the voluntary commitments and conditions, as well as Map 4.)

IV. Summary of State of Florida Review Agency Comments **November 25, 2020**

The Florida Department of Transportation (FDOT) has issued a comment on the proposed amendment (See Attachment 30):

Comment: The FDOT issued the following comment for the proposed Broward County comprehensive plan amendment with DEO reference number 20-6ESR. This comment will not form the basis of a challenge.

(Summary continued on next page)

IV. Summary of State of Florida Review Agency Comments (continued) November 25, 2020

In accordance with ss. 163.3161(3) and 163.3184(3)(b), Florida Statutes, the focus of our review was on major transportation issues, including adverse impacts to transportation facilities of state importance. These facilities include the Strategic Intermodal System (SIS) and significant regional resources and facilities identified in the Strategic Regional Policy Plan by the South Florida Regional Planning Council. These facilities are vital to the economic vitality, growth and quality of life of the county, region and state.

Through the Department's review of the long term adequacy of transportation facilities to meet established acceptable levels of service, as required by ss. 163.3177(3)(a)3., and 163.3177(6)(a)8a., Florida Statutes, adverse impacts to SIS and significant regional facilities were identified, including the Florida's Turnpike Interchange and Commercial Boulevard. There are no projects contained in the Broward Metropolitan Planning Organization's Long Range Transportation Plan that would correct the adverse impacts. More specifically, typical daily volumes that can be processed by a 6-lane arterial at an acceptable Level of Service (LOS) would be approximately 60,000 vehicles per day. The segment of Commercial Boulevard between Rock Island Road and the Turnpike carried 74,500 Annual Average Daily Traffic (AADT) in 2019.

Recent analysis of intersection operating conditions along Commercial Boulevard by the Florida's Turnpike Enterprise showed the intersections of Commercial Boulevard with Rock Island Road and with State Road 7/US 441 are operating at LOS F in both AM and PM peak hours. The Turnpike Commercial Boulevard ramp terminal intersection operates at LOS E in both AM and PM peak hours. The land use change being considered will further degrade operating conditions along Commercial Boulevard and within the functional footprint of the Turnpike interchange. FDOT strives to maintain a level of service standard of D on facilities operated by the Department.

Recommendation for Comment

The County should coordinate with the Department and the City of Tamarac prior to adoption of the amendment to determine strategies for reducing, mitigating or eliminating adverse impacts resulting from this amendment, as required by ss.163.3177(6)(b)1.e., Florida Statutes. The Department is participating in a joint funded project with Broward County to design and construct Advance Transportation Management System (ATMS) improvements along Commercial Boulevard. This project is programmed in the FDOT Adopted Five Year Work Program in FY 2024. One potential strategy to consider is for the County to work with the City and the Developer regarding a proportionate share contribution to the Department towards this opportunistic project. The proposed development will directly benefit from potential traffic congestion reduction that is typically associated with ATMS projects.

(Summary continued on next page)

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. Summary of State of Florida Review Agency Comments (continued) November 25, 2020

Response: Planning Council staff notes that the Broward County Land Use Plan (BCLUP) considers impacts to the regional roadway network based on land use designations and the Broward Metropolitan Planning Organization (MPO) long-range roadway capacity and volumes table. In addition, per BCLUP Policy 2.14.9, if the Planning Council staff transportation impact analysis identifies that the net p.m. peak hour trips resulting from the proposed amendment will be significant (i.e. 3% or greater of the capacity of a regional roadway segment, at the long-range planning horizon), a Broward MPO model analysis is requested for the distribution of the projected additional p.m. peak hour trips. Based on the MPO model distribution, Commercial Boulevard was not significantly or adversely impacted by the proposed amendment as restricted. See Attachment 4.B. Planning Council staff notes that all new development, independent of any land use plan amendment traffic analysis, is required to comply with Broward County traffic concurrency mitigation provisions, which is assessed at the plat/site planning stage, as well as the local government site specific analyses occurring during the municipal development process (i.e. site plan/plat).

The applicant has provided correspondence indicating that the City and applicant are engaged in ongoing discussions to address the site plan specific traffic impacts. As a part of the City site plan review process, the applicant has submitted a Traffic Impact Analysis (TIA) that includes detailed evaluations for a total of 18 intersections immediately adjacent to or in the vicinity of the amendment site. The applicant has stated that the appropriate physical improvements to the impacted roadways, such as turn lanes and signalization improvements, and the final conditions of approval will be determined upon site plan consideration by the Tamarac City Commission, noting that the proportionate share contribution to the ATMS project identified in the FDOT comment is one of several options being contemplated. See Attachment 31.

V. Planning Council Staff Final Recommendation February 16, 2021

Planning Council staff continues to support its initial recommendation that the proposed amendment be approved, recognizing the applicant's voluntary commitments to 1) restrict development to a maximum of 398 single-family dwelling units, 2) contribute \$1,000 per dwelling unit towards the City's affordable housing programs, 3) reserve approximately 160 acres of the overall Woodlands property for community recreation and open space (approximately 110 acres of remaining Commercial Recreation and 50 acres within the proposed Low (5) Residential designation with the location(s) determined at time of site plan) and 4) restrict the development's non-emergency vehicular ingress and egress access to and from Northwest 44 Street. See Attachment 3.

(Planning Council staff recommendation continued on next page)

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. **Planning Council Staff Final Recommendation (continued)**

February 16, 2021

In addition to the applicant's voluntary commitments listed above, Planning Council staff recommends the following:

- A) The approximately 110 acres currently designated as Commercial Recreation of the 160 acres that will be reserved for community recreation and open space be amended to the Recreation and Open Space land use designation to further enhance the voluntary commitment. See Attachment 13.C.
- B) As an alternative to the proposed Low (5) Residential designation, Planning Council staff finds that a designation of Low (3) Residential, which permits a maximum of 506 dwelling units, may be more appropriate, as the applicant has proffered a voluntary commitment to restrict the development to a maximum of 398 single-family dwelling units, which is less than half of the density permitted by a Low (5) Residential designation. The Low (3) Residential designation would further protect the lower density by more accurately reflecting the voluntary commitment to restrict the development to a maximum of 398 single-family dwelling units and require a more stringent County and City land use plan amendment process be engaged if an increase in residential density is ever sought, as opposed to the release of a Declaration of Restrictive Covenants. This action would require that the City of Tamarac also adopt the same or more restrictive density designation for its future land use plan to be recertified and effective.

Further, at its January 23, 2020 meeting, the Planning Council supported the applicant's voluntary commitments and staff's additional recommendations of A) and B) above, resulting in the addition of Map 4 to reflect said recommendations. It is noted that Map 4 and the updated amendment report were provided to the County Commission prior to its public hearing to consider transmittal of the proposed amendment to the State of Florida review agencies for review under the Florida Statutes, Chapter 163 process. At its October 20, 2020 meeting, the County Commission recommended approval per the Planning Council transmittal recommendation.

Effectiveness of the approval of the land use plan amendment 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 to legally enforce any voluntary commitments proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition, the applicant's confirmation to 1) comply with the environmental licensing and permitting requirements to redevelop the property with a residential use, 2) comply with the City's historic preservation regulations throughout the redevelopment process and 3) continue to coordinate with applicable governmental agencies to discuss potential off-site improvements to the transportation network, such as turn lanes and signalization improvements, is recognized. See Attachments 6 and 31.

(Planning Council staff recommendation continued on next page)

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. Planning Council Staff Final Recommendation (continued)

February 16, 2021

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

February 25, 2021

Approval per Planning Council staff final recommendation, including the conditional recertification, recognizing the applicant’s voluntary commitments to 1) restrict development to a maximum of 398 single-family dwelling units, 2) contribute \$1,000 per dwelling unit towards the City’s affordable housing programs, 3) reserve approximately 160 acres of the overall Woodlands property for community recreation and open space (approximately 110 acres of remaining Commercial Recreation and 50 acres within the proposed Low (5) Residential designation with the location(s) determined at time of site plan) and 4) restrict the development’s non-emergency vehicular ingress and egress access to and from Northwest 44 Street. See Attachment 3.

In addition to the applicant’s voluntary commitments listed above, the Planning Council recommended the following (see Map 4):

- A) The approximately 110 acres currently designated as Commercial Recreation of the 160 acres that will be reserved for community recreation and open space be amended to the Recreation and Open Space land use designation.
- B) The designation of Low (3) Residential as an alternative to the proposed Low (5) Residential designation. The Low (3) Residential permits a maximum of 506 dwelling units, and the applicant has proffered a voluntary commitment to restrict the development to a maximum of 398 single-family dwelling units.

Effectiveness of the approval of the land use plan amendment 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 to legally enforce any voluntary commitments proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition, the applicant’s confirmation to 1) comply with the environmental licensing and permitting requirements to redevelop the property with a residential use, 2) comply with the City’s historic preservation regulations throughout the redevelopment process

(Planning Council final recommendation continued on next page)

VI. Planning Council Final Recommendation (continued)

February 25, 2021

and 3) continue to coordinate with applicable governmental agencies to discuss potential off-site improvements to the transportation network, such as turn lanes and signalization improvements, is recognized. See Attachments 6 and 31. (Vote of the board; 12-4; Yes: Breslau, Brunson, Castillo, Fernandez, Good, Hardin, Maxey, Parness, Railey, Rosenof, Ryan and DiGiorgio. No: Graham, Grosso, Rich and Williams.)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 20-2

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Tamarac
- II. County Commission District: District 1
- III. Site Characteristics
 - A. Size: Approximately 168.7 acres
 - B. Location: In Section 14, Township 49 South, Range 41 East; located between Commercial Boulevard and Northwest 44 Street, and between Northwest 64 Avenue and Rock Island Road.
 - C. Existing Use: Golf course
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Commercial Recreation
 - B. Proposed Designation: Low (5) Residential
 - C. Estimated Net Effect: Addition of 843 dwelling units
Zero (0) dwelling units currently permitted by the Broward County Land Use Plan
Reduction of 168.7 acres of commercial recreation
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
 - A. Existing Uses:
 - North: Single-family residential, golf course and country club
 - East: Single-family residential, golf course, retail, utility and multi-family residential
 - South: Single-family residential, golf course, utility, multi-family residential, maintenance facility and vacant
 - West: Single-family residential, golf course and multi-family residential

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>	Commercial Recreation and Low (5) Residential
		<i>East:</i>	Commercial Recreation, Low (5) Residential, Commerce, Low-Medium (10) Residential and Community
		<i>South:</i>	Commercial Recreation, Low (5) Residential, Community, Commerce and Irregular (9) Residential within a Dashed Line Area and Low-Medium (10) Residential
		<i>West:</i>	Commercial Recreation, Low (5) Residential, Low-Medium (10) Residential and Commerce

VI. Applicant/Petitioner

A.	<i>Applicant:</i>	13th Floor Woodlands HB GP
B.	<i>Agents:</i>	Dunay, Miskel & Backman, LLP and Urban Design Kilday Studios
C.	<i>Property Owner:</i>	Clublink US Corporation

VII. Recommendation of Local Governing Body:

The City of Tamarac recommends approval of the proposed amendment.

EXHIBIT B

The attached draft "Declaration of Restrictive Covenants" has been submitted and is required to be executed and recorded by the applicant prior to the effective date.

Prepared by and Return To:
Christina Bilenki, Esq.
Dunay, Miskel & Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, FL 33432

RECEIVED
8/16/2019

REVISED
1/7/2019

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restriction (“Declaration”) made this ____ day of _____, 20____ by CLUBLINK US CORP, a Delaware corporation, having an address of 15676 Dufferin Street, King City, Ontario, Canada L7B 1K5 (referred to herein as “Owner”), shall be for the benefit of Broward County, a political subdivision of the State of Florida, with a post office address at 115 South Andrews Avenue, Fort Lauderdale, FL 33301 (“County”).

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land located in Broward County, Florida, and more particularly described in Exhibit “A” (“Property”); and

WHEREAS, the Property is subject to a land use plan amendment, which application was identified as Case Number PC 20-2 and referred to herein as the “Application”; and

WHEREAS, the City of Tamarac (“City”) and County approved the Application to change the land use designation of the Property from Commercial/Recreation to Low (0-5) Residential on the Property; and

WHEREAS, Owner has offered to enter into this Declaration to restrict the utilization of the Property; and

WHEREAS, Owner agrees to grant this Declaration to the County, and the County agrees to accept this Declaration in order to place certain restrictions on the development of the Property upon final approval.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions and regulations hereinafter set forth, all of which shall run with such Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property or any part thereof, their heirs, successors and assigns.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. **Property Development.** Owner hereby restricts development of the Property to three hundred ninety eight (398) single family homes.

3. **Access.** Owner hereby agrees to restrict non-emergency vehicular ingress and egress to the Property from NW 44th Street.
4. **Affordable Housing.** Prior to environmental review approval by the County, Owner shall pay \$1,000 per dwelling unit into the City's Affordable Housing Trust Fund to facilitate the City's affordable housing programs and initiatives.
5. **Recreation and Open Space.** No building permit for a residential dwelling unit shall be issued for the Property until a site plan is approved by the City which provides that a total of one hundred sixty (160) acres of the Property is reserved for community recreation and open space ("Open Space"). Of the one hundred sixty (160) acres of Open Space, approximately one hundred nine (109) acres are located within the areas as depicted on Exhibit "A". The remaining balance of Open Space will be located within the Property that is subject to the Application. The exact location of the remaining Open Space within the Property shall be determined by the City at the time of final site plan approval. The Open Space shall be restricted for the benefit of the Woodlands community and not for the general public.
6. **Term.** This Declaration is to run with the land and shall bind all parties and all persons, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified, amended or released in accordance with the provisions set forth in Paragraph 5 herein.
7. **Modification, Amendment, Release.** This Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment or release and approved in writing by the County. The appropriate governmental authority of the County shall execute a written instrument effectuation and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida.
8. **Recording and Effective Date.** This Declaration shall not become effective and shall not be recorded in the Public Records of Broward County, Florida and the restrictions on the development of the Property contained herein shall not become enforceable until all required governmental entities have approved and adopted, with no appeal having been filed or if filed resolved so as to uphold the approvals, the Application, which will allow development of the Property in accordance with the restrictions herein ("Final Approval"). Declarant shall record this Declaration not later than 10 business days after Final Approval. Once recorded, the restrictions herein shall run with the Property and shall remain in full force and effect and be binding upon Owner and its heirs, successors and assigns until such time as the same are modified, amended or released as provided for herein.
9. **Severability.** Invalidation of any one of these provisions, by judgment of court, shall not affect any of the other provisions which shall remain in full force and effect.

10. **Third Party Beneficiary Rights.** This Declaration is not intended to create, nor shall it be in anyway interpreted or construed to create, any third party beneficiary rights in any person not a party hereto unless otherwise expressly provided herein.

11. **Captions, Headings and Titles.** Paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

CLUBLINK US CORPORATION,
a Delaware corporation

WITNESSES:

(Signature)

(Print Name)

(Signature)

(Print Name)

By: _____
(Signature)

(Print Name)

Title

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me on _____, 20__,
by _____ on behalf of the Owner, identified above. He/she is personally
known to me or has produced _____ as
identification.

(SEAL)

Notary Public, State of Florida

Print Name

My Commission Expires: