

EXHIBIT 3

ORDINANCE NO. 2021-

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 MIRAMAR INNOVATION & TECHNOLOGY ACTIVITY CENTER; 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 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 Miramar Innovation & Technology Activity Center;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on January 28, 2021, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on March 9, 2021, 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 June 1, 2021, 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 Plan is consistent with the
5 State Plan, Regional Plan, and the Plan; complies with the requirements of the
6 Community Planning Act; and is in the best interests of the health, safety, and welfare of
7 the residents of Broward County,

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

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12 Section 1. The Plan is hereby amended by Amendment PCT 21-1, which is an
13 amendment to the Broward County Land Use Plan text regarding the Miramar
14 Innovation & Technology Activity Center, as set forth in Exhibit "A," attached hereto and
15 incorporated herein.

16 Section 2. Severability.

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

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
5 notifies 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
15 per Exhibit "B," the date the Declaration of Restrictive Covenants or
16 agreement 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.

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

2
3 ENACTED

4 FILED WITH THE DEPARTMENT OF STATE

5 EFFECTIVE

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

8 By /s/ Maite Azcoitia 04/23/2021
9 Maite Azcoitia (date)
10 Deputy County Attorney

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24 PCT21-1 Miramar Innovation & Technology Activity Center Ord
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EXHIBIT A

SECTION I

AMENDMENT REPORT

BROWARD COUNTY LAND USE PLAN

PROPOSED AMENDMENT PCT 21-1

(CORRESPONDING TO PROPOSED MAP AMENDMENT PC 21-1)

(MIRAMAR)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

January 19, 2021

Planning Council staff finds 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.

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.

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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

II. Planning Council Transmittal Recommendation

January 28, 2021

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous: 17-0; Blackwelder, Breslau, Brunson, Castillo, Fernandez, Gomez, Good, Graham, Grosso, Hardin, Maxey, Railey, Rich, Rosenof, Ryan, Williams and DiGiorgio)

III. County Commission Transmittal Recommendation

March 9, 2021

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments

April 14, 2021

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

ATTACHMENT 1

Miramar Innovation and Technology Activity Center

Acreege: Approximately 83.2 acres

General Location: On both sides of Miramar Parkway, between Florida's Turnpike and Hibiscus Place/Southwest 67 Avenue

Density and Intensity of Land Uses:

Residential Land Uses: 450 multi-family dwelling units*

Commercial Land Uses: 300,000 square feet

Public School Uses: 276,000 square feet

Office Land Uses: 200,000 square feet

Municipal Facility Uses: 160,000 square feet

Recreation and Open Space: 10.23 acres minimum

*At least 67 (15%) of the multi-family dwelling units will be affordable at the "moderate-income" (up to 120% of the median income) level to achieve sufficient supply of affordable housing for a period of 30 years, subject to a legally enforceable mechanism.

Remarks:

- Development shall provide for compatibility with and adequate transition to the adjacent single-family residential neighborhoods, in order to protect the character and integrity of these neighborhoods.
- Development shall incorporate buildings that front the street and may offer zero to minimal setbacks, as well as internal streets that discourage isolation and provide connectivity.
- The City shall coordinate with Broward County Transit to plan for an integrated transit hub within the Activity Center, in order to reduce reliance on automobile travel.
- Development shall incorporate vehicle parking strategies that encourage transit usage, as well as design features that prioritize pedestrian mobility, including connectivity to the transit hub.
- Development shall include ADA-compliant pedestrian and bicycle paths, as well as greenways to accomplish fully-connected routes to all destinations within the Activity Center; said paths to be spatially defined by buildings, trees and lighting, incorporate designs that minimize conflicts with motorized traffic and discourage high speed traffic, and offer opportunities for shelter from elements.
- Park land, public plazas, recreational areas, urban open space or green space/pocket park uses that are accessible to the public; as well as any amenities, such as clocks, fountains, sculptures and drinking fountains, which could be incorporated into these publicly accessible areas, shall be provided as an integrated component within the Activity Center.

Note: Underlined words are proposed additions.

EXHIBIT B

A Declaration of Restrictive Covenants is not applicable to this amendment.