

EXHIBIT 1

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 LAUDERHILL; AND PROVIDING FOR SEVERABILITY
7 AND AN EFFECTIVE DATE.

8 (Sponsored by the Board of County Commissioners)

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

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

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

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

17 WHEREAS, the Board of County Commissioners held its transmittal public hearing
18 on March 9, 2021, 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 June 1, 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,

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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 21-3, which is an amendment to the Broward County Land Use Plan
15 located in the City of Lauderhill, 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.

19 (b) This Ordinance is effective as of the date provided by law.
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ENACTED
FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE

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

By /s/ Maité Azcoitia 04/16/2021
Maité Azcoitia (date)
Deputy County Attorney

MA/gmb
04/16/2021
PC21-3 City of Lauderhill Ord.doc
#80041

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

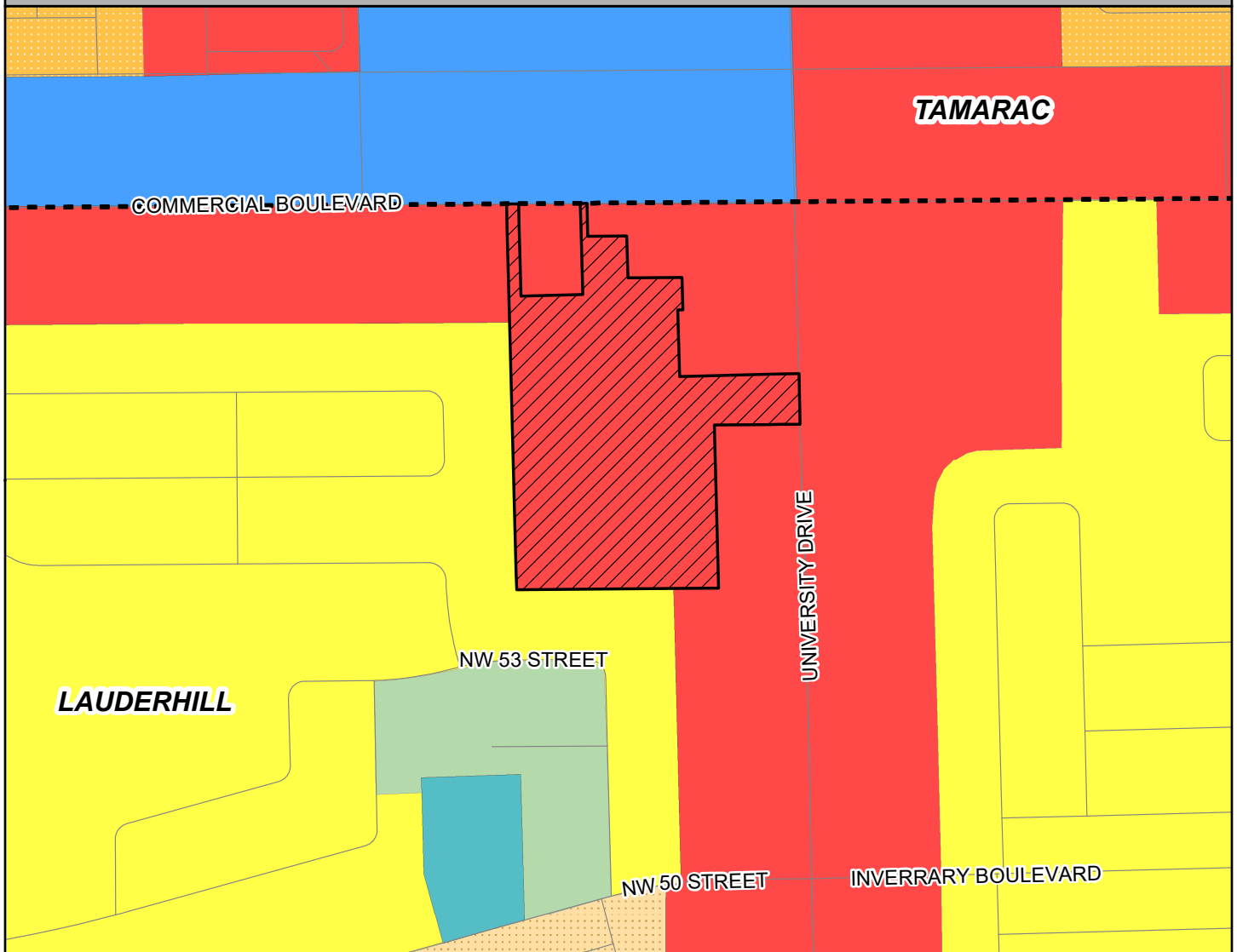
EXHIBIT A










BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 21-3

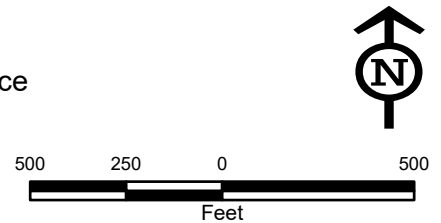
Current Land Use: Commerce

Proposed Land Use: Irregular (35.3) Residential

Gross Acres: Approximately 14.2 acres



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



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 21-3
(LAUDERHILL)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

December 1, 2020

It is recommended that the proposed amendment be approved, recognizing the applicant's voluntary commitment to restrict development to a maximum of 501 dwelling units.

Further, as an alternative to the proposed High (50) Residential designation, Planning Council staff finds that a designation of Irregular (35.3) Residential may be more appropriate, as the applicant has proposed the development of 501 multi-family dwelling units, which is 209 dwelling units less than the density permitted by a High (50) Residential designation. The Irregular (35.3) Residential designation would more accurately reflect the applicant's voluntary commitment to restrict the development to a maximum of 501 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 Lauderhill 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 recommendation of Irregular (35.3) Residential, the amendment report and map 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.

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.

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:

(Planning Council staff recommendation continued on next page)

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued) **December 1, 2020**

- (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.

II. Planning Council Transmittal Recommendation **December 10, 2020**

The December 10, 2020 Planning Council meeting was cancelled due to lack of a physical quorum.

III. Planning Council Transmittal Recommendation **January 28, 2021**

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; 14-2; Yes: Breslau, Brunson, Castillo, Fernandez, Gomez, Graham, Hardin, Maxey, Railey, Rich, Rosenof, Ryan, Williams and DiGiorgio. No: Blackwelder and Grosso.)

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. County Commission Transmittal Recommendation

March 9, 2021

Approval per Planning Council transmittal recommendation.

V. 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.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-3

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Lauderhill
- II. County Commission District: District 1
- III. Site Characteristics
 - A. Size: Approximately 14.2 acres
 - B. Location: In Section 16, Township 49 South, Range 41 East; generally located on the west side of University Drive, between Commercial Boulevard and Inverrary Boulevard/Northwest 50 Street.
 - C. Existing Use: Vacant retail
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Commerce
 - B. Proposed Designation: High (50) Residential
 - C. Estimated Net Effect: Addition of 710 dwelling units [Zero (0) dwelling units currently permitted by the Broward County Land Use Plan]
Reduction of 14.2 acres of commerce use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
 - A. Existing Uses:
 - North:* Retail and office (Tamarac)
 - East:* Retail
 - South:* Retail and single-family residential
 - West:* Single-family residential and retail
 - B. Planned Uses:
 - North:* Commerce and Activity Center (Tamarac)
 - East:* Commerce
 - South:* Commerce and Low (5) Residential
 - West:* Low (5) Residential and Commerce

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* Three Amigos Lauderhill, LLC
- B. *Agent:* Hope Calhoun, Esq., Dunay, Miskel & Backman, LLP
- C. *Property Owner:* Three Amigos Lauderhill, LLC

VII. Recommendation of
Local Governing Body:

The City of Lauderhill 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.

ATTACHMENT



Return recorded copy to:

Dunay, Miskel & Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432

This Instrument Prepared by:

Hope W. Calhoun, Esq.
Dunay, Miskel & Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (“Declaration”) made and entered into this ____ day of _____, 20____, by **Three Amigos Lauderhill, LLC**, a Florida limited liability company whose mailing address is 4125 NW 88th Ave., Sunrise, FL 33351 (“Declarant”) shall be for the benefit of Broward County, a political subdivision of the State of Florida with a mailing address of 115 S. Andrews Ave., Fort Lauderdale, FL 33301 (“County”)

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of that certain real property located in the City of Lauderhill, Broward County, Florida, as more particularly described on Exhibit “A” attached hereto and made a part hereof (“Development Parcel”); and

WHEREAS, Declarant has submitted Land Use Plan Amendment Application to Broward County application PC 21-3 to change the land use designation of the Development Parcel from Commerce to High (50) Residential (“Application”); and

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

WHEREAS, the Board of County Commissioners of Broward County, Florida (“County”), at its meeting on _____, agreed to adopt the Land Use Plan Amendment (“Land Use Plan Amendment”) with the understanding that Declarant voluntarily agreed to restrict the utilization of the Property and to not seek further development of the Property through the utilization of flexibility units;

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, maintained, transferred, sold, conveyed and owned in perpetuity subject to the terms and conditions and restrictions set forth in this Declaration.

1. Recitals. The above recitals are true and correct and are incorporated herein by reference.
2. Property Development. Declarant hereby restricts development of the Property to not more than five hundred and one (501) residential dwelling units. Declarant agrees that this restriction constitutes a limitation on the number of units which Declarant has agreed to construct on the Property and that it shall not seek to increase the number of allowable units set forth herein through an application for flexibility units.
3. Amendments. 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 Property and approved by Broward County Board of County Commissioners. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida.
4. Recordation. This Declaration shall be recorded in the Public Records of Broward County, shall run with the Property in perpetuity, for the sole benefit of the County and shall bind all successors and assigns to the title of the Property.
5. Effective Date. This instrument shall become effective upon recordation of same in the Public Records of Broward County which shall occur after all necessary approvals by County of the requested Application and recertification of the City's Comprehensive Plan and the expiration of all appeal periods or, if an appeal is filed, the conclusion of such appeal in a manner that does not affect County's approval of the Application.
6. Severability. These restrictions are hereby declared to be severable and independent. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgement or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.
7. Third Party Beneficiary Enforcement. 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. The restrictions set forth herein run in favor of and may be enforced by the County by action at law or equity. Any failure by County to enforce this Declaration shall not be deemed a waiver of the right to do so thereafter.
8. 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, Declarant has executed this Declaration of Restrictive Covenants as follows:

Three Amigos Lauderhill, LLC,
a Florida limited liability company

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, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 20___, by _____, as _____, of Three Amigos Lauderhill, LLC, on behalf of the corporation. He or she is:

___ personally known to me, or

___ produced identification. Type of identification produced _____.

(SEAL)

Notary Public, State of Florida

Print Name

My Commission Expires:

EXHIBIT "A"

Legal Description of Development Parcel