

EXHIBIT 2

ORDINANCE NO.

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

6 (Sponsored by the Board of County Commissioners)
7

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

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

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

14 WHEREAS, the Planning Council, as the local planning agency for the Broward
15 County Land Use Plan, held its hearing on April 25, 2024, with due public notice;

16 WHEREAS, the Board of County Commissioners held its transmittal public hearing
17 on June 4, 2024, having complied with the notice requirements specified in
18 Section 163.3184(11), Florida Statutes;

19 WHEREAS, the Board of County Commissioners held an adoption public hearing
20 on September 5, 2024, at 10:00 a.m. [also complying with the notice requirements
21 specified in Section 163.3184(11), Florida Statutes] at which public comment was

22 accepted and comments of the Department of Commerce, South Florida Regional
23 Planning Council, South Florida Water Management District, Department of
24 Environmental Protection, Department of State, Department of Transportation, Fish and
25 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
26 and Department of Education, as applicable, were considered; and

27 WHEREAS, the Board of County Commissioners, after due consideration of all
28 matters, hereby finds that the following amendment to the Broward County
29 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
30 County Comprehensive Plan; complies with the requirements of the Community Planning
31 Act; and is in the best interests of the health, safety, and welfare of the residents of
32 Broward County,

33 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
34 BROWARD COUNTY, FLORIDA

35 Section 1. The Broward County Comprehensive Plan is hereby amended by
36 Amendment PC 24-3, which is an amendment to the Land Use Plan within the City of
37 Margate, as set forth in Exhibit A, attached hereto and incorporated herein.

38 Section 2. Severability.

39 If any portion of this Ordinance is determined by any court to be invalid, the invalid
40 portion will be stricken, and such striking will not affect the validity of the remainder of this
41 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
42 legally applied to any individual, group, entity, property, or circumstance, such

43 determination will not affect the applicability of this Ordinance to any other individual,
44 group, entity, property, or circumstance.

45 Section 3. Effective Date.

46 (a) The effective date of the plan amendment set forth in this Ordinance shall
47 be the later of:

48 (1) Thirty-one (31) days after the Department of Commerce notifies Broward
49 County that the plan amendment package is complete;

50 (2) If the plan amendment is timely challenged, the date a final order is issued
51 by the Administration Commission or the Department of Commerce finding
52 the amendment to be in compliance;

53 (3) If the Department of Commerce or the Administration Commission finds the
54 amendment to be in noncompliance, pursuant to Section 163.3184(8)(b),
55 Florida Statutes, the date the Board of County Commissioners nonetheless

56 elects to make the plan amendment effective notwithstanding potential
57 statutory sanctions;

58 (4) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the
59 date the Declaration of Restrictive Covenants is recorded in the Official
60 Records of Broward County; or

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

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

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 07/09/2024
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
07/09/2024
PC 24-3 City of Margate Ordinance
#80041

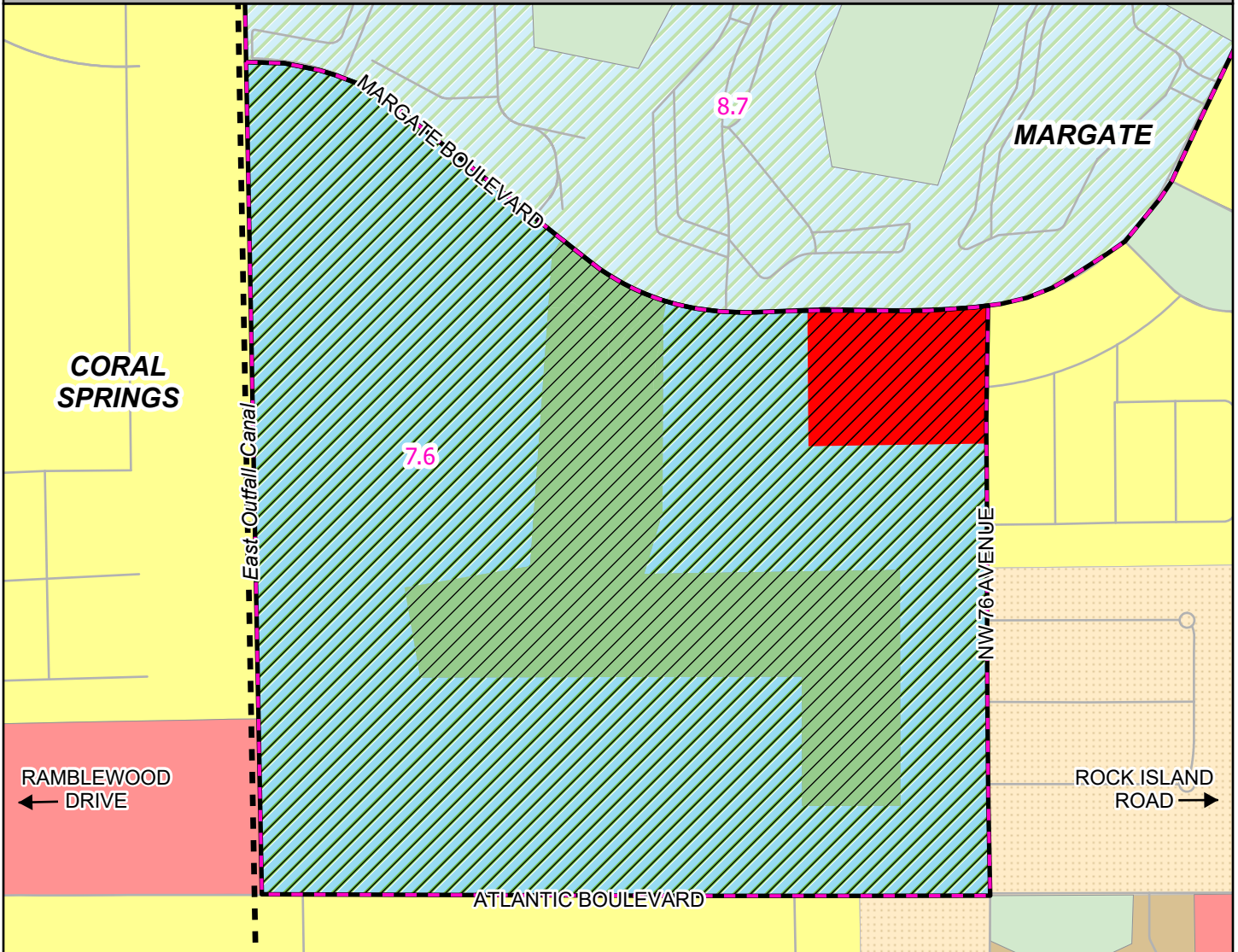
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 24-3

Current Land Uses: 77.9 acres of Irregular (7.6) Residential, 21.3 acres of Recreation and Open Space and 5.2 acres of Commerce within a Dashed-Line Area

Proposed Land Uses: 97.5 acres of Irregular (8.38) Residential, 1.7 acres of Recreation and Open Space and 5.2 acres of Commerce within a Dashed-Line Area

Gross Acres: Approximately 104.4 acres



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



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 24-3
(MARGATE)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

April 16, 2024

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan and recommends **approval** recognizing the preservation of approximately 1.7 gross/1.21 net acres of the remaining golf course as recreation and open space for a public park.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete.

Further, the applicant's confirmation to comply with the environmental licensing and permitting requirements to redevelop the property with a residential use is recognized.

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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued) **April 16, 2024**

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 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.

II. Planning Council Transmittal Recommendation **April 25, 2024**

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 14-0: Brunson, Castillo, Gomez, Greenberg, Hardin, Harrison, Horland, Newbold, Railey, Rosenof, Ryan, Werthman, Zeman and DiGiorgio)

III. County Commission Transmittal Recommendation **June 4, 2024**

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments **July 3, 2024**

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

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 24-3

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Margate
- II. County Commission District: District 2
- III. Site Characteristics
 - A. Size: Approximately 104.4 acres
 - B. Location: In Section 35, Township 48 South, Range 41 East; generally located on the west side of Northwest 76 Avenue, between Margate Boulevard and Atlantic Boulevard.
 - C. Existing Uses: Former golf course, single-family residential, multi-family residential and retail
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designation: Dashed-Line Area* consisting of:
 - 77.9 acres of Irregular (7.6) Residential
 - 21.3 acres of Recreation and Open Space
 - 5.2 acres of Commerce
 - B. Proposed Designation: Dashed-Line Area* consisting of:
 - 97.5 acres of Irregular (8.38) Residential
 - 1.7 acres of Recreation and Open Space
 - 5.2 acres of Commerce
 - C. Estimated Net Effect: Addition of 81 dwelling units
[793 dwelling units currently permitted by the Broward County Land Use Plan]
Reduction of 19.6 acres of recreation and open space use

*A “Dashed-Line Area” is defined as an area having a particular maximum overall allowable density of dwelling units for all land and land uses within the area for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

- | | | | |
|----|-----------------------|---------------|---|
| A. | <i>Existing Uses:</i> | <i>North:</i> | Multi-family residential |
| | | <i>East:</i> | Single-family and multi-family residential |
| | | <i>South:</i> | Single-family and multi-family residential |
| | | <i>West:</i> | Single-family residential and retail |
| B. | <i>Planned Uses:</i> | <i>North:</i> | Irregular (8.7) Residential within a Dashed-Line Area |
| | | <i>East:</i> | Low (5) Residential and Medium (16) Residential |
| | | <i>South:</i> | Low (5) Residential and Medium (16) Residential |
| | | <i>West:</i> | Low (5) Residential and Commerce |

VI. Applicant/Petitioner

- | | | |
|----|-------------------------|---|
| A. | <i>Applicant:</i> | Fimiani Development Corporation |
| B. | <i>Agent:</i> | Matthew H. Scott, Esq., Greenspoon Marder |
| C. | <i>Property Owners:</i> | There are numerous property owners in the subject area. |

VII. Recommendation of Local Governing Body:

The City of Margate recommends approval of the proposed amendment.

EXHIBIT B

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