

EXHIBIT 2

ORDINANCE NO.

1 AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE
2 AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING
3 THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF OAKLAND PARK;
4 AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

5 (SPONSORED BY THE BOARD OF COUNTY COMMISSIONERS)
6

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

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

11 WHEREAS, Broward County now wishes to propose an amendment to the
12 Broward County Land Use Plan within the City of Oakland Park;

13 WHEREAS, the Planning Council, as the local planning agency for the Broward
14 County Land Use Plan, held its hearing on June 27, 2024, with due public notice;

15 WHEREAS, the Board of County Commissioners held an adoption public hearing
16 on September 5, 2024, at 10:00 a.m., having complied with the notice requirements
17 specified in Section 163.3184(11), Florida Statutes, at which public comment was
18 accepted and considered;

19 WHEREAS, the Board of County Commissioners, after due consideration of all
20 matters, hereby finds that the following amendment to the Plan is consistent with the State
21 Plan, Regional Plan, and the Plan; complies with the requirements of the Community

22 Planning Act; and is in the best interests of the health, safety, and welfare of the residents
23 of Broward County; and

24 WHEREAS, the proposed amendment constitutes a Broward County permitted
25 small scale amendment to the Plan pursuant to Section 163.3187(1), Florida Statutes,

26 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
27 BROWARD COUNTY, FLORIDA:

28 Section 1. The Broward County Land Use Plan is hereby amended by
29 Amendment PC 24-5 in the City of Oakland Park, set forth in Exhibit A, attached hereto
30 and incorporated herein.

31 Section 2. Severability.

32 If any portion of this Ordinance is determined by any court to be invalid, the invalid
33 portion will be stricken, and such striking will not affect the validity of the remainder of this
34 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
35 legally applied to any individual, group, entity, property, or circumstance, such
36 determination will not affect the applicability of this Ordinance to any other individual,
37 group, entity, property, or circumstance.

38 Section 3. Effective Date.

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

41 (1) Thirty-one (31) days after the adoption of this Ordinance;

42 (2) The date a final order is issued by the Department of Commerce or the
43 Administration Commission finding the amendment to be in compliance;

- 44 (3) If the Department of Commerce or the Administration Commission finds the
45 amendment to be in noncompliance, pursuant to Section 163.3184(8)(b),
46 Florida Statutes, the date the Board of County Commissioners nonetheless
47 elects to make the plan amendment effective notwithstanding potential
48 statutory sanctions;
- 49 (4) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the
50 date the Declaration of Restrictive Covenants is recorded in the Official
51 Records of Broward County; or
- 52 (5) If recertification of the municipal land use plan amendment is required, the
53 date the municipal amendment is recertified.
- 54 (b) This Ordinance is effective as of the date provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

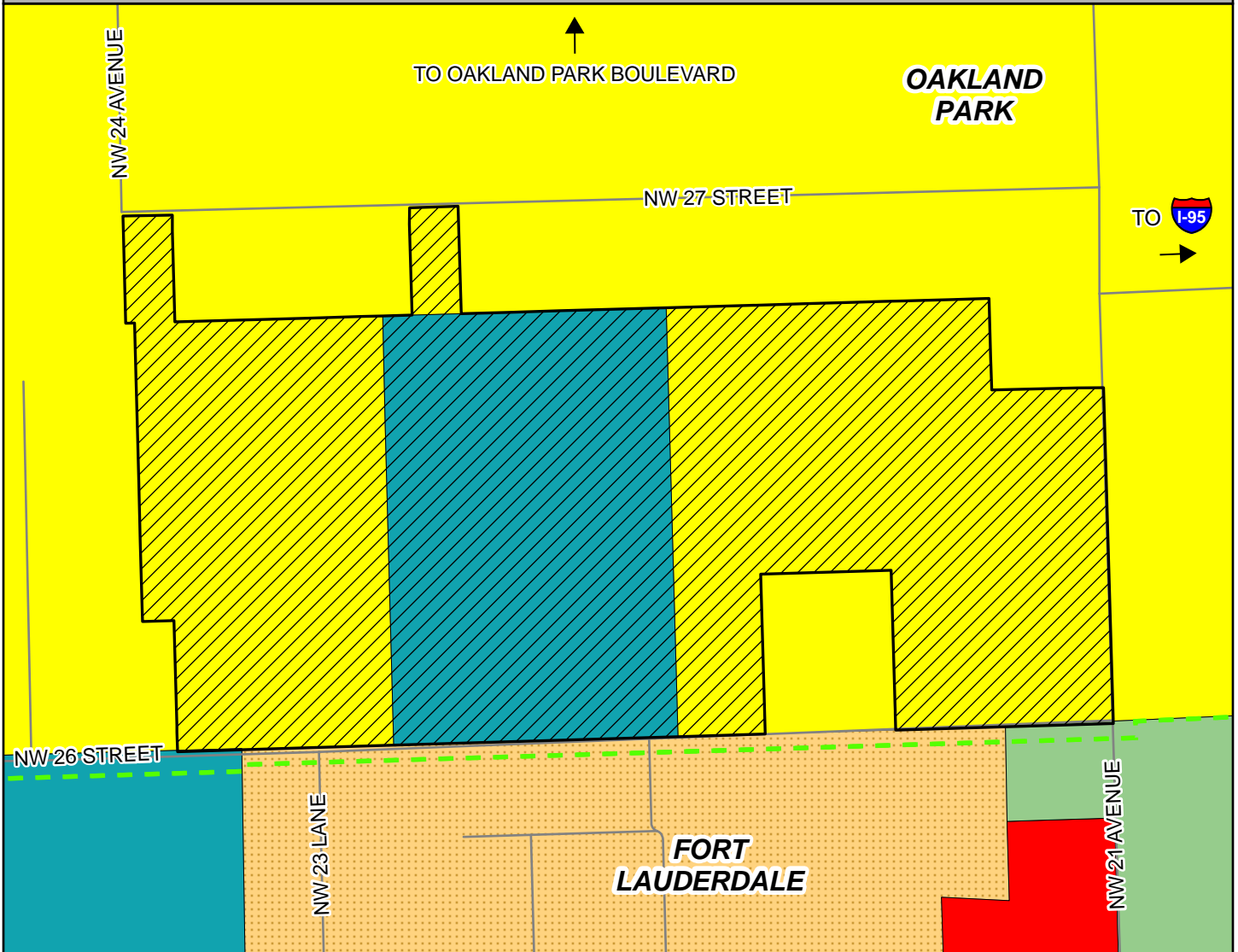
Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

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

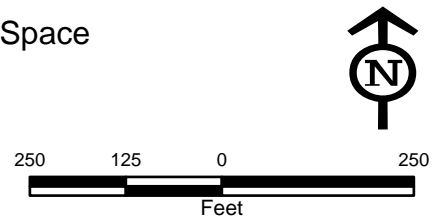
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 24-5

Current Land Uses: 14.3 acres of Low (5) Residential and 6.5 acres of Community
Proposed Land Use: Medium-High (25) Residential
Gross Acres: Approximately 20.8 acres



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



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 24-5
(OAKLAND PARK)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

June 18, 2024

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan and recommends **approval** subject to the applicant’s voluntary commitment to restrict development to 469 dwelling units, of which 15% (at least 70) of the proposed dwelling units will be restricted to **affordable housing** units at the “moderate-income” level or below (up to 120% of median income) for a minimum of 30 years.

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.

Further, the applicant’s confirmation to implement resilience strategies regarding sea level rise, flood protection mitigation and climate change in redevelopment of the property 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

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued)

June 18, 2024

(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 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 Public Hearing Recommendation

June 27, 2024

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous: 16-0; Abramson, Brunson, Castillo, Fisher, Gomez, Greenberg, Harrison, Horland, Levy, Newbold, Railey, Rosenof, Ryan, Werthman, Zeman and DiGiorgio)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 24-5

INTRODUCTION AND APPLICANT’S RATIONALE

- I. Municipality: Oakland Park
- II. County Commission District: District 8
- III. Site Characteristics
 - A. Size: Approximately 20.8 acres
 - B. Location: In Section 29, Township 49 South, Range 42 East; generally located on the north side of Northwest 26 Street, between Northwest 21 Avenue and Northwest 24 Avenue.
 - C. Existing Uses: Religious institution, former educational facility and vacant land
- IV. Broward County Land Use Plan (BCLUP) Designations
 - A. Current Designations: 14.3 acres of Low (5) Residential
6.5 acres of Community
 - B. Proposed Designation: Medium-High (25) Residential
 - C. Estimated Net Effect: Addition of 449 dwelling units
[71 dwelling units currently permitted by the Broward County Land Use Plan]
Reduction of 6.5 acres of community use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
 - A. Existing Uses:
 - North:* Single- and multi-family residential
 - East:* Multi-family residential, religious institution and office
 - South:* Park, utility, educational facility, religious institution, single-family residential and vacant
 - West:* Single-family residential and vacant

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

B. *Planned Uses:*

<i>North:</i>	Low (5) Residential
<i>East:</i>	Low (5) Residential
<i>South:</i>	Recreation and Open Space, Medium (16) Residential and Community
<i>West:</i>	Low (5) Residential

VI. Applicant/Petitioner

A. *Applicants:* Urban League of Broward County
Harris Chapel, Inc.

B. *Agent:* Chuck Millar, Atwell, LLC

C. *Property Owners:* Urban League of Broward County (ULBC)
Harris Chapel, Inc.
School Board of Broward County

VII. Recommendation of Local Governing Body:

The City of Oakland Park 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.

Return to: (enclose self-addressed stamped envelope)
Sidney C. Calloway, Esq.
Shutts & Bowen LLP
201 E. Las Olas Blvd, Suite 2200
Fort Lauderdale, FL 33432



This Instrument Prepared By:
Sidney C. Calloway, Esq.
Shutts & Bowen LLP
201 E. Las Olas Blvd, Suite 2200
Fort Lauderdale, FL 33432

SPACE ABOVE TIDS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this ____ of ___, 2024, by, URBAN LEAGUE OF BROWARD COUNTY, INC, a Florida Not For Profit Corporation, having an address of 560 NW 27th Avenue, Fort Lauderdale, FL 33311 and HARRIS CHAPEL, INC., a Florida Not For Profit Corporation having an address of 2351 NW 26th Street Oakland Park, FL 33311 (collectively the "Declarants"), 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"), its successors and assigns, and the City of Oakland Park, with a post office address at 3650 NE 12th Avenue, Oakland Park, FL 33334 ("City")

WITNESSETH:

WHEREAS, Declarants are the fee simple owners of approximately 19.43 gross acres of land, generally located on the north side of NW 26th Street between NW 21st Avenue^{2nd} Street and NW 24th Avenue, within the corporate limits of the City and Broward County, Florida ("County"), and more particularly described in **Exhibit "A"** attached hereto (the "Property"); and

WHEREAS, Declarants, have submitted their application to the City (Application No. CD22-31CP and to the County (Broward County Planning Council Application No.24____) for a land use plan amendment, to change the existing land use designations for the Property from Low Density Residential (L-5) and Community Facilities (CF) to Medium-High Density Residential (RM-25) in conjunction with the redevelopment of the Property ("Amendment"); and

WHEREAS, the City and the County have approved the Amendment which will allow residential uses on the Property; and

WHEREAS, Declarants voluntarily agrees to make certain designations for affordable housing for the period of time provided herein.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarants hereby declares that the Property 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. Declarants hereby declares the following:
 - (a) There shall be no more than 469 residential units constructed on the Property, along with associated parking and related amenities ("Project");
 - (b) Fifteen (15) percent of the residential units to be constructed on the Property (as set forth on the final master development plan approved by the City) shall be affordable as defined in the Broward County Comprehensive Plan and as further restricted by this Declaration ("Affordable Housing Units"). If fifteen (15) percent of the actual residential units to be constructed on the Property does not yield a whole number of Affordable Housing Units, the partial number of Affordable Housing Units yielded shall be rounded up to the next whole number;
 - (c) Upon issuance of each final certificate of occupancy for any structure containing residential units, Declarants shall record a Notice of Designation of Affordable Housing Units (an "Affordable Housing Notice") corresponding to such Affordable Housing Units located within the building covered by such certificate of occupancy, the form of which Affordable Housing Notice is set forth on **Exhibit "B"** attached hereto and incorporated herein; provided, however, with respect to Affordable Housing Units offered for rent, Declarants shall retain the right to modify which units within any structure shall be an Affordable Housing Unit so long as at all times following issuance of a final certificate of occupancy for any structure containing residential units there is a minimum of fifteen (15) percent of Affordable Housing Units designated and a revised Affordable Housing Notice is recorded identifying all then designated Affordable Housing Units.
3. Affordable Housing Units Offered for Rent. Declarants hereby declares all Affordable Housing Units offered for rent shall be rented in accordance with the following:
 - (a) All Affordable Housing Units constructed on the Property shall be used solely as each renter's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than the homes offices when permitted by applicable zoning regulations; and

(b) All Affordable Housing Units shall be rented by persons who meet the following criteria at the time of lease:

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

0) The renter of an Affordable Housing Unit shall have monthly rental payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

(c) On an annual basis, beginning no later than 12 months after the Effective Date of this Declaration, the owner of an Affordable Housing Unit offered for rent shall request written certification that the criteria in 3(b) has been satisfied from the City of Oakland Park or from an agent designated by the City for the purpose of providing such certifications. Said owner of an Affordable Housing Unit offered for rent shall not be required to comply with this provision if the City does not approve or deny the request within thirty (30) days of said owner's request.

4. Recordation and Effective Date.

(a) This Declaration shall not become effective (the "Effective Date") until the latter of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida; however, as to each Affordable Housing Unit, the Effective Date of this Declaration shall be-the date of recording of the Affordable Housing Notice corresponding to such Affordable Housing Unit.

(b) Once recorded, this Declaration shall run with the Property for the sole benefit of County and City and does not operate as a restriction in favor of any Property owner and shall bind all successors and assigns to the title of the Property. As used herein, "Final Approval" shall mean final approval and adoption of the County Application, and the expiration of any appeal periods applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.

(c) From and after such time as any Affordable Housing Unit is conveyed by Declarants to a third-party purchaser, Declarants shall have no further obligations under this Declaration with respect to that particular Affordable Housing Unit and such third-party purchaser shall be obligated to comply with all of the provisions of this Declaration with respect to said Affordable Housing Unit.

5. Term, Release and Termination. The restrictions, covenants, rights and privileges granted, made and conveyed herein ("Affordable Housing Restrictions") shall be valid in perpetuity unless terminated by the Declarants and the City and the County as evidenced by a termination easement recorded in the Public Records of Broward County.

0. Amendments. This Declaration shall not be modified or amended 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, terminate or release and approved in writing by the County and City. Any modification or amendment of this Declaration shall be recorded in the Public Records of Broward County, Florida.

1. Remedies for Violation. In the event the Declarants, their successors or assigns, violate any of the covenants and restrictions contained herein, Declarants hereby acknowledge and agrees that the County and/or City (upon a written request from the County and/or City, as applicable) may withhold further permits and approvals with respect to the Property. The County and the City are the beneficiaries of these covenants and restrictions, and as such, the County and the City may enforce these covenants and restrictions by action at law or in equity, including without limitation; a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity or entities, violating or attempting to violate the terms of these covenants and restrictions.

2. Waiver. Any failure of the County or City to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.

3. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment 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.

10. Captions, Headings and Titles. Articles and 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.

11. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

IN WITNESS WHEREOF, Declarants have executed this Declaration of Restrictive Covenants on the day first above written.

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 2024, by _____, as _____, of _____, on behalf of the corporation/partnership. He or she is:
___ personally known to me, or
___ produced identification. Type of identification produced _____.

NOTARY PUBLIC:

(Seal)

My commission expires:

Print Name:

EXHIBIT "A"

[Legal Description of Property]

EXHIBIT "B"

Return recorded copy to:

Document prepared by:

Notice of Designation of Affordable Housing Unit

By recordation of this Notice, _____ hereby designates for the Restriction Period, as hereinafter defined, the following unit as an "Affordable Housing Unit," as defined by that certain Declaration of Restrictive Covenants recorded in Official Records Book , Page of the public records of Broward County, Florida, which requires that Affordable Housing Units be rented or sold only to persons who meet the following criteria at the time of lease or sale: (a) one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income from Broward County, adjusted for family size; and (b) the renter or purchaser of the Affordable Housing Unit shall have monthly rental or mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income; and (c) if the Affordable Housing Unit is sold, excluding government subsidies, the down payment, if any, for the purchase of the Property must not exceed twenty (20) percent of the purchase price.

Unit Address: _____ .
and/or Unit Number: _____ .

The restriction period of the foregoing designation is thirty (30) years unless modified by a subsequent document from the recordation of this Notice against the applicable Affordable Housing Unit ("Restriction Period").

WITNESSES:

_____ By:

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, **by means of** ___ **physical presence or** ___ **online notarization**, this ___ day of _____, 2024, by _____, as _____, of _____, on behalf of the corporation/partnership. He or she is:

___ personally known to me, or
___ produced identification. Type of identification produced _____.

NOTARY PUBLIC:

(Seal)

My commission expires:

Print Name: