

EXHIBIT 5

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN TEXT OF THE BROWARD COUNTY COMPREHENSIVE PLAN TO ESTABLISH THE FORT LAUDERDALE UPTOWN URBAN VILLAGE 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 Commerce has found the Broward County Comprehensive Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Land Use Plan text to establish the Fort Lauderdale Uptown Urban Village Activity Center;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearings on August 29, 2024, and January 23, 2025, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on October 8, 2024, 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 February 11, 2025, 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 Commerce, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and Wildlife Conservation Commission, Department of Agriculture and Consumer Services, and Department of Education, as applicable, were considered; and

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

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

Section 1. The Broward County Comprehensive Plan is hereby amended by Amendment PCT 24-3, which is an amendment to the Land Use Plan text to establish the Fort Lauderdale Uptown Urban Village Activity Center, as set forth in Exhibit A, attached hereto and incorporated herein.

Section 2. Severability.

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

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

Section 3. Effective Date.

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

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

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

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

59 elects to make the plan amendment effective notwithstanding potential
60 statutory sanctions; or
61 (4) 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

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 01/03/2025
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
01/03/2025
PCT 24-3 Fort Lauderdale Uptown Urban Village Activity Center Ordinance
#80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 24-3
(CORRESPONDING TO PROPOSED MAP AMENDMENT PC 24-6)
(FORT LAUDERDALE)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

August 20, 2024

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan (BCLUP) and recommends **approval** subject to the City’s voluntary commitment to restrict 15% (at least 635) of the proposed dwelling units to **affordable housing** units at the “moderate-income” level or below (up to 120% of median income) for a minimum of 30 years or in-lieu of payment, as memorialized in Attachment 1.

It is noted that any approval associated with the proposed text and corresponding map amendment does not authorize any development on Site 66 on the Broward County Environmentally Sensitive Lands (ESL) Map unless the Site has been removed from the BCLUP Natural Resource Series ESL Map through the Florida Statutes, Chapter 163, comprehensive planning process. The City of Fort Lauderdale has acknowledged the pending request to remove Site 66 from the ESL Map and has confirmed that any development of the site will be consistent with the outcome of that process. See Attachment 8 of corresponding map amendment.

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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

- I. Planning Council Staff Transmittal Recommendation (continued) August 20, 2024

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 Transmittal Recommendation August 29, 2024

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 15-0: Abramson, Castillo, Fisher, Gomez, Greenberg, Hardin, Harrison, Horland, Levy, Newbold, Railey, Ryan, Werthman, Zeman and DiGiorgio)

- III. County Commission Transmittal Recommendation October 8, 2024

Approval per Planning Council transmittal recommendation. See Attachment 1.

- IV. Summary of State of Florida Review Agency Comments November 14, 2024

The Florida Department of Transportation (FDOT) issued the following technical assistance comments for the proposed Broward County comprehensive plan amendment with Florida Department of Commerce reference number 24-04ESR. Technical assistance comments will not form the basis of a legal challenge. See Attachment 16.

Technical Assistance Comments: “In accordance with subsection 163.3184(3)(b)2, F.S., the focus of our review was on important state resources and facilities that may be adversely impacted by the amendment if adopted. This includes impacts to the Strategic Intermodal System (SIS) and other transportation resources and facilities of state importance.

IV. Summary of State of Florida Review Agency Comments (continued) November 14, 2024

FDOT is providing the attached technical assistance comments and recommendations consistent with Section 163.3168(3), F.S. These comments from the City of Fort Lauderdale companion Uptown Urban Village amendments are reasserted for this review due to the consistent land use, transit-oriented development, and housing objectives shared between the amendments. The technical assistance comments are intended to strengthen the County's comprehensive plan to foster a vibrant, healthy community and is designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. A summarization of the comments includes the following:

Comment 1 - No advanced consultation with the Department regarding potential Strategic Intermodal System (SIS) facility impacts.

Comment 2 - Issues regarding the methodology used in the traffic impact analysis regarding impacts to the SIS and other transportation resources and facilities of state importance.

Comment 3 - Not analyzing a maximum traffic impact scenario, and

Comment 4 - Lack of clarity and uncertainty regarding how the City of Fort Lauderdale will plan, fund, and implement a well-connected network of low traffic stress multimodal facilities to maximize convenient access to and utilization of transit facilities and services consistent with the Transit-Oriented Development (TOD) objectives of the amendment and to mitigate adverse transportation impacts identified in the traffic impact analysis.

The Department is actively working with the City of Fort Lauderdale to address the FDOT technical assistance comments and would like to encourage the City and County to coordinate with the Department prior to adoption of the amendments. The Department supports the TOD objectives of the amendment and is willing to collaborate with the City and County in this regard to the maximum extent feasible."

Planning Council Staff Response:

FDOT Comment 1: No advanced consultation with the Department regarding potential Strategic Intermodal System (SIS) facility impacts.

Planning Council Staff Response: The City of Fort Lauderdale has been involved in extensive coordination efforts with FDOT, MPO and Broward County Planning Council staff since FDOT issued its initial technical assistance comments to the City on April 12, 2024. See Attachment 17.

FDOT Comment 2: Issues regarding the methodology used in the traffic impact analysis regarding impacts to the SIS and other transportation resources and facilities of state importance.

IV. Summary of State of Florida Review Agency Comments (continued) November 14, 2024

Planning Council Staff Response: Planning Council staff notes that the Broward County Land Use Plan (BCLUP) considers impacts to the regional roadway network based on current and proposed land use designations and the MPO long-range roadway capacity and volumes table. Further, Planning Council staff transportation impact analysis identified that the proposed amendment is not anticipated to negatively impact the operating conditions of the regional transportation network, including the SIS. See Attachment 2.A. 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).

FDOT Comment 3: Not analyzing a maximum traffic impact scenario.

Planning Council Staff Response: As noted above, the BCLUP considers impacts to the regional roadway network based on current and proposed land use designations and the MPO long-range roadway capacity and volumes table. FDOT requested an alternative traffic analysis based on current existing uses (2023) versus short-range (2030) and long-range (2045) scenarios with and without the proposed amendment. Roadway deficiencies within a two-mile radius were found in all three (3) scenarios with or without the amendment. The City has identified several mobility improvements to mitigate these deficiencies, including an MPO-funded Mobility Hub at Cypress Creek Road and North Andrews Way, which will help to reduce utilization of Interstate 95 and other FDOT-maintained facilities. See Attachment 18.

FDOT Comment 4: Lack of clarity and uncertainty regarding how the City of Fort Lauderdale will plan, fund, and implement a well-connected network of low traffic stress multimodal facilities to maximize convenient access to and utilization of transit facilities and services consistent with the Transit-Oriented Development (TOD) objectives of the amendment and to mitigate adverse transportation impacts identified in the traffic impact analysis.

Planning Council Staff Response: The City of Fort Lauderdale has committed to fund mobility concepts through both development obligations and public improvement projects. Projects will be reviewed for consistency with the Uptown Master Plan and will be required to construct streetscape zones, as well as tertiary streets if applicable. Public improvement projects will be coordinated with FDOT, MPO and Broward County utilizing the City's Capital Improvements Plan and the MPO's Transportation Improvement Plan. See Attachments 8, 18 and 19.

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. Summary of State of Florida Review Agency Comments (continued) November 14, 2024

City of Fort Lauderdale Response: The City adopted a Master Plan for the area which contains a multi-modal framework including pedestrian and bicycle networks, bus circulation and access, streetscape designs and the creation of development blocks consistent with Transit Oriented Development. Several of these improvements are included in the MPO's Transportation Improvement Plan, including a mobility hub at Cypress Creek Road and North Andrews Way. Further, the City has revised its traffic analysis consistent with FDOT's suggestions and recognizes the area must contain multi-modal transportation options to support a mix of uses and emphasize pedestrian connectivity, mass transit and a reduction in auto-dependent uses and travel. The City has provided a timeline and narrative of its interaction with FDOT to resolve the Department's technical assistance comments dated April 12, 2024. The City will continue to coordinate with and partner with FDOT, MPO and Broward County to create a viable mixed-use environment. See Attachments 8, and 16 through 19.

V. Planning Council Staff Final Recommendation January 14, 2025

Planning Council staff continues to support its initial recommendation that the proposed amendment be approved, subject to the City's voluntary commitment to restrict 15% (at least 635) of the proposed dwelling units to **affordable housing** units at the "moderate-income" level or below (up to 120% of median income) for a minimum of 30 years or in-lieu of payment, as memorialized in Attachment 1 of corresponding text amendment PCT 24-3.

It is noted that any approval associated with the proposed map and corresponding text amendment does not authorize any development on Site 66 on the Broward County Environmentally Sensitive Lands (ESL) Map unless the Site has been removed from the BCLUP Natural Resource Series ESL Map through the Florida Statutes, Chapter 163, comprehensive planning process. The City of Fort Lauderdale has acknowledged the pending request to remove Site 66 from the ESL Map and has confirmed that any development of the site will be consistent with the outcome of that process. See Attachment 8.

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, 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.

ATTACHMENT 1

Fort Lauderdale Uptown Urban Village Activity Center

Acreage: Approximately 361.7 acres

General Location: West side of Interstate 95, between McNab Road/C-14 Canal and Northwest 56 Street, bisected by Cypress Creek Road and the CSX Railroad.

Density and Intensity of Land Uses:

Residential Land Uses: 4,239 dwelling units

Office Land Uses: 4,374,186 square feet

Commercial Land Uses: 1,449,494 square feet

Industrial Land Uses: 2,262,922 square feet

Community and Civic Facilities Land Uses: 152,611 square feet

Hotel: 1,600 rooms

Recreation and Open Space Land Uses: 7.0 acres minimum

Comments:

1. Residential density does not include the allocation of 807 flexibility units assigned to approved projects.
2. Uptown Activity Center has direct access to the Cypress Creek Tri-Rail Station, Interstate 95 and Fort Lauderdale Executive Airport.
3. Uptown Activity Center shall contain priorities for a modal shift through the provision of transit-oriented design, pedestrian and transit amenities, safe and comfortable connectivity, publicly accessible areas and plazas, and promote internal modal capture as part of the overall development and mixed-use projects.
4. Uptown Activity Center design principles shall integrate the public area through open space, urban public plazas, and/or recreational or community facility areas. Design principles shall promote connectivity and access to transit stations and stops, while establishing a “sense of place.” Developments shall promote and enhance pedestrian mobility, including connectivity to the regional transit station.
5. Additional or expanded, stand-alone automobile-oriented uses such as large surface parking lots, gas stations, auto repair, car washes, auto dealers, self-storage, big box retailers, single-family detached dwelling units, and drive-through facilities are discouraged and shall be limited.
6. At least 635 (15%) of the additional 4,239 dwelling units permitted will be affordable at the “moderate-income” (up to 120% of the median income) level or below for a minimum period of 30 years. The affordable housing set-aside can be satisfied with an in-lieu-of payment of \$10,300 per unit for the total number of units in the project, increasing by 3% annually (amount and increases shall be equivalent to BCLUP Policy 2.16.4), and shared equally between Broward County and the City of Fort Lauderdale.
7. Residential uses are only permitted within the Activity Center boundaries east of Powerline Road and north of Cypress Creek Road and east of Andrews Avenue, south of Cypress Creek Road.

NOTE: Underlined words are proposed additions. Double-underlined words are additions proposed by Planning Council staff based on additional information provided by the City of Fort Lauderdale.