

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

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

5 Section 1. The Broward County Land Use Plan is hereby amended by
6 Amendment PC 22-1 in the City of Pembroke Pines, set forth in Exhibit "A," attached
7 hereto and incorporated herein.

8 Section 2. Severability.

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

15 Section 3. Effective Date.

16 1. The effective date of the plan amendment set forth in this Ordinance shall
17 be the latter of:

- 18 (a) Thirty-one (31) days after the adoption of this Ordinance;
- 19 (b) The date a final order is issued by the Department of Economic Opportunity
20 or the Administration Commission finding the amendment to be in
21 compliance;
- 22 (c) If the Department of Economic Opportunity or the Administration
23 Commission finds the amendment to be in noncompliance, pursuant to
24 Section 163.3184(8)(b), Florida Statutes, the date the Board of County

Commissioners nonetheless, elects to make the plan amendment effective notwithstanding potential statutory sanctions;

(d) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the date the Declaration of Restrictive Covenants is recorded in the Public Records of Broward County; or

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

2. 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

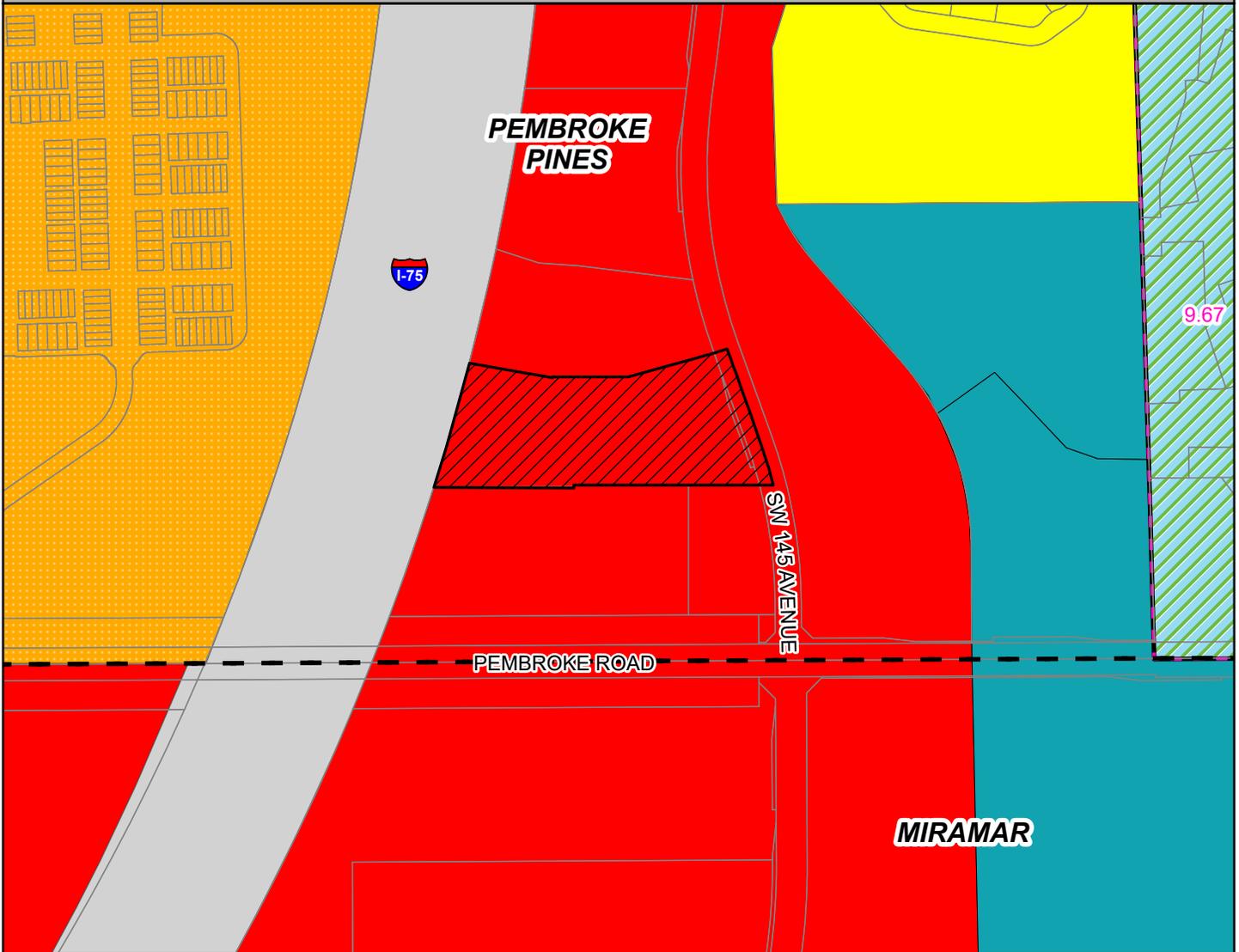
By /s/ Maite Azcoitia 12/08/2021
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
PC22-1 City of Pembroke Pines.SmallScaleOrd.
12/08/2021
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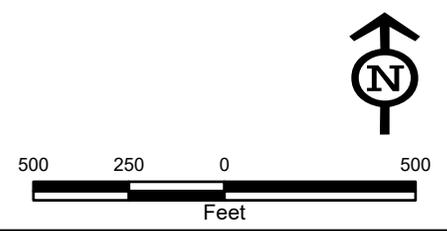
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 22-1

Current Land Use: Commerce
Proposed Land Use: Irregular (46.1) Residential
Gross Acres: Approximately 7.6 acres



- Site
- Municipal Boundary
- Dashed-Line Area
- Low (5) Residential
- Low-Medium (10) Residential
- Irregular Residential
- Commerce
- Community
- Transportation



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 22-1
(PEMBROKE PINES)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

November 22, 2021

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan and recommends approval. Further, the applicant’s voluntary commitment to pay \$500 per dwelling unit (i.e. \$175,000 based on 350 dwelling units) towards the City of Pembroke Pines’ affordable housing programs is recognized.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete, subject to the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of a legally enforceable agreement, such as a Declaration of Restrictive Covenants, to memorialize the voluntary commitment 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:

- (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)

November 22, 2021

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 Public Hearing Recommendation

December 2, 2021

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous: 13-0; Blackwelder, Breslau, Brunson, Castillo, Fernandez, Good, Grosso, Hardin, Maxey, Parness, Rich, Williams and DiGiorgio)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-1

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Pembroke Pines
- II. County Commission District: District 1
- III. Site Characteristics
- A. Size: Approximately 7.6 acres
- B. Location: In Section 22, Township 51 South, Range 40 East; generally located north of Pembroke Road, between Interstate 75 and Southwest 145 Avenue.
- C. Existing Use: Vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Commerce
- B. Proposed Designation: Irregular (46.1) Residential
- C. Estimated Net Effect: Addition of 350 dwelling units
Zero (0) dwelling units currently permitted by the Broward County Land Use Plan
Reduction of 7.6 acres of commerce
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses: *North:* Vacant
East: Conservation easement and municipal facility
South: Educational facility and hotel
West: Interstate 75
- B. Planned Uses: *North:* Commerce
East: Commerce and Community
South: Commerce
West: Transportation

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* Pembroke 145 Office, LLC
- B. *Agent:* Dennis D. Mele, Esq., Greenspoon Marder, LLP
- C. *Property Owner:* Pembroke 145 Office, LLC

VII. Recommendation of Local Governing Body:

The City of Pembroke Pines 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 to: (enclose self-addressed stamped envelope)

Name: Elizabeth Adler, Esq.

Address:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Elizabeth Adler, Esq.
Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301



SPACE ABOVE THIS LINE FOR PROCESSING DATA

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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this ____ of _____, 2021, by **PEMBROKE 2 OWNER, LLC**, a Delaware limited liability company ("Declarant"), which shall be for the benefit of **BROWARD COUNTY**, a political subdivision of the State of Florida ("County"), and the **CITY OF PEMBROKE PINES**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, the real property subject to this Declaration is that land located in the City, more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, the City and County considered an application requesting that the land use plan designation on the Property be changed from Office Park (City)/Commerce (County) to Irregular (46.1) Residential (collectively "Application"); and

WHEREAS, in connection with the Application, Declarant has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the County and the City; and

WHEREAS, County determined that the Application meets the County policies regarding affordable housing; and.

NOW, THEREFORE, in consideration of the foregoing premises and the covenants herein contained, Declarant hereby voluntarily declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Covenants. Declarant shall pay to the City Five Hundred and 00/100 Dollars (\$500.00) per dwelling unit for the maximum three hundred fifty (350) dwelling units allowed on the Property in the total amount of **One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00)** to be used by the City towards the City's affordable housing programs ("Affordable Housing Contribution"). The Affordable Housing Contribution shall be paid by the Declarant to the City prior to the issuance of the first residential building permit for the Property.

3. Release. Upon presentation to the City of evidence of payment of the Affordable Housing Contribution, at the request and expense of Declarant, the County and City shall cause a release and termination of this Declaration in the form attached hereto as **Exhibit B** to be recorded in the Public Records of Broward County, Florida, evidencing such completed performance of this Declaration. The issuance of the release shall not require County or City Commission approval.

4. Amendments. Except as otherwise provided herein, 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(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County and City. The County Administrator and the appropriate governmental authority of the City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense.

5. Recordation and Effective Date. This Declaration shall not become effective and shall not be recorded in the Public Records of Broward County, Florida, until after approval by the County and City of the requested Application 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 the County's or City's approval of the Application. Once recorded, this Declaration shall run with the land for the sole benefit of the County and City and shall bind all successors-in-interest with respect to the Property. This Declaration shall not give rise to any other cause of action by any parties other than the County and City, and no parties other than the County or City shall be entitled to enforce this Declaration. Any failure by the County or City to enforce this Declaration shall not be deemed a waiver of the right to do so thereafter.

6. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Declaration 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. The agreed upon venue shall be Broward County, Florida.

7. 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.

8. 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

