

# EXHIBIT 1

## ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF CORAL SPRINGS; 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 Economic Opportunity 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 Broward County Land Use Plan within the City of Coral Springs;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on May 28, 2020, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on August 25, 2020, 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 November 10, 2020, 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 Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,  
2 and 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,

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

11 Section 1. The Broward County Comprehensive Plan is hereby amended by  
12 Amendment PC 20-6, which is an amendment to the Broward County Land Use Plan  
13 located in the City of Coral Springs, as set forth in Exhibit "A," attached hereto and  
14 incorporated herein.

15 Section 2. Severability.

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

22 Section 3. Effective Date.

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

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

- (1) Thirty-one (31) days after the Department of Economic Opportunity 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 Economic Opportunity finding the amendment to be in compliance;
- (3) If the Department of Economic Opportunity 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, elects to make the plan amendment effective notwithstanding potential statutory sanctions; or
- (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per Exhibit "B," the date the Declaration of Restrictive Covenants or agreement is recorded in the Public Records of Broward County.

(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 09/23/2020  
Maite Azcoitia (date)  
Deputy County Attorney

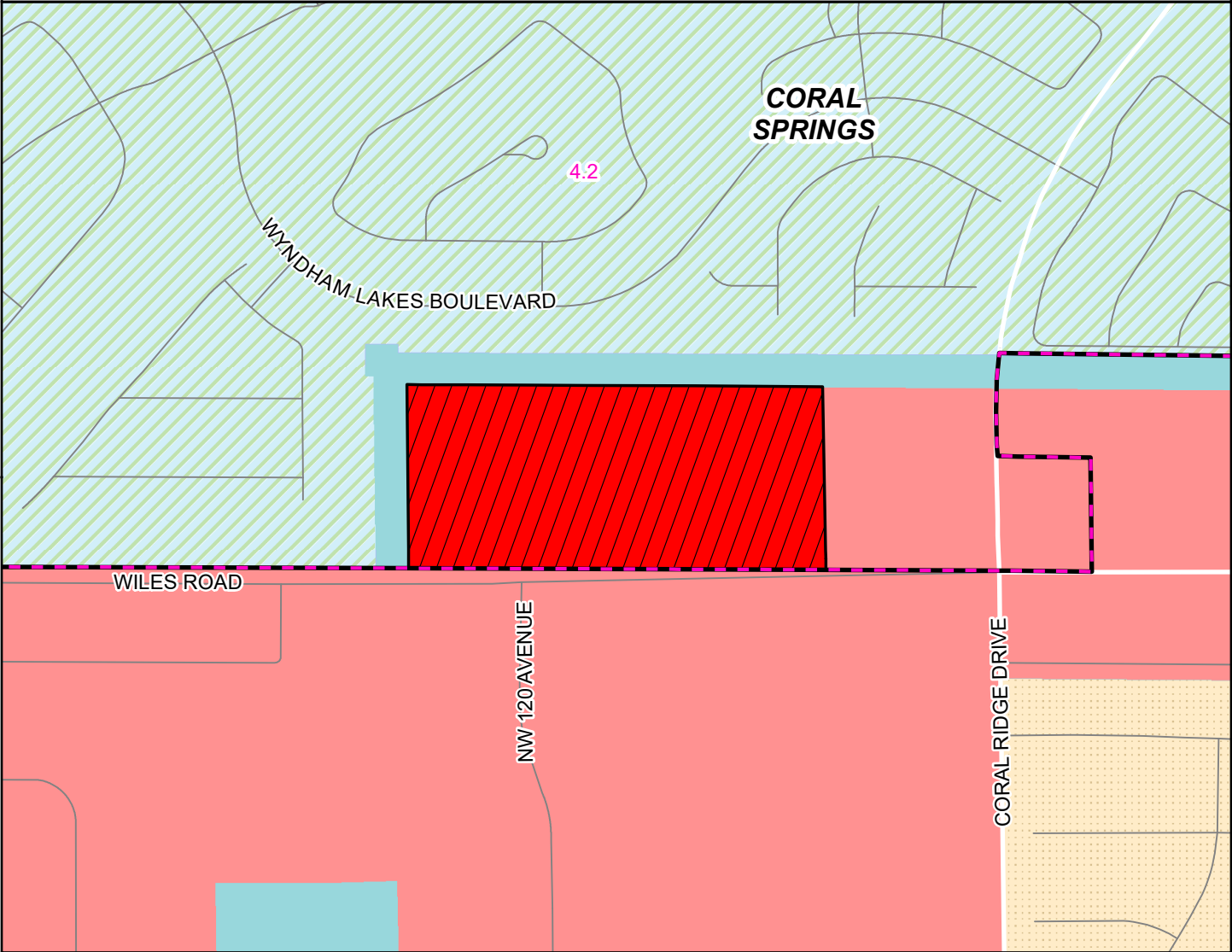
MA/gmb  
09/23/2020  
PC20-6 City of Coral Springs Ord.doc  
#80041

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

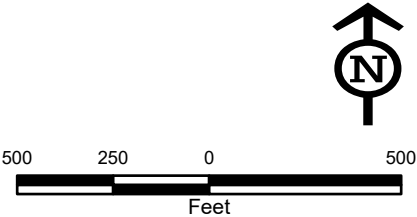
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN  
FUTURE LAND USE DESIGNATIONS  
AMENDMENT PC 20-6

Current Land Use:	Commerce within a Dashed-Line Area
Proposed Land Use:	Irregular (4.2) Residential within a Dashed-Line Area
Gross Acres:	Approximately 16.3 acres



- |   |   |
|---|---|
|  Site                    |  Irregular Residential |
|  Dashed-Line Area        |  Commerce              |
|  Medium (16) Residential |  Community             |



**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN**  
**PROPOSED AMENDMENT PC 20-6**  
**(CORAL SPRINGS)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

**I. Planning Council Staff Transmittal Recommendation**

**May 19, 2020**

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved, recognizing the applicant's voluntary commitment to restrict the development to a maximum of 147 townhomes.

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:

- (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.**

*(Planning Council staff recommendation continued on next page)*

**RECOMMENDATIONS/ACTIONS (continued)**

**DATE**

**I. Planning Council Staff Transmittal Recommendation (continued)** **May 19, 2020**

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** **May 28, 2020**

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 17-0: Blackwelder, Breslau, Brunson, DiGiorgio, Fernandez, Gomez, Good, Graham, Grosso, Hardin, Maxey, Parness, Railey, Rich, Ryan, Williams and Stermer)

**III. County Commission Transmittal Recommendation** **August 25, 2020**

Approval per Planning Council transmittal recommendation.

**IV. Summary of State of Florida Review Agency Comments** **September 30, 2020**

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

## ***SECTION II***

## AMENDMENT REPORT

**PROPOSED AMENDMENT PC 20-6**

## ***INTRODUCTION AND APPLICANT'S RATIONALE***

- |      |  |   |
|------|--|---|
| I.   | <u>Municipality:</u>   | Coral Springs   |
| II.  | <u>County Commission District:</u>   | District 3  |
| III. | <u>Site Characteristics</u>  |   |
| A.   | Size:  | Approximately 16.3 acres  |
| B.   | Location:  | In Section 7, Township 48 South, Range 41 East; generally located on the north side of Wiles Road, west of Coral Ridge Drive.   |
| C.   | Existing Use:  | Vacant  |
| IV.  | <u>Broward County Land Use Plan (BCLUP) Designations</u>                   |   |
| A.   | Current Designation:   | Commerce within a Dashed-Line Area*   |
| B.   | Proposed Designation:  | Irregular (4.2) Residential within a Dashed-Line Area   |
| C.   | Estimated Net Effect:  | Reduction of 16.3 acres of commerce use<br>Addition of 16.3 acres of residential use, allowing the development of up to 147 townhomes<br><b>No additional dwelling units proposed to the Broward County Land Use Plan [12,555 dwelling units currently permitted within the entire 2,989.5 acre Sawgrass Dashed-Line Area, with 8,181 existing and 4,374 unbuilt]</b> |
| V.   | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> |   |
| A.   | Existing Uses:   | North: FPL easement with utility lines, single-family residential and multi-family residential  |

\*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 (continued)**

- |                          |  |
|--------------------------|--|
| <b>A. Existing Uses:</b> | <b>East:</b> Retail and auto repair<br><b>South:</b> Warehouses, auto repair and utility<br><b>West:</b> FPL easement with utility lines and single-family residential   |
| <b>B. Planned Uses:</b>  | <b>North:</b> Community and Irregular (4.2) Residential within a Dashed-Line Area<br><b>East:</b> Commerce within a Dashed-Line Area<br><b>South:</b> Commerce<br><b>West:</b> Community and Irregular (4.2) Residential within a Dashed-Line Area |

### **VI. Applicant/Petitioner**

- |                           |  |
|---------------------------|--|
| <b>A. Applicant:</b>      | 13FH Coral Springs, LLC                                |
| <b>B. Agents:</b>         | Urban Design Kilday Studios and Greenspoon Marder, LLP |
| <b>C. Property Owner:</b> | Coral Springs Development, LLC                         |

### **VII. Recommendation of Local Governing Body:**

The City of Coral Springs recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in June of 2020.



## **EXHIBIT B**

The attached draft "Declaration of Restrictive Covenants" has been submitted and is required to be executed and recorded by the applicant.

# ATTACHMENT



Return to: (enclose self-addressed stamped envelope)

**Name:** Mark J. Lynn, Esq.

**Address:**

Greenspoon Marder LLP  
200 E. Broward Blvd., Suite 1800  
Fort Lauderdale, Florida 33301

**This Instrument Prepared by:**

Mark J. Lynn, Esq.  
Greenspoon Marder LLP  
200 E. Broward Blvd., Suite 1800  
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

## **DECLARATION OF RESTRICTIVE COVENANTS**

**DECLARATION OF RESTRICTIVE COVENANTS** ("DECLARATION") is made this \_\_\_\_\_ of \_\_\_\_\_, 2019, by \_\_\_\_\_ ("DECLARANT") in favor of **CITY OF CORAL SPRINGS, a Florida municipal corporation** ("CITY").

### **WITNESSETH:**

WHEREAS, DECLARANT is the fee simple owner of land located within the City of Coral Springs, more particularly described in **Exhibit "A"** (the "PROPERTY"); and

WHEREAS, DECLARANT voluntarily agreed to be bound by certain covenants and restrictions concerning the development thereof pursuant to the terms set forth herein, and CITY has agreed to such terms.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, DECLARANT hereby declares that the Property shall be subject to the covenants and restrictions 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 Amendment by this reference.

2. Restriction. Development of the PROPERTY is restricted to not more than one hundred forty-seven (147) residential townhome units, along with community recreational facilities and ancillary structures.

3. Amendments. This DECLARATION shall not be modified, amended or released as to any portion of the PROPERTY except by written instrument, executed by DECLARANT and approved in writing by CITY. The appropriate governmental authority of 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.

4. Recordation and Effective Date. This DECLARATION shall become effective when recorded in the Public Records of Broward County, Florida. Once recorded, this DECLARATION shall run with the land for the sole benefit of 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 than CITY, and no parties other than CITY shall be entitled to enforce this DECLARATION. Any failure by CITY to enforce this DECLARATION shall not be deemed a waiver of the right to do so thereafter.

5. 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.

6. 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.

7. 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.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, DECLARANT has executed this Declaration on the day first above written.

Signed, sealed and delivered  
In the presence of:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Print Name

By:\_\_\_\_\_  
(Signature)

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Dated: \_\_\_\_\_

**ACKNOWLEDGEMENT:**

STATE OF FLORIDA       )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
by \_\_\_\_\_, as \_\_\_\_\_ of  
\_\_\_\_\_, who is personally known to me or produced  
\_\_\_\_\_ as identification.

(SEAL)

NOTARY PUBLIC:

My commission expires:

\_\_\_\_\_  
Print name: