

EXHIBIT 1

ORDINANCE NO. 2021-

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF DEERFIELD BEACH; 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 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 Deerfield Beach;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on January 28, 2021, with due public notice;

WHEREAS, the Board of County Commissioners held an adoption public hearing on March 9, 2021, at 10:00 a.m., having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes, at which public comment was accepted and considered;

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

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 21-5 in the City of Deerfield Beach, 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 02/16/2021
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
PC21-5 City of Deerfield Beach.SmallScaleOrd.
02/16/21
#80041

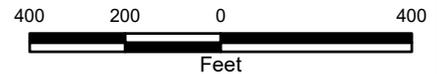
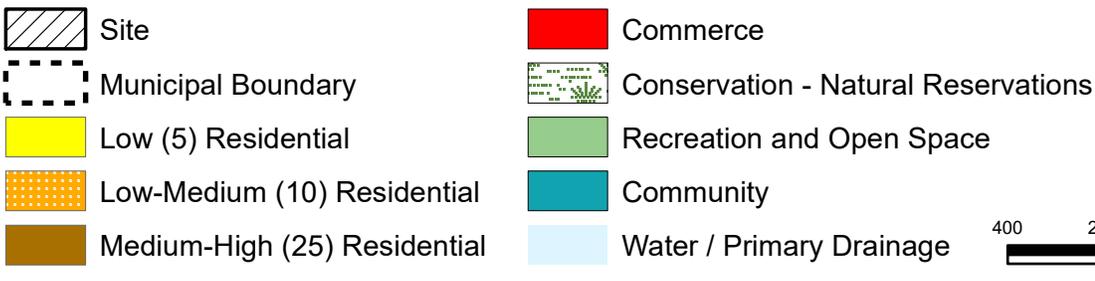
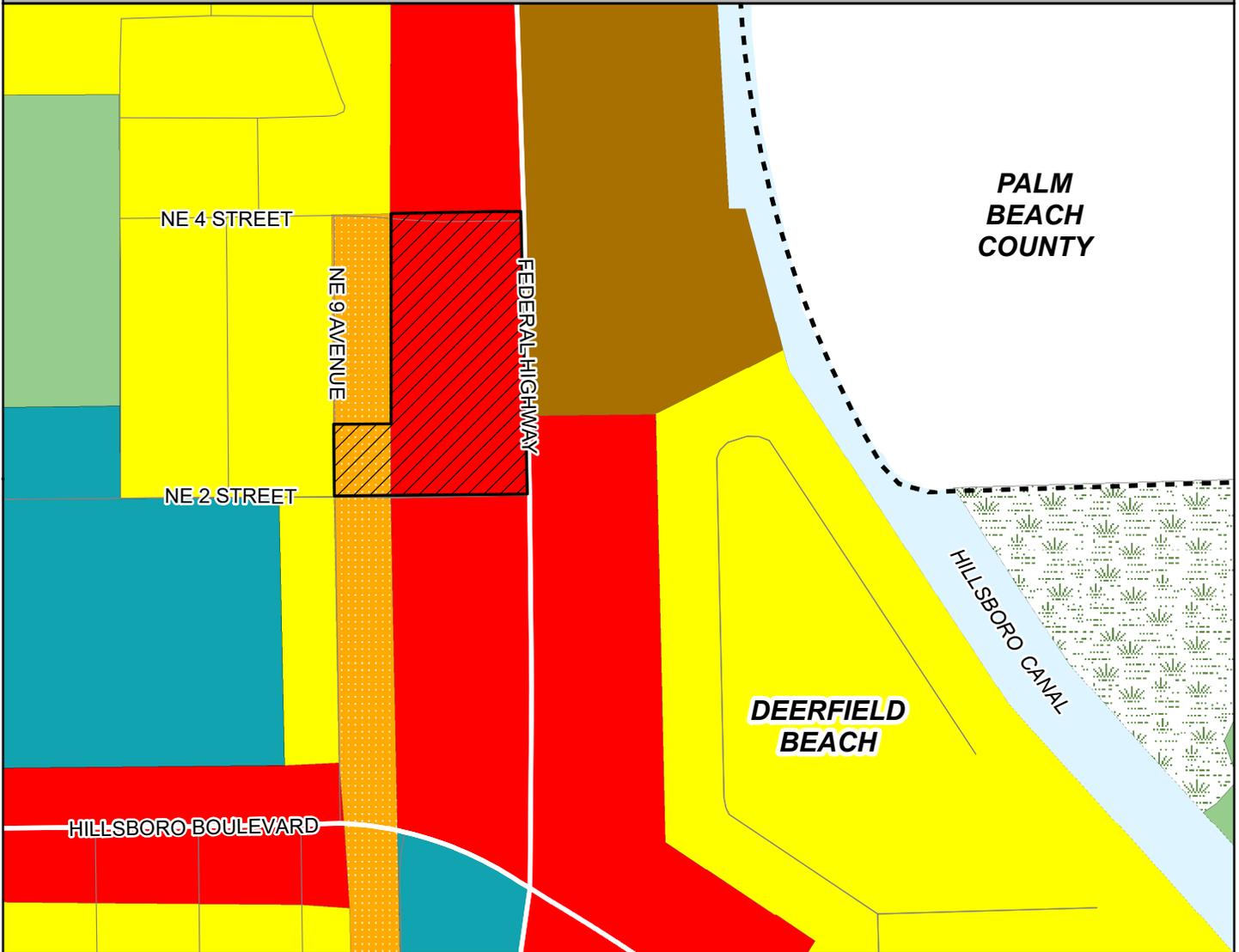
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 21-5

Current Land Uses: 5.1 acres of Commerce and 0.6 acres of Low-Medium (10) Residential

Proposed Land Use: Irregular (48.6) Residential

Gross Acres: Approximately 5.7 acres



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 21-5
(DEERFIELD BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

January 19, 2021

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.

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.

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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

II. Planning Council Public Hearing Recommendation

January 28, 2021

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing, and recognizing the applicant's voluntary commitment to pay \$500 per dwelling unit towards the City of Deerfield Beach's affordable housing programs. (Vote of the board; Unanimous: 17-0; Blackwelder, Breslau, Brunson, Castillo, Fernandez, Gomez, Good, Graham, Grosso, Hardin, Maxey, Railey, Rich, Rosenof, Ryan, Williams and DiGiorgio)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-5

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Deerfield Beach
- II. County Commission District: District 4
- III. Site Characteristics
- A. Size: Approximately 5.7 acres
- B. Location: In Section 31, Township 47 South, Range 43 East; generally located on the west side of Federal Highway, between Northeast 2 Street and Northeast 4 Street.
- C. Existing Uses: Office building and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designations: 5.1 acres of Commerce
0.6 acres of Low-Medium (10) Residential
- B. Proposed Designation: Irregular (48.6) Residential
- C. Estimated Net Effect: Addition of 271 dwelling units
[6 dwelling units currently permitted by the Broward County Land Use Plan - 277 total dwelling units]
Reduction of 5.1 acres of commerce use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses: *North:* Commercial
East: Multi-family residential and retail
South: Retail and multi-family residential
West: Single- and multi-family residential
- B. Planned Uses: *North:* Commerce and Low-Medium (10) Residential
East: Medium-High (25) Residential and Commerce

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)

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

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ day of _____, 2021, by **CRD FEDERAL LLC**, a Florida limited liability corporation ("Owner"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County"), and the **CITY OF DEERFIELD BEACH**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of 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 Commercial and Residential Moderate (10) (City)/Commerce and Low Medium (10) (County) to Irregular (48.6) Residential to allow a residential development ("Application"); and

WHEREAS, in connection with the Application, Owner 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.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Owner hereby 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. The Owner shall pay to the City Five Hundred Dollars (\$500.00) per dwelling unit shown on a site plan approved by the City on the Property or a maximum amount of **One Hundred and Thirty Eight Thousand Five Hundred Dollars (\$138,500.00)** to be used by the City towards the City's affordable housing programs ("Affordable Housing Contribution").

3. Release. Upon presentation to the County of evidence of payment of the Affordable Housing Contribution, at the request and expense of Owner, 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 appropriate governmental authority of the County and 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 or 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 of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

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

CRD FEDERAL, LLC,
a Florida limited liability company

Printed Name: _____

By: _____
Name: _____
Title: _____

Printed Name: _____

STATE OF FLORIDA)
) SS
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of physical presence or online notarization, by _____, as _____ of CRD FEDERAL, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

