

EXHIBIT 1

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY
3 LAND USE PLAN OF THE BROWARD COUNTY COMPREHENSIVE PLAN WITHIN
4 THE CITY OF MARGATE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
5 DATE.

6 (Sponsored by the Board of County Commissioners)
7

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

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

12 WHEREAS, Broward County now wishes to propose an amendment to the Land
13 Use Plan within the City of Margate;

14 WHEREAS, the Planning Council, as the local planning agency for the Broward
15 County Land Use Plan, held its hearing on April 23, 2026, with due public notice;

16 WHEREAS, the Board of County Commissioners held its transmittal public hearing
17 on May 26, 2026, having complied with the notice requirements specified in
18 Section 163.3184(11), Florida Statutes;

19 WHEREAS, the Board of County Commissioners held an adoption public hearing
20 on August 20, 2026, at 10:00 a.m. [also complying with the notice requirements specified
21 in Section 163.3184(11), Florida Statutes] at which public comment was accepted and

22 comments of the Department of Commerce, South Florida Regional Planning Council,
23 South Florida Water Management District, Department of Environmental Protection,
24 Department of State, Department of Transportation, Fish and Wildlife Conservation
25 Commission, Department of Agriculture and Consumer Services, and Department of
26 Education, as applicable, were considered; and

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

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

35 Section 1. The Broward County Comprehensive Plan is hereby amended by
36 Amendment PC 26-4, which is an amendment to the Land Use Plan within the City of
37 Margate, as set forth in Exhibit A, attached hereto and incorporated herein.

38 Section 2. Severability.

39 If any portion of this Ordinance is determined by any court to be invalid, the invalid
40 portion will be stricken, and such striking will not affect the validity of the remainder of this
41 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
42 legally applied to any individual, group, entity, property, or circumstance, such
43 determination will not affect the applicability of this Ordinance to any other individual,
44 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 elects to make the plan amendment effective notwithstanding potential statutory sanctions;

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

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

(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

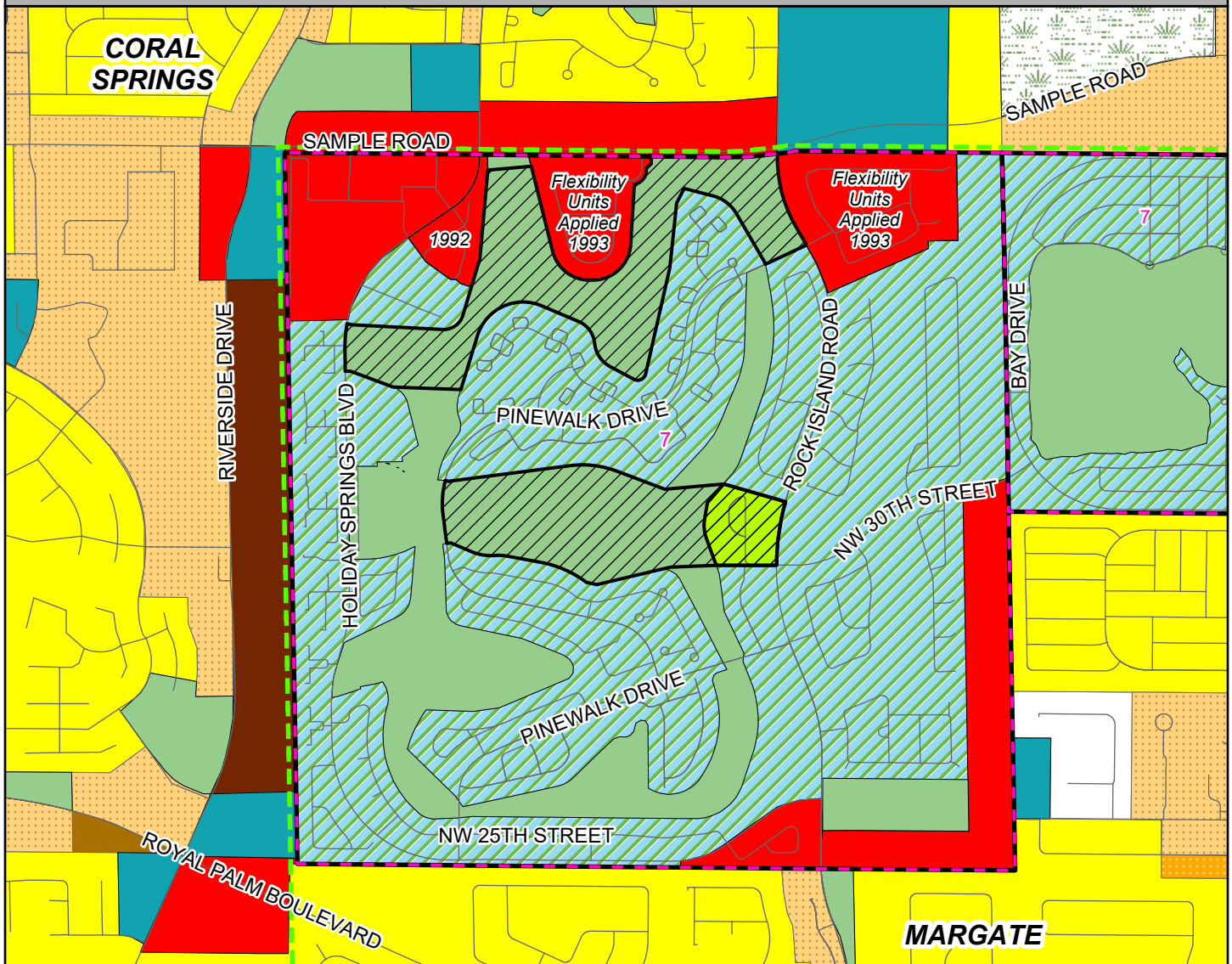
By: /s/ Maite Azcoitia 05/06/2026
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
05/06/2026
PC 26-4 City of Margate Ordinance
#80041

EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 26-4

Current Land Uses:	75.1 acres of Recreation and Open Space and 6.6 acres of Commercial Recreation within a Dashed-Line Area
Proposed Land Uses:	74.1 acres of Irregular (7) Residential and 7.6 acres of Commerce within a Dashed-Line Area
Gross Acres:	Approximately 81.7 acres



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 26-4
(MARGATE)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

April 14, 2026

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan and recommends **approval** recognizing the applicant's voluntary commitment to limit development to 540 dwelling units and 24,800 square feet of commercial use, as well as preserve approximately 67 gross/65.3 net acres of the remaining golf course as a private park use for the Carolina Club community that will retain the Recreation and Open Space designation.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete.

Further, the applicant's confirmation to comply with the environmental licensing and permitting requirements to redevelop the property with a residential use 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
- (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) April 14, 2026

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 April 23, 2026

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 14-0: Abramson, Brunson, Castillo, Fisher, Geller, Gomez, Greenberg, Hardin, Horland, Levy, Railey, Rosenof, Zeman, and DiGiorgio)

- III. County Commission Transmittal Recommendation May 26, 2026

The Broward County Board of County Commissioners is scheduled to consider transmittal of the proposed amendment to the State of Florida Review Agencies at its May 26, 2026, public hearing. This section will be updated as appropriate to reflect the Commission action.

- IV. Summary of State of Florida Review Agency Comments June 29, 2026

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

INTRODUCTION AND APPLICANT'S RATIONALE

- *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

- A. Existing Uses (See Map 1):
- | | |
|--------|---|
| North: | Single- and multi-family residential, retail and educational facility |
| East: | Single- and multi-family residential |
| South: | Single- and multi-family residential and golf course |
| West: | Single- and multi-family residential, retail and golf course |
- B. Planned Uses (See Map 2):
- | | |
|--------|---|
| North: | Irregular (7) Residential, Recreation and Open Space and Commerce within a Dashed-Line Area, Commerce and Community |
| East: | Commerce and Irregular (7) Residential within a Dashed-Line Area |
| South: | Irregular (7) Residential and Recreation and Open Space within a Dashed-Line Area |
| West: | Irregular (7) Residential, Commerce and Recreation and Open Space within a Dashed-Line Area |

VI. Applicant/Petitioner

- A. Applicant: Rosemurgy Acquisitions, LLC
- B. Agents: Scott Backman, Esquire, Miskel Backman, LLP
Matthew H. Scott, Esquire, Greenspoon Marder, LLP
Ken Tuma, Urban Design Studio
- C. Property Owner: J & D Golf Properties, LLC

VII. Recommendation of Local Governing Body:

The City of Margate 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 recorded copy to:

Miskel Backman LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432

This Instrument Prepared by:

Christina Bilenki, Esq.
Miskel Backman LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432



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 and entered into this ____ day of _____, 20____, by **ROSEMURGY ACQUISITIONS, LLC**, a Florida limited liability company whose mailing address is 1801 S Federal Highway, Boca Raton, FL 33432 ("Declarant") shall be for the benefit of Broward County, a political subdivision of the State of Florida with a mailing address of 115 South Andrews Avenue, Fort Lauderdale, FL 33301 ("County") and the City of Margate, a political subdivision of the State of Florida with a mailing address of 5790 Margate Boulevard, Margate, FL 33063 ("City").

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of that certain real property located in the City of Margate, Broward County, Florida, as more particularly described on Exhibit "A" ("Property"); and

WHEREAS, the Property is subject to a land use plan amendment, which application is identified as PC 26-4 and referred to herein as the "Application"; and

WHEREAS, the County approved the Application to change the land use designation from Commercial Recreation within a 7.0 Dashed-Line Area to: Commerce within a 7.0 Dashed-Line Area on Pod A, Irregular Residential within a 7.0 Dashed-Line Area on Pod B and Pod C, as described in the Concept Plan attached hereto as Exhibit "B"; and

WHEREAS, Owner has offered to enter into this Declaration to restrict the utilization of the Property; and

WHEREAS, Owner agrees to grant this Declaration to the County and City, and the County and City agree to accept this Declaration in order to place certain restriction on the development of the Property upon final approval.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions and regulations herein 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. Recitals. The above recitals are true and correct and are incorporated herein by reference.
2. Property Development. Declarant hereby restricts development of the Property to a maximum of five hundred forty (540) dwelling units on Pod B and Pod C, and twenty four thousand eight hundred (24,800) square feet of commercial development on Pod A. The commercial square footage on Pod A may be modified to provide for additional single-family or townhouse units pursuant to an allocation of flexibility or redevelopment units, or as otherwise permitted by the BrowardNext Land Use Plan and approved by the City.
3. Recreation and Open Space. Approximately sixty seven (67) acres, depicted as Pods D, E, F, G, and H on the Concept Plan, shall be reserved for and restricted to community recreation and open space in accordance with the underlying land use designation ("**Open Space**").
4. Modification, Amendment, Release. 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 of the Property affected by such modification, amendment or release and approved in writing by the County. 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 Official Records of Broward County, Florida.
5. Recordation. This Declaration shall be recorded in the Official Records of Broward County, shall run with the Property in perpetuity, for the sole benefit of the County and shall bind all successors and assigns to the title of the Property.
6. Effective Date. This instrument shall become effective and shall be recorded if the above-described Application is approved by all required governmental entities with all appeal periods having run without the filing of an appeal or, if filed, when finally dismissed with no further appeal permitted.
7. Severability. These restrictions are hereby declared to be severable and independent. 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.
8. Third Party Beneficiary. This Declaration is not intended to create, nor shall it be in any way interpreted or construed to create, any third-party beneficiary rights in any person not a party hereto unless otherwise expressly provided herein.
9. Captions, Headings and Titles. 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.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictive Covenants as follows:

ROSEMURGY ACQUISITIONS, LLC
a Florida limited liability company

WITNESSES:

(Signature)

(Print Name)

(Address)

(Signature)

(Print Name)

(Address)

By: _____
(Signature)

(Print Name)

Title

Address

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me, by means of ____ physical presence or ____ online notarization, this ____ day of _____, 20____, by _____, as _____, of ROSEMURGY ACQUISITIONS, LLC, on behalf of the corporation. He or she is:

____ personally known to me, or

____ produced identification. Type of identification produced _____.

(SEAL)

Notary Public, State of Florida

Print Name

My Commission Expires:

Exhibit "A"

Property

Exhibit "B"

Concept Plan