

**Revised
Information**

For

LPA 8/11/2026

4:45PM

ITEM 5A

&

CCM 8/11/2026

5:00PM

ITEM 12C

Memorandum

To: Mark Lubelski, City Manager

From: Shannon Ley, Director of Community Development 

Date: August 10, 2026

Re: August 11, 2026 Local Planning Agency & City Commission Meeting
Yellow Sheet for Items 5A (LPA) & 12C (CCM) – C26127 - Broward
County Arena Redevelopment – Land Use Plan Amendment (LUPA)

CC: Thomas Moss, City Attorney
Emilie Smith, Deputy City Manager
Sean Dinneen, Assistant City Manager
Lourdes Lawrence, Administrative Services Manager

Enclosed is a revised Ordinance and corresponding exhibits for Public Hearing Item 5A scheduled for the August 11, 2026 Local Planning Agency meeting and corresponding Item 12C scheduled for the August 11, 2026 City Commission meeting regarding the Broward County Arena Redevelopment - Land Use Plan Amendment (LUPA). These changes are to formally incorporate the specific language for the Future Land Use Text Amendment into the Ordinance and does not alter the application as previously reviewed by staff and the Planning & Zoning Board.

Specific changes are outlined below:

1. Revised Ordinance to:
 - a. Incorporate the actual text amendment and include as Exhibit B
 - b. Update references to Exhibits B & C to Exhibits C & D respectively
2. Incorporated New Exhibit B – Text Amendment - actual text amendment that was previously only incorporated into staff report
3. Updated Exhibit C – Staff Report - only for the exhibit reference letter
4. Updated Exhibit D – Declaration of Restrictive Covenant - only for the exhibit reference letter
5. Amended background to include fourth paragraph regarding conversion language

Attachments

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF SUNRISE COMPREHENSIVE PLAN FOR APPROXIMATELY 154 GROSS ACRES CONSISTING OF THE "SAVANNAH P.U.D. PLAT 7" PLAT, AS RECORDED IN PLAT BOOK 149, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF PARCEL A OF THE "SAWGRASS PRESERVE" PLAT, AS RECORDED IN PLAT BOOK 157, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF NW 136 AVENUE (PANTHER PARKWAY) AND PAT SALERNO DRIVE, FROM INDUSTRIAL, COMMERCIAL, LOW (5) RESIDENTIAL AND LOW MEDIUM (10) RESIDENTIAL TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) LAND USE DESIGNATION; AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF SUNRISE COMPREHENSIVE PLAN BY ADDING THE "BROWARD COUNTY ARENA PROPERTY" TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) LAND USE CATEGORY; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE AND LAND USE PLAN AMENDMENT TO FLORIDA DEPARTMENT OF COMMERCE, REVIEWING AGENCIES, AND THE BROWARD COUNTY PLANNING COUNCIL; APPROVING THE FORM OF A "DECLARATION OF RESTRICTIVE COVENANTS" RELATING TO AFFORDABLE HOUSING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sunrise has received an application from Broward County (Applicant) for amendments to the City's Comprehensive Plan Future Land Use Map and Future Land Use Element; and

WHEREAS, pursuant to Section 163.3184(11), Florida Statutes, the City is required to hold two (2) advertised public hearings when considering amendments to the City's Comprehensive Land Use Plan; and

WHEREAS, the approximate 154 gross-acre site subject to the proposed amendments is generally located on the southwest corner of NW 136 Avenue (Panther Parkway) and Pat Salerno Drive, and includes the currently-named Amerant Bank Arena. The site is currently designated for Industrial, Commercial, Low (5) Residential and Low-Medium (10) Residential uses on the City's Future Land Use Map; and

WHEREAS, the Applicant is proposing a Future Land Use Map (FLUM) amendment to change the existing land use designations to the Transit Oriented Development (TOD) land use designation; and

WHEREAS, the Applicant is proposing a concurrent text amendment to the Future Land Use Element (FLUE) of the City's Comprehensive Plan to add the "Broward County Arena Property" to the Transit Oriented Development (TOD) land use category; and

WHEREAS, the Applicant has provided a Declaration of Restrictive Covenants for affordable housing in compliance with Broward County Land Use Plan Policy 2.16.2 and City staff finds this Declaration acceptable to the City; and

WHEREAS, the Planning and Zoning Board held a meeting on May 7, 2026, and recommended approval of the proposed amendments; and

WHEREAS, the City Commission of the City of Sunrise, sitting as the Local Planning Agency, held a duly noticed public hearing on August 11, 2026, and recommended approval of the proposed amendments to the governing body; and

WHEREAS, the City Commission held an advertised and duly noticed public hearing as the governing body of the City of Sunrise on August 11, 2026, and transmitted the proposed amendments to the Florida Department of Commerce and other local governments and governmental agencies as required by law for review of this Ordinance before its second reading; and

WHEREAS, the City Commission finds the proposed land use plan map and text amendments as attached to this Ordinance in compliance with and consistent with the City's Comprehensive Plan and Florida law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Pursuant to Application No. LUPA-000037-2021, the Future Land Use Map of the Future Land Use Element of the Sunrise Comprehensive Plan is hereby amended from the Industrial, Commercial, Low (5) Residential and Low-Medium (10) Residential Future Land Use Map designations to the Transit Oriented Development (TOD) designation for an approximate 154 gross-acre site generally located on the southwest corner of NW 136 Avenue (Panther Parkway) and Pat Salerno Drive, more particularly described in the legal description attached to and made a part of this Ordinance as Exhibit A. The Future Land Use Element (FLUE) of the City of Sunrise's

Comprehensive Plan is hereby amended to add the "Broward County Arena Property" to the TOD land use category, as more particularly described in Exhibit B which is attached hereto and made part of this Ordinance. The Applicant, the property owner, and their successors and assigns shall comply with all staff recommendations and conditions set forth in the Community Development Department's Staff Report to the City Commission, including those in the Staff Recommendation to the Planning and Zoning Board section. A copy of the Staff Report is attached to and made a part of this Ordinance as Exhibit C.

Section 3. The Community Development Director is directed to transmit this plan amendment to Florida Department of Commerce and other reviewing agencies within 10 working days after the first reading of this Ordinance.

Section 4. The Community Development Director is directed to transmit this plan amendment to Florida Department of Commerce and any reviewing agencies that provided public comments after the initial public hearing within 10 working days after the adoption of this Ordinance.

Section 5. The Community Development Director is directed to transmit this plan amendment to the Broward County Planning Council after adoption of the plan amendment and further requests that the Broward County Planning Council re-certify the City of Sunrise Land Use Plan.

Section 6. Affordable Housing Declaration. The City Commission hereby approves the Affordable Housing Declaration of Restrictive Covenants in substantially the form set forth in the "Declaration of Restrictive Covenants" attached hereto and made a part of the Ordinance as Exhibit D.

Section 7. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 9. Effective Date. This Ordinance shall become effective upon recertification of the City of Sunrise Land Use Plan by the Broward County Planning Council, and in no event sooner than thirty-one (31) days after adoption.

PASSED AND ADOPTED upon this first reading this _____ DAY
OF _____, 2026.

PASSED AND ADOPTED upon this second reading this _____ DAY
OF _____, 2026.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: _____
SECOND: _____

CLARKE: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency

SECOND READING

MOTION: _____
SECOND: _____

CLARKE: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Thomas P. Moss

Agenda Background Information

LPA LANGUAGE ONLY

Pursuant to Chapter 163.3174(4), Florida Statutes, the City Commission (acting as the Local Planning Agency) is required to hold a duly advertised public hearing in order to review and make recommendations to the governing body regarding the proposed amendment to the City of Sunrise Comprehensive Plan.

CCM LANGUAGE ONLY

Pursuant to section 163.3184(11), Florida Statutes, the City Commission must hold a duly advertised public hearing prior to considering adoption of a proposed amendment to the Sunrise Comprehensive Plan.

LPA & CCM LANGUAGE AFTER 1st PARAGRAPH

This is an application for a Land Use Plan Amendment (LUPA) to the City's Future Land Use Map to change the land use designations of approximately 154 gross acres generally located on the southwest corner of NW 136 Avenue/Panther Parkway and Pat Salerno Drive, as shown on the location map in the attached Staff Report, Exhibit B. The applicant proposes a Future Land Use Map (FLUM) amendment to change the existing land use designations from Industrial, Commercial, Low (5) Residential and Low-Medium (10) Residential to the Transit Oriented Development (TOD). In addition, the applicant is proposing a concurrent text amendment to the Future Land Use Element (FLUE) of the City of Sunrise's Comprehensive Plan to add the "Broward County Arena Property" to the TOD land use category. The proposed amendment to the City's FLUM and FLUE require City Commission approval pursuant to Section 16-38 of the Land Development Code. These amendments will also require review through various State and County agencies.

The applicant proposes to maintain/construct the following within the approximate 154 gross acre site:

- **An Arena:** maintain the existing arena consisting of 867,000 square feet
- **Commercial Use:** 300,000 square feet
- **Office Use (including Educational):** 1,620,000 square feet
- **Residential Use:** 1,400 multi-family dwelling units (including townhouses), of which a minimum of 15% will be deed-restricted to affordable housing

- **Hotel:** 600 rooms, including up to 60,000 square feet of meeting/function space which may include: meeting rooms; board rooms; a junior ballroom; and function support space
- **Community – Cultural Use:** 250,000 square feet which, if built, would replace Office Use (including Educational) on a basis of every square foot of Community – Cultural Use built would reduce the allowed amount of Office Use (including Educational) by the same amount of square footage. Community – Cultural Use might include built space for exhibitions, learning/education, and research for topics that may include, but not limited to: the Everglades; the environment; climate change; the history of Florida’s Native Americans; and the history of South Florida and Florida
- **Preserve, Wetland and Mitigation Area:** a minimum of 18.8 acres which includes the Goodman Archaeological site
- **Open Space/Public Plazas:** a minimum of 1 acre
- **Additional Green Open Space:** a minimum of 8 acres, some of which may be used for drainage

The Office and Commercial intensities can be converted from Office to Commercial (or vice versa) based on equivalence of traffic impacts using the higher of PM peak hour trips or daily traffic trips as calculated by the 11th Edition of the ITE Traffic Generation Manual. Therefore, any conversion would not result in an increase of trips.

As part of this application, the applicant is committing to restricting a minimum of fifteen (15) percent of the residential units from the proposed amendment as affordable units. The commitment is proposed through an Affordable Housing Declaration of Restrictive Covenants, attached as Exhibit C, which further documents conformance with Broward County Land Use Policy 2.16.2 regarding how to achieve and/or maintain a sufficient affordable housing supply.

Subject to City Commission approval of this Ordinance, City Staff will transmit the proposed Future Land Use Map Amendment and Future Land Use Element Text Amendment to the Broward County Planning Council, Florida Commerce (AKA Florida Department of Economic Opportunity), and to any other interested governmental agencies including the state review agency. Following approval of a corresponding amendment to the Broward County Land Use Plan, the City Commission adoption hearing is anticipated to take place within the next six (6) months. If approved, the proposed amendment will be transmitted to Florida Commerce and will become effective upon recertification of the City's Land Use Plan by Broward County Planning Council and no sooner than 31 days after adoption.

In addition to the subject LUPA application, this project as proposed, is expected to require the following City Commission approvals:

1. Rezoning
2. Development Agreement
3. Master Plan
4. Site Plan(s)

Staff completed an open building permit and code violation search. There are two (2) active Code Compliance cases relating to landscaping for folios 494027060011 and 494026070010. There are no Building Code cases nor code liens.

Staff recommends approval of the proposed Land Use Plan Map Amendment and Land Use Element Text Amendment, subject to the approval and execution of the proposed Declaration of Restrictive Covenants.

For more information on this item, including any of the attachments to this item or additional backup information, please contact the Community Development staff member identified below.

Exhibit B

A. Future Land Use Element

The applicant is proposing to amend Section 1(J) of the Future Land Use Element of the Comprehensive Plan to incorporate a new project as detailed below:

J. TRANSIT ORIENTED DEVELOPMENT (TOD)

Project:

<u>Broward County Arena Property</u>	
<u>Existing Arena</u>	<u>867,000 sf</u>
<u>Commercial ⁽⁵⁾</u>	<u>300,000 sf</u>
<u>Office (Including Educational) ⁽⁵⁾</u>	<u>1,620,000 sf</u>
<u>Multifamily Residential ⁽¹⁾</u>	<u>1,400 units</u>
<u>Hotel ⁽²⁾</u>	<u>600 rooms</u>
<u>Community/Cultural (Potential) ⁽³⁾</u>	<u>250,000</u>
<u>Preserve, Wetland and Mitigation Area</u>	<u>18.8 acres minimum</u>
<u>Open Space / Public Plazas</u>	<u>1 acre minimum</u>
<u>Additional Green Open Space ⁽⁴⁾</u>	<u>8 acres minimum</u>

1. 1,400 multi-family/townhouse dwelling units; minimum 15% deed-restricted, affordable housing.
2. Includes up to 60,000 square feet of meeting/function space such as meeting rooms, board rooms, ballroom, and function support space.
3. If built, this use would reduce Office Use (including Educational) allocation on a one (1) square foot to one square foot basis.
4. Some of the area may be utilized as part of site drainage plan.
5. The Office and Commercial intensities can be converted from Office to Commercial (or vice versa) based on equivalence of traffic impacts using the higher of PM peak hour trips pr daily traffic trips as calculated by the 11th Edition of the ITE Traffic Generation Manual. Conversion from Office to Commercial (or vice versa) shall be implemented administratively by the City and shall be reported annually to the Broward County Planning Council as part of the City's TOD monitoring obligation.



STAFF REPORT

BROWARD COUNTY ARENA REDEVELOPMENT (FACILITY KNOWN AS "AMERANT BANK ARENA") – LAND USE PLAN MAP AND TEXT AMENDMENT

Summary

This is an application for a Land Use Plan Amendment (LUPA) to the City's Future Land Use Map (FLUM) to change the land use designations of approximately 154 gross acres generally located on the southwest corner of NW 136 Avenue (Panther Parkway) and Pat Salerno Drive, as shown on the location map. The applicant proposes a Future Land Use Map (FLUM) amendment to change the existing land use designations from Industrial, Commercial, Low (5) Residential and Low-Medium (10) Residential to the Transit Oriented Development (TOD). In addition, the applicant is proposing a concurrent text amendment to the Future Land Use Element (FLUE) of the City of Sunrise's Comprehensive Plan to add the "Broward County Arena Property" to the TOD land use category. The proposed amendment to the City's FLUM and FLUE require City Commission approval pursuant to Section 16-38 of the Land Development Code (LDC). These amendments will also require review through various State and County agencies.

General Information

The proposed amendment site is generally located on the southwest corner of NW 136 Avenue (Panther Parkway) and Pat Salerno Drive, currently known as the Amerant Bank Arena (formerly known as BB&T Arena). To the north of the amendment site is vacant land and a multi-family residential development. To the east and south is the Sawgrass Mills Mall, vacant parcels and the Metropica mixed-use development. To the west of the site is a single-family residential development as well as the Sawgrass Expressway (State Road 869).

The amendment site's original Site Plan was approved by the City of Sunrise City Commission on October 22, 1996, via Resolution No. 96-222, for the development of a public-owned facility known as the Broward County Civic Arena. Since that time the property has had several revisions. The site previously encompassed the Broward County Civic Arena Development of Regional Impact (DRI). Said DRI was abandoned on March 12, 2019, via Ordinance No. 838-X-19-A, based upon all conditions and mitigation having been satisfactorily completed and no further development, as identified and permitted within the DRI's Development Order, were to be pursued.

In addition to the subject LUPA application, this proposed mixed-use development will also require the following approvals:

1. Broward County Land Use Plan Map and Text Amendments (County);

2. Broward County Planning Council Recertification of the City of Sunrise FLUM and FLUE (County);
3. Rezoning (City);
4. Plat/Plat Note Amendment (City and County);
5. Master Plan (City); and
6. Site Plan (City).

Project Description

The amendment site is currently designated as Industrial, Commercial, Low (5) Residential, and Low Medium (10) Residential on the City's FLUM and Commerce, Irregular (2.5) Residential, and Low (5) Residential on the Broward County Land Use Plan Map (BCLUPM). The applicant is proposing to change the City's FLUM to Transit Oriented Development (TOD) and BCLUPM to an Activity Center land use designation.

The applicant proposes to maintain/construct the following within the approximate 154 gross acre site:

- An Arena: the existing arena consisting of 867,000 square feet
- Commercial Use: 300,000 square feet
- Office Use (including Educational): 1,620,000 square feet
- Residential Use: 1,400 multi-family dwelling units (including townhouses), of which a minimum of 15% will be deed-restricted, affordable housing
- Hotel: 600 rooms, including up to 60,000 square feet of meeting/function space which may include: meeting rooms; board rooms; a junior ballroom; and function support space
- Community – Cultural Use: 250,000 square feet which, if built, would replace Office Use (including Educational) on a basis of every square foot of Community – Cultural Use built would reduce the allowed amount of Office Use (including Educational) by the same amount of square footage. Community – Cultural Use might include built space for exhibitions, learning/education, and research for topics that may include, but not limited to: the Everglades; the environment; climate change; the history of Florida's Native Americans; and the history of South Florida and Florida
- Preserve, Wetland and Mitigation Area (which includes the Goodman Archaeological site): a minimum of 18.8 acres
- Open Space/Public Plazas: a minimum of 1 acre
- Additional Green Open Space (some of which may be used for drainage): a minimum of 8 acres

An application for a companion amendment to the BCLUP will be filed with the Broward County Planning Council (BCPC) for review, processing and approval by the Broward County Board of County Commissioners and various state review agencies in order to amend the land use of the subject property.

A text amendment to both the City's FLUE and Broward County's Comprehensive Plan's (BrowardNext) Land Use Element will be included with the map amendment for both the City and

Broward County. The proposed amendment to the City's Comprehensive Plan Future Land Use Element's Transit Oriented Development (TOD) designation will introduce the Broward County Arena Property as follows:

Broward County Arena Property	
Existing Arena	867,000 Square Feet
Commercial ⁽⁵⁾	300,000 Square Feet
Office (including Educational) ⁽⁵⁾	1,620,000 Square Feet
Multifamily Residential ⁽¹⁾	1,400 Units
Hotel ⁽²⁾	600 Rooms
Community/Cultural (Potential) ⁽³⁾	250,000 Square Feet
Preserve, Wetland and Mitigation Area	18.8 Acres (Minimum)
Open Space / Public Plazas	1 Acre (Minimum)
Additional Green Open Space ⁽⁴⁾	8 Acres (Minimum)

(1) 1,400 multi-family/townhouse dwelling units; minimum 15% deed-restricted, affordable housing.

(2) Includes up to 60,000 square feet of meeting/function space such as meeting rooms, board rooms, ballroom, and function support space.

(3) If built, this use would reduce Office Use (including Educational) allocation of 1 square foot to 1 square foot basis.

(4) Some of the arena may be utilized as part of site drainage place.

(5) The Office and Commercial intensities can be converted from Office to Commercial (or vice versa) based on equivalence of traffic impacts using the higher of PM peak hour trips or daily traffic trips as calculated by the 11th Edition of the ITE Traffic Generation Manual. Conversion from Office to Commercial (or vice versa) shall be implemented administratively by the City and shall be reported annually to the Broward County Planning Council as part of the City's TOD monitoring obligation.

The Analysis of Impacts to Public Facilities and Services attributable to the proposed LUPA is as follows:

Public Facility	Current Land Use Demand	Proposed Land Use Demand	Net Change
Sanitary Sewer ⁽¹⁾	84,508 Gallons/Day	1,311,265 Gallons/Day	+1,226,757 Gallons/Day
Potable Water ⁽²⁾	84,508 Gallons/Day	1,311,265 Gallons/Day	+1,226,757 Gallons/Day
Drainage ⁽³⁾	See footnote 3 below		
Solid Waste ⁽⁴⁾	3,592 lbs/Day	59,642 lbs/Day	+56,050 lbs/Day
Recreation and Open Space ⁽⁵⁾	0 Acres	10.84 Acres	+10.84 Acres
Traffic ⁽⁶⁾ Daily PM Peak			
	57,544 trips/day (gross)	48,981 trips/day (gross)	- 8,563 trips/day
	5,618 trips/hour (gross)	4,433 trips/hour (gross)	- 1,185 trips/hour
Mass Transit ⁽⁷⁾	See footnote 7 below		
Public School ⁽⁸⁾	0	84 Students	+84 Students
Affordable Housing ⁽⁹⁾	See footnote 9 below		

- (1) **Sanitary Sewer.** The City has sufficient capacity to meet the projected demand.
- (2) **Potable Water.** The City has sufficient capacity to meet the projected demand as based on the approved 10-Year Water Supply Facilities Work Plan.
- (3) **Drainage.** The City of Sunrise's drainage system consists of a tertiary system of catch basins and roadside swales, a secondary system of City canals and lakes and a primary canal system, regulated by the South Florida Water Management District (SFWMD). The Broward County Arena property is within the "Arena" sub-basins of the City of Sunrise's Basin 8. Basin 8 is controlled by a system of canals and lakes which directs runoff within the basin southerly to an existing pump station which discharges into the North New River Canal. It should be noted that "Arena" sub-basin has a total acreage of 144.5 acres, and it includes the 139.8 net acre Broward County Arena property as well as 4.7 acres of the adjacent road right-of-way (ROW) along the Panther Parkway. An expansion to the already existing and permitted 14.5 acres of buildings/structures is allowed for an additional 20 acres of buildings/structures (for a total of 34.5 acres of buildings/structures) within the 144.5-acre "Arena" sub-basin. The project, the existing Master Permit/License requires no additional drainage improvements for the proposed 20 acres of buildings/structures. However, a modification of the existing Master Permit/License will be necessary before construction of the expansion project to ensure the proposed paving and grading plans are consistent with the stage-storage assumptions of the August 5, 2016, Master Permit/License.
- (4) **Solid Waste.** The Wheelabrator South Broward facility, contracted to process all solid waste for the City of Sunrise, has sufficient capacity to handle the solid waste generated by the proposed amendment, nor will it cause any adverse impacts on the facility.
- (5) **Recreation and Open Space.** The City of Sunrise's adopted LOS of three (3) acres of park per 1,000 population will continue to be met.

Furthermore, the proposed amendment includes a minimum of 27.8 acres of various forms of open space of which approximately 18.8 acres of the proposed amendment site will include preserve, wetland and mitigation areas (including the Goodman Archaeological site) all of which will be publicly accessible. There will also be a minimum of one (1) acre's worth of public open space/plazas, including landscaping and seating areas, and eight (8) acres minimum of public, green open space for picnics, play areas, exercising, and general gathering space which will contain a water feature that, during hurricanes/large storms, may act as a retention pond.

- (6) **Traffic.** The proposed future land use designations (i.e. proposed land uses and development intensities) will result in a reduction in the number of both daily and PM peak hour trips (gross) when compared with the existing land use designations for this site. As a result of the reduction in daily and peak hour traffic volumes, and evaluation of significant and adverse impacts to the surrounding roadway network is not warranted. Nonetheless, the applicant has identified a number of planned and programmed transportation improvements in the study area that will enhance traffic capacity and improve traffic flow. These improvements include the ongoing widening of the Sawgrass Expressway (SR 869), further implementation of the County's Advanced Traffic Management System (ATMS) in key roadway corridors, and the introduction of Transit Signal Priority (TSP) systems to enhance Broward County Transit operations.

- (7) **Mass Transit.** Broward County Transit (BCT) has identified the following mass transit routes within a quarter mile of the amendment site.

Broward County Transit (BCT) Route #22 currently operates full week services from the Sawgrass Mills Mall bus terminals from 4:50 a.m. to 12:05 a.m. with a frequency (headway) between twenty-two (22) and forty-four (44) minutes on weekdays, Saturday service from 5:05 a.m. to 12:02 a.m. with a headway of thirty-one (31) minutes and Sunday service from 7:30 a.m. to 9:59 p.m. with a frequency (headway) of thirty (30) minutes.

Broward County Transit (BCT) Route #23 currently operates from the Sawgrass Mills Mall bus terminals with weekday service from 6:10 a.m. to 10:20 a.m. and 3:10 p.m. to 7:40 p.m. with a frequency (headway) of forty-four (44) minutes. There is no weekend service on this route.

Broward County Transit (BCT) Route #36 currently operates full week services from the Sawgrass Mills Mall bus terminals from 5:01 a.m. to 12:24 a.m. with a frequency (headway) of twenty-three (23) minutes on weekdays, Saturday service from 5:27 a.m. to 12:19 a.m. with a headway of twenty-nine (29) minutes and Sunday service from 6:48 a.m. to 10:13 p.m. with a headway of twenty-seven (27) minutes.

Broward County Transit (BCT) Route #72 currently operates full week service from the Sawgrass Mills Mall bus terminals, on weekdays from 4:45 a.m. to 1:29 a.m. with a frequency (headway) of twenty-one (21) minutes, Saturday service from 5:00 a.m. to 1:08 a.m. with a headway of twenty (20) minutes and Sunday service from 7:14 a.m. to 10:20 p.m. with a headway of twenty-one (21) minutes.

Broward County Transit (BCT) 595 Express Route #110 currently operates from the Amerant Bank Park & Ride on weekdays from 5:10 a.m. to 9:51 p.m. and 3:00 p.m. to 8:01 p.m. with a headway of thirty (30) minutes. There is no weekend service on this route.

Broward County Transit (BCT) 595 Express Route #114 currently operates from the Amerant Bank Park & Ride on weekdays from 5:00 a.m. to 9:22 p.m. and 3:15 p.m. to 9:15 p.m. with a headway of twenty-five (25) minutes. There is no weekend service on this route.

BCT has indicated it will be implementing Bus Rapid Transit service via Oakland Park Boulevard, between the Sawgrass Mills Mall and Galt Mile, beginning in 2030, with a peak frequency of ten (10) to fifteen (15) minutes.

In addition, Broward County has acquired approximately ten (10) acres of land directly across Northwest 136 Avenue from the Broward County Arena to construct a transit hub station. The project will consist of a station for Broward County Transit's current and future fixed bus routes, parking garage, and future, light rail station.

- (8) **Public School.** This application is subject to Section 7 of the Third Amended and Restated Interlocal Agreement for Public School Facility Planning. The applicant submitted a Public School Impact Analysis (PSIA) application to the School Board of Broward County (SBBC) and received a School Consistency Review Report, indicating the proposed amendment will generate a total of 84 additional students (36 elementary, 17 middle, 31 high school). All public schools serving the amendment site, Sawgrass Elementary, Bair Middle and Plantation High, are operating below the adopted LOS. The Report also indicates there are no charter schools operating within a 2-mile radius of the amendment site. The SBBC

has determined that the schools in the area have sufficient excess capacity to absorb the students generated by the proposed residential units.

- (9) Affordable Housing.** This application is subject to the requirements of Broward County Land Use Plan Policy 2.16.2 for affordable housing. The applicant has submitted a draft Declaration of Restrictive Covenants regarding affordable housing, conforming with both the City and the County's affordable housing requirements. Per the provided draft Declaration of Restrictive Covenants, the applicant proposes to provide a minimum of 15% of the residential units from the proposed amendment as affordable units.

Land Use Compatibility

Staff finds the proposed Transit Oriented Development (TOD) land use designation is compatible with the surrounding uses. To the north of the amendment site are residential developments designated Low-Medium (10) Residential land use and adjacent right-of-way designated Low (5) Residential land use. To the east and south of the amendment site is the Sawgrass Mills Mall designated Commercial and Irregular (2.94) Residential within a Dashed-Line Area and the Metropica mixed-use development designated Transit Oriented Development (TOD). To the west of the amendment site is a residential development designated Low (5) Residential and the Sawgrass Expressway/State Road 869 designated a Transportation land use.

Consistency with Goals, Objectives and Policies of the Sunrise Comprehensive Plan

The proposed amendment is compatible with the City of Sunrise Comprehensive Plan as follows:

Future Land Use Element

- | | |
|----------------|--|
| Policy 1.2.4 | Support increases in residential densities where appropriate to ensure adequate supply of affordable housing. |
| Policy 2.1.3 | The City of Sunrise shall continue to encourage integration of mixed land uses by utilizing innovative environmental protection regulations and zoning techniques such as planned Commercial/Office development with Residential, public schools and environmental areas where suitable. |
| Objective 4.1 | Commercial Recreation: Maintain a commercial recreation category on the Sunrise Future Land Use Map to accommodate major public and private resort type activities. |
| Objective 10.3 | Efficient Use of Urban Services: Promote the efficient use of urban services by encouraging new development into areas where necessary regional and community facilities and services exist. |
| Policy 13.2.7 | The City of Sunrise shall ensure the protection of the Goodman Archaeological Site/Florida Master Site File No. 8BD188, as approved by Broward County Resolution No. 2017-239. |
| Policy 1.2.5 | Affordable housing shall be addressed consistent with Policy 2.16.2 of the BCLUP, as amended. |
| Objective 14.2 | Wetlands: Protect the wetlands, hydric soils and the vegetative communities historic to the areas within Broward County. for their natural |

functions, such as storing fresh water, filtering stormwater runoff and preventing erosion.

- Objective 16.1 Innovative Land Development Techniques: Encourage the use of the land development regulation provisions that authorize innovative techniques for both residential and non-residential development) in order to promote planned communities and activity centers designed for efficiency.

Transit Oriented Development

- Objective 16.4 Transit Oriented Development: Encourage mixed-use development in areas served by regional transit stations, such as major transit hubs, and neighborhood and regional transit centers as designated in the Broward County Comprehensive Plan Transportation Element, the Broward County Mass Transit Master Plan, Broward County Metropolitan Planning Organization's (MPO) Metropolitan Transportation Plan (formerly known as the Long Range Transportation Plan), Broward County Transit Development Plan, or locally adopted financially feasible transportation or transit plan, through the Transit Oriented Development (TOD) land use category.
- Policy 16.4.1 Residential land use is required as a principal component within a Transit Oriented Development (TOD).
- Policy 16.4.2 Maximum Residential Density in the Transit Oriented Development (TOD), is described in the permitted uses section of the City Comprehensive Plan. (Note: Residential densities may be specified, at the option of the City, either as units per gross acre in geographically designated areas and/or, as a maximum number of permitted units (e.g. pool of units). When the density of the TOD is specified as units per gross acre, the percentage distribution among the mix of uses must also be identified.)
- Policy 16.4.3 At least two (2) non-residential land uses must be permitted/proposed in the designated area as principal uses: e.g. retail, office, restaurants and personal services, hotel/motel, light industrial (including "live work" buildings), research business, civic or institutional.
- Policy 16.4.4 Additional or expanded, standalone automobile oriented uses such as: large surface parking lots, gas stations/auto, repair/car, washes; auto dealers; self-equipment storage; "big box"/warehouse; single-family detached dwelling units; carwashes; and drive-through facilities are discouraged and are prohibited by the City, or limited, unless designed in a manner to encourage pedestrian and transit usage in an effort to discourage urban sprawl.
- Policy 16.4.5 Minimum and Maximum Floor Area Ratio (FAR) for non-residential uses within a Transit Oriented Development must be specified by the City in the permitted uses section of the City Comprehensive Plan. A minimum, non-residential FAR (Gross square footage) of 2 is encouraged. Non-residential intensities may vary in the TOD and may be specified at the option of the City, either as a maximum FAR in geographically designated

areas and/or as an overall maximum square footage by use [e.g. pool of square footage by permitted use (retail, office etc.) or land use category (commercial)]. When non-residential intensity is specified as a maximum FAR, the percentage distribution among the mix of uses must also be identified.

Design Guideline Principles for TOD

- Policy 16.4.6 The Transit Oriented Development (TOD) land use category must be supported by policies in the local land use element that incorporate design criteria to require pedestrian connectivity to regional transit stations with development that is mixed-use with a “sense of place” and is transit supportive.

Applicant’s Response: The County’s “Vision” is the creation of an urban community where people will live, work, visit, shop and play. Fostering a balanced and layered distribution of residential, office, retail, restaurant, entertainment and hospitality occupants will be a core focus during the master planning stages. This will ensure that a lively and diverse mix of residents, visitors, patrons and employees will ultimately be achieved. The County expects that with well planned design parameters in place from the outset, combined with clear design element guidelines, the controlled ongoing development of individual components will ensure a community population that ebbs and flows well, physically and fiscally, throughout the community’s day and well into the evening.

Careful, considered distribution of parking “pockets”, structured garages along with local bus and shuttle stops that connect transportation options that will support, encourage and reinforce walkability as a viable, natural preference for workers, residents, patrons and visitors alike.

- Policy 16.4.7 The City will ensure that Transit Oriented Development (TOD) includes design features that promote and enhance pedestrian mobility, including connectivity to regional transit stations, based on the following characteristics:

- Transit stops integrated with a shelter or station (within the TOD area).
- Public plazas, urban open space or green space/pocket park uses that are accessible to the public, must be provided as an integrated component within a Transit Oriented Development.
- Wide (five (5) feet shall be the minimum consistent with ADA requirements) pedestrian and bicycle paths that minimize conflicts with motorized traffic and are adequately landscaped, shaded and provide opportunities for shelter from the elements.
- Buildings should front the street (zero (0) or minimal setbacks are encouraged).
- Vehicle parking strategies that encourage and support transit usage (such as parking that does not front the street, shared parking, parking structures, and/or reduced parking ratios).

- Street (internal and adjacent to the TOD) should be designed to discourage isolation and provide connectivity (such as streets in a grid pattern).

Applicant's Response: *The County is committed to creating a walkable, accessible and interconnected urban development, threaded with new green spaces, parks and plazas that establish green pedestrian and vehicular corridors along with access point connections throughout the site. Widely distributed, intermodal access connection points such as local bus and shuttle stop shelters will be encouraged across, among, and in between the broader land use elements that are layered throughout the development.*

While not part of this Land Use Plan Amendment, the County has purchased a 10 acre parcel directly across Panther Parkway (NW 136 Avenue) from the Broward County Arena property. Located at the intersection with Red Snapper Road, the site was purchased for a planned Transit Hub Station to serve local and regional Broward County Transit (BCT) bus routes and future light rail service. This new facility is planned to include a structured parking component for bus and train patrons. The site has been purchased by the County to address the transportation needs of the broader Arena and Sawgrass Mills Mall locale.

The planned Transit Hub Station will be developed in two phases:

- *The first phase will include BCT and Miami Express bus service functions and structured parking garage.*
- *The second phase will accommodate a planned, future light rail station function. The light rail service implementation has not been finalized.*

The Express Bus Service stop will be relocated upon the station's completion. Under the current License Agreement, the Miami Express Bus Service bus stop can remain in place on the Arena property at the County's discretion through at least January 31, 2032. This provides ample time for numerous outcomes.

Easy pedestrian circulation and access will be provided to the Transit Hub Station across Panther Parkway (NW 136 Avenue). Upon the Transit Hub Station completion, the County will enhance the intersection's traffic signalization to ensure safe, adequate pedestrian crossing time.

Additionally, ongoing monitoring will be implemented to address crossing times that reflect peak and general pedestrian access level fluctuations. This on-going monitoring will help evaluate feasibility and implementation timing of additional, supplemental pedestrian crossing options, such as but not limited to, increased crossing times and or frequency provisioning, wider cross walks, or potential for an elevated pedestrian cross walk over NW 136 Avenue

- Policy 16.4.8 The City shall require internal pedestrian and transit amenities to serve the residents and employees within the Transit Oriented Development (TOD) (such as seating, benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plazas (such as clocks, fountains, sculpture, drinking fountains, flags and food/refreshment vendor areas).

Applicant's Response: As demand justifies, and the development's built environment matures, shuttle, bus and transit service provisioning and rider pickup stop infrastructure will be implemented within the property that will connect to the new facility.

Activated street level storefronts and aesthetically cohesive streetscape amenities, such as benches, trash receptacles and planters will be suggested where possible, along with pedestrian scaled pole mounted lighting and banners, transportation and information kiosks, drinking fountains, bike racks, landscaping, water features and public artworks that enliven and support the public domain. Outdoor cafe dining, which brings street activity and provides a wonderful means of people watching, will be strongly encouraged.

Clear pedestrian passageways, separate bicycle paths and widening of those pathways where one encounters the other will be implemented. The City of Sunrise's Land Development Code (LDC) will govern when it comes to specific zoning regulations and proposed individual building and project components' satisfaction thereof, on a case-by-case basis

- Policy 16.4.9 The intent of the required Design Guideline Principles is to provide guidelines for municipal implementation of the Transit Oriented Development (TOD) land use category. The City will encourage the use of some or all of the above design elements, or to develop other design strategies, which accomplish the goals of using design elements to enhance pedestrian and transit mobility. County review of applications seeking TOD land use category designations will only determine whether the municipality has adopted, through plan policies, a cohesive set of implementation strategies to accomplish the design strategies sought and will not seek to require a specific design approach or a fixed set of design approaches as a requirement for County approval of the TOD land use designation sought.

Review Process Considerations

- Policy 16.4.10 The transportation impact analysis for a proposed Transit Oriented Development (TOD) designation shall consider the modal shift provided through the provision of transit and the transit oriented design. In addition, the transportation impact analysis shall consider the effects of internal capture as applicable to transit oriented mixed-use projects.
- Policy 16.4.11 In consideration of non-residential land uses in areas proposed for designation as a Transit Oriented Development, the impact analysis for the designation in the BCLUP may be based in the amount of non-residential development, which could be permitted as per the intensity

standards of the effective local government land use element, rather than the alternative 10,000 square feet per gross acre standard utilized for non-residential impact analysis.

Policy 16.4.12 An interlocal agreement between the City and Broward County must be executed no later than six (6) months from the effective date of the adoption of a Transit Oriented Development (TOD), which provides that monitoring of development activity and enforcement of permitted land use densities and intensities shall be the responsibility of the City.

Staff Evaluation

The proposed Land Use Plan Map and Text Amendments are consistent with the existing land use patterns in the area and are consistent with the Goals, Objectives and Policies of the City of Sunrise Comprehensive Plan.

Staff Recommendation to the Planning and Zoning Board, May 7, 2026

Staff recommends approval of the proposed Land Use Plan Amendment subject to the following conditions:

1. Execution and recordation of a Declaration of Restrictive Covenants, in substantial conformance with the proposed draft, for the applicant's voluntary affordable housing commitment.

Planning and Zoning Board Recommendation, May 7, 2026

At its meeting on May 7, 2026, the Board approved Staff's recommendation subject to the condition listed above.

Final Staff Recommendation to the City Commission, May 26, 2026

Staff recommends approval of the application subject to the condition listed above.

City Commission Action, May 26, 2026

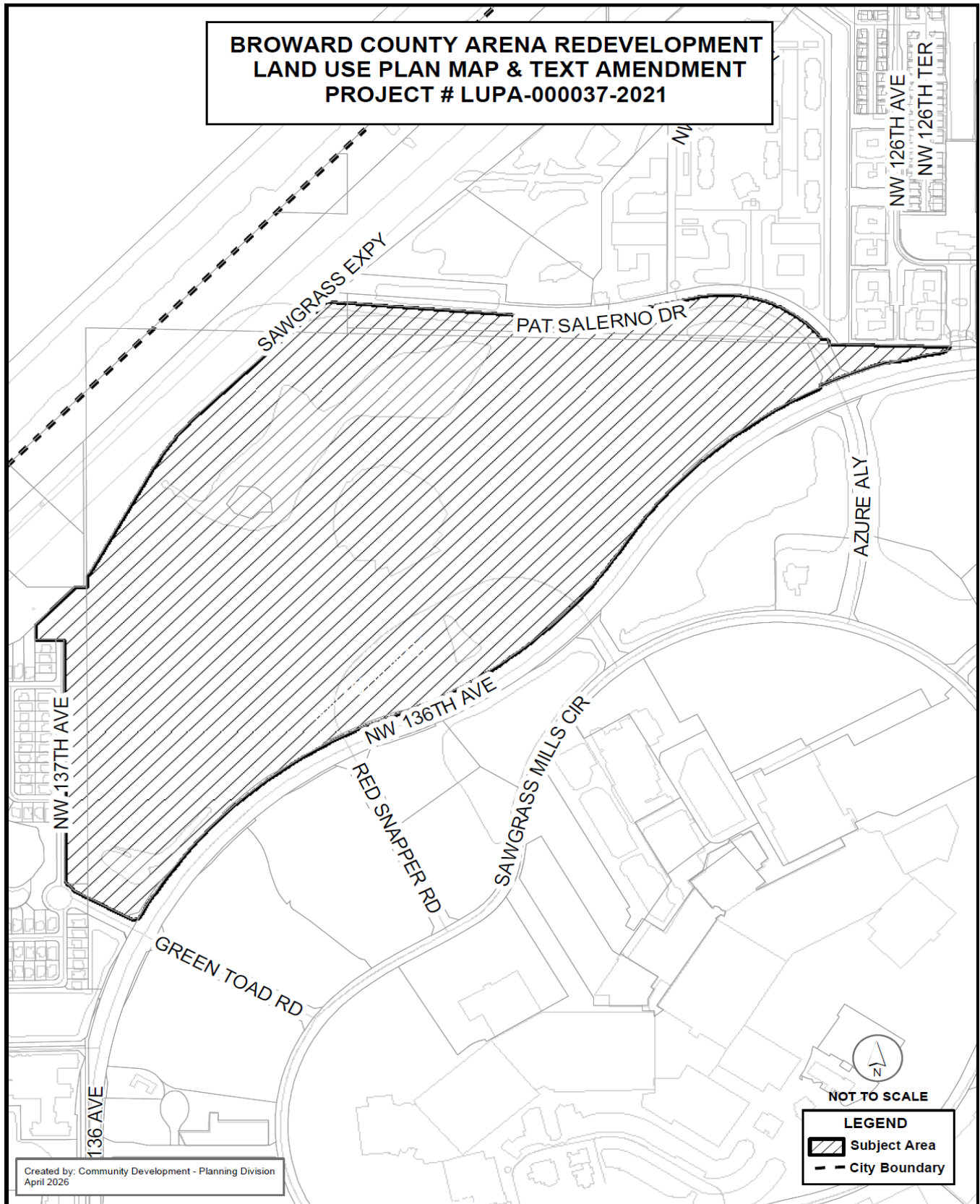
Upon the applicant's request, this item was not considered at first reading on May 26, 2026.

Final Staff Recommendation to the City Commission August 11, 2026

Staff recommends approval of the application subject to the condition listed above.

Planner: Matt Goldstein
File No. LUPA-000037-2021 (96:96:090401)

Location Map



**BROWARD COUNTY ARENA REDEVELOPMENT
PROJECT # LUPA-000037-2021
EXISTING FUTURE LAND USE MAP**

Legend

- Subject Area
- Irregular Residential within a Dashed-Line Area
- Commercial
- Industrial
- Recreation & Open Space
- Transportation
- Transit Oriented Development
- Low (3) Residential
- Low (5) Residential
- Low-Medium (10) Residential
- City Boundary

NOT TO SCALE

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this __ of _____, 20____, by _____ a _____ corporation, ("Declarant"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County"), and the **CITY OF SUNRISE**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of land located in the City, more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, the Property ("Project") is being developed as a mixed-use project that will include residential development as a component, subject to the affordable housing restrictions set forth in this Declaration. Declarant reserves the right to convert the Property, or a portion thereof, to a condominium in the future, subject to the affordable housing restrictions as set forth in this Declaration (a "Conversion");

WHEREAS, in connection with the Project, 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, Declarant agrees to make certain provisions for affordable housing for the period of time provided herein.

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, 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 hereby declares the following: A Minimum of fifteen (15) percent of the residential units to be constructed on the Property (as set forth on the final site plan approved by the City) shall be affordable moderate-income units as defined in the County Comprehensive Plan, and as further restricted by this Declaration ("Affordable Housing Units"). If fifteen (15) percent of the actual residential units to be constructed on the Property does not yield a whole number of Affordable Housing Units, the partial of Affordable Housing Units yielded shall be rounded up to the next whole number.

3. Affordable Housing Units Offered For Sale. In the event of a Conversion, Declarant hereby declares all Affordable Housing Units offered for sale shall be purchased in accordance with the following:
- a. All Affordable Housing Units constructed on the Property shall be used solely as each owner's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home-based businesses when permitted by applicable law; and
 - b. All Affordable Housing Units shall be purchased solely by persons who meet the following criteria at the time of purchase of an Affordable Housing Unit. "Purchased" shall be defined to mean by sale, inheritance, court order, or other legal method of transfer or acquisition.
 - 1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and
 - 2) The purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not

exceed thirty (30) percent of their monthly adjusted gross income;
and

- 3) Excluding government subsidies, the down payment, if any, for the purchase of the Property must not exceed twenty (20) percent of the purchase price; and
- 4) During the term of this Declaration, as defined herein, every deed of sale or equivalent document transferring title to the Affordable Housing Unit shall include a restriction stating as follows:

This property is to be sold and occupied as an "Affordable Housing Unit," in accordance with the Declaration of Restrictive Covenants recorded in the Official Records of Broward County al Instrument No. _____

- 5) Prior to any transfer of title or closing on a purchase of an Affordable Housing Unit, each purchaser shall cause to be provided to the City and the County written certification that the criteria in (b) 1), 2), and 3) above have been satisfied.

- (c) At the time of sale of any Affordable Housing Unit, Declarant shall record a Notice of Designation of Affordable Housing Unit (an "Affordable Housing Notice") corresponding to the sale, the form of which Affordable Housing Notice is set forth on "Exhibit B" attached hereto and incorporated herein.

4. Affordable Housing Units Offered For Rent. Declarant hereby declares all Affordable Housing Units offered for rent shall be rented in accordance with the following:

- (a) All Affordable Housing Units constructed on the Property shall be used solely as each renter's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home-based businesses when permitted by applicable law; and
- (b) All Affordable Housing Units shall be rented solely by persons who meet the following criteria at the time of lease:

- 1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and
- 2) The renter of an Affordable Housing Unit shall have monthly rental payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

(c) On an annual basis, beginning no later than 12 months after the Effective Date of this Declaration, the owner of an Affordable Housing Unit offered for rent shall (through owner or owner's property manager or other owner representative) cause to be provided to both the City of Sunrise Finance & Administrative Services Department Grants Division and copied to City of Sunrise Community Development Department and the County written certification that the criteria in 4(b) has been satisfied. If the gross income of an existing qualified renter increases above the allowed amount, then the tenant shall be allowed up to an additional year in the unit, to allow for the tenant to locate alternative housing.

5. 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. No amendment to this Declaration shall be necessary in the event of a Conversion (as may occur from time to time).

6. Recordation and Effective Date.

- (a) This Declaration shall not become effective ("Effective Date") until the later of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida. As used herein, "Final Approval" shall mean final approval and adoption of the City plan amendment application and the County plan amendment application, and the expiration of any appeal periods applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.
- (b) Once recorded, this Declaration shall run with the Property for the sole benefit of the City and the County and does not operate as a restriction in favor of any Property owner and shall bind all successors and assigns to the title of the Property.
- (c) From and after such time as any Affordable Housing Unit is conveyed by Declarant to a third-party purchaser, following a Conversion, Declarant shall have no further obligations under this Declaration with respect to that particular Affordable Housing Unit and such third-party purchaser shall be obligated to comply with all of the provisions of this Declaration with respect to said Affordable Housing Unit.

7. 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.

8. 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.

9. 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.

10. Term. Release and Termination. The restrictions, covenants, rights, and privileges granted, made, and conveyed herein ("Affordable Housing Restrictions") shall be valid for

a period of thirty (30) years from the Effective Date ("Term"); thereafter the Affordable Housing Restrictions shall be of no further force and effect and shall automatically terminate without the consent of the City or the County, or the necessity to record any document in the Public Records of Broward County, Florida.

11. Remedies for Violation. In the event the Declarant, its successors, or assigns, violate any of the covenants and restrictions contained herein, Declarant hereby acknowledges and agrees that the City and/ or County may withhold further permits and approvals with respect to the Property, provided the City and/or County first provides Declarant with written notice and thirty (30) day opportunity to cure the violation. The City and/or County's option to withhold further permits and approvals with respect to the Property shall not be exercised if within the thirty (30) day notice period: (i) the violation is cured by Declarant; or (ii) the violation cannot reasonably be cured within that time period but the Declarant begins to cure such violation within such time period and thereafter diligently pursues such cure to completion, with such diligence period not to exceed one hundred and twenty (120) days from the date of the notice of violation. The City and County are the beneficiaries of these covenants and restrictions, and as such, the City and County may enforce these covenants and restrictions by action at law or in equity, including, without limitation, a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity, or entities, violating or attempting to violate the terms of these covenants and restrictions.
12. Waiver. Any failure of the City or the County to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.

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DECLARATION OF COVENANTS AND RESTRICTIONS

IN WITNESS WHEREOF, Project Owner has executed this Declaration as of the day and year first written above.

WITNESSES:

PROJECT OWNER

(Signature)

Print name:

Print address:

By: _____

Print Name:

Title:

Print Address:

(Signature)

Print name:

Print address:

ACKNOWLEDGMENT

STATE OF FLORIDA)

) SS

COUNTY OF BROWARD)

The foregoing was acknowledged before me by means of (check one) ☐ physical presence or ☐ online notarization this _____ day of _____, 20____, by _____, as _____ of _____. He/She is ☐ personally known to me or ☐ has produced a valid _____ identification.

(Seal) _____

(Signature) _____

Printed Name: _____

Notary Title/Rank: _____

Notary Serial Number, if any: _____