

RESOLUTION NO. 2009-

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY TRANSMITTING A PROPOSED AMENDMENT TO
3 THE CONSERVATION ELEMENT OF THE BROWARD COUNTY
4 COMPREHENSIVE PLAN TO THE DEPARTMENT OF COMMUNITY
AFFAIRS; PROVIDING AN EFFECTIVE DATE.

5 WHEREAS, Broward County adopted the 1989 Broward County Comprehensive
6 Plan on March 1, 1989 (the Plan); and

7 WHEREAS, the Department of Community Affairs has found the Broward County
8 Comprehensive Plan in compliance with the Local Government Comprehensive
9 Planning and Land Development Regulation Act; and

10 WHEREAS, Broward County now wishes to propose an amendment to the
11 Conservation Element, Broward County Comprehensive Plan; and

12 WHEREAS, the Environmental Protection and Growth Management Department,
13 as the local planning agency for the Broward County Comprehensive Plan, held its
14 hearing on the proposed amendment to the Conservation Element, Broward County
15 Comprehensive Plan, on February 6, 2009, with due public notice; and

16 WHEREAS, the Board of County Commissioners held its transmittal public
17 hearing on March 24, 2009, at 2:00 p.m., having complied with the notice requirements
18 specified in Section 163.3184(15), Florida Statutes, as amended from time to time; and

19 WHEREAS, the proposed amendment constitutes a portion of Broward County's
20 permitted first annual amendments to the Plan for 2009; NOW, THEREFORE,

21 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
22 BROWARD COUNTY:

23 Section 1. The Board of County Commissioners hereby transmits to the
24 Department of Community Affairs for review and comment pursuant to Section

1 163.3184, Florida Statutes, as amended from time to time, Amendment 09-1-T2, which
2 is an amendment to the Conservation Element.

3 Section 2. The proposed amendment to the Broward County Comprehensive
4 Plan is attached as Attachment "A" to this Resolution.

5 Section 3. EFFECTIVE DATE.

6 This Resolution shall become effective upon adoption.

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8 ADOPTED this day of , 2009.

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ATTACHMENT A

PROPOSED AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE
PLAN

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

The referenced Objectives and Policies within the Conservation Element (CE) are being amended as follows:

Goal 13.0. Conserve, and protect the beneficial use of the natural resources of Broward County so as to provide and maintain a level of environmental quality that ensures the public health, safety, and sustainable environmental communities including factors that affect energy conservation.

Objective 13.1. To protect and improve the air quality throughout Broward County by 2015, to meet the National Ambient Air Quality Standards (NAAQS) contained in the Clean Air Act.

Policy 13.1.5 6. Broward County will continue to pursue efforts to increase the use of alternative fuels.

Policy 13.1.6 7. Broward County will promote the use of electric powered vehicles by continued participation in electric vehicle (EV) programs.

Policy 13.1.7 8. Broward County shall continue to monitor the ambient air quality in Broward County in accordance with state and federal requirements contained in 40 CFR 58.

Policy 13.1.8 9. Broward County shall continue to implement and verify compliance with federal, state and local air quality regulations.

Policy 13.1.9 10. Broward County will continue to make public outreach one of its top priorities by increasing awareness of air quality issues through public outreach efforts including publication of informational brochures, development of the Broward County home page on the Internet, maintenance of an air quality informational center, and organization of workshops aimed at major employers and schools.

Policy 13.1.10 4. Broward County shall designate non-smoking areas in all County facilities in order to provide a relatively clean and smoke-free indoor environment.

Policy 13.1.11 2. Broward County shall encourage air quality management issues to be addressed on a regional airshed basis as means of providing effective air quality solutions to specific regional problems through active participation in regional transportation/air quality planning efforts.

Policy 13.1.12 3. Broward County shall periodically update the Volatile Organic Compounds (VOC) and Nitrogen Oxides (NOx) emission inventory as required by the State of Florida, State Implementation Plan (SIP) 10-Year Ozone Attainment/Maintenance Plan for Southeast Florida.

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

Policy 13.1.13 4. Broward County will promote activities leading to reduction of greenhouse gas emissions generated by Broward County government facilities.

Policy 13.1.14 5. Broward County will promote activities that will result in strengthening the coordination and understanding of the linkage between land use and transportation planning for air quality by participating in planning processes by local and regional planning agencies.

Policy 13.1.15 6. Broward County will continue to investigate the effects of long-term and short term VOC and/or NOx controls on ozone formation specific to Southeast Florida conditions.

Policy 13.1.16. Broward County shall develop a county-wide Climate Change Program to mitigate and adapt to the consequences of climate change in coordination with other local governments, private businesses, other governmental agencies and the State of Florida. This program will focus on mitigating the causes and consequences of greenhouse gas emissions in a cost-effective and efficient manner that preserves the County's economic competitiveness.

Objective 13.3. Broward County shall maintain or reduce the average daily per capita water demand as reflected in the South Florida Water Management District's consumptive use permits. The consumptive use permits provide for the following per capita water demand: 150-141 gallons per capita per day for District 1; 464 152 gallons per capita per day for District 2; 483 255 gallons per capita per day for District 3A; and 440 117 gallons per capita per day for District 3BC.

Policy 13.3.3. Broward County shall continue to plan and develop new well fields and water supplies in accordance with state rules and water policy.

Policy 13.3.4. Broward County shall continue to implement the Water Conservation Plan as required in their consumptive use permit from the South Florida Water Management District as well as other utility specific water conservation efforts which include water use audits, education and support for the NatureScape Irrigation Service operations within the WWS service area.

Policy 13.3.5. Broward County shall ~~study and~~ continue to develop and implement County-wide water conservation programs and initiatives including the Water Matters education and outreach program, the NatureScape Broward, and the NatureScape Irrigation Service (NIS). ~~and the utility-specific initiatives, including plumbing retrofit, toilet rebate, water use audits, promotion of Naturescape, and installation of rain sensors and education.~~

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

Policy 13.3.6. Broward County shall maintain specific landscape irrigation ~~water conservation~~ measures urging the public to conserve water resources prior to declaration of an emergency water shortage by the South Florida Water Management District (SFWMD) and shall implement all water use restrictions applicable to Broward County in accordance with Chapter 40E-21, Florida Administrative Code (FAC).

Policy 13.3.7. Broward County shall continue to enforce Chapter 39, "Zoning," Article VIII, "Functional landscaping and ~~Xeriscaping naturescaping code,~~" of the Broward County Code of Ordinances, which ~~reflects the addresses landscaping and incorporates NatureScape Broward program principles. guidelines of the South Florida Water Management District.~~

~~**Policy 13.3.8.** Broward County shall continue to implement a year-round public information and education program promoting water conservation.~~

Policy 13.3.8 9. Broward County will continue to require installation of water conservation flow devices as required by the Florida Energy Code as a condition for the receipt of Certificates of Occupancy.

Policy 13.3.9 10. Broward County shall pursue the use of reclaimed water as an integral part of regional water development strategies for potential application in landscape irrigation, aquifer recharge, and environmental enhancement where develop strategies to promote the use of treated effluent for industrial irrigation uses and environmental enhancement where technically, environmentally, and economically feasible.

Policy 13.3.10 4. Broward County, in cooperation with the United States Geological Survey (USGS) and the SFWMD, shall continue to monitor maintain existing wells ~~to continue monitoring~~ the extent of salt water intrusion into the Biscayne Aquifer.

Policy 13.3.11 2. Broward County shall work with the SFWMD, municipalities, and independent drainage districts, and neighboring counties to plan and ~~implement~~ develop additional surface water storage including the water preserve areas in western Broward County.

Policy 13.3.12 3. In order to protect and conserve the Biscayne Aquifer, and support Everglades restoration, Broward County shall pursue projects that enhance aquifer recharge and investigate utilization of alternative potable ~~potable~~ water resources to supplement and broaden the county's future water supply sources. These potential sources include the Floridian Aquifer, Aquifer Storage and Recovery (ASR), desalination, capture and storage of excess storm water and other technologies

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

addressed in the Lower East Coast ~~Regional~~ Water Supply Plan 2005-2006 Update of the SFWMD.

Policy 13.3.13. Broward County shall explore additional opportunities to conserve water by targeting industries and areas characterized by high rates of water consumption and develop industry specific water conservation strategies.

Policy 13.3.14. Broward County will work expeditiously to apply the County-wide hydrologic model in support of water resource planning and management.

Policy 13.3.15. Broward County will work with local governments, including municipalities and drainage/water control districts to apply the County-wide integrated Water Resources Plan principles.

Policy 13.3.16. Broward County shall pursue a geotechnical analysis of the upper Floridan Aquifer to identify layers of permeability and enhanced hydraulic conductivity to help guide regional development of the Floridan Aquifer as an alternative water supply.

Policy 13.3.17. Broward County shall work with water managers to review water supply planning efforts and consider opportunities for coordination in alternative water resource development, such as desalination, the development of Floridan wells, ASR, and reuse.

Policy 13.5.2. Plans for the construction or expansion of arterial and collector roadways with steep embankments shall include appropriate landscaping and ~~or~~ design to minimize soil erosion.

Policy 13.6.12. Broward County shall continue to implement land clearance regulations within the Unincorporated Area and jurisdictional municipalities consistent with the NatureScape Broward Program requiring ~~that require~~ the removal of invasive exotics plants and the preservation and reestablishment ~~require the preservation~~ of native vegetative communities to the greatest extent practicable, thereby enhancing wildlife habitat.

Objective 13.7. Broward County shall maintain or increase the functions and values of wildlife habitats and marine habitats.

Policy 13.7.2. The Florida ~~Game and Freshwater~~ Fish and Wildlife Conservation Commission's Nongame Wildlife Program should be utilized as a source for the guidelines to promote viable habitats for nongame wildlife populations.

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

Policy 13.7.2-3. The County shall protect and conserve, using the LAPC and UWA Programs, those areas known to be reproduction, nesting and feeding areas for endangered and threatened animals.

Policy 13.7.3 4. The ~~DPEPGMD~~ shall apply for state and/or federal grants to fund programs for the conservation of wildlife and/or marine habitat.

Policy 13.7.4 5. The County Land Development Code will continue to give priority to establishing and protecting public beach access points.

Policy 13.7.5 6. Estuarine Areas known to be habitats for juvenile marine fishes shall be recommended for protective status as LAPC's or UWA's. These areas shall include, but will not be limited to, mangroves forests, tidal marshes and sea grass beds.

Policy 13.7.6-7. The ~~EPGMD~~ shall continue to implement the sea turtle conservation programs using, when feasible, less manipulative conservation techniques.

Policy 13.7.7 8. The ~~Zoning Code Services Permitting, Licensing, and Consumer Protection~~ Division shall continue to implement regulations that require outside lighting for developments near sea turtle nesting areas to be appropriately shielded.

Policy 13.7.8 9. The County will continue to maintain and implement regulations and monitoring techniques to protect and conserve beaches and marine resources.

Policy 13.7.9 10. Broward County will continue to enhance offshore marine habitat through the Artificial Reef Program.

Policy 13.7.40 11. Broward County shall continue to ensure the protection of natural communities and listed endangered or threatened animal species and their habitats.

Objective 13.10. Create/acquire additional wetlands in Broward County.

Policy 13.10.4. ~~Implement~~ Maintain a Wetland Resource Plan that will ensure flexibility over time as to the approaches to wetland protection, enhancement, and creation. ~~by 2002.~~

Objective 13-A.2. Increase levels of vessel operator compliance with appropriate laws pertaining to manatee protection.

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

Policy 13-A.2.1. Broward County shall continue to provide funding for marine law enforcement personnel, add an additional law enforcement officer and develop a law enforcement taskforce by January, 2009 to promote compliance with manatee protection regulations.

Objective 13-A.3. Ensure that new marinas/boat facilities and boat ramps will, through proper facility siting and construction techniques; be located on sites that would minimize potential manatee/boat overlap, injury to manatees and disturbance of manatee habitat.

Policy 13-A.3.3. Beginning in 2009, Broward County shall require benthic surveys for seagrass and natural resources when reviewing an application for an Environmental Resource License.

Policy 13-A.3.3.4 Marinas, docking facilities or boat ramps shall be located so as to require minimal or no dredging and have good tidal flushing. In instances where dredging is required, both initial and maintenance dredging shall be minimized.

Policy 13-A.3.4.5 Utilize grates over culverts and other construction methods or standards for all docks, mooring pilings or other structures which do not entrap or injure manatees; and reduce or eliminate their impact on manatees and the resources on which manatees depend.

Policy 13-A.3.5.6 Existing marinas within Manatee Essential Habitat Areas, except those related to law enforcement, shall be legal nonconforming uses pursuant to adoption of the ordinance described in Policy 13-A.3.1.

Policy 13-A.3.6.7 The boundary of the FPL Port Everglades Power Plant Discharge Canal Manatee Essential Habitat Area shall be expanded to include the Mangrove Lagoon located north of the turning notch, south of the discharge canal and west of the Atlantic Intracoastal Waterway.

Policy 13-A.3.7.8 The extension of docks, mooring pilings or other such structures located in a federal navigation project channel, as defined in subsection 253.03 (10), F.S., or in a channel marked by any governmental agency, shall be in compliance with appropriate regulations.

Policy 13-A.3.8.9 In waterways, other than federal navigation project channels

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

and channels marked by any governmental agency, a sufficient width of the waterway should remain free of docks and other structures to ensure safe navigation.

Policy 13-A.3.10 Ensure that new marine facilities which have 10 or more moorings provide educational signage and ones which have 30 or more moorings provide educational programs.

Objective 13-A.4. Increase public awareness of manatees and manatee protection efforts.

Policy 13-A.4.1. ~~Require~~ By 2013, all new and existing public and private marinas, boat ramps, and non-residential boat docks, as well as appropriate public parks are required to have posted manatee signs or educational displays or informational kiosks that raise manatee awareness.

~~**Policy 13-A.4.3.** Broward County shall work with volunteer organizations to distribute a manatee informational sticker for placement in the helm/steering area of all motorboat rentals and a manatee information poster for display in appropriate businesses.~~

Policy 13-A.4.4.3 Broward County shall request that all diving certification classes include information regarding manatees with emphasis on their endangered species status and the penalty for manatee harassment and/or injury.

Policy 13-A.4.5.4. Broward County shall encourage marine business organizations, such as the Marine Industries Association of South Florida, Inc., to continue to publish the *Broward Safe Boating Guide*, a comprehensive booklet outlining Manatee Protection Zones within Broward County's waterways.

Policy 13-A.4.6.5 Broward County shall request that the Center for Environmental Education and Research, Inc., include in its Educator's Guide an insert regarding manatee habitat and distribution.

Policy 13-A.4.7.6 Broward County shall request the Pompano Beach Power Squadron, the U.S. Coast Guard Auxiliary and the publisher of the "Waterway Guide to South Florida" include information in their various programs and publications addressing manatee habits and protective regulations specific to Broward County.

ATTACHMENT A
PROPOSED CONSERVATION ELEMENT REVISIONS

Policy 13-A.4.8.7 Broward County's Marine Advisory Committee shall work with volunteer organizations to provide manatee and boating safety information at tourist outlets, public buildings, public parks and through the media.

Policy 13-A.4.9.8 Broward County shall encourage the ~~Manatee Survival Foundation~~ any interested parties to prepare and promote radio, television and newspaper announcements alerting boaters of areas frequented by manatees and advising boaters to avoid and/or operate at idle speed through these areas.

Policy 13-A.4.9. Broward County will disseminate the results of manatee aerial surveys to marine law enforcement, port pilots, tug operators, and boaters on a monthly basis during the season.

Policy 13-A.4.10. The Environmental Protection and Growth Management Department will participate in the Manatee Monitoring Advisory Group (MMAG) as established by the Manatee Protection Plan (MPP).

Policy 13-A.4.11. Broward County shall create and maintain a manatee website for the purpose of providing information regarding the projects associated with the MPP by 2009.

Objective 13-A.7. Promote enforcement of speed restrictions and safe boating operation.

Policy 13-A.7.7. Broward County shall propose legislation to change the allocation of the salt water fishing license revenues and salt water products license revenues, that are deposited in the Motorboat Revolving Trust Fund, to the Florida Fish and Wildlife Conservation Commission (FWC)~~Marine Patrol~~ from the current up to 30% of such revenues to not less than 30%, and up to 15% of such revenues to not less than 15%, respectively; said revenues to be returned on a pro rata basis to the county from which it was collected.

Objective 13-A.9. By 2009, Broward County shall establish a dual-fee program to fund the MPP in order to maintain and increase the protection of the West Indian Manatee in Broward County.

Policy 13.A.9.1. In accordance to Section 6.3.3 of the Manatee Protection Plan

CONSERVATION ELEMENT

Component (MPPC) of the Conservation Element, the dual-fee funding program will consist of a combination of new-slip fees and an annual manatee mitigation slip fee for existing facilities managed by the MPP.

Policy 13.A.9.2. In accordance to Section 6.3.3. of the MPPC, a portion of the funds collected will be used to support an additional EPGMD staff member to implement the MPP licensing fee and perform inspections of existing facilities.

Post Adoption Revisions

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5. This Element was amended in Cycle 2009-1 through Ordinance No. 2009-XX adopted on _____, 2009.