EXHIBIT 2

SECTION I

AMENDMENT REPORT BROWARD COUNTY LAND USE PLAN TEXT PROPOSED AMENDMENT PCT 18-1

"BrowardNext Corrective Amendments"

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

October 17, 2017

It is recommended that the proposed corrective amendments to the BrowardNext - Broward County Land Use Plan be approved. See Attachment 1.

II. <u>Planning Council Combined Executive and Land Use/Trafficways</u>
Committees Recommendation

October 26, 2017

Approval per Planning Council staff transmittal recommendation.

III. Planning Council Transmittal Recommendation

October 26, 2017

Approval per Planning Council Combined Executive and Land Use/Trafficways Committees recommendation. (Vote of the board; Unanimous: 16-0; Blackwelder, Blattner, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Rosenof, Rosenzweig, Seiler, Udine, Williams and Stermer)

SECTION II AMENDMENT REPORT PROPOSED AMENDMENT PCT 18-1

BACKGROUND INFORMATION

The Broward County Board of County Commissioners adopted the update of the Broward County Land Use Plan – BrowardNext at its April 25, 2017, public hearing. Subsequent to the transmittal and ultimate adoption of BrowardNext, Planning Council staff has identified corrective amendments to the Broward County Land Use Plan that are necessary to reflect pertinent clarifications and interpretations and to rectify inadvertent omissions that impact the effective implementation of the Plan. At its May 25, 2017 meeting, the Broward County Planning Council initiated said corrective amendments, as well as any additional corrective amendments that may be identified prior to the public hearing.

PUBLIC OUTREACH

Planning Council staff presented the initial proposed corrective amendments at a public workshop on June 29, 2017. Subsequently, Planning Council staff distributed additional/updated corrective amendments through email communication, including three emails between July and August.

In an effort to encourage dialogue with municipalities and other interested parties, written comments have been, and continue to be accepted regarding the proposed corrective amendments. See Attachment 2 for all written comments received as of this writing.

Additional pertinent clarifications, interpretations and inadvertent omissions have been identified subsequent to the aforementioned outreach emails and those amendments are also included in Attachment 1. Planning Council staff will redistribute the proposed amendment to local governments and stakeholders during the transmittal phase.

<u>SECTION III</u> AMENDMENT REPORT

PROPOSED AMENDMENT PCT 18-1

PLANNING ANALYSIS

Based on Planning Council staff analysis and stakeholder input, the following corrective amendments to the BrowardNext – Broward County Land Use Plan have been identified to reflect pertinent clarifications, interpretations and rectify inadvertent omissions, as follows:

BrowardNext - Section 2: Policies

- Policy 2.2.7 and Policy 2.2.8 regarding density calculations and flexibility rules east of the Intracoastal Waterway.
- Policy 2.4.20 regarding requirements for Activity Center development reporting requirements.
- Policy 2.13.1 regarding memorializing formal platting interpretation exemptions.
- Policy 2.22.3 regarding the timing of the update of the Generalized Wetlands Map.

BrowardNext - Section 2: Permitted Uses

- Clarification regarding allocations of flexibility and redevelopment units as permitted in Commerce land use category.
- Clarification of Special Residential Facilities as permitted in Commerce land use category, requiring the allocation of flexibility or redevelopment units.
- Clarification to remove reserve unit reference and replace with redevelopment unit reference in the Commercial Recreation, Residential, Rural Estates and Rural Ranches land use permitted uses, as well as the Special Residential Facilities description.

BrowardNext - Section 2: Definitions

- Building Permit definition to update Florida Building Code references.
- Electrical Power Plant definition which was previously inadvertently omitted from BrowardNext adoption and remains same as 2002 text adoption.

See Attachment 1 for the proposed text amendment and the rationale.

Planning Council staff presented the foregoing proposed changes at a public workshop and through email communications. See Attachment 2 for all written comments received as of this writing.

Regarding the written comment that Policy 2.35.1 should be updated, staff has identified that no amendment is required, as the scenario for 'fewer than 250 combined "flexibility units" or "redevelopment units" remains accurate.

RECOMMENDATION

Planning Council staff recommends that the proposed corrective amendments to the BrowardNext – Broward County Land Use Plan be approved.

SECTION IV AMENDMENT REPORT PROPOSED AMENDMENT PCT 18-1

ATTACHMENTS

- 1. Proposed Amendment PCT 18-1, including Explanation of Proposed Changes
- 2. Stakeholder Comments

ATTACHMENT 1

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN PROPOSED TEXT AMENDMENT PCT 18-1

Corrective Amendments – Section 2: Policies

POLICY 2.2.7 Within areas east of the Intracoastal Waterway, land designated for residential uses which is utilized for office and/or neighborhood retail purposes through the five percent (5%) residential-to-commercial flexibility rule as per Policy 2.3.3 shall not be counted in calculations to determine allowable residential density. This Policy shall not apply to an application of the five percent (5%) residential-to-commercial flexibility rule which has been applied by the local government through (re)zoning or other official action prior to November 5, 2004.

(Rationale: Inadvertently omitted from BrowardNext adoption. Previously known as Policy 1.01.05)

which has been utilized in calculations to determine allowable residential density shall not be eligible for use as office and/or neighborhood retail purposes through the five percent (5%) residential-to-commercial flexibility rule as per Policy 2.3.3. This Policy shall not apply to an application of the five percent (5%) residential-to-commercial flexibility rule which has been applied by the local government through (re)zoning or other official action prior to November 5, 2004.

(Rationale: Inadvertently omitted from BrowardNext adoption. Previously known as Policy 1.01.06.)

POLICY 2.4.20 An interlocal agreement between the municipality and Broward County must be executed no later than six months from the effective date of the adoption of an Activity Center which provides that monitoring of development activity and enforcement of permitted land use densities and intensities shall be the responsibility of the affected municipality. A written record reflecting the current status of allocated or assigned dwelling units and floor area square footage for non-residential development for each Activity Center within the municipality's boundary shall be transmitted to the Planning Council twice per year, during the months of January and July. The referenced written record shall include a tally sheet reflecting the current total dwelling units and floor area square footage for non-residential development as follows:

1. <u>Dwelling units and floor area square footage for non-residential development included</u> per valid plats which have been approved by the municipality and which have restrictive notes reflecting the level of development; and

- 2. Dwelling units and floor area square footage for non-residential development included per valid site plans which have been approved by the municipality and which are not included per plats as described in 1. above; and
- 3. <u>Dwelling units and floor area square footage for non-residential development of existing</u> uses which are not included per plats or site plans as described in 1. and 2. above.

(Rationale: Moved from Administrative Rules Document. Reporting requirement reduced from four times per year to twice per year.)

POLICY 2.13.1 No unit of local government may grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953. This section will not apply to an application for a building permit which meets any of the following criteria:

- (1) construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.
- (2) construction on any multi-family or non-residential lot or parcel which is less than ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953;
- (3) construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)
- (4) construction of single-family, infill development that is deed-restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."
- (3) (5) the building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or

(4)—(6) a building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.

Provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:

- (1) compliance with the applicable land development regulations; and
- (2) any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.

The Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan.

(Rationale: Memorializes Formal Planning Council interpretations: Number 3: made November 15, 2001 and Number 4: made March 23, 2017.)

POLICY 2.22.3 Broward County shall bi-annually update the Generalized Wetlands Map of the Broward County Land Use Plan at least once every two years to recognize Environmental Resource Licenses issued by the Broward County Environmental Protection and Growth Management Department and establishment of specific wetland mitigation areas.

(Rationale: Clarification of intent of word "bi-annually.")

Corrective Amendments – Section 2: Permitted Uses

COMMERCE USE

The areas designated for commerce use on the Future Broward County Land Use Plan Map (Series), provide land area for commercial, employment center, industrial and office park enterprises which support the resident and tourist populations of Broward County. Accordingly, municipal land use designations that are under the umbrella of commerce include Commercial, Employment Center, Industrial and Office Park.

The permitted uses in areas designated commerce are as follows, as deemed appropriate by the local jurisdiction:

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11. Residential uses, up to 10 acres (up to 20 acres for projects that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years), except for areas east of the Intracoastal Waterway, are permitted via local government allocation of "flexibility units" and/or "redevelopment units," provided that total residential uses do not exceed 10% 20% of the land area designated "Commerce" or equivalent land use designation within the municipality. Areas east of the Intracoastal Waterway are limited to a maximum of 25 dwelling units per acre and are not permitted to utilize "redevelopment units."

(Rationale: Inadvertently omitted from BrowardNext adoption. 25 dwelling unit maximum was previously included and is being provided for clarification; 20% flexibility rule is consistent with Policy 2.3.4) [Please note that this corrective amendment was identified subsequent to the public workshop; however, the proposed language has been previously distributed to stakeholders for comment.]

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- 13. Special Residential Facilities Category (1), (2) and (3) as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan.
 - a. Special Residential Facility Category (1) development shall be subject to the allocation of one (1) flexibility or redevelopment unit in accordance with the provisions and policies as contained in the "Administrative Rules Document: Broward County Land Use Plan."
 - b. Special Residential Facility Category (2) development shall be subject to the allocation of two (2) flexibility or redevelopment units in accordance with provisions and policies as contained in the "Administrative Rules Document: Broward County Land Use Plan."
 - c. Special Residential Facility Category (3) development shall be subject to the allocation of flexibility or redevelopment units in accordance with the provisions and policies as contained in the "Administrative Rules Document: Broward County Land Use Plan"; each flexibility or redevelopment unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.

(Rationale: Inadvertently omitted from BrowardNext adoption. Previously included.)

COMMERCIAL RECREATION USE

Commercial Recreation areas are designated on the Future Broward County Land Use Plan Map (Series) to accommodate major public and private commercial recreation facilities which offer recreational opportunities to the residents and tourists of Broward County. Although some of these facilities operate as an adjunct to or an integral part of other types of development, most of these facilities were conceived as profit-making enterprises. Commercial recreation ventures in Broward County can be divided into two categories; golf courses and commercial recreation associated with structures and/or indoor facilities.

The permitted uses in areas designated commercial recreation are as follows, as deemed appropriate by the local jurisdiction:

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4. Recreational vehicle sites at a maximum density of ten (10) sites per gross acre if permanent location of recreational vehicles on the site is permitted by the local land development regulations, or twenty (20) sites per gross acre if such location is prohibited by the local land development regulations; subject to the allocation by the local government of available flexibility or reserve redevelopment units.

(Rationale: Scrivener's error to update reference from reserve unit to redevelopment unit; reserve units are now known as flexibility units with the adoption of BrowardNext definitions and redevelopment units are the new pool of units available once flexibility units have been depleted) [Please note that this corrective amendment that was identified subsequent to the public workshop and email distribution.]

RESIDENTIAL USE

The areas designated for residential use on the Future Broward County Land Use Map (Series) are intended primarily for dwellings, but other land uses related to a residential environment, including neighborhood shopping centers, neighborhood parks and schools may also be appropriate therein.

The permitted uses in areas designated residential are as follows, as deemed appropriate by the local jurisdiction:

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11. Special Residential Facilities; subject to: meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve redevelopment units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document: Broward County Land Use Plan."

(Rationale: Scrivener's error to update reference from reserve unit to redevelopment unit; reserve units are now known as flexibility units with the adoption of BrowardNext definitions and redevelopment units are the new pool of units available once flexibility units have been depleted) [Please note that this corrective amendment that was identified subsequent to the public workshop and email distribution.]

RURAL ESTATES

Areas are designated Rural Estates on the Future Broward County Land Use Plan Map (Series) to protect the semi-rural character and lifestyle of existing low density residential estate areas. Rural estate areas are characterized by residential estates, horse ranches and related agricultural uses. The maximum permitted density within this category is one unit per acre. Limited community facility and utility uses are permitted for the purposes of serving the rural estate communities. Application of flexibility/reserve redevelopment units and commercial flexibility is not permitted within areas designated Rural Estates.

(Rationale: Scrivener's error to update reference from reserve unit to redevelopment unit; reserve units are now known as flexibility units with the adoption of BrowardNext definitions and redevelopment units are the new pool of units available once flexibility units have been depleted) [Please note that this corrective amendment that was identified subsequent to the public workshop and email distribution.]

RURAL RANCHES

Areas are designated Rural Ranches on the Future Broward County Land Use Plan Map (Series) to protect the semi-rural character and lifestyle of existing low density rural ranch areas. Rural ranch areas are characterized by residential estates, horse ranches and related agricultural uses. The maximum permitted density within this category is one unit per two and one-half gross acres or one unit per two net acres. Limited community facility and utility uses are permitted for the purposes of serving the rural ranch communities. Application of flexibility/reserve redevelopment units and commercial flexibility is not permitted within areas designated Rural Ranches.

(Rationale: Scrivener's error to update reference from reserve unit to redevelopment unit; reserve units are now known as flexibility units with the adoption of BrowardNext definitions and redevelopment units are the new pool of units available once flexibility units have been depleted) [Please note that this corrective amendment that was identified subsequent to the public workshop and email distribution.]

SPECIAL RESIDENTIAL FACILITIES

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The Broward County Land Use Plan defines categories of Special Residential Facilities, in accordance with Broward County Ordinance 85-92, for the purpose of determining permitted locations and density standards.

Special Residential Facilities development such as group homes and foster care facilities are defined by category type below and are subject, when applicable, to the Special Residential Facilities provisions and allocation of reserve redevelopment, flexibility, or bonus sleeping rooms as contained in the "Administrative Rules Document: Broward County Land Use Plan." In order to facilitate implementation of this section, each local government may permit a maximum of one hundred (100) "bonus" sleeping rooms, consistent with Broward County Ordinance 85-92, that are permanently dedicated to Special Residential use without allocating density.

(Rationale: Scrivener's error to update reference from reserve unit to redevelopment unit; reserve units are now known as flexibility units with the adoption of BrowardNext definitions and redevelopment units are the new pool of units available once flexibility units have been depleted) [Please note that this corrective amendment that was identified subsequent to the public workshop and email distribution.]

<u>Corrective Amendments – Section 2: Definitions</u>

BUILDING PERMIT - means:

- (1) Any permit for the erection or construction of a new building required by Section 301.1 of the South Florida Building Code, 1984, Broward Edition, as amended.
- (2) Any permit for an addition to an existing building which would:
 - a. create one or more additional dwelling units, or
 - b. involve a change in the occupancy of a building as described in Section 104.7 of the South Florida Building Code, 1984, Broward Edition, as amended.
- (3) Any permit which would be required for the nonresidential operations included in Section 301.1(a) of the South Florida Building Code, 1984, Broward Edition, as amended.

(Rationale: Updates definition to address Administrative Rules cross-reference) [Please note that this corrective amendment was identified subsequent to the public workshop; however, the proposed language has been distributed to stakeholders for comment.]

<u>ELECTRICAL POWER PLANT – means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems.</u>

(Rationale: Inadvertently omitted from BrowardNext adoption. Previously included and remains exactly the same as 2002 adoption of definition.)

NOTE: Proposed deletions are indicated by strike through and proposed additions are indicated by underlined text.

Teetsel, Dawn

ATTACHMENT 2

Subject: RE: UPDATED: Request for Comments - Enhancement and Corrective Amendments - BrowardNext and

Administrative Rules Document Draft

From: Jean Dolan [mailto:Jean.Dolan@copbfl.com]

Sent: Tuesday, August 15, 2017 3:47 PM

To: Blake Boy, Barbara < BBLAKEBOY@broward.org>

Subject: RE: UPDATED: Request for Comments - Enhancement and Corrective Amendments - BrowardNext and Administrative

Rules Document Draft

Barbara – Based on our conversation this afternoon, I think Policy 2.35.1 needs to be edited as I've shown below. No one will have "combined" flex and redevelopment units until after the first allocation and after the first allocation of 500 redevelopment units, you can't get more until you only have 5% left (25 units.)

Take a look and see if you agree.

Jean

REDEVELOPMENT UNITS

POLICY 2.35.1 "Redevelopment Units" are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan.

Municipalities that have fewer than 250 combined "flexibility units" or "redevelopment units" may apply to the Broward County Planning Council for the allocation of "redevelopment units" in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, subject to the following:

From: Blake Boy, Barbara [mailto:BBLAKEBOY@broward.org]

Sent: Tuesday, August 15, 2017 2:21 PM

Subject: RE: UPDATED: Request for Comments - Enhancement and Corrective Amendments - BrowardNext and Administrative

Rules Document Draft

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties)

Greetings-

My apologies but the August 2 email did not have the proper proposed amendment attachment that is referenced in the body of the email.

This attachment replaces the previous version. The additions to this document are the same as cited on August 2:

- Clarification of the Commerce permitted uses to affirm that flexibility units can continue to be utilized on the barrier island at a maximum of 25 du/acre. (bottom of page 5)
- An update to the Building Permit definition to reference the Florida Building Code, as amended (deleting the obsolete reference to the South Florida Building Code) (top of page 6)

Please feel free to contact me if you have any questions or need additional time for review due to this error. Thank you for your understanding.

Barbara



Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307 | Fort Lauderdale, Florida 33301 954.357.6982 (direct) | Broward.org/PlanningCouncil

"You can never plan the future by the past." - Edmund Burke

From: Blake Boy, Barbara

Sent: Wednesday, August 02, 2017 11:08 AM

Subject: UPDATED: Request for Comments - Enhancement and Corrective Amendments - BrowardNext and Administrative Rules

Document Draft

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties)

Greetings-

I am pleased to share the draft Administrative Rules Document for the implementation of the updated BrowardNext – Broward County Land Use Plan. A pdf file of the document is attached, as well as a document describing a summary of changes. As with the development of the updated Broward County Land Use Plan, staff focused on streamlining the implementation requirements, including the applications and reporting requirements. The changes were presented as part of the June 29 workshop.

In addition to the Administrative Rules Document, I have attached an updated proposed amendment document for comment. There are two additions subsequent to the workshop and they can be found on the final page of the document:

- The first addition updates the Building Permit definition to reference the Florida Building Code, as amended (deleting the obsolete reference to the South Florida Building Code)
- The second addition clarifies the Commerce permitted uses to affirm that flexibility units can continue to be utilized on the barrier island at a maximum of 25 du/acre.

The deadline for all comments is extended to August 25. It is anticipated that the first Planning Council public hearing for the text amendments and Administrative Rules Document will be held on September 28, 2017.

Please feel free to contact me if you have any questions. Thank you for your continued support. Barbara



Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307 | Fort Lauderdale, Florida 33301 954.357.6982 (direct) | Broward.org/PlanningCouncil

"You can never plan the future by the past." - Edmund Burke

From: Blake Boy, Barbara

Sent: Tuesday, July 11, 2017 12:50 PM

Subject: Request for Comments - Enhancement and Corrective Amendments - BrowardNext

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties)

Greetings-

Thank you to everyone who attended and participated in the June 29, 2017, workshop to review the proposed enhancement and corrective amendments to BrowardNext – Broward County Land Use Plan, as initiated by the Broward County Planning Council at its May 25, 2017, meeting.

The proposed amendments are attached in strike-through/underline format for your review and the following is a summary of the same:

BrowardNext – Section 2: Policies

- Policies 2.2.7 and 2.2.8 regarding clarification of prohibition of double-dipping related to nonresidential and residential flexibility allocations on the barrier island;
- Policy 2.4.20 regarding submittal of Activity Center reports to twice a year;
- Policy 2.13.1 regarding platting and exemptions;
- Policy 2.17.6 regarding the protection of transportation corridors to potentially include aerial encroachment; and
- Policy 2.22.3 regarding clarification of wetlands map update to at least once every other year.

BrowardNext – Section 2.A: Permitted Uses

- Commerce Use: Clarification of Special Residential Facilities as permitted in Commerce land use category, requiring the allocation of flexibility or redevelopment units; and
- Electrical Generation Facilities Use: Update of the category and permitted uses.

BrowardNext – Definitions

- Add the Electrical Generation Facilities definition that was inadvertently omitted.
- Additional request: Please submit any additional platting exemptions to the Planning Council staff for review and possible inclusion in Policy 2.13.1.

We request that comments regarding the proposed amendments be submitted no later than August 18, 2017. It is anticipated that the first Planning Council public hearing will be held on September 28, 2017.

In addition, a draft of the Administrative Rules Document will be forwarded to you in the next two weeks for your comment.

Please feel free to contact me if you have any questions. Thank you for your continued support. Barbara



Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307 | Fort Lauderdale, Florida 33301 954.357.6982 (direct) | Broward.org/PlanningCouncil

"You can never plan the future by the past." - Edmund Burke