

EXHIBIT 2

ORDINANCE NO. 2018-

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE
3 BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE
4 BROWARD COUNTY LAND USE PLAN TEXT REGARDING
BROWARDNEXT – BROWARD COUNTY LAND USE PLAN; AND
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

5 (Sponsored by the Board of County Commissioners)

6 WHEREAS, Broward County adopted the Broward County Comprehensive Plan
7 on April 25, 2017 (the Plan); and

8 WHEREAS, the Department of Economic Opportunity has found the Plan in
9 compliance with the Community Planning Act; and

10 WHEREAS, Broward County now wishes to propose an amendment to the Land
11 Use Plan Text; and

12 WHEREAS, the Planning Council, as the local planning agency for the Broward
13 County Land Use Plan, held its hearings on October 26, 2017, and March 22, 2018, with
14 due public notice; and

15 WHEREAS, the Board of County Commissioners held its transmittal public hearing
16 on December 5, 2017, having complied with the notice requirements specified in Section
17 163.3184(11), Florida Statutes; and

18 WHEREAS, the Board of County Commissioners held an adoption public hearing
19 on April 24, 2018, at 10:00 a.m. [also complying with the notice requirements specified in
20 Section 163.3184(11), Florida Statutes] at which public comment was accepted, and the
21 comments of the Department of Economic Opportunity, South Florida Regional Planning
22 Council, South Florida Water Management District, Department of Environmental
23 Protection, Department of State, Department of Transportation, Fish and Wildlife
24

1 Conservation Commission, Department of Agriculture and Consumer Services, and
2 Department of Education, as applicable, were considered; and

3 WHEREAS, the Board of County Commissioners, after due consideration of all
4 matters, hereby finds that the following amendment to the Broward County
5 Comprehensive Plan is consistent with the State Plan, and the Broward County
6 Comprehensive Plan; complies with the requirements of the Community Planning Act;
7 and is in the best interests of the health, safety, and welfare of the residents of Broward
8 County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The Broward County Comprehensive Plan is hereby amended by
12 Amendment PCT 18-1, which is an amendment to the Broward County Land Use Plan
13 Text for BrowardNext, as set forth in Exhibit "A," attached hereto and incorporated herein.

14 Section 2. SEVERABILITY.

15 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
16 portion shall be stricken, and such striking shall not affect the validity of the remainder of
17 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
18 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
19 circumstance(s), such determination shall not affect the applicability hereof to any other
20 individual, group, entity, property, or circumstance.

21 Section 3. EFFECTIVE DATE.

22 (a) The effective date of the plan amendment set forth in this Ordinance shall
23 be the latter of:

24

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity notifies
2 Broward County that the plan amendment is complete;
- 3 (2) If the plan amendment is challenged, the date a final order is entered by the
4 Administration Commission or the Department of Economic Opportunity
5 finding the amendment to be in compliance; or
- 6 (3) If the Department of Economic Opportunity or the Administration
7 Commission finds the amendment to be in noncompliance, pursuant to
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
9 Commissioners, nonetheless, elects to make the plan amendment effective
10 notwithstanding potential statutory sanctions.
- 11 (b) This Ordinance shall become effective as provided by law.

12
13 ENACTED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

16
17 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

18
19 By: /s/ Maite Azcoitia 03/08/18
20 Maite Azcoitia (date)
Deputy County Attorney

21
22
23 MA/gmb
03/08/18
#17-401.20
24 PCT18-1 BrowardNext Text Ord.

EXHIBIT A

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

“BrowardNext Corrective Amendments”

<u>RECOMMENDATIONS/ACTIONS</u>	<u>DATE</u>
<p>I. <u>Planning Council Staff Transmittal Recommendation</u></p> <p>It is recommended that the proposed corrective amendments to the BrowardNext - Broward County Land Use Plan be approved. See Attachment 1.</p>	<p><u>October 17, 2017</u></p>
<p>II. <u>Planning Council Combined Executive and Land Use/Trafficways Committees Recommendation</u></p> <p>Approval per Planning Council staff transmittal recommendation.</p>	<p><u>October 26, 2017</u></p>
<p>III. <u>Planning Council Transmittal Recommendation</u></p> <p>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)</p>	<p><u>October 26, 2017</u></p>
<p>IV. <u>County Commission Transmittal Recommendation</u></p> <p>Approval per Planning Council transmittal recommendation.</p>	<p><u>December 5, 2017</u></p>
<p>V. <u>Summary of State of Florida Review Agency Comments</u></p> <p>The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.</p>	<p><u>January 9, 2018</u></p>
<p>VI. <u>Planning Council Staff Final Recommendation</u></p> <p>It is recommended that the proposed corrective amendments to the BrowardNext - Broward County Land Use Plan be approved, including additional correction to Policy 2.13.1 to change the word “the” to “a.” See Attachment 1.</p>	<p><u>March 13, 2018</u></p>

RECOMMENDATIONS/ACTIONS (continued)

DATE

VII. Planning Council Final Recommendation

March 22, 2018

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 18-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Moraitis, Rosenof, Rosenzweig, Ryan, Udine, Williams and Stermer)

ATTACHMENT 1

**BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
PROPOSED TEXT AMENDMENT
PCT 18-1
(Updated: February 21, 2018)**

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)

POLICY 2.2.8 Within areas east of the Intracoastal Waterway, land designated for residential uses 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. Dwelling units and floor area square footage for non-residential development included 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. Dwelling units and floor area square footage for non-residential development of existing 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 a 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

(Rationale: Clarification as requested by the Broward County Planning and Development Management Division; added subsequent to transmittal hearings)

~~(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.]

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.]

Corrective Amendments – Section 2: Definitions

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.]

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.

(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. **Update: March 13, 2018: Bold and underlined** text is a proposed addition to Policy 2.13.1 by the Broward County Planning and Development Management Division that was added subsequent to transmittal hearings.