

EXHIBIT 2

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN TEXT REGARDING FRACKING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

WHEREAS, the Department of Economic Opportunity has found the Broward County Comprehensive Plan in compliance with the Community Planning Act; and

WHEREAS, Broward County now wishes to propose an amendment to the Broward County Land Use Plan text regarding Fracking; and

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, has held its hearings on March 22, 2018, and June 28, 2018, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on April 24, 2018, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes; and

WHEREAS, the Board of County Commissioners held an adoption public hearing on September 13, 2018, at 10:00 a.m. [also complying with the notice requirements specified in Section 163.3184(11), Florida Statutes] at which public comment was accepted and comments of the Department of Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
2 and 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, Regional Plan, and the Broward
6 County Comprehensive Plan; complies with the requirements of the Community Planning
7 Act; and is in the best interests of the health, safety, and welfare of the residents of
8 Broward 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 18-4, which is an amendment to the Broward County Land Use Plan
13 located in the text regarding Fracking, as set forth in Exhibit "A," attached hereto and
14 incorporated herein.

15 Section 2. SEVERABILITY.

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

22 Section 3. EFFECTIVE DATE.

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

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity notifies
2 Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued
4 by the Administration Commission or the Department of Economic
5 Opportunity finding the amendment to be in compliance;
- 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; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per
12 Exhibit "B," the date the Declaration of Restrictive Covenants or agreement
13 is recorded in the Public Records of Broward County.

14 (b) This Ordinance will become effective as provided by law.

15 ENACTED

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

18 Approved as to form and legal sufficiency:
19 Andrew J. Meyers, County Attorney

20
21 By /s/ Maite Azcoitia 07/12/18
22 Maite Azcoitia (date)
Deputy County Attorney

23 MA/gmb
07/12/18
24 PCT18-4 Text Amendment re Fracking Ord.doc
Imanage File #80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 18-4

“Fracturing (i.e. fracking)”

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Transmittal Recommendation March 13, 2018

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

- II. Planning Council Transmittal Recommendation March 22, 2018

Approval per Planning Council staff transmittal 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)

- III. County Commission Transmittal Recommendation April 24, 2018

Approval per Planning Council transmittal recommendation.

- IV. Summary of State of Florida Review Agency Comments May 30, 2018

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

- V. Planning Council Staff Final Recommendation June 19, 2018

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

- VI. Planning Council Staff Final Recommendation June 28, 2018

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 13-0; Blackwelder, Blattner, Breslau, Brunson, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Rich, Williams and Stermer)

ATTACHMENT 1

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN PROPOSED TEXT AMENDMENT PCT 18-4

Section 2: Policies

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- .

MINING

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- .
- .

POLICY 2.9.3 Broward County continues to oppose and prohibit in any land use category the use of hydraulic fracturing, acid fracturing, and any form of extreme well stimulation for the purposes of resource extraction.

NOTE: Proposed additions are indicated by underlined text.