

EXHIBIT 1

RESOLUTION NO. 2019-

1
2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 APPROVING AND ADOPTING CHANGES TO ARTICLE 1 OF
5 THE ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT
6 ("ADMINISTRATIVE RULES DOCUMENT") TO ALIGN WITH THE
7 APPROVED 2018 AMENDMENT TO THE CHARTER OF
8 BROWARD COUNTY, FLORIDA; AND PROVIDING FOR
9 SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE RULES
10 DOCUMENT, AND AN EFFECTIVE DATE.

11 WHEREAS, the Administrative Rules Document: BrowardNext ("Administrative
12 Rules Document") provides rules and regulations for the purpose of providing
13 assistance and guidance to local government entities and the general public, and
14 direction to Broward County Planning Council ("Planning Council") staff, in
15 implementing the Broward County Land Use Plan;

16 WHEREAS, on November 6, 2018, the Broward County Electorate approved an
17 amendment to the Charter of Broward County to revise the Planning Council public
18 hearing requirements from two (2) public hearings for amendments to the County Land
19 Use Plan to at least one (1) public hearing;

20 WHEREAS, at its meeting of December 6, 2018, the Planning Council
21 recommended to the Board of County Commissioners that it approve the amendment to
22 Article 1 of the Administrative Rules Document; and

23 WHEREAS, the Board of County Commissioners deems it to be in the best
24 interests of the residents of Broward County to approve the amendment to the
Administrative Rules Document as set forth herein, NOW, THEREFORE,

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3
4 Section 1. Article 1 of the Administrative Rules Document: BrowardNext is
5 hereby amended to read as set forth in Exhibit A, attached hereto.

6
7 Section 2. Severability.

8 If any portion of this Resolution is determined by any court to be invalid, the
9 invalid portion will be stricken, and such striking will not affect the validity of the
10 remainder of this Resolution. If any court determines that this Resolution, in whole or in
11 part, cannot be legally applied to any individual, group, entity, property, or circumstance,
12 such determination will not affect the applicability of this Resolution to any other
13 individual, group, entity, property, or circumstance.

14
15 Section 3. Inclusion in the Broward County Administrative Rules Document.

16 It is the intention of the Board of County Commissioners that the provisions of
17 this Resolution shall become and be made part of the Administrative Rules Document:
18 Broward Next; and that the sections of this Resolution be renumbered or relettered and
19 the word "resolution" may be changed to "section," "article," or such other appropriate
20 word or phrase to the extent necessary in order to accomplish such intention.

EXHIBIT A

SECTION I
AMENDMENT TO THE
“ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT”

ARTICLE 1
“RULES AND REGULATIONS REGARDING AMENDMENT OF THE
BROWARD COUNTY LAND USE PLAN”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation November 27, 2018

It is recommended that the proposed revisions to the “Administrative Rules Document: BrowardNEXT” be approved. See Attachment 1.

This item will be presented to the combined Executive and Land Use/Trafficways Committee immediately preceding the Planning Council meeting. The Committee’s recommendation will be presented at the Council meeting.

II. Planning Council Combined Executive and Land Use/Trafficways Committee Recommendation December 6, 2018

Approval per Planning Council staff recommendation, including update to reflect the Florida Department of Transportation comment regarding clarification of Article 1.2(A)(5).

III. Planning Council Action December 6, 2018

Approval per the Combined Executive and Land Use/Trafficways Committee recommendation, including update to reflect the Florida Department of Transportation comment regarding clarification of Article 1.2(A)(5). (Vote of the board; Unanimous: 16-0; Blackwelder, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Grosso, Hardin, Rich, Rosenof, Rosenzweig, Ryan, Williams and Stermer)

ATTACHMENT 1

ARTICLE 1

RULES AND REGULATIONS REGARDING AMENDMENT OF THE BROWARD COUNTY LAND USE PLAN

These rules and regulations are promulgated in accord with the provisions of the Broward County Land Use Plan.

1.1 REQUEST FOR AMENDMENTS

- (A) A local government may submit to the Planning Council a proposal(s) for amending the Broward County Land Use Plan. The request shall be transmitted to the Executive Director of the Planning Council and must include the following, unless submitted in accordance with Article 1.1(A)(4) below:
- (1) The local government's Local Planning Agency (LPA) recommendation on the requested amendment;
 - (2) The local governing body's recommendation on the requested amendment. A public hearing is not required, but the governing body must make a recommendation by resolution or motion at a public meeting. The County Commission is not required to make a recommendation to the Planning Council; and
 - (3) All materials outlined in the Planning Council's "Plan Amendment Requirements and Procedures" (Appendix 1).
 - (4) Requests may be transmitted to the Executive Director of the Planning Council by the municipal governing body, or one of the following municipal officials: Mayor or equivalent or municipal manager or equivalent, prior to the actions referenced in Articles 1.1(A)(1) and (2), subject to all of the following:
 - (a) Submittal of all materials outlined in the Planning Council's "Plan Amendment Requirements and Procedures" (Appendix 1);
 - (b) The municipal local planning agency and the municipal governing body must make a recommendation on the proposed amendment by resolution or motion at a public meeting at least 21 days prior to the first Planning Council public hearing;
 - (c) Amendment applications shall be automatically withdrawn if the municipality takes action to deny the amendment, or substantially alters the submitted amendment proposal, such as proposing land use categories differing from the original submittal, or more intense permitted uses;
 - (d) Amendment applications shall be automatically withdrawn if the municipal local planning agency and the municipal governing body do not make a recommendation on the proposed amendment by resolution or motion at a public meeting within four (4) months of receipt of an application under Article 1.1(A)(4); and
 - (e) Amendment applications shall be subject to the applicable Planning Council processing fee, with no refund option.

- (B) Any person may request a local government to formally submit to the Planning Council a proposal for an amendment to the Broward County Land Use Plan. The local governing body shall transmit the amendment to the Planning Council in accordance with Article 1.1(A) of this document.
- (C) A local government may submit to the Planning Council a proposal for amending the Broward County Land Use Plan at the following times:
 - (1) During the certification of its local land use plan, and
 - (2) During the filing periods established by the Broward County Planning Council pursuant to applicable County and/or State law.
 - (3) The County Commission may request the Planning Council initiate an amendment to the Broward County Land Use Plan at any time. The Planning Council shall consider the request and if it initiates the amendment, public hearings shall be scheduled consistent with Chapters 163.3184 and 163.3187 Florida Statutes.
 - (6) The Planning Council may initiate an amendment to the Broward County Land Use Plan by majority vote at a regularly scheduled or special meeting. The Planning Council shall hold at least ~~two (2)~~ one (1) public hearings on the amendment consistent with the requirements of Articles 1.2(A) and (B) of this document. The Planning Council may withdraw a Council initiated amendment at any time prior to its transmittal to the Broward County Commission.

1.2 PLANNING COUNCIL REVIEWS AND RECOMMENDATIONS

- (A) The Planning Council shall hold a public hearing with due public notice on each proposed amendment to the Broward County Land Use Plan submitted in accordance with the requirements of Article 1.1(A) or (B) of this document and pursuant to Chapter 163.3174 Florida Statutes. The Planning Council shall make a recommendation on each proposal and submit its recommendation to the Broward County Commission. A second public hearing will be required in the following circumstances:
 - (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
 - (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
 - (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
 - (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
 - (5) If an objection **or comment on adverse impacts to important state resources or facilities** is issued during the State of Florida Chapter 163 review process; or
 - (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

- (B) A courtesy notice of the time, date, place and purpose of the Planning Council's first public hearing on a Broward County Land Use Plan amendment shall be provided to the property owner and surrounding property owners within a 300 foot radius of the amendment site. Individual notices shall be mailed fifteen (15) days in advance of the first scheduled public hearing. Notice to a registered condominium association shall be considered notice to all individual unit owners of that condominium. The Planning Council, upon approval by a majority vote of the members present, may specifically waive any portion of this provision.

These notice procedures are established in the interest of enlightened land use recommendations by the Planning Council and are not a legal obligation of the Planning Council. Failure on the part of the Planning Council to send, or the property owner to receive, an individual notice shall not constitute cause for action against the Planning Council or any local government.

- (C) Following receipt of comments from applicable State review agencies or a small-scale amendment, pursuant to Chapter 163 Florida Statutes, the Planning Council shall either schedule the amendment for consideration of adoption by the County Commission or hold a second public hearing, if required by Article 1.2(A) above, and make a final recommendation. This recommendation shall be transmitted to the Broward County Commission.

1.3 COUNTY COMMISSION ADOPTION OF AMENDMENTS

- (A) The County Commission shall upon receipt of a recommendation from the Broward County Planning Council, hold a public hearing on an amendment request pursuant to Chapter 163.3184(15) Florida Statutes regarding transmittal of a recommendation on the amendment to the applicable State of Florida review agencies. Transmittal shall be by affirmative vote of a majority of the membership of the Commission. If an amendment request does not receive the required affirmative vote, the request is denied and the amendment shall not be transmitted.
- (B) Following receipt of applicable State review agency comments and a ~~final~~ recommendation from the Planning Council per the requirements of Article 1.2, the County Commission shall hold a public hearing pursuant to Chapter 163.3184(15) Florida Statutes and take final action on an amendment request. Adoption of an amendment shall be by affirmative vote of a majority of the membership of the County Commission.

1.4 EFFECT OF A BROWARD COUNTY LAND USE PLAN AMENDMENT ON A LOCAL CERTIFIED LAND USE PLAN

- (A) Upon adoption of any amendment to the Broward County Land Use Plan by the County Commission, the Planning Council Executive Director shall notify, in writing, the chief elected official of the affected local government(s) of such action and that (re)certification of the local land use plan may be necessary to incorporate the Broward County Land Use Plan amendment into the local land use plan as per Section 1.4(C) of this document. The Planning Council shall determine, upon the request of the affected local government(s), whether the affected certified land use plan(s) remain in substantial conformity with the Broward County Land Use Plan as amended. Upon such request by the affected local government(s), the Planning Council shall determine whether:

- (1) The certified land use plan is in substantial conformity with the Broward County Land Use Plan as amended and shall continue as the effective land use plan; or
 - (2) The certified land use plan or a portion thereof is no longer in substantial conformity with the Broward County Land Use Plan, as amended. Following a public hearing with due public notice, the Council shall consider decertifying the entire certified plan or portions of the certified plan.
- (B) When the Planning Council determines that a certified land use plan is no longer in substantial conformity with the Broward County Land Use Plan as amended but that de-certification of only a portion of the certified land use plan is necessary to achieve substantial conformity, then only that portion shall be de-certified.
- (C) A local government may submit to the Planning Council proposed amendments to its local land use plan for recertification in the same manner described for the initial certification of local land use plans in Article 2.1 of this document. After recertification by the Planning Council, the recertified land use plan shall again become the effective land use plan for the local government.

1.5 EFFECTIVE DATE OF AN AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN

An amendment to the Broward County Land Use Plan shall take effect as provided by law. The local government's zoning shall comply with the plan amendment. Nothing therein shall prohibit a local government from adopting more restrictive zoning than provided for by the permitted uses of the Broward County Land Use Plan, as amended, or a certified local land use plan.

Note: Proposed additions and deletions are presented in underline and ~~strike-through~~ format. Double-underlined and **highlighted** words are proposed additions based on the Florida Department of Transportation District Four comments dated November 29, 2018.