

EXHIBIT 2

RESOLUTION NO.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, APPROVING AND ADOPTING AMENDMENT TO ARTICLE 1.1 OF THE ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT (ADMINISTRATIVE RULES DOCUMENT), REGARDING AMENDMENTS TO THE ENVIRONMENTALLY SENSITIVE LANDS MAP OF THE BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE RULES DOCUMENT, AND AN EFFECTIVE DATE.

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

WHEREAS, at its meeting of September 22, 2022, the Planning Council recommended to the Board of County Commissioners that it approve an amendment to Article 1.1 of the Administrative Rules Document regarding amendments to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan;

WHEREAS, the amending of Article 1.1 of the Administrative Rules Document requires approval of the Board of County Commissioners; and

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

24 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
25 BROWARD COUNTY, FLORIDA:

26 Section 1 Article 1.1 of the Administrative Rules Document: BrowardNEXT is
27 hereby amended to read as set forth in Exhibit A, attached hereto.

28 Section 2. Severability.

29 If any portion of this Resolution is determined by any court to be invalid, the invalid
30 portion will be stricken, and such striking will not affect the validity of the remained of this
31 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
32 legally applied to any individual, group, entity, property, or circumstance, such
33 determination will not affect the applicability of this Resolution to any other individual,
34 group, entity, property, or circumstance.

35 Section 3. Inclusion in the Broward County Administrative Code.

36 It is the intention of the Board of County Commissioners that the provisions of this
37 Resolution become part of the Administrative Rules Document: BrowardNEXT; and that
38 sections of this Resolution may be renumbered or relettered and the word "resolution"
39 may be changed to "section," "article," or such other appropriate word or phrase to the
40 extent necessary in order to accomplish such intention.

42 | This Resolution is effective upon adoption.

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

MA/gmb
Administrative Rules Policy (Article 1.1) BrowardNext.Reso
09/15/2022
#80041

EXHIBIT A

SECTION I **AMENDMENT TO THE ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT**

“ARTICLE 1.1: Request for Amendments”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

September 13, 2022

It is recommended that the proposed revisions to the *Administrative Rules Document: BrowardNext* (ARD) be approved. **See Attachment 1.**

The proposed ARD amendment does not require transmittal to or review by the State of Florida review agencies. In addition, Article 1 requires approval and adoption by the Broward County Board of County Commissioners.

II. Planning Council Public Hearing Recommendation

September 22, 2022

Approval per Planning Council staff recommendation. (Vote of the board; Unanimous: 15-0; Breslau, Brunson, Castillo, Fernandez, Gomez, Hardin, Horland, Levy, Parness, Reiter, Rich, Rosenof, Ryan, Williams and DiGiorgio)

ATTACHMENT 1

ADMINISTRATIVE RULES DOCUMENT: BrowardNext

Proposed Text Amendment

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.

- (4) 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 one (1) public hearing 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.

(D) A private property owner may submit to the Planning Council a proposal for amending the Environmentally Sensitive Lands Map of the Natural Resource Series of the Broward County Land Use Plan subject to the application requirements (Appendix 4).

Note: Underlined words are proposed additions.