

EXHIBIT 1

PROPOSED

ORDINANCE NO.

1
2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
3 COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY LAND
4 USE PLAN TEXT OF THE BROWARD COUNTY COMPREHENSIVE PLAN REVISING
5 POLICY 2.21.6; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)
7

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

10 WHEREAS, the Department of Commerce (f/k/a the Department of Economic
11 Opportunity) has found the Broward County Comprehensive Plan in compliance with the
12 Community Planning Act;

13 WHEREAS, Broward County now wishes to propose an revision to the Policy 2.21.6
14 of the Land Use Plan text;

15 WHEREAS, the Planning Council, as the local planning agency for the Broward
16 County Land Use Plan, held its hearing on June 22, 2023, with due public notice;

17 WHEREAS, the Board of County Commissioners held its transmittal public hearing on
18 September 7, 2023, having complied with the notice requirements specified in
19 Section 163.3184(11), Florida Statutes;

20 WHEREAS, the Board of County Commissioners held an adoption public hearing on
21 December 12, 2023, at 10:00 a.m. [also complying with the notice requirements specified in
22 Section 163.3184(11), Florida Statutes] at which public comment was accepted and
23 comments of the Department of Commerce, South Florida Regional Planning Council, South
24 Florida Water Management District, Department of Environmental Protection, Department of

25 State, Department of Transportation, Fish and Wildlife Conservation Commission,
26 Department of Agriculture and Consumer Services, and Department of Education, as
27 applicable, were considered; and

28 WHEREAS, the Board of County Commissioners, after due consideration of all
29 matters, hereby finds that the following amendment to the Broward County Comprehensive
30 Plan is consistent with the State Plan, Regional Plan, and the Broward County
31 Comprehensive Plan; complies with the requirements of the Community Planning Act; and is
32 in the best interests of the health, safety, and welfare of the residents of Broward County,
33

34 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
35 COUNTY, FLORIDA
36

37 Section 1. The Broward County Comprehensive Plan is hereby amended by
38 Amendment PCT 23-2, which is a revision to the Policy 2.21.6 of the Land Use Plan, as set
39 forth in Exhibit A, attached hereto and incorporated herein:

40 Section 2. Severability.

41 If any portion of this Ordinance is determined by any court to be invalid, the invalid
42 portion will be stricken, and such striking will not affect the validity of the remainder of this
43 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally
44 applied to any individual, group, entity, property, or circumstance, such determination will not

45 affect the applicability of this Ordinance to any other individual, group, entity, property, or
46 circumstance.

47 Section 3. Effective Date.

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

50 (1) Thirty-one (31) days after the Department of Commerce notifies Broward
51 County that the plan amendment package is complete;

52 (2) If the plan amendment is timely challenged, the date a final order is issued by
53 the Administration Commission or the Department of Commerce finding the
54 amendment to be in compliance; or

55 (3) If the Department of Commerce or the Administration Commission finds the
56 amendment to be in noncompliance, pursuant to Section 163.3184(8)(b),
57 Florida Statutes, the date the Board of County Commissioners nonetheless
58 elects to make the plan amendment effective notwithstanding potential
59 statutory sanctions.

60 (b) This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 10/12/2023
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
10/12/2023
PCT23.2 Policy 2.21.6 Ordinance
#80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 23-2

“Update to Existing Policy 2.21.6”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

June 13, 2023

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

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (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.

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

II. Planning Council Staff Transmittal Recommendation

June 22, 2023

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 12-0: Brunson, DiGiorgio, Gomez, Greenberg, Hardin, Horland, Levy, Railey, Rich, Ryan, Zeman and Castillo)

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. County Commission Transmittal Recommendation

September 7, 2023

Approval per revised Attachment 1.

IV. Summary of State of Florida Review Agency Comments

October 6, 2023

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

ATTACHMENT 1

BROWARD COUNTY LAND USE PLAN Proposed Text Amendment PCT 23-2

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: POLICIES

...

CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS

...

The update to Policy 2.21.6 was initiated by the Broward County Commission to support the inclusion of the Southeast Florida Regional Action Plan. All changes are indicated in ~~strike-through~~/underline format.

...

POLICY 2.21.6 Broward County shall support the goals and **will, to the maximum extent feasible,** implement, **in coordination with affected stakeholders,** the recommended actions of the Broward County Climate Change Action Plan, and the Southeast Florida Regional Climate Action Plan as approved by the Broward County Climate Change Task Force, and ~~adopted by~~ the Broward County Board of County Commissioners.

Note: **Highlighted** text indicates language that was recommended for deletion by the Planning Council at its June 22, 2023, public hearing, and that the Broward County Commission proposed to be retained at its September 7, 2023, transmittal public hearing.