

EXHIBIT 1

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, TRANSMITTING A PROPOSED AMENDMENT TO THE
3 BROWARD COUNTY LAND USE PLAN TEXT OF THE BROWARD COUNTY
4 COMPREHENSIVE PLAN REVISING THE IMPLEMENTATION REQUIREMENTS AND
5 PROCEDURES REGARDING COMMUNITY AND REGIONAL PARKS AND
6 IMPLEMENTATION REGULATIONS AND PROCEDURES SECTIONS; AND
7 PROVIDING FOR AN EFFECTIVE DATE.

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

11 WHEREAS, the Department of Commerce has found the Plan in compliance with
12 the Community Planning Act;

13 WHEREAS, Broward County now wishes to propose an amendment to the
14 Broward County 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 April 25, 2024, with due public notice; and

17 WHEREAS, the Board of County Commissioners held its transmittal public
18 hearing on June 18, 2024, at 10:00 a.m., having complied with the notice requirements
19 specified in Section 163.3184(11), Florida Statutes, NOW, THEREFORE,

20

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

Section 1. The Board of County Commissioners hereby transmits to the Department of Commerce, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and Wildlife Conservation Commission, Department of Agriculture and Consumer Services, and Department of Education, as applicable, for review and comment pursuant to Section 163.3184, Florida Statutes, Amendment PCT 24-1, which is an amendment to the Broward County Land Use Plan text revising the Community and Regional Parks and the Implementation Requirements and Procedures sections.

Section 2. The proposed amendment to the Broward County Land Use Plan text is attached as Exhibit A to this Resolution.

Section 3. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2024.

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

By: /s/ Maite Azcoitia 04/17/2024
Maite Azcoitia (date)
Deputy County Attorney

EXHIBIT A

SECTION I **AMENDMENT REPORT** **BROWARD COUNTY LAND USE PLAN TEXT** **PROPOSED AMENDMENT PCT 24-1**

“Section 2 – Implementation Requirements and Procedures”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Executive Committee Recommendation ***October 26, 2023***

Regarding the Community and Regional Parks Section, the Executive Committee directed Planning Council staff to proceed with drafting language related to beaches, golf courses, regional parks and private recreational acreage based on municipal comments and the Committee's discussion. The Committee further directed that the draft language return to a future Committee meeting to take an action prior to distribution to local governments and interested parties.

In addition, the Executive Committee recommended approval of the Implementation Regulations and Procedures as presented.

II. Planning Council Executive Committee Recommendation ***January 25, 2024***

Approval, incorporating the revision to increase the available regional park acreage and to eliminate the golf course acreage replacement requirement.

III. Planning Council Staff Transmittal Recommendation ***April 16, 2024***

It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved per the Executive Committee recommendation of January 25, 2024. **See Attachments 1.A. and 1.B.**

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

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. Planning Council Staff Transmittal Recommendation (continued)

April 16, 2024

- (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.

IV. Planning Council Transmittal Recommendation

April 25, 2024

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 13-0: Castillo, Gomez, Greenberg, Hardin, Harrison, Horland, Newbold, Railey, Rosenof, Ryan, Werthman, Zeman and DiGiorgio)

ATTACHMENT 1.A.

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: IMPLEMENTATION REQUIREMENTS AND PROCEDURES

COMMUNITY AND REGIONAL PARKS AND OPEN SPACE

The ~~Community and Regional Parks and Open Space~~ requirements of the BrowardNext - Broward County Land Use Plan are maintained based upon those standards recommended within the Open Space Study, 1975, which were mandatory requirements of the 1977 Broward County Land Use Plan. The updated Broward County Land Use Plan incorporates the Community and Regional parks standards in order to preserve open space and natural lands, to provide for public parks and the recreational needs of Broward County's residents and visitors achieve a diversified and balanced parks and recreation system and to establish consistent treatment standards for park facilities throughout Broward County.

Local governments within Broward County are required to provide for a minimum of three (3) acres of Community level ~~p~~Parks and Open Space for every 1,000 existing and projected permanent residents within their jurisdiction. In addition, tThe Broward County Board of County Commissioners ~~is required to provide~~s for a minimum of three (3) acres of Regional level pParks and Open Space to protect and enhance the County's diverse natural ecosystems, parks system and world-class recreational facilities for every 1,000 existing and projected permanent residents.

The acreage that may be used to meet the ~~Community and Regional Parks~~ and Open Space requirements is as follows:

1. COMMUNITY PARKS AND OPEN SPACE

- a. All park and open space acreage, including public plazas and green spaces, that is owned by the local government, ~~and zoned and/or~~ utilized for open space or recreation use, and ~~which is accessible to the public on a regular or continuous basis for the purpose in which it is intended. For additional acreage to be eligible to count towards the "community park" requirement for existing residents, conspicuous signage indicating that the acreage is accessible to the public, including identification of safe access point(s), shall be required. Otherwise, such acreage shall be prohibited from counting as a municipal "community park." Further, any additional waterway or water body that is counted as a municipal "community park" must have sufficient safe public access from the landward side along the shoreline of the waterway/water body within the subject municipality. A waterway/water body with safe public access from a bordering municipality may be counted as a "Community" park for the municipality in which it is located as long as such waterway/water body is readily accessible for use by residents of the host municipality and the public for the recreation or environmental purpose intended. It is recognized that there may be several recreational/environmental purposes for a waterway/water body, and such may have different recreational/environmental purposes at different access points.~~

- b. Recreational acreage that is part of the educational facilities of the Broward County School Board and is either leased by the local government for public recreational purposes or made available to the public by other agreement with the ~~Broward County~~ School Board. Since the School Board may, ~~at some time in the future,~~ choose to terminate the lease or other agreement and/or sell the property, the local land use plan must include provisions for the replacement of the lost recreational land needed to meet ~~the required~~ its future Community Parks standards and Open Space requirements within three (3) years.
- c. The total area of beaches that are owned by ~~the local government~~ public entities as measured from the mean high water line and publicly accessible beaches as measured from the private property line seaward to the mean high water line.
- d. The total area of waterways or water bodies that provide sufficient safe public access from the landward side along the shoreline within the subject municipality. A waterway or water body with safe public access from a bordering municipality may be counted as a Community Open Space for the municipality in which it is located as long as it is readily accessible for use by residents of the host municipality and the public for the recreational or environmental purpose intended. *(Note: This section was originally adopted in 2013 and is proposed to be streamlined and relocated from paragraph 1.a.)*
- ~~de.~~ Up to 50% of the total acreage of publicly owned golf courses that are zoned for recreational use and semi-public golf courses that are either zoned and deed restricted for open space use or zoned and restricted by other development order, such as site plan or subdivision approval, for open space use. However, golf course acreage may satisfy no more than ~~15%~~ 25% of the total Community Park and Open Space requirement.
- ~~ef.~~ Other private recreational acreage or open areas over ~~0.5~~ 0.25 acres that are zoned and/or deed restricted for open space use including a mixture of active and passive recreational facilities. Up to 100% of the total acreage may be counted provided the area does not exceed 3 acres/1,000 residents sharing the facilities.
- ~~fg.~~ ~~Public or private~~ Regional Parks and Open Space located within municipal jurisdictions limited to ~~10% of the total acreage with a maximum of 10 acres per park if owned by a separate jurisdiction or agency~~ no more than 25% of the total Community Park and Open Space requirement.
- ~~g.~~ If the purchase of park land was/is a joint venture of Broward County and a local government, the local government is entitled to its proportionate share (based on financial contribution) of the acreage to apply towards the Community Parks requirements. ~~Acreage which has been used to satisfy the Community Parks requirements under the provisions of f. above may not be counted under these provisions for joint ventures.~~
- h. Former landfill sites shall not be counted towards the Community Parks and Open Space requirement ~~until~~ unless they are properly reclaimed and environmentally sound and are available for open space and/or recreational use.

- i. Acreage designated on the future land use plan map or deed-restricted as “conservation” may be counted toward the municipal ~~€Community p~~Parks and Open Space requirement if the “conservation” acreage is owned by or is within the jurisdictional responsibility of the municipality. Such “conservation” acreage may, due to a need to protect sensitive natural features and/or habitat, restrict regular or continuous public access but must be made available to the public when appropriate, as to ~~avoiding~~ negatively impacting the natural features and/or habitat in conjunction with an authorized educational or recreational program.

Any person who has questions regarding the validity of the status of any ~~€Community p~~Park or Open Space site listed on a municipal inventory may contact the Broward County Planning Council which shall then serve to coordinate with the municipality in a timely manner to address the question raised.

2. REGIONAL PARKS AND OPEN SPACE

All regional parks and open space owned by Broward County or the State of Florida and zoned and/or utilized for open space or recreation use, and which is accessible to the public on a regular or continuous basis for the purpose in which it is intended.

- ~~a. All publicly owned park acreage except that acreage used to help meet the Community Parks requirements of the Broward County Land Use Plan.~~
- ~~b. The total area of beaches that are in public ownership other than municipally owned public beaches.~~
- ~~c. Up to 50% of the total acreage of publicly owned golf courses that are either zoned and restricted by other development order, such as site plan or subdivision approval, for open space use. However, golf course acreage may satisfy no more than 15% of the total Regional Parks requirement.~~
- ~~d. If the purchase park land was/is a joint venture of Broward County and a local government, Broward County is entitled to its proportionate share of the acreage to apply towards the Regional Parks requirements.~~
- ~~e. Former landfill sites shall not be counted towards the Regional Parks requirement until they are properly reclaimed and environmentally sound.~~

Note: All changes are indicated in ~~strike-through~~/underline format.

ATTACHMENT 1.B.

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: IMPLEMENTATION REQUIREMENTS AND PROCEDURES

IMPLEMENTATION REGULATIONS AND PROCEDURES

Modernize language to ensure consistency with other sections of the Broward County Land Use Plan and the Administrative Rules Document.

Ensure that State Statutes references, as well as State and County agency names, are accurate.

1 through 9 of the Implementation Requirements and Procedures section have been reordered to reflect a more relevant flow.

The Development Review Requirements have been updated to reflect appropriate public facilities and services that are contemplated by the Florida Statutes and County Land Use Plan. Updates to f. and g. are based on input from the Broward County Aviation Department.

All changes are indicated in ~~strike-through~~/underline format.

1. DEVELOPMENT REVIEW REQUIREMENTS

A local government may grant an application for a development permit consistent with the Broward County Land Use Plan or a certified local land use plan when it has determined that the following requirements are met:

- a. ~~Traffic circulation, transit,~~ Transportation, parks and ~~recreation~~ open space, drainage and flood protection, potable water, solid waste, sanitary sewer public facilities and services, and public schools will be available to meet established level of service standards, consistent with Chapter 163.3180, Florida Statutes, and the concurrency management policies of the Broward County Land Use Plan.
- b. Local streets and roads will provide safe, adequate access ~~between buildings~~ within the proposed development and the trafficways identified on the Broward County Trafficways Plan prior to occupancy.
- c. Fire protection service will be adequate to protect people and property in the proposed development.
- d. Police protection service will be adequate to protect people and property in the proposed development.

- e. School sites and school buildings will be adequate to serve the proposed development.
- f. ~~A development~~ does not include a structure, or alteration thereof, that is subject to the notice requirements of Title 14, Code of Federal Aviation Regulations (FAR), Part 77, Subpart B, unless the Federal Aviation Administration (FAA) issues, or has issued ~~within the previous ninety (90) days,~~ a written acknowledgment that said structure or alteration meets the FAA Part 77 criteria ~~would not constitute a hazard to air navigation and does not require increases to minimum instrument flight altitudes within a terminal area, increases to minimum obstruction clearance altitudes, or any other operational modifications at any existing airport or heliport or any planned or proposed airport as described in FAR Part 77.21(c)(2).~~
- g. No development permit shall be issued for the development, construction, establishment, enlargement, substantial alteration, or repair of a structure that would exceed the maximum height for the Airspace Imaginary Surface in which it is located, or is proposed to be located, unless Obstruction Approval has been issued by the Broward County Aviation Department, pursuant to Section 5-182 of the Broward County Code of Ordinances, and Chapter 333, Florida Statutes.

32. BROWARD COUNTY LAND USE PLAN AMENDMENT PROCEDURES

- a. The Broward County Land Use Plan may be amended by the Broward County Commission in the manner provided by the Broward County Charter and Florida ~~Local Government Comprehensive Planning and Land Development Regulation~~ Community Planning Act.
- b. The Broward County Planning Council shall adopt, within its “*Administrative Rules Document: BrowardNext,*” rules and regulations as may be necessary to provide for the consideration of proposals for the amendments to the Broward County Land Use Plan and the submittal of recommendations and proposals to the Broward County Commission.

23. PROCEDURES FOR CERTIFICATION OF LOCAL LAND USE PLANS

- a. Each local government within Broward County ~~may~~ shall prepare, in conformance with the requirements of the Broward County Land Use Plan and the Florida ~~Local Government Comprehensive Planning and Land Development Regulation~~ Community Planning Act, a local land use plan for submittal to the Broward County Planning Council. The local land use plan shall be certified by the Broward County Planning Council prior to ~~its final adoption by a local government~~ becoming effective.
- b. Pursuant to the Broward County Charter, and consistent with the Broward County Land Use Plan:
 - (1) The Broward County Planning Council shall adopt, within its “*Administrative Rules Document: BrowardNext,*” rules and regulations as may be necessary to provide for the certification, decertification and re-certification of local land use plans.

- (2) The Broward County Planning Council shall adopt, within its *“Administrative Rules Document: BrowardNext,”* rules and regulations after approval by the Broward County Commission as may be necessary to provide for:
 - (a) The certification of ~~density~~ transfers of development rights;
 - (b) The receipt of data pertaining to development permits granted by local governments and land development regulations adopted by local governments; and
 - (c) Other matters pertinent to the ~~goals, objectives,~~ policies and implementation requirements of the Broward County Land Use Plan.
- c. Every local land use plan, and amendment thereto, submitted for review and certification by the Broward County Planning Council shall include the following:
 - (1) A land use plan map, drawn to scale, with legend reflecting ~~proposed~~ future land uses and residential densities;
 - (2) ~~Goals, objectives and p~~ Policies consistent with and furthering those contained within the Broward County Land Use Plan;
 - (3) Implementation provisions which establish a land use and density classification system, including a detailed listing of permitted land uses and densities allowed within each local land use classification.
 - (a) A land use permitted within a land use category by the Broward County Land Use Plan may be prohibited or limited by a local land use plan.
 - (b) A local land use plan may propose other permitted land uses and land use categories not specifically identified within the Broward County Land Use Plan, if consistent with the policies and requirements of the Broward County Land Use Plan;
 - (4) (a) A listing of Community level ~~p~~ Parks and Open Space acreage counted by the local government to fulfill the parks requirements and consistent with the ~~“Regional and Community Parks and Open Space”~~ subsection of this Plan;
 - (b) The local land use plan map shall reflect, conceptually or at specific locations, existing and proposed park and recreational facility sites of sufficient size and quantity to provide Community level ~~p~~ Parks and Open Space acreage consistent with the requirements of this ~~p~~ Plan; and
 - (5) Other implementation provisions consistent with the policies and requirements of the Broward County Land Use Plan which will implement the local land use plan.

- d. The Broward County Planning Council shall certify each local land use plan, and amendment thereto, which is in substantial conformity with the Broward County Land Use Plan. A local land use plan shall be certified by the Broward County Planning Council when it finds that:
- (1) The maximum number of dwelling units permitted in the municipality by the local land use plan does not exceed the maximum number of dwelling units permitted by the Broward County Land Use Plan and that residential densities are distributed in a manner consistent with the policies of the Broward County Land Use Plan. The local government shall demonstrate to the Broward County Planning Council that the distribution of land uses by the local land use plan does not result in an increase in the number of permitted dwelling units as compared to the number of dwelling units permitted by the Broward County Land Use Plan;
 - (2) The arrangement of land uses on the local land use plan map bears a reasonable relationship to the arrangement of land uses on the Broward County Land Use Plan Map and permitted uses fall within the parameters for permitted uses established by the Broward County Land Use Plan;
 - (3) The goals, objectives and policies of the local land use plan are consistent with and further those of the Broward County Land Use Plan; and
 - (4) The implementation provisions meet or exceed the requirements of the Broward County Land Use Plan.
- e. Each local government is encouraged to develop innovative methods to regulate the development of land through its local land use plan and other land development regulations which may be proposed within its local land use plan. During the certification process, the Broward County Planning Council shall review and may approve such innovative methods which are consistent with the policies of the Broward County Land Use Plan and are in substantial conformity with the Broward County Land Use Plan.
- f. Each local government shall comply with Section 8.05 of the Broward County Charter and shall ~~make every reasonable effort to~~ prepare a local land use plan which will be in substantial conformity with the Broward County Land Use Plan. If the Broward County Planning Council determines that a local land use plan includes proposed land uses which are not in substantial conformity with the Broward County Land Use Plan, then it shall not certify the local land use plan unless the Broward County Commission:
- (1) Determines, within sixty (60) days after receipt of a written request by a local government, that the proposed land uses which are not in substantial conformity with the Broward County Land Use Plan must be permitted in order for the local government to comply with Section 8.05 of the Broward County Charter; or
 - (2) Finds that a final judicial decision has been rendered which requires a local government to permit the proposed land uses which are not in substantial conformity

with the Broward County Land Use Plan. The Broward County Commission shall make its finding at the request of any party to the litigation after the Broward County Commission has given at least thirty (30) days' notice by certified mail to all other parties to the litigation; or

- (3) Adopts an amendment to the Broward County Land Use Plan which brings the local land use plan proposed land uses into substantial conformity ~~to~~ with the Broward County Land Use Plan.

4. LOCAL LAND DEVELOPMENT REGULATIONS AND PROCEDURES

- a. The Broward County Land Use Plan shall be implemented by adoption and enforcement of appropriate local regulations on the development of lands and waters within the jurisdiction of the local government.
- b. ~~No~~ Public or private development may not be permitted except in compliance with the Broward County Land Use Plan or certified local land use plan.
- c. A local government which does not have a land use plan certified by the Broward County Planning Council:

(1) May grant an application for a development permit, provided:

- (a) The proposed development would be consistent with the Broward County Land Use Plan; and
- (b) The proposed development would be in compliance with local land development regulations; and
- (c) The development permit is granted in compliance with the "Development Review Requirements" subsection of this ~~p~~Plan or with local land development regulations which meet or exceed the requirements of said subsection.

(2) May adopt land development regulations, and a land development code, or amendments thereto, which are consistent with the Broward County Land Use Plan.

(3) Shall transmit to the Broward County Planning Council for review, no less than forty-five (45) days prior to adoption, a copy of all proposed land development regulations, a land development code, or amendments thereto, and notice of all proposed changes of zoning districts.

- d. A local government which does have a land use plan certified by the Broward County Planning Council ~~and~~ that is effective:

(1) May grant an application for a development permit provided:

- (a) The proposed development would be consistent with the applicable certified land use plan; and
 - (b) The proposed development would be in compliance with local land development regulations; and
 - (c) The development permit is granted in compliance with the “Development Review Requirements” subsection of this ~~p~~Plan or with local land development regulations which meet or exceed the requirements of said subsection.
- (2) ~~(d)~~ May adopt land development regulations, a land development code or amendments thereto, and amend zoning districts consistent with its certified land use plan.

65. MONITORING AND ENFORCEMENT PROCEDURES FOR THE BROWARD COUNTY LAND USE PLAN

- a. Local governments shall prepare and transmit to the Broward County Planning Council the information listed below within the time periods specified. This information is for the purposes of monitoring compliance with the Broward County Land Use Plan and for maintaining current, countywide records of land development activities on which to base future planning. Information shall be transmitted in a format to be prescribed by the Broward County Planning Council.
 - (1) A yearly summary regarding allocation of acreage proposed for commercial or residential uses within lands designated Residential, Activity Center, or Commerce utilizing the “flexibility” provisions of the Broward County Land Use Plan, if certified within the local land use plan.
- b. Upon determination by the Broward County Commission that a local government has granted development permits or permitted uses which are inconsistent with the requirements of the Broward County Land Use Plan, or fails to act in substantial compliance with the Broward County Land Use Plan, the Broward County Commission shall take such actions as may be necessary and proper to enforce the requirements of the Broward County Land Use Plan.

56. PROCEDURES FOR FORMAL INTERPRETATIONS OF THE BROWARD COUNTY LAND USE PLAN

The Broward County Planning Council shall assist local governments with matters of interpretation of the Broward County Land Use Plan. Whenever a question of interpretation has not been resolved on an informal basis, the governing body of a local government may request in writing that the Broward County Planning Council issue a letter of interpretation on the matter; the Council may direct the Council staff to issue a revised interpretation or confirm the interpretation of staff. Upon receipt of a letter of interpretation from the Broward County Planning Council, the governing body of a local government may within 30 days of receipt, request in writing that the Broward County Commission review such letter

on any subject outside the scope of the Broward County Planning Council's adopted rules and regulations regarding certification of local land use plans and Broward County Land Use Plan amendment processing and recommendation procedures, or matters as contained within the ~~Plan~~ regarding Section 8.05 of the Broward County Charter.

The Broward County Commission, within ~~thirty (30)~~ forty-five (45) days after receipt of the request, shall review and either approve or approve with modifications, the Broward County Planning Council's letter of interpretation, which shall then be binding on the Broward County Commission, ~~on~~ the Broward County Planning Council, ~~on~~ the local government, and ~~on~~ any property owner given written notice and an opportunity to be heard on the matter. The failure of the County Commission to take any action on the appeal within the forty-five (45) day period shall be deemed a confirmation of the Planning Council interpretation. A written request to the Broward County Planning Council or the Broward County Commission pursuant to this section must contain the following information:

- (a) A statement of the question(s);
- (b) A statement of the facts necessary to answer the question(s); and
- (c) A statement of the position of the local government on the matter together with and legal authority or other support for said position.

87. LEGAL ACTIONS INVOLVING THE BROWARD COUNTY LAND USE PLAN

- a. (1) In any legal action challenging the Broward County Land Use Plan or any legal action challenging any decision of any governmental agency made pursuant to provisions of the Broward County Land Use Plan, Broward County shall be served with a copy of the Complaint and ~~be entitled to be heard~~ shall defend the Planning Council.
- (2) In any legal action challenging any certified land use plan or any legal action challenging any decision of any governmental agency made pursuant to provisions of any certified land use plan, Broward County shall be served with a copy of the Complaint and ~~be entitled to be heard~~ shall defend the Planning Council.
- b. In any legal action, challenging or affecting land development regulations, the ~~unit of~~ local government shall notice Broward County and provide copies of any papers served in connection therewith.

78. CRITERIA AND PROCEDURES FOR ENVIRONMENTALLY SENSITIVE LANDS AND LOCAL AREAS OF PARTICULAR CONCERN

Broward County will conduct a review of all Natural Resources as defined in the text and depicted on the Natural Resource Map Series of the Broward County Land Use Plan. The review will determine whether such lands are environmentally sensitive and shall provide the basis for the regulation of those lands found to be environmentally sensitive as is required by Section 163.3202, Florida Statutes.

The Broward County Commission shall conduct a review of the following maps and, utilizing the criteria enumerated herein or utilizing additional alternative criteria reviewed and approved by the County Commission, make a determination as to whether the designation and regulation of additional Environmentally Sensitive Lands is appropriate:

- a. Existing and Planned Potable Water Wells and Zones of Influence
- b. Wetlands
- c. Flood Plains, Flood Prone Areas and Coastal Storm Area
- d. Mineral Resources
- e. Beaches and Shores, including, Rivers, Bays, Harbors, Primary Drainage Canals, ~~Major~~ Lakes, Estuarine Systems and Dredge Spoil Disposal Sites
- f. Soils
- g. Local Areas of Particular Concern

Local Areas of Particular Concern (LAPCs) may be designated in six (6) categories according to the types of resources present. Unless otherwise indicated, LAPCs must have one (1) or more of the characteristics for the respective category.

1. Marine Resource Category

Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, ~~or~~; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, ~~or~~; coastal areas of substantial recreational value and/or potential; ~~or~~; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

2. Natural Landforms and Features Category

A geological, hydrological, or physiographical feature confined to a small area of Broward County and considered quite rare locally or regionally, ~~or~~; a representative natural ecosystem and/or its units existing in a few isolated locations, but extirpated from most of the ~~€~~County.

3. Native Vegetative Communities Category

(a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); or Everglades Community (Freshwater Marsh).

(b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three (3) of the following criteria:

- i. Uniqueness - The site contains a significant sample of rare or endangered species, ~~or~~, the site is among a small number of sites in Broward County representing a particular ecological community.
- ii. Diversity - A significant sample of two (2) or more ecological communities are contained within the site.
- iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.
- iv. Potential for Protection - Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.
- v. Geography - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

4. Wildlife Category

Existing wildlife refuges, reserves, and sanctuaries, ~~or~~; known habitats of rare, threatened, or endangered species or species of special concern, ~~or~~; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves; ~~or~~ areas used for scientific study and research on wildlife.

5. Economic Resource Category

Existing ports, marinas, piers, energy resources, and artificial reefs, ~~or~~; areas noted for specific study and research concerning economic development.

6. Cultural Resource Category

Sites designated on the National Register of Historic Places or on the Florida Master Site File, ~~or~~; sites related to the general development of the local area, region, or State, ~~or~~; buildings which are significant examples of the architectural design of their period, ~~or~~; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events; ~~or~~ archaeological or paleontological sites which have yielded useful information on the area's past.

9. CRITERIA FOR DESIGNATING ADAPTATION ACTION AREAS OF REGIONAL SIGNIFICANCE

As consistent with the Broward County Land Use Plan, Adaptation Action Areas (AAAs) may be designated by a local government in order to identify areas vulnerable to sea level rise, enhance the funding potential of infrastructure adaptation projects, and implement policies for adaptation.

To be eligible for ~~Adaptation Action Area~~ an AAA of Regional Significance designation, the applicant must clearly detail how vulnerabilities identified in the proposed ~~Adaptation Action Area~~ AAA will be exacerbated by climate change or sea level rise within a 50-year planning horizon. In addition, the proposed ~~Adaptation Action Area~~ AAA must meet at least one (1) of the following criteria:

- a. Areas which experience tidal or coastal flooding;
- b. Areas which have a hydrologic connection to coastal waters;
- c. Locations which are within areas designated as evacuation zones for storm surge;
- d. Areas vulnerable to flash floods and severe storm water runoff or coastal erosion; or
- e. Areas vulnerable to other predicted impacts of climate change and sea level rise where management strategies, infrastructure investments, and planning decisions can help to mitigate the magnitude or severity of future climate impacts.

Local governments may apply for ~~e~~County designation of an ~~Adaptation Action Area~~ AAA of Regional Significance within the Broward County Land Use Plan if the identified problem(s) conform(s) with one (1) or more of the criteria identified above, or additional demonstration of climate vulnerability is provided. In addition, proposed adaptation strategies for the designated area should demonstrate investments and benefits of regional significance. The Unified Sea Level Rise Projection for Southeast Florida and the Broward County Priority Planning Area Map may serve as reference materials in review of the request. Notice submitted to the Planning Council should include:

- a. The geographical area under consideration;
- b. Documentation of the issue(s) or vulnerability of the area;
- c. A description of strategies, policy and/or infrastructure improvements proposed; and
- d. Explanation of how these solutions will reduce risk and increase the area's resilience to climate impacts.

County staff will review and issue a joint recommendation pertaining to the requested ~~Adaptation Action Area~~ AAA of Regional Significance designation. ~~No~~ A fee will ~~not~~ be charged for review of the proposed ~~Adaptation Action Area~~ AAA designations. The Broward County Commission or the Broward County Planning Council may also initiate an application for ~~Adaptation Action Area~~ AAA designation. If the Broward County Commission or the Broward County Planning Council will be the applicant for an ~~Adaptation Action Area~~ (AAA) designation, the County or Planning Council staff, as applicable, shall notify, in writing, any municipality in which the proposed AAA is located. Such written notification shall be sent at least thirty-five (35) days before the first County Commission or Planning Council meeting to consider the AAA designation, and will solicit comment from the municipality. Municipal

comments received will be included as part of the AAA report reviewed by the County Commission and Planning Council. Applications may also be submitted for de-designation by the original applicant or property owner, the Broward County Planning Council or the Broward County Commission, based on adaptation investments, reduction of vulnerability, changes in community priorities, cost-benefit considerations, changes in land use, or other environmental, economic or social considerations which support de-designation.

Areas designated by the County as ~~Adaptation Action Areas~~ AAAs of Regional Significance will be added to the Broward County Priority Planning Areas for Sea Level Rise Map as part of the Broward County Land Use Plan.

Ref No. on SLR Map	AAA Name	Applicant	Qualifying Criteria Met	Strategies Proposed	Expected Benefits
1	Port Everglades Sand Bypass Project Area	Broward County	c) Storm Surge d) Coastal Erosion e) Sea Level Rise	-Sand bypass at Port Everglades -Beach renourishment -Shoreline management	-Protection of critical infrastructure -Protection of public and private property -Preservation of habitat for threatened and endangered species -Reduced shoaling in the navigation channel -Maintenance of recreational opportunities at John U. Lloyd Beach State Park -increased potential of f Federal permitting and funding support