

## EXHIBIT 2

**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN TEXT**  
**PROPOSED AMENDMENT PCT 22-1**

***“Clean-up and Enhancement of Policies Regarding Activity Centers,  
Platting, Redevelopment Units and Transfer of Development Rights”***

**RECOMMENDATIONS/ACTIONS**

**DATE**

***I. Planning Council Staff Transmittal Recommendation***

***June 14, 2022***

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

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 23, 2022***

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

**SECTION II**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 22-1**

**BACKGROUND INFORMATION**

On June 24, 2021 the Planning Council initiated the review of several BrowardNext - Broward County Land Use Plan (BCLUP) policies and *Administrative Rules Document: BrowardNext* (ARD) articles to clarify and enhance these documents, including:

- BCLUP Activity Center Policies 2.4.1 through 2.4.20;
- BCLUP Platting Policy 2.13.1 and corresponding ARD Article 4 - Platting Requirements, Exemptions and Definitions;
- BCLUP Transfer of Development Rights Policy 2.34.1; and
- BCLUP Redevelopment Units Policy 2.35.1 and corresponding ARD Article 3 - Flexibility Rules, Redevelopment Units, Compatibility Determinations and Special Residential Facilities, as well as Appendix 3 - Application for Broward County Land Use Plan Redevelopment Units.

The Broward County Board of County Commissioners adopted the foregoing BCLUP policies on April 25, 2017 as part of the BrowardNext initiative. “BrowardNext” comprehensively updated the County’s land use planning program within the context of meeting the challenges of Broward County’s future and anticipated population growth.

The corresponding ARD amendment to Articles 3 and 4 and Appendix 3 requires a single Planning Council and County Commission hearing. This item will be brought forward for formal consideration at the same time of either a second Planning Council public hearing, if required, or prior to or around the time of the County Commission consideration of adoption. A draft of the ARD amendment is attached for reference only. **See Attachment 2.**

**PLANNING ANALYSIS**

*Activity Center*

The proposed amendment to BCLUP Policies 2.4.1 through 2.4.20 eliminates redundancies among the Policies while retaining the intent and criteria of the Activity Center land use category, including affordable housing. **See Attachment 1.**

*Platting*

The proposed amendment to BCLUP Policy 2.13.1 is to streamline the Policy by maintaining the general platting requirements and Policy in the BCLUP and updating the specific platting exemptions in Article 4 of the ARD. **See Attachment 1.** The proposed change further supports the Planning Council’s continued initiative for staff to coordinate with local governments and interested parties to examine additional options for expansion of the platting exemptions, as updating the ARD is the most efficient method of memorializing formal platting interpretations and new exceptions.

## **PLANNING ANALYSIS (continued)**

### *Platting (continued)*

The corresponding ARD, Article 4, amendment addresses the following:

- Modifies Section 4.1 and 4.2 to reflect minor housekeeping edits;
- Modifies Section 4.3 to align definitions with the BCLUP and within this Article;
- Modifies Section 4.4 to memorialize formal platting interpretations; and
- Proposes to delete the illustrative examples within this Article as they do not represent all possible exemptions, noting that pertinent language accompanying the illustrations is reflected within Sections 4.3 and 4.4.

**See Attachment 2 for the draft ARD language.**

### *Transfer of Development Rights*

The proposed amendment to BCLUP Policy 2.34.1 is to incorporate the definition of a sending area within the Policy rather than retaining it as a program requirement. **See Attachment 1.**

### *Redevelopment Units*

The proposed amendment to BCLUP Policy 2.35.1 is to streamline the Policy by maintaining the general purpose and definition of redevelopment units in the BCLUP and eliminating the redundancy of the process and criteria within said Policy as it is currently reflected in Article 3 and Appendix 3 of the ARD. The proposed amendment also relocates the process to release flexibility units from the Policy to Appendix 3 of the ARD. **See Attachment 1.**

The corresponding ARD amendment to Article 3 and Appendix 3 addresses the following:

- Modifies Section 3.3 to reflect the public notice and hearing procedure for allocations of redevelopment units, as well as minor housekeeping edits;
- Modifies Section 3.4 and 3.5 to reflect minor housekeeping edits;
- Modifies Appendix 3 to bifurcate and reorganize application requirements for the allocation of redevelopment units and release of flexibility units.

**See Attachment 2 for the draft ARD language.**

It is noted that the corresponding ARD amendment requires a single Planning Council and County Commission hearing and does not require transmittal to or review by the State of Florida review agencies. This item will be brought forward for formal consideration at the same time of either a second Planning Council public hearing, if required, or prior to or around the time of the County Commission consideration of adoption.

## **PUBLIC OUTREACH**

Planning Council staff distributed a draft of the proposed changes via email to municipal planning directors, County review agencies and interested parties on March 4, 2022 and April 4, 2022. **See Attachment 3** for a compendium of all written comments as submitted by local governments and interested parties as of this writing, as well as responses prepared by Planning Council staff. It is noted that there were no objections to the proposed amendment or corresponding ARD amendment.

**CONCLUSION**

Planning Council staff recommends approval of the proposed amendment. **See Attachment 1.**

**SECTION III**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 22-1**

**ATTACHMENTS**

1. Proposed Broward County Land Use Plan Amendment PCT 22-1
2. Draft Proposed *Administrative Rules Document: BrowardNext*, Articles 3 and 4 and Appendix 3
3.
  - A. Response Document Prepared by Broward County Planning Council Staff
  - B. Comments Received from Municipal and County Review Agencies

# ATTACHMENT 1

## BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

Note: Underlined words are proposed additions. ~~Struck-through~~ words are proposed deletions.

### SECTION 2: POLICIES

...

#### ACTIVITY CENTERS

*Policies 2.4.1. through 2.4.20 continue to maintain the intent and criteria of activity centers and have been updated to eliminate redundancies. All changes are indicated in strike-through/underline format.*

**POLICY 2.4.1** Permitted residential densities and hotel rooms within areas designated “Activity Center” on the Broward County Land Use Plan (except for any “Activity Center” located east of the Intracoastal Waterway) may be increased by 20% or 500 dwelling units and/or hotel rooms, whichever is less, ~~no earlier than~~ every five (5) years via a local land use plan amendment and recertification by the Broward County Planning Council, and/or permitted non-residential intensities within areas designated “Activity Center” on the Broward County Land Use Plan may be increased by 20% or 200,000 square feet, whichever is less, every five (5) years via a local land use plan amendment and recertification by the Broward County Planning Council, subject to the following:

- a. The local government must document that no more than 10% of permitted residential units and/or non-residential intensities proposed for increase are available for allocation at the time the local land use plan amendment is considered by the local government at a hearing.
- b. “Every five (5) years” means starting from the effective date ~~the 2017 Broward County Land Use Plan is effective for “Activity Centers” included in that Plan, or when~~ of a new or revised “Activity Center” is adopted by the County Commission and is effective.
- c. An application for a Broward County Land Use Plan amendment may be submitted at any time for “Activity Center” proposals which would exceed the above referenced residential and/or non-residential density/intensity increases.
- d. The local land use plan shall include policies addressing the affordable/workforce housing needs of “Activity Centers.”
- e. The local land use plan shall demonstrate sufficient capacity for public facilities and services, including ~~coordination with~~ public schools.

**POLICY 2.4.2** Local governments may propose a specific area for designation on the Broward County Land Use Plan as an Activity Center. The municipality shall include within their land use element policies that ensure the proposed Activity Center will support the location of uses in a manner oriented around the five-minute (i.e. quarter-mile) walk and/or within approximately a quarter-mile on either side of a transit corridor. Multiple nodes of activity oriented around the five-minute (i.e. quarter-mile) walk or transit corridor may be included within one Activity Center. ~~The municipality shall include within their land use element policies that ensure that the proposed Activity Center will support the location of uses and internal circulation such that pedestrian mobility is a priority. All land uses in an Activity Center shall be directly accessed via pedestrian ways, and accessible to existing or future alternate public transportation modes, including bicycle and transit.~~

**POLICY 2.4.3** Residential use is required as a principal component within an Activity Center. Maximum residential density must be specified by the local government, and must be described in the permitted uses section of the Broward County Land Use Plan and of the local land use element. Residential densities may be specified either as units per gross acre in geographically designated areas and/or as a maximum number of permitted units (e.g. pool of units in the Activity Center).

**POLICY 2.4.4** At least two non-residential uses must be permitted in the Activity Center as a principal use: ~~e.g. retail, office, restaurants and personal services, hotel/motel, light industrial (including “live work” buildings), research business, civic and institutional.~~

~~**POLICY 2.4.5** Minimum and Maximum FAR (Floor Area Ratio) for non-residential uses within an Activity Center~~ intensities must be specified by the local government, and must be described in the permitted uses section of the Broward County Land Use Plan and of the local land use element. ~~Minimum non-residential FARs (Gross) of 2 are encouraged.~~ Non-residential intensities may vary along transit corridors and may be specified ~~at the option of the local government,~~ either as a maximum Floor Area Ratio (FAR) in geographically designated areas and/or as an overall maximum square footage by use [e.g. pool of square footage by permitted use ~~(retail, office etc.)~~ or land use category in the Activity Center ~~(commercial)~~].

~~**POLICY 2.4.6** For proposed new or revised Activity Centers, Broward County shall, to address new proposed dwelling units and impacts, coordinate and cooperate in assisting municipalities to identify existing and proposed policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing to serve such areas.~~

**POLICY 2.4.57** Local governments shall consider community needs for affordable housing when proposing an Activity Center and include within their local land use element policies, methods and programs to achieve and/or maintain a sufficient supply of ~~which encourage~~ affordable housing opportunities, through various mechanisms such as the direction of public housing program funds into the Activity Center, reduced lot size for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, or through other mechanisms proven effective in increasing the affordable housing stock. To promote Activity Centers which propose to include “very low” or “low income” housing as a viable component, Broward County shall support all

reasonable means and methods to mitigate potential negative impacts to public facilities and services which may result from the amendment.

**POLICY 2.4.68** Local governments shall include within their local land use element policies that protect archaeological and paleontological resources and promote the preservation, rehabilitation and use of historic buildings structures within a proposed Activity Center.

~~**POLICY 2.4.9** Local land use elements shall require design guidelines that incorporate pedestrian and bicycle paths and greenways to accomplish fully-connected routes to all destinations within the Activity Center. The paths should be spatially defined by buildings, trees and lighting, and should incorporate designs which discourage high speed traffic.~~

~~**POLICY 2.4.10** To reduce reliance on automobile travel, local governments shall ensure convenient access to high use mass transit stops or multi-modal facilities within a proposed Activity Center.~~

~~**POLICY 2.4.711** Local governments shall include within their local land use element policies that seek to accomplish fully-connected routes to all destinations with the Activity Center by ensuring convenient access to high use mass transit stops or multi-modal facilities, encouraging encourage internal transit systems to serve the residents and employees within the proposed Activity Center (e.g. trolley, community transit services) and incorporating pedestrian and bicycle paths, as well as greenways. Transit shelters should be incorporated in the local design guidelines to provide safe and comfortable service and to encourage transit usage.~~

**POLICY 2.4.812** In consideration of non-residential land uses in areas proposed for designation as an Activity Center, the impact analysis for the designation in the Broward County Land Use Plan may be based on the amount of non-residential development which could be permitted as per the intensity standards of the effective local government land use element, rather than the alternative 10,000 square feet per gross acre standard utilized for non-residential impact analysis.

~~**POLICY 2.4.13** Local land use element policies must include guiding principles for municipal design guidelines to adequately address the transition to adjacent residential development and to promote connectivity to transit stations and stops.~~

**POLICY 2.4.914** Local governments shall include within their local land use element policies that integrate the public realm, through Park land, public plazas, urban open space or green space/pocket park uses that are accessible to the public must be provided as an integrated component within an proposed Activity Center. Public spaces should incorporate amenities such as benches, lighting, landscaping, clocks, fountains, art, drinking fountains, banners, flags and food and beverage vendor areas.

~~**POLICY 2.4.1015** The municipality~~ Local governments shall include within their land use element policies that to ensure that areas designated as Activity Centers include contain design features that promote and enhance pedestrian mobility and safety, including connectivity to transit stops and stations, based on the following characteristics:

- Integrated transit stops ~~with shelter~~, or stations (within the area) to encourage transit usage/multi-modalism and provide safe and comfortable service including amenities such as seating on benches or planter ledges, shade, lighting, trash receptacles, information kiosks and bicycle parking.
- Wide (5 feet shall be the minimum consistent with ADA requirements) pedestrian and bicycle paths that minimize conflicts with motorized traffic and discourage high speed traffic. The paths should be spatially defined by buildings, are adequately landscaped and lighted, shaded and provide ample opportunities for shade and shelter from the elements.
- Buildings should front the street (zero or minimal setbacks are encouraged).
- Vehicle parking strategies that encourage and support transit usage (such as parking that does not front the street, shared parking, parking structures, and/or reduced parking ratios).
- Streets (internal and adjacent to the area) should be designed to discourage isolation and provide connectivity (such as streets in the grid pattern).

~~**POLICY 2.4.16** Local plan policies must include requirements for internal pedestrian and transit amenities to serve the residents and employees within the area designated as an Activity Center (such as seating on benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plaza (such as clocks, fountains, sculpture, drinking fountains, banners, flags and food and refreshment vendor areas).~~

~~**POLICY 2.4.17** The intent of the required design features is to provide guidelines for municipal implementation of the Activity Center land use category. Municipalities are encouraged to use some or all of the above design elements, or to develop other design strategies, which accomplish the goals of using design elements to enhance pedestrian and transit mobility. County review of applications seeking the Activity Center land use category designations will only determine whether the municipality has adopted, through plan policies, a cohesive set of implementation strategies to accomplish the design strategies sought, and will not seek to require a specific design approach or a fixed set of design approaches as a requirement for County approval of the land use designation sought.~~

~~**POLICY 2.4.1118** Municipalities which propose an Activity Center designation shall include policies within their land use element which establish design guidelines for mixed use within their land development codes. Policies should promote an urban form which creates well integrated land use combinations, balances intensity and density, and promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement and is compatible with adjacent land uses. Policies should integrate the public realm, through open space, urban public plazas and/or recreational areas.~~

~~**POLICY 2.4.19** Municipalities which propose an Activity Center designation shall include policies within their land use element which establish appropriate design standards, within their land development codes, to ensure a mixed use development is compatible with adjacent land uses and adjacent adopted Future Land Use designations.~~

**POLICY 2.4.1220** An interlocal agreement between the municipality and Broward County must be executed no later than six months from the effective date of the adoption of an Activity Center which provides that monitoring of development activity and enforcement of permitted land use densities and intensities shall be the responsibility of the affected municipality. A written record reflecting the current status of allocated or assigned dwelling units and floor area square footage for non-residential development for each Activity Center within the municipality’s boundary shall be transmitted to the Planning Council twice per year, during the months of January and July. The referenced written record shall include a tally sheet reflecting the current total dwelling units and floor area square footage for non-residential development as follows:

1. Dwelling units and floor area square footage for non-residential development included per valid plats which have been approved by the municipality and which have restrictive notes reflecting the level of development; and
2. Dwelling units and floor area square footage for non-residential development included per valid site plans which have been approved by the municipality and which are not included per plats as described in 1. above; and
3. Dwelling units and floor area square footage for non-residential development of existing uses which are not included per plats or site plans as described in 1. and 2. above.

...

## **PLATTING AND LAND DEVELOPMENT CODE**

*Policy 2.13.1 has been updated to remove the list of platting exemptions and instead reference Article 4 of the Administrative Rules Document: BrowardNext. See Article 4 for proposed revisions to platting requirements, exemptions and definitions. All changes are indicated in strike-through/underline format.*

...

**POLICY 2.13.1** No unit of local government may grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953. This section will not apply to an application for a building permit which meets ~~any of the following~~ criteria established within Article 4 of the Administrative Rules Document: BrowardNext.:

- ~~(1) construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.~~

- ~~(2) construction on any multi-family or non-residential lot or parcel which is less than ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953.~~
- ~~(3) construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)~~
- ~~(4) construction of single family, infill development that is deed restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."~~
- ~~(5) a building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or~~
- ~~(6) a building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.~~

~~Provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:~~

- ~~(1) compliance with the applicable land development regulations; and~~
- ~~(2) any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.~~

~~The Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan.~~

...

## **TRANSFER OF DEVELOPMENT RIGHTS**

*Policy 2.34.1. has been updated to incorporate the definition of a sending area within the policy rather than retaining it as program requirement of the policy. All changes are indicated in strike-through/underline format.*

**POLICY 2.34.1** Municipalities may adopt “Transfer of Development Rights” (TDR) programs within their jurisdictions, or, with other Broward County local governments pursuant to a legally binding agreement, and in accordance with this Plan. A TDR “sending area” must further a public purpose, such as, but not limited to, enabling the creation of significant public or private open space areas or corridors, protect environmentally sensitive lands, historical/archaeological resources, or areas identified as appropriate for climate resiliency strategies (e.g. repetitive loss properties, Priority Planning Areas, or Adaptation Action Areas). ~~At a minimum, a~~ A TDR program must include the following:

1. Any TDR “receiving area” must be identified and designated in advance of any action to transfer rights from a TDR “sending area.”
2. Broward County’s barrier island (i.e. land east of the Intracoastal Waterway) is not eligible to be a TDR “receiving area,” unless the associated “sending area” is from within the barrier island and meets all other criteria of this policy.
- ~~3. A TDR “sending area” must further a public purpose, such as, but not limited to, enabling the creation of significant public or private open space areas or corridors, protect environmentally sensitive lands, historic/archaeological resources, or areas identified as appropriate for climate resiliency strategies (e.g. “repetitive loss” properties, “Priority Planning Areas,” or “Adaptation Action Areas”)~~
43. A TDR program must ensure that any “sending area” properties which utilize the program do not have any legal residual development rights that are not consistent with the stated public purpose to be furthered by the TDR program.
54. A municipal TDR program must ensure that “sending area” properties which utilize the program are properly managed and maintained after development rights have been transferred.
65. A TDR “receiving area” must be, by the applicable municipality, suitable and preferred for growth and redevelopment and be within areas such as “activity centers,” designated on

the Broward County Land Use Plan, and/or identified redevelopment areas approved by Broward County.

76. Prior to TDR allocations to a property within a designated “receiving area,” municipalities must demonstrate that resulting development will address the following:

- be compatible with adjacent existing and planned land uses;
- public facilities and services (e.g. potable water, sanitary sewer, solid waste, transportation, etc.) will be adequate, consistent with adopted level of service standards;
- meet applicable storm evacuation standards
- not negatively impact environmental and historic resources.

87. The chief elected official and municipal manager, or equivalent, of municipalities and unincorporated areas located within 1,000 feet of a proposed TDR “receiving area” must be notified in writing at least 30 days prior to the first hearing and 30 days prior to any adoption hearing.

...

## **REDEVELOPMENT UNITS**

*Policy 2.35.1 continues to maintain the general purpose and definition of redevelopment units and has been updated to eliminate redundancies contained in Article 3 of the Administrative Rules Document: BrowardNext. See Article 3, as well as Appendix 3 for proposed revisions to redevelopment units and flexibility units. All changes are indicated in strike-through/underline format.*

**POLICY 2.35.1** “Redevelopment Units” are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext - Broward County Land Use Plan. Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, subject to the following: in accordance with this Plan and the criteria established within the “Administrative Rules Document: BrowardNext.”

- ~~Demonstrate sufficient capacity for impacts to public facilities and services, including public schools.~~
- ~~The Planning Council and County Commission shall hold one public hearing with “due public notice” to approve the allocation.~~
- ~~The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, if the municipality demonstrates a commitment for at least 10% very low or low~~

~~affordable housing, with a legally enforceable mechanism for a minimum period of 15 years.~~

- ~~• For subsequent municipal requests for “redevelopment units” after the first allotment, the Planning Council may consider the number of additional dwelling units at one public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to a review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.~~

Criteria:

- ~~• The municipality shall identify areas which are appropriate and not appropriate for allocations of “redevelopment units” consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, vision plans, or similar plans that have been the subject of municipal public participation and input.~~
- ~~• For site specific allocations, the municipality shall ensure compatibility of land uses and demonstrate sufficient capacity for impacts to public facilities and services.~~
- ~~• The municipality shall ensure compliance with Broward County Land Use Plan policies regarding affordable housing.~~
- ~~• “Redevelopment Units” are not applicable to areas east of the Intracoastal Waterway.~~
- ~~• Municipal site specific allocations will remain subject to the “compatibility review” requirements of the BCLUP. In addition, site specific allocations of greater than 150 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.~~
- ~~• Allocations are eligible to lands designated “Activity Center,” “Commerce” and “Residential” on the Broward County Land Use Plan.~~
- ~~• The maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000. For those municipalities which have more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2017 BrowardNext Broward County Land Use Plan, at such time a municipality assigns 5,000 dwelling units from the municipal pool, the municipality may request the Planning Council approve an additional allocation of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via the Broward County Land Use Plan’s definitions regarding the calculation for such units and the certified municipal table.~~
- ~~• Municipal site specific allocations in areas designated within Priority Planning Areas for Sea Level Rise shall consider: a. Sea level rise/flood protection mitigation strategies and~~

~~requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.~~

# ATTACHMENT 2

## ADMINISTRATIVE RULES DOCUMENT: *BrowardNext*

Note: Underlined words are proposed additions. ~~Struck-through~~ words are proposed deletions.

### ARTICLE 3: FLEXIBILITY, REDEVELOPMENT UNITS AND SPECIAL RESIDENTIAL FACILITIES

*Article 3 has been updated to reflect the public notice and hearing procedure for redevelopment unit allocations in Section 3.3. It also reflects minor changes in Sections 3.4 and 3.5. All changes are indicated in strike-through/underline format.*

...

#### 3.3 REDEVELOPMENT UNITS

- (A) Redevelopment units, as defined in Section 2, “Definitions,” of the Broward County Land Use Plan, means additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan.
- (B) Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less.
- (C) The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less, if the municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism recorded in the public records of Broward County, Florida, to the satisfaction of Broward County, for a minimum period of ~~45~~ 30 years.
- (D) Assignment of redevelopment units by a local government shall be subject to meeting the provisions and criteria of ~~Policy 2.35.1 of the Broward County Land Use~~ Appendix 3 of this Document.
- (E) Upon assignment of redevelopment units, the local government shall notify the Planning Council in writing and submit revised charts, in the format certified by the Planning Council, which reflect the current total.
- (F) The Planning Council, upon determination that a local government has failed to report assignment of redevelopment units in a timely or sufficient manner or has assigned redevelopment units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to

enforce the requirements of the Broward County Land Use Plan and this document.

(G) The Planning Council and County Commission shall hold one (1) public hearing with “due public notice” to approve the initial allocation.

(H) For subsequent municipal requests for “redevelopment units” after the first allotment, the Planning Council may consider the number of additional dwelling units at one (1) public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to a review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.

### **3.4 COMPATIBILITY REVIEW CRITERIA**

(A) Compatibility determinations required per Policy 2.10.1 of the Broward County Land Use Plan shall be based upon the following considerations:

- (1) The density and intensity of the land use(s) resulting from the application of flexibility.
- (2) The density and intensity of existing and planned land uses adjacent to the site.
- (3) Comprehensive plan requirements, land development code provisions, zoning regulations, adopted design guidelines or other measures in place to ensure compatibility.
- (4) Impact of proposed increases in residential density on public school enrollments and capacity, including consideration of any proposed mitigation for density increases impacting overcrowded schools.
- (5) Impact on public beach access, including any reduction in public access points or public rights-of-way providing access to the beach.

(B) For allocations of flexibility ~~or redevelopment~~ units to sites east of the Intracoastal Waterway which may impact access to public beaches, the allocating municipality shall notify the County Commission or its designee of proposed municipal allocations of flexibility which would alter an existing public access point or public right-of-way providing access to the beach.

(C) For allocations of flexibility or redevelopment units to sites which are contiguous to another municipality:

- (1) The allocating municipality shall notify applicable contiguous municipalities and the County Commission or its designee of a proposed municipal allocation of flexibility.
  - (2) After receipt of the above notice, a contiguous municipality has 30 days to notify the County Commission or its designee and the allocating municipality of a request for a compatibility review.
  - (3) Upon receipt of a request for a compatibility review by a contiguous municipality, Broward County will notify the allocating municipality within 15 days ~~that~~ if the County will be electing to ~~conducting~~ a compatibility review.
- (D) For allocations of flexibility or redevelopment units to sites adjacent to an Environmentally Sensitive Land, Broward County or regional park as defined within the Broward County Comprehensive Plan:
- (1) The allocating municipality shall notify the County Commission or its designee of the proposed allocation of flexibility.
  - (2) After receipt of the municipal notice, the County Commission or its designee shall have 45 days to notify the municipality if a review is required upon a finding that such proposed municipal allocation of flexibility may be incompatible with the Environmentally Sensitive Land, Broward County or regional park.
  - ~~(3) Broward County shall provide all Broward municipalities with a map identifying the Environmentally Sensitive Lands, Broward County and regional parks which are subject to these provisions.~~
  - (43) For the purpose of this section, adjacent is defined as attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
- (E) Compatibility review determinations shall be made by the County Commission following a public hearing. County staff shall complete the staff report on each application and schedule the public hearing within 8 weeks of receiving a completed application.
- (F) Broward County shall provide reasonable notice of the County's compatibility review public hearings. The County shall give at least 10 days' notice in a newspaper of general circulation indicating the location and size of the property, future land use designation and proposed number of flexibility or redevelopment units.

### 3.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE

(A) A certified local land use plan may allow a different arrangement of commercial and residential acreage than that shown on the Broward County Land Use Plan, if consistent with all of the following provisions:

(1) The land designated “Commercial” or “Commerce” on the ~~Broward County~~ local Land Use Plan (see Policy 2.3.4 of the Broward County Land Use Plan) may be decreased by twenty percent (20%) and (re)designated to a land use category consistent with the residential land use categories of the ~~Broward County~~ local Land Use Plan. (Re)designation to a residential land use category is subject to the following rules and regulations:

- a. The local government must assign available flexibility units or redevelopment units in compliance with the provisions of Section 3.2 (Flexibility Units) or Section 3.3 (Redevelopment Units), of this document; or
- b. The local government must correspondingly reduce, within the local land use element, the density of a residential area so that the total number of permitted dwelling units allowed within the municipality is not increased.

(2) The local land use plan may permit up to five percent (5%) of the area designated for residential use on the Broward County Land Use Plan to be used for offices and/or neighborhood retail sales of merchandise or services, subject to compliance with Policy 2.10.1 of the Broward County Land Use Plan. No such contiguous area may exceed ten (10) acres in size. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.

This five percent (5%) residential-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 2.10.1 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the residential permitted uses section of the local land use plan.

(3) A mixed residential and retail sales or office land use may be permitted by the local land use plan in areas designated for “Medium,” “Medium-High” or “High” residential density on the Broward County Land Use Plan, subject to the local land use plan providing:

- a. That no more than fifty percent (50%) of the floor area in a

building shall be used for retail sales or offices; and

- b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (4) Residential and/or mixed commercial/residential developments may be permitted by the local land use plan in areas designated “Commerce” on the Broward County Land Use Plan Map, subject to the following:
- a. The local government shall apply available flexibility and/or redevelopment units in compliance with Articles 3.2 and 3.3 of this document; and
  - b. For parcels up to ten (10) acres in size, free-standing multi-family residential uses or mixed commercial/residential developments are permitted; and
  - c. Within areas east of the Intracoastal Waterway, in no instance shall the residential density exceed 25 dwelling units per acre or 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less; and
  - d. In no instance shall the total residential uses exceed 20% of the land area designated “Commerce” or “Commercial” within the municipality.
  - e. The above referenced limitations are not applicable to Policy 2.16.4.
- (5) The arrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

## ARTICLE 4: PLATTING REQUIREMENTS, EXEMPTIONS AND DEFINITIONS

*Article 4 has been updated to memorialize formal platting interpretations in Section 4.4 and revised definitions consistent with the BCLUP and this Article in Section 4.3. The illustrative examples are proposed for deletion as they do not represent all possible exemptions, pertinent language accompanying the illustrations is reflected within Sections 4.3 and 4.4. It also reflects minor changes in Sections 4.1 and 4.2. All changes are indicated in strike-through/underline format, noting that double-underlined words are proposed additions and double strike-through words are proposed deletions based on comments received from interested parties.*

### 4.1 PURPOSE

The purpose of this Article is to provide definitions, rules for exemptions and other guidelines related to the countywide platting requirements under Policy 2.13.1 of the BrowardNext - Broward County Land Use Plan, adopted April 25, 2017, as amended. Article 4 is intended to be a self-contained document which explains the platting determination process in a comprehensive manner.

### 4.2 COUNTYWIDE PLATTING AUTHORITY AND REQUIREMENTS AS CONTAINED IN THE BROWARD COUNTY LAND USE PLAN

Section 8.11 of the Broward County Charter requires that “The County Commission shall enact an ordinance establishing standards, procedures and minimum requirements to regulate and control the platting of lands located within the County. The County Commission must approve plats of land lying within the County prior to recording the plat in the County’s Official Records.”

Policy 2.13.1 of the Broward County Land Use Plan states “No unit of local government may grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953.”

### 4.63 DEFINITIONS\*

\*Definitions are duplicated from those within the Broward County Land Use Plan (not including “Combined Parcel,” “Infill Development,” “Original Principal Building,” guidelines under the definition of “Principal Building” and “Specifically Delineated” ~~examples under the definition of “Lot or Parcel of Record”~~)

**BUILDING** - Any structure having a roof and used or built for the shelter or enclosure of persons, animals, ~~chattels~~, or property of any kind.

BUILDING PERMIT -

- (A) Any permit for the erection or construction of a new building or structure as required by the Florida Building Code and Broward County Administrative Provisions, as amended, or
- (B) Any permit for each addition or renovation to an existing building which would:
  - (1) create one or more ~~additional~~ dwelling units, ~~or~~
  - (2) ~~involve~~ be required for renovations necessary for a change in the occupancy of a building as described by in the Florida Building Code and Broward County Administrative Provisions, as amended, or
- ~~(C) Any permit which would~~
  - (3) be required for the non-residential operations included by in the Florida Building Code and Broward County Administrative Provisions, as amended.

COMBINED PARCEL - A parcel(s) consisting of any combination of unplatted land, land recorded in a plat on or before June 4, 1953 and/or land recorded in a plat after June 4, 1953 that was approved by the Broward County Commission.

INFILL DEVELOPMENT - The development of new housing on scattered vacant lots in a built-up area.

~~LOT OR PARCEL OF RECORD - A quantity of real property described as a single unit and identified in a deed and/or plat recorded in the public records of a county in the State of Florida. (Examples of a lot or parcel of record include warranty deed, fee simple deed, quit claim deed, etc.)~~

LOT - A tract or parcel of land designated and identified as a single unit of area in a subdivision plat recorded in the Official Records of Broward County, Florida.

ORIGINAL PRINCIPAL BUILDING - The total gross floor area devoted to the principal use on a parcel as of November 22, 1978, which was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.

PARCEL OF LAND - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

PRINCIPAL BUILDING - A building which is occupied by, or devoted to, a principal use or an addition to an existing principal building which is larger than the original existing building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one principal building on a parcel.

Guidelines for defining a principal building are further identified as follows:

(A) A principal building includes:

- (1) A new building on an undeveloped lot or parcel.
- (2) An attached addition to an existing building which addition or cumulative additions are greater than one hundred percent (100%) of the gross floor area of the original principal building to which the addition is to be attached.

~~(For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978, which was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)~~

- (3) An unattached building, regardless of size, located on a developed lot or parcel, which is not clearly secondary in function to the principal building(s) on the lot or parcel.
- (4) An unattached building on a developed lot or parcel which contains a gross floor area greater than any principal building(s) on the lot or parcel.

(B) A principal building does not include:

- (1) A building which is an accessory use to property devoted solely to an agricultural, open space or recreational principal use. ~~Or~~
- (2) ~~a~~An unmanned building which is an accessory use to property devoted solely to a communication or utility principal use.
- (3) A temporary structure, such as sales trailer.

SPECIFICALLY DELINEATED - A lot or parcel of land which has been specifically delineated in a recorded plat is one which can be described solely by reference to a recorded plat and one or more identifying numbers such as a block and lot number. For example, Lot 5, Block 3 of John Doe Subdivision as recorded in Plat Book 7, Page 48 is a specifically delineated lot. A description such as "the north 300 feet of Lot 5" or "the south one-half of Tracts 6 and 7" are examples of parcels which are not specifically delineated lots.

STRUCTURE - Anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and ~~advertising freestanding signs.~~

#### 4.34 EXEMPTIONS

The platting requirements shall not apply to an application for a building permit which meets any of the following criteria, subject to the requirement that any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement:

- (A) Exemption for two (2) or fewer residential dwelling units  
Policy 2.13.1 does not require (re)platting ~~in instances involving~~ for construction of two (2) or fewer residential dwelling units. Applications for two (2) or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt. ~~Said exemption is subject to the requirement that any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.~~
- (B) Exemption for small parcels platted on or before June 4, 1953  
Policy 2.13.1 does not require (re)platting for construction on any ~~multi-family~~ unified residential or non-residential lot or parcel which is smaller than 10 acres in size, the majority of which has been specifically delineated on a plat recorded on or before June 4, 1953, and is unrelated to any adjacent development. It is noted that lands dedicated for right-of-way purposes do not negatively impact the determination of whether or not a subject property meets the specifically delineated requirement.
- (C) Exemption for parcels platted after June 4, 1953  
Policy 2.13.1 does not require (re)platting of parcels included in plats approved by the Broward County Commission and recorded after June 4, 1953. (This is the date the Broward County Commission began approving plats prior to recordation.) Land platted after June 4, 1953 (which commences at Plat Book 32, Page 15), may be divided by metes and bounds and developed in accordance with local regulations and the effective land use plan, unless local regulations are more restrictive and would require platting.
- (D) Exemption for combined parcels  
~~When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with land which has been included in a plat recorded before June 4, 1953, but not specifically delineated, or vacated rights-of-way and the~~

~~enlarged parcel is less than 10 acres in size, Policy 2.13.1 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement.~~

Policy 2.13.1 does not require (re)platting of combined parcels which are smaller than 10 acres in size, when:

- (1) the majority of the combined parcel is included in a plat that has been approved by the Broward County Commission and recorded after June 4, 1953; and/or
- (2) the majority of the combined parcel is specifically delineated in a plat recorded on or before June 4, 1953.

It is noted that the minority of the combined parcel may be comprised of unplatted land, vacated right-of-way and/or land included in a plat recorded on or before June 4, 1953, but not specifically delineated.

- (DE) Exemption for replacement buildings  
Policy 2.13.1 does not require (re)platting for construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. ~~(For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)~~
- (EE) Exemption for infill development  
Policy 2.13.1 does not require (re)platting for construction of single-family or duplex, infill development that is deed-restricted to affordable housing for a time period of at least ~~fifteen (15)~~ thirty (30) years. ~~For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."~~

In addition, a local government may grant an application for a building permit for the construction of a principal building on a parcel of land which meets the following criteria:

- (A) A building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a

finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or

- (B) A building permit may be issued for an essential governmental facility after preliminary plat review where the Board of County Commissioners finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made by resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.

Provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:

- (A) Compliance with the applicable land development regulations; and
- (B) Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.

The Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan.”

#### **4.45 GUIDELINES REGARDING DEDICATION OF TRAFFICWAYS**

- (A) Policy 2.13.1 requires compliance with the Broward County Trafficways Plan for all proposed development in Broward County except in the following situations:
  - (1) The proposed development does not involve construction of a principal building, or
  - (2) The parcel containing the proposed development has been platted subsequent to June 4, 1953.
- (B) Regardless of platting requirements, the Broward County Land Use Plan (Policy 2.17.6) prohibits local governments from issuing building permits or development orders for construction or permits for the fulfillment of site requirements within Broward County Trafficways corridors.

#### **4.56 REQUIREMENTS FOR LOCAL JURISDICTIONS**

Policy 2.13.3 of the Broward County Land Use Plan states that local jurisdictions shall adopt land development regulations that require platting at least in those circumstances where the Broward County Land Use Plan requires platting. Local jurisdictions may have ordinances which require platting in more situations than the Broward County Land Use Plan. Individuals should investigate local regulations concerning platting even if platting is not required for a proposed development by Policy 2.13.1 of the Broward County Land Use Plan.

#### **4.7 RELOCATION OF BUILDINGS**

Relocation of a building to or within a site shall be deemed construction if the building will be secured on a slab or other foundation.

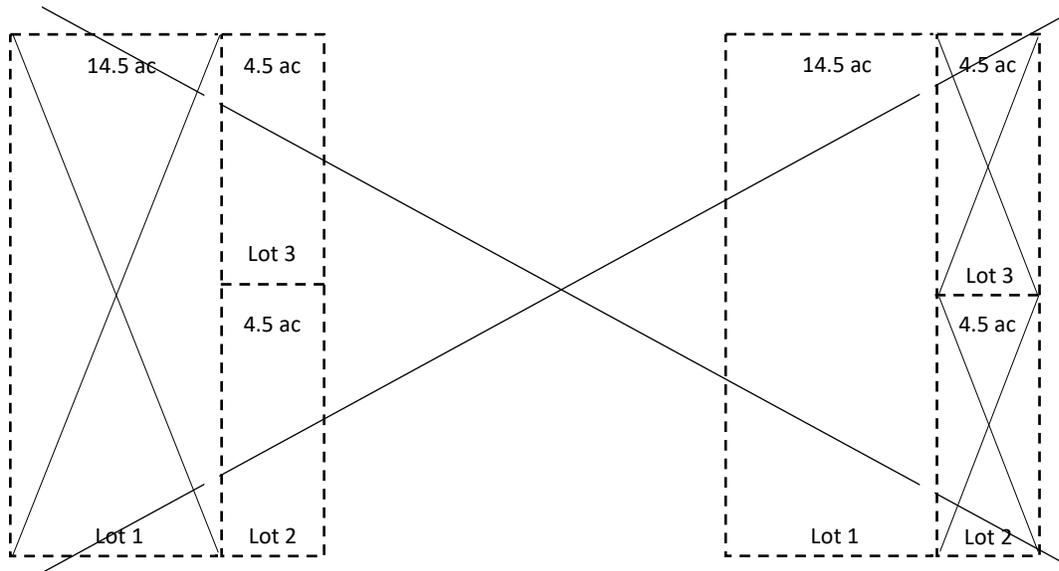
#### **4.8 GUIDELINES FOR MOBILE HOMES**

Mobile homes which do not require building permits are not subject to the requirements of Policy 2.13.1.

**(Example 1 – What does “specifically delineated” mean?)**

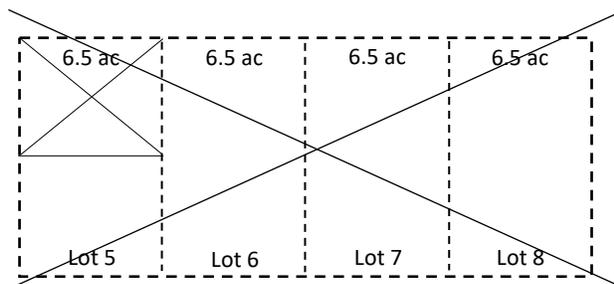
A lot or parcel which has been specifically delineated in a recorded plat is one which can be described solely by reference to a plat and one or more identifying numbers such as a block and lot number. For example, Lot 5, Block 3 of John Doe Subdivision as recorded in Plat Book 7, Page 48 is a specifically delineated lot. A description such as “the north 300 feet of Lot 5” or “the south one half of Tracts 6 and 7” are examples of parcels which are not specifically delineated lots.

For lot(s) which were included in a plat recorded on or before June 4, 1953, and less than 10 acres in size, replatting would not be required to construct a principal building on said lot(s), assuming each development is unrelated and as long as all Broward County Trafficways have been conveyed to the public by deed or easement. Replatting would be required for Lot 1 as shown below to construct a principal building since it is more than 10 acres in size.



~~Lot 1 – Specifically delineated but greater than 10 acres – Replatting is required~~

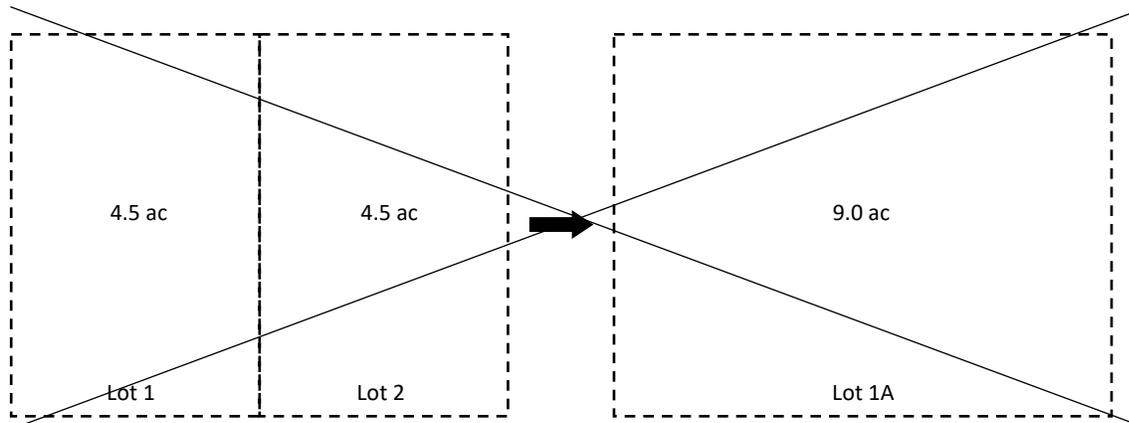
~~Lots 2 and 3 – Specifically delineated and less than 10 acres – Replatting is not required~~



~~North 300 feet of Lot 5 – Non-specifically delineated lot – Replatting is required~~

**(Example 2 – Combining specifically delineated lots)**

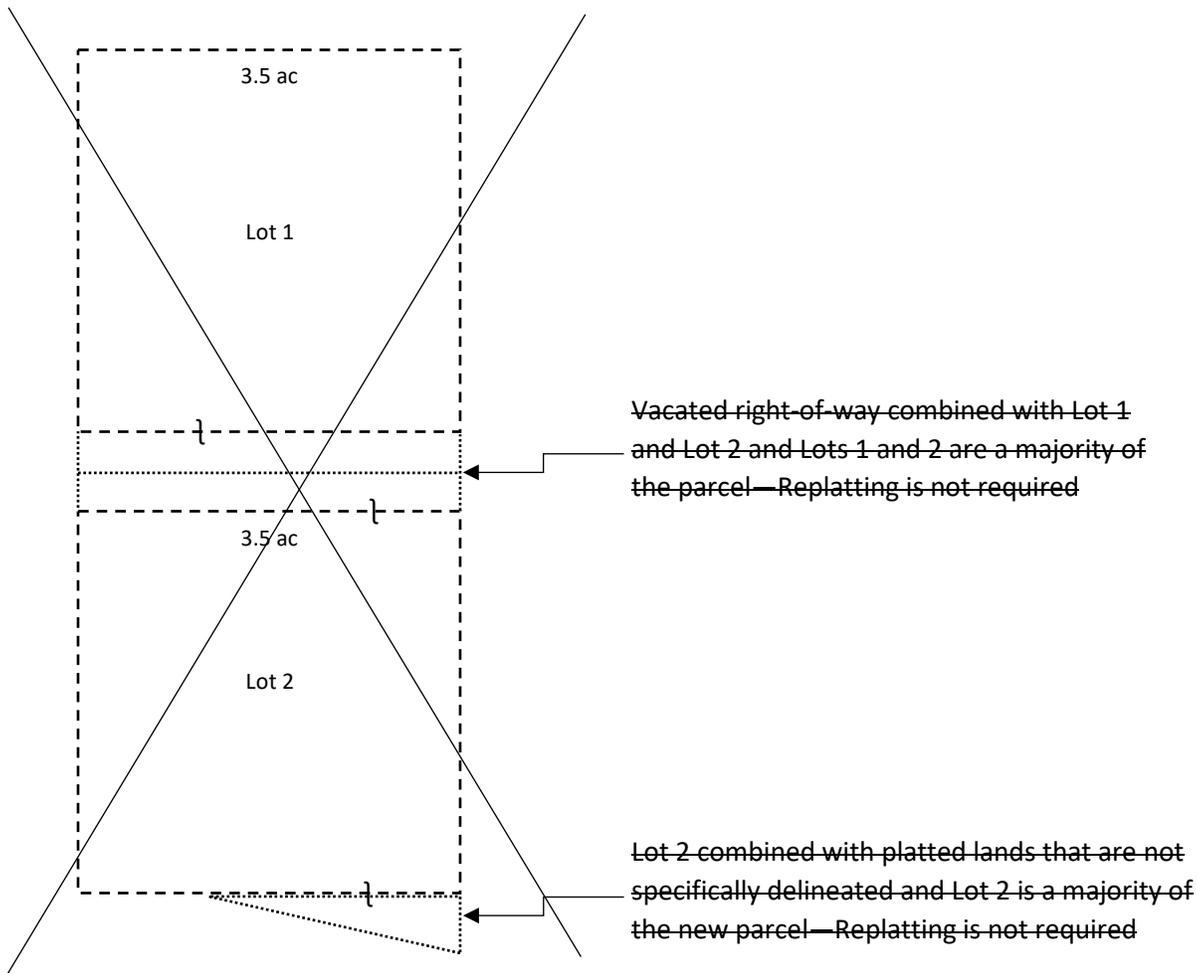
When an individual proposes to combine lots which are specifically delineated in a plat recorded on or before June 4, 1953, into a larger parcel, but one still smaller than 10 acres (see graphic below), replatting is not required by Policy 2.13.1, as long as all Broward County Trafficways have been conveyed to the public by deed or easement.



~~Lots at Left Combined into Parcel at Right and new Lot 1A is less than 10 acres — Replatting is not required~~

**(Example 3 – Combining specifically delineated lots with other platted property or vacated rights-of-way)**

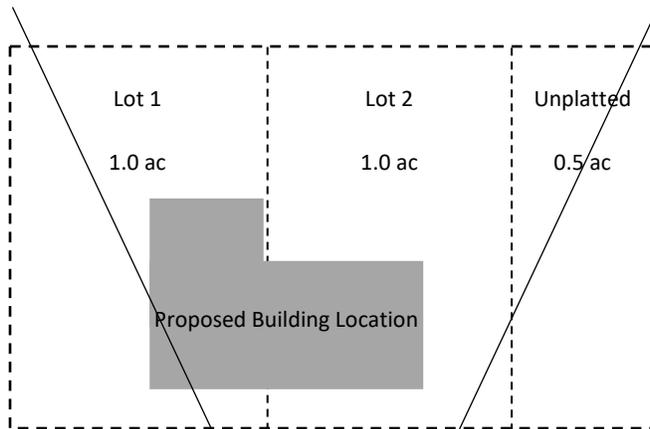
When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with land which has been included in a plat recorded before June 4, 1953, but not specifically delineated, or with vacated rights of way and the enlarged parcel is less than 10 acres in size, Policy 2.13.1 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement (see graphic below).



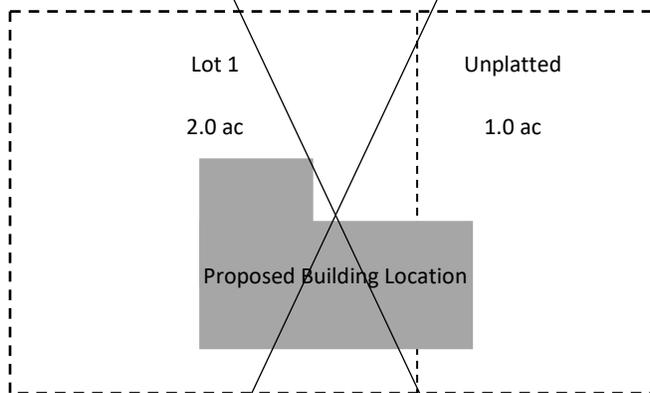
**~~(Example 4 – Combining specifically delineated lots with unplatted property)~~**

~~When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with unplatted property, and the enlarged lot or parcel is smaller than 10 acres and will contain a principal building, Policy 2.13.1 would require platting of the unplatted portion if:~~

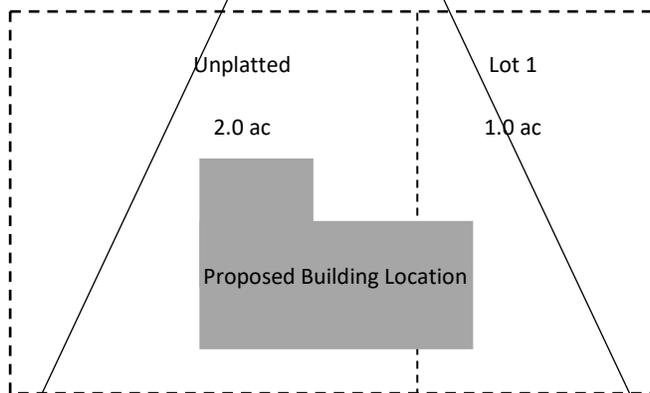
- ~~(A) a principal building is to be located on the unplatted portion; or~~
- ~~(B) the unplatted portion constitutes a majority of the enlarged lot or parcel.~~



~~Unplatted property combined with specifically delineated lots, with principal building located within specifically delineated lots—Platting is not required~~



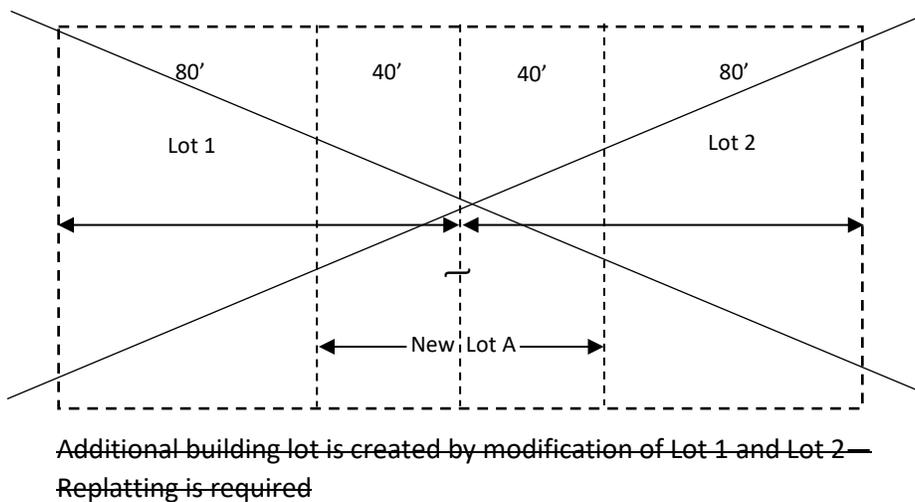
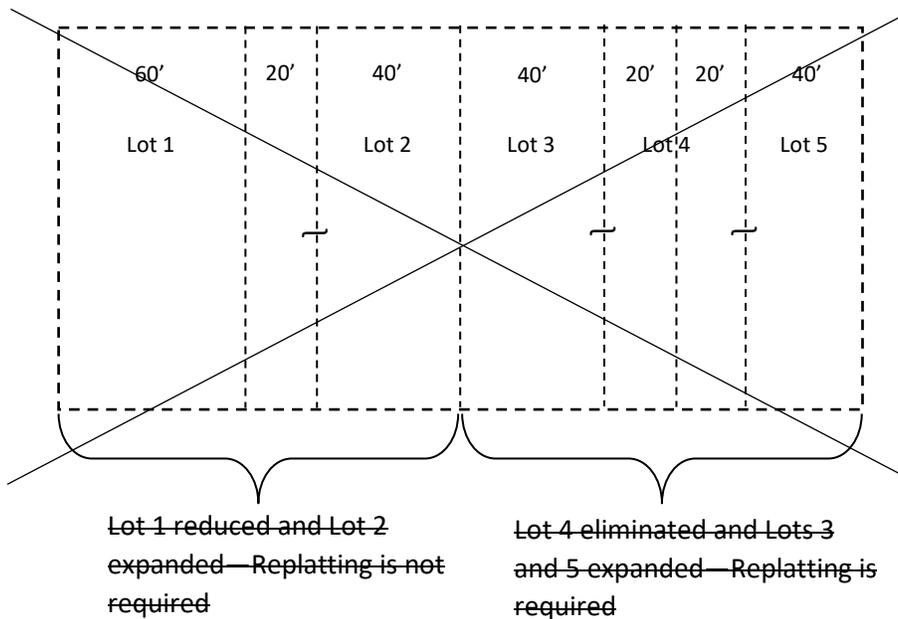
~~Unplatted property combined with specifically delineated lot, with principal building located within unplatted land—Platting is required~~



~~Unplatted property combined with specifically delineated lot, with unplatted land a majority of the combined parcel—Platting is required~~

**(Example 5 – Modification of specifically delineated lot lines)**

When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is smaller than 10 acres and it is reduced in size in combination with enlarging a contiguous specifically delineated lot or parcel and no additional building lots or parcels are created by the modification of the lot lines, Policy 2.13.1 would not require replatting of the reduced lot or parcel, provided that all Broward County Trafficways have been conveyed to the public by deed or easement (see graphic below).



## **APPENDIX 3: APPLICATION FOR BROWARD COUNTY LAND USE PLAN REDEVELOPMENT UNITS AND RELEASE OF FLEXIBILITY UNITS**

### **A. REDEVELOPMENT UNITS**

TWO COPIES OF THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE A REQUEST FOR ALLOCATION OF REDEVELOPMENT UNITS WILL BE ACCEPTED FOR PROCESSING:

1. Submittal letter from the chief elected official/city manager/planning director (copy chief elected official/city manager) indicating the local governing body has acted to transmit the request for redevelopment units by motion or resolution. The motion or resolution must include the number of redevelopment units being requested.
- ~~1.2.~~ Updated flexibility table demonstrating that fewer than 250 combined “flexibility units” or “redevelopment units,” or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less, are available within the municipality.
3. Indicate support documents that describe how the municipality has identified appropriate areas for allocations of “redevelopment units,” such as adopted municipal plans, comprehensive plans, redevelopment plans, master plans or similar plans that have been the subject of municipal public participation and input.
- ~~2.4.~~ Map identifying areas, as well as main transit corridors, which are appropriate (receiving areas) and not appropriate (non-receiving areas) for allocations of “redevelopment units” (i.e. receiving areas) consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, vision master plans, or similar plans that have been the subject of municipal public participation and input.
- ~~4.5.~~ The municipality shall ensure Describe how the municipality will compliance comply with Broward County Land Use Plan policies regarding affordable housing.
- ~~3.6.~~ For site-specific allocations, Describe how the municipality shall ensure compatibility of land uses and demonstrate sufficient capacity for impacts to public facilities and services, including public schools.
7. Demonstrate sufficient capacity for impacts to public facilities and services, including public schools, as follows:
  - a. Indicate the facility serving the area, current plant(s) capacity, current and committed demand and planned capacity expansions for potable water, sanitary sewer and solid waste.
  - b. Provide correspondence of public facilities and service providers verifying the information above.
  - c. Provide an updated table of community parks and open space and demonstration that the parks requirement of 3 acres per 1,000 persons is met.

- d. Provide documentation that a public school consistency review shall be obtained for any site specific allocation of redevelopment units.
8. For allocations in areas within Priority Planning Areas for Sea Level Rise, indicate:
    - a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or
    - b. Flood protection improvements committed to by applicants which would mitigate or enhance flood protection and adaptation from rising sea levels.
  9. Draft of proposed voluntary commitment(s)/mitigation. Noting that, if the requested redevelopment unit allocation is approved subject to voluntary commitment(s), effectiveness of the approval shall not occur until a legally enforceable agreement(s) (to the satisfaction of the appropriate agencies) regarding the voluntary commitment(s) is recorded in the public record of Broward County, and a copy of the appropriately reviewed, executed, and recorded document(s) is provided to Planning Council staff.

THE FOLLOWING RULES AND REGULATIONS MUST BE ADHERED TO FOR MUNICIPAL ALLOCATIONS OF REDEVELOPMENT UNITS:

1. ~~“Redevelopment Uunits” are shall not applicable be allocated~~ to areas east of the Intracoastal Waterway.
2. ~~Municipal site specific a~~Allocations will remain subject to the “compatibility review” requirements of Policy 2.10.1 of the BCLUP. In addition, site specific allocations of greater than ~~150~~ 250 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.
3. Allocations of “redevelopment units” are eligible to lands designated “Activity Center,” ~~“Commerce”~~ “Commercial” (or equivalent category) and “Residential” on the ~~Broward County municipal l~~and Use Plan.
4. ~~The maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000. For those municipalities which have more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2017 BrowardNext — Broward County Land Use Plan, at such time a municipality assigns 5,000 dwelling units from the municipal pool, the municipality may request the Planning Council approve an additional allocation of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via the Broward County Land Use Plan’s definitions regarding the calculation for such units and the certified municipal table.~~
5. ~~Municipal site specific allocations in areas designated within Priority Planning Areas for Sea Level Rise shall consider:~~ a. Sea level rise/flood protection mitigation strategies and

~~requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.~~

- ~~6.4.~~ The Planning Council and County Commission shall each hold one public hearing with “due public notice” to approve the initial allocation.
- ~~7.5.~~ An application for the allocation of redevelopment units may be up to 500 dwelling units, or 10% of the number of dwelling units permitted by the certified land use plan, whichever number is less. The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, if the municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism for a minimum period of ~~15~~ 30 years.
- ~~8.6.~~ For subsequent municipal requests for “redevelopment units” after the first allotment, the Planning Council may consider the number of additional dwelling units at one public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to a review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.

## **B. RELEASE OF FLEXIBILITY UNITS**

TWO COPIES OF THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE A REQUEST TO RELEASE FLEXIBILITY UNITS WILL BE ACCEPTED FOR PROCESSING:

1. Submittal letter from the chief elected official/city manager/planning director (copy chief elected official/city manager) indicating the local governing body has acted to transmit a request for the release of “flexibility units” by motion or resolution and indicate that the maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000.
2. Flexibility table demonstrating that the municipality had more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2017 BrowardNext - Broward County Land Use Plan.
3. Map identifying areas, as well as main transit corridors, which are appropriate for allocations of “flexibility units” (i.e. receiving areas) consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, master plans, or similar plans that have been the subject of municipal public participation and input.
4. Indicate support documents that describe how the municipality has identified appropriate areas for allocations of “flexibility units,” such as adopted municipal plans,

comprehensive plans, redevelopment plans, master plans or similar plans that have been the subject of municipal public participation and input.

5. Describe how the municipality will comply with Broward County Land Use Plan policies regarding affordable housing.
6. Describe how the municipality shall ensure compatibility of land uses.
7. Demonstrate sufficient capacity for impacts to public facilities and services, including public schools, as follows:
  - a. Indicate the facility serving the area, current plant(s) capacity, current and committed demand and planned capacity expansions for potable water, sanitary sewer and solid waste.
  - b. Provide correspondence of public facilities and service providers verifying the information above.
  - c. Provide an updated table of community parks and open space and demonstration that the parks requirement of 3 acres per 1,000 persons is met.
  - d. Provide documentation that a public school consistency review shall be obtained for any site specific allocation of “flexibility units.”

THE FOLLOWING RULES AND REGULATIONS MUST BE ADHERED TO FOR THE RELEASE OF FLEXIBILITY UNITS:

1. The Planning Council shall hold one public hearing with “due public notice” to approve each release of up to 5,000 “flexibility units.”
2. At such time that 5% or fewer “flexibility units” remain from the initial and/or previous municipal request for the release of “flexibility units,” the Planning Council may consider an additional allocation of up to 5,000 “flexibility units.”

## ATTACHMENT 3.A.

### Response Document – Clean up and Enhancement Amendment PCT 22-1 May 2022

**Comment from City of Fort Lauderdale**

**Received: March 11, 2022**

**Comment:** *Will the Planning Council define a time by which our Future Land Use Elements will need to conform to these amendments?*

**Response:** The proposed amendments do not require a local government to amend its plan or update its Future Land Use Element.

**Received: April 7, 2022**

**Comment:** *Do you have a summary of the changes to the platting requirements? We're trying get a better understanding of the changes.*

**Response:** A summary of the proposed changes is included in the beginning of Article 4 as follows: Article 4 has been updated to memorialize formal platting interpretations in Section 4.4 and revised definitions consistent with the BCLUP and this Article in Section 4.3. The illustrative examples are proposed for deletion as they no longer represent all possible exemptions, pertinent language accompanying the illustrations is reflected within Sections 4.3 and 4.4. It also reflects minor changes in Sections 4.1 and 4.2. All changes are indicated in strike-through/underline format.

**Comment from City of Pompano Beach**

**Received: March 22, 2022**

**Comment:** *There should be an exemption from the plat note amendment process for the addition of accessory structures that do not increase the square footage of the original structure or leasable space, such as pergolas/shade structures.*

**Response:** The plat note amendment process is outside the purview of the BCLUP, noting that Section 4.3 identifies platting exemptions, including an exception for accessory structures regardless of size. The suggestion has been shared with the Broward County Urban Planning Division (UPD), which oversees the plat note amendment process through the Broward County Land Development Code (LDC). The UPD has indicated that the LDC exempts unenclosed roofed areas up to 100 square feet in size. The LDC plat note amendment process regarding accessory structures is incongruent with the platting exemptions of the Administrative Rules Document and the UPD should consider revising the LDC for consistency.

**Comments from Broward County Urban Planning Division**

**Received: March 23, 2022**

**SECTION 2: POLICIES – PLATTING AND LAND DEVELOPMENT CODE**

**Comment:** *No comments.*

**Response:** **Noted.**

**ARTICLE 4 - Platting Requirements, Exemptions and Definitions**

4.3 Definitions

**Comment:** *Suggest rewording for clarity: SPECIFICALLY DELINEATED - A lot or parcel of land ~~which has been specifically delineated in a recorded plat is one~~ which can be described solely by reference to a recorded plat and one or more identifying numbers such as a block and lot number. For example, Lot 5, Block 3 of John Doe Subdivision as recorded in Plat Book 7, Page 48 is a specifically delineated lot. A description such as “the north 300 feet of Lot 5” or “the south one-half of Tracts 6 and 7” are examples of parcels which are not specifically delineated lots.*

**Response:** **Definition has been modified as noted above. See Page 8 of Attachment 2.**

4.4 Exemptions

(D) Exemption for combined parcels

**Comment:** *Suggest rewording to make it easier to comprehend:*

~~*When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with land which has been included in a plat recorded before June 4, 1953, but not specifically delineated, or with vacated rights of way and the enlarged parcel is less than 10 acres in size, Policy 2.13.1 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement.*~~

*A lot or parcel, specifically delineated in a plat recorded on or before June 4, 1953, that is combined with additional lands is only exempt from Policy 2.13.1, when:*

- (1) all Broward County Trafficways have been conveyed to the public by deed or easement;*
- (2) the enlarged parcel is less than 10 acres in size; and,*
- (3) The additional land is included in a plat recorded before June 4, 1953, but not specifically delineated, or is vacated right-of-way*

*Policy 2.13.1 does not require (re)platting of combined parcels which are smaller than 10 acres in size, when:*

- (1) the majority of the combined parcel is included in a plat that has been approved by the Broward County Commission and recorded after June 4, 1953; and/or*
- (2) the majority of the combined parcel is specifically delineated in a plat recorded on or before June 4, 1953.*

*Suggest this would be clearer if written in the negative:*

*It is noted that the ~~minority~~ majority of the combined parcel may not be comprised of unplatted land, vacated right-of-way and/or land included in a plat recorded on or before June 4, 1953, but not specifically delineated.*

*Please add:*

*Exemption from platting does not exempt the combined parcel from the need to update notations on the face of the plat.*

**Response:** This exemption has been modified for clarification. See Pages 9 and 10 of Attachment 2.

#### 4.6 Requirements for local Jurisdictions

**Comment:** *Urban Planning Division sees a lot of applications where municipality requires a single family lot to plat, where the intent seems to be to resolve wetlands and sewer issues. Can such plats be discouraged?*

**Response:** No, local governments can be more restrictive and require platting in more situations than the BCLUP.

#### Examples 1 -5 (Illustrations)

**Comment:** *Please retain and update these examples. These illustrations are very useful when communication with developers, owners and applicants.*

**Response:** The illustrative examples 1-5 are proposed for deletion as they no longer represent all possible exemptions, noting that pertinent language accompanying the illustrations is reflected within Sections 4.3 and 4.4.

#### SECTION 2: POLICIES – ACTIVITY CENTERS

**Comment:** *No comments.*

**Response:** Noted.

#### SECTION 2: POLICIES – REDEVELOPMENT UNITS

**Comment:** *No comments.*

**Response:** Noted.

#### APPENDIX 3 – Application for BCLUP Redevelopment Units and Release of Flexibility Units

**Comment:** *Recommend updating all references to “municipality” to “local government” as these policies also apply to BMSD.*

**Response:** Noted. Planning Council staff finds the terminology is interchangeable, noting that BMSD is the Broward Municipal Services District. Further, the terminology does not prohibit the use or implementation of the Policies.

## REDEVELOPMENT UNITS:

...

~~Municipal site specific a~~Allocations will remain subject to the “compatibility review” requirements of Policy 2.10.1 of the BCLUP. In addition, site specific allocations of greater than ~~150~~ 250 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopments areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.

**Comment:** *Why is the threshold being raised from 150 to 250?*

**Response:** **The threshold is being increased to better accommodate the number of dwelling units within a typical multi-family residential project.**

3. Allocations of “redevelopment units” are eligible to lands designated “Activity Center,” ~~“Commerce”~~ “Commercial” (or equivalent category) and “Residential” on the ~~Broward County~~ municipal land use plan.

**Comment:** *Is this consistent with requirements for SB 962 regarding industrial land and affordable housing, which amends 166.04151, F.S. Affordable housing, and 125.01055, F.S. Affordable housing (County)?*

## SB 962

*(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use. If a parcel is zoned for commercial or industrial use, an approval pursuant to the subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.*

**Response:** **Planning Council staff will continue to coordinate with the Planning Council and Broward County attorneys to ensure consistency with SB 962 if signed into law, noting that as of this writing the bill is unsigned.**

## RELEASE OF FLEXIBILITY UNITS:

**Comment:** *Please clarify that this application is not required for “traditional allocation” of flexibility units by local governments.*

**Response:** **The allocation of flexibility units does not require a release of flexibility units. The release of flexibility units is only required for those municipalities that had more than 5,000 flexibility units at the time of the adoption of BrowardNext in April 2017 (i.e. Fort Lauderdale and Hollywood)**

## **SECTION 2: POLICIES – TRANSFER OF DEVELOPMENT RIGHTS**

**Comment:** *Just a general question – can TDR be used for affordable housing?*

**Response:** Yes, the transfer of development rights (TDR) can be utilized for any development scenario that meets the TDR criteria, including affordable housing projects.

**Comment from City of Oakland Park**

**Received: April 4, 2022**

**Comment:** *Oakland Park Planning staff has reviewed the proposed amendments to specific policies of the Broward County Land Use Plan and corresponding articles and appendices of the Administrative Rules Document. Our review finds that the resulting amendments generally clarify and streamline the documents, and provide an overall improvement. Oakland Park Planning staff has no objections or additional comments to the proposed amendments. Thank you for the opportunity to review these proposed changes.*

**Response:** Noted.

**Comment from Town of Lauderdale-by-the-Sea**

**Received: April 8, 2022**

**Comment:** *Is it a correct interpretation that the Town is ineligible for the use of Redevelopment Units since it lies east of the Intracoastal Waterway?*

**Response:** Yes, that is correct. Redevelopment Units cannot be allocated east of the Intracoastal Waterway pursuant to BCLUP Policy 2.35.1 as it reads currently under the “Criteria” heading within the Policy. The proposed changes maintain this restriction – moving it from said Policy to Appendix 3 of the Administrative Rules Document.

## ATTACHMENT 3.B.

**From:** [Lorraine Tappen](#)  
**To:** [Teetsel, Dawn](#)  
**Subject:** FW: Proposed BCLUP and Administrative Rules Amendments  
**Date:** Friday, March 11, 2022 6:01:52 PM  
**Attachments:** [1A - BCLUP Policy 2.13.1 Platting.pdf](#)  
[1B - Article 4 \(Platting Requirements, Exemptions and Definitions\).pdf](#)  
[2 - BCLUP Activity Center Policies.pdf](#)  
[3A - BCLUP Policy 2.35.1 Redevelopment Units.pdf](#)  
[3B - Appendix 3 \(Redevelopment Units & Release of Flex Units\).pdf](#)  
[4 - Policy 2.34.1 Transfer of Development Rights.pdf](#)

**External Email Warning:** This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [ETSSecurity@broward.org](mailto:ETSSecurity@broward.org).

Hi Dawn,

Will the Planning Council define a time by which our Future Land Use Elements will need to conform to these amendments?

Thanks,  
Lorraine

**Lorraine Tappen, AICP, LEED Green Associate | Principal Urban Planner**

**City of Fort Lauderdale | Urban Design & Planning**  
700 NW 19<sup>th</sup> Avenue | Fort Lauderdale FL 33311  
P: (954) 828-5018 E: [ltappen@fortlauderdale.gov](mailto:ltappen@fortlauderdale.gov)



Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing this e-mail. Thank you.

---

**From:** Anthony Fajardo <AFajardo@fortlauderdale.gov>

**Sent:** Friday, March 4, 2022 2:02 PM

**To:** Lorraine Tappen <LTappen@fortlauderdale.gov>; Ella Parker <EParker@fortlauderdale.gov>; Jim Hetzel <JHetzel@fortlauderdale.gov>

**Cc:** Christopher Cooper <CCooper@fortlauderdale.gov>

**Subject:** FW: Proposed BCLUP and Administrative Rules Amendments

FYI

**Anthony Greg Fajardo | Director**

**City of Fort Lauderdale | Development Services Department**

700 NW 19<sup>th</sup> Avenue | Fort Lauderdale FL 33311  
P: (954) 828-5984 E: [afajardo@fortlauderdale.gov](mailto:afajardo@fortlauderdale.gov)



Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing.

**From:** [Lorraine Tappen](#)  
**To:** [Teetsel, Dawn](#)  
**Subject:** FW: Proposed BCLUP and Administrative Rules Amendments  
**Date:** Thursday, April 7, 2022 4:41:14 PM  
**Attachments:** [1A - BCLUP Policy 2.13.1 Platting.pdf](#)  
[1B - Article 4 \(Platting Requirements, Exemptions and Definitions\).pdf](#)  
[2 - BCLUP Activity Center Policies.pdf](#)  
[3A - BCLUP Policy 2.35.1 Redevelopment Units.pdf](#)  
[3B - Appendix 3 \(Redevelopment Units & Release of Flex Units\).pdf](#)  
[4 - Policy 2.34.1 Transfer of Development Rights.pdf](#)

**External Email Warning:** This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [ETSSecurity@broward.org](mailto:ETSSecurity@broward.org).

Hi Dawn,

Do you have a summary of the changes to the platting requirements? We're trying get a better understanding of the changes.

Thanks,  
Lorraine

**Lorraine Tappen, AICP, LEED Green Associate | Principal Urban Planner**

**City of Fort Lauderdale | Urban Design & Planning**

700 NW 19<sup>th</sup> Avenue | Fort Lauderdale FL 33311

P: (954) 828-5018 E: [ltappen@fortlauderdale.gov](mailto:ltappen@fortlauderdale.gov)



Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing this e-mail. Thank you.

**From:** [Jean Dolan](#)  
**To:** [Blake Boy, Barbara](#)  
**Cc:** [Maggie Barszewski](#)  
**Subject:** FW: Comments on the County's plat related changes  
**Date:** Tuesday, March 22, 2022 5:56:41 PM  
**Attachments:** [image002.png](#)

---

**External Email Warning:** This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [ETSSecurity@broward.org](mailto:ETSSecurity@broward.org).

Barbara – We recently had to process a plat note amendment for a shade structure that Chick-Fil-A was putting up just to provide some shade for their workers in their drive-thru. Maggie suggested the plat exemption language below that might be added to your proposed changes. Let me know if you need this comment in any other format (like a formal letter?) or if this email will suffice. We don't have any issues with the other policy changes (just glad we got our first 500 redevelopment unit request in before you made it harder ☺).

Thanks,  
Jean

---

**From:** Maggie Barszewski <[Maggie.Barszewski@copbfl.com](mailto:Maggie.Barszewski@copbfl.com)>  
**Sent:** Tuesday, March 22, 2022 5:20 PM  
**To:** Jean Dolan <[Jean.Dolan@copbfl.com](mailto:Jean.Dolan@copbfl.com)>  
**Subject:** RE: Comments on the County's plat related changes

Jean,  
Yes, to prevent the need for unnecessary & burdensome Plat Note Amendments such as the one required for the Chick-Fil-A pergola; I think there should be an exemption for any addition of accessory structure that does not increase the square footage of the original structure or leasable space.

-Maggie



My hours are from 7:00 AM to 6:00 PM Monday thru Thursday

---

**From:** Jean Dolan <[Jean.Dolan@copbfl.com](mailto:Jean.Dolan@copbfl.com)>  
**Sent:** Thursday, March 10, 2022 4:00 PM  
**To:** Maggie Barszewski <[Maggie.Barszewski@copbfl.com](mailto:Maggie.Barszewski@copbfl.com)>

**Subject:** Comments on the County's plat related changes

Maggie – do we have any comments about these changes? Would it be appropriate to ask for exemption of shade structures so we're not required to be added to plat notes as per the Chick Fil-A example?

Thanks,

Jean



## Proposed BCLUP and Administrative Rules Amendments

Urban Planning Division Comments, 3/23/2022

---

### SECTION 2: POLICIES – PLATTING AND LAND DEVELOPMENT CODE

*no comments*

---

#### ARTICLE 4 - Platting Requirements, Exemptions and Definitions

##### 4.3 Definitions

*Suggest rewording for clarity:*

SPECIFICALLY DELINEATED - A lot or parcel of ~~land which has been specifically delineated in a recorded plat is one~~ which can be described solely by reference to a recorded plat and one or more identifying numbers such as a block and lot number. For example, Lot 5, Block 3 of John Doe Subdivision as recorded in Plat Book 7, Page 48 is a specifically delineated lot. A description such as “the north 300 feet of Lot 5” or “the south one-half of Tracts 6 and 7” are examples of parcels which are not specifically delineated lots.

---

##### 4.4 Exemptions

###### (D) Exemption for combined parcels

*Suggest rewording to make it easier to comprehend:*

~~When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with land which has been included in a plat recorded before June 4, 1953, but not specifically delineated, or with vacated rights of way and the enlarged parcel is less than 10 acres in size, Policy 2.13.1 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement.~~

A lot or parcel, specifically delineated in a plat recorded on or before June 4, 1953, that is combined with additional lands is only exempt from Policy 2.13.1, when:

- (1) all Broward County Trafficways have been conveyed to the public by deed or easement;
- (2) the enlarged parcel is less than 10 acres in size; and,
- (3) The additional land is included in a plat recorded before June 4, 1953, but not specifically delineated, or is vacated right-of-way

Policy 2.13.1 does not require (re)platting of combined parcels which are smaller than 10 acres in size, when:

- (1) the majority of the combined parcel is included in a plat that has been approved by the Broward County Commission and recorded after June 4, 1953; and/or

- (2) the majority of the combined parcel is specifically delineated in a plat recorded on or before June 4, 1953.

*Suggest this would be clearer if written in the negative:*

It is noted that the ~~minority~~ majority of the combined parcel may not be comprised of unplatted land, vacated right-of-way and/or land included in a plat recorded on or before June 4, 1953, but not specifically delineated.

*Please add:*

Exemption from platting does not exempt the combined parcel from the need to update notations on the face of the plat.

---

#### 4.6 Requirements for local Jurisdictions

*Urban Planning Division sees a lot of applications where municipality requires a single family lot to plat, where the intent seems to be to resolve wetlands and sewer issues. Can such plats be discouraged?*

---

#### Examples 1 -5

*Please retain and update these examples. These illustrations are very useful when communication with developers, owners and applicants.*

---

### **SECTION 2: POLICIES – ACTIVITY CENTERS**

*no comments*

---

### **SECTION 2: POLICIES – REDEVELOPMENT UNITS**

*no comments*

---

### **APPENDIX 3 – Application for BCLUP Redevelopment Units and Release of Flexibility Units**

*Recommend updating all references to “municipality” to “local government” as these policies also apply to BMSD.*

#### REDEVELOPMENT UNITS:

...

~~Municipal site specific a~~Allocations will remain subject to the “compatibility review” requirements of Policy 2.10.1 of the BCLUP. In addition, site specific allocations of greater than ~~150~~ 250 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.

*Why is the threshold being raised from 150 to 250?*

3. Allocations of “redevelopment units” are eligible to lands designated “Activity Center,” ~~“Commerce”~~ “Commercial” (or equivalent category) and “Residential” on the ~~Broward County~~ municipal land use plan.

*Is this consistent with requirements for SB 962 regarding Industrial land and affordable housing, which amends 166.04151, F.S. Affordable housing, and 125.01055, F.S. Affordable housing (County)?*

#### **SB 962**

***(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.***

RELEASE OF FLEXIBILITY UNITS:

*Please clarify that this application is not required for “traditional allocation” of flexibility units by local governments.*

---

#### **SECTION 2: POLICIES – TRANSFER OF DEVELOPMENT RIGHTS**

*Just a general question - can TDR be used for affordable housing?*

---

**From:** [Peter Schwarz](#)  
**To:** [Teetsel, Dawn](#)  
**Cc:** [Lauren Pruss](#)  
**Subject:** RE: Proposed BCLUP and Administrative Rules Amendments  
**Date:** Monday, April 4, 2022 9:19:01 AM  
**Attachments:** [image002.png](#)  
[1A - BCLUP Policy 2.13.1 Platting.pdf](#)  
[1B - Article 4 \(Platting Requirements, Exemptions and Definitions\).pdf](#)  
[2 - BCLUP Activity Center Policies.pdf](#)  
[3A - BCLUP Policy 2.35.1 Redevelopment Units.pdf](#)  
[3B - Appendix 3 \(Redevelopment Units & Release of Flex Units\).pdf](#)  
[4 - Policy 2.34.1 Transfer of Development Rights.pdf](#)

**External Email Warning:** This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [ETSSecurity@broward.org](mailto:ETSSecurity@broward.org).

Good Morning Dawn,

Oakland Park Planning staff has reviewed the proposed amendments to specific policies of the Broward County Land Use Plan and corresponding articles and appendices of the Administrative Rules Document. Our review finds that the resulting amendments generally clarify and streamline the documents, and provide an overall improvement.

Oakland Park Planning staff has no objections or additional comments to the proposed amendments. Thank you for the opportunity to review these proposed changes.

Sincerely,  
Pete



**Peter M. Schwarz, AICP**  
Director of Community and Economic Development  
**City of Oakland Park**  
5399 North Dixie Highway, Suite 3  
Oakland Park, FL 33334  
954-630-4348  
[peter.schwarz@oaklandparkfl.gov](mailto:peter.schwarz@oaklandparkfl.gov)  
[www.oaklandparkfl.gov](http://www.oaklandparkfl.gov) [www.opcra.com](http://www.opcra.com)



Please Note: Florida has very broad public records law. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may, therefore, be subject to public disclosure. The comments and opinions expressed herein are those of the author of this message and may not reflect the policies of the City of Oakland Park City Commissioners.

**From:** [Jhanelle Campbell](#)  
**To:** [Teetsel, Dawn](#)  
**Subject:** RE: Proposed BCLUP and Administrative Rules Amendments  
**Date:** Friday, April 8, 2022 1:25:03 PM  
**Attachments:** [image002.png](#)

**External Email Warning:** This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [ETSecurity@broward.org](mailto:ETSecurity@broward.org).

Hi Dawn,

I hope this email finds you well. Please find my question below;

**3A. Broward County Land Use Plan Policy 2.35.1 (Redevelopment Units) and 3B. Administrative Rules Document Appendix 3 (Redevelopment Units and Release of Flex Units)**

This amendment will likely affect the Town for the allocation of Flex Units. It seems that the Town is ineligible for the use of redevelopment units since it lies east of the Intracoastal Waterway. Is this a correct interpretation?

1. Amendment 3A to Land Use Policy 2.35.1 is modified to strike many of the requirements for the allocation of redevelopment units from the Broward County Land Use Plan.
2. Amendment 3B revises the Administrative Rules Document (ARD) Appendix 3 to receive many of the deletions from the BC Land Use Plan Policy 2.35.1.
3. The ARD Appendix 3 also includes language for the procedure and requirements for the release of flexibility units.

Thank you,



**Jhanelle Campbell**  
Development Services Director  
4501 N. OCEAN DRIVE,  
LAUDERDALE-BY-THE-SEA, FL 33308  
Phone: 954-640-4219 • [JhanelleC@lbts-fl.gov](mailto:JhanelleC@lbts-fl.gov)  
[www.lbts-fl.gov](http://www.lbts-fl.gov) • [www.lbtsevents.com](http://www.lbtsevents.com)