

# PROPOSED

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE; AMENDING AND RENUMBERING VARIOUS SECTIONS OF CHAPTER 5, ARTICLE IX, OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); DELETING REQUIREMENTS FOR FINDINGS OF ADEQUACY; DELEGATING APPROVAL AUTHORITY TO THE COUNTY ADMINISTRATOR FOR NONVEHICULAR ACCESS LINE AMENDMENTS, BUILDING PERMITS PRIOR TO PLAT RECORDATION, AND SOME PLAT NOTE AMENDMENTS AND AMENDMENTS TO PHASING MAPS AND SCHEDULES; AMENDING REQUIREMENTS AND PROCESS FOR SITE PLAN REVIEWS; PROVIDING GENERAL UPDATING AMENDMENTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Section 5-179 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 5-179. Development review administration.**

Within the County administration, there is hereby an established a Planning and Development Management Division Director, under the supervision of the Director of the Environmental Protection and Growth Management Department, who has the duties and responsibilities for coordination, review, issuance, and enforcement of development orders as set forth in this article. For purposes of this article, references to any action to

1 be taken by the Director of the Planning and Development Management Division shall be  
2 deemed to include authority for the same action to be taken by the Director's designee.

3 . . .

4 Section 2. Section 5-180 of the Broward County Code of Ordinances is hereby  
5 amended to read as follows:

6 **Sec. 5-180. Application and requirement for development permits.**

7 (a) No application for a development permit issued by Broward County for the  
8 development of land within Broward County shall be reviewed or development permit  
9 issued, except in compliance with the requirements and procedures set forth in this article.

10 ~~(a)~~ (b) ~~Major Review:~~ Applications for plat approval; modifications to conditions  
11 of plat approval, including amendments or revisions to a nonvehicular access line,  
12 amendments to, or placement of a notation on the face of ~~the~~ a plat in the unincorporated  
13 and incorporated areas; ~~new findings of adequacy;~~ and applications for ~~rezoning and DRI~~  
14 development orders in the unincorporated area shall be subject to ~~major review~~ under  
15 this article. An application for a development permit ~~requiring major review~~ shall comply  
16 with the following:

17 (1) The applicable provisions of this article;

18 (2) The applicable provisions of Chapter 39 of the Broward County Code of  
19 Ordinances, the "Zoning Code," for development permits for land within the  
20 unincorporated area. An application for plat approval, ~~a new findings of~~  
21 ~~adequacy,~~ or an amendment to a notation on the face of a plat must be  
22 consistent with the Zoning Code at the time the ~~development~~ building permit  
23 is issued; and

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1 (3) The applicable provisions of the Broward County Land Use Plan and the  
2 certified land use plan. An application for plat approval, ~~a new findings of~~  
3 ~~adequacy~~, or an amendment to a notation on ~~the~~ a plat must be consistent  
4 with the County and certified land use plans at the time the development  
5 permit is issued.

6 (b) ~~Site Plan Review: Within the unincorporated area of Broward County, any~~  
7 ~~application for a development permit not requiring County Commission approval shall be~~  
8 ~~subject to administrative review. All applications for development permits requiring~~  
9 ~~administrative review shall comply with the following:~~

10 (1) ~~The applicable provisions of this article.~~

11 (2) ~~The applicable provisions of Chapter 39 of the Code of Ordinances, the~~  
12 ~~Zoning Code, and the applicable provisions of the Florida Building Code.~~

13 (3) ~~Applications for a development permit subject to administrative review that~~  
14 ~~do not require full review by the reviewing agencies, pursuant to~~  
15 ~~Section 5-181(c)(3), shall comply with all applicable requirements of this~~  
16 ~~article.~~

17 (4) ~~The applicable provisions of the elements of the Broward County~~  
18 ~~Comprehensive Plan.~~

19 (c) ~~Exempt Development: Notwithstanding any other provision of this article,~~  
20 ~~the following activities shall not require compliance with this article:~~

21 (1) ~~Maintenance or improvement of runways, taxiways, and aprons by an~~  
22 ~~airport agency.~~

23 (2) ~~Construction of bus stop shelters.~~

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1       ~~(3) Construction of sculptures, fountains, and other landscaping improvements,~~  
2       ~~unless within or abutting the right-of-way of a trafficway.~~

3       ~~(4) Construction of signs.~~

4       ~~(5) Diminution in size of a structure.~~

5       ~~(6) Demolition of a structure.~~

6       ~~(7) Canal maintenance activities.~~

7       (c) Administrative approvals. The Board of County Commissioners hereby  
8 delegates to the County Administrator the authority to approve the following applications,  
9 after review as set forth in this article:

10       (1) Amendments to plat notes that do not increase the intensity or density, as  
11       compared to the development level previously approved by the County  
12       Commission and vested pursuant to Section 5-181(l);

13       (2) Amendments to plat notes providing for affordable housing if (i) certification  
14       has been obtained from the Broward County Housing Finance and  
15       Community Development Division that a minimum of fifteen percent (15%)  
16       of the units will be affordable housing, as defined by Division 6 of this article,  
17       and (ii) the developer agrees as a condition of approval of the plat note  
18       amendment to provide sufficient assurances that the affordability of the  
19       residential units will be maintained at specified income levels for at least  
20       fifteen (15) years;

21       (3) Amendments to nonvehicular access lines that do not alter existing  
22       construction requirements or impose additional construction requirements  
23       related to the amended nonvehicular access line;

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1       (4)    Amendments to a phasing schedule or phasing map previously approved  
2       by the County Commission if the required improvements pursuant to  
3       Section 5-184(d) remain unchanged;

4       (5)    Agreements for building permits prior to plat recordation pursuant to  
5       Section 5-187(c); and

6       (6)    Amendments to plat notes to delete a previously required Findings of  
7       Adequacy from the plat.

8       (d)    Preapplication consultation and voluntary review. Prior to the filing of an  
9       application for a development permit under this part, the applicant, as defined in  
10       Section 5-181(a), or the applicant's representative, shall attend a preapplication  
11       consultation with Planning and Development Management Division staff to discuss filing  
12       requirements and other issues that may affect the application. A development permit  
13       application shall not be deemed complete and accepted until said meeting has occurred.  
14       Additionally, while it is not required, any applicant may submit an application for  
15       preapplication review by the reviewing agencies. There shall be no charge for the  
16       preapplication consultation or review.

17       ~~(d)~~ (e)    Service charges. Reasonable service charges, or fees, shall be collected  
18       for the administrative processing and review of applications for development permits  
19       submitted to Broward County for review and approval. The schedule of service charges,  
20       or fees, to be collected shall be established by resolution of the ~~Board of County~~  
21       ~~Commissioners of Broward County~~ and incorporated into the Broward County  
22       Administrative Code.

23       ~~(e)~~ (f)    Computation of time. Unless otherwise stated, for purposes of computation  
24       of time periods within this article, "days" shall be deemed to refer to calendar days. If the

1 last day of a time period is a Saturday, Sunday, or legal holiday, the time period shall run  
2 until the end of the next day ~~which~~ that is ~~neither~~ not a Saturday, Sunday, nor a legal  
3 holiday. The last day of any time period shall end at ~~5:00~~ 4:00 p.m. on that day. In the  
4 event litigation filed against the applicant by a private party or unforeseen environmental  
5 contamination on the property subject to the application prevents an applicant from  
6 complying with any of the time periods set forth in this article, upon a request by the  
7 applicant and a demonstration of the unique and extraordinary circumstances ~~which~~ that  
8 are beyond the control of the applicant, the County Commission may grant an extension  
9 of time ~~to~~ commensurate with the delay caused by the litigation or environmental  
10 contamination.

11 (g) *Electronic Submittals.* Electronic submittal of applications and transmittal  
12 of documents is encouraged. E-mail may be used for communications by applicants,  
13 staff, and interested parties.

14 Section 3. Section 5-181 of the Broward County Code of Ordinances is hereby  
15 amended to read as follows:

16 **Sec. 5-181. Development review procedures.**

17 Any application for a development permit required or authorized under this ~~Code~~  
18 ~~of Ordinances~~ article shall require an effective development order to be granted by the  
19 Planning and Development Management Division Director or the County Commission  
20 prior to issuance of the development permit. The Planning and Development  
21 Management Division shall be the central intake point for filing all applications and  
22 supporting documents for development permits. Except as otherwise provided in this  
23 article, the following procedures shall govern the review of applications for development  
24 permits subsequent to preapplication filing.

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1 (a) *Completeness of application.* The Planning and Development Management  
2 Division shall review the application for development permit to determine its  
3 completeness. In order to be deemed complete, an application must contain the  
4 following:

5 (1) The information and documentation provided in Section 5-189, as  
6 applicable;

7 (2) Required action by other County board. If the Code requires that a  
8 development permit not be issued until acted upon by some County  
9 board or agency other than the County Commission, the application  
10 shall include documentation evidencing action by such County board or  
11 agency;

12 (3) If there is a pending Broward County land use plan amendment, evidence  
13 of final action having been taken by the County Commission and  
14 recertification by the Planning Council;

15 (4) Required action by municipality. If there is a pending application before a  
16 municipality for a land use plan amendment or allocation of flexibility units,  
17 evidence of final action having been taken by the municipality allocating  
18 the flexibility units;

19 (5) A title certificate or an attorney's opinion of title, in a form acceptable to the  
20 Office of the County Attorney, identifying the person(s) whose execution  
21 would be required to convey record fee simple title to the lands subject of  
22 the application. The application shall be signed by the person(s) listed in  
23 the title opinion or report ("applicant");

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- 1       (6) For plat note amendments in the incorporated area, evidence that the  
2       applicable municipality has approved the note amendment;  
3       (7) Subject to Section (2) below, such additional information as deemed  
4       necessary by the Planning and Development Management Division for the  
5       review of an application pursuant to this article; and  
6       (8) The appropriate fee, as established by Resolution of the County  
7       Commission.

8 Within seven (7) ~~working~~ days after receipt, the Planning and Development Management  
9 Division shall either accept the application, if it is complete, or reject the application and  
10 forward to the applicant a notice of incompleteness specifying the data information  
11 missing from the application received. ~~The determination of completeness in this~~  
12 ~~subsection does not include the Highway Construction and Engineering Division~~  
13 ~~submission requirement set forth in Section 5-189(c).~~

- 14       (1) If a notice of incompleteness is not sent, the application shall be deemed  
15       complete and accepted for purposes of beginning the time limits of this  
16       division on the ~~eighth (8th) working~~ tenth (10th) day after the filing of the  
17       application.  
18       (2) If a notice of incompleteness is sent, the applicant shall resubmit the  
19       application with the additional data required within ~~ten (10) working~~  
20       thirty (30) days ~~of~~ after the transmittal of the notice of incompleteness ~~or the~~  
21       ~~application shall be deemed withdrawn.~~ The Planning and Development  
22       Management Division shall review the resubmitted application in the  
23       manner provided in this ~~subsection~~ for the original application. Unless  
24       otherwise agreed to by the applicant in writing, an application may be issued

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1 notice of incompleteness a maximum of three (3) times. Prior to the  
2 issuance of a third (3rd) notice of incompleteness, the Planning and  
3 Development Management Division shall offer the applicant a meeting to  
4 attempt to resolve outstanding issues that form the basis for the  
5 incompleteness. If the outstanding issues are not resolved, the fourth (4th)  
6 application submitted shall be processed in accordance with this article.

7 (3) Upon acceptance of an application, a copy of the application, including  
8 attachments and drawings, shall be forwarded by the Planning and  
9 Development Management Division Director, electronically or by hard copy,  
10 to any municipality within a two hundred (200) foot radius of a boundary of  
11 the plat.

12 (b) *Agency Review.* ~~Upon~~ Within five (5) days after acceptance of an  
13 application for development permit, the Planning and Development Management Division  
14 shall forward a copy of the application to each of the following agencies for review:

- 15 (1) The Highway Construction and Engineering Division<sub>;</sub>
- 16 (2) The Traffic Engineering Division<sub>;</sub>
- 17 (3) The Planning and Development Management Division<sub>;</sub>
- 18 (4) The Broward County Planning Council, for municipal submission only<sub>;</sub>
- 19 (5) The Broward County ~~Public Health Unit~~ Department<sub>;</sub>
- 20 (6) ~~The~~ Water and Wastewater Services Division<sub>;</sub>
- 21 (7) The Environmental Planning and Community Resilience Division<sub>;</sub>
- 22 (8) The Broward County Transportation Department<sub>;</sub>
- 23 (9) The Parks and Recreation Division<sub>;</sub>
- 24 (10) The Broward County School Board<sub>;</sub>

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1 (11) The Broward Sheriff's Office Fire Marshal's Bureau, for unincorporated area  
2 submissions only;

3 (12) The Florida Power and & Light Company;

4 (13) The ~~AT&T Company~~ applicable telecommunications provider;

5 (14) The ~~Environmental Licensing and Building Permitting~~ Code Services  
6 Division, for unincorporated area submissions only;

7 (15) The Florida Department of Transportation ("FDOT"), for applications ~~which~~  
8 that are adjacent to or have or propose access to a State road;

9 (16) The applicable municipality, when the application is for a plat within a  
10 municipality;

11 (17) The Aviation Department;

12 (18) The Port Everglades Department, for submissions within Port Everglades;

13 (19) The ~~Pollution Prevention~~ Environmental Engineering and Permitting  
14 Division; and

15 (20) The Environmental and Consumer Protection Division.

16 (c) *Review responsibilities.* Each reviewing agency shall prepare a ~~staff~~ report  
17 ~~which~~ that sets out in writing its comments and recommendations regarding the  
18 application for development permit; and shall forward such ~~staff~~ reviewing agency report  
19 to the Planning and Development Management Division within ~~twenty (20) working~~  
20 thirty (30) days after acceptance transmittal of the application by the Planning and  
21 Development Management Division. If any reviewing agency ~~staff~~ report is not received  
22 within said time frame, ~~this shall indicate that the reviewing agency has~~ shall be deemed  
23 to have no comments or objections to the application.

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1 (1) The Planning and Development Management Division Director may waive  
2 agency review, in whole or in part, under this section upon a determination  
3 that such a review has already been made regarding the same land and no  
4 change in circumstances has occurred ~~which~~ that necessitates further  
5 review. The Planning and Development Management Division Director  
6 shall provide a quarterly report to the County Commission of all such  
7 waivers granted and the reasons ~~therefore~~ therefor.

8 (2) Agency review responsibilities under this section may be reassigned by the  
9 County Administrator from time to time as necessary to more effectively  
10 perform the required reviews.

11 ~~(3) If the application is for a site plan and is for development of fewer than~~  
12 ~~twenty (20) dwelling units or less than ten thousand (10,000) gross square~~  
13 ~~feet of nonresidential floor area, the application shall be subject to review~~  
14 ~~by those agencies that the Planning and Development Management~~  
15 ~~Division Director deems appropriate. If a development order is not issued~~  
16 ~~within six (6) months after the date the application is received, the~~  
17 ~~application shall be deemed withdrawn.~~

18 (d) *Amendment to application.* An application for a development permit may  
19 be amended by the applicant after it has been accepted. The Planning and  
20 Development Management Division Director shall examine the amendment at the point  
21 in the reviewing process at which it occurs to determine if any portion of the reviewing  
22 process must be repeated. If any such portion must be repeated, the ~~Planning and~~  
23 ~~Development Management Division Director is authorized to extend~~ amendment is  
24 subject to the applicant's agreement to an extension of the time limits prescribed in this

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1 section as long as necessary to undertake such additional review, but not to exceed  
2 ~~thirty (30) working~~ forty (40) days from after the date that the amended application is  
3 accepted by the Planning and Development Management Division Director.

4 ~~(e) (1) Required action by other County board. In the event this Code of~~  
5 ~~Ordinances requires that a development permit not be issued until acted~~  
6 ~~upon by some County board or agency other than the County Commission,~~  
7 ~~then the Planning and Development Management Division Director shall~~  
8 ~~forward the application for development permit to such County board or~~  
9 ~~agency for appropriate action prior to the issuance of a development order~~  
10 ~~pursuant to Sections 5-181(f) and 5-181(j) of this division or the notification~~  
11 ~~to an applicant that an application is ready to be presented to the County~~  
12 ~~Commission pursuant to Section 5-181(g) of this division. In the event~~  
13 ~~there is a pending Broward County land use plan amendment, no~~  
14 ~~development permit application shall be placed on an agenda for~~  
15 ~~consideration by the County Commission prior to final action being taken~~  
16 ~~by the County Commission or recertification by the Planning Council. The~~  
17 ~~time limits of said sections shall be extended to accommodate such~~  
18 ~~additional board or agency action.~~

19 ~~(2) Required action by municipality. In the event that there is a pending~~  
20 ~~application before a municipality for a land use plan amendment or~~  
21 ~~allocation of flex or reserve units, no development permit application shall~~  
22 ~~be placed on an agenda for consideration by the County Commission prior~~  
23 ~~to final action being taken by the municipality. Time limits under Section~~  
24 ~~5-181(j) shall be extended to accommodate such additional action.~~

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1           (f) ~~Site plan review; development order.~~ Within six (6) months after  
2 acceptance of a completed application for development permit subject to site plan review,  
3 the Planning and Development Management Division Director shall make a  
4 determination, based upon required agency reviews,

5           (1) That the application complies with the applicable standards and the  
6 minimum requirements of this article, or that vested rights exist with regard  
7 to any noncompliance, in which case the Planning and Development  
8 Management Division Director shall issue a development order granting the  
9 application; or

10          (2) That the application is not in compliance with the applicable standards and  
11 minimum requirements of this article, but conditions have been determined  
12 by the Planning and Development Management Division Director to be  
13 reasonably necessary to ensure compliance with applicable standards and  
14 minimum requirements of this article, and vested rights exist with regard to  
15 any noncompliance, in which case the Planning and Development  
16 Management Division Director shall issue a development order granting the  
17 application with such conditions; or

18          (3) That the application is not in compliance with the applicable standards and  
19 minimum requirements of this article, in which case the Planning and  
20 Development Management Division Director shall issue a development  
21 order denying the application.

22           A development order denying an application shall include a statement of the  
23 basis for denial. A development order granting an application with  
24

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1 conditions shall include a statement of said conditions and the bases  
2 therefor.

3 ~~(g)~~ (e) ~~Major review: Development Review Report and notice to applicant.~~ Within  
4 ~~thirty (30) working~~ fifty-two (52) days after the acceptance of ~~the~~ a complete application  
5 for a development permit subject to ~~major~~ review, the Planning and Development  
6 Management Division Director shall compile the ~~individual staff~~ reviewing agency reports;  
7 and prepare and forward to the applicant a written Development Review Report with  
8 proposed findings and a recommendation, ~~and forward a notification of preparedness to~~  
9 ~~the applicant~~ stating that the Development Review ~~Report~~ is complete and the  
10 application is ready to be presented to the County Commission or forwarded to the County  
11 Administrator, as appropriate. The Development Review Report shall specify the  
12 applicable standards and minimum requirements necessary to ensure compliance  
13 with this article. The Development Review Report for an application for plat approval  
14 shall so include a list of corrections necessary for compliance with  
15 Chapter 177, Florida Statutes. ~~Any waiver granted under Section 5-181(c)(1) of this~~  
16 ~~division and the reasons therefore shall be explained in the Development Review Report.~~

17 ~~(h)~~ (f) ~~Required letter of objections or no objections~~ response to Development  
18 ~~Review Report for applications for plat approval.~~

19 (1) For applications for plat approval, ~~within five (5) months~~ No later than  
20 sixty (60) days after issuance of the ~~notification of preparedness~~  
21 Development Review Report, the applicant shall respond ~~with a written~~  
22 letter, in writing, to the Planning and Development Management Division  
23 Director specifying all any objections to the Development Review Report ~~or~~  
24 ~~stating that the applicant has no objections to the Development Review~~

1 Report. If the applicant fails to submit a written response to the  
2 Development Review Report within this time period, the application for  
3 development permit shall be deemed withdrawn. If no response is received  
4 from the applicant during the sixty (60) day time period, no later than  
5 five (5) days after expiration of the sixty (60) day time period, the Planning  
6 and Development Management Division Director shall provide notification  
7 to the applicant that the application will be presented to the County  
8 Commission or the County Administrator, as applicable, pursuant to  
9 Section (2) below.

10 (2) If the letter states that there are no objections to the Development Review  
11 Report, then the applicant may submit a written authorization to proceed as  
12 specified in Section 5-181(i).

13 (3) (2) If the letter specifies objections to the Development Review Report, No later  
14 than five (5) days after receipt of the applicant's response, if any, the  
15 Planning and Development Management Division Director shall distribute it  
16 the response to the applicable reviewing agencies within two (2) working  
17 days after receipt. The reviewing agencies shall submit a written response  
18 to the Planning and Development Management Division Director within  
19 ten (10) working fourteen (14) days after transmittal from the Planning and  
20 Development Management Division Director. If any reviewing agency's  
21 written response is not received within said time frame, ~~this shall indicate~~  
22 ~~that the reviewing agency has~~ shall be deemed to have no comments on  
23 the ~~letter of objections~~ applicant's response. The Planning and  
24 Development Management Division Director shall transmit a written

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1 response to the applicant within ~~five (5) working~~ seven (7) days after the  
2 response deadline from the reviewing agencies and notification to the  
3 applicant that the application will be presented to the County Commission,  
4 including the date scheduled for consideration by the County Commission  
5 and staff's recommendation of approval or denial, or forwarded to the  
6 County Administrator, as appropriate. ~~The applicant shall not submit a~~  
7 ~~written authorization to proceed as specified in~~  
8 ~~Section 5-181(i) until after the Planning and Development Management~~  
9 ~~Division Director transmits a response to the applicant's letter of objections.~~

10 ~~(i)~~ (g) *Referral of applications for ~~plat approval~~ to the County Commission or*  
11 *County Administrator.*

12 ~~(1)~~ For applications for ~~plat approval~~, within ~~ten (10) months~~ after issuance of  
13 ~~the notification of preparedness, the applicant shall respond with a written~~  
14 ~~authorization to proceed. If no written authorization is received within this~~  
15 ~~time period, the application for development permit shall be deemed~~  
16 ~~withdrawn.~~

17 ~~(2)~~ (1) Upon receipt of written authorization from the applicant to proceed, ~~t~~The  
18 Planning and Development Management Division Director shall forward the  
19 application, proposed agreement, and supporting documentation to the  
20 County Administrator, if appropriate, or schedule the application on the next  
21 available agenda of the County Commission, unless the applicant has  
22 requested, in writing, that the application be scheduled for a later County  
23 Commission agenda and the requested date is within  
24

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1           ~~six (6) months after the date of receipt of the written authorization to~~  
2           ~~proceed.~~

3       ~~(3) (2) If the application is subject to site plan review and the Planning and~~  
4           ~~Development Management Division Director believes that there is a~~  
5           ~~substantial question regarding the interpretation of this article as it applies~~  
6           ~~to the application, the Planning and Development Management Division~~  
7           ~~Director may refer the matter to the County Commission for a determination.~~

8           An applicant may withdraw an application by providing the following:

- 9           a)     A notarized document, acceptable to the Office of the County  
10           Attorney, attesting that the applicant has the authority to withdraw  
11           the application on behalf of all owners of the property subject to the  
12           application. The document shall also contain indemnification  
13           language acceptable to the Office of the County Attorney if there is  
14           more than one (1) owner of the property subject to the application;  
15           and  
16           b)     A letter or e-mail from the applicable municipality acknowledging the  
17           request for withdrawal.

18       ~~(j) (h)~~     *Major Review: Development Order.*

- 19           (1)     County Commission. At a regularly scheduled public meeting held within  
20           ~~thirty-five (35) calendar~~ one hundred eighty (180) days of ~~after the initial~~  
21           ~~presentation of an application to the County Commission~~ application has  
22           been deemed complete, the County Commission shall review the  
23           application for conformity to with this article and shall act upon the  
24

1 application. The County Commission shall make one (1) of the following  
2 determinations:

3 a) That the application is in compliance with the applicable standards  
4 and minimum requirements of this ~~A~~ article or that vested rights exist  
5 with regard to any noncompliance, in which case the County  
6 Commission shall adopt a development order granting approval of  
7 the application;

8 . . .

9 ~~(2)~~ A final determination by the County Commission under this subsection  
10 may be deferred beyond the ~~thirty-five (35)~~ calendar  
11 one hundred eighty (180) day limit in ~~paragraph (1)~~ of this subsection if  
12 ~~the County Commission finds that available information is insufficient on~~  
13 ~~which to base either approval or denial of a particular application; and the~~  
14 ~~County Commission directs or has directed that a specific study~~  
15 ~~commence to provide the County Commission with information sufficient~~  
16 ~~to form the basis on which to approve or deny the application and the study~~  
17 ~~will be completed within a time certain, not to exceed six (6) months from~~  
18 ~~the date of the County Commission's determination under this subsection;~~  
19 ~~provided, however, as a prerequisite to directing that a specific study~~  
20 ~~commence to provide the County Commission with information sufficient~~  
21 ~~to form the basis on which to approve or deny a particular application, the~~  
22 ~~County Commission shall identify the inadequacy of the information~~  
23 ~~available with respect to the application. An application deferred under this~~  
24 ~~subsection shall be presented to the County Commission for action at the~~

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1 ~~first available agenda following the expiration of six (6) months or at an~~  
2 ~~earlier date if the study has been completed~~ upon written request of the  
3 applicant.

4 (2) Administrative approval. If the application is for approval of building permits  
5 prior to plat recordation or amendments to the note on the face of a plat,  
6 nonvehicular access lines, or phasing schedules or maps pursuant to  
7 Section 5-180(c):

8 a) Upon a determination by the Planning and Development  
9 Management Division Director that the application meets the  
10 requirements of this article, the Director shall forward a properly  
11 executed agreement, with required supporting documentation and  
12 approval as to legal form by the Office of the County Attorney, to the  
13 County Administrator for a determination of concurrence with the  
14 Planning and Development Management Division Director's  
15 recommendation of approval. The County Commission shall be  
16 provided copies of all documentation forwarded to the County  
17 Administrator pursuant to this section. Unless within ten (10) days  
18 after the date the Planning and Development Management Division  
19 Director forwards the recommendation the applicant or a County  
20 Commissioner requests that the application be placed on the County  
21 Commission quasi-judicial agenda, the County Administrator shall  
22 execute an agreement for building permit prior to plat recordation or  
23 shall forward an agreement amending the plat note, nonvehicular  
24 access line, or phasing agreement and pertinent documents to the

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1 Mayor or Vice-Mayor who may execute such an agreement in the  
2 name of Broward County. All administratively approved agreements  
3 shall be executed no later than one hundred twenty (120) days after  
4 the applications have been deemed complete. The Planning and  
5 Development Management Division Director shall provide a  
6 quarterly report to the County Commission of all agreements  
7 approved pursuant to this section; or

8 b) If the Planning and Development Management Division Director  
9 believes that there is a substantial question regarding the  
10 interpretation of this article as it applies to an application, the  
11 Planning and Development Management Division Director may  
12 place the matter on the County Commission quasi-judicial agenda  
13 for consideration.

14 (i) *Requests for extension of time.* When an applicant wishes to obtain an  
15 extension of time as provided in this article, the applicant shall submit a written request  
16 to the Planning and Development Management Division specifying the action for which  
17 an extension is requested, the reason that the action could not be completed within the  
18 applicable time frame, and the amount of time of the requested extension. Such request  
19 must be filed before the deadline that the applicant seeks to extend. No later than  
20 fourteen (14) days after receipt of a timely request for extension, the Planning and  
21 Development Management Division shall acknowledge the extension request and, if  
22 deemed reasonable by the Planning and Development Management Division Director,  
23 shall grant the extension requested by the applicant. However, in no event shall the total  
24 extended time for an action to be taken under this article exceed eighteen (18) months.

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1     ~~(k)~~ (j)     *Reinstatement of Development Orders.* An application denied in  
2 accordance with Section 5-181~~(f)(3) or (j)(h)(1)b~~ solely on the basis of inadequacy of the  
3 regional transportation network may be reinstated provided that all of the following  
4 conditions are met:

5           (1)     The applicant, within fourteen (14) ~~calendar~~ days after the denial, notifies  
6 the Planning and Development Management Division Director of an  
7 intention to develop an Action Plan, as described in Section 5-182(a)(6),  
8 and pays any appropriate fees established by the County Commission for  
9 review of an ~~a~~Action plan.

10          (2)     The applicant submits a complete Action Plan, as defined in guidelines  
11 approved by the County Commission, to the Planning and Development  
12 Management Division Director within ~~425 calendar days from~~ thirteen (13)  
13 weeks after the notification of intent to develop an Action Plan ~~which.~~ Action  
14 Plans shall be forwarded to the Traffic Engineering Division and processed  
15 as follows:

16           a)     The ~~Action Plan Review Committee (APRC)~~ Traffic Engineering  
17 Division shall, within ~~fifteen (15) working days~~ two (2) weeks after  
18 receipt of the Action Plan, review the Action Plan and provide the  
19 applicant with its recommendations.

20           b)     If the ~~APRC~~ Traffic Engineering Division accepts the Action Plan,  
21 then within ~~forty five (45) calendar days~~ six (6) weeks after  
22 notification from the Traffic Engineering Division of its acceptance of  
23 the Action Plan, the applicant shall submit to the Planning and  
24 Development Management Division Director a proposed agreement

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1 incorporating the Action Plan. This time frame may be extended by  
2 the County Commission for up to an additional ~~forty-five (45) days~~  
3 six (6) weeks where the delay results from the need to obtain review  
4 or approval from a governmental agency.

5 c) If the APRC Traffic Engineering Division does not accept the Action  
6 Plan, the applicant may submit to the Planning and Development  
7 Management Division Director a written authorization to proceed to  
8 the next available County Commission meeting for conceptual  
9 approval of the proposed Action Plan. If the County Commission  
10 gives conceptual approval of the Action Plan, with or without  
11 conditions, then within ~~45-calendar days~~ six (6) weeks after the date  
12 the County Commission renders its development order, the applicant  
13 shall provide the Planning and Development Management Division  
14 Director with a proposed agreement effectuating the Action Plan.  
15 This time frame may be extended for up to an additional  
16 ~~forty-five (45) days~~ six (6) weeks where the delay results from the  
17 need to obtain review or approval from a governmental agency.

18 . . .

19 ~~(j)~~ (k) *Effect of development order.*

20 . . .

21 ~~(m)~~ (l) *Vested Rights Determination.*

22 (1) Broward County recognizes that certain land development rights of  
23 property owners may be vested with respect to approved land uses,  
24 density or intensity of development, or staging or phasing of development.

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1 Any person claiming vested rights to develop property shall make  
2 application for a vested rights determination, providing relevant  
3 documentation to support the vested rights claim. ~~Requests for vested~~  
4 ~~rights determinations shall be made on forms provided by the Planning~~  
5 ~~and Development Management Division.~~

6 . . .

7 c) Upon receipt by the Planning and Development Management  
8 Division Director of a timely notice of appeal of a denial of an  
9 application for vested rights, ~~the appeal shall be assigned to a~~  
10 ~~Hearing Officer. The procedures for conducting hearings shall be~~  
11 ~~approved by a Resolution of the County Commission and~~  
12 ~~incorporated in the Administrative Code. The hearing shall be set~~  
13 ~~for no later than sixty (60) days from the date of the notice of appeal~~  
14 ~~unless an extension of time is requested or agreed to by the~~  
15 ~~applicant~~ the appeal shall be scheduled at the next available County  
16 Commission quasi-judicial hearing for consideration. Vested rights  
17 hearings before the County Commission shall be in accordance  
18 with the quasi-judicial procedures set forth in Chapter 1,  
19 Article XVII, of the Code.

20 d) ~~The Office of the County Attorney shall represent the County in the~~  
21 ~~administrative hearing. The Hearing Officer shall determine~~  
22 ~~whether vested rights have been created pursuant to the provisions~~  
23 ~~set forth within this section, applicable statutes, or established case~~

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1 ~~law and shall determine whether any time limitation is applicable to~~  
2 ~~such vested rights.~~

3 e) d) Nothing in this ~~§~~section prohibits the Planning and Development  
4 Management Division Director from reconsidering and reversing a  
5 denial of a vested rights application at any time prior to the start of  
6 the hearing before the ~~Hearing Officer~~ County Commission.

7 f) ~~The Hearing Officer shall within forty-five (45) days after the hearing~~  
8 ~~issue a proposed order which shall include findings of fact and~~  
9 ~~conclusions of law with respect to the claim of vested rights.~~

10 g) e) ~~The order of the Hearing Officer may be appealed to the County~~  
11 ~~Commission within thirty (30) days after rendition of the Hearing~~  
12 ~~Officer's order. Unless appealed to the County Commission, the~~  
13 ~~order of the Hearing Officer shall become final thirty-one (31) days~~  
14 ~~after rendition. The County Commission sits as the board of~~  
15 ~~appeals to consider whether the order of the Hearing Officer was~~  
16 ~~based upon competent and substantial evidence and was in~~  
17 ~~accordance with applicable ordinances. The decision of the County~~  
18 ~~Commission shall be based upon the record established before the~~  
19 ~~Hearing Officer. The County Commission shall issue its~~  
20 ~~determination which shall be in the form of an order. Appeals~~  
21 Appellant review of the County Commission's order shall be  
22 pursuant to the Florida Rules of Appellate Procedure, and must be  
23 initiated within thirty (30) days after rendition of the order.

24 . . .

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1     ~~(n)~~ (m)     *Time limitation on filing of requests for changes to conditions of*  
2 *development orders.*

3           (1)     Whenever the County Commission has taken action to deny a request for  
4                   a change to the condition of a development order, the Planning and  
5                   Development Management Division Director shall not accept the same or  
6                   substantially the same request for a change to the condition of the  
7                   development order for a period of twelve (12) months ~~from~~ after the date  
8                   of the denial by the County Commission. The above time limit may be  
9                   waived by the County Commission by an affirmative vote of five (5)  
10                  ~~€~~Commissioners, when the County Commission deems such action  
11                  necessary due to changed circumstances, to prevent an injustice<sub>1</sub>, or to  
12                  facilitate the proper development of the County based upon evidence  
13                  provided by the applicant.

14           ~~(2)     Whenever the Planning and Development Management Division Director~~  
15                  ~~has taken action to deny a request for a change to the condition of a final~~  
16                  ~~site plan or building permit, the Planning and Development Management~~  
17                  ~~Division Director shall not accept the same or substantially the same~~  
18                  ~~request for a change to the condition of the final site plan or building permit~~  
19                  ~~for a period of twelve months from the date of the denial by the Director.~~  
20                  ~~The above time limit may be waived by the Director when the Director~~  
21                  ~~deems such action necessary due to changed circumstances, to prevent~~  
22                  ~~an injustice or to facilitate the proper development of the County based~~  
23                  ~~upon evidence provided by the applicant.~~

24           ~~(o)~~     ~~*Expiration of Findings of Adequacy.*~~

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                    underscored type are additions.

1           (1)    ~~For each plat or replat which is approved with a finding that it satisfies the~~  
2                   ~~adequacy requirements set forth within this article, one (1) or both of the~~  
3                   ~~following notations shall be recorded on the face of the plat:~~

4           a)     ~~If a building permit for a principal building (excluding dry models and~~  
5                   ~~sales and construction offices) and first inspection approval are not~~  
6                   ~~issued within five (5) years after approval of the application by~~  
7                   ~~Broward County, then the County's finding of adequacy shall expire~~  
8                   ~~and no additional building permits shall be issued until such time as~~  
9                   ~~Broward County shall make a subsequent finding that the application~~  
10                  ~~satisfies the adequacy requirements set forth in this article. The~~  
11                  ~~owner of the property or the agent of the owner shall be responsible~~  
12                  ~~for providing evidence to Broward County from the appropriate~~  
13                  ~~governmental entity, documenting compliance with this requirement~~  
14                  ~~within the above-referenced time frame; or~~

15           b)     ~~If construction of project water lines, sewer lines, drainage, and the~~  
16                   ~~rock base for internal roads have not been substantially completed~~  
17                   ~~within five (5) years after approval of the application by Broward~~  
18                   ~~County, then the County's finding of adequacy shall expire and no~~  
19                   ~~additional building permits shall be issued until such time as Broward~~  
20                   ~~County shall make a subsequent finding that the applicant satisfies~~  
21                   ~~the adequacy requirements set forth within this article. This~~  
22                   ~~requirement may be satisfied for a phase of the project, provided a~~  
23                   ~~phasing plan has been approved by Broward County. The owner of~~  
24                   ~~the property or the agent of the owner shall be responsible for~~

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1 providing evidence to Broward County from the appropriate  
2 governmental entity, documenting compliance with this requirement  
3 within the above-referenced time frame.

4 (2) For an application to amend the notation on a plat, or to place a notation on  
5 a plat, the additional notation specified in Paragraph (1) above ("Expiration  
6 Notation") shall only be required when:

- 7 a) The plat does not yet have such a Expiration Notation; or  
8 b) The approval of the application occurs after the Expiration Notation  
9 date.

10 (3) An application for a new findings of adequacy may be filed no earlier than  
11 six (6) months prior to the date of expiration of the findings of adequacy.  
12 The new application shall be processed and reviewed as an application for  
13 plat approval and shall comply with the applicable provisions of this article,  
14 except for the preparation and recordation of a plat drawing, and except for  
15 the following:

- 16 a) The written letter of objections or no objections as provided for in  
17 subsection 5-181(h) shall not be required.  
18 b) The time frame for submittal of a written authorization to proceed as  
19 provided for in subsection 5-181 (i) shall be five (5) months from the  
20 date of issuance of the notification of preparedness. If no written  
21 authorization to proceed is received within this time the application  
22 shall be deemed withdrawn.  
23 c) Failure to comply with the conditions established by the Board of  
24 County Commissioners as a prerequisite to recording an amendment

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1 to the notation on the face of a plat establishing a new expiration date  
2 for findings of adequacy within twelve (12) months of the date on  
3 which the application is approved shall result in the expiration of the  
4 approval of the new findings of adequacy.

5 ~~(p)~~ (n) *Pending applications.*

6 (1) When an application is pending for a plat, a replat, or revision to a note on  
7 an unrecorded plat, ~~or for new findings of adequacy~~, no new applications  
8 for development permits shall be accepted for any land within the same plat  
9 until the pending application is either ~~approved~~ recorded, denied,  
10 withdrawn, or has expired; provided, however, during the pendency of a  
11 replat, new applications for development permits shall be accepted so long  
12 as the new applications are for development that is permitted by both the  
13 then-current recorded plat and the pending replat.

14 . . .

15 (3) When an application is pending for the amendment or placement of a note  
16 or an amendment to a nonvehicular access line on a recorded plat, no new  
17 applications for development permits shall be accepted for any land within  
18 the same plat, except for note amendments, nonvehicular access line  
19 amendments, or changes to conditions of plat approval that do not affect  
20 the pending plat note or nonvehicular access line sought to be amended or  
21 that are otherwise unrelated to the pending plat note or nonvehicular access  
22 line amendment, until the pending application ~~to amend or place a note on~~  
23 ~~a recorded plat~~ is either denied, withdrawn, has expired, or an agreement  
24 to amend a note or nonvehicular access line is recorded.

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1 . . .

2 (~~q~~) (o) *Municipal letter or resolution required for ~~acceptance~~ referral of*  
3 *development permit applications changing conditions of plat approval.* Development  
4 permit applications, for property located within a municipality, to change, delete, or add  
5 conditions of plat approval, including, but not limited to, requests for impact fee waivers  
6 and designation of affordable housing projects; amendments or revisions to nonvehicular  
7 access lines; amendments, revisions, or placement of plat notes; ~~applications for new~~  
8 ~~findings of adequacy~~; and modifications to rights-of-way and construction requirements,  
9 shall not be ~~referred~~ recommended for approval to the County Commission or to the  
10 County Administrator pursuant to Section 5-181(~~i~~)(g) unless the municipality where the  
11 plat is located has issued a letter or adopted a resolution stating the municipality's position  
12 regarding the application. The letter or resolution must be issued by the municipality no  
13 earlier than six (6) months before the date the development permit application is filed with  
14 Broward County.

15 (~~r~~) (p) *Recordation of documents related to an approved development permit.* The  
16 County shall record all documents required as a condition of approval for a development  
17 permit, ~~in which~~ where all of the items necessary for recordation (including the approval,  
18 copying, and processing of all agreements, and payment of the recordation fee, but  
19 excluding the signature of the Mayor) have been completed before ~~5:00~~ 4:00 p.m. on the  
20 day the development permit expires, ~~with the exception of the signature of the Mayor.~~

21 Section 4. Section 5-182 of the Broward County Code of Ordinances is hereby  
22 amended to delete Table 1.1, "Land Use Compatibility Guidelines," in its entirety and to  
23 otherwise read as follows:

24

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underscoring type are additions.

1 **Sec. 5-182. Development review requirements.**

2 An application for a development permit must comply with the requirements of this  
3 ~~section~~ article. To determine compliance with these requirements, within municipalities,  
4 the County shall conduct an independent review; provided, however, that in conducting  
5 such review, the County shall utilize and consider whatever documentation and  
6 recommendation is provided to it by the relevant municipality as a result of that  
7 municipality's own review of such subject matters. For any adequacy determination under  
8 Section 5-182.1 or 5-182.2 of this article involving development of previously improved  
9 land, the determination shall be based on the additional trips that will be generated by the  
10 proposed development. Any demolished development that qualifies as existing under the  
11 criteria set forth in Section 5-182.13 shall be granted credit at one hundred percent  
12 (100%) of its generated trips.

13 **Sec. 5-182.1. Adequacy of regional road network.**

14 (a) ~~Adequacy of Regional Road Network.~~ The adequacy of the Regional  
15 Transportation Network, as defined in Section 5-201 of this article, shall be determined  
16 based upon conditions at the time the final development permit application or a request  
17 for a Transportation Concurrency Satisfaction Certificate is submitted in accordance with  
18 the following provisions:

19 . . .

20 (2) *Levels of Service (LOS) Standards.*

21 a) Level of Service Standards within Transportation Concurrency  
22 Management Areas (TCMAs) ~~F~~for the purpose of issuing  
23 development permits, ~~the Level of Service Standards within~~  
24 ~~Transportation Concurrency Management Areas~~ are as follows:

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Northeast District:

~~Maintain headways of 30 minutes or less on 90 percent of routes.~~

~~Establish and maintain service at one or more neighborhood transit centers.~~

~~Reduce traffic signal communication failures by 50 percent by FY 2013.~~

~~Increase peak-hour weekday fixed-route transit ridership by 17 percent from FY 2009 to FY 2013.~~

Thirty (30) minute peak hour headways on seventy percent (70%) of bus routes.

Maintain and enhance Northeast Transit Center.

North Central District:

~~Establish and maintain headways of 30 minutes or less on 90 percent of routes.~~

~~Maintain service at one or more neighborhood transit centers.~~

~~Increase peak-hour weekday fixed-route transit ridership by 23 percent from FY 2009 to FY 2013.~~

~~Maintain the current number of community bus routes (13) through 2013.~~

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Central District:

Thirty (30) minute peak hour headways on seventy percent (70%) of bus routes.

~~Maintain headways of 30 minutes or less on 80 percent of routes.~~

~~Establish and maintain service at one or more neighborhood transit centers.~~

~~Reduce traffic signal communication failures by 50 percent by FY 2013.~~

~~Increase peak-hour weekday fixed-route transit ridership by 19 percent from FY 2009 to FY 2013.~~

~~Maintain the current number of community bus routes (24) through 2013.~~

Thirty (30) minute peak hour headways on sixty percent (60%) of bus routes.

Maintain and enhance Lauderhill Transit Center and West Regional Terminal.

Port/Airport District:

~~Increase peak-hour weekday fixed-route transit ridership by 20 percent from FY 2009 to FY 2013.~~

~~Continue to pursue the ongoing Project Development and Environment Study to define alternatives that facilitate direct~~

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~~movement of people and goods between Port Everglades and Fort Lauderdale Hollywood International Airport, including an intermodal center to facilitate this connectivity along with connections to local and regional transit services such as County transit routes, Tri-Rail, and potential passenger transit services on the Florida East Coast rail corridor, all of which would serve to ensure efficient operations within the Port and Airport and address traffic congestion on Strategic Intermodal System facilities and other roadways. Incorporate the results of this study into the Master Plans for the Port and Airport by FY 2013. Continue to pursue a bypass roadway for Port Everglades that would provide a connection between U.S. 1 and S.E. 17 Street.~~

Maintain at least one (1) fixed route with direct service to Fort Lauderdale-Hollywood International Airport.

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Continue studies to examine intermodal connections between Port Everglades, Fort Lauderdale-Hollywood International Airport, and the Greater Fort Lauderdale/Broward County Convention Center.

Eastern Core District:

~~Maintain headways of 30 minutes or less on 90 percent of routes and maintain headways of 20 minutes or less on 40 percent of routes.~~

~~Establish and maintain service at one or more neighborhood transit centers.~~

~~Reduce traffic signal communication failures by 50 percent by FY 2013.~~

~~Increase peak hour weekday fixed-route transit ridership by 19 percent from FY 2009 to FY 2013.~~

Thirty (30) minute peak hour headways on sixty percent (60%) of bus routes.

Maintain and enhance the Broward Central Terminal.

Sawgrass District:

~~Maintain headways of 15 minutes or less on 50 percent of routes.~~

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~~Establish and maintain service at one or more neighborhood transit centers.~~

~~Increase peak hour weekday fixed-route transit ridership by 22 percent from FY 2009 to FY 2013.~~

Thirty (30) minute peak hour headways on seventy percent (70%) of bus routes.

Maintain operations of BB&T Center park and ride lot.

Southeast District:

~~Maintain headways of 30 minutes or less on 80 percent of routes.~~

~~Establish and maintain service at one or more neighborhood transit centers.~~

~~Increase peak hour weekday fixed-route transit ridership by 24 percent from FY 2009 to FY 2013.~~

Thirty (30) minute peak hour headways on sixty percent (60%) of bus routes.

Enhance transfer facility at Young Circle.

South Central District:

~~Maintain headways of 30 minutes or less on 80 percent of routes.~~

~~Establish and maintain service at two or more neighborhood transit centers.~~

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~~Increase peak-hour weekday fixed-route transit ridership by 22 percent from FY 2009 to FY 2013.~~

~~Maintain the current number of community bus routes (10) through 2013.~~

Thirty (30) minute peak hour headways on sixty percent (60%) of bus routes.

Implement new I-75 Express Bus service.

Maintain operations at new park and ride lots.

Overall:

~~Increase number of bus stop shelters by 25 percent from FY 2009 to FY 2013.~~

~~Traffic volumes on arterial roadways in each District shall remain less than the maximum service volumes as displayed below. These volumes do not apply to Strategic Intermodal System (SIS) and Transportation Regional Incentive Program funded roadway facilities and cannot be used in a manner that would result in interference with mainline~~

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~~operations on SIS roadway corridors.  
The County and FDOT will work  
together during 2009 to revise these  
volumes downward.~~

Increase transit ridership by ten percent  
(10%).

Provide 1.4 million annual fixed route  
service hours.

Construct bus shelters at one-third (1/3)  
of stop locations.

Maintain average fleet age of six (6)  
years or less.

Expand network of Adaptive Signal  
Control Technology.

Maximum vehicle traffic volume of  
seventy-five percent (75%) above LOS  
standard.\*

Ensure adequate transit maintenance  
infrastructure to accommodate fleet  
demand.

Study and develop two (2) additional  
intermodal transit centers.

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Increase fixed route fleet by up to fifteen (15) vehicles to support new and expanded service.

Procure up to forty (40) vehicles to support Community Shuttle operation.

*Peak Hour Two-Way Maximum Service Volumes\**

	<i>Eastern Core District</i>		<i>All Other Districts</i>	
Two-lane arterials <u>roads</u>	<del>2485</del> <u>2468</u>		<del>2555</del> <u>2800</u>	
Four-lane arterials <u>roads</u>	<del>5267</del> <u>5320</u>		<del>5442</del> <u>6265</u>	
Six-lane arterials <u>roads</u>	<del>7910</del> <u>8033</u>		<del>8190</del> <u>9433</u>	
Eight-lane arterials <u>roads</u>	<del>10342</del> <u>10728</u>		<del>10605</del> <u>12618</u>	

\* The Maximum Service Volumes are calculated from "Generalized Peak Hour Two-Way Volumes for Florida's Urban Areas," published by the FDOT, as seventy-five percent (75%) above the volumes for Class ~~IV~~ II State Two-Way Arterials Roads for Level of Service "E" for the Eastern Core District; and as seventy-five percent (75%) above the volumes for Class ~~II~~ I State Two-Way Arterials Roads for Level of Service "D" for all other Districts.

b) Level of Service Standards within Standard Concurrency Districts, ~~excluding Strategic Intermodal System and Transportation Regional Incentive Program-funded roadway facilities.~~

...

c) ~~Countywide, the level of service standards for roadways on the SIS, including connectors, and roadway facilities funded in accordance with Section 339.2819, Florida Statutes, as amended, the~~

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1 Transportation Regional Incentive Program (TRIP), shall be as set  
 2 forth in Rule 14-94, Florida Administrative Code, as amended,  
 3 summarized below. These standards shall apply for the purpose of  
 4 issuing development orders and permits. The traffic volumes  
 5 described above for TCMA and Standard Districts do not apply to  
 6 FDOT Strategic Intermodal System (SIS) roadway facilities and  
 7 may not be used in a manner that would result in interference with  
 8 mainline operations on SIS roadway connectors. Countywide, the  
 9 automobile mode LOS for the SIS, including connectors, shall be  
 10 consistent with FDOT LOS Policy for the State Highway System  
 11 during peak travel hours.

<i>SIS Facilities</i>		<i>LOS</i>
<i>Roadway</i>	<i>Roadway Segment</i>	<i>Standard*</i>
<b>SIS Corridors:</b>		
Florida Turnpike & Homestead Extension Interstate 95 <u>(I-95)</u>	Miami-Dade County Line to Palm Beach County Line	D
Interstate 595 <u>(I-595)</u>	Interstate 75 <u>(I-75)</u> to US_1	<del>E</del> <u>D</u>
Sawgrass Expressway	I-75 to east of I-95 ramps via SW 10 Street (State Road 869)	D

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<del>Interstate 75</del> <u>I-75</u>	Miami-Dade County Line to West of US-27	D
<del>Interstate 75</del> <u>I-75</u>	West of US-27 to Collier County Line	<del>B</del> <u>C</u>
US-27	Miami-Dade County Line to I-75	D
US-27	I-75 to Palm Beach County Line	<del>B</del> <u>C</u>
<b>SIS Connectors:</b>		
	Port Everglades: <ul style="list-style-type: none"> <li>• <del>I-595 east straight into entrance (Eller Drive)</del></li> <li>• <del>I-95 to SR 84 to Spangler Boulevard to entrance</del></li> </ul> Fort Lauderdale-Hollywood International Airport <ul style="list-style-type: none"> <li>• <del>SIS corridor (I-595/US-1 interchange) directly to entrance</del></li> <li>• <del>I-95 to SR 84/SW 24th Street to SW 4th Avenue to Perimeter Road to air cargo entrance</del></li> </ul>	 D  D  D  D

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	<p>FEC Intermodal Terminal</p> <p>• <del>I-95 to SR 84 to Andrews Avenue to entrance</del></p> <p>Fort Lauderdale Greyhound Bus Terminal</p> <p>• <del>I-95 to Broward Boulevard to NE 3rd Avenue to 3rd Street to entrance</del></p> <p><del>Deerfield Beach Amtrak/Tri-Rail Station</del></p> <p>• <del>I-95 to Hillsboro Boulevard to entrance</del></p> <p><del>Fort Lauderdale Amtrak/Tri-Rail Station</del></p> <p>• <del>SIS corridor (I-95 ramps) directly to entrance</del></p> <p><del>Hollywood Amtrak/Tri-Rail Station</del></p>	<p>⊘</p> <p>⊘</p> <p>⊘</p> <p>⊘</p> <p>⊘</p>
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	<p><del>• I-95 to Hollywood Boulevard to entrance</del></p> <p><del>Cypress Creek Tri-Rail Station</del></p> <p><del>• I-95 to Cypress Road to Andrews Avenue to entrance</del></p> <p><del>Fort Lauderdale-Hollywood International Airport Tri-Rail Station</del></p> <p><del>• I-95 to Griffin Road to Ravenswood Road to Gulf Stream Way to entrance</del></p> <p><del>Pompano Beach Tri-Rail Station</del></p> <p><del>• I-95 to SR 834 (Sample Road) to 8th Avenue to entrance</del></p>	<p>D</p> <p>D</p> <p>D</p> <p>D</p>
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	<p><del>Sheridan Street Tri-Rail Station</del></p> <p><del>• I-95 to N 29th Avenue to entrance</del></p> <p><del>Palm Avenue from Stirling Road to Griffin Road</del></p> <p><del>• Palm Avenue from Orange Drive to Sheridan Street</del></p> <p><del>State Road 7 from North of Hallandale Beach Boulevard to North of Fillmore Street</del></p> <p><del>• State Road 7/U.S. 441 from NE/NW 215th Street (Miami-Dade County) to Johnson Street</del></p> <p><del>State Road 7/U.S. 441 from South of Miami-Dade County Line to North of</del></p>	<p><del>⊘</del></p> <p><del>⊘</del></p> <p><del>⊘</del></p>
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	<p>Hallandale <del>Beach</del> Boulevard</p> <p>• <del>State Road 7/U.S. 441</del> from <del>NE/NW 215th</del> Street <del>(Miami-Dade</del> County) <del>to Sheridan</del> Street</p> <p>Griffin Road from SW 172nd Avenue to SW 188th Avenue</p> <p>• <del>Griffin Road from SW</del> 188th Avenue to Weston Road/Dykes Road</p>	<p>D</p> <p>D</p>
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...

(4) *Development Subject to Adequacy Determination.* Prior to the issuance of a building permit ~~with~~ by any local government within Broward County, the applicant shall obtain a Transportation Concurrency Satisfaction Certificate from the Broward County Planning and Development Management Division. No municipal government shall issue a building permit unless the corresponding Transportation Concurrency Satisfaction Certificate has been presented. The County Commission shall adopt within the Broward County Administrative Code exemptions from this requirement for

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1 categories of building permits that clearly do not create additional  
2 transportation impacts.

3 ~~For any adequacy determination under Subsection 5-182(a) of this article,~~  
4 ~~involving development of previously improved land, the determination shall~~  
5 ~~be for the additional trips that equal the difference between the trips to be~~  
6 ~~generated by the proposed development and the trips generated by any~~  
7 ~~existing development. Any demolished development that qualifies as~~  
8 ~~existing under the criteria below shall be granted credit at~~  
9 ~~one hundred percent (100%) of its generated trips.~~

10 ~~For all purposes of Subsection 5-182(a), existing development shall be~~  
11 ~~construed to include buildings or uses within buildings that are demolished~~  
12 ~~in accordance with the following schedule:~~

13 *Demolished Buildings Qualifying as Existing*

14 <del>Buildings of up to and including</del> 15 <del>224,999 square feet</del>	<del>must have been demolished no</del> <del>earlier than eighteen (18) months</del> <del>previous to date of payment</del>
17 <del>Buildings of 225,000 square feet up</del> 18 <del>to and including 499,999 square feet</del>	<del>must have been demolished no</del> <del>earlier than twenty four (24)</del> 19 <del>months previous to date of</del> 20 <del>payment</del>
21 <del>Buildings of 500,000 square feet or</del> 22 <del>more</del>	<del>must have been demolished no</del> <del>earlier than thirty (30) months</del> 23 <del>previous to date of payment</del>

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1 and that are included within the application for County Environmental  
2 Review Approval or within a plat that was approved on or after  
3 March 20, 1979. For unplatted property or existing development within a  
4 plat approved prior to March 20, 1979, the square footage of the existing  
5 development shall be limited to those portions of the existing development  
6 under common ownership. The time frames for demolition set forth herein  
7 commence upon the issuance of a permit for demolition of the existing  
8 development. Any credit for existing development shall be granted during  
9 the review of construction plans submitted for County Environmental  
10 Review Approval required by Section 27-66, Broward County Code of  
11 Ordinances, and shall expire if the Environmental Review Approval  
12 expires. Transportation concurrency and road impact fee credit  
13 calculations shall be based on the unit of measurement shown on the "Trip  
14 Rates by Land Use" table listed in the Administrative Code.

15 a) For Regional Transportation Concurrency within Standard  
16 Concurrency Districts.

17 . . .

18 3) For the purposes of this subsection, the term "replat" shall be  
19 defined as an application for plat approval of land within a  
20 recorded plat which was approved by the County Commission  
21 after March 20, 1979.

22 b) For Adequacy of the Entire Regional Transportation Network within  
23 Standard Concurrency Districts.

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1) Except as otherwise provided in ~~Subsection~~ 2) below, no application for a building permit shall be ~~accepted~~ issued by the County or by any municipality without documentation that a ~~finding of adequacy~~ Transportation Concurrency Satisfaction Certificate has been ~~made by~~ obtained from the County.

2) The following types of building permits shall be exempt from this adequacy determination:

- a. All additions and renovations to residential buildings that do not increase the number of dwelling units or change the type of dwelling units; and
- b. All additions and renovations to ~~non-residential~~ nonresidential buildings that do not increase the number of gross square feet of any use or introduce a new use. The gross square footage of a ~~non-residential~~ nonresidential building shall be as defined in ~~Subsection~~ 5-184(b)(2)d) of this article.

(5) ~~Required Determinations~~ Adequacy of Regional Road Network within TCMAs.

a) Regional Transportation Concurrency within ~~Transportation Concurrency Management Areas~~ TCMAs.

1) Broward County shall issue a Transportation Concurrency Satisfaction Certificate, relative to a building permit application for property within a ~~Transportation Concurrency~~

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1 Management Area, TCMA under any of the following  
2 circumstances:

3 . . .

4 h. The proposed development is a project ~~which~~ that  
5 promotes public transportation, ~~and~~ is located within an  
6 Regional Activity Center, as described in and defined  
7 by the Broward County Comprehensive Plan, and is  
8 within an area that contains major public and private  
9 postsecondary institutions of higher learning. The  
10 impact of the proposed development on the Florida  
11 Intrastate Highway System, as defined in  
12 Section 338.001, Florida Statutes, shall be considered  
13 by the ~~Beard~~ County Commission. For the purposes of  
14 this paragraph, a project that promotes public  
15 transportation shall mean a project that either:

16 . . .

17 (ii) Contributes more toward transit improvements  
18 than the amount that would be due under  
19 Subsection 5-182(a).1 of this article.

20 . . .

21 3) The Planning and Development Management Division  
22 Director may grant a request for a waiver of, or credit against,  
23 the Transportation Concurrency Assessment under the  
24 following circumstances, or may refer such request to the

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underscored type are additions.



1 County Commission. ~~All waivers granted by the Planning and~~  
2 ~~Development Management Director shall be reported to the~~  
3 ~~County Commission on a quarterly basis.~~

4 a. Applications for building permits for "very low income"  
5 and "low income" affordable housing projects, as  
6 defined in Division 6 of this article, shall be eligible for  
7 a waiver of one hundred percent (100%) of the  
8 Transportation Concurrency Assessment.

9 b. Applications for building permits by a governmental  
10 agency for the construction of public buildings ~~which~~  
11 that will directly serve the health and/or safety needs of  
12 the public, and for public libraries and public parks  
13 (except for commercial recreation uses) shall be  
14 eligible for a waiver of one hundred percent (100%) of  
15 the Transportation Concurrency Assessment.

16 c. Applications for building permits for Transit Oriented  
17 Development shall receive credit towards the Traffic  
18 Concurrency Assessment as follows:

19 1. A property owner may apply for credit against  
20 the County's Transit Concurrency Assessment  
21 by demonstrating that a proposed development  
22 satisfies all of the criteria for a specific level of  
23 credit, as listed in the table below. The degree  
24

of credit earned for each level shall be governed in accordance with the following:

DEGREE OF CREDIT AVAILABLE BASED ON LEVEL OF MITIGATION AND PROJECT LOCATION

<u>Meeting all criteria for:</u>	<u>Within Activity Centers</u>	<u>Within All Other Land Use Plan Categories</u>
<u>Level 1</u>	<u>10%</u>	<u>10%</u>
<u>Level 2</u>	<u>25%</u>	<u>20%</u>
<u>Level 3</u>	<u>40%</u>	<u>30%</u>
<u>Level 4</u>	<u>50%</u>	<u>40%</u>

2. An application for Level 1 credit may be determined at the time a building permit application is reviewed by the Planning and Development Management Division, prior to the issuance of a Concurrency Satisfaction Certificate, or earlier.

3. An application for Level 2 credit requires the review of a current site plan approved by the appropriate municipality. The site plan shall be submitted to the Planning and Development Management Division Director, who shall issue a determination in writing within twenty (20)

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business days after acceptance of a complete application.

4. An application for Level 3 or Level 4 credit requires a review of a current site plan approved by the appropriate municipality, and also requires an agreement among the County, the municipality, and the property owner(s). The purposes of said agreement shall include, without limitation: to ensure the implementation of all required criteria; to provide for enforcement mechanisms, including security where appropriate; to specify the degree of credit granted; and to specify the property that would benefit by the grant of credit. The site plan shall be submitted to the Planning and Development Management Division Director, who shall issue a preliminary determination within thirty (30) business days after acceptance of a complete application. If the preliminary determination is that the requested credit is warranted, then the proposed agreement, in a form acceptable to the Office of the County Attorney and including all executions except for the County's, shall be

submitted by the applicant to the Planning and Development Management Division and, if acceptable, shall be scheduled for the next available meeting of the County Commission. The County Commission may approve a standard form agreement for this purpose, which can be processed administratively.

**LEVELS OF CREDIT FOR TRANSIT CONCURRENCY ASSESSMENT**

	<b>Level:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<u>Use:</u>	<u>Auto-oriented uses excluded</u> <sup>1</sup>	X	X	X	X
	<u>Single family use excluded</u> <sup>1</sup>			X	X
	<u>Self-storage and warehouse uses excluded</u> <sup>1</sup>			X	X
<u>Access to Transit:</u>	<u>Project site is within a quarter (¼) mile walking distance (no barriers) of Broward County Transit (BCT) bus route (existing or programmed) or within a half (½) mile (straight-line distance) of existing Regional Transit Center, Major Transit Hub, or rail station</u> <sup>2</sup>	X	X	X	X
	<u>Project is designed with onsite transit passenger facility or project provides private feeder service to public transit</u> <sup>12</sup>				X
	<u>Purchase four (4) monthly transit passes for each twenty-five thousand (25,000) square feet of gross floor area (GFA), minimum of four (4)</u> <sup>6</sup>			X	

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1		<u>Purchase eight (8) monthly transit passes for each</u>				<u>X</u>
2		<u>twenty-five thousand (25,000) square feet GFA, minimum</u>				
3		<u>of eight (8) <sup>6</sup></u>				
4	<u>Density</u>	<u>Residential density &gt; seven (7) units/acre <sup>3</sup></u>		<u>X</u>		
5	<u>and</u>	<u>Residential density &gt; ten (10) units/acre <sup>3</sup></u>			<u>X</u>	
6	<u>Intensity:</u>	<u>Nonresidential FAR &gt; 0.25 <sup>3</sup></u>		<u>X</u>		
7		<u>Nonresidential FAR &gt; 0.5 <sup>3</sup></u>			<u>X</u>	
8		<u>Mixed-use development with overall FAR &gt;1.0 <sup>11</sup></u>				<u>X</u>
9	<u>Site</u>	<u>No more parking spaces than minimum required by local</u>		<u>X</u>	<u>X</u>	<u>X</u>
10	<u>Design:</u>	<u>regulations <sup>4</sup></u>				
11		<u>Inverted U bike racks, or equivalent, at least one (1) per</u>		<u>X</u>	<u>X</u>	<u>X</u>
12		<u>twenty (20) auto spaces, minimum of two (2) <sup>5</sup></u>				
13		<u>All surface parking lots are rear or on side of a building <sup>7</sup></u>			<u>X</u>	<u>X</u>
14		<u>Buildings are oriented to road if collector or arterial <sup>8</sup></u>			<u>X</u>	<u>X</u>
15		<u>Pedestrian path to reach transit meets minimum criteria <sup>9</sup></u>			<u>X</u>	<u>X</u>
16		<u>Internal pedestrian connections, meeting minimum criteria,</u>			<u>X</u>	<u>X</u>
17		<u>between all principal buildings and each adjacent street</u>				
18		<u>with existing or programmed transit service <sup>10</sup></u>				
19	<u>Required</u>	<u>Record document against property as notice of obligations</u>		<u>X</u>		
20	<u>Agreement:</u>	<u>Record agreement among County, City, and property</u>			<u>X</u>	<u>X</u>
21		<u>owner(s) to enforce criteria. Default enables County to lien</u>				
22		<u>property for value of credit plus interest. City agrees to</u>				
23		<u>withhold certificates of occupancy if notified by County that</u>				
24		<u>owner is not in compliance.</u>				

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1 <sup>1</sup> Auto-oriented uses include: automobile sales, service, repairs, leasing, storage,  
2 washing, parts sales, and similar uses for other motorized vehicles, including trucks and  
3 motorcycles; gasoline stations and convenience stores; banks with drive-through  
4 windows; retail stores and restaurants with drive-through windows; towing services; RV  
5 and travel trailer parks; and truck stops.

6 <sup>2</sup> Majority of site is within a quarter (¼) mile of BCT fixed route service, existing or  
7 included in current adopted Transit Development Plan. Except for Level 1, a  
8 quarter (¼) mile is measured as walking distance and without having to cross walls,  
9 fences, water bodies, limited access roadways, or any similar barriers. Site can also be  
10 within a half (½) mile straight-line distance of an existing Regional Transit Center or  
11 Major Transit Hub, as shown in the Metropolitan Transportation Plan, or an existing rail  
12 station.

13 <sup>3</sup> Floor area ratio (FAR) calculations are based on the Net Site Area, which is the entire  
14 acreage of the site located inside the parcel boundary. Residential density is based on  
15 gross acreage as defined in the Plan Implementation Requirements of the Broward  
16 County Land Use Plan. An application to qualify under Level 2 or 3, for a development  
17 involving both residential and nonresidential uses, must satisfy the minimum density  
18 requirement for the residential portion and the FAR requirement as applied to the entire  
19 development.

20 <sup>4</sup> If municipal regulations do not contain a minimum number of required parking spaces,  
21 then the analogous requirement from the Broward County Zoning Code shall be used.

22 <sup>5</sup> Bicycle parking for employees and customers shall be situated at least as conveniently  
23 as the most convenient non-ADA motor vehicle parking area. Bicycle and motor vehicle

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1 parking areas shall be separated by a physical barrier or sufficient distance to protect  
2 parked bicycles from damage by motor vehicles.

3 <sup>6</sup> Must purchase three (3) years of BCT monthly passes prior to recordation of the  
4 agreement. Delivery of passes to begin when requested by developer. Payment  
5 guarantees passes, regardless of potential fare increases, for up to five (5) years after  
6 payment.

7 <sup>7</sup> No offstreet surface parking shall be located between the front façade of any building  
8 and the primary adjacent street.

9 <sup>8</sup> If the property abuts a collector or arterial road, then the building(s) adjacent to that  
10 street shall have at least one (1) main building entrance oriented to that street. Such  
11 an entrance shall not require a pedestrian to first pass through a garage, parking  
12 structure, parking lot, or loading area to gain access to the entrance from the street, but  
13 the entrance may be through a porch, breezeway, arcade, antechamber, portico,  
14 outdoor plaza, or similar architectural feature. The entrance shall be visible from the  
15 street and no further back from the front of the building than half (½) the depth of the  
16 building. Entrances set back from the sidewalk shall have a well-demarcated walkway  
17 leading to them.

18 If a building has frontage on more than one (1) collector or arterial road, this requirement  
19 shall pertain to the street that has an existing or programmed BCT bus route. If there  
20 is frontage on multiple collector or arterial roads with such transit service, the applicant  
21 may choose to which of these this requirement shall apply. If none of the collector or  
22 arterial roads on which the property abuts has such transit service, the applicant may  
23 choose to which of these this requirement shall apply.

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1 A building may have more than one (1) main building entrance oriented to a collector or  
2 arterial road and may have other additional entrances.

3 <sup>9</sup> Minimum pedestrian criteria include five (5) foot unobstructed width on and adjacent  
4 to site and wherever rights-of-way are available offsite and five (5) foot overall width  
5 elsewhere.

6 <sup>10</sup> Principal Building is as defined in the Plan Implementation Requirements of the  
7 Broward County Land Use Plan.

8 <sup>11</sup> The project shall include residential and at least one (1) of the following nonresidential  
9 uses: commercial, commercial recreation, community facility, or office. Each of the  
10 two (2) required uses shall constitute at least ten percent (10%) of the total floor area.  
11 The combined FAR of all uses shall be greater than 1.0. The residential density must  
12 exceed sixteen (16) units/acre.

13 <sup>12</sup> An onsite transit passenger facility that is not in public rights-of-way must be  
14 connected to a BCT or Community Bus Service bus stop by an exterior accessible route  
15 in compliance with the Americans with Disabilities Act (ADA) Accessibility Guidelines.  
16 The transit passenger facility is a designated waiting area that must have, at a minimum,  
17 a bus shelter or canopy that provides protection from the elements, bench seating, and  
18 a trash receptacle. It must be located close to the bus stop in a highly visible and  
19 well-lit area that is accessible to a location in the public right-of-way that can  
20 accommodate a standard forty (40) foot or articulated sixty (60) foot bus. Route  
21 deviation to serve this facility is discouraged but, in any case, shall not increase  
22 scheduled travel time by more than five (5) minutes.

23 Private bus feeder service, if provided, must service the project site to a location in the  
24 public right-of-way where there is an accessible BCT bus stop. Both private bus feeder

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1 service and vehicles must meet ADA regulations and run a fixed route,  
2 fixed-schedule, or on-demand, on-call type of service. Service must be provided a  
3 minimum of four (4) trips a day, at least three (3) days a week. Service routes, policies,  
4 and standards must be approved and coordinated with the Broward County Transit  
5 Division.

6 <sup>13</sup> Advanced pedestrian criteria include eight (8) foot unobstructed width on and adjacent  
7 to the site and wherever right-of-way is available off-site; and six (6) foot overall width  
8 elsewhere. All street crossings along the pedestrian path, including the street corners  
9 and their approaches, shall be illuminated.

10 d. The following policies shall apply regarding credit  
11 against regional transportation concurrency  
12 requirements for obligations contained in a  
13 Development of Regional Impact (DRI) or Florida  
14 Quality Development (FQD) development order:

15 1. Credit against regional transportation  
16 requirements of Broward County, granted  
17 based on requirements of a DRI or FQD  
18 development order, shall be specified in an  
19 agreement among the County, the municipality  
20 issuing the development order, and the  
21 property owner(s). Such agreement must be  
22 executed prior to construction or  
23 implementation of the creditable improvement.

24 Such agreement shall:

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- State that all construction required of the property owner(s) in the agreement shall be performed according to County standards and state standards, where applicable;
- State that all construction plans and pavement marking and signage plans must be approved by the County prior to any construction for which credit is granted;
- For all construction performed or paid for by the property owner(s) under the terms of the agreement, the agreement shall state that: (i) the County has the right to inspect all pavement marking and signage; (ii) for construction on County roads, the County has the right to inspect all construction; and (iii) for construction on municipal and state roads, the County shall require certification from a Florida registered professional engineer that the roads are built to the appropriate County or state standards;

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- Specify the amount of credit granted to each property owner and the method of calculation of the total credits granted; and
- Include a legal description of any property on which development is restricted by the agreement, and a description of those restrictions.

2. The following types of improvements are eligible for credits within a TCMA:

- Transit improvements that are specifically included in the Transit Master Plan adopted by the County Commission or in the adopted Metropolitan Transportation Plan, if no Transit Master Plan has been adopted; and
- Transit infrastructure improvements, provided that: (i) the applicant demonstrates to the County, using sound and relevant data and analysis, the quantitative benefits of the proposed improvements to ridership on the regional transit system in the vicinity of

1 the proposed development; and (ii) the  
2 proposed improvements are not a  
3 requirement of Broward County or any  
4 other governmental agency, excepting  
5 DRIs.

6 3. Except as provided in Section 4. below, the  
7 following types of expenditure items are eligible  
8 for credits within a Standard Concurrency  
9 District:

- 10 • Adding through-lanes on a trafficway,  
11 including: (i) design costs and  
12 inspection costs; (ii) rights-of-way  
13 acquisition costs, up to an appraised  
14 value acceptable to Broward County;  
15 (iii) construction costs; (iv) costs of  
16 standard landscaping (seeding and  
17 mulching or sod); (v) pavement marking  
18 and signage costs; (vi) sidewalks; and  
19 (vii) signalization, turn lanes,  
20 acceleration and deceleration lanes,  
21 and median cuts for street intersections,  
22 but not for driveways.
- 23 • Intersection improvements on a  
24 trafficway, including signalization

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improvements, that have been demonstrated to increase capacity.

- Construction of bus bays, at locations approved by the Transportation Department and the Traffic Engineering Division, to serve BCT bus routes, except at locations adjacent to the subject property. Other roadway improvements that are found by the Action Plan Review Committee to increase capacity on the relevant portions of the regional road network.

4. The following items are not eligible for credits:

- Sidewalks adjacent to the subject property;
- Items required for safe and adequate access to the subject property, including signals and turn lanes at property access points. Adequate access must be paved and must have sufficient capacity for the traffic projected to be generated by the development;

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- Excepting DRIs, any requirements of Broward County or another governmental agency;
- Any improvements that are used to obtain credit from Broward County under any provision of the Broward County Administrative Code or the Broward County Code of Ordinances; and
- Dedicated or conveyed rights-of-way that are a requirement of plat approval or municipal site plan or building permit approval or requirements to construct the first two (2) lanes of a trafficway adjacent to the subject property.

5. The cost of creditable items shall be based on estimates submitted by the property owner(s) and approved by the Highway Construction and Engineering Division, or successor agency, in consultation with other appropriate agencies.

~~For all~~ With the exception of ~~waivers related to the construction of affordable housing,~~ the Planning and Development Management Division ~~Director or the Board of County Commissioners~~ shall designate an alternative funding

1 source ~~which~~ that shall be utilized to pay for each  
2 Transportation Concurrency Assessment waiver. All waivers  
3 granted by the Planning and Development Management  
4 Division Director shall be reported to the County Commission  
5 quarterly.

6 . . .

7 7) Prior to the approval of any application for a plat, an  
8 amendment to the restrictive note on the plat, or the  
9 placement of a restrictive note on the plat for property within  
10 a Transportation Concurrency Management Area, the County  
11 Commission shall make a finding that the appropriate District  
12 satisfies at least one (1) of the following standards:

13 a. The District does not contain two (2) parallel and  
14 adjacent arterial roadways, both of which have a  
15 volume/capacity ratio in excess of 1.30, which ratio is  
16 derived by comparing existing p.m. peak hour traffic  
17 volumes to LOS D peak hour capacities (LOS E for the  
18 Eastern Core District).

19 b. The ridership within the District on fixed route transit  
20 services has increased at least  
21 two and one-half percent (2½%) ~~percent~~ over the  
22 previous year.

23 **Sec. 5-182.2. Adequacy of Regional Road Network within Standard Concurrency**  
24 **Districts.**

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underscored type are additions.

1     ~~b)~~ (a)     Regional Transportation Concurrency within Standard Concurrency  
2 Districts. Before a development permit is approved for an application for property within  
3 a Standard Concurrency District, which application is subject to an adequacy  
4 determination according to Section 5-182.1(a)(4)a) of this article, one (1) of the following  
5 findings shall be made:

6         (1)     The proposed development does not place any trips on, or create any,  
7                 overcapacity links within the impact area. The impact area consists of all  
8                 property within the impact distance of the boundary of the proposed  
9                 development site, where the impact distance is defined below:

10     . . .

11         (2)     The proposed development places trips on, or creates, overcapacity links  
12                 within the impact area, but one (1) of the following conditions applies:

13                 a-)     There is an approved action plan to accommodate the traffic impact  
14                         of the development; ~~or~~

15                 b-)     The necessary improvements to provide the applicable level of  
16                         service are either under construction or are the subject of an an  
17                         executed contract for the immediate implementation of the  
18                         improvements at the time the permit is issued; ~~or~~

19                 c-)     The necessary improvements to provide the applicable levels of  
20                         service have been included in the first two (2) years of the adopted  
21                         municipal, state, or county schedule of transportation improvements  
22                         and the applicable governmental entity makes a determination that a  
23                         binding contract for the implementation of said improvements will be  
24

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                          underscoring type are additions.



1 executed no later than the final day of the second fiscal year of the  
2 original schedule; or

3 d-) The necessary improvements for the applicable ~~LOS~~ levels of  
4 service are provided for in an enforceable development agreement  
5 and will be available prior to certificates of occupancy that require  
6 those facilities. An enforceable development agreement may  
7 include, but is not limited to, development agreements pursuant to  
8 ~~s~~Section 163.3220, et seq., Florida Statutes, as amended; or

9 e-) The development permit will be issued in accordance with, and as  
10 authorized by, an approved Florida Quality Development (FQD) or  
11 Development of Regional Impact (DRI) development order which  
12 development order was either issued prior to the adoption of the  
13 1989 Broward County Comprehensive Plan or was issued ~~after~~  
14 ~~being reviewed for concurrency~~ before May 14, 2015, for DRIs, or  
15 April 6, 2018, for FQDs; or

16 f-) The proposed development is found to have vested rights with regard  
17 to any affected road segment in accordance with the provisions of  
18 Chapter 163, Part II, Florida Statutes, or a common law vested rights  
19 determination made as to that road segment in accordance with  
20 Section 5-181~~(m)~~(l) of this article. The proposed development must  
21 meet concurrency for any road segment for which a vested rights  
22 determination has not been made; or

23 g-) De Minimis Exception: The proposed development meets all of the  
24 following criteria:

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underscored type are additions.

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1-) The proposed development is one (1) single family dwelling or duplex.

2-) ~~No~~ Any impact will be de minimis if it would does not exceed the adopted LOS standard of any affected designated evacuation routes.

3-) The proposed development has not utilized any of the following provisions of the Broward County Land Use Plan:

- a. Use of "~~reserve~~ redevelopment units" consistent with Policies ~~01.01.03~~ 2.2.2 and ~~01.02.01~~ 2.2.3;
- b. Use of "flexibility units" consistent with Policy ~~01.02.01~~ 2.2.3; or
- c. Use of Commercial to Residential flexibility consistent with Policy ~~02.04.05~~ 2.3.4.

This prohibition shall not apply to the use of provisions of the Broward County Land Use Plan regarding affordable housing or special residential facilities.

4-) A de minimis exception shall not be applied more than once to the same plat or parcel of land, within a period of five (5) years; or

h-) The proposed development is a public transit facility. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; ~~park-and-ride~~ park and ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger

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1 terminals and concourses, air cargo facilities, and hangars for the  
2 maintenance or storage of aircraft. As used in this paragraph, the  
3 terms "terminals" and "transit facilities" do not include seaports or  
4 commercial or residential development constructed in conjunction  
5 with a public transit facility.

6 (3) The payment of road impact fees for a building permit application in a  
7 Standard Concurrency District does not, in itself, satisfy the regional  
8 transportation concurrency requirements for the proposed development  
9 associated with that application.

10 (4) An applicant for a proposed development in a Standard Concurrency  
11 District may choose to satisfy the transportation concurrency requirement  
12 by making a proportionate fair-share contribution to an eligible project,  
13 pursuant to the following requirements:

14 a-) Eligible Projects.

15 1-) The five-year schedule of capital improvements in the  
16 County Capital Improvements Element (CIE) includes any  
17 transportation improvement(s) that, upon completion, will  
18 mitigate the additional traffic generated by the proposed  
19 development; or

20 2-) The County adopts by ~~R~~resolution a commitment to add a  
21 transportation improvement to the five-year schedule of  
22 capital improvements in the CIE no later than the next  
23 regularly scheduled update, ~~and~~; said improvement will  
24 mitigate the additional traffic generated by the proposed

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1 development; and the County Commission makes a finding  
2 in said ~~R~~resolution that the proposed improvement will be  
3 financially feasible.

4 b-) Determining the Proportionate Fair-Share Obligation.

5 1-) Proportionate fair-share mitigation includes, without  
6 limitation, separately or collectively, private funds,  
7 contributions of land, and construction and contribution of  
8 facilities.

9 2-) The fair market value of the proportionate fair-share  
10 mitigation shall not differ based on the form of mitigation.  
11 The County may not require a development to pay more than  
12 its proportionate fair-share contribution regardless of the  
13 method of mitigation.

14 3-) The methodology used to calculate an applicant's  
15 proportionate fair-share obligation shall be as provided for in  
16 Section 163.3180, Florida Statutes, ~~as amended~~, as follows:

17 . . .

18 4-) For purposes of this calculation, the cost shall include all  
19 improvements and associated costs, such as design,  
20 rights-of-way acquisition, planning, engineering, inspection,  
21 and physical development costs directly associated with  
22 construction at the anticipated cost in the year it will be  
23 incurred. The cost shall be based upon the cost estimate  
24 contained in the CIE, the Metropolitan Planning Organization

1 (MPO) Transportation Improvement Program, or the FDOT  
2 Work Program. Where such information is not available, the  
3 cost estimates shall conform to the standards and  
4 procedures set forth in ~~sub~~Section 5-184(d) of this article.

5 c.) Impact Fee Credit for Proportionate Fair-Share Mitigation.  
6 Proportionate fair-share mitigation shall be applied as a credit  
7 against impact fees to the extent that all or a portion of the  
8 proportionate fair-share mitigation is used to address the same  
9 capital infrastructure improvements contemplated by the local  
10 government's impact fee ordinance.

11 d.) Proportionate Fair-Share Agreements. Approval of proportionate  
12 fair-share mitigation shall be by an agreement ~~with the Board which~~  
13 approved by the County Commission that shall, at a minimum,  
14 provide adequate assurances for payment and/or timely completion  
15 of the proportionate fair-share contribution, in accordance with  
16 ~~sub~~Section 5-184(c) of this article. The agreement shall require  
17 that the payment and/or completion of the mitigation occurs prior to  
18 the issuance of the Transportation Concurrency Satisfaction  
19 Certificate by the County, as required under  
20 ~~sub~~Section 5-182(a)(4).1 or 5-182.2 of this article. If the property  
21 is located within a municipality, the agreement shall be executed  
22 and approved by the municipality prior to being scheduled for ~~Board~~  
23 County Commission action.

24 . . .

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1 e) (b) Adequacy of the entire regional road network within Standard Concurrency

2 Districts:

3 (1) In addition to satisfying the concurrency determinations of  
4 ~~subSections 5-182(a)(5)b)~~ 5-182.2, the proposed development within a  
5 Standard Concurrency District shall be required to address the adequacy  
6 of the remainder of the regional road network. If any road segment of the  
7 regional transportation network impacted by the proposed development  
8 lacks capacity to accommodate the additional traffic generated by the  
9 proposed development at level of service "D," it shall be determined  
10 whether such capacity will be available if all of the transportation  
11 improvements contained in the Long Range Transportation Plan adopted  
12 by the Broward County ~~Metropolitan Planning Organization~~ MPO are  
13 completed. If it is determined that such capacity will be available, then the  
14 specific improvements necessary to enable the network to reach such  
15 capacity shall be identified (hereinafter referred to as "necessary  
16 improvements"), and the application shall be granted with an express  
17 condition regarding the adequacy of the regional transportation network.  
18 At the sole discretion of the County Commission, such condition shall  
19 require one (1) of the following:

- 20 a-) That the applicant ~~shall~~ construct the necessary improvements  
21 proportional to the share of the additional capacity that is needed to  
22 accommodate traffic generated by the applicant's development; or  
23 b-) That the applicant either provide a letter of credit, in a form  
24 acceptable to the Office of the County Attorney, or deposit in a

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underscored type are additions.

1 separately maintained account established and maintained by the  
2 County, an amount of money equal to the share of the cost of the  
3 improvements that would otherwise be required in ~~sub~~Section (1)  
4 above.

5 . . .

6 ~~d)~~ (c) Transportation Concurrency Satisfaction for building permit applications  
7 within Standard Concurrency Districts.

8 (1) Broward County shall issue a Transportation Concurrency Satisfaction  
9 Certificate, relative to a building permit application for property within a  
10 Standard Concurrency District, under any of the following circumstances:

11 a-) If the building permit application is on property within a recorded  
12 plat that was approved by the County Commission on or after  
13 March 20, 1979, and before May 6, 2005; the building permit  
14 application is consistent with the level of development under which  
15 the plat is currently approved by the County Commission; the  
16 County Commission's finding of satisfaction of transportation  
17 concurrency for the plat has not expired; and the plat is not in  
18 violation of an agreement with Broward County with respect to  
19 transportation concurrency.

20 b-) If the building permit application is on property for which Broward  
21 County has made a finding of vested rights with respect to  
22 transportation concurrency; the building permit application is  
23 consistent with the level of development under which the plat was  
24 approved by the County Commission; and the plat is not in violation

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1 of an agreement with Broward County with respect to transportation  
2 concurrency.

3 c.) If the application is for property within a recorded plat that was  
4 approved by the County Commission after May 6, 2005; a finding  
5 of satisfaction of transportation concurrency was made for that plat  
6 by the County Commission; the building permit application is  
7 consistent with the level of development under which the plat is  
8 currently approved by the County Commission; ~~and~~ the County  
9 Commission's finding of satisfaction of transportation concurrency  
10 for the plat has not expired; and the plat is not in violation of an  
11 agreement with Broward County with respect to transportation  
12 concurrency.

13 d.) If the building permit application is for property within a Standard  
14 Concurrency District; ~~and~~ the property is not within a recorded plat  
15 that was approved by the County Commission on or after  
16 March 20, 1979; and the appropriate municipality is not requiring  
17 platting or replatting with regard to ~~this~~ the building permit  
18 application. The Planning and Development Management Division  
19 may require written evidence from the municipality that platting or  
20 replatting is not required.

21 **Sec. 5-182.3. Action Plans for transportation improvements.**

22 ~~(6)~~ *Action Plans.*

23 (a) An Action Plan is a program of transportation improvements designed, at a  
24 minimum, to accommodate the net traffic impact of development to the extent that the

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underscored type are additions.



1 regional transportation network lacks the available capacity to provide for the net traffic  
2 impact. The Action Plan shall provide substantiation in the form of engineering studies  
3 or other data acceptable to the County to demonstrate, to the satisfaction of the County,  
4 the anticipated effect of the proposed program of improvements and/or innovations; shall  
5 provide for a source of funding for the improvements and/or innovations; and shall provide  
6 for monitoring of the program to ensure implementation.

7 (b) Review of Action Plans.

8 1) ~~Action Plan Review Committee: The County Administrator shall establish~~  
9 ~~and maintain an Interdepartmental Action Plan Review Committee (APRC)~~  
10 ~~consisting of representatives of following agencies:~~  
11 ~~Metropolitan Planning Organization Division;~~  
12 ~~Planning and Development Management Division;~~  
13 ~~Traffic Engineering Division (as required);~~  
14 ~~Highway Construction and Engineering Division;~~  
15 ~~Broward County Department of Transportation;~~  
16 ~~Municipality with jurisdiction over the plat and other agencies that the~~  
17 ~~County Administrator deems appropriate.~~

18 2) (1) The APRC Traffic Engineering Division shall prepare and maintain  
19 standard guidelines for the content of Action Plans, which such guidelines  
20 shall be approved by the County Commission.

21 3) (2) The APRC Traffic Engineering Division shall make a recommendation to  
22 the ~~Board of County Commissioners~~ regarding approval of the Action Plan.  
23 The recommendation shall give the reasons for the recommendation,  
24 which may include, but are need not be limited to, determinations

1 regarding the trips created by the proposed development; the feasibility  
2 and safety of the proposed facility or program; the adequacy of the data to  
3 demonstrate the ability of the Action Plan to accommodate the net impact  
4 of development; the County's ability to ensure that the program or facility  
5 is maintained; the date by which the facility or program will be  
6 implemented; and the plan for funding the improvement or facility.

7 4) (c) Approval of an Action Plan shall be by an agreement with the ~~Board~~ which  
8 County that shall, at a minimum, provide adequate assurances for funding and timely  
9 completion or implementation of the Action Plan. If the plat is located within a  
10 municipality, the agreement shall be ~~executed and approved~~ and executed by the  
11 municipality prior to being scheduled for ~~Board~~ County Commission action.

12 **Sec. 5-182.4. Transportation Concurrency in Developments of Regional Impact.**

13 ~~(7) Developments of Regional Impact.~~ An application for an amendment  
14 related to a Development Order for a Development of Regional Impact (DRI), as governed  
15 by ~~s~~Section 380.06, Florida Statutes, ~~as amended,~~ shall be deemed to satisfy the regional  
16 transportation concurrency requirements of Broward County if the amended DRI  
17 Development Order complies with the following:

18 (a) If the DRI is located within a Standard Concurrency District, the  
19 Development Order ~~shall~~ requires that either:

20 (1) The DRI development ~~must~~ undergo plat review and obtain ~~plat~~ approval  
21 from Broward County, prior to the issuance of any building permits within  
22 the DRI, and said plat or plats ~~shall~~ note amendments ~~shall~~ satisfy the  
23 concurrency requirements as stipulated in this article; or  
24

1           (2)    The DRI development ~~must be the~~ is subject ~~of to~~ an agreement between  
2                   the property owner(s), the municipality, and Broward County, executed  
3                   and recorded prior to the issuance of any building permits within the DRI,  
4                   wherein the proposed development satisfies the County's concurrency  
5                   requirements in the same manner as if it were required to obtain plat  
6                   approval.

7           (b)    If the DRI is located within a ~~Transportation Concurrency Management~~  
8 ~~Area~~ TCMA, the DRI Development Order shall stipulate that the regional transportation  
9 concurrency requirements of Broward County shall be satisfied prior to the ~~application~~  
10 ~~for each~~ issuance of a building permit within the development, in accordance with  
11 provisions of this article. In addition, if the DRI development is also the subject of a  
12 proposed amendment to the Broward County Land Use Plan, then the County  
13 Commission shall consider, as part of the review of the Land Use Plan amendment,  
14 whether to revise the County Capital Program and/or the level of service standards, with  
15 respect to the appropriate Concurrency Management Area(s), based upon the expected  
16 travel demands and impacts of the DRI development.

17           (c)    If a the DRI is located within a ~~Transportation Concurrency Management~~  
18 ~~Area~~, TCMA and is expected to significantly impact State and regional roadway  
19 segments within an adjacent Standard Concurrency District, then the provisions of  
20 paragraph ~~(7)~~(a) of this subsection shall be applied to the proposed development, to  
21 derive additional concurrency mitigation requirements, if any, within the adjacent  
22 Standard Concurrency District.

23           (d)    If a the DRI is located within a Standard Concurrency District, and is  
24 expected to significantly impact State and regional roadway segments within an

1 adjacent ~~Transportation Concurrency Management Area~~ TCMA, then the mitigation  
2 required under paragraph ~~(7)a)~~ (b) of this subsection, for roadway segments in the  
3 adjacent ~~Transportation Concurrency Management Area~~ TCMA, may include a  
4 contribution to one (1) or more of the enhancements included in the County Capital  
5 Program for that adjacent District.

6 (e) Satisfaction of the County's regional transportation concurrency  
7 requirements by a DRI Development Order does not preclude the need to address  
8 mitigation of transportation facility impacts for that DRI, ~~as required under~~  
9 ~~Rule 9J-2.045, Florida Administrative Code, entitled the Transportation Uniform Standard~~  
10 ~~Rule, except as provided in paragraph (7)f).~~ For the purposes of calculations under the  
11 ~~Transportation Uniform Standard Rule, the Level of Service~~ LOS ~~S~~ standards contained  
12 in ~~Policies 3.4.2.3 and 3.4.3~~ Policy T2.3.3 of the Transportation Element of the Broward  
13 County Comprehensive Plan shall apply.

14 (f) A ~~Development of Regional Impact~~ DRI may satisfy the County's regional  
15 transportation concurrency requirements, and the requirements of ~~s~~Section 380.06,  
16 Florida Statutes, ~~as amended,~~ by payment of a proportionate share contribution for  
17 local and regionally significant traffic impacts, if the provisions of  
18 ~~sub~~Section 163.3180~~(12)(4),~~ Florida Statutes, ~~as amended,~~ are met.

19 ~~g)~~ ~~Regulations addressing the granting of credit against concurrency~~  
20 ~~requirements, for mitigation performed pursuant to the Transportation Uniform Standard~~  
21 ~~Rule, shall be incorporated in the Broward County Administrative Code.~~

22 ~~h)~~ (g) The provisions of this ~~sub~~Section ~~5-182(a)(7)~~ 5-182.4 shall apply equally  
23 to a ~~proposed~~ Florida Quality Development, as governed by ~~s~~Section 380.061, Florida  
24 Statutes, ~~as amended.~~

1 **Sec. 5-182.5. Trafficways.**

2 ~~(b)~~ (a) *Dedication of rights-of-way for major roads.*

3 . . .

4 ~~(c)~~ (b) *Access to trafficways.* A plat ~~which~~ that abuts or contains an existing or  
5 proposed trafficway or trafficway corridor shall be designed to facilitate the safe and  
6 efficient movement of vehicles between the trafficway and the proposed development and  
7 shall comply with the following standards and requirements, except as may be modified  
8 by Sections ~~5-182(c)(15)~~ 5-182.5(b)(15) and 5-195(d):

9 . . .

10 (3) Trafficways shall conform to the criteria and characteristics established by  
11 and shown on the current Broward County Trafficways Plan.

12 . . .

13 (9) If the development abuts a trafficway or trafficway corridor, a nonvehicular  
14 access line shall be delineated along the trafficway and the trafficways  
15 corridor, except at those points of access not in conflict with the standards  
16 provided in Section 5-195(b) of this article.

17 . . .

18 ~~(d)~~ (c) *Access to nontrafficway collector roads within the unincorporated area.* If  
19 development within the unincorporated area abuts a nontrafficway collector road, a  
20 nonvehicular access line shall be placed along the nontrafficway rights-of-way, except in  
21 those locations in conflict with the provisions of Sections 5-195(a) and 5-195(b).

22 **Sec. 5-182.6. Adequacy of drainage, water, wastewater, and solid waste.**

23 ~~(e)~~ (a) *Adequacy of Water Management.*

24 . . .

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underscored type are additions.

1 (f) (b) Adequacy of potable water service where Broward County is the service  
2 provider.

3 (1) ~~Where Broward County is the service provider.~~

4 a) Potable water service must be available prior to the issuance of a certificate  
5 of occupancy to provide for the needs of the proposed development at the  
6 level of service listed in ~~Table 4-A-1 of the Potable Water Element of the~~  
7 ~~Broward County Comprehensive Plan ("Potable Water Element")~~ in a  
8 manner consistent with the Water Management Element of the Broward  
9 County Comprehensive Plan. The proposed development shall be  
10 designed to provide adequate areas and easements ~~which~~ that may be  
11 necessary for the installation and maintenance of a potable water  
12 distribution system ~~which~~ that will meet all applicable building, health, and  
13 environmental regulations, including the applicable provisions of the Florida  
14 Administrative Code. Where a central potable water distribution system is  
15 required, the system, ~~which will be~~ that is provided, ~~shall~~ must conform to  
16 sound standards and principles of sanitary engineering.

17 The unit flows as indicated in ~~Table 4-A-1 of the Potable Water Element~~ the  
18 Water Management Element of the Broward County Comprehensive Plan  
19 shall also be used in determining hydraulic loading on water and wastewater  
20 facilities, anticipated from proposed projects.

21 . . .

22 b) (2) A finding that potable water service is available at the adopted level of  
23 service must be based upon a demonstration that an existing water  
24 treatment facility has sufficient plant and network capacity to provide for

1 the potable water needs of the application and for other developments in  
2 the service area ~~which~~ that are occupied or available for occupancy, for  
3 which building permits are in effect or for which potable water treatment  
4 capacity has been reserved. If potable water service is not available, but  
5 will be made available, any development order shall be conditioned on  
6 such availability. A finding that potable water service will be made  
7 available at the adopted level of service must be based upon a  
8 demonstration that there is a fiscally feasible plan to construct or expand  
9 a water treatment facility ~~which~~ that will have sufficient plant and network  
10 capacity to provide for:

11 a) the potable water needs of the development proposed by the  
12 application, prior to the issuance of certificates of occupancy for that  
13 development; and

14 b) ~~for~~ other developments in the service area, ~~which~~ that are occupied  
15 or available for occupancy, for which building permits are in effect  
16 or for which potable water treatment capacity has been reserved.

17 e) (3) Prior to the issuance of a building permit, An agreement will be required  
18 between Broward County, through Water and Wastewater Services, and  
19 the developer ~~prior to the issuance of a building permit~~ to provide for the  
20 expansion of water treatment facilities necessary to service the proposed  
21 development. County Commission approval of an application for plat  
22 approval shall not be construed to effect a reservation of potable water  
23 plant or network capacity, or a commitment to provide service.

1     ~~(2)~~ (c)     Adequacy of potable water service ~~Where Broward County is not the~~  
2 ~~service provider.~~

3     ~~a)~~ (1)     Potable water service must be available prior to occupancy to provide for  
4 the needs of the proposed development. Potable water service includes  
5 publicly and privately owned water treatment facilities and wells on  
6 individual parcels ~~which~~ that will provide for the needs of the proposed  
7 development. The proposed development shall be designed to provide  
8 adequate areas and easements ~~which~~ that may be necessary for the  
9 installation and maintenance of a potable water distribution system ~~which~~  
10 that will meet all applicable building, health, and environmental  
11 regulations, including the applicable provisions of the Florida  
12 Administrative Code.

13     ~~b)~~ (2)     A finding that potable water service is available must be based upon a  
14 demonstration that an existing water treatment facility has sufficient  
15 capacity to provide for the potable water needs of the application and for  
16 other developments in the service area ~~which~~ that are occupied or  
17 available for occupancy, for which building permits are in effect, or for  
18 which potable water treatment capacity has been reserved. If potable  
19 water service is not available, but will be made available, any development  
20 order shall be conditioned on such availability. A finding that potable water  
21 service will be made available must be based upon a demonstration that  
22 there is a fiscally feasible plan to construct or expand a water treatment  
23 facility ~~which~~ that will have sufficient capacity to provide for;



1           a)     the potable water needs of the development proposed by the  
2                     application, prior to issuance of certificates of occupancy for that  
3                     development; and

4           b)     for other developments in the service area, ~~which~~ that are occupied  
5                     or available for occupancy, for which building permits are in effect  
6                     or for which potable water treatment capacity has been reserved.

7           County Commission approval of an application for plat approval shall not  
8                     be construed to effect a reservation of potable water capacity or  
9                     commitment to provide service.

10        e) (3)     In addition to subparagraphs a) (1) and b) (2) above, proposed  
11                     developments in the unincorporated area must comply with the adopted  
12                     level of service ~~listed in Table 28 of the Potable Water Element~~ set forth in  
13                     the Water Management Element of the Broward County Comprehensive  
14                     Plan and applicable conditions below:

15           4) a)     Where a central potable water distribution is required, the system,  
16                     ~~which~~ that will be provided, shall conform to sound standards and  
17                     principles of sanitary engineering.

18           2) b)     Where a central potable water distribution system is not required, a  
19                     complete individual potable water supply system will be provided  
20                     ~~which~~ that complies with all applicable State of Florida regulations  
21                     regarding ~~on-site~~ onsite wells.

22        d) (4)     The ~~Broward County Health Department (BCHD)~~ assesses availability of  
23                     facilities by applying a gallons\_per\_day design flow demand rate to the  
24                     proposed development and then determining whether the proposed

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1 development's demand will exceed the licensed capacity of the treatment  
2 plant, considering the existing utilized and "committed" capacity. The  
3 BCHD uses potable water design flow rates ~~listed in Table 28 of the Potable~~  
4 ~~Water Element~~ set forth in the Water Management Element of the Broward  
5 County Comprehensive Plan to assess adequacy of service at the time of  
6 plat approval for all properties that are required to be platted ~~and at the time~~  
7 ~~of site plan approval for those properties within the unincorporated area that~~  
8 ~~are not required to be platted~~. If the proposed land use does not have a  
9 potable water demand rate ~~listed in Table 28~~ set forth in the Water  
10 Management Element, the BCHD is authorized to assign the most suitable  
11 rate.

12 ~~(g)~~ (d) *Adequacy of wastewater treatment and disposal services.*

13 . . .

14 (2) A finding that wastewater treatment and disposal services are available  
15 must be based upon a demonstration that an existing wastewater treatment  
16 and disposal facility has sufficient plant capacity to provide for the  
17 wastewater treatment and disposal needs of the development proposed by  
18 the application and for other developments in the service area ~~which~~ that  
19 are occupied, available for occupancy, for which building permits are in  
20 effect, or for which wastewater treatment or disposal capacity has been  
21 reserved. For this demonstration, the Environmental Protection and Growth  
22 Management Department shall use ~~Table 10, Wastewater Design Flows,~~ in  
23 ~~the Sanitary Sewer~~ information contained in the Water Management  
24

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1 Element of the Broward County Comprehensive Plan to determine the  
2 proposed land use wastewater flow during the development review process.

3 . . .

4 ~~(h)~~ (e) Adequacy of solid waste disposal sites or facilities.

5 . . .

6 **Sec. 5-182.7. Adequacy of parks and recreation.**

7 ~~(i)~~ (a) Adequacy of regional parks and recreation facilities. Land suitable for  
8 residential development pursuant to the applicable land development regulations shall be  
9 designed to provide for the park, open space, and recreational needs of the future  
10 residents of the developed area.

11 (1) Development subject to adequacy determination:

12 a) The following applications for a development permit for development  
13 of vacant land shall be subject to an adequacy determination:

14 1) All plats or replats, except those described in ~~sub~~Section c)  
15 below;

16 . . .

17 b) The following applications for a development permit for development  
18 of previously improved land shall be subject to an adequacy  
19 determination ~~for~~ that the additional residents ~~that~~ equal the  
20 difference between the residents to be generated by the proposed  
21 development and the residents generated by any existing  
22 development:

23 1) All plats or replats, except those described in ~~sub~~Section c)  
24 below;

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1 . . .

2 For all purposes of subsection ~~5-182(i)~~, ~~e~~Existing residential  
3 development shall be construed to include residential dwelling units  
4 included within the application for County Environmental Review  
5 Approval or within an approved, unexpired site plan that contains the  
6 application for County Environmental Review Approval, demolished  
7 no earlier than eighteen (18) months previous to the date of payment.  
8 ~~The eighteen (18) month time frame shall be extended to sixty (60)~~  
9 ~~months for owner occupied mobile homes within a mobile home park,~~  
10 ~~as those terms are defined by Section 723.003, Florida Statutes, as~~  
11 ~~amended, until September 24, 2015. On September 25, 2015, the~~  
12 ~~extension shall expire and the eighteen (18) month time frame shall~~  
13 ~~again be effective.~~ Any credit for existing residential development  
14 shall be granted during the review of construction plans submitted  
15 for County Environmental Review Approval required by  
16 ~~s~~Section 27-66, Broward County of the Code of Ordinances, and  
17 shall expire if the Environmental Review Approval expires.  
18 For limitations on credit for demolished structures, see  
19 Section 5-182.13 of this article.

20 . . .

- 21 (2) Approval of a development permit for a residential development shall
- 22 require a finding at the time the development permit is issued, that, at a
- 23 minimum, three (3) acres of regional park land per one thousand (1,000)
- 24 potential residents is are available or shall be available, as required by

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1 Policy R3.2 of the Recreation and Open Space Element of the Broward  
2 County Comprehensive Plan, prior to issuance of a certificate of occupancy.

3 (3) In order to provide lands for regional parks necessary to meet the need for  
4 such County-level parks created by additional residential development, and  
5 to provide the funds needed to develop such land as parks, a developer  
6 must provide for such needs according to one (1) of the following methods,  
7 or a combination thereof. The developer shall comply with b) hereof, unless  
8 the County Commission determines that the developer shall comply with a),  
9 or a combination of a) and b) hereof.

10 a) Convey land of a suitable size, dimension, topography, and general  
11 character to serve as a regional park or a substantial portion thereof,  
12 ~~as defined in the Support Documents to~~ in a manner consistent with  
13 the Recreation and Open Space Element of the Broward County  
14 Comprehensive Plan, which will meet eCounty-level park needs  
15 created by the development. The County Commission may accept  
16 a smaller parcels of land when the parcel is contiguous to an existing  
17 park, will provide a natural buffer, or is needed for access, utilities,  
18 maintenance, mitigation, or for other public purposes necessary to  
19 meet recreational needs or for park operations. The total amount of  
20 land to be dedicated either on or off the development site must equal  
21 a ratio of three (3) acres of land for every one thousand (1,000)  
22 potential residents estimated to occupy the development under the  
23 following formula:

24 . . .

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Fee assessments, credits, and payments for residential plats approved after September 16, 1977, shall occur during the review of construction plans submitted for County Environmental Review Approval required by ~~Section 27-66, Broward County~~ of the Code of Ordinances. Payments shall not be accepted prior to this review.

REGIONAL PARK IMPACT FEE SCHEDULE

<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Fee per Unit</i>
<del>Single-family</del> <u>Single family</u>	2 or less	\$345.00
Townhouse	3	439.00
Villa and Duplex	4 or more	516.00
Mobile Home	1 or less	238.00
	2	310.00
	3 or more	447.00
Garden Apartment	1 or less	203.00
<del>Mid-Rise and High-Rise</del>	2 or more	314.00
<u>Midrise and High Rise</u>		

...

**Sec. 5-182.8. Impact on environmentally sensitive lands, wetlands, and archaeological resources.**

~~(j) (a)~~ (a) Consideration of ~~impact on E~~environmentally S~~sensitive L~~ands and A~~archaeological R~~resources.

(1) ~~a)~~ If a proposed development includes all or any part of any lands identified as a site recommended for inclusion in the Urban Wilderness Inventory by the Urban Wilderness Advisory Board pursuant to Chapter 25 $\frac{1}{2}$ ,

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1 ~~Broward County~~ of the Code of Ordinances, which recommendation has  
2 been approved by the County Commission; or a site designated as a  
3 Native Vegetative Communities Category Local Area of Particular  
4 Concern within the Broward County Land Use Plan; or subject to notice of  
5 a public hearing regarding designation as a Native Vegetative  
6 Communities Category Local Area of Particular Concern or inclusion in the  
7 Urban Wilderness Inventory, which notice is mailed any time before the  
8 ~~Preliminary~~ Development Review Report is available to consider the  
9 ~~preliminary~~ plat or an application for ~~final~~ site plan approval is filed in the  
10 unincorporated area, then the Planning and Development Management  
11 Division Director shall provide for the preparation of an environmental  
12 impact report ("EIR") identifying the effects that the proposed development  
13 would have on the unique natural qualities and resources of the area and  
14 identifying strategies to protect the resource or mitigate unavoidable  
15 adverse impacts on the resource. A copy of such notice of public hearing  
16 regarding designation as a Native Vegetative Communities Category  
17 Local Area of Particular Concern or inclusion in the Urban Wilderness  
18 Inventory shall also be mailed to the municipality with jurisdiction over the  
19 property. If before a development order is issued, a final determination is  
20 made that property subject to notice of public hearing for inclusion in the  
21 Urban Wilderness Inventory or as a Native Vegetative Communities  
22 Category Local Area of Particular Concern is not to be designated in the  
23 Urban Wilderness Inventory or as a Local Area of Particular Concern, then  
24 the requirements of this ~~subsection~~ shall no longer apply. The EIR is to

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1 be completed within six (6) months after the date the application for a  
2 development permit is accepted. In assessing the impact of proposed  
3 development, the Planning and Development Management Division  
4 Director shall use the ~~following~~ guidelines herein and any additional  
5 standards adopted by the County Commission.

6 (2) a) The EIR shall:

7 1) Describe the environmental significance of the site,  
8 according to the following plans, regulations, and official  
9 reports:

10 a. ~~Appendix 19-1, Appendix 19-2, and t~~The  
11 Conservation Element of the Broward County  
12 Comprehensive Plan and the Recreation and Open  
13 Space map;

14 b. The Urban Wilderness Park System, Article II of  
15 Chapter 25½, ~~Broward County~~ of the Code of  
16 Ordinances; and

17 c. The Broward County Land Use Plan, ~~including Criteria~~  
18 ~~and Procedures for Environmentally Sensitive Lands~~  
19 ~~and Local Areas of Particular Concern in the Plan~~  
20 ~~Implementation Requirements section of Volume 1;~~  
21 ~~and the Inventory of Natural Resources, Section I.C.~~  
22 ~~of Volume 3~~ Environmentally Sensitive Land map and  
23 inventory list, and Policies 2.23.1 through 2.23.4.

24 . . .

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1 e) The requirements of ~~sub~~Section ~~5-182(j)(1)~~ 5-182.8(a)(1) shall not  
2 apply if all of the following conditions are met:

3 . . .

4 10) The developer shall delineate the boundaries of the Local  
5 Area of Particular Concern or Urban Wilderness Inventory  
6 Site on the plat or site plan.

7 (b) Consideration of impact on wetlands. If a proposed development contains  
8 wetlands, as defined herein, the Planning and Development Management Division  
9 Director shall include the Conceptual Dredge and Fill Review Report prepared by the  
10 Environmental Protection and Growth Management Department, as required by  
11 Policies 2.22.1 and 2.22.2 of the Broward County Comprehensive Plan and  
12 Section 27-331, et seq., of the Code, as part of the Development Review Report.

13 ~~(2)~~ (c) Archaeological resources.

14 (1) An archaeological survey, as set forth below, shall be required if the  
15 proposed development includes:

16 . . .

17 ~~d) Archaeological resources.~~

18 ~~4) (2)~~ If a professional archaeological survey has not been conducted  
19 within those portions of the property subject to the development permit, a  
20 ~~Reconnaissance Level Archaeological Survey shall be conducted and an~~  
21 ~~archaeological summary report prepared by a professional archaeologist~~  
22 Certificate to Dig shall be initiated as set forth in Section 5-536.5 of the  
23 Code. ~~The archaeologist shall be familiar with the kind and character of~~  
24 ~~archaeological sites known or expected to be present in Broward County~~

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underscored type are additions.

1 and shall meet the Professional Qualifications Standards established by  
2 federal regulation (See 36 C.F.R. § 61). The archaeological report  
3 submitted by the applicant shall include a brief history of the area, the field  
4 survey methods, the results of the field survey and an assessment,  
5 including a Preservation Quality Rating, of any identified archaeological  
6 site(s). Any archaeological site(s) discovered during this Reconnaissance  
7 Level Archaeological Survey shall be subject to the requirements of this  
8 section based upon the site's Preservation Quality Rating as set forth in  
9 the Broward County Comprehensive Plan, Volume 3, Support Documents.

10 2) (3) If the subject property contains a designated archaeological site, or an  
11 archaeological site identified pursuant to ~~subSection 5-182(j)(2)a)1)~~  
12 5-182.8(c)(1) above, with a Preservation Quality Rating of 1, 2, or 3:

13 a.) Permit approval shall include requirements for management of the  
14 archaeological site. Those requirements shall be based upon a Site  
15 Assessment Survey and archaeological report prepared by a  
16 professional archaeologist who meets the qualifications listed in  
17 ~~subSection 5-182(j)(2)a)1)~~ 5-182.8(c)(1) above. The archeological  
18 report submitted by the applicant shall include a brief history of the  
19 area, the field survey methods, the results of the field survey, an  
20 assessment of the archaeological significance, and a proposed plan  
21 for management. It shall be the purpose of the management plan  
22 to provide for protection and preservation of the site to the extent  
23 feasible and to allow salvage excavation only where other methods  
24 of preservation would not permit reasonable development of the

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1 subject property. The proposed plan for management shall be  
2 reviewed by the Planning and Development Management Division  
3 Director after consultation with any other agencies deemed  
4 appropriate;

5 b-) A note shall be placed on the face of the plat or site plan identifying  
6 the site using the Florida Site File number and historical name, if  
7 any;

8 c-) A note shall be placed on the face of the plat or site plan referencing  
9 the management agreement;

10 d-) The boundaries of the archaeological site shall be delineated on the  
11 face of the plat or site plan; and

12 e-) If preservation of the entire archaeological site is not feasible, only  
13 that portion of the site ~~which~~ that cannot be preserved may be  
14 subject to an Archaeological Salvage Excavation operation, as  
15 outlined in the management plan.

16 f-) If, through the Site Assessment Survey, the archaeologist  
17 determines that the site would not be likely to yield important  
18 prehistorical or historical information, and this determination is  
19 accepted by the Planning and Development Management Division  
20 Director after consultation with any other agencies deemed  
21 appropriate, then, based on the findings of the Site Assessment  
22 Survey, the Planning and Development Management Division  
23 Director may waive compliance with paragraphs 2 b-), 2 c-), 2 d-),  
24 and 2 e-) of this ~~sub~~Section 5-182(j)(2)a)2) (3), in whole or in part.

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1                    However, the Planning and Development Management Division  
2                    Director may require that a monitoring program be established for  
3                    all excavation activities within or in the immediate vicinity of the  
4                    archaeological site.

5        3) (4)        If the subject property contains a designated archaeological site, or an  
6                    archaeological site identified pursuant to ~~sub~~Section 5-182(j)(2)a)1)  
7                    5-182.8(c)(1) above, with a Preservation Quality Rating of 4:

8                    a-)        A Site Assessment Survey shall be conducted to confirm the  
9                    disturbed nature of the site. If, through the Site Assessment  
10                    Survey, it can be demonstrated that the site has maintained the  
11                    integrity of one (1) or more prehistorical or historical components,  
12                    then the requirements described in ~~sub~~Section 5-182(j)(2)a)2),  
13                    (3) above, shall apply.

14                    b-)        If, through the Site Assessment Survey, the archaeologist is unable  
15                    to determine whether or not the site is likely to yield important  
16                    prehistorical or historical information, then the Planning and  
17                    Development Management Division Director may require that a  
18                    monitoring program be established for all excavation activities in the  
19                    immediate vicinity of the archaeological site.

20                    c-)        If, through the Site Assessment Survey, the archaeologist  
21                    determines that the site would not be likely to yield important  
22                    prehistorical or historical information, and this determination is  
23                    accepted by the Planning and Development Management Division  
24

1 Director, then the applicant shall have met the procedural  
2 requirements of ~~sub~~Section 5-182(j)(2) 5-182.8(c)(3).

3 ~~4)~~ (5) If otherwise in compliance with the applicable standards and minimum  
4 requirements of this article, the application for a development permit may  
5 be approved subject to the management agreement containing those  
6 conditions set forth in the management plan and ~~which~~ that have been  
7 determined by the County Commission to be reasonably necessary to  
8 minimize disturbance of the archaeological site. The execution and  
9 recordation of the management agreement shall be a condition of the  
10 ~~D~~evelopment ~~O~~order. Such an agreement shall also provide for  
11 recordation of releases upon satisfaction of the conditions, where  
12 applicable.

13 For purposes of this section, the applicant shall not have met the  
14 procedural requirements for the submittal of a complete application for a  
15 development permit, as determined by the Planning and Development  
16 Management Division Director, until the applicant has submitted an  
17 archaeological report ~~which~~ that contains all relevant information required  
18 by this section, as determined by the Planning and Development  
19 Management Division Director, to evaluate the archaeological significance  
20 of the site.

21 ~~(k)~~ (d) *Consideration of ~~H~~azardous M~~m~~aterial D~~d~~isposal S~~s~~ervices and I~~i~~mpact*  
22 *on ~~A~~ir Q~~u~~ality and W~~w~~ellfield P~~p~~rotection.*

23 . . .

24 ~~(t)~~ (e) *Violation of ~~E~~nvironmental R~~r~~egulations.*

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underscored type are additions.

1 . . .

2 **Sec. 5-182.9. Adequacy of school sites and facilities.**

3 ~~(m) (a) Adequacy of School Sites and Facilities.~~ Land suitable for residential  
4 development pursuant to applicable land development regulations shall be ~~designed to~~  
5 ~~provide for the educational needs of the future residents of the developed area~~ subject to  
6 public school concurrency.

7 (1) ~~Public School Concurrency.~~ Pursuant to the Public School Facilities  
8 Element of the Broward County Comprehensive Plan (PSFE) and the  
9 Amended Interlocal Agreement for Public School Facility Planning (ILA),  
10 Broward County, ~~in collaboration~~ shall collaborate with the School Board  
11 of Broward County (School Board) and Broward County municipalities,  
12 ~~shall~~ to ensure that public school facilities will be available for current and  
13 future students, ~~consistent with available financial resources and adopted~~  
14 ~~level of service (LOS) standards, and concurrent with the impact of~~  
15 ~~proposed residential development.~~

16 a) ~~Applications Subject to a Public School Concurrency~~  
17 ~~Determination.~~ Broward County shall not approve an application  
18 for a residential plat, replat, plat note amendment, ~~findings of~~  
19 ~~adequacy,~~ or any unincorporated area site plan (application) that  
20 generates one (1) or more students or is not exempt from or vested  
21 ~~from~~ for purposes of the requirements of public school concurrency,  
22 until the school concurrency requirement has been satisfied.

23 b) ~~Exemptions and Vested Development.~~

24

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1) The following residential applications for residential plat, replat, plat note amendment, or any unincorporated area site plan shall be forwarded to the School Board for a determination as to whether the applications are exempt from the requirements of public school concurrency:

...  
c. ~~A Development of Regional Impact (DRI) with a valid development order.~~

~~d. c.~~ As may otherwise be exempted by Florida Statutes, including, but not limited to, applications within municipalities ~~which~~ that meet specific qualifying criteria outlined in the applicable statute and approved by the School Board.

...  
c) ~~Level of Service (LOS) standards. The LOS standard shall be one hundred percent (100%) of gross capacity (with relocatable classrooms) for each Concurrency Service Area (CSA) until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS standard for each CSA shall be one hundred ten percent (110%) of permanent Florida Inventory of School Houses (FISH) capacity (which excludes relocatable classrooms) for each public elementary, middle, and high school. The following LOS standards shall be achieved and maintained within the period covered by the five-year schedule of capital~~

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1 improvements contained in the effective Five-Year Adopted District  
2 Educational Facilities Plan (DEFP):

3 1) School Type A is a bounded elementary, middle, or high  
4 school that has the equivalent of at least  
5 ten percent (10%) of its permanent Florida Inventory of  
6 School Houses (FISH) capacity available onsite in  
7 relocatable classrooms. The LOS for School Type A shall be  
8 one hundred percent (100%) of gross capacity, including  
9 relocatables.

10 2) School Type B is a bounded elementary, middle, or high  
11 school that has less than the equivalent of  
12 ten percent (10%) of its permanent FISH capacity available  
13 onsite in relocatables. The LOS for School Type B shall be  
14 one hundred ten percent (110%) of permanent FISH  
15 capacity.

16 The LOS for schools containing magnet programs shall be  
17 considered the same as for each pertinent school level (elementary,  
18 middle, and high).

19 . . .

20 ~~(2)~~ (b) *Development ~~S~~subject to ~~A~~adequacy ~~D~~determination.*

21 (1) The following applications for a development permit shall be subject to an  
22 adequacy determination:

23 ~~4)~~ a) An application for a building permit for a new residential  
24 development ~~whether~~ in a municipality or the unincorporated area.

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underscored type are additions.



1 No application for a building permit shall be ~~accepted~~ approved by  
2 the County or by any municipality without documentation that a  
3 finding of adequacy has been made by the County, except as  
4 otherwise provided in paragraph ~~(a)(1)b~~ below above;

5 2) b) An application for a building permit for a proposed residential  
6 development, ~~whether~~ in a municipality or the unincorporated area,  
7 ~~where~~ if the proposed residential development generates more  
8 students than the existing residential development, with the  
9 exception of the addition of bedrooms to an existing residential  
10 dwelling unit. For all purposes of Section ~~5-182(m)~~ 5-182.9,  
11 existing residential development shall be construed to include  
12 residential dwelling units included within the application for County  
13 Environmental Review Approval or within an approved, unexpired  
14 site plan that contains the application for County Environmental  
15 Review Approval, demolished no earlier than eighteen (18) months  
16 prior to the date of payment. ~~Any credit for existing residential~~  
17 ~~development shall be granted during the review of construction~~  
18 ~~plans submitted for County Environmental Review Approval~~  
19 ~~required by Section 27-66, Broward County Code of Ordinances,~~  
20 ~~and shall expire if the Environmental Review Approval expires.~~ For  
21 limitations on credit for demolished structures, see  
22 Section 5-182.13 of this article. No application for a building permit  
23 shall be ~~accepted~~ approved by the County or by any municipality  
24 without documentation that the County has made a finding of

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underscoring type are additions.

1                    ~~adequacy has been made by the County~~ that adequate school  
2                    capacity exists. In this case, the adequacy determination shall be  
3                    based upon the additional number of students equal to the  
4                    difference between the number of students to be generated by the  
5                    proposed development and the number of students generated by  
6                    the existing development, as calculated by the use of the student  
7                    generation rates in effect at the time of the determination.

8        ~~(3)~~ (2)     In order to provide lands, facilities, or funds to be used to meet the need  
9                    for school sites and facilities created by residential development, a  
10                  developer must satisfy one (1) of the following three (3) requirements, or  
11                  a combination thereof:

12     . . .

13                  b)     Provide facilities acceptable to the Broward County School Board to  
14                  meet the need for school facilities created by the development, as  
15                  set forth in paragraphs ~~(4)~~ (3) and ~~(5)~~ (4) of this subsection;

16     . . .

17        ~~(4)~~ (3)     *School sites location and accessibility.*

18     . . .

19        ~~(5)~~ (4)     For purposes of this subsection, the need for school sites generated by  
20                  residential development is hereby found to be as follows:

21     . . .

22        ~~(6)~~ (5)     For purposes of this subsection, the estimated number of students  
23                  generated by dwelling type is hereby found to be as follows:

24     . . .

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                         underscored type are additions.

1     ~~(7)~~ (6)     Funds deposited pursuant to this subsection shall be segregated according  
2                   to service areas as follows. The four (4) proposed service areas will run  
3                   east to west between the following borders:

4     ...

5     ~~(8)~~ (7)     The County shall remit to the Broward County School Board, from time to  
6                   time, monies from the Trust Funds hereunder created, to be spent by the  
7                   School Board in its sole discretion, subject to such agreements between the  
8                   County and the School Board as may be necessary to ensure that the  
9                   requirements of this subsection and other applicable laws are met.

10    ~~(9)~~ (8)     The provisions of ~~sub~~Section ~~5-182(m)~~ 5-182.9(a), ~~Adequacy of School~~  
11                   ~~Sites and Facilities~~, shall not apply to Assisted Living Facilities as defined  
12                   by ~~s~~Section 400.402, Florida Statutes, ~~as amended~~, or residential  
13                   communities restricted by deed or other recorded instruments or a notation  
14                   on the face of the plat ~~which~~ that, in the opinion of the Office of the County  
15                   Attorney, creates said restriction to prohibit the residence of school age  
16                   children in a manner not inconsistent with federal, State, or local law or  
17                   regulations. In the event that the restrictions contained in the notation, deed  
18                   restrictions, or other recorded instruments are removed from the property  
19                   by a court of competent jurisdiction, by amendment or otherwise, thereby  
20                   permitting school age children to reside on the property, school impact  
21                   fees shall be assessed pursuant to the current provisions of  
22                   ~~sub~~Section ~~5-182(m)~~ 5-182.9(a).

23    **Sec. 5-182.10. Airports.**

24    ~~(n)~~ (a)     *Protection of air navigation and Notice of Potential Airport Noise Impacts.*

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1           (4) It is recognized that development within airport runway protection zones  
2 creates a safety risk to air navigation, ~~and~~ to the development within the runway protection  
3 zones, and to persons using the facilities constructed within a runway protection zones.  
4 Therefore, if the application includes any property that has been designated within ~~the a~~  
5 runway protection zone of a governmentally operated airport, the County Commissioners  
6 may defer the application for no more than sixty (60) days to allow the governmental  
7 agency operating the airport to decide whether to purchase the property within the runway  
8 protection zone. If the government with jurisdiction over the airport fails to provide the  
9 County Commission with a resolution indicating its intent to acquire the runway protection  
10 zone property within sixty (60) days, or where the County Commission is the government  
11 operating the airport, if the County Commission fails to make a decision to purchase the  
12 runway protection zone parcel within sixty (60) days, then the County Commission shall  
13 take action on the plat on the next available plat agenda following the expiration of  
14 sixty (60) days. If the government with jurisdiction over the airport decides by resolution  
15 to purchase the property, then the County ~~e~~Commission may seek the applicant's  
16 agreement to defer the plat for up to an additional nine (9) months to allow for acquisition;  
17 provided that the County Commission may require the governmental entity operating the  
18 airport to provide indemnification ~~for~~ in the event that governmental entity does not  
19 acquire the property within nine (9) months. At any time during this process, the applicant  
20 may modify the application to exclude the designated runway protection zones or, upon  
21 acquisition, the governmental entity with jurisdiction over the airport may remove the  
22 runway protection zone property from the plat application. Such a revised application  
23 shall be processed as determined necessary consistent with this ~~Chapter~~ article by the  
24 Planning and Development Management Division Director, and in no event shall such a

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1 revision result in the need for the application to requalify for roadway capacity previously  
2 allocated at the time the final plat was submitted. All Any plats that includes a runway  
3 protection zones shall be required to delineate the runway protection zone on the plat,  
4 and ~~these~~ the plats may include language stating that a delineation of the runway  
5 protection zone is provided for informational purposes only.

6 (b) Notice of potential airport noise impacts.

7 ~~(2)~~ (1) If the development includes property subject to the notice requirements of  
8 Federal Aviation Regulations (FAR) Part 77, Subpart B, the development  
9 must receive an Federal Aviation Administration (FAA) determination that it  
10 does not constitute a hazard to air navigation or require operational  
11 modifications to the airport to avoid such a hazard. If the application is for  
12 plat approval and the Broward County Aviation Department indicates that  
13 the development is subject to or may be subject to FAR Part 77,  
14 Subpart B, a note shall be placed on the plat, prior to recordation, stating  
15 that the development shall comply with Section IV D.1.f. of the Broward  
16 County Land Use Plan, Chapter 333, Florida Statutes, and, if the plat is in  
17 the unincorporated area, with the Broward County Airport Zoning Ordinance  
18 relating to hazards to air navigation. ~~If the application is for final site plan~~  
19 ~~approval and the Broward County Aviation Department indicates that the~~  
20 ~~development is subject to or may be subject to FAR Part 77, Subpart B, a~~  
21 ~~determination shall be made prior to the issuance of a development order.~~

22 ~~(3)~~ (2) If an application for a residential development permit includes land lying  
23 within an area ~~which~~ that extends five (5) miles in a direct line along the  
24 centerline of an existing or proposed runway of any County-owned airport

1 and ~~which~~ that has a width measuring one-half (½) the length of such  
2 runway, then approval of the application shall be conditioned upon the  
3 applicant recording a separate document against all the property within  
4 the development, as follows:

5 This serves as notice of potential aircraft overflight and noise impacts on  
6 this property, due to its close proximity to a County-owned airport, which  
7 is being disclosed to all prospective purchasers considering the use of this  
8 property for residential purposes. Further information regarding the  
9 current and potential impacts of airport operations on the subject property  
10 may be obtained from the Broward County Aviation Department, Planning  
11 & Development Environment Division. In addition to the foregoing,  
12 consistent with the ~~Federal Aviation Administration's~~ FAA's "Change in  
13 FAA's Noise Mitigation Policy," effective October 1, 1998, the County will  
14 only provide noise mitigation for existing "incompatible development" and  
15 not for new incompatible development. The determination of "compatible"  
16 and "incompatible development" will be based on the County's most  
17 current noise compatibility program ~~which~~ that has been reviewed and  
18 approved by the ~~Federal Aviation Administration~~ FAA for the Fort  
19 Lauderdale-Hollywood International Airport ("Airport"). ~~The following table~~  
20 ~~of "Land Use Compatibility Guidelines" represents compatible and~~  
21 ~~incompatible land uses.~~ The determination of compatible and  
22 incompatible uses is based on the most current FAA-approved Noise  
23 Exposure Map: and the land use compatibility information contained in the  
24

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1 "Land Use Compatibility With Yearly Day-Night Average Sound Levels"

2 Table found in 14 C.F.R. Appendix A to Part 150.

3 . . .

4 **Sec. 5-182.11. Conformity to the Broward County Land Use Plan or a certified land**  
5 **use plan and compatibility of land use.**

6 ~~(e)~~ *Conformity to the County Land Use Plan or a Certified Land Use Plan.*

7 ~~(4)~~ (a) The development of land within Broward County shall conform to the  
8 Broward County Land Use Plan, and to the applicable certified land use plan.

9 ~~(2)~~ (b) Local government utilization of the Broward County Land Use Plan  
10 "Flexibility Rules," as per Policies ~~01.01.03, 01.01.04, 01.02.01, 01.02.02, 02.04.04,~~  
11 ~~02.04.05, 03.01.06 and 03.02.02~~ 2.2.1 through 2.2.6 of the Broward County Land Use  
12 Plan, if applied on or after February 4, 1997, shall be subject to a determination by the  
13 ~~Broward~~ County Commission that such allocation is compatible with adjacent land uses,  
14 and that impacts on public school facilities have been adequately considered. Allocations  
15 of "flexibility" for "affordable housing," or "special residential facilities," or "urban infill,  
16 urban redevelopment, and downtown revitalization areas," as defined within the Broward  
17 County Land Use Plan, shall be exempt from this requirement. For the purposes of this  
18 paragraph, an exemption on the basis of "affordable housing" shall require:

- 19 a) (1) That the developer, prior to consideration by the County Commission, shall  
20 obtain certification from the Broward County Housing Finance and  
21 ~~Community~~ Redevelopment Division stating that the project qualifies as  
22 affordable housing at a specified income level(s), as defined in Division 6  
23 of this Article, and in accordance with the procedure contained in the  
24 Broward County Administrative Code; and

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1       b) (2)       That the developer, as a condition of approval, shall record in the public  
2 records restrictive covenants upon the property, or shall enter into an  
3 agreement with Broward County acceptable to the Office of the County  
4 Attorney, to ensure that the affordability of the residential units at a  
5 specified income level(s) will be maintained for a period of at least  
6 fifteen (15) years for rental housing, and at least five (5) years for owner-  
7 occupied housing.

8 **Sec. 5-182.12. Additional requirements for the unincorporated area.**

9       ~~(p)~~ (a)       *Design of development in the unincorporated area.* The design of a plat  
10 within the unincorporated area shall be consistent with the site development plan  
11 requirements of Division 4 of this article.

12       ~~(q)~~ (b)       *Adequacy of solid waste collection service in the unincorporated area.*  
13 Solid waste collection service will be available prior to occupancy to provide for the  
14 needs of the proposed development within the unincorporated area.

15       ~~(r)~~ (c)       *Adequacy of Fire Protection Service in the Unincorporated Area.* Fire  
16 protection services within the unincorporated area shall be adequate to provide an  
17 effective level of life safety and property protection in all new and proposed  
18 developments, and for proposed developments in existing developed areas. A finding  
19 that adequate fire protection service is available shall be based upon a determination of  
20 the Fire Marshal's Bureau that all proposed development meets the following  
21 requirements:

22 . . .

23       ~~(s)~~ (d)       *Adequacy of Local Parks and Recreation Facilities in the Unincorporated*  
24 *Area.* Land suitable for residential development within the unincorporated area, shall be



1 designed to provide for the park, open space, and recreational needs of the future  
2 residents of the developed area.

3 (1) Development Subject to Adequacy Determination.

4 . . .

5 b) The following applications for a development permit of previously  
6 improved land shall be subject to an adequacy determination for the  
7 additional residents that equal the difference between the residents  
8 ~~to be~~ generated by the proposed development and the residents  
9 generated by any existing development:

10 . . .

11 3) Requests by developers to place a notation on the face of a  
12 plat approved and recorded between June 4, 1953, and  
13 September 16, 1977.

14 For all purposes of this subsection ~~5-182(s)~~, existing residential  
15 development shall be construed to include residential dwelling units  
16 demolished no earlier than eighteen (18) months previous to the date  
17 of payment. ~~The eighteen (18) month time frame shall be extended~~  
18 ~~to sixty (60) months for owner occupied mobile homes within a~~  
19 ~~mobile home park, as those terms are defined by~~  
20 ~~Section 723.003, Florida Statutes, as amended, until September 24,~~  
21 ~~2015. On September 25, 2015, the extension shall expire and the~~  
22 ~~eighteen (18) month time frame shall again be effective.~~ Any credit  
23 for existing residential development shall be granted at the time of  
24 payment.

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1 . . .

2 (2) Approval of a development permit for a residential development shall  
3 require a finding at the time the development permit is issued that local  
4 park acreage equal to three (3) acres of local park per  
5 ~~one-thousand~~ one thousand (1,000) potential residents is available to the  
6 development ~~within the sector that the development is located within, as~~  
7 ~~delineated on Map 2-3 of the Broward County Comprehensive Plan Map~~  
8 ~~series,~~ or shall be available prior to issuance of a certificate of occupancy.

9 (3) In order to provide land or funds or both to be used to provide additional  
10 local parks necessary to meet the need for such local-level parks created  
11 by additional residential development within the unincorporated area, and  
12 to provide the funds needed to develop such lands as parks, a developer  
13 must provide for such needs according to one (1) of the following methods,  
14 or a combination thereof, as determined by the County Commission to  
15 most adequately provide for the needs of the particular area:

16 a) Dedicate land of suitable size, dimension, topography, and general  
17 character to serve as local parks or a substantial portion thereof, ~~as~~  
18 ~~defined in the Support Documents to the Recreation and Open~~  
19 ~~Space Element~~ in accordance with Section 2B of the Broward  
20 County ~~Comprehensive~~ Land Use Plan, which will meet local-level  
21 park needs created by the development. The County Commission  
22 may accept a smaller parcels of land when the parcel is contiguous  
23 to an existing park, will provide a natural buffer, or is needed for  
24 access, utilities, maintenance, mitigation, or for other public

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1 purposes necessary to meet recreational needs or for park  
2 operations. The total amount of land to be dedicated either on or  
3 off the development site must equal a ratio of at least three (3) acres  
4 of land for every one thousand (1,000) potential residents estimated  
5 to occupy the development under the formula as provided in  
6 ~~sub~~Section 5-182(2).7(a)(3)a of this ~~D~~ivision; or

7 . . .

8 (5) Monies deposited by a developer pursuant to this ~~sub~~section shall be  
9 expended within a reasonable period of time for the sole purpose of  
10 acquiring and developing land necessary to meet the need for local\_level  
11 parks created by the development, in order to provide a system of  
12 local\_level parks ~~which~~ that will be available to and substantially benefit the  
13 residents of the developed area. Monies deposited by a developer pursuant  
14 to this section shall be expended to acquire or develop land for local park  
15 purposes ~~within the sector that the development is located within, as~~  
16 ~~delineated on Map 2-3 of the Broward County Comprehensive Plan Map~~  
17 ~~Series.~~

18 (t) ~~Consideration of Impact on Wetlands.~~ If a proposed development contains  
19 ~~wetlands as defined herein, the Planning and Development Management Director shall~~  
20 ~~include the Conceptual Dredge and Fill Review Report prepared by the Environmental~~  
21 ~~Protection and Growth Management Department, as required by Objective 09.05.02 of~~  
22 ~~the Broward County Land Use Plan and section 27-331, et seq., of the Broward County~~  
23 ~~Code of Ordinances, as part of the Development Review Report.~~

24  
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1       (u) ~~(e)~~     *Protection of the Public Health and Safety.* An application for a  
2 development permit may be deferred, denied, or approved with appropriate conditions,  
3 when competent substantial evidence is presented demonstrating that the proposed  
4 development will adversely affect public health or safety.

5       (v) ~~(f)~~     *Violation of Development Order Conditions.* An application for a  
6 development permit may be deferred, denied, or approved with appropriate conditions,  
7 when the property is in violation of a condition of a previously approved development  
8 order.

9       ~~(w)     *Compatibility Documentation.* An application for a development permit  
10 which includes proposed industrial uses, as defined in the Broward County Land Use  
11 Plan, for property that abuts a parcel designated as a "Residential" land use plan  
12 category (all of the residentially named categories and Agricultural, Rural Ranches,  
13 Rural Estates, TOC, TOD, RAC, and LAC) shall provide written documentation, for  
14 informational purposes only, from the municipality stating how the municipality will  
15 address compatibility between the proposed industrial use(s) and the abutting parcel  
16 designated as a "Residential" land use plan category. Parcels separated by  
17 rights-of-way, easements, canals, or lakes with a width of 100 feet or less shall be  
18 considered abutting. The written documentation shall be submitted prior to or with the  
19 written authorization to proceed pursuant to Section 5-181(i) for plats and findings of  
20 adequacy. The written documentation shall be submitted with the application for plat  
21 note amendments.~~

22 **Sec. 5-182.13. Credit for demolished buildings.**

23       (a)     For purposes of Sections 5-182.1, 5-182.2, and 5.182.12, existing  
24 development shall be construed to include buildings or uses within buildings that are

1 demolished in accordance with the following schedule and are included within the  
2 application for County Environmental Review Approval or within a plat that was  
3 approved on or after March 20, 1979.

4 *Demolished Buildings Qualifying as Existing*

5 <u>Buildings of up to and including</u> 6 <u>224,999 square feet</u>	7 <u>Must have been demolished no earlier than</u> 8 <u>eighteen (18) months previous to date of</u> 9 <u>payment</u>
8 <u>Buildings of 225,000 square feet up</u> 9 <u>to and including 499,999 square feet</u>	10 <u>Must have been demolished no earlier than</u> 11 <u>twenty-four (24) months previous to date of</u> 12 <u>payment</u>
11 <u>Buildings of 500,000 square feet or</u> 12 <u>more</u>	13 <u>Must have been demolished no earlier than</u> 14 <u>thirty (30) months previous to date of payment</u>

13 For unplatted property or existing development within a plat approved prior to  
14 March 20, 1979, the square footage of the existing development shall be limited to those  
15 portions of the existing development under common ownership. The time frames for  
16 demolition set forth herein commence upon the issuance of a permit for demolition of  
17 the existing development.

18 (b) For purposes of credit for existing buildings within this article, any credit  
19 for existing development shall be granted during the review of construction plans  
20 submitted for County Environmental Review Approval required by Section 27-66 of the  
21 Code, and shall expire if the Environmental Review Approval expires. Credit for existing  
22 buildings or uses shall be determined on the basis of the following methodology:

- 23 (1) The existence of buildings or uses must be shown on a signed and sealed  
24 survey by a Florida licensed surveyor and mapper of the property. The

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1 survey must be submitted with the application and, depending on the size  
2 of the development demolished and consistent with the foregoing  
3 schedule, the survey must be dated within eighteen (18) months,  
4 twenty-four (24) months, or thirty (30) months before application submittal.

5 (2) The last documented use of the property consisting of an occupational  
6 license or other appropriate evidence acceptable to Broward County.

7 (3) Existing buildings or uses must have been: legally permitted; completed  
8 and received a certificate of occupancy, if applicable; not abandoned; and  
9 buildings thereon considered by local building officials to be safe and able  
10 to be occupied. Appropriate documentation shall be required, as  
11 requested by Broward County.

12 (c) Transportation concurrency and road impact fee credit calculations shall  
13 be calculated in a manner consistent with Section 27.40 of the Broward County  
14 Administrative Code for the calculation of transportation concurrency assessments.

15 Section 5. Section 5-183 of the Broward County Code of Ordinances is hereby  
16 amended to read as follows:

17 **Sec. 5-183. County reliance on municipal review for certain municipal subject**  
18 **matters.**

19 With respect to the concurrency of potable water and wastewater where Broward  
20 County is not the service provider, solid waste collection service, fire protection service,  
21 local parks and recreation facilities, and any responsibilities as may be required by the  
22 Americans with Disabilities Act, as same may be amended from time to time, the County  
23 shall conduct no independent review of an application for final plat approval for a plat  
24 within a municipality, but shall rely on municipal review. Similarly, the County shall

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1 conduct no independent review for protection of historic and archaeological resources in  
2 municipalities that are not subject to the requirements of Chapter 5,  
3 Article XVII of the Broward County Code of Ordinances, regarding the preservation of  
4 historic cultural resource sites.

5 . . .

6 Section 6. Section 5-184 of the Broward County Code of Ordinances is hereby  
7 amended to read as follows:

8 **Sec. 5-184. Presumptions, limitations, agreements, and security for development**  
9 **review requirements.**

10 . . .

11 (b) *Limitation on ~~R~~required ~~D~~eductions and ~~I~~improvements; ~~M~~money in ~~L~~ieu*  
12 *of ~~D~~eductions and ~~I~~improvements.*

13 . . .

14 (2) The amount of money required to be deposited with the County in lieu of  
15 dedication requirements and improvements shall be determined pursuant  
16 to the specific standards set forth in this division. The use of such funds  
17 will be restricted to the acquisition, expansion, and development of service  
18 facilities for new users, provided that ~~three~~ one percent (~~3%~~) (1%) of the  
19 funds received for roadway and park purposes pursuant to  
20 Sections ~~5-182(a)(5)(c), 5-182(i)(3), and 5-182(s)(3)~~ 5-182.2, 5-182.7, and  
21 5-182.12(d) shall be retained for administrative purposes, and  
22 two percent (2%) of the funds received for transportation concurrency and  
23 educational purposes, pursuant to Section ~~5-182(a)~~ 5-182.1(a)(5)a and  
24 the "Agreement between Broward County and The School Board of

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1 Broward County, Florida, relating to Educational Impact Fee Monies," shall  
2 be retained for administrative purposes. The restriction on the use of  
3 funds deposited with the County shall not include monies deposited for  
4 Transportation Concurrency assessments.

5 . . .

6 a) Any monies required pursuant to this division shall be deposited  
7 with the County prior to County Environmental Review Approval  
8 required by ~~s~~Section 27-66, Broward County of the Code of  
9 ~~Ordinances, unless otherwise provided in an agreement entered~~  
10 ~~into pursuant to subsection 5-184(c) of this division.~~

11 b) After building permits are issued for all the development approved  
12 by a development order previously received, if the development  
13 reflected by building permits issued is less intensive than the  
14 development that was used to compute required payment of monies  
15 pursuant to ~~Subsection 5-184(a)~~(b) ~~of this division,~~ then, at the fee  
16 title holder's request and upon appropriate proof, the County shall  
17 pay a refund of that portion of the monies previously paid to the  
18 County ~~which~~ that is proportional to the reduction in intensity. If the  
19 developer has been required by the County Commission to  
20 dedicate land, other than by a DRI ~~d~~D~~e~~Dvelopment ~~e~~OOrder, then the  
21 amount of such refund shall be that portion of the Property  
22 Appraiser's assessed value of the land at the time it was dedicated  
23 or the value of the land shown by better evidence of value  
24 presented to the County prior to the dedication ~~which~~ that is

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1 proportional to the reduction in intensity. In either of the above  
2 cases, no refund shall be paid by the County if it is determined that  
3 the County has expended any sums paid by the developer, as  
4 required herein, in reliance on completion of the development under  
5 the development order, which determination shall be made by the  
6 ~~Board of County Commissioners.~~

7 . . .

8 d) All funds paid to the County under this division shall be refunded,  
9 upon application by the fee title holder, if:

10 . . .

11 2) the County has not expended or encumbered the funds by  
12 the end of the fiscal quarter immediately following six (6)  
13 years ~~from~~ after the date the money was paid ~~and a request~~  
14 ~~for refund is received prior to the expiration of one (1) year~~  
15 ~~following the six (6) year period from the date the fee was~~  
16 ~~paid. Provided, however, that this subsection shall not apply~~  
17 ~~to~~ for developments of regional impact with phased or a  
18 longer term buildout, the six (6) year period of this section  
19 shall begin upon buildout of each particular phase. Any  
20 refunds authorized under this ~~subsection~~ shall be provided  
21 with interest at the rate earned by the County.

22 . . .

23 e) Prior to the acceptance of an impact/concurrency fee payment by  
24 Broward County, appropriate proof shall be required documenting

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1 that the proposed construction does not violate the approved and  
2 recorded plat note restriction or other agreement ~~which~~ that limits the  
3 intensity of the development. Said proof shall include, but not be  
4 limited to, construction plans, including a full set of signed and sealed  
5 mechanical, electrical, plumbing, and structural (MEPS) plans.  
6 Residential payments shall provide evidence of the dwelling unit  
7 type(s) and the number of bedrooms in each dwelling unit, if the  
8 payment is for less than the maximum specified in this article.  
9 Nonresidential payments shall provide evidence of the gross square  
10 footage of the building(s), including, but not limited to, permanent  
11 canopies and overhangs for gas stations, drive-through facilities, and  
12 overhangs designed for outdoor tables at a restaurant, and any  
13 covered areas where business is conducted.

14 f) For the purpose of impact fee calculations, all residential units within  
15 a multifamily building shall be assessed as a single unit type (duplex,  
16 garden apartment, high rise, midrise, or villa), as determined by the  
17 number of residential stories in the building. Any story that has one  
18 (1) or more residential units shall count as a residential story.  
19 Ancillary residential uses (such as, but not limited to, entrance areas,  
20 security desks, mailrooms, apartment leasing offices, and private  
21 recreation facilities for residents only) shall also count as a residential  
22 story. Any story that contains only parking, retail, office, and other  
23 nonresidential uses shall not count as a residential story.  
24

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1 (3) When an application for a development permit is made by a governmental  
2 agency for the construction of a public building, or by an independent  
3 educational institution of higher learning accredited by the Southern  
4 Association of Colleges and Schools ~~which~~ that is a not-for-profit  
5 corporation pursuant to Chapter 617, Florida Statutes, and has tax-exempt  
6 status pursuant to 26 U.S.C.A. 501 and Chapter 196, Florida Statutes, the  
7 County Commission may waive, upon a request therefor, dedications of  
8 land, payments of money in lieu thereof, or other fees required by this  
9 division if the County Commission finds that the proposed building will serve  
10 a public purpose and promote the public health or safety, or is for a public  
11 library or a public park (except for commercial recreation uses). If the  
12 application is subject to site plan review, or ~~for~~ payment of an impact fee  
13 prior to application for a municipal building permit, the Planning and  
14 Development Management Division Director may grant a waiver request, in  
15 accordance with the above requirements, or may refer the waiver request  
16 to the County Commission pursuant to Section 5-181(j)(g) ~~of this division.~~  
17 Upon such waiver, the Planning and Development Management Division  
18 Director or the County Commission shall identify, on the record, the source  
19 of funds that will be used to pay for the services or facilities that would  
20 otherwise have been paid for by such dedication, payments, or fees. All  
21 waivers granted by the Planning and Development Management Division  
22 Director shall be reported to the County Commission on a quarterly basis.  
23 Application fees shall not be waived.  
24

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1 (4) When an application for a development permit is made for the construction  
2 of affordable housing, as defined by Division 6 of this article, the County  
3 Commission may waive, upon a request therefor, dedications of land,  
4 payments of money in lieu thereof, administrative fees, and application fees  
5 ~~specifically permitted by the Broward County Administrative Code, as set~~  
6 forth herein, if the County Commission or the Planning and Development  
7 Management Division Director finds that the proposed project will provide  
8 affordable housing for very low income or low income persons as defined  
9 by ~~Division 6 of this article~~ the Broward County Housing Finance and  
10 Community Redevelopment Division. Prior to consideration of any waiver  
11 request, the developer ~~shall obtain~~ must provide certification from the  
12 Broward County Housing Finance and Community ~~DR~~Redevelopment  
13 Division stating that the project qualifies as affordable housing at a specified  
14 income level(s), ~~in accordance with the procedure contained in the Broward~~  
15 ~~County Administrative Code.~~

16 Any such waiver shall be only for that portion of the development that  
17 qualifies as affordable housing. The percentage of any waiver granted shall  
18 be one hundred percent (100%).

19 If the application is subject to site plan review, or ~~for~~ payment of an impact  
20 or concurrency fee prior to application for a municipal building permit, the  
21 Planning and Development Management Division Director may grant a  
22 waiver request, in accordance with the above-cited requirements, or refer it  
23 to the County Commission pursuant to Section 5-181(~~j~~)(g). All waivers  
24

1 granted by the Planning and Development Management Division Director  
2 shall be reported to the County Commission ~~on a quarterly basis~~.

3 ~~Upon such~~ With the exception of waivers for affordable housing, the County  
4 Commission or the Planning and Development Management Division  
5 Director shall identify, ~~on the record~~, the source of funds that will be used to  
6 pay for the services or facilities that would otherwise have been paid for by  
7 such dedications, payments, or fees, not including application fees. A  
8 waiver of educational impact fees shall not be granted unless the School  
9 Board of Broward County has approved said waiver and identified the  
10 source of funds in writing.

11 The developer, as a condition of approval, shall record in the public records  
12 restrictive covenants upon the property, or shall enter into an agreement  
13 with Broward County, acceptable to the Office of the County Attorney, to  
14 ensure that the affordability of the residential units will be ~~maintained at a~~  
15 rented or sold to persons meeting specified income level(s), as established  
16 by the Housing Finance and Community Redevelopment Division, for a  
17 period of at least ~~twenty (20)~~ fifteen (15) years for rental housing, and at  
18 least ~~ten (10)~~ years for owner-occupied housing. The requirement for the  
19 agreement may be waived by the Office of the County Attorney if, in the  
20 opinion of the Office of the County Attorney, the developer provides the  
21 County with adequate alternate assurances.

- 22 (c) *Impact agreement.*  
23 (1) ~~In lieu of the dedication of lands or construction of facilities or the payment~~  
24 ~~of fees in lieu of dedication or construction of facilities as calculated under~~

1 the specific standards of this division, or if compliance with one or more  
2 sections of this division can be insured only if the nature and scope of the  
3 proposed development is identified by means other than that provided in  
4 subsection 5-184(a) of this division, any applicant may propose to enter  
5 into an impact agreement with the County designed to establish just and  
6 equitable fees or their equivalent and standards for service needs  
7 appropriate to the circumstances of the specific development proposed.  
8 Such an agreement may include, but shall not be limited to, provisions  
9 which:

- 10 a) Specify the nature of the proposed development for purposes of  
11 computing service needs generated; and may establish enforceable  
12 means for ensuring that the nature of the development will be as  
13 agreed;
- 14 b) Provide an estimate of the number of persons and/or students to be  
15 generated by the proposed development, which estimate may differ  
16 from that set forth in this division; provided that such estimate shall  
17 be based on sufficient economic and planning data, in a form  
18 acceptable to the County, to demonstrate that a different population  
19 generation rate is appropriate; and provided further that no estimate  
20 having more than a fifteen percent (15%) deviation from the  
21 numerical standard set forth in this division shall be permitted,  
22 except in the case of residential buildings determined by the County  
23 Commission to be designed, managed, and controlled in such a  
24

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1 manner as to be effectively limited to occupancy by persons having  
2 no school-age children;

3 e) Provide a schedule and method for payment of the fees in a manner  
4 appropriate to the particular circumstances of the proposed  
5 development in lieu of the requirements for depositing fees set forth  
6 in subsection ~~5-184(b)(2)a)~~ of this division, which may include a  
7 credit against required fees or dedications to the extent that there  
8 is an enforceable agreement between the developer and an  
9 appropriate governmental agency to either convey, lease, or option  
10 property at less than value, which agreement meets in whole or in  
11 part the service needs generated by the development; provided that  
12 the County receive, in a form acceptable to the County  
13 Commission, security ensuring the payment of the fees subsequent  
14 to plat recordation, which security may be in the form of an  
15 irrevocable letter of credit or a lien or mortgage on lands to be  
16 covered by the development order; and provided further, that the  
17 County Commission may require the developer to obtain  
18 participation in the agreement by the municipality in which the  
19 proposed development is located. The amount of security shall be  
20 twenty-five percent (25%) greater than the amount of the fees due  
21 specified in the impact agreement; and

22 d) Provide restriction on the use of the deposited fees that differ from  
23 those set forth in subsection ~~5-184(b)(2)~~ of this division; provided  
24 that the parties to the agreement are satisfied that the fees will be

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1                   used in a manner that benefits the developed area by providing new  
2                   facilities for new users in Broward County.

- 3       (2)   ~~Any non-standard agreement or security proposed by a developer~~  
4       ~~pursuant to this subsection shall be considered for approval by the County~~  
5       ~~Commission prior to the issuance of a development order. Any such~~  
6       ~~agreement may provide for execution by mortgagees, lienholders, or~~  
7       ~~contract purchasers in addition to the landowner, and may permit any party~~  
8       ~~to record such agreement in the Official Records of Broward County. The~~  
9       ~~County Commission shall approve such an agreement only if it finds that~~  
10      ~~the agreement will apportion the burden of expenditure for new facilities in~~  
11      ~~a just and equitable manner, consistent with the principles set forth in~~  
12      ~~Contractors and Builders Association v. City of Dunedin, 329 So.2d 314~~  
13      ~~(Fla. 1976). The County Commission may also approve standard form~~  
14      ~~agreements and securities which do not require individual approval by the~~  
15      ~~County Commission. A standard form agreement and security shall be~~  
16      ~~approved by the County Attorney prior to plat recordation, recordation of~~  
17      ~~an agreement to place or amend the note on a plat, or the issuance of a~~  
18      ~~development order for a final site plan. Upon receipt of all necessary~~  
19      ~~standard form agreements and securities, the County shall review these~~  
20      ~~documents and transmit any required corrections and/or approvals to the~~  
21      ~~applicant within fifteen (15) working days of submittal or resubmittal.~~  
22      ~~County staff shall review these documents and transmit them to the Office~~  
23      ~~of the County Attorney with a written list of any corrections within five (5)~~  
24      ~~working days of submittal. The Office of the County Attorney shall respond~~

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1 in writing to County staff within ten (10) working days of receipt of these  
2 documents by either issuing approvals, or by identifying specific  
3 corrections.

4 (3) (1) If property is replatted, and that property is subject to an existing impact  
5 agreement as described in this section, then prior to the recordation of the  
6 replat, said agreement shall be: a) either satisfied; b) ~~amended to address~~  
7 ~~the replat;~~ or c) ~~replaced by an agreement addressing the replat~~  
8 terminated.

9 (4) (2) Outstanding impact fee obligations.

10 a) For any application for a plat note amendment ~~which~~ that involves  
11 an increase in trips, for additional dwelling units, students  
12 generated, or a change in use or unit type, ~~or;~~ a replat; ~~or~~ the  
13 placement of a note on a plat, approval of the application shall be  
14 conditioned on the following:

15 1) Any existing agreements governing the payment of road,  
16 transit, recreational, and/or educational impact fees to  
17 Broward County shall be either paid in full prior to the time of  
18 note or plat recordation or terminated by all parties. If it is  
19 not feasible for an owner of a portion of land within a  
20 recorded plat to obtain signatures of all owners of all property  
21 within the plat, a partial termination of agreement may be  
22 requested. If an agreement is terminated, in part or in whole,  
23 impact fees shall may be paid during the review of  
24 construction plans submitted for County Environmental

1 Review Approval required by ~~s~~Section 27-66, ~~Broward~~  
2 ~~County~~ of the Code of Ordinances but must be paid no later  
3 than the issuance of a building permit, with the fee  
4 assessment based on the schedule in effect at the time of  
5 payment. Payments shall not be accepted prior to ~~this~~ review  
6 of construction plans. Subsequent amendments to the Code  
7 or the Administrative Code that result in changes in the  
8 amount that would otherwise have been due shall not  
9 increase the amount due from the developer or result in a  
10 credit to the developer. All corresponding securities held by  
11 Broward County shall be released; and

12 2) The applicant shall record against the property a document,  
13 in a form acceptable to the Office of the County Attorney, that  
14 provides notice to prospective purchasers of the property of  
15 the impact fee obligations to Broward County ~~to prospective~~  
16 ~~purchasers of the property~~.

17 . . .  
18 (d) *Installation of improvements.*

19 . . .  
20 (2) As an alternative to all required improvements being installed and  
21 completed prior to the issuance of a development permit, and provided  
22 that all other applicable requirements of this ~~D~~ivision are met, the  
23 applicant shall provide, in a form acceptable to the County Commission, a  
24 recordable agreement ~~which~~ that includes all of the required

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1 improvements and the date of completion. Any nonstandard agreement  
2 or security proposed by a developer pursuant to this subsection shall be  
3 considered for approval by the County Commission. Improvement  
4 agreements may be secured by ~~lien,~~ a cash bond, or an irrevocable letter  
5 of credit. The amount of the security shall be sufficient to ensure the  
6 completion of all ~~requirement~~ required improvements, and ~~providing~~  
7 provide for and ~~securing~~ secure to the public the actual construction and  
8 installation of said required improvements within a reasonable period of  
9 time or before issuance of building permits or certificates of occupancy, as  
10 required by the County Commission and expressed in the security. The  
11 County Commission may also approve standard form agreements and  
12 securities for the installation of improvements, ~~which~~ that do not require  
13 individual approval by the County Commission. A standard form  
14 agreement and security presented by a developer shall be approved by  
15 the Office of the County Attorney prior to plat recordation, recordation of  
16 an agreement to place or amend the note on a plat, recordation of a  
17 document amending the nonvehicular access line, or the ~~issuance of a~~  
18 ~~development order for~~ approval of a final site plan. Upon receipt of all  
19 necessary standard form agreements and securities, the County shall  
20 review these documents and transmit any required corrections or  
21 approvals to the applicant within fifteen (15) ~~working~~ business days ~~of~~ after  
22 ~~submittal or resubmittal.~~ If acceptable, County staff shall ~~review these~~  
23 ~~documents and~~ transmit them documents to the Office of the County  
24 Attorney ~~with a written list of any corrections~~ within five (5) ~~working~~

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1 business days of submittal after the determination of acceptability. The  
2 Office of the County Attorney shall respond in writing to County staff within  
3 ten (10) ~~working~~ business days of after receipt of these documents by  
4 either issuing approvals or by identifying specific corrections. Alternatives  
5 for affordable housing projects are ~~details~~ detailed in Subparagraph  
6 Section (d)(3) below.

7 . . .

8 b) Security for ~~Requirement~~ Required Improvements. Security in the  
9 amount of one hundred twenty-five percent (125%) of ~~The~~ amount  
10 necessary to secure required paving, grading, and drainage  
11 improvements, ~~and~~ water and sewer improvements, and all other  
12 improvements required under this ~~Article~~ shall be based upon  
13 approved plans for those improvements, a registered professional  
14 engineer's cost estimates submitted by the applicant, ~~and approved~~  
15 by the Broward County Highway Construction and Engineering  
16 Division, or cost estimates developed by the Broward County  
17 Highway Construction and Engineering Division. Security amounts  
18 for the required improvements, including pavement markings and  
19 signing, shall be submitted to the Highway Construction and  
20 Engineering Division after approval of a plat, placement or  
21 amendment to a note on a plat, revision or amendment to a  
22 nonvehicular access line, modification to a condition of plat  
23 approval, or ~~final~~ site plan. In the case of a plat, security amounts  
24 may be submitted to the Highway Construction and Engineering

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1 Division for approval at any time after the ~~submission of a Letter of~~  
2 ~~No Objections~~ applicant is notified that the application is ready to  
3 be presented to the County Commission or forwarded to the County  
4 Administrator, as appropriate, pursuant to ~~Subsection 5-181(h)(f).~~  
5 Security amounts for the required improvements, including  
6 pavement markings and signing, shall be submitted to the Broward  
7 County Highway Construction and Engineering Division for  
8 approval prior to submittal of any ~~improvements~~ Agreement. Any  
9 security provided for required improvements shall be considered as  
10 a benefit that runs with the subject property. Any rights, credits, or  
11 refunds that derive from such improvements or payments shall  
12 inure to the property for which the corresponding development  
13 order was issued, unless otherwise provided for in an  
14 improvements agreement, as described in ~~Subsection 5-184(d)(2).~~

15 . . .

16 Section 7. Section 5-186 of the Broward County Code of Ordinances is hereby  
17 amended to read as follows:

18 **Sec. 5-186. Mandatory platting rule.**

19 No application for a building permit for the construction of a principal building on  
20 a parcel of land shall be granted unless a plat including such parcel of land has been  
21 approved by the County Commission and recorded in the Official Records of Broward  
22 County subsequent to June 4, 1953, which commences with Plat Book 32, ~~p~~Page 15,  
23 Official Records of Broward County, Florida. The only exceptions to this mandatory  
24

1 platting rule are as follows: set forth in Section 4.3 of the Administrative Rules  
2 Document: BrowardNEXT.

3 (a) ~~Single Family or Duplex.~~ If the application for a building permit is for the  
4 construction of two (2) or fewer residential dwelling units and the applicant has met all  
5 effective County requirements for obtaining plat approval prior to the issuance of the  
6 building permit, except for those requirements relating to the actual submission,  
7 approval, and recordation of a plat document, then a building permit may be issued  
8 without platting. Applications for two (2) or fewer residential dwelling units on property  
9 under the same ownership, within 500 feet of property exempted within the past twelve  
10 (12) months, shall not be exempt; or

11 (b) ~~Multi-Family or Non-Residential Parcel.~~ If the application for a building  
12 permit is for construction on a multi-family or nonresidential parcel which is less than five  
13 (5) acres in size and the boundaries of which are specifically delineated on a recorded  
14 plat, and the applicant has met all effective County requirements for obtaining plat  
15 approval prior to the issuance of the building permit, except for those requirements  
16 relating to the actual submission, approval, and recordation of a plat document, then a  
17 building permit may be issued without platting.

18 Section 8. Section 5-187 of the Broward County Code of Ordinances is hereby  
19 amended to read as follows:

20 **Sec. 5-187. General provisions.**

21 . . .

22 (b) ~~Compliance With Comprehensive Plan.~~ An application for plat approval  
23 shall comply with the applicable provisions of the elements of the Broward County  
24 Comprehensive Plan and municipal comprehensive plan.

1 (c) *Building permits prior to plat recordation.* The County Commission may  
2 ~~allow~~ authorize the County Administrator to approve the issuance of building permits to  
3 ~~be issued~~ for a parcel of land for which plat approval has been given by the ~~Board of~~  
4 County Commissioners ~~although,~~ even if the plat has not yet been recorded, provided  
5 such authorization is granted in an agreement among the developer, the affected unit of  
6 local government, and the ~~€~~County. Such agreements shall be in a form acceptable to  
7 the Office of the County Attorney; be accompanied by a security in a form acceptable to  
8 the County to cover the costs of demolishing the building(s) in the event the plat is not  
9 recorded; be in an amount based upon a registered professional engineer's cost  
10 estimate submitted by the applicant and approved by the Broward County Highway  
11 Construction and Engineering Division; and shall at a minimum require compliance with  
12 the applicable provisions of plat approval and prohibit the issuance of a certificate of  
13 occupancy until the plat is recorded. Upon receipt of a properly executed agreement with  
14 required supporting documentation and approval by the Office of the County Attorney, the  
15 County Administrator may execute the agreement in the name of Broward County. The  
16 municipality, if applicable, and ~~the~~ ~~€~~County shall be required to make a finding prior to the  
17 issuance of the building permit that facilities and services will be available at the adopted  
18 level of service concurrent with the impact of development.

19 . . .

20 Section 9. Section 5-189 of the Broward County Code of Ordinances is hereby  
21 amended to read as follows:

22 **Sec. 5-189. Mandatory plat approval.**

23 (a) *Plat Drawing Requirements.* An application for plat approval shall be  
24 accompanied by a plat drawing, the overall size of which shall be 24" x 36", drawn at a

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1 standard engineering scale no smaller than 1" = 100', except when the submittal is made  
2 electronically or a smaller scale is approved by the Broward County Highway Construction  
3 and Engineering Division, Plat Section, and which shows the following:

4 . . .

5 (12) Space for the County Surveyor's signature and seal, indicating review of the  
6 plat for conformity with Chapter 177, ~~Part I~~, Florida Statutes, ~~if applicable~~.

7 . . .

8 (15) The parcel encompassed by the legal description shown on the plat shall  
9 be clearly identified with a heavy line, and shall show dimensions, and either  
10 bearings or interior angles of said parcel with independent ties to two (2) or  
11 more land corners, or independent ties to a recorded subdivision, and one  
12 (1) land corner. When a case arises where it is impractical to tie to a land  
13 corner because of lost or destroyed monuments, and the parcel can be  
14 adequately surveyed independent of said land corners, then the following  
15 points will be considered acceptable as land ties: Block Corners,  
16 Permanent Reference Monuments, or Permanent Control Points from a  
17 previously recorded plat. ~~The~~ Any request to use of these types of land ties  
18 shall be in writing and is subject to approval by the County Surveyor or  
19 designee.

20 . . .

21 (25) The Surveyor's Certificate shall state conformity with Chapter 177,  
22 Florida Statutes.

23 . . .

24

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1 (27) Permanent Reference Monument (PRM) locations as required under  
2 Section 177.091, Florida Statutes. When the plat boundary is adjacent to a  
3 dedicated right-of-way, the PRMs shall be offset and set along the  
4 dedicated right-of-way line(s). ~~All offset PRMs shall be field marked~~  
5 ~~"OFFSET MARKER."~~

6 . . .

7 (b) *Application Submission Requirements.* An application for plat approval  
8 shall be submitted to the Planning and Development Management Division accompanied  
9 by the following:

10 . . .

11 (3) A conceptual access plan or site plan, drawn at a standard engineering  
12 scale no smaller than 1" = 100', except when a smaller scale is approved  
13 by the Broward County Highway Construction and Engineering Division and  
14 the Traffic Engineering Division, which shows the following:

15 a.) The location of the centerline, with dimensions from known land ties,  
16 such as section lines, plat boundaries, or centerlines of  
17 rights-of-way, of all proposed access locations on all public  
18 rights-of-way abutting the plat.

19 b.) The number, width, and direction of lanes proposed for each  
20 driveway or roadway access location.

21 c.) The proposed minimum distance from the ultimate rights-of-way  
22 line(s) from the adjacent roadway to the outer edge of any interior  
23 service drive or parking space with direct access to the driveway in  
24 the access location.

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1 d.) The proposed minimum distance from the ultimate rights-of-way  
2 line(s) from the adjacent roadway to any proposed gate location.

3 (4) A current Boundary Survey (no older than six ~~[6]~~ (6) months) ~~which that~~  
4 shows the following:

5 . . .

6 b) Existing roadway details adjacent to the property; including, but not  
7 limited to, rights-of-way, pavement widths, lane widths, markings,  
8 sidewalks, driveways (curb cuts), curbs and gutters, turn lanes, bus  
9 bays, medians, median openings, traffic signals and signal  
10 equipment, street lights, pull boxes, utility poles and utility  
11 equipment, drainage structures, and fire hydrants.

12 (5) An application for plat approval ~~which~~ or plat note that abuts a ~~T~~trafficway  
13 ~~which that~~ is functionally classified as a ~~S~~state ~~R~~road and ~~which that~~  
14 proposes direct vehicle access to the ~~S~~state ~~R~~road; shall also be  
15 accompanied by a valid ~~Pre-Application~~ preapplication approval letter from  
16 the Florida Department of Transportation issued pursuant to the "State  
17 Highway System Access Management Classification System and  
18 Standards," ~~as amended.~~ Standards."

19 . . .

20 (c) *Highway Construction and Engineering Division Submission*  
21 *Requirements.* The following documents shall be delivered to the Broward County  
22 Highway Construction and Engineering Division ~~prior to the receipt by the Planning and~~  
23 ~~Development Management Director of the written authorization to proceed provided for~~  
24 ~~in Subsection 5-181(i)~~ with the application for development permit:

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1 . . .

2 (d) *Procedural Requirements.*

3 (1) An application for plat approval shall be filed and processed pursuant to  
4 ~~sub~~Sections 5-181(a), (b), (c), (d), (e), and (g) through (l) of this article.

5 (2) If a notice of incompleteness is sent, the applicant may resubmit the  
6 application with the additional data required, in which event the Planning  
7 and Development Management Division Director shall review the  
8 resubmitted application in the manner provided in this ~~sub~~section for the  
9 original application.

10 ~~(3) If a written letter of objections or no objections, as provided for in~~  
11 ~~subsection 5-181(h), is not received within five (5) months of issuance of~~  
12 ~~the notification of preparedness, provided for in subsection 5-181(g), the~~  
13 ~~application for plat approval shall be deemed withdrawn.~~

14 ~~(4) If a written authorization to proceed, as provided for in subsection 5-181(i),~~  
15 ~~is not received within ten (10) months of issuance of the notification of~~  
16 ~~preparedness, provided for in subsection 5-181(g), the application for plat~~  
17 ~~approval shall be deemed withdrawn.~~

18 ~~(5)~~ (3) Upon acceptance of the application for plat approval, the Planning and  
19 Development Management Division shall forward to the reviewing  
20 agencies set out in ~~sub~~Section 5-181(b) of this article, a copy of the  
21 application or, when appropriate, a comment sheet only. The agencies  
22 shall prepare a staff report and forward such staff report to the Planning  
23 and Development Management Division within twenty (20) ~~working~~ days  
24 of after acceptance by the Planning and Development Management

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1 Division of the application copy and accompanying material. If any  
2 reviewing agency staff report is not received within said time frame, this  
3 shall indicate that the reviewing agency has no comments or objections to  
4 the application.

5 ~~(6)~~ (4) Within ten (10) ~~working~~ days of after acceptance of the application for plat  
6 approval for a plat located within a Standard Concurrency District, the  
7 Planning and Development Management Division shall forward to the  
8 applicant a determination as to whether the proposed plat falls within or  
9 creates an impact area. This determination shall be made based upon the  
10 day on which the accepted application was received. A notification that a  
11 proposed plat falls within or creates an impact area shall set forth the  
12 options available to the applicant as described in  
13 ~~sub~~Section 5-182(a)(4)a).

14 ~~(7)~~ (5) Within ten (10) ~~working~~ days of after receipt of the agency staff reports,  
15 the Planning and Development Management Division shall prepare a  
16 written Development Review Report with proposed findings and a  
17 recommendation and shall forward it to the applicant ~~a notification of~~  
18 ~~preparedness~~, stating that the application is ready to be presented to the  
19 County Commission. If any reviewing agency staff report is not received  
20 within the time frame specified in ~~sub~~Section 5-189(d)~~(5)~~(3), this shall  
21 indicate that the reviewing agency has no comments or objections to the  
22 application. The Development Review Report shall specify the applicable  
23 standards and minimum requirements necessary to ensure compliance  
24

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1 with this article and shall include a list of corrections necessary for  
2 compliance with Chapter 177, Florida Statutes, ~~as amended~~.

3 (e) *Substantive Requirements*. An application for plat approval shall comply  
4 with the requirements of ~~sections 5-182 and 5-184~~ of this article and  
5 Chapter 177, Florida Statutes, ~~as amended~~.

6 (f) *Recording Requirements*.

7 (1) The effective period of a development order approving a plat shall be  
8 eighteen (18) months after the date of rendition of the County  
9 Commission's development order. ~~No plat may be recorded except during~~  
10 ~~the effective period of a development order approving such plat. The~~  
11 ~~County shall record a~~ All plats which ~~that~~ have completed all of the required  
12 items necessary for recordation (including the approval, ~~copying~~ and  
13 processing of all agreements and payment of the ~~processing and~~  
14 recordation fees, but excluding the signature of the Mayor) before  
15 ~~5:00~~ 4:00 p.m. on the day the ~~plat~~ development order expires, ~~with the~~  
16 ~~exception of the signature(s) of the Mayor and/or the County Administrator~~  
17 shall be recorded by the County.

18 . . .

19 (5) Digital Information. Prior to recording the plat, an applicant shall furnish  
20 the County with a digital file in a format compatible with the County's  
21 GIS/CAD system according to the following guidelines:

22 . . .

23 d. ~~Drafting changes which are made to the original plat within~~  
24 ~~ten (10) business days (excluding Saturdays, Sundays and~~

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underscoring type are additions.

1                    holidays) of the day that the plat expires may be made without  
2                    resubmittal of updated digital data, provided that the changes affect  
3                    three (3) or less parcels, and do not affect the horizontal geometry  
4                    of property lines. The change(s) shall be clearly identified on a print  
5                    of the original plat and accompanied by a "Subdivision Digital  
6                    Information Transfer Form," which shall identify the nature of the  
7                    change.

8 . . .

9                    (g)    *Depiction of ~~Non-Contiguous~~ Noncontiguous Parcels of Land:* A plat may  
10 not depict or include ~~non-contiguous~~ noncontiguous parcels of land except in the  
11 following cases:

12 . . .

13                    (4)    ~~The proposed development is located within a designated redevelopment~~  
14                    ~~area as established in Section IV.D. of the Broward County Land Use Plan.~~

15                    Section 10. Section 5-191 of the Broward County Code of Ordinances is deleted  
16 in its entirety and a new Section 5-191 is hereby created to read as follows:

17 **Sec. 5- 191. Site plan review.**

18                    (a)    All applications for site plan approval shall comply with the following:

19                    (1)    The applicable provisions of this article, including Division 2.

20                    (2)    The applicable provisions of the Zoning Code and Florida Building Code.

21                    (3)    The applicable provisions of the elements of the Broward County  
22                    Comprehensive Plan.

23  
24  
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   underscored type are additions.

1        (4) If a site plan depicts land shown on a previously recorded plat, the  
2        application for site plan approval or revised site plan approval shall conform  
3        to such plat.

4        (b) Site plan approval application; conceptual review; preapplication  
5        consultation.

6        (1) Conceptual site plan review.

7        a) Necessity of filing. If the location, design, size, impact, or other factor  
8        of a proposed development warrants, the Planning and Development  
9        Management Division Director may require an applicant to file an  
10       application for conceptual site plan review prior to filing an application  
11       for site plan approval. If conceptual site plan review is not required,  
12       an applicant may file an application for conceptual site plan review  
13       prior to filing an application for site plan approval.

14       b) Procedures. An application for conceptual site plan review shall be  
15       filed and processed pursuant to Sections 5-191(b) and (c).

16       c) Submission requirements. A conceptual site plan shall include the  
17       information provided in Table 1 below.

18       d) The Planning and Development Management Division Director shall  
19       forward the application to the reviewing agencies consistent with the  
20       procedures set forth in Section 5-192(a).

21       e) Within five (5) business days after receiving reviewing agency  
22       reports, the Planning and Development Management Division  
23       Director shall forward a compilation of such reports to the applicant,  
24       along with a request for the applicant to meet with appropriate staff.

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                 underscored type are additions.

A site plan application shall not be deemed complete and accepted until said meeting has occurred.

(2) Preapplication consultation. Prior to the filing of an application for site plan approval, the applicant shall attend a preapplication consultation with Planning and Development Management Division staff to discuss filing requirements, municipal and neighborhood notification procedures, including sign posting procedures to comply with Section (5) below, and other issues that may affect the application. A site plan application shall not be deemed complete and accepted until said meeting has occurred.

(3) Filing of application; submission requirements. An application for site plan approval shall include a development plan, the overall size of which shall be 24" x 36", drawn at a scale not less than 1" = 50', unless submitted electronically, and shall include the items listed in Table 1 for the corresponding review:

Table 1. Submission Requirements

<u>Requirements</u>	<u>Preapplication Review</u>	<u>Site Plan Committee Review</u>	<u>Site Plan Approval</u>
<u>Legal description, including the section, township, and range.</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>Schematic representation of proposed use.</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>Schematic representation of major vehicular circulation within the site.</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

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1	<u>Schematic representation of points of</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
2	<u>connection of public rights-of-way.</u>			
3	<u>Schematic representation of access for</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
4	<u>vehicles other than automobiles.</u>			
5	<u>Computation of proposed number of</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
6	<u>dwelling units and the total acreage for</u>			
7	<u>residential use and approximate square</u>			
8	<u>footage of building for nonresidential</u>			
9	<u>use.</u>			
10	<u>Indication of type of water and sewage</u>			<u>✓</u>
11	<u>disposal to be used.</u>			
12	<u>Signed and sealed survey (not older</u>	<u>✓</u>	<u>✓</u>	
13	<u>than six (6) months).</u>			
14	<u>Renderings providing visualization for</u>		<u>✓</u>	
15	<u>proposed design, texture, and</u>			
16	<u>proportion for proposal.</u>			
17	<u>General outline of building placement</u>		<u>✓</u>	<u>✓</u>
18	<u>and building type.</u>			
19	<u>Intensity or density.</u>		<u>✓</u>	<u>✓</u>
20	<u>Pervious and impervious area</u>		<u>✓</u>	<u>✓</u>
21	<u>percentage.</u>			
22	<u>Green Building: Where applicable, list</u>			<u>✓</u>
23	<u>the Green Building practices on the site</u>			
24	<u>plan.</u>			

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1	<u>CPTED; include a minimum of five (5)</u>			<u>✓</u>
2	<u>practices on the site plan.</u>			
3	<u>Location of parking, loading, and service</u>		<u>✓</u>	<u>✓</u>
4	<u>areas (dumpsters, etc.).</u>			
5	<u>Site boundaries and ties-to-section</u>		<u>✓</u>	<u>✓</u>
6	<u>corners clearly identified.</u>			
7	<u>A recent survey prepared by a Florida</u>			<u>✓</u>
8	<u>licensed surveyor and mapper, certified</u>			
9	<u>as meeting the requirements of the</u>			
10	<u>applicable section of the Florida</u>			
11	<u>Administrative Code, reflecting existing</u>			
12	<u>natural features, such as topography,</u>			
13	<u>vegetation, existing paving, existing</u>			
14	<u>structures, and water bodies.</u>			
15	<u>Proposed land uses.</u>			<u>✓</u>
16	<u>Location and height of all structures and</u>			<u>✓</u>
17	<u>total floor area with dimensions to lot</u>			
18	<u>lines, and designations of use.</u>			
19	<u>Building separations.</u>			<u>✓</u>
20	<u>Vehicular circulation system for cars,</u>			<u>✓</u>
21	<u>bicycles, and other required vehicle</u>			
22	<u>types, with indication of connection to</u>			
23	<u>public rights-of-way. Location of all</u>			
24	<u>parking and loading areas.</u>			

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1	<u>All adjacent rights-of-way, with</u>			<u>✓</u>
2	<u>indication of ultimate rights-of-way</u>			
3	<u>line(s),</u>			
4	<u>centerline(s), width, paving width,</u>			
5	<u>existing median cuts and intersections,</u>			
6	<u>street light poles, and other utility</u>			
7	<u>facilities and easements.</u>			
8	<u>Pedestrian circulation system.</u>			<u>✓</u>
9	<u>Provider of water and wastewater</u>			<u>✓</u>
10	<u>facilities.</u>			
11	<u>Existing and proposed fire hydrant</u>			<u>✓</u>
12	<u>locations.</u>			
13	<u>The following computations:</u>		<u>✓</u>	<u>✓</u>
14	<u>a) Gross acreage.</u>			
15	<u>b) Net acreage. Gross acreage</u>			
16	<u>covered by the property excluding road</u>			
17	<u>easements and rights-of-way, if any.</u>			
18	<u>c) Number of dwelling units and density</u>			
19	<u>for residential uses only.</u>			
20	<u>d) Square footage of ground covered</u>			
21	<u>by buildings or structures and</u>			
22	<u>designation of use.</u>			
23	<u>e) Required number of parking spaces.</u>			
24	<u>f) Number of parking spaces provided.</u>			

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1	<u>g) Pervious, impervious, and paved</u>			
2	<u>surface, in square footage and</u>			
3	<u>percentage.</u>			
4	<u>Mailing information and clear depiction</u>		<u>✓</u>	<u>✓</u>
5	<u>of front entrance.</u>			
6	<u>Indication of existing native vegetation</u>		<u>✓</u>	<u>✓</u>
7	<u>that will be preserved, as required</u>			
8	<u>herein.</u>			
9	<u>Site plan location sketch, including</u>			<u>✓</u>
10	<u>section, township, and range.</u>			
11	<u>Geometry of all paved areas including</u>			<u>✓</u>
12	<u>centerlines, dimensions, radii, and</u>			
13	<u>elevations.</u>			
14	<u>Location of trash and garbage disposal</u>			<u>✓</u>
15	<u>system and provisions for accessibility</u>			
16	<u>to garbage trucks.</u>			
17	<u>Loading areas and provisions for</u>			<u>✓</u>
18	<u>accessibility to vehicles of the required</u>			
19	<u>type.</u>			
20	<u>Areas for emergency vehicles and fire</u>			<u>✓</u>
21	<u>engines, and provisions for accessibility</u>			
22	<u>to vehicles of the required type.</u>			
23	<u>Location of all drainage features, and</u>			<u>✓</u>
24	<u>retention areas, if any.</u>			

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1	<u>Schematic water and sewer plan</u>			<u>✓</u>
2	<u>including the location and size of all</u>			
3	<u>mains and lift stations (note: final</u>			
4	<u>engineering plans must be submitted</u>			
5	<u>and approved prior to the issuance of a</u>			
6	<u>building permit).</u>			
7	<u>Location of septic tank and drain field, if</u>			<u>✓</u>
8	<u>applicable.</u>			
9	<u>A conceptual or final landscape plan</u>			
10	<u>demonstrating compliance with</u>			
11	<u>applicable landscape regulations.</u>			
12	<u>A conceptual or final lighting plan as</u>			<u>✓</u>
13	<u>required by Article XII, Offstreet Parking</u>			
14	<u>and Loading, of the Zoning Code.</u>			
15	<u>Street names and addresses, or a range</u>			<u>✓</u>
16	<u>of addresses, for any proposed building</u>			
17	<u>within the site plan, in conformity with</u>			
18	<u>County standards.</u>			
19	<u>An application for site plan approval</u>			<u>✓</u>
20	<u>where the property abuts a trafficway</u>			
21	<u>that is functionally classified as a state</u>			
22	<u>road, and that proposes direct vehicle</u>			
23	<u>access to the state road, shall also be</u>			
24	<u>accompanied by a valid preapplication</u>			

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1	<u>approval letter from the Florida</u>			
2	<u>Department of Transportation issued</u>			
3	<u>pursuant to the "State Highway System</u>			
4	<u>Access Management Classification</u>			
5	<u>System and Standards."</u>			
6	<u>Design review. Applications that require</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
7	<u>design review pursuant to</u>			
8	<u>Section 39-294(n) of the Code shall</u>			
9	<u>submit the following:</u>			
10	<u>a) Color architectural elevations of each</u>			
11	<u>façade fronting a public street other than</u>			
12	<u>an alley;</u>			
13	<u>b) Paint chips and an identification of</u>			
14	<u>each building element to be painted with</u>			
15	<u>the color indicated on each paint chip;</u>			
16	<u>and</u>			
17	<u>c) Photographs of the materials to be</u>			
18	<u>used for each building element.</u>			
19	<u>For nonresidential use, provide written</u>		<u>✓</u>	<u>✓</u>
20	<u>documentation demonstrating specific</u>			
21	<u>measures that will be taken to prevent</u>			
22	<u>or minimize impacts upon adjacent</u>			
23	<u>residential property within three</u>			

24

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1 hundred (300) feet of a boundary of the  
2 site plan.\*

3 \*For purposes of Table 1, the term adjacent residential property shall include, but is not  
4 limited to, land within a residential land use plan category, a residential zoning district, or  
5 land currently used for residential purposes. Impacts shall include, but are not limited to,  
6 the effects of excessive noise, objectionable odors, visible emissions, particulate matter  
7 (including dust, smoke, soot, and aerosols), solid waste, hazardous waste, fire, and  
8 explosion. Specific measures shall include, but are not limited to, the provision of  
9 setbacks, buffers, landscaping, fencing, walls, or other measures as required by the  
10 Code. Such documentation must be submitted in order for the application to be deemed  
11 complete and accepted pursuant to this section. In the alternative, an applicant may  
12 provide such information contained within any applicable reports or studies that the  
13 applicant may have in its possession addressing the adjacent residential property,  
14 impacts, and/or specific measures.

15 Section 11. Section 5-192 of the Broward County Code of Ordinances is deleted  
16 in its entirety and a new Section 5-192 is hereby created to read as follows:

17 **Sec. 5-192. Site plan review procedures.**

18 (a) Unless otherwise stated in this article, applications shall be reviewed for  
19 completeness by the Planning and Development Management Division prior to the  
20 initiation of review by the Site Plan Committee. No application for site plan approval for  
21 the development of land within unincorporated Broward County shall be reviewed or site  
22 plan approval issued, except in compliance with the requirements and procedures set  
23 forth in this article.

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1           **(b)**    The following procedures shall govern the review of applications for site  
2 plan approval:

3           **(1)**    Completeness of application. The Planning and Development Management  
4 Division shall review the application to determine its completeness. Within  
5 seven (7) days after receipt, the Planning and Development Management  
6 Division shall either accept the application, if it is deemed complete, or reject  
7 the application and forward to the applicant a notice of incompleteness  
8 specifying the information missing from the application received.

9           **a)**    If a notice of incompleteness is not sent, on the eighth (8th) day after  
10 filing, the application shall be deemed complete and accepted for  
11 purposes of this division.

12           **b)**    If a notice of incompleteness is sent, the applicant shall resubmit the  
13 application with the information required within ten (10) days after the  
14 transmittal of the notice of incompleteness, or the application shall  
15 be deemed withdrawn. The Planning and Development  
16 Management Division shall review the resubmitted application in the  
17 manner provided in this section for the original application.

18           **(2)**    Agency review.

19           **a)**    Except as provided in Section b) below, upon acceptance as  
20 complete of an application for development permit, the application  
21 shall be routed to each of the following agencies for review:

22                   **1)**    Broward County School Board;

23                   **2)**    Building Code Services Division;

24                   **3)**    Parks and Recreation Division;

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- 4) Aviation Department;
  - 5) Broward Sheriff's Office Fire Marshal's Bureau;
  - 6) Broward County Health Department (BCHD);
  - 7) Water and Wastewater Services;
  - 8) The applicable telecommunications provider;
  - 9) Florida Power & Light Company;
  - 10) Planning and Development Management Division;
  - 11) Environmental and Consumer Protection Division;
  - 12) Environmental Planning and Community Resilience Division;
  - 13) Environmental Engineering and Permitting Division;
  - 14) Broward County Transportation Department;
  - 15) Traffic Engineering Division;
  - 16) Highway Construction and Engineering Division; and
  - 17) Florida Department of Transportation (FDOT), for applications that are adjacent to or have or propose access to a state road.
- b) If the application is for development of fewer than twenty (20) dwelling units or less than ten thousand (10,000) gross square feet of nonresidential floor area, the site plan application shall be subject to review only by those agencies that the Planning and Development Management Division Director deems appropriate. Additionally, the Planning and Development Management Division Director may waive agency review, in whole or in part, under this section upon a determination that such a review has already been made regarding the same land and no change in circumstances has occurred that

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1 necessitates further review, or upon a determination by the Director  
2 that further review is not necessary under the circumstances.

3 c) The BCHD assesses availability of facilities by applying a  
4 gallons-per-day design flow demand rate to the proposed  
5 development and then determining whether the proposed  
6 development's demand will exceed the licensed capacity of the  
7 treatment plant, considering the existing utilized and "committed"  
8 capacity. The BCHD uses potable water design flow rates set forth  
9 in the Water Management Element of the Broward County  
10 Comprehensive Plan to assess adequacy of service at the time of  
11 site plan approval for those properties within the unincorporated area  
12 that are not required to be platted. If the proposed land use does not  
13 have a potable water demand rate set forth in the Water  
14 Management Element, the BCHD is authorized to assign the most  
15 suitable rate.

16 d) Applications for site plan approval shall be forwarded to the School  
17 Board for a determination as to whether the applications are exempt  
18 from the requirements of public school concurrency, consistent with  
19 Section 5-182.9 herein.

20 e) If an application for site plan approval includes all or any part of any  
21 lands identified as a site recommended for inclusion in the Urban  
22 Wilderness Inventory by the Urban Wilderness Advisory Board  
23 pursuant to Chapter 25½ of the Code, which recommendation has  
24 been approved by the County Commission; or a site designated as

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1 a Native Vegetative Communities Category Local Area of Particular  
2 Concern within the Broward County Land Use Plan; or subject to  
3 notice of a public hearing regarding designation as a Native  
4 Vegetative Communities Category Local Area of Particular Concern  
5 or inclusion in the Urban Wilderness Inventory, which is mailed any  
6 time before an application for site plan approval is filed, then the  
7 Planning and Development Management Division Director shall  
8 provide for the preparation of an environmental impact report (EIR)  
9 consistent with Section 5-182.8 herein.

10 f) If an application is for site plan approval and the Broward County  
11 Aviation Department determines that the application includes  
12 property that is or may be subject to the notice requirements of  
13 Federal Aviation Regulations (FAR) Part 77, Subpart B, the applicant  
14 must obtain and submit an FAA determination that it does not  
15 constitute a hazard to air navigation or require operational  
16 modifications to the airport to avoid such a hazard.

17 (3) Upon acceptance of an application, a copy of the application, including all  
18 attachments and drawings, shall be forwarded by the Planning and  
19 Development Management Division Director, electronically or by hard copy,  
20 to any municipality within a two (2) mile radius of a boundary of the site plan  
21 and to any unincorporated area neighborhood/civic organizations within a  
22 one (1) mile radius of the site plan boundary, as listed on the "Neighborhood  
23 Association/Civic Representatives List for the Broward Municipal Services  
24 District" and as delineated on the "Broward Municipal Services District

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1 Map." Municipalities and neighborhood/civic organizations shall have the  
2 same time limits as reviewing agencies to provide written comments to the  
3 Planning and Development Management Division Director, as specified in  
4 Section 5-191(c) below. Comments received from municipalities and  
5 neighborhood/civic organizations shall be attached to the compilation of  
6 comments forwarded to the applicant in accordance with Section (c) below  
7 and shall be considered by the Planning and Development Management  
8 Division Director only as they relate to compliance with the Code.

9 (4) Notice of submittal of an application must be provided by the applicant by  
10 posting, in accordance with this section. At the time of submittal of a site  
11 plan application, the applicant shall pay a deposit to Broward County, in an  
12 amount approved by the County Commission, to cover the cost of replacing  
13 the sign(s) provided by the County. After the application is filed, Broward  
14 County shall provide the appropriate number of signs to the applicant to  
15 inform the public that an application for site plan approval has been  
16 submitted. No later than the day of acceptance of the application, the  
17 applicant must securely post the sign(s) on the property in a visible location  
18 on each street frontage and shall submit to the Planning and Development  
19 Management Division an affidavit, including date-stamped photographic  
20 proof, of posting of the sign(s) in accordance with this section. If the  
21 applicant fails to submit the affidavit, processing of the application shall  
22 cease and any required action by the Planning and Development  
23 Management Division Director shall be postponed until such affidavit is  
24

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1 received. The following requirements must be followed by the applicant for  
2 signage posting:

<b><u>Public Notification - Signage Posting for Site Plan Approval</u></b>	
<u>Number of signs</u>	<u>One (1) at the center of each property line of the project site that fronts on a public or private roadway or right-of-way.</u>
<u>Signage size requirements</u>	<u>No less than three (3) feet wide by two (2) feet high, with white background and black letters, and Arial font size no less than three (3) inches in height per letter.</u>
<u>Removal, if administrative</u>	<u>Within five (5) business days after issuance of agency approvals.</u>
<u>Removal, if referred to County Commission</u>	<u>Within five (5) business days after final disposition of the application by the County Commission.</u>

16 If the applicant fails to remove the sign(s) within the time frames above, the  
17 County shall have the right to remove the sign(s), which will result in the  
18 forfeiture of the applicant's deposit. If a sign is lost or stolen, an affidavit  
19 from the applicant of such fact shall be submitted, which will result in the  
20 forfeiture of the deposit and shall require the applicant to provide a new  
21 deposit, post new signage, and submit date-stamped photographic proof  
22 that the new signage has been posted. Site plan approval shall not be  
23 issued unless the signage has been reposted.

24  
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1           (c) Review responsibilities. Each reviewing agency shall prepare a report that  
2 sets out in writing its comments and recommendations regarding the application for a  
3 development permit. Each agency report must be received by the Planning and  
4 Development Management Division within ten (10) business days for a Site Plan Review  
5 Committee submittal, or twenty-one (21) business days for a site plan approval, after  
6 acceptance of the application by the Planning and Development Management Division.  
7 If any reviewing agency report is not received within said time frame, it indicates that the  
8 reviewing agency has no comments or objections to the application.

9           (d) Reviewing agency reports; comments; required action. The Planning and  
10 Development Management Division Director shall review the application and the reports  
11 of the reviewing agencies and comments received from neighborhood/civic organizations.

12           (1) Within five (5) business days after receiving the reviewing agency reports  
13 and determinations of compliance/noncompliance, the Planning and  
14 Development Management Division Director shall forward a compilation of  
15 such reviewing agency reports to the applicant and the County  
16 Commissioner within whose district the property subject of the application  
17 lies (District Commissioner), along with notification of one (1) of the  
18 following:

19           a) That the site plan will be approved based on a finding that the  
20 application complies with the applicable standards and the minimum  
21 requirements of this article;

22           b) That the application complies with all applicable standards of this  
23 article, that vested rights exist with regard to any noncompliance, and  
24

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                  underscored type are additions.

1 that a development order granting the application and recognizing  
2 the vested rights with regard to any noncompliance will be issued;

3 c) That the application is not in compliance with the applicable  
4 standards and minimum requirements of this article but that  
5 compliance may be achieved by establishing conditions and/or  
6 vested rights exist with regard to any noncompliance, and that a  
7 development order granting the application with such conditions will  
8 be issued, with the order stating the basis for approval with  
9 conditions; or

10 d) That the application is not in compliance with the applicable  
11 standards and minimum requirements of this article, and that a  
12 development order denying the application will be issued, with the  
13 order stating the basis for denial.

14 (2) For notifications provided pursuant to Section (d)(1)a) above, the applicant  
15 and the District Commissioner shall have twenty (20) days after the date of  
16 transmittal of the notification to request that the application be placed on the  
17 County Commission quasi-judicial agenda. Absent such request, the  
18 Planning and Development Management Division Director shall issue a  
19 development order approving the site plan no later than  
20 one hundred twenty (120) days after the application was deemed complete  
21 and accepted, as set forth in Section (b)(1) above.

22 (3) For notifications provided pursuant to Sections (d)(1)b), c), and d) above,  
23 the applicant shall have sixty (60) days after the date of transmittal of the  
24 notification to obtain the approval, with or without conditions, of the

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1 commenting reviewing agencies. Upon submission of evidence by the  
2 applicant that the approval of all commenting reviewing agencies has been  
3 obtained and, absent a request by the applicant or the District  
4 Commissioner that the application be placed on the County Commission  
5 quasi-judicial consent agenda, the Planning and Development  
6 Management Division Director shall issue a development order approving  
7 the site plan no later than one hundred twenty (120) days after the  
8 application was deemed complete, as set forth in Section (b) above. A  
9 site plan application for which the applicant has not submitted to the  
10 Planning and Development Management Division evidence of approval by  
11 each commenting reviewing agency shall be deemed withdrawn  
12 sixty (60) days after the date of transmittal of the notification.

13 (4) Notwithstanding the foregoing Section (3), if the Planning and  
14 Development Management Division Director believes that there is a  
15 substantial question regarding the interpretation of this article as it applies  
16 to the application, the Planning and Development Management Division  
17 Director may place the matter on the County Commission quasi-judicial  
18 agenda for consideration within one hundred eighty (180) days after the  
19 application was deemed complete, as set forth in Section (b) above.

20 (e) Amendments; revised site plan. Amendments to a site plan application that  
21 deviate from the plan reviewed at the Site Plan Review Committee meeting shall be  
22 documented in the "Justification Statement" of the application. If an applicant's  
23 development plans change after site plan approval, the applicant may file an application  
24 for a revised site plan approval with the Planning and Development Management Division

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1 Director. In such case, the revised site plan application shall be deemed a new  
2 application and the procedures of this section shall be repeated, with the required time  
3 limitations beginning anew; provided, however, that minor deviations from an approved  
4 site plan may be approved by the Planning and Development Management Division  
5 Director.

6 (f) The applicant may request that the time limits of Sections (d) and (e) be  
7 extended to provide additional time for the applicant to obtain the necessary reviewing  
8 agency approvals.

9 (g) Effective period of site plan approval. An approved site plan shall be  
10 effective until the development is completed except in the case that within one (1) year  
11 after the date of approval of the site plan a period of ninety (90) days occurs during  
12 which no valid building permit is in effect. In such a case, the development order  
13 granting approval shall be null and void.

14 (h) Whenever the Planning and Development Management Division Director  
15 has denied a request for a change to the condition of a site plan or building permit, the  
16 Director shall not accept the same or substantially similar request for a change to the  
17 condition of the site plan or building permit for a period of twelve (12) months after the  
18 date of the Director's denial. The above time limit may be waived by the Planning and  
19 Development Management Division Director when the Director deems such action  
20 necessary due to changed circumstances; to prevent an injustice; or to facilitate the  
21 proper development of the County based upon evidence provided by the applicant.

22 Section 12. Section 5-193 of the Broward County Code of Ordinances is deleted  
23 in its entirety and a new Section 5-193 is hereby created to read as follows:

24 **Sec. 5-193. Exemptions to site plan review.**

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underscored type are additions.

1 Notwithstanding any other provision of this division, the following activities shall  
2 not require site plan approval unless the development will occur within a Local Area of  
3 Particular Concern or on property included within the Urban Wilderness Inventory, either  
4 of which designation has been approved by the County Commission:

- 5 (1) Maintenance or improvements of runways, taxiways, and aprons by an  
6 airport agency;
- 7 (2) Construction of bus stop shelters;
- 8 (3) Construction of sculptures, fountains, and other landscaping  
9 improvements, unless within or abutting the rights-of-way of a trafficway.
- 10 (4) Construction of signs;
- 11 (5) Demolition of a structure;
- 12 (7) Canal maintenance activities;
- 13 (8) Implementation by a governmental entity of a water management plan  
14 approved by the County Commission, as such plan relates to an approved  
15 Development of Regional Impact;
- 16 (9) Construction of a single family home on an existing single family lot;
- 17 (10) Construction of one (1) duplex on an existing lot;
- 18 (11) Site plan improvements such as restriping/repaving that do not include  
19 major modifications or requirements for traffic circulation (based on  
20 agency review of development permit application, site plan review may be  
21 required); or
- 22 (12) Equipment or facilities proposed by the Broward County Aviation  
23 Department or the FAA at the Fort Lauderdale-Hollywood International  
24 Airport (Airport) within the boundaries of the Airport, as legally described

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1 in the Development Order issued by Broward County dated July 8, 1998,  
2 relating to the Airport's Development of Regional Impact, including airfield  
3 pavement, air navigational aids, visual aids and facilities that are  
4 unstaffed, or any other unstaffed facilities or equipment that may be  
5 required by the FAA to be used exclusively by the FAA for the guidance or  
6 movements of aircraft; which equipment or facilities are designed,  
7 constructed, and inspected pursuant to and in strict compliance with FAA  
8 Advisory Circulars, orders, and regulations; and for which no  
9 specifications or criteria are set forth in the Florida Building Code or the  
10 Broward County Land Development Code. This exemption is strictly  
11 limited to equipment and facilities that are not occupied by people on a  
12 regular basis.

13 Section 13. Section 5-194 of the Broward County Code of Ordinances is hereby  
14 deleted in its entirety.

15 Section 14. Section 5-195 of the Broward County Code of Ordinances is hereby  
16 amended to read as follows:

17 **Sec. 5-195. Site plan parking, circulation, landscaping, and design requirements.**

18 Development depicted in a site plan shall meet the following requirements, except  
19 where such site plan abuts a trafficway or trafficway corridor designated as "Urban Core,"  
20 "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan. In the  
21 case of such exception, the site plan shall meet all of the following requirements, except  
22 to the extent they may be modified pursuant to ~~Sub~~section 5-195(d):

23 (a) *Site plan design.*

24 (1) ~~Off-street~~ Offstreet parking facilities.

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underscored type are additions.

1 ...

2

b) *Functional elements of ~~on-site~~ onsite circulation system.* Car parking stalls, parking aisles, driveways, reservoir areas, and entrances are the basic functional elements of the ~~on-site~~ onsite circulation system. Additional elements, including, but not ~~being~~ limited to, perimeter roads, rear collector roads, service roads within the proposed development, left turning lanes, right turning lanes, traffic lights, and frontage roads in the public rights-of-way immediately adjacent to the proposed development may also be required, pursuant to ~~sub~~Section 5-195(b) of this ~~D~~ivision.

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1) *Parking stalls and aisles.*

12 ...

13

h. All parking areas shall be so arranged so that, if there are ten (10) or more contiguous parking stalls along the same parking aisle, the eleventh (11th) space shall be a landscaped peninsula a minimum of ~~five (5)~~ nine (9) feet in width, excluding curb. Other suitable solutions or innovative designs may be substituted when approved by the ~~Planning and Development Management~~ Highway Construction and Engineering Division and ~~Code and Zoning Enforcement~~ Division.

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3) *Driveways.*

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c. The minimum distance from a driveway, service drive, parking stall, or parking aisle, to a structure or property line shall be ~~five (5)~~ nine (9) feet, excluding curb, and except at a drive-in teller or ~~pick-up~~ pickup window. The minimum distance to a driveway, service drive, or parking aisle from a right-of-way shall be ten (10) feet where there is no connection between the driveway and the street.

h. Alternative designs may be substituted when approved by the Highway Construction and Engineering Division.

(7) *Driveway entrance from public rights-of-way.*

b) *Number and location of driveway entrances.* In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience in ingress and egress to private property, the number and location of driveways shall be regulated relative to the intensity or size of the property served and the amount of frontage ~~which~~ that the property has on a given street as ~~follows:~~ set forth below. For purposes of this section, the distance between driveways shall be measured from the nearest edge of pavement.

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5) The minimum driveway spacing between driveways on adjacent properties shall be fifty (50) feet. This driveway spacing may be modified by the Broward County Highway Construction and Engineering Division and the Traffic Engineering Division if a traffic engineering study, acceptable to the Divisions, demonstrates that public safety will not be adversely affected by such modification.

...

(18) *Water and wastewater easements.* If a water or wastewater line to be maintained by the Broward County Office of Environmental Water and Wastewater Services, is to be installed, it shall be installed within a dedicated easement or a dedicated right-of-way if approved by the County Office of Environmental Water and Wastewater Services, which Said easement must meets the following standards:

...

(b) *Access to trafficway corridors.*

...

(6) *Setback on trafficway.*

...

e) The ~~ten~~ ten (10) foot setback requirement of this subsection may be modified or waived by the Broward County Highway Construction and Engineering Division and the Traffic Engineering Division to the extent that a traffic study, acceptable to the Divisions, demonstrates

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1 that the public safety will not be adversely affected by such  
2 modification or waiver.

3 . . .

4 (10) *Nonvehicular access line.* If development abuts a street within a trafficway  
5 corridor, a nonvehicular access line shall be delineated along the ultimate  
6 rights-of-way line(s), except at those points of access provided in  
7 conformance with the standards of this ~~D~~division.

8 In order to amend a nonvehicular access line reflected on the face of a  
9 recorded plat, or an approved unrecorded plat, the applicant shall file an  
10 application with the Planning and Development Management Division for  
11 submittal to the ~~Board of County Commissioners.~~ Unless an existing  
12 nonvehicular access line may be amended administratively pursuant to  
13 Section 5-180(c), ~~the~~ application shall be subject to the development  
14 review process set out in ~~s~~Sections 5-181(a), (d), (e), (i), (k), and (m). If  
15 accepted, the application shall be scheduled for a County Commission  
16 meeting in accordance with the "Filing Deadline" schedule published by  
17 the Planning and Development Management Division and shall be  
18 distributed for review to the Highway Construction and Engineering  
19 Division, Traffic Engineering Division, Mass Transit Division, and any other  
20 reviewing agency deemed necessary by the Planning and Development  
21 Management Division Director. The application shall be subject to the  
22 design standards of ~~s~~Section 5-195(b) of this Article. If the plat is within a  
23 municipality, a written response from the municipality regarding the  
24 proposed change in the nonvehicular access line shall be submitted with

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1 the application. If the plat abuts a ~~T~~trafficway ~~which~~ that is functionally  
2 classified as a ~~S~~state R~~oad~~ and the proposed change in the nonvehicular  
3 access line will create or amend vehicular access on the ~~S~~state R~~oad~~, a  
4 valid ~~Pre-Application~~ preapplication approval letter from ~~the Florida~~  
5 ~~Department of Transportation~~ FDOT issued pursuant to the "State  
6 Highway System Access Management Classification System and  
7 Standards," ~~as amended~~ shall be submitted with the application. The  
8 effective period of a development order granting approval of a request to  
9 amend a nonvehicular access line on an approved but unrecorded plat  
10 shall run concurrently with the development order approving the plat. The  
11 effective period of a development order granting approval of a request to  
12 amend a nonvehicular access line on an approved but unrecorded plat  
13 shall run concurrently with the development order approving the plat. The  
14 effective period of a development order granting approval of a request to  
15 amend a nonvehicular access line on a recorded plat shall be  
16 eighteen (18) months ~~from~~ after the date of approval. During the effective  
17 period of a development order granting approval of a request to amend a  
18 nonvehicular access line, the applicant shall fulfill all of the conditions  
19 required for approval by the ~~Board of County Commissioners~~. Any change  
20 in the nonvehicular access line approved by the ~~Board of County~~  
21 ~~Commissioners~~ shall become effective by the recordation of a document  
22 in the public records of Broward County, Florida, which document shall be  
23 in a form acceptable to the County.

24 (11) *Vehicular access to trafficways.*

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underscored type are additions.



1 . . .

2 b) *Type of driveway required.*

3 1) *Minor driveway entrance.* The minimum distance from the  
4 ultimate rights-of-way line(s) at any ingress or egress minor  
5 driveway to the outer edge of any interior service drive or  
6 parking space with direct access to such driveway shall be  
7 twenty-five (25) feet, measured perpendicularly from the  
8 ultimate rights-of-way line(s). This driveway shall provide  
9 service for a maximum average daily trip volume of  
10 four hundred (400) vehicles or a maximum of an average peak  
11 hour inbound ~~right-turn~~ right turn volume of forty (40) vehicles,  
12 or both. A minor driveway entrance ~~radii~~ radius shall be thirty  
13 (30) feet and a the minimum width shall be  
14 twenty-four (24) feet. The Broward County Traffic  
15 Engineering Division may require a deceleration lane of  
16 twelve (12) feet in width, one hundred fifty (150) feet of  
17 storage, with fifty (50) feet of transition, unless a traffic  
18 engineering study acceptable to the Broward County Highway  
19 Construction and Engineering and the Traffic Engineering  
20 Divisions demonstrates that the modification or absence of  
21 such a lane will not adversely impact traffic conditions.

22 2) *Intermediate driveway.* The minimum distance from the  
23 ultimate rights-of-way line(s) at any ingress or egress  
24 intermediate driveway to the outer edge of any interior

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1 service drive or parking space with direct access to such  
2 driveway shall be fifty (50) feet, measured perpendicularly  
3 from the ultimate rights-of-way line(s). This driveway shall  
4 provide for a maximum average daily trip volume of  
5 two thousand (2,000) vehicles or a maximum average peak  
6 hour volume of two hundred (200) vehicles. A minimum  
7 deceleration lane twelve (12) feet wide,  
8 one hundred fifty (150) feet of storage, with fifty (50) feet of  
9 transition shall be provided, unless a traffic engineering  
10 study acceptable to the Broward County Highway  
11 Construction and Engineering and the Traffic Engineering  
12 Divisions demonstrates that the modification or absence of  
13 such a lane will not adversely impact traffic conditions. A  
14 minimum of two (2) egress lanes twelve (12) feet in width,  
15 each with one (1) sixteen (16) foot wide ingress lane, shall  
16 be provided. An intermediate driveway ~~radii~~ radius shall be  
17 thirty-five (35) feet.

- 18 3) *Major driveway entrance.* The minimum distance from the  
19 ultimate rights-of-way line(s) at any ingress or egress major  
20 driveway to the outer edge of any interior service drive or  
21 parking space with direct access to such driveway shall be  
22 one hundred (100) feet, measured perpendicularly from the  
23 ultimate rights-of-way line(s). This driveway shall provide for  
24 a maximum average daily trip volume of five thousand

Coding:

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1 (5,000) vehicles or a maximum average peak hour volume of  
2 five hundred (500) vehicles. A minimum deceleration lane  
3 twelve (12) feet wide, two hundred (200) feet of storage, and  
4 fifty (50) feet of transition shall be provided, unless a traffic  
5 engineering study acceptable to the Broward County  
6 Highway Construction and Engineering and the Traffic  
7 Engineering Divisions demonstrates that the modification or  
8 absence of such a lane will not adversely impact traffic  
9 conditions. A minimum of two (2) egress lanes twelve (12)  
10 feet each in width and one (1) sixteen (16) foot wide ingress  
11 lane shall be provided. A major driveway ~~radii~~ radius shall  
12 be forty (40) feet.

13 . . .  
14 c) *Number and location of driveways.* The number and location of  
15 driveways shall be determined as follows:

16 . . .  
17 4) *Special driveway requirements.* In the case of a land use with  
18 special driveway needs, an applicant may submit a traffic  
19 engineering study requesting technical deviations from the  
20 requirements of this section. If deviations from driveway  
21 requirements are permitted, substitute requirements ~~which~~  
22 that deviate no more than necessary to serve the special land  
23 use needs may be applied to the development in order to  
24 minimize the impact on the adjacent street. Such deviations

1 from the driveway requirements shall be approved by the  
2 ~~Traffic Engineering Division and the~~ Broward County Highway  
3 Construction and Engineering and the Traffic Engineering  
4 Divisions.

5 . . .

6 TABLE XI. DESIGN CRITERIA FOR COMMERCIAL  
7 AND INDUSTRIAL DEVELOPMENTS

8 . . .

9 (e) Or alternate approved by the Broward County Traffic Engineering Division  
10 and the Highway Construction and Engineering Division.

11 . . .

12 Section 15. Section 5-198 of the Broward County Code of Ordinances is hereby  
13 amended to read as follows:

14  
15 **Sec. 5-198. Adoption of Delineated Trafficways ~~p~~Plan by the Broward County**  
16 **Commission.**

17 Within seventy-five (75) days of after receiving a certified segment of the Broward  
18 County Trafficways Plan pursuant to ~~s~~Section 5-204 5-197 of this ~~D~~division, the County  
19 Commission shall adopt by resolution a Delineated Trafficways Plan for that segment and  
20 shall record such plan in the official records of Broward County. Failure of the County  
21 Commission to adopt such plan within the aforesaid period shall constitute a rejection of  
22 the segment. In adopting a Delineated Trafficways Plan hereunder, the County  
23 Commission may alter or modify such plan as may be deemed advisable for  
24 accomplishment of the basic purposes of this ~~D~~division.

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underscored type are additions.

1 Section 16. Section 5-201 of the Broward County Code of Ordinances is hereby  
2 amended to read as follows:

3 **Sec. 5-201. Definitions.**

4 . . .

5 *Archaeological site.* A location that has yielded or may be likely to yield information  
6 important in history or prehistory, and is a site that contains physical evidence of past  
7 human activity. An archaeological site may be identified using ~~on-site~~ onsite  
8 investigations or site-predictive models. Archaeological sites are evidenced by the  
9 presence of artifacts on or below the ground surface indicating the past use of a location  
10 by people. A designated archaeological site is one that ~~meets this criteria,~~ has been  
11 designated by the County Commission and that appears on the Broward County Land  
12 Use Plan Map Series.

13 . . .

14 *Constrained facility.* A road segment ~~which~~ that is not planned for a capacity  
15 improvement in the most current adopted Long Range Transportation Plan of the Broward  
16 MPO.

17 . . .

18 ~~*Designated redevelopment area.* The meaning given in the Broward County Land~~  
19 ~~Use Plan.~~

20 . . .

21 *Dwelling unit.* A single unit, providing complete independent living facilities for  
22 one (1) or more persons, including permanent provisions for living, sleeping, eating,  
23 cooking, and sanitation.

24  
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underscored type are additions.

1        Environment. Includes, but is not limited to, ambient air, surface water, land  
2 surface, subsurface soil strata, or groundwater.

3 . . .

4 ~~The term "the environment" shall include, but is not limited to, ambient air, surface water,~~  
5 ~~land surface, subsurface soil strata or groundwater.~~

6 . . .

7        *Garden apartment.* Three (3) or more attached dwelling units in a two (2) or  
8 three (3) residential story building, exclusive of parking levels, with each unit being only  
9 one (1) residential story.

10 . . .

11        *High-rise.* Nine (9) or more attached dwelling units in a building with nine (9) or  
12 more residential stories, ~~(exclusive of parking levels).~~

13 . . .

14        *Industrial uses, industrial-/office uses, and industrial-/showroom uses.* The  
15 ~~activities predominantly connected with manufacturing, assembly, processing, or storage~~  
16 ~~of products. Industrial uses may have a maximum thirty percent (30%) ancillary office~~  
17 ~~use, calculated by the use in a single tenant building or on a bay-by-bay basis in buildings~~  
18 ~~with more than one (1) tenant. Industrial/office uses may have a maximum fifty percent~~  
19 ~~(50%) ancillary office use, calculated by the use in a single tenant building or on a bay-~~  
20 ~~by-bay basis in buildings with more than one (1) tenant. Industrial/showroom uses may~~  
21 ~~have a maximum thirty percent (30%) ancillary commercial or office use, calculated by~~  
22 ~~the use in a single tenant building or on a bay-by-bay basis in buildings with more than~~  
23 ~~one (1) tenant~~ Activities within land areas that are predominantly connected with  
24 manufacturing, assembly, processing, or storage of products.

Coding:            Words in ~~struck-through~~ type are deletions from existing text. Words in  
                         underscored type are additions.

1 *Intermediate driveway.* A driveway ~~which~~ that provides for a maximum average  
2 daily trip volume of two thousand (2,000) vehicles and/or a maximum average peak hour  
3 volume of two hundred (200) vehicles.

4 *Lake.* A natural or artificially-created depression fed by one (1) or more streams  
5 and from which a stream may flow; occurs due to widening or natural blockage of a river  
6 or stream, or occurs in an isolated natural depression that is not part of a surface river or  
7 stream. Lakes are usually too deep to permit the growth of rooted plants from shore to  
8 shore.

9 ~~*Local street.* A street having that meaning given in § 334.03(15), F.S.~~ *A route*  
10 providing service that is of relatively low average traffic volume, short average trip length,  
11 of minimal through-traffic movements, and high land access for abutting property.

12 ~~*Lot.* A parcel or tract of land designated and identified as a single unit of area~~ *A*  
13 tract or parcel; it is the least fractional part of subdivided lands having limited fixed  
14 boundaries, and it is assigned a number, letter, or other name through which it may be  
15 identified.

16 *Low income person.* One (1) or more natural persons or a family, not including  
17 students, that has a total annual anticipated income for the household that does not  
18 exceed ~~80~~ eighty percent (80%) of the median annual income, as published by the U.S.  
19 Department of Housing and Urban Development, adjusted for family size for the  
20 eCounty. ~~While occupying a rental unit, a low income person's annual anticipated gross~~  
21 ~~income may increase to an amount not to exceed 140 percent of 80 percent of the~~  
22 ~~applicable median income adjusted for family size.~~

23 . . .

24  
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 ~~Mid-rise~~ Midrise. Four (4) or more attached dwelling units in a building with  
2 four (4) to eight (8) residential stories, (exclusive of parking levels).

3 . . .

4 ~~Moderate income person~~. One (1) or more natural persons or a family, not  
5 including students, that has a total annual anticipated income for the household that  
6 does not exceed ~~120~~ one hundred twenty percent (120%) of the median annual income,  
7 as published by the U.S. Department of Housing and Urban Development, adjusted for  
8 family size for households within the County. ~~While occupying a rental unit, a moderate~~  
9 ~~income person's annual anticipated gross income may increase to an amount not to~~  
10 ~~exceed 140 percent of 120 percent of the applicable median income adjusted for family~~  
11 ~~size.~~

12 . . .

13 ~~Net traffic impact of development~~. The total trips to be generated by a proposed  
14 development, as measured by the TRIPS model, less the trips, if any, estimated to be  
15 generated by the existing development to be replaced or generated by a previously  
16 approved plat.

17 New construction. Site preparation for, and construction of, entirely new  
18 structures, whether or not the site was previously occupied, or full or extensive  
19 (fifty percent (50%) or more) replacement of structures and their components.

20 ~~Non-residential~~ Nonresidential parcel. A parcel of land other than a residential  
21 parcel as defined in this ~~D~~division.

22 . . .

23 ~~Parcel of land~~. Any quantity of land capable of being described with such  
24 definiteness that its location and boundaries may be established, which is designated by

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.



1 its owner or developer as land to be used or developed as a unit or which has been used  
2 or developed as a unit.

3 . . .

4 *Planned Improvement Facility.* A road segment for which a capacity improvement  
5 is planned in the most current adopted Long Range Transportation Plan of the Broward  
6 MPO.

7 . . .

8 *Platted land.* Any land ~~which~~ that can be referenced to an ~~official plat book and~~  
9 ~~page plat recorded in an official plat book.~~

10 *Pond.* A small, still body of water, usually sufficiently shallow to permit the potential  
11 growth of rooted plants from shore to shore.

12 . . .

13 *Principal building.* A building or buildings ~~which is~~ that, considering the context of  
14 the entire parcel, are occupied by, or devoted to, a principal use or uses; or an addition  
15 to an existing principal building ~~which~~ that is larger than the original existing building.

16 . . .

17 ~~*Regional Transportation Network or Regional Road Network.* Those roadways~~  
18 ~~shown on the Broward County Trafficways Plan promulgated by the Broward County~~  
19 ~~Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended, and the~~  
20 ~~Broward County Charter, or on the Broward County 2015 Plan, promulgated by the~~  
21 ~~Broward County Metropolitan Planning Organization, or for which right of way has been~~  
22 ~~delineated by the Board of County Commissioners pursuant to Chapter 71-561, Laws of~~  
23 ~~Florida, as amended, and the Broward County Charter. However, those roads that are~~  
24 ~~functionally classified as city collectors are not reviewed for concurrency by Broward~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 County The facilities contained within the Broward County MPO's adopted Long Range  
2 Highway Network including other modes and networks such as corridors, transit,  
3 greenways, and freight, but excluding those roads functionally classified as city collector  
4 roads.

5 Replat. An application for plat approval of land within the corporate boundaries of  
6 Broward County that was previously delineated on a plat recorded in the public records.

7 . . .

8 ~~Reservoir area. An area not on the public right-of-way which is provided for the~~  
9 ~~temporary use of vehicles waiting to enter or leave a vehicle-oriented service, or an~~  
10 ~~off-street parking facility.~~

11 Residential Parcel. A parcel of land on which a residential structure may be built  
12 without violating the Broward County Land Use Plan, a certified land use plan, or any  
13 applicable law or ordinance.

14 Residential story. A floor of a building ~~which~~ that contains one (1) or more  
15 residential dwelling units. ~~Except for townhouses, units partially located on two (2) or~~  
16 ~~more stories constitute one (1) residential story to be allocated to the lowest floor upon~~  
17 ~~which the unit is located.~~

18 . . .

19 Site assessment survey. A systematic archaeological survey utilizing field  
20 methodology based on the types of sites known or expected to be present in the survey  
21 area. Field methodology in this type of survey involves subsurface testing at depths  
22 and intervals sufficient to leave little doubt that all or nearly all sites in the survey were:

- 23 (1) Identified;
- 24 (2) Bounded horizontally and vertically;

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1 (3) Presented in the resulting report at a level sufficient to permit (a) an  
2 assessment of National Register eligibility, and (b) recommendations of  
3 appropriate site treatments; and

4 (4) Recorded and submitted to the Florida Site File in an ~~acceptance~~  
5 acceptable form (i.e., on standard Florida Site File forms with photographic  
6 and map attachments).

7 Site plan. A plan (to scale) showing uses and structures proposed for a legal lot  
8 or lots of record; or an application for a development permit approving such a plan that is  
9 reviewed in accordance with this article.

10 Site plan; amendment. Amendments to the application for site plan approval that  
11 deviate from what was reviewed at the Site Plan Committee meeting.

12 Site plan; conceptual. A plan (to scale) delineating any physical structures,  
13 including dimensions.

14 Standard Concurrency District. An geographic area where in which development  
15 is subject to roadway improvements are anticipated to be the dominant form of  
16 transportation enhancement fees that are assessed to increase roadway capacity.

17 Structure. Anything constructed, installed, or portable, the use of which requires  
18 a location on a parcel of land, ~~such as~~ including, but not limited to, buildings, trailers,  
19 fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and  
20 advertising signs.

21 Studio. A ~~single residential unit in which the bedroom, living room, and kitchen are~~  
22 ~~not separated by walls~~ self-contained apartment or efficiency apartment that combines a  
23 living room, bedroom, and kitchenette into a single room.

24  
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1 Surface waters. Lakes, ponds, streams, and other water bodies excavated to  
2 generate fill material for a development or to provide recreational or aesthetic amenities;  
3 or other water upon the surface of the earth, contained in bounds and created naturally  
4 or diffused, including water from natural springs.

5 . . .

6 ~~Trafficway.~~ ~~Any one of the expressways, principal arterials, minor arterials or~~  
7 ~~collector streets~~ A public right-of-way for which the primary, although not necessarily the  
8 sole, purpose or use of which is to facilitate the through movements of vehicles, rather  
9 than providing direct access to abutting properties. The term "trafficway" may also be  
10 used to designate the rights-of-way for the movement of mass transit vehicles exclusively  
11 and includes the designation of limited access trafficways. Trafficways are shown on the  
12 Broward County Trafficways Plan, promulgated by the Broward County Planning Council  
13 pursuant to Chapter ~~59-1154~~ 71-561, Laws of Florida, ~~as amended~~, and the Broward  
14 County Charter, or any delineated trafficway shown on the Broward County Delineated  
15 Trafficways Plan promulgated in conformity with Division 5 of this article.

16 *Trafficway corridor:* The land area comprised of a trafficway and its intersections,  
17 and that ~~any~~ any part of any intersecting nontrafficway ~~street~~ road and its intersections ~~which~~  
18 ~~is within:~~ where

19 ~~Either Case A:~~ Any intersecting nontrafficway collector ~~street which~~ road is within  
20 three hundred (300) feet of the trafficway, as measured along the centerline of the  
21 nontrafficway collector from a point opposite the chord; or

22 ~~or Case B:~~ Any intersecting local ~~street which~~ road is within one hundred (100) feet of  
23 the trafficway, as measured along the centerline of the local ~~street~~ road from a point  
24 opposite the chord.

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1 Trafficways Plan; Broward County Trafficways Plan. A unified network or system  
2 of trafficways designed or intended to meet present and anticipated future traffic needs.  
3 The Trafficways Plan includes all or such portions of the geographical area of Broward  
4 County as shall be incorporated from time to time until the entire area of Broward County  
5 has been included. The Trafficways Plan delineates trafficways with sufficient specificity  
6 so that a legal description may be derived therefrom and so the person(s) owning property  
7 affected thereby may be in a position to determine the nature and extent of such effect.

8 Transportation Concurrency District. A geographic area of Broward County that is  
9 designated as a Transportation Concurrency Management Area or a Standard  
10 Concurrency District, in which development is subject to the receipt of a Transportation  
11 Concurrency Satisfaction Certificate.

12 Transportation Concurrency Management Area (TCMA). A compact geographic  
13 area with an existing network of roads where multiple, viable alternative travel paths or  
14 modes are available for common trips in which development is subject to mobility  
15 improvement fees that are assessed for transit and roadway operational improvements,  
16 consistent with the Broward County Comprehensive Plan, Transportation Element.

17 TRIPS model. A computer model maintained in the Broward County Planning and  
18 Development Management Division that accounts for the traffic from approved but not  
19 built development.

20 . . .

21 ~~Urban core area.~~ The meaning given in the Broward County Land Use Plan.

22 ~~Urban infill.~~ Development of vacant parcels in otherwise built-up areas where  
23 public facilities such as sewage treatment systems, roads, schools, and recreation  
24 areas are already in place and the average residential density is at least five dwelling

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1 units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0  
2 and vacant, developable land does not constitute more than ten percent (10%) of the  
3 area.

4 ~~Urban redevelopment.~~ Demolition and reconstruction or substantial renovation  
5 of existing buildings or infrastructure within urban infill areas of existing urban service  
6 areas.

7 Very low income person. One (1) or more natural persons or a family, not including  
8 students, that has a total annual anticipated income for the household that does not  
9 exceed ~~50~~ fifty percent (50%) of the median annual income, as published by the U.S.  
10 Department of Housing and Urban Development, adjusted for family size for households  
11 within the Broward County. ~~While occupying a rental unit, a very low income person's~~  
12 ~~annual anticipated gross income may increase to an amount not to exceed~~  
13 ~~140 percent of 50 percent of the applicable median income adjusted for family size.~~

14 Villa. Three (3) or more dwelling units, attached by a common party or fire wall, in  
15 a building not exceeding one (1) residential story, exclusive of parking levels.

16 Wetlands. Those areas ~~which~~ that are inundated by water, with sufficient  
17 frequency to support, and normally do support, an assemblage of organisms that is  
18 adapted to saturated or seasonally saturated soil conditions for growth and reproduction  
19 including, but not necessarily limited to, swamps, marshes, bogs, sloughs, potholes, wet  
20 meadows, river flood plains, mud flats, and wet prairies.

21 Workforce income person. One (1) or more naturalized persons or a family, not  
22 including students, that has a total annual anticipated income for the household that  
23 does not exceed one hundred forty percent (140%) of the median annual income, as  
24

1 published by the U.S. Department of Housing and Urban Development, adjusted for  
2 family size for households within the County.

3 ~~110 percent maintain. The number of two-way peak-hour trips on a road segment~~  
4 ~~shall not exceed 110% of the number of actual trips in the road segment plus the number~~  
5 ~~of committed trips in the TRIPS model approved as of February 21, 1989, multiplied by~~  
6 ~~a K<sub>100</sub> (peak hour planning) factor.~~

7 Section 17. Section 5-203 of the Broward County Code of Ordinances is hereby  
8 amended to read as follows:

9 **Sec. 5-203. Legal actions.**

10 Any person claiming to be injured or aggrieved by any final action of the County  
11 may present to the Circuit Court of the County a petition for writ of certiorari to review  
12 such final action as provided by law. ~~Such~~ The petition shall be presented to ~~such~~ the  
13 Circuit eCourt within thirty (30) days after the date of such final action by the ~~eCounty~~. No  
14 act of the Planning and ~~Red~~Development Management Division Director, the County  
15 Commission, or any other County agency, other than the issuance of a development  
16 order, is intended to be a final County action under this article for the purpose of judicial  
17 review.

18 Section 18. Severability.

19 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
20 portion will be stricken, and such striking will not affect the validity of the remainder of this  
21 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
22 legally applied to any individual, group, entity, property, or circumstance, such  
23 determination will not affect the applicability of this Ordinance to any other individual,  
24 group, entity, property, or circumstance.

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1 Section 19. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of this  
3 Ordinance become part of the Broward County Code of Ordinances as of the effective  
4 date. The sections of this Ordinance may be renumbered or relettered and the word  
5 "ordinance" may be changed to "section," "article," or such other appropriate word or  
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 20. Effective Date.

8 This Ordinance is effective as of the date provided by law.

9

10 ENACTED

**PROPOSED**

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13

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

15

16 By /s/ Maite Azcoitia 04/15/2020  
17 Maite Azcoitia (date)  
18 Deputy County Attorney

18

19

20

21

22

23 MA/gmb  
LDCupdate Ordinance  
04/21/2020  
24 #41005-0001

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