

PROPOSED

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT; AMENDING SECTIONS 27.13 AND 27.14 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), PROVIDING THE PROCEDURE FOR AMENDMENT TO THE FUTURE LAND USE MAP FOR THE UNINCORPORATED AREA; AMENDING SECTION 27.40, PROVIDING FOR TRANSPORTATION CONCURRENCY ASSESSMENT CALCULATIONS; DELETING SECTIONS 27.41 AND 27.42, PROVIDING FOR CREDIT FOR TRANSIT ORIENTED DEVELOPMENT AND DEVELOPMENTS OF REGIONAL IMPACT; DELETING PART XV, SECTIONS 27.66 THROUGH 27.75, PROVIDING THE PROCEDURE FOR VESTED RIGHTS HEARINGS; AMENDING SECTION 27.88, PROVIDING FOR INCREASES IN IMPACT FEES RELATED TO PLAT NOTE AMENDMENTS; DELETING PART XXVI, SECTION 27.134, ESTABLISHING THE METHODOLOGY FOR DETERMINING CREDIT FOR EXISTING USES; DELETING EXHIBIT 27K, ESTABLISHING THE LEVELS OF CREDIT FOR TRANSIT CONCURRENCY ASSESSMENTS; DELETING EXHIBIT 27L, PROVIDING FOR THE DEGREE OF CREDIT AVAILABLE BASED ON LEVEL OF MITIGATION AND PROJECT LOCATION; DELETING APPENDICES A AND B, RELATED TO TRIP RATES BY LAND USE AND FEE SCHEDULE BY PEAK HOUR TRIP; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 27 of the Broward County Administrative Code ("Administrative Code") establishes the operational policies for the Broward County Environmental Protection and Growth Management Department; and

WHEREAS, it has become necessary to amend Chapter 27 of the Administrative Code to reflect changes in the Broward County Land Development Code and in the procedures for processing plats and amendments to the Broward County Land Use Plan, NOW, THEREFORE,

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

3
4 Section 1. Section 27.13 of the Broward County Administrative Code is hereby
5 amended to read as follows:

6 **27.13. Procedure for Amendments to the Future Land Use Map of the**
7 **Unincorporated Area Land Use ~~Element-The~~ Element; The Future Land Use**
8 **Map of the Broward County Land Use Plan for Land ~~w~~Within the**
9 **Unincorporated Area.**

10 ...

11 d. After review by the appropriate agencies, the ~~Planning and Development~~
12 ~~Management Division~~ Environmental Protection and Growth Management Department,
13 as the local planning agency, shall hold at least one (1) public hearing, with due public
14 notice as defined by Section 163.3164, Florida Statutes, and required by
15 Subsection 163.3174(4)(a), Florida Statutes. The ~~Planning and Development~~
16 ~~Management Division~~ Environmental Protection and Growth Management Department,
17 as the local planning agency, shall adopt a recommendation at a public hearing and
18 forward that recommendation to the Board of County Commissioners. The
19 recommendation of the ~~Planning and Development Management Division~~ Environmental
20 Protection and Growth Management Department shall be made directly to the Board of
21 County Commissioners at the transmittal public hearing (transmitting the proposed
22 amendments to the Department of Economic Opportunity (DEO) and other entities, if
23 applicable, pursuant to Section 163.3184, Florida Statutes), or at the adoption public
24 hearing (for a small scale land use plan amendment), if the amendment is only to the

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underscored type are additions.

1 Future Unincorporated Area Land Use Element. If the amendment to the Future
2 Unincorporated Area Land Use Element also requires an amendment to the Broward
3 County Land Use Plan, the recommendation shall be forwarded to the Board of County
4 Commissioners for transmittal to the Broward County Planning Council, along with the
5 ~~Board's~~ Board of County Commissioners' transmittal of a proposed amendment of the
6 Broward County Land Use Plan to the Planning Council.

7 e. The Board of County Commissioners shall, by motion and without the need
8 for a public hearing, transmit a proposed map amendment to the Broward County Land
9 Use Plan for the Unincorporated Area to the Planning Council. The transmittal shall
10 include the recommendation of the ~~Planning and Development Management Division~~
11 Environmental Protection and Growth Management Department on the proposed
12 amendment.

13 . . .

14 g. Except for small scale land use plan amendments, ~~the~~ Board of County
15 Commissioners shall hold a transmittal public hearing and process the application as
16 required by ~~Chapter 163,~~ Section 163.3184, Florida Statutes.

17 h. Following receipt of written comments from DEO or other applicable entities
18 pursuant to Section 163.3184, Florida Statutes, the Planning Council shall, if deemed
19 necessary by the Planning Council or the Board of County Commissioners, give due
20 public notice and conduct a second public hearing on proposed map amendments to the
21 Broward County Land Use Plan and shall make a recommendation on proposed
22 amendments to the Board of County Commissioners.

23 i. Following receipt of written comments from DEO and other applicable
24 entities, the ~~Planning and Development Management Division~~ Environmental Protection

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1 and Growth Management Department may conduct a public hearing with due public
2 notice to consider any or all proposed map amendments to the Future Land Use Map for
3 the Unincorporated Area Land Use Plan.

4 ~~j. h.~~ Within the time frame set forth within Section 163.3184, Florida Statutes,
5 after receipt of the written comments from the DEO or other applicable entities, or
6 pursuant to Section 163.3187, Florida Statutes, for small scale amendments, the Board
7 of County Commissioners shall schedule and hold ~~the second~~ a public hearing at which
8 it shall take formal and final action on the proposed amendments. The recommendation
9 of the ~~Planning and Development Management Division~~ Environmental Protection and
10 Growth Management Department, the Planning Council, and comments from DEO and
11 other ~~applicable~~ entities, as applicable, shall be available to the Board of County
12 Commissioners at the adoption public hearing.

13 ~~k. i.~~ All amendments to the Broward County Comprehensive Plan shall be
14 adopted by ordinance.

15
16 Section 2. Section 27.14 of the Broward County Administrative Code is hereby
17 amended to read as follows:

18 **27.14. Procedure for Amendments to the Future Land Use Map for the**
19 **Unincorporated Area Land Use Element and the Future Land Use Map for**
20 **the Broward County Land Use Plan for Land wWithin the Unincorporated**
21 **Area wWhere the Proposed Amendment is Directly Related to a**
22 **Development of Regional Impact.**

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1 Map amendments relating to Developments of Regional Impact in the
2 Unincorporated Area shall be processed in the same manner as described in
3 Section 27.13 for other map amendments with the following exceptions:

- 4 a. The application for such amendments may be submitted any time after the
5 application for development approval has been filed with the County and
6 the Regional Planning Council. ~~The decision whether to consider the~~
7 ~~amendment outside usual twice a year amendment schedule shall be at the~~
8 ~~discretion of the Planning Council and the Board of County Commissioners.~~

9 . . .

10
11 Section 3. Section 27.40 of the Broward County Administrative Code is hereby
12 amended to read as follows:

13 **Sec. 27.40. Transportation Concurrency Assessment Calculation.**

14 The Transportation Concurrency Assessment, as specified in Section ~~5-182(a)(5)~~
15 5-182.1 of the Land Development Code, shall be calculated by using the ~~Trip Generation~~
16 ~~Rates contained in Appendix A of this Chapter, together with the Fee Schedule~~
17 ~~contained in Appendix B of this Chapter~~ current edition of the Institute of Transportation
18 Engineers (ITE) Trip Generation Manual. The Assessment shall be the product of the
19 following three factors:

- 20 1. The ~~peak-hour~~ peak hour trip generation, ~~from Appendix A;~~
21 2. The cost per trip for the appropriate District, ~~from Appendix B;~~ and
22 3. The appropriate trip length factor ~~from Appendix B.~~

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1 Where appropriate for mixed use developments, the trip generation rates from
2 Appendix A may be adjusted to account for internal trips, based on a methodology
3 acceptable to County staff.

4
5 Section 4. Sections 27.41 and 27.42, and Part XV, Sections 27.66 through
6 27.75, of the Broward County Administrative Code are hereby deleted in their entirety.

7
8 Section 5. Section 27.88 of the Broward County Administrative Code is hereby
9 amended to read as follows:

10 **27.88. Increases in Administrative Costs Deducted From Impact Fees Due Related**
11 **to Plats, Replats, and Changes to Notations on the Face of Plats.**

12 a. ~~Amounts Deposited in "Road Fund" Road Impact Fees:~~ The 3%
13 ~~Administrative Fee for administrative costs~~ authorized by Subsection 5-184(b)(2) of the
14 Broward County Code of Ordinances shall be ~~added to~~ deducted from the roadway
15 "impact" fees ~~resulting from~~ received, based on the TRIPS model, for plats, replats, and
16 changes to the notations on the face of plats ~~which that~~ result in an increase in the value
17 of roadway improvements (road impact fees).

18 b. ~~Park Impact Fees:~~ The 3% Administrative Fee for administrative costs
19 authorized by Subsection 5-184(b)(2) of the Broward County Code of Ordinances shall
20 be ~~charged~~ deducted from the park impact fees received for plats, replats, and changes
21 to the notations on the face of plats ~~which that~~ result in an increase in park impact fees.

22 c. Educational Impact Fees: The fee for administrative costs authorized by
23 Section 5-184(b)(2) of the Broward County Code of Ordinances shall be deducted from
24 the educational impact fees remitted to the School Board of Broward County, Florida, for

1 plats, replats, and changes to the notations on the face of plats that result in an increase
2 in educational impact fees.

3 d. *Transportation Concurrency Fees:* The fees for administrative costs
4 authorized by Section 5-184(b)(2) of the Broward County Code of Ordinances shall be
5 deducted from the transportation concurrency fees received for plats, replats, and
6 changes to the notations on the face of plats that result in an increase in transportation
7 concurrency fees.

8
9 Section 6. Part XXVI, Section 27.134, of the Broward County Administrative
10 Code is hereby deleted in its entirety.

11
12 Section 7. Exhibits 27K and 27L of the Broward County Administrative Code
13 are hereby deleted in their entirety.

14
15 Section 8. Appendices A and B of Chapter 27 of the Broward County
16 Administrative Code are hereby deleted in their entirety.

17
18 Section 9. Severability.

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

3

4 Section 10. Inclusion in the Broward County Administrative Code.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Administrative Code Resolution become part of the Broward County Administrative Code
7 as of the effective date. The sections of this Administrative Code Resolution may be
8 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
9 or such other appropriate word or phrase to the extent necessary in order to accomplish
10 such intention.

11

12 Section 11. Effective Date.

13 This Administrative Code Resolution is effective May 29, 2020.

14

15 ADOPTED this day of , 2020.

16

PROPOSED

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

19 By /s/ Maite Azcoitia 04/17/2020
20 Maite Azcoitia (date)
21 Deputy County Attorney

21

22

23 MA/gmb
CH27UpdateFINAL-r01
04/21/2020
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