

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN TEXT RELATED TO THE BROWARD MUNICIPAL SERVICES DISTRICT; AMENDING COMPREHENSIVE PLAN TEXT RELATED TO THE BROWARD MUNICIPAL SERVICES DISTRICT LAND USE AND COMMUNITY PLANNING ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND PUBLIC SCHOOL FACILITIES ELEMENT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

WHEREAS, the Department of Economic Opportunity has found the Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Broward Municipal Services District Land Use and Community Planning Element, Intergovernmental Coordination Element, and Public School Facilities Element;

WHEREAS, the Environmental Protection and Growth Management Department, as the local planning agency for the Broward County Comprehensive Plan, held its hearings on August 23, 2019, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on December 3, 2019, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held an adoption public hearing on March 10, 2020, at 10:00 a.m. [also complying with the notice requirements specified in Section 163.3184(11), Florida Statutes] at which public comment was accepted and

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

1 comments of the Department of Economic Opportunity, South Florida Regional Planning  
2 Council, South Florida Water Management District, Department of Environmental  
3 Protection, Department of State, Department of Transportation, Fish and Wildlife  
4 Conservation Commission, Department of Agriculture and Consumer Services, and  
5 Department of Education, as applicable, were considered; and

6 WHEREAS, the Board of County Commissioners, after due consideration of all  
7 matters, hereby finds that the following amendment to the Plan is consistent with the State  
8 Plan, Regional Plan, and the Plan; complies with the requirements of the Community  
9 Planning Act; and is in the best interests of the health, safety, and welfare of the residents  
10 of Broward County,

11  
12 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
13 BROWARD COUNTY, FLORIDA:

14  
15 Section 1. The Plan is hereby amended by Amendment 19-T1, which is an  
16 amendment to the Broward County Comprehensive Plan Text related to the Broward  
17 Municipal Services District Land Use and Community Planning Element,  
18 Intergovernmental Coordination Element, and Public School Facilities Element.

19 Section 2. Severability.

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

Section 3. Effective Date.

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

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

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

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

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

ENACTED  
FILED WITH THE DEPARTMENT OF STATE  
EFFECTIVE

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

By /s/ Maite Azcoitia 01/23/2020  
Maite Azcoitia (date)  
Deputy County Attorney

MA/gmb  
01/23/2020  
19-T1 BMSD Element.Ord  
File #80041

**Attachment A**  
Proposed Amendment

**I. Broward Municipal Services District Element**

**Objective BMSD 1.4-Building Permits, Level of Service, and Platting:** Broward County shall maintain policies to ensure building permit, level of service, and platting requirements are consistent with the Broward County Land Use Plan.

Policy BMSD 1.4.1 Broward County shall not grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat, including the parcel or parcels of land, has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953, and such building permit application:

- (1) complies with the applicable land development regulations;
- (2) does not include any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan that has not been conveyed to the public by deed or grant of easement; and
- (3) Complies with the Broward County Land Use Plan and with the certified Broward Municipal Services District Element.

The platting requirements above shall not apply to an application for a building permit that meets any of the following criteria:

- (a) Involves construction of two or fewer residential dwelling units, except applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months.
- (b) Involves construction of any multi-family or non-residential lot or parcel that is less than ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953.
- (c) Involves construction of a replacement building in which the new building will be:
  - i. Utilized for the same general use,
  - ii. Equal to or less than the gross area of the original principal building, and will be
  - iii. Located within the same general footprint. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978, the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)
- (d) Involves construction of single-family, infill development that is deed-restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as "the development of new housing on scattered vacant sites in a built-up area."

Notwithstanding the above, a building permit may be issued for the following:

- (1) A parcel of land for which a plat has been approved by the Broward County Commission, but not yet been recorded, provided such building permit is granted in an agreement among the developer, the affected unit of local government, and Broward County. Such agreements shall, at a minimum:
  - (a) Require compliance with the applicable provisions of plat approval; and
  - (b) Prohibit the issuance of a certificate of occupancy until the plat is recorded.Broward County and the applicable service provider shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit.

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- (2) An essential governmental facility following preliminary plat review provided the Broward County Commission finds that immediate construction of the governmental facility is:
- (a) Essential to the health, safety, or welfare of the public; and
  - (b) Served by public facilities and services that will be available at the adopted level of service standards concurrent with the impact of the development.

Such a finding shall be made by resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.

Policy BMSD 1.4.2: The Planning and Development Management Division shall:

- (1) Continue to enforce the countywide platting requirements of the Broward County Charter.
- (2) Ensure that land development within Broward County meets the minimum standards of the Broward County Land Development Code.
- (3) Continue to maintain land development regulations that:
  - (a) Require platting at least in those circumstances where the Broward County Land Use Plan requires platting; and
  - (b) Establish additional standards, procedures, and requirements as may be necessary to regulate and control the platting of lands within the Broward Municipal Services District.

Policy BMSD 1.4.3: When considering Broward County Comprehensive Plan amendments, plats, re-plats, and plat note amendments, it shall be ascertained that adequate public facilities and services, as measured through the level of service standards identified within the various elements of the Broward County Comprehensive Plan, will be available when needed to serve the proposed development, prior to final action by the Broward County Commission.

Policy BMSD 1.4.4 Broward County shall maintain level of service standards and concurrency management systems for those portions of the regional roadway network within the Broward Municipal Services District, as identified in the Broward County Comprehensive Plan's Transportation Element.

Policy BMSD 1.4.5 Broward County shall utilize the highway capacity methodology endorsed by the Broward Metropolitan Planning Organization and approved by the Broward County Commission to determine the capacities and levels of service on the regional roadway network.

Policy BMSD 1.4.6 Broward County shall not issue a building permit unless the impact of the proposed development on the regional transportation network has been mitigated by payment of road impact fees or transportation impact fees, based on the appropriate provisions of the Broward County Land Development Code, or it is determined that no such payment is due. The Broward County Commission may adopt land development regulations which exempt from this requirement categories of building permits that clearly do not create additional transportation impacts.

Policy BMSD 1.4.7 Broward County shall maintain and implement land development regulations that include development review procedures to assure that facilities and services meet

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established countywide and Broward Municipal Services District level of service standards and are available consistent with concurrency requirements and Section 163.3180, Florida Statutes.

Policy BMSD 1.4.8 When considering Broward County Comprehensive Plan Future Land Use Map Series amendments, Broward County shall coordinate with the School Board of Broward County, Florida, as provided for within the Interlocal Agreement for Public School Facilities Planning, as amended, to obtain the School Board's recommendation regarding the following:

- (1) Potentially impacted schools;
- (2) Projected impacts upon the availability of school capacity at potentially impacted schools;  
and
- (3) Whether sufficient capacity is available or anticipated within the short or long-range planning horizons to accommodate the projected student impact.

Policy BMSD 1.4.9 Broward County shall maintain and implement school impact fee provisions within the Broward County Land Development Code, and review and consider revisions to such fees as required by the Interlocal Agreement for Public School Facilities Planning, as amended, based upon studies and recommendations provided by the School Board of Broward County, Florida.

Policy BMSD 1.4.10 Broward County shall not issue a building permit for new or additional residential units unless the impact of the proposed development on public educational sites and facilities has been mitigated through one of the following:

- (1) Payment of school impact fees as required by the Broward County Land Development Code; or
- (2) An agreement has been recorded among the property owner(s), Broward County, and the School Board of Broward County.

Policy BMSD 1.4.11 Broward County shall ensure it implements the Broward County Trafficways Plan through the following:

- (1) Requiring rights-of-way to be conveyed to the public by deed or easement, at the time of plat recordation, which are sufficient to address the impact of development on transportation needs and to meet the requirements of the Broward County Trafficways Plan;
- (2) Adopting and implementing land development regulations that provide for the reservation and acquisition of rights-of-way sufficient to meet the requirements of the Broward County Trafficways Plan; and
- (3) Protecting transportation corridors identified on the Broward County Trafficways Plan, by requiring that development is set back from identified rights-of-way when issuing development orders and providing an administrative relief process to ensure such set back does not deny all beneficial use of the property proposed for development.

**II. Intergovernmental Coordination Element**

**OBJECTIVE IC10 – Coordinate Population Estimates and Projections**

Broward County shall continue to coordinate with the County's municipalities and relevant state and regional agencies when preparing population projections.

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POLICY IC10.1 Broward County shall continue to use the Broward County Population Forecast and Allocation Model to develop population estimates and projections.

POLICY IC10.2 Broward County shall provide annual population estimates for Broward County, its municipalities, and the Broward Municipal Services District, from sources such as the United States Census Bureau and the University of Florida's Bureau of Economic and Business Research.

**III. Public School Facilities Element**

**OBJECTIVE PSF4 – Collaborate and Coordinate to Maximize Quality Education**

Broward County, the School Board, and the municipalities will maximize collaboration and coordination to effectively plan for public elementary and secondary school facilities to meet the current and future needs of Broward County's public school population. Pursuant to Section 163.3180 (6)(a), and Section 163.31777, F.S., Broward County and all non-exempt municipalities within the County shall coordinate and cooperate to ensure that the adopted public school facilities elements and/or provisions included in comprehensive plans regarding public school concurrency are consistent with each other.