

EXHIBIT 2

SECTION I
AMENDMENT TO THE
ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT

“ARTICLES 3 & 4”

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Recommendation November 22, 2022

It is recommended that the proposed revisions to the *Administrative Rules Document: BrowardNext* (ARD) be approved. **See Attachment 1.**

The proposed ARD amendment does not require transmittal to or review by the State of Florida review agencies. In addition, the amendment requires approval and adoption by the Broward County Board of County Commissioners.

- II. Planning Council Public Hearing Recommendation December 1, 2022

Approval per Planning Council staff recommendation. (Vote of the board; Unanimous: 8-0; Blackwelder, Breslau, Castillo, Gomez, Hardin, Rich, Zeman and DiGiorgio)

SECTION II
AMENDMENT TO THE
ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT

ARTICLES 3 & 4

BACKGROUND INFORMATION/ANALYSIS

The *Administrative Rules Document: BrowardNext* (ARD) is maintained, as per the requirements of the BrowardNext - Broward County Land Use Plan (BCLUP), by the Broward County Planning Council for the purpose of providing direction, assistance and guidance to local governments, the general public and Planning Council staff in implementing the BCLUP. Appropriate portions of the ARD are also approved and adopted by the Broward County Board of County Commissioners.

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

- ARD Article 3 - Flexibility Rules, Redevelopment Units, Compatibility Determinations and Special Residential Facilities, as well as Appendix 3 - Application for Broward County Land Use Plan Redevelopment Units, to implement BCLUP amendment PCT 22-1 regarding Redevelopment Units Policy 2.35.1; and
- ARD Article 4 - Platting Requirements, Exemptions and Definitions to implement BCLUP amendment PCT 22-1 regarding Policy 2.13.1.

See Attachments 1 and 2.

Planning Council staff distributed a draft of the proposed changes via email to municipal planning directors, County review agencies and interested parties on March 4, 2022, and April 4, 2022. It is noted that there were no objections to the proposed ARD amendment.

SUMMARY

Redevelopment Units

BCLUP text amendment PCT 22-1 streamlined Policy 2.35.1 by maintaining the general purpose and definition of Redevelopment Units in the BCLUP and eliminating the redundancy of the process and criteria within said Policy as it is currently reflected in Article 3 and Appendix 3 of the ARD. The amendment also relocated the process to release flexibility units from the Policy to Appendix 3 of the ARD.

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

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

See Attachment 1 for the proposed amendment.

SUMMARY (continued)

Platting

BCLUP text amendment PCT 22-1 streamlined Policy 2.13.1 by maintaining the general platting requirements and Policy in the BCLUP and updating the specific platting exemptions in Article 4 of the ARD. The change further supported the Planning Council's continued initiative for staff to coordinate with local governments and interested parties to examine additional options for expansion of the platting exemptions, as updating the ARD is the most efficient and expeditious method of memorializing formal platting interpretations and new exceptions.

The corresponding ARD amendment to Article 4 addresses the following:

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

See Attachment 1 for the proposed amendment.

Recommendation

Planning Council staff recommends approval of the proposed amendment to the *Administrative Rules Document: BrowardNext* (ARD), Articles 3 and 4, to implement and be consistent with corresponding BCLUP text amendment PCT 22-1, tentatively scheduled to be adopted by the Board of County Commissioners (BOCC) on December 6, 2022, with an effective date of approximately January 8, 2023. The BOCC will consider the adoption of the proposed ARD amendment around the referenced effective date of the corresponding amendment.

It is noted that the corresponding ARD amendment requires a single Planning Council and County Commission hearing and does not require transmittal to or review by the State of Florida review agencies.

SECTION III
AMENDMENT TO THE
ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT

ARTICLES 3 & 4

ATTACHMENTS

1. Proposed Revisions to the *Administrative Rules Document: BrowardNext* – Articles 3 & 4
2. BrowardNext – Broward County Land Use Plan Text Amendment PCT 22-1 – Relevant Excerpts

ATTACHMENT 1

ADMINISTRATIVE RULES DOCUMENT: BrowardNext

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

ARTICLE 3: FLEXIBILITY, REDEVELOPMENT UNITS AND SPECIAL RESIDENTIAL FACILITIES

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

...

3.3 REDEVELOPMENT UNITS

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

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

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

3.4 COMPATIBILITY REVIEW CRITERIA

- (A) Compatibility determinations required per Policy 2.10.1 of the Broward County Land Use Plan shall be based upon the following considerations:
 - (1) The density and intensity of the land use(s) resulting from the application of flexibility.
 - (2) The density and intensity of existing and planned land uses adjacent to the site.
 - (3) Comprehensive plan requirements, land development code provisions, zoning regulations, adopted design guidelines or other measures in place to ensure compatibility.
 - (4) Impact of proposed increases in residential density on public school enrollments and capacity, including consideration of any proposed mitigation for density increases impacting overcrowded schools.
 - (5) Impact on public beach access, including any reduction in public access points or public rights-of-way providing access to the beach.
- (B) For allocations of flexibility or redevelopment units to sites east of the Intracoastal Waterway which may impact access to public beaches, the allocating municipality shall notify the County Commission or its designee of proposed municipal allocations of flexibility which would alter an existing public access point or public right-of-way providing access to the beach.
- (C) For allocations of flexibility or redevelopment units to sites which are contiguous to another municipality:

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

3.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE

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

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

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

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

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

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

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

building shall be used for retail sales or offices; and

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

ARTICLE 4: PLATTING REQUIREMENTS, EXEMPTIONS AND DEFINITIONS

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

4.1 PURPOSE

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

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

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

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

4.63 DEFINITIONS*

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

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

BUILDING PERMIT -

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

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

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

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

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

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

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

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

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

(A) A principal building includes:

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

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

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

(B) A principal building does not include:

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

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

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

4.34 EXEMPTIONS

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

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

~~enlarged parcel is less than 10 acres in size, Policy 2.13.1 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the~~

~~majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement.~~

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

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

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

(DE) Exemption for replacement buildings

Policy 2.13.1 does not require (re)platting for construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. ~~(For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)~~

(EE) Exemption for infill development

Policy 2.13.1 does not require (re)platting for construction of single-family or duplex, infill development that is deed-restricted to affordable housing for a time period of at least ~~fifteen (15)~~ thirty (30) years. ~~For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."~~

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

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

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

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

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

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

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

4.45 GUIDELINES REGARDING DEDICATION OF TRAFFICWAYS

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

4.56 REQUIREMENTS FOR LOCAL JURISDICTIONS

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

4.7 RELOCATION OF BUILDINGS

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

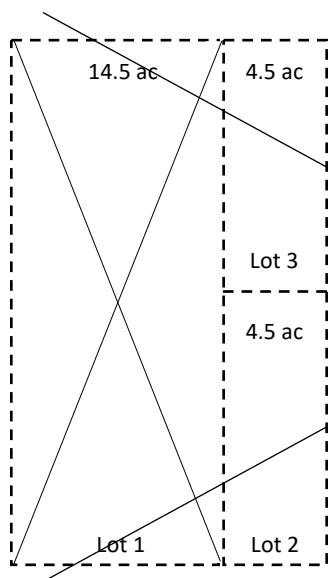
4.8 GUIDELINES FOR MOBILE HOMES

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

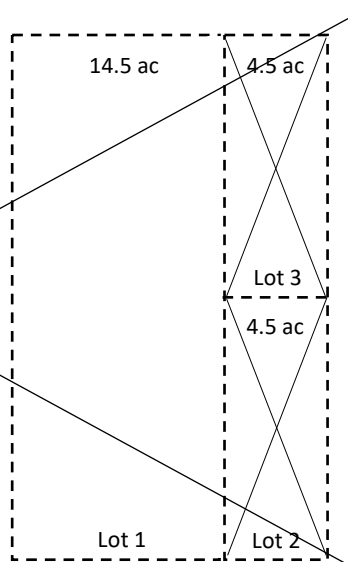
~~(Example 1 — What does “specifically delineated” mean?)~~

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

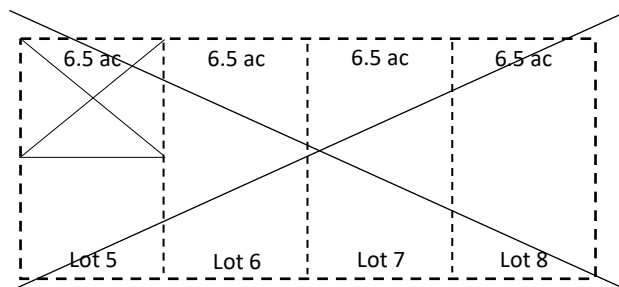
~~For lot(s) which were included in a plat recorded on or before June 4, 1953, and less than 10 acres in size, replatting would not be required to construct a principal building on said lot(s), assuming each development is unrelated and as long as all Broward County Trafficways have been conveyed to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



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



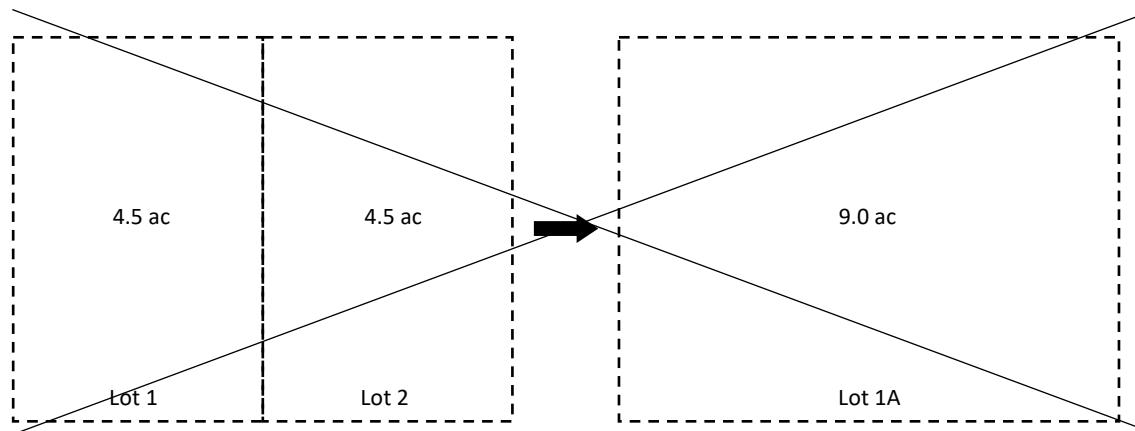
~~Lots 2 and 3 — Specifically delineated and less than 10 acres — Replatting is not required~~



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

(Example 2 – Combining specifically delineated lots)

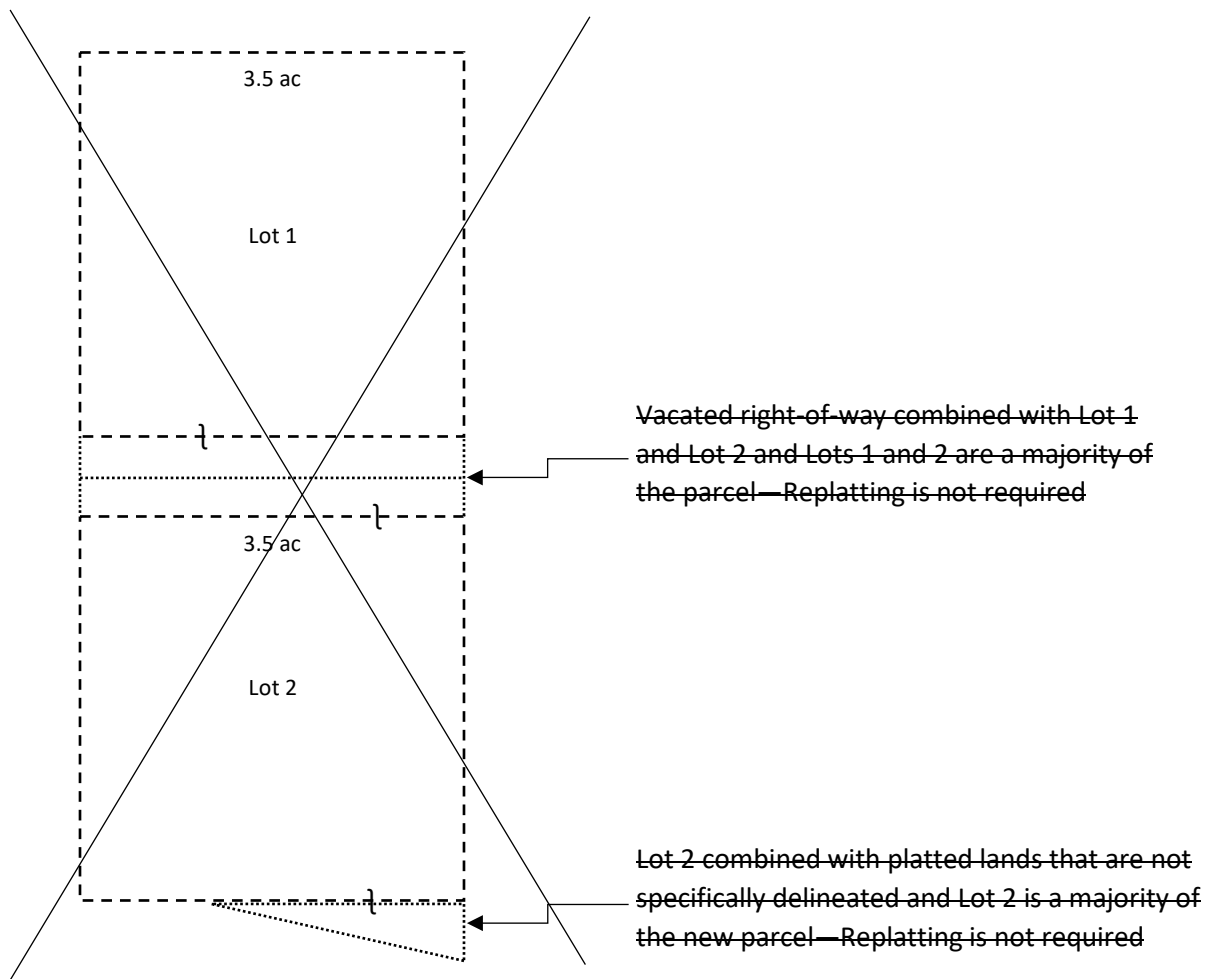
~~When an individual proposes to combine lots which are specifically delineated in a plat recorded on or before June 4, 1953, into a larger parcel, but one still smaller than 10 acres (see graphic below), replatting is not required by Policy 2.13.1, as long as all Broward County Trafficways have been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



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

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

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

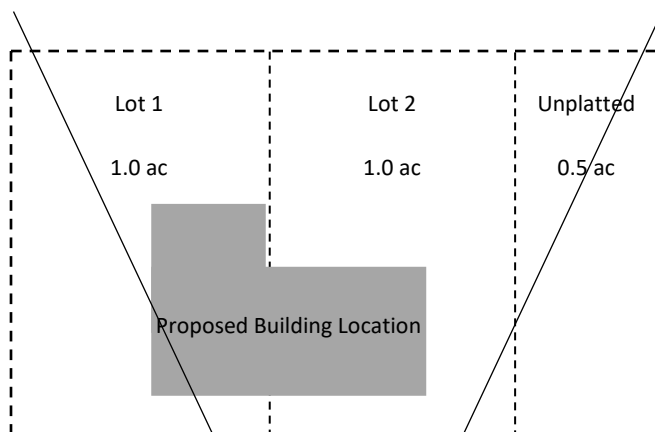


~~(Example 4 — Combining specifically delineated lots with unplatted property)~~

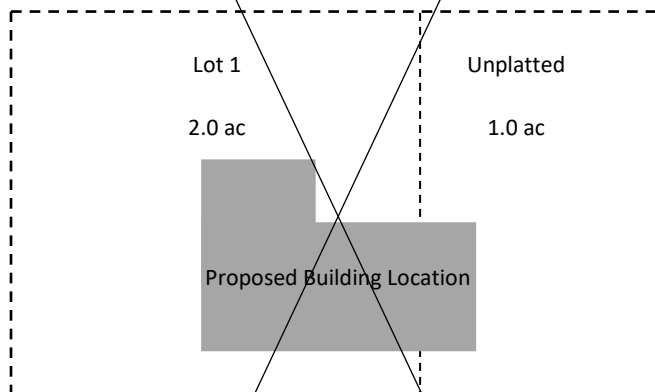
~~When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with unplatted property, and the enlarged lot or parcel is smaller than 10 acres and will contain a principal building, Policy 2.13.1 would require platting of the unplatted portion if:~~

~~(A) — a principal building is to be located on the unplatted portion; or~~

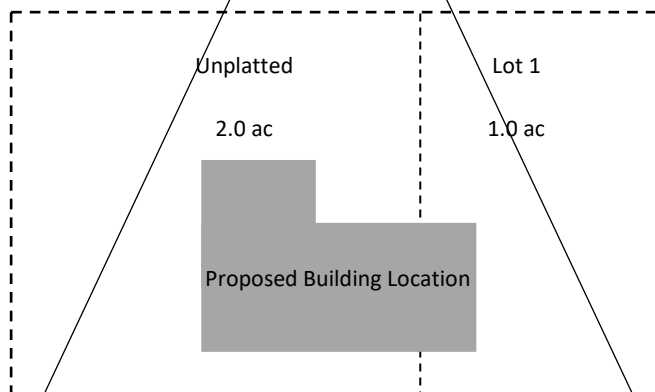
~~(B) — the unplatted portion constitutes a majority of the enlarged lot or parcel.~~



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



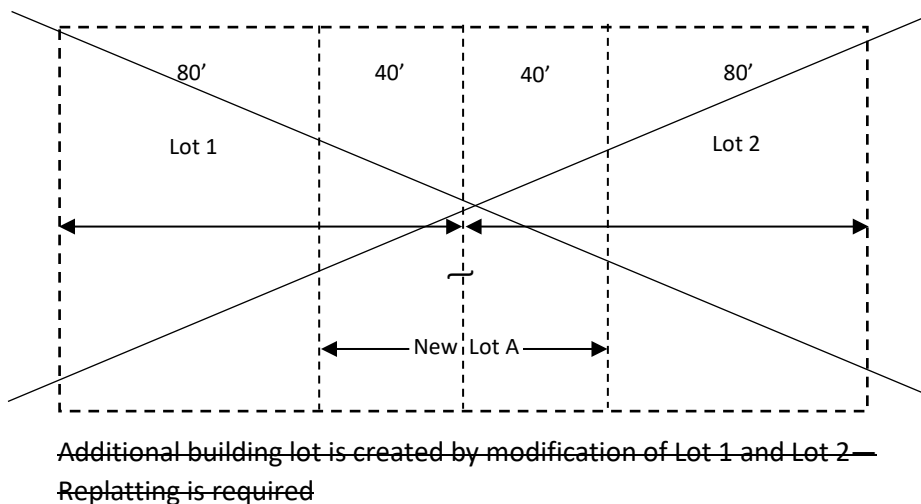
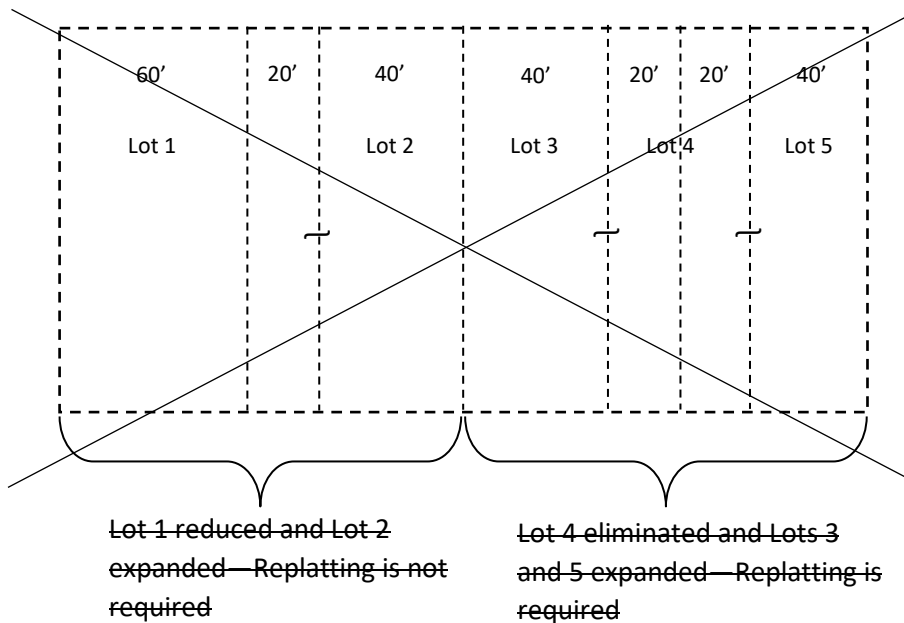
~~Unplatted property combined with specifically delineated lot, with principal building located within unplatted land — Platting is required~~



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

(Example 5 — Modification of specifically delineated lot lines)

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



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

A. REDEVELOPMENT UNITS

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

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

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

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

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

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

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

B. RELEASE OF FLEXIBILITY UNITS

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

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

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

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

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

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

ATTACHMENT 2

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

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

SECTION 2: POLICIES

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REDEVELOPMENT UNITS

Policy 2.35.1 continues to maintain the general purpose and definition of redevelopment units and has been updated to eliminate redundancies contained in Article 3 of the Administrative Rules Document: BrowardNext. See Attachment 1, Article 3, as well as Appendix 3 for proposed revisions to redevelopment units and flexibility units. All changes are indicated in ~~strike-through~~/underline format.

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

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

Criteria:

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

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PLATTING AND LAND DEVELOPMENT CODE

Policy 2.13.1 has been updated to remove the list of platting exemptions and instead reference Article 4 of the Administrative Rules Document: BrowardNext. See Attachment 1 for Article 4 proposed revisions to platting requirements, exemptions and definitions. All changes are indicated in ~~strike-through~~/underline format.

...

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

- ~~(1) construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.~~
- ~~(2) construction on any multi family or non residential lot or parcel which is less than ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953.~~
- ~~(3) construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)~~
- ~~(4) construction of single family, infill development that is deed restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built up area."~~
- ~~(5) a building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or~~

~~(6) a building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.~~

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

~~(1) compliance with the applicable land development regulations; and~~

~~(2) any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.~~

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