

## EXHIBIT 2

**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN TEXT**  
**PROPOSED AMENDMENT PCT 21-3**

***“Definitions”***

**RECOMMENDATIONS/ACTIONS**

**DATE**

***I.      Planning Council Staff Transmittal Recommendation*** ***October 19, 2021***

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

Further, Planning Council staff recommends a second Planning Council public hearing in order to provide additional outreach opportunities for stakeholders.

***II.     Planning Council Transmittal Recommendation*** ***October 28, 2021***

Approval per Planning Council staff transmittal recommendation, including requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 14-0: Blackwelder, Brunson, Castillo, Fernandez, Good, Grosso, Hardin, Maxey, Parness, Rich, Rosenof, Ryan, Williams and DiGiorgio)

***III.    County Commission Transmittal Recommendation*** ***January 25, 2022***

Approval per Planning Council transmittal recommendation.

***IV.    Summary of State of Florida Review Agency Comments*** ***February 25, 2022***

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

***V.      Planning Council Staff Final Recommendation*** ***April 19, 2022***

It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved, as modified subsequent to the transmittal to the State of Florida review agencies. **See Attachment 5.**

***VI.    Planning Council Final Recommendation*** ***April 28, 2022***

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous; 14-0: Blackwelder, Breslau, Brunson, Castillo, Gomez, Good, Hardin, Horland, Levy, Parness, Rich, Rosenof, Williams and DiGiorgio)

**SECTION II**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 21-3**

**BACKGROUND INFORMATION**

On September 17, 2020, the Planning Council initiated a text amendment to update the Definitions section of the BrowardNext - Broward County Land Use Plan (BCLUP). The Broward County Board of County Commissioners adopted the current Definitions section of the BCLUP on April 25, 2017, as part of the BrowardNext initiative. "BrowardNext" comprehensively updated the County's land use planning program within the context of meeting the challenges of Broward County's future and anticipated population growth. In addition, Section 8.05(C) of the 2018 Broward County Charter requires that the BCLUP's "zoning glossary" (i.e. definitions) shall be amended from time to time as deemed necessary.

**PLANNING ANALYSIS**

The existing definitions section of the BCLUP is proposed to be amended to ensure consistency with federal, state and local statutes and regulations, as well as planning terminology. The proposed update includes revisions to clarify existing terms, to incorporate appropriate new definitions and to delete obsolete terminology based on Planning Council staff's thorough review of each definition for consistency with Florida State Statutes and the Broward County Land Development Code, as well as with currently accepted professional planning terminology and input from local governments and interested parties. **See Attachment 1.**

**PUBLIC OUTREACH**

Planning Council staff distributed a draft of the proposed changes via email to municipal planning directors, County review agencies and interested parties on October 12, 2020 and May 6, 2021. **See Attachment 2.** **See Attachment 3.A.** for a summary of all written comments received as of the writing, as well as responses prepared by Planning Council staff. **See Attachment 3.B.** for a compendium of all written comments as submitted by local governments and interested parties.

**Update: April 19, 2022:** The City of Coconut Creek submitted comments subsequent to the transmittal to the State of Florida review agencies. **See Attachment 4.A.** In coordination with the Planning Council attorney, Planning Council staff researched the comments and prepared a response document. Comments were addressed by Planning Council staff by one (1) of three (3) methods:

- 1) No modification recommended.
- 2) Modification recommended if the comments were minor or for clarification purposes.
- 3) Removal of proposed additions for further evaluation and may be part of a future text amendment.

**PUBLIC OUTREACH (continued)**

**See Attachment 4.B.** Planning Council staff has prepared an updated attachment that reflects the modifications. **See Attachment 5.**

**CONCLUSION**

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

**Update: April 19, 2022:** Planning Council staff recommends approval of the proposed amendment, as modified subsequent to the transmittal to the State of Florida review agencies. **See Attachment 5.**

**SECTION III**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 21-3**

**ATTACHMENTS**

1. Proposed Broward County Land Use Plan Amendment PCT 21-3 – October 2021
2. Draft Definitions Section Provided to Municipal and County Review Agencies and Interested Parties by Broward County Planning Council Staff on October 12, 2020 and May 6, 2021
3.
  - A. Response Document Prepared by Broward County Planning Council Staff
  - B. Comments Received from Municipal and County Review Agencies

**Update: April 19, 2022:**

4.
  - A. Comments Received from the City of Coconut Creek – February 10, 2022
  - B. Response Document Prepared by Broward County Planning Council Staff
5. Updated: Proposed Broward County Land Use Plan Amendment PCT 21-3 – April 2022

# ATTACHMENT 1

## BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN OCTOBER 2021

### SECTION 2: DEFINITIONS

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

ABUTTING – means to be adjacent to; touch or join at the edge or border; end at.

ACCESSORY DWELLING UNIT - means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary single-family dwelling unit.

ACCESSORY USE - means a use or activity naturally and customarily incidental, subservient or subordinate to the principal use or activity on site.

ACCOMMODATIONS - means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, campground, cruise ship cabin, houseboat or other vessel, recreational or other motor vehicle, or any private or commercial structure which is situated on real or personal property and designed for overnight occupancy ~~or use~~ by one or more individuals.

ADAPTATION ACTION AREAS - means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

ADJACENT - means next to or adjoining; ~~Having~~ separated only by a street right-of-way or canal right-of-way, not including the Florida Intrastate Highway System.

ADMINISTRATIVE RULES DOCUMENT - means a publication containing rules, guidelines, procedures, and methodologies reviewed, revised, adopted and amended by the Broward County Planning Council and Board of County Commissioners for the purpose of providing assistance and guidance to local ~~governments~~ governmental entities and the general public and ~~providing~~ direction to Council staff in implementing the BrowardNext - Broward County Land Use Plan.

AFFECTED PERSONS - includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that ~~adoption of the plan~~ or plan amendment will ~~as proposed would~~ produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdictions. Each person, other than an adjoining local government, in order to qualify under this definition, shall

also have submitted oral or written comments, recommendations or objections during to the local government review and adoption proceedings during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

AFFORDABLE HOUSING - means housing for which monthly rents or monthly mortgage payments (including taxes, utilities and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the median income limits adjusted for family size for the households.

AGRICULTURAL USES - means activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; ~~and~~ silviculture areas; and equestrian uses.

AMENDMENT - means any change to an adopted comprehensive plan except for corrections, updates and modifications of the capital improvements element concerning costs, revenue services, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), Florida Statutes, and corrections, updates or modifications of current costs in other elements, as provided in Section 163.3187(~~24~~), Florida Statutes.

ANCILLARY - means of secondary importance; subordinate; aiding; supplementary.

ANNEXATION - means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.

ARTERIAL ROAD - means a roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length (i.e. more than one mile), and high operating speed and high mobility importance (i.e. serves not only automobiles, but other transportation modes such as bus, rapid bus, light rail and/or rail). In addition, every United States numbered highway is an arterial road.

BEACH - means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to line of permanent vegetation, usually the affective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to oceanic and estuarine shorelines.

BICYCLE AND PEDESTRIAN ~~WAYS~~ FACILITIES - means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

BROWARD COMPLETE STREETS GUIDELINES 2.0 - means a document endorsed by the Broward Metropolitan Planning Organization in July, 2012, November 2019 ~~which is based on the Los Angeles County Design Manual for Living Streets.~~

~~BROWARD COUNTY COASTAL AREA means the land and water eastward of U.S. 1/Federal Highway to the Atlantic Ocean.~~

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN - means the future land use plan element for all of Broward County adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and Florida Statutes Chapter 163.

BROWARD COUNTY TRAFFICWAYS PLAN - means the plan promulgated by the Broward County Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended, and the Broward County Charter, which depicts a network of Trafficways for Broward County ~~(also known as the Broward County Planning Council Trafficways Plan)~~.

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

BUILDING PERMIT - means:

- (1) 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.
- (2) Any permit for an addition or renovation to an existing building which would:
  - a. create one or more dwelling units, ~~or~~
  - b. ~~involve~~ be required for renovations necessary for a change in the occupancy of a building as described in the Florida Building Code and Broward County Administrative Provisions, as amended, or.
- (3) ~~Any permit which would~~
  - c. be required for the nonresidential operations included in the Florida Building Code and Broward County Administrative Provisions, as amended.

CAPITAL IMPROVEMENT - means physical assets constructed or purchased to provide, improve or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purpose of this ~~rule plan~~, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

CERTIFIED LAND USE PLAN - means a local land use plan which has been certified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan and which has been adopted by a unit of local government in conformance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

CERTIFIED LOCAL GOVERNMENT - means municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance consistent with State Statutes, and the creation of a historic preservation advisory board, making them eligible for state- and federally-funded small matching historic preservation grants to assist their historic preservation programs.

CLIMATE CHANGE - means a change in global or regional climate patterns, in particular a change apparent from the mid to late 20<sup>th</sup> century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.

COASTAL CONSTRUCTION CONTROL LINE - means the line established by the Florida Department of ~~Natural Resources~~ Environmental Protection after a determination, through comprehensive engineering study and topographic survey, that the establishment of such control line is necessary for the protection of upland properties and the control of beach erosion, pursuant to Section 161.053, Florida Statutes.

COASTAL HIGH HAZARD AREA - means the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as provided in Section 163.3178, Florida Statutes.

COASTAL ~~STORM~~ PLANNING AREA - means all ~~properties connected to mainland by bridges and/or low lying properties that have restricted evacuation and emergency access~~ land and water eastward of the westward right-of-way of Federal Highway/U.S. 1.

COLLECTOR ROAD - means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. ~~Collector roads~~ These roadways collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.

COMMERCIAL USES - means activities within land areas which are predominantly connected with the sale, rental and distribution of goods ~~products~~, or ~~performance~~ of services.

COMMUNITY CULTURAL FACILITY - means a facility that is readily accessible to all segments of the community for cultural activities (performing, visual and literary arts). The center should include classroom and workshop space, exhibit and performance space and cultural programming by professional artists for all age groups.

COMMUNITY PARK - means acreage ~~listed as described~~ in the “Community and Regional Parks” subsection of the ~~Plan~~ Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by local governments to meet the community level parks requirement of the Broward County Land Use Plan.

COMPATIBILITY - means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLETE STREET - means a street where the entire right-of-way is planned, designed, and operated for all modes of transportation and all users regardless of age or ability. Pedestrians, bicyclists, transit riders, and motorists of all ages and abilities must be able to safely move along and across a Complete Street. Complete Streets make it easy to cross the street, walk to shops, catch the bus, bike to work, and enjoy many other healthy activities.

COMPREHENSIVE PLAN - means a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes, as amended.



CONCURRENCY - means public facilities and services needed to support development ~~shall be available consistent with concurrency requirements as~~ will be provided in order to achieve and maintain the adopted level of service standards, per Section 163.3180, Florida Statutes, as amended (1993).

CONCURRENCY MANAGEMENT SYSTEM - means the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development consistent with concurrency requirements and Section 163.3180, Florida Statutes, as amended (1993).

CONDO-HOTEL - means hotel units that function in the same manner as a conventional hotel, with the exception that units may be purchased and accessed by the owner a minority of days per year. The units must be available to hotel guests a majority of days per year.

CONSERVATION USES - means activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSISTENT - means compatible with and furthers. Compatible with - means not in conflict with. Furthers - means to take action in the direction of realizing the goals and policies. As applied to the local plan, a local plan shall be consistent with the state plan and the regional plan.

CONTEXT SENSITIVE ROADWAYS - means roadways that are planned and developed with improvements that are considerate of the character and built and natural environment of the corridor and the surrounding neighborhood, are responsive to multiple transportation modes, and maintain safety and mobility.

CONTIGUOUS - means touching or adjacent.

COST BURDENED – means the extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.

COUNTY COMMISSION - means the Board of County Commissioners, ~~of Broward County,~~ Florida.

DASHED-LINE AREA - means an area on the Future Broward County Land Use Plan Map (Series) bordered by a dashed line and designated as having a particular maximum overall allowable density of dwelling units for all land and land uses within the area, and/or a particular total number of dwelling units permitted within the area, for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

DEVELOPER - means any person, including a governmental agency, undertaking any development.

DEVELOPMENT - ~~The term “development” means:~~ The the carrying out of any building construction activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into ~~two~~ three or more parcels. The following activities or uses shall be taken for the purposes of this ~~chapter~~ Plan to involve “development,” as defined in this section:

- A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- A change in the intensity of use of land, such as an increase or decrease in the number of dwelling units in a structure or on land or a material increase or decrease in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in Section 161.021, Florida Statutes.
- Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- Demolition of a structure.
- Clearing of land as an adjunct of construction.
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this ~~chapter~~ Plan to involve “development” as defined herein:

- Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
- Work by any utility and other persons engaged in the distribution or transmission of gas, electricity or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected landowners.
- Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- The use of any structure or land devoted to dwelling uses or any purpose customarily incidental to enjoyment of the dwelling.
- The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- A change in the ownership or form of ownership of any parcel or structure.
- The creation or termination of rights of access, ~~aparian~~ riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.

- “Development,” as designated in an ordinance, rule, or development rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of ~~subsection (1)~~ the above.

DEVELOPMENT ORDER - means any order granting, denying, or granting with conditions an application for a development permit.

DEVELOPMENT PERMIT - includes any building permit, zoning permit, subdivision or plat approval, ~~or~~ rezoning, certification, special exception, variance, or any other official action having the effect of permitting the development of land.

DISASTER - means ~~a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life~~ any natural, technological or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor or the President of the United States.

DRAINAGE FACILITIES - means a system of man-made structures designed to collect, convey, hold, divert or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

DUNE - means a mound, bluff or ridge of ~~loose~~ unconsolidated sediments, usually sand-sized sediments, lying ~~landward~~ upland of the beach and ~~extending inland to the landward toe of the dune which intercepts the 100-year storm surge~~ deposited by any natural or artificial mechanism, which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

DWELLING UNIT - means ~~a house, apartment, or condominium unit, trailer, group of rooms, or a single room~~ any building, structure or portion thereof which is designed, occupied or intended for occupancy as separate complete independent living quarter facilities for one (1) or more persons, with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the occupants permanent provisions for living, sleeping, eating, cooking and sanitation, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, Division of Hotels and Restaurants, as “apartments,” “rental condominiums” and “retirement housing” or live-aboard vessels located in multi-family “Residential” designated areas which are required to hookup to marine sanitation systems.

EASEMENT - means any strip of land created ~~by a subdivider~~ for public or private utilities, drainage, sanitation, access, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the ~~reservation of the servitude~~ public record.

ECOLOGICAL COMMUNITY - means a distinctive combination of two or more ecologically related species, living together and interacting with each other in a characteristic natural habitat.

EDUCATIONAL USES - means activities and facilities of public or private pre-schools, primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

EFFICIENCY ~~HOUSING~~ OR STUDIO DWELLING UNIT - means ~~an one-room~~ apartment in which one room typically contains the kitchen, living, and sleeping quarters, with a ~~private~~ separate bathroom. Efficiency or studio dwelling units no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations. It may or may not have a closet. The one room is usually larger than a standard apartment bedroom, since it needs to have separate areas for sleeping, eating and living, and also for a small kitchen (usually referred to as a kitchenette).

ELECTRICAL POWER PLANT - means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility that directly supports the operation of the electrical power plant.

ENVIRONMENTAL JUSTICE - means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on vulnerable populations.

ENVIRONMENTALLY SENSITIVE LAND - means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of Environmentally Sensitive Lands are contained within the ~~Plan~~ Implementation Requirements and Procedures section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.

ESTUARY - means a semi-enclosed, naturally existing coastal body of water in which saltwater is naturally measurably diluted by freshwater derived from riverine systems and which has an open connection with oceanic waters. "Estuaries" include bays, lagoons, sounds and tidal streams.

EVACUATION ROUTES - means routes designated by county emergency management authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

EXTREMELY-LOW INCOME PERSONS - means one or more natural persons or a family, that has a total annual household income that does not exceed 30 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

FABRICATION AND ASSEMBLY - means the manufacturing from standardized parts of a distinct object differing from the individual components involving raw materials with form and substance (as opposed to liquid or gas), with a physical, as opposed to chemical, mating or joining of the individual parts.

FLEXIBILITY UNITS - shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map. Flexibility units are allocated at the discretion of the local government.

FLEXIBILITY ZONE - corresponds to the municipal boundaries upon the adoption of BrowardNext and the completion of the administrative local government flexibility zone unification.

FLOODPLAINS - means areas susceptible to being inundated during an identified flood event or identified by the National Flood Insurance Program as A Zones (A, AE, AH AO), ~~or~~ V Zones (V, VE) or X Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

GROSS FLOOR AREA - ~~generally~~ means the total square footage of ~~all~~ each floors level, measured ~~to the from principal~~ outside faces of exterior walls, including but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, staircases and mezzanines, but not including architectural projections ~~surface of the building or portion of the building.~~ This may include hallways, stairways, elevators, storage and mechanical rooms whether internal or external to the structure. Floor area may also be limited to what is considered leasable space. The specific definitions are determined by local government land use plans and local land development regulations.

FLOOR AREA RATIO (FAR) - means the square footage of the floor area of a building divided by the square footage of the lot (net site area) on which the building is located. Figure 1, illustrates how a FAR of 1.0 can be calculated. The first example is a one story building covering the entire lot; the second is a two story building covering 50% of the lot and the third, a four story building covering 25% of the lot.

Figure 1

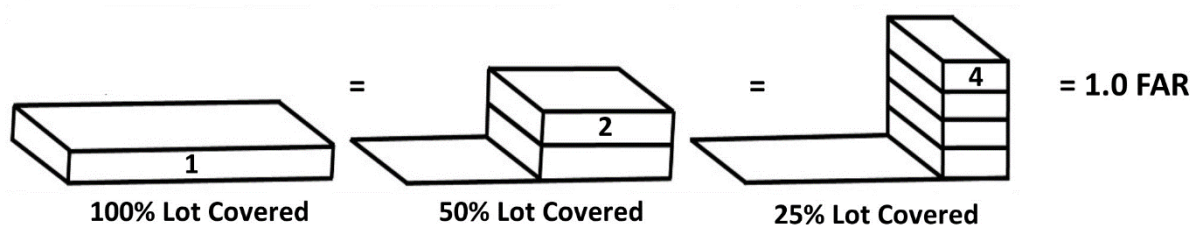
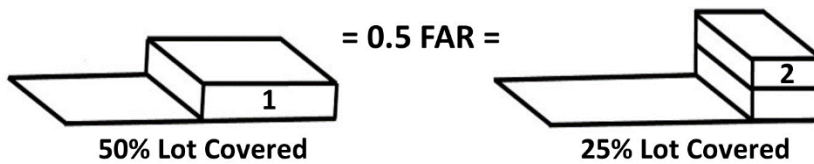


Figure 2 illustrates how a lot with FAR of 0.5 can be calculated. The building is limited to 50% of the square footage of the lot (net site area). The first example is a one story building covering 50% of the lot; the second is a two story building covering 25% of the lot.

Figure 2



The illustrations above represent a net site area of 39,204 square feet of floor area (0.9 gross acres) a FAR of 1.0 will allow a 39,204 square foot building. If the same lot has a 0.5 FAR, then it will yield a building of 19,602 square feet.

FRESHWATER MARSH - means a wetland having more than 25 percent vegetative cover by terrestrial herbs, but 40 percent or less cover by woody plants, occasionally or regularly flooded by fresh water (e.g., sawgrass).

FRESHWATER SWAMP - means a wetland having more than 40 percent cover by woody plants and that is occasionally or regularly flooded by freshwater (e.g., cypress swamp).

FUTURE BROWARD COUNTY LAND USE PLAN MAP (SERIES) - means the series of maps adopted by the Broward County Board of County Commissioners as part of the Broward County Land Use Plan. These include the Broward County Land Use Plan Map, ~~Historic District and Historically Significant Properties Map~~, Cultural Resource Map Series and Natural Resources Map Series-~~Eastern Broward County and Natural Resources Map Series~~ ~~Western Broward County~~.

GREENHOUSE GAS EMISSIONS - means any of the atmospheric gases that contribute to the greenhouse effect by absorbing infrared radiation produced by solar warming of the Earth's surface. They include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (NO<sub>2</sub>), and water vapor.

GROSS ACREAGE - means the total number of acres in an area, including acreage used or proposed for streets, lakes, and/or waterways, not including the rivers and canals of the primary drainage system as identified within this Plan.

GROSS DENSITY – means the total number of dwelling units divided by the gross acreage of the area.

GROUNDWATER – means water within the earth supplied by wells and springs.

GROUP HOME - means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. ~~Adult Congregate~~ Assisted Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HAMMOCK - means a dense growth of broad-leaved trees on a slight elevation; not considered wet enough to be a swamp.

HAZARDOUS WASTE - means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

HISTORIC RESOURCES - means all ~~areas, districts, or sites~~, buildings, structures or objects significant in the history, architecture, engineering, archaeology or culture of the state, its communities, or the nation and containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

HISTORICAL TREES – includes a tree or group of trees designated by the Broward County Board of County Commissioners pursuant to Chapter 27 of the Broward County Code of Ordinances which are (1) located on historically significant property and related to an historic event; (2) uniquely related to the heritage of Broward County; or (3) at least seventy-five (75) years old. Requests for designation can be made by State, County, Municipality, Historical Preservation Group, or by the Property Owner. Removal of a tree designated as “Historical” requires the approval of the County Commission. ~~(Chapter 27-412 Broward County Code)~~

HURRICANE SHELTER - means a structure designated by local officials as a place of safe refuge during a storm or hurricane or an interior room, space within a building, or an entirely separate building, designated and constructed to protect its occupants from hurricanes or tornados. Shelters are intended to provide protection against both wind forces and impact of windborne debris.

HURRICANE VULNERABILITY ZONE (also “areas subject to coastal flooding”) - means the areas delineated by the regional or local hurricane evacuation plan as requiring evacuation. ~~The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.~~

IMPROVEMENTS - may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, ~~street names~~, signs, landscaping, permanent reference monuments, permanent control points, or any other improvement required by a governing body.

INDUSTRIAL USES - means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

INFRASTRUCTURE - means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities;

piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; ~~and~~ roadways; railroads; sidewalks; and bikeways.

~~LAKE - means a natural depression fed by one or more streams and from which a stream may flow; occurs due to widening or natural blockage of a river or stream or occurs in an isolated natural depression that is not part of a surface river or stream; usually~~ large body of water surrounded by land and too deep to permit the growth of rooted plants from shore to shore.

LAND - means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT CODE - means the various types of regulations for the development of land within the jurisdiction of a unit of local government when combined into a single document.

LAND DEVELOPMENT REGULATION - means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

LAND USE - means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEVEL OF SERVICE - means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

LIGHT MANUFACTURING - means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LIMITED ACCESS FACILITY - means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

LIVE-ABOARD VESSEL - means any vessel which is a habitable vessel on which habitation is occurring and which is used as a person's primary legal residence or temporary or seasonal residence even though it is not used solely as a residence but is also used for other purposes. A person's primary legal residence is a vessel where a person is presently living with the present intention of making it his or her permanent abode. A temporary or seasonal residence means habitation aboard a floating home or a vessel occupied by one (1) or more persons, while the home or vessel is moored or docked. Habitable vessel means a vessel that is equipped with an on-board toilet. The term live-aboard vessel shall not include commercial fishing boats. Nothing within this definition shall be construed to prohibit or regulate the anchorage of non-live aboard vessels engaged in the exercise of rights of navigation.



LOCAL AREA OF PARTICULAR CONCERN - means an area designated on the Natural Resource Map Series of the Broward County Land Use Plan which has been declared to be culturally or environmentally sensitive. Those areas are subject to environmental impact report provisions of the Broward County Land Development Code and/or the criteria for Local Areas of Particular Concern ~~are~~ contained in the Implementation Requirements and Procedures Section of this Plan.

LOCAL GOVERNMENT - means a unit of government or any officially designated public agency or authority of a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a government. The term includes a county, an incorporated municipality, a consolidated city-county government, a metropolitan planning organization, an expressway or transportation authority, a turnpike project, a regional planning council, or a school board or other special district.

LOCAL PLANNING AGENCY - means the agency designated to prepare the comprehensive plan required by Chapter 163, Florida Statutes.

LOCAL ROAD - means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

LOT - ~~includes~~ means 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 ~~—means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.~~

LOW INCOME FAMILIES - means “lower income families” as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term “families” includes “households.”

LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income ~~that does not exceed~~ between 50 and 80 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MAJOR TRIP GENERATORS OR ATTRACTORS - means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

MANUFACTURED HOUSING HOME - means ~~prefabricated houses that are constructed in a factory and then assembled at the building site in modular sections~~ a home built in the controlled environment of a manufacturing plant and transported in one (1) or more sections on a permanent chassis. Each section bears a red U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

MARINE HABITAT - means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algae beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs,

worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

MARINE RESOURCES - means living oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

MARINE WETLANDS - means areas with a water regime determined primarily by tides and the dominant vegetation is ~~salt tolerant plant species that have adapted to survive and reproduce in the marine environment including those species listed in Subsection 17-4.02(17), Florida Administrative Code, "Submerged Marine Species."~~

MASS TRANSIT - means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

MEAN HIGH WATER - means the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

MEAN HIGH WATER LINE - means the intersection of the tidal plane of mean high water with the shore.

MEAN LOW WATER - means the average height of the low waters over a 19-year period. For shorter periods of observation, "mean low water" means the average height of low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of mean 19-year value.

MEAN LOW WATER LINE - means the intersection of the tidal plane of mean low water with the shore.

MINERALS - means all solid minerals, including, but not limited to, clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils or waters of the state.

MINING - means the removal of ~~minerals from their site solely for commercial purposes which may include crushing, batching, mixing and forming of mined materials~~ resources from their location so as to make them suitable for commercial, industrial, or construction use.

MIXED-USE - means a development pattern on a single unified site that allows a mix of residential uses with compatible non-residential uses, such as but not limited to, office, service, retail, entertainment, and food/beverage, designed in a pedestrian-oriented environment. The development pattern may be vertical, accommodating multiple principle uses within a single building, or horizontal, with single use buildings adjacent to each other.

MOBILE HOME - means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, and which is built on ~~a metal frame~~ an integral chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained herein. ~~If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards.~~

MODERATE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income ~~that does not exceed~~ between 80 and 120 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MODULAR HOME – means a home built in the controlled environment of a manufacturing plant, transported to a building site and professionally assembled on a permanent foundation. Modular homes meet or exceed local building code standards.

MUNICIPALITY - means any incorporated city, town, or village.

NATURAL RESERVATIONS - means areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

NATURAL RESOURCES - means ~~those natural resources identified in Section 9J 5.006(4)(b) Florida Administrative Code:~~ water, existing and planned water wells and cones of influence; water recharge areas; beaches and shores, including estuarine systems; rivers, bays, lakes, floodplains, springs, groundwaters and harbors; wetlands; minerals and soils; forests; wildlife; fisheries; marine habitat; and air.

NEIGHBORHOOD PARK - means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

NET SITE AREA - means the entire acreage of the site located inside the parcel boundary.

NURSING HOME – means any facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest homes and chronic care and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Nursing homes are occupied by residents who do little or no driving.

OCEAN WATERS - means waters of the Atlantic Ocean, ~~Gulf of Mexico, or Straits of Florida, but does not include~~ excluding estuaries, bays, lagoons, or harbors.

OPEN SPACES - means undeveloped lands suitable for passive recreation or conservation uses.

PARCEL OF LAND - means 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.

PARK - means a ~~community or regional park~~ public or private area of land, with or without buildings, primarily used for active or passive recreational purposes.

PERSON - means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PHASE 1 ENVIRONMENTAL ASSESSMENT - means a thorough evaluation of the present and past uses and environmental condition of a property. It includes a database search, review of property history, site inspection, interviews and comprehensive report (no collection of physical samples).

PHASE 2 ENVIRONMENTAL ASSESSMENT – means a thorough evaluation and report of the present environmental condition of a property based on physical samples used for various evaluations. This may include evaluation of soil, ground water, underground tanks, and material samples that can be used to check for asbestos, lead, hazardous chemicals and biological agents, such as bird droppings, mold and bacteria.

PLANNING COUNCIL - means the Broward County Planning Council per Article VIII of the Charter of Broward County, Florida.

PLAT - means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of ~~all applicable sections of this chapter~~ the Broward County Land Development Code and of any local ordinances, and may include the terms “replat,” “amended Plat,” or “revised Plat.”

POLICY - means the way in which programs and activities are conducted to achieve an identified goal.

POLLUTION - ~~is~~ means the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

POND - means a small, quiet body of standing water, usually sufficiently shallow to permit the potential growth of rooted plants from shore to shore.

PORT FACILITY - means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges,

tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

POTABLE WATER FACILITIES - means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

PRINCIPAL BUILDING - means 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.

PRINCIPAL USE - means the primary or main use of a parcel of land as distinguished from an ancillary or accessory use. There may be more than one principal or main use on a parcel of land.

PUBLIC ACCESS - means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

PUBLIC FACILITIES - means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

PUBLIC NOTICE OR DUE PUBLIC NOTICE as used in connection with the phrase “public hearing” or “hearing to be held after due public notice” - means publication of notice of the time, place, and purpose of such hearing in a newspaper of general circulation in the area not less than 7 days prior to the date of the hearing.

PUBLIC RECREATION SITES - means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

PUBLIC UTILITY - includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

RECERTIFICATION - means a local land use plan which has previously been certified by the Broward County Planning Council, but because of amendments, decertification, or amendments to the Broward County Land Use Plan, is no longer in conformity, and must be recertified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan.

RECOVERY CENTER - means any building or buildings, section or distinct part of a building, which provides counseling, housing, meals, intensive inpatient (for specified timeframe) and/or outpatient care, or more personal services for a period exceeding 24 hours, to one or more adults who are not relatives of the owner or administrator, as defined in Section 429.02, Florida Statutes.

RECREATION - means the pursuit of leisure time activities occurring in an indoor or outdoor setting.

RECREATION FACILITY - means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

RECREATIONAL USES - means activities within areas where recreation occurs.

RECREATIONAL VEHICLE PARK - means a place set aside and offered by a person or public body, for either direct or indirect remuneration of the owners, lessor or operator of such place, for the parking and accommodation of six or more recreational vehicles (as defined in Section 320.01(1)(b), Florida Statutes) or tents utilized for sleeping or eating; and the term also includes buildings and sites set aside for group camping and similar recreational facilities.

REDEVELOPMENT UNITS - 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.

REGIONAL PARK - means acreage ~~listed as described~~ in the “Community and Regional Parks” subsection of the ~~Plan~~ Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by the Broward County Board of County Commissioners to meet the regional level parks requirement of the Broward County Land Use Plan.

REGIONAL TRANSPORTATION NETWORK - means the facilities contained within the Broward Metropolitan Planning Organization’s adopted long range ~~Highway Network plan and roadway capacity tables~~, except for those roads functionally classified as city collector roads, but not excluding other modes and networks such as corridors, transit, greenways and freight.

~~REGIONAL SHOPPING CENTER - means a shopping center which typically ranges from approximately 300,000 square feet to 1,000,000 square feet or more of gross leasable area and provides a full range of shopping goods, general merchandise, apparel, furniture and home furnishings. Such center is usually built around a full line department store as the major drawing power. Regional shopping centers are approximately 30 acres in size or larger and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 15 miles or more modified by such factors as competitive facilities and travel time over access highways.~~

REMNANT NATURAL RIVER - means a naturally occurring watercourse or riverine system, or a portion or segment thereof, whose channel has remained unaltered over time as evidenced by historical surveys or other appropriate documentation. Examples of remnant natural rivers in Broward County include portions of the following: South Fork of the Middle River, North Fork of the New River, New River, Tarpon Creek, South Fork of the New River and Whiskey Creek.

REPETITIVE LOSS PROPERTY - means any insurable property for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978.

RESIDENT POPULATION - means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

RESIDENTIAL USES - means activities within ~~land~~ areas used predominantly for housing.

RESEARCH LABORATORY - means an establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RIGHT-OF-WAY - means land ~~dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access or ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies~~ in which the state of Florida, the Florida Department of Transportation, Broward County, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility, including but not limited to streets, sidewalks, bike paths, alleys and public utility infrastructure.

ROADWAY CAPACITY - means the maximum ~~volume of traffic which can be accommodated on a roadway at a given level of service~~ sustainable flow rate at which persons or vehicles can reasonably be expected to traverse a point or a uniform section of roadway during a given time period under prevailing conditions.

ROADWAY FUNCTIONAL CLASSIFICATION - means the assignment of roads into ~~categories~~ systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories in both urban and rural forms include ~~limited access facilities,~~ principal arterial roads, minor arterial roads, ~~and collector roads and local roads.~~ Principal arterial roads include three (3) subcategories: Interstate, Other Freeways & Expressways (OF&E) and Other Principal Arterial (OPA). Collector roads are subcategorized into major and minor levels. ~~which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.~~

RURAL CHARACTER - means an area that is characterized by natural, agricultural, equestrian, pastoral or rustic uses.

RURAL PURPOSES - means ~~that~~ a sparsely developed area where the land is primarily used as a resource for agricultural, equestrian, managed forests or mining uses, or maintained in a natural state as wetlands, fields or forests.

SALTWATER MARSH - means a wetland having saline (including brackish) soils with 40 percent or less cover by woody plants and 25 percent or more cover by terrestrial herbs that is occasionally or regularly flooded by brackish or saline water (e.g., smooth cordgrass marshes).

SALTWATER SWAMP - means a wetland having saline (including brackish) soils with 40 percent or more cover by woody plants and occasionally or regularly flooded by brackish or saline water (e.g., mangrove swamps).

SANITARY SEWER FACILITIES - means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

SEASONAL POPULATION - means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.

SEPTIC TANK - means an on-site sewage disposal system, consisting of a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

SEVERLY COST BURDENED – means the extent to which housing costs, including utility costs, exceed 50 percent of income, based on data available from the U.S. Census Bureau.

SHORELINE OR SHORE - means the ~~interface of land and water~~ intersection of a specified plane of water with the beach and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

SOLID WASTE - means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

SOLID WASTE FACILITIES - means lands, structures or systems designed for the treatment, storage, collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SOLID WASTE PROCESSING PLANT - means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (1) - means a housing facility which is licensed by the State of Florida for no more than eight (8) individuals who require treatment, care, rehabilitation or education. The facility is usually referred to as a group home. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (1) development on a parcel.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (2) - means a housing facility which is licensed by the State of Florida for nine (9) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet



the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (2) development on a parcel.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) – means (a) Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others; or (b) Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; or (c) Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others; or (d) Any not-for-profit housing facility for unrelated elderly individuals; or (e) Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.

STATE COMPREHENSIVE PLAN - means the goals and policies contained within the state comprehensive plan, Section 187.201, Florida Statutes.

STORMWATER - means the flow of water which results from a rainfall event.

STREET - includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

STRUCTURE - means 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.

~~STUDIO HOUSING UNIT – also known as a studio flat, means a self contained apartment, or efficiency apartment, a studio housing unit is a small apartment which combines living room, bedroom, and kitchenette into a single room.~~

SUBDIVISION - means the platting of real property into two or more lots, parcels, tracts, ~~tiers~~, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

SUBSTANTIAL CONFORMITY - refers to the Broward County Charter requirement contained in Article VIII, Section 8.05 D & E that local governmental future land use plans shall be materially and pertinently compatible with and further the Broward County Land Use Plan in order to be certified or recertified.

SURFACE WATERS - means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. ~~Other Publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused, including water from natural springs, is defined as "lake," "pond" or "stream."~~

THREATENED SPECIES - means any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification to its environment.

TIDALLY-INFLUENCED AREAS – means a waterway with water level changes in response to the daily tide.

TIDE - means the periodic rising and falling of the waters of the earth that result from the gravitational attraction of the moon and the sun acting upon the rotating earth.

TIME-SHARE PERIOD - means that period of time when a purchaser of a time-share plan is entitled to the possession and use of the accommodations or facilities, or both, of a time-share plan.

TIME-SHARE PLAN - means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives ownership rights in or a right to use accommodations or facilities, or both, for a period of time less than a full year during any given year, but not necessarily for consecutive years and which extends for a period of more than 3 years.

TIME-SHARE PROPERTY - means one or more time-share units subject to the same time-share instrument, together with any other property or rights to property appurtenant to those units.

TIME-SHARE UNIT - means an accommodation of a time-share plan which is divided into time-share periods.

TOURIST UNIT – means a house, an apartment, a group of rooms or a single room occupied or intended for occupancy as a separate living quarter which is licensed, or intended for license as a "hotel," or "motel," "bed and breakfast," "timeshare" or "vacation rental" by the State Department of Business and Professional Regulation, Division of Hotels and Restaurants.

TRANSFER OF DEVELOPMENT RIGHTS - means a ~~voluntary market based technique which seeks to preserve landowners' asset value by moving the right to build from a location where development is discouraged (e.g., for environmental reasons) to a location where development is encouraged~~ program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the "donor" site) to another ("receiver") site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

URBAN AGRICULTURE - ~~means urban agriculture or urban farming is the practice of cultivating, processing, and distributing food in or around a village, town, or city~~ means the production of fruits and vegetables, raising of animals, and cultivation of fish for local sale and consumption. Urban agriculture can also involve home vegetable gardens, community gardens, hydroponics, community supported agriculture, fish farming, farm to school, farmer's markets, animal husbandry, aquaculture, agroforestry, and urban beekeeping, and horticulture. It does not include marijuana cultivation.

URBAN CHARACTER - means an area used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes.

VERY LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 50 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

VESTED RIGHTS - means rights to undertake and complete the development and use of property which have so completely and definitely accrued to or settled in a person, which it is right and equitable that government should recognize and protect, as being lawful in themselves, and settled according to then current law.

WATER CONSERVATION AREA - means designated Conservation areas on the Future Broward County Land Use Plan Map (Series) including reserve water supply areas such as the 790 square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35 and includes the natural reservations.

WATER-DEPENDENT ~~USES~~ ACTIVITIES - means activities which can be conducted or carried out only on, in, over or adjacent to water areas because the ~~use~~ activity requires direct access to the water body or sovereign submerged lands for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply, and where the use of the water body or sovereign submerged lands is an integral part of the activity.

WATER RECHARGE AREAS - means land or water areas through which groundwater is replenished.

WATER-RELATED USES - means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water dependent or waterway uses.

WATER-WELLS - means any excavation that is ~~wells excavated~~, drilled, cored, bored, washed, jetted, dug, ~~or~~ driven or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of ground water or for the supply of industrial, agricultural or potable water for general public consumption.

WETLANDS - ~~shall~~ means those areas which are inundated or saturated by water, with sufficient frequency and duration to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, ~~potholes~~, ~~wet meadows~~, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, flood plains, ~~mud flats~~ and wet prairies, and other similar areas.

WORKFORCE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 140 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

## ATTACHMENT 2

### BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

#### Draft Provided to Local Governments and Interested Parties

## SECTION 2: DEFINITIONS

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

ABUTTING – means to be adjacent to; touch or join at the edge or border; end at.

ACCESSORY DWELLING UNIT - means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary single-family dwelling unit.

ACCESSORY USE - means a use, activity, structure or part of a structure naturally and customarily incidental, subservient or subordinate to the principal use, activity or structure on site.

ACCOMMODATIONS - means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, campground, cruise ship cabin, houseboat or other vessel, recreational or other motor vehicle, or any private or commercial structure which is situated on real or personal property and designed for overnight occupancy ~~or use~~ by one or more individuals.

ADAPTATION ACTION AREAS - means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

ADJACENT - means next to or adjoining; ~~Having a common side or point;~~ separated only by a street right-of-way or canal right-of-way, not including the Florida Intrastate Highway System.

ADMINISTRATIVE RULES DOCUMENT - means a publication containing rules, guidelines, procedures, and methodologies reviewed, revised, adopted and amended by the Broward County Planning Council and Board of County Commissioners for the purpose of providing assistance and guidance to local ~~governments~~ governmental entities and the general public and ~~providing~~ direction to Council staff in implementing the BrowardNext - Broward County Land Use Plan.

AFFECTED PERSONS - includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that ~~adoption of the plan or plan amendment will as proposed would~~ produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdictions. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations or objections ~~during~~ to the

local government review and adoption proceedings during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

AFFORDABLE HOUSING - means housing for which monthly rents or monthly mortgage payments (including taxes, utilities and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the median income limits adjusted for family size for the households.

AGRICULTURAL USES - means activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; ~~and~~ silviculture areas; and equestrian uses.

AMENDMENT - means any change to an adopted comprehensive plan except for corrections, updates and modifications of the capital improvements element concerning costs, revenue services, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), Florida Statutes, and corrections, updates or modifications of current costs in other elements, as provided in Section 163.3187(~~24~~), Florida Statutes.

ANCILLARY - means of secondary importance; subordinate; aiding; supplementary.

ANNEXATION - means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.

ARTERIAL ROAD - means a roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length, ~~and~~ high operating speed and high mobility importance. In addition, every United States numbered highway is an arterial road.

BEACH - means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to line of permanent vegetation, usually the affective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to oceanic and estuarine shorelines.

BICYCLE AND PEDESTRIAN ~~WAYS~~ FACILITIES - means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

BROWARD COMPLETE STREETS GUIDELINES 2.0 - means a document endorsed by the Broward Metropolitan Planning Organization in ~~July, 2012,~~ November 2019 ~~which is based on the Los Angeles County Design Manual for Living Streets.~~

~~BROWARD COUNTY COASTAL AREA - means the land and water eastward of U.S. 1/Federal Highway to the Atlantic Ocean.~~

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN - means the future land use plan element for all of Broward County adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and Florida Statutes Chapter 163.

BROWARD COUNTY TRAFFICWAYS PLAN - means the plan promulgated by the Broward County Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended, and the Broward County Charter, which depicts a network of Trafficways for Broward County (~~also known as the Broward County Planning Council Trafficways Plan~~).

BUILDING - means 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 - means:

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

CAPITAL IMPROVEMENT - means physical assets constructed or purchased to provide, improve or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purpose of this ~~rule plan~~, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

CERTIFIED LAND USE PLAN - means a local land use plan which has been certified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan and which has been adopted by a unit of local government in conformance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

CERTIFIED LOCAL GOVERNMENT - means municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance, making them eligible for state- and federally-funded ~~small matching~~ historic preservation grants to assist their historic preservation programs.

CLIMATE CHANGE - means a change in global or regional climate patterns, in particular a change apparent from the mid to late 20<sup>th</sup> century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.

COASTAL CONSTRUCTION CONTROL LINE - means the line established by the Florida Department of ~~Natural Resources~~ Environmental Protection after a determination, through comprehensive engineering study and topographic survey, that the establishment of such control line is necessary for the protection of upland properties and the control of beach erosion, pursuant to Section 161.053, Florida Statutes.

COASTAL HIGH HAZARD AREA - means the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as provided in Section 163.3178, Florida Statutes.

COASTAL STORM PLANNING AREA - means all ~~properties connected to mainland by bridges and/or low-lying properties that have restricted evacuation and emergency access~~ land and water eastward of the westward right-of-way of Federal Highway/U.S. 1.

COLLECTOR ROAD - means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. ~~Collector roads~~ These roadways collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.

COMMERCIAL USES - means activities within land areas which are predominantly connected with the sale, rental and distribution of goods products, or performance of services resulting in a profit or monetary gain.

COMMUNITY CULTURAL FACILITY - means a facility that is readily accessible to all segments of the community for cultural activities (performing, visual and literary arts). The center should include classroom and workshop space, exhibit and performance space and cultural programming by professional artists for all age groups.

COMMUNITY PARK - means acreage ~~listed~~ as described in the "Community and Regional Parks" subsection of the ~~Plan~~ Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by local governments to meet the community level parks requirement of the Broward County Land Use Plan.

COMPATIBILITY - means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLETE STREET - means a street where the entire right-of-way is planned, designed, and operated for all modes of transportation and all users regardless of age or ability. Pedestrians, bicyclists, transit riders, and motorists of all ages and abilities must be able to safely move along and across a Complete Street. Complete Streets make it easy to cross the street, walk to shops, catch the bus, bike to work, and enjoy many other healthy activities.

COMPREHENSIVE PLAN - means a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes, as amended.

CONCURRENCY - means public facilities and services needed to support development ~~shall be available consistent with concurrency requirements as~~ will be provided in order to achieve and maintain the adopted level of service standard, per Section 163.3180, Florida Statutes, as amended (1993).



CONCURRENCY MANAGEMENT SYSTEM - means the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development consistent with concurrency requirements and Section 163.3180, Florida Statutes, as amended (1993). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system, per Section 163.3180, Florida Statutes, as amended.

CONDO-HOTEL - means hotel units that function in the same manner as a conventional hotel, with the exception that units may be purchased and accessed by the owner a minority of days per year. The units must be available to hotel guests a majority of days per year.

CONSERVATION USES - means activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSISTENT - means compatible with and furthers. Compatible with - means not in conflict with. Furthers - means to take action in the direction of realizing the goals and policies. As applied to the local plan, a local plan shall be consistent with the state plan and the regional plan.

CONTEXT SENSITIVE ROADWAYS - means roadways that are planned and developed with improvements that are considerate of the character and built and natural environment of the corridor and the surrounding neighborhood, are responsive to multiple transportation modes, and maintain safety and mobility.

CONTIGUOUS - means touching or adjacent.

COST BURDENED – means the extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.

COUNTY COMMISSION - means the Board of County Commissioners, ~~of~~ Broward County, Florida.

DASHED-LINE AREA - means an area on the Future Broward County Land Use Plan Map (Series) bordered by a dashed line and designated as having a particular maximum overall allowable density of dwelling units for all land and land uses within the area, and/or a particular total number of dwelling units permitted within the area, for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

DEVELOPER - means any person, including a governmental agency, undertaking any development.

DEVELOPMENT - ~~The term “development” means: The~~ the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into ~~two~~ three or more parcels. The following activities or uses shall be taken for the purposes of this ~~chapter~~ Plan to involve “development,” as defined in this section:

- A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in Section 161.021, Florida Statutes.
- Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- Demolition of a structure.
- Clearing of land as an adjunct of construction.
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this ~~chapter~~ Plan to involve “development” as defined herein:

- Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
- Work by any utility and other persons engaged in the distribution or transmission of gas, electricity or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected landowners.
- Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- The use of any structure or land devoted to dwelling uses or any purpose customarily incidental to enjoyment of the dwelling.
- The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- A change in the ownership or form of ownership of any parcel or structure.
- The creation or termination of rights of access, ~~aparian~~ riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.
- “Development,” as designated in an ordinance, rule, or development rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

Reference to particular operations is not intended to limit the generality of ~~subsection (1)~~  
the above.

DEVELOPMENT ORDER - means any order granting, denying, or granting with conditions an application for a development permit.

DEVELOPMENT PERMIT - includes any building permit, zoning permit, subdivision or plat approval, or rezoning, certification, special exception, variance, or any other official action having the effect of permitting the development of land.

DISASTER - means ~~a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life~~ any natural, technological or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor or the President of the United States.

DRAINAGE FACILITIES - means a system of man-made structures designed to collect, convey, hold, divert or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

DUNE - means a mound, bluff or ridge of ~~loose~~ unconsolidated sediments, usually sand-sized sediments, lying landward upland of the beach and ~~extending inland to the landward toe of the dune which intercepts the 100-year storm surge deposited by any natural or artificial mechanism,~~ which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

DWELLING UNIT - means ~~a house, apartment, or condominium unit, trailer, group of rooms, or a single room~~ any building, structure or portion thereof which is designed, occupied or intended for occupancy as separate complete independent living quarter facilities for one (1) or more persons, with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the occupants permanent provisions for living, sleeping, eating, cooking and sanitation, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, ~~Division of Hotels and Restaurants, as "apartments," "rental condominiums" and "retirement housing"~~ or live-aboard vessels located in multi-family "Residential" designated areas which are required to hookup to marine sanitation systems.

EASEMENT - means any strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

ECOLOGICAL COMMUNITY - means a distinctive combination of two or more ecologically related species, living together and interacting with each other in a characteristic natural habitat.

EDUCATIONAL USES - means activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida

Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

~~EFFICIENCY HOUSING OR STUDIO DWELLING UNIT~~ - means ~~an one-room~~ apartment in which one room typically contains the kitchen, living, and sleeping quarters, with a ~~private~~ separate bathroom. Efficiency or studio dwelling units no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations. It may or may not have a closet. The one room is usually larger than a standard apartment bedroom, since it needs to have separate areas for sleeping, eating and living, and also for a small kitchen (usually referred to as a kitchenette).

ELECTRICAL POWER PLANT - means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility that directly supports the operation of the electrical power plant.

ENVIRONMENTAL JUSTICE - means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on vulnerable populations.

ENVIRONMENTALLY SENSITIVE LAND - means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of Environmentally Sensitive Lands are contained within the Plan Implementation Requirements and Procedures section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.

ESTUARY - means a semi-enclosed, naturally existing coastal body of water in which saltwater is naturally measurably diluted by freshwater derived from riverine systems and which has an open connection with oceanic waters. "Estuaries" include bays, lagoons, sounds and tidal streams.

EVACUATION ROUTES - means routes designated by county emergency management authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

EXTREMELY-LOW INCOME PERSONS - means one or more natural persons or a family, that has a total annual household income that does not exceed 30 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

FABRICATION AND ASSEMBLY - means the manufacturing from standardized parts of a distinct object differing from the individual components involving raw materials with form and substance (as opposed to liquid or gas), with a physical, as opposed to chemical, mating or joining of the individual parts.

FLEXIBILITY UNITS - shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map. Flexibility units are allocated at the discretion of the local government.

FLEXIBILITY ZONE - corresponds to the municipal boundaries upon the adoption of BrowardNext and the completion of the administrative local government flexibility zone unification.

FLOODPLAINS - means areas susceptible to being inundated during an identified flood event or identified by the National Flood Insurance Program as A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

GROSS FLOOR AREA - ~~generally~~ means the total square footage of ~~all~~ each floors level, measured ~~to the~~ from principal outside faces of exterior walls, including but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, staircases and mezzanines, but not including architectural projections surface of the building or portion of the building. This may include hallways, stairways, elevators, storage and mechanical rooms whether internal or external to the structure. Floor area may also be limited to what is considered leasable space. The specific definitions are determined by local government land use plans and local land development regulations.

FLOOR AREA RATIO (FAR) - means the square footage of the floor area of a building divided by the square footage of the lot (net site area) on which the building is located. Figure 1, illustrates how a FAR of 1.0 can be calculated. The first example is a one story building covering the entire lot; the second is a two story building covering 50% of the lot and the third, a four story building covering 25% of the lot.

Figure 1

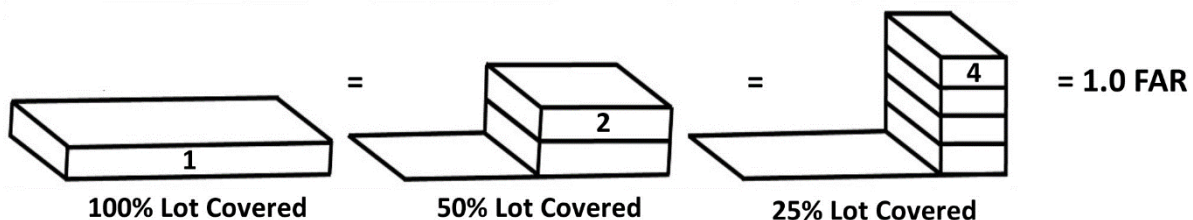
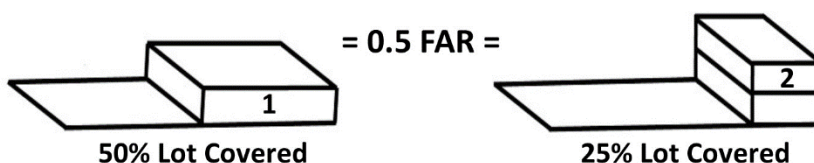


Figure 2 illustrates how a lot with FAR of 0.5 can be calculated. The building is limited to 50% of the square footage of the lot (net site area). The first example is a one story building covering 50% of the lot; the second is a two story building covering 25% of the lot.

Figure 2



The illustrations above represent a net site area of 39,204 square feet of floor area (0.9 gross acres) a FAR of 1.0 will allow a 39,204 square foot building. If the same lot has a 0.5 FAR, then it will yield a building of 19,602 square feet.

FRESHWATER MARSH - means a wetland having more than 25 percent vegetative cover by terrestrial herbs, but 40 percent or less cover by woody plants, occasionally or regularly flooded by fresh water (e.g., sawgrass).

FRESHWATER SWAMP - means a wetland having more than 40 percent cover by woody plants and that is occasionally or regularly flooded by freshwater (e.g., cypress swamp).

FUTURE BROWARD COUNTY LAND USE PLAN MAP (SERIES) - means the series of maps adopted by the Broward County Board of County Commissioners as part of the Broward County Land Use Plan. These include the Broward County Land Use Plan Map, ~~Historic District and Historically Significant Properties Map~~, Cultural Resource Map Series and Natural Resources Map Series-Eastern Broward County and Natural Resources Map Series-Western Broward County.

GREENHOUSE GAS EMISSIONS - means any of the atmospheric gases that contribute to the greenhouse effect by absorbing infrared radiation produced by solar warming of the Earth's surface. They include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (NO<sub>2</sub>), and water vapor.

GROSS ACREAGE - means the total number of acres in an area, including acreage used or proposed for streets, lakes, and/or waterways, not including the rivers and canals of the primary drainage system as identified within this Plan.

GROSS DENSITY – means the total number of dwelling units existing or proposed within an area, divided by the gross acreage of the area.

GROUP HOME - means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult ~~Congregate~~ Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HAMMOCK - means a dense growth of broad-leaved trees on a slight elevation; not considered wet enough to be a swamp.

HAZARDOUS WASTE - means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

HISTORIC RESOURCES - means all ~~areas, districts, or sites, buildings, structures or objects~~ significant in the history, architecture, engineering, archaeology or culture of the state, its communities, or the nation and containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

HISTORICAL TREES – includes a tree or group of trees designated by the Broward County Board of County Commissioners pursuant to Chapter 27 of the Broward County Code of Ordinances which are (1) located on historically significant property and related to an historic event; (2) uniquely related to the heritage of Broward County; or (3) at least seventy-five (75) years old. Requests for designation can be made by State, County, Municipality, Historical Preservation Group, or by the Property Owner. Removal of a tree designated as “Historical” requires the approval of the County Commission. ~~(Chapter 27-412 Broward County Code)~~

HURRICANE SHELTER - means a structure designated by local officials as a place of safe refuge during a storm or hurricane or an interior room, space within a building, or an entirely separate building, designated and constructed to protect its occupants from hurricanes or tornados. Shelters are intended to provide protection against both wind forces and impact of windborne debris.

HURRICANE VULNERABILITY ZONE (also “areas subject to coastal flooding”) - means the areas delineated by the regional or local hurricane evacuation plan as requiring evacuation. ~~The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.~~

IMPROVEMENTS - may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, ~~street names,~~ signs, landscaping, permanent reference monuments, permanent control points, or any other improvement required by a governing body.

INDUSTRIAL USES - means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

INFRASTRUCTURE - means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

LAKE - means a ~~natural depression fed by one or more streams and from which a stream may flow; occurs due to widening or natural blockage of a river or stream or occurs in an isolated natural depression that is not part of a surface river or stream; usually~~ large body of water surrounded by land and too deep to permit the growth of rooted plants from shore to shore.

LAND - means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT CODE - means the various types of regulations for the development of land within the jurisdiction of a unit of local government when combined into a single document.

LAND DEVELOPMENT REGULATION - means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

LAND USE - means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEVEL OF SERVICE - means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

LIGHT MANUFACTURING - means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LIMITED ACCESS FACILITY - means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

LIVE-ABOARD VESSEL - means any vessel which is a habitable vessel on which habitation is occurring and which is used as a person's primary legal residence or temporary or seasonal residence even though it is not used solely as a residence but is also used for other purposes. A person's primary legal residence is a vessel where a person is presently living with the present intention of making it his or her permanent abode. A temporary or seasonal residence means habitation aboard a floating home or a vessel occupied by one (1) or more persons, while the home or vessel is moored or docked. Habitable vessel means a vessel that is equipped with an on-board toilet. The term live-aboard vessel shall not include commercial fishing boats. Nothing within this definition shall be construed to prohibit or regulate the anchorage of non-live aboard vessels engaged in the exercise of rights of navigation.

LOCAL AREA OF PARTICULAR CONCERN - means an area designated on the Natural Resource Map Series of the Broward County Land Use Plan which has been declared to be culturally or environmentally sensitive. Those areas are subject to environmental impact report provisions of the Broward County Land Development Code and/or the criteria for Local Areas of Particular Concern ~~are~~ contained in the Implementation Requirements and Procedures Section of this Plan.

LOCAL GOVERNMENT - means a unit of government or any officially designated public agency or authority of a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a government. The term includes a county, an incorporated municipality, a consolidated city-county government, a metropolitan planning



organization, an expressway or transportation authority, a turnpike project, a regional planning council, or a school board or other special district.

LOCAL PLANNING AGENCY - means the agency designated to prepare the comprehensive plan required by Chapter 163, Florida Statutes.

LOCAL ROAD - means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

LOT - includes tract or parcel - means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

LOW INCOME FAMILIES - means "lower income families" as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term "families" includes "households."

LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income ~~that does not exceed~~ between 50 and 80 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MAJOR TRIP GENERATORS OR ATTRACTORS - means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

MANUFACTURED HOUSING HOME - means ~~prefabricated houses that are constructed in a factory and then assembled at the building site in modular sections~~ a home built in the controlled environment of a manufacturing plant and transported in one (1) or more sections on a permanent chassis. Each section bears a red U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

MARINE HABITAT - means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algae beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

MARINE RESOURCES - means living oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

MARINE WETLANDS - means areas with a water regime determined primarily by tides and the dominant vegetation is ~~salt tolerant plant species that have adapted to survive and reproduce in the marine environment including those species listed in Subsection 17 4.02(17), Florida Administrative Code, "Submerged Marine Species."~~

MASS TRANSIT - means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

MEAN HIGH WATER - means the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

MEAN HIGH WATER LINE - means the intersection of the tidal plane of mean high water with the shore.

MEAN LOW WATER - means the average height of the low waters over a 19-year period. For shorter periods of observation, "mean low water" means the average height of low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of mean 19-year value.

MEAN LOW WATER LINE - means the intersection of the tidal plane of mean low water with the shore.

MINERALS - means all solid minerals, including, but not limited to, clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils or waters of the state.

MINING - means the removal of ~~minerals from their site solely for commercial purposes which may include crushing, batching, mixing and forming of mined materials~~ resources from their location so as to make them suitable for commercial, industrial, or construction use.

MOBILE HOME - means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, and which is built on ~~a metal frame~~ an integral chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained herein. ~~If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards.~~

MODERATE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income ~~that does not exceed~~ between 80 and 120 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MODULAR HOME – means a home built in the controlled environment of a manufacturing plant, transported to a building site and professionally assembled on a permanent foundation. Modular homes meet or exceed local building code standards.

MUNICIPALITY - means any incorporated city, town, or village.

NATURAL RESERVATIONS - means areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

NATURAL RESOURCES - means ~~those natural resources identified in Section 9J-5.006(4)(b) Florida Administrative Code:~~ water, existing and planned water wells and cones of influence; water recharge areas; beaches and shores, including estuarine systems; rivers, bays, lakes, floodplains, springs, groundwaters and harbors; wetlands; minerals and soils; forests; wildlife; fisheries; marine habitat; and air.

NEIGHBORHOOD PARK - means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

NET SITE AREA - means the entire acreage of the site located inside the parcel boundary.

OCEAN WATERS - means waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, ~~but does not include~~ excluding estuaries, bays, lagoons, or harbors.

OPEN SPACES - means undeveloped lands suitable for passive recreation or conservation uses.

PARCEL OF LAND - means 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.

PARK - means a ~~community or regional park~~ public or private area of land, with or without buildings, primarily used for active or passive recreational purposes.

PERSON - means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PHASE 1 ENVIRONMENTAL ASSESSMENT - means a thorough evaluation of the present and past uses and environmental condition of a property. It includes a database search, review of property history, site inspection, interviews and comprehensive report (no collection of physical samples).

PHASE 2 ENVIRONMENTAL ASSESSMENT – means a thorough evaluation and report of the present environmental condition of a property based on physical samples used for various evaluations. This may include evaluation of soil, ground water, underground tanks, and material samples that can be used to check for asbestos, lead, hazardous chemicals and biological agents, such as bird droppings, mold and bacteria.

PLANNING COUNCIL - means the Broward County Planning Council per Article VIII of the Charter of Broward County, Florida.

PLAT - means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this chapter and of any local ordinances, and may include the terms “replat,” “amended Plat,” or “revised Plat.”

POLICY - means the way in which programs and activities are conducted to achieve an identified goal.

POLLUTION - ~~is~~ means the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

POND - means a small, quiet body of standing water, usually sufficiently shallow to permit the potential growth of rooted plants from shore to shore.

PORT FACILITY - means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

POTABLE WATER FACILITIES - means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

PRINCIPAL BUILDING - means 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.

PRINCIPAL USE - means the primary or main use of a parcel of land as distinguished from an ancillary or accessory use. There may be more than one principal or main use on a parcel of land.

PUBLIC ACCESS - means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

PUBLIC FACILITIES - means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

PUBLIC NOTICE OR DUE PUBLIC NOTICE as used in connection with the phrase “public hearing” or “hearing to be held after due public notice” - means publication of notice of the time, place,

and purpose of such hearing in a newspaper of general circulation in the area not less than 7 days prior to the date of the hearing.

PUBLIC RECREATION SITES - means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

PUBLIC UTILITY - includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

RECERTIFICATION - means a local land use plan which has previously been certified by the Broward County Planning Council, but because of amendments, decertification, or amendments to the Broward County Land Use Plan, is no longer in conformity, and must be recertified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan.

RECREATION - means the pursuit of leisure time activities occurring in an indoor or outdoor setting.

RECREATION FACILITY - means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

RECREATIONAL USES - means activities within areas where recreation occurs.

RECREATIONAL VEHICLE PARK - means a place set aside and offered by a person or public body, for either direct or indirect remuneration of the owners, lessor or operator of such place, for the parking and accommodation of six or more recreational vehicles (as defined in Section 320.01(1)(b), Florida Statutes) or tents utilized for sleeping or eating; and the term also includes buildings and sites set aside for group camping and similar recreational facilities.

REDEVELOPMENT UNITS - 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.

REGIONAL PARK - means acreage ~~listed as described~~ in the "Community and Regional Parks" subsection of the ~~Plan~~ Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by the Broward County Board of County Commissioners to meet the regional level parks requirement of the Broward County Land Use Plan.

REGIONAL TRANSPORTATION NETWORK - means the facilities contained within the Broward Metropolitan Planning Organization's adopted long range ~~Highway Network~~ plan and roadway capacity tables, except for those roads functionally classified as city collector roads, but not excluding other modes and networks such as corridors, transit, greenways and freight.

~~REGIONAL SHOPPING CENTER - means a shopping center which typically ranges from approximately 300,000 square feet to 1,000,000 square feet or more of gross leasable area and provides a full range of shopping goods, general merchandise, apparel, furniture and home~~

~~furnishings. Such center is usually built around a full-line department store as the major drawing power. Regional shopping centers are approximately 30 acres in size or larger and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 15 miles or more modified by such factors as competitive facilities and travel time over access highways.~~

REMNANT NATURAL RIVER - means a naturally occurring watercourse or riverine system, or a portion or segment thereof, whose channel has remained unaltered over time as evidenced by historical surveys or other appropriate documentation. Examples of remnant natural rivers in Broward County include portions of the following: South Fork of the Middle River, North Fork of the New River, New River, Tarpon Creek, South Fork of the New River and Whiskey Creek.

REPETITIVE LOSS PROPERTY - means any insurable property for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978.

RESIDENT POPULATION - means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

RESIDENTIAL USES - means activities within land areas used predominantly for housing.

RESEARCH LABORATORY - means an establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RIGHT-OF-WAY - means land ~~dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access or ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility, including but not limited to streets, sidewalks, bike paths, alleys and public utility infrastructure.~~

ROADWAY CAPACITY - means the maximum ~~volume of traffic which can be accommodated on a roadway at a given level of service~~ sustainable flow rate at which persons or vehicles can reasonably be expected to traverse a point or a uniform section of roadway during a given time period under prevailing conditions.

ROADWAY FUNCTIONAL CLASSIFICATION - means the assignment of roads into ~~categories~~ systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories may be State, County or Municipal facilities and include limited access facilities, arterial roads, and collector roads and local roads. These, which may be subcategorized into principal, major or minor levels. ~~Those levels may be further grouped into urban and rural categories.~~

RURAL CHARACTER - means an area that is characterized by natural, agricultural, equestrian, pastoral or rustic uses.

RURAL PURPOSES - means ~~that a sparsely developed area where the~~ land is primarily used as a resource for agricultural, equestrian, managed forests or mining uses, or maintained in a natural state as wetlands, fields or forests.

SALTWATER MARSH - means a wetland having saline (including brackish) soils with 40 percent or less cover by woody plants and 25 percent or more cover by terrestrial herbs that is occasionally or regularly flooded by brackish or saline water (e.g., smooth cordgrass marshes).

SALTWATER SWAMP - means a wetland having saline (including brackish) soils with 40 percent or more cover by woody plants and occasionally or regularly flooded by brackish or saline water (e.g., mangrove swamps).

SANITARY SEWER FACILITIES - means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

SEASONAL POPULATION - means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.

SEPTIC TANK - means an on-site sewage disposal system, consisting of a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

SEVERLY COST BURDENED – means the extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data available from the U.S. Census Bureau.

SHORELINE OR SHORE - means ~~the interface of land and water~~ intersection of a specified plane of water with the beach and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

SOLID WASTE - means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

SOLID WASTE FACILITIES - means all contiguous land, structures or systems designed for the treatment, storage, collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SOLID WASTE PROCESSING PLANT - means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

STATE COMPREHENSIVE PLAN - means the goals and policies contained within the state comprehensive plan, Section 187.201, Florida Statutes.

STORMWATER - means the flow of water which results from a rainfall event.

STREET - includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

STRUCTURE - means 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 signs.

~~STUDIO HOUSING UNIT - also known as a studio flat, means a self-contained apartment, or efficiency apartment, a studio housing unit is a small apartment which combines living room, bedroom, and kitchenette into a single room.~~

SUBDIVISION - means the platting of real property into two or more lots, parcels, tracts, ~~tiers,~~ blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

SUBSTANTIAL CONFORMITY - refers to the Broward County Charter requirement contained in Article VIII, Section 8.05 D & E that local governmental future land use plans shall be materially and pertinently compatible with and further the Broward County Land Use Plan in order to be certified or recertified.

SURFACE WATERS - means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. ~~Other~~ Publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused, ~~including water from natural springs, is defined as "lake," "pond" or "stream."~~

THREATENED SPECIES - means any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification to its environment.

TIDALLY-INFLUENCED AREAS – means a waterway with water level changes in response to the daily tide.

TIDE - means the periodic rising and falling of the waters of the earth that result from the gravitational attraction of the moon and the sun acting upon the rotating earth.

TIME-SHARE PERIOD - means that period of time when a purchaser of a time-share plan is entitled to the possession and use of the accommodations or facilities, or both, of a time-share plan.



TIME-SHARE PLAN - means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives ownership rights in or a right to use accommodations or facilities, or both, for a period of time less than a full year during any given year, but not necessarily for consecutive years and which extends for a period of more than 3 years.

TIME-SHARE PROPERTY - means one or more time-share units subject to the same time-share instrument, together with any other property or rights to property appurtenant to those units.

TIME-SHARE UNIT - means an accommodation of a time-share plan which is divided into time-share periods.

TOURIST UNIT – means a house, an apartment, a group of rooms or a single room occupied or intended for occupancy as a separate living quarter which is licensed, or intended for license as a “hotel,” or “motel,” “bed and breakfast,” “timeshare” or “vacation rental” by the State Department of Business and Professional Regulation, ~~Division of Hotels and Restaurants.~~

TRANSFER OF DEVELOPMENT RIGHTS - means a ~~voluntary market based technique which seeks to preserve landowners’ asset value by moving the right to build from a location where development is discouraged (e.g., for environmental reasons) to a location where development is encouraged~~ program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the “donor” site) to another (“receiver”) site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

URBAN AGRICULTURE - ~~means urban agriculture or urban farming is the practice of cultivating, processing, and distributing food in or around a village, town, or city~~ means the production of fruits and vegetables, raising of animals, and cultivation of fish for local sale and consumption. Urban agriculture can also involve home vegetable gardens, community gardens, hydroponics, community supported agriculture, fish farming, farm to school, farmer’s markets, animal husbandry, aquaculture, agroforestry, and urban beekeeping, and horticulture.

URBAN CHARACTER - means an area used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes.

VERY LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 50 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

VESTED RIGHTS - means rights to undertake and complete the development and use of property which have so completely and definitely accrued to or settled in a person, which it is right and

equitable that government should recognize and protect, as being lawful in themselves, and settled according to then current law.

WATER CONSERVATION AREA - means designated Conservation areas on the Future Broward County Land Use Plan Map (Series) including reserve water supply areas such as the 790 square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35 and includes the natural reservations.

WATER-DEPENDENT ~~USES~~ ACTIVITIES - means activities which can be conducted or carried out only on, in, over or adjacent to water areas because the ~~use activity~~ requires direct access to the water body or sovereign submerged lands for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply, and where the use of the water body or sovereign submerged lands is an integral part of the activity.

WATER RECHARGE AREAS - means land or water areas through which groundwater is replenished.

WATER-RELATED USES - means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water dependent or waterway uses.

WATER-WELLS - means any excavation that is ~~wells-excavated~~, drilled, cored, bored, washed, jetted, dug, or driven or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of ground water or for the supply of industrial, agricultural or potable water for general public consumption.

WETLANDS - ~~shall~~ means those areas which are inundated or saturated by water, with sufficient frequency and duration to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, potholes, wet meadows, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, flood plains, mud flats and wet prairies, and other similar areas.

WORKFORCE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 140 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

## ATTACHMENT 3.A.

### Response Document - Definitions - PCT 21-3 October 2021

#### Comments from The Mellgren Planning Group

Received: October 12, 2020

**Comment:** *“Agricultural uses” should probably recognize equestrian uses, as a standing Florida court decision compels the property appraiser to treat these as farms under state law if it meets all of the other criteria that agricultural uses have to meet to be classified as a farm and therefore receive the AG property tax exemption.*

**Response:** Definition has been modified as noted above. See Page 2 of Attachment 1.

**Comment:** *The definition of “lake” is from Florida Statutes but does not make sense in Broward County.*

**Response:** Definition has been modified. See Page 12 of Attachment 1.

**Comment:** *“Manufactured housing” should probably be redefined. Mobile homes manufactured after June 15, 1976, are legally manufactured homes, and don’t fit this definition. Typically, the term for homes built offsite in sections to be assembled onsite is “modular home.” Also, modular homes are not built on chassis.*

**Response:** Definitions of “manufactured home” and “mobile home” have been modified. See Pages 13 and 15 of Attachment 1. Definition for “modular home” has been added. See Page 15 of Attachment 1.

#### Comment from Mobility Advancement Program (MAP) Broward County

Received: May 7, 2021

**Comment:** *Revise “roadway functional classification” to mean the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories in both urban and rural forms include principal arterial roads, minor arterial roads, collector roads and local roads. Principal arterial roads include three (3) subcategories: Interstate, Other Freeways & Expressways (OF&E) and Other Principal Arterial (OPA). Collector roads are subcategorized into major and minor levels.*

**Response:** Definition has been modified as noted above. See Page 19 of Attachment 1.

**Comments from Town of Davie**

**Received: May 24, 2021**

**Comment:** *Do not add “the comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system, per Section 163.3180, Florida Statutes, as amended” to the definition of concurrency management system. This is a modification to a policy and does not belong in definitions.*

**Response:** Language has been removed as noted above. See Pages 4 and 5 of Attachment 1.

**Comment:** *Do not add “efficiency or studio dwelling units no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations” to the definition of efficiency or studio dwelling unit. This density measurement is part of the policy covered in Policy 2.2.5.*

**Response:** Noted. Planning Council staff believes this language should be added for informational purposes. See Page 8 of Attachment 1.

**Comment:** *Do not add “flexibility units are allocated at the discretion of the local government” to the definition of flexibility units. This is addressed in policies and should not be part of the definitions.*

**Response:** Noted. Planning Council staff believes this language should be added for informational purposes, as the concept of “flexibility” is unique to Broward County. See Page 9 of Attachment 1.

**Comment:** *Do not add “and the completion of the administrative local government flexibility zone unification” to the definition of flexibility zone. This is a modification to a policy and does not belong in definitions.*

**Response:** Noted. Planning Council staff believes this language should be added for informational purposes, as the concept of “flexibility” is unique to Broward County. See Page 9 of Attachment 1.

**Comment:** *The only reference to historic trees is in Policy 2.5.5, concerning golf courses. Are there any designated historic trees on golf courses? If not, this definition can probably be deleted.*

**Response:** Noted. Upon further review, Planning Council staff finds that designated historic trees are located on golf courses; therefore, the definition should remain. See Page 11 of Attachment 1.

**Comments from Broward County Planning and Development Management Division**

**Received: June 4, 2021**

**Comment:** *Do not add any references to a “structure” to the definition of accessory use.*

**Response:** References to “structure” have been removed as noted above. See Page 1 of Attachment 1.

**Comment:** *Do not add “during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment” to the definition of affected persons. It may violate due process. The term may be dated in this context and what we should be addressing are “party interveners.”*

**Response:** Noted. This language is consistent with Chapter 163.3184, Florida Statutes, and should remain as is. See Pages 1 and 2 of Attachment 1.

**Comment:** *Regarding arterial road, what is long average and what constitutes high mobility importance?*

**Response:** No modifications are necessary. See Page 2 of Attachment 1.

**Comment:** *Add a definition for assisted living facility – any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.*

**Response:** Noted. This term is not in the Broward County Land Use Plan and falls under Special Residential Facility. See Page 20 and 21 of Attachment 1.

**Comment:** *Add “sharrows” to the definition of bicycle and pedestrian facilities.*

**Response:** Noted. As sharrows are utilized by both bicyclists and automobiles, they cannot be defined as an exclusive bicycle facility. See Page 2 of Attachment 1.

**Comment:** *Add “structure” to the definition of building permit.*

**Response:** Definition has been modified as noted above. See Page 3 of Attachment 1.

**Comment:** *Add “consistent with State statutes, and have created a historic preservation advisory board” to the definition of certified local government.*

**Response:** Definition has been modified as noted above. See Page 3 of Attachment 1.

**Comment:** *Do not add “resulting in a profit or monetary gain” to the definition of commercial uses. Is it not commercial if it loses money or if it is a nonprofit corporation? What about banks and not for profit entities?*

**Response:** Language has been removed as noted above. See Page 4 of Attachment 1.

**Comment:** *Do not add “the comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system, per Section 163.3180,*

*Florida Statutes, as amended” to the definition of concurrency management system. This appears to be a regulation versus a definition.*

**Response:** Language has been removed as noted above. See Page 5 of Attachment 1.

**Comment:** *Replace “building activity” with “construction activity,” consider intensity decreases and remove “development rule” for the definition of development.*

**Response:** Definition has been modified as noted above. See Pages 6 and 7 of Attachment 1.

**Comment:** *Add “development order” to the definition of development permit. Are variances, special exceptions and the like, permits or orders? Must resolutions of such ilk include language stating, “this is a final order.” Is there truly a distinction between development permit and development order?*

**Response:** Noted. Both “development order” and “development permit” are consistent with Chapter 163.3164, Florida Statutes, and should remain as is. See Page 7 of Attachment 1.

**Comment:** *Is an adult living facility (ALF) considered a dwelling unit?*

**Response:** ALF’s are community facilities and are not considered a dwelling unit.

**Comment:** *Remove “by a subdivider” and “reservation of the servitude” from the definition of easement. Also add “access” and “public record” to same definition. Easements can be created by separate instrument, not just on plats.*

**Response:** Definition has been modified as noted above. See Page 7 of Attachment 1.

**Comment:** *Does the definition of educational uses include pre-schools that operate VPK programs licensed by the State?*

**Response:** Definition has been modified to include preschools as noted above. See Page 8 of Attachment 1.

**Comment:** *Do not add “including any associated facility that directly supports the operation of the electrical power plant” to the definition of electrical power plant. This would negate the need for a LUPA on the Waste Management site to operate trash transfer station, by allowing it as a primary use. In addition, it would undermine future amendment(s) to the Solid Waste Element.*

**Response:** Noted. The language refers to “any associated facility” not a primary use by itself. See Page 8 of Attachment 1.

**Comment:** *Are we missing the LGBTQ or other minority populations in the definition of environmental justice?*

**Response:** Noted. This definition is consistent with the United States Environmental Protection Agency and should remain as is. See Page 8 of Attachment 1.

**Comment:** *Is the definition of extremely-low income persons needed? Policies are usually related to very-low, low- and moderate-income levels only.*

**Response:** Noted. Planning Council staff believes that the definition should be maintained to reflect Florida Statutes, as well as the Broward County Affordable Needs Assessment, 2018, prepared by the Metropolitan Center Florida International University. See Page 8 of Attachment 1.

**Comment:** *Do not add “flexibility units are allocated at the discretion of the local government” to the definition of flexibility units. Typically, definitions merely describe and define, not function in a procedural/regulatory capacity. This is because definitions are relied upon to understand the context of the regulation or procedure.*

**Response:** Noted. Planning Council staff believes this language should be added for informational purposes, as the concept of “flexibility” is unique to Broward County. See Page 9 of Attachment 1.

**Comment:** *Specifically describe the flood zones in the definition of floodplains, i.e. A Zones (A, AE, AH, AO), V Zones (V, VE) and X Zone.*

**Response:** Definition has been modified as noted above. See Page 9 of Attachment 1.

**Comment:** *Are parking levels in a multi-story building counted in the gross floor area definition?*

**Response:** Yes, interior parking level square footage is counted in gross floor area calculations, but not in net floor area calculations. See Page 9 of Attachment 1.

**Comment:** *Does floor area in the definition of floor area ratio mean net or gross?*

**Response:** Floor area ratio calculations utilize gross floor area. See Pages 9 and 10 of Attachment 1.

**Comment:** *Remove “existing or proposed within an area” from the definition of gross density.*

**Response:** Definition has been modified as noted above. See Page 10 of Attachment 1.

**Comment:** *Add a definition for groundwater - water within the earth supplied by wells and springs.*

**Response:** Definition has been added as noted above. See Page 10 of Attachment 1.

**Comment:** *Replace “adult living facilities” with “assisted living facilities” in the definition of group home.*

**Response:** Definition has been modified as noted above. See Page 10 of Attachment 1.

**Comment:** *Add “railroads, sidewalks and bikeways” to the definition of infrastructure.*

**Response:** Definition has been modified as noted above. See Pages 11 and 12 of Attachment 1.

**Comment:** *Is the definition of land necessary?*

**Response:** Noted. This term is in the Broward County Land Use Plan and should remain. See Page 11 of Attachment 1.

**Comment:** *Revise the definition of lot to be consistent with Chapter 39 of the Broward County Land Development Code - a parcel or tract of land designated and identified as a single unit of area in a subdivision plat recorded in the Official Records of Broward County, Florida.*

**Response:** Definition has been modified as noted above. See Page 13 of Attachment 1.

**Comment:** *Add a definition for mixed use – a development pattern on a single unified site that allows a mix of residential uses with compatible non-residential uses, such as but not limited to, office, service, retail, entertainment, and food/beverage, designed in a pedestrian-oriented environment. The development pattern may be vertical, accommodating multiple principle uses within a single building, or horizontal, with single use buildings adjacent to each other.*

**Response:** Definition has been added as noted above. See Page 14 of Attachment 1.

**Comment:** *Add a definition for nursing home - any facility which provides nursing services as defined in Part I of Florida Statutes, Chapter 464 (Nurse Practice Act) and which is licensed according to this Part, in accordance with FS 400.021(12) OR - any facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest homes and chronic care and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Nursing homes are occupied by residents who do little or no driving.*

**Response:** Definition has been added as noted above. See Page 15 of Attachment 1.

**Comment:** *Remove “Gulf of Mexico, or Straits of Florida” from the definition of ocean waters.*

**Response:** Language has been removed as noted above as it is not relevant to Broward County. See Page 15 of Attachment 1.

**Comment:** *What does “of this chapter” refer to in the definition of plat?*

**Response:** The above was in reference to Chapter 5 of the Broward County Land Development Code. The language has been removed to avoid confusion. See Page 16 of Attachment 1.

**Comment:** *Does the definition of public facilities include or exclude privately owned landfills?*

**Response:** Public facilities include not only publicly owned facilities, but also privately owned facilities that provide a service that is essential to the public health, safety and welfare, and is regulated by a governmental agency. See Page 17 of Attachment 1.



**Comment:** *Why is a private utility defined in the definition of public utility? What about internet, cable and communications?*

**Response:** As stated above, public facilities include not only publicly owned facilities, but also privately owned facilities that provide a service that is essential to the public health, safety and welfare, and is regulated by a governmental agency. Internet, cable and communications, while important, are not essential to the public health, safety and welfare. See Page 17 of Attachment 1.

**Comment:** *Add a definition for recovery center - any building or buildings, section or distinct part of a building, which provides counseling, housing, meals, intensive inpatient (for specified timeframe) and/or outpatient care, or more personal services for a period exceeding 24 hours, to one or more adults who are not relatives of the owner or administrator, as defined in F.S. § 429.02.*

**Response:** Definition has been added as noted above. See Page 17 of Attachment 1.

**Comment:** *Do not remove “predominantly” from the definition of residential uses. Mixed-use with 10% commercial is predominantly residential.*

**Response:** Definition has been modified as noted above. See Page 19 of Attachment 1.

**Comment:** *Do not change the definition of right-of-way. Easements are not usually defined as right-of-way because there is an underlying land use. Who is “the department?”*

**Response:** The revised definition is consistent with Chapter 334.03, Florida Statutes; however, it has been modified for clarification. The “department” refers to the Florida Department of Transportation. See Page 19 of Attachment 1.

**Comment:** *Remove “gross” from the definition of severely cost burdened.*

**Response:** Definition has been modified as noted above. See Page 20 of Attachment 1.

**Comment:** *Remove “all contiguous” from the definition of solid waste facilities.*

**Response:** Definition has been modified as noted above. See Page 20 of Attachment 1.

**Comment:** *Add definitions for all three (3) categories of Special Residential Facilities and verify if memory care units are included in these definitions.*

**Response:** Definitions have been added as noted above and mirror the definitions as found in the Permitted Uses Section of the BCLUP. Memory care units are considered community facilities. See Page 20 and 21 of Attachment 1.

**Comment:** *Remove “advertising signs” and replace with “freestanding signs” for the definition of structure. After the Supreme Court decision all signs must be the same regardless of message – advertising or not advertising.*

**Response:** Definition has been modified as noted above. See Page 21 of Attachment 1.

**Comment:** *Add “it does not include marijuana cultivation” to the definition of urban agriculture. Both urban farms and community gardens are generally used for ornamental or edible crops, and do not involve or have minimal animal husbandry and fish farming. These uses (home vegetable garden, community garden & urban farm) share some common characteristics but are distinct uses which produce greatly different impacts. Home vegetable gardens are generally for personal use and serve as an accessory use. Home vegetable gardens generally don’t produce negative impacts to adjacent and nearby homes. Community gardens are generally maintained by several individuals with the produce being used for personal use or donation. The community garden is often the primary use. Community gardens can produce negative impacts associated with traffic, noise, small tractors, events, etc. Urban farms are used to cultivate produce that is primarily for sale. Urban farms are usually a primary use and can produce negative impacts with noise and small tractors, but can also host events that produce traffic and noise.*

**Response:** Definition has been modified as noted above. See Page 23 of Attachment 1.

## ATTACHMENT 3.B.

**From:** [Jeffrey Katims](#)  
**To:** [Von Stetina, Deanne](#)  
**Cc:** [Evans, Christina](#)  
**Subject:** Re: BCLUP Definitions Update  
**Date:** Monday, October 12, 2020 11:00:10 AM  
**Attachments:** [OutlookEmoji-16022617437627e269dbe-6cf4-4191-9d2b-34a08005e1d6.png](#)

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Good morning.

My \$0.02 a few definitions from having worked with them recently:

AGRICULTURAL USES should probably recognize equestrian uses, as a standing Florida court decision compels the property appraiser to treat these as farms under state law if it meets all of the other criteria that agricultural uses have to meet to be classified as a farm and therefore receive the AG property tax exemption. .

The definition of LAKE is from F.S. but does not make sense in Broward County.

MANUFACTURED HOUSING should probably be redefined. Mobile Homes manufactured after 6/15/76 are legally manufactured homes, and don't fit this definition. Typically, the term for homes built offsite in sections to be assembled onsite is MODULAR HOME. Also, modular homes are not built on chassis.

Jeff



**JEFF KATIMS** AICP, CNU-A  
*Senior Planning Manager*

3350 NW 53rd St, Ste 101  
Fort Lauderdale, FL 33309  
**direct:** 954.475.3070  
[floridaplanning.net](http://floridaplanning.net)

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**From:** [Evans, Christina](#)  
**To:** [Von Stetina, Deanne](#)  
**Subject:** FW: Land Use Plan Definitions  
**Date:** Thursday, June 3, 2021 9:48:57 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**Christina Evans, Planner**

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6687 (direct) [www.Broward.org/PlanningCouncil](http://www.Broward.org/PlanningCouncil)

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**From:** Li, Min-Tang <MLI@broward.org>  
**Sent:** Friday, May 7, 2021 3:30 PM  
**To:** Evans, Christina <CHEVANS@broward.org>  
**Cc:** Severyn, Josette <JSEVERYN@broward.org>  
**Subject:** RE: Land Use Plan Definitions

I like to suggest the revision highlighted below in red, Christina. Thank you, and have a nice weekend.

Regards,

**Min-Tang Li**

Transportation Mobility Modeler

Phone: 954-357-6661

[mapbroward.broward.org](http://mapbroward.broward.org)



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ROADWAY FUNCTIONAL CLASSIFICATION - means the assignment of roads into ~~categories~~ systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories ~~may be State, County or Municipal facilities and~~ in both urban and rural forms include ~~limited access facilities,~~ principal arterial roads, ~~and~~ minor arterial roads, collector roads, and local roads. ~~These, which may be~~ Principal arterial roads include three subcategories: Interstate, Other Freeways & Expressways (OF&E), and Other Principal Arterial

(OPA). Collector roads are subcategorized into ~~principal~~, major or minor levels. ~~Those levels may be further grouped into urban and rural categories.~~

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**From:** Severyn, Josette <[JSEVERYN@broward.org](mailto:JSEVERYN@broward.org)>

**Sent:** Friday, May 7, 2021 9:24 AM

**To:** Blake Boy, Barbara <[BBLAKEBOY@broward.org](mailto:BBLAKEBOY@broward.org)>; Caratozzolo, Carmelo <[CCARATOZZOLO@broward.org](mailto:CCARATOZZOLO@broward.org)>; Cassini, Gretchen <[GCassini@broward.org](mailto:GCassini@broward.org)>; Crawford, Tara <[tacrawford@broward.org](mailto:tacrawford@broward.org)>; d'Anjou, Yves <[YDANJOU@broward.org](mailto:YDANJOU@broward.org)>; Damian, David <[DDAMIAN@broward.org](mailto:DDAMIAN@broward.org)>; Danchuk, Samantha <[SDANCHUK@broward.org](mailto:SDANCHUK@broward.org)>; Delsalle, Darby <[DDELSALLE@broward.org](mailto:DDELSALLE@broward.org)>; Douglas, Arethia <[ACDOUGLAS@broward.org](mailto:ACDOUGLAS@broward.org)>; Fell, Trevor <[TFELL@broward.org](mailto:TFELL@broward.org)>; Forelle, Sara <[SFORELLE@broward.org](mailto:SFORELLE@broward.org)>; Francis, Mark <[MFRANCIS@broward.org](mailto:MFRANCIS@broward.org)>; Garling, Tim <[TGARLING@broward.org](mailto:TGARLING@broward.org)>; Huaman, Leny <[LHUAMAN@broward.org](mailto:LHUAMAN@broward.org)>; Hugh Chakler <[Hchakler@gmail.com](mailto:Hchakler@gmail.com)>; Hui, Tony <[THUI@broward.org](mailto:THUI@broward.org)>; Jurado, Jennifer <[JJURADO@broward.org](mailto:JJURADO@broward.org)>; Lalanne, Roger <[RLALANNE@broward.org](mailto:RLALANNE@broward.org)>; Li, Min-Tang <[MLI@broward.org](mailto:MLI@broward.org)>; McCoy, Barney <[BAMCCOY@broward.org](mailto:BAMCCOY@broward.org)>; Petgrave, Kurt <[KPETGRAVE@broward.org](mailto:KPETGRAVE@broward.org)>; Sebo, Andrew <[ASEBO@broward.org](mailto:ASEBO@broward.org)>; Sesodia, Josie <[JSSESODIA@broward.org](mailto:JSSESODIA@broward.org)>; Sofoul, Nicholas <[NSOFOUL@broward.org](mailto:NSOFOUL@broward.org)>; Teetsel, Dawn <[DTEETSEL@broward.org](mailto:DTEETSEL@broward.org)>; Tiano, Alan <[ATIANO@broward.org](mailto:ATIANO@broward.org)>; Ton, Anh <[ATON@broward.org](mailto:ATON@broward.org)>; Tornese, Richard <[RTORNESE@broward.org](mailto:RTORNESE@broward.org)>; Von Stetina, Deanne <[DVONSTETINA@broward.org](mailto:DVONSTETINA@broward.org)>; Walton, Chris <[CWALTON@broward.org](mailto:CWALTON@broward.org)>; West, Dan <[danwest@broward.org](mailto:danwest@broward.org)>

**Subject:** FW: Land Use Plan Definitions

Complete Streets Team,

Please find the Working BCLUP Definitions for Transportation attached for your review and comment. The proposed changes are attached in strike-through/underline format. Suggested additions, deletions, revisions and general comments and/or questions may be submitted to Christina Evans ([chevans@broward.org](mailto:chevans@broward.org) or 954.357.6687) of Planning Council staff no later than Friday, May 28, 2021.

For more context, please see Deanne Von Stetina's forwarded email in the thread below.

Thank you,

**Josette Severyn, AICP**

Senior Mobility Planner

Phone: 954-357-6632

[mapbroward.broward.org](http://mapbroward.broward.org)



**From:** [David Quigley](#)  
**To:** [Von Stetina, Deanne](#)  
**Cc:** [Blake Boy, Barbara](#); [David Abramson](#); [Matthew Coyle](#)  
**Subject:** BCLUP Definitions  
**Date:** Monday, May 24, 2021 1:42:10 PM  
**Attachments:** [Attachment 1 - Working BCLUP Definitions - ALL - Davie Comments 05-24-21.pdf](#)

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Deanne,

Please see some comments on definitions.

Sincerely,

David Quigley, AICP  
Planning and Zoning Manager  
954-797-1075 (forwards to mobile after 4 rings)

**From:** Von Stetina, Deanne <DVONSTETINA@broward.org>  
**Sent:** Thursday, May 6, 2021 2:30 PM  
**Cc:** Evans, Christina <CHEVANS@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Teetsel, Dawn <DTEETSEL@broward.org>; Huaman, Leny <LHUAMAN@broward.org>; Bernal, Julie <JUBERNAL@broward.org>  
**Subject:** BCLUP Definitions

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

(Please note that this email is being sent to all local government planning directors)

Good afternoon,

At its September 17, 2020 meeting, the Planning Council initiated a text amendment to update the Definitions section of the BrowardNext - Broward County Land Use Plan (BCLUP). Planning Council staff requests that your municipality review the proposed BCLUP Definitions section, which is attached in strike-through/underline format. Suggested additions, deletions, revisions and general comments and/or questions may be submitted to Christina Evans ([chevans@broward.org](mailto:chevans@broward.org) or 954.357.6687) of Planning Council staff no

later than Friday, May 28, 2021.

The proposed text amendment is tentatively scheduled for the Planning Council's June 24, 2021 public hearing.

Thank you for your continued assistance and collaboration in the development of the BCLUP.

**Deanne D. Von Stetina, AICP**, Assistant Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6690 (direct) [www.Broward.org/PlanningCouncil](http://www.Broward.org/PlanningCouncil)

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## Comments submitted by the Town of Davie on May 24, 2021

### BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

#### SECTION 2: DEFINITIONS

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- 

CONCURRENCY MANAGEMENT SYSTEM - means the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development consistent with concurrency requirements and Section 163.3180, Florida Statutes, as amended (1993). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system, per Section 163.3180, Florida Statutes, as amended.

Comment: This is a modification to a policy. Does not belong in definitions.

EFFICIENCY ~~HOUSING~~ OR STUDIO DWELLING UNIT - means ~~an one-room~~ apartment in which one room typically contains the kitchen, living, and sleeping quarters, with a ~~private~~ separate bathroom. Efficiency or studio dwelling units no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations. It may or may not have a closet. The one room is usually larger than a standard apartment bedroom, since it needs to have separate areas for sleeping, eating and living, and also for a small kitchen (usually referred to as a kitchenette).

Comment: The part about density measurement should be omitted since it is part of the policy covered in Policy 2.2.5.

FLEXIBILITY UNITS - shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map. Flexibility units are allocated at the discretion of the local government.

Comment: This is addressed in policies. Should not be part of the definitions.



FLEXIBILITY ZONE - corresponds to the municipal boundaries upon the adoption of BrowardNext and the completion of the administrative local government flexibility zone unification.

Comment: This is a modification to a policy. Does not belong in definitions.

HISTORICAL TREES – includes a tree or group of trees designated by the Broward County Board of County Commissioners pursuant to Chapter 27 of the Broward County Code of Ordinances which are (1) located on historically significant property and related to an historic event; (2) uniquely related to the heritage of Broward County; or (3) at least seventy-five (75) years old. Requests for designation can be made by State, County, Municipality, Historical Preservation Group, or by the Property Owner. Removal of a tree designated as “Historical” requires the approval of the County Commission. ~~(Chapter 27-412 Broward County Code)~~

Comment: The only reference to “historic trees” is in Policy 2.5.5, concerning golf courses. Are any designated “historic trees” on golf courses? If not, this definition can probably be deleted.

# Comments submitted by the Broward County Planning and Development Management Division on June 4, 2021

## BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

### SECTION 2: DEFINITIONS

**ACCESSORY USE** - means a use, or activity, ~~structure or part of a structure~~ naturally and customarily incidental, subservient or subordinate to the principal use, or activity ~~or structure~~ on site.

**ADJACENT** - means next to or adjoining; ~~having a common side or point; separated only by a street right-of-way or canal right-of-way, not including the Florida Intrastate Highway System.~~

**AFFECTED PERSONS** - includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that ~~adoption of the plan or plan amendment will as proposed would~~ produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdictions. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations or objections during to the local government review and adoption proceedings during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

**Comment:** Does this violate due process? I believe the term may be dated in this context, and what we should be addressing are “party interveners”

**ARTERIAL ROAD** - means a roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length, ~~and~~ high operating speed and high mobility importance. In addition, every United States numbered highway is an arterial road.

**Comment:** What is “long average?” What constitutes “high mobility importance?”

**ASSISTED LIVING FACILITY** – means a residential unit not designed for occupancy as an independent living area. ALF units may be counted by local government as 0.5 dwelling units for residential calculations.

**Comment:** Since “RESIDENTIAL UNIT” excluded ALF, I think they should be defined. Expand definition.

**Comment:** per FS 429.02(5) ALF: means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

**Comment:** See efficiency or studio

**BICYCLE AND PEDESTRIAN WAYS FACILITIES** - means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded, and sharrows.

**BROWARDNEXT** - BROWARD COUNTY LAND USE PLAN - means the future land use plan element for all of Broward County as adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and Florida Statutes Chapter 163.

**BUILDING PERMIT** - means:

- (1) 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.
- (2) Any permit for an addition or renovation to an existing building which would:
  - a. create one or more dwelling units, ~~or~~
  - b. ~~involve~~ be required for renovations necessary for a change in the occupancy of a building as described in the Florida Building Code and Broward County Administrative Provisions, as amended, or.
- (3) ~~Any permit which would~~
  - c. be required for the nonresidential operations included in the Florida Building Code and Broward County Administrative Provisions, as amended.

**CERTIFIED LOCAL GOVERNMENT** - means municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance consistent with State statutes, and creation of historic preservation advisory board, making them eligible for state- and federally-funded small matching historic preservation grants to assist their historic preservation programs.

**COMMERCIAL USES** - means activities within land areas which are predominantly connected with the sale, rental and distribution of goods products, or performance of services resulting in a profit or monetary gain.

**Comment:** Is it not commercial if it loses money? Is it not commercial if it is a nonprofit corporation? What about banks and not for profit entities?

**CONCURRENCY** - means public facilities and services needed to support development ~~shall be available consistent with concurrency requirements as~~ will be provided in order to achieve and maintain the adopted level of service standards, per Section 163.3180, Florida Statutes, as amended (1993).

**Comment:** There are multiple LOS's

**CONCURRENCY MANAGEMENT SYSTEM** - means the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development consistent with concurrency requirements and Section 163.3180, Florida Statutes, as amended (1993). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system, per Section 163.3180, Florida Statutes, as amended.

**Comment:** This appears to be a regulation versus a definition.

**CONTEXT SENSITIVE ROADWAYS** - means roadways that are planned and developed with improvements that are considerate of the character, and built and natural environment of the corridor and the surrounding neighborhood, are responsive to multiple transportation modes, and maintain safety and mobility.

**COST BURDENED** – means the extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.

**DEVELOPMENT** - ~~The term “development” means: The~~ the carrying out of any building construction activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into ~~two~~ three or more parcels. The following activities or uses shall be taken for the purposes of this ~~chapter~~ Plan to involve “development,” as defined in this section:

- A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- A change in the intensity of use of land, such as an increase or decrease in the number of dwelling units in a structure or on land or a material increase or decrease in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in Section 161.021, Florida Statutes.
- Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- Demolition of a structure.
- Clearing of land as an adjunct of construction.
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this ~~chapter~~ Plan to involve “development” as defined herein:

- Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
- Work by any utility and other persons engaged in the distribution or transmission of gas, electricity or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines,

towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected landowners.

- Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- The use of any structure or land devoted to dwelling uses or any purpose customarily incidental to enjoyment of the dwelling.
- The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- A change in the ownership or form of ownership of any parcel or structure.
- The creation or termination of rights of access, ~~aparian~~ riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.
- “Development,” as designated in an ordinance, ~~rule,~~ or ~~development~~-rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of ~~subsection (1)~~ the above.

**DEVELOPMENT PERMIT** - includes any building permit, zoning permit, subdivision or plat approval, or rezoning, certification, special exception, variance, development order, or any other official action having the effect of permitting the development of land.

**Comment:** Are variances, special exceptions and the like, permits or orders? Must resolutions of such ilk include language stating, “this is a final order.” Is there truly a distinction between Development Permit and Development Order?

**DISASTER** - means ~~a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life~~ any natural, technological or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by Broward County, the Governor of Florida, or the President of the United States.

**DWELLING UNIT** - means ~~a house, apartment, or condominium unit, trailer, group of rooms, or a single room~~ any building, structure or portion thereof which is designed, occupied or intended for occupancy as a separate complete independent living quarter facilities for one (1) or more persons, with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the occupants permanent provisions for living, sleeping, eating, cooking and sanitation, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, Division of Hotels and Restaurants, as “apartments,” “rental condominiums” and “retirement housing” or live-aboard vessels located in multi-family “Residential” designated areas which are required to hookup to marine sanitation systems.

**Comment:** Does this mean *not* ALF? (in reference to “complete independent living”)

**EASEMENT** - means any strip of land created for public or private utilities, drainage, sanitation, access, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the ~~reservation of the servitude~~ public record.

**Comment:** Easements can be created by separate instrument, not just on plats.

**EDUCATIONAL USES** - means activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

**Comment:** Does this include pre-schools that operate VPK programs licensed by State?

**EFFICIENCY HOUSING OR STUDIO DWELLING UNIT** - means ~~an one room apartment~~ a dwelling unit in which one room typically contains the kitchen, living, and sleeping quarters, with a ~~private~~ separate bathroom. Efficiency or studio dwelling units no greater than 500 square feet or less in size may be counted by the local government as 0.5 dwelling units for residential density calculations. ~~It may or may not have a closet. The one room is usually larger than a standard apartment bedroom, since it needs to have separate areas for sleeping, eating and living, and also for a small kitchen (usually referred to as a kitchenette).~~

**ELECTRICAL POWER PLANT** - means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems.

**Comment:** This would negate the need for LUPA on Waste Management Site to operate trash transfer station, by allowing it as a primary use. In addition, it would undermine future amendment(s) to Solid Waste Element.

**ENVIRONMENTAL JUSTICE** - means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on vulnerable populations.

**Comment:** Are we missing LGBTQ or other minority populations?

**EXTREMELY-LOW INCOME PERSONS** - means one or more natural persons or a family, that has a total annual household income that does not exceed 30 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

**Comment:** Is this definition needed? Policies are usually related to very-low, low- and moderate-income levels only.

**FLEXIBILITY UNITS** - shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map. Flexibility units are allocated at the discretion of the local government.

**Comment:** This is ok; however, typically definitions merely describe and define, not function in a procedural/regulatory capacity. This is because definitions are relied upon to understand the context of the regulation or procedure.

**FLOODPLAINS** - means areas susceptible to being inundated during an identified flood event or identified by the National Flood Insurance Program as A Zones (A, AE AH, AO), V Zones (V, VE), or X Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

**Comment:** Additions are per Environmental Engineering and Permitting.

**GROSS FLOOR AREA** - ~~generally~~ means the total square footage of all each floors level, measured ~~to the from principal~~ outside faces of exterior walls, including but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, staircases and mezzanines, but not including architectural projections surface of the building or portion of the building. ~~This may include hallways, stairways, elevators, storage and mechanical rooms whether internal or external to the structure. Floor area may also be limited to what is considered leasable space. The specific definitions are determined by local government land use plans and local land development regulations.~~

**Comment:** What about parking levels in multi-story building? How are they counted?

**FLOOR AREA RATIO (FAR)** - means the square footage of the **floor area** of a building divided by the square footage of the lot (net site area) on which the building is located. Figure 1, illustrates how a FAR of 1.0 can be calculated. The first example is a one story building covering the entire lot; the second is a two story building covering 50% of the lot and the third, a four story building covering 25% of the lot.

Figure 1

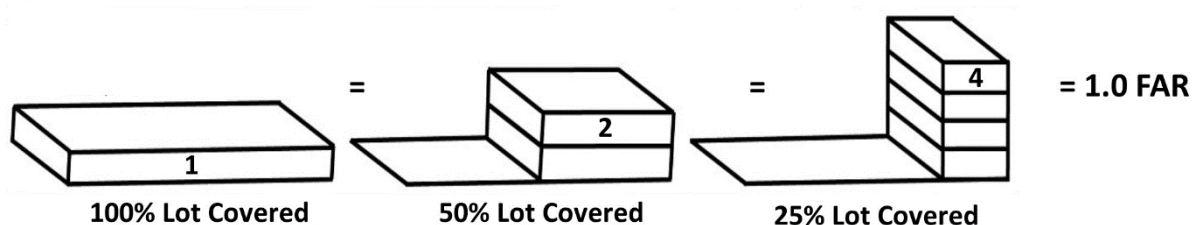
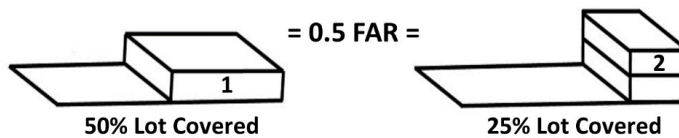


Figure 2 illustrates how a lot with FAR of 0.5 can be calculated. The building is limited to 50% of the square footage of the lot (net site area). The first example is a one story building covering 50% of the lot; the second is a two story building covering 25% of the lot.

Figure 2



The illustrations above represent a net site area of 39,204 square feet of floor area (0.9 gross acres) a FAR of 1.0 will allow a 39,204 square foot building. If the same lot has a 0.5 FAR, then it will yield a building of 19,602 square feet.

**Comment:** Is this Gross or Net floor area? (as defined above)

**GROSS DENSITY** – means the total number of dwelling units existing or proposed within an area, divided by the gross acreage of the area.

**GROUNDWATER** – means water within the earth supplied by wells and springs.

**Comment:** Additions are per Environmental Engineering and Permitting.

**GROUP HOME** - means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. **Adult Congregate Living Facilities** comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

**Comment:** Should “adult” be changed to “assisted”?

**HISTORICAL TREES** – includes a tree or group of trees designated by the Broward County Board of County Commissioners pursuant to Chapter 27 of the Broward County Code of Ordinances which are (1) located on historically significant property and related to an historic event; or (2) uniquely related to the heritage of Broward County; or (3) at least seventy-five (75) years old. Requests for designation can be made by State, County, Municipality, Historical Preservation Group, or by the Property Owner. Removal of a tree designated as “Historical” requires the approval of the County Commission. (~~Chapter 27-412 Broward County Code~~)

**INFRASTRUCTURE** - means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; ~~and~~ roadways; railroads; sidewalks; and bikeways.

**LAND** - means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

**Comment:** Is this definition necessary?



**LOT** - includes tract or parcel - means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

**Comment:** (from Chapter 39) Lot: A parcel or tract of land designated and identified as a single unit of area in a subdivision plat recorded in the Official Records of Broward County, Florida. (Ord. No. 2013-04, § 2, 2-12-13)

**MANUFACTURED HOUSING HOME** - means ~~prefabricated houses that are constructed in a factory and then assembled at the building site in modular sections~~ a home built in the controlled environment of a manufacturing plant and transported in one (1) or more sections on a permanent chassis. Each section bears a ~~red~~ U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

**MIXED USE** - means a development pattern on a single unified site that allows a mix of residential uses with compatible non-residential uses, such as but not limited to, office, service, retail, entertainment, and food/beverage, designed in a pedestrian oriented environment. The development pattern maybe vertical, accommodating multiple principle uses within a single building, or horizontal, with single use buildings adjacent to each other.

**Comment:** new definition

**MODULAR HOME** – means a home built in the controlled environment of a manufacturing plant, transported to a building site and professionally assembled on a permanent foundation. Modular homes meet or exceed Florida building code standards.

**NURSING HOME** – means any facility which provides nursing services as defined in Part I of Florida Statutes, Chapter 464 (Nurse Practice Act) and which is licensed according to this Part, in accordance with FS 400.021(12).

**Comment:** Add a definition per FS 400.021.

ITE 10th Ed defines it as: Any facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest homes and chronic care and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Nursing homes are occupied by residents who do little or no driving.

**OCEAN WATERS** - means waters of the Atlantic Ocean, ~~Gulf of Mexico, or Straits of Florida~~, but ~~does not include~~ excluding estuaries, bays, lagoons, or harbors.

**PLAT** - means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of **this chapter** and of any local ordinances, and may include the terms “replat,” “amended Plat,” or “revised Plat.”

**Comment:** What does “this chapter” refer to?

**PUBLIC FACILITIES** - means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

**Comment:** Does this include or exclude privately owned landfills?

**PUBLIC UTILITY** - includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

**Comment:** Why is a private utility defined as a public utility? What about internet, cable, communications?

**RECOVERY CENTER** – means any building or buildings, section or distinct part of a building, which provides counseling, housing, meals, intensive inpatient (for specified timeframe) and/or outpatient care, or more personal services for a period exceeding 24 hours, to one or more adults who are not relatives of the owner or administrator, as defined in F.S. § 429.02.

**Comment:** Definition added to eliminate any inconsistencies with plat note language.

**RESIDENTIAL USES** - means activities within land areas used ~~predominantly~~ for housing.

**Comment:** What about mixed use with 10% commercial? Isn't that predominantly residential?

**RIGHT-OF-WAY** - means land ~~dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access or ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies~~ in which the state, **the department**, a county, or a municipality owns ~~the fee simple or has an easement and is~~ devoted to or required for use as a transportation facility, including but not limited to streets, sidewalks, bike paths, alleys and public utility infrastructure.

**Comment:** Who is "the department"? FDOT? Easements are not usually defined a right of way, because there is an underlying land use. Recommend reverting to original definition.

**SEVERLY COST BURDENED** – means the extent to which ~~gross~~ housing costs, including utility costs, exceed 50 percent of gross income, based on data available from the U.S. Census Bureau.

**SOLID WASTE FACILITIES** - means ~~all contiguous lands~~, structures or systems designed for the treatment, storage, collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

**Comment:** Why is this needed?

**SPECIAL RESIDENTIAL FACILITY CATEGORY (1)** – means development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of one (1) reserve or flexibility unit in accordance with the Special Residential Facility provisions and policies for the

application of these units as contained in the “Administrative Rules Document: Broward County Land Use Plan.”

**Comment:** add Special Residential Facility Categories. Verify if memory care units are included in this definition. *source: BCLUP definition*

**SPECIAL RESIDENTIAL FACILITY CATEGORY (2)** - means development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of two (2) reserve or flexibility units in accordance with the Special Residential Facility provisions and policies for the application of these units as contained in the “Administrative Rules Document: Broward County Land Use Plan.”

**Comment:** add Special Residential Facility Categories. Verify if memory care units are included in this definition. *source: BCLUP definition*

**SPECIAL RESIDENTIAL FACILITY CATEGORY (3)** – means development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of reserve units or flexibility units in accordance with the Special Residential Facility provisions and policies for the application of these units as contained in the “Administrative Rules Document: Broward County Land Use Plan”; each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.

**Comment:** add Special Residential Facility Categories. Verify if memory care units are included in this definition. *source: BCLUP definition*

**STRUCTURE** - means 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 **freestanding** signs.

**Comment:** After the supreme court decision all signs must be the same regardless of message – advertising or not advertising.

**URBAN AGRICULTURE** - ~~means urban agriculture or urban farming is the practice of cultivating, processing, and distributing food in or around a village, town, or city~~ means the production of fruits and vegetables, raising of animals, and cultivation of fish for local sale and consumption. Urban agriculture may also involve home vegetable gardens, community gardens, hydroponics, community supported agriculture, fish farming, farm to school, farmer’s markets, animal husbandry, aquaculture, agroforestry, and urban beekeeping, ~~and horticulture.~~ It does not include marijuana cultivation.

**Comment:** Both urban farms and community gardens are generally used for ornamental or edible crops, and do not involve or have minimal animal husbandry and fish farming.

These uses (home veg. garden, community garden & urban farm) share some common characteristics but are distinct uses which produce greatly different impacts.

Home vegetable gardens are generally for personal use and serve as an accessory use. Home vegetable gardens generally don't produce negative impacts to adjacent and nearby homes.

Community gardens are generally maintained by several individuals with the produce being used for personal use or donation. The community garden is often the primary use. Community gardens can produce negative impacts associated with traffic, noise, small tractors, events, etc.

Urban farms are used to cultivate produce that is primarily for sale. Urban farms are usually a primary use and can produce negative impacts with noise and small tractors, but can also host events that produce traffic and noise.

## ATTACHMENT 4.A.

### Broward Next October 2021 Amendments to Definitions City of Coconut Creek Comments



**COMMENT:** “ABUTTING” – use of “adjacent” in this definition seems inconsistent with the newly revised definition of “ADJACENT”.

**COMMENT:** “ACCOMMODATION” – Suggest keeping the “s” to avoid the confusion with “Reasonable Accommodation”.

**COMMENT:** “ADJACENT” – change creates a conflict as term is used in new definition of “ABUTTING.”

**COMMENT:** “BUILDING PERMIT” – Typo – “(3)” needs to be struck through.

**COMMENT:** “COST BURDENED” – “means the extent to which gross housing costs, including utility costs, exceed 30 percent but less than 50 percent of gross income, based on data available from the U.S. Census Bureau.” - Add double underlined text to new definition.

**COMMENT:** “DWELLING UNIT” – Suggest repeal the existing definition and use the Fair Housing Act definition of “Dwelling”, “Dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.” (See 42 USC 3602 Section 802) Is County suggesting that Vacation Rentals and hotels are dwellings by including units licensed by DBPR or are you only intending to capture timeshare units with your definition? It is not clear.

**COMMENT:** “ELECTRICAL POWER PLANT” – inappropriately, and without limitation, broadens the uses permitted. WHY is this being added? **Please consider revising as follows consistent with state law.** “ELECTRICAL POWER PLANT” – “means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility, as referenced in Section 403.503(7), Fla. Stat. that directly supports the operation of the electrical power plant”.

**COMMENT:** “ENVIRONMENTAL JUSTICE” – **should address more than just environmental laws, regulations and policies** – revise to “...enforcement of environmental applicable laws, regulations and policies”.

**COMMENT:** “GROSS FLOOR AREA” – Suggest revising to “means the total combined square footage of all each floor level...”. Add “combined”- **without the addition of “combined”, it almost reads like gross floor area is of each floor level individually.**

**COMMENT:** “GROUP HOMES” – Suggest amending the existing definition to provide the following: means a facility which provides a living environment for unrelated residents long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. ~~Adult Congregate Assisted-Living~~ Facilities comparable in size to group homes are included in this definition. It shall not include rooming or board homes, clubs, fraternities, sororities, monasteries

or convents, hotels, residential treatment facilities (WHAT IS INTENDED HERE? ARE YOU REFERENCING THEM UNDER CHAPTER 394 (Mental Health) or 397 (Substance Abuse), Fla. Stat. OR BOTH?), nursing homes, or emergency shelters. Proposed revision makes definition more consistent with state law (chapter 419 and is similar to Palm Beach County's definition of Congregate Living Facility).

**COMMENT:** "MINING" – the word "resources" should be defined. As revised, removal of stored rock from a storage lot would be "mining." Recommend "MINING means removal of resources from their location in the earth so as to make ~~them~~ the resources suitable for commercial...".

**COMMENT:** "NURSING HOME FACILITY" – **Suggest following definition provided in Section 400.021, Fla. Stat. instead of proposed definition.** "Any facility which provides nursing services as defined in part 1 of Chapter 464, Fla. Stat. and which is licensed by the Agency for Health Care Administration. Nursing Services means such services or acts as may be rendered, directly or indirectly, to and on behalf of a person as defined by Section 464.003, Fla. Stat. Facility means any institution, building, residence private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services."

**COMMENT:** "PARK" – "means an public or private area of land, with or without buildings, dedicated for use primarily ~~used~~ for active or passive recreational purposes." **Not all private land used for active or passive recreational purposes should be defined as a "Park."**

**COMMENT:** "RECOVERY CENTER" – **What are you trying to capture by this definition? Are you trying to capture people in recovery from surgery similar to a Rehabilitation Center or people in recovery from Substance Use Disorder? Section 429.02, Fla. Stat. as referenced in the proposed definition pertains to the definition of "relative" in an Assisted Care Community only. This is not clear. Suggest removing.**

**COMMENT:** "RURAL PURPOSES" - Proposed revision changes the form of the term. Maybe "Rural Purposes" – "means ~~that the use or maintenance of a sparsely developed area where the of land is primarily used~~ as a resource for agricultural, equestrian, managed forests or mining uses, or ~~maintained~~ in a natural state as wetlands, fields or forests."

**COMMENT:** "SOLID WASTE" – "means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, special waste (as referenced in 62-701.200(113), F.A.C.), or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations".

**COMMENT:** "SOLID WASTE FACILITIES" and "SOLID WASTE PROCESSING PLANT" definitions should be combined into something like "**SOLID WASTE MANAGEMENT FACILITY**" – "means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing (as defined in 62-701.200(88), F.A.C.), composting, or storage of solid

waste. The term does not include recovered materials processing facilities or pyrolysis facilities that meet the requirements of Section 403.7046, Fla. Stat. or 62-701.220(2)(c), F.A.C., except the portion of such facilities, if any, which is used for the management of solid waste."

**COMMENT:** "SPECIAL RESIDENTIAL FACILITY, CATEGORY (1)" - Suggest the following *instead of* the proposed definition: means a facility which provides, housing, food service, and one or more assistive care services for six (6) or fewer persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. This includes individuals not overtly of harm to themselves or others. Proposed revision makes definition more consistent with state law (chapter 419) and is somewhat similar to Palm Beach County's definition of Congregate Living Facility.

In addition:

- a. Why 'no more than 8' - versus 6 consistent with state law?
- b. Why allow for more than one kitchen?
- c. "There may be more than one kitchen within the housing facility" - regulatory in nature and should not be part of the definition.
- d. "There may be more than one Special Residential Facility Category (1) development on a parcel." - regulatory in nature and should not be part of the definition.

**COMMENT:** "SPECIAL RESIDENTIAL FACILITY, CATEGORY (2) – Suggest the following *instead of* the proposed definition: means a facility which provides, housing, food service, and one or more assistive care services for between seven (7) to fourteen (14) persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. This includes individuals not overtly of harm to themselves or others. Proposed revision makes definition more consistent with state law (chapter 419) and is similar to Palm Beach County's definition of Congregate Living Facility.

In addition:

- a. Where did proposal for 9 to 16 come from?
- b. Why did the proposal exclude elderly from this category but not from Category (1)?
- c. Why allow for more than one kitchen?
- d. "There may be more than one kitchen within the housing facility" - regulatory in nature and should not be part of the definition.
- e. "There may be more than one Special Residential Facility Category (2) development on a parcel." - regulatory in nature and should not be part of the definition.

**COMMENT:** "SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) - Suggest the following *instead of* the proposed definition: means a facility which provides, housing, food service, and one or more assistive care services for more than fourteen (14) persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family.



with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. This includes individuals not overtly of harm to themselves or others. Proposed revision makes definition more consistent with state law (chapter 419) and is similar to Palm Beach County's definition of Congregate Living Facility.

In addition:

- a. Why '16'?
- b. Why did the proposal include housing for more than 8 elderly individuals in this category, but did not include in Category (2)? This reads very confusing and arbitrary.
- c. Why specify "Governmentally subsidized housing facilities" and "Not-for-profit housing facilities" in Category (3) instead of including them in the other 2 categories providing housing to the same class of residents (elderly, dependent children, and physically handicapped)? In other words, why are you calling them out and treating them differently based on who is providing housing?
- d. Why include an "Aging in place" in Category (3) by reference to the "housing facility which provides a life-care environment" in the proposed definition and not include those types of facilities in Categories (1) and (2). Those facilities are licensed by the Agency for Health Care Administration and should be captured as such.

**COMMENT:** "SURFACE WATERS" – means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. ~~Other~~ Publicly-owned ~~w~~Waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused., ~~including water from natural springs, is defined as "lake," "pond" or "stream."~~ Definition should not exclude privately owned lakes.



## ATTACHMENT 4.B.

### Broward Next Amendment to Definitions Planning Council Staff Response to City of Coconut Creek Comments – Received February 10, 2022

ABUTTING – means to be adjacent to; touch or join at the edge or border; end at.

**COMMENT:** “ABUTTING” – use of “adjacent” in this definition seems inconsistent with the newly revised definition of “ADJACENT”.

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition be removed from the amendment.

ACCOMMODATIONS - means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, campground, cruise ship cabin, houseboat or other vessel, recreational or other motor vehicle, or any private or commercial structure which is situated on real or personal property and designed for overnight occupancy or use by one or more individuals.

**COMMENT:** “ACCOMMODATION” – Suggest keeping the “s” to avoid the confusion with “Reasonable Accommodation”.

**PLANNING COUNCIL STAFF RESPONSE:** Noted. No change is recommended as the word “Accommodation” is consistent with Florida Statutes 721.05(1).

ADJACENT - means next to or adjoining; ~~H~~having a common side or point; separated only by a street right-of-way or canal right-of-way, not including the Florida Intrastate Highway System.

**COMMENT:** “ADJACENT” – change creates a conflict as term is used in new definition of “ABUTTING.”

**PLANNING COUNCIL STAFF RESPONSE:** Noted. Potential conflict eliminated by removing “Abutting” from the amendment.

**BUILDING PERMIT - means:**

- (1) 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.
- (2) Any permit for an addition or renovation to an existing building which would:
  - a. create one or more dwelling units, ~~or~~
  - b. ~~involve~~ be required for renovations necessary for a change in the occupancy of a building as described in the Florida Building Code and Broward County Administrative Provisions, as amended, or.
- (3) ~~Any permit which would~~
  - c. be required for the nonresidential operations included in the Florida Building Code and Broward County Administrative Provisions, as amended.

**COMMENT:** “BUILDING PERMIT” – Typo – “(3)” needs to be struck through.

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified as noted above.  
See Page 3 of Attachment 5.

COST BURDENED – means the extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.

**COMMENT:** “COST BURDENED” – “means the extent to which gross housing costs, including utility costs, exceed 30 percent but less than 50 percent of gross income, based on data available from the U.S. Census Bureau.” - Add double underlined text to new definition.

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified as noted above.  
See Page 5 of Attachment 5.

~~DWELLING UNIT - means a house, apartment, or condominium unit, trailer, group of rooms, or a single room~~ any building, structure or portion thereof which is designed, occupied or intended for occupancy as ~~separate~~ complete independent living quarter facilities for one (1) or more persons, with direct access from the outside of the building or through a common hall and with ~~complete kitchen facilities for the exclusive use of the occupants~~ permanent provisions for living, sleeping, eating, cooking and sanitation, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, ~~Division of Hotels and Restaurants, as “apartments,” “rental condominiums” and “retirement housing”~~ or live-aboard vessels located in multi-family “Residential” designated areas which are required to hookup to marine sanitation systems.

**COMMENT:** “DWELLING UNIT” – Suggest repeal the existing definition and use the Fair Housing Act definition of “Dwelling”, “Dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.”? (See 42 USC 3602 Section 802) Is County suggesting that Vacation Rentals and hotels are dwellings by including units licensed by DBPR or are you only intending to capture timeshare units with your definition? It is not clear.

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified to add “non-transient” rental units and remove the reference to the State Department of Business and Professional Regulation to clarify that transient lodging such as hotels, motels, bed-and-breakfast inns, timeshares and vacation rentals are not dwelling units. However, staff does not agree that any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof should be considered a dwelling unit. See Page 7 of Attachment 5.

ELECTRICAL POWER PLANT - means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility that directly supports the operation of the electrical power plant.

**COMMENT:** “ELECTRICAL POWER PLANT” – inappropriately, and without limitation, broadens the uses permitted. WHY is this being added? Please consider revising as follows consistent with state law. “ELECTRICAL POWER PLANT” – “means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility, as referenced in Section 403.503(7), Fla. Stat. that directly supports the operation of the electrical power plant”.

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified as noted above.  
See Page 8 of Attachment 5.

ENVIRONMENTAL JUSTICE - means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on vulnerable populations.

**COMMENT:** “ENVIRONMENTAL JUSTICE” – should address more than just environmental laws, regulations and policies – revise to “...enforcement of environmental applicable laws, regulations and policies”.

**PLANNING COUNCIL STAFF RESPONSE:** Noted. No change is recommended as the word “environmental” is referenced by the Environmental Protection Agency and Health and Human Services.

GROSS FLOOR AREA - ~~generally~~ means the total square footage of ~~all each floors level~~, measured ~~to the from principal~~ outside faces of exterior walls, including but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, staircases and mezzanines, but not including architectural projections surface of the building or portion of the building. This may include hallways, stairways, elevators, storage and mechanical rooms whether internal or external to the structure. Floor area may also be limited to what is considered leasable space. The specific definitions are determined by local government land use plans and local land development regulations.

**COMMENT:** “GROSS FLOOR AREA” – Suggest revising to “means the total combined square footage of ~~all each~~ floor level...”. Add “combined”- without the addition of “combined”, it almost reads like gross floor area is of each floor level individually.

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified as noted above.  
See Page 9 of Attachment 5.

GROUP HOME - means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. ~~Adult Congregate Assisted Living Facilities~~ comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

**COMMENT:** "GROUP HOMES" – Suggest amending the existing definition to provide the following: means a facility which provides ~~a living environment for unrelated residents long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage,~~ but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration ~~Adult Congregate Assisted-Living Facilities~~ comparable in size to group homes are included in this definition. It shall not include rooming or board homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities (WHAT IS INTENDED HERE? ARE YOU REFERENCING THEM UNDER CHAPTER 394 (Mental Health) or 397 (Substance Abuse), Fla. Stat. OR BOTH?), nursing homes, or emergency shelters. Proposed revision makes definition more consistent with state law (chapter 419 and is similar to Palm Beach County's definition of Congregate Living Facility).

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the modification be removed from the amendment and reconsider the definition and the City's comment as part of a future amendment. The definition will be maintained as it currently exists. See Page 10 of Attachment 5.

MINING - means the removal of ~~minerals from their site solely for commercial purposes which may include crushing, batching, mixing and forming of mined materials~~ resources from their location so as to make them suitable for commercial, industrial, or construction use.

**COMMENT:** "MINING" – the word "resources" should be defined. As revised, removal of stored rock from a storage lot would be "mining." Recommend "MINING means removal of resources from their location in the earth so as to make ~~them~~ the resources suitable for commercial...".

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified based on the comment above. See Page 14 of Attachment 5.

NURSING HOME – means any facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest homes and chronic care and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Nursing homes are occupied by residents who do little or no driving.

**COMMENT:** “NURSING HOME FACILITY” – Suggest following definition provided in Section 400.021, Fla. Stat. instead of proposed definition. “Any facility which provides nursing services as defined in part 1 of Chapter 464, Fla. Stat. and which is licensed by the Agency for Health Care Administration. Nursing Services means such services or acts as may be rendered, directly or indirectly, to and on behalf of a person as defined by Section 464.003, Fla. Stat. Facility means any institution, building, residence private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.”

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition be removed from the amendment and reconsider the definition and the City’s comment as part of a future amendment.

**PARK** - means a ~~community or regional park~~ public or private area of land, with or without buildings, primarily used for active or passive recreational purposes.

**COMMENT:** “PARK” – “means an public or private area of land, with or without buildings, dedicated for use primarily ~~used~~ for active or passive recreational purposes.” Not all private land used for active or passive recreational purposes should be defined as a “Park.”

**PLANNING COUNCIL STAFF RESPONSE:** Noted. Planning Council staff does not recommend further modification as the “public or private” reference is consistent with the BCLUP Implementation section regarding Community and Regional Parks.

**RECOVERY CENTER** - means any building or buildings, section or distinct part of a building, which provides counseling, housing, meals, intensive inpatient (for specified timeframe) and/or outpatient care, or more personal services for a period exceeding 24 hours, to one or more adults who are not relatives of the owner or administrator, as defined in Section 429.02, Florida Statutes.

**COMMENT:** “RECOVERY CENTER” – What are you trying to capture by this definition? Are you trying to capture people in recovery from surgery similar to a Rehabilitation Center or people in recovery from Substance Use Disorder? Section 429.02, Fla. Stat. as referenced in the proposed definition pertains to the definition of “relative” in an Assisted Care Community only. This is not clear. Suggest removing.

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition be removed from the amendment and reconsider the definition and the City’s comment as part of a future amendment.

RURAL PURPOSES - means ~~that a sparsely developed area where the~~ land is primarily used as a resource for agricultural, equestrian, managed forests or mining uses, or maintained in a natural state as wetlands, fields or forests.

**COMMENT:** "RURAL PURPOSES" - Proposed revision changes the form of the term. Maybe "Rural Purposes" – "~~means that the use or maintenance of a sparsely developed area where the of land is primarily used~~ as a resource for agricultural, equestrian, managed forests or mining uses, or ~~maintained~~ in a natural state as wetlands, fields or forests."

**PLANNING COUNCIL STAFF RESPONSE:** Definition has been modified based on the comment above. See Page 19 of Attachment 5.

SOLID WASTE - means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

**COMMENT:** "SOLID WASTE" – "means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, special waste (as referenced in 62-701.200(113), F.A.C.), or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations".

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition remain in its current form. See Page 20 of Attachment 5. However, staff will reconsider the definition and the City's comment as part of a future amendment.

SOLID WASTE FACILITIES - means lands, structures or systems designed for the treatment, storage, collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SOLID WASTE PROCESSING PLANT - means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

**COMMENT:** "SOLID WASTE FACILITIES" and "SOLID WASTE PROCESSING PLANT" definitions should be combined into something like "SOLID WASTE MANAGEMENT FACILITY" – "means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing (as defined in 62-701.200(88), F.A.C.), composting, or storage of solid waste. The term does not include recovered materials processing facilities or pyrolysis facilities that meet the requirements of Section 403.7046, Fla. Stat. or 62-701.220(2)(c), F.A.C., except the portion of such facilities, if any, which is used for the management of solid waste."

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the two (2) definitions remain as originally proposed. See Page 20 of Attachment 5. However, staff will reconsider the definitions and the City's comment as part of a future amendment.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (1) - means a housing facility which is licensed by the State of Florida for no more than eight (8) individuals who require treatment, care, rehabilitation or education. The facility is usually referred to as a group home. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (1) development on a parcel.

**COMMENT:** "SPECIAL RESIDENTIAL FACILITY, CATEGORY (1)" - Suggest the following *instead of* the proposed definition: means a facility which provides, housing, food service, and one or more assistive care services for six (6) or fewer persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. This includes individuals not overtly of harm to themselves or others. Proposed revision makes definition more consistent with state law (chapter 419) and is somewhat similar to Palm Beach County's definition of Congregate Living Facility.

In addition:

- a. Why 'no more than 8' - versus 6 consistent with state law?
- b. Why allow for more than one kitchen?
- c. "There may be more than one kitchen within the housing facility" - regulatory in nature and should not be part of the definition.
- d. "There may be more than one Special Residential Facility Category (1) development on a parcel." - regulatory in nature and should not be part of the definition.

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition be removed from the amendment and reconsider the definition and the City's comment as part of a future amendment.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (2) - means a housing facility which is licensed by the State of Florida for nine (9) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (2) development on a parcel.



**COMMENT:** “SPECIAL RESIDENTIAL FACILITY, CATEGORY (2) – Suggest the following *instead of* the proposed definition: means a facility which provides, housing, food service, and one or more assistive care services for between seven (7) to fourteen (14) persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. This includes individuals not overtly of harm to themselves or others. Proposed revision makes definition more consistent with state law (chapter 419) and is similar to Palm Beach County’s definition of Congregate Living Facility.

In addition:

- a. Where did proposal for 9 to 16 come from?
- b. Why did the proposal exclude elderly from this category but not from Category (1)?
- c. Why allow for more than one kitchen?
- d. “There may be more than one kitchen within the housing facility” - regulatory in nature and should not be part of the definition.
- e. “There may be more than one Special Residential Facility Category (2) development on a parcel.” - regulatory in nature and should not be part of the definition.

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition be removed from the amendment and reconsider the definition and the City’s comment as part of a future amendment.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) – means (a) Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others; or (b) Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; or (c) Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others; or (d) Any not-for-profit housing facility for unrelated elderly individuals; or (e) Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.

**COMMENT:** “SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) - Suggest the following *instead of* the proposed definition: means a facility which provides, housing, food service, and one or more assistive care services for more than fourteen (14) persons not related to the owner or administrator by blood or marriage, but who operate as the functional equivalent of a family, with services including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the



Agency for Persons with Disabilities, the Department of Children and Families, or the Agency for Health Care Administration. This includes individuals not overtly of harm to themselves or others. Proposed revision makes definition more consistent with state law (chapter 419) and is similar to Palm Beach County's definition of Congregate Living Facility.

In addition:

- a. Why '16'?
- b. Why did the proposal include housing for more than 8 elderly individuals in this category, but did not include in Category (2)? This reads very confusing and arbitrary.
- c. Why specify "Governmentally subsidized housing facilities" and "Not-for-profit housing facilities" in Category (3) instead of including them in the other 2 categories providing housing to the same class of residents (elderly, dependent children, and physically handicapped)? In other words, why are you calling them out and treating them differently based on who is providing housing?
- d. Why include an "Aging in place" in Category (3) by reference to the "housing facility which provides a life-care environment" in the proposed definition and not include those types of facilities in Categories (1) and (2). Those facilities are licensed by the Agency for Health Care Administration and should be captured as such.

**PLANNING COUNCIL STAFF RESPONSE:** Staff recommends that the definition be removed from the amendment and reconsider the definition and the City's comment as part of a future amendment.

SURFACE WATERS - means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. ~~Other Publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused, including water from natural springs, is defined as "lake," "pond" or "stream."~~

**COMMENT:** "SURFACE WATERS" – means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. ~~Other Publicly owned w~~Waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused., ~~including water from natural springs, is defined as "lake," "pond" or "stream."~~ Definition should not exclude privately owned lakes.

**PLANNING COUNCIL STAFF RESPONSE:** Noted. No change is recommended as the phrase "publicly owned" is referenced in Florida Statutes Chapter 380.503(13).

## ATTACHMENT 5

### BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN APRIL 2022

#### SECTION 2: DEFINITIONS

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

ACCESSORY DWELLING UNIT - means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary single-family dwelling unit.

ACCESSORY USE - means a use or activity naturally and customarily incidental, subservient or subordinate to the principal use or activity on site.

ACCOMMODATIONS - means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, campground, cruise ship cabin, houseboat or other vessel, recreational or other motor vehicle, or any private or commercial structure which is situated on real or personal property and designed for overnight occupancy ~~or use~~ by one or more individuals.

ADAPTATION ACTION AREAS - means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

ADJACENT - means next to or adjoining; ~~Having~~ having a common side or point; separated only by a street right-of-way or canal right-of-way, not including the Florida Intrastate Highway System.

ADMINISTRATIVE RULES DOCUMENT - means a publication containing rules, guidelines, procedures, and methodologies reviewed, revised, adopted and amended by the Broward County Planning Council and Board of County Commissioners for the purpose of providing assistance and guidance to local ~~governments~~ governmental entities and the general public and ~~providing~~ direction to Council staff in implementing the BrowardNext - Broward County Land Use Plan.

AFFECTED PERSONS - includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that ~~adoption of the plan~~ or plan amendment will as proposed would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdictions. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations or objections during to the local government ~~review and adoption proceedings~~ during the period of time beginning with the

transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

AFFORDABLE HOUSING - means housing for which monthly rents or monthly mortgage payments (including taxes, utilities and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the median income limits adjusted for family size for the households.

AGRICULTURAL USES - means activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; ~~and~~ silviculture areas; and equestrian uses.

AMENDMENT - means any change to an adopted comprehensive plan except for corrections, updates and modifications of the capital improvements element concerning costs, revenue services, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), Florida Statutes, and corrections, updates or modifications of current costs in other elements, as provided in Section 163.3187(~~24~~), Florida Statutes.

ANCILLARY - means of secondary importance; subordinate; aiding; supplementary.

ANNEXATION - means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.

ARTERIAL ROAD - means a roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length (i.e. more than one mile), ~~and~~ high operating speed and high mobility importance (i.e. serves not only automobiles, but other transportation modes such as bus, rapid bus, light rail and/or rail). In addition, every United States numbered highway is an arterial road.

BEACH - means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to line of permanent vegetation, usually the affective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to oceanic and estuarine shorelines.

BICYCLE AND PEDESTRIAN ~~WAYS~~ FACILITIES - means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

BROWARD COMPLETE STREETS GUIDELINES 2.0 - means a document endorsed by the Broward Metropolitan Planning Organization in ~~July, 2012,~~ November 2019 ~~which is based on the Los Angeles County Design Manual for Living Streets.~~

~~BROWARD COUNTY COASTAL AREA - means the land and water eastward of U.S. 1/Federal Highway to the Atlantic Ocean.~~

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN - means the future land use plan element for all of Broward County adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and Florida Statutes Chapter 163.

BROWARD COUNTY TRAFFICWAYS PLAN - means the plan promulgated by the Broward County Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended, and the Broward County Charter, which depicts a network of Trafficways for Broward County ~~(also known as the Broward County Planning Council Trafficways Plan)~~.

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

BUILDING PERMIT - means:

- (1) 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
- (2) Any permit for an addition or renovation to an existing building which would:
  - a. create one or more dwelling units, ~~or~~
  - b. ~~involve~~ be required for renovations necessary for a change in the occupancy of a building as described in the Florida Building Code and Broward County Administrative Provisions, as amended, or
- ~~(3) Any permit which would~~
  - c. be required for the nonresidential operations included in the Florida Building Code and Broward County Administrative Provisions, as amended.

CAPITAL IMPROVEMENT - means physical assets constructed or purchased to provide, improve or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purpose of this ~~rule plan~~, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

CERTIFIED LAND USE PLAN - means a local land use plan which has been certified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan and which has been adopted by a unit of local government in conformance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

CERTIFIED LOCAL GOVERNMENT - means municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance consistent with State Statutes, and the creation of a historic preservation advisory board, making them eligible for state- and federally-funded small matching historic preservation grants to assist their historic preservation programs.

CLIMATE CHANGE - means a change in global or regional climate patterns, in particular a change apparent from the mid to late 20<sup>th</sup> century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.

COASTAL CONSTRUCTION CONTROL LINE - means the line established by the Florida Department of ~~Natural Resources~~ Environmental Protection after a determination, through comprehensive engineering study and topographic survey, that the establishment of such control line is necessary for the protection of upland properties and the control of beach erosion, pursuant to Section 161.053, Florida Statutes.

COASTAL HIGH HAZARD AREA - means the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as provided in Section 163.3178, Florida Statutes.

COASTAL ~~STORM~~ PLANNING AREA - means all ~~properties connected to mainland by bridges and/or low lying properties that have restricted evacuation and emergency access~~ land and water eastward of the westward right-of-way of Federal Highway/U.S. 1.

COLLECTOR ROAD - means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. ~~Collector roads~~ These roadways collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.

COMMERCIAL USES - means activities within land areas which are predominantly connected with the sale, rental and distribution of goods ~~products~~, or ~~performance of services~~.

COMMUNITY CULTURAL FACILITY - means a facility that is readily accessible to all segments of the community for cultural activities (performing, visual and literary arts). The center should include classroom and workshop space, exhibit and performance space and cultural programming by professional artists for all age groups.

COMMUNITY PARK - means acreage ~~listed as described~~ in the “Community and Regional Parks” subsection of the ~~Plan~~ Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by local governments to meet the community level parks requirement of the Broward County Land Use Plan.

COMPATIBILITY - means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLETE STREET - means a street where the entire right-of-way is planned, designed, and operated for all modes of transportation and all users regardless of age or ability. Pedestrians, bicyclists, transit riders, and motorists of all ages and abilities must be able to safely move along and across a Complete Street. Complete Streets make it easy to cross the street, walk to shops, catch the bus, bike to work, and enjoy many other healthy activities.

COMPREHENSIVE PLAN - means a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes, as amended.

CONCURRENCY - means public facilities and services needed to support development ~~shall be available consistent with concurrency requirements as~~ will be provided in order to achieve and maintain the adopted level of service standards, per Section 163.3180, Florida Statutes, as amended (1993).

CONCURRENCY MANAGEMENT SYSTEM - means the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development consistent with concurrency requirements and Section 163.3180, Florida Statutes, as amended (1993).

CONDO-HOTEL - means hotel units that function in the same manner as a conventional hotel, with the exception that units may be purchased and accessed by the owner a minority of days per year. The units must be available to hotel guests a majority of days per year.

CONSERVATION USES - means activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSISTENT - means compatible with and furthers. Compatible with - means not in conflict with. Furthers - means to take action in the direction of realizing the goals and policies. As applied to the local plan, a local plan shall be consistent with the state plan and the regional plan.

CONTEXT SENSITIVE ROADWAYS - means roadways that are planned and developed with improvements that are considerate of the character and built and natural environment of the corridor and the surrounding neighborhood, are responsive to multiple transportation modes, and maintain safety and mobility.

CONTIGUOUS - means touching or adjacent.

COST BURDENED – means the extent to which gross housing costs, including utility costs, exceed 30 percent but less than 50 percent of gross income, based on data available from the U.S. Census Bureau.

COUNTY COMMISSION - means the Board of County Commissioners, ~~of Broward County, Florida.~~

DASHED-LINE AREA - means an area on the Future Broward County Land Use Plan Map (Series) bordered by a dashed line and designated as having a particular maximum overall allowable density of dwelling units for all land and land uses within the area, and/or a particular total number of dwelling units permitted within the area, for which the permitted overall density appears inside the dashed line area shown on the land use plan map. That number is multiplied by the total number of acres inside the dashed line, including non-residential areas, to calculate the total number of dwelling units permitted within the same.

DEVELOPER - means any person, including a governmental agency, undertaking any development.

DEVELOPMENT - ~~The term “development” means: The~~ the carrying out of any building construction activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into ~~two~~ three or more parcels. The following activities or uses shall be taken for the purposes of this ~~chapter~~ Plan to involve “development,” as defined in this section:

- A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- A change in the intensity of use of land, such as an increase or decrease in the number of dwelling units in a structure or on land or a material increase or decrease in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in Section 161.021, Florida Statutes.
- Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- Demolition of a structure.
- Clearing of land as an adjunct of construction.
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this ~~chapter~~ Plan to involve “development” as defined herein:

- Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
- Work by any utility and other persons engaged in the distribution or transmission of gas, electricity or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected landowners.
- Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- The use of any structure or land devoted to dwelling uses or any purpose customarily incidental to enjoyment of the dwelling.
- The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- A change in the ownership or form of ownership of any parcel or structure.
- The creation or termination of rights of access, ~~aparian~~ riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.

- “Development,” as designated in an ordinance, rule, or development rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of ~~subsection (1)~~ the above.

DEVELOPMENT ORDER - means any order granting, denying, or granting with conditions an application for a development permit.

DEVELOPMENT PERMIT - includes any building permit, zoning permit, subdivision or plat approval, ~~or~~ rezoning, certification, special exception, variance, or any other official action having the effect of permitting the development of land.

DISASTER - means ~~a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life~~ any natural, technological or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor or the President of the United States.

DRAINAGE FACILITIES - means a system of man-made structures designed to collect, convey, hold, divert or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

DUNE - means a mound, bluff or ridge of ~~loose~~ unconsolidated sediments, usually sand-sized sediments, lying ~~landward~~ upland of the beach and ~~extending inland to the landward toe of the dune which intercepts the 100-year storm surge~~ deposited by any natural or artificial mechanism, which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

DWELLING UNIT - means ~~a house, apartment, or condominium unit, trailer, group of rooms, or a single room~~ any building, structure or portion thereof which is designed, occupied or intended for occupancy as separate complete independent living quarter facilities for one (1) or more persons, with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the occupants permanent provisions for living, sleeping, eating, cooking and sanitation, including nontransient rental units contained in a multi-unit structure or complex ~~which are licensed by the State Department of Business Regulation, Division of Hotels and Restaurants, as “apartments,” “rental condominiums” and “retirement housing” or live-aboard vessels located in multi-family “Residential” designated areas which are required to hookup to marine sanitation systems.~~

EASEMENT - means any strip of land created ~~by a subdivider~~ for public or private utilities, drainage, sanitation, access, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the ~~reservation of the servitude~~ public record.



ECOLOGICAL COMMUNITY - means a distinctive combination of two or more ecologically related species, living together and interacting with each other in a characteristic natural habitat.

EDUCATIONAL USES - means activities and facilities of public or private pre-schools, primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

EFFICIENCY ~~HOUSING~~ OR STUDIO DWELLING UNIT - means an ~~one-room~~ apartment in which one room typically contains the kitchen, living, and sleeping quarters, with a ~~private~~ separate bathroom. Efficiency or studio dwelling units no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations. It may or may not have a closet. The one room is usually larger than a standard apartment bedroom, since it needs to have separate areas for sleeping, eating and living, and also for a small kitchen (usually referred to as a kitchenette).

ELECTRICAL POWER PLANT - means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility, as referenced in Section 403.503(7), Florida Statutes, that directly supports the operation of the electrical power plant.

ENVIRONMENTAL JUSTICE - means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on vulnerable populations.

ENVIRONMENTALLY SENSITIVE LAND - means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of Environmentally Sensitive Lands are contained within the ~~Plan~~ Implementation Requirements and Procedures section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.

ESTUARY - means a semi-enclosed, naturally existing coastal body of water in which saltwater is naturally measurably diluted by freshwater derived from riverine systems and which has an open connection with oceanic waters. "Estuaries" include bays, lagoons, sounds and tidal streams.

EVACUATION ROUTES - means routes designated by county emergency management authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

EXTREMELY-LOW INCOME PERSONS - means one or more natural persons or a family, that has a total annual household income that does not exceed 30 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

FABRICATION AND ASSEMBLY - means the manufacturing from standardized parts of a distinct object differing from the individual components involving raw materials with form and substance (as opposed to liquid or gas), with a physical, as opposed to chemical, mating or joining of the individual parts.

FLEXIBILITY UNITS - shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map. Flexibility units are allocated at the discretion of the local government.

FLEXIBILITY ZONE - corresponds to the municipal boundaries upon the adoption of BrowardNext and the completion of the administrative local government flexibility zone unification.

FLOODPLAINS - means areas susceptible to being inundated during an identified flood event or identified by the National Flood Insurance Program as A Zones (A, AE, AH AO), ~~or~~ V Zones (V, VE) or X Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

GROSS FLOOR AREA - ~~generally~~ means the total combined square footage of ~~all~~ each floors level, measured ~~to the~~ from principal outside faces of exterior walls, including but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, staircases and mezzanines, but not including architectural projections ~~surface of the building or portion of the building. This may include hallways, stairways, elevators, storage and mechanical rooms whether internal or external to the structure. Floor area may also be limited to what is considered leasable space. The specific definitions are determined by local government land use plans and local land development regulations.~~

FLOOR AREA RATIO (FAR) - means the square footage of the floor area of a building divided by the square footage of the lot (net site area) on which the building is located. Figure 1, illustrates how a FAR of 1.0 can be calculated. The first example is a one story building covering the entire lot; the second is a two story building covering 50% of the lot and the third, a four story building covering 25% of the lot.

Figure 1

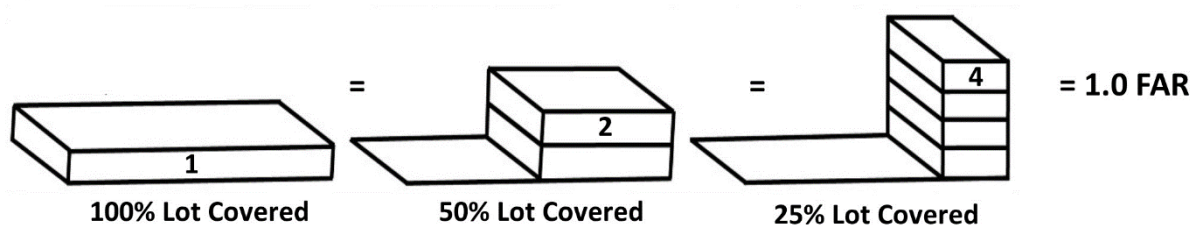
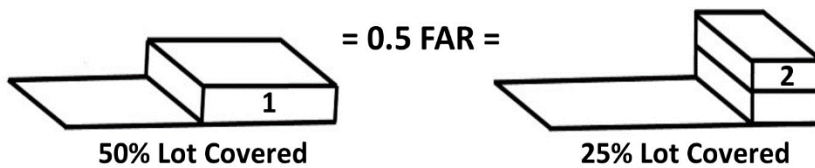


Figure 2 illustrates how a lot with FAR of 0.5 can be calculated. The building is limited to 50% of the square footage of the lot (net site area). The first example is a one story building covering 50% of the lot; the second is a two story building covering 25% of the lot.

**Figure 2**



The illustrations above represent a net site area of 39,204 square feet of floor area (0.9 gross acres) a FAR of 1.0 will allow a 39,204 square foot building. If the same lot has a 0.5 FAR, then it will yield a building of 19,602 square feet.

**FRESHWATER MARSH** - means a wetland having more than 25 percent vegetative cover by terrestrial herbs, but 40 percent or less cover by woody plants, occasionally or regularly flooded by fresh water (e.g., sawgrass).

**FRESHWATER SWAMP** - means a wetland having more than 40 percent cover by woody plants and that is occasionally or regularly flooded by freshwater (e.g., cypress swamp).

**FUTURE BROWARD COUNTY LAND USE PLAN MAP (SERIES)** - means the series of maps adopted by the Broward County Board of County Commissioners as part of the Broward County Land Use Plan. These include the Broward County Land Use Plan Map, ~~Historic District and Historically Significant Properties Map~~, Cultural Resource Map Series and Natural Resources Map Series-~~Eastern Broward County and Natural Resources Map Series~~ ~~Western Broward County~~.

**GREENHOUSE GAS EMISSIONS** - means any of the atmospheric gases that contribute to the greenhouse effect by absorbing infrared radiation produced by solar warming of the Earth's surface. They include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (NO<sub>2</sub>), and water vapor.

**GROSS ACREAGE** - means the total number of acres in an area, including acreage used or proposed for streets, lakes, and/or waterways, not including the rivers and canals of the primary drainage system as identified within this Plan.

**GROSS DENSITY** – means the total number of dwelling units divided by the gross acreage of the area.

**GROUNDWATER** – means water within the earth supplied by wells and springs.

**GROUP HOME** - means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HAMMOCK - means a dense growth of broad-leaved trees on a slight elevation; not considered wet enough to be a swamp.

HAZARDOUS WASTE - means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

HISTORIC RESOURCES - means all ~~areas, districts, or sites~~, buildings, structures or objects significant in the history, architecture, engineering, archaeology or culture of the state, its communities, or the nation and containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

HISTORICAL TREES – includes a tree or group of trees designated by the Broward County Board of County Commissioners pursuant to Chapter 27 of the Broward County Code of Ordinances which are (1) located on historically significant property and related to an historic event; (2) uniquely related to the heritage of Broward County; or (3) at least seventy-five (75) years old. Requests for designation can be made by State, County, Municipality, Historical Preservation Group, or by the Property Owner. Removal of a tree designated as “Historical” requires the approval of the County Commission. ~~(Chapter 27-412 Broward County Code)~~

HURRICANE SHELTER - means a structure designated by local officials as a place of safe refuge during a storm or hurricane or an interior room, space within a building, or an entirely separate building, designated and constructed to protect its occupants from hurricanes or tornados. Shelters are intended to provide protection against both wind forces and impact of windborne debris.

HURRICANE VULNERABILITY ZONE (also “areas subject to coastal flooding”) - means the areas delineated by the regional or local hurricane evacuation plan as requiring evacuation. ~~The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.~~

IMPROVEMENTS - may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, ~~street names~~, signs, landscaping, permanent reference monuments, permanent control points, or any other improvement required by a governing body.

INDUSTRIAL USES - means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

INFRASTRUCTURE - means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities;

piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; ~~and~~ roadways; railroads; sidewalks; and bikeways.

~~LAKE - means a natural depression fed by one or more streams and from which a stream may flow; occurs due to widening or natural blockage of a river or stream or occurs in an isolated natural depression that is not part of a surface river or stream; usually~~ large body of water surrounded by land and too deep to permit the growth of rooted plants from shore to shore.

LAND - means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT CODE - means the various types of regulations for the development of land within the jurisdiction of a unit of local government when combined into a single document.

LAND DEVELOPMENT REGULATION - means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

LAND USE - means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEVEL OF SERVICE - means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

LIGHT MANUFACTURING - means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LIMITED ACCESS FACILITY - means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

LIVE-ABOARD VESSEL - means any vessel which is a habitable vessel on which habitation is occurring and which is used as a person's primary legal residence or temporary or seasonal residence even though it is not used solely as a residence but is also used for other purposes. A person's primary legal residence is a vessel where a person is presently living with the present intention of making it his or her permanent abode. A temporary or seasonal residence means habitation aboard a floating home or a vessel occupied by one (1) or more persons, while the home or vessel is moored or docked. Habitable vessel means a vessel that is equipped with an on-board toilet. The term live-aboard vessel shall not include commercial fishing boats. Nothing within this definition shall be construed to prohibit or regulate the anchorage of non-live aboard vessels engaged in the exercise of rights of navigation.

LOCAL AREA OF PARTICULAR CONCERN - means an area designated on the Natural Resource Map Series of the Broward County Land Use Plan which has been declared to be culturally or environmentally sensitive. Those areas are subject to environmental impact report provisions of the Broward County Land Development Code and/or the criteria for Local Areas of Particular Concern ~~are~~ contained in the Implementation Requirements and Procedures Section of this Plan.

LOCAL GOVERNMENT - means a unit of government or any officially designated public agency or authority of a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a government. The term includes a county, an incorporated municipality, a consolidated city-county government, a metropolitan planning organization, an expressway or transportation authority, a turnpike project, a regional planning council, or a school board or other special district.

LOCAL PLANNING AGENCY - means the agency designated to prepare the comprehensive plan required by Chapter 163, Florida Statutes.

LOCAL ROAD - means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

LOT - ~~includes~~ means 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 ~~—means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.~~

LOW INCOME FAMILIES - means “lower income families” as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term “families” includes “households.”

LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income ~~that does not exceed~~ between 50 and 80 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MAJOR TRIP GENERATORS OR ATTRACTORS - means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

MANUFACTURED HOUSING HOME - means ~~prefabricated houses that are constructed in a factory and then assembled at the building site in modular sections~~ a home built in the controlled environment of a manufacturing plant and transported in one (1) or more sections on a permanent chassis. Each section bears a red U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

MARINE HABITAT - means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algae beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs,

worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

MARINE RESOURCES - means living oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

MARINE WETLANDS - means areas with a water regime determined primarily by tides and the dominant vegetation is ~~salt tolerant plant species that have adapted to survive and reproduce in the marine environment including those species listed in Subsection 17-4.02(17), Florida Administrative Code, "Submerged Marine Species."~~

MASS TRANSIT - means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

MEAN HIGH WATER - means the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

MEAN HIGH WATER LINE - means the intersection of the tidal plane of mean high water with the shore.

MEAN LOW WATER - means the average height of the low waters over a 19-year period. For shorter periods of observation, "mean low water" means the average height of low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of mean 19-year value.

MEAN LOW WATER LINE - means the intersection of the tidal plane of mean low water with the shore.

MINERALS - means all solid minerals, including, but not limited to, clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils or waters of the state.

MINING - means the ~~removal~~ extraction of minerals ~~from their site solely for commercial purposes which may include crushing, batching, mixing and forming of mined materials found in natural deposits on or in the earth from their location so as to make them suitable for commercial, industrial, or construction use.~~

MIXED-USE - means a development pattern on a single unified site that allows a mix of residential uses with compatible non-residential uses, such as but not limited to, office, service, retail, entertainment, and food/beverage, designed in a pedestrian-oriented environment. The development pattern may be vertical, accommodating multiple principle uses within a single building, or horizontal, with single use buildings adjacent to each other.

MOBILE HOME - means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, and which is built on ~~a metal frame~~ an integral chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained herein. ~~If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards.~~

MODERATE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income ~~that does not exceed~~ between 80 and 120 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MODULAR HOME – means a home built in the controlled environment of a manufacturing plant, transported to a building site and professionally assembled on a permanent foundation. Modular homes meet or exceed local building code standards.

MUNICIPALITY - means any incorporated city, town, or village.

NATURAL RESERVATIONS - means areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

NATURAL RESOURCES - means ~~those natural resources identified in Section 9J 5.006(4)(b) Florida Administrative Code:~~ water, existing and planned water wells and cones of influence; water recharge areas; beaches and shores, including estuarine systems; rivers, bays, lakes, floodplains, springs, groundwaters and harbors; wetlands; minerals and soils; forests; wildlife; fisheries; marine habitat; and air.

NEIGHBORHOOD PARK - means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

NET SITE AREA - means the entire acreage of the site located inside the parcel boundary.

OCEAN WATERS - means waters of the Atlantic Ocean, ~~Gulf of Mexico, or Straits of Florida, but does not include~~ excluding estuaries, bays, lagoons, or harbors.

OPEN SPACES - means undeveloped lands suitable for passive recreation or conservation uses.

PARCEL OF LAND - means 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.



PARK - means a ~~community or regional park~~ public or private area of land, with or without buildings, primarily used for active or passive recreational purposes.

PERSON - means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PHASE 1 ENVIRONMENTAL ASSESSMENT - means a thorough evaluation of the present and past uses and environmental condition of a property. It includes a database search, review of property history, site inspection, interviews and comprehensive report (no collection of physical samples).

PHASE 2 ENVIRONMENTAL ASSESSMENT – means a thorough evaluation and report of the present environmental condition of a property based on physical samples used for various evaluations. This may include evaluation of soil, ground water, underground tanks, and material samples that can be used to check for asbestos, lead, hazardous chemicals and biological agents, such as bird droppings, mold and bacteria.

PLANNING COUNCIL - means the Broward County Planning Council per Article VIII of the Charter of Broward County, Florida.

PLAT - means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of ~~all applicable sections of this chapter~~ the Broward County Land Development Code and of any local ordinances, and may include the terms “replat,” “amended Plat,” or “revised Plat.”

POLICY - means the way in which programs and activities are conducted to achieve an identified goal.

POLLUTION - ~~is~~ means the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

POND - means a small, quiet body of standing water, usually sufficiently shallow to permit the potential growth of rooted plants from shore to shore.

PORT FACILITY - means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

POTABLE WATER FACILITIES - means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

**PRINCIPAL BUILDING** - means 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.

**PRINCIPAL USE** - means the primary or main use of a parcel of land as distinguished from an ancillary or accessory use. There may be more than one principal or main use on a parcel of land.

**PUBLIC ACCESS** - means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

**PUBLIC FACILITIES** - means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

**PUBLIC NOTICE OR DUE PUBLIC NOTICE** as used in connection with the phrase “public hearing” or “hearing to be held after due public notice” - means publication of notice of the time, place, and purpose of such hearing in a newspaper of general circulation in the area not less than 7 days prior to the date of the hearing.

**PUBLIC RECREATION SITES** - means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

**PUBLIC UTILITY** - includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

**RECERTIFICATION** - means a local land use plan which has previously been certified by the Broward County Planning Council, but because of amendments, decertification, or amendments to the Broward County Land Use Plan, is no longer in conformity, and must be recertified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan.

**RECREATION** - means the pursuit of leisure time activities occurring in an indoor or outdoor setting.

**RECREATION FACILITY** - means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

**RECREATIONAL USES** - means activities within areas where recreation occurs.

**RECREATIONAL VEHICLE PARK** - means a place set aside and offered by a person or public body, for either direct or indirect remuneration of the owners, lessor or operator of such place, for the parking and accommodation of six or more recreational vehicles (as defined in Section 320.01(1)(b), Florida Statutes) or tents utilized for sleeping or eating; and the term also includes buildings and sites set aside for group camping and similar recreational facilities.

REDEVELOPMENT UNITS - 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.

REGIONAL PARK - means acreage ~~listed~~ as described in the “Community and Regional Parks” subsection of the ~~Plan~~ Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by the Broward County Board of County Commissioners to meet the regional level parks requirement of the Broward County Land Use Plan.

REGIONAL TRANSPORTATION NETWORK - means the facilities contained within the Broward Metropolitan Planning Organization’s adopted long range ~~Highway Network~~ plan and roadway capacity tables, except for those roads functionally classified as city collector roads, but not excluding other modes and networks such as corridors, transit, greenways and freight.

~~REGIONAL SHOPPING CENTER - means a shopping center which typically ranges from approximately 300,000 square feet to 1,000,000 square feet or more of gross leasable area and provides a full range of shopping goods, general merchandise, apparel, furniture and home furnishings. Such center is usually built around a full line department store as the major drawing power. Regional shopping centers are approximately 30 acres in size or larger and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 15 miles or more modified by such factors as competitive facilities and travel time over access highways.~~

REMNANT NATURAL RIVER - means a naturally occurring watercourse or riverine system, or a portion or segment thereof, whose channel has remained unaltered over time as evidenced by historical surveys or other appropriate documentation. Examples of remnant natural rivers in Broward County include portions of the following: South Fork of the Middle River, North Fork of the New River, New River, Tarpon Creek, South Fork of the New River and Whiskey Creek.

REPETITIVE LOSS PROPERTY - means any insurable property for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978.

RESIDENT POPULATION - means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

RESIDENTIAL USES - means activities within ~~land~~ areas used predominantly for housing.

RESEARCH LABORATORY - means an establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RIGHT-OF-WAY - means land ~~dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access or ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies in which the state of Florida, the Florida Department of Transportation, Broward County, or a municipality owns the fee or has an easement devoted~~

to or required for use as a transportation facility, including but not limited to streets, sidewalks, bike paths, alleys and public utility infrastructure.

ROADWAY CAPACITY - means the maximum ~~volume of traffic which can be accommodated on a roadway at a given level of service~~ sustainable flow rate at which persons or vehicles can reasonably be expected to traverse a point or a uniform section of roadway during a given time period under prevailing conditions.

ROADWAY FUNCTIONAL CLASSIFICATION - means the assignment of roads into ~~categories~~ systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories in both urban and rural forms include ~~limited access facilities,~~ principal arterial roads, minor arterial roads, ~~and~~ collector roads and local roads. Principal arterial roads include three (3) subcategories: Interstate, Other Freeways & Expressways (OF&E) and Other Principal Arterial (OPA). Collector roads are subcategorized into major and minor levels. ~~which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.~~

RURAL CHARACTER - means an area that is characterized by natural, agricultural, equestrian, pastoral or rustic uses.

RURAL PURPOSES - means ~~that the use of a sparsely developed area of land is primarily used as a resource~~ for agricultural, horticultural, equestrian, managed forests or mining uses purposes, or maintained in a natural state as wetlands, fields or forests.

SALTWATER MARSH - means a wetland having saline (including brackish) soils with 40 percent or less cover by woody plants and 25 percent or more cover by terrestrial herbs that is occasionally or regularly flooded by brackish or saline water (e.g., smooth cordgrass marshes).

SALTWATER SWAMP - means a wetland having saline (including brackish) soils with 40 percent or more cover by woody plants and occasionally or regularly flooded by brackish or saline water (e.g., mangrove swamps).

SANITARY SEWER FACILITIES - means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

SEASONAL POPULATION - means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.

SEPTIC TANK - means an on-site sewage disposal system, consisting of a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

SEVERLY COST BURDENED – means the extent to which housing costs, including utility costs, exceed 50 percent of income, based on data available from the U.S. Census Bureau.

~~SHORELINE OR SHORE - means the interface of land and water~~ intersection of a specified plane of water with the beach and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

SOLID WASTE - means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

SOLID WASTE FACILITIES - means lands, structures or systems designed for the treatment, storage, collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SOLID WASTE PROCESSING PLANT - means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

STATE COMPREHENSIVE PLAN - means the goals and policies contained within the state comprehensive plan, Section 187.201, Florida Statutes.

STORMWATER - means the flow of water which results from a rainfall event.

STREET - includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

STRUCTURE - means 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.

~~STUDIO HOUSING UNIT – also known as a studio flat, means a self-contained apartment, or efficiency apartment, a studio housing unit is a small apartment which combines living room, bedroom, and kitchenette into a single room.~~

SUBDIVISION - means the platting of real property into two or more lots, parcels, tracts, ~~tiers~~, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

SUBSTANTIAL CONFORMITY - refers to the Broward County Charter requirement contained in Article VIII, Section 8.05 D & E that local governmental future land use plans shall be materially and pertinently compatible with and further the Broward County Land Use Plan in order to be certified or recertified.

SURFACE WATERS - means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. ~~Other~~ Publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused, ~~including water from natural springs, is defined as "lake," "pond" or "stream."~~

THREATENED SPECIES - means any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification to its environment.

TIDALLY-INFLUENCED AREAS – means a waterway with water level changes in response to the daily tide.

TIDE - means the periodic rising and falling of the waters of the earth that result from the gravitational attraction of the moon and the sun acting upon the rotating earth.

TIME-SHARE PERIOD - means that period of time when a purchaser of a time-share plan is entitled to the possession and use of the accommodations or facilities, or both, of a time-share plan.

TIME-SHARE PLAN - means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives ownership rights in or a right to use accommodations or facilities, or both, for a period of time less than a full year during any given year, but not necessarily for consecutive years and which extends for a period of more than 3 years.

TIME-SHARE PROPERTY - means one or more time-share units subject to the same time-share instrument, together with any other property or rights to property appurtenant to those units.

TIME-SHARE UNIT - means an accommodation of a time-share plan which is divided into time-share periods.

TOURIST UNIT – means a house, an apartment, a group of rooms or a single room occupied or intended for occupancy as a separate living quarter which is licensed, or intended for license as a "hotel," ~~or~~ "motel," "bed and breakfast," "timeshare" or "vacation rental" by the State Department of Business and Professional Regulation, ~~Division of Hotels and Restaurants.~~

TRANSFER OF DEVELOPMENT RIGHTS - means a ~~voluntary market based technique which seeks to preserve landowners' asset value by moving the right to build from a location where development is discouraged (e.g., for environmental reasons) to a location where development is encouraged~~ program that can relocate potential development from areas where proposed land

use or environmental impacts are considered undesirable (the “donor” site) to another (“receiver”) site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

URBAN AGRICULTURE - ~~means urban agriculture or urban farming is the practice of cultivating, processing, and distributing food in or around a village, town, or city~~ means the production of fruits and vegetables, raising of animals, and cultivation of fish for local sale and consumption. Urban agriculture can also involve home vegetable gardens, community gardens, hydroponics, community supported agriculture, fish farming, farm to school, farmer’s markets, animal husbandry, aquaculture, agroforestry, and urban beekeeping, and horticulture. It does not include marijuana cultivation.

URBAN CHARACTER - means an area used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes.

VERY LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 50 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

VESTED RIGHTS - means rights to undertake and complete the development and use of property which have so completely and definitely accrued to or settled in a person, which it is right and equitable that government should recognize and protect, as being lawful in themselves, and settled according to then current law.

WATER CONSERVATION AREA - means designated Conservation areas on the Future Broward County Land Use Plan Map (Series) including reserve water supply areas such as the 790 square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35 and includes the natural reservations.

WATER-DEPENDENT ~~USES~~ ACTIVITIES - means activities which can be conducted or carried out only on, in, over or adjacent to water areas because the ~~use~~ activity requires direct access to the water body or sovereign submerged lands for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply, and where the use of the water body or sovereign submerged lands is an integral part of the activity.

WATER RECHARGE AREAS - means land or water areas through which groundwater is replenished.

WATER-RELATED USES - means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water dependent or waterway uses.

WATER-WELLS - means any excavation that is ~~wells excavated~~, drilled, cored, bored, washed, jetted, dug, or driven or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of ground water or for the supply of industrial, agricultural or potable water for general public consumption.

WETLANDS - ~~shall~~ means those areas which are inundated or saturated by water, with sufficient frequency and duration to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, potholes, wet meadows, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, flood plains, mud flats and wet prairies, and other similar areas.

WORKFORCE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 140 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.