

Environmental Protection and Growth Management Department
STAFF REPORT
Amendment 20-LDC1: Comprehensive Update

I. Item Summary.

Commission District	All
Application/Agent	Planning and Development Management Division
Proposed modifications	Comprehensive update of the Broward County Land Development Code (Code of Ordinances Chapter 5.)
Effect of Proposed Change	<ul style="list-style-type: none"> ➤ Streamlines processes; ➤ Clarifies ambiguities; ➤ Removes, updates, and replaces outdated requirements; ➤ Implements portions of the BrowardNEXT Broward County Comprehensive Plan and Broward County Land Use Plan.
Comprehensive Plan Consistency	Consistent. Broward County Land Use Plan <i>STRATEGY IG- 3: Maintain and enforce an effective and efficient countywide development and environmental review and enforcement programs.</i>
Commission Goal	<i>Build into every process and service effective checks and balances that do not cause inefficiency, but rather ensure consistency, continuity, and quality.</i>

II. Environmental Protection and Growth Management Department Local Planning Agency Recommendation. On March 23, 2020, the Local Planning Agency unanimously found the proposed Broward County Land Development Code amendments consistent with the Broward County Comprehensive Plan and forwarded the proposed amendment to the Board of County Commissioners for consideration.

III. Staff Recommendation. The Planning and Development Management Division recommends the EPGMD LPA find the proposed Broward County Land Development Code amendments consistent with the Broward County Comprehensive Plan.

IV. Background. On June 13, 2017, the Board of County Commissioners directed staff to draft an ordinance updating the Broward County Code of Ordinances, Chapter 5-Building Regulations and Land Use, Article IX-Broward County Land Development Code. The purpose of the update is to:

- Streamline the platting process;
- Simplify existing development review and notification procedures;
- Delete regulations and processes that are no longer required to implement concurrency;
- Simplify approval of plat amendments where possible;
- Modernize the code to accommodate electronic permit review;
- Make other changes as necessary to implement the BrowardNEXT Broward County Comprehensive Plan; and,
- ensure Broward County Land Development Code is consistent with:
 - House Bill 7103, Florida's 2019 Community Planning and Growth Management bill.
 - Section 163.3202(1), Florida Statutes which requires the Board to adopt or amend and enforce land development regulations that are consistent with their adopted comprehensive plan within one year. Broward County adopted the BrowardNEXT Broward County Comprehensive Plan on March 28, 2019.

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On September 17, 2017, staff held a workshop with interested parties to identify concerns about the development review process, which is mostly unchanged since the 1990s.

IV. Description of Amendment. The proposed amendment (Attachment A) is a comprehensive update of Broward County's Land Development Code. Key changes include the following:

1. Sec. 5-180(b)

- Deletes requirements for *findings of adequacy* (FOA) that were adopted to support road-based concurrency. In 2004, a transportation concurrency management system was adopted that includes only two roadway-based concurrency districts. Consequently, it is not important or developers to reapply for a concurrency determination every five years.
- In lieu of the five-year re-application process, plats that are subject to an expiring FOA would be subject to an administrative process through which the Environmental Protection and Growth Management Department Director or designee would authorize these plat notes to be deleted. The deleted plat notes will be recorded and a quarterly status report submitted to the Board of County Commissioners.

2. Sec. 5-180(c)

Provides for administrative (staff) review of certain amendments to plat notes, nonvehicular access lines, phasing schedules, and agreements for building permits, as well as procedures associated with administrative review. Delegated authority would apply to:

- Amendments to the note on the face of a plat that do not increase intensity or density;
- Plat notes or for affordable housing, where a minimum of 15% of the units are affordable,
- Nonvehicular access line (NVAL) amendments that do not alter or impose additional construction requirements related to the amended NVALs;
- Amendments to phasing agreement, schedules, or maps where the improvements to be completed remain the same.
- Agreements for building permits prior to plat recordation.
- Amendments to plat notes to delete a previously required *Finding of Adequacy*.

3. Sec. 5-180(d)

- Requires a pre-application consultation with staff.
- Allows, but does not require, at no cost to the applicant, the submittal of an application for pre-application staff review.

4. Sec. 5-180(g)

- Codifies and encourages, but does not require, the electronic submittal of applications.

5. Sec. 5-181

- Provides criteria that must be met for an application to be deemed complete.
- Requires staff to process an application, regardless of whether or not outstanding issues are resolved, upon the fourth submittal.
- Provides for accepted applications to be forward to municipalities within a two hundred (200) feet radius of the plat boundary.

6. Sec. 5-181(e)

- Extends the time period for staff to issue a Development Review Report from 30 working days to 52 calendar days after acceptance of a complete application.

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7. Sec. 5-181(f)

- Decreases the time period for the applicant to respond to the Development Review Report from five (5) months to 60 days after it is issued.
- Requires staff to present the Development Review Report to the County Administrator or the County Commission, as applicable, upon expiration of 60-day time period allowed for the applicant's response.

8. Sec. 5-181(g)

- Requires certain documentation from an applicant when withdrawing an application.

9. Sec. 5-181(h)

- Requires County Commission review of an application within 180 days after an application is deemed complete.
- Provides for the County Commission to defer review of an application beyond 180 days upon written request by the applicant.

10. Sec. 5-181(i)

- Allows the Planning and Development Management Division Director to grant an extension of time, not to exceed a total time of 18 months, upon written request of the applicant.

11. Sec. 5-181(j)

- Clarifies that Action Plans, submitted in instances when applications are denied solely on the basis of inadequacy of the regional transportation network, shall be forwarded to the Broward County Traffic Engineering Division.
- Amends time frames for the review of Action Plans.

12. Sec. 5-181(l)

- Requires applicants to supply documentation to support vested rights claims.
- Provides for the County Commission, as opposed to a hearing officer, to consider appeals of vested rights claims that are denied by the Planning and Development Management Division at the next available quasi-judicial hearing.

13. Sec. 5-181(n)

- Allows new applications for plat note and nonvehicular access line amendments during pendency of other plat note and nonvehicular access line amendments that are not related to the new application.

14. Sec. 5-182

- Clarifies that adequacy of the regional roadway network determinations based upon additional trips after credit is granted for existing trips on previously improved land.

15. Sec. 5-182.1

- Amends level of services standards for the regional roadway network consistent with the Broward Next Broward County Comprehensive Plan's Transportation Element.

16. Sec. 5-182.3

- Provides for Actions Plans for transportation improvements to be reviewed by the Traffic Engineering Division.

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17. **Sec. 5-182.8**
 - Requires Environmental Impact Reports to include considerations on wetlands.
18. **Sec. 5-182.9**
 - Updates public school concurrency standards based to reflect the standards within the Five-Year Adopted Educational Facilities Plan.
19. **Sec. 5-182.13**
 - Provides credit for demolished buildings when determining compliance with Sec. 5-182.1 Adequacy of regional road network, Sec. 5-182.2 Adequacy of Regional Road Network within Standard Concurrency Districts, and Sec. 5-182.12 Additional Requirements for the Unincorporated Area (i.e. fire protection, local parks, solid waste collection.)
20. **Sec. 5-183**
 - Clarifies that Broward County does not provide independent review for protection of historic and archaeological resources in municipalities that are not subject to the requirements of the Broward County Code of Ordinances, Chapter V, Article XVII.
21. **Sec. 5-184**
 - Clarifies that all residential units within multi-family building shall be classified as the same type (i.e. duplex, garden apartment, high rise, midrise, or villa).
 - Required affordable housing established as a condition of development approval remain affordable for at least fifteen (15) years, as opposed to 20 years for rental housing and 10 years for owner-occupied housing.
 - Provides for partial termination of existing agreements governing payment of road, transit, recreational, or educational impact fees when it is not feasible to obtain the signatures of all property owners within a plat.
22. **Sec. 5-191**
 - Creates a specific section for application for site plan approval within the Broward Municipal Services District that addresses conceptual site plan review, pre-application consultation, application filing, procedures (time frames, review agencies, processes, public notice, expiration, exemptions, etc.), and design requirements (circulation, driveways, easements, access, etc.)
23. **Sec. 5-201**
 - Adds and amends various definitions.

V. Data & Analysis.

Under direction from the Board of County Commissioners (Board), staff regularly considers whether the implementation of codes is yielding intended results and whether implementation processes may be streamlined or improved. In June 2017, the Board directed staff to examine the Land Development Code.

The Broward County Code of Ordinances, Chapter 5-Building Regulations and Land Use, Article II.-Enabling Provisions empowers the Board of County Commissioners to adopt building regulations, provided such regulations and restrictions are made in accordance with the

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comprehensive plan. Consistent with these enabling provisions, the proposed amendments facilitate the adequate provision of transportation, water, sewage, schools, parks and other requirements. The proposed amendments also are consistent with the Broward County Land Use Plan and Board of County Commissioners goals as indicated in Section I of this staff report.

On February 27, 2020, the Broward County Planning Council found the proposed amendment to be generally consistent with the policies of the BrowardNext Broward County Land Use Plan and transmitted such proposed revisions to the Broward County Board of County Commissioners.

VI. Attachments.

Attachment A: Proposed Land Development Code Ordinance.

Attachment B: January 24, 2020 Letter from Josie P. Sesodia, AICP, Planning and Development Management Division Director, to Municipal Managers and Planning Directors.

Attachment C: February 10, 2020 e-mail from Michael Vonder Meulen, AICP, Director-KEITH.

Attachment D: February 10, 2020 e-mail from Thuy Turner, AICP, Kimley-Horn.

Attachment E: February 10, 2020 e-mail from Jordanna Ishmael, Greenspoon Marder.

Attachment F: February 24, 2020 Planning and Development Management Division staff response to comments.