

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CREDIT FOR EXISTING DEVELOPMENT; AMENDING SECTIONS 5-182 AND 5-182.13 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING CREDIT FOR DEMOLISHED BUILDINGS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Mayor Steve Geller)

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

Section 1. Section 5-182 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182. Development review requirements.

An application for a development permit must comply with the requirements of this article. To determine compliance with these requirements within municipalities, the County shall conduct an independent review; provided, however, that in conducting such review, the County shall utilize and consider whatever documentation and recommendation is provided to it by the relevant municipality as a result of that municipality's own review of such subject matters. For any adequacy determination under Section 5-182.1 or 5-182.2 ~~of~~ or the payment of impact fees pursuant to this article involving development of previously improved land, the determination shall be based on the additional trips that will be generated by or the additional impact of the proposed development. Any demolished development that qualifies as existing under

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1 the criteria set forth in Section 5-182.13 shall be granted credit at one hundred percent
2 (100%) of its generated trips or impact fees previously paid.

3 Section 2. Section 5-182.13 of the Broward County Code of Ordinances is
4 hereby amended to read as follows:

5 **Sec. 5-182.13. Credit for demolished buildings.**

6 (a) For applications filed or under review with the County for Environmental
7 Review Approval on or after March 1, 2020, existing development for purposes of
8 Sections 5-182.1, 5-182.2, ~~5-182.7, 5-182.9,~~ and 5-182.12, ~~existing development~~ shall
9 be construed to include buildings ~~or uses within buildings~~ that are (i) within a plat that
10 was approved on or after March 20, 1979, or, for unplatted property or plats approved
11 prior to March 20, 1979, buildings that are under common ownership; (ii) demolished in
12 accordance with the following schedule, as evidenced by the issuance of a demolition
13 permit no earlier than ten (10) years prior to the date of application; and are (iii) included
14 within the application for ~~County Environmental Review Approval or within a plat that~~
15 was approved on or after March 20, 1979.

16 ~~DEMOLISHED BUILDINGS QUALIFYING AS EXISTING~~

17 Buildings of up to and including 18 224,999 square feet	Must have been demolished no earlier than eighteen (18) months previous to date of 19 payment
20 Buildings of 225,000 square feet up 21 to and including 499,999 square 22 feet	Must have been demolished no earlier than twenty-four (24) months previous to date of 23 payment
23 Buildings of 500,000 square feet or 24 more	Must have been demolished no earlier than thirty (30) months previous to date of payment

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1 For un~~platted~~ property or existing development within a plat approved prior to
2 March 20, 1979, the square footage of the existing development shall be limited to those
3 portions of the existing development under common ownership. The time frames for
4 demolition set forth herein commences upon the issuance of a permit for demolition of
5 the existing development.

6 (b) For purposes of credit for existing buildings within this article, any credit
7 for existing development shall be granted during the review of construction plans
8 submitted for County Environmental Review Approval required by Section 27-66 of the
9 Code, and shall expire if the Environmental Review Approval expires. Credit for existing
10 buildings ~~or uses~~ shall be determined on the basis of the following methodology:

11 (1) The existence of buildings ~~or uses~~ must be shown on a signed and sealed
12 survey by a Florida licensed surveyor and mapper of the property. The
13 survey must be submitted with the application and, ~~depending on the size~~
14 ~~of the development demolished and consistent with the foregoing~~
15 ~~schedule, the survey must be dated within eighteen (18) months,~~
16 ~~twenty-four (24) months, or thirty (30) months~~ the permit for demolition of
17 the building(s) must have been issued no earlier than ten (10) years before
18 application submittal.

19 . . .

20 Section 3. Severability.

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

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1 determination will not affect the applicability of this Ordinance to any other individual,
2 group, entity, property, or circumstance.

3 Section 4. Inclusion in the Broward County Code of Ordinances.

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

9 Section 5. Effective Date.

10 This Ordinance is effective as of the date provided by law.

11

12 ENACTED

PROPOSED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

15

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

17

18 By /s/ Maite Azcoitia 12/28/2020

19 Maite Azcoitia (date)
20 Deputy County Attorney

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21

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23 MA/gmb
LDC-Impact Fee Credit Ordinance
24 12/28/2020
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