

# **ITEM #17**

(Substitute Exhibits 1 and 2 and Substitute Notice)

## **ADDITIONAL MATERIAL REGULAR MEETING**

**JANUARY 12, 2021**

**SUBMITTED AT THE REQUEST OF  
OFFICE OF THE COUNTY  
ATTORNEY**





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  
4 Section 2. Section 5-182.7 of the Broward County Code of Ordinances is  
5 hereby amended to read as follows:

6 **Sec. 5-182.7. Adequacy of parks and recreation.**

7 (a) *Adequacy of regional parks and recreation facilities.* Land suitable for  
8 residential development pursuant to the applicable land development regulations shall  
9 be designed to provide for the park, open space, and recreational needs of the future  
10 residents of the developed area.

11 (1) Development subject to adequacy determination:

12 . . .

13 b) The following applications for a development permit for  
14 development of previously improved land shall be subject to an  
15 adequacy determination that the additional residents equal the  
16 difference between the residents to be generated by the proposed  
17 development and the residents generated by any existing  
18 development:

19 . . .

20 ~~Existing residential development shall be construed to include~~  
21 ~~residential dwelling units included within the application for County~~  
22 ~~Environmental Review Approval or within an approved, unexpired~~  
23 ~~site plan that contains the application for County Environmental~~  
24 ~~Review Approval, demolished no earlier than eighteen (18) months~~

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

1 previous to the date of payment. Any credit for existing residential  
2 development shall be granted during the review of construction  
3 plans submitted for County Environmental Review Approval  
4 required by Section 27-66 of the Code and shall expire if the  
5 Environmental Review Approval expires. For limitations on credit  
6 for demolished structures, see Section 5-182.13 of this article.

7 ...

8  
9 Section 3. Section 5-182.9 of the Broward County Code of Ordinances is  
10 hereby amended to read as follows:

11 **Sec. 5-182.9. Adequacy of school sites and facilities.**

12 ...

13 (b) *Development subject to adequacy determination.*

14 (1) The following applications for a development permit shall be subject to an  
15 adequacy determination:

16 ...

17 b) An application for a building permit for a proposed residential  
18 development in a municipality or the unincorporated area, if the  
19 proposed residential development generates more students than  
20 the existing residential development, with the exception of the  
21 addition of bedrooms to an existing residential dwelling unit. ~~For all~~  
22 ~~purposes of Section 5-182.9, existing residential development shall~~  
23 ~~be construed to include residential dwelling units included within the~~  
24 ~~application for County Environmental Review Approval or within an~~

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1 approved, unexpired site plan that contains the application for  
2 County Environmental Review Approval, demolished no earlier than  
3 eighteen (18) months prior to the date of payment. For limitations  
4 on credit for demolished structures, see Section 5-182.13 of this  
5 article. No application for a building permit shall be approved by  
6 the County or by any municipality without documentation that the  
7 County has made a finding that adequate school capacity exists. In  
8 this case, the adequacy determination shall be based upon the  
9 additional number of students equal to the difference between the  
10 number of students to be generated by the proposed development  
11 and the number of students generated by the existing development,  
12 as calculated by the use of the student generation rates in effect at  
13 the time of the determination.

14 . . .  
15  
16 Section 4. Section 5-182.13 of the Broward County Code of Ordinances is  
17 hereby amended to read as follows:

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

19 (a) For applications filed or under review with the County for Environmental  
20 Review Approval on or after March 1, 2020, existing development for purposes of  
21 Sections 5-182.1, 5-182.2, 5-182.7, 5-182.9, and 5-182.12, existing development shall  
22 be construed to include buildings or uses within buildings that are (i) within a plat that  
23 was approved on or after March 20, 1979, or, for unplatted property or plats approved  
24 prior to March 20, 1979, buildings that are under common ownership; (ii) demolished in

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1 ~~accordance with the following schedule, as evidenced by the issuance of a demolition~~  
2 ~~permit no earlier than ten (10) years prior to the date of application; and are (iii) included~~  
3 ~~within the application for County Environmental Review Approval or within a plat that~~  
4 ~~was approved on or after March 20, 1979.~~

5 ~~DEMOLISHED BUILDINGS QUALIFYING AS EXISTING~~

6 <del>Buildings of up to and including</del> 7 <del>224,999 square feet</del>	8 <del>Must have been demolished no earlier than</del> 9 <del>eighteen (18) months previous to date of</del> 10 <del>payment</del>
11 <del>Buildings of 225,000 square feet up</del> 12 <del>to and including 499,999 square</del> 13 <del>feet</del>	14 <del>Must have been demolished no earlier than</del> 15 <del>twenty four (24) months previous to date of</del> 16 <del>payment</del>
17 <del>Buildings of 500,000 square feet or</del> 18 <del>more</del>	19 <del>Must have been demolished no earlier than</del> 20 <del>thirty (30) months previous to date of payment</del>

21 ~~For unplatted property or existing development within a plat approved prior to~~  
22 ~~March 20, 1979, the square footage of the existing development shall be limited to those~~  
23 ~~portions of the existing development under common ownership. The time frames for~~  
24 ~~demolition set forth herein commences upon the issuance of a permit for demolition of~~  
25 ~~the existing development.~~

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

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

9 . . .

10  
11 Section 5. Severability.

12 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
13 portion will be stricken, and such striking will not affect the validity of the remainder of  
14 this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot  
15 be legally applied to any individual, group, entity, property, or circumstance, such  
16 determination will not affect the applicability of this Ordinance to any other individual,  
17 group, entity, property, or circumstance.

18  
19 Section 6. Inclusion in the Broward County Code of Ordinances.

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

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Notice of Intent to Consider  
Enactment of an Ordinance

NOTICE is hereby given by the Broward County Board of County Commissioners of Broward County, Florida, pursuant to Section 125.66, Florida Statutes, that said Board at 10:00 a.m., on Tuesday, January 26, 2021, at the Governmental Center, 115 South Andrews Avenue, Room 422, Fort Lauderdale, Florida 33301, intends to consider enactment of an Ordinance, the substance of which is as follows:

An Ordinance of the Board of County Commissioners of Broward County, Florida, Pertaining to Credit for Existing Development; Amending Sections 5-182, 5-182.7, 5-182.9, 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 [insert sponsoring Commissioner/Board])

Interested parties may appear at the January 26, 2021, meeting of the Broward County Board of County Commissioners and be heard with respect to this public hearing item. Public participation at the meeting shall be limited to telephonic participation only. To comment at the public hearing, visit [RegisterToSpeak.Broward.org](http://RegisterToSpeak.Broward.org).

To view the meeting, visit <https://vimeo.com/browardcounty> and click on the link corresponding to the meeting date. The complete text of said proposed Ordinance is available for review in the Records, Taxes and Treasury Division, Finance and Administrative Services Department. If due to a disability, you require communication aids, please contact the County Administrator's office at 954-357-7000. Please make your request in advance, if possible.

Persons who do not have the ability to view the meeting via the internet or provide public comment utilizing [RegisterToSpeak.Broward.org](http://RegisterToSpeak.Broward.org) and wish to do so should request a physical access point. Such requests must include a contact phone number, e-mail address, or physical address so that the County can inform you of the location of the access point. Requests must be received at least three (3) days before the meeting and can be sent via e-mail ([publicinfo@broward.org](mailto:publicinfo@broward.org)), telephone (954-357-6990), or mail (115 South Andrews Avenue, Fort Lauderdale, Florida 33301).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Publish one (1) time:  
Send one (1) proof of publication and invoice, and cost to:  
Mary Anne Darby, Deputy Clerk  
Records, Taxes and Treasury Division  
Document Control Section  
Broward County Governmental Center  
115 South Andrews Avenue, Room 336-U  
Fort Lauderdale, Florida 33301