

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, 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 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
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~~

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

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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Section 7. Effective Date.

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

PROPOSED

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By /s/ Maite Azcoitia 01/11/2021
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
LDC-Impact Fee Credit Ordinance
01/11/21
#41005-0001

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