



Broward County

Legislation Text

File #: 20-2384, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution No. 2021-011 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, January 26, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ROAD CONCURRENCY AND IMPACT FEE 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)

Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of December 8, 2020.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting an Ordinance relating to road concurrency and impact fee credit for existing development.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Section 5-182.13 of the Broward County Code of Ordinances (the "Land Development Code") provides that an owner of property that is being redeveloped may obtain a credit from previously existing development that has been demolished and apply the credit towards impact fees that would be due for the redevelopment. The property owner must demonstrate, to the satisfaction of the Environmental Protection and Growth Management Department, Planning and Development Management Division ("PDMD"), that the previously existing development had a demolition permit issued within the previous: eighteen (18) months, for buildings of up to 224,999 square feet; twenty four (24) months, for buildings of 225,000 square feet up to 499,999 square feet; and thirty (30)

months, for buildings of 500,000 square feet or more, all addressing the applicable time period prior to the date of application for Environmental Review Approval for the new development.

The original time frame for obtaining demolition credit was eighteen (18) months and provided for Traffic Review and Impact Planning System (TRIPS) credit for demolished buildings for road based concurrency purposes. The eighteen (18) months was based on the length of time that the Institute of Traffic Engineers ("ITE") maintained the TRIPS for demolished buildings in its calculations. Broward County has since transitioned to transit oriented concurrency, with only two (2) districts applying road based concurrency. In 2016, the Board modified the Land Development Code to provide twenty four (24) and thirty (30) month time frames for larger projects.

The proposed amendments would allow property owners to obtain impact fee credit for demolished buildings, regardless of size, if a permit for demolition of the development was issued no more than ten (10) years prior to the filing of an application. The ten (10) year period coincides with the length of time that building departments are required by the Florida Department of State to maintain public records related to permits, including demolition permits, so that the information is verifiable by PDMD.

Because of the COVID-19 pandemic and delays in permitting and development associated with the related State and local Emergency Orders, property owners whose applications were received or under review by the Planning and Development Management Division on or after March 1, 2020, the date Governor DeSantis issued Emergency Order 20 51 declaring a state of emergency related to COVID-19, could avail themselves of the extended time period for demolition.

Source of Additional Information

Maite Azcoitia, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.