



# Broward County

## Legislation Text

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File #: 21-031, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### **Information**

#### **Requested Action**

**MOTION TO ENACT** Ordinance, the title 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 Mayor Steve Geller)

#### **Why Action is Necessary**

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of January 12, 2021.

#### **What Action Accomplishes**

Allows the Board's consideration of 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.

The proposed Ordinance has been amended to include revisions to Sections 5-182.7 and 5-182.9, related to park and school impact fees, respectively, consistent with additional material submitted for the agenda item of January 12, 2021. Additionally, prior to the public hearing, Mayor Geller proposed reducing the time within which property owners could obtain impact fee credit for demolished buildings to three (3) years for buildings of all sizes (Exhibit 3). This would provide consistency to staff in applying the credit and reduce the fiscal impact to the County.

#### **Source of Additional Information**

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

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.