

Item #28-A
(Proposed Ordinance)

ADDITIONAL MATERIAL
REGULAR MEETING
MAY 26, 2026

SUBMITTED AT THE REQUEST OF
COUNTY ATTORNEY'S OFFICE

PROPOSED
ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE;
3 AMENDING ARTICLE IX OF CHAPTER 5 OF THE BROWARD COUNTY CODE OF
4 ORDINANCES (“CODE”) RELATED TO DEVELOPMENT PERMITS; AND PROVIDING
5 FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)

7
8 WHEREAS, Chapter No. 2026-64, Laws of Florida, effective July 1, 2026, modified
9 provisions related to the processing of development permit applications; and

10 WHEREAS, the Broward County Board of County Commissioners deems it to be
11 in the best interest of the citizens of Broward County to amend Article IX of Chapter 5 of
12 the Broward County Code of Ordinances to reflect the statutory changes and make other
13 housekeeping changes, NOW, THEREFORE,

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

16 Section 1. Section 5-180 of the Broward County Code of Ordinances is hereby
17 amended to read as follows:

18 **Sec. 5-180. Application and requirement for development orders and**
19 **development permits.**

20 . . .

21 (d) *Preapplication consultation and voluntary review.* Prior to the filing of an
22 application for a development permit under this part, the applicant, as defined in

23 Section 5-181(a), or the applicant's representative, shall attend a preapplication
24 consultation with Housing and Urban Planning Division staff to discuss filing
25 requirements, including the submission requirements for the application, and other issues
26 that may affect the application. A complete application form, including all required
27 supplemental documentation specified on the application form, must be submitted prior
28 to the preapplication consultation meeting. An ~~development permit~~ application shall not
29 be deemed complete and accepted until said meeting has occurred. Additionally, while it
30 is not required, any applicant may submit an application for ~~preapplication~~ voluntary
31 review ~~by~~ to the reviewing agencies. There shall be no charge for the preapplication
32 consultation or voluntary review.

33 . . .

34 Section 2. Section 5-181 of the Broward County Code of Ordinances is hereby
35 amended to read as follows:

36 **Sec. 5-181. Development review procedures.**

37 . . .

38 (a) *Completeness of application.* An application shall not be accepted and
39 processed until it has been deemed complete by the Housing and Urban Planning
40 Division. Within five (5) business days after receipt of an application, the Housing and
41 Urban Planning Division shall confirm receipt of the application, using the contact
42 information provided by the applicant. The Housing and Urban Planning Division shall
43 review the application for ~~development permit~~ to determine its completeness. In order to
44 be deemed complete, an application must contain the following:

- 45 (1) A complete application form, including all required supplemental
46 documentation specified on the application form;
- 47 (2) The information and documentation provided in Section 5-189, as
48 applicable, for plats;
- 49 ~~(2)~~ (3) Required action by other County board. If the Code requires that a
50 development permit not be issued until acted upon by some County board
51 or agency other than the County Commission, the application shall include
52 documentation evidencing action by such County board or agency;
- 53 ~~(3)~~ (4) If there is a pending Broward County land use plan amendment, absent the
54 applicant's agreement to an extension of the time limits prescribed in this
55 section, evidence of final action having been taken by the County
56 Commission and recertification by the Planning Council;
- 57 ~~(4)~~ (5) Required action by municipality. If there is a pending application before a
58 municipality for a land use plan amendment or allocation of flexibility units,
59 absent the applicant's agreement to an extension of the time limits
60 prescribed in this section, evidence of final action having been taken by the
61 municipality allocating the flexibility units;
- 62 ~~(5)~~ (6) A title certificate or an attorney's opinion of title, in a form acceptable to the
63 ~~Office of the County Attorney's Office~~, identifying the person(s) whose
64 execution would be required to convey record fee simple title to the lands
65 that are the subject of the application. The application shall be signed by
66 the person(s) listed in the title opinion or report ("applicant");

pursuant to the “State Highway System Access Management Classification System and Standards”;

~~(10)~~ An active School Capacity Availability Determination (SCAD) Letter for residential development permits;

~~(11)~~ Easement and utility information that includes:

a) Identification/dedication of all easements on a plan at a scale no smaller than 1" = 100'; and

b) Letters from utilities that service the property indicating available capacity;

~~(7)-(12)~~ Subject to ~~Sub~~section (2) below, such additional information as deemed necessary by the Housing and Urban Planning Division for the review of an application pursuant to this article; and

~~(8)~~ ~~(13)~~ The appropriate fee, as established by ~~R~~resolution of the County Commission.

...

(c) *Review responsibilities.* Each reviewing agency shall prepare a report that sets out in writing its comments and recommendations regarding the application for development permit and shall forward such reviewing agency report to the Housing and Urban Planning Division within ~~thirty (30)~~ twenty (20) days after transmittal of the application by the Housing and Urban Planning Division. If any reviewing agency report is not received within said time frame, the reviewing agency shall be deemed to have no comments or objections to the application.

...

113 (e) *Development Review Report and notice to applicant.* Within ~~fifty-two (52)~~
114 ten (10) days after the ~~acceptance of a complete application for a development permit~~
115 ~~subject to review~~ receipt of the agency staff reports, the Housing and Urban Planning
116 Division Director shall compile the reviewing agency reports and prepare and forward to
117 the applicant a written Development Review Report with proposed findings and a
118 recommendation, stating that the Development Review Report is complete and the
119 application is ready to be presented to the County Commission or forwarded to the County
120 Administrator, as appropriate. The Development Review Report shall specify the
121 applicable standards and minimum requirements necessary to ensure compliance with
122 this article. The Development Review Report for an application for plat approval shall ~~se~~
123 include a list of corrections necessary for compliance with Chapter 177, Florida Statutes,
124 as applicable.

125 . . .

126 (g) *Subsequent agency reviews and applicant responses.* Before comments
127 are provided to the applicant for a third (3rd) time, the applicable reviewing agency shall
128 provide the opportunity for the applicant to meet with the reviewing agency to discuss the
129 comments.

130 (h) *Referral of applications to the County Commission or County Administrator.*

131 . . .

132 ~~(h)~~(i) *Development Order.*

133 . . .

134 (2) Administrative approval procedures. If the application is for ~~approval of~~
135 ~~building permits prior to plat recordation or amendments to the note on the~~

136 ~~face of a plat, nonvehicular access lines, or phasing schedules or maps a~~
137 ~~development permit pursuant to Section 5-180(c), the following procedures~~
138 ~~shall govern the review subsequent to the preapplication meeting:~~

139 a) Completeness of application. Within five (5) business days after
140 receipt of an application, the Housing and Urban Planning Division
141 shall confirm receipt of the application, using the contact information
142 provided by the applicant, and shall review the application for
143 development permit to determine its completeness. The Housing and
144 Urban Planning Division shall either accept the application, if it is
145 complete, or reject the application and forward to the applicant a
146 written notice of incompleteness pursuant to Section 5-181(a)(1),
147 specifying with particularity the information missing from the
148 application received or that is necessary to process the application.
149 In order to be deemed complete, an application must contain the
150 information and documentation provided in Section 5-181(a), as
151 applicable.

152 b) Agency review and responsibilities. The Housing and Urban
153 Planning Division shall forward a copy of the application to the
154 reviewing agencies pursuant to Section 5-181(b). Each reviewing
155 agency shall prepare a report that sets out in writing its comments
156 and recommendations regarding the application and shall forward
157 such reviewing agency report to the Housing and Urban Planning

158 Division within ten (10) days after transmittal of the application by the
159 Housing and Urban Planning Division. If any reviewing agency report
160 is not received within said timeframe, the reviewing agency shall be
161 deemed to have no comments or objections to the application.

162 The Housing and Urban Planning Division Director may waive
163 agency review, in whole or in part, under this section upon a
164 determination that such a review has already been made regarding
165 the same land and no change in circumstances has occurred that
166 necessitates further review. The Housing and Urban Planning
167 Division Director shall provide a quarterly report to the County
168 Commission of all such waivers granted and the reasons therefor.

169 c) Development Review Report and Notice to Applicant. Within
170 seven (7) business days after receiving the agency staff report, the
171 Housing and Urban Planning Division Director shall compile the
172 reviewing agency reports and prepare and forward to the applicant a
173 written Development Review Report with proposed findings and an
174 intent to approve, approve with conditions, or deny the application.

175 The Development Review Report shall specify the applicable
176 standards and minimum requirements necessary to ensure
177 compliance with this article.

178 d) Required Response to Development Review Report. No later than
179 seven (7) days after issuance of the Development Review Report,

180 the applicant shall respond in writing to the Housing and Urban
181 Planning Division Director, specifying any objections to the
182 Development Review Report, including, but not limited to, the
183 determination by the Broward County Aviation Department (“BCAD”)
184 as to whether to grant an Obstruction Approval. Any objection to
185 BCAD’s determination on whether to grant an Obstruction Approval
186 shall be treated as a notice of appeal and be heard by the County
187 Commission pursuant to this Section 5-181. If no response is
188 received from the applicant during the seven (7) day time period, the
189 Housing and Urban Planning Division Director shall provide
190 notification to the applicant that the application will be presented to
191 the County Commission or the County Administrator, as applicable.

192 a)e) Upon a determination by the Housing and Urban Planning Division
193 Director that the application meets the requirements of this article,
194 the Director shall forward a proposed development order and a
195 properly executed agreement, if required, with required supporting
196 documentation and approval as to legal form by the ~~Office of the~~
197 County Attorney’s Office, to the County Administrator for a
198 determination of concurrence with the Housing and Urban Planning
199 Division Director’s recommendation of approval. The County
200 Commission shall be provided copies of all documentation forwarded
201 to the County Administrator pursuant to this section. Unless, within
202 ten (10) days after the date the Housing and Urban Planning Division

203 Director forwards the recommendation, the applicant or a County
204 Commissioner requests that the application be placed on the County
205 Commission quasi-judicial agenda, the County Administrator shall:
206 (i) execute the agreement for building permit prior to plat recordation
207 or (ii) forward the agreement amending the plat note, nonvehicular
208 access line, or phasing agreement and pertinent documents to the
209 Mayor or Vice-Mayor, who may execute such agreement in the name
210 of Broward County. All administratively approved agreements shall
211 be executed no later than ~~one hundred twenty (120)~~ forty-five (45)
212 days after the applications ~~have~~ has been deemed complete. The
213 ~~one hundred twenty (120)~~ forty-five (45) day limit of this section may
214 be extended upon request of the applicant in writing or at a public
215 meeting or hearing. ~~Absent the applicant's request for an extension~~
216 ~~of time, if the delay is caused by the applicant, or the delay is~~
217 ~~attributable to a force majeure or other extraordinary circumstance,~~
218 ~~failure of the agreement to be executed (i) within thirty (30) days after~~
219 ~~conclusion of the one hundred twenty (120) day time period shall~~
220 ~~require the refund of fifty percent (50%) of the application fee; or (ii)~~
221 ~~thirty one (31) days or more after the conclusion of the one hundred~~
222 ~~twenty (120) day time period shall require the refund of one hundred~~
223 ~~percent (100%) of the application fee. The Housing and Urban~~
224 ~~Planning Division Director shall provide a quarterly report to the~~
225 ~~County Commission of all agreements approved pursuant to this~~

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226 ~~section;~~ or If the County fails to take final action to approve, approve
227 with conditions, or deny the application within forty-five (45) days, the
228 applicant shall notify the County in writing. If the County fails to
229 respond within ten (10) days, the application is deemed approved by
230 operation of law without conditions, and the applicant is entitled to
231 proceed with the proposed activity or development as though the
232 County had granted unconditional approval. Approval pursuant to
233 this section may not be construed to relieve the applicant of the
234 obligation to comply with all other applicable federal, state, and local
235 laws, regulations, and ordinances; or

236 ~~b) f)~~ If the Housing and Urban Planning Division Director believes that
237 there is a substantial question regarding the interpretation of this
238 article as it applies to an application, the Housing and Urban
239 Planning Division Director may place the matter on the County
240 Commission quasi-judicial agenda for consideration. In such case,
241 the application shall be subject to the timeframes and provisions of
242 Section ~~(h)~~(i)(1) above.

243 ~~(i)~~(j) *Requests for extension of time.*

244 . . .

245 ~~(j)~~(k) *Reinstatement of Development Orders.* An application denied in
246 accordance with Section 5-181~~(h)~~(i)(1)b) solely on the basis of inadequacy of the regional
247 transportation network may be reinstated provided that all of the following conditions are
248 met.

249 . . .

250 ~~(k)~~ (l) *Effect of development order.*

251 . . .

252 ~~(j)~~ (m) *Vested Rights Determination.*

253 . . .

254 ~~(m)~~ (n) *Time limitation on filing of requests for changes to conditions of*
255 *development orders.*

256 . . .

257 ~~(n)~~ (o) *Pending applications.*

258 . . .

259 ~~(o)~~ (p) *Municipal letter or resolution required for referral of development permit*
260 *applications changing conditions of plat approval. Development permit applications for*
261 *property located within a municipality to change, delete, or add conditions of plat approval,*
262 *including, but not limited to, requests for impact fee waivers and designation of affordable*
263 *housing projects; amendments or revisions to nonvehicular access lines; amendments,*
264 *revisions, or placement of plat notes; and modifications to rights-of-way and construction*
265 *requirements, shall not be recommended for approval to the County Commission or to*
266 *the County Administrator pursuant to Section 5-181~~(g)~~(h) unless the municipality where*
267 *the plat is located has issued a letter or adopted a resolution stating the municipality's*
268 *position regarding the application. The letter or resolution must be issued by the*
269 *municipality no earlier than six (6) months before the date the development permit*
270 *application is filed with Broward County.*

271 ~~(p)~~ (q) *Recordation of documents related to an approved development permit.*

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272 . . .

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

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

276 (a) *Land suitable for residential development pursuant to applicable land*
277 *development regulations shall be subject to public school concurrency.*

278 (1) *Public school concurrency.*

279 . . .

280 b) *Exemptions and vested development.*

281 1) The following residential applications for residential plat,
282 replat, plat note, or any unincorporated area site plan shall be
283 forwarded to the School Board for a determination as to
284 whether the applications are exempt from the requirements of
285 public school concurrency:

286 . . .

287 b. An application for age-restricted communities meeting
288 the definition of "housing for older persons," as defined
289 in Section 760.29(4), Florida Statutes. An ~~E~~ exemption
290 for an age-restricted community meeting the definition
291 of "housing for older persons" shall only be available
292 subject to a ~~recorded~~ Restrictive Covenant, processed
293 and recorded by the School Board, prohibiting the
294 residence of school-aged children in a manner

295 consistent with federal, state, or local laws or
296 regulations.

297 . . .

298 Section 4. Section 5-184 of the Broward County Code of Ordinances is hereby
299 amended to read as follows:

300 **Sec. 5-184. Presumptions, limitations, agreements, and security for development**
301 **review requirements.**

302 (a) *Notation on the Face of the Plat.*

303 (1) *Standard Notation on the Face of the Plat.*

304 . . .

305 c. Failure to comply with the conditions established by the ~~Board of~~
306 ~~County Commissioners~~ as a prerequisite to placing or amending a
307 notations on the face of a plat ~~recorded between June 4, 1953, and~~
308 ~~March 20, 1979~~, within twelve (12) months after the date on which
309 the placing or amending of the notation is approved, shall result in
310 the expiration of the approval to place or amend the notation.

311 . . .

312 (b) *Limitation on required dedications and improvements; money in lieu of*
313 *dedications and improvements.*

314 . . .

315 (2) The amount of money required to be deposited with the County and, as
316 applicable, the School Board, in lieu of dedication requirements and
317 improvements shall be determined pursuant to the specific standards set

318 forth in this division and the provisions of Section 163.31801, Florida
319 Statutes, as amended. The use of such funds will be restricted to the
320 acquisition, expansion, and development of service facilities for new
321 users, provided that one percent (1%) of the funds received for roadway
322 and park purposes pursuant to Sections 5-182.2,
323 5-182.7, and 5-182.12(d) shall be retained for administrative purposes.
324 The restriction on the use of funds deposited with the County shall not
325 include monies deposited for Transportation Concurrency assessments.

326 . . .

327 a) Any monies required pursuant to this division shall be deposited
328 with the County and, as applicable, with the School Board, ~~prior to~~
329 ~~County Development and Environmental Review Approval required~~
330 ~~by Section 27-66 of the Code.~~

331 . . .

332 Section 5. Section 5-187 of the Broward County Code of Ordinances is hereby
333 amended to read as follows:

334 **Sec. 5-187. General provisions.**

335 . . .

336 (c) *Building permits prior to plat recordation.* The County Commission
337 authorizes the County Administrator to approve the issuance of building permits for a
338 parcel of land for which plat approval has been given by the County Commission when
339 the plat has not yet been recorded, provided such authorization is granted in an

340 agreement among the developer, the affected unit of local government, and the County
341 (“Tri-Party Agreement”). The Tri-Party Agreement shall:

342 (1) Be requested using an application in the form provided by the Housing and
343 Urban Planning Division, or its successor agency;

344 (2) Require the construction of the minimum access and roadway
345 improvements required by the Florida Fire Prevention Code for fire
346 department access and operations, such as a stabilized roadway for
347 emergency access;

348 (3) Be in a form acceptable to the County Attorney’s Office;

349 ~~(3)~~(4) Be accompanied by security in a form acceptable to the County and in an
350 amount based upon a registered professional engineer’s cost estimate
351 submitted by the applicant and approved in writing by the Broward County
352 Highway Construction and Engineering Division for work within the
353 right-of-way, by the Broward County Building Code Division for work within
354 the unincorporated areas, and by the applicable municipality for work
355 within the incorporated areas, to cover:

356 a. the costs of demolishing the building(s) in the event the plat is not
357 recorded;

358 b. the costs of removal and restoration of all work within the
359 right-of-way in the event the plat is not recorded; and

360 c. the costs of the installation of all infrastructure improvements
361 necessary to support the buildings for which building permits are
362 requested before plat recordation; and

- 384 (b) *Application Submission Requirements.* An application for plat approval shall
385 be submitted to the Housing and Urban Planning Division accompanied by the following:
- 386 (1) A complete application form, including all required supplemental
387 documentation specified ~~on the application form, accompanied by the~~
388 ~~applicable application fee as set forth in the Broward County Administrative~~
389 ~~Code in Section 5-181.~~
- 390 (2) ~~If the plat is located within a municipality, evidence that an application for~~
391 ~~plat review has been filed with the municipality.~~
- 392 (3) ~~A conceptual access plan or site plan, drawn at a standard engineering~~
393 ~~scale no smaller than 1" = 100', except when a smaller scale is approved~~
394 ~~by the Broward County Highway Construction and Engineering Division and~~
395 ~~the Traffic Engineering Division, which shows the following:~~
- 396 a) ~~The location of the centerline, with dimensions from known land ties,~~
397 ~~such as section lines, plat boundaries, or centerlines of rights-of-way,~~
398 ~~of all proposed access locations on all public rights-of-way abutting~~
399 ~~the plat.~~
- 400 b) ~~The number, width, and direction of lanes proposed for each~~
401 ~~driveway or roadway access location.~~
- 402 c) ~~The proposed minimum distance from the ultimate rights-of-way~~
403 ~~line(s) from the adjacent roadway to the outer edge of any interior~~
404 ~~service drive or parking space with direct access to the driveway in~~
405 ~~the access location.~~

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406 d) ~~The proposed minimum distance from the ultimate rights-of-way~~
407 ~~line(s) from the adjacent roadway to any proposed gate location.~~

408 ~~(4)~~ (2) A current Boundary Survey (no older than six (6) months) that shows the
409 following:
410 . . .

411 ~~(5)~~ An application for plat approval or plat note that abuts a trafficway that is
412 functionally classified as a state road and that proposes direct vehicle
413 access to the state road shall also be accompanied by a valid preapplication
414 approval letter from the Florida Department of Transportation issued
415 pursuant to the “State Highway System Access Management Classification
416 System and Standards.”

417 ~~(6)~~ A copy of the title documentation that was used to create the plat. The title
418 documentation may be either a title certificate, title commitment, title
419 insurance, or an attorney’s opinion of title, and shall include a legal
420 description that matches the plat; the date through which the public records
421 were searched; the names of all owners of record; the names of all
422 mortgage holders of record and if there are no mortgages, it shall so state;
423 a listing of all easements and rights-of-ways lying within the plat boundaries
424 and if there are none, it shall so state; a listing of all easements and
425 rights-of-ways of record which abut the plat boundaries and are necessary
426 for legal access to the plat and if there are none, it shall so state.
427 . . .

428 Section 6. Severability.

429 If any portion of this Ordinance is determined by any court to be invalid, the invalid
430 portion will be stricken, and such striking will not affect the validity of the remainder of this
431 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
432 legally applied to any individual, group, entity, property, or circumstance, such
433 determination will not affect the applicability of this Ordinance to any other individual,
434 group, entity, property, or circumstance.

435 Section 7. Inclusion in the Broward County Code of Ordinances.

436 It is the intention of the Board of County Commissioners that the provisions of this
437 Ordinance become part of the Broward County Code of Ordinances as of the effective
438 date. The sections of this Ordinance may be renumbered or relettered and the word
439 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
440 phrase to the extent necessary to accomplish such intention.

441 Section 8. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 05/19/2026
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
LDC HB 927 Ordinance
05/19/2026
#41005

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