

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO IMPACT FEE CREDITS AND DEVELOPMENT
3 PERMITS AND ORDERS; AMENDING SECTIONS 5-181, 5-182.13, AND 39-413 OF
4 THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO ENSURE
5 CONSISTENCY WITH CHAPTERS 2025-190 AND 2025-177, LAWS OF FLORIDA; AND
6 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
7 DATE.

8 (Sponsored by the Board of County Commissioners)
9

10 WHEREAS, Chapter 2025-190, Laws of Florida, became effective on
11 June 26, 2025, prohibiting the assessment of impact fees where a new building replaces
12 a previously existing building with no change in land use or increase of demand on public
13 facilities;

14 WHEREAS, the Resilient Environment Department has revised its procedures
15 consistent with the modified impact fee credit regulations;

16 WHEREAS, Chapter 2025-177, Laws of Florida, which is to become effective on
17 October 1, 2025, requires local governments to specify minimum information necessary
18 for certain development permit applications and revises timeframes for processing
19 applications for development permits and orders; and

20 WHEREAS, amendments to the Broward County Code of Ordinances are needed
21 in order to conform with the statutory amendments,

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

Section 1. Section 5-181 of the Broward County Code of Ordinances is hereby
amended to read as follows:

Sec. 5-181. Development review procedures.

...

(a) *Completeness of application.* Within five (5) business days after receipt of
an application, the Urban Planning Division shall confirm receipt of the application, using
the contact information provided by the applicant. The Urban Planning Division shall
review the application for development permit to determine its completeness. In order
to be deemed complete, an application must contain the following:

...

Within seven (7) business days after receipt, the Urban Planning Division shall
either accept the application, if it is complete, or reject the application and forward to
the applicant a written notice of incompleteness, specifying with particularity the
information missing from the application received or that is necessary to process the
application.

~~(1) If a notice of incompleteness is not sent, the application shall be deemed
complete and accepted for purposes of beginning the time limits of this
division on the tenth (10th) day after the filing of application.~~

~~(2)~~ (1) If a notice of incompleteness is sent, the applicant shall resubmit the
application with the additional data information required within
thirty (30) days after ~~the transmittal~~ receipt of the notice of incompleteness.

The Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application. Failure of the Urban Planning Division to issue a written notification of completeness or written specification of areas of deficiency within thirty (30) days after receipt of the application shall require the County to issue the applicant a ten percent (10%) refund of the application fee.

(2) If the County makes a second request for additional information, the applicant shall resubmit the application with the required additional information within thirty (30) days after receipt of the notice of incompleteness. The Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application. Failure of the Urban Planning Division to issue a written notification of completeness or written specification of the area(s) deficiency within thirty (30) days after receipt of the additional information shall require the County to issue the applicant a twenty percent (20%) refund of the application fee.

(3) Unless otherwise agreed to by the applicant in writing, a notice of incompleteness regarding an application may be issued ~~notice of incompleteness~~ a maximum of three (3) times. Prior to the issuance of a third (3rd) notice of incompleteness, the Urban Planning Division shall offer the applicant a meeting to attempt to resolve outstanding issues that form the basis for the incompleteness. The applicant shall resubmit the application with the additional information within thirty (30) days after

68 receipt of the applicable notice of incompleteness. If the outstanding
69 issues are not resolved, the fourth (4th) application submitted shall be
70 deemed complete within ten (10) days after receipt of the additional
71 information and shall be processed in accordance with this article.

72 (4) Except where a notice of incompleteness is based on a final agency action
73 of a state or federal agency denying the federal or state permit, if the
74 applicant believes the request for additional information is not authorized
75 by ordinance, rule, statute, or other legal authority, the Urban Planning
76 Division, at the applicant's request, shall proceed to process the
77 application for approval or denial.

78 ~~(3)~~ (5) Upon acceptance of an application, a copy of the application, including
79 attachments and drawings, shall be forwarded by the Urban Planning
80 Division Director, electronically or by hard copy, to any municipality within
81 a two hundred (200) foot radius of a boundary of the plat.

82 . . .

83 (d) *Amendment to application.* An application for a development permit may
84 be amended by the applicant after it has been accepted. Any applicant-initiated
85 change(s) of fifteen percent (15%) or more in the proposed density, intensity, or square
86 footage of a parcel ("substantive change") shall restart the timeframes of this section.
87 The Urban Planning Division Director shall examine ~~the amendment~~ a nonsubstantive
88 change at the point in the reviewing process at which it occurs to determine if any portion
89 of the reviewing process must be repeated. If any such portion must be repeated, the
90 amendment is subject to the applicant's agreement to an extension of the time limits

prescribed in this section as long as necessary to undertake such additional review, but not to exceed forty (40) days after the date that the amended application is accepted by the Urban Planning Division Director.

...

(h) *Development Order.*

(1) County Commission. At a regularly scheduled public meeting held within one hundred eighty (180) days after the application has been deemed complete, the County Commission shall review the application for conformity with this article and shall act upon the application. The County Commission shall make one (1) of the following determinations:

...

A final determination by the County Commission under this section may be deferred beyond the one hundred eighty (180) day limit of this section upon ~~written~~ request of the applicant in writing or at a public meeting or hearing. Absent the applicant's request for an extension of time, if the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance, failure of the County Commission to consider the application (i) within thirty (30) days after conclusion of the one hundred eighty (180) day time period shall require the refund of fifty percent (50%) of the application fee; or (ii) thirty-one (31) days or more after the conclusion of the one hundred eighty (180) day time period shall require the refund of one hundred percent (100%) of the application fee.

(2) Administrative approval. If the application is for approval of building permits prior to plat recordation or amendments to the note on the face of a plat, nonvehicular access lines, or phasing schedules or maps pursuant to Section 5-180(c):

a) Upon a determination by the Urban Planning Division Director that the application meets the requirements of this article, the Director shall forward a properly executed agreement, with required supporting documentation and approval as to legal form by the Office of the County Attorney, to the County Administrator for a determination of concurrence with the Urban Planning Division Director's recommendation of approval. The County Commission shall be provided copies of all documentation forwarded to the County Administrator pursuant to this section. Unless, within ten (10) days after the date the Urban Planning Division Director forwards the recommendation, the applicant or a County Commissioner requests that the application be placed on the County Commission quasi-judicial agenda, the County Administrator shall: (i) execute ~~an~~ the agreement for building permit prior to plat recordation or ~~shall~~ (ii) forward ~~an~~ the agreement amending the plat note, nonvehicular access line, or phasing agreement and pertinent documents to the Mayor or Vice-Mayor who may execute such ~~an~~ agreement in the name of Broward County. All administratively approved agreements shall be

executed no later than one hundred twenty (120) days after the applications have been deemed complete. The one hundred twenty (120) day limit of this section may be extended upon request of the applicant in writing or at a public meeting or hearing. Absent the applicant's request for an extension of time, if the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance, failure of the agreement to be executed (i) within thirty (30) days after conclusion of the one hundred twenty (120) day time period shall require the refund of fifty percent (50%) of the application fee; or (ii) thirty-one (31) days or more after the conclusion of the one hundred twenty (120) day time period shall require the refund of one hundred percent (100%) of the application fee. The Urban Planning Division Director shall provide a quarterly report to the County Commission of all agreements approved pursuant to this section; or

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

...

Section 2. Section 5-182.13 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182.13. Credit for demolished buildings.

(a) For applications filed or under review with the County for Environmental Review Approval on or after March 1, 2020, existing development for purposes of Sections 5-182.1, 5-182.2, 5-182.7, 5-182.9, and 5-182.12 shall be construed to include buildings that are (i) within a plat that was approved on or after March 20, 1979, or, for unplatted property or plats approved prior to March 20, 1979, buildings that are under common ownership; and (ii) ~~demolished, as evidenced by the issuance of a demolition permit no earlier than three (3) years prior to the date of application; and (iii)~~ included within the application.

~~The time frame for demolition set forth herein commences upon the issuance of a permit for demolition of the existing development.~~

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

- (1) The existence of buildings must be shown on a survey by a Florida licensed surveyor and mapper of the property. The survey and permit for demolition must be submitted with the application, ~~and the permit for demolition of the building(s) must have been issued no earlier than three (3) years before application submittal.~~ The County may require a signed and sealed letter or

survey from the design professional and/or written verification from the municipality of the developed areas and uses.

(2) The last documented use of the property consisting of an occupational license or other appropriate evidence acceptable to Broward County.

(3) Existing buildings or uses must have been: legally permitted; completed and received a certificate of occupancy, if applicable; not abandoned; and buildings thereon considered by local building officials to be safe and able to be occupied. Appropriate documentation shall be required, as requested by Broward County.

(4) The existing building must have been of the same land use as the reconstructed or replacement building, and the new building must not increase the impact on public facilities beyond that of the existing building.
If the reconstructed or replacement building increases demand on public facilities due to a significant increase in size, intensity, or capacity of use, the County may assess an impact fee in an amount proportional to the difference in demand between the new building and the existing building.
Any such fee must be reasonably connected to, or have rational nexus with, the need for additional capital facilities and the increased impact generated by the reconstruction or replacement of the previously existing building.

...

Section 3. Section 39-413 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-413. Site plan review procedures.

(a) *Application Procedure.* The following procedures shall govern the review of applications:

. . .

(2) *Completeness of application.* The Urban Planning Division shall review the application to determine the completeness of required submittals based on Table 1 above. Within five (5) business days after receiving an application, the Urban Planning Division shall confirm receipt of the application using the contact information provided by the applicant. Within seven (7) business days after receipt, the Urban Planning Division shall either:

- a. Find that the application is complete and initiate the review process commencing on the eighth (8th) day after filing; or
- b. Reject the application and forward to the applicant with a notice of incompleteness specifying, with particularity, the information ~~missing from~~ that is required to process the application. The applicant shall resubmit the application with the information required within ~~ten (10)~~ thirty (30) days after the ~~transmittal~~ receipt of the notice of incompleteness, or the application shall be deemed withdrawn. The Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application. Failure of the Urban Planning Division to issue a written notification of completeness or written specification of the area(s) of deficiency within thirty (30) days after receipt of the application shall require the

County to issue the applicant a ten percent (10%) refund of the application fee.

c. If the County makes a second request for additional information, the applicant shall resubmit the application with the required additional information within thirty (30) days after receipt of the notice of incompleteness, or the application shall be deemed withdrawn. The Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application. Failure of the Urban Planning Division to issue a written notification of completeness or written specification of areas of deficiency within thirty (30) days after receipt of the additional information shall require the County to issue the applicant a twenty percent (20%) refund of the application fee.

d. Unless otherwise agreed to by the applicant in writing, an application may be issued a notice of incompleteness a maximum of three (3) times. Prior to the issuance of a third (3rd) notice of incompleteness, the Urban Planning Division shall offer the applicant a meeting to attempt to resolve outstanding issues that form the basis for the incompleteness. The applicant shall resubmit the application with the additional information within thirty (30) days after receipt of the applicable notice of incompleteness. If the outstanding issues are not resolved, the fourth (4th) application submitted shall be deemed

complete within ten (10) days after receipt of the additional information and shall be processed in accordance with this article.

e. Except where a notice of incompleteness is based on a final agency action of a state or federal agency denying the federal or state permit, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the Urban Planning Division, at the applicant's request, shall proceed to process the application for approval or denial.

...

(c) *Reviewing agency reports; comments; required action.* The Urban Planning Division Director shall review the application, the citizen participation report, and the reports of the reviewing agencies.

(1) Within seven (7) business days after receiving the reviewing comments and recommendations, the Urban Planning Division shall prepare a report and issue a notice of the status of the application.

...

(3) The applicant may ~~submit a written~~ request for, in writing or at a public hearing or meeting, one (1) extension of not less than thirty (30) days and not more than one hundred eighty (180) days, provided the applicant agrees to waive timeframes set forth in Section 125.022, Florida Statutes.

...

(d) ~~Amendments; revised/changed~~ sSite plan revisions. Revisions to development plans after issuance of a site plan approval/development order is issued shall require the applicant to file an application with the Director.

~~(1) New site plan requests shall be deemed a new application and the procedures of this article shall be repeated with required time limitations beginning anew.~~

~~(2)~~ (1) Significant revisions Applicant-initiated change(s) to a site plan application or an approved site plan of fifteen percent (15%) or more in the proposed density, intensity, or square footage of a parcel ("substantive change") shall be deemed a new application and the procedures of this article shall be repeated with the required time limitations beginning anew. ~~The following shall be considered a significant revision:~~

- ~~a. Any reduction in the approved setbacks;~~
- ~~b. One (1) or more new buildings, structures, or additions;~~
- ~~c. Deletion of one (1) or more buildings or structures;~~
- ~~d. Relocation of one (1) or more principal buildings or structures by more than ten percent (10%) from the location shown on the approved site plan;~~
- ~~e. Any increase in residential density;~~
- ~~f. Any increase in building size exceeding one thousand (1,000) square feet or one percent (1%), whichever is less;~~

- g. ~~Major landscape revisions that change the mixture of hardwood, palm, native and nonnative plantings, or reduce the approved canopy;~~
- h. ~~Reconfiguration of parking areas that significantly alter site circulation and access; and~~
- j. ~~Any increase in height of one (1) or more principal buildings or structures.~~

Significant Substantive revisions to a site plan application that ~~deviate from the approved plan~~ shall be documented in the "Justification Statement" of the application.

~~(3) (2) Minor deviations from an approved site plan may be approved by the Director.~~ Nonsubstantive revisions to a site plan application or an approved site plan may be approved by the Director. ~~Minor deviations~~ Nonsubstantive revisions shall be considered modifications that do not qualify for Section ~~(2)~~ (1) above. ~~Minor deviations may also include, but are not limited to, parking lot revisions that do not significantly alter the internal on-site circulation or alter approved landscaped areas; minor architectural elevation changes and upgrades; dumpster enclosure revisions; generators; minor substitutions to landscaping, provided that the changes reflect an upgrading to the original approved plan; and engineering revisions (drainage, water, sewer, etc.) of a technical nature that do not impact any other aspects of the approved plans.~~ Minor Nonsubstantive revisions to a

314 site plan application ~~that deviate from the approved plan~~ shall be
315 documented in the "Justification Statement" of the application.

316 . . .

317 Section 4. Severability.

318 If any portion of this Ordinance is determined by any court to be invalid, the invalid
319 portion will be stricken, and such striking will not affect the validity of the remainder of this
320 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
321 legally applied to any individual, group, entity, property, or circumstance, such
322 determination will not affect the applicability of this Ordinance to any other individual,
323 group, entity, property, or circumstance.

324 Section 5. Inclusion in the Broward County Code of Ordinances.

325 It is the intention of the Board of County Commissioners that the provisions of this
326 Ordinance become part of the Broward County Code of Ordinances as of the effective
327 date. The sections of this Ordinance may be renumbered or relettered and the word
328 "ordinance" may be changed to "section," "article," or such other appropriate word or
329 phrase to the extent necessary to accomplish such intention.

330 Section 6. Effective Date.

331 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 08/06/2025
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
Technical Amendments LDC and Zoning Code
08/06/2025
#60049

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.