

**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

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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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