

BROWARDNEXT



# ADMINISTRATIVE RULES DOCUMENT: BrowardNEXT

Broward County Board of County Commissioners  
Broward County Planning Council



**ADMINISTRATIVE RULES DOCUMENT:  
BrowardNEXT**

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## INTRODUCTION

During the preparation of BrowardNext, many rules, guidelines, procedures and methodologies were adopted within the text and policies of the updated Plan, with the understanding that any remaining would be included within an implementation document. This was to allow for modifications without undergoing the lengthy plan amendment procedures required under Florida Statute, Chapter 163.

The *Administrative Rules Document: BrowardNext* was adopted and will be maintained by the Broward County Planning Council for the purpose of providing assistance and guidance to local government entities and the general public and direction to Council staff in implementing the BrowardNext - Broward County Land Use Plan. Appropriate portions of the Rules (Articles 1, 3, 4 and 5) will also be approved and adopted by the Broward County Board of County Commissioners.

## ARTICLE 1

### RULES AND REGULATIONS REGARDING AMENDMENT OF THE BROWARD COUNTY LAND USE PLAN

These rules and regulations are promulgated in accord with the provisions of the Broward County Land Use Plan.

#### 1.1 REQUEST FOR AMENDMENTS

- (A) A local government may submit to the Planning Council a proposal(s) for amending the Broward County Land Use Plan. The request shall be transmitted to the Executive Director of the Planning Council and must include the following, unless submitted in accordance with Article 1.1(A)(4) below:
- (1) The local government's Local Planning Agency (LPA) recommendation on the requested amendment;
  - (2) The local governing body's recommendation on the requested amendment. A public hearing is not required, but the governing body must make a recommendation by resolution or motion at a public meeting. The County Commission is not required to make a recommendation to the Planning Council; and
  - (3) All materials outlined in the Planning Council's "Plan Amendment Requirements and Procedures" (Appendix 1).
  - (4) Requests may be transmitted to the Executive Director of the Planning Council by the municipal governing body, or one of the following municipal officials: Mayor or equivalent or municipal manager or equivalent, prior to the actions referenced in Articles 1.1(A)(1) and (2), subject to all of the following:
    - (a) Submittal of all materials outlined in the Planning Council's "Plan Amendment Requirements and Procedures" (Appendix 1);
    - (b) The municipal local planning agency and the municipal governing body must make a recommendation on the proposed amendment by resolution or motion at a public meeting at least 21 days prior to the first Planning Council public hearing;

- (c) Amendment applications shall be automatically withdrawn if the municipality takes action to deny the amendment, or substantially alters the submitted amendment proposal, such as proposing land use categories differing from the original submittal, or more intense permitted uses;
  - (d) Amendment applications shall be automatically withdrawn if the municipal local planning agency and the municipal governing body do not make a recommendation on the proposed amendment by resolution or motion at a public meeting within four (4) months of receipt of an application under Article 1.1(A)(4); and
  - (e) Amendment applications shall be subject to the applicable Planning Council processing fee, with no refund option.
- (B) Any person may request a local government to formally submit to the Planning Council a proposal for an amendment to the Broward County Land Use Plan. The local governing body shall transmit the amendment to the Planning Council in accordance with Article 1.1(A) of this document.
- (C) A local government may submit to the Planning Council a proposal for amending the Broward County Land Use Plan at the following times:
  - (1) During the certification of its local land use plan, and
  - (2) During the filing periods established by the Broward County Planning Council pursuant to applicable County and/or State law.
  - (3) The County Commission may request the Planning Council initiate an amendment to the Broward County Land Use Plan at any time. The Planning Council shall consider the request and if it initiates the amendment, public hearings shall be scheduled consistent with Chapters 163.3184 and 163.3187 Florida Statutes.
  - (4) The Planning Council may initiate an amendment to the Broward County Land Use Plan by majority vote at a regularly scheduled or special meeting. The Planning Council shall hold at least one (1) public hearing on the amendment consistent with the requirements of Articles 1.2(A) and (B) of this document. The Planning Council may withdraw a Council initiated amendment at any time prior to its transmittal to the Broward County Commission.

- (D) A private property owner may submit to the Planning Council a proposal for amending the Environmentally Sensitive Lands Map of the Natural Resource Series of the Broward County Land Use Plan subject to the application requirements (Appendix 4).

## **1.2 PLANNING COUNCIL REVIEWS AND RECOMMENDATIONS**

- (A) The Planning Council shall hold a public hearing with due public notice on each proposed amendment to the Broward County Land Use Plan submitted in accordance with the requirements of Article 1.1(A) or (B) of this document and pursuant to Chapter 163.3174 Florida Statutes. The Planning Council shall make a recommendation on each proposal and submit its recommendation to the Broward County Commission. A second public hearing will be required in the following circumstances:
  - (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
  - (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
  - (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
  - (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
  - (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
  - (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.
- (B) A courtesy notice of the time, date, place and purpose of the Planning Council's first public hearing on a Broward County Land Use Plan amendment shall be provided to the property owner and surrounding property owners within a 300-foot radius of the amendment site. Individual notices shall be mailed fifteen (15) days in advance of the first scheduled public hearing. Notice to a registered condominium association shall be considered notice to all individual unit owners of that condominium. The Planning Council, upon approval by a majority vote of the members present, may specifically waive any portion of this provision.

These notice procedures are established in the interest of enlightened land use recommendations by the Planning Council and are not a legal obligation of the Planning Council. Failure on the part of the Planning Council to send, or the property owner to receive, an individual notice shall not constitute cause for action against the Planning Council or any local government.

- (C) Following receipt of comments from applicable State review agencies or a small-scale amendment, pursuant to Chapter 163 Florida Statutes, the Planning Council shall either schedule the amendment for consideration of adoption by the County Commission or hold a second public hearing, if required by Article 1.2(A) above, and make a final recommendation. This recommendation shall be transmitted to the Broward County Commission.

### **1.3 COUNTY COMMISSION ADOPTION OF AMENDMENTS**

- (A) The County Commission shall upon receipt of a recommendation from the Broward County Planning Council, hold a public hearing on an amendment request pursuant to Chapter 163.3184(15) Florida Statutes regarding transmittal of a recommendation on the amendment to the applicable State of Florida review agencies. Transmittal shall be by affirmative vote of a majority of the membership of the Commission. If an amendment request does not receive the required affirmative vote, the request is denied and the amendment shall not be transmitted.
- (B) Following receipt of applicable State review agency comments and a recommendation from the Planning Council per the requirements of Article 1.2, the County Commission shall hold a public hearing pursuant to Chapter 163.3184(15) Florida Statutes and take final action on an amendment request. Adoption of an amendment shall be by affirmative vote of a majority of the membership of the County Commission.

### **1.4 EFFECT OF A BROWARD COUNTY LAND USE PLAN AMENDMENT ON A LOCAL CERTIFIED LAND USE PLAN**

- (A) Upon adoption of any amendment to the Broward County Land Use Plan by the County Commission, the Planning Council Executive Director shall notify, in writing, the chief elected official of the affected local government(s) of such action and that (re)certification of the local land use plan may be necessary to incorporate the Broward County Land Use Plan amendment into the local land use plan as per Section 1.4(C) of this document. The Planning Council shall determine, upon the request of the affected local government(s), whether the affected certified land use plan(s) remain in substantial conformity with the Broward County Land Use Plan as amended. Upon such request by the affected local government(s), the Planning Council shall determine whether:



- (1) The certified land use plan is in substantial conformity with the Broward County Land Use Plan as amended and shall continue as the effective land use plan; or
  - (2) The certified land use plan or a portion thereof is no longer in substantial conformity with the Broward County Land Use Plan, as amended. Following a public hearing with due public notice, the Council shall consider decertifying the entire certified plan or portions of the certified plan.
- (B) When the Planning Council determines that a certified land use plan is no longer in substantial conformity with the Broward County Land Use Plan as amended but that de-certification of only a portion of the certified land use plan is necessary to achieve substantial conformity, then only that portion shall be de-certified.
- (C) A local government may submit to the Planning Council proposed amendments to its local land use plan for recertification in the same manner described for the initial certification of local land use plans in Article 2.1 of this document. After recertification by the Planning Council, the recertified land use plan shall again become the effective land use plan for the local government.

#### **1.5 EFFECTIVE DATE OF AN AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN**

An amendment to the Broward County Land Use Plan shall take effect on the latter date of the following: as provided by law, the date that any applicable declaration of restrictive covenants is recorded or the date that the municipal amendment is recertified. The local government's zoning shall comply with the plan amendment. Nothing therein shall prohibit a local government from adopting more restrictive zoning than provided for by the permitted uses of the Broward County Land Use Plan, as amended, or a certified local land use plan.

## **ARTICLE 2**

### **RULES AND REGULATIONS FOR CERTIFICATION OF LOCAL LAND USE PLANS**

#### **2.1 REQUESTS FOR CERTIFICATION**

All local governments within Broward County must submit their adopted land use plans to the Planning Council for certification review following plan submission to the Florida Department of Economic Opportunity for compliance review. Local plans must be adopted with the provision that the land use plan will not become effective until certified by the Planning Council. The “Checklist for Local Government Certification” (Exhibit A of Appendix 2) must be completed and submitted with certification requests.

#### **2.2 PUBLIC HEARING PROCEDURES**

Certification requires one (1) public hearing by the Planning Council. The public hearing shall require publication of the time, place and purpose of such hearing in a local newspaper of general circulation, with the publication not less than 10 days prior to the date of the hearing. The Planning Council may, at this public hearing, or at a subsequent public hearing, adopt or reject a certification request.

The public hearing on certification of a local land use plan will be scheduled when the Council Executive Director determines the certification application is complete. The applicant shall be responsible for providing accurate information and sufficient data and analysis to enable the Planning Council staff to process the application. However, the acceptance of the application for processing shall not constitute an affirmation of the accuracy or completeness of the application.

The Executive Director’s decision regarding scheduling of a public hearing may be appealed to the Planning Council Executive Committee. The Executive Director will provide the affected local government at least one (1) week notice of the time, date and place of the public hearing on the certification of the local land use plan.

#### **2.3 SUBSTANTIAL CONFORMITY DETERMINATION**

The Planning Council shall certify each local land use plan which is in substantial conformity with the Broward County Land Use Plan. Certification of a local land use plan shall be effective when it has successfully completed the Chapter 163, Florida Statutes local comprehensive plan review process and the Planning Council determines that the following requirements of the Broward County Land Use Plan are satisfied:

- (A) The maximum number of dwelling units permitted by the local land use plan does not exceed the maximum number of dwelling units permitted by the Broward County Land Use Plan, and that residential densities are distributed in a manner consistent with the policies of the Broward County Land Use Plan.

The local government shall demonstrate to the Planning Council that the distribution of land uses by the local land use plan does not result in an increase in the number of permitted dwelling units as compared to the number of dwelling units permitted by the Broward County Land Use Plan;

- (B) The arrangement of land uses on the local land use plan map bears a reasonable relationship to the arrangement of land uses on the Broward County Land Use Plan map and permitted uses fall within the parameters for permitted uses established by the Broward County Land Use Plan;
- (C) The goals, objectives and/or policies of the local land use plan are consistent with and further those of the Broward County Land Use Plan; and
- (D) The implementation provisions of the local land use plan meet or exceed the requirements of the Broward County Land Use Plan.

### **2.3.1 PROVISIONAL CERTIFICATION**

The Planning Council may certify a local land use plan on a provisional basis if portions of the local land use plan are deemed to be deficient in relation to the requirements of the Broward County Land Use Plan. Provisional certification may occur only if the affected local government agrees, in writing, to address identified deficiencies within its plan within one (1) year of Planning Council's provisional certification. Those portions of a provisionally certified plan which require remedial action shall not be deemed effective. The Planning Council shall confirm at the end of the year period whether or not the deficiencies have been adequately addressed by the local government. If the identified deficiencies are not adequately addressed within the one (1) year period, the municipal land use plan which is the object of the provisional certification, shall be deemed void and the Broward County Land Use Plan will be in effect until such time as the deficiencies are resolved.

The Planning Council may grant not more than two (2) six-month extensions of the one (1) year period from the Planning Council upon a showing that the municipality has made good faith efforts to comply with the provisional certification requirements. The second extension shall only be granted upon a 2/3 majority vote of those members voting.

## **2.4 PLANS NOT IN SUBSTANTIAL CONFORMITY WITH THE COUNTY LAND USE PLAN**

- (A) The Council shall state its reasons for rejection, alterations, or modifications of a certification request.
- (B) The Executive Director of the Planning Council shall within thirty (30) days notify the local government in writing of the reasons for rejection, alterations or modifications.
- (C) In instances where the local land use plan is found by the Planning Council not to be in substantial conformity with the Broward County Land Use Plan and the provisional certification process is not pursued by the local government, the plan shall then only be certified if, subsequent to the Planning Council's finding, the Broward County Board of County Commissioners takes one of the following actions consistent with Chapter 163, Florida Statutes:
  - (1) Determines, within sixty (60) days after receipt of a written request by a local government, that the proposed land uses which are not in conformity with the Broward County Land Use Plan must be permitted to comply with Section 8.06 of the Broward County Charter.
  - (2) Finds that a final judicial decision has been rendered which requires the local government to permit proposed land uses which are not in substantial conformity with the Broward County Land Use Plan. The County Commission shall make such findings at the request of any party of the litigation after thirty (30) days' notice has been given to all other parties to the litigation by certified mail.
  - (3) Adopts an amendment to the Broward County Land Use Plan which brings the local land use plan into substantial conformity with the Broward County Land Use Plan.

## **2.5 RECERTIFICATION OF LOCAL LAND USE PLANS**

- (A) All amendments to certified local land use plans must be recertified by the Planning Council in accordance with the following procedures:
  - (1) Requests for recertification shall be made by resolution or motion of a local governing body to the Executive Director of the Planning Council. Requests shall comply with the Planning Council's plan amendment requirements and procedures.

- (2) The Planning Council shall hold at least one (1) public hearing on recertification requests. The Executive Director shall schedule the public hearing at the earliest possible date following receipt of a complete application for recertification. The applicant shall be responsible for providing accurate information and sufficient data and analysis to enable the Planning Council staff to process the application. However, the acceptance of the application for processing shall not constitute an affirmation of the accuracy or completeness of the application. The Executive Director's decision regarding the scheduling of a public hearing may be appealed to the Planning Council's Executive Committee.
- (3) In making its decision regarding whether or not the amended local land use plan remains in substantial conformity with the Broward County Land Use Plan, the Planning Council shall utilize Article 2.3 of this document.
- (4) After the public hearing, the Planning Council may, by simple majority, adopt or reject a recertification request. The Planning Council Executive Director shall notify the requesting local government of the Council's action. In the case of modification or rejection, the Planning Council's reasons for such shall be stated in writing.
- (5) To complete the recertification process, a local government must adopt the amendment in accordance with Chapter 163, Florida Statutes, and notify the Planning Council of its action.

#### **2.5.1 CONDITIONAL RECERTIFICATION OPTION FOR PLANNING COUNCIL**

- (A) The Planning Council may recertify a municipal land use plan amendment subject to meeting conditions as specified by the Planning Council in the municipal recertification report presented at the Planning Council public hearing, and/or other lawful conditions as specified by the Planning Council. A Planning Council recertification subject to conditions shall not be effective until such time as the Planning Council Executive Director determines, in consultation with the Planning Council Attorney, that the specified conditions have been met and issues a written letter to the municipality. The conditional recertification option shall only be exercised if requested, consistent with the Planning Council's normal recertification application review timeframes, by the municipal governing body, or one of the following municipal officials: Mayor or equivalent, municipal manager or equivalent, or municipal planning director or equivalent.

- (B) The Planning Council may recertify a municipal land use plan amendment at the second Planning Council public hearing of a corresponding Broward County Land Use Plan amendment. The Broward County Land Use Plan amendment must subsequently be adopted by the Broward County Commission, and the recertification shall not be effective until such time as the Planning Council Executive Director determines, in consultation with the Planning Council Attorney, that the municipality has fulfilled all application requirements for recertification of local land use plans. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same. The conditional recertification option described in this section shall only be exercised if requested no later than 21 days prior to the second Planning Council public hearing of the corresponding Broward County Land Use Plan amendment. Such request must be made by the municipal governing body, or one of the following municipal officials: Mayor or equivalent, municipal manager or equivalent, or municipal planning director or equivalent.

## **2.6 DECERTIFICATION**

- (A) The Planning Council may, following at least one (1) public hearing, upon due written public notice to the chief elected official of the municipality or Chair of the County Commission, decertify all or portions of a local certified land use plan. Decertification shall occur upon a finding that:
  - (1) All or a portion of a certified plan is no longer in substantial conformity with the Broward County Land Use Plan;
  - (2) The local government has failed to take action to comply with the Broward County Planning Council's provisional certification requirements in accordance with Article 2.3.1 of this document;
  - (3) The local government has not complied with the reporting requirements of the Broward County Land Use Plan and of this document; or
  - (4) The local government has issued development permits inconsistent with its local certified land use plan.
- (B) If the Planning Council determines that only a portion of a certified local land use plan is not in substantial compliance with the Broward County Land Use Plan, then that portion shall be decertified.
- (C) During the period that a local land use plan or portion thereof has been decertified, the Broward County Land Use Plan as amended shall be the effective land use plan for the affected area.

## ARTICLE 3

### FLEXIBILITY, REDEVELOPMENT UNITS AND SPECIAL RESIDENTIAL FACILITIES

#### 3.1 UNIFIED FLEXIBILITY ZONES

The Broward County Land Use Plan map shall be divided by municipal boundaries, known as “unified flexibility zones,” for the purpose of determining the amount of flexibility available for use within the unified area, such as “flexibility units,” “reserve units,” “redevelopment units,” and acreage within land use plan categories.

A local government’s certified land use plan may permit the rearrangement of, within limits specified by the Broward County Land Use Plan, land uses and residential densities within its municipal unified flexibility zone.

Rearrangement of land uses and residential densities within a flexibility zone by a local government consistent with the limits specified by the Broward County Land Use Plan and this document may require (re)certification by the Planning Council, but does not require an amendment to the Broward County Land Use Plan.

#### 3.2 FLEXIBILITY UNITS

- (A) Flexibility units, as defined in Section 2, “Definitions” of the Broward County Land Use Plan, shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government’s certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as “Reserve Units” which were equal to two percent (2%) of the total number of dwelling units permitted by the local government’s certified future land use plan map.
- (B) Assignment of flexibility units by a local government is subject to all of the following rules and regulations:
  - (1) Assignment of flexibility units shall be subject to meeting the provisions of Policy 2.10.1 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
  - (2) Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action. An amendment to the local land use plan may be required by the applicable municipality.

- (3) Upon assignment of flexibility units, the local government shall notify the Planning Council in writing and submit revised charts, as contained within the certified local land use plan, which reflect the current total.
- (4) Flexibility units shall not be assigned from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor be reflected within the “flexibility unit chart” of the certified local land use plan.
- (5) The Planning Council, upon determination that a local government has failed to report assignment of flexibility units in a timely or sufficient manner or has assigned flexibility units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this document.

### **3.3 REDEVELOPMENT UNITS**

- (A) Redevelopment units, as defined in Section 2, “Definitions,” of the Broward County Land Use Plan, means additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan.
- (B) Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less.
- (C) The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less, if the municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism recorded in the public records of Broward County, Florida, to the satisfaction of Broward County, for a minimum period of 30 years.
- (D) Assignment of redevelopment units by a local government shall be subject to meeting the provisions and criteria of Appendix 3 of this Document.
- (E) Upon assignment of redevelopment units, the local government shall notify the Planning Council in writing and submit revised charts, in the format certified by the Planning Council, which reflect the current total.



- (F) The Planning Council, upon determination that a local government has failed to report assignment of redevelopment units in a timely or sufficient manner or has assigned redevelopment units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this document.
- (G) The Planning Council and County Commission shall hold one (1) public hearing with “due public notice” to approve the initial allocation.
- (H) For subsequent municipal requests for “redevelopment units” after the first allotment, the Planning Council may consider the number of additional dwelling units at one (1) public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.

### **3.4 COMPATIBILITY REVIEW CRITERIA**

- (A) Compatibility determinations required per Policy 2.10.1 of the Broward County Land Use Plan shall be based upon the following considerations:
  - (1) The density and intensity of the land use(s) resulting from the application of flexibility.
  - (2) The density and intensity of existing and planned land uses adjacent to the site.
  - (3) Comprehensive plan requirements, land development code provisions, zoning regulations, adopted design guidelines or other measures in place to ensure compatibility.
  - (4) Impact of proposed increases in residential density on public school enrollments and capacity, including consideration of any proposed mitigation for density increases impacting overcrowded schools.
  - (5) Impact on public beach access, including any reduction in public access points or public rights-of-way providing access to the beach.
- (B) For allocations of flexibility units to sites east of the Intracoastal Waterway which may impact access to public beaches, the allocating municipality shall notify the County Commission or its designee of proposed municipal allocations of flexibility which would alter an existing public access point or public right-of-way providing access to the beach.
- (C) For allocations of flexibility or redevelopment units to sites which are contiguous to another municipality:

- (1) The allocating municipality shall notify applicable contiguous municipalities and the County Commission or its designee of a proposed municipal allocation of flexibility.
  - (2) After receipt of the above notice, a contiguous municipality has 30 days to notify the County Commission or its designee and the allocating municipality of a request for a compatibility review.
  - (3) Upon receipt of a request for a compatibility review by a contiguous municipality, Broward County will notify the allocating municipality within 15 days if the County will be electing to conduct a compatibility review.
- (D) For allocations of flexibility or redevelopment units to sites adjacent to an Environmentally Sensitive Land, Broward County or regional park as defined within the Broward County Comprehensive Plan:
- (1) The allocating municipality shall notify the County Commission or its designee of the proposed allocation of flexibility.
  - (2) After receipt of the municipal notice, the County Commission or its designee shall have 45 days to notify the municipality if a review is required upon a finding that such proposed municipal allocation of flexibility may be incompatible with the Environmentally Sensitive Land, Broward County or regional park.
  - (3) For the purpose of this section, adjacent is defined as attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
- (E) Compatibility review determinations shall be made by the County Commission following a public hearing. County staff shall complete the staff report on each application and schedule the public hearing within 8 weeks of receiving a completed application.
- (F) Broward County shall provide reasonable notice of the County's compatibility review public hearings. The County shall give at least 10 days' notice in a newspaper of general circulation indicating the location and size of the property, future land use designation and proposed number of flexibility or redevelopment units.

### **3.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE**

- (A) A certified local land use plan may allow a different arrangement of commercial and residential acreage than that shown on the Broward County Land Use Plan, if consistent with all of the following provisions:

- (1) The land designated “Commercial” or “Commerce” on the local land use plan (see Policy 2.3.4 of the Broward County Land Use Plan) may be decreased by twenty percent (20%) and (re)designated to a land use category consistent with the residential land use categories of the local land use plan. (Re)designation to a residential land use category is subject to the following rules and regulations:
  - a. The local government must assign available flexibility units or redevelopment units in compliance with the provisions of Section 3.2 (Flexibility Units) or Section 3.3 (Redevelopment Units), of this document; or
  - b. The local government must correspondingly reduce, within the local land use element, the density of a residential area so that the total number of permitted dwelling units allowed within the municipality is not increased.
  
- (2) The local land use plan may permit up to five percent (5%) of the area designated for residential use on the Broward County Land Use Plan to be used for offices and/or neighborhood retail sales of merchandise or services, subject to compliance with Policy 2.10.1 of the Broward County Land Use Plan. No such contiguous area may exceed ten (10) acres in size. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.

This five percent (5%) residential-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 2.10.1 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the residential permitted uses section of the local land use plan.
  
- (3) A mixed residential and retail sales or office land use may be permitted by the local land use plan in areas designated for “Medium,” “Medium- High” or “High” residential density on the Broward County Land Use Plan, subject to the local land use plan providing:
  - a. That no more than fifty percent (50%) of the floor area in a building shall be used for retail sales or offices; and
  - b. At least fifty percent (50%) of the area in a building shall be used for residences.
  
- (4) Residential and/or mixed commercial/residential developments may be permitted by the local land use plan in areas designated “Commerce” on the Broward County Land Use Plan Map, subject to the following:

- a. The local government shall apply available flexibility and/or redevelopment units in compliance with Articles 3.2 and 3.3 of this document; and
  - b. For parcels up to ten (10) acres in size, free-standing multi-family residential uses or mixed commercial/residential developments are permitted; and
  - c. Within areas east of the Intracoastal Waterway, in no instance shall the residential density exceed 25 dwelling units per acre or 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less; and
  - d. In no instance shall the total residential uses exceed 20% of the land area designated "Commerce" or "Commercial" within the municipality.
  - e. The above referenced limitations are not applicable to Policy 2.16.4.
- (5) The arrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

### **3.6 REQUIREMENTS FOR SUBMITTAL OF DATA FROM UNITS OF LOCAL GOVERNMENT**

Pursuant to Section 2 of the Broward County Land Use Plan, units of local government shall prepare and transmit to the Planning Council the following information within the time periods specified. This information may be transmitted in any form approved by the Planning Council Executive Director.

- (A) By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing updated information regarding the utilization of the Residential and Non-Residential Flexibility Rules of the Broward County Land Use Plan. The report shall include the following information, as applicable:
- (1) Total number of acres designated residential, commercial, industrial and employment center within the municipal boundary.
  - (2) Total number of residential, industrial and employment center acres allocated for commercial use through assignment of flexibility in the previous calendar year.

- (3) Total number of residential, industrial and employment center acres allocated for commercial use through assignment of flexibility which includes all previous yearly allocations.
  - (4) Total number of flexibility units and redevelopment units allocated in the previous calendar year to residential or non-residential designated lands which did not require an amendment to the local land use plan map.
  - (5) Total number of flexibility units and redevelopment units allocated, including all previous yearly allocations to residential or non-residential designated lands which did not require an amendment to the local land use plan map.
- (B) Upon determination by the Planning Council that a local government has failed to comply with the requirements of this Article, the Planning Council may decertify the local land use element or applicable portions thereof, in accordance with the provisions of Article 2 of this document.

### **3.7 REARRANGEMENT OF RESIDENTIAL DENSITY**

- (A) A local land use plan map may show a different arrangement of residential acreage than that shown on the Broward County Land Use Plan, subject to all of the following rules and regulations:
- (1) The local government shall demonstrate to the Planning Council that no increase in the total number of permitted dwelling units results from the rearrangement.
  - (2) The density assigned to an area circumscribed by a dashed line on the Broward County Land Use Plan shall not be reassigned outside the dashed line.
  - (3) A rearrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

### **3.8 DEVELOPED AREAS**

- (A) Zoning that is consistent with the established density of a developed area shall be in substantial conformity with the Broward County Land Use Plan so long as the local land use plan, the zoning and the applicable land development regulations do not permit any density higher than fifty (50) dwelling units per gross acre.

For the purpose of these rules and regulations, a developed area means a residential zoning district in which the predominant character had been established as of November 22, 1977, by existing buildings, buildings under construction, or by active building permits.

### **3.9 RESIDENTIAL USES IN AGRICULTURAL/RURAL RANCHES LAND USE CATEGORIES**

- (A) This section provides for exceptions to the residential density restrictions within the Agricultural and Rural Ranches land use categories of the Broward County Land Use Plan consistent with Broward County Ordinance No. 79-34. Land designated Agricultural or Rural Ranches may be permitted one (1) dwelling unit on parcels less than two (2) net acres or less than two and one-half (2½) gross acres if:
- (1) The parcel is specifically designated on a plat approved by the Board of County Commissioners prior to May 16, 1979; or
  - (2) The parcel was of public record prior to May 16, 1979, and has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another parcel or parcels in common ownership which could be combined into a single parcel of at least two (2) net acres, and has received the approval of the applicable agency for a sewage disposal system.

### **3.10 SPECIAL RESIDENTIAL FACILITIES**

Provisions for Special Residential Facilities, such as adult care living facilities, foster care facilities and group homes, are included within Section 2 of the Broward County Land Use Plan consistent with Broward County Ordinance No. 85-92. Definitions, permitted locations and density standards are found in Section 2 of the Broward County Land Use Plan.

- (A) Local governments may utilize the Special Residential Facilities provisions of the Broward County Land Use Plan regardless of whether such provisions are incorporated within the certified local land use plan.
- (B) Each local government may permit a maximum of one hundred (100) bonus sleeping rooms within the local governmental boundary permanently dedicated to a special residential facility(s) use, without an additional allocation of density, subject to meeting the requirements this section.
- (C) If a local government has not incorporated the Special Residential Facilities provisions of the Broward County Land Use Plan within its certified local land use plan, written approval of the Planning Council Executive Director is required, prior to approval by a local government, for special residential facilities projects involving the following:
- (1) Projects requiring the allocation of flexibility units or redevelopment units;
  - (2) Projects involving allocation of all or a portion of the one hundred (100) bonus sleeping rooms for which the local government does not have to assign density, per Section 3.10(B) above.

- (D) Upon allocation of flexibility units or redevelopment units to a parcel of land, the local government shall submit revised flexibility charts in the format certified by the Planning Council which reflect the current totals.
- (E) Upon allocation of bonus sleeping rooms to a parcel of land per Section 3.10(B) above, the local government shall notify the Planning Council in writing and submit a chart which reflects the remaining total in a format approved by the Planning Council Executive Director.
- (F) In no instance shall a density exceeding 100 sleeping rooms per gross acre be permitted.

## **ARTICLE 4**

### **PLATTING REQUIREMENTS, EXEMPTIONS AND DEFINITIONS**

#### **4.1 PURPOSE**

The purpose of this Article is to provide definitions, rules for exemptions and other guidelines related to the countywide platting requirements under Policy 2.13.1 of the BrowardNext - Broward County Land Use Plan, adopted April 25, 2017, as amended. Article 4 is intended to be a self-contained document which explains the platting determination process in a comprehensive manner.

#### **4.2 COUNTYWIDE PLATTING AUTHORITY AND REQUIREMENT AS CONTAINED IN THE BROWARD COUNTY LAND USE PLAN**

Section 8.11 of the Broward County Charter requires that “The County Commission shall enact an ordinance establishing standards, procedures and minimum requirements to regulate and control the platting of lands located within the County. The County Commission must approve plats of land lying within the County prior to recording the plat in the County’s Official Records.”

Policy 2.13.1 of the Broward County Land Use Plan states “No unit of local government may grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953.”

#### **4.3 DEFINITIONS\***

\*Definitions are duplicated from those within the Broward County Land Use Plan (not including “Combined Parcel,” “Infill Development,” “Original Principal Building,” guidelines under the definition of “Principal Building” and “Specifically Delineated”)

**BUILDING** - Any structure having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.

**BUILDING PERMIT** -

- (A) Any permit for the erection or construction of a new building or structure as required by the Florida Building Code and Broward County Administrative Provisions, as amended, or
- (B) Any permit for each addition or renovation to an existing building which would:
  - (1) create one or more dwelling units,



- (2) be required for renovations necessary for a change in the occupancy of a building as described in the Florida Building Code and Broward County Administrative Provisions, as amended, or
- (3) be required for the non-residential operations included in the Florida Building Code and Broward County Administrative Provisions, as amended.

COMBINED PARCEL - A parcel(s) consisting of any combination of unplatted land, land recorded in a plat on or before June 4, 1953 and/or land recorded in a plat after June 4, 1953 that was approved by the Broward County Commission.

INFILL DEVELOPMENT - The development of new housing on scattered vacant lots in a built-up area.

LOT - A tract or parcel of land designated and identified as a single unit of area in a subdivision plat recorded in the Official Records of Broward County, Florida.

ORIGINAL PRINCIPAL BUILDING - The total gross floor area devoted to the principal use on a parcel as of November 22, 1978, which was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.

PARCEL OF LAND - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

PRINCIPAL BUILDING - A building which is occupied by, or devoted to, a principal use or an addition to an existing principal building which is larger than the original existing building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one principal building on a parcel.

Guidelines for defining a principal building are further identified as follows:

- (A) A principal building includes:
  - (1) A new building on an undeveloped lot or parcel.
  - (2) An attached addition to an existing building which addition or cumulative additions are greater than one hundred percent (100%) of the gross floor area of the original principal building to which the addition is to be attached.
  - (3) An unattached building, regardless of size, located on a developed lot or parcel, which is not clearly secondary in function to the principal building(s) on the lot or parcel.

- (4) An unattached building on a developed lot or parcel which contains a gross floor area greater than any principal building(s) on the lot or parcel.
- (B) A principal building does not include:
  - (1) A building which is an accessory use to property devoted solely to an agricultural, open space or recreational principal use.
  - (2) An unmanned building which is an accessory use to property devoted solely to a communication or utility principal use.
  - (3) A temporary structure, such as sales trailer.

**SPECIFICALLY DELINEATED** - A lot or parcel of land which can be described solely by reference to a recorded plat and one or more identifying numbers such as a block and lot number. For example, Lot 5, Block 3 of John Doe Subdivision as recorded in Plat Book 7, Page 48 is a specifically delineated lot. A description such as "the north 300 feet of Lot 5" or "the south one-half of Tracts 6 and 7" are examples of parcels which are not specifically delineated lots.

**STRUCTURE** - Anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and freestanding signs.

#### **4.4 EXEMPTIONS**

The platting requirements shall not apply to an application for a building permit which meets any of the following criteria, subject to the requirement that any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement:

- (A) Exemption for two (2) or fewer residential dwelling units  
Policy 2.13.1 does not require (re)platting for construction of two (2) or fewer residential dwelling units. Applications for two (2) or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.
- (B) Exemption for small parcels platted on or before June 4, 1953  
Policy 2.13.1 does not require (re)platting for construction on any unified residential or non-residential lot or parcel which is smaller than 10 acres in size, the majority of which has been specifically delineated on a plat recorded on or before June 4, 1953, and is unrelated to any adjacent development.

It is noted that lands dedicated for right-of-way purposes do not negatively impact the determination of whether or not a subject property meets the specifically delineated requirement.

- (C) Exemption for parcels platted after June 4, 1953  
Policy 2.13.1 does not require (re)plating of parcels included in plats approved by the Broward County Commission and recorded after June 4, 1953. (This is the date the Broward County Commission began approving plats prior to recordation.) Land platted after June 4, 1953 (which commences at Plat Book 32, Page 15), may be divided by metes and bounds and developed in accordance with local regulations and the effective land use plan, unless local regulations are more restrictive and would require plating.
  
- (D) Exemption for combined parcels  
Policy 2.13.1 does not require (re)plating of combined parcels which are smaller than 10 acres in size, when:
  - (1) the majority of the combined parcel is included in a plat that has been approved by the Broward County Commission and recorded after June 4, 1953; and/or
  - (2) the majority of the combined parcel is specifically delineated in a plat recorded on or before June 4, 1953.

It is noted that the minority of the combined parcel may be comprised of unplatted land, vacated right-of-way and/or land included in a plat recorded on or before June 4, 1953, but not specifically delineated.

- (E) Exemption for replacement buildings  
Policy 2.13.1 does not require (re)plating for construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint.
  
- (F) Exemption for infill development  
Policy 2.13.1 does not require (re)plating for construction of single-family or duplex, infill development that is deed-restricted to affordable housing for a time period of at least thirty (30) years.

In addition, a local government may grant an application for a building permit for the construction of a principal building on a parcel of land which meets the following criteria:

- (A) A building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions

of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or

- (B) A building permit may be issued for an essential governmental facility after preliminary plat review where the Board of County Commissioners finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made by resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.

Provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:

- (A) Compliance with the applicable land development regulations; and
- (B) Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.

The Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan.”

#### **4.5 GUIDELINES REGARDING DEDICATION OF TRAFFICWAYS**

- (A) Policy 2.13.1 requires compliance with the Broward County Trafficways Plan for all proposed development in Broward County except in the following situations:
  - (1) The proposed development does not involve construction of a principal building, or
  - (2) The parcel containing the proposed development has been platted subsequent to June 4, 1953.
- (B) Regardless of platting requirements, the Broward County Land Use Plan (Policy 2.17.6) prohibits local governments from issuing building permits or development orders for construction or permits for the fulfillment of site requirements within Broward County Trafficways corridors.

#### **4.6 REQUIREMENTS FOR LOCAL JURISDICTIONS**

Policy 2.13.3 of the Broward County Land Use Plan states that local jurisdictions shall adopt land development regulations that require platting at least in those circumstances where the Broward County Land Use Plan requires platting. Local jurisdictions may have ordinances which require platting in more situations than the Broward County Land Use Plan. Individuals should investigate local regulations concerning platting even if platting is not required for a proposed development by Policy 2.13.1 of the Broward County Land Use Plan.

#### **4.7 RELOCATION OF BUILDINGS**

Relocation of a building to or within a site shall be deemed construction if the building will be secured on a slab or other foundation.

#### **4.8 GUIDELINES FOR MOBILE HOMES**

Mobile homes which do not require building permits are not subject to the requirements of Policy 2.13.1.

## ARTICLE 5

### RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 2.16.2

#### 5.1 INTENT

These administrative rules address the following: 1) to provide guidelines to local governments for submittal of an affordable housing study, report or information and strategy to demonstrate compliance with Policy 2.16.2 of the Broward County Land Use Plan (BCLUP); and 2) to provide “default” criteria for those applicants who wish to offer mitigation as part of the BCLUP amendment or other applicable application process. The primary purpose of Policy 2.16.2 is for local governments to approve an affordable housing study, report or information and strategy that are in compliance with the Policy. For those applications which meet the Policy via a local government study, report or information and strategy, County staff will issue comments that do not recommend additional mitigation from the applicant or local government.

#### 5.2 BROWARDNEXT - BROWARD COUNTY LAND USE PLAN POLICY 2.16.2

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality’s chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;

- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;
- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

The local government shall estimate its supply of affordable housing utilizing the data and methodology referenced within this document.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the BCLUP. The median annual income estimate should be updated at least yearly.

### **5.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 2.16.2**

The following are descriptions of select terms used in Policy 2.16.2 as they relate to implementation of the Policy.

**Professionally Accepted Methodologies, Policies and Best Available Data and Analysis:**

Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing supply of affordable housing (i.e. "very low," "low" and "moderate") within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.

The local government shall estimate its supply of affordable housing utilizing the “Broward County Affordable Housing Needs Assessment,” 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021. The local government may submit additional data and analysis regarding the unique circumstances of its municipality.

A sufficient supply for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan.

The demand and supply may consider the existing availability of affordable housing within 3 miles within a contiguous local government, subject to approval by such contiguous local government.

**In-Lieu:** Refers to monies paid to the local government by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government.

Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 2.16.2; however, a local government may officially adopt a different standard. However, if the standard is lower than 15% the local government must demonstrate that the proposed level is consistent with demand in the applicable area.

Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government.

Should the local government and developer agree to an in-lieu of fee, the local government shall have the sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs and shall not be subject to review by the Broward County Commission. If the local government and developer agree to an in-lieu of fee and direct the funds to Broward County, the Broward County Commission shall have sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs.

The in-lieu methodology identifies the costs associated with achieving the development of affordable housing units within the local government. For example, an in-lieu methodology may be calculated at a rate per gross square foot per new market rate residential unit. As an alternative example, the in-lieu methodology may be based on a percentage of the costs of construction or sales price of all new market rate units within a project.



Broward County will use one dollar (\$1) per gross square foot (gross floor area) of the residential dwelling unit as a default guideline in the review of in-lieu methodologies for all additional market rate units within a project; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

**Gross Square Footage (Gross Floor Area):** The sum (in square feet) of the area of each floor level, measured from principal outside faces of exterior walls, including, but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, stair cases, and mezzanines, but not including architectural projections. Included are areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. This definition includes areas which are not enclosed, but roofed; however, it does not include unroofed areas.

#### **5.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 2.16.2**

- (A) The local government shall provide an estimate of the existing supply of affordable housing within the local government’s boundaries for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.
- (B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate consistent with the local government’s planning horizon.
- (C) The study, report, or information submitted by the local governing body addressing Article 5.3 must utilize the “Broward County Affordable Housing Needs Assessment,” 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021.
- (D) At a minimum, if a deficit of affordable housing is projected or assumed, Broward County will use 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 2.16.2; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

- (E) A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 2.16.2 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.

**5.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 2.16.2**

- (A) After an application for a Broward County land use plan amendment has been received by the Broward County Planning Council, the Planning Council staff shall determine if the application is subject to Policy 2.16.2.
- (B) If a land use plan amendment application is subject to Policy 2.16.2, Planning Council staff shall forward the application to the Broward County Environmental Protection and Growth Management Department and request comments in a timeframe consistent with the Planning Council's standard land use plan amendment review schedule.
- (C) If Broward County staff issues a determination that a land use plan amendment application is not in compliance with Policy 2.16.2, Broward County staff shall specify in writing the reasons for such determination.
- (D) Determinations issued by Broward County staff regarding Policy 2.16.2 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.

# **APPENDICES**

## APPENDIX 1

### BROWARD COUNTY PLANNING COUNCIL PLAN AMENDMENT REQUIREMENTS AND PROCEDURES

#### Broward County Land Use Plan Amendment Requirements

Amendments which are not within the rules of flexibility or more restrictive require amending the Broward County Land Use Plan. Amendments to the Broward County Land Use Plan must be approved by the Broward County Commission. Article 1 of the *Administrative Rules Document: Broward County Land Use Plan* details the procedures local governments must follow to amend the Broward County Land Use Plan. The following Exhibit identifies the materials which must be submitted to satisfy the Planning Council's application requirements for amendments to the Broward County Land Use Plan.

**Exhibit**        "Application Checklist for Amendments to the Broward County Land Use Plan"

## **EXHIBIT**

### **APPLICATION CHECKLIST FOR AMENDMENTS TO THE BROWARD COUNTY LAND USE PLAN**

This application identifies the information required by the Broward County Planning Council and/or Florida Department of Economic Opportunity (DEO) Chapter 163, Florida Statutes, for processing amendments to the Broward County Land Use Plan.

All amendment requests must be accompanied by the appropriate fee and the materials identified on the attached application. Local governments must submit 3 hard copies and 3 digital copies (6 copies total) of the amendment application for the Broward County Planning Council. Complete applications must be submitted in accordance with the Planning Council's established submittal deadlines, as well as the County Commission requirements. The applicant shall be responsible for providing accurate information and sufficient data and analysis to enable the Planning Council staff to process the application. However, the acceptance of the application for processing shall not constitute an affirmation of the accuracy or completeness of the application.

Following each item on the checklist, identify the page/exhibit number where the item can be found. Please package the Broward County Planning Council and Department of Economic Opportunity submissions separately.

1. TRANSMITTAL INFORMATION

PAGE OR EXHIBIT #

A. Letter of transmittal from municipal mayor or manager documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan, including the date that the local governing body held the transmittal public hearing. Please attach a copy of the referenced motion, resolution or ordinance. The local government's action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land Use Plan.

\_\_\_\_\_

B. Name, title, address, telephone number and e-mail address of the local government contact person.

\_\_\_\_\_

C. Summary minutes from both the local planning agency and the local government public hearings of the transmittal of the Broward County Land Use Plan amendment.

\_\_\_\_\_

D. Description of public notification procedures followed for the amendment by the local government, including notices to surrounding property owners, advertisements in local publications, signage at proposed site, etc.

\_\_\_\_\_

E. Whether the amendment is one of the following:

\*Development of Regional Impact

\*Small-scale development (Per Chapter 163.3187 Florida Statutes)

\*Emergency (Please describe on separate page)

\_\_\_\_\_

2. APPLICANT INFORMATION

A. Name, title, address, telephone number and e-mail address of the applicant.

\_\_\_\_\_

B. Name, title, address, telephone number and e-mail address of the agent.

\_\_\_\_\_

C. Name, title, address, telephone number and e-mail address of the property owner(s).

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D. Applicant's rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs).

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Planning Council staff may accept greater than two paragraphs, if submitted in an electronic format.

3. **AMENDMENT SITE DESCRIPTION**

A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.

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B. Sealed survey, including legal description of the area proposed to be amended.

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C. Map at a scale clearly indicating the amendment's location, boundaries and proposed land uses.

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4. **EXISTING AND PROPOSED USES**

A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple land use designations, describe gross acreage within each designation. For Activity Center amendments, the proposed text indicating the maximum residential and non-residential uses must be included.

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B. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for the amendment site or adjacent areas.

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C. Existing use of amendment site and adjacent areas.

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D. Proposed use of the amendment site including proposed square footage (for analytical purposes only) for each non-residential use and/or dwelling unit count. For Activity Center amendments, also provide the existing square footage for each non-residential use and existing dwelling unit count within the amendment area.

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E. Maximum allowable development per adopted and certified municipal land use plans under existing designation for the site, including square footage/floor area ratio/lot coverage/height limitations for each non-residential use and/or dwelling unit count.

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5. **ANALYSIS OF PUBLIC FACILITIES AND SERVICES**

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

A. **Potable Water Analysis**

1. Provide the potable water level of service per the adopted and certified local land use plan. \_\_\_\_\_
  
2. Provide the adoption date of the local government's 10 Year Water Supply Facilities Plan. \_\_\_\_\_
  
3. Identify the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources. Identify the wellfield serving the area in which the amendment is located including the South Florida Water Management District (SFWMD) permitted withdrawal and expiration date of the SFWMD permit. \_\_\_\_\_
  
4. Identify the net impact on potable water demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit. \_\_\_\_\_
  
5. Correspondence from potable water provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification. \_\_\_\_\_

B. **Sanitary Sewer Analysis**

1. Provide the sanitary sewer level of service per the adopted and certified local land use plan. \_\_\_\_\_
  
2. Identify the sanitary sewer facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources. \_\_\_\_\_



3. Identify the net impact on sanitary sewer demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot\* or dwelling unit.

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4. Correspondence from sanitary sewer provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

---

C. Solid Waste Analysis

1. Provide the solid waste level of service per the adopted and certified local land use plan.

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2. Identify the solid waste facility serving the service area in which the amendment is located including the landfill/plant capacity, current and committed demand on the landfill/plant capacity and planned landfill/plant capacity.

---

3. Identify the net impact on solid waste demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot\* or dwelling unit.

---

4. Correspondence from the solid waste provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

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D. Drainage Analysis

1. Provide the drainage level of service per the adopted and certified local land use plan.

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2. Identify the drainage district and drainage systems serving the amendment area.

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3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

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4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.

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Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

---

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrates how the site will be drained and the impact on the surrounding properties.

---

The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage of proposed water management retention area, elevations for buildings, roads and years, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

---

6. Correspondence from local drainage district verifying the information submitted in items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

---

E. Recreation and Open Space Analysis

1. Provide the recreation and open space level of service per the adopted and certified local land use plan.
2. For amendments which will result in an increased demand for "community parks" acreage, as required by the Broward County Land Use Plan, an up-to-date inventory of the municipal community parks inventory must be submitted.
3. Identify the net impact on demand for "community parks" acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.

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4. Identify the projected “community parks” acreage needs based on the local government’s projected build-out population. 

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5. As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Policies 2.5.4 and 2.5.5 (a. through e.), regarding the provision of open space. 

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F. Traffic Circulation Analysis

Please be advised, if required, that the Planning Council staff will request from the Broward Metropolitan Planning Organization (MPO), as per Policy 2.14.6 of the BCLUP, an analysis of the impacts of the amendment to the regional transportation network. The MPO will charge a separate cost-recovery fee directly to applicants for technical assistance requested by the Planning Council for the preparation and review of the land use plan amendment transportation analysis. Please contact the MPO for additional information regarding this fee.

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway. 

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2. Identify the projected level of service for the roadways impacted by the proposed amendment for the long-range planning horizon. Please utilize average daily and p.m. peak hour traffic volumes per Broward Metropolitan Planning Organization (MPO) plans and projections. 

---
3. Planning Council staff will analyze traffic impacts resulting from the amendment. The applicant may provide a traffic impact analysis for the amendment – calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the long-range planning horizon. 

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4. Provide any relevant transportation studies relating to this amendment, as applicable. 

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G. Mass Transit Analysis

1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile. 

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2. Describe how the proposed amendment furthers or supports mass transit use. 

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3. Correspondence from transit provider verifying the information submitted in items 1-2 above. Correspondence must contain name, position and contact information of party providing verification. 

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H. Public Education Analysis

Please be advised that the Planning Council staff will request from The School Board of Broward County (SBBC), as per Policy 2.15.2 of the BCLUP, an analysis of the impacts of the amendment on public education facilities. Per SBBC Policy 1161, the applicant will be subject to a fee for the analysis and review of the land use plan application. The applicant should contact the Growth Management Section of the SBBC to facilitate this review and determine the associated fees.

1. Public School Impact Application. 

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2. The associated fee in the form of a check made payable to the SBBC. 

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6. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment's impact on natural and historic resources.

- A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites. 

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- B. Archaeological sites listed on the Florida Master Site File. 

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- C. Wetlands. 

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D. Local Areas of Particular Concern as identified within the Broward County Land Use Plan.

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E. Priority Planning Area map and Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.

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F. “Endangered” or “threatened species” or “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

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G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

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H. Wellfields – indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the affected zone and any provisions which will be made to protect the wellfield.

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I. Soils – describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area’s natural features.

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J. Beach Access – Indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.

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7. **AFFORDABLE HOUSING**

Describe how the local government is addressing Broward County Land Use Plan Policy 2.16.2, consistent with Article 5 of this Document.

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8. **LAND USE COMPATIBILITY**

Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent municipalities and/or county jurisdictions). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.

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9. HURRICANE EVACUATION ANALYSIS

(Required for those land use plan amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division).

Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and seasonal residential dwelling units (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Division.

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10. REDEVELOPMENT ANALYSIS

Indicate if the amendment is located in an identified redevelopment area (i.e., Community Redevelopment Agency, Community Development Block Grant). If so, describe how the amendment will facilitate redevelopment and promote approved redevelopment plans.

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11. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments.

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12. PUBLIC OUTREACH

Describe how the applicant and/or local government notified and coordinated with adjacent property owners, master associations, homeowner associations, etc.

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13. DESCRIBE CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

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14. ADDITIONAL SUPPORT DOCUMENTS

A. Other support documents or summary of support documents on which the proposed amendment is based.

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B. Any proposed voluntary mitigation or draft agreements. (Please note that an Ownership and Encumbrance Report will be required prior to the recordation of any Declaration of Restrictive Covenants that fulfill voluntary mitigation or commitments.)

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15. PLAN AMENDMENT COPIES

Provide 3 hard copies and 1 digital copy (4 copies total) of the amendment application.

## APPENDIX 2

### LOCAL GOVERNMENT CERTIFICATION AND RECERTIFICATION

#### Certification of Local Land Use Plans

All local governments within Broward County must submit their land use plans to the Broward County Planning Council for certification review concurrent with their submission to the Florida Department of Economic Opportunity for compliance review. The following checklist has been prepared to facilitate the certification review process and is required to be completed and submitted with a request for certification. The checklist, which is based upon the requirements contained within the Broward County Land Use Plan, identifies all items which must be submitted to the Planning Council for certification review.

#### **Exhibit A** “Checklist for Local Government Certification”

#### Local Land Use Plan Amendment Procedures

Local land use plan amendments require recertification by the Planning Council at a public hearing and may be submitted to the Planning Council at any time consistent with the requirements of Chapter 163, Florida Statutes. Article 2.5 of the *Administrative Rules Document: BrowardNext* details the procedures local governments must follow to submit recertification requests. Exhibit B attached identifies the materials which must be submitted to satisfy the Planning Council’s application requirements for recertification. Broward County Planning Council staff should be consulted to determine whether or not a local land use plan amendment is within the rules of flexibility and would not require amending the Broward County Land Use Plan.

#### **Exhibit B** “Application Requirements for Recertification of Local Land Use Plans”



**EXHIBIT A**

**CHECKLIST FOR LOCAL GOVERNMENT CERTIFICATION**

TWO COPIES OF THE FOLLOWING INFORMATION IS REQUIRED TO BE PROVIDED WITH ALL REQUESTS TO (RE)CERTIFY LOCAL LAND USE PLANS.

<b>REQUIRED ITEM</b>	<b>PAGE OR EXHIBIT #</b>
1. SUBMITTAL LETTER FROM CHIEF ELECTED OFFICIAL/CITY MANAGER/PLANNING DIRECTOR (COPY CHIEF ELECTED OFFICIAL OR CITY MANAGER)	_____
2. COPY OF ORDINANCE ADOPTING THE LAND USE ELEMENT OR COMPREHENSIVE PLAN (Note: Local Land Use Elements should be adopted conditionally, to become effective upon their (re)certification by the Broward County Planning Council.)	_____
3. FUTURE LAND USE PLAN MAP	
A. Minimum Scale of 1" = 1000'	_____
B. North Arrow	_____
C. Legend identifying land use categories and permitted densities/intensities which are consistent with the Broward County Land Use Plan. (Note: The Broward County Land Use Plan map identifies conservation areas which are natural reservations or mitigation areas within State and County owned lands or parks. These areas must be designated for conservation use on the local land use plan.)	_____
D. Depiction of all applicable Broward County Trafficways on the Land Use Plan map. Alternately, Trafficways may be depicted on a separate map with a note on the Land Use Plan map indicating conformity with the Broward County Trafficways Plan.	_____
E. The Land Use Plan map must reflect conceptually or at specific locations existing and proposed park and recreation facility sites of sufficient size and quantity to meet the community parks standard within the Broward County Land Use Plan of three (3) acres per thousand existing and projected population.	_____

4. TABLES INDICATING PLANNED ACREAGE BY LAND USE CATEGORY AND NUMBER OF PERMITTED DWELLING UNITS.

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5. A DETAILED LISTING OF PERMITTED LAND USES AND DENSITIES ALLOWED WITHIN EACH LOCAL LAND USE CLASSIFICATION CONSISTENT WITH THE BROWARD COUNTY LAND USE PLAN.

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6. DEMONSTRATION OF COMPLIANCE WITH THE COMMUNITY PARKS AND RECREATION STANDARD OF THREE (3) ACRES PER THOUSAND POPULATION CONSISTENT WITH THE BROWARD COUNTY LAND USE PLAN. THE FOLLOWING INFORMATION MUST BE PROVIDED TO DEMONSTRATE COMPLIANCE:

A. Current and projected build-out populations

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B. Current and projected community parks requirements utilizing the three (3) acres per thousand population standard

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C. Inventory of all existing park and recreation acreage used to satisfy the above standard relative to current population

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D. Inventory of projected park and recreation acreage used to satisfy the above standard for the build-out population

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7. IMPLEMENTATION REGULATIONS AND PROCEDURES CONSISTENT WITH THE BROWARD COUNTY LAND USE PLAN INCLUDING:

A. Development Review Requirements

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B. Local Land Development Regulations and Procedures

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C. Other Land Development Regulations and Procedures for Implementation of Local Land Use Plans

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8. MONITORING AND ENFORCEMENT PROCEDURES CONSISTENT WITH THE BROWARD COUNTY LAND USE PLAN.

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9. DEFINITIONS CONSISTENT WITH THE BROWARD COUNTY LAND USE PLAN. (Note: Local plans are not required to contain all those definitions included within the County Plan, but local definitions must not conflict with the County Land Use Plan definitions.)

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10. POLICIES CONSISTENT WITH THE BROWARD COUNTY LAND USE PLAN

Local governments are encouraged to review and address within their land use plans all policies contained within the Broward County Land Use Plan. The plan’s policies will be a primary consideration in the Council’s review of local certification and recertification requests and future County Land Use Plan amendment requests.

Local land use plans, however, are required to address those policies contained within the Broward County Land Use Plan identified below which establish specific requirements for local plans. Local policies do not have to contain the exact language of the Broward County Land Use Plan, but must provide the same general direction. Local policies may be more restrictive than the Broward County Land Use Plan. Please indicate where within the local land use plan the following policies are addressed. If a specific policy is not addressed within the local plan, the justification or rationale for such an omission must be provided.

	<b>PAGE # OF LOCAL PLAN</b>
<b>RESIDENTIAL</b>	
POLICY 2.2.3	_____
POLICY 2.2.4 (if applicable)	_____
POLICY 2.2.7	_____
POLICY 2.2.8	_____
<b>COMMERCE</b>	
POLICY 2.3.1	_____
POLICY 2.3.2	_____
POLICY 2.3.3	_____
POLICY 2.3.4	_____

**ACTIVITY CENTERS (if applicable)**

- POLICY 2.4.5 \_\_\_\_\_
- POLICY 2.4.6 \_\_\_\_\_
- POLICY 2.4.7 \_\_\_\_\_
- POLICY 2.4.9 \_\_\_\_\_
- POLICY 2.4.10 \_\_\_\_\_
- POLICY 2.4.11 \_\_\_\_\_
- POLICY 2.4.12 \_\_\_\_\_

**PARKS/CONSERVATION**

- POLICY 2.5.1 \_\_\_\_\_
- POLICY 2.5.4 \_\_\_\_\_
- POLICY 2.5.5 \_\_\_\_\_

**PORT (if applicable)**

- POLICY 2.7.2 \_\_\_\_\_

**AIRPORT (if applicable)**

- POLICY 2.8.2 \_\_\_\_\_
- POLICY 2.8.3 \_\_\_\_\_
- POLICY 2.8.4 \_\_\_\_\_

**MINING**

- POLICY 2.9.2 \_\_\_\_\_

**COMPATIBILITY**

- POLICY 2.10.1 \_\_\_\_\_
- POLICY 2.10.2 \_\_\_\_\_
- POLICY 2.10.3 \_\_\_\_\_

**PUBLIC FACILITIES AND SERVICES**

- POLICY 2.11.3 \_\_\_\_\_
- POLICY 2.11.4 \_\_\_\_\_
- POLICY 2.11.5 \_\_\_\_\_
- POLICY 2.11.6 \_\_\_\_\_
- POLICY 2.11.7 \_\_\_\_\_
- POLICY 2.11.8 \_\_\_\_\_

**DISASTER PLANNING AND POST-DISASTER REDEVELOPMENT**

- POLICY 2.12.2 \_\_\_\_\_
- POLICY 2.12.8 \_\_\_\_\_

**PLATTING AND LAND DEVELOPMENT CODE**

- POLICY 2.13.1 \_\_\_\_\_
- POLICY 2.13.2 \_\_\_\_\_
- POLICY 2.13.3 \_\_\_\_\_

**TRANSPORTATION CONCURRENCY AND IMPACT FEES**

- POLICY 2.14.3 \_\_\_\_\_
- POLICY 2.14.5 \_\_\_\_\_
- POLICY 2.14.6 \_\_\_\_\_
- POLICY 2.14.7 \_\_\_\_\_
- POLICY 2.14.8 \_\_\_\_\_

**PUBLIC SCHOOL CONCURRENCY**

- POLICY 2.15.1 \_\_\_\_\_
- POLICY 2.15.2 \_\_\_\_\_
- POLICY 2.15.3 \_\_\_\_\_
- POLICY 2.15.4 \_\_\_\_\_

**AFFORDABLE HOUSING**

- POLICY 2.16.1 \_\_\_\_\_
- POLICY 2.16.2 \_\_\_\_\_

**TRANSPORTATION RIGHTS-OF-WAY/TRAFFICWAYS PLAN**

- POLICY 2.17.1 \_\_\_\_\_
- POLICY 2.17.4 \_\_\_\_\_
- POLICY 2.17.5 \_\_\_\_\_
- POLICY 2.17.6 \_\_\_\_\_

**CLIMATE RESILIENCY, ADAPTATION ACTION AREAS  
AND PRIORITY PLANNING AREAS (if applicable)**

- POLICY 2.21.7 \_\_\_\_\_

**WETLANDS**

POLICY 2.22.2

\_\_\_\_\_

**ENVIRONMENTALLY SENSITIVE LANDS**

POLICY 2.23.2

\_\_\_\_\_

**WATER RESOURCES MANAGEMENT**

POLICY 2.24.1

\_\_\_\_\_

POLICY 2.24.2

\_\_\_\_\_

POLICY 2.24.4

\_\_\_\_\_

**AIR QUALITY**

POLICY 2.25.1

\_\_\_\_\_

**BEACHES AND RIVERS**

POLICY 2.27.1

\_\_\_\_\_

POLICY 2.27.2

\_\_\_\_\_

POLICY 2.27.3

\_\_\_\_\_

POLICY 2.27.4

\_\_\_\_\_

**SEA TURTLE LIGHTING (if applicable)**

POLICY 2.28.1

\_\_\_\_\_

**HISTORIC AND ARCHAEOLOGICAL RESOURCES**

POLICY 2.30.1

\_\_\_\_\_

POLICY 2.30.2

\_\_\_\_\_

**PLANNING COUNCIL RECERTIFICATION REQUIREMENTS**

POLICY 2.33.3

\_\_\_\_\_

**Planning Council encourages local governments to adopt policies in their local land use plans, if appropriate, which address the following subject areas:**

Studio/Efficiency Dwelling Units  
Smart Growth  
Climate Resiliency  
Fracturing  
Affordable Housing Bonus Density

Complete Streets  
Urban Agriculture  
Transfer of Development Rights  
Redevelopment Units  
Environmental Justice



## EXHIBIT B

### APPLICATION REQUIREMENTS FOR RECERTIFICATION OF LOCAL LAND USE PLANS

TWO COPIES OF THE FOLLOWING INFORMATION IS REQUIRED TO BE PROVIDED WITH ALL REQUESTS TO RECERTIFY LOCAL LAND USE PLANS.

1. Submittal letter from the chief elected official/city manager/planning director (copy chief elected official/city manager) indicating the local governing body has acted to transmit the recertification request by motion or resolution.
2. The information below must be provided for local land use plan map amendments which do not require amending the Broward County Land Use Plan. A separate application must be completed for amendments to the Broward County Land Use Plan in accordance with the "Application for Amendments to the Broward County Land Use Plan: Broward County Planning Council." Planning Council staff should be consulted regarding the determination of when an amendment to the Broward County Land Use Plan is required.
  - a. Local amendment name, case number and resolution or ordinance number.
  - b. Applicant Information
    1. Name, address, telephone number and email address of the applicant.
    2. Name, address, telephone number and email address of the agent.
    3. Name, address, telephone number and email address of the property owner(s).
  - c. Sealed survey for each amendment site indicating the area proposed for change.
  - d. Written description of the size and boundaries of the area proposed for change.
  - e. Existing and proposed land use designation(s).
  - f. Rationale for the amendment.
  - g. Fee for processing the amendment in accordance with Appendix 6, "Fee Schedule" of the *Administrative Rules Document: BrowardNext*.
  - h. Copy of adoption ordinance upon final action by local government. (Note: If the ordinance is adopted prior to Planning Council recertification, it must be adopted conditionally upon Planning Council recertification.)
3. The future local land use plan map reflecting the proposed change.
4. If the recertification request includes text amendments, the relevant revised pages of the text in underline/strike-through format, as well as a clean copy.

## EXHIBIT B (continued)

5. Updated flexibility tables indicating planned acreage by land use category and number of permitted dwelling units.
6. If the recertification request includes amendments changing residential densities, the following information must be provided to demonstrate compliance with the Broward County Land Use Plan.
  - a. Current and projected build-out populations.
  - b. Existing and projected community parks requirements utilizing the three (3) acres per 1,000 persons standard.
  - c. Inventory of all existing park and recreation acreage used to satisfy the above standard relative to existing population.
  - d. Inventory of all projected park acreage used to satisfy the above standard for the projected build-out population.
  - e. Demonstration of compliance with Article 2.3 of the *Administrative Rules Document: BrowardNext*.
  - f. For local amendments which were not the subject of a Broward County Land Use Plan amendment and which will result in an increased demand for “community parks” acreage, documentation, consistent with the requirements of the Land Use Plan, must be submitted demonstrating adequate public access and conspicuous signage for all additional acreage/sites used to meet the requirement of three (3) acres per 1,000 existing residents.
7. The recertification request must demonstrate compliance with Broward County Land Use Plan Policy 2.10.1 and Article 3.4 of the *Administrative Rules Document: BrowardNext* regarding compatibility with adjacent land uses and impacts on public school facilities. A compatibility review may be required for “flexibility” allocations in the following instances:
  - a. Site is east of the Intracoastal Waterway which impacts access to public beaches.
  - b. Site is contiguous to a municipality upon request of the contiguous municipality.
  - c. Site is attached, adjacent, located within 500 feet or separated only by streets, highways, canals, rivers or easements, to an Environmentally Sensitive Land or a Broward County or regional park upon request of the Broward County Commission.
8. Demonstrate that the local government plan amendment has completed the Chapter 163, Florida Statutes, review process, including any appeal period.

## **EXHIBIT B (continued)**

9. If the municipal amendment was the subject of a Broward County Land Use Plan amendment and subject to any interlocal agreements and/or voluntary commitments (i.e. activity center monitoring agreements, school mitigation, affordable housing, restriction of number and/or type of units), please include appropriately reviewed, executed, and recorded documents (to the satisfaction of the appropriate agencies) in this regard.

Please note that the recertification will not be scheduled for a Planning Council meeting until the applicable interlocal agreements and/or voluntary commitments are fulfilled, with the exception of a request for a “conditional recertification” per Article 2.5.1 of this document.

## APPENDIX 3

### APPLICATION FOR BROWARD COUNTY LAND USE PLAN REDEVELOPMENT UNITS AND RELEASE OF FLEXIBILITY UNITS

#### A. REDEVELOPMENT UNITS

TWO COPIES OF THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE A REQUEST FOR ALLOCATION OF REDEVELOPMENT UNITS WILL BE ACCEPTED FOR PROCESSING:

1. Submittal letter from the chief elected official/city manager/planning director (copy chief elected official/city manager) indicating the local governing body has acted to transmit the request for redevelopment units by motion or resolution. The motion or resolution must include the number of redevelopment units being requested.
2. Updated flexibility table demonstrating that fewer than 250 combined “flexibility units” or “redevelopment units,” or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less, are available within the municipality.
3. Indicate support documents that describe how the municipality has identified appropriate areas for allocations of “redevelopment units,” such as adopted municipal plans, comprehensive plans, redevelopment plans, master plans or similar plans that have been the subject of municipal public participation and input.
4. Map identifying areas, as well as main transit corridors, which are appropriate for allocations of “redevelopment units” (i.e. receiving areas) consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, master plans, or similar plans that have been the subject of municipal public participation and input.
5. Describe how the municipality will comply with Broward County Land Use Plan policies regarding affordable housing.
6. Describe how the municipality shall ensure compatibility of land uses.
7. Demonstrate sufficient capacity for impacts to public facilities and services, including public schools, as follows:
  - a. Indicate the facility serving the area, current plant(s) capacity, current and committed demand and planned capacity expansions for potable water, sanitary sewer and solid waste.
  - b. Provide correspondence of public facilities and service providers verifying the information above.
  - c. Provide an updated table of community parks and open space and demonstration that the parks requirement of 3 acres per 1,000 persons is met.

- d. Provide documentation that a public school consistency review shall be obtained for any site specific allocation of redevelopment units.
8. For allocations in areas within Priority Planning Areas for Sea Level Rise, indicate:
  - a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or
  - b. Flood protection improvements committed to by applicants which would mitigate or enhance flood protection and adaptation from rising sea levels.
9. Draft of proposed voluntary commitment(s)/mitigation. Noting that, if the requested redevelopment unit allocation is approved subject to voluntary commitment(s), effectiveness of the approval shall not occur until a legally enforceable agreement(s) (to the satisfaction of the appropriate agencies) regarding the voluntary commitment(s) is recorded in the public record of Broward County, and a copy of the appropriately reviewed, executed, and recorded document(s) is provided to Planning Council staff.

THE FOLLOWING RULES AND REGULATIONS MUST BE ADHERED TO FOR MUNICIPAL ALLOCATIONS OF REDEVELOPMENT UNITS:

1. "Redevelopment units" shall not be allocated to areas east of the Intracoastal Waterway.
2. Allocations will remain subject to the "compatibility review" requirements of Policy 2.10.1 of the BCLUP. In addition, site specific allocations greater than 250 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated "activity center" or "redevelopment area," or within a ¼ mile of a limited transit stop, shall not be subject to such review.
3. Allocations of "redevelopment units" are eligible to lands designated "Activity Center," "Commercial" (or equivalent category) and "Residential" on the municipal land use plan.
4. The Planning Council and County Commission shall each hold one public hearing with "due public notice" to approve the initial allocation.
5. An application for the allocation of redevelopment units may be up to 500 dwelling units, or 10% of the number of dwelling units permitted by the certified land use plan, whichever number is less. The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, if the municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism for a minimum period of 30 years.
6. For subsequent municipal requests for "redevelopment units" after the first allotment, the Planning Council may consider the number of additional dwelling units at one public hearing with "due public notice" at such time that 5% or fewer "redevelopment units" remain, subject to a review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.

## **B. RELEASE OF FLEXIBILITY UNITS**

TWO COPIES OF THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE A REQUEST TO RELEASE FLEXIBILITY UNITS WILL BE ACCEPTED FOR PROCESSING:

1. Submittal letter from the chief elected official/city manager/planning director (copy chief elected official/city manager) indicating the local governing body has acted to transmit a request for the release of “flexibility units” by motion or resolution and indicate that the maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000.
2. Flexibility table demonstrating that the municipality had more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2017 BrowardNext - Broward County Land Use Plan.
3. Map identifying areas, as well as main transit corridors, which are appropriate for allocations of “flexibility units” (i.e. receiving areas) consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, master plans, or similar plans that have been the subject of municipal public participation and input.
4. Indicate support documents that describe how the municipality has identified appropriate areas for allocations of “flexibility units,” such as adopted municipal plans, comprehensive plans, redevelopment plans, master plans or similar plans that have been the subject of municipal public participation and input.
5. Describe how the municipality will comply with Broward County Land Use Plan policies regarding affordable housing.
6. Describe how the municipality shall ensure compatibility of land uses.
7. Demonstrate sufficient capacity for impacts to public facilities and services, including public schools, as follows:
  - a. Indicate the facility serving the area, current plant(s) capacity, current and committed demand and planned capacity expansions for potable water, sanitary sewer and solid waste.
  - b. Provide correspondence of public facilities and service providers verifying the information above.
  - c. Provide an updated table of community parks and open space and demonstration that the parks requirement of 3 acres per 1,000 persons is met.
  - d. Provide documentation that a public school consistency review shall be obtained for any site specific allocation of “flexibility units.”

THE FOLLOWING RULES AND REGULATIONS MUST BE ADHERED TO FOR THE RELEASE OF FLEXIBILITY UNITS:

1. The Planning Council shall hold one public hearing with “due public notice” to approve each release of up to 5,000 “flexibility units.”
2. At such time that 5% or fewer “flexibility units” remain from the initial and/or previous municipal request for the release of “flexibility units,” the Planning Council may consider an additional allocation of up to 5,000 “flexibility units.”

## **APPENDIX 4**

### **BROWARD COUNTY PLANNING COUNCIL APPLICATION CHECKLIST FOR AMENDMENTS TO THE ENVIRONMENTALLY SENSITIVE LANDS MAP**

This application identifies the information required by the Broward County Planning Council for processing amendments to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan.

All amendment requests must be accompanied by the appropriate fee and the materials identified on the attached application. A rationale must be provided for those items on the checklist that are not applicable to the proposed amendment site's specific conditions. Applicants must submit 2 hard copies and 1 digital copy of the amendment application for the Broward County Planning Council. Complete applications must be submitted in accordance with the Planning Council's established submittal deadlines, as well as the County Commission requirements. The applicant shall be responsible for providing accurate information and sufficient data and analysis to enable the Planning Council staff to process the application. However, the acceptance of the application for processing shall not constitute an affirmation of the accuracy or completeness of the application.



**Following each item on the checklist, identify the page/exhibit number where the item can be found.**

1. TRANSMITTAL INFORMATION

PAGE OR EXHIBIT #

A. Letter from applicant, agent or property owner requesting that the Planning Council process an amendment to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan.

\_\_\_\_\_

B. Letter from municipal mayor or manager indicating the local government's position on the proposed amendment to be provided no later than 21 days prior to the first Planning Council scheduled public hearing.

\_\_\_\_\_

C. Name, title, address, telephone number and e-mail address of the municipal contact person.

\_\_\_\_\_

2. APPLICANT INFORMATION

A. Name, title, address, telephone number and e-mail address of the applicant.

\_\_\_\_\_

B. Name, title, address, telephone number and e-mail address of the agent.

\_\_\_\_\_

C. Name, title, address, telephone number and e-mail address of the property owner.

\_\_\_\_\_

D. Applicant's rationale for the amendment.

\_\_\_\_\_

3. AMENDMENT SITE DESCRIPTION

A. Concise written description of the general boundaries and gross acreage (as defined by the BCLUP) of the proposed amendment.

\_\_\_\_\_

B. Original sealed survey, including legal description. (Digital scans are not acceptable.)

\_\_\_\_\_

C. Aerial photograph.

\_\_\_\_\_

D. Recorded plat(s), if applicable.

\_\_\_\_\_

4. EXISTING AND PROPOSED USES

A. Existing use of amendment site and adjacent areas. Provide cross-sections of the existing conditions on the subject site.

\_\_\_\_\_

- B. Proposed use of the amendment site including proposed square footage for each non-residential use and/or dwelling unit count. Provide draft cross-sections of post-development conditions on the subject site.

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**If the amendment site is not developed, please provide the following information:**

5. LAPC CATEGORIES

Indicate if the amendment site contains resources or characteristics of Local Areas of Particular Concern (LAPC) as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

- A. Marine Resources
- B. Natural Landforms and Features
- C. Native Vegetative Communities
- D. Wildlife
- E. Economic Resources
- F. Cultural Resources

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6. ENVIRONMENTAL ANALYSIS

- A. An environmental analysis must be provided to determine the proposed amendment's environmental impacts both on-site and to adjacent properties.
- B. A proposed mitigation strategy which identifies measures to avoid and/or minimize any potential risks as indicated by the environmental analysis.
- C. Broward County Environmental Resource License – provide information including the permit number and status of any license related to the proposed amendment site.
- D. Federal and/or State Environmental Permits – provide information including the permit number and status of any license related to the proposed amendment site.

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E. Surface Water Management Plan - indicate if a Plan has been approved by, or an application submitted to, the South Florida Water Management District (SFWMD) and/or any independent drainage district, for the amendment site. Provide information including the permit number and status of any license related to the proposed amendment site.

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F. Identify the drainage district and drainage systems serving the amendment site, including any planned drainage improvements, including year, funding sources and other relevant information.

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G. Identify the management of storm water retention on-site, as well as the extent to which the amendment site provided storm water retention to surrounding properties and how potential run-off will be mitigated throughout the affected area.

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7. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated.

A. Wetlands – describe whether the amendment will impact existing wetlands, lakes or aquifer recharge areas. If so, describe what management practices will be used to protect or mitigate the area’s natural features.

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B. Soils – describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area’s natural features.

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C. “Endangered species,” “threatened species,” “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

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D. Tree Canopy and Ground Cover, including plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services. If yes, identify the species and show the location on a map.

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**PAGE OR EXHIBIT #**

E. Priority Planning Area – indicate whether the amendment is located within a priority planning area. If yes, address Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.

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F. Flood Zone Area per the Federal Emergency Management Agency’s Flood Insurance Rate Map.

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G. Wellfields – indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the affected zone and any provisions which will be made to protect the wellfield.

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H. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

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I. Archaeological sites listed on the Florida Master Site File.

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J. Local Parks – indicate if the amendment site is utilized to meet the municipal “community parks” requirement, as defined by the Broward County Land Use Plan. If yes, indicate whether the municipality will continue to meet the “community parks” acreage requirement based on its projected build-out population.

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K. Beach Access – indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.

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L. Hurricane Evacuation - indicate if the amendment site is located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division. If yes, provide a hurricane evacuation analysis based on the proposed use of the amendment site, considering the number of permanent and seasonal residential dwelling units requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times.

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8. **INTERGOVERNMENTAL COORDINATION**

Indicate whether the proposed amendment site is adjacent to other local governments.

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**PAGE OR EXHIBIT #**

9. PUBLIC OUTREACH

Describe how the applicant and/or local government notified and coordinated with adjacent property owners, master associations, homeowner associations, etc.

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10. DESCRIBE CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

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11. ADDITIONAL SUPPORT DOCUMENTS

A. Other support documents or summary of support documents on which the proposed amendment is based.

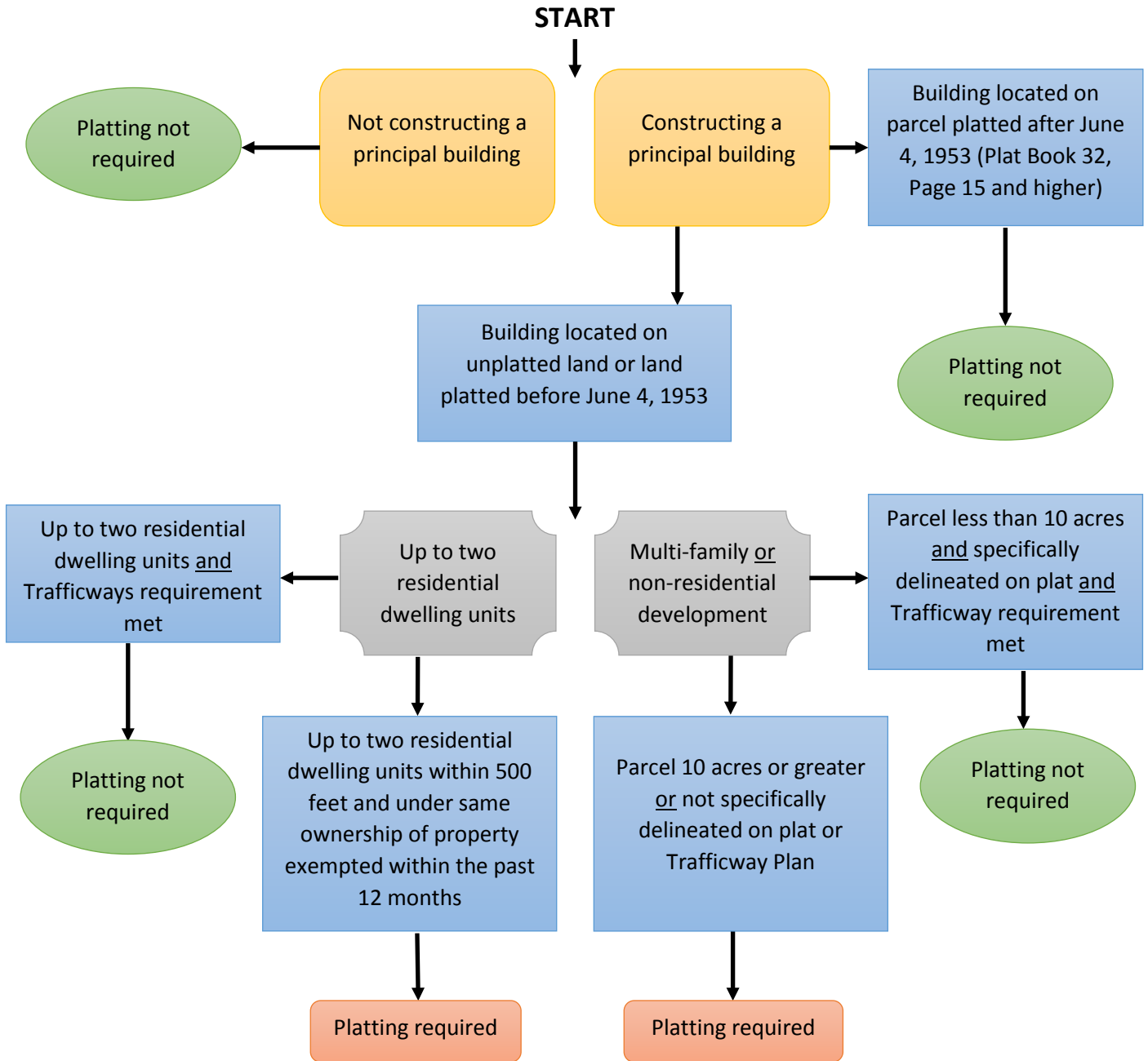
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B. Any proposed voluntary mitigation or draft agreements.

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# APPENDIX 5

## BROWARD COUNTY LAND USE PLAN Platting Determination Process



(Note: Local Regulation may be more restrictive and require platting in instances where Broward County does not.)

Source: Broward County Planning Council, June 2017

## APPENDIX 6

### FEE SCHEDULE

	<u>FEE</u>
Broward County Land Use Plan Map Amendment* (includes recertification processing)	\$21,300.00
Broward County Land Use Plan Text Amendment* (includes recertification processing)	\$21,300.00
- Amendments deferred at the request of applicants are subject to a fee equal to 50 percent of the original filing fee.	\$10,650.00
- Full cost recovery for "courtesy notices" to surrounding property owners. Such cost shall be paid in full no later than 21 days before the first Planning Council scheduled public hearing.	
- Print Shop processing of Courtesy Notices (per envelope for two public hearings)	\$3.00
- In-House processing of Courtesy Notices (per envelope for two public hearings)	\$2.00
- Full cost recovery for "public hearing display advertisements" as required by Chapter 163, Florida Statutes. Said costs shall be paid in full no later than 21 days before the Broward County Commission adoption hearing.	TBD
Recertification of Municipal Land Use Plan Amendments (per amendment):	
- Map Amendment	\$3,090.00
- Municipal Land Use Plan Text Amendment (Government Applicant)	\$0.00
Broward County Environmentally Sensitive Lands Map Amendment	\$6,760.00
Broward County Planning Council staff written Platting Interpretation (per specific development scenario on a specific parcel of land):	
- All interpretations except those for properties platted after June 4, 1953 (Plat Book 32, Page 15)	\$500.00
- Post June 4, 1953 (Plat Book 32, Page 15) platted properties only	\$175.00

	<u>FEE</u>
Broward County Planning Council staff written Land Use Interpretation (per specific scenario)	\$400.00
Broward County Planning Council staff written Acreage Determination (per specific parcel or contiguous development)	\$400.00
Broward County Planning Council staff written Land Use Confirmation (per specific parcel or contiguous development)	\$235.00

**\*AMENDMENTS NOT SUBJECT TO APPLICATION FEES**

Courtesy Notice and Public Hearing Display Advertisement Costs are not exempt and will be incurred at the appropriate time.

1. Land use plan amendments for property that is publicly owned, will continue to be publicly owned, and will be utilized for a public purpose.
2. Land use plan amendments for property owned by a not-for-profit, tax-exempt organization, if the local government and the Broward County Board of County Commissioners make a finding that the proposed use will serve a public purpose and promotes the public health, safety and welfare.
3. Land use plan amendments designed solely to correct an error or add annexed areas without a change in density or intensity and the local government is the initiating party.
4. Land use plan amendments initiated by the Broward County Planning Council or Broward County Board of County Commissioners.
5. Land use plan amendments that propose to commit to a minimum of 15% for very-low, low or moderate affordable housing for a minimum of 30 years and subject to a legally enforceable agreement, filed at time of application.