

Environmental Protection and Growth Management Department
 STAFF REPORT
Amendment 22-22: Chapter 5 – Chapter 39 Reorganization

I. Item Summary.

Commission District	Chapter 5 Updates: All Chapter 39 Updates: 1, 2, 3, 5, 6, 7, 8
Application/Agent	Urban Planning Division
Proposed modifications	<ul style="list-style-type: none"> ➤ Reorganizes Chapter 5 and 39 of the Broward County Code of Ordinances to provide for Chapter 5 – Building Regulations and Land Use to retain countywide development standards and Chapter 39 – Zoning to include site plan procedures and requirements for the Unincorporated Area. ➤ Replaces references to obsolete documents and division/department names. ➤ Clarifies ambiguous language. ➤ Deletes obsolete provisions.
Effect of Proposed Change	Provides a more user-friendly and functional code.
Comprehensive Plan Consistency	Consistent: Broward Municipal Services District Element policies 2.1.1, 4.1.4, 5.1.3

II. Staff Recommendation.

The Broward County Resilient Environment Department, Urban Planning Division (RED UPD) recommends that the Local Planning Agency (LPA) find the proposed ordinance consistent with the Broward County Comprehensive Plan.

III. Background.

The location of site planning regulations within Chapter 5, Article IX, Division 4, entitled “Site Plan Procedures and Requirements for Land within the Unincorporated Area,” relate back to a time when the majority of the urbanized area of the County was Unincorporated. Today, only small pockets of the Unincorporated Area (Broward Municipal Services District) remain.

On March 1, 2022, the Board of County Commissioners directed the Office of the County Attorney to draft an Ordinance amending Chapter 5 (“Land Development Code”) and Chapter 39 (“Zoning”) of the Broward County Code of Ordinances to relocate the unincorporated area site planning regulations from Chapter 5 to Chapter 39, renumbering and renaming the remaining portions of Chapter 5, and streamline the site planning process.

III. Description of Amendments.

A. Land Development Code. Below is a summary of updates to the Land Development Code by section number.

1. Chapter 5, Division 4.

- Renames Division 4 from the former “SITE PLAN PROCEDURES AND REQUIREMENTS FOR LAND WITHIN THE UNINCORPORATED AREA” to “DEVELOPMENT STANDARDS FOR

BROWARD COUNTY JURISDICTIONAL ROADWAYS, RIGHTS-OF-WAY, NATURAL RESOURCE AREAS, AND OTHER EASEMENTS”

- Deletes all language applicable to only the Unincorporated Area.
- 2. Sections 5-191 through Section 5-195.
 - Deletes and replaces sections, pertaining to site plan review in the Unincorporated Area, in their entirety.
 - Adds a new Section 5-191. Applicability.
 - Specifies that Division 4 applies to County jurisdictional roadways, rights-of-way, natural resource areas, historic and archaeological resources, and other easements granted in favor of the County.
 - Deletes in their entirety:
 - Section 5-192.-Site plan review procedures.
 - Section 5-193.-Exemptions to site plan review.
 - Section 5-194.-Reserved.
 - Replaces “Section 5-195.-Site plan parking, circulation, landscaping and design requirements” with “Section 5-192. Parking circulation, right-of-way access, sidewalks, and water and wastewater easements.”
 - Replaces Section “5-195(a) Site plan design” with “Section 5-192(a) Parking circulation and right-of-way access.”
 - Deletes requirements pertaining to site plan design that are applicable within the unincorporated area.”
 - Retains requirements pertaining roadway and right-of-way requirements.
 - Adds requirement for emergency fire vehicle access.
 - Deletes “Section 5-195(a)(19) Wireless communication towers.”
 - Amends “Section 5-195(b)(8) Bus bay requirements” and renumbers as “Section 5-192(c)(8).”
 - Adds that additional right-of-way shall be dedicated for bus pull out bays, upon a finding by the Transit Division, that there is a rational relationship between the required dedication and the needs of the community. Considerations include the immediate and direct impact, as well as the long-term impact of continued approval of additional development along bus routes.
 - Amends “Section 5-195(b)(9) Bus shelter easement requirement.”
 - Adds that additional right-of-way shall be dedicated for bus shelter easements, upon a finding by the Transit Division, that there is a rational relationship between the required dedication and the needs of the community. Considerations include the immediate and direct impact, as well as the long-term impact of continued approval of additional development along bus routes.

B. Zoning Code. Below is a summary of updates to the Zoning Code by section number.

1. Section 39-94: Pervious area.
 - Adds a new section to establish maximum requirements for areas covered by structures and impervious area.
 - Provides for any area that allows infiltration of water to count as pervious area.
 - Provides for pervious paving blocks to be credited toward pervious area, subject to certain limitations for actively used major driveways, loading zones, or areas that may cause liability to the owner.

- Prohibits grass parking from counting toward pervious area.
 - Allows variation from the impervious surface area standards provided:
 - Mitigating design improvements are implements in excess of the minimum requirement;
 - Impervious surface area does not exceed 85% for industrial, 80% for commercial, and 70% for residential uses.
 - Requires each proposed development to apply best management practices to enhance on-site water retention, such as grass ponds, grass swales, and french drains.
2. Section 39-220. Parking plans:
 - Adds the following requirements:
 - Parking stalls must have direct and unobstructed access from a parking aisle;
 - No more than ten (10) contiguous parking stalls are allowed without a parking island;
 - Each parking aisle must have a terminus landscape island;
 - Substitution other designs deemed suitable by the Highway Construction and Engineering Division.
 3. Section 39-227. Parking for disabled persons:
 - Provides for each required parking space for disabled persons be a minimum of 12' x 18'.
 4. Section 39-229. Offstreet loading:
 - Provides for offstreet loading facilities to accommodate parking and maneuvering, exclusive of areas designated for aisle, driveways, and parking stalls.
 - Allows on-street loading on local cul-de-sac street abutting commercial and industrial development.
 5. Section 39-230. Reserved Parking Offsets and Reductions:
 - Allows the reduction of required offstreet parking if bicycle racks or on-street public parking is provided.
 - Exempts retail or service businesses with a floor areas of less than 600 square feet from offstreet parking requirements.
 6. Section 39-231. Parking location:
 - Allows businesses that cannot meet the requirement for offstreet parking to locate parking offsite provided:
 - Offsite parking is provided within 400 feet, measured by the shortest path of pedestrian travel;
 - Offsite parking is joined to the site through a unity of title or shared parking agreement;
 - Offsite parking may not be separated from the site by arterial roadway; and,
 - Offsite parking must be shown on an approved site plan and clearly marked by signage that indicates the business it serves.
 7. Section 39-232. Parking determined by the zoning official.
 - Allows the zoning official to reduce the number of required parking space for uses allowed within commercially zoned districts. Such determination shall be made in consideration of the following:
 - Whether the applicant has utilized the parking reductions identified in Sections 39-230 or 39-231;
 - Whether the proposed business involves redevelopment or revitalization of an existing site;
 - Whether any variances are pending or have been issued;

- Whether the applicant has outstanding code enforcement violations;
 - Whether the parking reduction negatively impacts the safe movement of traffic, bicycles, and pedestrians; and,
 - Whether the applicant has submitted a parking study or other documentation certified by a licensed engineer to validate that the use does not demand the amount of parking required in Section 39-228.
8. Article XXVI. Site Plan Procedures and Requirements.
- Creates new article to incorporate site plan procedures currently located in Chapter 5 into Chapter 39.

DATA & ANALYSIS

As stated in Chapter 39-Zoning Code, amendments are appropriate *whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires*. The proposed amendments are appropriate to promote good planning and zoning practice by deleting obsolete code language, clarifying ambiguous provisions, and improving code organization.

As stated in Chapter 5-Building Regulations and Land Use, Article II.-Enabling Provisions, regulations shall be designed to *lessen congestion on the highways; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other requirements*. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land and water throughout such County. The proposed amendments are appropriate to promote good planning and land development practice by deleting obsolete code language, clarifying ambiguous provisions, and improving code organization.

ATTACHMENTS

Attachment A: Proposed Ordinance