

EXHIBIT 2

SECTION I
**“ADMINISTRATIVE RULES DOCUMENT:
BROWARDNEXT”**

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

October 17, 2017

It is recommended that the proposed “Administrative Rules Document: BrowardNext” be approved. See Attachment 1.

*II. Planning Council Combined Executive and Land Use/Trafficways
Committees Recommendation*

October 26, 2017

Approval per Planning Council staff recommendation.

III. Planning Council Recommendation

October 26, 2017

Approval per Planning Council Combined Executive and Land Use/Trafficways Committees recommendation. (Vote of the board; Unanimous: 16-0; Blackwelder, Blattner, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Grosso, Rosenof, Rosenzweig, Seiler, Udine, Williams and Stermer)

SECTION II
***“ADMINISTRATIVE RULES DOCUMENT:
BROWARDNEXT”***

BACKGROUND INFORMATION

On April 27, 2017, the Broward County Planning Council initiated the update of the “Administrative Rules Document” to reflect the BrowardNext - Broward County Land Use Plan adoption on April 25, 2017.

During the preparation of BrowardNext, some rules, guidelines, procedures and methodologies were adopted within the text and policies of the updated Plan, with the understanding that any remaining would be adopted within an implementation document. The implementation document will allow for modifications without undergoing the plan amendment procedures required under Florida Statute, Chapter 163. The updated and revised “Administrative Rules Document: BrowardNext” is included in **Attachment 1**. Appropriate portions of the Rules (Articles 1, 3 and 5) will also be approved and adopted by the Broward County Board of County Commissioners.

Under the 1989 Broward County Land Use Plan, these types of rules were adopted into the “Administrative Rules Document: Broward County Land Use Plan.” The existing “Administrative Rules Document” that implemented the previously effective 1989 Broward County Land Use Plan is attached for your reference. **See Attachment 2.**

PUBLIC OUTREACH

This item was presented at a workshop on June 29, 2017, and distributed to local governments and stakeholders for comment on August 2, 2017.

Comments were received from the City of Fort Lauderdale and are addressed in the Planning Analysis. **See Attachment 3.**

SECTION III
***“ADMINISTRATIVE RULES DOCUMENT:
BROWARDNEXT”***

PLANNING ANALYSIS

The “Administrative Rules Document” is maintained, as per the requirements of the BrowardNext - Broward County Land Use Plan (BCLUP), by the Broward County Planning Council for the purpose of providing direction, assistance and guidance to local governments, the general public, and Planning Council staff in implementing the BCLUP.

The updated and revised “Administrative Rules Document: BrowardNext” was developed with a philosophy to streamline the document to ensure that only the most pertinent and necessary information is included.

The following is a summary of the proposed updates:

PROPOSED ARTICLES

ARTICLE 1: Amendment to the Broward County Land Use Plan

ARTICLE 2: Certification of Local Land Use Plans

ARTICLE 3: Flexibility Rules, Redevelopment Units, Compatibility Determinations and Special Residential Facilities

ARTICLE 4: Platting

ARTICLE 5: Implementation of Affordable Housing Policy (Policy 2.16.2)

ARTICLE 1

- Former Article 4 - No Substantive Changes
- Rules and Regulations Regarding Amendment to the Broward County Land Use Plan
- Land Use Plan Transmittal Requirements
- Planning Council Public Hearings
- County Commission Transmittal and Adoption

ARTICLE 2

- Former Article 3 - No Substantive Changes
- Rules and Regulations for Certification of Local Land Use Plans
- Certification Process
- Provisional Certification
- Recertification of Local Amendments
- Conditional Recertification of Local Amendments
- Planning Council Second Public Hearing
- Subject to Conditions

PLANNING ANALYSIS (continued)

ARTICLE 3

- Former Articles 1, 2, 5, 6 and 9
- Unified Flexibility Zones
- Municipal Boundaries
- Flexibility Rules
- Compatibility Determinations
- Special Residential Facilities
- Annual Flexibility Report
- New Criteria Regarding Redevelopment Units
- Implementation of Policy 2.35.1

ARTICLE 4

- Former Article 7
- Implementation of Policy 2.13.1
- Platting Requirements - No changes
- Platting Exemptions
- 10 acre maximum for pre-1953 specifically delineated parcels (4/25/17)
- Building the same use within the same footprint (11/15/01)
- Single-family infill development restricted to affordable housing for at least 15 years (3/23/17)
- Definitions – Update Florida Building Code reference

ARTICLE 5

- Former Article 10
- Implementation of Policy 2.16.2 (Former Policy 1.07.07)
- Methodology – Meridian Appraisal Group Report
- “Recommended Methodology for Supply and Demand Analysis for Broward County’s Affordable Housing Market”
- American Community Survey
- Local government may submit additional data and analysis
- In-Lieu Contributions – No Changes
 - 15% set-aside
 - \$1 per square foot of gross floor area of dwelling unit

APPENDICES

Appendix 1: Plan Amendment Requirements and Procedures and Checklist (Former Appendix 3)

Appendix 2: Checklist for Local Government Certification and Recertification (Former Appendix 2 and 3)

Appendix 3: Application for Broward County Land Use Plan/Redevelopment Units Receiving/Non-Receiving Areas (Former Appendix 5)

Appendix 4: Platting Determination Process Flowchart (Former Appendix 4)

Appendix 5: Fee Schedule (Former Appendix 6)

PLANNING ANALYSIS (continued)

SUMMARY OF CHANGES

- Eliminate Generalized Permitted Uses Chart
- Revise Local Government Certification Checklist to reflect BrowardNext Policies
- Streamline Broward County Land Use Plan Amendment Requirements Checklist
- Replace Flexibility Zone Boundary Modification Application with an Application for Broward County Land Use Plan Redevelopment Units Receiving/Non-Receiving Areas

Upon request for comments, written comments were submitted by the City of Fort Lauderdale staff regarding the following:

- Article 3: Clarification of the 20% commerce- to-residential flexibility rule.
 - **Planning Council Staff Response:** Noted. The reduction from 20% to 10% was a scrivener’s error in the draft. Article 3 reflects 20% consistent with Policy 2.3.4 of the BrowardNext – Broward County Land Use Plan.
- Appendix 2: The City requests clarification of the streamlined recertification process and to identify additional opportunities for the same.
 - **Planning Council Staff Response:** In 2015, Planning Council staff and the Council Attorney coordinated to develop a streamlined recertification process for the corresponding local amendment to Broward County Land Use Plan amendments, taking an action at its second public hearing that if the Broward County Land Use Plan amendment is adopted by the County Commission, the action by the Planning Council is considered a “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification is not deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document*. The Planning Council Executive Director then issues a written letter of effectiveness to the municipality upon satisfaction of the same. Planning Council has amended Article 2.5.1 regarding “conditional” recertification to memorialize this process.

In addition, Planning Council staff is supportive of identifying additional procedures to streamline the recertification process and will provide an update of potential strategies to the Planning Council in late winter 2018.

- Compatibility Determinations: The City recommends retaining the Municipal and County notification requirements for allocations of flexibility contiguous to another municipality.
 - **Planning Council Staff Response:** Planning Council staff concurs and has added the previous existing criteria back in as Article 3.4 to address the comment.

RECOMMENDATION

Planning Council staff recommends that the Administrative Rules Document: BrowardNext be approved.

SECTION IV
***“ADMINISTRATIVE RULES DOCUMENT:
BROWARDNEXT”***

ATTACHMENTS

1. Proposed Revised Administrative Rules Document: BrowardNext Draft dated October 17, 2017
2. Administrative Rules Document: Broward County Land Use Plan (prior to adoption of BrowardNext)
3. Correspondence from Lorraine Tappen, AICP, LEED Green Associate, Principal Planner, Urban Design & Planning, City of Fort Lauderdale, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 5, 2017

ADMINISTRATIVE RULES DOCUMENT: BrowardNEXT

Broward County Board of County Commissioners
Broward County Planning Council



**ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN**

Adopted: xxxx, 2017

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BrowardNext → ADMINISTRATIVE RULES DOCUMENT

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APPENDICES

Appendix 1	Broward County Planning Council Plan Amendment Requirements and Procedures Exhibit: Application Checklist for Amendments to the Broward County Land Use Plan
Appendix 2	Local Government Certification and Recertification Exhibit A: Checklist for Local Government Certification Exhibit B: Application Requirements for Recertification of Local Land Use Plans
Appendix 3	Application for Broward County Land Use Plan Redevelopment Units
Appendix 4	Broward County Land Use Plan Platting Determination Process Flowchart
Appendix 5	Fee Schedule

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: Broward County Land Use Plan 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 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.
 - (6) 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 two (2) public hearings 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.

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.
- (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, pursuant to Chapter 163 Florida Statutes, the Planning Council shall hold a second public hearing 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 final recommendation from the Planning Council, 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 as provided by law. 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 for a minimum period of 15 years.
- (D) Assignment of redevelopment units by a local government shall be subject to meeting the provisions and criteria of Policy 2.35.1 of the Broward County Land Use Plan.
- (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.

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 or redevelopment 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 that the County will be conducting 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) Broward County shall provide all Broward municipalities with a map identifying the Environmentally Sensitive Lands, Broward County and regional parks which are subject to these provisions.
 - (4) 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 "Commerce" on the Broward County 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 Broward County 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. For parcels up to twenty (20) acres in size, free-standing multi-family residential uses or mixed commercial/residential developments that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years are permitted; and
 - d. 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
 - e. In no instance shall the total residential uses exceed 10% of the land area designated "Commerce" or "Commercial" within the municipality.
- (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 Broward County Land Use Plan, adopted April 25, 2017. 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 EXEMPTIONS

The platting requirements shall not apply to an application for a building permit which meets any of the following criteria:

- (A) Exemption for two or fewer residential dwelling units
Policy 2.13.1 does not require (re)platting in instances involving 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. Said exemption is 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.
- (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 multi-family 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.

- (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 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. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide plating requirement.)

- (E) Exemption for infill development
Policy 2.13.1 does not require (re)plating for construction of single-family, infill development that is deed-restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."

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.”

4.4 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.

4.5 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.

4.6 DEFINITIONS*

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

*Definitions are duplicated from those within the Broward County Land Use Plan (not including guidelines under the definition of “Principal Building” and examples under the definition of “Lot or Parcel of Record”)

BUILDING PERMIT -

- (A) Any permit for the erection or construction of a new building required by the Florida Building Code, as amended.
- (B) Any permit for each addition to an existing building which would:
 - (1) create one or more additional dwelling units, or
 - (2) involve a change in the occupancy of a building as described by the Florida Building Code, as amended.
- (C) Any permit which would be required for the non-residential operations included by the Florida Building Code, as amended.

LOT OR PARCEL OF RECORD - A quantity of real property described as a single unit and identified in a deed and/or plat recorded in the public records of a county in the State of Florida. (Examples of a lot or parcel of record include warranty deed, fee simple deed, quit claim deed, etc.)

PRINCIPAL BUILDING - A building which is occupied by, 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 building to which the addition is to be attached.

(For the purpose of this guideline, “original building” means 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.)
 - (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:

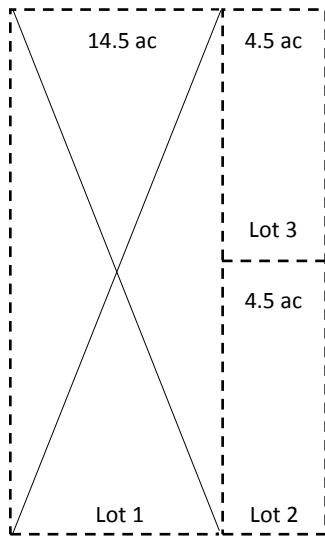
- (1) A building which is an accessory use to property devoted solely to an agricultural, open space or recreational principal use or an unmanned building which is an accessory use to property devoted solely to a communication or utility principal use.

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 advertising signs.

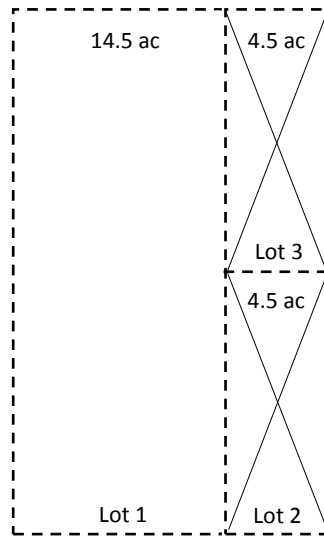
(Example 1 – What does “specifically delineated” mean?)

A lot or parcel which has been specifically delineated in a recorded plat is one which can be described solely by reference to a 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.

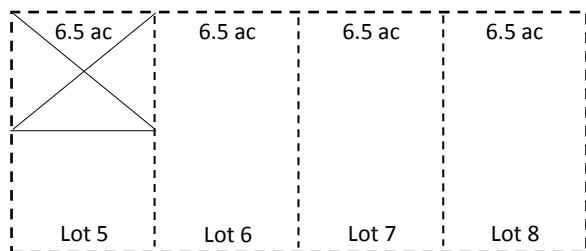
For lot(s) which were included in a plat recorded on or before June 4, 1953, and less than 10 acres in size, replatting would not be required to construct a principal building on said lot(s), assuming each development is unrelated and as long as all Broward County Trafficways have been conveyed to the public by deed or easement. Replatting would be required for Lot 1 as shown below to construct a principal building since it is more than 10 acres in size.



Lot 1—Specifically delineated but greater than 10 acres—Replatting is required



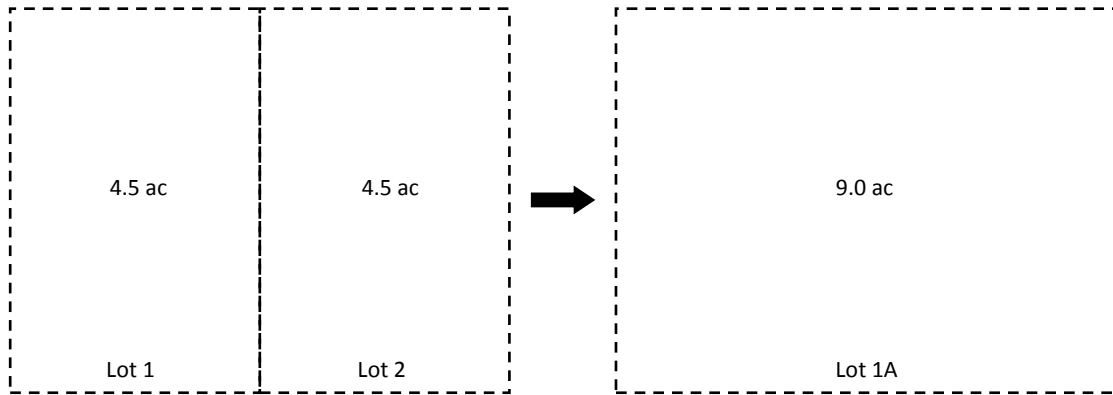
Lots 2 and 3—Specifically delineated and less than 10 acres—Replatting is not required



North 300 feet of Lot 5—Non-specifically delineated lot—Replatting is required

(Example 2 – Combining specifically delineated lots)

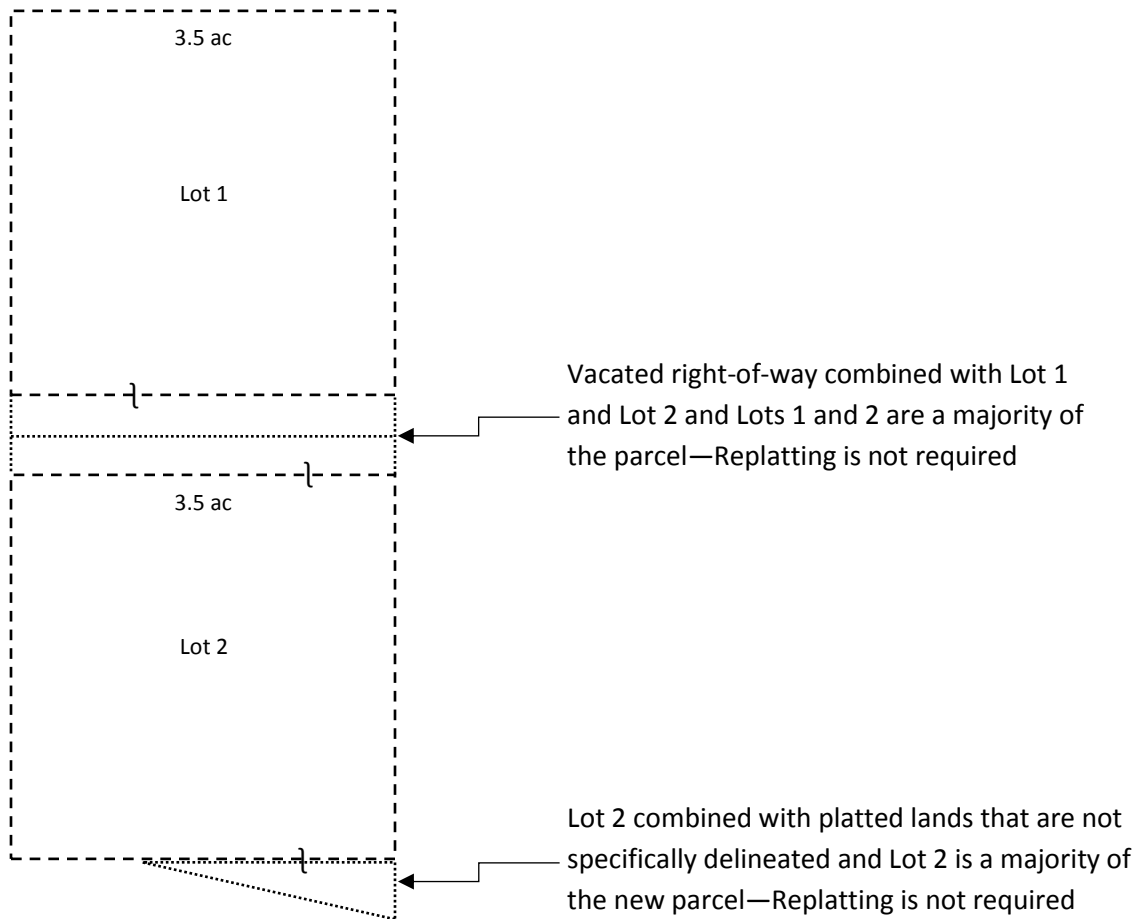
When an individual proposes to combine lots which are specifically delineated in a plat recorded on or before June 4, 1953, into a larger parcel, but one still smaller than 10 acres (see graphic below), replatting is not required by Policy 2.13.1, as long as all Broward County Trafficways have been conveyed to the public by deed or easement.



Lots at Left Combined into Parcel at Right and new Lot 1A is less than 10 acres—Replatting is not required

(Example 3 – Combining specifically delineated lots with other platted property or vacated rights-of-way)

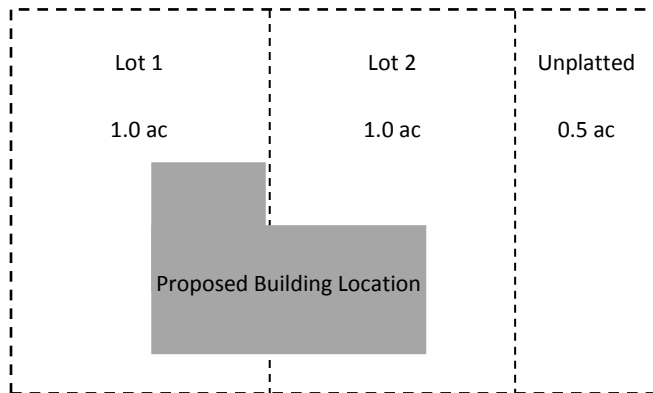
When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with land which has been included in a plat recorded before June 4, 1953, but not specifically delineated, or with vacated rights-of-way and the enlarged parcel is less than 10 acres in size, Policy 2.13.1 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement (see graphic below).



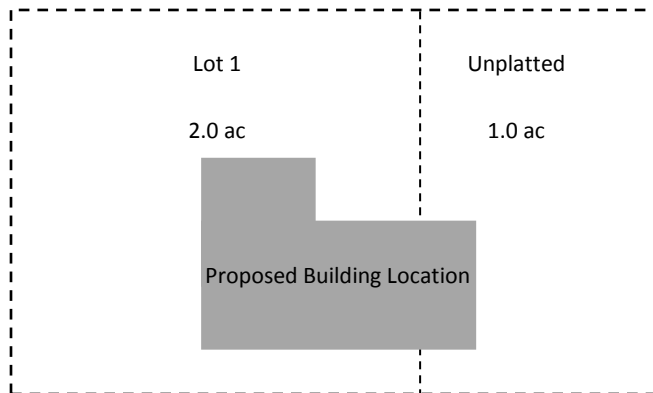
(Example 4 – Combining specifically delineated lots with unplatted property)

When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with unplatted property, and the enlarged lot or parcel is smaller than 10 acres and will contain a principal building, Policy 2.13.1 would require platting of the unplatted portion if:

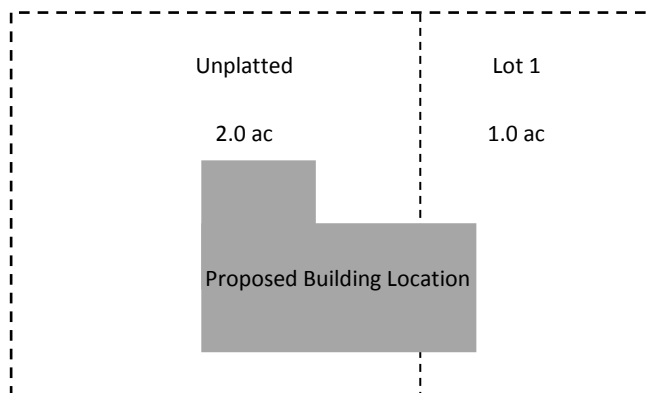
- (A) a principal building is to be located on the unplatted portion; or
- (B) the unplatted portion constitutes a majority of the enlarged lot or parcel.



Unplatted property combined with specifically delineated lots, with principal building located within specifically delineated lots—Platting is not required



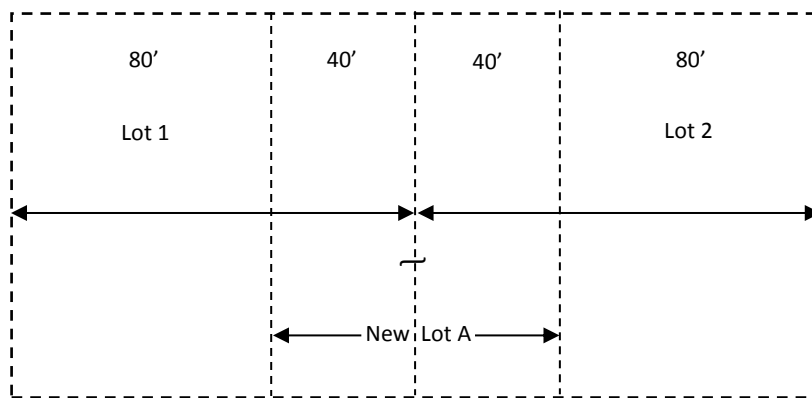
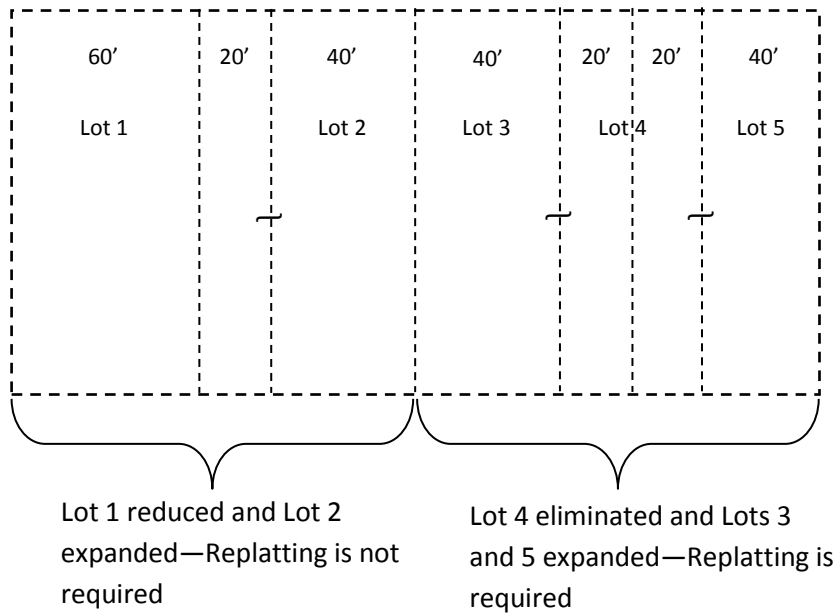
Unplatted property combined with specifically delineated lot, with principal building located within unplatted land—Platting is required



Unplatted property combined with specifically delineated lot, with unplatted land a majority of the combined parcel—Platting is required

(Example 5 – Modification of specifically delineated lot lines)

When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is smaller than 10 acres and it is reduced in size in combination with enlarging a contiguous specifically delineated lot or parcel and no additional building lots or parcels are created by the modification of the lot lines, Policy 2.13.1 would not require replatting of the reduced lot or parcel, provided that all Broward County Trafficways have been conveyed to the public by deed or easement (see graphic below).



Additional building lot is created by modification of Lot 1 and Lot 2—
Replatting is required

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 methodology described in the report entitled "*Recommended Methodology for Supply and Demand Analysis for Broward County's Affordable Housing Market*," prepared by Meridian Appraisal Group, dated June 9, 2015. 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 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 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 methodology described in the report entitled "*Recommended Methodology for Supply and Demand Analysis for Broward County's Affordable Housing Market,*" prepared by Meridian Appraisal Group, dated June 9, 2015.
- (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.

At the request of municipalities, the Broward County Planning Council has adopted procedures which allow for concurrent transmittal of Broward County Land Use Plan amendments and local land use plan amendments to the DEO. **Local governments choosing the concurrent transmittal option must specifically authorize the Broward County Planning Council to transmit the local amendment(s) corresponding to a Broward County Land Use Plan amendment.** This authorization must be made at the local government's Chapter 163, Florida Statutes, transmittal hearing and be included within the transmittal resolution or ordinance. Upon concurrent transmittal of the local amendment to the DEO, municipalities are responsible for responding to any requests made by DEO regarding the municipal amendment.

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 10 digital copies (13 copies total) of the amendment application for the Broward County Planning Council. Local governments opting for concurrent transmittal must submit 1 additional hard copy and 10 digital copies (11 copies total) of the corresponding **local land use plan amendment application** for the DEO. Those local governments choosing to transmit their local amendments to the DEO separately or those adopting small-scale plan amendments need only supply the number of copies for the Broward County Planning Council. Additional copies of the amendment application may be requested by the Planning Council staff if the amendment site requires review by additional agencies, such as independent drainage districts or adjacent municipalities. 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 applicant.

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

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

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

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.

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

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

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.

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

C. Existing use of amendment site and adjacent areas.

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.

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.

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, including the adoption date of the 10 Year Water Supply Facilities Plan.

2. 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.

3. 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.

4. 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.

- 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.

- 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.

D. Drainage Analysis

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

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

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

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.

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.

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

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.

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.

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.

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

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

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

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

PAGE OR EXHIBIT #

C. Wetlands.

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

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

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.

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

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.

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.

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.

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.

8. LAND USE COMPATIBILITY

PAGE OR EXHIBIT #

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.

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.

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.

11. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments. If so, please provide additional copies for the notification and/or review by adjacent local governments.

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

13. ADDITIONAL SUPPORT DOCUMENTS

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

B. Any proposed voluntary mitigation or draft agreements.

14. PLAN AMENDMENT COPIES

PAGE OR EXHIBIT #

- A. 3 hard copies and 10 digital copies (13 copies total) for the BCPC (Please include additional copies, if amendment site is adjacent to other municipalities and/or county jurisdictions). Additional copies may be requested by the Planning Council Executive Director after the initial application submittal.

- B. If requesting concurrent transmittal to DEO, 1 hard copy and 10 digital copies (11 copies total), as required by DEO, of the corresponding local land use plan amendment application, including transmittal letter from municipality to DEO.

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: Broward County Land Use Plan* 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 RECERTIFY LOCAL LAND USE PLANS.

REQUIRED ITEM

PAGE OR EXHIBIT #

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 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.

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.

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. Existing and projected build-out populations

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

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

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

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

A. Development Review Requirements

B. Platting Requirements

C. Local Land Development Regulations and Procedures

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

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

PAGE OR EXHIBIT #

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.)

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.

PAGE # OF LOCAL PLAN

RESIDENTIAL

POLICY 2.2.1

POLICY 2.2.3

POLICY 2.2.4

POLICY 2.2.5

COMMERCE

POLICY 2.3.1

POLICY 2.3.2

POLICY 2.3.3

POLICY 2.3.4

PARKS/CONSERVATION

POLICY 2.5.1

POLICY 2.5.5

POLICY 2.5.6

MINING

POLICY 2.9.2

POLICY 2.9.3

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 2.12.1

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 2.14.2 _____
- 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 _____

PAGE # OF LOCAL PLAN

POLICY 2.17.6

WETLANDS

POLICY 2.22.2

ENVIRONMENTALLY SENSITIVE LANDS

POLICY 2.23.4

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

POLICY 2.27.5

SEA TURTLE LIGHTING

POLICY 2.28.1

HISTORIC AND ARCHAEOLOGICAL RESOURCES

POLICY 2.30.1

POLICY 2.30.2

PLANNING COUNCIL RECERTIFICATION REQUIREMENTS

POLICY 2.33.1

POLICY 2.33.2

POLICY 2.33.3

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

Studio/Efficiency Dwelling Units
Activity Centers
Urban Agriculture
Ports and Airports
Fracturing
Affordable Housing Bonus Density

Complete Streets
Smart Growth
Climate Resiliency
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 5, "Fee Schedule" of the Administrative Rules Document: Broward County Land Use Plan.
 - 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.

EXHIBIT B (continued)

5. Updated flexibility table 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. Existing 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: Broward County Land Use Plan.
 - 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 regarding compatibility with adjacent land uses and impacts on public school facilities.
8. Demonstrate that the local government plan amendment has completed the Chapter 163, Florida Statutes, review process, including any appeal period.
9. If the municipal amendment was the subject of a Broward County Land Use Plan amendment and subject to any voluntary commitments (i.e. 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 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

THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE ALLOCATIONS OF REDEVELOPMENT UNITS WILL BE ACCEPTED FOR PROCESSING:

1. 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.
2. Map identifying areas which are appropriate (receiving areas) and not appropriate (non-receiving areas) for allocations of “redevelopment units” consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, vision plans, or similar plans that have been the subject of municipal public participation and input.
3. For site specific allocations, the municipality shall ensure compatibility of land uses and demonstrate sufficient capacity for impacts to public facilities and services, including public schools.
4. The municipality shall ensure compliance with Broward County Land Use Plan policies regarding affordable housing.

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

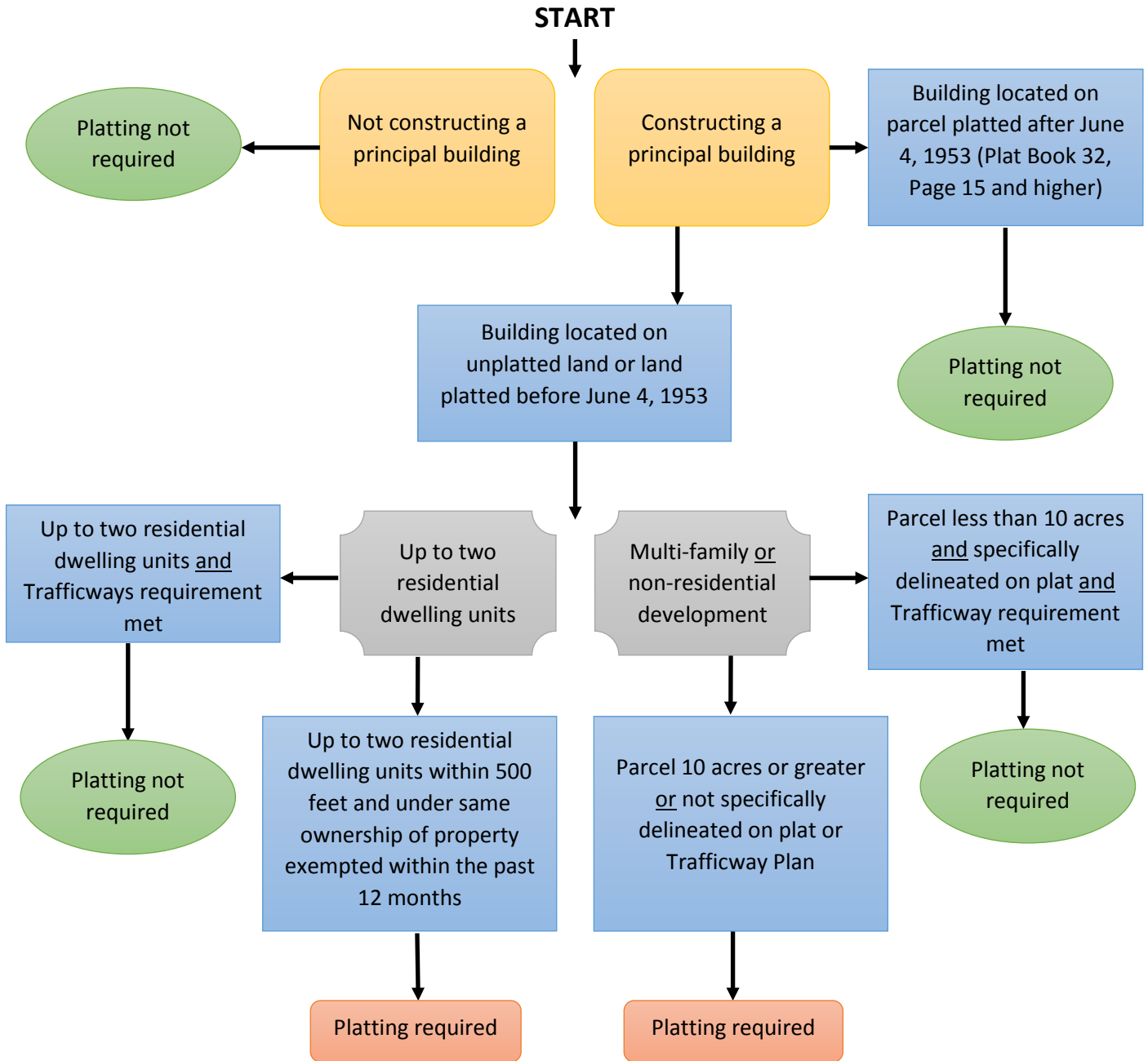
1. “Redevelopment Units” are not applicable to areas east of the Intracoastal Waterway.
2. Municipal site specific allocations will remain subject to the “compatibility review” requirements of the BCLUP. In addition, site specific allocations of greater than 150 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.
3. Allocations are eligible to lands designated “Activity Center,” “Commerce” and “Residential” on the Broward County Land Use Plan.

4. The maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000. For those municipalities which have 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, at such time a municipality assigns 5,000 dwelling units from the municipal pool, the municipality may request the Planning Council approve an additional allocation of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via the Broward County Land Use Plan’s definitions regarding the calculation for such units and the certified municipal table.
5. Municipal site specific allocations in areas designated within Priority Planning Areas for Sea Level Rise shall consider: 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 amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.
6. The Planning Council and County Commission shall hold one public hearing with “due public notice” to approve the allocation.
7. 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 15 years.
8. 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.

APPENDIX 4

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 5

FEE SCHEDULE

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Broward County Land Use Plan Map Amendment (includes recertification processing)*	\$12,146.00	\$17,625.00
Broward County Land Use Plan Text Amendment (includes recertification processing)	\$12,146.00	\$17,625.00
- Amendments deferred at the request of applicants are subject to a fee equal to 50 percent of the original filing fee.	\$6,073.00	\$8,812.50
- 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)	\$1.85	\$1.85
- In-House processing of Courtesy Notices (per envelope for two public hearings)	\$1.36	\$1.36
- 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	TBD
Recertification of Municipal Land Use Plan Amendments (per amendment):		
- Map Amendment	\$1,906.00	\$2,552.00
- Municipal Land Use Plan Text Amendment (Government Applicant)	\$0.00	\$0.00
- Municipal Land Use Plan Text Amendment (Non-Government Applicant)	\$100.00	\$100.00
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)	\$308.00	\$414.00
- Post June 4, 1953 (Plat Book 32, Page 15) platted properties only	\$106.00	\$144.00
Broward County Planning Council staff written Land Use Interpretation (per specific scenario)	\$250.00	\$337.00

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Broward County Planning Council staff written Acreage Determination (per specific parcel or contiguous development)	\$250.00	\$337.00
Broward County Planning Council staff written Land Use Confirmation (per specific parcel or contiguous development)	\$145.00	\$195.00

*AMENDMENTS NOT SUBJECT TO FEES

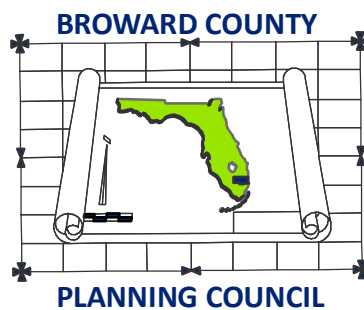
1. Land use plan amendments for property that is publicly owned, will continue to be publicly owned, and will be utilized for a public purpose.
2. Land use plan amendments for property owned by a not-for-profit, tax exempt organization, if the local government and the Broward County Board of County Commissioners 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 15 years and subject to a legally enforceable agreement.

BROWARDNEXT 



**ADMINISTRATIVE
RULES DOCUMENT:**

BROWARD COUNTY LAND USE PLAN



**ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN**

Adopted: April 27, 1989
Amended: May 25, 1989
June 29, 1989
January 25, 1990
June 28, 1990
September 23, 1993
June 23, 1994
September 28, 1995
February 22, 1996
February 27, 1997
March 27, 1997
March 26, 1998
August 25, 1998
January 28, 1999
January 25, 2001
September 20, 2001
January 24, 2002
April 23, 2002
May 28, 2002
September 24, 2002
October 24, 2002
April 24, 2003
March 24, 2005
May 3, 2005
May 24, 2005
May 23, 2006
May 25, 2006
March 22, 2007
May 22, 2007
October 9, 2007
June 10, 2008
August 28, 2008
October 23, 2008
June 8, 2010
October 27, 2011
June 26, 2012
February 12, 2013
April 22, 2014

BROWARD COUNTY PLANNING COUNCIL

Ms. Anne Castro, Chair
Commissioner Michael S. Long, Vice Chair
Lighthouse Point
Mayor Daniel J. Stermer, Secretary
Weston

Commissioner Richard S. Blattner
Hollywood
Commissioner Mark D. Bogen
Broward County
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Mr. Charles F. Fink
Mr. Michael Friedel
Commissioner William Ganz
Deerfield Beach

Commissioner Michelle J. Gomez
Tamarac
Ms. Patricia Good
Broward County School Board
Ms. Mary D. Graham
Mr. Richard Grosso
Vice Mayor Rita Mack
West Park
Mr. Robert McColgan
Mr. Bernard Parness
Mayor Michael J. Ryan
Sunrise

Barbara Blake Boy
Council Executive Director

Andrew S. Maurodis, Esq
Council Attorney

Original Adoption April 27, 1989

Text amendments adopted as of April 22, 2014, are incorporated herein.

Printed Date: July 29, 2016

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INTRODUCTION

During the preparation of the 1989 Broward County Land Use Plan, many rules, guidelines, procedures and methodologies within the 1977 Broward County Land Use Plan were excluded with the understanding they would be included within the Administrative Rules Document: Broward County Land Use Plan. This was to allow for modifications without undergoing the lengthy plan amendment procedures required under Florida's Growth Management Act.

The Administrative Rules Document: Broward County Land Use Plan 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 Broward County Land Use Plan. Appropriate portions of the Rules (Articles 1, 4, 9 and 10) were also approved and adopted by the Broward County Board of County Commissioners.

ARTICLE 1

FLEXIBILITY ZONES

1.1 PURPOSE

The Broward County Land Use Plan map may be divided by a local government into specific geographic areas or “standard flexibility zones.” 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 a standard flexibility zone under its jurisdiction.

Alternatively, a local government may propose a “unified flexibility zone” within its jurisdictional boundary for the purpose of identifying the area within the local government’s boundaries which shall be eligible for municipal use of the Broward County Land Use Plan’s flexibility provisions. The area within the local government boundary which is not included within the unified flexibility zone shall not be eligible for use of the Broward County Land Use Plan’s flexibility rules.

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 Administrative Rules Document may require (re)certification by the Planning Council but does not require an amendment to the Broward County Land Use Plan.

For unified flexibility zones, the entire municipal area may be considered a flexibility zone for the purpose of determining the amount of flexibility available for use within the unified area, such as “flexibility units,” “reserve units,” and acreage within land use plan categories.

1.2 FLEXIBILITY ZONE BOUNDARY MAP

The Broward County Flexibility Zone Boundary Map shall be adopted consistent with the following procedures:

- (A) The Planning Council shall consider and make recommendations to the County Commission regarding the Flexibility Zone Boundary Map after the Council has held at least one public hearing with “due public notice” as defined in Article 3.2 of this Administrative Rules Document;
- (B) The County Commission, upon receipt of the Planning Council recommendation, may adopt the Flexibility Zone Boundary Map after it has held at least one public hearing with proper notice.

1.3 MODIFICATION OF FLEXIBILITY ZONE BOUNDARIES

Flexibility zone boundaries may be proposed for modification by the County Commission, Planning Council or the governing body of a municipality. Proposed flexibility zone boundary modifications are subject to the following procedures and rules:

- (A) The Planning Council shall consider and make recommendations to the County Commission regarding a proposed flexibility zone modification after the Council has held at least one public hearing with “due public notice” as defined in Article 3.2 of this Administrative Rules Document;
- (B) The County Commission, upon receipt of the Planning Council recommendation, may adopt, modify or deny a proposed flexibility zone modification after the Commission has held at least one public hearing with proper notice;
- (C) Flexibility zone boundary modifications may be proposed to facilitate rational planning such as to conform to municipal boundaries, local planning areas, Regional Activity Center boundaries or other existing boundaries;
- (D) The proposed flexibility zone modification shall not cause substantial adverse effect upon a neighboring jurisdiction;
- (E) The proposed flexibility zone modification shall be consistent with the goals, objectives and policies of the Broward County Land Use Plan;
- (F) The maximum number of dwelling units located inside the boundaries of a new or modified standard flexibility zone on the Broward County Land Use Plan shall not be exceeded by the maximum number of dwelling units which would be permitted inside those same boundaries if transposed to the local Land Use Plan Map of the applicable municipality; and
- (G) A municipality requesting a flexibility zone boundary modification must submit a complete* application. See Appendix 5.

* 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.

1.4 UNIFIED FLEXIBILITY ZONES

A unified flexibility zone may be proposed by a municipality consistent with the following provisions:

- (A) A unified flexibility zone must be consistent with an adopted municipal plan or plans, such as comprehensive plans/redevelopment plans/vision plans/master plans, or similar plans that have been subject to a municipal public participation/public hearing process that identify those areas which are appropriate and not appropriate for allocations of flexibility.
- (B) The municipality must describe the municipal processes which will adequately address issues of compatibility of land uses and impacts on public facilities and services which may result from allocations of flexibility.
- (C) The maximum number of combined “flexibility units” and “reserve units” within an approved unified flexibility zone shall be 5,000. At such time a municipality assigns 5,000 dwelling units from the unified zone pool, the municipality may request the County Commission to approve additional allocation(s) consistent with the provisions of this Article, of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via application of the Broward County Land Use Plan’s definitions regarding calculation of “flexibility units” and “reserve units.”

1.5 GENERAL RULES

- (A) When a standard flexibility zone is divided by the jurisdictional boundaries of one or more local governments, the portion of that flexibility zone within the jurisdiction of a local government shall be considered a separate flexibility zone.

ARTICLE 2

FLEXIBILITY RULES AND REGULATIONS

2.1 FLEXIBILITY UNITS

- (A) Flexibility units, as defined in Section IV.B., “Residential Use” of the Broward County Land Use Plan, mean 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 flexibility zone by a 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 13.01.10 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) Flexibility units may not be transferred to other flexibility zones except as provided for by Article 5 “Special Residential Facilities” and Article 8 “Affordable Housing Density Bonuses.”

 - (4) 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.

 - (5) 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 charts” of the certified local land use plan.

 - (6) 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 Administrative Rules Document.

2.2 RESERVE UNITS

- (A) Reserve units, as defined in Section IV.B., “Residential Use,” of the Broward County Land Use Plan, mean additional permitted dwelling units equal to two percent (2%) of the total number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan.
- (B) A local government may include provisions for reserve units within their certified land use plan and establish a reserve unit pool. Assignment of reserve units is subject to all of the following rules and regulations:
 - (1) Assignment of reserve units shall be subject to meeting the provisions of Policy 13.01.10 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
 - (2) Reserve units may not be transferred between flexibility zones except as provided for by Article 5 “Special Residential Facilities” and Article 8 “Affordable Housing Density Bonuses.”
 - (3) A chart or charts reflecting the number of reserve units within a flexibility zone shall be approved by the Planning Council at the time of (re)certification of the local land use plan.
 - (4) Upon assignment of reserve units to a parcel of land, 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.
 - (5) Upon annexation of land, the affected local government may submit revised reserve unit charts, which reflect such annexation and include unassigned reserve units, concurrent with or subsequent to a request for (re)certification of the local land use plan by the Planning Council.
 - (6) Upon deannexation or contraction of lands, the affected local government shall submit revised reserve unit charts which reflect such deannexation to the Broward County Planning Council for recertification.
 - (7) The number of reserve units assigned to a parcel designated for residential use may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map, except as provided for by Article 8 “Affordable Housing Density Bonuses.”

- (8) In no instance shall a density of greater than fifty (50) dwelling units per gross acre be permitted.
- (9) The Planning Council, upon determination that a local government has failed to report assignment of reserve units in a timely or sufficient manner or has assigned reserve 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 Administrative Rules Document.

2.3 REARRANGEMENT OF RESIDENTIAL DENSITY

- (A) A local land use plan map may show a different arrangement of residential acreage in a flexibility zone than that shown for the same flexibility zone 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 in the flexibility zone results from the rearrangement.
 - (2) When a parcel of land is split by a flexibility zone boundary but is within a single local government, residential density may be redistributed within the parcel without regard to the flexibility zone boundary.
 - (3) 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.
 - (4) 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.

2.4 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 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.

2.5 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 in a flexibility zone than that shown for the same flexibility zone on the Broward County Land Use Plan, if consistent with all of the following provisions:

(1) The land designated “Commercial” within a flexibility zone on the Broward County Land Use Plan (see POLICY 2.04.05 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 Broward County 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 or reserve units in compliance with the provisions of Section 2.1 (Flexibility Units) or Section 2.2 (Reserve Units), of this Administrative Rules 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 in the flexibility zone 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 within a flexibility zone to be used for neighborhood office and/or retail sales of merchandise or services, subject to compliance with Policy 13.01.10 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 13.01.10 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- 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) A mixed residential and office land use may be permitted by the local land use plan in areas designated for “Medium” residential density on the Broward County Land Use Plan Map, 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 offices; and
 - b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (5) A residential and/or commercial land use may be permitted by the local land use plan in areas designated “Commercial” on the Broward County Land Use Plan Map, subject to the following:
- a. The local government shall apply available flexibility and/or reserve units in compliance with Articles 2.1 and 2.2 of this Administrative Rules Document; and
 - b. For parcels 5 acres in size or less, free standing multi-family residential uses are permitted; and/or
 - c. For mixed commercial/residential developments greater than 5 acres in size, free standing multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres or 40% of the total gross acreage of the commercially designated parcel, whichever is greater, and that the entire mixed residential/commercial development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.
- (6) The local land use plan may permit up to twenty percent (20%) of the area designated for “Industrial” use on the Broward County Land Use Plan within a flexibility zone to be used for commercial and retail business uses including hotels, motels and similar lodging, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan.

This twenty percent (20%) industrial-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 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 industrial permitted uses section of the local land use plan.

- (7) The local land use plan may permit up to twenty percent (20%) of the area designated for “Employment Center” use on the Broward County Land Use Plan within a flexibility zone to be used for commercial and retail business uses, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan.

This twenty percent (20%) employment center-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 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 employment center permitted uses section of the local land use plan.

- (8) 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.

2.6 RESIDENTIAL USES IN “AGRICULTURAL” / “RURAL RANCHES” LANDS

- (A) This section provides for exceptions to the residential density restrictions within the “Agricultural” and “Rural Ranches” land use category 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 smaller than two (2) net acres or smaller 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
 - a. 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 net acres, and

- b. has received the approval of the applicable agency for a sewage disposal system.

Article 2.1 - Amended October 23, 2008

Article 2.6 - Amended June 29, 1989

ARTICLE 3

RULES AND REGULATIONS FOR CERTIFICATION OF LOCAL LAND USE PLANS

3.1 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 "Broward County Planning Council Checklist for Local Government Certification" (Appendix 2) must be completed and submitted with certification requests.

3.2 PUBLIC HEARING PROCEDURES

Certification requires one 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 Planning Council Executive Director determines the certification application is complete.* The Executive Director's decision regarding scheduling of a public hearing may be appealed to the Planning Council's Executive Committee. The Executive Director will provide the affected local government at least two week's notice of the time, date and place of the public hearing on the certification of the local land use plan.

3.3 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.

* 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.

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

The local government shall demonstrate to the Planning Council that the distribution of land uses in a flexibility zone 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 within the flexibility zone 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 with the Broward County Land Use Plan and permitted uses fall within the parameters for permitted uses established by the Broward County Land Use Plan;
- (C) The goals, objectives and policies of the local land use plan are consistent with and further those of the Broward County Land Use Plan;
- (D) The implementation provisions of the local land use plan meet or exceed the requirements of the Broward County Land Use Plan.

3.3.1 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 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 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 six month extensions of the one 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 vote of those members voting.

Any municipality which has failed to comply with the requirements contained in provisional certifications granted prior to September 20, 2000 (i.e. one year prior to date of adoption of this revision) shall have six months from adoption of this rule to satisfy said requirements.

3.4 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 6.06 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.

3.5 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 the 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 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 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 3.3 of this Administrative Rules 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.

3.5.1 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 the Planning Council's Executive Director determines, in consultation with the Planning Council's Attorney, that the specified conditions have been met and issues a written letter to the municipality. The conditional recertification option described in this Article 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.

* 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.

3.6 DECERTIFICATION

- (A) The Planning Council may, following at least one 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 3.3.1 of this Administrative Rules Document.
 - (3) The local government has not complied with the reporting requirements of the Broward County Land Use Plan (Section IV.D.7.A.) and of this Administrative Rules Document (Articles 2.1, 2.2 and 6.5).
 - (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 3.5.1 – Added March 22, 2007

Article 3.3.1 – Amended October 24, 2002

Article 3.6(A)(4) – Amended June 28, 1990

ARTICLE 4

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

These rules and regulations are promulgated in accord with the provisions of Section IV.D.4. of the Broward County Land Use Plan.

4.1 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 accord with Article 4.1 (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 request. 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 3).
 - (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 4.1(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 3);
 - (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; and
 - (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 4.1(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 4.1 (A) of this Administrative Rules 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) In the case of a Broward County Land Use Plan amendment(s) directly related to a proposed Development of Regional Impact (DRI), a local government may request the Planning Council to initiate the amendment. The Planning Council may vote to initiate the proposal at any time after the local government demonstrates the amendment is being considered by the local governing body at the same time as the Application for Development Approval; or per Chapter 380.06(6)(b), Florida Statutes, the developer may initiate the amendment(s) and the Planning Council shall file such developer initiated amendment(s) at a regular meeting of the Planning Council after the developer has submitted a written request for the land use plan amendment(s), including data and analysis upon which the applicable local government can determine whether to transmit the land use plan amendment pursuant to Section 163.3184, Florida Statutes, and it is demonstrated that the developer has notified in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of the pre-application conference or submission of the

proposed change under Section 380.06(19).

The local government shall make a recommendation on the requested amendment by resolution or motion at a public meeting at least 14 days prior to the Planning Council's recommendation of transmittal of the requested amendment.

- (4) In the case of an emergency, as defined by Chapter 163.3187 Florida Statutes, the County Commission may initiate an amendment to the Broward County Land Use Plan at any time.
- (5) 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.
- (6) 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 two public hearings on the amendment consistent with the requirements of Articles 4.2 (A) and (B) of this Administrative Rules Document. The Planning Council may withdraw a Council initiated amendment at any time prior to its transmittal to the Broward County Commission.

4.2 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 4.1 (A) or (B) of this Administrative Rules 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.
- (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 an 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, pursuant to Chapter 163 Florida Statutes, the Planning Council shall hold a second public hearing and make a final recommendation. This recommendation shall be transmitted to the Broward County Commission.

4.3 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 Statute regarding transmittal of a recommendation on the amendment to the applicable State of Florida review agency(ies). 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 final recommendation from the Planning Council, the County Commission shall hold a public hearing pursuant to Chapter 163.3184(15) Florida Statute 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.

4.4 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 4.4(C) of this Administrative Rules 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 3.1 of this Administrative Rules Document. After recertification by the Planning Council, the recertified land use plan shall again become the effective land use plan for the local government.

4.5 EFFECTIVE DATE OF AN AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN

An amendment to the Broward County Land Use Plan shall take effect as provided by law. 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 4.1(A)(4)(c,d,e) – Amended October 27, 2011
 Article 4.1(C) – Amended October 27, 2011
 Article 4.2(C) – Amended October 27, 2011
 Article 4.3(A) and (B) – Amended October 27, 2011
 Article 4.2(C) – Amended October 9, 2007
 Article 4.3(B) – Amended October 9, 2007
 Article 4.1(A) – Amended March 22, 2007
 Article 4.1(A)(4) – Added March 22, 2007
 Article 4.1(A)(3) – Amended January 24, 2002
 Article 4.1(C)(4) – Added January 24, 2002
 Article 4.2(C) – Amended January 28, 1999
 Article 4.3(B) – Amended January 28, 1999
 Article 4.1(C)(3) – Amended September 23, 1993

ARTICLE 5

SPECIAL RESIDENTIAL FACILITIES

Provisions for Special Residential Facilities, such as group homes and foster care facilities, are included within Section IV.B. 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 IV.B. of the Broward County Land Use Plan.

Article 5 provides special rules for density allocation consistent with Broward County Ordinance 85-92.

- 5.1 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.
- 5.2 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 of Sections 5.3 and 5.6 of the Administrative Rules Document.
- 5.3 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:
 - (A) Projects requiring the allocation of flexibility units or reserve units;
 - (B) 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 5.2 above.
- 5.4 If a local government does not have excess flexibility units or reserve units within a flexibility zone, reserve or flexibility units may be transferred from another flexibility zone, within the local government's land use plan provided the Planning Council's Executive Director approves such a transfer.
- 5.5 Upon allocation of flexibility units or reserve units to a parcel of land, the local government shall submit revised flexibility unit or reserve unit charts in the format certified by the Planning Council which reflect the current total.

- 5.6 Upon allocation of bonus special residential facilities sleeping rooms to a parcel of land per Section 5.2 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.
- 5.7 In no instance shall a density exceeding 100 special residential facility sleeping rooms per gross acre be permitted.

ARTICLE 6

REQUIREMENTS FOR SUBMITTAL OF DATA FROM UNITS OF LOCAL GOVERNMENT

Pursuant to Section D.7., Chapter IV, 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 Executive Director of the Planning Council.

6.1 During the months of April, July, October and January, an official of each local government shall transmit a quarterly report to the Planning Council including the items listed below:

(A) A summary regarding each permit for demolition of a building issued by the local government during the previous quarter. In the event that no permits for the demolition of a building are issued during a quarter, the local government shall so notify the Executive Director of the Planning Council consistent with the above reporting dates. The summary regarding demolition permits shall include the following information:

- (1) Month and year of issue;
- (2) Number and street address of the building for which the permit is issued;
- (3) Identification of the most recent use of the building;
- (4) Number of dwelling units in the building;
- (5) For buildings in Florida Building Code occupancy groups A, B, E, F and G, the approximate total floor area of the building.

6.2 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 Commercial and Residential Flexibility Rules of the Broward County Land Use Plan. The report shall include the following information:

- (A) Total number of acres designated residential, commercial, industrial and employment center by flexibility zone.
- (B) Total number of residential, industrial and employment center acres allocated for commercial use by flexibility zone in the previous calendar year.

- (C) Total number of residential, industrial and employment center acres allocated for commercial use by flexibility zone which includes all previous yearly allocations.
 - (D) Total number of flexibility units and reserve units allocated by flexibility zone 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.
 - (E) Total number of flexibility units and reserve units allocated by flexibility zone, 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.
- 6.3 Each municipality which includes land designated “Regional Activity Center” on the Broward County Land Use Plan shall maintain a written record reflecting the current status of allocated or assigned dwelling units and floor area square footage for non-residential development as approved by the Broward County Land Use Plan for each Regional Activity Center within the municipality’s boundary. Upon municipal approval of assignments or allocations, or upon expiration of applicable approved site plans, the written record, as updated, shall be transmitted within five (5) working days by the municipality to the Planning Council. The referenced written record shall include a tally sheet reflecting the current total dwelling units and floor area square footage for non-residential development as follows:
- 1. Dwelling units and floor area square footage for non-residential development included per valid plats which have been approved by the municipality and which have restrictive notes reflecting the level of development; and
 - 2. Dwelling units and floor area square footage for non-residential development included per valid site plans which have been approved by the municipality and which are not included per plats as described in 1. above; and
 - 3. Dwelling units and floor area square footage for non-residential development of existing uses which are not included per plats or site plans as described in 1. and 2. above.
- 6.4 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 3.6 of this Administrative Rules Document.

ARTICLE 7

PLATTING REQUIREMENTS, EXEMPTIONS AND DEFINITIONS

7.1 PURPOSE

The purpose of this Article is to provide definitions, rules for exemptions and other guidelines related to the countywide platting requirements under Section D.2, Chapter IV, Volume 1 of the Broward County Land Use Plan, adopted March 1, 1989. This Article replaced the June, 1979, Broward County Planning Council interpretation entitled "When Is a Plat Required" which concerned the platting requirements under Section 5.02, Chapter IV, of the 1977 Broward County Land Use Plan.

Article 7 is intended to be a self-contained document which explains the Section D.2 platting determination process in a comprehensive manner. Some items in this Article, such as definitions, are produced from their original source, the 1989 Broward County Land Use Plan.

7.2 COUNTYWIDE PLATTING AUTHORITY

Section 8.11 of the Broward County Charter requires that "No plat of lands lying within Broward County, either in the incorporated or unincorporated areas, may be recorded in the Official Records prior to approval by the County Commission. The County Commission shall enact an ordinance establishing standards and procedures and minimum requirements to regulate and control the platting of lands within the incorporated areas of Broward County."

7.3 COUNTYWIDE PLATTING REQUIREMENT AS CONTAINED IN THE BROWARD COUNTY LAND USE PLAN

Section D.2, Chapter IV, of the 1989 Broward County Land Use Plan:

"No unit of local government may grant an application or 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. This section will not apply to an application for a building permit which meets any of the following criteria.

- (1) construction of two or fewer residential dwelling units. Applications for two 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; or

- (2) construction on any multi-family or non-residential lot or parcel which is less than five acres in size and specifically delineated on a plat recorded on or before June 4, 1953; or
- (3) The 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
- (4) A building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission 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 in a resolution if Broward County is the governmental entity 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.

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

- (1) compliance with the applicable land development regulations; and
- (2) 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.

7.4 REQUIREMENTS FOR LOCAL JURISDICTIONS

POLICY 8.02.01 of the Broward County Land Use Plan states that local jurisdictions shall 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 Section D.2, Chapter IV, of the Broward County Land Use Plan.

7.5 DEFINITIONS*

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

BUILDING PERMIT -

- (1) Any permit for the erection or construction of a new building required by Section 301.1 of the South Florida Building Code, 1984, Broward Edition, as amended.
- (2) Any permit for each addition to an existing building which would:
 - a. create one or more additional dwelling units, or
 - b. involve a change in the occupancy of a building as described in Section 104.7 of the South Florida Building Code, 1984, Broward Edition, as amended.
- (3) Any permit which would be required for the non-residential operations included in Section 301.1(a) of the South Florida Building Code, 1984, Broward Edition, as amended.

LOT OR PARCEL OF RECORD - A quantity of real property described as a single unit and identified in a deed and/or plat recorded in the public records of a county in the State of Florida. (Examples of a lot or parcel of record include "warranty deed," "fee simple deed," "quit claim deed," etc.)

PRINCIPAL BUILDING - A building which is occupied by, 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:

- (1) A principal building includes:
 - a. a new building on an undeveloped lot or parcel.

*Definitions are duplicated from those within the 1989 Broward County Land Use Plan (not including guidelines under the definition of "Principal Building" and examples under the definition of "Lot or Parcel of Record").

- b. 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 building to which the addition is to be attached.

(For the purpose of this guideline, “original building” means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)

- c. 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.
- d. 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.

(2) A principal building does not include:

- a. a building which is an accessory use to property devoted solely to an agricultural, open space or recreational principal use or an unmanned building which is an accessory use to property devoted solely to a communication or utility principal use.

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 advertising signs.

7.6 EXEMPTIONS*

(A) Exemption for parcels platted after June 4, 1953

Section D.2 does not require replatting 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 accord with local regulations and the effective land use plan, unless local regulations are more restrictive and would require platting.

*For related information see Appendix 4: Section D.2 Platting Determination Process.

(B) Exemption for two or fewer residential dwelling units

Section D.2 does not require (re)platting in instances involving construction of two or fewer residential dwelling units. Applications for two 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. Said exemption is 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.

(C) Exemption for small parcels platted on or before June 4, 1953

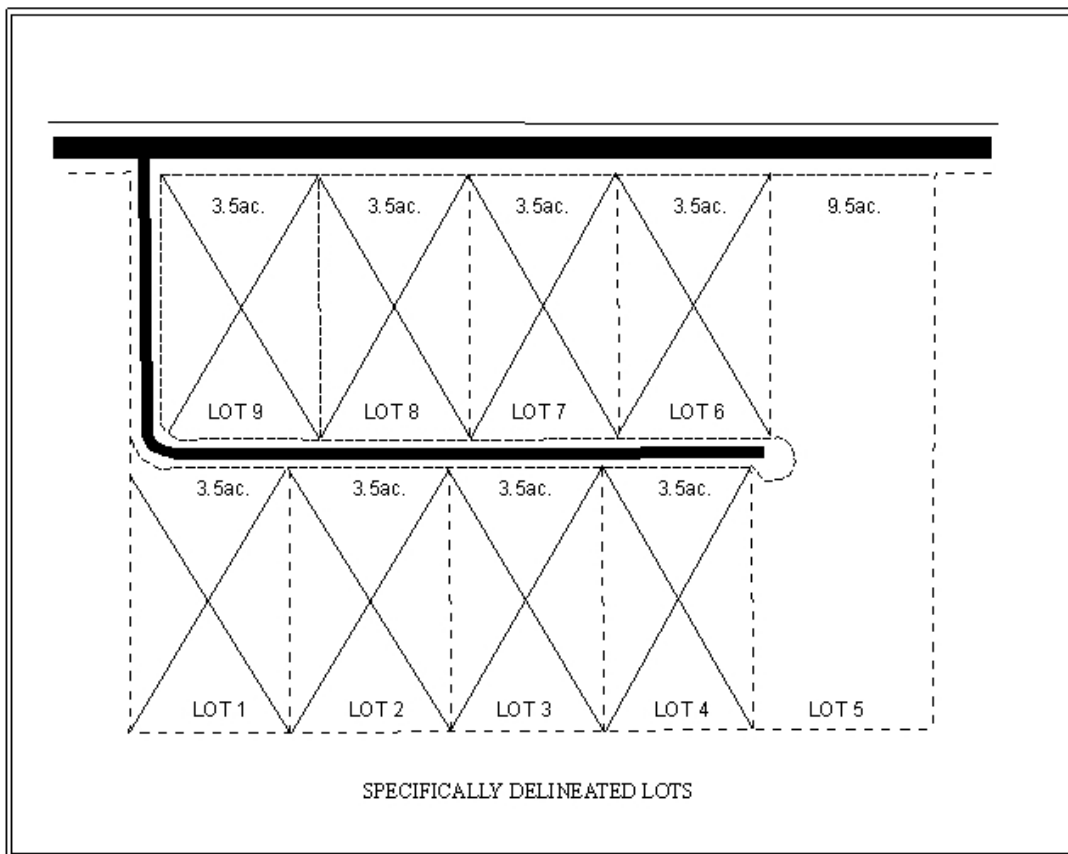
Section D.2 does not require platting for the issuance of building permits for construction of a multi-family or non-residential principal building, provided all the following conditions are met:

- (1) The lot or parcel has been specifically delineated on a plat recorded on or before June 4, 1953, and
- (2) The lot or parcel is smaller than 5 acres, and
- (3) All 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.

(Example C.1 – What does “specifically delineated” mean?)

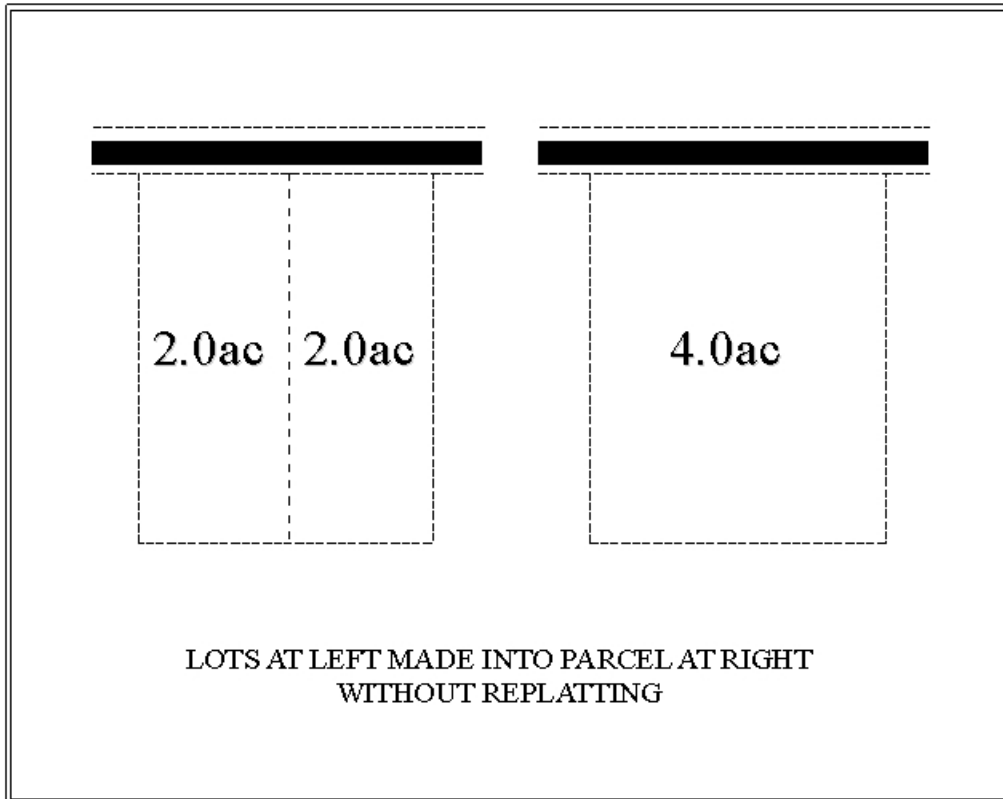
A lot or parcel which has been specifically delineated in a recorded plat is one which can be described solely by reference to a plat and one or more identifying numbers such as a block and lot number. For example, Lot 5, Block 3 of John Doe Subdivision as recorded in Plat Book 7, Page 48 is a specifically 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.

The example plat below shows eight specifically delineated lots marked by an X which were included in a plat recorded on or before June 4, 1953. Since each of the eight lots is specifically delineated and is less than 5 acres in size no further platting would be required to construct a principal building on each of the eight lots, assuming each development is unrelated and as long as all Broward County Trafficways have been conveyed to the public by deed or easement. Replatting would be required for Lot 5 as shown below to construct a principal building since it is more than 5 acres in size.



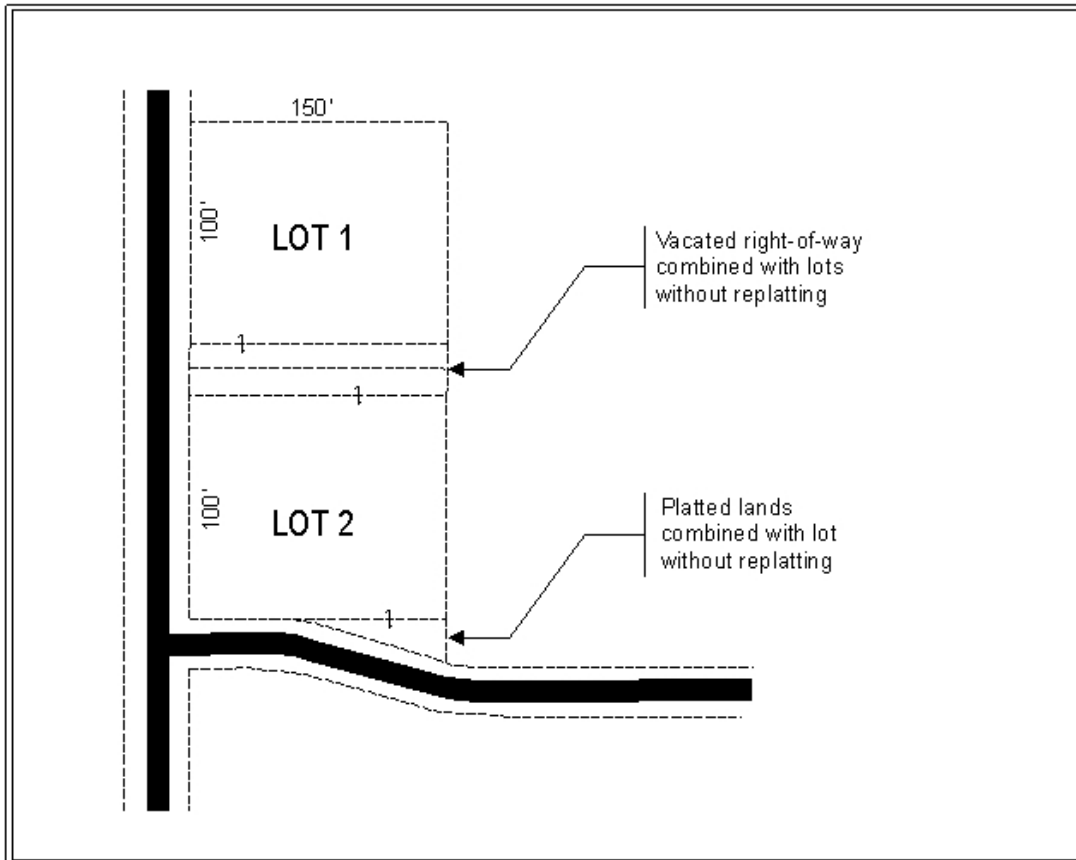
(Example C.2 – Combining specifically delineated lots)

When an individual proposes to combine lots which are specifically delineated in a plat recorded on or before June 4, 1953, into a larger parcel, but one still smaller than 5 acres (see graphic below), replatting is not required by Section D.2, as long as all Broward County Trafficways have been conveyed to the public by deed or easement.



(Example C.3 - Combining specifically delineated lots with other platted property or vacated rights-of-way)

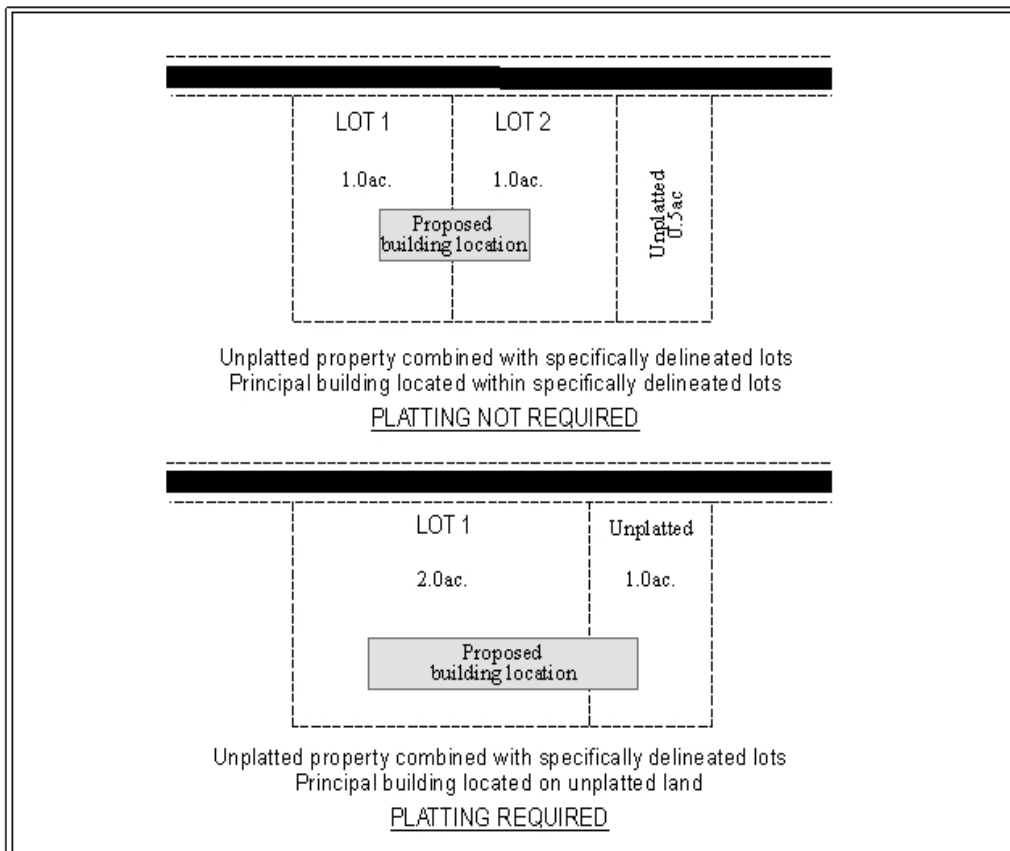
When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with land which has been included in a plat recorded before June 4, 1953, but not specifically delineated, or with vacated rights-of-way and the enlarged parcel is less than 5 acres in size, Section D.2 would not require replatting, as long as the specifically delineated lot(s) or parcel(s) constitute the majority of the enlarged lot or parcel and all Broward County Trafficways have been conveyed to the public by deed or easement (see graphic below).



(Example C.4 - Combining specifically delineated lots with unplatted property)

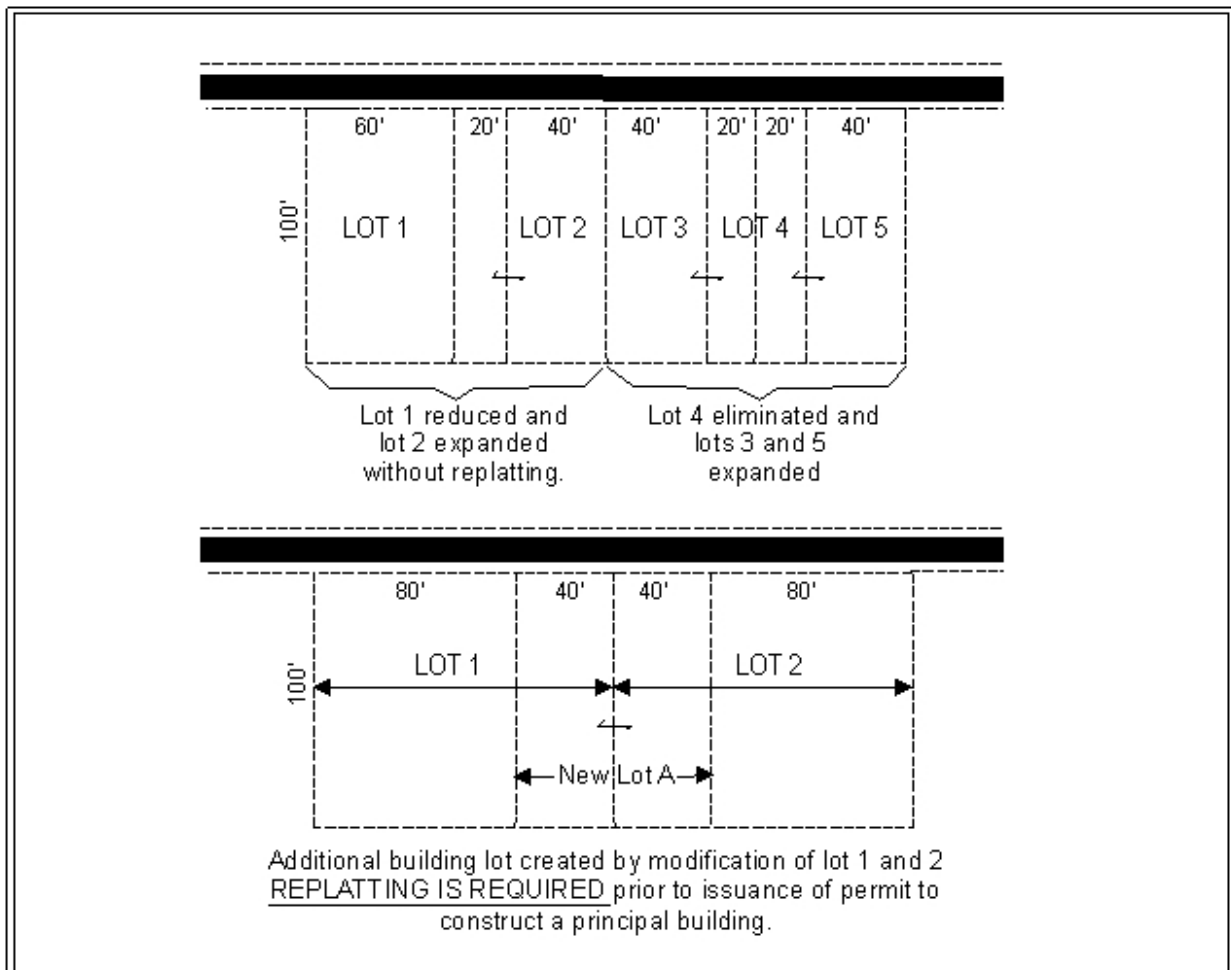
When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is combined with unplatted property, and the enlarged lot or parcel is smaller than 5 acres and will contain a principal building, Section D.2 would require platting of the unplatted portion if:

- (a) a principal building is to be located on the unplatted portion; or
- (b) the unplatted portion constitutes a majority of the enlarged lot or parcel.



(Example C.5 - Modification of specifically delineated lot lines)

When a lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, is smaller than 5 acres and it is reduced in size in combination with enlarging a contiguous specifically delineated lot or parcel and no additional building lots or parcels are created by the modification of the lot lines, Section D.2 would not require replatting of the reduced lot or parcel, provided that all Broward County Trafficways have been conveyed to the public by deed or easement (see graphic below).



7.7 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.

7.8 GUIDELINES FOR MOBILE HOMES

Mobile homes which do not require building permits are not subject to the requirements of Section D.2.

7.9 GUIDELINES REGARDING DEDICATION OF TRAFFICWAYS

(A) Section D.2 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 12.02.05) 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.

ARTICLE 8

AFFORDABLE HOUSING DENSITY BONUSES

In order to facilitate the provision of affordable housing within Broward County, consistent with Policies 1.07.04 and 1.07.05 of the Broward County Land Use Plan, Article 8 outlines special rules providing for bonus density allocation for available flexibility and/or reserve units and/or affordable housing units (AFU's) in this regard.

8.1 Bonus density shall be allocated to facilitate the development of housing for persons within the following income categories as defined in the Broward County Land Use Plan:

- (A) "Low-Income Persons" means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for the county. While occupying a rental unit, a Low Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 80 percent of the applicable median income adjusted for family size.

- (B) "Moderate-Income Persons" means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county. While occupying a rental unit, a Moderate-Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 120 percent of the applicable median income adjusted for family size.

(Note: For the purposes of this Article, "Moderate-Income" is further defined as:

"Workforce-Income:" housing for "moderate-income persons" having a total annual anticipated income for the household that is more than 100 percent but not more than 120 percent of the median annual income adjusted for family size for households within the county; and

"Moderate Workforce-Income:" housing for "moderate-income persons" having a total annual anticipated income for the household that is more than 80 percent but not more than 100 percent of the median annual income adjusted for family size for households within the county.)

- (C) “Very Low-Income Persons” means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county. While occupying a rental unit, a Very Low-Income Person’s annual anticipated gross income may increase to an amount not to exceed 140 percent of 50% of the applicable median income adjusted for family size.
- 8.2 “Affordable Housing,” for the purposes of this Article and as defined within the Broward County Land Use Plan, means housing for which monthly rents or monthly mortgage payments (including taxes and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate workforce = 100%; workforce = 120%) of the median income limits adjusted for family size for the households.
- 8.3 Affordable housing density bonuses allocated consistent with the provisions of this Article are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees with, as a minimum, the use of restrictive covenants, that the affordability of the bonus units for the income groups described in 8.1 above will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner-occupied housing.
- 8.4 A unit of local government may transfer available “flexibility” and/or “reserve” units to facilitate the development of affordable housing from another standard flexibility zone within the unit of local government regardless of whether flexibility or reserve units are available within the standard flexibility zone in which the affordable housing is to be located. Bonus density units allocated for affordable housing shall not be “sold” to, or be conditioned upon (other than fees or dedications necessary to maintain adopted levels of service) the receipt of financial or material gain from, the applicant/developer by the applicable jurisdiction.
- 8.5 A unit of local government may request and receive a transfer of available “flexibility” and/or “reserve” units to facilitate the development of affordable housing from another unit of local government in Broward County. Such a transfer of “flexibility” and/or “reserve” units to facilitate the development of affordable housing must be “donated” and “received” by the applicable units of local government through resolution or motion. Bonus density units allocated for affordable housing projects shall not be “sold” by the “donor” jurisdiction to, or be conditioned upon (other than fees or dedications necessary to maintain adopted levels of service) the receipt of financial or material gain from, the “receiver” jurisdiction or by the “receiver” jurisdiction to the applicant/developer.

8.6 “Affordable Housing Units” (AFU’s) may be transferred across municipal boundaries. In such cases, a unit of local government may request and receive a transfer of available “Affordable Housing Units” (AFU’s) from another unit of local government in Broward County. Such a transfer of AFU’s to facilitate the development of affordable housing must be “donated” and “received” by the applicable units of local government through resolution or motion. AFU’s allocated for affordable housing projects shall not be “sold” by the “donor” jurisdiction to, or be conditioned upon (other than fees or dedications necessary to maintain adopted levels of service) the receipt of financial or material gain from, the “receiver” jurisdiction or by the “receiver” jurisdiction to the applicant/ developer.

8.7 Bonus “reserve,” “flexibility” and/or AFU’s may not exceed the following limits, and percentages of the maximum number of dwelling units indicated for the parcel by the local land use plan map for the identified target populations:

Workforce-Income Persons 50%

(i.e. housing for “moderate-income persons” having a total annual anticipated income for the household that is more than 100 percent but not more than 120 percent of the median annual income adjusted for family size for households within the county)

“Workforce-income” units constructed on-site (“off-site” units may be permitted as further described in Article 8.13, if on-site construction is not found by the municipality to be feasible) with bonus market rate units:

One (1) bonus “market rate” unit per every one (1) “workforce- income” unit as per the requirements of Article 8.14

Moderate Workforce-Income Persons 50%

(i.e. housing for “moderate-income persons” having a total annual anticipated income for the household that is more than 80 percent but not more than 100 percent of the median annual income adjusted for family size for households within the county)

“Moderate workforce-income” units constructed on-site (“off-site” units may be permitted as further described in Article 8.13, if on-site construction is not found by the municipality to be feasible) with bonus market rate units:

Three (3) bonus “market rate” units per every one (1) “moderate workforce- income” unit as per the requirements of Article 8.14

Low-Income Persons 100%

“Low-income” units constructed on-site (“off-site” units may be permitted as further described in Article 8.13, if on-site construction is not found by the municipality to be feasible) with bonus market rate units:

Five (5) bonus “market rate” units per every one (1) “low-income” unit as per the requirements of Article 8.14

- 8.8 “Flexibility” and/or “reserve” units and/or AFU’s allocated pursuant to the provisions of this Article do not require an amendment to the Broward County Land Use Plan or local land use plan map.
- 8.9 Units of local government may utilize the Affordable Housing Bonus Density provisions of this Article regardless of whether such provisions are incorporated within their certified local land use elements.
- 8.10 Upon allocation and/or receipt of “flexibility” or “reserve” units and/or AFU’s under the provisions of this Article, the unit of local government shall provide written notification to the Planning Council Executive Director of such allocation and/or receipt.
- 8.11 By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing updated “flexibility” unit, “reserve” unit and “Affordable Housing Unit” (AFU’s) tables reflecting bonus density units allocated and/or received pursuant to the provisions of this Article.
- 8.12 The provisions contained within this Article shall be evaluated by the Planning Council annually after the effective date of this Article for their effect in the facilitation of development, including that of affordable housing.
- 8.13 “Off-site” affordable bonus units may be permitted, if on-site construction is not found by the municipality to be feasible, subject to the following:
 - A. “Off-site” for the purposes of these provisions is defined as within ½ mile of the “on-site” application site and within the same municipality, or within a designated “Regional Activity Center,” “Local Activity Center,” “Transit Oriented Development,” or “Transit Oriented Corridor,” if the “on-site” application site is within the same; and
 - B. The “off-site” location must permit residential dwelling units per the certified municipal land use plan, and the residential density resulting from the “affordable” bonus units must not exceed the bonus density limits established as per Article 8.7; and

- C. For every one (1) bonus “affordable” unit located “off-site,” the corresponding “market rate” unit bonus is reduced by twenty-five percent (25%).
- 8.14 Bonus “affordable” unit and bonus “market rate” unit construction is subject to the following, as enforced by the applicable local government:
- A. One hundred percent (100%) of bonus “affordable” units must receive certificates of occupancy before the final ten percent (10%) of bonus “market rate” units receive their certificate of occupancy; or
 - B. The local government must require that bonus “affordable” units are available before or concurrently with bonus “market rate” units.
- 8.15 Advisory Design Guidelines
- A. The unit mix (bedroom count per unit) of the bonus “affordable” units should be proportional to the unit mix (bedroom count per unit) of the bonus “market rate” units;
 - B. At least fifty-percent (50%) of the bonus “affordable” units should incorporate Uniform Federal Accessibility Standards (i.e. ADA compliant);
 - C. It is recognized that bonus “affordable” units may be marginally smaller and have a different grade of appliances, fixtures and finish to reduce overall development costs;
 - D. Bonus “affordable” units should be incorporated into the general site and design of the overall development and have a compatible exterior design;
 - E. Use of the bonus density provisions are encouraged for proposed rental developments.
- 8.16 Applicants utilizing these Article 8 provisions should receive accelerated processing of their plans and permits to facilitate the timely delivery of affordable housing.

ARTICLE 9

COMPATIBILITY DETERMINATIONS

9.1 COMPATIBILITY REVIEW POLICY

Per Policy 13.01.10 of the Broward County Land Use Plan, local government utilization of the Broward County Land Use Plan “Flexibility Rules,” as per Policies 1.01.03, 1.01.04, 1.02.01, 1.02.02, 2.04.04, 2.04.05, 3.01.06 and 3.02.02, shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered, in the following instances:

- (A) Allocations to sites east of the Intracoastal Waterway which impact access to public beaches.
- (B) Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.
- (C) Allocations to sites which are adjacent to an Environmentally Sensitive Land, as defined within the Broward County Comprehensive Plan, or a Broward County or regional park, including sites which are attached, located within 500 feet, or separated only by streets and highways, canals and rivers or easements, upon request of the Broward County Commission.

9.2 DEFINITION

Compatible or compatibility- a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

9.3 COMPATIBILITY REVIEW CRITERIA

Compatibility determinations shall be based upon the following considerations:

- (A) The density and intensity of the land use(s) resulting from the application of flexibility.
- (B) The density and intensity of existing and planned land uses adjacent to the site.
- (C) Comprehensive plan requirements, land development code provisions, zoning regulations, adopted design guidelines or other measures in place to ensure compatibility.

- (D) 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.
- (E) Impact on public beach access including any reduction in public access points or public rights-of-way providing access to the beach.

9.4 MUNICIPAL AND COUNTY NOTIFICATION REQUIREMENTS

- (A) Notice requirements for allocation of flexibility to sites east of the Intracoastal Waterway which may impact access to public beaches.
 - 1. 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.
- (B) Notice requirements for allocation of flexibility 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 that the County will be conducting a compatibility review.
- (C) Notice requirements for allocation of flexibility or reserve 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. Broward County shall provide all Broward municipalities with a map identifying the Environmentally Sensitive Lands, Broward County and regional parks which are subject to these provisions.
4. 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.

9.5 COUNTY COMPATIBILITY REVIEW PROCESS

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.

9.6 PUBLIC NOTICE REQUIREMENTS

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 and/or reserve units.

ARTICLE 10

RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

10.1 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 1.07.07 of the Broward County Land Use Plan; and 2) to provide “default” criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment or other applicable application process. The primary purpose of Policy 1.07.07 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.

10.2 BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, 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.

Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, 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 as defined by the municipality's data and analysis.

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

10.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 1.07.07

The following are descriptions of select terms used in Policy 1.07.07 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 and projected 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.

An example of an assessment would be estimating existing and projected residents within the local government who are at 80% area median income in comparison to the projected supply to meet the housing needs of such.

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

Data and methodologies must be consistent with those sources widely used and accepted by the professional community who conduct research and analysis concerning affordable housing. Example sources include the Countywide Affordable Housing Needs Assessment, data from the University of Florida’s Shimberg Center, Census/American Survey Data, and the Fort Lauderdale Board of Realtors median home prices by product type (single family, condominium, etc.).

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 1.07.07; 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.

10.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 1.07.07

- (A) The local government shall provide an estimate of the existing and projected supply of affordable housing within the local government's boundaries 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 consistent with the local government's planning horizon.
- (C) The study, report, or information submitted by the local governing body addressing Article 10.3 (A) and (B) must be based on professionally accepted methodologies, policies and best available data and analysis consistent with Article 10.2.
- (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 1.07.07; 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 1.07.07 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.

10.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 1.07.07

- (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 1.07.07.
- (B) If a land use plan amendment application is subject to Policy 1.07.07, 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 1.07.07, Broward County staff shall specify in writing the reasons for such determination.
- (D) Determinations issued by Broward County staff regarding Policy 1.07.07 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.

APPENDICES

**BROWARD COUNTY LAND USE PLAN
GENERALIZED PERMITTED USES CHART**

(please refer to Section IV-B of the Broward County Land Use Plan for detailed listings)

LAND USES CATEGORIES →	Residential	Office Park	Commercial	Employment	Industrial	Commercial Recreation	Agricultural	Recreation & Open Space	Conservation	Community	Utilities	Transportation	Regional Activity Center
PERMITTED USES ↓													
Residential (subject to density limit)	●		▲				▲						
Retail/General Commercial	▲		●	▲	▲		▲						
Restaurants and Personal Services	▲	▲	●	●	▲		▲						
Private Office Buildings	▲	●	●	●	●		▲						(Uses specified for each Activity Center in Broward County Land Use Plan)
Hotels/Motels	▲	●	●	●	▲	▲							
Light Fabricating			▲	●	●								
Research Facilities		●	▲	●	●								
Storage Buildings				▲	●								
Warehousing			▲		●								
General Industrial					●								
Schools, Churches, Libraries etc.	●	●	●	●	●		●			●			
Utilities	●	▲	●	▲	●		●				●		
Communication Facilities	●	●	●	●	●		●			●	▲		
Commercial Recreation			●		▲	●							
Golf Courses	●	●	●	▲	●	●	●	▲		●	▲		
Recreation and Open Space uses	●	●	●	▲	▲	●	●	●	▲	●	▲	▲	
Agriculture (non-residential)	●	●	●	●	●		●				▲	▲	
Recreational Vehicles	▲		▲			▲							
Special Residential Facilities (group homes, Foster care, etc.)	▲	▲	▲				▲			▲			
Transportation Facilities			●	▲	●		●			●		●	

● NO SPECIAL RESTRICTIONS

▲ SPECIAL RESTRICTIONS APPLY

**BROWARD COUNTY PLANNING COUNCIL
CHECKLIST FOR LOCAL GOVERNMENT CERTIFICATION**

**APPROVED
DECEMBER 1, 1988**

**REVISED
FEBRUARY 25, 1999**

**UPDATED
JUNE 10, 2008**

**BROWARD COUNTY PLANNING COUNCIL CHECKLIST
FOR LOCAL GOVERNMENT CERTIFICATION**

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 Community Affairs 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 proposed 1989 Broward County Land Use Plan identifies all items which must be submitted to the Planning Council for certification review. Two copies of each item are required to be submitted. Following each required item on the checklist, please indicate the applicable page or exhibit number of the item.

<u>REQUIRED ITEM</u>	<u>PAGE OR EXHIBIT #</u>
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 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 1989 Broward County Land Use Plan. (Note: The 1989 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. Flexibility Zone Boundaries and Numbers	_____

E. 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.

F. 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 1989 Broward County Land Use Plan which is 3 acres per thousand existing and projected population.

4. ANALYSIS OF ALL CHANGES TO THE INCLUSION PLAN PREVIOUSLY SUBMITTED TO THE PLANNING COUNCIL BY THE LOCAL GOVERNMENT. (Note: Map changes which are not within the Rules of Flexibility of the 1989 Broward County Land Use Plan will be processed as County Land Use Plan Amendments during 1989. These changes will not be certified until the amendment process has been completed.)

A. Existing and Proposed Land Use Designations and Acreages

B. Map of each site at a scale of 1"=300'

C. Legal description of each site

D. Rationale for each change

E. Demonstration of consistency with appropriate Goals, Objectives and Policies of the 1989 Broward County Land Use Plan

5. TABLES FOR EACH FLEXIBILITY ZONE INDICATING PLANNED ACREAGE BY LAND USE CATEGORY AND NUMBER OF PERMITTED DWELLING UNITS.

6. A DETAILED LISTING OF PERMITTED LAND USES AND DENSITIES ALLOWED WITHIN EACH LOCAL LAND USE CLASSIFICATION CONSISTENT WITH SECTION IV.B. OF THE 1989 BROWARD COUNTY LAND USE PLAN.

7. DEMONSTRATION OF COMPLIANCE WITH THE COMMUNITY PARKS AND RECREATION STANDARD OF 3 ACRES PER THOUSAND

POPULATION CONSISTENT WITH SECTION IV.C. OF THE 1989 BROWARD COUNTY LAND USE PLAN. THE FOLLOWING INFORMATION MUST BE PROVIDED TO DEMONSTRATE COMPLIANCE:

A. Existing and projected buildout populations

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

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

D. Inventory of projected park acreage used to satisfy the above standard for the buildout population

8. IMPLEMENTATION REGULATIONS AND PROCEDURES CONSISTENT WITH SECTION IV.D. OF THE 1989 BROWARD COUNTY LAND USE PLAN INCLUDING:

A. Development Review Requirements consistent with the 1989 Broward County Land Use Plan (Section IV.D.1.)

B. Platting Requirements consistent with the 1989 Broward County Land Use Plan (Section IV.D.2.)

C. Local Land Development Regulations and Procedures consistent with the 1989 Broward County Land Use Plan (Sections IV.D.5.a. and IV.D.5.b.)

D. Other Land Development Regulations and Procedures for Implementation of Local Land Use Plans consistent with the 1989 Broward County Land Use Plan (Section IV.D.3.e.)

9. MONITORING AND ENFORCEMENT PROCEDURES CONSISTENT WITH SECTION IV.D.7.a. OF THE 1989 BROWARD COUNTY LAND USE PLAN.

10. DEFINITIONS CONSISTENT WITH SECTION IV.a. OF THE 1989 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.)

11. GOALS, OBJECTIVES AND POLICIES CONSISTENT WITH SECTIONS II. AND IV.D.3.C.(1) OF THE 1989 BROWARD COUNTY LAND USE PLAN

Local governments are encouraged to review and address within their land use plans all goals, objectives and policies contained within the 1989 Broward County Land Use Plan. The plan's goals, objectives and 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 objectives and policies contained within the 1989 Broward County Land Use Plan identified below which establish specific requirements for local plans. Local objectives and policies do not have to contain the exact language of the Broward County Land Use Plan, but must provide the same general direction. Local objectives and policies may be more restrictive than the Broward County Land Use Plan. Please indicate where within the local land use plan the following objectives and policies (listed by the goal heading and reference number of the Broward County Land Use Plan), are addressed. If a specific objective and/or policy is not addressed within the local plan, the justification or rationale for such an omission must be provided.

GOAL 1.00.00 – RESIDENTIAL USES

OBJECTIVE 1.04.00

POLICY 1.04.01

POLICY 1.04.02

POLICY 1.04.04

OBJECTIVE 1.05.00

POLICY 1.05.01

POLICY 1.05.02

OBJECTIVE 1.06.00

OBJECTIVE 1.07.00

POLICY 1.07.01

POLICY 1.07.02

POLICY 1.07.03

POLICY 1.07.04

GOAL 2.00.00 – COMMERCIAL USES

POLICY 2.04.02

POLICY 2.04.03

POLICY 2.04.04

POLICY 2.04.06

OBJECTIVE 2.05.00

POLICY 2.05.01

POLICY 2.05.02

POLICY 2.06.01

GOAL 3.00.00 – INDUSTRIAL USES AND TOURIST INDUSTRY

POLICY 3.01.02

POLICY 3.01.04

POLICY 3.01.06

POLICY 3.02.02

POLICY 3.04.01

GOAL 5.00.00 – RECREATION AND OPEN SPACE USES

OBJECTIVE 5.02.00

POLICY 5.02.01

POLICY 5.02.03

POLICY 5.02.04

OBJECTIVE 5.04.00

POLICY 5.04.01

POLICY 5.05.08

GOAL 6.00.00 – CONSERVATION USE

OBJECTIVE 6.01.00

POLICY 6.01.01

POLICY 6.01.02

POLICY 6.01.04

POLICY 6.01.05

POLICY 6.01.08

POLICY 6.01.09

POLICY 6.01.10

POLICY 6.02.02

GOAL 7.00.00 – RURAL AREAS

POLICY 7.01.05

GOAL 8.00.00 – PUBLIC FACILITIES AND PHASED GROWTH

POLICY 8.01.01

POLICY 8.01.02

POLICY 8.01.03

POLICY 8.01.08

POLICY 8.01.10

POLICY 8.01.12

POLICY 8.01.15

POLICY 8.01.18

POLICY 08.01.19

POLICY 8.02.01

OBJECTIVE 8.03.00

POLICY 8.03.02

POLICY 8.03.03

POLICY 8.03.05

POLICY 8.03.09

OBJECTIVE 8.06.00

POLICY 8.06.01

POLICY 8.06.02

OBJECTIVE 8.07.00

POLICY 8.07.01

POLICY 8.07.02

POLICY 8.07.03

POLICY 8.07.04

POLICY 8.07.07

POLICY 8.07.08

POLICY 8.07.09

POLICY 8.07.10

OBJECTIVE 8.08.00

POLICY 8.08.03

GOAL 9.00.00 – NATURAL AND HISTORIC RESOURCES

POLICY 9.01.05

OBJECTIVE 9.02.00

POLICY 9.02.03

POLICY 9.02.05

POLICY 9.02.06

OBJECTIVE 9.03.00

POLICY 9.03.01

POLICY 9.03.02

POLICY 9.03.03	_____
POLICY 9.03.05	_____
POLICY 9.03.06	_____
POLICY 9.03.10	_____
OBJECTIVE 9.04.00	_____
POLICY 9.04.01	_____
POLICY 9.04.02	_____
POLICY 9.04.03	_____
OBJECTIVE 9.05.00	_____
POLICY 9.05.02	_____
POLICY 9.05.07	_____
POLICY 9.05.09	_____
POLICY 9.05.18	_____
OBJECTIVE 9.06.00	_____
POLICY 9.06.02	_____
OBJECTIVE 9.07.00	_____
POLICY 9.07.01	_____
POLICY 9.07.02	_____
POLICY 9.07.03	_____
OBJECTIVE 9.08.00	_____
POLICY 9.08.01	_____
POLICY 9.08.02	_____

POLICY 9.08.04

POLICY 9.08.05

OBJECTIVE 9.09.00

POLICY 9.09.01

POLICY 9.09.02

OBJECTIVE 9.10.00

POLICY 9.10.02

OBJECTIVE 9.12.00

POLICY 9.12.02

OBJECTIVE 9.13.00

POLICY 9.13.02

OBJECTIVE 9.14.00

GOAL 11.00.00 – LEVELS OF SERVICE

OBJECTIVE 11.01.00

POLICY 11.01.01

POLICY 11.01.04

GOAL 12.00.00 – LAND USE AND TRANSPORTATION

OBJECTIVE 12.01.00

POLICY 12.01.01

POLICY 12.01.02

POLICY 12.01.04

POLICY 12.01.10

OBJECTIVE 12.02.00

POLICY 12.02.03

POLICY 12.02.05

GOAL 13.00.00 – INTERGOVERNMENTAL COORDINATION

POLICY 13.01.05

POLICY 13.01.06

POLICY 13.01.10

GOAL 14.00.00 - REDEVELOPMENT AND INCOMPATIBLE USES

OBJECTIVE 14.01.00

OBJECTIVE 14.02.00

POLICY 14.02.01

POLICY 14.02.02

POLICY 14.02.04

POLICY 14.02.05

POLICY 14.02.06

OBJECTIVE 14.04.00

GOAL 15.00.00 – PORT AND AIRPORT USES

POLICY 15.03.01

POLICY 15.03.02

POLICY 15.03.03

POLICY 15.03.05

GOAL 17.00.00 – URBAN INFILL AREAS, URBAN REDEVELOPMENT AREAS
AND DOWNTOWN REVITALIZATION AREAS



POLICY 17.02.03



POLICY 17.02.06



BROWARD COUNTY PLANNING COUNCIL
PLAN AMENDMENT REQUIREMENTS AND PROCEDURES

Adopted: August 31, 1989

Revised: August 23, 1990
September 22, 1992
April 22, 1993
June 24, 1993
March 14, 1995
April 12, 2000
September 24, 2002
June 27, 2003
August 18, 2006
December 5, 2006
October 29, 2008
February 12, 2013

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

The attached procedures identify the application requirements for amending a local certified land use plan. Before an amendment to a local land use plan can be effective, the Planning Council must recertify the affected local land use plan as being in substantial conformity with the Broward County Land Use Plan. The Planning Council reviews two kinds of land use plan amendments: local plan amendments and amendments to the Broward County Land Use Plan.

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 3.5 of the Administrative Rules Document: Broward County Land Use Plan details the procedures local governments must follow to submit recertification requests. Exhibit A 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 this would not require amending the Broward County Land Use Plan.

Broward County Land Use Plan Amendment Requirements

Amendments which are not within the rules of flexibility 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 4 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. Exhibit B attached identifies the materials which must be submitted to satisfy the Planning Council’s application requirements for amendments to the Broward County Land Use Plan. To have a local plan recertified to reflect a Broward County Land Use Plan amendment, local governments must also submit the materials listed in Exhibit A.

ATTACHMENTS:	Exhibit A	“Application Requirements for Recertification of Local Land Use Plans: Broward County Planning Council”
	Exhibit B	“Application Checklist for Amendments to the Broward County Land Use Plan: Broward County Planning Council”
	Exhibit C	“Fee Schedule for Amendments to the Broward County Land Use Plan and Local Land Use Plans”

EXHIBIT A

APPLICATION REQUIREMENTS FOR RECERTIFICATION OF LOCAL LAND USE PLANS: BROWARD COUNTY PLANNING COUNCIL

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 Checklist 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 case or number.
 - b. Applicant Information
 1. Name, address, telephone, and facsimile number of the applicant.
 2. Name, address, telephone, and facsimile number of the agent.
 3. Name, address and telephone number of the property owner.
 - 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 the attached Exhibit C, "Fee Schedule for Amendments to the Broward County Land Use Plan and Local Land Use Plans."
 - 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.)

EXHIBIT A

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.
5. Updated tables for all relevant flexibility zones indicating their 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. Existing and projected buildout populations.
 - b. Existing and projected community parks requirements utilizing the three acre per thousand 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 buildout population.
 - e. Demonstration of compliance with Article 3.3 of the Administrative Rules Document: Broward County Land Use Plan.
 - 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 13.01.10 regarding compatibility with adjacent land uses and impacts on public school facilities.
8. Demonstrate that the local government plan amendment has completed the Chapter 163, Florida Statutes, review process, including any appeal period.

9. If the municipal amendment was the subject of a Broward County Land Use Plan amendment and subject to any voluntary commitments (i.e. school mitigation, 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 voluntary commitments are fulfilled.

EXHIBIT B

APPLICATION FOR AMENDMENTS TO THE BROWARD COUNTY LAND USE PLAN: BROWARD COUNTY PLANNING COUNCIL

This application identifies the information required by the Broward County Planning Council and Florida Department of Economic Opportunity for processing amendments to the Broward County Land Use Plan.

At the request of municipalities, the Broward County Planning Council has adopted procedures which allow for concurrent transmittal of Broward County Land Use Plan amendments and local land use plan amendments to the Florida Department of Economic Opportunity. **Local governments choosing the concurrent transmittal option must specifically authorize the Broward County Planning Council to transmit the local amendment(s) corresponding to a Broward County Land Use Plan amendment.** This authorization must be made at the local government's Chapter 163, Florida Statutes, transmittal hearing and be included within the transmittal resolution or ordinance. Upon concurrent transmittal of the local amendment to the Florida Department of Economic Opportunity (DEO), municipalities are responsible for responding to any requests made by DEO regarding the municipal amendment.

All amendment requests must be accompanied by the materials identified on the attached application. Local governments opting for concurrent transmittal must submit 15 copies of the amendment application for the Broward County Planning Council and 10 copies of the corresponding **local land use plan amendment application** for the Florida Department of Economic Opportunity. Those local governments choosing to transmit their local amendments to the Department of Economic Opportunity separately or those adopting small-scale local and County plan amendments need only supply the number of copies for the Broward County Planning Council. Additional copies of the amendment application for the Broward County Planning Council may be requested if the amendment site requires review by additional agencies, such as independent drainage districts or adjacent municipalities. Complete* applications must be submitted in accordance with the Planning Council's established submittal deadlines, as well as the County Commission requirements.

Please note that The School Board of Broward County, Florida, has adopted an application fee schedule regarding the review of development applications, including land use plan amendments. Please contact the Growth Management Division of The School Board of Broward County, Florida to facilitate the review and any associated fees.

- * 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.

In addition, the Broward Metropolitan Planning Organization (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 the MPO cost-recovery fees.

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

1. TRANSMITTAL INFORMATION

EXHIBIT/PAGE #

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. 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. Date local governing body held transmittal public hearing.

C. Whether the amendment area is within an Area of Critical State Concern or proposed for adoption under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

D. Whether the amendment is one of the following:

*Development of Regional Impact

*Small scale development activity (Per Florida Statutes)

*Emergency (please describe on separate page)

*Other amendments which may be submitted without regard to Florida statutory limits regarding amendment submittals (Brownfield amendments, etc.)

2. LOCAL GOVERNMENT INFORMATION

A. Local land use plan amendment or case numbers.

B. Proposed month of adoption of local land use plan amendment.

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

D. Summary minutes from the local planning agency and local government public hearing of the transmittal of the Broward County Land Use Plan amendment.

E. Description of public notification procedures followed for the amendment by the local government.

3. **APPLICANT INFORMATION**

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

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

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

D. Planning Council fee for processing the amendment in accordance with the attached Exhibit C, "Fee Schedule for Amendments to the Broward County Land Use Plan and Local Land Use Elements."

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

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

4. **AMENDMENT SITE DESCRIPTION**

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

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

C. Map at a scale of 1"=300' clearly indicating the amendment's location, boundaries and proposed land uses. (Other scales may be accepted at the discretion of the Planning Council Executive

Director. Please contact the Planning Council office in this regard, prior to the submittal of the application).

5. 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.

B. Current land use designations for the adjacent properties.

C. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for adjacent areas.

D. Existing use of amendment site and adjacent areas.

E. Proposed use of the amendment site including proposed square footage* for each non-residential use and/or dwelling unit count. For RAC, LAC, TOC, TOD and MUR amendments, please provide each existing non-residential use square footage and existing dwelling units for amendment area.

F. Maximum allowable development per local government land use plans under existing designation for the site, including square footage* for each non-residential use and/or dwelling unit count.

G. Indicate if the amendment is part of a larger development project that is intended to be developed as a unit such as a site plan, plat or Development of Regional Impact. If so, indicate the name of the development; provide the site plan or plat number; provide a location map; and, identify the proposed uses.

6. 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.

*square footage numbers are for analytical purposes only

A. Sanitary Sewer Analysis

1. Identify whether the amendment site or a portion is currently and/or proposed to be serviced by septic tanks.

2. Identify the sanitary sewer facilities serving the amendment site including the current plant capacity, current plus committed demand on plant capacity, and planned plant capacity.

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

4. Identify the projected plant capacity and demand for the short and long range planning horizons as identified within the local government's adopted comprehensive plan. Provide demand projections and information regarding planned plant capacity expansions including year, identified funding sources and other relevant information.

5. Correspondence from sanitary sewer provider verifying the information submitted as part of the application on items 1-4 above. Correspondence must contain name, position and contact information of party providing verification.

B. Potable Water Analysis

1. Data and analysis demonstrating that a sufficient supply of potable water and related infrastructure will be available to serve the proposed amendment site through the long term planning horizon, including the nature, timing and size of the proposed water supply and related infrastructure improvements.

2. Identify the facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on the plant and South Florida Water Management District (SFWMD) permitted withdrawal, including the expiration date of the SFWMD permit.

*square footage numbers are for analytical purposes only

3. Identify the wellfield serving the service area in which the amendment is located including the permitted capacity, committed capacity, remaining capacity and expiration date of the permit.

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

5. Identify the projected capacity and demand for the short and long range planning horizons as identified within the adopted comprehensive plan - provide demand projections and information regarding planned wellfield and planned plant capacity expansions including year, funding sources and other relevant information. If additional wellfields are planned, provide status including the status of any permit applications.

6. Correspondence from potable water provider verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

C. Drainage Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located.

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

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

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.

*square footage numbers are for analytical purposes only

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 yards, 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 as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.
-

D. Solid Waste Analysis

1. Provide the adopted level of service standard for the municipality in which the amendment is located.
 2. Identify the solid waste facilities 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 resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.
-

*square footage numbers are for analytical purposes only

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

E. Recreation and Open Space Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located and the current level of service.
2. Identify the parks serving the service area in which the amendment is located including acreage and facility type, e.g. neighborhood, community or regional park.
3. Identify the net impact on demand for park acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.
4. Identify the projected park needs for the short and long range planning horizons as identified within the adopted comprehensive plan – provide need projections and information regarding planned expansions including year, identified funding sources, and other relevant information.
5. 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, including documentation, consistent with the requirements of the Land Use Plan, 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.

F. Traffic Circulation Analysis

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.

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

3. Planning Council staff will analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for this 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 short (5 year) and long range planning horizons.

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

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.

2. Quantify the change in mass transit demand resulting from this amendment.

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

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

H. Provision of Open Space

As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Objective 5.04.00 and Policies 5.04.01, 5.04.02, 5.04.03 and 5.04.04 (a. through e.).

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. 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.

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

C. Wetlands.

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

E. Priority Planning Area map and Broward County Land Use Plan Policy A.03.05 regarding sea level rise.

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.

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

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.

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.

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.

8. AFFORDABLE HOUSING

Describe how the local government is addressing Broward County Land Use Plan Policy 1.07.07.

9. 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.

10. 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.

11. REDEVELOPMENT ANALYSIS

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

12. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments. If so, please provide additional copies for the notification and/or review by adjacent local governments.

13. CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

List of goals, objectives and policies of the Broward County Land Use Plan which the proposed amendment furthers.

14. POPULATION PROJECTIONS

A. Population projections for the 20 year planning horizon (indicate year).

B. Population projections resulting from proposed land use (if applicable).

C. Using population projections for the 20 year planning horizon, demonstrate the effect of the proposed amendment on the land needed to accommodate the projected population.

15. ADDITIONAL SUPPORT DOCUMENTS

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

B. Any proposed voluntary mitigation or draft agreements.

16. PLAN AMENDMENT COPIES

A. 15 copies (minimum of 3 hard copies and the remainder may be digital copies) for the BCPC (Please include additional copies, if amendment site is adjacent to other municipalities and/or county jurisdictions). Additional copies may be requested by the Planning Council Executive Director after the initial application submittal.

- B. 1 hard copy and 11 digital copies, as required by DEO, of the corresponding local land use plan amendment application, if transmitting concurrent to DEO, including transmittal letter from municipality to DEO. For small scale land use plan amendments, 1 hard copy and 5 digital copies must be submitted.
-

17. PUBLIC EDUCATION ANALYSIS

Please be advised that the Planning Council staff will request from The School Board of Broward County, as per Policy 8.07.01 of the BCLUP, an analysis of the impacts of the amendment on public education facilities as indicated below. Please note that as per The School Board of Broward County, Florida, Policy 1161, amended and adopted January 15, 2008, the applicant will be subject to a fee for the review of the application. The applicant is encouraged to contact the School Board staff to discuss this review as soon as possible.

- 1. Identify the existing public elementary and secondary education facilities serving the area in which the amendment is located.

- 2. Identify the existing school enrollment and permanent design capacity of the public elementary and secondary education facilities serving the area.

- 3. Identify the additional student demand resulting from this amendment – calculations must be based on applicable student generation rates specified in the Broward County Land Development Code.

- 4. Identify the planned and/or funded improvements to serve the area in which the amendment is located as included within the School Board’s five year capital plan – provide student demand projections and information regarding planned permanent design capacities and other relevant information.

- 5. Identify other public elementary and secondary school sites or alternatives (such as site improvements, nominal fee lease options, shared use of public space for school purposes etc.), not identified in Item #4 above, to serve the area in which the amendment is located.

EXHIBIT C

**FEE SCHEDULE FOR AMENDMENTS TO THE
BROWARD COUNTY LAND USE PLAN
AND LOCAL LAND USE ELEMENTS**

FEES

Broward County Land Use Plan Map (includes recertification processing): \$12,146.00

In addition, 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. Courtesy notices are described in Section 4.2(B) of the Administrative Rules Document: Broward County Land Use Plan. Please contact Planning Council staff for the approximate “courtesy notice” fee schedule.

Further, 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.

Recertification of Municipal Land Use Plan Amendments
(Per Amendment):

(a)	Map Amendment	\$1,906.00
(b)	Local Land Use Plan Text Amendment:	
	(1) Non-governmental Applicant	\$100.00
	(2) Governmental Applicant	\$0.00

Deferred Amendments

Amendments deferred at the request of applicants are subject to a fee equal to 50 percent of the original filing fee.

AMENDMENTS NOT SUBJECT TO FEES

1. Land use plan amendments for property that is publicly owned and that will continue to be publicly owned, and to be utilized for a public purpose.
2. Land use plan amendments for property owned by a not-for-profit, tax exempt organization if the unit of 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 unit of 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.

Exhibit C: Amended June 15, 1999
Amended April 25, 2000
Amended April 24, 2001
Amended April 23, 2002
Amended May 28, 2002
Amended September 24, 2002
Amended May 13, 2003
Amended May 11, 2004
Amended May 24, 2005
Amended May 23, 2006
Amended May 22, 2007
Amended June 10, 2008
Amended June 8, 2010
Amended June 26, 2012

**BROWARD COUNTY LAND USE PLAN:
Section D.2 Platting Determination Process**
(Note: Local regulation may require platting in instances where Section D.2 does not)

BUILDING CHARACTERISTICS

* Not constructing a Principal Building → Platting not required

* Constructing a Principal Building → Go to Step 2

PARCEL CHARACTERISTICS

* Building located on parcel platted after June 4, 1953 (Plat Book 32, Page 15 and higher) → Platting not required

* Building located on unplatted land or land platted before June 4, 1953 → Go to Step 3

STEP 1

STEP 2

DEVELOPMENT CHARACTERISTICS

*Up to two residential dwelling units → Go to Step 4A

*Multi-family or non-residential development → Go to Step 4B

STEP 3

STEP 4A

STEP 4B

**ONE OR TWO RESIDENTIAL UNIT
PARCEL CHARACTERISTICS**

* Up to two residential dwelling units and trafficways requirement met → Platting not required

* Up to two residential dwelling units within 500 feet and under same ownership of property exempted within the past 12 months → Platting required

**MULTI-FAMILY/NON-RESIDENTIAL
PARCEL CHARACTERISTICS**

* Parcel less than 5 acres and specifically delineated on plat and Trafficways requirement met → Platting not required

* Parcel greater than 5 acres or not specifically delineated on plat or Trafficways Plan → Platting required

SOURCE: BROWARD COUNTY PLANNING COUNCIL
August, 2008

**APPLICATION FOR MODIFICATION OF
BROWARD COUNTY LAND USE PLAN
FLEXIBILITY ZONE BOUNDARIES**

(Revised – May 2005)

THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE A MODIFICATION OF FLEXIBILITY ZONE BOUNDARIES WILL BE ACCEPTED FOR PROCESSING.

1. LETTER OF TRANSMITTAL

Letter of transmittal documenting that the municipality took action by motion or resolution to request a modification of Broward County Land Use Plan flexibility zone boundaries.

2. SUPPORT INFORMATION

A. The municipal staff report on the requested flexibility zone boundary modification as provided to the local governing body.

B. Minutes from the local governing body meeting.

C. The municipality’s rationale for the flexibility zone boundary modification. The rationale must be consistent with Article 1.3(C) of the Administrative Rules Document: Broward County Land Use Plan, which states:

“Flexibility zone boundary modifications may be proposed to facilitate rational planning such as to conform to municipal boundaries, local planning areas, Regional Activity Center boundaries or other existing boundaries.”

D. Maps, graphics, and/or other materials as necessary, which specifically describe the requested flexibility zone boundary modification. Maps must be at approximately 1” = 1,000’. Other scales may be approved by the Executive Director of the Broward County Planning Council.

E. Revised flexibility zone tables reflecting the requested flexibility zone boundary modification.

F. The following complete* application must also be submitted as part of the application for modification of flexibility zone boundaries:

(1) Traffic circulation analysis regarding the proposed flexibility zone boundary modification, utilizing the current edition of the Institute of Transportation Engineers Manual. Maps and/or graphics showing the distribution of projected traffic increases and decreases must be submitted.

*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.

- (2) A Public School Facility Impact Statement prepared by the Broward County School Board to reflect an application of flexibility units and/or reserve units regarding the proposed flexibility zone boundary modification.
- (3) A statement regarding how existing and future land use compatibility will be addressed concerning the proposed flexibility zone boundary modification.

Submittal of information concerning items F(1) through F(3) above may be waived by the Executive Director of the Broward County Planning Council for applications to modify flexibility zone boundaries to reflect municipal annexations or Developments of Regional Impact, with no change in future land use designations, or similar actions.

3. ADDITIONAL INFORMATION FOR “STANDARD FLEXIBILITY ZONE” MODIFICATIONS

- A. Documentation demonstrating consistency with Article 1.3(F) of the Administrative Rules Document: Broward County Land Use Plan, which states:

“The maximum number of dwelling units located inside the boundaries of a new or modified flexibility zone on the Broward County Land Use Plan shall not be exceeded by the maximum number of dwelling units which would be permitted inside those same boundaries if transposed to the Local Land Use Plan Map of the applicable local government.”

4. ADDITIONAL INFORMATION FOR “UNIFIED FLEXIBILITY ZONE” MODIFICATIONS

- A. Demonstration that the proposed “unified flexibility zone” is consistent with an adopted municipal plan or plans, such as comprehensive plans/redevelopment plans/vision plans/master plans, or similar plans that have been subject to a municipal public participation/public hearing process that identify those areas which are appropriate and not appropriate for allocations for flexibility.
- B. Description of the municipal processes which will adequately address issues of compatibility of land uses and impacts on public facilities and services which may result from allocations of flexibility.

FEE SCHEDULE FOR WRITTEN INTERPRETATIONS

FEES

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).

\$308.00*

Post June 4, 1953 (Plat Book 32, Page 15) platted properties only.

\$106.00*

Broward County Planning Council staff written Land Use Interpretation (per specific scenario).**

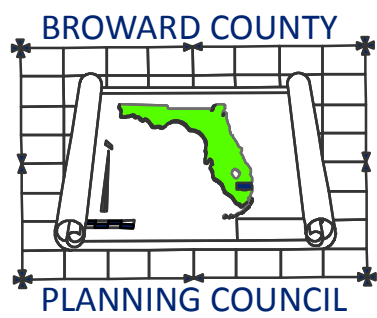
\$250.00*

Broward County Planning Council staff written Land Use Confirmation (per specific parcel or contiguous development).**

\$145.00*

*Fee Amended - June 8, 2010

**Fee Established - June 10, 2008



ATTACHMENT 3

Teetsel, Dawn

Subject: RE: Fort Lauderdale Staff Comments on Changes to the Administrative Rules Document

From: Lorraine Tappen [<mailto:LTappen@fortlauderdale.gov>]

Sent: Tuesday, September 05, 2017 4:51 PM

To: Blake Boy, Barbara <BBLAKEBOY@broward.org>

Cc: Anthony Fajardo <AFajardo@fortlauderdale.gov>; Ella Parker <EParker@fortlauderdale.gov>; Jim Hetzel <JHetzel@fortlauderdale.gov>; Linda Mia Franco <LFranco@fortlauderdale.gov>; Alfred Battle <ABattle@fortlauderdale.gov>

Subject: Fort Lauderdale Staff Comments on Changes to the Administrative Rules Document

Hi Barbara,

Thank you for the opportunity to comment on changes to the Administrative Rules Document. City of Fort Lauderdale Urban Design and Planning staff has the following comments on the changes to the document:

Article 3 Flexibility, Redevelopment Units, and Special Residential Facilities

The current Administrative Rules Document allows residential land uses on 20% of land designated with the Commercial land use designation. In regard to sections 3.4(A)(1) and 3.4(A)(4) in the proposed Administrative Rules Document, City of Fort Lauderdale staff has significant concerns about reduction from 20% to 10% of the total land area of properties with the Commerce land use that would be allowed residential land uses. Although the new Commerce land use designation incorporates the former Commercial, Employment Center, Industrial, and Office Park land uses, the decrease in potential residential uses conflicts with the City of Fort Lauderdale's proposed polices for transit oriented development and affordable housing along major transit corridors.

In order to meet affordable housing requirements related to the city's Downtown Regional Activity Center and provide a long term strategy for residential flex units related to the collapse of flex zones, the City of Fort Lauderdale City Commission is reviewing an approach that would require a provision for affordable housing when residential flex units are used on commercial land uses along transit corridors. The transit corridors offer an opportunity to provide a mixed-use environment with local supporting amenities and transportation options. For example, the city could potentially permit up to 50 units per acre if 15% of dwelling units qualify as affordable, otherwise 43 units per acre, or base on proximity to a transit location.

Additional analysis of the reduction in allowable residential uses on properties with the Commerce land use designation should be considered before adoption of this amendment to the rules document by the county.

Appendix 2

Please clarify how the certification and recertification process has been streamlined in the proposed Administrative Rules document to address #BrowardNext Strategy IG-1. Could the Planning Council consider administrative review with coordination with County attorney to ensure compliance between local plans and the county land use plan?

Prior Section 9 Compatibility Determinations

City of Fort Lauderdale staff recommends retaining Section 9.4 Municipal and County Notification Requirements. This section appears to have been struck in the proposed rules document. The current Section 9.4 requires notification when allocation of flexibility to site contiguous to another municipality and allows municipalities to request that the county conduct a compatibility review upon request.

Lorraine Tappen, AICP, LEED Green Associate | Principal Planner

City of Fort Lauderdale | Urban Design & Planning

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