

ORDINANCE NO. 2024-34

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO DEVELOPMENT REVIEW REQUIREMENTS;  
3 AMENDING SECTION 5-182 OF THE BROWARD COUNTY CODE OF ORDINANCES  
4 ("CODE"); IMPLEMENTING CHAPTER 2024-266, LAWS OF FLORIDA, REQUIRING  
5 THE SUSPENSION OF THE COLLECTION OF TRANSPORTATION CONCURRENCY  
6 ASSESSMENTS AND ROAD AND RECREATIONAL IMPACT FEES UNTIL SUCH TIME  
7 THAT A STUDY MEETING THE REQUIREMENTS OF STATE LAW IS ADOPTED; AND  
8 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE  
9 DATE.

10 (Sponsored by the Board of County Commissioners)

11  
12 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
13 BROWARD COUNTY, FLORIDA:

14 Section 1. Section 5-182 of the Broward County Code of Ordinances is hereby  
15 amended to read as follows:

16 **Sec. 5-182. Development review requirements.**

17 An application for a development permit must comply with the requirements of this  
18 article. To determine compliance with these requirements within municipalities, the  
19 County shall conduct an independent review; provided, however, that in conducting such  
20 review, the County shall utilize and consider whatever documentation and  
21 recommendation is provided to it by the relevant municipality as a result of that

22 municipality's own review of such subject matters. For any adequacy determination under  
23 Section 5-182.1 or 5-182.2 or the payment of impact fees pursuant to this article involving  
24 development of previously improved land, the determination shall be based on the  
25 additional trips that will be generated or the additional impact of the proposed  
26 development. Any demolished development that qualifies as existing under the criteria  
27 set forth in Section 5-182.13 shall be granted credit at one hundred percent (100%) of its  
28 generated trips or impact fees previously paid.

29 Notwithstanding requirements for any adequacy determination under this article,  
30 no Transportation Concurrency Assessments or impact fees shall be collected on or after  
31 October 1, 2024, unless an impact fee study that meets the minimum requirements of  
32 Section 163.31801, Florida Statutes, as amended, has been completed and accepted by  
33 the Board of County Commissioners. The Division shall not issue any refunds for  
34 Transportation Concurrency Assessments or impact fee payments made prior to  
35 October 1, 2024, unless such a refund meets the specific requirements of Section 5-  
36 184(b)(2)d).

37 Section 2. Severability.

38 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
39 portion will be stricken, and such striking will not affect the validity of the remainder of this  
40 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
41 legally applied to any individual, group, entity, property, or circumstance, such  
42 determination will not affect the applicability of this Ordinance to any other individual,  
43 group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Code of Ordinances.

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

Section 4. Effective Date.

This Ordinance is effective as of October 1, 2024.

ENACTED September 17, 2024

FILED WITH THE DEPARTMENT OF STATE September 17, 2024

EFFECTIVE October 1, 2024

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 08/19/2024  
Alexis Marrero Koratich (date)  
Assistant County Attorney

By: /s/ Maite Azcoitia 08/19/2024  
Maite Azcoitia (date)  
Deputy County Attorney

AIK/gmb  
Suspension of Impact Fee Collection Ordinance  
09/18/2024  
#41005

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