

ORDINANCE NO. 2016-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE; AMENDING VARIOUS SECTIONS OF CHAPTER 5, ARTICLE IX, OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); UPDATING AND CLARIFYING LAND DEVELOPMENT CODE PROVISIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Section 5-180 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-180. Application and requirement for development permits.

...

(a) *Major Review:* Applications for plat approval, modifications to conditions of plat approval, including amendments or revisions to a ~~non-vehicular~~ nonvehicular access line; amendments to, or placement of a notation on the face of the plat in the unincorporated and incorporated areas; new findings of adequacy; and applications for rezoning and DRI development orders in the unincorporated area shall be subject to major review. An application for a development permit requiring major review shall comply with the following:

...

1 (b) ~~Minor Site Plan Review~~: Within the unincorporated area of Broward
2 County, any application for a development permit not requiring County Commission
3 approval shall be subject to ~~minor~~ administrative review. All applications for
4 development permits requiring ~~minor~~ administrative review shall comply with the
5 following:

6 (1) The applicable provisions of this article.

7 (2) The applicable provisions of Chapter 39 of the Code of Ordinances, the
8 Zoning Code, and the applicable provisions of the Florida Building Code.

9 (3) Applications for a development permit subject to ~~minor~~ administrative
10 review that do not require full review by the reviewing agencies, pursuant
11 to ~~sub~~Section 5-181(c)(3), shall comply with all applicable requirements
12 of this article.

13 (4) The applicable provisions of the elements of the Broward County
14 Comprehensive Plan.

15 (c) *Exempt Development*: Notwithstanding any other provision of this article,
16 the following activities shall not require compliance with this article:

17 (1) Maintenance or improvement of runways, taxiways, and aprons by an
18 airport agency.

19 (2) Construction of bus stop shelters.

20 (3) Construction of ~~S~~sculptures, fountains, and other landscaping
21 improvements, unless within or abutting the right-of-way of a trafficway.

22 (4) Construction of ~~S~~signs.
23
24

1 . . .

2 Section 2. Section 5-181 of the Broward County Code of Ordinances is hereby
3 amended to read as follows:

4 **Sec. 5-181. Development review procedures.**

5 . . .

6 (a) *Completeness of application.* The Planning and Development
7 Management Division shall review the application for development permit to determine
8 its completeness. Within seven (7) working days after receipt, the Planning and
9 Development Management Division shall either accept the application, if it is complete,
10 or reject the application, ~~if it is complete,~~ and forward to the applicant a notice of
11 incompleteness specifying the data missing from the application received. The
12 determination of completeness in this subsection does not include the Highway
13 Construction and Engineering Division submission requirement set forth in
14 ~~sub~~Section 5-189(c).

15 . . .

16 (b) *Agency Review.* Upon acceptance of an application for development
17 permit, the Planning and Development Management Division shall forward a copy of the
18 application ~~and accompanying material or, when appropriate, a comment sheet only~~ to
19 each of the following agencies for review:

20 . . .

21 (7) ~~The Natural Resources Planning and Management~~ Environmental
22 Planning and Community Resilience Division.

23 . . .

24
Coding: Words in ~~struck through~~ type are deletions from existing text. Words in
underscored type are additions.

(14) The ~~Permitting,~~ Environmental Licensing and ~~Consumer Protection~~
Building Permitting Division, for unincorporated area submissions only.

...

(18) ~~The Planning and Development Management Division, for unincorporated~~
~~area submissions only.~~

(19) The Port Everglades Department, for submissions within Port Everglades.

~~(20)~~ (19) The Pollution Prevention, ~~Remediation,~~ and Air Quality Division.

(c) *Review responsibilities.* Each reviewing agency shall prepare a staff
report which sets out in writing its comments and recommendations regarding the
application for development permit, and shall forward such staff report to the Planning
and Development Management Division within twenty (20) working days of after
acceptance of the application by the Planning and Development Management Division.
If any reviewing agency staff report is not received within said time frame, this shall
indicate that the reviewing agency has no comments or objections to the application.

...

(3) If the application is ~~not subject to major review~~ for a site plan and is for
development of fewer than twenty (20) dwelling units or less than
ten thousand (10,000) gross square feet of nonresidential floor area, the
application shall be subject to review by those agencies that the Planning
and Development Management Division Director deems appropriate. If a
development order is not issued within six (6) months ~~from~~ after the date
the application is received, the application shall be deemed withdrawn.

...

1 (e) (1) *Required action by other County board.* In the event this Code of
2 Ordinances requires that a development permit not be issued until acted
3 upon by some County board or agency other than the County
4 Commission, then the Planning and Development Management Division
5 Director shall forward the application for development permit to such
6 County board or agency for appropriate action prior to the issuance of a
7 development order pursuant to ~~sub~~Sections 5-181(f) and 5-181(j) of this
8 division or the notification to an applicant that an application is ready to be
9 presented to the County Commission pursuant to ~~sub~~Section 5-181(g) of
10 this division. In the event there is a pending Broward County land use
11 plan amendment, no development permit application shall be placed on an
12 agenda for consideration by the County Commission prior to final action
13 being taken by the County Commission or recertification by the Planning
14 Council. The time limits of said ~~sub~~sections shall be extended to
15 accommodate such additional board or agency action.

16 (2) *Required action by municipality.* In the event that there is a pending
17 application before a municipality for a land use plan amendment or
18 allocation of flex or reserve units, no development permit application shall
19 be placed on an agenda for consideration by the County Commission prior
20 to final action being taken by the municipality. Time limits under
21 Section 5-181(j) shall be extended to accommodate such additional
22 action.

23 (f) *Minor Site plan review; development order.* Within six (6) months ~~of~~ after
24 acceptance of a completed application for development permit subject to ~~minor~~ site plan

1 review, the Planning and Development Management Division Director shall make a
2 determination, based upon required agency reviews,

3 . . .

4 (g) *Major review: Development Review Report and notice to applicant.*
5 Within thirty (30) working days ~~from~~ after the acceptance of the application for
6 development permit subject to major review, the Planning and Development
7 Management Division Director shall compile the individual staff reports, prepare a
8 written Development Review Report with proposed findings and a recommendation, and
9 forward a notification of preparedness to the applicant stating that the report is complete
10 and the application is ready to be presented to the County Commission. The
11 Development Review Report shall specify the applicable standards and minimum
12 requirements necessary to ensure compliance with this article. The Development
13 Review Report for an application for plat approval shall also include a list of corrections
14 necessary for compliance with Chapter 177, Florida Statutes, ~~as amended~~. Any waiver
15 granted under ~~sub~~Section 5-181(c)(1) of this division and the reasons therefore shall
16 be explained in the Development Review Report.

17 (h) *Required letter of objections or no objections to Development Review*
18 *Report for applications for plat approval.*

19 (1) For applications for plat approval ~~subject to major review~~, within five (5)
20 months ~~of~~ after issuance of the notification of preparedness, the applicant
21 shall respond with a written letter to the Planning and Development
22 Management Division Director specifying all objections to the
23 Development Review Report or stating that the applicant has no
24 objections to the Development Review Report. If the applicant fails to

1 submit a written response to the Development Review Report within this
2 time period, the application for development permit shall be deemed
3 withdrawn.

4 (2) If the letter states that there are no objections to the Development Review
5 Report, then the applicant may submit a written authorization to proceed
6 as specified in ~~sub~~Section 5-181(i).

7 (3) If the letter specifies objections to the Development Review Report, the
8 Planning and Development Management Division Director shall distribute
9 it to the applicable reviewing agencies within two (2) working days ~~of~~ after
10 receipt. The reviewing agencies shall submit a written response to the
11 Planning and Development Management Division Director within ten (10)
12 working days ~~of~~ after transmittal from the Planning and Development
13 Management Division Director. If any reviewing agency's written response
14 is not received within said time frame, this shall indicate that the reviewing
15 agency has no comments on the letter of objections. The Planning and
16 Development Management Division Director shall transmit a written
17 response to the applicant within five (5) working days ~~of~~ after the response
18 deadline from the review agencies. The applicant shall not submit a
19 written authorization to proceed as specified in ~~sub~~Section 5-181(i) until
20 after the Planning and Development Management Division Director
21 transmits a response to the applicant's letter of objections.

22 (i) *Referral of applications for plat approval to County Commission.*

23 (1) For applications for plat approval ~~subject to major review~~, within ten (10)
24 months ~~of~~ after issuance of the notification of preparedness, the applicant

1 shall respond with a written authorization to proceed. If no written
2 authorization is received within this time period, the application for
3 development permit shall be deemed withdrawn.

4 (2) Upon receipt of written authorization from the applicant to proceed, the
5 Planning and Development Management Division Director shall ~~submit the~~
6 ~~Development Review Report and recommendations to the County~~
7 ~~Records, Taxes, and Treasury Division for scheduling~~ schedule the
8 application on the next available agenda of the County Commission,
9 unless the applicant has requested, in writing, that the application be
10 scheduled for a later County Commission agenda and the requested date
11 is within six (6) months after the date of receipt of the written authorization
12 to proceed.

13 ~~(2)~~ (3) If the application is subject to ~~minor~~ site plan review and the Planning and
14 Development Management Division Director believes that there is a
15 substantial question regarding the interpretation of this ~~A~~article as it
16 applies to the application, the Planning and Development Management
17 Division Director may refer the matter to the County Commission for a
18 determination.

19 . . .

20 (k) *Reinstatement of Development Orders.* An application denied in
21 accordance with ~~sub~~Section 5-181(f)(3) or ~~(i)(1)b~~ (j)(1)b solely on the basis of inadequacy
22 of the regional transportation network may be reinstated provided that all of the
23 following conditions are met:

(1) The applicant, within fourteen (14) calendar days ~~of~~ after the denial, notifies the Planning and Development Management Division Director of an intention to develop an Action Plan, as described in Section 5-182(a)(6), and pays any appropriate fees established by the County Commission for the review of an action plan.

...

For an application reinstated under this provision, the Planning and Development Management Division Director shall ~~submit the previous Development Review Report~~ schedule the application, as amended by the approved Action Plan, ~~to the Records, Taxes, and Treasury Division for scheduling for consideration by the County Commission~~, if said application is for plat approval. The County Commission shall consider the application for plat approval based on the conditions which existed at the time of the denial, except for the provisions of the approved Action Plan. The Planning and Development Management Division Director shall approve the application for a development permit subject to ~~minor~~ site plan review based upon the conditions that existed at the time of the denial, except for the provisions of the approved Action Plan.

...

(m) *Vested Rights Determination.*

(1) Broward County recognizes that certain land development rights of property owners may be vested with respect to approved land uses, density or intensity of development, ~~and/or~~ staging or phasing of development. Any person claiming vested rights to develop property shall make application for a vested rights determination. Requests for vested

rights determinations shall be made on forms provided by the Planning and Development Management Division.

- ...
- f) The Hearing Officer shall, within forty-five (45) days ~~of~~ after the hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of vested rights.
- g) The order of the Hearing Officer may be appealed to the County Commission within thirty (30) days after rendition of the Hearing Officer's order. Unless appealed to the County Commission, the order of the Hearing Officer shall become final thirty-one (31) days after rendition. The County Commission sits as the board of appeals to consider whether the order of the Hearing Officer was based upon competent and substantial evidence and was in accordance with applicable ordinances. The decision of the County Commission shall be based upon the record established before the Hearing Officer. The Board of County Commissioners shall within thirty (30) days of receipt of the proposed order issue its determination which shall be in the form of a resolution an order. Appeals of the County Commission's order shall be pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days after rendition.
- ...

(o) *Expiration of Findings of Adequacy.*

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.

1 (1) For each plat or replat which is approved with a finding that it satisfies the
2 adequacy requirements set forth within this article, one (1) or both of the
3 following notations shall be recorded on the ~~fact~~ face of the plat.:

4 a) If a building permit for a principal building (excluding dry models,
5 and sales and construction offices) and first inspection approval are
6 ~~is~~ not issued within five (5) years ~~of~~ after approval of the application
7 by Broward County, then the County's finding of adequacy shall
8 expire and no additional building permits shall be issued until such
9 time as Broward County shall make a subsequent finding that the
10 application satisfies the adequacy requirements set forth in this
11 Article. The owner of the property or the agent of the owner shall
12 be responsible for providing evidence to Broward County from the
13 appropriate governmental entity, documenting compliance with this
14 requirement within the above-referenced time frame; ~~and/or~~

15 b) If construction of project water lines, sewer lines, drainage, and the
16 rock base for internal roads have not been substantially completed
17 within five (5) years ~~of~~ after approval of the application by Broward
18 County, then the County's finding of adequacy shall expire and no
19 additional building permits shall be issued until such time as
20 Broward County shall make a subsequent finding that the applicant
21 satisfies the adequacy requirements set forth within this Article.
22 This requirement may be satisfied for a phase of the project,
23 provided a phasing plan has been approved by Broward County.
24 The owner of the property or the agent of the owner shall be

1 responsible for providing evidence to Broward eCounty from the
2 appropriate governmental entity, documenting compliance with this
3 requirement within the above-referenced time frame.

4 . . .

5 (p) *Pending applications.*

6 . . .

7 (4) The following shall be required to withdraw an application under this
8 subsection:

9 . . .

10 b) A letter or ~~resolution~~ e-mail from the applicable municipality
11 acknowledging the request for withdrawal. ~~In the case of the~~
12 ~~withdrawal of an application to amend or place a note on a~~
13 ~~recorded plat or an application for new findings of adequacy, the~~
14 ~~letter or resolution from the municipality shall state the current,~~
15 ~~recorded note restriction on the plat.~~

16 (q) *Municipal letter or resolution required for acceptance of development*
17 *permit applications changing conditions of plat approval.* Development permit
18 applications, for property located within a municipality, to change, delete, or add
19 conditions of plat approval, including, but not limited to, requests for impact fee waivers
20 and designation of affordable housing projects; amendments or revisions to
21 ~~non-vehicular~~ nonvehicular access lines; amendments, revisions, or placement of plat
22 notes; applications for new findings of adequacy; and modifications to right-of-way and
23 construction requirements shall not be ~~accepted pursuant to subsection 5-181(a)~~
24 referred for approval to the County Commission pursuant to Section 5-181(i) unless the

1 municipality has issued a letter or adopted a resolution stating the municipality's position
2 regarding the application. The letter or resolution must be issued by the municipality no
3 earlier than six (6) months ~~from~~ before the date the development permit application is
4 filed with Broward County.

5 (r) *Recordation of documents related to an approved development permit.*
6 The County shall record all documents required as a condition of approval for a
7 development permit, in which all of the items necessary for recordation (including the
8 approval, copying, and processing of all agreements, and payment of the recordation
9 fee); have been completed before 5:00 p.m. on the day the development permit expires,
10 with the exception of the signature(s) of the Mayor ~~and/or the County Administrator.~~

11 Section 3. Section 5-182 of the Broward County Code of Ordinances is hereby
12 amended to read as follows:

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

14 . . .

15 (a) *Adequacy of Regional Road Network.* The adequacy of the Regional
16 Transportation Network, as defined in Section 5-201 of this article, shall be determined
17 based upon conditions at the time the final development permit application or a request
18 for a Transportation Concurrency Satisfaction Certificate is submitted in accordance
19 with the following provisions:

20 . . .

21 (4) *Development Subject to Adequacy Determination.* Prior to ~~application for~~
22 the issuance of a building permit with any local government within
23 Broward County, the applicant shall obtain a Transportation Concurrency
24 Satisfaction Certificate from the Broward County Planning and

1 Development Management Division. No municipal government shall
2 ~~accept a building permit application or~~ issue a building permit unless the
3 corresponding Transportation Concurrency Satisfaction Certificate has
4 been presented. The County Commission shall adopt within the Broward
5 County Administrative Code exemptions from this requirement for
6 categories of building permits that clearly do not create additional
7 transportation impacts.

8 . . .
9 (5) *Required Determinations.*
10 . . .

11 b) Regional Transportation Concurrency within Standard Concurrency
12 Districts.

13 Before a development permit is approved, for an application for
14 property within a Standard Concurrency District, which application
15 is subject to an adequacy determination according to
16 ~~sub~~Section 5-182(a)(4)a) of the this article, one (1) of the following
17 findings shall be made:

18 . . .
19 2) The proposed development places trips on, or creates,
20 overcapacity links within the impact area, but one (1) of the
21 following conditions applies:

22 . . .
23 f. The proposed development is found to have vested
24 rights with regard to any affected road segment in

1 accordance with the provisions of Chapter 163,
2 Part II, Florida Statutes, or a common law vested
3 rights determination made as to that road segment in
4 accordance with ~~sub~~Section 5-181~~(l)~~(m) of this
5 article. The proposed development must meet
6 concurrency for any road segment for which a vested
7 rights determination has not been made; or

- 8 g. De Minimis Exception: The proposed development
9 meets all of the following criteria:

10 . . .

- 11 4. A de minimis exception shall not be applied
12 more than once to the same plat or parcel of
13 land; within a period of five (5) years. ~~If a~~
14 ~~finding of adequacy has expired, an application~~
15 ~~for a de minimis exception for the same plat or~~
16 ~~parcel of land shall not be considered by the~~
17 ~~Commission for a period of three (3) years~~
18 ~~after the date the finding of adequacy expired.~~

19 . . .

20 (b) *Dedication of right-of-way for major roads.* The trafficways on the Broward
21 County Trafficways Plan and delineated trafficways plan approved by the County
22 Commission pursuant to Division 5 of this article, which are located within the area
23 proposed to be developed, shall be conveyed to the public by dedication on the face of
24 the plat, deed, or, if acceptable to the County, by grant of easement. Prior to any such

1 dedications, the Broward County Highway Construction and Engineering Division shall
2 make a determination that dedication of the applicable trafficway is rationally related to
3 the impact on the roadways associated with the proposed development.

4 (c) *Access to trafficways.* A plat which abuts or contains an existing or
5 proposed trafficway or trafficway corridor shall be designed to facilitate the safe and
6 efficient movement of vehicles between the trafficway and the proposed development
7 and shall comply with the following standards and requirements, except as may be
8 modified by ~~subs~~Sections 5-182(c)(15) and 5-195(d):

9 . . .

10 (5) In order to provide for the installation of traffic control equipment,
11 additional right-of-way shall be provided pursuant to
12 ~~subs~~Section 5-195(b)(3)b).

13 . . .

14 (9) If the development abuts a trafficway or trafficway corridor, a
15 nonvehicular access line shall be delineated along the trafficways corridor,
16 except at those points of access not in conflict with the standards provided
17 in ~~subs~~Section 5-195(b) of this article.

18 (10) If the development abuts a trafficway or trafficway corridor, then left-turn,
19 U-turn, or right-turn lanes, ~~or both~~, and bus pullout bays shall be required
20 pursuant to ~~subs~~Sections 5-195(b)(8) and 5-195(b)(11)c)6). However, in
21 regard to the requirements for turn lanes, if a traffic study acceptable to
22 the Broward County Traffic Engineering Division demonstrates that the
23 absence of such turn lanes will not adversely affect traffic conditions, the
24 County Commission may waive this requirement.

- (11) If the development abuts a trafficway or trafficway corridor, sidewalks adjacent to the development shall be required pursuant to ~~sub~~Section 5-195(a)(17).
- (12) If the development abuts a trafficway or trafficway corridor, ingress and egress easements may be required in order to provide joint-use driveways for adjacent properties, pursuant to ~~sub~~Section 5-195(b)(11)(c)8).
- (13) The design of a ~~final~~ plat abutting a trafficway or trafficway corridor reflected on the Broward County Trafficways Plan or a road functionally classified as a County road shall be consistent with the provisions of ~~sub~~Section 5-195(b).
- (14) If the development abuts a trafficway or trafficway corridor, additional right-of-way shall be conveyed to the public by dedication on the face of the plat by deed or, if acceptable to the County, by grant of easement which is necessary for the ultimate construction of turn lanes, bicycle facilities, sidewalks, bus pullout bays, bus shelters, or roadway drainage facilities as required pursuant to ~~s~~Section 5-195.
- (15) Alternative standards and criteria may be considered and applied to plats abutting a trafficway or trafficway corridor designated as "Urban Core-~~1~~" "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan pursuant to ~~sub~~Section 5-195(d).
- (16) If the development abuts a trafficway, trafficway corridor, or County jurisdiction roadway, a Traffic Signal Agreement and security may be required pursuant to Section 5-195(b)(11)d).

1 (17) If the development is for a school and abuts a trafficway, trafficway
2 corridor, or County jurisdiction roadway, provisions for school zone
3 flashers shall be required pursuant to Section 5-195(b)(11)e).

4 (d) *Access to ~~non-trafficway~~ nontrafficway collector roads within the*
5 *unincorporated area.* If development within the unincorporated area abuts a
6 ~~non-trafficway~~ nontrafficway collector road, a ~~non-vehicular~~ nonvehicular access line
7 shall be placed along the ~~non-trafficway~~ nontrafficway
8 right-of-way, except in those locations in conflict with the provisions of
9 ~~sub~~Sections 5-195(a) and 5-195(b).

10 . . .

11 (j) *Consideration of Impact on Environmentally Sensitive Lands and*
12 *Archaeological Resources.*

13 (1) a) If a proposed development includes all or any part of any lands
14 identified as a site recommended for inclusion in the Urban
15 Wilderness Inventory by the Urban Wilderness Advisory Board
16 pursuant to Chapter 25½, Broward County Code of Ordinances,
17 which recommendation has been approved by the County
18 Commission; or a site designated as a Native Vegetative
19 Communities Category Local Area of Particular Concern within the
20 Broward County Land Use Plan; or subject to notice of a public
21 hearing regarding designation as a Native Vegetative Communities
22 Category Local Area of Particular Concern or inclusion in the Urban
23 Wilderness Inventory, which is mailed any time before the
24 Preliminary Development Review Report is available to consider

1 the preliminary plat or an application for final site plan approval is
2 filed in the unincorporated area, then the Planning and
3 Development Management Director shall provide for the
4 preparation of an environmental impact report ("EIR") identifying the
5 effects that the proposed development would have on the unique
6 natural qualities and resources of the area and identifying
7 strategies to protect the resource or mitigate unavoidable adverse
8 impacts on the resource. A copy of such notice of public hearing
9 shall also be mailed to the municipality with jurisdiction over the
10 property. If, before a development order is issued, a final
11 determination is made that property subject to notice of public
12 hearing for inclusion in the Urban Wilderness Inventory or as a
13 Native Vegetative Communities Category Local Area of Particular
14 Concern is not to be designated in the Urban Wilderness Inventory
15 or as a Local Area of Particular Concern, then the requirements of
16 this subsection shall no longer apply. The ~~environmental impact~~
17 ~~report~~ EIR is to be completed within six (6) months of after the date
18 the application for a development permit is accepted. In assessing
19 the impact of proposed development, the Planning and
20 Development Management Director shall use the following
21 guidelines and any additional standards adopted by the County
22 Commission.

23 The ~~Environmental Impact Report~~ EIR shall:

24 . . .

Coding:

Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 4) Describe the impacts and the significance of the
2 impacts expected to occur. Impact categories to be
3 included are water resources, vegetation, soil, air,
4 wildlife, aesthetics, open space, outdoor recreation,
5 and land use. The impacts shall be interpreted the
6 ~~impacts~~ both individually and by aggregating them
7 into an overall assessment of the development's
8 ~~affects~~ effects on the site.

9 . . .
10 (2) An archaeological survey, as set forth below, shall be required if the
11 proposed development includes:

12 a) Any property designated as a Cultural Resource Local Area of
13 Particular Concern within the Broward County Land Use Plan, or
14 which is subject to a notice of public hearing regarding designation
15 as a Cultural Resource Local Area of Particular Concern, where
16 said notice is mailed any time before the Preliminary Development
17 Review Report is available;

18 b) Any archaeological site within the unincorporated area that is
19 listed in the Florida Site File, or any archaeological or
20 paleontological site listed in the Map of Broward County
21 Archaeological Zones pursuant to Section 5-536.5 of the Broward
22 County Code of Ordinances, or is subject to a notice of public
23 hearing regarding designation as a Cultural Resource Local Area of
24 Particular Concern which is mailed any time before the Preliminary

1 ~~Development Review Report is available, or that~~ is the subject of an
2 application for final site plan approval ~~filed in the unincorporated~~
3 ~~area, then an appropriate survey shall be required; or~~

4 c) Any archaeological or paleontological site listed in the Map of
5 Broward County Archaeological Zones pursuant to Section 5-536.5
6 of the Broward County Code of Ordinances, where the proposed
7 development is within an area where Chapter 5, Article XVII, of the
8 Broward County Code of Ordinances, "Preservation of Historical
9 Cultural Resource Sites," is effective.

10 a) d) *Archaeological resources.*

11 . . .

12 (m) *Adequacy of School Sites and Facilities.* Land suitable for residential
13 development pursuant to applicable land development regulations shall be designed to
14 provide for the educational needs of the future residents of the developed area.

15 (1) *Public School Concurrency.* Pursuant to the Public School Facilities
16 Element of the Broward County Comprehensive Plan (PSFE) and the
17 Amended Interlocal Agreement for Public School Facility Planning (ILA),
18 Broward County, in collaboration with the School Board of Broward
19 County (School Board) and Broward County municipalities, shall ensure
20 that public school facilities will be available for current and future students,
21 consistent with available financial resources and adopted level of service
22 (LOS) standards, and concurrent with the impact of proposed residential
23 development.

24 . . .

1 b) *Exemptions and Vested Development.*

- 2 1) The following residential applications shall be forwarded to
3 the School Board for a determination as to whether the
4 applications is are exempt from the requirements of public
5 school concurrency:

6 ...

- 7 c. A Development of Regional Impact (DRI) with a valid
8 development order ~~issued before the effective date of~~
9 ~~Senate Bill 360 or an application submitted before~~
10 ~~May 1, 2005.~~

11 ...

- 12 (2) *Development Subject to Adequacy Determination.* The following
13 applications for a development permit shall be subject to an adequacy
14 determination:

15 ...

- 16 2) An application for a building permit for a proposed residential
17 development, whether in a municipality or the
18 unincorporated area, where the proposed residential
19 development generates more students than the existing
20 residential development, with the exception of the addition of
21 bedrooms to an existing residential dwelling unit. For all
22 purposes of ~~sub~~Section 5-182(m), existing residential
23 development shall be construed to include residential
24 dwelling units included within the application for County

1 Environmental Review Approval or within an approved,
2 unexpired site plan that contains the application for County
3 Environmental Review Approval, demolished no earlier than
4 eighteen (18) months ~~previous~~ prior to the date of payment.
5 ~~The eighteen (18) month time frame shall be extended to~~
6 ~~sixty (60) months for owner-occupied mobile homes within a~~
7 ~~mobile home park, as those terms are defined by Section~~
8 ~~723.003, Florida Statutes, as amended, until~~
9 ~~September 24, 2015. On September 25, 2015, the~~
10 ~~extension shall expire and the eighteen (18) month time~~
11 ~~frame shall again be effective.~~ Any credit for existing
12 residential development shall be granted during the review of
13 construction plans submitted for County Environmental
14 Review Approval required by ~~s~~Section 27-66, Broward
15 County Code of Ordinances, and shall expire if the
16 Environmental Review Approval expires. No application for
17 a building permit shall be accepted by the County or by any
18 municipality without documentation that a finding of
19 adequacy has been made by the County. In this case, the
20 adequacy determination shall be based upon the additional
21 number of students equal to the difference between the
22 number of students to be generated by the proposed
23 development and the number of students generated by the
24 existing development, as calculated by the use of the

1 student generation rates in effect at the time of the
2 determination.

3 . . .

4 (n) *Protection of air navigation and Notice of Potential Airport Noise Impacts.*

5 . . .

6 (2) If the development includes property subject to notice requirements of
7 Federal Aviation Regulations (FAR) Part 77, Subpart B, the development
8 must receive an FAA determination that it does not constitute a hazard to
9 air navigation or require operational modifications to the airport to avoid
10 such a hazard. If the application is for final plat approval and the Broward
11 County Aviation Department indicates that the development is subject to
12 or may be subject to FAR Part 77, Subpart B, a note shall be placed on
13 the plat, prior to recordation, stating that the development shall comply
14 with Section IV D. 1. f. of the Broward County Land Use Plan,
15 Chapter 333, ~~F.S.~~ Florida Statutes, and, if the plat is in the unincorporated
16 area, the Broward County Airport Zoning Ordinance, relating to hazards to
17 air navigation. If the application is for final site plan approval in the
18 unincorporated area, and the Broward County Aviation Department
19 indicates that the development is subject to or may be subject to FAR
20 Part 77, Subpart B, a determination shall be made prior to the issuance of
21 a development order for final site plan approval.

22 . . .

23
24
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underscored type are additions.

1 (p) *Design of development in the unincorporated area.* The design of a final
2 plat within the unincorporated area shall be consistent with the site development plan
3 requirements of Division 4 of this article.

4 . . .

5 Section 4. Section 5-183 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 5-183. County reliance on municipal review for certain municipal subject**
8 **matters.**

9 With respect to the concurrency of potable water and wastewater where Broward
10 County is not the service provider, solid waste collection service, fire protection service,
11 local parks and recreation facilities, and any responsibilities as may be required by the
12 Americans with Disabilities Act, as same may be amended from time to time, the
13 County shall conduct no independent review of an application for final plat approval for
14 a plat within a municipality, but shall rely on municipal review.

15 (a) *Notice of inadequate municipal review.* If it appears from evidence
16 submitted by the Planning and Development Management Division Director, a
17 governmental agency, the municipality, the applicant, or the public at a public meeting,
18 that the municipality has failed to conduct a review of one (1) or more of such subject
19 matters, then the County Commission shall notify the municipality in writing that
20 evidence submitted indicates an inadequate municipal review.

21 (b) *Extension of County Commission action.* County Commission action
22 pursuant to ~~sub~~Section 5-181~~(i)~~(j) of this division shall be extended to allow the
23 municipality the opportunity to respond to such notice, but not to exceed thirty (30) days.

1 (c) *Municipal failure to review not grounds for denial.* Failure of the
2 municipality to conduct a review of such subject matters or to respond to notices
3 received pursuant to this paragraph shall not be grounds for denial of the application for
4 final plat approval by the County Commission.

5 Section 5. Section 5-184 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 5-184. Presumptions, limitations, agreements, and security for development**
8 **review requirements.**

9 . . .

10 (b) *Limitations on Required Dedications and Improvements; Money in Lieu of*
11 *Dedications and Improvements.*

12 . . .

13 (2) The amount of money required to be deposited with the County in lieu of
14 dedication requirements and improvements shall be determined pursuant
15 to the specific standards set forth in this division. The use of such funds
16 will be restricted to the acquisition, expansion, and development of service
17 facilities for new users, provided that three percent (3%) of the funds
18 received for roadway and park purposes pursuant to
19 Subsections 5-182(a)(5)(c), 5-182(i)(3), and 5-182(s)(3) shall be retained
20 for administrative purposes and two percent (2%) of the funds received for
21 transportation concurrency and educational purposes, pursuant to
22 Subsection 5-182(a) and the "Agreement between Broward County and
23 The School Board of Broward County, Florida, relating to Educational
24 Impact Fee Monies," shall be retained for administrative purposes. The

1 restriction on the use of funds deposited with the County shall not include
2 monies deposited for Transportation Concurrency assessments.

3 . . .

4 e) Prior to the acceptance of an impact/concurrency fee payment by
5 Broward County, appropriate proof shall be required documenting
6 that the proposed construction does not violate the approved and
7 recorded plat note restriction or other agreement which limits the
8 intensity of the development. Said proof shall include, but not be
9 limited to, ~~sealed~~ construction plans, including a full set of
10 mechanical, electrical, plumbing, and structural (MEPS) plans.
11 Residential payments shall provide evidence of the dwelling unit
12 type(s) and the number of bedrooms in each dwelling unit, if the
13 payment is for less than the maximum specified in this article. ~~Non-~~
14 ~~residential~~ Nonresidential payments shall provide evidence of the
15 gross square footage of the building(s), including, but not limited to,
16 permanent canopies and overhangs for gas stations, drive-through
17 facilities, and overhangs designed for outdoor tables at a
18 restaurant, and any covered areas where business is conducted.

19 f) ~~Municipalities in Broward County may adopt a resolution agreeing~~
20 ~~not to issue building permits for the construction, expansion, or~~
21 ~~conversion of a building within a plat until such time as the~~
22 ~~developer provides the municipality with written confirmation from~~
23 ~~Broward County that applicable impact fees have been paid or are~~
24 ~~not due.~~

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underscoring type are additions.

1 (3) When an application for a development permit is made by a governmental
2 agency for the construction of a public building, or by an independent
3 educational institution of higher learning accredited by the Southern
4 Association of Colleges and Schools which is a not-for-profit corporation
5 pursuant to Chapter 617, Florida Statutes, ~~as amended~~, and has tax
6 exempt status pursuant to 26 U.S.C.A. 501 and Chapter 196, Florida
7 Statutes, ~~as amended~~, the County Commission may waive, upon a
8 request therefor, dedications of land, payments of money in lieu thereof, or
9 other fees required by this division if the County Commission finds that the
10 proposed building will serve a public purpose and promote the public
11 health ~~and/or~~ safety, or is for a public library or a public park (except for
12 commercial recreation uses). If the application is subject to ~~minor~~ site
13 plan review, or for payment of an impact fee prior to application for a
14 municipal building permit, the Planning and Development Management
15 Division Director may grant a waiver request, in accordance with the
16 above requirements, or may refer the waiver request to the County
17 Commission pursuant to ~~sub~~Section 5-181(j) of this division. Upon such
18 waiver, the Planning and Development Management Division Director or
19 the County Commission shall identify, on the record, the source of funds
20 that will be used to pay for the services or facilities that would otherwise
21 have been paid for by such dedication, payments, or fees. All waivers
22 granted by the Planning and Development Management Division Director
23 shall be reported to the County Commission on a quarterly basis.
24 Application fees shall not be waived.

1 (4) When an application for a development permit is made for the construction
2 of affordable housing, as defined by Division 6 of this article, the County
3 Commission may waive, upon a request therefor, dedications of land,
4 payments of money in lieu thereof, administrative fees, and application
5 fees specifically permitted by the Broward County Administrative Code, if
6 the County Commission finds that the proposed project will provide
7 affordable housing for very low income ~~and/or~~ low income persons as
8 defined by Division 6 of this article. Prior to consideration of any waiver
9 request, the developer shall obtain certification from the Broward County
10 Housing Finance and Community Development Division stating that the
11 project qualifies as affordable housing at a specified income level(s), in
12 accordance with the procedure contained in the Broward County
13 Administrative Code.

14 Any such waiver shall be only for that portion of the development that
15 qualifies as affordable housing.

16 If the application is subject to ~~minor~~ site plan review, or for payment of an
17 impact ~~and/or~~ concurrency fee prior to application for a municipal building
18 permit, the Planning and Development Management Division Director may
19 grant a waiver request, in accordance with above-cited requirements, or
20 refer it to the County Commission pursuant to ~~sub~~Section 5-181(j). All
21 waivers granted by the Planning and Development Management Director
22 shall be reported to the County Commission on a quarterly basis.

23 . . .

1 Section 6. Section 5-186 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 5-186. Mandatory platting, rule and exceptions for land within the**
4 **unincorporated area.**

5 No application for a building permit for the construction of a principal building on
6 a parcel of land in the unincorporated area shall be granted unless a plat including such
7 parcel of land has been approved by the County Commission and recorded in the
8 Official Records of Broward County subsequent to June 4, 1953, which commences
9 with Plat Book 32, page 15, Official Records of Broward County, Florida. The only
10 exceptions to this mandatory platting rule are as follows:

11 . . .

12 Section 7. Section 5-188 of the Broward County Code of Ordinances is hereby
13 amended to read as follows:

14 **Sec. 5-188. Optional sketch plat review.**

15 Prior to filing an application for final plat approval, an applicant may file an
16 application for sketch plat review.

17 (a) *Procedures.* An application for sketch plat review shall be filed and
18 processed pursuant to ~~sub~~Sections 5-181(a) through ~~(e)~~ (d) of this article.

19 (b) *Submission requirements.* An application for sketch plat review shall be
20 accompanied by an informal plan, not necessarily to scale, indicating the existing
21 features of the tract proposed for platting and its surroundings and the general layout of
22 the proposed development including, without limitation:

23 (1) Tract boundaries, clearly identified on all sides;

24 . . .

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- (5) Significant physical features such as canals and lakes;
(6) Proposed general lot layout with lot sizes shown to the nearest foot;
(7) Proposed location of water and wastewater treatment facilities;
(8) Proposed drainage easements including any existing easements;
...
(10) Any proposed canals, ~~and/or~~ lakes, ~~and/or~~ pits;
(11) A location sketch as required on a final plat; and

Section 8. Section 5-189 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-189. Mandatory plat approval.

(a) *Plat Drawing Requirements.* An application for plat approval shall be accompanied by a plat drawing, the overall size of which shall be 24" x 36", drawn at a standard engineering scale no smaller than 1" = 100', except when the submittal is made electronically or a smaller scale is approved by the Broward County Highway Construction and Engineering Division, Plat Section, and which shows the following:

- ...
(10) ~~Space for signature of County Administrator.~~
(11) Space for Highway Construction and Engineering Division Director's signature and seal.
(12) (11) If applicable, space for signature of designated municipal official.
(13) (12) Space for County Surveyor's signature and seal, indicating review of the plat for conformity with Chapter 177, Part I, Florida Statutes, if applicable.
(14) (13) Space for approval of Broward County Planning Council.

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1 ~~(15)~~ (14) Space for approval by the Planning and Development Management
2 Division.

3 ~~(16)~~ (15) The parcel encompassed by the legal description shown on the plat shall
4 be clearly identified with a heavy line, and shall show dimensions, and
5 either bearings or interior angles of said parcel with independent ties to
6 two (2) or more land corners, or independent ties to a recorded
7 subdivision, and one (1) land corner. When a case arises where it is
8 impractical to tie to a land corner because of lost or destroyed
9 monuments, and the parcel can be adequately surveyed independent of
10 said land corners, then the following points will be considered acceptable
11 as land ties: Block Corners, Permanent Reference Monuments, or
12 Permanent Control Points from a previously recorded plat. The use of
13 these types of land ties shall be subject to approval by the County
14 Surveyor, or designee.

15 ~~(17)~~ (16) Space for plat book and page number inside the border in the upper right
16 hand corner of each page.

17 ~~(18)~~ (17) Space for plat file number, as assigned by the Planning and Development
18 Management Division, inside the border in the lower right hand corner of
19 each page.

20 ~~(19)~~ (18) Notes or legend, and any tabular data or other data pertinent to the plat,
21 on each page that contains the drawing.

22 ~~(20)~~ (19) Dedication and acknowledgment language. (See ~~sub~~Section 5-189(c)1)
23 for execution requirements.)

1 (~~21~~) (20) Mortgagee approval and acknowledgment language. (See
2 ~~sub~~Section 5-189(c)1) for execution requirements.)

3 (~~22~~) (21) All plat dimensions shall be shown accurate to one hundredths (.01) of a
4 foot, except for riparian boundaries, which may be shown as approximate
5 with a witness line showing complete dimension data. Rows of lots with
6 the same dimensions may use ditto marks providing the first and last lots
7 in the row are appropriately dimensioned.

8 (~~23~~) (22) Computation of the square footage of each parcel of land and the acreage
9 of the land proposed to be platted accurate to the nearest square foot. All
10 surveys and survey information shall be certified by a land surveyor
11 licensed in the state of Florida.

12 (~~24~~) (23) The plat shall show grid bearing or azimuths; ~~with~~ with state plane coordinates
13 shown on all permanent reference monuments and all land ties where the
14 plat lies within sections assigned state plane coordinates that have been
15 recorded in the public records of Broward County. Coordinates shall be
16 referenced to a minimum of two (2) geodetic control points. State plane
17 coordinates shall be derived by field measurements from geodetic control
18 points established by federal, State, County, or municipal governments in
19 conformity with the Minimum Technical Standards for Surveyors and
20 Mappers pursuant to Rule 5J-17, Florida Administrative Code. A note
21 shall be placed on the plat that indicates the basis of the grid bearings and
22 state plane coordinates shown ~~and describes the method used to~~
23 ~~establish them~~. The note shall also cite the source of the coordinate data
24 for the reference control points used, reference point names, coordinates,

and datum of said points. Coordinates may be tabulated when necessary for legibility, and must appear on each page that contains the drawing.

~~(25)~~ (24) A mathematical closure of the plat boundary shall not exceed three hundredths (.03) of a foot.

~~(26)~~ (25) The Surveyor's Certificate shall state conformity with Chapter 177, Florida Statutes.

~~(27)~~ (26) Space for approval of drainage district, special improvement district, or taxing district, as applicable.

~~(28)~~ (27) Permanent Reference Monument (PRM) locations as required under Section 177.091, Florida Statutes. When the plat boundary is adjacent to a dedicated right-of-way, the PRMs shall be offset and set along the dedicated right-of-way line. All offset PRMs shall be field marked "OFFSET MARKER."

~~(29)~~ (28) Lettering on the plat shall be no smaller than 0.10" (10-point font).

~~(30)~~ (29) In the event that it is necessary to illustrate certain details of the plat at a larger scale, the detail drawing shall be to a standard engineering scale.

~~(31)~~ (30) Designated boxes for the County Engineer, County Surveyor, municipal officials, and other local officials to affix their seals. The designated boxes shall be a minimum of two (2) inches wide x two and one-half (2.5) inches high and shall be located along the bottom border of the first page of the plat.

(b) *Application Submission Requirements.* An application for plat approval shall be submitted to the Planning and Development Management Division accompanied by the following:

1 . . .

2 (4) A current Boundary ~~s~~Survey (no older than six [6] months) which shows
3 the following:

4 . . .

5 (f) *Recording Requirements.*

6 . . .

7 (5) Digital Information. Prior to recording the plat, an applicant shall furnish
8 the County with a digital file in a format compatible with the County's
9 GIS/CAD system according to the following guidelines:

10 a. If the plat is prepared utilizing a CAD/GIS or other automated
11 system capable of exporting a "DXF" file, then the file submitted
12 must contain all the line and text data utilized in the preparation of
13 the final plat document, as submitted and as amended; or

14 . . .

15 Section 9. Section 5-193 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec. 5-193. Application for final site plan approval.**

18 . . .

19 (b) *Procedures for full agency review.* The following additional procedures
20 shall apply to applications for final site plan approval which require full agency review,
21 pursuant to ~~s~~Section 5-181(b), when such full review has not been waived by the
22 Planning and Development Management Division pursuant to ~~s~~Section 5-181(c)(3).

23 . . .

24
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- 1 (2) Upon acceptance of the application, a copy of the entire application for
2 final site plan approval, including all attachments and drawings, shall be
3 forwarded by the ~~County~~ Planning and Development Management
4 Division Director, electronically or by hard copy, to any municipality within
5 a two (2) mile radius of a boundary of the site plan. Municipalities shall
6 have the same time limits as reviewing agencies to provide written
7 comments to the Planning and Development Management Division
8 Director, as specified in ~~s~~Section 5-181(c). If required, the applicant shall
9 provide additional copies of the application, including all attachments and
10 drawings, in order for the application to be accepted pursuant to
11 ~~s~~Section 5-181(a). Comments received from municipalities shall be
12 attached to the compilation of comments forwarded to the applicant in
13 accordance with ~~s~~Section 5-193(d), and shall be considered by the
14 Planning and Development Management Division Director only as they
15 relate to compliance with the Broward County Code of Ordinances. Prior
16 to the issuance of a development order for final site plan approval, the
17 applicant shall submit to the Planning and Development Management
18 Division Director a written response to comments received from any
19 municipality within a two (2) mile radius of the boundary of the site plan.
- 20 (3) Upon acceptance of the application, a copy of the entire application,
21 including all attachments and drawings, shall be forwarded by the County
22 to any unincorporated area neighborhood/civic organization, within a
23 one (1) mile radius of a site plan boundary, as listed on the "Neighborhood
24 Association/Civic Representatives List for the Unincorporated Area" and

as delineated on the "~~Unincorporated Neighborhood~~ Broward Municipal Services District Map." Such transmittals may be made electronically.

The neighborhood list and map shall be available for public inspection, and changes may be made by the Director of the Environmental Protection and Growth Management Department. Neighborhood/civic organizations shall have the same time limits as reviewing agencies to provide written comments to the Planning and Development Management Division Director, as specified in ~~s~~Section 5-181(c). If required, the applicant shall provide additional copies of the application, including all attachments and drawings, in order for the application to be accepted pursuant to ~~s~~Section 5-181(a). Comments received from neighborhood/civic organizations shall be attached to the compilation of comments forwarded to the applicant in accordance with ~~s~~Section 5-193(d), and shall be considered by the Planning and Development Management Division Director only as they relate to compliance with the Broward County Code of Ordinances. Prior to the issuance of a development order for final site plan approval, the applicant shall submit to the Planning and Development Management Division Director a written response to comments received from any neighborhood/civic organization within a one (1) mile radius of the boundary of the site plan.

...

(c) *Submission requirements.* An application for final site plan approval shall include a development plan, the overall size of which shall be 24" x 36", drawn at a

scale not less than 1" = 50', unless submitted electronically, and shall include the following:

...

Section 10. Section 5-195 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-195. Site plan requirements.

...

(b) *Access to trafficway corridors.* In order to provide safe and adequate access between proposed development and trafficways, a trafficway corridor shall meet the following requirements, except for trafficways designated as "Urban Core," "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan. In the case of such exception, all of the following requirements shall be met, except to the extent they may be modified pursuant to ~~sub~~Section 5-195(d):

...

(4) *Median openings.* To assure traffic safety, capacity, and control, median openings located within a trafficway corridor shall conform to the following criteria:

...

b) *Design criteria.*

- 1) All median openings shall include left turn lanes with ~~at least~~ two hundred (200) feet of storage with 100 and fifty (50) feet of transition unless otherwise demonstrated by a traffic engineering study based on the ultimate use, acceptable to the Broward County Traffic Engineering Division. A median

opening with development access from only one (1) side of the trafficway shall include an opposing U-turn lane with a minimum of one hundred (100) feet of storage and fifty (50) feet of transition. Increased storage and transition lengths may be required to eliminate disruption of through-traffic flow.

(11) *Vehicular access to trafficways.* Nondedicated or dedicated vehicular access to a street within a trafficway corridor shall conform to the following standards:

b) *Type of driveway required.*

- 1) *Minor driveway entrance.* The minimum distance from the ultimate right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be twenty-five (25) feet, measured perpendicularly from the ultimate right-of-way line. This driveway shall provide service for a maximum average daily trip volume of four hundred (400) vehicles or a maximum of an average peak hour inbound right-turn volume of forty (40) vehicles, or both. A minor driveway entrance radii shall be thirty (30) feet and a minimum width shall be twenty-four (24) feet. The Broward County Traffic Engineering Division may require a

1 deceleration lane of twelve (12) feet in width,
2 one hundred fifty (150) feet of storage with ~~400~~ fifty (50) feet
3 of transition, unless a traffic engineering study acceptable to
4 the Broward County Traffic Engineering Division
5 demonstrates that the modification or absence of such a
6 lane will not adversely impact traffic conditions.

- 7 2) *Intermediate driveway.* The minimum distance from the
8 ultimate right-of-way line at any ingress or egress
9 intermediate driveway to the outer edge of any interior
10 service drive or parking space with direct access to such
11 driveway shall be fifty (50) feet, measured perpendicularly
12 from the ultimate right-of-way line. This driveway shall
13 provide for a maximum average daily trip volume of
14 two thousand (2,000) vehicles ~~and/or~~ a maximum average
15 peak hour volume of two hundred (200) vehicles. A
16 minimum deceleration lane twelve (12) feet wide,
17 one hundred fifty (150) feet of storage, with ~~400~~ fifty (50) feet
18 of transition shall be provided, unless a traffic engineering
19 study acceptable to the Broward County Traffic Engineering
20 Division demonstrates that the modification or absence of
21 such a lane will not adversely impact traffic conditions. A
22 minimum of two (2) egress lanes twelve (12) feet in width
23 each with one (1) sixteen (16) feet foot wide ingress lane
24

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shall be provided. An intermediate driveway radii shall be thirty-five (35) feet.

- 3) *Major driveway entrance.* The minimum distance from the ultimate right-of-way line at any ingress or egress major driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be one hundred (100) feet, measured perpendicularly from the ultimate right-of-way line. This driveway shall provide for a maximum average daily trip volume of five thousand (5,000) vehicles ~~and/or~~ a maximum average peak hour volume of five hundred (500) vehicles. A minimum deceleration lane twelve (12) feet wide, two hundred (200) feet of storage, and ~~400~~ fifty (50) feet of transition shall be provided, unless a traffic engineering study acceptable to the Broward County Traffic Engineering Division demonstrates that the modification or absence of such a lane will not adversely impact traffic conditions. A minimum of two (2) egress lanes twelve (12) feet each in width and one (1) sixteen (16) feet foot wide ingress lane shall be provided. A major driveway radii shall be forty (40) feet.

- 4) *Major driveway—signalized.* Any major driveway requiring a traffic signal shall conform to those warrants specified in the Manual of Uniform Traffic Control Devices in addition to the following minimum requirements:

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1 a. The installation of any traffic signal shall be subject to
2 the standards of Traffic Engineering Division.

3 b. A right turn lane shall be provided at all driveway
4 locations where posted speeds are thirty-five (35)
5 mph or greater.

6 c. The minimum distance from the ultimate right-of-way
7 line at any ingress or egress major, signalized
8 driveway to the outer edge of any interior service
9 drive or parking space with direct access to such
10 driveway shall be three hundred (300) feet, measured
11 perpendicularly from the ultimate right-of-way line.

12 c) *Number and location of driveways.* The number and location of
13 driveways shall be determined as follows:

14 . . .

15 6) *Turning lanes.*

16 a. *Left turn lane requirements immediately adjacent to*
17 *the development.* A left turn lane with ~~a minimum of~~
18 two hundred (200) feet of storage with ~~400~~ fifty (50)
19 feet of transition shall be provided at each driveway
20 that meets the minimum spacing requirements of
21 ~~s~~Section 5-195(b)(4), when the speed limit equals or
22 exceeds thirty-five (35) miles per hour or if the ADT of
23 the driveway is one thousand (1,000) vehicles or
24

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more ~~and/or~~ the average peak hour inbound left turn volume is twenty-five (25) vehicles or more.

b. *Right turn lane requirements immediately adjacent to the development.* A right turn lane with a minimum of one hundred fifty (150) feet of storage and ~~400~~ fifty (50) feet of transition shall be provided at each driveway when the speed limit on the driveway equals or exceeds thirty-five (35) MPH or if the development will generate one hundred (100) or more inbound right turn movements during the peak hour.

c. *Intersection improvements immediately adjacent to the development.* At intersections which abut the development, the following improvement shall be provided:

1. A right turn lane shall be provided if the street's speed limit equals or exceeds thirty-five (35) MPH or if the development will generate one hundred (100) or more right turns from the driveway onto the side street during the peak hours.

A left turn lane shall be provided if the street's speed limit equals or exceeds thirty-five (35) MPH or if the development will generate

twenty-five (25) or more left turns during the peak hour.

- d. Required storage and transition lengths may be modified where conditions warrant and are acceptable to the Broward County Highway Construction and Engineering and Traffic Engineering Divisions. When storage and transition lengths are so modified, the minimum distances set forth in ~~sub~~Section 5-195(b)(11)c)3), Table B, may be correspondingly adjusted if appropriate.
- e. In carrying out the intent of Section 5-195(b)(8)a)1)c., required storage and transition lengths may be modified in order to coordinate the implementation of bus bay and driveway spacing requirements.

d) Traffic Signal Agreement Requirements. Developments which abut a trafficway or trafficway corridor may be required to provide funding for installation of traffic signals at new intersections or at access locations directly impacted by the development. A traffic signal may be required when project traffic volumes are expected to meet traffic signal warrants according to the standards of the Manual on Uniform Traffic Control Devices for Streets and Highways. Traffic signal requirements shall be established and included as a condition of development approval of the particular

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development and shall require a Traffic Signal Agreement which provides for the following:

- 1) Recordation to ensure that purchasers, grantees, heirs, successors, and assigns of any interest in the property are notified of the obligation related to the traffic signal;
- 2) An established dollar amount of the developer's obligation to provide funding for the cost of traffic signal installation(s) or portion(s) thereof;
- 3) Written developer notification to the County when the development reaches full build-out;
- 4) A time period of up to two (2) years after developer provides notice of build-out, during which time the County may conduct studies at the pertinent intersection or location to determine if signalization is warranted;
- 5) Collection of the traffic signal funds and County installation of the traffic signal in the event that warrants are met during the study period; and
- 6) Release of the Signal Agreement in the event that warrants are not met during the study period.

e) School Zone Flasher Requirements. In order to facilitate safe pedestrian access to developments proposed for a school site, the following requirements shall apply:

- 1) Development of a school site adjacent to an undivided roadway shall include installation of ground mounted solar

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1 power flashers, including all necessary hardware,
2 enclosures, and communications equipment;

3 2) Development of a school site adjacent to a multilane, divided
4 roadway shall include installation of overhead solar power
5 flashers, including all necessary hardware, enclosures, and
6 communications equipment;

7 3) Plans and materials used for installation of solar power
8 flashers must be approved by the Traffic Engineering
9 Division Director; and

10 4) The requirement to install school zone flashers may be
11 waived by the Traffic Engineering Division Director if the
12 developer submits documentation that demonstrates the
13 school will not generate any pedestrian traffic. Approval of a
14 waiver shall include a requirement for the property owner to
15 enter into a "Waiver of School Zone Flasher Requirement
16 Agreement." This agreement will be recorded and establish
17 an obligation running with the property for installation of
18 school zone flashers in the future in the event that
19 pedestrian traffic to the school site warrants installation at a
20 later date.

21 Section 11. Section 5-199 of the Broward County Code of Ordinances is hereby
22 amended to read as follows:

23 **Sec. 5-199. Effect of Delineated Trafficways Plan.**
24

1 Upon the adoption and recordation of a Delineated Trafficways Plan in
2 compliance with the provision of this Division, said plan shall have the following effect:

3 (a) *Dedication of rights-of-way.* No application for ~~final~~ plat approval shall be
4 approved unless the proposed plat includes a dedication of land necessary to provide
5 the right-of-way for any delineated trafficway shown on the Delineated Trafficways Plan
6 ~~and contained in the land being platted,~~ said dedication to be commensurate with the
7 impact of the proposed plat, as determined by the Broward County Highway
8 Construction and Engineering Division.

9 . . .

10 Section 12. Section 5-201 of the Broward County Code of Ordinances is hereby
11 amended to read as follows:

12 **Sec. 5-201. Definitions.**

13 . . .

14 *Gross square footage (gross floor area).* The sum (in square feet) of the area of
15 each floor level, measured from principal outside faces of exterior walls, including, but
16 not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms,
17 ~~stair cases~~ staircases, and mezzanines, but not including architectural projections.
18 Included are areas that have floor surfaces with clear standing head room (six (6) feet,
19 six (6) inches minimum), regardless of their use. This definition includes areas totaling
20 more than one hundred (100) square feet which are not enclosed, but roofed; however,
21 it does not include unroofed areas. However, within a Development of Regional Impact
22 (DRI), the gross square footage (gross floor area) of nonresidential structures shall be
23 defined to be consistent with the approved DRI Development Order.

24 . . .

Section 13. SEVERABILITY.

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

Section 14. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Broward County Code; and that 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 in order to accomplish such intentions.

Section 15. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED November 29, 2016

FILED WITH THE DEPARTMENT OF STATE November 30, 2016

EFFECTIVE November 30, 2016

Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

By /s/ Maite Azcoitia 10/31/16
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
10/31/16
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Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.