

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO TRANSPORTATION CONCURRENCY; AMENDING VARIOUS SECTIONS OF CHAPTER 5 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO ELIMINATE CONCURRENCY DISTRICTS, ROAD AND TRANSPORTATION CONCURRENCY AND RELATED FEES, TRANSPORTATION CONCURRENCY ASSESSMENTS, AND ROAD IMPACT FEES; MAKING GENERAL HOUSEKEEPING AMENDMENTS; 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 5-181 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-181. Development review procedures.

...

(a) *Completeness of application.*

...

(6) A title certificate or an attorney's opinion of title, in a form acceptable to the County Attorney's Office, identifying the person(s) whose execution would

be required to convey record fee simple title to the lands that are the subject of the application. The application and any required agreement(s) shall be signed by the person(s) listed in the title opinion or report ("applicant");

...

(i) *Development Order.*

...

(2) Administrative approval procedures. If the application is for a development permit pursuant to Section 5-180(c), the following procedures shall govern the review subsequent to the preapplication meeting:

...

e) ~~Upon a determination by the Housing and Urban Planning Division Director that the application meets~~ No later than forty-five (45) days after the application has been deemed complete in accordance with the requirements of this article, the Director shall issue a development order in the form of a written memorandum summarizing the application and approving the application, approving the application subject to conditions, or denying the application. The Director shall forward a proposed the development order with supporting documentation and, if required, a properly executed agreement, if required, with required supporting documentation and approval as to legal form by the County Attorney's Office, to the County Administrator for a determination of concurrence with the Housing and Urban Planning Division

44 Director's ~~recommendation of approval~~ decision. The County
45 Commission shall be provided copies of all documentation forwarded
46 to the County Administrator pursuant to this section. Unless, within
47 ten (10) business days after the date the Housing and Urban
48 Planning Division Director forwards the ~~recommendation~~
49 development order, the applicant or a County Commissioner
50 requests that the application be placed on the County Commission
51 quasi-judicial agenda, the development order shall take effect upon
52 the expiration of such ten (10) day period. If required, the County
53 Administrator shall: (i) execute the agreement for building permit
54 prior to plat recordation or (ii) forward the agreement amending the
55 plat note, nonvehicular access line, or phasing agreement and
56 pertinent documents to the Mayor or Vice-Mayor, who may execute
57 such agreement in the name of Broward County. ~~All administratively~~
58 ~~approved agreements shall be executed no later than forty-five (45)~~
59 ~~days after the application has been deemed complete.~~ The
60 forty-five (45) day limit of this section may be extended upon request
61 of the applicant in writing or at a public meeting or hearing. If the
62 County fails to take final action to approve, approve with conditions,
63 or deny the application within forty-five (45) days, the applicant shall
64 notify the County in writing. If the County fails to respond within
65 ten (10) days, the application is deemed approved by operation of
66 law without conditions, and the applicant is entitled to proceed with

the proposed activity or development as though the County had granted unconditional approval. Approval pursuant to this section may not be construed to relieve the applicant of the obligation to comply with all other applicable federal, state, and local laws, regulations, and ordinances; or

. . .

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

~~(1) The applicant, within fourteen (14) days after the denial, notifies the Housing and Urban Planning 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 review of an Action Plan.~~

~~(2) The applicant submits a complete Action Plan, as defined in guidelines approved by the County Commission, to the Housing and Urban Planning Division Director within thirteen (13) weeks after the notification of intent to develop an Action Plan. Action Plans shall be forwarded to the Traffic Engineering Division and processed as follows:~~

~~a) The Traffic Engineering Division shall, within two (2) weeks after receipt of the Action Plan, review the Action Plan and provide the applicant with its recommendations.~~

- b) ~~If the Traffic Engineering Division accepts the Action Plan, then within six (6) weeks after notification from the Traffic Engineering Division of its acceptance of the Action Plan, the applicant shall submit to the Housing and Urban Planning Division Director a proposed agreement incorporating the Action Plan. This time frame may be extended by the County Commission for up to an additional six (6) weeks where the delay results from the need to obtain review or approval from a governmental agency.~~
- e) ~~If the Traffic Engineering Division does not accept the Action Plan, the applicant may submit to the Housing and Urban Planning Division Director a written authorization to proceed to the next available County Commission meeting for conceptual approval of the proposed Action Plan. If the County Commission gives conceptual approval of the Action Plan, with or without conditions, then within six (6) weeks after the date the County Commission renders its development order, the applicant shall provide the Housing and Urban Planning Division Director with a proposed agreement effectuating the Action Plan. This time frame may be extended for up to an additional six (6) weeks where the delay results from the need to obtain review or approval from a governmental agency.~~
- d) ~~If the Commission denies conceptual approval of the Action Plan, such action shall constitute denial of the development permit.~~

111 e) ~~Failure by the applicant to meet the time frames of paragraphs b) or~~
112 ~~e) above shall constitute withdrawal of the notification of intent to~~
113 ~~develop an Action Plan.~~

114 ~~For an application reinstated under this provision, the Housing and Urban~~
115 ~~Planning Division Director shall schedule the application, as amended by~~
116 ~~the approved Action Plan, for consideration by the County Commission, if~~
117 ~~said application is for plat approval. The County Commission shall consider~~
118 ~~the application for plat approval based on the conditions which existed at~~
119 ~~the time of the denial, except for the provisions of the approved Action Plan.~~
120 ~~The Housing and Urban Planning Division Director shall approve the~~
121 ~~application for a development permit subject to site plan review based upon~~
122 ~~the conditions that existed at the time of the denial, except for the provisions~~
123 ~~of the approved Action Plan.~~

124 ~~(h)~~ (k) *Effect of development order.*

125 . . .

126 ~~(m)~~ (l) *Vested Rights Determination.*

127 . . .

128 ~~(n)~~ (m) *Time limitation on filing of requests for changes to conditions of*
129 *development orders.*

130 . . .

131 ~~(o)~~ (n) *Pending applications.*

132 . . .

~~(p)~~ (o) *Municipal letter or resolution required for referral of development permit applications changing conditions of plat approval.*

...

~~(q)~~ (p) *Recordation of documents related to an approved development permit.*

...

Section 2. Section 5-182 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182. Development review requirements.

An application for a development permit must comply with the requirements of this article. To determine compliance with these requirements within municipalities, the County shall conduct an independent review; provided, however, that in conducting such review, the County shall utilize and consider whatever documentation and recommendation is ~~are~~ provided to it by the relevant municipality as a result of that municipality's own review of such subject matters. ~~For any adequacy determination under Section 5-182.1 or 5-182.2 or the payment of impact fees pursuant to this article involving development of previously improved land, the determination shall be based on the additional trips that will be generated or the additional impact of the proposed development. Any demolished development that qualifies as existing under the criteria set forth in Section 5-182.13 shall be granted credit at one hundred percent (100%) of its generated trips or impact fees previously paid.~~

...

Section 3. Section 5-182.1 of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Section 5-182.1 is hereby created to read as follows:

[Underlining omitted]

Sec. 5-182.1. Adequacy of regional road network.

Development orders, permits, and certificates of adequacy issued for projects within Transportation Concurrency Management Areas or Standard Concurrency Districts issued before October 1, 2024, shall continue to remain in full force and effect. No impact fees shall be due for those applications; however, no fees already paid shall be eligible for a refund unless the improvements described were not built. All applications for development orders or permits applied for on or after **INSERT EFFECTIVE DATE OF THE ORDINANCE**, are not subject to adequacy review for the regional road network.

Section 4. Section 5-182.2 of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 5. Section 5-182.3 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182.3. Action Plans for transportation improvements.

(a) An Action Plan is a program of transportation improvements designed to, at a minimum, ~~to accommodate~~ mitigate the ~~net traffic impacts~~ of a development ~~to the extent that the regional~~ on the adjacent transportation network ~~lacks the available capacity to provide for the net~~ so as to minimize traffic impacts and to ensure safe and adequate access to the property. The Action Plan shall provide substantiation in the form of engineering studies or other data acceptable to the County to demonstrate, to the

177 satisfaction of the County, the anticipated effect of the proposed program of
178 improvements and/or innovations; shall provide for a source of funding for the
179 improvements and/or innovations; and shall provide for monitoring of the program to
180 ensure implementation.

181 . . .

182 Section 6. Section 5-182.4 of the Broward County Code of Ordinances is
183 hereby repealed in its entirety.

184 Section 7. Section 5-182.13 of the Broward County Code of Ordinances is
185 hereby amended to read as follows:

186 **Sec. 5-182.13. Credit for demolished buildings.**

187 (a) For applications filed or under review with the County for Development and
188 Environmental Review Approval on or after March 1, 2020, existing development for
189 purposes of Sections ~~5-182.1, 5-182.2, 5-182.7, 5-182.9, and 5-182.12~~ shall be construed
190 to include buildings that are (i) within a plat that was approved on or after March 20, 1979,
191 or, for unplatted property or plats approved prior to March 20, 1979, buildings that are
192 under common ownership; and (ii) included within the application.

193 . . .

194 ~~(c) Transportation concurrency and road impact fee credit calculations shall be~~
195 ~~calculated in a manner consistent with Section 27.40 of the Broward County~~
196 ~~Administrative Code for the calculation of transportation concurrency assessments.~~

197 Section 8. Section 5-184 of the Broward County Code of Ordinances is hereby
198 amended to read as follows:

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

. . .

(b) *Limitation on required dedications and improvements; money in lieu of dedications and improvements.*

. . .

(2) The amount of money required to be deposited with the County and, as applicable, the School Board, in lieu of dedication requirements and improvements shall be determined pursuant to the specific standards set forth in this division and the provisions of Section 163.31801, Florida Statutes, as amended. The use of such funds will be restricted to the acquisition, expansion, and development of service facilities for new users, provided that one percent (1%) of the funds received for ~~roadway and park~~ purposes pursuant to Sections ~~5-182.2~~, 5-182.7, and 5-182.12(d) shall be retained for administrative purposes. ~~The restriction on the use of funds deposited with the County shall not include monies deposited for Transportation Concurrence assessments.~~

The developer shall pay the above administrative fee to Broward County upon application for Development and Environmental Review Approval of construction plans, as required by Section 27-66, Broward County Code of Ordinances. Said administrative fees shall be deposited in a nonlapsing Trust Fund established and maintained by the County. Administrative fee monies shall be expended for the lease, purchase, lease/purchase,

222 maintenance, or upgrade of computer equipment or computer software for
223 the Public Works and Environmental Services Department for the
224 administration and support of the impact fee/~~concurrency fee~~ program. In
225 no case shall administrative fees be refundable.

226 a) Any monies required pursuant to this division shall be deposited with
227 the County and, as applicable, with the School Board, prior to the
228 issuance of a building permit.

229 . . .

230 e) Prior to the acceptance of an impact/~~concurrency~~ fee payment by
231 Broward County or the School Board, appropriate proof shall be
232 required documenting that the proposed construction does not
233 violate the approved and recorded plat note restriction or other
234 agreement that limits the intensity and/or density of the development.
235 Said proof shall include, but not be limited to, construction plans,
236 including a full set of mechanical, electrical, plumbing, and structural
237 plans. The County or the School Board may require a signed and
238 sealed letter or survey from the design professional and/or written
239 verification from the municipality of the development areas and uses.
240 Residential payments shall provide evidence of the dwelling unit
241 type(s) and the number of bedrooms in each dwelling unit, if the
242 payment is for less than the maximum specified in this article.
243 Nonresidential payments shall provide evidence of the gross square
244 footage of the building(s) including, but not limited to, permanent

canopies and overhangs for gas stations, drive-through facilities, and overhangs designed for outdoor tables at a restaurant, and any covered areas where business is conducted.

...

(c) *Impact agreement.*

...

(2) Outstanding impact fee obligations.

a) For any application for a plat note amendment that involves an increase in ~~trips for additional~~ dwelling units, students generated, or a change in use or unit type; a replat; or the placement of a note on a plat, approval of the application shall be conditioned on the following:

...

Section 9. Section 5-189 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-189. Mandatory plat approval.

...

(d) *Procedural Requirements.*

...

(4) ~~Within ten (10) days after acceptance of the application for plat approval for a plat located within a Standard Concurrency District, the Housing and Urban Planning Division shall forward to the applicant a determination as to whether the proposed plat falls within or creates an impact area. This~~

~~determination shall be made based upon the day on which the accepted application was received. A notification that a proposed plat falls within or creates an impact area shall set forth the options available to the applicant as described in Section 5-182(a)(4)a).~~

- (5) Within ten (10) days after receipt of the agency staff reports, the Housing and Urban Planning Division shall prepare a written Development Review Report with proposed findings and a recommendation and shall forward it to the applicant, stating that the application is ready to be presented to the County Commission. If any reviewing agency staff report is not received within the time frame specified in Section 5-189(d)(3), this shall indicate that the reviewing agency has no comments or objections to the application. The Development Review Report shall specify the applicable standards and minimum requirements necessary to ensure compliance with this article and shall include a list of corrections necessary for compliance with Chapter 177, Florida Statutes.

...

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

Sec. 5-201. Definitions.

...

Canopy. Any fixed roof-like structure or retractable awning which is cantilevered in whole or in part self-supporting, but having no side walls. Canopies are considered roofed structures for the purpose of impact fee/~~currency~~ assessment and/or credit.

...

~~*Committed trip.* A trip generated within the TRIPS model from an approved but not built development.~~

...

~~*Development Permit.* Any building permit, subdivision, or plat approval, modification to a condition of plat approval, including an amendment or revision to a non-vehicular nonvehicular access line, site plan approval, amendment to the notation on the face of the plat, application for placement of a notation on the face of a plat, application for new findings of adequacy, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the Florida Building Code, as amended. A Transportation Concurrency Satisfaction Certificate, as required under subsection 5-182(a) of this article, is specifically excluded as a development permit.~~

...

~~*Standard Concurrency District.* A geographic area in which development is subject to roadway improvement fees that are assessed to increase roadway capacity.~~

...

~~*Transportation Concurrency District.* A geographic area of Broward County that is designated as a Transportation Concurrency Management Area or a Standard Concurrency District, in which development is subject to the receipt of a Transportation Concurrency Satisfaction Certificate.~~

~~*Transportation Concurrency Management Area (TCMA).* A geographic area in which development is subject to mobility improvement fees that are assessed for transit~~

314 and roadway operational improvements, consistent with the Broward County
315 Comprehensive Plan, Transportation Element.

316 ~~TRIPS model. A model maintained in the Broward County Housing and Urban~~
317 ~~Planning Division that accounts for the traffic from approved but not built development.~~

318 . . .

319 Section 11. Severability.

320 If any portion of this Ordinance is determined by any court to be invalid, the invalid
321 portion will be stricken, and such striking will not affect the validity of the remainder of this
322 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
323 legally applied to any individual, group, entity, property, or circumstance, such
324 determination will not affect the applicability of this Ordinance to any other individual,
325 group, entity, property, or circumstance.

326 Section 12. Inclusion in the Broward County Code of Ordinances.

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

332

Section 13. Effective Date.

333

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Alexis Marrero Koratich 08/24/2026
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 08/24/2026
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Original Ordinance - Transportation Concurrency Ordinance
08/24/2026
#60057-0013

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