

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO SITE PLANNING; AMENDING VARIOUS
3 SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES
4 ("CODE"), PROVIDING FOR SITE PLAN PROCEDURES AND REQUIREMENTS; AND
5 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
6 DATE.

7 (Sponsored by the Board of County Commissioners)
8

9 WHEREAS, Chapter No. 2026-64, Laws of Florida, effective July 1, 2026, modified
10 provisions related to the processing of development permit applications;

11 WHEREAS, the Housing and Urban Planning Division has modified its site plan
12 review process to conform to the statutory requirements; and

13 WHEREAS, the Broward County Board of County Commissioners deems it to be
14 in the best interest of the citizens of Broward County to amend various sections of
15 Chapter 39 of the Broward County Code of Ordinances to reflect the statutory changes,

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

18 Section 1. Section 39-411 of the Broward County Code of Ordinances is hereby
19 amended to read as follows:

Sec. 39-411. Site plan review.

...

(b) *Applicability.* Except as otherwise exempted below, this review procedure shall apply to all developments. Projects exempt from this article shall be required to comply with all other applicable development regulations.

(1) The following activities shall not require site plan approval unless the development will occur within an area delineated on any of the Broward County Land Use Plan maps identified in Section (2) below:

...

j. Equipment or facilities proposed by the Broward County Aviation Department or the Federal Aviation Administration (FAA) at the Fort Lauderdale-Hollywood International Airport (Airport) within the boundaries of the Airport, as legally described in the Development Order issued by Broward County dated July 8, 1998, relating to the Airport's Development of Regional Impact, including airfield pavement, air navigational aids, visual aids and facilities that are unstaffed, or any other unstaffed facilities or equipment that may be required by the FAA to be used exclusively by the FAA for the guidance or movements of aircraft, which equipment or facilities are designed, constructed, and inspected pursuant to and in strict compliance with FAA Advisory Circulars, orders, and regulations, and for which no specifications or criteria are set forth in the Florida Building Code or the Broward County Land Development Code.

This exemption is strictly limited to equipment and facilities that are not occupied by people on a regular basis;

...

(d) *Submittals.* ~~Courtesy Conceptual~~ Preapplication Site Plan Review and Site Plan Application.

(1) *Submitted Plans.*

- a. ~~Courtesy Conceptual~~ Preapplication Site Plan Review. ~~Courtesy Conceptual Preapplication~~ Site Plan Review meetings are ~~recommended~~ required. The preapplication meeting is to discuss conceptual design matters and identify site plan application submittal requirements. Plans do not need to be submitted in advance of meeting; however, any plans submitted will not be routed for agency review and comment.
- b. *Site Plan Application.* Applications for ~~Site Plan~~ Site Plan Review are required at the time of submittal. Unless submitted electronically, applications shall include drawings, the overall size of which shall be 24" × 36", drawn at a scale not less than 1" = 50'.

(2) Table of Submission Requirements is as follows:

Table 1. Submission Requirements

Requirements	Conceptual <u>Preapplication</u> <u>Site Plan</u> Review	Site Plan Application
--------------	--	--------------------------

66	Completed application on form approved by the	✓	✓
67	HUPD <u>Division</u> , accompanied by the required fee		
68	Letter of Intent describing the proposed development,	✓	✓
69	inclusive of a statement of objectives, relative to the		
70	proposed development type		
71	...		

72 Section 2. Section 39-412 of the Broward County Code of Ordinances is hereby
73 amended to read as follows:

74 **Sec. 39-412. ~~Courtesy conceptual~~ Preapplication site plan meeting.**

75 (a) ~~Depending on the location, design, size, impact, or other factor of a~~
76 ~~proposed development,~~ tThe Housing and Urban Planning Division Director ~~may~~ will
77 require an applicant to ~~request a Courtesy Conceptual~~ apply for a preapplication site
78 Plan Rreview meeting of the site plan prior to filing a ~~S~~site ~~P~~plan ~~A~~application. The
79 ~~Courtesy Conceptual Plan application and Rreview is~~ are not a replacement for the full
80 ~~S~~site ~~P~~plan ~~A~~application review procedure ~~and does not qualify as a preapplication~~
81 ~~meeting.~~

82 (1) Review for completeness of a ~~Courtesy Conceptual~~ preapplication site
83 Plan Rreview shall not be required ~~as the review is merely conceptual.~~
84 However, insufficient information may result in additional requests.

85 (2) The Housing and Urban Planning Division shall schedule a meeting with the
86 applicant and the selected reviewing agencies to discuss the ~~conceptual~~
87 preapplication site plans.

(3) ~~When~~ Although not required, an applicant has the option to request a ~~G~~courtesy ~~G~~conceptual ~~P~~plan ~~R~~review of the site plan prior to requesting a preapplication ~~consultation~~ site plan review meeting.

(b) No formal comments, interpretation of the code, or order shall be issued in conjunction with a preapplication site plan meeting or a ~~G~~courtesy ~~G~~conceptual ~~P~~plan ~~R~~review.

Section 3. Section 39-413 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-413. Site plan review procedures.

(a) *Application Procedure.* The following procedures shall govern the review of applications:

. . .

(2) *Completeness of application.* The Housing and Urban Planning Division shall review the application to determine the completeness of required submittals based on Table 1 above. Within five (5) business days after receiving an application, the Housing and Urban Planning Division shall confirm receipt of the application using the contact information provided by the applicant. ~~Within seven (7) business days after receipt, the Housing and Urban Planning Division shall~~ and either:

- a. ~~F~~find that the application is complete and initiate the review process ~~commencing on the eighth (8th) day after filing;~~ or
- b. ~~R~~reject the application and forward to the applicant with a notice of incompleteness specifying, with particularity, the information that is

required to process the application. The applicant shall resubmit the application with the information required within thirty (30) days after receipt of the notice of incompleteness, or the application shall be deemed withdrawn. The Housing and Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application. Failure of the Housing and Urban Planning Division to issue a written notification of completeness or written specification of the area(s) of deficiency within ~~thirty (30)~~ five (5) business days after receipt of the application shall ~~require the County to issue the applicant a ten percent (10%) refund of the application fee~~ result in the application being deemed complete by operation of law without conditions and must be processed as provided in this section.

e. ~~If the County makes a second request for additional information, the applicant shall resubmit the application with the required additional information within thirty (30) days after receipt of the notice of incompleteness, or the application shall be deemed withdrawn. The Housing and Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application. Failure of the Housing and Urban Planning Division to issue a written notification of completeness or written specification of areas of deficiency within thirty (30) days after receipt of the~~

~~additional information shall require the County to issue the applicant a twenty percent (20%) refund of the application fee.~~

a. The following shall be submitted with the site plan application and addressed as part of the completeness determination of the application:

1. A determination from the Broward County Health Department that the proposed development's demand will not exceed the licensed capacity of the treatment plant;

2. A determination from The School Board of Broward County as to whether the project is exempt from the requirements of public school concurrency, consistent with Chapter 5 of Broward County's Land Development Code, and the Public School Facilities Interlocal Agreement;

3. If a site plan application includes all or any part of any lands identified as a site recommended for inclusion in the Urban Wilderness Inventory by the Urban Wilderness Advisory Board pursuant to Chapter 25½ of the code, which recommendation has been approved by the County Commission; or a site designated as a Native Vegetative Communities Category Local Area of Particular Concern within the Broward County Land Use Plan; or subject to notice of a public hearing regarding designation as a Native Vegetative Communities Category Local Area of Particular

Concern or inclusion in the Urban Wilderness Inventory,
which is mailed any time before a site plan application is filed,
an environmental impact report (EIR) consistent with
Section 5-182.8 of the Land Development Code; and

4. If a determination has been made by the Broward County
Aviation Department that the site plan application includes
property that is or may be subject to the notice requirements
of Federal Aviation Regulations (FAR) Part 77, Subpart B, an
FAA determination that the development does not constitute
a hazard to air navigation or require operational modifications
to the airport to avoid such a hazard.

d. ~~Unless otherwise agreed to by the applicant in writing, an application~~
~~may be issued a notice of incompleteness a maximum of three (3)~~
~~times. Prior to the issuance of a third (3rd) notice of incompleteness,~~
~~the Housing and Urban Planning Division shall offer the applicant a~~
~~meeting to attempt to resolve outstanding issues that form the basis~~
~~for the incompleteness. The applicant shall resubmit the application~~
~~with the additional information within thirty (30) days after receipt of~~
~~the applicable notice of incompleteness. If the outstanding issues are~~
~~not resolved, the fourth (4th) application submitted shall be deemed~~
~~complete within ten (10) days after receipt of the additional~~
~~information and shall be processed in accordance with this article.~~

e. b. Except where a notice of incompleteness is based on a final agency action of a state or federal agency denying the federal or state permit, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the Housing and Urban Planning Division, at the applicant's request, shall proceed to process the application for approval or denial.

(3) *Agency Review.*

. . .

~~e. Additional matters to be addressed with an application for site plan:~~

1. ~~The Broward County Health Department (BCHD) assesses availability of facilities by applying a gallons-per-day design flow demand rate to the proposed development and then determining whether the proposed development's demand will exceed the licensed capacity of the treatment plant, considering the existing utilized and "committed" capacity. The BCHD uses potable water design flow rates set forth in the Water Management Element of the Broward County Comprehensive Plan to assess adequacy of service at the time of site plan application for those properties that are not required to be platted. If the proposed land use does not have a potable water demand rate set forth in the Water Management Element, the BCHD is authorized to assign the most suitable rate.~~

201 2. ~~Site plan applications involving residential uses shall be~~
202 forwarded to the School Board of Broward County, Florida, for
203 ~~a determination as to whether the project is exempt from the~~
204 ~~requirements of public school concurrency, consistent with~~
205 ~~Chapter 5 of Broward County's Land Development Code, and~~
206 ~~the Public School Facilities Interlocal Agreement.~~
207 3. ~~If a site plan application includes all or any part of any lands~~
208 ~~identified as a site recommended for inclusion in the Urban~~
209 ~~Wilderness Inventory by the Urban Wilderness Advisory~~
210 ~~Board pursuant to Chapter 25½ of the Code, which~~
211 ~~recommendation has been approved by the County~~
212 ~~Commission; or a site designated as a Native Vegetative~~
213 ~~Communities Category Local Area of Particular Concern~~
214 ~~within the Broward County Land Use Plan; or subject to notice~~
215 ~~of a public hearing regarding designation as a Native~~
216 ~~Vegetative Communities Category Local Area of Particular~~
217 ~~Concern or inclusion in the Urban Wilderness Inventory,~~
218 ~~which is mailed any time before a site plan application is filed,~~
219 ~~then the Housing and Urban Planning Division Director shall~~
220 ~~provide for the preparation of an environmental impact report~~
221 ~~(EIR) consistent with Section 5-182.8 of the Land~~
222 ~~Development Code.~~

223 4. ~~If the Broward County Aviation Department determines that~~
224 ~~the site plan application includes property that is or may be~~
225 ~~subject to the notice requirements of Federal Aviation~~
226 ~~Regulations (FAR) Part 77, Subpart B, the applicant must~~
227 ~~obtain and submit an FAA determination that it does not~~
228 ~~constitute a hazard to air navigation or require operational~~
229 ~~modifications to the airport to avoid such a hazard.~~

230 . . .

231 (c) *Reviewing agency reports; comments; required action.* The Housing and
232 Urban Planning Division Director shall review the application, the citizen participation
233 report, and the reports of the reviewing agencies.

234 (1) Within ~~seven (7)~~ five (5) business days after receiving the reviewing agency
235 comments and recommendations, the Housing and Urban Planning
236 Division shall prepare a report and issue ~~a notice of the status of an order~~
237 on the application.

238 a. For a site plan application found to be in compliance or conditionally
239 in compliance, the ~~notice~~ order shall state the application complies
240 with the applicable standards and the minimum requirements of this
241 article and that a the development order ~~will be~~ is granted, inclusive
242 of any applicable conditions identified in the compiled report. The
243 ~~Housing and Urban Planning Division~~ Director shall forward the
244 compilation of such reviewing agency reports and the ~~notice~~ order to
245 the applicant and the County Commission. Each County

Commissioner and the applicant shall have ~~fourteen (14)~~ ten (10) business days after the date of transmittal of the ~~notification~~ order to request that the application be placed on the County Commission's quasi-judicial agenda. Absent such request, the ~~Housing and Urban Planning Division Director~~ shall issue an order consistent with the ~~notice~~ shall take effect after the expiration of the ten (10) business day period.

- b. For a site plan application found not to be in compliance with this article, the notice shall state the reason for noncompliance. ~~If the~~ applicant waives the time frames of Section 125.022, Florida Statutes, the applicant shall have forty-five (45) days after the date of the notice to address any noncompliance items identified by the reviewing agencies. The resubmitted plan shall be routed pursuant to Section 39-413(a)(3) and ensuing reviews shall be noticed and processed pursuant to Section 39-413(c). Failure to waive the time frames of Section 125.022, Florida Statutes, or to submit corrections curing deficiencies identified in the notice shall result in issuance of ~~another notice, together with the site plan report, to the applicant and the County Commission stating the intent to~~ an order denying the site plan application. The Director shall forward the compilation of the reviewing agency reports and the order to the applicant and the County Commission. A County Commissioner or the applicant shall have ~~fourteen (14)~~ ten (10) business days after the date of transmittal

of the ~~notification~~ order to request that the application be placed on the County Commission's quasi-judicial agenda. Absent such request, the ~~Housing and Urban Planning Division Director shall~~ issue a final order of denial consistent with the notice shall take effect after the expiration of the ten (10) business day period.

- (2) Absent a request from a County Commissioner or the applicant or a determination by the Director that the application be considered at a quasi-judicial public hearing, or an extension request by the applicant, All site plan applications shall be issued ~~final orders consistent with the most recent notice within one hundred twenty (120)~~ forty-five (45) days after the application ~~being~~ is deemed complete as set forth in Section 39-413(a)(2) above. If the County fails to take final action to approve, approve with conditions, or deny the application within forty-five (45) days, the applicant shall notify the County in writing. If the County fails to respond to such written notification within ten (10) days, the application is deemed approved by operation of 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. This period shall extend to one hundred eighty (180) days if a quasi-judicial hearing before the County Commission is requested or required. Absent the applicant's extension request and a waiver of the time frames of

Section 125.022, Florida Statutes, and of the code, if an order approving, approving with conditions, or denying an application is not issued within thirty (30) days after the conclusion of the one hundred eighty (180) day period, the County shall issue the applicant a one hundred percent (100%) refund of the application fee.

(3) The applicant may request, in writing or at a public hearing or meeting, ~~one (1)~~ up to two (2) extensions of not less than thirty (30) days and not more than one hundred eighty (180) days each, provided the applicant agrees to waive ~~timeframes~~ all applicable time frames set forth in Section 125.022, Florida Statutes, and the code.

(4) Notwithstanding Section 39-413(c)(1), the Director may place the matter on the County Commission's quasi-judicial agenda for consideration within one hundred eighty (180) days after the application ~~was~~ is deemed complete, as set forth in Section 39-413(a)(~~1~~) ~~above~~ (2), in the following circumstances:

a. The Director believes that there is a substantive question regarding the interpretation of this article as it applies to the application; or

b. If the application generates significant public interest.

...

Section 4. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 5. Inclusion in the Broward County Code of Ordinances.

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

Section 6. Effective Date.

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/ Maite Azcoitia 07/24/2026
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
Original Ordinance - HB 927 Site Plan Ordinance
07/24/2026
#60049.0418

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