

1 **CHAPTER 5**

2 **ARTICLE IX. BROWARD COUNTY LAND DEVELOPMENT CODE**

3 **DIVISION 1. GENERAL PROVISIONS.**

4 **Sec. 5-178. PURPOSE.**

5 The purpose of this Article is to establish procedures for the issuance of
6 development permits issued by Broward County for the development of land within
Broward County, Florida.

7 **Sec. 5-179. DEVELOPMENT REVIEW ADMINISTRATION.**

8 Within the County administration there is hereby established a
9 Development Management Director under the supervision of the Director of Urban
10 Planning and Redevelopment Department who has the duties and responsibilities for
coordination, review, issuance and enforcement of development orders as set forth in
this Article.

11 (a) Duties of the Development Management Director. The duties of the
12 Development Management Director shall include:

- 13 (1) Central intake of applications for development permits.
- 14 (2) Reviewing applications for completeness.
- 15 (3) Initiating development review procedures.
- 16 (4) Issuing development orders in compliance with the
requirements and procedures of this Article.
- 17 (5) Performing such additional duties as the County
18 Administrator and Director of the Urban Planning and
Redevelopment Department may, from time to time, assign.

19 **Sec. 5-180. APPLICATION AND REQUIREMENT FOR DEVELOPMENT**
20 **PERMITS.**

21 No application for a development permit issued by Broward County for the
22 development of land within Broward County shall be reviewed or development permit
issued, except in compliance with the requirements and procedures set forth in this
Article.

23 (a) Major Review: Applications for plat approval, modifications to
24 conditions of plat approval, including amendments or revisions to a
non-vehicular access line, amendments to, or placement of,
notation on the face of the plat in the unincorporated and

1 incorporated areas; new findings of adequacy; and applications for
2 rezoning and DRI development orders in the unincorporated area
3 shall be subject to major review. An application for a development
4 permit requiring major review shall comply with the following:

- 5 (1) The applicable provisions of this Article.
- 6 (2) The applicable provisions of Chapter 39, the Zoning
7 Ordinance, of the Code of Ordinances for development
8 permits for land within the unincorporated area. An
9 application for plat approval, a new findings of adequacy, or
10 an amendment to a notation on the plat must be consistent
11 with the zoning code at the time the development permit is
12 issued.
- 13 (3) The applicable provisions of the Broward County Land Use
14 Plan and the certified land use plan. An application for plat
15 approval, a new findings of adequacy, or an amendment to a
16 notation on the plat must be consistent with the county and
17 certified land use plans at the time the development permit is
18 issued.

19 (b) Minor Review: Within the unincorporated area of Broward County,
20 any application for a development permit not requiring County
21 Commission approval shall be subject to minor review. All
22 applications for development permits requiring minor review shall
23 comply with the following:

- 24 (1) The applicable provisions of this Article.
- (2) The applicable provisions of Chapter 39, the Zoning
Ordinance, of the Code of Ordinances, and the applicable
provisions of the South Florida Building Code.
- (3) Applications for a development permit subject to minor
review that do not require full review by the reviewing
agencies, pursuant to Subsection 5-181(c)(3), shall comply
with all applicable requirements of this Article.
- (4) The applicable provisions of the elements of the Broward
County Comprehensive Plan.

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

- (1) Maintenance or improvement of runways, taxiways and aprons by an airport agency.
- (2) Construction of bus stop shelters.
- (3) Sculptures, fountains, and other landscaping improvements unless within or abutting the right-of-way of a trafficway.
- (4) Signs.
- (5) Diminution in size of a structure.
- (6) Demolition of a structure.
- (7) Canal maintenance activities.

(d) Service Charges. Reasonable service charges, or fees, shall be collected for the administrative processing and review of applications for development permits submitted to Broward County for review and approval. The schedule of service charges, or fees, to be collected shall be established by resolution of the Board of County Commissioners of Broward County and incorporated into the Broward County Administrative Code.

(e) Computation of Time. If the last day of a time period is a Saturday, Sunday or legal holiday the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

Sec. 5-181. DEVELOPMENT REVIEW PROCEDURES.

Any application for a development permit required or authorized under this Code of Ordinances shall require an effective development order to be granted by the Development Management Director or the County Commission prior to issuance of the development permit. The office of the Development Management Director shall be the central intake point for filing all applications and supporting documents for development permits. Except as otherwise provided in this Article, the following procedures shall govern the review of applications for development permits subsequent to filing.

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

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- (1) If a notice of incompleteness is not sent, the application shall be deemed accepted for purposes of beginning the time limits of this Division on the eighth (8th) working day after the filing of the application.
 - (2) If a notice of incompleteness is sent, the applicant shall resubmit the application with the additional data required within ten (10) working days of the transmittal of the notice of incompleteness or the application shall be deemed withdrawn. The Development Management Director shall review the resubmitted application in the manner provided in this Subsection for the original application.
- (b) Agency review. Upon acceptance of an application for development permit, the Development Management Director shall forward a copy of the application and accompanying material to each of the following agencies for review:
- (1) The Highway Construction and Engineering Division.
 - (2) The Traffic Engineering Division.
 - (3) The Development Management Division.
 - (4) The Broward County Planning Council for municipal submissions only.
 - (5) The Broward County Public Health Unit.
 - (6) The Water and Wastewater Services Division.
 - (7) The Environmental Protection Department.
 - (8) The Mass Transit Division.
 - (9) The Parks and Recreation Division.
 - (10) The Broward County School Board.
 - (11) The Fire Marshal's Office for unincorporated area submissions only.
 - (12) The Florida Power and Light Company.
 - (13) The Bell South Company.
 - (14) The Development Management Division for unincorporated area submissions only.

1 (15) The Florida Department of Transportation.

2 (16) The municipality when the application is for a plat within a
3 municipality.

4 (17) The Aviation Department.

5 (18) The Planning Services Division for unincorporated area
6 submissions only.

7 (c) Review responsibilities. Each reviewing agency shall prepare a
8 staff report which sets out in writing its comments and
9 recommendations regarding the application for development permit,
10 and shall forward such staff report to the Development
11 Management Director within twenty (20) working days of
12 acceptance of the application by the Development Management
13 Director.

14 (1) The Development Management Director may waive agency
15 review, in whole or in part, under this Section upon a
16 determination that such a review has already been made
17 regarding the same land and no change in circumstances
18 has occurred which necessitates further review. The
19 Director shall provide a quarterly report to the County
20 Commission of all such waivers granted and the reasons
21 therefore.

22 (2) Agency review responsibilities under this Section may be
23 reassigned by the County Administrator from time to time as
24 necessary to more effectively perform the required reviews.

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

(d) Amendment to application. An application for a development
permit may be amended by the applicant after it has been
accepted. The Development Management Director shall examine
the amendment at the point in the reviewing process at which it
occurs to determine if any portion of the reviewing process must be
repeated. If any such portion must be repeated, the Development
Management Director is authorized to extend the time limits
prescribed in this Section as long as necessary to undertake such
additional review, but not to exceed thirty (30) working days from

1 the date that the amended application is accepted by the
2 Development Management Director.

3 (e) Required action by other county board. In the event this Code of
4 Ordinances requires that a development permit not be issued until
5 acted upon by some County board or agency other than the County
6 Commission, then the Development Management Director shall
7 forward the application for development permit to such County
8 board or agency for appropriate action prior to the issuance of a
9 development order pursuant to Subsection 5-181(f) and 5-181(j) of
10 this Division or the notification to an applicant that an application is
11 ready to be presented to the County Commission pursuant to
12 Subsection 5-181(g) of this Division. The time limits of said
13 Subsections shall be extended to accommodate such additional
14 board or agency action.

15 (f) Minor review: Development order. Within six (6) months of
16 acceptance of a completed application for development permit
17 subject to minor review, the Development Management Director
18 shall make a determination, based upon required agency reviews,

19 (1) that the application complies with the applicable standards
20 and minimum requirements of this Article, or that vested
21 rights exist with regard to any noncompliance, in which case
22 the Development Management Director shall issue a
23 development order granting the application; or

24 (2) that the application is not in compliance with the applicable
standards and minimum requirements of this Article, but
conditions have been determined by the Development
Management Director to be reasonably necessary to ensure
compliance with the applicable standards and minimum
requirements of this Article, and vested rights exist with
regard to any noncompliance in which case the
Development Management Director shall issue a
development order granting the application with such
conditions; or

(3) that the application is not in compliance with the applicable
standards and minimum requirements of this Article, in which
case the Development Management Director shall issue a
development order denying the application.

A development order denying an application shall include a
statement of the basis for denial. A development order granting an
application with conditions shall include a statement of said
conditions and the bases therefore.

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

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

19 (1) For applications for plat approval subject to major review,
20 within five (5) months of issuance of the notification of
21 preparedness, the applicant shall respond with a written
22 letter to the Development Management Director specifying
23 all objections to the Development Review Report or stating
24 that the applicant has no objections to the Development
Review Report. If the applicant fails to submit a written
response to the Development Review Report within this time
period, the application for development permit shall be
deemed withdrawn.

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

(3) If the letter specifies objections to the Development Review
Report, the Development Management Director shall
distribute it to the applicable review agencies within two (2)
working days of receipt. The review agencies shall submit a
written response to the Development Management Director
within ten (10) working days of transmittal from the
Development Management Director. The Development
Management Director shall transmit a written response to
the applicant within five (5) working days of receipt of the
responses from the review agencies. The applicant shall not
submit a written authorization to proceed as specified in
Section 5-181(i) until after the Development Management

1 Director transmits a response to the applicant's letter of
2 objections.

3 (i) Referral of applications to County Commission.

4 (1) For applications for plat approval subject to major review,
5 within ten (10) months of issuance of the notification of
6 preparedness, the applicant shall respond with a written
7 authorization to proceed. If no written authorization is
8 received within this time period, the application for
9 development permit shall be deemed withdrawn. Upon
10 receipt of written authorization from the applicant to proceed,
11 the Development Management Director shall submit the
12 Development Review Report and recommendation to the
13 County Records Division for scheduling on the next available
14 agenda of the County Commission,

15 (2) If the application is subject to minor review and the
16 Development Management Director believes there is a
17 substantial question regarding the interpretation of this
18 Article as it applies to the application, the Development
19 Management Director may refer the matter to the County
20 Commission for a determination.

21 (j) Major Review: Development Order.

22 (1) At a regularly scheduled public meeting held within thirty five
23 (35) calendar days of the initial presentation of an application
24 to the County Commission, the County Commission shall
review the application for conformity to this Article and shall
act upon the application. The County Commission shall
make one of the following determinations:

a) that the application is in compliance with the
applicable standards and minimum requirements of
this Article or that vested rights exist with regard to
any noncompliance, in which case the County
Commission shall adopt a development order granting
approval of the application;

b) that the application is not in compliance with the
applicable standards and minimum requirements of
this Article, in which case the County Commission
shall adopt a development order denying the
application; or

c) that the application is not in compliance with the
applicable standards and minimum requirements of
this Article but conditions have been determined by

1 the County Commission to be reasonably necessary
2 to ensure compliance with the applicable standards
3 and minimum requirements of this Article, and that
4 vested rights exist with regard to any noncompliance,
in which case the County Commission shall adopt a
development order granting approval of the
application with said conditions.

5 (2) A final determination by the County Commission under this
6 Subsection may be deferred beyond the thirty-five (35)
7 calendar day limit in paragraph (1) of this Subsection if the
8 County Commission finds that available information is
9 insufficient on which to base either approval or denial of a
10 particular application; and the County Commission directs or
11 has directed that a specific study commence to provide the
12 County Commission with information sufficient to form the
13 basis on which to approve or deny the application and the
14 study will be completed within a time certain, not to exceed
15 six (6) months from the date of the County Commission's
determination under this subsection; provided, however, as a
prerequisite to directing that a specific study commence to
provide the County Commission with information sufficient to
form the basis on which to approve or deny a particular
application, the County Commission shall identify the
inadequacy of the information available with respect to the
application. An application deferred under this subsection
shall be presented to the County Commission for action at
the first available agenda following the expiration of six (6)
months or at an earlier date if the study has been completed.

16 (k) Reinstatement of Development Orders. An application denied in
17 accordance with Section 5-181(f)(3) or (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:

18 (1) The Applicant, within fourteen (14) calendar days of the
19 denial, notifies the Development Management Director of an
20 intention to develop an Action Plan, and pays any
appropriate fees established by the County Commission for
the review of an Action Plan.

21 (2) The Applicant submits a complete Action Plan, as defined in
22 guidelines approved by the County Commission, to the
23 Development Management Director within 125 calendar
days from the notification of intent to develop an Action Plan
which shall be processed as follows:

24 a) The Action Plan Review Committee (APRC) shall,
within fifteen (15) working days, review the Action

1 Plan and provide the applicant with its
2 recommendations.

3 b) If the APRC accepts the Action Plan, then within
4 forty-five (45) calendar days the applicant shall submit
5 to the Development Management Director a proposed
6 agreement incorporating the Action Plan. This time
7 frame may be extended by the County Commission
8 for up to an additional forty-five (45) days where the
9 delay results from the need to obtain review or
10 approval from a government agency.

11 c) If the APRC does not accept the Action Plan, the
12 applicant may submit to the Development
13 Management Director a written authorization to
14 proceed to the next available County Commission
15 meeting for conceptual approval of the proposed
16 Action Plan. If the Commission gives conceptual
17 approval of the Action Plan with or without conditions,
18 then within 45 calendar days the applicant shall
19 provide the Development Management Director with a
20 proposed agreement effectuating the Action Plan.
21 This time frame may be extended for up to an
22 additional forty-five (45) days where the delay results
23 from the need to obtain review or approval from a
24 government agency.

d) If the Commission denies conceptual approval of the
Action Plan, such action shall constitute denial of the
development permit.

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

For an application reinstated under this provision, the Development
Management Director shall submit the previous Development
Review Report, amended by the approved Action Plan, to the
County Records Division for scheduling 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 Development Management Director shall approve the
application for a development permit subject to minor review based
upon the conditions that existed at the time of the denial, except for
the provisions of the approved Action Plan.

(l) Effect of Development Order.

1 (1) No development permit shall be issued except pursuant to
an effective development order.

2 (2) No development permit shall be issued for a development
3 which is inconsistent with the development order governing
such development.

4 (m) Vested Rights Determination.

5 (1) Broward County recognizes that certain land development
6 rights of property owners may be vested with respect to
7 approved land uses, density or intensity of development
8 and/or staging or phasing of development. Any person
9 claiming vested rights to develop property shall make
application for a vested rights determination. Requests for
vested rights determination shall be made on forms provided
by the Development Management Division.

10 a) The Director or his or her designee shall review the
11 application and any supporting documents and shall
12 consult with other County staff and the County
13 Attorney's Office. Within forty-five (45) days after the
14 receipt of a complete and sufficient application, the
Director shall either grant the application for vested
rights or respond to the applicant in writing the reason
or reasons for denial. The decision shall be mailed by
U.S. Mail to the address indicated on the application,
return receipt requested.

15 b) If the applicant disagrees with the determination of the
16 Director, he or she may appeal the decision of the
17 Director by notifying the Director in writing that he or
18 she is appealing the Director's decision. The
19 notification shall be received by the Director no later
20 than thirty (30) days after the Director "renders" his or
21 her decision on the application. If the notification is
22 not received within thirty (30) days after rendition of
the decision, the applicant is deemed to have waived
his or her right to challenge the decision. For the
23 purposes of this section, the term "renders" means
the date the applicant initials or otherwise indicates
receipt of the decision. However, in the event the
decision is not accepted or is returned, the term
"renders" means ten (10) calendar days after the date
the decision was mailed.

24 c) Upon receipt by the Director of a timely notice of
appeal, the appeal shall be assigned to a hearing
officer. The procedures for conducting hearings shall

1 be approved by a Resolution of the County
2 Commission and incorporated in the Administrative
3 Code. The hearing shall be set for no later than sixty
4 (60) days from the date of the notice of appeal unless
5 an extension of time is requested or agreed to by the
6 applicant.

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8 d) The Office of the County Attorney shall represent the
9 County in the administrative hearing. The hearing
10 officer shall determine whether vested rights have
11 been created pursuant to the provisions set forth
12 within this section, applicable statutes, or established
13 case law and shall determine whether any time
14 limitation is applicable to such vested rights.

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16 e) Nothing in this Section prohibits the Director from
17 reconsidering and reversing a denial of a vested
18 rights application at any time prior to the start of the
19 hearing before the Hearing Officer.

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21 f) The hearing officer shall within forty-five (45) days of
22 the hearing issue a proposed order which shall
23 include findings of fact and conclusions of law with
24 respect to the claim of vested rights.

g) 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.

(2) Standards for Claims for Vested Rights.

a) Existing Road Agreements Giving Rise to Vested
Rights:

Broward County recognizes that certain property
owners or developers may have a claim to a vested
right based upon agreements with Broward County
entered into prior to March 1, 1989, the adoption date
of the 1989 Broward County Comprehensive Plan.
Broward County recognizes that such rights would
arise in a circumstance where:

1) All Regional Roads.

a. The agreement provided for the
developer to undertake or fund a road
improvement which exceeded the

1 developer's obligation under any plat
2 approval; and

- 3 b. The agreement contains language or
4 evidences the intent that construction of
5 the road improvement would satisfy the
6 developer's obligation to ensure the
7 adequacy of the regional road network
8 with regard to specified development on
9 a described parcel which was not
10 undergoing platting; and
- 11 c. The developer acted in reliance upon
12 the agreement and is not in default of
13 the provisions of the agreement.

14 2) Specific Road Segment.

- 15 a. The agreement provided for the
16 developer to undertake a road
17 improvement which is unrelated to plat
18 approval; and
- 19 b. The developer did not receive payment
20 or credit for such improvement since it
21 was determined that the road would be
22 required to provide safe and adequate
23 access to the unplatted property; and
- 24 c. The developer constructed the road to
service the development without any
compensation; and
- d. In such circumstances the vested trips
on the road segment constructed by the
Developer shall not exceed the lesser
of: the number of trips the road
improvement can accommodate at
Level of Service D or the number of trips
generated on the segment by the
intensity or density of development
specified in the agreement.

3) Entitlement to impact fee credits pursuant to an
agreement shall not, of itself, constitute a basis
for vesting a development or the trips
represented by the impact fee credits.

b) Approved Plats

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- 1) Plats which were approved prior to March 20, 1979 are not presumed to have vested rights for any level of density or intensity unless a notation on the face of the plat has been approved pursuant to the provisions set forth within Chapter 5, Article IX, Broward County Code of Ordinances.
 - 2) Plats which were approved between March 20, 1979 and October 1, 1989 are presumed to be vested at the level of density and intensity for which they were reviewed and approved unless otherwise provided for within Chapter 5, Article IX, Broward County Code of Ordinances.
 - 3) Plats approved after October 1, 1989 are presumed to be vested at the level of density and intensity indicated on the notation on the face of the plat unless otherwise provided for within Chapter 5, Article IX, Broward County Code of Ordinances.
 - 4) Any increase in density or intensity to an approved plat shall be subject to the concurrency regulations in effect at the time of consideration of such changes.
- c) Pursuant to Section 163.3167, F.S., any person who has commenced construction pursuant to a valid final development order and such construction is continuing in good faith has a vested right to complete the development in accordance with the final development order.
 - d) Pursuant to Section 163.3167, F.S., any person whose development has been authorized as a development of regional impact shall have the right to complete the development subject to and in accordance with the terms of the approved development order.
 - e) In addition to the above, an application for vested rights shall be approved if the applicant has demonstrated all of the following:

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- 1) There was a valid, unexpired act of an agency of Broward County upon which the applicant reasonably relied in good faith; and
- 2) The applicant, in reliance upon the valid, unexpired act of an agency of Broward County, has made a substantial change in position or has incurred extensive obligations or expenses; and
- 3) It be would inequitable, unjust, or fundamentally unfair to destroy the rights acquired by the applicant.
- 4) The following are not considered development expenditures or obligations in and of themselves, without more, unless the applicant was unable to obtain further approvals because of extraordinary delays, beyond the applicant's control:
 - a. Expenditures for legal and other professional services that are not related to the design or construction of improvements.
 - b. Taxes paid.
 - c. Expenditures for initial acquisition of land.

(3) It is recognized that there may be additional circumstances where some vested rights have arisen which are not specified above.

(n) Time Limitation on Filing of requests for changes to conditions of Development Orders.

(1) Whenever the County Commission has taken action to deny a request for a change to the condition of a development order, the Director of the Development Management Division shall not accept the same or substantially the same request for a change to the condition of the development order for a period of twelve (12) months from the date of the denial by the County Commission. The above time limit may be waived by the County Commission by an affirmative vote of five (5) commissioners, when the County Commission deems such action necessary due to changed circumstances, to prevent an injustice or to facilitate the

1 proper development of the County based upon evidence
2 provided by the applicant.

3 (2) Whenever the Director of the Development Management
4 Division has taken action to deny a request for a change to
5 the condition of a final site plan or building permit, the
6 Director of the Development Management Division shall not
7 accept the same or substantially the same request for a
8 change to the condition of the final site plan or building
9 permit for a period of twelve months from the date of the
10 denial by the Director. The above time limit may be waived
11 by the Director when the Director deems such action
12 necessary due to changed circumstances, to prevent an
13 injustice or to facilitate the proper development of the County
14 based upon evidence provided by the applicant.

15 (o) Expiration of Findings of Adequacy

16 (1) For each plat or replat which is approved with a finding that it
17 satisfies the adequacy requirements set forth within this
18 Article, one (1) or both of the following notations shall be
19 recorded on the face of the plat.

20 a) If a building permit for a principal building (excluding
21 dry models, sales and construction offices) and first
22 inspection approval are not issued within five (5)
23 years of approval of the application by Broward
24 County, then the County's finding of adequacy shall
expire and no additional building permits shall be
issued until such time as Broward County shall make
a subsequent finding that the application satisfies the
adequacy requirements set forth within this Article.
The owner of the property or the agent of the owner
shall be responsible for providing evidence to
Broward County from the appropriate governmental
entity, documenting compliance with this requirement
within the above referenced time frame; and/or

b) If construction of project water lines, sewer lines,
drainage, and the rock base for internal roads have
not been substantially completed within five (5) years
of approval of the application by Broward County,
then the County's finding of adequacy shall expire
and no additional building permits shall be issued until
such time as Broward County shall make a
subsequent finding that the application satisfies the
adequacy requirements set forth within this Article.
This requirement may be satisfied for a phase of the
project, provided a phasing plan has been approved

1 by Broward County. The owner of the property or the
2 agent of the owner shall be responsible for providing
3 evidence to Broward County from the appropriate
4 governmental entity, documenting compliance with
5 this requirement within the above referenced time
6 frame.

7 (2) For an application to amend the notation on a plat, or to
8 place a notation on a plat, the additional notation specified in
9 Paragraph (1) above ("Expiration Notation") shall only be
10 required when:

11 a) The plat does not yet have such a Expiration
12 Notation; or

13 b) The approval of the application occurs after the
14 Expiration Notation date.

15 (3) The applicant shall specify the name and address of an
16 agent of record in a recorded document acceptable to the
17 County. The Development Management Director shall notify
18 the agent of record of the pending expiration at least six (6)
19 months prior to the date of said expiration.

20 (4) An application for a new findings of adequacy may be filed
21 no earlier than six (6) months prior to the date of expiration
22 of the findings of adequacy. The new application shall be
23 processed and reviewed as an application for plat approval
24 and shall comply with the applicable provisions of this
Article, except for the preparation and recordation of a plat
drawing, and except for the following:

a) The written letter of objections or no objections as
provided for in subsection 5-181(h) shall not be
required.

b) The time frame for submittal of a written authorization
to proceed as provided for in subsection 5-181(i) shall
be five (5) months from the date of issuance of the
notification of preparedness. If no written
authorization to proceed is received within this time
the application shall be deemed withdrawn.

c) Failure to comply with the conditions, established by
the Board of County Commissioners as a prerequisite
to recording an amendment to the notation on the
face of a plat establishing a new expiration date for
findings of adequacy, within twelve (12) months of the
date on which the application is approved shall result

1 in the expiration of the approval of the new findings of
adequacy.

2 (p) Pending applications.

3 (1) When an application is pending for a plat, a replat, revision
4 to a note on an unrecorded plat, or for new findings of
adequacy, no new applications for development permits
5 shall be accepted for any land within the same plat until the
pending application is either approved, denied, withdrawn or
6 has expired.

7 (2) When an application is pending for the amendment or
8 placement of a note on a recorded plat, no new applications
for development permits shall be accepted for any land
9 within the same plat, except for changes to conditions of plat
approval unrelated to the plat note, until the pending
10 application to amend or place a note on a recorded plat is
either denied, withdrawn, has expired, or an agreement to
11 amend note is recorded.

12 (3) The following shall be required to withdraw an application
under this subsection after approval by the County
Commission:

13 a) A notarized document, acceptable to the County
14 Attorney's Office, attesting that the applicant has the
authority to withdraw the application on behalf of all
15 owners of the property subject to the application. The
document shall also contain indemnification language
16 acceptable to the County Attorney's Office if there is
more than one owner of the property subject to the
17 application.

18 b) A letter or resolution from the applicable municipality
19 acknowledging the request for withdrawal. In the case
of the withdrawal of applications to amend or place a
20 note on a recorded plat or an application for a new
findings of adequacy, the letter or resolution from the
municipality shall state the current, recorded note
21 restriction on the plat.

22 (q) Municipal letter or resolution required for acceptance of
development permit applications changing conditions of plat
23 approval.

24 Development permit applications, for property located within a
municipality, to change, delete, or add conditions of plat approval,
including but not limited to requests for impact fee waivers and

1 designation of affordable housing projects; amendments or
2 revisions to non-vehicular access lines; amendments, revisions, or
3 placement of plat notes; applications for new findings of adequacy;
4 and modifications to right-of-way and construction requirements,
5 shall not be accepted pursuant to Section 5-181(a) unless the
6 municipality has issued a letter or adopted a resolution stating the
7 municipality's position regarding the application. The letter or
8 resolution must be issued by the municipality no earlier than six (6)
9 months from the date the development permit application is filed
10 with Broward County.

11 (r) Recordation of documents related to an approved development
12 permit.

13 The County shall record all documents required as a condition of
14 approval for a development permit, in which all of the items
15 necessary for recordation (including the approval, copying and
16 processing of all agreements and payment of the recordation fee),
17 have been completed before 5:00 P.M. on the day the development
18 permit expires, with the exception of the signature(s) of the Mayor
19 and/or the County Administrator.
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