



Environmental Protection and Growth Management Department

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

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DATE: July 6, 2009

TO: Interested Parties and Municipal Planners

THRU: Al Simon, Director
Development and Environmental Regulation Division

FROM: Martin Berger, Planning Section Manager
Development and Environmental Regulation Division

SUBJECT: Proposed Amendments to the Broward County Land Development and Administrative Codes

This is to advise you that the Development and Environmental Regulation Division is preparing amendments to the Land Development Code and Administrative Code to codify the recently adopted amendments to the Transportation Element of the Comprehensive Plan and to implement other changes that are primarily "housekeeping" in nature.

LAND DEVELOPMENT CODE CHANGES

The proposed amendments to the Land Development Code are summarized below:

- Updating Department and Division Names.
- Updating the list of review agencies and clarifying that if agency comments are not received by the "comment due date" this shall indicate the agency has "no comments or objections."
- Eliminating the requirement to record an "agent of record" form.
- Changing "Transit Oriented Concurrency Districts" to "Transportation Concurrency Management Areas" (TCMA's).
- Revising the Level of Service Standards within each TCMA.
- Deleting the 5-Year County Transit Program as a separate document.
- Changing the 110% credit for demolished structures to 100% credit that will be applied during the review of construction plans. The 110% credit was adopted to encourage infill and redevelopment as an alternative to undeveloped land.
- Revising the adequacy of wastewater treatment services and the sanitary sewer service level of service standards to be consistent with the adopted Wastewater Element of the Comprehensive Plan.

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- Adding “mid-rise” units to the regional and local park impact fee schedules to be consistent with school impact fee schedule, and updating the regional and local park impact fees to current rates.
- Revising the time of assessment of park impact fees from plat approval to the time of environmental review of construction plans for post 1977 residential plats. This deletes the need for park impact fee agreements and security for residential plats.
- Deleting language requiring the County Commission to make a determination that all or part of the land is unsuitable for development in deciding whether to defer, deny or approve with conditions development permits subject to an enforcement action pursuant to a County, State, or federal environmental regulation.
- Codifying that fee assessments will not be made and payments will not be accepted prior to review of construction plans.
- Increasing the time period to record plat note amendments from six (6) months to twelve (12) months.
- Codifying changes to plat drawing requirements based upon changes to Florida Statutes and the Florida Administrative Code and clarifying other plat recordation requirements.
- Incorporating changes to plat exemptions to be consistent with the Broward County Land Use Plan.
- Amending and adding some definitions for further clarity.

ADMINISTRATIVE CODE CHANGES

Corresponding amendments to the Broward County Administrative Code, revising the transit concurrency fees assessed for each Transit Concurrency District, are also being prepared. The revised fees are based upon the adopted Level of Service Standards for TCMA's in the Transportation Element of the Comprehensive Plan. The new standards include the County's commitment to maintain many of the mass transit enhancements implemented in accordance with the 5-Year County Transit Program and set targets for future transit ridership growth by upgrading bus stops and the reliability of the bus fleet. Mobility is also proposed to be improved as a result of the ongoing implementation of the Advanced Transportation System Management System (ATMS) in certain districts. Because the costs of achieving the revised Level of Service Standards are different from the costs of only implementing improvements in the 5-Year County Transit Program, the costs per trip contained in the County's Administrative Code must be revised.

Since the revised concurrency management system is multi-modal and no longer “transit oriented,” concurrency fee credits are proposed to be eliminated as they focus solely on transit oriented design and (beyond Level 1) have rarely been utilized. Note that the proposed concurrency fees are lower than current fees in all TCMA districts and are lower than the current fees with the current 10% Level 1 credit in all districts except the Southeast TCMA. “Low” and “very low” income affordable housing developments continue to be eligible for a full waiver of concurrency fees. The existing and proposed concurrency fees and district map are attached.

Finally, changes are proposed to trip generation rates used to calculate TCMA fees and road impact fees, based on the recently published 8th Edition of the Institute of Transportation Engineers' (ITE) *Trip Generation Report*. A complete list of existing and proposed rates is attached.

Most of the proposed changes are minor. The most significant changes include:

- A new rate for “Mid Rise” dwelling units.
- A significantly lower rate (i.e., 33%) for freestanding and drive thru banks. ITE’s 8th Edition rate excludes data from studies prior to 2000, to reflect changes in travel patterns resulting from technological advances in the banking industry.
- The use of a single trip rate for commercial uses less than 20,000 square feet in size. Currently, there is one rate for specific commercial uses and one rate for unrestricted commercial uses.
- We currently use a trip generation rate for a land use type labeled "Flex Industrial" for industrial/warehouse buildings that contain up to thirty percent (30%) showroom and commercial uses; we are now proposing to change the term "Flex Industrial" to "Industrial/Showroom" in order to clarify the permitted uses within this land use type and to differentiate it from certain zoning connotations.

As in the past, we are sharing these proposed changes with you, as members of the development community for your information, review and comments. Local Planning Agency meetings and public hearings will be scheduled and may be held as early as August or September.

The proposed amendments to the Land Development and Administrative Codes will be posted on the Division’s webpage within the next two weeks. The link to our webpage is:

<http://www.broward.org/development/welcome.htm>

Please contact our staff if you have any comments or questions.

Distribution: Interested Parties & Municipal Planners

Attachments

Concurrency Fees by District

<u>Concurrency District</u>	<u>Fee Per Peak-Hour Trip</u>
Northeast	\$1,387 <u>1,116</u>
North Central	\$1,594 <u>995</u>
Eastern Core.....	\$1,288 <u>1,116</u>
Port/Airport.....	\$1,139 <u>995</u>
Central	\$1,246 <u>1,116</u>
Sawgrass	\$1,331 <u>1,116</u>
Southeast.....	\$1,042 <u>995</u>
South Central.....	\$1,648 <u>995</u>

APPENDIX A - TRIP RATES BY LAND USE

EFFECTIVE OCTOBER 1, 2007 , 2009

<u>Land Use Type (units)</u>	<u>Trip Rate/P.M. Peak Hour</u>
<u>Residential (dwelling units)</u>	
Single Family	1.01
Townhouse	0.54 <u>0.66</u>
Garden Apartment	0.61 <u>0.60</u>
Mobile Home	0.59
Mid Rise	0.39
High Rise	0.36 <u>0.37</u>
Retirement Community	0.20 <u>0.24</u>
Hotel	0.62 <u>0.70</u>
ALF	0.26 <u>0.22</u>
<u>Office, Institutional and Recreational (1,000 sq. ft.)</u>	
Office	
Less than 100,000 sq. ft.	$\ln(T)=0.737 \ln(FA) + 1.831$
Greater than or Equal to 100,000 sq. ft.	$T = 1.12(FA) + 78.81$
Hospital	$T = 0.71(FA) + 233.89$ <u>$T = 0.78(FA) + 186.59$</u>
Bank (Free standing and/or drive-thru)	38.70 <u>25.82</u>
Church (weekday)	0.66 <u>0.55</u>
Community Facility	1.64 <u>1.45</u>
Library	7.09 <u>7.30</u>
Nursing Home (bed)	0.22
Elementary School (School)	85.00
Secondary School	1.03 <u>1.08</u>
Private School (no day care)	0.82 <u>0.86</u>

Passive Park (acre)	1.31
Active Park (acre)	3.34
Marina (boat berth)	0.19
Golf Course (acre)	0.30

Industrial (1,000 sq. ft.)

General Industrial (Permits up to 30% Office)	0.77	<u>0.72</u>
General Industrial (acre)	8.33	<u>8.45</u>
Mini-warehouse	0.26	
Flex Industrial (Permits up to 30% Commercial)		1.29
<u>Industrial/Showroom (Permits up to 30% Commercial)</u>		<u>1.29</u>
Industrial/Office (Permits up to 50% Office)	1.13	<u>1.09</u>






Commercial/Retail (1,000 sq. ft.)

Restaurant	9.59	<u>9.90</u>
Fast Food Restaurant	19.57	<u>19.15</u> (43% pass-by)
Convenience Store	20.03	<u>22.30</u> (60% pass-by)
Service Station w/ Conv. Store (fuel positions)	9.83	<u>10.07</u> (26.5% pass-by)
Drug Store	8.62	<u>9.73</u>
Day Care	13.18	<u>12.46</u>
Auto Dealership	2.64	<u>2.59</u>
Health/Fitness Club	4.73	<u>3.53</u>
Nursery/Garden Center	3.80	
Auto Care Center	3.38	
Commercial Recreation (acre)	7.85	<u>5.77</u>
Other Commercial:		
Less than 20,000 sq. ft.	7.50	<u>10.85</u>
Greater than 20,000 sq. ft.	Ln(T)=0.660 Ln(FA)+3.403	
Commercial Recreation (acre)	7.85	

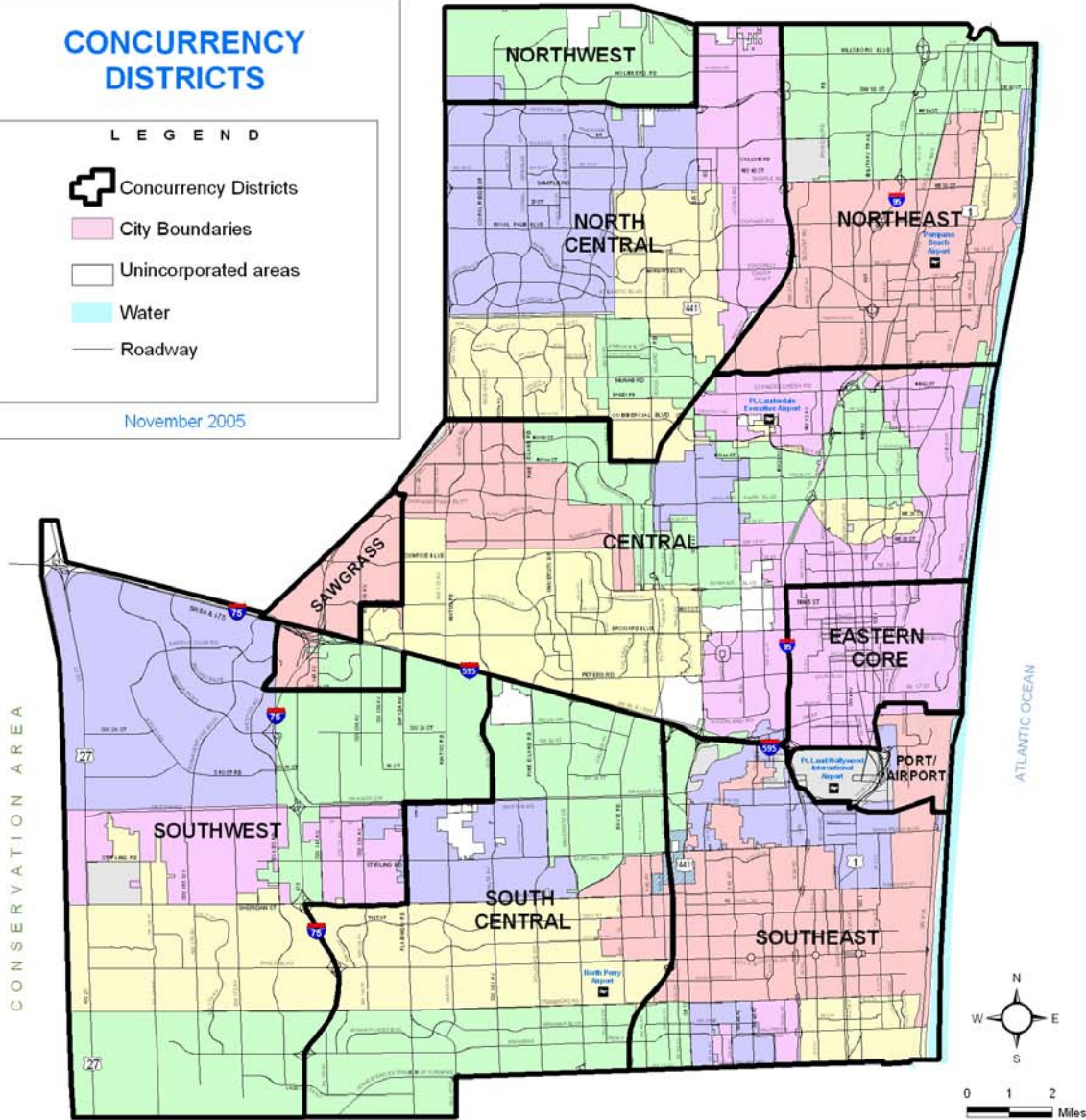
NOTE: For uses not listed above, consult with staff.

CONCURRENCY DISTRICTS

LEGEND

-  Concurrency Districts
-  City Boundaries
-  Unincorporated areas
-  Water
-  Roadway

November 2005



Prepared by:
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 TRANSPORTATION PLANNING DIVISION
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