

**MONITORING / IMPLEMENTATION ELEMENT  
OF THE  
CITY OF DANIA BEACH  
COMPREHENSIVE PLAN**

**9J-5.006**

## TABLE OF CONTENTS

<b>I.</b>	<b>EVALUATION AND MONITORING PROCEDURES</b>	<b>1</b>
	A. Citizen Participation	1
	B. Baseline Data and Measurable Objectives	1
	C. Evaluation of Goals, Objectives, and Policies	1
	D. Evaluation of Goals, Objectives, and Policies and Identification of Obstacles / Problems	2
<b>II.</b>	<b>IMPLEMENTATION REGULATIONS AND PROCEDURES</b>	<b>2</b>
	A. Development Review	2
	B. Broward County Platting Requirements	3
	C. Procedures for Certification of Local Land Use Plans	3
	D. Broward County Land Use Plan Amendment Procedures	6
	E. Local Land Development Regulations and Procedures	6
	F. Procedures for Formal Interpretation of the Broward County Land Use Plan	7
	G. Monitoring and Enforcement Procedures for the Broward County Land Use Plan	7

## **I. EVALUATION AND MONITORING PROCEDURES**

In accordance with Florida Statutes Chapter 163 and Rule 9J-5, Florida Department of Community Affairs, the following will provide the evaluation and monitoring procedures for the City of Dania Beach Comprehensive Plan. The purpose of these procedures is to evaluate and appraise the implementation of the Comprehensive Plan including monitoring and data evaluation of procedures for a 4-5 year period. This section will include the following areas:

### **A. Citizen Participation**

In order to encourage and provide for public participation within the comprehensive planning process, the City of Dania Beach will ensure that the general public is informed and will be notified of all public meetings regarding the Evaluation and Appraisal Report as well as amendments to the Comprehensive Plan. This will include advertised notices of hearings before the local planning agency and the City Commission which shall be published in newspapers of general circulation at least seven (7) days prior to the date of the hearing. The notice shall specify the time and place of the hearing, the matter to be considered and where the materials to be considered can be reviewed. This process will also permit opportunities for interested parties to provide written and/or oral comments at the public hearings so said comments can be considered and responded to in the deliberations.

### **B. Baseline Data and Measurable Objectives**

The City will review and update, as necessary, the base data provided within the Comprehensive Plan during the preparation of the five year Evaluation and Appraisal Report (EAR). At that time, the 2000 U.S. Census information should be available which will be incorporated into the EAR. The type of data which will be updated will include dwelling unit counts, population projections, housing and related information. At the same time, the objectives of the Comprehensive Plan will be updated as may be required.

### **C. Evaluation of Goals, Objectives, and Policies**

During the EAR process the success of attaining the goals, objectives and policies described in the Comprehensive Plan will be evaluated and reviewed. Any obstacles or problems which have resulted because of under-achievement of goals, objectives, and policies or because of changing conditions will also be addressed at that time.

**D. Evaluation of Goals, Objectives and Policies and Identification of Obstacles/Problems**

As part of the EAR process, amended goals, objectives and policies which are necessary to correct problems will be developed and adopted as part of the updated Comprehensive Plan.

**E. Continuous Monitoring**

The City will provide continuous monitoring and evaluation measures which are incorporated as a part of the Comprehensive Plan. The purpose of this section is to enable the City to be able to reflect upon the effectiveness of this plan during its implementation.

**II. IMPLEMENTATION REGULATIONS AND PROCEDURES**

**A. Development Review Requirements**

After the effective date of the Dania Beach Comprehensive Plan, the City may grant an application for a development permit consistent with the local land use plan and ~~Broward County Land Use Plan~~ when it has determined that the following requirements are met:

1. Traffic circulation, recreational drainage and flood protection, potable water, solid waste and sanitary sewer public facilities and services will be available to meet established level of service standards, consistent with Chapter 163.3202(g) Florida Statutes.
2. Local streets and roads will provide safe, adequate access between buildings within the proposed development and the trafficways identified on the Broward County Trafficways Plan prior to occupancy.
3. Fire protection service will be adequate to protect people and property in the proposed development.
4. Police protection service will be adequate to protect people and property in the proposed development.
5. School sites and school buildings will be adequate to serve the proposed development.
6. Development does not include a structure, or alteration thereof, that is subject to the notice requirements of Federal Aviation Regulations (FAR), Part 77, Subpart B, unless the Federal Aviation Administration issues, or has issued, a written acknowledgment that said structure or alteration would not constitute a

days to air navigation and does not require increases to minimum instrument flight altitudes within a terminal area, increases to minimum obstruction clearance altitudes, or any other operational modifications at any existing airport or heliport or any planned or proposed airport as described In FAR Part 77.21(c) (2).

## **B. Broward County Platting Requirements**

1. No unit of local government may grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953. This section will not apply to an application for a building permit which meets any of the following criteria:
  - (a) construction of one single family dwelling unit or duplex unit on a lot or parcel which lot or parcel was of record as such in the applicable public records as of the effective date of this Plan; or
  - (b) construction on any multi-family or non-residential lot or parcel which is less than five acres in size and specifically delineated on a plat recorded on or before June 4, 1953; provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:
    - (a) compliance with the applicable land development regulations; and
    - (b) any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.
2. The City Commission and the Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan.

## **C. Procedures for Certification of Local Land Use Plans**

1. Each local government entity within Broward County may prepare, in conformance with the requirements of the Broward County Land Use Plan and the Florida Local Government Comprehensive Planning and Land Development Regulation Act, a local land use plan for submittal to the Broward County Planning Council. The local land use plan shall be certified by the Broward County Planning Council prior to its final adoption by a local government entity.
2. Pursuant to the Broward County Charter, and consistent with the Broward County Land Use Plan:

- (a) The Broward County Planning Council shall adopt, within its "Administrative Rules Document", rules and regulations as may be necessary to provide for the certification, de-certification and re-certification of local land use plans.
  - (b) The Broward County Planning Council shall adopt, within its "Administrative Rules Document", rules and regulations after approval by the Broward County Commission as may be necessary to provide for:
    - (i) The establishment and modification of flexibility zone boundaries during the certification process.
    - (ii) The certification of density transfers.
    - (iii) The receipt of data pertaining to development permits granted by local government entities and land development regulations adopted by local government entities.
    - (iv) Other matters pertinent to the goals, objectives, policies and requirements of the Broward County Land Use Plan.
3. Every local land use plan submitted for review and certification by the Broward County Planning Council shall include the following:
- (a) A land use plan map, drawn to scale, with a legend reflecting proposed land uses and residential densities;
  - (b) Goals, objectives and policies consistent with and furthering those contained within the Broward County Land Use Plan;
  - (c) Implementation provisions which establish a land use and density classification system including a detailed listing of permitted land uses and densities allowed within each local land use classification.
    - (i) A land use permitted within a land use category by the Broward County Land Use Plan may be prohibited or limited by a local land use plan.
    - (ii) A local land use plan may propose other permitted land uses and land use categories not specifically identified within the Broward County Land Use Plan, if consistent with the goals, objectives, policies and requirements of the Broward County Land Use Plan;
  - (d)
    - (i) A listing of Community level parks acreage counted by the local government entity to fulfill the requirements of Policy 05. 02. 01 and consistent with the "Regional and Community Parks" subsection of this Plan;
    - (ii) The local land use plan map shall reflect, conceptually or at specific locations, existing and proposed park and recreational facility sites of sufficient size and quantity to provide Community level parks acreage consistent with the requirements of this Plan;

- (e) Other implementation provisions consistent with the goals, objectives, policies and requirements of the Broward County Land Use Plan which will implement the local land use plan.
4. The Broward County Planning Council shall certify each local land use plan which is in substantial conformity with the Broward County Land Use Plan. A local land use plan shall be certified by the Broward County Planning Council when it finds that:
- (a) The maximum number of dwelling units permitted in each flexibility zone by the local land use plan does not exceed the maximum number of dwelling units permitted in each flexibility zone by the Broward County Land Use Plan and that residential densities are distributed in a manner consistent with the goals, objectives and policies of the Broward County Land Use Plan.  
  
The local government entity shall demonstrate to the Broward County Planning Council that the distribution of land uses in a flexibility zone by the local land use plan does not result in an increasing the number of permitted dwelling units as compared to the number of dwelling units permitted within the flexibility zone by the Broward County Land Use Plan;
  - (b) The arrangement of land uses on the local land use plan map bears a reasonable relationship to the arrangement of land uses in the Future Broward County Land Use Plan Map (Series) and permitted uses fall within the parameters for permitted uses established by the Broward County Land Use Plan;
  - (c) The goals, objectives and policies of the local land use plan are consistent with and further those of the Broward County Land Use Plan;
  - (d) The implementation provisions meet or exceed the requirements of the Broward County Land Use Plan.
5. Each local government entity is encouraged to develop innovative methods to regulate the development of land through its local land use plan and other land development regulations which may be proposed within its local land use plan. During the certification process, the Broward County Planning Council shall review and may approve such innovative methods which are consistent with the goals, objectives and policies of the Broward County Land Use Plan and are in substantial conformity with the Broward County Land Use Plan.
6. Each local government entity shall comply with Section 6.06 of the Broward County Charter and shall make every reasonable effort to prepare a local land use plan which will be in substantial conformity with the Broward County Land Use Plan. If the Broward County Planning Council determines that a local land use plan includes proposed land uses which are not in conformity with the Broward County Land Use Plan, then it shall not certify the local land use plan unless the Broward County Commission:

- (a) Determines within sixty days after receipt of a written request by a local government entity, that the proposed land uses which are not in substantial conformity with the Broward County Land Use Plan must be permitted in order for the local government entity to comply with Section 6.06 of the Broward County Charter, or
- (b) Finds that a final judicial decision has been rendered which requires a local government entity to permit the proposed land uses. The Broward County Commission shall make its finding at the request of any party to the litigation after the Broward County Commission has given at least thirty days notice by certified mail to all other parties to the litigation, or
- (c) Adopts an amendment to the Broward County Land Use Plan which brings the proposed land uses into substantial conformity to the Broward County Land Use Plan.

**D. Broward County Land Use Plan Amendment Procedures**

- 1. The Broward County Land Use Plan may be amended by the Broward County Commission in the manner provided by the Broward County Charter and Florida Local Government Comprehensive Planning and Land Development Regulation Act.
- 2. The Broward County Planning Council shall adopt, within its "Administrative Rules Document", rules and regulations as may be necessary to provide for the consideration of proposals for the amendment to the Broward County Land Use Plan and the submittal of recommendations and proposals to the Broward County Commission.

**E. Local Land Development Regulations and Procedures**

- 1. The City's Land Use Plan shall be implemented by adoption and enforcement of appropriate local regulations on the development of lands and waters within its jurisdiction.
- 2. No public or private development may be permitted except in compliance with the City's Land Use Plan.
- 3. A local government entity which does not have a land use plan certified by the Broward County Planning Council:
  - (a) May grant an application for a development permit, provided:
    - (i) The proposed development would be consistent with the Broward County Land Use Plan, and
    - (ii) The proposed development would be in compliance with local land development regulations, and

(iii) The development permit is granted in compliance with the "Development Review Requirements" subsection of this plan or with local land development regulations which meet or exceed the requirements of said subsection.

(iv) May adopt land development regulations, a land development code or amendments thereto, and amend zoning districts consistent with its certified land use plan.

#### **F. Procedures for Formal Interpretations of the Broward County Land Use Plan**

The Broward County Planning Council shall assist local government entities with matters of interpretation of the Broward County Land Use Plan. Whenever a question of interpretation has not been resolved on an informal basis, the governing body of a local government entity may request in writing that the Broward County Planning Council issue a letter of interpretation on the matter.

Upon receipt of a letter of interpretation from the Broward County Planning Council, the governing body of a local government entity may request in writing that the Broward County Commission review such letter on any subject outside the scope of the Broward County Planning Councils adopted rules and regulations regarding certification of local land use plans and Broward County Land Use Plan amendment processing and recommendation procedures or matters as contained within this plan regarding Section 6.06 of the Broward County Charter.

The Broward County Commission, within thirty (30) days after receipt of the request, shall review and either approve or approve with modifications of the Broward County Planning Councils letter of interpretation which shall then be binding on the Broward County Commission, on the Broward County Planning Council, on the local government entity and on any property owner given written notice and an opportunity to be heard on the matter. A written request to the Broward County Planning Council or the Broward County Commission pursuant to this section must contain the following information:

- (a) A statement of the question(s).
- (b) A statement of the facts necessary to answer the question(s).
- (c) A statement of the position of the local government entity on the matter.

#### **G. Monitoring and Enforcement Procedures for the Broward County Land Use Plan**

1. Local government entities shall prepare and transmit to the Broward County Planning Council the information listed below within time periods as specified. This information is for the purposes of monitoring compliance with the Broward County Land Use Plan and for maintaining current countywide records of land development activities on which to base future planning. Information shall be transmitted in a format to be prescribed by the Broward County Planning Council.

- (a) A monthly report of all new or amended land development regulation or a new or amended land development code, including changes of zoning districts.
  - (b) A monthly summary of all building permits.
  - (c) A monthly summary of all permits issued for demolition of buildings.
  - (d) A monthly summary of all certificates of occupancy.
  - (e) A yearly summary regarding allocation of acreage proposed for commercial uses within lands designated residential, industrial and employment center utilizing the "5% of Residential Land Use" and "20% of Industrial/Employment Center Land Use" flexibility provisions of the Broward County Land Use Plan as described within the Permitted Uses subsection of this plan, if certified within the local land use plan.
2. Upon determination by the Broward County Commission that a local government entity has granted development permits inconsistent with the requirements of the Broward County Land Use Plan, the Broward County Commission shall take such actions as may be necessary and proper to enforce the requirements of the Broward County Land Use Plan.