

ITEM #15

(Post Commission Meeting Additional Material – Attachment 11 to existing Exhibit 2)

**ADDITIONAL MATERIAL
REGULAR MEETING**

FEBRUARY 21, 2023

**SUBMITTED AT THE REQUEST OF
COMMISSIONER STEVE GELLER**

ATTACHMENT 11

BROWARD COUNTY LAND USE PLAN Proposed Text Amendment PCT 22-4

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: POLICIES

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AFFORDABLE HOUSING BONUS DENSITY

Policy 2.16.3 was initially readopted as part of the BrowardNext process on April 25, 2017, and amended on March 9, 2021, to increase the bonus density formulas. The following modifications are proposed to enhance the implementation related to development parcels designated as “Residential.”

POLICY 2.16.3

(1) Bonus residential density may be allocated to facilitate the development of affordable housing for persons within the following income categories as defined in the Broward County Land Use Plan:

- Moderate-income persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.*

- Low-income persons having a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for households within the county.*

- Very-Low income persons having a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county.*

*While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed 140 percent of the applicable median income adjusted for family size.

(2) Bonus Formulas

Moderate-income: Six (6) bonus units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway).

Low-income: Nine (9) bonus units per every one (1) “low-income” unit (including areas east of the Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus units per every one (1) “very-low-income” unit (including areas east of the Intracoastal Waterway).

- (3) Affordable housing density bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, ~~as~~ a minimum, through the use of restrictive covenants, that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner occupied housing.
- (4) The total number of ~~bonus units, including~~ affordable and bonus units, on lands designated as “Residential” may not exceed a maximum of 50 dwelling units per acre on the Broward County Land Use Plan, which may develop sites fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof as approved by the County Commission. 50% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. However, for “very low or low income” units, the total number of bonus affordable and bonus market rate units may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. For parcels designated “Commerce” or similar designation on the local land use plan map, these ~~percentages~~ maximum densities shall not be applicable. Units of If the total density, including the affordable and bonus units, exceeds the density permitted by the existing zoning classification, Tthe governing body of the local government shall address make a finding of compatibility with existing and future land uses and through its local land development regulations at a publicly noticed meeting, consistent with its notification requirements unless a rezoning is not required, in which case; otherwise, the local planning agency of the local government may make the finding of compatibility at a publicly noticed meeting, consistent with the above.
- (5) At the time of allocation of bonus density, the applicable local government must make a finding that adequate public facilities and services are in place or will be in place with completion of project construction, to accommodate all bonus and affordable units.
- (6) Allocations of bonus residential density does not require an amendment to the Broward County Land Use Plan or local land use plan.
- (7) Units of local government may utilize the Bonus Density provisions regardless of whether such provisions are incorporated within their certified local land use elements. This Policy is discretionary upon the local government and does not create any entitlements to the bonus units. Allocation of the bonus units requires authorization of the governing body of the local government at a publicly noticed meeting when a rezoning is required, consistent with its notification requirements, of the governing body or of, when the total density, including affordable and bonus units, does not exceed the density permitted by the existing zoning classification, by the local planning agency when a rezoning is not required, consistent with its notification requirements.

- (8) By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing tables reflecting bonus density units allocated.
- (9) ~~Bonus~~ Affordable unit and bonus unit construction is subject to the following, as enforced by the applicable local government:
 - a. One hundred percent (100%) of ~~bonus~~ “affordable” units must receive certificates of occupancy before the final fifty percent (50%) of bonus units receive their certificate of occupancy; or
 - b. The local government must require that ~~bonus~~ “affordable” units are available before or concurrently with bonus units.
- (10) **This Policy is incentive-based and U**units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

Note: Proposed additions indicated by underline and proposed deletions indicated by ~~strike-through~~, as initially recommended for approval by the Planning Council at its July 28, 2022, public hearing. Proposed additions indicated by **double underline/bold** and deletions indicated by ~~**strikethrough/bold**~~, as submitted by Commissioner Steve Geller and accepted by the Board of County Commissioners at its September 20, 2022, transmittal public hearing. Proposed additions indicated by **highlighted, underline/bold** and deletions indicated by **highlighted, ~~strikethrough/bold~~** are additional recommendations by Planning Council staff for the Planning Council’s January 26, 2023, public hearing consideration. Proposed additions indicated by **highlighted, underline/bold** and deletions indicated by **highlighted, ~~strikethrough/bold~~**, as submitted by Commissioner Steve Geller after the County Commission meeting of February 21, 2023.