

EXHIBIT 1

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, TRANSMITTING A PROPOSED AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN TEXT OF THE BROWARD COUNTY COMPREHENSIVE PLAN REVISING POLICY 2.16.3; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County adopted the Broward County Comprehensive Plan on April 25, 2017 (the Plan);

WHEREAS, the Department of Economic Opportunity has found the Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Broward County Land Use Plan text;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on July 28, 2022, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on September 20, 2022, at 10:00 a.m., having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. The Board of County Commissioners hereby transmits to the Department of Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State, Department of Transportation, Fish and Wildlife Conservation Commission, Department of Agriculture and Consumer Services, and Department of Education, as applicable, for review and comment pursuant to Section 163.3184, Florida Statutes, Amendment PCT 22-4, which is an amendment to the Broward County Land Use Plan text revising Policy 2.16.3.

Section 2. The proposed amendment to the Broward County Comprehensive Plan is attached as Exhibit A to this Resolution.

Section 3. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2022.

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Maite Azcoitia 07/28/2022
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
PCT22-4 Policy 2.16.3.TransReso
07/29/2022
#80041

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

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 22-4

“Policy 2.16.3 - Bonus Density”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

July 19, 2022

It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved. **See Attachment 1.**

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

II. Planning Council Transmittal Recommendation

July 28, 2022

Approval per Planning Council staff transmittal recommendation, including a modification for clarification purposes (See Attachment 1). Further, a second Planning Council public hearing is not required. (Vote of the board; Unanimous; 13-0: Blackwelder, Castillo, Fernandez, Gomez, Good, Hardin, Horland, Levy, Rich, Rosenof, Ryan, Williams and DiGiorgio)

ATTACHMENT 1

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.” All changes are indicated in ~~strike-through~~/underline format. Words in ~~double-strike-through~~/double-underline format reflect a ministerial correction per the July 28, 2022, Planning Council public hearing.

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~~ affordable and bonus units on lands designated as “Residential” may not exceed 50 dwelling units per acre with the exception of 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 local government shall address compatibility with existing and future land uses through its local land development regulations.
- (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.
- (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) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.