

## EXHIBIT 2

**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)

**SECTION II**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 22-4**

**BACKGROUND INFORMATION/OUTREACH**

The Broward County Board of County Commissioners (BOCC) readopted the foregoing BrowardNext - Broward County Land Use Plan (BCLUP) Policy 2.16.3 on April 25, 2017, as part of the BrowardNext initiative. "BrowardNext" comprehensively updated the County's land use planning program within the context of meeting the challenges of Broward County's future and anticipated population growth.

The BOCC updated Policy 2.16.3 on March 9, 2021, to increase the bonus density formulas for "moderate," "low " and "very-low" income units and revise the required affordability period to thirty (30) years.

On June 23, 2022, the Broward County Planning Council initiated text amendments to the BCLUP to update and incentivize affordable housing opportunities. The Planning Council authorized the Council staff to expedite any of these amendments as appropriate as the incentives are not requirements and local governments may be more restrictive than the BCLUP. The proposed amendment will expand the density maximums currently set by the Policy on lands designated as Residential on the BCLUP. **See Attachment 1.**

Upon initiation, Planning Council staff disseminated an email to all local government managers and planners on June 27, 2022, including a summary of the Council's action and potential timeline. Staff also requested that local governments submit any ideas or concepts regarding incentive-based programming or updates that could be appropriate to amend the BCLUP. Planning Council staff attended the Broward County Planning Director's Roundtable on July 18, 2022, to provide a more detailed overview of the proposed and potential amendments. In an effort to expedite the public hearing process, comments will be accepted throughout the review of the proposed amendment.

**SECTION III**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 22-4**

**PLANNING ANALYSIS AND SUMMARY**

BrowardNext - Broward County Land Use Plan (BCLUP) Policy 2.16.3 provides for bonus density opportunities for affordable housing dwelling units on lands designated as Residential or Commerce (or similar designation on the local land use plan map), subject to criteria such as a minimum affordability period, density maximums, a finding of adequate facilities and services and occupancy timing.

Policy 2.16.3 provides that local governments may utilize the provision regardless of whether it is adopted in the local government's land use plan.

Proposed BCLUP text amendment PCT 22-4 addresses the following Policy criteria:

**Proposed modification in ~~strike-through~~/underline:**

(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 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.

- **Planning Council Staff Comment:** Based on the limited implementation of this Policy by local governments, the maximum number of dwelling units indicated for the parcel dependent on the type of affordable housing appears to be a deterrent. From 2017 to 2021, the available density bonuses were significantly lower than the updated bonuses of 19 bonus units for each "very-low-income" affordable dwelling unit, 9 bonus units for each "low-income" affordable dwelling unit and 6 bonus units for each "moderate-income" affordable dwelling unit, as the previous bonuses were significantly lower from 2006 to 2017. Prior to 2017, local governments reported a total of only one (1) bonus dwelling unit across the County and from 2017 to 2021 the number of bonus dwelling units saw a minimal change. Since the implementation of the updated Policy in 2021, discussions and guidance to local governments regarding the bonuses has increased, with at least two (2) local governments utilizing the density bonuses on at least four (4) projects.

### **PLANNING ANALYSIS AND SUMMARY (continued)**

Planning Council staff is proposing a two-pronged approach to incentivize the Policy for implementation by local governments:

- 1) Eliminates the 50% maximum number of bonus dwelling units, except for those proposals that include “very-low-income” or “low-income” units may have a maximum of 100% maximum number of bonus dwelling units; and
- 2) Caps the maximum density at 50 dwelling units per acre; however, the proposed amendment does permit local governments to exceed 50 dwelling units per acre on sites that front with direct access to roadways classified as a State road or County arterial, consistent with the generalized map utilized for the implementation of BCLUP Policy 2.16.4. **See Attachment 2.**

The modifications of those specific limitations should assist local governments in incentivizing the development of affordable dwelling units. Further, the Policy refinement directs local governments to address compatibility with existing and future land uses. Planning Council finds this local implementation of density supportable and consistent with the BrowardNext process which saw a general policy shift in philosophy from a suburban/auto-oriented plan to a more urban/multi-modal plan, with a focus on increased densities, especially along transportation corridors.

### **Conclusion**

Planning Council staff recommends approval of the proposed amendment. **See Attachment 1.**

**SECTION IV**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PCT 22-4**

**ATTACHMENTS**

1. Proposed Broward County Land Use Plan Amendment PCT 22-4
2. Map of Commerce and Activity Center Land Use by Arterial Roads

# 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.

