

EXHIBIT 1

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN TEXT TO REVISE POLICY 2.16.2 REGARDING AFFORDABLE HOUSING DATA AND METHODOLOGY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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 to revise Policy 2.16.2 regarding the affordable housing data and methodology;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearings on February 27, 2020, and on October 22, 2020, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on August 25, 2020, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held adoption public hearing on December 1, 2020, at 10:00 a.m. [also complying with the notice requirements specified in Section 163.3184(11), Florida Statutes] at which public comment was accepted and comments of the Department of Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental

1 Protection, Department of State, Department of Transportation, Fish and Wildlife
2 Conservation Commission, Department of Agriculture and Consumer Services, and
3 Department of Education, as applicable, were considered; and

4 WHEREAS, the Board of County Commissioners, after due consideration of all
5 matters, hereby finds that the following amendment to the Plan is consistent with the State
6 Plan, Regional Plan, and the Plan; complies with the requirements of the Community
7 Planning Act; and is in the best interests of the health, safety, and welfare of the residents
8 of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The Plan is hereby amended by Amendment PCT 20-5, which is an
12 amendment to the Broward County Land Use Plan text revising Policy 2.16.2 regarding
13 the affordable housing data and methodology, as set forth in Exhibit "A," attached hereto
14 and incorporated herein.

15 Section 2. Severability.

16 If any portion of this Ordinance is determined by any court to be invalid, the invalid
17 portion will be stricken, and such striking will not affect the validity of the remainder of this
18 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
19 legally applied to any individual, group, entity, property, or circumstance, such
20 determination will not affect the applicability of this Ordinance to any other individual,
21 group, entity, property, or circumstance.

22 Section 3. Effective Date.

23 (a) The effective date of the plan amendment set forth in this Ordinance will be
24 the latter of:

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity notifies
2 Broward County that the plan amendment package is complete;
- 3 (2) If the plan amendment is timely challenged, the date a final order is issued
4 by the Administration Commission or the Department of Economic
5 Opportunity finding the amendment to be in compliance;
- 6 (3) If the Department of Economic Opportunity or the Administration
7 Commission finds the amendment to be in noncompliance, pursuant to
8 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
9 Commissioners, nonetheless, elects to make the plan amendment effective
10 notwithstanding potential statutory sanctions; or
- 11 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per
12 Exhibit "B," the date the Declaration of Restrictive Covenants or agreement
13 is recorded in the Public Records of Broward County.
- 14 (b) This Ordinance is effective as of the date provided by law.

15
16 ENACTED

17 FILED WITH THE DEPARTMENT OF STATE

18 EFFECTIVE

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

21 By /s/ Maite Azcoitia 10/08/2020
22 Maite Azcoitia (date)
23 Deputy County Attorney

24 MA/gmb
PCT20-5 Policy 2.16.2 Affordable Housing Data & Methodology.Ord
10/08/2020
#80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 20-5

“Policy 2.16.2 Regarding Methodology”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

February 18, 2020

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

Planning Council staff further recommends that Broward County fund an update of the “Broward County Affordable Housing Needs Assessment,” 2018, on an annual basis or at least every two years to ensure that the data and analysis is the best available.

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.

Note: The corresponding *Administrative Rules Document: BrowardNext* (ARD), Article 5, amendment does not require transmittal to or review by the State of Florida review agencies and requires a single Planning Council and County Commission hearing for adoption and effectiveness. The proposed ARD amendment will be scheduled for a Planning Council public hearing as the amendment moves along the process. The draft ARD amendment is included as **Attachment 2.**

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued) February 18, 2020

This item will be presented to the Land Use/Trafficways Committee immediately preceding the Planning Council meeting. The Committee's recommendation will be presented at the Planning Council meeting.

II. Planning Council Land Use/Trafficways Committee Recommendation February 27, 2020

Recognizing that the proposed amendment may be supportable in its entirety or in segments, the Committee bifurcated the proposed amendment to consider 1) the affordable housing methodology and 2) the affordable housing income categories individually, as follows:

- 1) The Committee recommended approval of the proposed affordable housing methodology, "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University. (Vote of the Committee; 6-2; Yes: Blattner, Brunson, Castillo, Gomez, Good and Williams. No: DiGiorgio and Stermer)
- 2) The motion failed to require the evaluation of each affordable housing income category. (Vote of the Committee; 4-4; Yes: Blattner, Castillo, Good and Williams. No: Brunson, DiGiorgio, Gomez and Stermer) No other motion was made.

III. Planning Council Transmittal Recommendation February 27, 2020

Recognizing that the proposed amendment may be supportable in its entirety or in segments, the Planning Council bifurcated the proposed amendment to consider 1) the affordable housing methodology and 2) the affordable housing income categories individually, as follows:

- 1) The Planning Council recommended approval of the proposed affordable housing methodology, "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University. (Vote of the board; 15-3; Yes: Blattner, Breslau, Brunson, Castillo, Fernandez, Gomez, Good, Graham, Hardin, Maxey, Railey, Rich, Rosenof, Ryan and Williams. No: DiGiorgio, Parness and Stermer.)
- 2) The Planning Council recommended denial to require the evaluation of each affordable housing income category. (Vote of the board; 17-1; Yes: Blattner, Breslau, Brunson, Castillo, DiGiorgio, Fernandez, Gomez, Good, Graham, Hardin, Maxey, Parness, Railey, Rosenof, Ryan, Williams and Stermer. No: Rich.)

Due to the nature of the recommendation, a second Planning Council public hearing will be required if the County Commission transmits to the State of Florida review agencies.

RECOMMENDATIONS/ACTIONS (continued)

DATE

IV. County Commission Transmittal Recommendation

August 25, 2020

Approval, including requiring that the referenced study be updated at least every other year.

V. Summary of State of Florida Review Agency Comments

September 30, 2020

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

VI. Planning Council Staff Final Recommendation

October 13, 2020

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

Note: The corresponding “*Administrative Rules Document: BrowardNext*” (ARD), Article 5, amendment does not require transmittal to or review by the State of Florida review agencies and requires a single Planning Council and County Commission hearing for adoption and effectiveness. The proposed ARD amendment immediately follows this item.

VII. Planning Council Final Recommendation

October 22, 2020

Approval per Planning Council staff final recommendation. (Vote of the board; 15-1; Yes: Blackwelder, Blattner, Breslau, Castillo, Di Giorgio, Fernandez, Gomez, Good, Graham, Hardin, Maxey, Parness, Railey, Rich and Ryan. No: Stermer.)

ATTACHMENT 1
BROWARD COUNTY LAND USE PLAN
Proposed Text Amendment
PCT 20-5

BROWARD COUNTY LAND USE PLAN

AFFORDABLE HOUSING

POLICY 2.16.2 For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. In addressing amendments which proposed to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality, and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;

- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate. The local government shall estimate its supply of affordable housing utilizing the data and methodology referenced within the ~~"Administrative Rules Document: Broward County Land Use Plan."~~ "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after (placeholder for effective date of text amendment). For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the BCLUP. The median annual income estimate should be updated at least yearly.

NOTE: Proposed additions are underlined, proposed deletions are ~~struck through~~

EXHIBIT B

A Declaration of Restrictive Covenants is not applicable to this amendment.