

1 Environmental Protection, Department of State, Department of Transportation, Fish and
2 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
3 and 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
6 State Plan, Regional Plan, and the Plan; complies with the requirements of the
7 Community Planning Act; and is in the best interests of the health, safety, and welfare of
8 the residents 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 20-3, which is an
12 amendment to the Broward County Land Use Plan text to revise Policy 2.16.3 regarding
13 bonus density formulas, as set forth in Exhibit "A," attached hereto and incorporated
14 herein.

15 Section 2. Severability.

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

- 1 (1) Thirty-one (31) days after the Department of Economic Opportunity
2 notifies 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; or
- 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
10 effective notwithstanding potential statutory sanctions; or
- 11 (b) This Ordinance is effective as of the date provided by law.

12
13 ENACTED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

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

18 By /s/ Maite Azcoitia 01/27/2021
19 Maite Azcoitia (date)
20 Deputy County Attorney

21
22 MA/gmb
23 PCT20-3 Policy 2.16.3 re Bonus Density Formulas Ord
01/27/2021
24 #80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 20-3

“Bonus Density – Policy 2.16.3”

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

June 16, 2020

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

June 25, 2020

Planning Council recommended approval of the proposed amendment subject to a second Planning Council public hearing, with the following additional recommendations: 1) continuing the inclusion of bonus density in areas east of the Intracoastal Waterway, and 2) clarification in the text that the Policy is optional for local governments. (Vote of the board; 16-1; Yes: Blackwelder, Blattner, Breslau, Brunson, DiGiorgio, Fernandez, Gomez, Good, Graham, Grosso, Hardin, Railey, Rich, Ryan, Williams and Stermer. No: Parness)

RECOMMENDATIONS/ACTIONS (continued)

DATE

- III. County Commission Transmittal Recommendation September 10, 2020

Approval per Planning Council transmittal recommendation.

- IV. Summary of State of Florida Review Agency Comments October 21, 2020

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

- V. Planning Council Staff Final Recommendation January 19, 2021

It is recommended that the proposed amendment to the BrowardNext - Broward County Land Use Plan be approved, including clarification that the Policy is optional for local governments per the Planning Council's June 25, 2020, recommendation and the County Commission's September 10, 2020 transmittal recommendation. **See Attachment 1.**

- VI. Planning Council Final Recommendation January 28, 2021

Approval per Planning Council staff final recommendation. (Vote of the board; Unanimous: 15-0; Blackwelder, Breslau, Brunson, Castillo, Fernandez, Gomez, Graham, Grosso, Hardin, Maxey, Railey, Rich, Rosenof, Williams and DiGiorgio)

ATTACHMENT 1

BROWARD COUNTY LAND USE PLAN Proposed Text Amendment PCT 20-3

AFFORDABLE HOUSING BONUS DENSITY

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.*

~~Very Low and 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.*~~

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: two (2) Six (6) bonus "market rate" units per every one (1) "moderate-income" unit (including areas east of the Intracoastal Waterway), except the bonus may be up to four (4) "market rate" units per every one (1) "moderate income" unit for a project located within an "Activity Center" designated on the Broward County Land Use Plan, or projects located within ½ mile of a rail station or ¼ mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicles passing by in one hour (not including areas east of the Intracoastal Waterway).~~

~~Very Low to Low income: Four (4) bonus "market rate" units per every one (1) "very low or low income" unit (including areas east of the Intracoastal Waterway), except the bonus may be up to six (6) "market rate" units per every one (1) "very low or low income" unit for a project located within an "Activity Center" designated on the Broward County Land Use Plan, or projects located within ½ mile of a rail station or ¼ mile of limited transit stop defined as no fewer than 5 buses~~

~~or similar transit vehicles passing by in one hour (not including areas east of the Intracoastal Waterway).~~

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

Very-Low income: Nineteen (19) bonus ~~“market rate”~~ 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 ~~fifteen (15)~~ thirty (30) years for rental housing and at least ~~fifteen (15)~~ thirty (30) years for owner-occupied housing.

(4) The total number of bonus affordable and bonus ~~market rate~~ units may not exceed 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 ~~“Commercial” or “Employment Center”~~ “Commerce” or similar designation on the local land use plan map, these percentages shall not be applicable.

(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 ~~market rate~~ 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 ~~“market rate”~~ 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 ~~“market rate”~~ units receive their certificate of occupancy; or

The local government must require that bonus “affordable” units are available before or concurrently with bonus ~~“market rate”~~ units.

(10) 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 are underlined, proposed deletions are ~~struck through~~. ~~Double strikethrough~~ is a proposed deletion as to not unintentionally penalize affordable housing developers from bonus density benefits. Proposed additions recommended by the Planning Council at its June 25, 2020, public hearing are double-underlined.