

EXHIBIT 1

RESOLUTION NO. 2020-

1 A RESOLUTION OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 TRANSMITTING A PROPOSED AMENDMENT TO THE
4 BROWARD COUNTY LAND USE PLAN TEXT OF THE
5 BROWARD COUNTY COMPREHENSIVE PLAN TO
6 REVISE POLICY 2.16.3 REGARDING BONUS DENSITY
7 FORMULAS; AND PROVIDING FOR AN EFFECTIVE
8 DATE.

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

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

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

15 WHEREAS, the Planning Council, as the local planning agency for the Broward
16 County Land Use Plan, held its hearing on June 25, 2020, with due public notice; and

17 WHEREAS, the Board of County Commissioners held its transmittal public
18 hearing on September 10, 2020, at 10:00 a.m., having complied with the notice
19 requirements specified in Section 163.3184(11), Florida Statutes, NOW, THEREFORE,

20 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
21 BROWARD COUNTY:

22 Section 1. The Board of County Commissioners hereby transmits to the
23 Department of Economic Opportunity, South Florida Regional Planning Council, South
24 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

1 Education, as applicable, for review and comment pursuant to Section 163.3184,
2 Florida Statutes, Amendment PCT 20-3, which is an amendment to the Broward County
3 Land Use Plan text to revise Policy 2.16.3 regarding bonus density formulas.

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

6 Section 3. EFFECTIVE DATE.
7 This Resolution is effective upon adoption.

8
9 ADOPTED this day of , 2020.

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

13
14 By /s/ Maite Azcoitia 07/06/2020
15 Maite Azcoitia (date)
16 Deputy County Attorney

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22 MA/gmb
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24 PCT 20-3 Policy 2.16.3 regarding Bonus Density Formulas.TransReso.doc
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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 exclusion 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)

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.*

(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.

* 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.

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.