

ITEM #43₍₂₎

(Attachment 9 – Proposed Text Amendment)

ADDITIONAL MATERIAL

Public Hearing

SEPTEMBER 10, 2020

SUBMITTED AT THE REQUEST OF

VICE MAYOR STEVE GELLER

ATTACHMENT 9

Broward County Land Use Plan
Proposed Text Amendment PCT 20-4
Alternative Text

AFFORDABLE HOUSING – ADDITIONAL PERMITTED RESIDENTIAL DENSITY

POLICY 2.16.4

Within parcels located west of and including US 1*, and designated “Commerce” or “Activity Center” on the Broward County Land Use Plan and fronting with direct access to a roadway classified as a State road, or County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, or within a parcel designated “Activity Center” where residential development will be located within ¼ mile of a State road or County arterial, multi-family residential use is permitted in addition to that permitted otherwise in those designations by this Plan, subject to the following:

- (1) One or more of the affordable housing categories, as defined by this Plan, must be a component of the residential development based on the following “market rate” “bonus” units to “affordable” unit formula(s) described below:
 - (a) Moderate income: six (6) market rate bonus units for every (1) one moderate income unit.
 - (b) Low income: nine (9) market rate bonus units for every (1) one low income unit.
 - (c) Very-low income: nineteen (19) market rate bonus units for every (1) one very-low income unit.
- (2) Each required affordable housing unit must be no smaller than ten percent (10%) less than the average gross floor area of all market rate bonus units in the development project.
- (3) Single-family dwelling units are not permitted. As per Policy 2.2.6 of the Broward County Land Use Plan, studio or efficiency housing units, no greater than 500 square feet in size, may be counted by the local government as 0.5 dwelling units for residential density purposes.
- (4) These additional permitted residential density provisions are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, at a minimum through the use of restrictive covenants, that the affordable unit(s) will be maintained as affordable to the applicable designated income group(s) for a minimum period of thirty (30) years.

Note: Underlined words are additions, struck through words are deletions as proposed by Planning Council staff as part of its June 16, 2020, recommendation. Double underlined words are deletions and additions made by Senator Geller in response to the recommendations of the Planning Council at its meeting of June 25, 2020, and highlighted words are changes made by Senator Geller in response to the workshop on August 19, 2020.

- (5) A minimum of ten percent (10%) of the gross floor area within a development containing residential units must be reserved or utilized for office or commercial uses not ancillary to the residential units.
- (6) "Affordable unit" requirements may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund** based on the Florida Housing Finance Corporation (FHFC) most recent "Total Development Cost Per Unit Base Limitations," as updated by the FHFC. The per unit in-lieu payment option shall be the Broward County FHFC average of the "garden ESS," "mid-rise ESS" and "high rise" total development cost (the average is currently \$300,133), divided by 7.
- (7) Units of local government may utilize the additional permitted residential density provisions described in this Policy, at their option, regardless of whether such provisions or conflicting provisions are incorporated within their certified local land use plan elements and utilization of these provisions does not require an amendment to the Broward County Land Use Plan map or local land use plan map.
- (8) Local government utilization of the additional permitted residential density provisions described in this Policy is subject to the following, as enforced by the applicable local government:
- (a) One hundred percent (100%) of the "affordable" units shall be available for occupancy before the final twenty five percent (25%) of "market rate" bonus units are available for occupancy.
- (9) In addition to the provisions of this Policy, parcels designated "Commerce" and meeting the location, frontage, and access requirements of this Policy or within an Activity Center, where the residential development will be located within ¼ mile of a State road, ~~or~~ County arterial, or other road or portion thereof, as approved by the Board of County Commissioners ("Board"), the ~~Broward County Board of County Commissioners~~ shall consider the following in their review of funding applications submitted by local governments for future public infrastructure and economic development projects:
- (a) Local government adoption of this Policy into the municipal Comprehensive Plan;
- (b) Local government adoption of specific regulations, in the municipal zoning and/or land development code, to allow allocation of additional residential density units as a permitted use, by right, within specific zoning district(s);
- (c) Local government adoption of specific regulations to implement the provisions and criteria of this Policy, including:
1. Establishment of a minimum net residential density of twenty-five (25) dwelling units per acre;

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2. Where a building is located within 100 feet of any parcel which prohibits, through the applicable zoning regulations, residential development of ten (10) dwelling units per gross acre or more, the local government may establish a maximum building height limit of not less than five (5) stories; and
3. The zoning regulations that establish reduced on-site parking ~~designated for residential~~ to accommodate the mixed uses, ~~a minimum parking requirement of one (1) space per dwelling unit.~~

In order for a local government's funding application(s) for future public infrastructure and economic development projects to be eligible for consideration by the Broward County Board of County Commissioners under any section of this Policy which provides additional funding to local governments based upon their compliance with Section (9) of this Policy, the Planning and Development Management Division, in consultation with the Office of the County Attorney, must certify that all the foregoing requirements of this Section (9) have been satisfied.

* includes all parcels that front and have direct access to US 1 and, at the option of the applicable municipality as a permitted or special exception use, on parcels east of US 1 and west of the Intracoastal Waterway, provided the municipality makes a finding that the additional dwelling units on said parcels will not negatively impact hurricane evacuation clearance times and/or emergency shelter capacities. A local government is not required to apply this Policy to properties east of US 1 in order to be eligible for funding consideration by the Board of County Commissioners pursuant to Section (9) herein.

**Fifty percent (50%) of in lieu fees may be paid into an Affordable Housing Trust Fund or to the housing authority of the applicable municipality, provided the municipality or housing authority requires said monies to be used for the construction of new affordable units or home repair.

PERMITTED USES SECTION

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COMMERCE USE The areas designated for commerce use on the Future Broward County Land Use Plan Map (Series), provide land area for commercial, employment center, industrial and office park enterprises which support the resident and tourist populations of Broward County. Accordingly, municipal land use designations that are under the umbrella of commerce include Commercial, Employment Center, Industrial and Office Park. The permitted uses in areas designated commerce are as follows, as deemed appropriate by the local jurisdiction:

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11. Residential uses, up to 10 acres (~~up to 20 acres for projects that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years~~), are permitted via local government allocation of “flexibility units” and/or “redevelopment units,” provided that total residential uses do not exceed 20% of the land area designated “Commerce” or equivalent land use designation within the municipality. Areas east of the Intracoastal Waterway are limited to a maximum of 25 dwelling units per acre and are not permitted to utilize “redevelopment units.”

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