

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 ADD
6 POLICY 2.16.4 TO PERMIT ADDITIONAL RESIDENTIAL
7 DENSITY ON PARCELS DESIGNATED "COMMERCE"
8 AND "ACTIVITY CENTER;" AND PROVIDING FOR AN
9 EFFECTIVE DATE.

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

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

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

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

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

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

23 Section 1. The Board of County Commissioners hereby transmits to the
24 Department of Economic Opportunity, South Florida Regional Planning Council, South
25 Florida Water Management District, Department of Environmental Protection,
26 Department of State, Department of Transportation, Fish and Wildlife Conservation
27 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 20-4, which is an amendment to the Broward County
3 Land Use Plan text to add Policy 2.16.4 to permit additional residential density on
4 parcels designated "Commerce" and "Activity Center."

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

7 Section 3. EFFECTIVE DATE.

8 This Resolution is effective upon adoption.

9

10 ADOPTED this day of , 2020.

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

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

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23 MA/gmb
07/06/2020
PCT 20-4 add Policy 2.16.4 to permit additional residential density.TransReso.doc
24 #80041

EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 20-4

“Residential Density in Areas Designated as Commerce or Activity Center”

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 to expand the bonus density opportunity to all lands within an Activity Center, as well as eliminate the “market rate” reference as to not unintentionally penalize affordable housing developments. Further, Planning Council staff recommends that the Commerce land use designation permitted uses be amended to eliminate the reference to affordable housing to avoid a potential conflict with proposed Policy 2.16.4. **See Attachment 9.**

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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

II. Planning Council Transmittal Recommendation

June 25, 2020

Planning Council recommended approval of the proposed amendment per Planning Council staff recommendation, subject to a second Planning Council public hearing, including expanding the Policy to all lands within Activity Center boundaries, deleting the reference to market rate, and updating the permitted uses section. Further, the Planning Council made the following additional recommendations: 1) clarification in the text that the Policy is optional for local governments, 2) continue dialogue with local governments regarding whether funds will remain exclusively in the County trust fund or could be shared with a municipal trust fund or housing authority, and 3) clarification of the gross floor area definition. (Vote of the board; Unanimous; 17-0: Blackwelder, Blattner, Breslau, Brunson, DiGiorgio, Fernandez, Gomez, Good, Graham, Grosso, Hardin, Parness Railey, Rich, Ryan, Williams and Stermer)

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 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” units to “affordable” unit formula(s) described below:
 - (a) Moderate income: six (6) market rate units for every (1) one moderate income unit.
 - (b) Low income: nine (9) market rate units for every (1) one low income unit.
 - (c) Very-low income: nineteen (19) market rate 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 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.
- (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.

Note: Underlined words are additions, ~~struck through~~ words are deletions as proposed by Planning Council staff as part of its June 16, 2020, recommendation.

- (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 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” units are available for occupancy.
- (9) In addition to the provisions of this Policy, 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;
 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 use, and a minimum parking requirement of one (1) space per dwelling unit.

* includes all parcels that front and have direct access to US 1

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PERMITTED USES SECTION

...

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:

...

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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