

# EXHIBIT 1

## RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, TRANSMITTING A PROPOSED AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN TEXT OF THE BROWARD COUNTY COMPREHENSIVE PLAN REVISING POLICY 2.16.4 OF THE BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

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;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on July 28, 2022, with due public notice; and

WHEREAS, the Board of County Commissioners held its transmittal public hearing on September 8, 2022, at 10:00 a.m., having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:



# EXHIBIT A

**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN TEXT**  
**PROPOSED AMENDMENT PCT 22-2**

***“Policy 2.16.4”***

**RECOMMENDATIONS/ACTIONS**

**DATE**

*I. Planning Council Staff Transmittal Recommendation*

*July 19, 2022*

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

Further, Planning Council staff recommends continuing the annual review of the implementation of Policy 2.16.4 to collect data, as well as a review of the 3% annual increase for in-lieu of fee after five (5) years of implementation.

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*

*July 28, 2022*

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 13-0: Blackwelder, Castillo, Fernandez, Gomez, Good, Hardin, Horland, Levy, Rich, Rosenof, Ryan, Williams and DiGiorgio)

# ATTACHMENT 1

## BROWARD COUNTY LAND USE PLAN Proposed Text Amendment PCT 22-2

### BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

#### SECTION 2: POLICIES

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#### AFFORDABLE HOUSING

*Policy 2.16.4 was adopted on March 9, 2021, and the following modifications are proposed to enhance its implementation. All changes are indicated in ~~strike-through~~/underline format.*

**POLICY 2.16.4** Within parcels located west of and including US 1\*, and designated “Commerce” on the Broward County Land Use Plan and fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, herein after referred to as a “Qualified Road,” or within a parcel designated “Activity Center,” 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 “bonus” units to “affordable” unit formula(s) described below:
  - (a) Moderate income: six (6) bonus units for every (1) one moderate income unit.
  - (b) Low income: nine (9) bonus units for every (1) one low income unit.
  - (c) Very-low income: nineteen (19) bonus units for every (1) one very-low income unit.
- (2) (a) Each required affordable housing unit must be no smaller than ten percent (10%) less than the average gross floor area of all each bonus unit corresponding type (i.e., one-bedroom, two-bedroom, three-bedroom, etc.) in the development project; or  
(b) The number of bedrooms/bathrooms provided in the affordable units must be proportional to the number provided in the bonus units type (i.e., one-bedroom, two-bedroom, three-bedroom, etc.).
- (3) Single-family dwelling units are not permitted. Residential units shall not be permitted on the ground floor portion of any building that fronts a Qualified Road. As per Policy 2.2.5 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) Within a development containing residential units, the following shall apply:
- (a) Office and commercial use may either be vertically or horizontally integrated providing the following:
1. At least fifty percent (50%) of the ground floor of any portion of a building or development, excluding ingress and egress, facing a Qualified Road shall provide office and/or commercial uses;
  2. Portions of a development not facing a Qualified Road within an Activity Center is not required, but encouraged, to provide for office and/or commercial uses.
- (b) On parcels greater than five (5) acres, a minimum of ten percent (10%) of the gross floor area, excluding parking garages, must be reserved, or utilized for office and/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\*\* equal to \$10,000 per unit for the total number of units within the development which sum shall increase by 3% annually. ~~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 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, County arterial, or other road or portion thereof, as approved by Board of County Commissioners (“Board”), the Board shall consider the following in the 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 to accommodate the mixed uses.
- ~~(d) The Urban Planning Division. 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.~~

(10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced Policy.

\* 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. All in-lieu payments shall be made at the time of issuance of building permit.