

EXHIBIT 2

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 THE "POLICIES" SECTION 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 June 23, 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:

Section 1. The Board of County Commissioners hereby transmits to the Department of Economic Opportunity, South Florida Regional Planning Council, South 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 Education, as applicable, for review and comment pursuant to Section 163.3184, Florida Statutes, Amendment PCT 22-1, which is an amendment to the Broward County Land Use Plan text revising the "Policies" section of the Broward County Land Use Plan.

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

Section 3. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2022.

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

By: /s/ Maite Azcoitia 07/28/2022
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
PCT22-1 Policies Section.Trans Reso
07/29/2022
#80041

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

EXHIBIT A

SECTION I **AMENDMENT REPORT** **BROWARD COUNTY LAND USE PLAN TEXT** **PROPOSED AMENDMENT PCT 22-1**

***“Clean-up and Enhancement of Policies Regarding Activity Centers,
Platting, Redevelopment Units and Transfer of Development Rights”***

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

June 14, 2022

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 Staff Transmittal Recommendation

June 23, 2022

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 12-0: Blackwelder, Breslau, Brunson, Castillo, Good, Hardin, Horland, Levy, Rich, Ryan, Williams and DiGiorgio)

ATTACHMENT 1

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

Note: Underlined words are proposed additions. ~~Struck-through~~ words are proposed deletions.

SECTION 2: POLICIES

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ACTIVITY CENTERS

Policies 2.4.1. through 2.4.20 continue to maintain the intent and criteria of activity centers and have been updated to eliminate redundancies. All changes are indicated in strike-through/underline format.

POLICY 2.4.1 Permitted residential densities and hotel rooms within areas designated “Activity Center” on the Broward County Land Use Plan (except for any “Activity Center” located east of the Intracoastal Waterway) may be increased by 20% or 500 dwelling units and/or hotel rooms, whichever is less, ~~no earlier than~~ every five (5) years via a local land use plan amendment and recertification by the Broward County Planning Council, and/or permitted non-residential intensities within areas designated “Activity Center” on the Broward County Land Use Plan may be increased by 20% or 200,000 square feet, whichever is less, every five (5) years via a local land use plan amendment and recertification by the Broward County Planning Council, subject to the following:

- a. The local government must document that no more than 10% of permitted residential units and/or non-residential intensities proposed for increase are available for allocation at the time the local land use plan amendment is considered by the local government at a hearing.
- b. “Every five (5) years” means starting from the effective date ~~the 2017 Broward County Land Use Plan is effective for “Activity Centers” included in that Plan, or when~~ of a new or revised “Activity Center” ~~is adopted by the County Commission and is effective.~~
- c. An application for a Broward County Land Use Plan amendment may be submitted at any time for “Activity Center” proposals which would exceed the above referenced residential and/or non-residential density/intensity increases.
- d. The local land use plan shall include policies addressing the affordable/workforce housing needs of “Activity Centers.”
- e. The local land use plan shall demonstrate sufficient capacity for public facilities and services, including ~~coordination with~~ public schools.

POLICY 2.4.2 Local governments may propose a specific area for designation on the Broward County Land Use Plan as an Activity Center. The municipality shall include within their land use element policies that ensure the proposed Activity Center will support the location of uses in a manner oriented around the five-minute (i.e. quarter-mile) walk and/or within approximately a quarter-mile on either side of a transit corridor. Multiple nodes of activity oriented around the five-minute (i.e. quarter-mile) walk or transit corridor may be included within one Activity Center. ~~The municipality shall include within their land use element policies that ensure that the proposed Activity Center will support the location of uses and internal circulation such that pedestrian mobility is a priority. All land uses in an Activity Center shall be directly accessed via pedestrian ways, and accessible to existing or future alternate public transportation modes, including bicycle and transit.~~

POLICY 2.4.3 Residential use is required as a principal component within an Activity Center. Maximum residential density must be specified by the local government, and must be described in the permitted uses section of the Broward County Land Use Plan and of the local land use element. Residential densities may be specified either as units per gross acre in geographically designated areas and/or as a maximum number of permitted units (e.g. pool of units in the Activity Center).

POLICY 2.4.4 At least two non-residential uses must be permitted in the Activity Center as a principal use: ~~e.g. retail, office, restaurants and personal services, hotel/motel, light industrial (including “live work” buildings), research business, civic and institutional.~~

~~**POLICY 2.4.5** Minimum and Maximum FAR (Floor Area Ratio) for non-residential uses within an Activity Center~~ intensities must be specified by the local government, and must be described in the permitted uses section of the Broward County Land Use Plan and of the local land use element. ~~Minimum non-residential FARs (Gross) of 2 are encouraged.~~ Non-residential intensities may vary along transit corridors and may be specified ~~at the option of the local government,~~ either as a maximum Floor Area Ratio (FAR) in geographically designated areas and/or as an overall maximum square footage by use [e.g. pool of square footage by permitted use ~~(retail, office etc.)~~ or land use category in the Activity Center (commercial)].

~~**POLICY 2.4.6** For proposed new or revised Activity Centers, Broward County shall, to address new proposed dwelling units and impacts, coordinate and cooperate in assisting municipalities to identify existing and proposed policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing to serve such areas.~~

POLICY 2.4.57 Local governments shall consider community needs for affordable housing when proposing an Activity Center and include within their local land use element policies, methods and programs to achieve and/or maintain a sufficient supply of ~~which encourage~~ affordable housing opportunities, through various mechanisms such as the direction of public housing program funds into the Activity Center, reduced lot size for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, or through other mechanisms proven effective in increasing the affordable housing stock. To promote Activity Centers which propose to include “very low” or “low income” housing as a viable component, Broward County shall support all

reasonable means and methods to mitigate potential negative impacts to public facilities and services which may result from the amendment.

POLICY 2.4.68 Local governments shall include within their local land use element policies that protect archaeological and paleontological resources and promote the preservation, rehabilitation and use of historic buildings structures within a proposed Activity Center.

~~**POLICY 2.4.9** Local land use elements shall require design guidelines that incorporate pedestrian and bicycle paths and greenways to accomplish fully-connected routes to all destinations within the Activity Center. The paths should be spatially defined by buildings, trees and lighting, and should incorporate designs which discourage high speed traffic.~~

~~**POLICY 2.4.10** To reduce reliance on automobile travel, local governments shall ensure convenient access to high use mass transit stops or multi-modal facilities within a proposed Activity Center.~~

POLICY 2.4.711 Local governments shall include within their local land use element policies that seek to accomplish fully-connected routes to all destinations with the Activity Center by ensuring convenient access to high use mass transit stops or multi-modal facilities, encouraging encourage internal transit systems to serve the residents and employees within the proposed Activity Center (e.g. trolley, community transit services) and incorporating pedestrian and bicycle paths, as well as greenways. Transit shelters should be incorporated in the local design guidelines to provide safe and comfortable service and to encourage transit usage.

POLICY 2.4.812 In consideration of non-residential land uses in areas proposed for designation as an Activity Center, the impact analysis for the designation in the Broward County Land Use Plan may be based on the amount of non-residential development which could be permitted as per the intensity standards of the effective local government land use element, rather than the alternative 10,000 square feet per gross acre standard utilized for non-residential impact analysis.

~~**POLICY 2.4.13** Local land use element policies must include guiding principles for municipal design guidelines to adequately address the transition to adjacent residential development and to promote connectivity to transit stations and stops.~~

POLICY 2.4.914 Local governments shall include within their local land use element policies that integrate the public realm, through Park land, public plazas, urban open space or green space/pocket park uses that are accessible to the public must be provided as an integrated component within an proposed Activity Center. Public spaces should incorporate amenities such as benches, lighting, landscaping, clocks, fountains, art, drinking fountains, banners, flags and food and beverage vendor areas.

POLICY 2.4.1015 ~~The municipality~~ Local governments shall include within their land use element policies that to ensure that areas designated as Activity Centers include contain design features that promote and enhance pedestrian mobility and safety, including connectivity to transit stops and stations, based on the following characteristics:

- Integrated transit stops with shelter, or stations (within the area) to encourage transit usage/multi-modalism and provide safe and comfortable service including amenities such as seating on benches or planter ledges, shade, lighting, trash receptacles, information kiosks and bicycle parking.
- Wide (5 feet shall be the minimum consistent with ADA requirements) pedestrian and bicycle paths that minimize conflicts with motorized traffic and discourage high speed traffic. The paths should be spatially defined by buildings, are adequately landscaped and lighted, shaded and provide ample opportunities for shade and shelter from the elements.
- Buildings should front the street (zero or minimal setbacks are encouraged).
- Vehicle parking strategies that encourage and support transit usage (such as parking that does not front the street, shared parking, parking structures, and/or reduced parking ratios).
- Streets (internal and adjacent to the area) should be designed to discourage isolation and provide connectivity (such as streets in the grid pattern).

~~POLICY 2.4.16~~ ~~Local plan policies must include requirements for internal pedestrian and transit amenities to serve the residents and employees within the area designated as an Activity Center (such as seating on benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plaza (such as clocks, fountains, sculpture, drinking fountains, banners, flags and food and refreshment vendor areas).~~

~~POLICY 2.4.17~~ ~~The intent of the required design features is to provide guidelines for municipal implementation of the Activity Center land use category. Municipalities are encouraged to use some or all of the above design elements, or to develop other design strategies, which accomplish the goals of using design elements to enhance pedestrian and transit mobility. County review of applications seeking the Activity Center land use category designations will only determine whether the municipality has adopted, through plan policies, a cohesive set of implementation strategies to accomplish the design strategies sought, and will not seek to require a specific design approach or a fixed set of design approaches as a requirement for County approval of the land use designation sought.~~

POLICY 2.4.1118 Municipalities which propose an Activity Center designation shall include policies within their land use element which establish design guidelines for mixed use within their land development codes. Policies should promote an urban form which creates well integrated land use combinations, balances intensity and density, ~~and~~ promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement and is compatible with adjacent land uses. ~~Policies should integrate the public realm, through open space, urban public plazas and/or recreational areas.~~

~~**POLICY 2.4.19** Municipalities which propose an Activity Center designation shall include policies within their land use element which establish appropriate design standards, within their land development codes, to ensure a mixed use development is compatible with adjacent land uses and adjacent adopted Future Land Use designations.~~

POLICY 2.4.1220 An interlocal agreement between the municipality and Broward County must be executed no later than six months from the effective date of the adoption of an Activity Center which provides that monitoring of development activity and enforcement of permitted land use densities and intensities shall be the responsibility of the affected municipality. A written record reflecting the current status of allocated or assigned dwelling units and floor area square footage for non-residential development for each Activity Center within the municipality's boundary shall be transmitted to the Planning Council twice per year, during the months of January and July. The referenced written record shall include a tally sheet reflecting the current total dwelling units and floor area square footage for non-residential development as follows:

1. Dwelling units and floor area square footage for non-residential development included per valid plats which have been approved by the municipality and which have restrictive notes reflecting the level of development; and
2. Dwelling units and floor area square footage for non-residential development included per valid site plans which have been approved by the municipality and which are not included per plats as described in 1. above; and
3. Dwelling units and floor area square footage for non-residential development of existing uses which are not included per plats or site plans as described in 1. and 2. above.

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PLATTING AND LAND DEVELOPMENT CODE

Policy 2.13.1 has been updated to remove the list of platting exemptions and instead reference Article 4 of the Administrative Rules Document: BrowardNext. See Article 4 for proposed revisions to platting requirements, exemptions and definitions. All changes are indicated in strike-through/underline format.

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POLICY 2.13.1 No unit of local government may grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953. This section will not apply to an application for a building permit which meets ~~any of the following~~ criteria established within Article 4 of the Administrative Rules Document: BrowardNext.:

- ~~(1) construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.~~

- ~~(2) construction on any multi-family or non-residential lot or parcel which is less than ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953.~~
- ~~(3) construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)~~
- ~~(4) construction of single family, infill development that is deed restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."~~
- ~~(5) a building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or~~
- ~~(6) a building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.~~

~~Provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:~~

- ~~(1) compliance with the applicable land development regulations; and~~
- ~~(2) any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.~~

~~The Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan.~~

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TRANSFER OF DEVELOPMENT RIGHTS

Policy 2.34.1. has been updated to incorporate the definition of a sending area within the policy rather than retaining it as program requirement of the policy. All changes are indicated in strike-through/underline format.

POLICY 2.34.1 Municipalities may adopt “Transfer of Development Rights” (TDR) programs within their jurisdictions, or, with other Broward County local governments pursuant to a legally binding agreement, and in accordance with this Plan. A TDR “sending area” must further a public purpose, such as, but not limited to, enabling the creation of significant public or private open space areas or corridors, protect environmentally sensitive lands, historical/archaeological resources, or areas identified as appropriate for climate resiliency strategies (e.g. repetitive loss properties, Priority Planning Areas, or Adaptation Action Areas). ~~At a minimum, a~~ A TDR program must include the following:

1. Any TDR “receiving area” must be identified and designated in advance of any action to transfer rights from a TDR “sending area.”
2. Broward County’s barrier island (i.e. land east of the Intracoastal Waterway) is not eligible to be a TDR “receiving area,” unless the associated “sending area” is from within the barrier island and meets all other criteria of this policy.
- ~~3. A TDR “sending area” must further a public purpose, such as, but not limited to, enabling the creation of significant public or private open space areas or corridors, protect environmentally sensitive lands, historic/archaeological resources, or areas identified as appropriate for climate resiliency strategies (e.g. “repetitive loss” properties, “Priority Planning Areas,” or “Adaptation Action Areas”)~~
43. A TDR program must ensure that any “sending area” properties which utilize the program do not have any legal residual development rights that are not consistent with the stated public purpose to be furthered by the TDR program.
54. A municipal TDR program must ensure that “sending area” properties which utilize the program are properly managed and maintained after development rights have been transferred.
65. A TDR “receiving area” must be, by the applicable municipality, suitable and preferred for growth and redevelopment and be within areas such as “activity centers,” designated on

the Broward County Land Use Plan, and/or identified redevelopment areas approved by Broward County.

76. Prior to TDR allocations to a property within a designated “receiving area,” municipalities must demonstrate that resulting development will address the following:

- be compatible with adjacent existing and planned land uses;
- public facilities and services (e.g. potable water, sanitary sewer, solid waste, transportation, etc.) will be adequate, consistent with adopted level of service standards;
- meet applicable storm evacuation standards
- not negatively impact environmental and historic resources.

87. The chief elected official and municipal manager, or equivalent, of municipalities and unincorporated areas located within 1,000 feet of a proposed TDR “receiving area” must be notified in writing at least 30 days prior to the first hearing and 30 days prior to any adoption hearing.

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REDEVELOPMENT UNITS

Policy 2.35.1 continues to maintain the general purpose and definition of redevelopment units and has been updated to eliminate redundancies contained in Article 3 of the Administrative Rules Document: BrowardNext. See Article 3, as well as Appendix 3 for proposed revisions to redevelopment units and flexibility units. All changes are indicated in strike-through/underline format.

POLICY 2.35.1 “Redevelopment Units” are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext - Broward County Land Use Plan. Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, subject to the following: in accordance with this Plan and the criteria established within the “Administrative Rules Document: BrowardNext.”

- ~~Demonstrate sufficient capacity for impacts to public facilities and services, including public schools.~~
- ~~The Planning Council and County Commission shall hold one public hearing with “due public notice” to approve the allocation.~~
- ~~The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, if the municipality demonstrates a commitment for at least 10% very low or low~~

~~affordable housing, with a legally enforceable mechanism for a minimum period of 15 years.~~

- ~~• For subsequent municipal requests for “redevelopment units” after the first allotment, the Planning Council may consider the number of additional dwelling units at one public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to a review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.~~

Criteria:

- ~~• The municipality shall identify areas which are appropriate and not appropriate for allocations of “redevelopment units” consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, vision plans, or similar plans that have been the subject of municipal public participation and input.~~
- ~~• For site specific allocations, the municipality shall ensure compatibility of land uses and demonstrate sufficient capacity for impacts to public facilities and services.~~
- ~~• The municipality shall ensure compliance with Broward County Land Use Plan policies regarding affordable housing.~~
- ~~• “Redevelopment Units” are not applicable to areas east of the Intracoastal Waterway.~~
- ~~• Municipal site specific allocations will remain subject to the “compatibility review” requirements of the BCLUP. In addition, site specific allocations of greater than 150 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.~~
- ~~• Allocations are eligible to lands designated “Activity Center,” “Commerce” and “Residential” on the Broward County Land Use Plan.~~
- ~~• The maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000. For those municipalities which have more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2017 BrowardNext Broward County Land Use Plan, at such time a municipality assigns 5,000 dwelling units from the municipal pool, the municipality may request the Planning Council approve an additional allocation of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via the Broward County Land Use Plan’s definitions regarding the calculation for such units and the certified municipal table.~~
- ~~• Municipal site specific allocations in areas designated within Priority Planning Areas for Sea Level Rise shall consider: a. Sea level rise/flood protection mitigation strategies and~~

~~requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.~~