

EXHIBIT 1

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN TEXT OF THE BROWARD COUNTY COMPREHENSIVE PLAN REVISING POLICY 2.16.3 OF THE BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

WHEREAS, the Department of Economic Opportunity has found the Broward County Comprehensive Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to Policy 2.16.3 of the Land Use Plan;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearings on July 28, 2022, and on January 26, 2023, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on September 20, 2022, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held an adoption public hearing on March 14, 2023, at 10:00 a.m. [also complying with the notice requirements specified

in Section 163.3184(11), Florida Statutes] at which public comment was accepted and comments of 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, were considered; and

WHEREAS, the Board of County Commissioners, after due consideration of all matters, hereby finds that the following amendment to the Broward County Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward County Comprehensive Plan; complies with the requirements of the Community Planning Act; and is in the best interests of the health, safety, and welfare of the residents of Broward County,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA

Section 1. The Broward County Comprehensive Plan is hereby amended by Amendment PCT 22-4, which is an amendment to Policy 2.16.3 of the Land Use Plan, as set forth in Exhibit A, attached hereto and incorporated herein:

Section 2. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such

determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 3. Effective Date.

(a) The effective date of the plan amendment set forth in this Ordinance shall be the latter of:

(1) Thirty-one (31) days after the Department of Economic Opportunity notifies Broward County that the plan amendment package is complete;

(2) If the plan amendment is timely challenged, the date a final order is issued by the Administration Commission or the Department of Economic Opportunity finding the amendment to be in compliance; or

(3) If the Department of Economic Opportunity or the Administration Commission finds the amendment to be in noncompliance, pursuant to Section 163.3184(8)(b), Florida Statutes, the date the Board of County Commissioners nonetheless, elects to make the plan amendment effective notwithstanding potential statutory sanctions.

(b) This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Maite Azcoitia 01/17/2023
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
01/17/2023
PCT22-4 Policy 2.16.3 Ordinance
#80041

EXHIBIT A

SECTION I **AMENDMENT REPORT** **BROWARD COUNTY LAND USE PLAN TEXT** **PROPOSED AMENDMENT PCT 22-4**

“Policy 2.16.3 - Bonus Density”

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.**

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

July 28, 2022

Approval per Planning Council staff transmittal recommendation, including a modification for clarification purposes (See Attachment 1). Further, a second Planning Council public hearing is not required. (Vote of the board; Unanimous; 13-0: Blackwelder, Castillo, Fernandez, Gomez, Good, Hardin, Horland, Levy, Rich, Rosenof, Ryan, Williams and DiGiorgio)

RECOMMENDATIONS/ACTIONS (continued)

DATE

III. County Commission Transmittal Hearing **September 20, 2022**

Approval, including an additional requirement for the local government to hold a publicly noticed meeting to qualify for bonus density dwelling units, as well as further clarified that the Policy is incentive-based and discretionary. **See Attachment 3.**

Further, the County Commission requested additional information regarding local government notification requirements for rezonings and other similar actions.

The item will return to the Planning Council for a second public hearing.

IV. Summary of State of Florida Review Agency Comments **October 21, 2022**

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

V. Planning Council Staff Final Recommendation **January 17, 2023**

To address the action transmitted by the Broward County Board of County Commissioners at its September 20, 2022, public hearing, as well as local government and interested party comments, Planning Council staff recommends approval of the revised language as depicted in **Attachment 11.**

This item will be presented to the combined Executive and Land Use/Trafficways Committee immediately preceding the Planning Council meeting. The Committee's recommendation will be presented at the Council meeting.

VI. Planning Council Combined Executive and Land Use/Trafficways Committees Recommendation **January 26, 2023**

Approval per Planning Council staff final recommendation.

VII. Planning Council Final Recommendation **January 26, 2023**

Approval per Planning Council combined Executive and Land Use/Trafficways Committee's recommendation. (Vote of the board; Unanimous; 11-0: Breslau, Brunson, Castillo, Gomez, Hardin, Horland, Levy, Parness, Rich, Rosenof and DiGiorgio)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 22-4

BACKGROUND INFORMATION/OUTREACH

The Broward County Board of County Commissioners (BOCC) readopted the foregoing BrowardNext - Broward County Land Use Plan (BCLUP) Policy 2.16.3 on April 25, 2017, as part of the BrowardNext initiative. "BrowardNext" comprehensively updated the County's land use planning program within the context of meeting the challenges of Broward County's future and anticipated population growth.

The BOCC updated Policy 2.16.3 on March 9, 2021, to increase the bonus density formulas for "moderate," "low " and "very-low" income units and revise the required affordability period to thirty (30) years.

On June 23, 2022, the Broward County Planning Council initiated text amendments to the BCLUP to update and incentivize affordable housing opportunities. The Planning Council authorized the Council staff to expedite any of these amendments as appropriate as the incentives are not requirements and local governments may be more restrictive than the BCLUP. The proposed amendment will expand the density maximums currently set by the Policy on lands designated as Residential on the BCLUP. **See Attachment 1.**

Update: September 20, 2022: The Board of County Commissioners transmitted the amendment to the State of Florida review agencies with proposed amended language that requires the governing body of the local government to hold a publicly noticed meeting to qualify for bonus density dwelling units, as well as further clarified that the Policy is incentive-based and discretionary. **See Attachment 3.** In addition, the County Commission requested information regarding public notification requirements for rezonings and other similar actions. Planning Council staff reviewed the municipal codes and found that the notification requirements range from 300 to 1,500 feet with an average requirement of 610 feet.

Upon initiation, Planning Council staff disseminated an email to all local government managers and planners on June 27, 2022, including a summary of the Council's action and potential timeline. Staff also requested that local governments submit any ideas or concepts regarding incentive-based programming or updates that could be appropriate to amend the BCLUP. Planning Council staff attended the Broward County Planning Director's Roundtable on July 18, 2022, to provide a more detailed overview of the proposed and potential amendments. In an effort to expedite the public hearing process, comments will be accepted throughout the review of the proposed amendment.

Update: September 20, 2022: Correspondence was received from the following local governments:

BACKGROUND INFORMATION/OUTREACH (continued)

- The City of Pompano Beach City Manager and Mayor support the amendment as recommended by the Planning Council and recommend that, in the few instances that the Policy can be implemented without a rezoning, the Planning and Zoning Board should be the approving authority. **See Attachment 4.**
- The City of Fort Lauderdale staff recommends that there be flexibility to adopt requirements and standards that work for each municipality. **See Attachment 5.**
- The City of Miramar staff supports the incentive-based affordable housing policies. **See Attachment 6.**
- The City of Coconut Creek staff supports the incentive-based affordable housing policies. **See Attachment 7.**

Update: January 17, 2023: Additional correspondence was received from the following interested parties subsequent to the Board of County Commissioners transmittal on September 20, 2022:

- The City of Hollywood staff is in support of the amendment as recommended by the Planning Council. **See Attachment 8.**
- The City of Pompano Beach respectfully requests that the Policy be modified to allow that either the City Commission or its local planning agency have the ability to approve the use of Policy 2.16.3, as determined by the local government and its local processes. **See Attachment 9.**
- The Florida Department of Transportation (FDOT) issued no comments during the State of Florida review period; however, FDOT did provide comments regarding density maximums. **See Attachment 10.**

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 22-4

PLANNING ANALYSIS AND SUMMARY

BrowardNext - Broward County Land Use Plan (BCLUP) Policy 2.16.3 provides for bonus density opportunities for affordable housing dwelling units on lands designated as Residential or Commerce (or similar designation on the local land use plan map), subject to criteria such as a minimum affordability period, density maximums, a finding of adequate facilities and services and occupancy timing.

Policy 2.16.3 provides that local governments may utilize the provision regardless of whether it is adopted in the local government's land use plan.

Proposed BCLUP text amendment PCT 22-4 addresses the following Policy criteria:

Proposed modification in ~~strike-through~~/underline:

(4) The total number of ~~bonus~~ affordable and bonus units on lands designated as "Residential" may not exceed 50 dwelling units per acre with the exception of sites 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 County Commission. 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 "Commerce" or similar designation on the local land use plan map, these ~~percentages~~ maximum densities shall not be applicable. Units of local government shall address compatibility with existing and future land uses through its local land development regulations.

- **Planning Council Staff Comment:** Based on the limited implementation of this Policy by local governments, the maximum number of dwelling units indicated for the parcel dependent on the type of affordable housing appears to be a deterrent. From 2017 to 2021, the available density bonuses were significantly lower than the updated bonuses of 19 bonus units for each "very-low-income" affordable dwelling unit, 9 bonus units for each "low-income" affordable dwelling unit and 6 bonus units for each "moderate-income" affordable dwelling unit, as the previous bonuses were significantly lower from 2006 to 2017. Prior to 2017, local governments reported a total of only one (1) bonus dwelling unit across the County and from 2017 to 2021 the number of bonus dwelling units saw a minimal change. Since the implementation of the updated Policy in 2021, discussions and guidance to local governments regarding the bonuses has increased, with at least two (2) local governments utilizing the density bonuses on at least four (4) projects.

PLANNING ANALYSIS AND SUMMARY (continued)

Planning Council staff is proposing a two-pronged approach to incentivize the Policy for implementation by local governments:

- 1) Eliminates the 50% maximum number of bonus dwelling units, except for those proposals that include “very-low-income” or “low-income” units may have a maximum of 100% maximum number of bonus dwelling units; and
- 2) Caps the maximum density at 50 dwelling units per acre; however, the proposed amendment does permit local governments to exceed 50 dwelling units per acre on sites that front with direct access to roadways classified as a State road or County arterial, consistent with the generalized map utilized for the implementation of BCLUP Policy 2.16.4. **See Attachment 2.**

Update: January 17, 2023: Based on input from interested parties, Planning Council staff further reviewed number 2 above and recommends that the reference to “with the exception of sites fronting with direct access to a roadway classified as a State road...” be eliminated for this proposed amendment and be further analyzed separately. This updated recommendation is based on the comments received, as well as the limited number of parcels designated as High (50) Residential on the BCLUP map (29 developed parcels west of the Intracoastal Waterway). **See Attachment 11.**

The modifications of those specific limitations should assist local governments in incentivizing the development of affordable dwelling units. Further, the Policy refinement directs local governments to address compatibility with existing and future land uses. Planning Council finds this local implementation of density supportable and consistent with the BrowardNext process which saw a general policy shift in philosophy from a suburban/auto-oriented plan to a more urban/multi-modal plan, with a focus on increased densities, especially along transportation corridors.

Conclusion

Planning Council staff recommends approval of the proposed amendment. **See Attachment 1.**

Update: January 17, 2023: Balancing the Broward County Board of County Commissioners’ transmittal recommendation and local government suggestions, Planning Council staff recommends approval of the proposed amendment as revised in **Attachment 11** to provide that the public hearing must be held by the local government if a rezoning is required or its local planning agency in the limited situations that a rezoning may not be required, subject to its public notification requirements. Planning Council staff offers that allocations of flexibility and redevelopment units are by (re)zoning or other official action, as determined to be appropriate by the local government. In addition, as noted above, Planning Council staff recommends eliminating the reference to “with the exception of sites fronting with direct access to a roadway classified as a State road...” be eliminated for this proposed amendment and be further analyzed separately.

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 22-4

ATTACHMENTS

1. Proposed Broward County Land Use Plan Amendment PCT 22-4
2. Map of Commerce and Activity Center Land Use by Arterial Roads

Update: September 20, 2022:

3. Proposed Broward County Land Use Plan Amendment PCT 22-4 as Amended by the Broward County Board of County Commissioners at its September 20, 2022, Transmittal Public Hearing
4.
 - A. Email correspondence from Rex Hardin, Mayor, City of Pompano Beach, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 12, 2022
 - B. Correspondence from Greg Harrison, City Manager, City of Pompano Beach, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 12, 2022
5. Correspondence from Christopher Cooper, AICP, Director, Development Services Department, City of Fort Lauderdale, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 14, 2022
6. Email correspondence from Eric Silva, AICP, Director, Building, Planning & Zoning Department, City of Miramar, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 15, 2022
7. Email correspondence from Scott Stoudenmire, Director, Department of Sustainable Development, City of Coconut Creek, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 15, 2022

Update: January 17, 2023:

8. Correspondence from Shiv Newaldass, Director, Development Services, City of Hollywood, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated November 7, 2022
9. Correspondence from David Recor, ICMA-CM, Development Services Director, City of Pompano Beach, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated November 29, 2022

ATTACHMENTS (continued)

10. Email correspondence from Justin Stroh, Planning Specialist II, Planning and Environmental Management, FDOT – District Four, to Deanne Von Stetina, Assistant Executive Director, Broward County Planning Council, dated December 16, 2022
11. Proposed Broward County Land Use Plan Amendment PCT 22-4 as Recommended for Approval

ATTACHMENT 1

BROWARD COUNTY LAND USE PLAN Proposed Text Amendment PCT 22-4

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: POLICIES

...

AFFORDABLE HOUSING BONUS DENSITY

Policy 2.16.3 was initially readopted as part of the BrowardNext process on April 25, 2017, and amended on March 9, 2021, to increase the bonus density formulas. The following modifications are proposed to enhance the implementation related to development parcels designated as “Residential.” All changes are indicated in ~~strike-through~~/underline format. Words in ~~double-strike-through~~/double-underline format reflect a ministerial correction per the July 28, 2022, Planning Council public hearing.

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.*
- 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.*

*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.

- (2) Bonus Formulas

Moderate-income: Six (6) bonus units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway).



Low-income: Nine (9) bonus units per every one (1) “low-income” unit (including areas east of the Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus units per every one (1) “very-low-income” unit (including areas east of the Intracoastal Waterway).

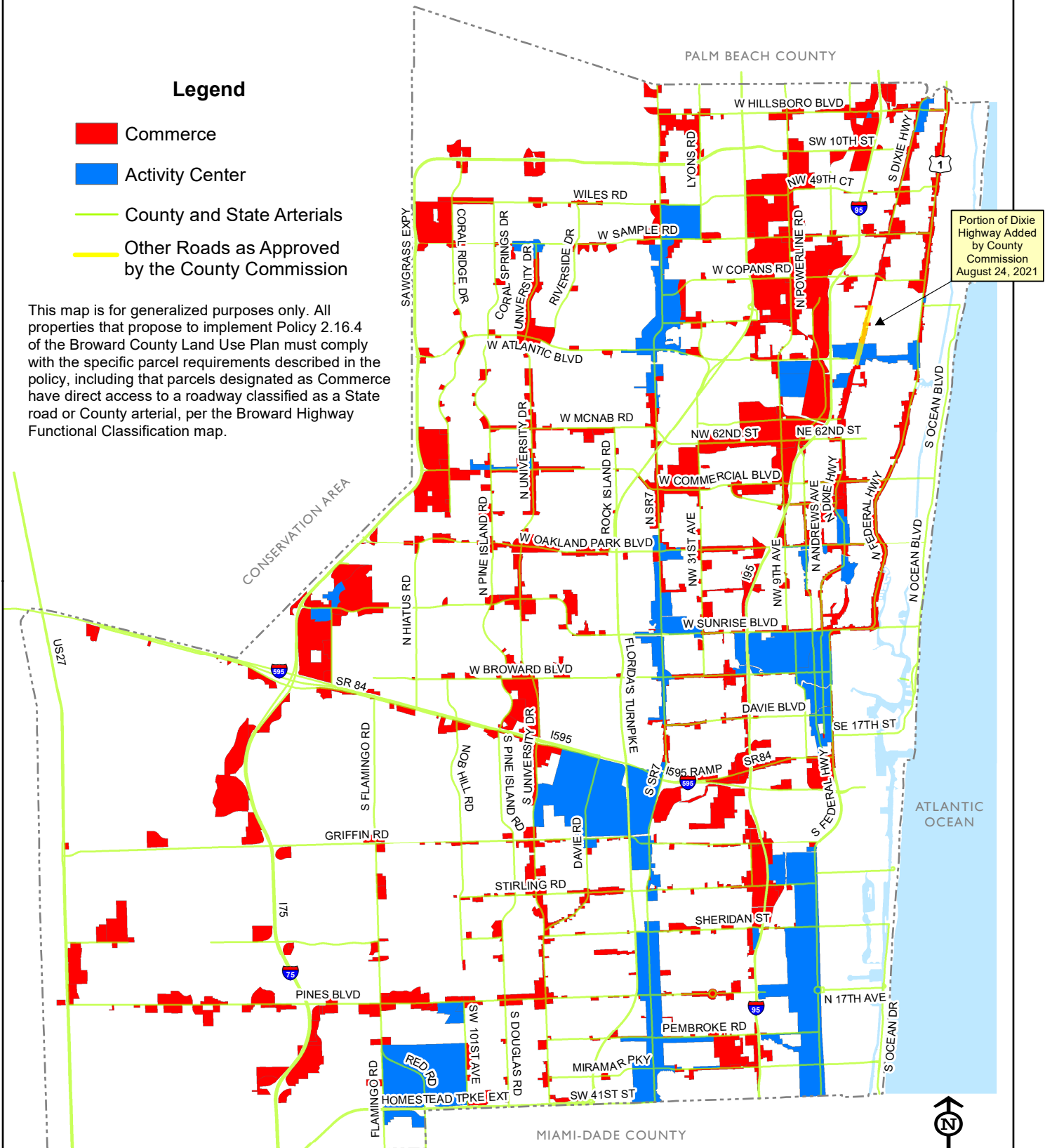
- (3) Affordable housing density bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, as a minimum, through the use of restrictive covenants, that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner occupied housing.
- (4) The total number of ~~bonus~~ affordable and bonus units on lands designated as “Residential” may not exceed 50 dwelling units per acre with the exception of sites 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 County Commission. 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 “Commerce” or similar designation on the local land use plan map, these percentages maximum densities shall not be applicable. Units of local government shall address compatibility with existing and future land uses through its local land development regulations.
- (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 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 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 units receive their certificate of occupancy; or
 - b. The local government must require that ~~bonus~~ “affordable” units are available before or concurrently with bonus units.
- (10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

and Other Roads as Approved by the County Commission

Legend

-  Commerce
 Activity Center
 County and State Arterials
 Other Roads as Approved by the County Commission

This map is for generalized purposes only. All properties that propose to implement Policy 2.16.4 of the Broward County Land Use Plan must comply with the specific parcel requirements described in the policy, including that parcels designated as Commerce have direct access to a roadway classified as a State road or County arterial, per the Broward Highway Functional Classification map.



Portion of Dixie
Highway Added
by County
Commission
August 24, 2021



NOT TO SCALE

ATTACHMENT 3

Proposed additions indicated by double underlining/bolding and deletions indicated by ~~strikethrough/bolding~~, as submitted by Commissioner Steve Geller and accepted by the Board of County Commissioners at its September 20, 2022, transmittal public hearing.

- (4) The total number of ~~bonus~~ affordable and bonus units on lands designated as “Residential” may not exceed 50 dwelling units per acre with the exception of sites 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 County Commission. 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 “Commerce” or similar designation on the local land use plan map, these ~~percentages~~ maximum densities shall not be applicable. Units of The governing body of the local government shall ~~address-make a finding of~~ compatibility with existing and future land uses ~~and through~~ its local land development regulations at a publicly noticed meeting.

...

- (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. This Policy is discretionary upon the local government and does not create any entitlements to the bonus units. Allocation of the bonus units requires authorization of the governing body of the local government at a publicly noticed meeting.

...

- (10) This Policy is incentive-based and Uunits of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

ATTACHMENT 4.A.

From: Rex Hardin <rex@cypressprintingcenter.com>

Sent: Monday, September 12, 2022 4:02 PM

To: Blake Boy, Barbara <BBLAKEBOY@broward.org>

Cc: Rex Hardin <Rex.Hardin@copbfl.com>; Greg Harrison <Greg.Harrison@copbfl.com>; Jean Dolan <Jean.Dolan@copbfl.com>

Subject: Policy 2.16.3

Good afternoon Barbara,

Attached please find a letter, signed by our City Manager Greg Harrison, in support of the recommendation made by the Planning Council in regards to policy 2.16.3.

I would like to add my personal support to the letter as both the Mayor of Pompano Beach and a member of the Broward County Planning Council.

We have been working to gain acceptance AND IMPLEMENTATION of changes to entice additional residential development both market rate and affordable. We have yet to find the right "carrot" approach that will lead to greater housing supply and we know the economic considerations have not yet created the market based environment for developers to embrace the needs of the residents of our County.

We do not need to add another impediment to developers utilizing the innovative changes that have been brought forward by the County Commission and the Planning Council. Let's roll out the Policy as approved by the Planning Council and closely track any development activity that uses any of the tools we have recently created so we can ascertain if we need to change anything. These are rules based incentives not rights. If we need to scale back anything we have the ability to make those changes at any time.

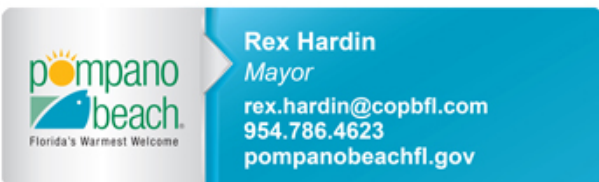
Let's move forward and really try to work towards our goal of more affordable housing for our residents.

Thank you for all of the work that you and your Staff have put into these matters recently. It really feels like we are about to make a difference, finally, in the lives of those we serve.

Sincerely,

Rex Hardin

954-328-5967





CITY MANAGER'S OFFICE

Greg Harrison, City Manager

E: greg.harrison@copbfl.com | P: 954.786.4601 | F: 954.786.4504

September 12, 2022

Barbara Blake Boy, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301



Dear Ms. Blake Boy:

RE: Support of Broward County Planning Council (BCPC) Amendments to Policy 2.16.3

The City of Pompano Beach is in full support of the Broward County Planning Council's proposed changes to Policy 2.16.3 as presented by that board. The County Commission expressed some concern over "allowing 50 du/acre in the middle of single-family neighborhoods" and have mitigated that concern by adding language to policy 2.16.3 requiring a public hearing by the "governing body" whenever policy 2.16.3 is applied.

There is no reason for this compatibility concern based on the following facts:

(1) Since 2017, the land use density allowed through the allocation of flex units on residential land use has been 50 du/acre and this has not resulted in negative impacts on single-family neighborhoods. There is no reason to believe that cities will implement 2.16.3 with any less emphasis on compatibility which is addressed by the zoning and site plan (both of which are subject to public hearings), not by the land use.

(2) Changes in land use density leads to rezoning which already require public hearings before the governing body. Removing the "public hearing by the governing body" language from 2.16.3 will still result in a fully noticed public hearing at the rezoning stage. For the few instances where 2.16.3 can be implemented without rezoning, the Planning and Zoning Board should be the approving authority which, in Pompano Beach, is still a fully noticed public hearing.

Should you need any additional information or have any questions, please do not hesitate to contact Jean Dolan at 954.786.4045 or via email at jean.dolan@copbfl.com.

Sincerely,

Greg Harrison
City Manager

ATTACHMENT 5



CITY OF
FORT LAUDERDALE



September 14, 2022

Barbara Blake Boy, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301



**Re: City of Fort Lauderdale Response
BCLUP Affordable Housing Text Amendments PCT 22-4 and PCT 22-5**

Ms. Boy:

The City of Fort Lauderdale supports the Broward County Affordable Housing Text Amendments PCT 22-4 and PCT 22-5 and encourages policies that foster the development of affordable housing throughout the County. However, the recent proposed changes to the Broward County Land Use Plan, specifically amendments regarding density limitations and public notice meeting requirements for bonus affordable housing units do not encourage the development of affordable housing.

The proposed limitation on density for residential land use designations is inconsistent with City policy and land development regulations which allow density to be increased on a development parcel so long as it does not exceed one hundred percent (100%) of the permitted density. The proposed language would no longer allow such an increase, even though in the City of Fort Lauderdale, impacts to single-family neighborhoods are limited since they have much lower density requirements i.e., four to eight units per acre.

In addition, the requirement for a publicly noticed meeting would add more time to the review and approval process, a major factor that impacts the cost of developing affordable housing projects and may impact funding for affordable housing applications. The City employs an expedited review and approval process based on defined development standards that is intended to incentivize the development of affordable housing projects throughout the City of Fort Lauderdale.

While the City understands that the recent density limitations and public notice meeting requirements were derived to address concerns about residential land uses, the City recommends that there be flexibility to adopt requirements and standards that work for each municipality, consistent with overall intent of BrowardNext. The City recommends that both the density limitation and publicly noticed meeting requirement be removed from the text amendment. In addition, it should be emphasized that this is a voluntary policy that municipalities may choose to adopt not a required policy.

Thank you for your time and attention on this matter. If there are any questions, please do not hesitate to contact me at (954) 828-5980 or ccooper@fortlauderdale.gov.

Sincerely,

Christopher Cooper, AICP, Director
Development Services Department

Cc via email: Greg Chavarria, City Manager
Anthony Fajardo, Assistant City Manager
Ella Parker, Urban Design and Planning Manager
Jim Hetzel, Principal Urban Planner
Adam Schnell, Urban Planner III

DEVELOPMENT SERVICES DEPARTMENT
700 NW 19TH AVENUE | FORT LAUDERDALE, FLORIDA 33311
954-828-5207 | www.fortlauderdale.gov

ATTACHMENT 6

From: [Silva, Eric B.](#)
To: [Blake Boy, Barbara](#)
Subject: RE: Update - BCLUP Affordable Housing Text Amendments
Date: Thursday, September 15, 2022 4:07:41 PM
Attachments: [image003.png](#)

Good afternoon,

City staff supports Broward County's efforts to provide incentive based affordable housing opportunities.

Thank you for the opportunity to participate in this process.

Eric



Eric Silva, AICP

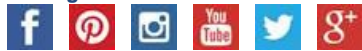
Director | Building, Planning, & Zoning Department

City of Miramar | 2200 Civic Center Place

O: 954.602.3274 | F: 954.602.3776 | esilva@miramarfl.gov

Hours: M – Th., 7am – 6pm, F – Closed | www.miramarfl.gov

It's Right Here In Miramar... And So Are You!



ATTACHMENT 7

From: [Blake Boy, Barbara](#)
To: [Von Stetina, Deanne](#)
Subject: Fwd: Update - BCLUP Affordable Housing Text Amendment
Date: Thursday, September 15, 2022 6:08:57 PM

From: Stoudenmire, Scott <SStoudenmire@coconutcreek.net>
Sent: Thursday, September 15, 2022 5:25:47 PM
To: Blake Boy, Barbara <BBLAKEBOY@broward.org> **Subject:**
Update - BCLUP Affordable Housing Text Amendment

Good afternoon Barbara,

The City of Coconut Creek is supportive of the Planning Council's efforts to "close the gap" related to housing affordability in Broward County. Recognizing that it is important to have as many tools in the tool kit to support such efforts, optional policies such as proposed amendments PCT 22-4 and PCT 22-5 can only help with this initiative.

Thank you

Scott Stoudenmire, Director
Department of Sustainable Development
City of Coconut Creek
Butterfly Capital of the World®
4800 West Copans Road
Coconut Creek, FL 33063
954.973.6756
954.956.1424 (fax)
www.coconutcreek.net

Please consider the environment before printing this email. Thank you.

November 7, 2022

DS 22-06

Barbara Blake Boy, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301



Dear Ms. Blake Boy:

RE: Support of Broward County Planning Council (BCPC) Amendments to Policy 2.16.3

The City of Hollywood is fully supportive of the policies to encourage the construction of more affordable housing. The City of Hollywood in full support of the Broward County Planning Council's proposed changes to Policy 2.16.3 as presented by that board. The County Commission expressed some concern over "allowing 50 du/acre in the middle of single-family neighborhoods" and the Commission mitigated that concern by adding language to 2.16.3 requiring a public hearing by the "governing body" whenever policy 2.16.3 is applied.

We look forward to working with you and Broward County to advance the goal of more affordable housing in Hollywood.

Should you need any additional information or have any questions, please do not hesitate to contact Sonny Maken, Development Officer at 954.921.3471 x 6633 or via email at smaken@hollywoodfl.org.

Sincerely,



Shiv Newaldass
Director, Development Services



ATTACHMENT 9 DEVELOPMENT SERVICES

David L. Recor, ICMA-CM, Development Services Director
E: david.recor@copbfl.com | P: 954.786.4664 | F: 954.786.4504

November 29, 2022

Ms. Barbara Blake Boy, Executive Director
Broward County Planning Council
115 S. Andrews Avenue, Rm. 307
Ft. Lauderdale, FL 33301



RE: Approval Process for Implementing Policy 2.16.3

Dear Ms. Blake Boy:

As you know, one of the primary incentives a local government can offer an Applicant asked to voluntarily implement public policy is an expedited review process. This is already an incentive included under Policy 2.16.4 which allows for mixed use development. Given that mixed use development allowed by Policy 2.16.4 is more intense than the residential development allowed under Policy 2.16.3, it is not logical that the more extensive review process is required when implementing Policy 2.16.3. The City of Pompano Beach, therefore, respectfully requests the attached changes to the Policy 2.16.3 review process to allow either the City Commission or the Local Planning Agency to approve the use of Policy 2.16.3 as determined by the local government.

Should you have any questions concerning this input please contact Jean Dolan at 954-786-4045 or jean.dolan@copbfl.com.

Sincerely,

David L. Recor

David Recor, ICMA-CM
Development Services Director

Email copies to:
Rex Hardin, Mayor
Greg Harrison, City Manager
Brian Donovan, Asst. City Manager
Jennifer Gomez, Assistant Development Services Director

Proposed Changes to Policy 2.16.3

Policy 2.16.3

...

(4) The total number of bonus affordable and bonus units on lands designated as “Residential” may not exceed 50 dwelling units per acre with the exception of sites 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 County Commission. 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 “Commerce” or similar designation on the local land use plan map, these percentages maximum densities shall not be applicable. Units of The governing body or local planning agency of the local government shall address make a finding of compatibility with existing and future land uses and through its local land development regulations at a publicly noticed meeting.

(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. This Policy is discretionary upon the local government and does not create any entitlements to the bonus units. Allocation of the bonus units requires authorization of the governing body or local planning agency of the local government at a publicly noticed meeting.

ATTACHMENT 10

From: [Stroh, Justin](#)
To: [Von Stetina, Deanne](#)
Cc: [Blake Boy, Barbara](#); [Maack, Lisa](#); [Pietrowski, Jayne](#); [Hymowitz, Larry](#); [Fasiska, Christine](#)
Subject: BCLUP Affordable Housing Policy Updates
Date: Friday, December 16, 2022 5:05:08 PM

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Greeting Deanne,

Thank you for the opportunity to review the BCLUP Affordable Housing Policy updates. FDOT appreciates the early and continuing consultation and coordination proffered by the County.

Department Comments

- 1. The amendment to the revised BCLUP Affordable Housing Policy 2.16.3, (4), does not identify the maximum number of dwelling units per acre for sites 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 County Commission.
 2. The revised Housing Policy 2.16.3, (4), text amendment does not address access to premium or high frequency transit as a means to link housing affordability and lower cost transportation options to job opportunities.

Department Recommendations

- 1. The Department recommends the County include the maximum potential bonus density for State roads, and County arterials, per the Broward Highway Functional Classification Map, or other road or portion thereof as approved by the County Commission.
 2. The County should consider revising the policy to include locational criteria that captures opportunities to co-locate affordable housing bonus density with convenient access to premium or high frequency transit routes. This criterion is provided for locating activity center units Policy 2.4.2 but is not carried forward to the subject policy covering lands designated as residential. Such opportunities help to lower transportation costs, allowing for more income to cover housing affordability, and improve job accessibility.

Please feel free to contact me if you wish to discuss any of these comments or related issues. Thank you.

Sincerely,

Justin Stroh

Planning Specialist II
Planning and Environmental Management
FDOT – District Four
3400 W. Commercial Blvd.
Fort Lauderdale, Florida 33309
Justin.Stroh@dot.state.fl.us
Office: (954) 777-4294

ATTACHMENT 11

BROWARD COUNTY LAND USE PLAN Proposed Text Amendment PCT 22-4

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: POLICIES

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AFFORDABLE HOUSING BONUS DENSITY

Policy 2.16.3 was initially readopted as part of the BrowardNext process on April 25, 2017, and amended on March 9, 2021, to increase the bonus density formulas. The following modifications are proposed to enhance the implementation related to development parcels designated as “Residential.”

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.*
- 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.*

*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.

- (2) Bonus Formulas

Moderate-income: Six (6) bonus units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway).

Low-income: Nine (9) bonus units per every one (1) “low-income” unit (including areas east of the Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus 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 thirty (30) years for rental housing and at least thirty (30) years for owner occupied housing.
- (4) The total number of ~~bonus~~ affordable and bonus units on lands designated as “Residential” may not exceed a maximum of 50 dwelling units per acre on the Broward County Land Use Plan, which may develop sites 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 County Commission. ~~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 “Commerce” or similar designation on the local land use plan map, these percentages~~ maximum densities shall not be applicable. **Units of The governing body of the local government shall address make a finding of compatibility with existing and future land uses and through its local land development regulations at a publicly noticed meeting, consistent with its notification requirements unless a rezoning is not required, in which case the local planning agency of the local government may make the finding of compatibility, consistent with the above.**
- (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 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. **This Policy is discretionary upon the local government and does not create any entitlements to the bonus units. Allocation of the bonus units requires authorization of the governing body of the local government at a publicly noticed meeting when a rezoning is required or of the local planning agency when a rezoning is not required, consistent with its notification requirements.**
- (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 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 units receive their certificate of occupancy; or
 - b. The local government must require that ~~bonus~~ “affordable” units are available before or concurrently with bonus units.
- (10) **This Policy is incentive-based and U**units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

Note: Proposed additions indicated by underline and proposed deletions indicated by ~~strike-through~~, as initially recommended for approval by the Planning Council at its July 28, 2022, public hearing. Proposed additions indicated by **double underline/bold** and deletions indicated by ~~strikethrough/bold~~, as submitted by Commissioner Steve Geller and accepted by the Board of County Commissioners at its September 20, 2022, transmittal public hearing. Proposed additions indicated by **highlighted, underline/bold** and deletions indicated by **highlighted, strikethrough/bold** are additional recommendations by Planning Council staff for the Planning Council’s January 26, 2023, public hearing consideration.