

EXHIBIT 2

PROPOSED

RESOLUTION NO.

1 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, APPROVING AND ADOPTING AMENDMENT TO ARTICLE 5 OF
3 THE ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT (ADMINISTRATIVE
4 RULES DOCUMENT), REGARDING IN LIEU PAYMENTS FOR AFFORDABLE
5 HOUSING; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE
6 ADMINISTRATIVE RULES DOCUMENT, AND AN EFFECTIVE DATE.

7
8 WHEREAS, the Administrative Rules Document: BrowardNEXT (Administrative
9 Rules Document) provides rules and regulations for the purpose of providing assistance
10 and guidance to local government entities and the general public and direction to Broward
11 County Planning Council (Planning Council) staff in implementing the Broward County
12 Land Use Plan;

13 WHEREAS, at its meeting of May 22, 2025, the Planning Council recommended
14 to the Board of County Commissioners that it approve an amendment to Article 5 of the
15 Administrative Rules Document regarding in lieu payments for affordable housing;

16 WHEREAS, the amending of Article 5 of the Administrative Rules Document
17 requires approval of the Board of County Commissioners; and

18 WHEREAS, the Board of County Commissioners deems it to be in the best
19 interests of the residents of Broward County to approve the amendment to the
20 Administrative Rules Document as set forth herein, NOW, THEREFORE,

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

Section 1 Article 5 of the Administrative Rules Document: BrowardNEXT is hereby amended to read as set forth in Exhibit A, attached hereto.

Section 2. Severability.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remained of this Resolution. If any court determines that this Resolution, 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 Resolution to any other individual, group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Administrative Rules Document.

It is the intention of the Board of County Commissioners that the provisions of this Resolution become part of the Administrative Rules Document: BrowardNEXT; and that sections of this Resolution may be renumbered or relettered and the word "resolution" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 4. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2025.

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

By: /s/ Maite Azcoitia 06/27/2025
Maite Azcoitia (date)

MA/gmb
Administrative Rules Document (Article 5) BrowardNext.Reso
06/27/2025
#80041

EXHIBIT A

SECTION I AMENDMENT TO THE ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT

"ARTICLE 5.3"

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation June 17, 2025

It is recommended that the proposed revisions to the *Administrative Rules Document: BrowardNext* (ARD) be approved. **See Attachment 1.**

The proposed ARD amendment does not require transmittal to or review by the State of Florida review agencies. In addition, the amendment requires approval and adoption by the Broward County Board of County Commissioners.

II. Planning Council Public Hearing Recommendation June 26, 2025

Approval per Planning Council staff recommendation. (Vote of the board; Unanimous; 14-0: Abramson, Brunson, Fisher, Geller, Gomez, Greenberg, Hardin, Horland, Newbold, Railey, Rosenof, Ryan, Zeman and Castillo)

ATTACHMENT 1

ADMINISTRATIVE RULES DOCUMENT: BrowardNext

ARTICLE 5

RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 2.16.2

...

5.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 2.16.2

...

In-Lieu: Refers to either a commitment to provide on-site affordable dwelling units or monies paid to the local government and/or the Broward County Affordable Housing Trust Fund by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government, as follows:

- Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 2.16.2; however, a local government may officially adopt a different standard. However, if the standard is lower than 15% the local government must demonstrate that the proposed level is consistent with demand in the applicable area.; or
- Fifty percent (50%) of in-lieu fee payments may be paid into an Affordable Housing Trust Fund of the applicable municipality, provided the municipality requires said monies to be used for the construction or acquisition of new affordable units in an amount equal to \$10,609 per unit (which sum shall increase by 3% annually, effective January 1, 2026, and consistent with BCLUP Policy 2.16.4 in-lieu payment) for the total number of additional units within the development. All in-lieu payments shall be made at the time of issuance of building permit. In the absence of a municipal Affordable Housing Trust Fund, all funds shall be paid to the County.

Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government.

Should the local government and developer agree to an in-lieu of fee, the local government shall have the sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs and shall not be subject to review by the Broward County Commission. If the local government and developer agree to an in-lieu of fee and direct the funds to the Broward County Affordable Housing Trust Fund, the Broward County Commission shall have sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs.

~~The in-lieu methodology identifies the costs associated with achieving the development of affordable housing units within the local government. For example, an in-lieu methodology may be calculated at a rate per gross square foot per new market rate residential unit. As an alternative example, the in-lieu methodology may be based on a percentage of the costs of construction or sales price of all new market rate units within a project.~~

~~Broward County will use one dollar (\$1) per gross square foot (gross floor area) of the residential dwelling unit as a default guideline in the review of in-lieu methodologies for all additional market rate units within a project; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.~~

Gross Square Footage (Gross Floor Area): ~~The sum (in square feet) of the area of each floor level, measured from principal outside faces of exterior walls, including, but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, staircases, and mezzanines, but not including architectural projections. Included are areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. This definition includes areas which are not enclosed, but roofed; however, it does not include unroofed areas.~~