

1 Wildlife Conservation Commission, Department of Agriculture and Consumer Services,
2 and Department of Education, as applicable, were considered; and

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

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

10 Section 1. The Plan is hereby amended by Amendment PCT 19-5, which is an
11 amendment to the Broward County Land Use Plan regarding Accessory Dwelling Units,
12 as set forth in Exhibit "A," attached hereto and incorporated herein.

13 Section 2. Severability.

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

20 Section 3. Effective Date.

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

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

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

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

9 (4) If a Declaration of Restrictive Covenants or agreement is applicable, as
10 per Exhibit "B," the date the Declaration of Restrictive Covenants or
11 agreement is recorded in the Public Records of Broward County.

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

13
14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

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

19 By /s/ Maite Azcoitia 04/25/19
20 Maite Azcoitia (date)
21 Deputy County Attorney

22 MA/gmb
23 04/25/19
24 PCT19-5 Accessory Dwelling Unit Ord.doc
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EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN TEXT
PROPOSED AMENDMENT PCT 19-5

“Accessory Dwelling Units”

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Transmittal Recommendation January 15, 2019

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

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

- II. Planning Council Land Use/Trafficways Committee Recommendation January 24, 2019

Approval per Planning Council staff transmittal recommendation.

- III. Planning Council Transmittal Recommendation January 24, 2019

Approval per the Planning Council Land Use/Trafficways Committee recommendation. (Vote of the board; Unanimous: 14-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, DiGiorgio, Good, Graham, Hardin, Rich, Rosenof, Rosenzweig, Williams and Stermer)

- IV. County Commission Transmittal Recommendation February 26, 2019

Approval per Planning Council transmittal recommendation.

ATTACHMENT 1

PROPOSED BROWARDNEXT – BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT PCT 19-5

Section 2: Definitions:

ACCESSORY DWELLING UNIT - means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

EXTREMELY-LOW INCOME PERSONS - means one or more natural persons or a family, that has a total annual household income that does not exceed 30 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

VERY LOW-INCOME PERSON - means one or more natural persons or a family, ~~not including students,~~ that has a total annual ~~anticipated income for the household~~ income that does not exceed 50 percent of the area median ~~annual income adjusted for family size~~ for households ~~within the county. While occupying a rental unit, a Very Low Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 50 percent of the applicable median income adjusted for family size.~~ as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

LOW-INCOME PERSON - means one or more natural persons or a family, ~~not including students,~~ that has a total annual ~~anticipated income for the household~~ income that does not exceed 80 percent of the area median ~~annual income for households adjusted for family size for the county.~~ ~~While occupying a rental unit, a Low Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 80 percent of the applicable median income adjusted for family size.~~ as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

MODERATE-INCOME PERSON - means one or more natural persons or a family, ~~not including students,~~ that has a total annual ~~anticipated income for the household~~ income that does not exceed 120 percent of the area median ~~annual income adjusted for family size~~ for households ~~within the county. While occupying a rental unit, a Moderate Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 120 percent of the applicable median income adjusted for family size.~~ as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

WORKFORCE-INCOME PERSON - means one or more natural persons or a family, ~~not including students,~~ that has a total annual ~~anticipated income for the household~~ income that does not exceed 140 percent of the area median ~~annual income adjusted for family size~~ for households ~~within the county. While occupying a rental unit, a Very Low Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 140 percent of the applicable median income adjusted for family size.~~ as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

Section 2: Permitted Uses Section:

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RESIDENTIAL USE

The areas designated for residential use on the Future Broward County Land Use Map (Series) are intended primarily for dwellings, but other land uses related to a residential environment, including neighborhood shopping centers, neighborhood parks and schools may also be appropriate therein.

The permitted uses in areas designated residential are as follows, as deemed appropriate by the local jurisdiction:

1. Dwelling units, subject to the density limits for a parcel as designated on the Future Broward County Land Use Plan Map (Series) or certified local land use plan map and as explained in the following subsection entitled "Residential Density."

Accessory dwelling units are permitted in single-family residential areas per and subject to Florida Statutes Chapter 163.31771.

2. Agriculture.
3. Communication facilities.
4. Community facilities designed to serve the residential area such as schools, day care centers, churches, clinics, nursing homes, rehabilitation centers, governmental administration, police and fire protection facilities, libraries and civic centers.
5. Home occupations and other uses accessory to a dwelling unit.
6. Hotels, motels and similar lodging. The maximum number of hotel, motel or similar lodging units permitted on any parcel designated for residential use is double the maximum number of dwelling units permitted by the land use plan map designation.
7. Parks, golf courses and other outdoor recreational facilities, and recreational, civic, or other cultural buildings ancillary to the primary outdoor recreational use of the site.
8. Public utilities, including water and wastewater treatment plants, pumping stations, power plant substations and transmission facilities and solid waste disposal and transfer stations, excluding landfills and electrical power plants.

9. Offices and/or neighborhood retail sales of merchandise or services, subject to the following:
 - a. No more than a total of 5% of the area designated for residential use on the Future Broward County Land Use Plan Map (Series) within a municipality may be used for offices and/or neighborhood retail sales of merchandise or services.
 - b. No such contiguous area may exceed 10 acres;
 - c. Must be separated by at least 500 feet.
 - d. Regardless of the constraints above, space within residential buildings in areas designated for Medium-High (25) Residential or higher density may be used for offices and/or retail sales of merchandise or services, as long as no more than 50% of the floor area is used for said purposes.
 - e. Regardless of the constraints above, space within residential buildings in areas designated for Medium (16) Residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.
10. Recreational vehicle park sites in the Low-Medium (10), Medium (16), Medium-High (25) and High (50) Residential density ranges. The maximum number of recreational vehicle park sites permitted is:
 - a. Equal to the maximum number of dwelling units designated for that parcel on the land use plan map if the local land development regulations allow permanent location of recreational vehicles on the sites; or
 - b. Double the maximum number of dwelling units designated for that parcel on the land use plan map if the local land development regulations prohibit permanent location of recreational vehicles on the sites.
11. Special Residential Facilities; subject to: meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of redevelopment units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document: Broward County Land Use Plan."

Density Provisions:

- a. Special Residential Facility Category (1) development shall count as one (1) dwelling unit each.
- b. Special Residential Facility Category (2) development shall count as two (2) dwelling units each.
- c. Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.

Residential Density

a. Density Standards

Residential areas are shown on the Future Broward County Land Use Map (Series) according to eight ranges of density:

- The Estate (1) Residential category permits up to one (1) dwelling unit per gross acre.
- The Low (2) Residential category permits up to two (2) dwelling units per gross acre.
- The Low (3) Residential category permits up to three (3) dwelling units per gross acre.
- The Low (5) Residential category permits up to five (5) dwelling units per gross acre.
- The Low-Medium (10) Residential category permits up to ten (10) dwelling units per gross acre.
- The Medium (16) Residential category permits up to sixteen (16) dwelling units per gross acre.
- The Medium-High (25) Residential category permits up to twenty-five (25) dwelling units per gross acre.
- The High (50) Residential category permits up to fifty (50) dwelling units per gross acre.

Other land use categories and land uses are subject to density standards as follows:

- Residential development within the Agricultural land use category is subject to the density standards and provisions contained within the Agricultural Permitted Uses subsection of the Plan Implementation Requirements section of this plan.
- Special Residential Facilities are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection of the Plan Implementation Requirements section of this plan.

- Recreational vehicle sites are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection of the Plan Implementation Requirements section of this plan.
- Hotels, motels and similar lodging are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection of the Plan Implementation Requirements section of this plan.
- Accessory dwelling units permitted in single-family residential areas per and subject to Florida Statutes Chapter 163.31771 shall not be included in density calculations. Local governments shall report to the Planning Council the number of accessory dwelling units granted building permits on an annual basis.

b. Density Calculation

All references to density within the Broward County Land Use Plan mean gross density. Gross density means the number of dwelling units existing or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in an area, including acreage used or proposed for streets, lakes, waterways, and other proposed land uses permitted in residential areas by the Broward County Land Use Plan. Any existing live-aboard vessels which conformed to the regulations in effect when such vessels were included within the definition of “dwelling unit,” that become nonconforming by the enactment of Text Amendment PCT 98-5 shall be removed or discontinued as a dwelling unit within five (5) years of the effective date of Text Amendment PCT 98-5. (Effective Date: September 7, 1998)

Calculations of acreage covered by different land use categories on the Future Broward County Land Use Plan Map (Series) will necessarily be approximate, due to the scale of the map. Where edges of land use categories are close to property lines, streets, transmission lines or other existing lines, edges should be construed to follow those lines. A lake or canal should be construed as having been assigned the same land use category as that assigned to adjacent unsubmerged land. The Intracoastal Waterway, North and South Lakes in Hollywood, Sylvan Lake, Lake Santa Barbara, New River, Middle River, and the rivers and canals of the primary drainage system as identified within this plan shall not, however, be construed as having credit toward residential density.

c. Arrangement of Dwelling Units

Any arrangement of dwelling units on a parcel of land designated for residential use is compatible with the Broward County Land Use Plan as long as the maximum number of dwelling units permitted within the parcel is not exceeded. For example, the Broward County Land Use Plan does not regulate whether a developer uses 100 acres of land designated for Low (5) Residential density to build 500 single family homes or whether the same 100 acres are used to build a 500 unit high-rise structure, with the balance of the land maintained as permanent open space. The distribution of units will be determined by local zoning and land development regulations.

d. Dashed-Line Areas

Selected Developments of Regional Impact, planned unit developments and partially completed large scale developments, are identified on the Future Broward County Land Use Plan Map (Series) by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number which appears in the circle inside the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the maximum number of dwelling units allowable within the dashed line. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred. Additional dashed-line areas may be designated on the Future Broward County Land Use Plan Map (Series) through amendments to the plan consistent with the provisions of this section.

e. Redevelopment in Coastal High Hazard Area

Local certified land use plans may permit the redevelopment of residentially designated areas, including existing hotel uses, located within the coastal high hazard area which were subject to past decreases in density resulting from the adoption of the 1977 or 1989 Broward County Land Use Plan. Such redevelopment shall be limited to the actual built density/intensity (number of dwelling units and building square footage) and meet all public safety codes in effect at the time of redevelopment including building code, flood elevation and hurricane evacuation standards. Building square footage may be increased by one percent for every two percent reduction in the number of dwelling units subject to local land development regulations addressing building bulk, shadow and form. Local certified land use plans shall also comply with the natural resource protection policies addressing the protection of beaches, rivers and marine resources enumerated within the Broward County Land Use Plan.

RURAL ESTATES

Areas are designated Rural Estates on the Future Broward County Land Use Plan Map (Series) to protect the semi-rural character and lifestyle of existing low density residential estate areas. Rural estate areas are characterized by residential estates, horse ranches and related agricultural uses. The maximum permitted density within this category is one unit per acre. Limited community facility and utility uses are permitted for the purposes of serving the rural estate communities. Application of flexibility/redevelopment units and commercial flexibility is not permitted within areas designated Rural Estates.

The permitted uses in areas designated rural estates are as follows, as deemed appropriate by the local jurisdiction:

1. Dwelling units at a maximum of one unit per gross acre with no clustering permitted.

Accessory dwelling units are permitted in single-family residential areas per and subject to Florida Statutes Chapter 163.31771.

2. Agricultural uses including cultivation of crops, groves, thoroughbred and pleasure horse ranches, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches and similar activities.
3. Cemeteries.
4. Community facilities designed to serve the residential area limited to schools, day care centers, churches, clinics, governmental administration, police and fire protection facilities, libraries and civic centers not to exceed five acres in size. Notwithstanding the aforesaid, public schools shall not be subject to the five (5) acre restriction.
5. Home occupations and other uses accessory to a dwelling unit.
6. Open space and recreation uses designed to serve the residential area.
7. Public utilities limited to water and wastewater treatment plants, pumping stations, telecommunications facilities, electrical substations and transmission lines and drainage facilities and structures.

RURAL RANCHES

Areas are designated Rural Ranches on the Future Broward County Land Use Plan Map (Series) to protect the semi-rural character and lifestyle of existing low density rural ranch areas. Rural ranch areas are characterized by residential estates, horse ranches and related agricultural uses. The maximum permitted density within this category is one unit per two and one-half gross acres or one unit per two net acres. Limited community facility and utility uses are permitted for the purposes of serving the rural ranch communities. Application of flexibility/redevelopment units and commercial flexibility is not permitted within areas designated Rural Ranches.

The permitted uses in areas designated rural ranches are as follows, as deemed appropriate by the local jurisdiction:

1. A maximum of one unit per two and one-half gross acres or one unit per two net acres with no clustering permitted.

Accessory dwelling units are permitted in single-family residential areas per and subject to Florida Statutes Chapter 163.31771.

2. Agricultural uses including cultivation of crops, groves, thoroughbred and pleasure horse ranches, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches and similar activities.
3. Cemeteries.
4. Community facilities designed to serve the residential area limited to schools, daycare centers, churches, clinics, governmental administration, police and fire protection

facilities, libraries and civic centers not to exceed five acres in size. Notwithstanding the aforesaid, public schools shall not be subject to the five (5) acre restriction.

5. Home occupations and other uses accessory to a dwelling unit.
6. Open space and recreation uses designed to serve the residential area.
7. Public utilities limited to water and wastewater treatment plants, pumping stations, telecommunications facilities, electrical substations and electric lines and drainage facilities and structures.

Note: Proposed additions and deletions are presented in underline and ~~strike-through~~ format.