

EXHIBIT 2

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 Planning Council Land Use/Trafficways Committee recommendation. The Planning Council did not require a second Planning Council public hearing consistent with Article 1.2 (A) of the *Administrative Rules Document: BrowardNext*. (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.

- V. Summary of State of Florida Review Agency Comments April 3, 2019

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

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-5

BACKGROUND INFORMATION

The Broward County Planning Council initiated the proposed amendment at its October 25, 2018, meeting. The proposed amendment is consistent with the Planning Council and County Commission's encouragement of incentives for affordable housing opportunities. Accessory Dwelling Units are authorized by Florida Statutes Chapter 163.31771.

PUBLIC OUTREACH

Planning Council staff distributed the proposed amendment via email to all municipal mayors, managers and planners, as well as interested parties. See Attachment 2.

In an effort to encourage dialogue with municipalities and other interested parties, written comments have been, and continue to be accepted regarding the proposed amendment. See Attachments 3.A. through 3.D. for all written comments received as of this writing.

A summary of the comments received as of this writing:

- The City of Miramar has no objection to the proposed amendment;
- The Broward County Planning and Development Management Division proposes an annual reporting requirement;
- The Broward County Housing Finance and Community Redevelopment Division proposes a refinement to the proposed Extremely Low-Income definition and similar modifications to the existing Very Low, Low and Moderate-Income definitions; and
- The City of Deerfield Beach expressed concerns regarding the introduction of accessory dwelling units and the impact on current zoning.

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-5

PLANNING ANALYSIS

Upon a finding of a local government that there is a shortage of affordable rentals within its jurisdiction, Florida Statutes Chapter 163.31771 authorizes local governments to permit affordable, accessory dwelling units in any area zoned for single-family residential use. The application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to extremely low, very low, low or moderate income persons at a rate not to exceed 30 percent of the amount of the median adjusted gross annual income. If meeting the criteria outlined in the Statute, the accessory dwelling unit would not be included in density calculations. See Attachment 4 for Statutory reference.

Based on Planning Council staff analysis and stakeholder input, the following is a summary of the proposed amendment and Planning Council staff responses to comments:

BrowardNext – Section 2: Definitions

- Add Extremely Low-Income definition to Plan, consistent with Florida Statutes Chapter 420.0004.
- Amend existing Very Low-Income, Low-Income and Moderate-Income definitions to reflect updated Housing and Urban Development reference, in consultation and coordination with the Broward County Housing Finance and Community Redevelopment Division to reflect more modern references and information. Planning Council staff is also proposing to amend the Workforce-Income definition to be consistent with the updated format; however, accessory dwelling units are only available for extremely low, very low, low or moderate income levels.

BrowardNext – Section 2: Permitted Uses

- Amend the Residential Uses section to reference accessory dwelling units as permitted in single-family residential areas per and subject to Florida Statutes Chapter 163.31771.
- Amend the Rural Estates and Rural Ranches Uses sections to reference the same.

Administrative Rules Document: BrowardNext, Article 3

- Addition of an annual reporting requirement based on recommendation of Broward County Planning and Development Management Division. Planning Council staff proposes that the reporting requirement be reflected in the Permitted Uses Section of the BrowardNext – Broward County Land Use Plan.

See Attachment 1 for the proposed text amendment.

PLANNING ANALYSIS (continued)

Regarding the City of Deerfield Beach’s concern about the introduction of accessory dwelling units and the impact to current zoning and single-family neighborhoods, it is noted that local governments adopt their own local future land use plan elements which may be more restrictive than the BrowardNext – Broward County Land Use Plan. To the City’s concern, there is not a requirement that its future land use element include accessory dwelling units as a permitted use.

Further, based on the estimated supply of affordable housing utilizing the methodology described in the report entitled *“Recommended Methodology for Supply and Demand Analysis for Broward County’s Affordable Housing Market,”* prepared by Meridian Appraisal Group, dated June 9, 2015, all local governments could demonstrate a shortage of affordable rentals. It is noted that the ultimate determination regarding affordability and the implementation of affordable, accessory dwelling units would be made by the local governments. **Further, local governments may be more restrictive than the County Plan regarding the implementation of the same.** The intent of the amendment is to authorize and encourage the use of accessory dwelling units to promote affordable housing opportunities and options.

RECOMMENDATION

Planning Council staff recommends that the proposed amendment to the BrowardNext – Broward County Land Use Plan be approved to reflect Florida Statutes and encourage affordable housing opportunities.

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-5

ATTACHMENTS

1. Proposed Amendment PCT 19-5
2. Email correspondence from Barbara Blake Boy, Executive Director, Broward County Planning Council, to all Municipal Mayors, Managers and Planners, as well as Interested Parties, dated November 19, 2018
3.
 - A. Correspondence from the City of Miramar dated November 20, 2018
 - B. Correspondence from the Broward County Planning and Development Management Division dated November 28, 2018
 - C. Correspondence from the Broward County Housing Finance and Community Redevelopment Division dated December 5, 2018 and January 8, 2019
 - D. Correspondence from the City of Deerfield Beach dated January 7, 2019
4. Florida Statutes Excerpt

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.

ATTACHMENT 2

From: Blake Boy, Barbara

Sent: Monday, November 19, 2018 5:27 PM

To: Von Stetina, Deanne <DVONSTETINA@broward.org>

Subject: Proposed BrowardNext - Broward County Land Use Plan Text Amendments

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties.)

Greetings--

At its March 22, 2018 meeting, the Planning Council initiated a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation. Subsequent to the Council's initiation the Broward County Board of County Commissioners reiterated the initiation including the promotion of mixed-income/affordable housing opportunities at an April 17 workshop. The following proposed amendments are a result of that initiation and subsequent initiation at the October 25, 2018, Planning Council meeting:

PCT 19-2: Revision of Commerce land use designation permitted uses to include a mixed-income formula for parcels with direct access to transit corridors with frequent transit service (may be further refined to be similar to bonus density provisions definition of transit service as well as consideration of penny surtax plan).

PCT 19-4: Proposed land use designation to accommodate smaller mixed-use areas.

PCT 19-5: Revision of the Residential land use designation permitted uses to include "Accessory Dwelling Units," for affordable units, as permitted by and consistent with Florida Statutes Chapter 163.

PCT 19-6: Revision of the Residential land use designation permitted uses and *Administrative Rules Document: BrowardNext*, Article 3.5(3), to expand mixed residential and retail sales or offices for densities greater than 25 dwelling units per acre.

The attached files are labeled by amendment reference.

Planning Council staff requests written comments be submitted by January 4, 2019, as a Planning Council public hearing is proposed for January 24, 2019. Thank you for your continued assistance and collaboration. Please feel free to contact me or Deanne Von Stetina (dvonstetina@broward.org or 954.357.6690) if you have any questions.



Wishing you all a happy and safe Thanksgiving holiday—
Barbara

Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.6982 (direct) www.Broward.org/PlanningCouncil

Attached Files: PCT 19-2, PCT 19-4, PCT 19-5 and PCT 19-6

ATTACHMENT 3.A.

From: [Lebrun, Nixon](#)
To: [Blake Boy, Barbara](#)
Cc: [Silva, Eric B.](#); [Hughes, Richard](#)
Subject: Proposed BrowardNext - Broward County Land Use Plan Text Amendments
Date: Tuesday, November 20, 2018 6:57:49 PM
Attachments: [image017.png](#)

Good afternoon Barbara,

Following is a list of comments I would like to offer on the proposed BCLUP Amendments your office has shared with us.

1. Residential Uses in Commerce Category: No objection other than providing some locational criteria, such as proximity to major transit corridors for subpart (d).
2. Accessory Dwelling Units in all Residential Categories: No objections as that would help alleviate the affordability housing shortage and is in line with Sec. 163.3177, F.S.
3. Office and Retail Sales of Merchandises in Medium- and High-Density Residential Categories: I have some reserve on that amendment, as proposed, and, for that matter, subparagraph (9) altogether. The benefits of integration of uses in a single development from both a land use and sustainability standpoint are well documented in the literature. However, in cities like ours where affordable housing is an issue and where the amount of land available for medium- to high-density residential uses is relatively small, allowing commercial uses in such districts may well hinder our efforts to address the affordable housing crisis, as that may take away suitable land to create more housing units, raise the price of such land, and, ipso facto, drive up the cost of building affordable housing units. I can understand limiting accessory retail sales and services uses to the first floor in the forms of convenience stores, drop-off dry cleanings, and the likes, but, as written, the policy is too permissive.
4. Mixed-Use Village: I think this category shall be restricted to major thoroughfares and on sites of five (5) acres or more to provide for excellence in design and a functional integration of uses. Mixed Uses shall require three (3) uses, with residential development being a required one.

Warm regards,

Nixon Lebrun, AICP, MPA, CFM

Senior Planner | Community & Economic Development Department
City of Miramar | 2200 Civic Center Place, Miramar, FL 33025
O: 954.602.3281 | F: 954.602.3497 | nlebrun@miramarfl.gov
Hours: M – Th., 7am – 6pm, F – Closed | www.miramarfl.gov
It's Right Here In Miramar... And So Are You!



ATTACHMENT 3.B.



Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

115 S. Andrews Avenue, Suite 329-K, Ft. Lauderdale, FL 33301 T: 954-357-6634 F: 954-357-8655

MEMORANDUM

TO: Barbara Blake Boy, Executive Director
Broward County Planning Council

FROM: Josie P. Sesodia, AICP, Director
Planning and Development Management Division

DATE: November 28, 2018

SUBJECT: Proposed PCT 19-2, 19-4, 19-5, 19-6

The Planning and Development Management Division (PDMD) staff have reviewed the above-referenced amendments and offer the following comments:

A. PC 19-2: Application of Residential Flex within the Commerce Future Land Use Designation

1. This section of the Broward County Land Use Plan (LUP) includes uses allowed under each land use category. The amendment deletes the maximum amount of land allowed for residential use in the Commerce Use category, including the incentive if affordable housing is part of the allotment. The proposed amendment includes proximity to transit as a condition for residential uses. It then lists levels of affordable housing (15%, 10%, or 5%) allowed, but does not clarify whether these are requirements and what conditions they are associated with. In order to ensure predictable development decisions consistent with Policy 2.20.8, the PDMD staff recommends the policy state how to determine the amount of affordable housing that is required.
2. The Broward County Land Use Plan's Affordable Housing Vision identifies the provision of affordable housing as a challenge due to numerous forces, including the built-out condition of Broward County and the prevalence of a service sector economy that provides lower wage jobs. These conditions are not expected to change in the foreseeable future. PDMD notes that the requirement that affordable housing remain affordable for 15-years is likely to offset affordable housing needs in the short-term but is not part of a long-term solution.

B. PC 19-4: Mixed-Use Village

1. The proposed Mixed-Use Village future land use designation offers opportunities for redevelopment on a smaller scale than Activity Centers. Allowable uses include housing, retail, office, recreation, community facility, and "employment". It is unclear what types of uses would be classified as employment and if industrial uses would be considered employment uses. PDMD recommends deleting "employment" since it is encapsulated in the terms that follow.
2. In an Activity Center future land use designation, it is generally accepted that short-term land use incompatibilities among adjacent properties may occur as the land use pattern within a large area evolves into a balanced and interconnected mix of uses. However, the Mixed-Use Village is specifically intended to be site-specific and apply to places such as aging shopping

centers and strip malls. These sites often are located adjacent to low density residential uses that may be exposed to potential "incompatibilities". PDMD reviews future land use map applications for compatibility with the environs. PDMD recommends that compatibility be defined for Mixed-Use Village in relationship with surrounding uses.

3. The Mixed-Use Village requires uses to be mixed vertically or horizontally within the same building. PDMD recommends that horizontal mixed uses be allowed within separate buildings located on a property under single ownership, where the site design will promote pedestrian connectivity between uses, for example shared parking, building placement with direct pedestrian access, etc.

C. PC 19-5: Accessory Dwellings

The proposed amendment references that accessory dwellings are subject to the requirements of Chapter 163.31771, Florida Statutes. This statute requires an applicant to provide an affidavit with the building permit application that states the unit will be rented in an affordable category. Each accessory dwelling unit applies toward the affordable housing component of the local Housing Element. PDMD recommends that the Administrative Rules Document be amended to require municipalities to include these units in the required annual report to the Broward County Planning Council.

D. PC 19-6: Medium-High Density Residential

PDMD has no comments regarding this proposed amendment.

Please contact Sara Forelle, AICP, Planning Section Supervisor at sforelle@broward.org or 954-357-6635 should you have any questions.

CC:

Darby Delsalle, AICP, Assistant Director, Planning and Development Management Division
Heather Cunniff, AICP, Senior Planner, Planning and Development Management Division



ATTACHMENT 3.C.

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

Comment Submitted by the Broward County Housing Finance and
Community Redevelopment Division Comment Received December 5, 2018

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 whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

NOTE: Recommend that all levels of affordability be defined per the following: Extremely Low Income Persons (or substitute the other income level) means an individual or family whose total annual household income does not exceed 30 per of Area Median Income, (substitute other income levels here as defined by the most recent HUD data for Broward County and as adjusted for household size. NOTE: add language you proposed for growth in income up to 140%.

From: [Stone, Ralph](#)
To: [Blake Boy, Barbara](#)
Subject: FW: definitions
Date: Tuesday, January 8, 2019 3:51:43 PM
Attachments: [image001.gif](#)

Barbara, see below in yellow highlight; let me know if questions R

From: Bauldree, Angela
Sent: Tuesday, January 8, 2019 2:05 PM
To: Stone, Ralph
Subject: RE: definitions

Yes what they did is take out the second part of Barbara's original definition regarding rents.

AND, the newer statue does not seem to exclude students.

Angela Bauldree-VanBeber

Business Manager-Fiscal & Compliance
Broward County Housing Finance & Community Redevelopment Division
110 NE 3rd Street, Fort Lauderdale FL 33301
Abauldree@broward.org
Office: 954-357-4944

From: Stone, Ralph
Sent: Tuesday, January 08, 2019 1:43 PM
To: Bauldree, Angela <ABAULDREE@broward.org>
Subject: RE: definitions
So the yellow font is correct?

From: Bauldree, Angela <ABAULDREE@broward.org>
Sent: Tuesday, January 8, 2019 11:56 AM
To: Stone, Ralph <RSTONE@broward.org>
Subject: FW: definitions

Angela Bauldree-VanBeber

Business Manager-Fiscal & Compliance
Broward County Housing Finance & Community Redevelopment Division
110 NE 3rd Street, Fort Lauderdale FL 33301
Abauldree@broward.org
Office: 954-357-4944

From: Bauldree, Angela
Sent: Tuesday, January 08, 2019 11:56 AM
To: Weiss, Suzanne <SUWEISS@broward.org>; Sheyner, Olga <OSHEYNER@broward.org>; 'Fallon, Rosemarie'; Lopez, Yvette <YLOPEZ@broward.org>

Subject: FW: definitions

Sorry I meant the attachment is right. Barbara needs to use updated statute (2016) definition, which don't even mention students.

Thanks Olga for catching that.

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110 NE 3rd Street, Fort Lauderdale FL 33301

Abauldree@broward.org

Office: 954-357-4944

From: Bauldree, Angela

Sent: Tuesday, January 08, 2019 11:53 AM

To: Weiss, Suzanne <SUWEISS@broward.org>; Sheyner, Olga <OSHEYNER@broward.org>; Stone, Ralph <RSTONE@broward.org>; Lopez, Yvette <YLOPEZ@broward.org>

Subject: FW: definitions

Yes Olga and Suzanne are right they are using the definitions straight from the state statute. So if that is the case, the answer is that Barbara's definitions are right.

Sample from page 5

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110 NE 3rd Street, Fort Lauderdale FL 33301

Abauldree@broward.org

Office: 954-357-4944

From: Weiss, Suzanne

Sent: Tuesday, January 08, 2019 11:31 AM

To: Lopez, Yvette <YLOPEZ@broward.org>; Bauldree, Angela <ABAULDREE@broward.org>; Sheyner, Olga <OSHEYNER@broward.org>

Cc: Stone, Ralph <RSTONE@broward.org>

Subject: definitions

Proposed response to Barbara-please review and advise. I told Barbara that we would get back with her today.

Good afternoon, Ms. Blake Boy:

We believe the definitions can be refined and simplified.

1. The current SHIP statutes pertaining to income levels does not mention or exclude students, so this phrase is eliminated.
2. Discussion of income increases during a rental residency period does not seem to be necessary if these definitions are to be used to consider density bonus units at the beginning

of a development plan. Therefore it is recommended to eliminate this language.

The suggested revised definitions are now below:

Revised

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.

Revised

VERY LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 50 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.

Revised

LOW-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 80 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.

Revised

MODERATE-INCOME PERSON - means one or more natural persons or a family, that has a total annual household income that does not exceed 120 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.

ATTACHMENT 3.D.

From: [Eric Power](#)
To: [Blake Boy, Barbara](#); [Von Stetina, Deanne](#)
Subject: RE: Proposed BrowardNext - Broward County Land Use Plan Text Amendments
Date: Monday, January 7, 2019 3:40:10 PM

Barbara/Deanne,

I am sorry that I have missed the deadline for commenting. I have just spent some time discussing this with our staff and we are concerned that the introduction of “accessory dwelling unit” will undermine the longstanding exclusion of multiple dwelling units on a single family site. This includes uses such as garage conversion and mother in law suites. Can you tell me if this is approved how it would impact current Zoning? I would imagine that many cities in the County would have the same issue.

Thanks,

Eric

From: Blake Boy, Barbara <BBLAKEBOY@broward.org>
Sent: Wednesday, January 2, 2019 8:22 AM
To: Von Stetina, Deanne <DVONSTETINA@broward.org>
Subject: FW: Proposed BrowardNext - Broward County Land Use Plan Text Amendments

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties.)

Happy new year! Please provide any comments regarding the proposed BrowardNext – Broward County Land Use Plan text amendments by end of business on Friday, January 4, 2019, as staff prepares for a January 24, 2019, Planning Council public hearing. Thank you.

From: Blake Boy, Barbara
Sent: Monday, November 19, 2018 5:27 PM
To: Von Stetina, Deanne <DVONSTETINA@broward.org>
Subject: Proposed BrowardNext - Broward County Land Use Plan Text Amendments

(Please note that this email is being sent to all municipal mayors, managers and planners, as well as interested parties.)

Greetings--

At its March 22, 2018 meeting, the Planning Council initiated a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation. Subsequent to the Council's initiation the Broward County Board of County Commissioners reiterated the initiation including the promotion of mixed-income/affordable housing opportunities at an April 17 workshop. The following proposed amendments are a result of that initiation and subsequent initiation at the October 25, 2018, Planning Council meeting:

PCT 19-2: Revision of Commerce land use designation permitted uses to include a mixed-income formula for parcels with direct access to transit corridors with frequent transit service (may be further refined to be similar to bonus density provisions definition of transit service as well as consideration of penny surtax plan).

PCT 19-4: Proposed land use designation to accommodate smaller mixed-use areas.

PCT 19-5: Revision of the Residential land use designation permitted uses to include "Accessory Dwelling Units," for affordable units, as permitted by and consistent with Florida Statutes Chapter 163.

PCT 19-6: Revision of the Residential land use designation permitted uses and *Administrative Rules Document: BrowardNext*, Article 3.5(3), to expand mixed residential and retail sales or offices for densities greater than 25 dwelling units per acre.

The attached files are labeled by amendment reference.

Planning Council staff requests written comments be submitted by January 4, 2019, as a Planning Council public hearing is proposed for January 24, 2019.

Thank you for your continued assistance and collaboration. Please feel free to contact me or Deanne Von Stetina (dvonstetina@broward.org or 954.357.6690) if you have any questions.

Wishing you all a happy and safe Thanksgiving holiday—
Barbara

Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6982 (direct) www.Broward.org/PlanningCouncil

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ATTACHMENT 4

Florida Statutes Excerpts

163.31771 Accessory dwelling units.—

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(2) As used in this section, the term:

(a) “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.

(b) “Affordable rental” means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low income, very-low-income, low-income, or moderate-income persons.

(c) “Local government” means a county or municipality.

(d) “Low-income persons” has the same meaning as in s. 420.0004(11).

(e) “Moderate-income persons” has the same meaning as in s. 420.0004(12).

(f) “Very-low-income persons” has the same meaning as in s. 420.0004(17).

(g) “Extremely-low-income persons” has the same meaning as in s. 420.0004(9).

(3) Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.

(4) If the local government adopts an ordinance under this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

(5) Each accessory dwelling unit allowed by an ordinance adopted under this section shall apply toward satisfying the affordable housing component of the housing element in the local government’s comprehensive plan under s. 163.3177(6)(f).

Florida Statutes 420.0004 (Definitions) Excerpt

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(9) “Extremely-low-income persons” means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

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(11) “Low-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

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. .

(12) “Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

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. .

(17) “Very-low-income persons” means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.