

# BROWARD COUNTY LAND USE PLAN 2016

## TEXT AMENDMENT PCT 16-6

### SECTION 2: POLICIES

#### GENERAL

**POLICY 2.1.1** Broward County shall maintain a balanced Land Use Plan to implement a regional vision including the provision of essential public services and facilities, as well as enhanced sustainability and livability. (f/k/a New Policy 1)

**POLICY 2.1.2** The ~~generalized~~ land use categories depicted on the Broward County Land Use Plan Map are intended to protect established residential areas and encourage economic development and redevelopment. (f/k/a Revised New Policy 2)

**POLICY 2.1.3** The Broward County Planning Council shall review the Broward County Land Use Plan at least every seven (7) years, including considerable public outreach and participation. (f/k/a New Policy 3)

#### RESIDENTIAL

**POLICY 2.2.1** Residential areas shall be designated on the Broward County Land Use Plan Map consistent with those categories identified within the Residential Permitted Uses subsection of the Broward County Land Use Plan. The categories indicate the maximum number of dwelling units per gross acre permitted by the Broward County Land Use Plan. (f/k/a Policy 4 and Revised Policy 1.01.01)

**POLICY 2.2.2** Establish flexibility within the Broward County Land Use Plan in order to facilitate the arrangement of densities and intensities, and allow local governments and the private sector to respond to changing conditions. (f/k/a Policy 5 and Objective 1.02.00)

**POLICY 2.2.3** Local certified land use plans may rearrange the residential densities shown on the ~~Future~~ Broward County Land Use Plan Map (~~Series~~) utilizing “flexibility units and/or “~~reserve redevelopment~~ units” as identified in the Residential Permitted Uses subsection of the Plan Implementation Requirements section of this Plan and in accordance with ~~Policy 13.01.10~~ this Plan and the rules established within the “Administrative Rules Document: Broward County Land Use Plan” ~~and the Chapter 163, Florida Statutes plan adoption and amendment process.~~ (f/k/a Policy 6 and Revised Policy 1.02.01)

**POLICY 2.2.4** Allocations of Flexibility Units shall be subject to the following restrictions: Within areas east of the Intracoastal Waterway or west of the “urban infill” area boundary line as designated on the Broward County Land Use Plan as of the effective date of this Policy (November 5, 2004), in no instance shall allocations of Flexibility Units result in a residential density greater than twenty-five (25) dwelling units per gross acre for the residentially designated parcel or portion of a non-residentially designated parcel to be developed with residential use, or exceed one hundred percent (100%) of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less. (f/k/a Policy 7 and Revised from Permitted Uses)

**POLICY 2.2.5** A studio housing unit, or efficiency housing unit, or similar housing unit, no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations. (f/k/a Revised New Policy 8)

**POLICY 2.2.6** By 2020, Broward County and the Planning Council shall examine Broward County Land Use Plan text “Residential” densities density classifications and make a recommendation regarding streamlining the densities and ranges. (f/k/a Revised New Policy 9)

## **COMMERCE**

**POLICY 2.3.1** Local governments shall employ their local land use plans, and zoning ordinances and land development codes to establish differing intensities of ~~commercial~~ commerce development compatible with adjacent and surrounding land uses, including but not limited to lands designated “Commercial,” “Industrial” or similar designations by the local land use plan. (f/k/a Policy 10 and Revised Policy 2.04.03)

**POLICY 2.3.2** Local governments shall employ their local land use plans and development regulations to establish appropriate intensity standards for non-residential future land use categories compatible with adjacent existing and future land uses. (f/k/a Policy 11 and Policy 14.02.05)

**POLICY 2.3.3** To allow both the public and private sectors to respond to changing conditions and permit the appropriate location of neighborhood commercial uses within or adjacent to established residential neighborhoods, the Broward County Land Use Plan shall permit up to 5% of the area designated residential within a ~~flexibility zone~~ local government to be used for neighborhood commercial uses subject to ~~Policy 13.01.10 and the restrictions identified within the Residential Permitted Uses subsection of the Plan Implementation Requirements section of the~~ as identified and in accordance with this Plan and the rules established within the “Administrative Rules Document: Broward County Land Use Plan.” (f/k/a Policy 12 and Revised Policy 2.04.04)

**POLICY 2.3.4** Local certified land use plans may decrease by 20 percent the lands designated ~~Commercial~~ “Commerce” on the ~~Future~~ Broward County Land Use Plan Map (~~Series~~) ~~within a flexibility zone for residential use~~ in accordance with ~~Policy 13.01.10 and~~ the rules established within the “Administrative Rules Document: Broward County Land Use Plan” and the Chapter 163, Florida Statutes plan adoption and amendment process. (f/k/a Policy 13 and Revised Policy 2.04.05)

## **COMMUNITY**

**NEW POLICY 14** ~~Local governments shall employ their local land use plans, zoning ordinances and land development codes to establish differing intensities of commerce development compatible with adjacent and surrounding land uses, including but not limited to lands designated “Community Facilities” or “Utilities” by the local land use plan.~~

## **ACTIVITY CENTERS**

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

- a. The local government must document that no more than 10% of permitted residential units and/or non-residential intensities proposed for increase are available for allocation at the time the local land use plan amendment is considered by the local government at a public hearing.
- b. “Every five (5) years” means starting from the date the 2016 Broward County Land Use Plan is effective for “Activity Centers” included in that Plan, or when a new or revised “Activity Center” is adopted by the County Commission and is effective.
- c. An application for a Broward County Land Use Plan amendment may be submitted at any time for “Activity Center” proposals which would exceed the above referenced residential and non-residential density/intensity increases.
- d. The local land use plan shall include policies addressing the affordable/workforce housing needs of “Activity Centers.”
- e. The local land use plan shall demonstrate sufficient capacity for public facilities and services, including coordination with public schools. (f/k/a New Policy 15)

**POLICY 2.4.2** ~~Upon application, local governments must~~ Local governments may propose a specific area for designation on the Broward County Land Use Plan as a ~~Transit-Oriented Corridor~~ an Activity Center. The municipality shall include within their land use element policies that ensure the proposed ~~Local~~ Activity Center will support the location of uses in a manner oriented around the five-minute (i.e. quarter-mile) walk and/or within approximately quarter-mile on either side of a transit corridor. Multiple nodes of activity oriented around the five-minute (i.e. quarter-mile) walk or transit corridor may be included within one ~~Local~~ Activity Center. The municipality shall include within their land use element policies that ensure that the proposed ~~Local~~ Activity Center will support the location of uses and internal circulation such that pedestrian mobility is a priority. All land uses in an ~~a Local~~ Activity Center shall be directly accessed via pedestrian ways, and accessible to existing or future alternate public transportation modes, including bicycle and transit. (f/k/a Policy 16 and Combined Policies 10.03.02 and 10.04.01)

**POLICY 2.4.3** Residential use is required as a principal component within an Activity Center. Maximum residential density must be specified by the local government, and must be described in the permitted uses section of the Broward County Land Use Plan. Residential densities may be specified either as units per gross acre in geographically designated areas and/or as a maximum number of permitted units (e.g. pool of units in the Activity Center). (f/k/a Policy 17 and Combined Policies 10.03.04, 10.04.02, 10.05.01 and 10.05.02)

**POLICY 2.4.4** At least two non-residential uses must be permitted in the Activity Center as a principal use: e.g. retail, office, restaurants and personal services, hotel/motel, light industrial (including “live work” buildings), research business, civic and institutional. (f/k/a Policy 18 and Combined Policies 10.04.03 and 10.05.03)

**POLICY 2.4.5** Minimum and Maximum FAR (Floor Area Ratio) for non-residential uses within an Activity Center must be specified by the local government and described in the permitted uses section of the Broward County Land Use Plan. Minimum non-residential FARs (Gross) of 2 are encouraged. Non-residential intensities may vary along transit corridors and may be specified at the option of the local government, either as a maximum FAR in geographically designated areas and/or as an overall maximum square footage by use [e.g. pool of square footage by permitted use (retail, office etc.) or land use category (commercial)]. (f/k/a Policy 19 and Combined Policies 10.04.04 and 10.05.05)

**POLICY 2.4.6** For proposed new or revised ~~Regional Activity Center or Local~~ Activity Centers areas, Broward County shall, to address new proposed dwelling units and impacts, coordinate and cooperate in assisting municipalities to identify existing and proposed policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing to serve such areas. (f/k/a Policy 20 and Revised Policy 10.01.04)

**POLICY 2.4.7** Local governments shall consider community needs for affordable housing when proposing a ~~Local~~ an Activity Center and include within their local land use element policies which encourage affordable housing opportunities, through various mechanisms such as ~~the utilization of “affordable housing units,”~~ the direction of public housing program funds into the ~~Local~~ Activity Center, reduced lot size for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, or through other mechanisms proven effective in increasing the affordable housing stock. To promote ~~Local~~ Activity Centers which propose to include “low income” housing as a viable component, Broward County shall support all reasonable means and methods to mitigate potential negative impacts to public facilities and services which may result from the amendment. (f/k/a Policy 21 and Revised Policy 10.03.05)

**POLICY 2.4.8** Local governments shall include within their local land use element policies that promote the preservation, rehabilitation and use of historic buildings within a proposed ~~Local~~ Activity Center. (f/k/a Revised Policy 22 and Revised Policy 10.03.06)

**POLICY 2.4.9** Local land use elements shall require design guidelines that incorporate pedestrian and bicycle paths and greenways to accomplish fully-connected routes to all destinations within the ~~Local~~ Activity Center. The paths should be spatially defined by buildings, trees and lighting, and should incorporate designs which discourage high speed traffic. (f/k/a Policy 23 and Revised Policy 10.03.07)

**POLICY 2.4.10** To reduce reliance on automobile travel, local governments shall ensure convenient access to high use mass transit stops or multi-modal facilities within a proposed ~~Local~~ Activity Center. (f/k/a Revised Policy 24 and Revised Policy 10.03.08)

**POLICY 2.4.11** Local governments shall include within their local land use element policies that encourage internal transit systems to serve the residents and employees within the proposed ~~Local~~ Activity Center (e.g. trolley, community transit services). Transit shelters should be incorporated in the local design guidelines to provide safe and comfortable service and to encourage transit usage. (f/k/a Policy 25 and Revised Policy 10.03.09)

**POLICY 2.4.12** In consideration of non-residential land uses in areas proposed for designation as a ~~Transit Oriented Development~~ an Activity Center, the impact analysis for the designation in the Broward County Land Use Plan may be based on the amount of non-residential development which could be permitted as per the intensity standards of the effective local government land use element, rather than the alternative 10,000 square feet per gross acre standard utilized for non-residential impact analysis. (f/k/a Policy 25a and Revised Policy 10.05.10)

**POLICY 2.4.13** Local land use element policies must include guiding principles for municipal design guidelines to adequately address the transition to adjacent residential development and to promote connectivity to transit stations and stops. (f/k/a Policy 26 and Policy 10.04.06)

**POLICY 2.4.14** Park land, public plazas, urban open space or green space/pocket park uses that are accessible to the public must be provided as an integrated component within a proposed Activity Center. (f/k/a Policy 27 and Combined Policies 10.02.09 and 10.03.03 and 10.04.07)

**POLICY 2.4.15** The municipality shall include within their land use element policies that ensure that areas designated as Activity Centers include design features that promote and enhance pedestrian mobility, including connectivity to transit stops and stations, based on the following characteristics: ● Integrated transit stop with shelter, or station (within the area). ● Wide (5 feet shall be the minimum consistent with ADA requirements) pedestrian and bicycle paths that minimize conflicts with motorized traffic and are adequately landscaped, shaded and provide opportunities for shelter from the elements. ● Buildings should front the street (zero or minimal setbacks are encouraged). ● Vehicle parking strategies that encourage and support transit usage (such as parking that does not front the street, shared parking, parking structures, and/or reduced parking ratios). ● Streets (internal and adjacent to the area) should be designed to discourage isolation and provide connectivity (such as streets in the grid pattern). (f/k/a Policy 28 and Combined Policies 10.04.08 and 10.05.06)

**POLICY 2.4.16** Local plan policies must include requirements for internal pedestrian and transit amenities to serve the residents and employees within the area designated as an Activity Center (such as seating on benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plaza (such as clocks, fountains, sculpture, drinking fountains, banners, flags and food and refreshment vendor areas.) (f/k/a Policy 29 and Combined Policies 10.04.09 and 10.05.07)

**POLICY 2.4.17** The intent of the required ~~Design Guideline Principles~~ design features is to provide guidelines for municipal implementation of the ~~Transit Oriented Development~~ Activity Center land use category. Municipalities are encouraged to use some or all of the above design elements, or to develop other design strategies, which accomplish the goals of using design elements to enhance pedestrian and transit mobility. County review of applications seeking the ~~Transit Oriented Development~~ Activity Center land use category designations will only determine whether the municipality has adopted, through plan policies, a cohesive set of implementation strategies to accomplish the design strategies sought, and will not seek to require a specific design approach or a fixed set of design approaches as a requirement for County approval of the land use designation sought. (f/k/a Policy 30 and Revised Policy 10.05.08)

**POLICY 2.4.18** Municipalities which propose a ~~Mixed Use Residential~~ an Activity Center designation shall include policies within their land use element which establish design guidelines for mixed use within their land development codes. Policies should promote an urban form which creates well integrated land use combinations, balances intensity and density, and promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement. Policies should integrate the public realm, through open space, urban public plazas and/or recreational areas. (f/k/a Policy 31 and Revised Policy 10.06.03)

**POLICY 2.4.19** Municipalities which propose a ~~Mixed Use Residential~~ an Activity Center designation shall include policies within their land use element which establish appropriate design standards, within their land development codes, to ensure a mixed use development is compatible with adjacent land uses and adjacent adopted Future Land Use designations. (f/k/a Policy 32 and Revised Policy 10.06.04)

**POLICY 2.4.20** An interlocal agreement between the municipality and Broward County must be executed no later than six months from the effective date of the adoption of an Activity Center which provides that monitoring of development activity and enforcement of permitted land use densities and intensities shall be the responsibility of the affected municipality. (f/k/a Policy 33 and Combined Policies 10.04.13 and 10.05.11)

## **PARKS/CONSERVATION**

**POLICY 2.5.1** Local governments shall provide for a minimum of three (3) acres of Community level parks for every 1,000 existing and projected permanent residents. The acreage that may be used to meet this requirement is listed in the “Community and Regional Parks” subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan. (f/k/a Policy 34 and Policy 5.02.01)

**POLICY 2.5.2** The Broward County Board of County Commissioners shall provide for a minimum of three (3) acres of Regional level parks for every 1,000 existing and projected permanent Broward County residents. The acreage that may be used to meet this requirement is listed in the “Community and Regional Parks” subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan. (f/k/a Policy 35 and Policy 5.02.02)

**POLICY 2.5.3** The Broward County Planning Council shall publish on its website each municipality's “Community” parks inventory list, and links to municipal parks and county parks websites. Municipalities should also publish on their website, or equivalent method of communication, the municipal “Community” parks inventory list. (f/k/a Policy 36 and Policy 5.02.05)

**POLICY 2.5.4** Broward County shall strongly encourage the preservation of open space areas. Amendments to the Broward County Land Use Plan which would result in the loss of open space shall be strongly discouraged and be required to address how open space and recreation needs of the existing and projected residents of the community will be met, including how the negative impacts of the loss of open space on surrounding neighborhoods will be minimized or mitigated. (f/k/a Policy 37 and Policy 5.04.03)

**POLICY 2.5.5** Amendments to the Broward County Land Use Plan containing golf courses, including closed golf courses, shall address the following: a. The impact of the loss of open space on the surrounding residential areas. The loss of open space must be mitigated through provision of parks and open space to serve the surrounding neighborhood. b. Management of storm water retention taking into account the extent to which the golf course provided storm water retention for the surrounding development and how this will be mitigated, along with any additional storm water impacts created by the new development. c. Minimization of the impact on natural resources including wetlands, lakes, aquifer recharge areas and the tree canopy, including any historic trees on the site. d. Mitigation of environmental contamination. The level of environmental contamination must be determined by conducting a Phase 1 environmental assessment. A Phase 2 environmental assessment may be required based upon the findings of the Phase 1 assessment. e. Integration of the proposed development with the surrounding areas including how the development will tie into the existing neighborhoods through roads, sidewalks, parks/open space and greenways. (f/k/a Policy 38 and Policy 5.04.04)

~~**POLICY 39** Broward County shall map existing and potential greenways and trails of countywide significance and incorporate the map into the Natural Resource Map Series of the Broward County Land Use Plan. (5.05.01) (Duplicate of Policy 159)~~

**POLICY 2.5.6** No new solid-fill transportation facilities or similar structures shall be permitted within Broward County's identified water conservation areas without provisions for maintaining the freshwater sheet flow. (f/k/a Policy 40 and Policy 6.01.02)

**POLICY 2.5.7** Natural reservations identified in the Conservation Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan shall be designated for conservation use on the Future Broward County Land Use Plan Map (Series) for the purpose of protecting publicly owned sanctuaries, preserves, archaeological or historic sites, open space, natural areas, ecological communities and designated wildlife management areas. (f/k/a Policy 41 and Revised Policy 6.02.05)

**POLICY 42** Designate and protect the 790 square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35 for Conservation Use consistent with the policies under Objectives 6.01.00 and 6.02.00 in order to promote groundwater recharge and prevent salt water intrusion. (9.10.01) (Duplicate of Policy 143)

### **PUBLIC SCHOOLS**

**POLICY 43** Broward County and its local governments shall determine the consistency of land use plan amendments with their Public School Facilities Element. The consistency finding shall address whether sufficient capacity is available, or anticipated within the short or long range planning horizon of their Elements, to accommodate the projected student impact of proposed amendments. As provided for within the Amended Interlocal Agreement for Public School Facilities Planning (ILA), the School Board of Broward County shall advise the County and local governments regarding the projected student impact of amendments and the availability of capacity at impacted schools. (8.07.01) (Duplicate of Policy 94)

**POLICY 44** Broward County, based upon studies and recommendations provided by the School Board of Broward County, shall implement school impact fee provisions within the Broward County Land Development Code, and review and revise the school impact fees at least every three years, to require new residential development to pay its fair share of the cost of land acquisition and construction for new public elementary and secondary school facilities. No municipal government shall accept a building permit application, nor issue a building permit, for new or additional residential units, unless the applicant presents evidence from Broward County that the impact of the proposed development on public educational sites and facilities has been mitigated by payment of school impact fees, based on the fee schedule and accompanying provisions of the Broward County Land Development Code. Alternative methods of mitigation for school impacts may only be approved via a recorded agreement among the property owner(s), Broward County, and/or the applicable local government(s) Broward County, and the School Board of Broward County. (8.07.02) (Duplicate of Policy 95)

**POLICY 45** Broward County, its local governments and the School Board of Broward County shall coordinate through the processes and procedures identified in the ILA to ensure collaborative planning and decision making on population projections and public school siting and to accomplish coordination between the adopted local comprehensive plans and the School Board's District Educational Facilities Plan. (8.07.04) (Duplicate of Policy 96)

### **URBAN AGRICULTURE**

**POLICY 2.6.1** Broward County shall support and encourage municipalities to provide farm-to-table opportunities throughout Broward County. (f/k/a New Policy 46)

**POLICY 2.6.2** The Broward County Land Use Plan shall ~~permit~~ encourage local governments to permit appropriate and compatible urban agriculture activities in all land use categories of the Broward County Land Use Plan, except "Conservation" and "Recreation and Open Space," while also ensuring that protection and promotion of rural agriculture activities remain a priority. (f/k/a Revised New Policy 47)

## **PORT**

**POLICY 2.7.1** Port Everglades ~~should~~ shall be developed in a manner which is sensitive to marine and other natural resources, consistent with the goals, objectives and policies of the Port Everglades Master Plan. (f/k/a Policy 48 and Revised Policy 15.01.02)

**POLICY 2.7.2** The Broward County Planning Council shall coordinate with the Port Everglades Department, the Broward County Environmental Protection and Growth Management Department and the Cities of Fort Lauderdale, Dania Beach and Hollywood to ensure compatibility between the Port Everglades Master/Vision Plan, the Broward County Land Use Plan and local land use plans. (f/k/a Policy 49 and Revised Policy 15.01.03)

## **AIRPORT**

**POLICY 2.8.1** Existing airports and lands committed for airport use shall be designated under the Transportation land use category as defined within the Permitted Uses subsection of the Plan Implementation Requirements Section of the Broward County Land Use Plan, and should not be converted to other uses unless adequate replacement sites and facilities have been provided. (f/k/a Policy 50 and Policy 15.02.02)

**POLICY 2.8.2** Within areas surrounding existing or committed airports/heliports, Broward County's local governments shall not issue development orders for land uses or structures that are incompatible with airport/heliport uses, pursuant to the Development Review Requirements subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan. (f/k/a Policy 51 and Policy 15.03.02)

**POLICY 2.8.3** The recommendations of adopted Part 150 Study Technical Reports shall be taken under consideration during land use decisions affecting airports/heliports and their adjacent areas. (f/k/a Policy 52 and Policy 15.03.03)

**POLICY 2.8.4** Broward County's local governments shall protect from obstruction Federal Aviation Administration approved and locally adopted aircraft air corridors. (f/k/a Policy 53 and Policy 15.03.05)

## **MINING**

**POLICY 2.9.1** Broward County shall ensure that mining operations are compatible with existing surrounding land uses and consistent with the Broward County Land Use Plan's policies regarding protection of natural resources including environmentally sensitive lands and water resource quality and quantity. (f/k/a Policy 54 and Objective 9.06.00)

**POLICY 2.9.2** Local land development regulations shall require protective measures such as restrictions regarding blasting, noise, and air quality as well as fencing during excavation and shall provide that slopes be maintained after excavation of mining pits to provide for shallow water aquatic habitat, in order to protect the health, safety and welfare of Broward County's residents. (f/k/a Policy 55 and Policy 9.06.03)

**POLICY 2.9.3** Broward County continues to oppose the use of hydraulic fracturing, acid fracturing, and any form of extreme well stimulation for the purposes of resource extraction. (New Policy)



## **COMPATIBILITY**

**POLICY 2.10.1** Local government utilization of the Broward County Land Use Plan “Flexibility Rules” ~~as per Policies 1.01.03, 1.01.04, 1.02.01, 1.02.02, 2.04.04, 2.04.05, 3.01.06 and 3.02.02,~~ shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered, in the following instances:

- A. Allocations to sites east of the Intracoastal Waterway which impact access to public beaches.
- B. Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.
- C. Allocations to sites which are adjacent to an Environmentally Sensitive Land, as defined within the Broward County Comprehensive Plan, or a Broward County or regional park, including sites which are attached, located within 500 feet, or separated only by streets and highways, canals and rivers or easements, upon request of the Broward County Commission.

Additional rules and procedures for the processing of County Commission compatibility reviews shall be included in the Planning Council’s administrative rules. (f/k/a Policy 56 and Revised Policy 13.01.10)

Allocations of “Flexibility Units” and “~~Reserve~~ Redevelopment Units” shall be subject to the following restriction:

Within areas east of the Intracoastal Waterway ~~or west of the “urban infill” area boundary line as designated on the Broward County Land Use Plan as of the effective date of this Policy (November 5, 2004),~~ in no instance shall allocations of “Flexibility Units” or “~~Reserve~~ Redevelopment Units” result in a residential density greater than twenty-five (25) dwelling units per gross acre for the residentially designated parcel or portion of a non-residentially designated parcel to be developed with residential use, or exceed one hundred percent (100%) of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less. (f/k/a Policy 56 and Revised from Permitted Uses)

**POLICY 2.10.2** The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and local land use plans. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance from existing land use patterns. (f/k/a Policy 57 and Policy 14.02.01)

**POLICY 2.10.3** In order to prevent future incompatible land uses, the established character of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed. (f/k/a Policy 58 and Policy 14.02.03)

## **PUBLIC FACILITIES AND SERVICES**

### **Potable Water and Sanitary Sewer**

**POLICY 2.11.1** Broward County shall maintain regulations requiring new development to be serviced by centralized water and wastewater systems, where necessary, to protect the health, safety, and welfare of Broward County's residents. (f/k/a Policy 59 and Policy 8.01.07)

**POLICY 2.11.2** In considering amendments to the Broward County Land Use Plan, analysis regarding the availability of potable water supply shall include a determination of whether such supply will be available as per the applicable adopted 10-Year Water Supply Facilities Work Plan and Capital Improvements Element. (f/k/a Policy 60 and Policy 8.01.09(2))

**POLICY 2.11.3** Broward County, in coordination with its municipalities, shall pursue the establishment of mandatory reuse zones in order to require the use of reclaimed water for irrigation, when source water is available, with the goal of reducing demands on the Biscayne Aquifer. (f/k/a Policy 61 and Policy 8.03.09)

~~**POLICY 62** In order to protect its existing and future potable water supply, Broward County shall continue to implement its Potable Water Supply Wellfield Protection Ordinance, as amended. (9.02.01) (Duplicate of Policy 150)~~

~~**POLICY 63** Amendments to the Future Broward County Land Use Plan Map (Series) proposing land use categories which permit industrial uses shall be discouraged, to the greatest extent feasible, within wellfield protection zones of influence as identified by the Potable Water Supply Wellfield Protection Ordinance of Broward County. (9.02.03) (Duplicate of Policy 151)~~

~~**POLICY 64** Broward County shall maintain regulations requiring new development to be serviced by centralized water and wastewater systems, where necessary, to protect the health, safety, and welfare of Broward County's residents. (8.01.07) (Duplicate of Policy 59)~~

**POLICY 2.11.4** The availability of sanitary sewer service, or plans to extend or provide such service within a financially feasible capital plan, adopted by a local government, shall be a primary consideration when amendments to the Broward County Land Use Plan (~~BCLUP~~) for increased densities and intensities are proposed. (f/k/a Policy 65 and Revised Policy 8.03.12)

**POLICY 2.11.5** New septic tank systems shall only be permitted when the Florida Department of Health and Rehabilitative Services determines they are consistent with Broward County's Water, Sanitary Sewer and Septic Tank Ordinance and with the requirements of the Florida Statutes and the Florida Administrative Code. (f/k/a Policy 66 and Policy 9.02.05)

**POLICY 2.11.6** Local governments shall, when it is determined to be practical and financially feasible, require land uses currently on septic systems to be connected to central wastewater treatment facilities, with priority given to those land uses in proximity to surface waters. (f/k/a Policy 67 and Policy 9.02.06)

**POLICY 2.11.7** Facilities which service live-aboard boats shall provide for sewage pumpage facilities and/or other improvements which promote environmental compatibility with marine resources consistent with local, state and federal law. (f/k/a Policy 68 and Policy 9.03.06)

### **Solid Waste**

**POLICY 2.11.8** Landfills and resource recovery facilities shall be planned to minimize impacts on adjacent existing or planned uses. (f/k/a Policy 69 and Policy 8.01.15)

### **Electrical Generation Facilities**

**POLICY 2.11.9** Broward County shall encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which takes into consideration impacts from climate change, including increasing winds, storm surge, ambient temperatures and sea level rise. (f/k/a Policy 70 and Policy 8.01.20(3))

**POLICY 2.11.10** Broward County shall coordinate land use plan amendment proposals to designate sites to the Electrical Generation Facility land use category with the Florida Electrical Power Plant Siting Act, as amended, and ensure such amendments are consistent with the Act. (f/k/a Policy 71 and Policy 8.09.02)

### **DISASTER PLANNING AND POST-DISASTER REDEVELOPMENT**

**POLICY 2.12.1** Develop and implement post-disaster redevelopment and hazard mitigation land use controls and development regulations including strong preventive measures, to protect the health, safety and welfare of Broward County's current and future residents. (f/k/a Policy 72 and Policy 8.08.00)

**POLICY 2.12.2** Broward County, in coordination with its local governments, shall ~~by December 31, 1998,~~ adopt a countywide ~~post-disaster~~ long-term recovery and redevelopment strategy plan which focuses on immediate recovery needs and establishes an orderly process for reviewing private and public redevelopment proposals to restore the economic and social viability of the community in a timely fashion. (f/k/a Policy 73 and Revised Policy 8.08.01)

**POLICY 2.12.3** ~~Broward County's long-term recovery and redevelopment strategy shall~~ Post-disaster redevelopment and hazard mitigation plans should inventory hazard prone properties, including repetitive loss properties, and utilize public funds to purchase such properties ~~Measures encouraging the acquisition of private property and/or redevelopment rights of hazard prone property to reduce future property damages and losses must be included in post-disaster redevelopment and hazard mitigation plans.~~ (f/k/a Policy 74 and Combined Policies 8.08.02(a) and 8.08.03)

**POLICY 2.12.4** Broward County shall, ~~by December 31, 2017,~~ work with municipalities and affected parties to identify and designate a "Coastal Storm Area" on the County's Natural Resource Map Series which shall depict the Coastal High Hazard Area, as defined by state statutes, all properties directly connected to the mainland by bridges and all low-lying properties that have restricted evacuation and emergency access. (f/k/a Revised New Policy 75)

**POLICY 2.12.5** Broward County shall limit public funding within ~~it's~~ the identified "Coastal Storm Area," unless infrastructure improvements are necessary to repair or update existing infrastructure or enhance hurricane evacuation clearance times or emergency shelter capacities, or to mitigate the effects of storm surge flooding or sea level rise. (f/k/a Revised New Policy 76)

**POLICY 2.12.6** Broward County shall encourage the utilization of park and open space land to locate temporary housing for those visitors and residents who have been displaced by man-made or natural disasters. (f/k/a New Policy 77)

**POLICY 2.12.7** Broward County shall encourage and incentivize the transition of mobile homes to affordable housing options such as manufactured and modular housing which meet or exceed current building code standards. (f/k/a New Policy 78)

**POLICY 2.12.8** Broward County shall discourage land use plan amendments which negatively impact hurricane evacuation clearance times and/or emergency shelter capacities. (f/k/a New Policy 79)

## **PLATTING AND LAND DEVELOPMENT CODE**

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

- (1) construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.
- (2) construction on any multi-family or non-residential lot or parcel which is less than ~~five (5)~~ ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953;
- (3) the building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or
- (4) a building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.

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

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

The Broward County Board of County Commissioners shall not approve for recordation in the Official Records any plat of lands that is not in compliance with the Broward County Land Use Plan or with a certified local land use plan. (f/k/a Policy 80 and Revised from Section D.2.)

**POLICY 2.13.2** Development permits granted by local governments within Broward County shall be consistent with ~~the Development Review Requirements subsection of the Plan Implementation Requirements section of this plan.~~ (f/k/a Policy 81 and Revised Policy 8.01.02)

**POLICY 2.13.3** Continue to enforce the countywide platting requirements of the Broward County Charter and ensure that land development within Broward County meets the minimum standards of the Broward County Land Development Code. Further, local jurisdictions shall adopt land development regulations that require platting at least in those circumstances where ~~the Plan Implementation Requirements section of~~ this plan requires platting; and such regulations may establish additional standards, procedures, and requirements as may be necessary to regulate and control the platting of lands within their boundaries. (f/k/a Policy 82 and Combined Objective 8.02.00 and Policy 8.02.01)

### **TRANSPORTATION CONCURRENCY AND IMPACT FEES**

**POLICY 2.14.1** Broward County will continue, through the criteria established within the Broward County Land Development Code, to provide a transportation concurrency fee credit for new development located in proximity to transit stops. (f/k/a New Policy 83; Updated for 2<sup>nd</sup> public hearing per FDOT Technical Comment)

**POLICY 2.14.2** To maintain those level of service standards identified within the Broward County Comprehensive Plan and local comprehensive plans, Broward County shall, prior to final action on amendments to the Broward County Land Use Plan, determine whether adequate public facilities and services will be available when needed to serve the proposed development. (f/k/a Policy 84 and Policy 11.01.03)

**POLICY 2.14.3** Prior to plat approval, Broward County and/or the appropriate local government shall ensure that the public facilities and services necessary to meet the level of service standards established within the Broward County Comprehensive Plan and affected municipal comprehensive plan will be available to serve new development. (f/k/a Policy 85 and Policy 11.01.04)

**POLICY 2.14.4** In order to ensure that land development contributes a proportionate share of the cost of public facilities and services, Broward County shall continue to implement the improvement, dedication and impact fee requirements contained within the Broward County Land Development Code, as amended. (f/k/a Policy 86 and Policy 11.01.06)

**POLICY 2.14.5** For those portions of the regional roadway network within their respective jurisdictions, local governments within Broward County shall adopt levels of service and concurrency management systems consistent with the Broward County Transportation Element. (f/k/a Policy 87 and Policy 12.01.01)

**POLICY 2.14.6** Broward County and its local governments shall utilize the highway capacity methodology endorsed by the Broward ~~County~~ Metropolitan Planning Organization and approved by the Broward County Board of County Commissioners to determine the capacities and levels of service on the regional roadway network. (f/k/a Policy 88 and Revised Policy 12.01.02)

**POLICY 2.14.7** Broward County and its local governments shall consider the individual and cumulative impacts of land use plan amendments on the existing and planned transportation facilities within the County. (f/k/a Policy 89 and Policy 12.01.04)

**POLICY 2.14.8** No municipal government shall accept a building permit application, nor issue a building permit, unless the applicant presents evidence from Broward County either that the impact of the proposed development on the regional transportation network has been mitigated by payment of road impact fees or transit impact fees, based on the appropriate provisions of the Broward County Land Development Code, or that no such payment is due. The County Commission may adopt land development regulations which exempt from this requirement categories of building permits that clearly do not create additional transportation impacts. (f/k/a Policy 90 and Policy 12.01.10)

**POLICY 2.14.9** The impact analysis for proposed amendments to the Broward County Land Use Plan shall continue to consider as significant those regional roadway segments that are projected to experience, as a result of the net effect from the proposed amendment, an impact of three percent (3%) or greater than the p.m. peak hour level of service capacity for those regional roadway segments. (f/k/a Policy 91 and Policy 12.01.11)

**POLICY 2.14.10** Broward County shall continue to support and link local and state infrastructure investments to better coordinate multi-modal transportation and mixed land uses, which encourage a reduction in vehicle miles traveled and in greenhouse gas emissions, improved energy efficiency, affordable housing proximate to urban work centers, and progress toward other sustainability and quality of life measures. (f/k/a Policy 92 and Policy 12.01.12)

### **PUBLIC SCHOOL CONCURRENCY**

**POLICY 2.15.1** Local governments shall implement development review procedures to assure that facilities and services meet established countywide and municipal level of service standards and are available consistent with concurrency requirements and Section 163.3180 Florida Statutes (1993). (f/k/a Policy 93 and Policy 8.01.01)

**POLICY 2.15.2** Broward County and its local governments shall determine the consistency of land use plan amendments with their Public School Facilities Elements. The consistency finding shall address whether sufficient capacity is available, or anticipated within the short or long range planning horizon of their Elements, to accommodate the projected student impact of proposed amendments. As provided for within the Amended Interlocal Agreement for Public School Facilities Planning (ILA), the School Board of Broward County shall advise the County and local governments regarding the projected student impact of amendments and the availability of capacity at impacted schools. (f/k/a Policy 94 and Policy 8.07.01)

**POLICY 2.15.3** Broward County, based upon studies and recommendations provided by the School Board of Broward County, shall implement school impact fee provisions within the Broward County Land Development Code, and review and revise the school impact fees at least every three years, to require new residential development to pay its fair share of the cost of land acquisition and construction for new public elementary and secondary school facilities. No municipal government shall accept a building permit application, nor issue a building permit, for new or additional residential units, unless the applicant presents evidence from Broward County that the impact of the proposed development on public educational sites and facilities has been mitigated by payment of school impact fees, based on the fee schedule and accompanying provisions of the Broward County Land Development Code. Alternative methods of mitigation for school impacts may only be approved via a recorded agreement among the property owner(s), Broward County, and/or the applicable local government(s) and the School Board of Broward County. (f/k/a Policy 95 and Policy 8.07.02)

**POLICY 2.15.4** Broward County, its local governments and the School Board of Broward County shall coordinate through the processes and procedures identified in the ILA to ensure collaborative planning and decision making on population projections and public school siting and to accomplish coordination between the adopted local comprehensive plans and the School Board's District Educational Facilities Plan. (f/k/a Policy 96 and Policy 8.07.04)

**POLICY 2.15.5** The Broward County Planning Council will coordinate with the Broward County School Board and area colleges and universities to meet educational needs relevant to regional and local planning and growth management. (f/k/a Policy 97 and Policy 13.02.06)

## **ATTAINABLE AFFORDABLE HOUSING**

**POLICY 2.16.1** Local governments, except for municipalities with planned populations of less than 15,000 shall establish programs to provide, encourage, or enable, low and moderate income housing to meet the needs of Broward County's existing and future residential population and economic activities. (f/k/a Policy 98 and Policy Revised 1.07.01)

**POLICY 2.16.2** For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. ~~Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.~~ In addressing amendments which proposed to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality, and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;
- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing ~~as defined by the municipality's data and analysis.~~ The local government shall estimate its supply of affordable housing utilizing the data and methodology referenced within the "Administrative Rules Document: Broward County Land Use Plan." For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the BCLUP. The median annual income estimate should be updated at least yearly. (f/k/a Policy 99 and Revised Policy 1.07.07)

## ATTAINABLE AFFORDABLE HOUSING BONUS DENSITY

### POLICY 2.16.3

(1) Bonus residential density may be allocated to facilitate the development of ~~attainable~~ **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.\*
- Very Low and 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.\*

\*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:* two (2) bonus “market rate” units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway), except the bonus may be up to four (4) “market rate” units per every one (1) “moderate-income” unit for a project located within an “Activity Center” designated on the Broward County Land Use Plan, or projects located ~~within  $\frac{1}{4}$  mile of a rail station or premium  $\frac{1}{4}$  mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicles passing by in one hour~~ within  $\frac{1}{2}$  mile of a rail station or premium  $\frac{1}{4}$  mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicles passing by in one hour (not including areas east of the Intracoastal Waterway).

*Very-Low to Low-income:* Four (4) bonus “market rate” units per every one (1) “very-low or low-income” unit (including areas east of the Intracoastal Waterway), except the bonus may be up to six (6) “market rate” units per every one (1) “very-low or low-income” unit for a project located within an “Activity Center” designated on the Broward County Land Use Plan, or projects located ~~within  $\frac{1}{4}$  mile of a rail station or premium  $\frac{1}{4}$  mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicles passing by in one hour~~ within  $\frac{1}{2}$  mile of a rail station or premium  $\frac{1}{4}$  mile of limited transit stop defined as no fewer than 5 buses or similar transit vehicles passing by in one hour (not including areas east of the Intracoastal Waterway).

(3) ~~Attainable Affordable~~ **Attainable 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 fifteen (15) years for rental housing and at least fifteen (15) years for owner-occupied housing.

(4) The total number of bonus affordable and bonus market rate units may not exceed 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 “Commercial” or “Employment Center” or similar designation on the local land use plan map, these percentages shall not be applicable. (Revised)



- (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 ~~concurrent~~ with completion of project construction, to accommodate all bonus market rate and ~~attainable~~ **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 “market rate” 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 “market rate” units receive their certificate of occupancy; or

The local government must require that bonus “affordable” units are available before or concurrently with bonus “market rate” units. (f/k/a Revised New Policy 100; Updated for 2<sup>nd</sup> public hearing per Broward County Transit and FDOT Technical Comment)

### **TRANSPORTATION RIGHTS-OF-WAY/TRAFFICWAYS PLAN**

**POLICY 2.17.1** Local plans shall contain a policy that forms the basis for access control regulations for the protection of the regional roadway network and Broward County Trafficways Plan. (f/k/a Policy 101 and Policy 2.05.01)

**POLICY 2.17.2** In order to ensure that the rights-of-way necessary to accommodate all modes of Broward County's future transportation needs are available, Broward County shall implement the Broward County Trafficways Plan. (f/k/a Policy 102 and Policy 12.02.01)

**POLICY 2.17.3** Rules for the implementation of the Broward County Trafficways Plan shall be contained within the “Documentation of the Broward County Trafficways Plan.” (f/k/a Policy 103 and Policy 12.02.02)

**POLICY 2.17.4** At the time of plat recordation rights-of-way shall be conveyed to the public by deed or easement sufficient to address the impact of development on transportation needs and to meet the requirements of the Broward County Trafficways Plan. (f/k/a Policy 104 and Policy 12.02.03)

**POLICY 2.17.5** Local governments ~~should~~ **shall** adopt and implement land development regulations to provide for the reservation and acquisition of rights-of-way sufficient to meet the requirements of the Broward County Trafficways Plan. (f/k/a Policy 105 and Revised Policy 12.02.04)

**POLICY 2.17.6** In order to protect the transportation corridors identified on the Broward County Trafficways Plan, local governments shall require that development is set back from identified rights-of-way when issuing development orders while providing an administrative relief process to ensure such set back does not deny all beneficial use of the property proposed for development. (f/k/a Policy 106 and Policy 12.02.05)

### **TRANSPORTATION MULTI-MODAL LEVELS OF SERVICE**

**POLICY 2.18.1** For Land Use Plan amendments, transportation impacts from development within designated or proposed and eligible “Activity Centers,” or municipal and county approved community redevelopment areas, may be analyzed utilizing an Institute of Transportation Engineers (ITE) “urban infill area – person trip methodology.” (f/k/a Revised New Policy 107)

**POLICY 2.18.2** By 2018, Broward County and the Broward County Planning Council shall study and recommend integrated levels of service standards for bicycle, transit, and pedestrian facilities and services within, at a minimum, designated or proposed and eligible “Activity Centers,” or municipal and county approved community redevelopment areas. If a proposed development fails to meet levels of service standards for automobile roadway capacity in such areas, the proposed development may be recommended for approval if levels of service for bicycle, transit, and pedestrian facilities and services are acceptable after considering effects from the proposed development. (f/k/a New Policy 108)

### **COMPLETE STREETS**

**POLICY 2.19.1** Broward County shall promote and encourage (re)development, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, to take advantage of compact building design to preserve more open space, support a complete range of transportation choices, make public transportation viable, reduce public infrastructure cost and improve the health condition of residents and the wider community, in a manner generally consistent with the *Broward Complete Streets Guidelines*, or equivalent principles. (f/k/a Policy 109 and Policy A.01.11)

**POLICY 2.19.2** Broward County shall promote and encourage (re)development, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, the creation of walkable sites, neighborhoods and community designs that are accessible to and address the needs of all users and support healthy lifestyles using public venues, inclusive of all modes of transportation in a manner generally consistent with the *Broward Complete Streets Guidelines*, or equivalent principles. (f/k/a Policy 110 and Policy A.01.06)

**POLICY 2.19.3** To identify multi-modal transportation systems consistent with the *Broward Complete Streets Guidelines*, Broward County and its local governments should utilize the “Context Sensitive Corridor” Broward County Trafficways Plan designation to provide for the reservation or acquisition of rights-of-way necessary for mass transit, bicycle and pedestrian facilities and services within their land development regulations. (f/k/a Policy 111 and Policy 12.02.06)

**POLICY 2.19.4** Additional policies and criteria which guide Broward County’s implementation of Complete Streets are adopted as part of the Broward County Transportation Element. (f/k/a New Policy 112)

## **SMART GROWTH**

**POLICY 2.20.1** Adopt, implement and encourage land use provisions which promote the principles of the “Smart Growth” initiative seeking to maintain and create desirable and efficient communities for Broward County residents, visitors and economic interests including quality housing for all, integrated with excellent and sufficient public facilities and services, recreational opportunities and open space areas, and which maximizes preservation and conservation of natural resources. (f/k/a Policy 113 and Policy A.01.00)

**POLICY 2.20.2** Provide a range of housing opportunities and choices, including those in the “medium” to “high” densities where compatible with the physical location and services needs of residents in all age and income groups. (f/k/a Policy 114 and Policy A.01.01)

**POLICY 2.20.3** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, an increased efficiency of utilizing water and energy resources to reduce the consumption of water and fossil fuel energy and the production of waste materials via techniques such as efficient design, renewable energy, efficient equipment and green infrastructure management systems. (f/k/a Policy 115 and Policy A.01.02)

**POLICY 2.20.4** Broward County shall promote and encourage, and shall implement to the maximum extent feasible where appropriate for those (re)development projects and lands owned by the County or within unincorporated areas, the preservation and creation of open space, areas of natural beauty, community gardens and similar uses, designed on an urban scale and suitable for an urban mixed use neighborhood, for perpetual public use. (f/k/a Policy 116 and Policy A.01.03)

**POLICY 2.20.5** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, the creation of distinctive buildings and neighborhoods with a strong sense of place that will give residents the satisfaction of living in a unique and desirable neighborhood. (f/k/a Policy 117 and Policy A.01.04)

**POLICY 2.20.6** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, mixed land uses serviced by a variety of transportation modes within an integrated transportation network, and link intensive development to existing or planned pedestrian, bicycle and public transportation nodes or corridors. (f/k/a Policy 118 and Policy A.01.05)

**POLICY 2.20.7** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, the creation of walkable sites, neighborhoods and community designs that are accessible to and address the needs of all users and support healthy lifestyles using public venues, inclusive of all modes of transportation in a manner generally consistent with the Broward Complete Streets Guidelines, or equivalent principles. (f/k/a Policy 119 and Policy A.01.06)

**POLICY 2.20.8** Broward County shall promote, encourage, and endeavor to make development decisions more predictable, timely and cost effective via county and in support of applicable local government plans and regulations consistent with a “smart growth” vision and to attract high quality development. (f/k/a Policy 120 and Policy A.01.07)

**POLICY 2.20.9** Broward County shall promote and encourage community and stakeholder collaboration using innovative methods of involving residents in visioning and planning for new development. (f/k/a Policy 121 and Policy A.01.08)

**POLICY 2.20.10** Broward County and the Broward County Planning Council shall promote and serve as a means for regional collaboration between public and stakeholder organizations on common issues or resources and fiscal sustainability affecting smart growth initiatives, plans, policy formulation and implementation. (f/k/a Policy 122 and Policy A.01.09)

**POLICY 2.20.11** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, the direction of (re)development towards existing communities to capitalize on the availability and economies of existing infrastructure, the need for select neighborhood and commercial revitalization and the public need to maximize its tax base of property. (f/k/a Policy 123 and Policy A.01.10)

**POLICY 2.20.12** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, to take advantage of compact building design to preserve more open space, support a complete range of transportation choices, make public transportation viable, reduce public infrastructure cost and improve the health condition of residents and the wider community, in a manner generally consistent with the Broward Complete Streets Guidelines, or equivalent principles. (f/k/a Policy 124 and Policy A.01.11)

**POLICY 2.20.13** Adopt, implement and encourage provisions, incentives and methods to reduce future per capita use of natural and non-renewable resources such as water and fossil-fuel energy, and reduce the production of potentially harmful waste materials. (f/k/a Policy 125 and Policy A.02.00)

**POLICY 2.20.14** Broward County shall promote and encourage, and shall implement to the maximum extent feasible for those (re)development projects and lands owned by the County or within unincorporated areas, the use of the “NatureScape Broward” program, and “Florida Friendly” landscaping, to create, and maintain attractive, low maintenance, low impact, healthy landscapes that reflect and help protect Broward’s natural resources. (f/k/a Revised Policy 126 and Policy A.02.01)

**POLICY 2.20.15** Broward County shall continue to promote and encourage, and shall implement to the maximum extent feasible for the operation of County government and those (re)development projects and lands owned by the County or within unincorporated areas, the utilization of environmentally friendly and energy efficient principles and methods consistent with programs such as the United States Green Building Council Leadership in Energy and Environmental Design (LEED) and Florida Green Building Coalition which may generally include the following: 1. Community/ Neighborhood – use of compact building design; energy efficient street lighting; energy efficient automobiles/ transit. 2. Lot Choice – priority use of small properties in urban areas; use of “brownfield” lands that can be cleaned; use of lands close to sewer and power lines, mass transit or green space. 3. Site Choice – re-create or preserve wildlife habitat or shelter, replant or donate vegetation, use cleared material for mulch or landscaping or stabilizing soil, or save or reuse topsoil. 4. Water Efficiency/Conservation – use of very efficient clothes washers, low-flow toilets or waterless urinals; use of reclaimed water; innovative irrigation or drought tolerant plants; use of rain gardens, bioswales and cisterns. 5. Energy Efficiency/ Conservation – use of light-colored exterior walls; buildings shaded on the east and west by trees; properly sized air-conditioners; use of ceiling fans; energy efficient appliances and indoor lighting; efficient well-pumping; use of alternate electrical grids, and/or use of wind/solar/natural gas energy. 6. Materials – use of building materials with recycled content; ecofriendly insulation; lumber from sustainable sources; or locally

produced materials. 7. Health – use of detached garage; carbon monoxide alarm; central dehumidification systems; energy efficient bathroom exhaust fans with timer; humidistat; whole house filtration. (f/k/a Policy 127 and Policy A.02.02)

**POLICY 2.20.16** Broward County shall pursue strategies to diversify energy sources in order ~~support Florida Governor Executive Orders 07-126 and 07-127, regarding reduction of greenhouse gas emissions from Florida State Government and actions~~ to reduce greenhouse gas emissions within Florida. (f/k/a Policy 128 and Policy Revised A.02.03)

**POLICY 2.20.17** Broward County ~~should~~ shall develop and adopt regulations to eliminate invasive exotic vegetation ~~Local landscaping ordinances should encourage~~ while encouraging the use of native vegetation ~~and include lists,~~ including maintaining a list of plant species which require minimal watering and fertilization. (f/k/a Policy 129 and Combined Policies 9.01.09 and 9.01.10)

### **CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS**

**POLICY 2.21.1** Broward County shall evaluate plan amendments within Priority Planning Areas for Sea Level Rise and strongly discourage those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. In review of such amendments, the County shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels. (f/k/a Policy 130 and Policy A.03.05)

**POLICY 2.21.2** Broward County shall, in coordination with its local municipalities and other affected agencies, designate Adaptation Action Areas (AAAs), per Florida State Law, in order to: a. Identify areas of regional significance that are vulnerable to the impacts of rising sea level; b. Identify and implement adaptation policies to increase community resilience; and c. Enhance the funding potential of infrastructure adaptation projects. (f/k/a Policy 131 and Policy A.03.06; Updated for 2<sup>nd</sup> public hearing per FDOT Technical Comment)

**POLICY 2.21.3** Broward County shall update climate related policies and maps, including the Priority Planning Areas for Sea Level Rise Map, in the Land Use Plan with best available data, every 5 years or as available, including findings of the Broward County and USGS Joint Climate Change Inundation Modeling effort, which seeks to achieve a better understanding of the impacts of climate change and rising sea level on the County's water supplies, drainage and flood control systems. (f/k/a Policy 132 and Policy A.03.07)

**POLICY 2.21.4** Broward County shall work cooperatively with local governments and transportation agencies to identify and evaluate transportation infrastructure at risk and help coordinate adaptation efforts for infrastructure immediately landward of coastal high hazard areas, in order to ensure functional access to emergency evacuation routes for coastal populations. (f/k/a Policy 133 and Policy 8.08.07)

**POLICY 2.21.5** Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding. (f/k/a Policy 134 and Policy 9.09.04)

**POLICY 2.21.6** Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Climate Action Plan, as approved by the Broward County Climate Change Task Force, and adopted by the Broward County Board of County Commissioners. (New Policy)

### **WETLANDS**

**POLICY 2.22.1** The Broward County Environmental Protection and Growth Management Department shall protect the functional values of wetlands within Broward County through mechanisms such as its Environmental Resource License requirements. (f/k/a Policy 135 and Policy 9.05.01)

**POLICY 2.22.2** Broward County and its local governments shall consider the impacts of land use plan amendments on wetland resources and minimize those impacts to the maximum extent practicable. (f/k/a Policy 136 and Policy 9.05.09)

**POLICY 2.22.3** Broward County shall bi-annually update the Generalized Wetlands Map of the Broward County Land Use Plan to recognize Environmental Resource Licenses issued by the Broward County Environmental Protection and Growth Management Department and establishment of specific wetland mitigation areas. (f/k/a Policy 137 and Revised Policy 9.05.14)

### **ENVIRONMENTALLY SENSITIVE LANDS**

**POLICY 2.23.1** Natural Resources Areas that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a Map of Local Areas of Particular Concern within the Future Broward County Land Use Map Series. (f/k/a Policy 138 and Revised Policy 9.01.01)

**POLICY 2.23.2** Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands. (f/k/a Policy 139 and Policy 9.01.02)

**POLICY 2.23.3** Broward County shall implement strategies for the protection of Local Areas of Particular Concern and other environmentally sensitive lands such as: acquisition by public or private organizations; establishment of a County trust fund for acquisition; adoption of innovative land development regulations; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants. (f/k/a Policy 140 and Policy 9.01.03)

**POLICY 2.23.4** By 2019, Broward County shall work with Broward's municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled. (New Policy)

### **WATER RESOURCES MANAGEMENT**

**POLICY 2.24.1** Local land development codes and regulations shall provide for the protection and creation of surface waters in conformance with State and South Florida Water Management District policies. (f/k/a Policy 141 and Policy 9.04.01)

**POLICY 2.24.2** New development adjacent to or in the vicinity of surface waters shall be designed so as to minimize the direct discharge of stormwater runoff into such bodies of water. (f/k/a Policy 142 and Policy 9.04.02)

**POLICY 2.24.3** Designate and protect the ~~790 square miles~~ of Broward County west of Levees 33, 35A, 36, L-37 and L-35 for Conservation Use in order to promote groundwater recharge and prevent salt water intrusion. (f/k/a Policy 143 and Revised Policy 9.10.01)

**POLICY 2.24.4** To minimize soil erosion on new construction sites, the land development codes and regulations of all local government entities ~~shall should~~ require treatments and other measures consistent with Chapter 27 of the Broward County Code. (f/k/a Policy 144 and Revised Policy 9.10.03)

**POLICY 2.24.5** In order to enhance water management and community resiliency, Broward County shall support the integration of “green infrastructure” into the built urban environment. (f/k/a New Policy 145)

**POLICY 2.24.6** Broward County shall participate in and support regional water supply and conservation projects, including the C-51 reservoir project in Palm Beach County. (f/k/a New Policy 146; Updated for 2<sup>nd</sup> public hearing for clarification)

### **AIR QUALITY**

**POLICY 2.25.1** Broward County and its local governments ~~should shall~~ review all proposed development with respect to the potential for related impacts to the regional air quality, negative impacts eliminated or effectively mitigated. (f/k/a Policy 147 and Revised Policy 9.14.03)

### **WELLFIELDS**

~~**POLICY 148** No new solid fill transportation facilities or similar structures shall be permitted within Broward County's identified water conservation areas without provisions for maintaining the freshwater sheet flow. (6.01.02) (Duplicate of Policy 40)~~

**POLICY 2.26.1** Broward County shall maintain and protect the functions of the County's ground water recharge of the surficial aquifer system to improve and protect water supply, abate saltwater intrusion, and preserve or enhance environmental systems. This will be accomplished through water resource modeling and planning, and the implementation of existing regulations concerning wellfield protection, surface water permitting, water resource management, and hazardous materials facilities licensing and through regulations and policies developed as the result of water resource management studies, including but not limited to the South Florida Water Management District Lower East Coast Water Supply Plan and the U.S. Army Corps of Engineers Restudy of the Central Southern Florida Flood Control Project. (f/k/a Policy 149 and Policy 6.01.03)

**POLICY 2.26.2** In order to protect its existing and future potable water supply, Broward County shall continue to implement its Potable Water Supply Wellfield Protection Ordinance, as amended. (f/k/a Policy 150 and Policy 9.02.01)

**POLICY 2.26.3** Amendments to the ~~Future~~ Broward County Land Use Plan Map (~~Series~~) proposing land use categories which permit industrial uses shall be discouraged, to the greatest extent feasible, within wellfield protection zones of influence as identified by the Potable Water Supply Wellfield Protection Ordinance of Broward County. (f/k/a Policy 151 and Revised Policy 9.02.03)

~~**POLICY 152** New septic tank systems shall only be permitted when the Florida Department of Health and Rehabilitative Services determines they are consistent with Broward County's Water, Sanitary Sewer and Septic Tank Ordinance and with the requirements of the Florida Statutes and the Florida Administrative Code. (9.02.05) (Duplicate of Policy 66)~~

## **BEACHES AND RIVERS**

**POLICY 2.27.1** Land development codes and regulations shall require the protection and/or restoration of beaches, particularly dunes and vegetation, including dune construction, through techniques such as conservation easements, vegetation, elevated walkways, and clustering of development. (f/k/a Policy 153 and Policy 9.03.01)

**POLICY 2.27.2** Priority shall be given to water-dependent uses such as marinas and public access to waterways, in decisions affecting waterfront property. (f/k/a Policy 154 and Policy 9.03.02)

**POLICY 2.27.3** The Broward County Land Use Plan and local land use plans shall give priority to protecting public beach access sites. (f/k/a Policy 155 and Policy 9.03.05)

**POLICY 2.27.4** Broward County and its local ~~Local~~ governments ~~shall should~~ provide for the protection of marine habitat and water quality of Broward County's coastal waters, including the protection of natural and artificial reefs. (f/k/a Policy 156 and Revised Policy 9.03.11)

**POLICY 2.27.5** Broward County, in cooperation with its coastal municipalities, shall develop a comprehensive beach management and maintenance plan to address activities including dune and vegetation management, beach nourishment, and sand by-passing. The plan shall include consideration of climate change impacts on these efforts. (f/k/a Policy 157 and Policy 9.03.13)

## **SEA TURTLE LIGHTING**

**POLICY 2.28.1** In order to protect and enhance sea turtle nesting, coastal municipalities, in coordination with the Sea Turtle Conservation Program of the Broward County Environmental Protection and Growth Management Department, shall prepare and adopt land development regulations consistent with state and federal guidelines. Each coastal municipality shall also, through ordinance, adopt regulations ~~within one year from the effective date of this policy (February 22, 2001),~~ to control beachfront lighting. Those regulations shall be consistent with Chapter 62B-55 (FAC) Model Ordinance for Marine Turtle Protection and they shall additionally be in compliance with Lighting/Development Categories as outlined in the Broward County Technical Report 97-06 Broward County Beach Lighting Management Plan. (f/k/a Policy 158 and Revised Policy 9.03.03)

## **GREENWAYS AND TRAILS**

**POLICY 2.29.1** Broward County shall map existing and potential greenways and trails of countywide significance and incorporate the map into the Natural Resource Map Series of the Broward County Land Use Plan. (f/k/a Policy 159 and Policy 5.05.01)

**POLICY 2.29.2** Broward County's greenways and trails shall link neighborhoods with park and recreation facilities, beaches, conservation areas, schools and other public buildings, cultural and historic sites, business areas and multi-modal transportation facilities, in a manner generally consistent with the Broward Complete Streets Guidelines, or equivalent principles. (f/k/a Policy 160 and Policy 5.05.04)

**POLICY 2.29.3** Broward County's greenways and trails shall be designed to include restoration and enhancement of native ecological systems, including enhancement of the tree canopy, and provide opportunities for environmental education. (f/k/a Policy 161 and Policy 5.05.05)

**POLICY 2.29.4** Broward County shall prioritize the development of greenways and trails and prepare detailed plans for the highest priority corridors. (f/k/a Policy 162 and Policy 5.05.07)



## **HISTORIC AND ARCHAEOLOGICAL RESOURCES**

**POLICY 2.30.1** The Broward County Land Use Plan and local land use plans shall map and maintain a current list of historically, architecturally and archaeologically significant properties and address the protection of these historic resources. (f/k/a Policy 163 and Policy 9.08.01)

**POLICY 2.30.2** Broward County and its local governments shall consider the impacts of land use plan amendments on historic, archeological and paleontological resources. (f/k/a Policy 164 and Revised Policy 9.08.05)

## **COMMUNITY REDEVELOPMENT AREAS**

**POLICY 2.31.1** Broward County will continue to fund the Broward Redevelopment Program (BRP) to provide funding for economic development, affordable housing, and job creation projects in defined redevelopment areas which have demonstrated blighting conditions, higher unemployment rates and lower property value growth than those of the municipality which the project is located or the County. The evaluation of BRP applications will award extra points to projects which demonstrate furtherance of one or more of the Broward County Land Use Plan's "Highlighted Regional Issues and Strategies," including targeted redevelopment, multi-modal transportation, ~~attainable~~ **affordable** housing, climate resiliency, natural resource protection and enhancement, and disaster prevention. (f/k/a New Policy 165)

## **INTERGOVERNMENTAL COORDINATION**

**POLICY 2.32.1** The Broward County Planning Council, as the Countywide Local Planning Agency (LPA), shall continue to use the Chapter 163, Florida Statutes local comprehensive plan review process as a means of ensuring coordination among the Broward County Land Use Plan, the State of Florida Comprehensive Plan, the Regional Plan for South Florida and the comprehensive plans of adjacent counties. (f/k/a Policy 166 and Policy 13.02.01)

## **PLANNING COUNCIL RECERTIFICATION REQUIREMENTS**

**POLICY 2.33.1** The Broward County Planning Council shall continue to administer the certification and recertification process established within the Broward County Charter to ensure the land use plans of Broward County's local governments are in substantial conformity with the Broward County Land Use Plan ~~For the purposes of certifying and recertifying local land use plans, the Broward County Planning Council shall continue to administer the requirements and implement the procedures identified within the Plan Implementation Requirements Section of the Broward County Land Use Plan and "Administrative Rules Document: Broward County Land Use Plan."~~ (f/k/a Policy 167 and Combined Policies 13.01.01 and 13.01.02)

**POLICY 2.33.2** The Broward County Land Use Plan shall further the consistency and compatibility among the land use plans of Broward County's local governments through the Broward County Planning Council's certification and recertification process. (f/k/a Policy 168 and Policy 13.01.04)

**POLICY 2.33.3** The land use plans and plan amendments of Broward County's local governments shall successfully complete the Chapter 163, Florida Statutes local comprehensive plan review process prior to their certification or recertification by the Broward County Planning Council. (f/k/a Policy 169 and Policy 13.01.06)

## **TRANSFER OF DEVELOPMENT RIGHTS**

**POLICY 2.34.1** Municipalities may adopt “Transfer of Development Rights” (TDR) programs within their jurisdictions, or, with other Broward County local governments pursuant to a legally binding agreement. At a minimum, a TDR program must include the following:

1. Any TDR “receiving area” must be identified and designated in advance of any action to transfer rights from a TDR “sending area.”
2. Broward County’s barrier island (i.e. land east of the Intracoastal Waterway) is not eligible to be a TDR “receiving area,” unless the associated “sending area” is from within the barrier island and meets all other criteria of this policy.
3. A TDR “sending area” must further a public purpose, such as, but not limited to, enabling the creation of significant public or private open space areas or corridors, protect environmentally sensitive lands, historic/archaeological resources, or areas identified as appropriate for climate resiliency strategies (e.g. “repetitive loss” properties, “Priority Planning Areas,” or “Adaptation Action Areas”)
4. A TDR program must ensure that any “sending area” properties which utilize the program do not have any legal residual development rights that are not consistent with the stated public purpose to be furthered by the TDR program.
5. A municipal TDR program must ensure that “sending area” properties which utilize the program are properly managed and maintained after development rights have been transferred.
6. A TDR “receiving area” must be, by the applicable municipality, suitable and preferred for growth and redevelopment and be within areas such as “activity centers,” designated on the Broward County Land Use Plan, and/or identified redevelopment areas approved by Broward County.
7. Prior to TDR allocations to a property within a designated “receiving area,” municipalities must demonstrate that resulting development will address the following:
  - be compatible with adjacent existing and planned land uses;
  - public facilities and services (e.g. potable water, sanitary sewer, solid waste, transportation, etc.) will be adequate, consistent with adopted level of service standards;
  - meet applicable storm evacuation standards
  - not negatively impact environmental and historic resources.
8. The chief elected official and municipal manager, or equivalent, of municipalities and unincorporated areas located within 1000 feet of a proposed TDR “receiving area” must be notified in writing at least 30 days prior to the first public hearing and 30 days prior to any adoption hearing. (f/k/a Revised New Policy 170)

## **REDEVELOPMENT UNITS**

**POLICY 2.35.1** “Redevelopment Units” are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2016 BrowardNext Broward County Land Use Plan. Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in ~~lets~~ allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, subject to the following:

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

municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism for a minimum period of 15 years.

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

Criteria:

- The municipality shall identify areas which are appropriate and not appropriate for allocations of “redevelopment units” consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, vision plans, or similar plans that have been the subject of municipal public participation and input.
- For site specific allocations, the municipality shall ensure compatibility of land uses and demonstrate sufficient capacity for impacts to public facilities and services.
- The municipality shall ensure compliance with Policy 1-07-07 Broward County Land Use Plan policies regarding affordable housing.
- “Redevelopment Units” are not applicable to areas east of the Intracoastal Waterway.
- Municipal site specific allocations will remain subject to the “compatibility review” requirements of the BCLUP. In addition, site specific allocations of greater than 150 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a ~~premium~~ limited transit stop, shall not be subject to such review.
- Allocations are ~~permitted~~ eligible to lands designated “Activity Center,” “Commerce” and “Residential” on the Broward County Land Use Plan.
- The maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000. For those municipalities which have more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2016 BrowardNext Broward County Land Use Plan, at At such time a municipality assigns 5,000 dwelling units from the municipal pool, the municipality may request the Planning Council approve an additional allocation of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via the Broward County Land Use Plan’s definitions regarding the calculation for such units and the certified municipal table.
- Municipal site specific allocations in areas designated within Priority Planning Areas for Sea Level Rise shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels. (f/k/a Revised New Policy 171)

## **ENVIRONMENTAL JUSTICE**

**POLICY 2.36.1** For local and regional land use policy and public infrastructure and services decisions, local governments and agencies should ensure environmental justice when considering the impacts to vulnerable populations, including but not limited to, the economically disadvantaged, racial and ethnic minorities, the uninsured, low-income children, the elderly, the homeless and those with chronic health conditions, including severe mental illness. (New Policy; Updated for 2<sup>nd</sup> public hearing per FDOT Technical Comment)

**POLICY 2.36.2** The Broward County Planning Council and Broward County shall, by 2019, work with Broward County municipalities, partner agencies, stakeholders, and interested parties who make and are affected by land use policy and public infrastructure and services decisions, and issue model guidelines, methods, and tools to advance environmental justice. (New Policy Proposed for 2<sup>nd</sup> public hearing per FDOT comment and other input)

Note: Underlined and ~~struck-through~~ words were included in the initial draft that was the subject of public hearing and transmitted to the State of Florida review agencies.

Double-Underlined and ~~struck-through~~ words are proposed additions and deletions subsequent to transmittal to the State of Florida review agencies.

**Bold, double-underlined** and ~~**bold, double-struck-through**~~ words are proposed additions and deletions based on the discussion of the Broward County Board of County Commissioners at the April 4, 2017 setting of the public hearing.