

BROWARD COUNTY LAND USE PLAN

Proposed Text Amendment

PCT 26-4

BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: POLICIES

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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, with the exception of affordable housing density bonuses or allocations of flexibility or redevelopment units.

POLICY 2.2.2 Establish ~~flexibility~~ discretion 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.

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POLICY 2.2.5

- A.** A studio housing unit or efficiency 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.
- B.** Alternative housing types, such as student or adaptive dwelling units, that accommodate a variety of living scenarios such as multiple single individuals, may be counted by the local government as one (1) dwelling unit for residential density calculations for up to eight (8) sleeping rooms per kitchen and shared living space, regardless of the number of bathrooms.

~~**POLICY 2.2.6** By 2020, Broward County and the Planning Council shall examine Broward County Land Use Plan text “Residential” density classifications and make a recommendation regarding streamlining the densities and ranges.~~

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COMMERCE

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~~**POLICY 2.3.4** Local certified land use plans governments may decrease by 20 percent the lands designated “Commerce” or similar designation on the Broward County Land Use Plan Map its local certified land use plan map for residential use in accordance with the rules established~~

within Article 3.5(A)(1) of the “Administrative Rules Document: BrowardNext.” ~~Broward County Land Use Plan” and the Chapter 163, Florida Statutes plan adoption and amendment process.~~

ACTIVITY CENTERS

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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 and of the local land use element. 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). Dwelling units from any given category may be substituted by the local government for dwelling units of another category provided that the substitution results in the same or lesser student generation utilizing the student generation rates as adopted in the Broward County Code of Ordinances.

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~~**POLICY 2.4.10** Local governments shall include within their land use element policies to ensure Activity Centers contain design features that promote and enhance pedestrian mobility and safety, based on the following characteristics:~~

- ~~• Integrated transit stops or stations (within the area) to encourage transit usage/multi-modalism and provide safe and comfortable service including amenities such as seating on benches or planter ledges, shade, lighting, trash receptacles, information kiosks and bicycle parking.~~
- ~~• Wide (5 feet shall be the minimum consistent with ADA requirements) pedestrian and bicycle paths that minimize conflicts with motorized traffic and discourage high speed traffic. The paths should be spatially defined by buildings, adequately landscaped and lighted, and provide ample opportunities for shade and 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).~~

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POLICY 2.4.12 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. A written record reflecting the current status of allocated or assigned dwelling units and floor area square footage for non-residential development for each Activity Center within the municipality’s boundary shall be transmitted to the Planning Council twice per year, during the months of January and July. The referenced written record shall include a tally sheet reflecting the current total dwelling units and floor area square footage for non-residential development as follows:

1. Dwelling units, including number and type as may be substituted per Policy 2.4.3, and floor area square footage for non-residential development included per valid plats which

have been approved by the municipality and which have restrictive notes reflecting the level of development; and

2. Dwelling units, including number and type as may be substituted per Policy 2.4.3, and floor area square footage for non-residential development included per valid site plans which have been approved by the municipality and which are not included per plats as described in 1. above; and
3. Dwelling units, including number and type as may be substituted per Policy 2.4.3, and floor area square footage for non-residential development of existing uses which are not included per plats or site plans as described in 1. and 2. above.

PARKS/CONSERVATION

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POLICY 2.5.56 Amendments to the Broward County Land Use Plan containing golf courses, including closed golf courses, shall address the following:

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- d. Mitigation of environmental contamination. The level of environmental contamination must be determined by conducting a Phase 1 environmental assessment or equivalent or superior assessment, as deemed acceptable by the appropriate Broward County staff. A Phase 2 environmental assessment or equivalent or superior assessment, as deemed acceptable by the appropriate Broward County staff, may be required based upon the findings of the Phase 1 or equivalent assessment.

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URBAN AGRICULTURE

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POLICY 2.6.2 The Broward County Land Use Plan shall 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”~~ (excluding community gardens as deemed appropriate by local governments) and ~~“Conservation,”~~ while also ensuring that protection and promotion of rural agriculture activities remain a priority.

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COMPATIBILITY

POLICY 2.10.1 Local government utilization of the Broward County Land Use Plan “Flexibility Rules” 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:

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- 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.

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POLICY 2.10.3 In order to prevent future incompatible land uses, the Broward County Land Use Plan shall continue to encourage local governments to increase residential density along major transportation and transit corridors, as well as in Activity Centers. ~~The~~ established character

of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.

PUBLIC FACILITIES AND SERVICES

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POLICY 2.11.5 New onsite sewage treatment and disposal systems (such as septic tank systems) shall only be permitted when the Environmental Health section of the Florida Department of Health and Rehabilitative Services or the Florida Department of Environmental Protection (FDEP) determines they are consistent with Broward County's Water, Sanitary Sewer and Septic Tank Ordinance and with the requirements of the FDEP, Florida Statutes and the Florida Administrative Code.

~~**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.~~

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DISASTER PLANNING AND POST-DISASTER REDEVELOPMENT

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~~**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. Broward County shall allow the utilization of park and open space land for emergency operations as deemed appropriate by local governments to support the temporary emergency needs after a disaster.~~

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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.~~

~~**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.~~

~~**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.~~

~~**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.~~

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POLICY 2.14.62 Broward County and its local governments shall utilize the highway capacity methodology endorsed by the Broward Metropolitan Planning Organization and ~~approved by the Broward County Board of County Commissioners~~ accepted by Broward County to determine the capacities and levels of service on the regional roadway network.K

~~**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.~~

POLICY 2.14.94 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 as modeled in the latest version of the Southeast Florida Regional Planning Model.

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PUBLIC SCHOOLS CONCURRENCY

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Policy 2.15.6 Broward County and its local governments should coordinate with the Broward County School Board to ensure that traffic circulation near and around public schools has a minimal impact on the regional and local transportation network as well as maximizing public school transportation opportunities especially within the final two (2) travel miles.

POLICY 2.15.7 Broward County and its local governments should support the exemption of school impact fees for affordable dwelling units, consistent with its criteria and without a maximum, as permitted by Florida Statutes.

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AFFORDABLE HOUSING BONUS DENSITY

POLICY 2.16.3

(1) Bonus residential density may be allocated to facilitate the development of affordable housing for persons within the following income categories as defined in the Broward County Land Use Plan:

- Moderate-income persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.*
- Low-income persons having a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for households within the county.*

- Very-Low income persons having a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county.*

~~*While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed 140 percent of the applicable median income adjusted for family size.~~

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- (3) Affordable housing density bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, as a minimum, through the use of restrictive covenants, that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty (30) years for rental housing and at least ~~thirty (30)~~ fifteen (15) years for owner occupied housing.
- (4) The total number of units, including affordable and bonus units, on lands designated as "Residential" below 16 dwelling units per acre may not exceed a maximum of 50 dwelling units per acre on the Broward County Land Use Plan and those lands designated "Residential" 16 dwelling units per acre and above may not exceed a maximum of 75 dwelling units per acre on the Broward County Land Use Plan. When at least 15 percent of the units are affordable with a minimum of 5 percent at the moderate-income level and a minimum of 10 percent at the low- income levels, these maximum densities shall not apply for lands designated "Residential" 16 dwelling units per acre and above. For parcels designated "Commerce" or similar designation on the local land use plan map, these maximum densities shall not be applicable. If the total density, including the affordable and bonus units, exceeds the density permitted by the existing zoning classification, the governing body of the local government shall make a finding of compatibility with existing and future land uses and its local land development regulations at a publicly noticed meeting, consistent with its notification requirements; otherwise, the local planning agency of the local government may make the finding of compatibility at a publicly noticed meeting, consistent with the above.
- (5) At the time of allocation of bonus density, the applicable local government must make a finding of compatibility with existing and future land uses, and that adequate public facilities and services are in place or will be in place with completion of project construction, to accommodate all bonus and affordable units.

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POLICY 2.16.4

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- (3) Single-family dwelling units are not permitted. Residential units shall not be permitted on the ground floor portion of any building that fronts a Qualified Road, except for the horizontal integration of office or commercial uses. As per Policy 2.2.5 of the Broward County Land Use Plan, studio or efficiency housing units, no greater than 500 square feet in size, may be counted by the local government as 0.5 dwelling units for residential density purposes.
- (4) These additional permitted residential density provisions are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, at a minimum through the use of restrictive covenants, that the affordable unit(s) will be maintained as affordable to the applicable designated income

group(s) for a minimum period of at least thirty (30) years for rental housing and at least fifteen (15) years for owner occupied housing.

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POLICY 2.16.5 Within parcels located west of and including US 1 and designated “Community” on the Broward County Land Use Plan, dwelling units may be permitted subject to the following:

- (1) The parcel is ~~and will remain~~ publicly owned by a municipality and within its jurisdiction or is ~~and will remain~~ publicly owned by the Broward County Board of County Commissioners or School Board of Broward County; or the parcel is owned by a faith-based institution, with direct access to city, county or state roads as defined by the Broward County Road Jurisdiction map.
- (2) At least 25% of the dwelling units are deed restricted to moderate-income, low-income or very-low-income dwelling units for a minimum period of at least thirty (30) years for rental housing and at least fifteen (15) years for owner occupied housing, via a legally enforceable mechanism;
- (3) Maximum density ~~does not exceed 50 dwelling units per acre~~ shall be determined by the applicable local government addressing building bulk, shadow and form;

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POLICY 2.16.6 Broward County and its local governments are encouraged to promote mixed-income development to optimize the economic sustainability of its residents and affordable housing supply.

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SMART GROWTH

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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.~~

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POLICY 2.20.17 In an effort to promote sustainable communities with a variety of housing options, the Broward County Land Use Plan shall encourage Broward County and its municipalities to consider adaptive reuse of underutilized non-residential uses, such as office, retail and hotel uses to residential uses, where such adaptive reuse is in proximity to supportive services for residential uses, such as transit, healthy food, schools, employment, etc. Density may be accommodated by one or more of the following: allocation of “flexibility units” or “redevelopment units” or Policy 2.2.5, 2.16.3, 2.16.4 or 2.16.5.

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ENVIRONMENTALLY SENSITIVE LANDS

POLICY 2.23.1 Natural resources that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a the Environmentally Sensitive Lands Map of Local Areas of Particular Concern within the Future Broward County Land Use Plan Natural Resource Map Series.

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POLICY 2.23.3 Broward County and its local governments ~~shall~~ should develop and 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, such as the consideration of density and intensity bonuses; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants.

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WATER RESOURCES MANAGEMENT

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POLICY 2.24.5 In order to enhance water management, heat mitigation and community resiliency, Broward County shall support, further and incentivize the integration of “green infrastructure” into the built urban environment.

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GREENWAYS AND TRAILS

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POLICY 2.29.4 Broward County’s greenways and trails should be designed with consideration for use consistent with future climate conditions, especially extreme heat, and should be designed to include water bottle refill stations, enhanced tree canopy and cool materials.

Note: All changes are indicated in ~~strike-through~~/underline format.