

#BROWARDNEXT



HIGHLIGHTED REGIONAL ISSUES
JUNE 2017



AFFORDABLE HOUSING VISION

Broward County includes a wide range of housing types, from large lot single family “estates” to multi-family high rise towers and group homes. Although the Broward County Land Use Plan accommodates a wide range of residential density, the attainability of housing for large segments of our population has become an increasing challenge. The challenge of housing attainability came to be recognized as a crisis during the County’s housing “bubble” between 2003 and 2007. The “bubble” resulted in rapid housing appreciation and, consequently, a severe lack of housing affordable to those in moderate to lower income ranges. There was also significant conversion of rental apartments to condominiums. Incomes of Broward County residents still lag behind the price of housing. The 2014 Broward County Affordable Housing Needs Assessment found that nearly 50 percent of all households in Broward County (330,624 households) are cost-burdened, meaning they pay in excess of 30 percent of their incomes on housing costs. The Needs Assessment also found that the majority (54 percent) of Broward County’s workers are employed in lower wage service sector occupations with hourly wages equivalent to 40 to 60 percent of the median household income. In this light, the County is committed to support and employ a variety of policies and programs to maximize the attainability of housing for persons and households of moderate to lower incomes.

➔ STRATEGY AH-1: Support sustainable funding sources to develop and/or rehabilitate affordable housing.

Affordable housing is generally defined as housing that is affordable to households that earn 120% or less of median area-wide income. Due in part to the County's "built-out" character, resulting in higher land costs, and a workforce significantly employed in the lower wage service sector, the traditional ability of the private market to supply affordable housing has become challenging. In this light, funding strategies to produce affordable housing has increasingly included governmental agencies, as well as non-profits.

Implementation strategies include:

- Identification, support and approval of sustainable countywide and local affordable housing funding sources.
- Broward County shall continue to support full State-level funding to help address affordable housing needs and implementing a needs-based system to fund such housing projects and programs. The County also supports State legislation to provide a "local documentary stamp tax" program dedicated to affordable housing.
- Investigate a comprehensive public land banking program, in coordination with municipalities and other stakeholders, for affordable housing.

➔ STRATEGY AH-2: Support private, non-profit, and governmental sector development of housing which utilizes construction techniques affording significant costs savings, while meeting the Florida Building Codes, including resiliency to hurricane-level storms.

Modern manufactured/modular/prefabricated construction techniques may afford significant savings for housing costs in comparison to traditional techniques used in south Florida, such as concrete block construction. Such housing units may have an appearance and safety features generally no different than units constructed using more common methods, and may include a variety of density types, including multi-family.

Implementation strategies include:

- Broward County will not enact regulations or policies inhibiting the placement of safe housing that may afford significant cost savings in comparison to traditional

techniques used in south Florida, and encourage municipalities to include such housing within their jurisdictions.

- Broward County will seek opportunities to support or fund the development of housing that may afford significant cost savings in comparison to traditional techniques used in south Florida via its affordable housing funding programs and initiatives, or in partnership with other agencies and jurisdictions.

➔ **STRATEGY AH-3:** The Broward County Land Use Plan shall include an Affordable Housing Density Bonus Program, including promoting a supply of smaller, traditionally affordable units, such as efficiency/studio occupancy units.

Many jurisdictions throughout the United States have adopted a “density bonus” program as an incentive for developers to construct new affordable housing units. In such programs, a developer obtains the ability to construct additional “market rate” units in exchange for including “affordable” units.

Implementation strategies include:

- The affordable housing bonus for market rate units may be higher if the developer commits to including “very-low” or “low” income housing units, in comparison to constructing “moderate” income units.
- Bonuses may also be higher if the affordable units are located in areas preferred for (re)development near transit and rail stations, or are part of projects which will further additional land use plan priorities.
- Bonus affordable housing units will be restricted to remain such for a defined period in exchange for the bonus market rate units.
- Smaller “efficiency” or “studio” units, which have often served a demand for affordable units, will be addressed as part of a “bonus density” program.

➔ **STRATEGY AH-4:** Municipalities should adopt a comprehensive strategy to ensure a sufficient supply of affordable housing to help meet the needs of our population and economy.

Ensuring a supply of affordable housing to meet the current and future needs of Broward County's residents and economy is in the best interests of all, including municipalities. Municipalities which seek County approval of additional residential density should adopt a comprehensive strategy to ensure a sufficient supply of affordable housing.

Implementation strategies include:

- Amendments to the Broward County Land Use Plan which propose new residential units should not be adopted unless the municipality has an affordable housing strategy that has been approved by the municipality and the Broward County Planning Council.
- A municipal affordable housing strategy shall be based on existing housing supply, considering very-low, low, and moderate income households.
- To receive Planning Council approval, a municipal affordable housing strategy must demonstrate that the municipality has enacted policies and cost feasible programs which will reasonably address needed affordable housing supply in consideration of the municipality's population and future land uses.

Supporting policy and implementation guidelines for the outlined strategies are included in Sections 2 and/or 3 of the Broward County Land Use Plan, and, as may be appropriate, the County's Comprehensive Plan.

➔ STRATEGY TR-1: Prioritize new development and redevelopment to existing and planned downtowns and major transit corridors and transit hubs.

Broward County must efficiently accommodate population and economic growth, while also recognizing and protecting areas which currently display characteristics, such as rural and estate communities and established single-family neighborhoods, which may not be appropriate to support additional growth and development. Broward County supports new development and redevelopment activities within established and planned “activity centers,” such as municipal downtowns, and established and planned “transit oriented” corridors and hubs, as long as such areas have sufficient public facilities and services to serve the area, and a mixed-use character which supports a high quality live, work and play community for residents and businesses, including viable multi-modal transportation choices, a range of housing choices (including affordable housing), green spaces and recreational amenities, community gathering spots, and a variety of services and establishments to support life and business activities.

Implementation strategies include:

- Broward County Land Use Plan amendments for appropriately located “activity center,” such as downtowns and transit corridors and hubs shall be given preference when considering new or redevelopment proposals.
- Within established and planned “activity centers,” Broward County shall utilize multi-modal levels of service standards, and take all committed and funded modes of transportation fully into account when considering development proposals.
- To facilitate the availability of affordable housing in proximity to public facilities, services, amenities, and economic opportunities, the County’s “Affordable Housing Density Bonus Program” shall be structured to target established and planned “activity centers,” such as downtowns and transit corridors and hubs.

ADOPTED BROWARD COUNTY LAND USE PLAN POLICY 2.16.2 states the following:

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. 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 affordablehousing supply;
- h. programs and policies to facilitate the development and use of municipal and/or BrowardCounty 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 for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate.

The local government shall estimate its supply of affordable housing utilizing the data and methodology referenced within the "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021.

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.

Administrative Rules Companion Article 5.3 – Description of Select Terms Used in Policy 2.16.2:

If a local government is unable to demonstrate compliance with the Policy through its programs and policies to promote and maintain affordable housing, the Administrative Rules Document allows for a 'buy out' by either setting aside 15% of the units as affordable OR paying \$1 per square foot for each additional dwelling unit.

AFFORDABLE HOUSING INCENTIVES

Density Calculations

POLICY 2.2.5 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.

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.

(2) Bonus Formulas

Moderate-income: Six (6) bonus units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway).

Low-income: Nine (9) bonus units per every one (1) “low-income” unit (including areas east of the Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus units per every one (1) “very-low-income” unit (including areas east of the Intracoastal Waterway).

- (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) years for owner occupied housing.
- (4) The total number of bonus affordable and bonus 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 “Commerce” or similar designation on the local land use plan map, these percentages shall not be applicable.
- (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 with completion of project construction, to accommodate all bonus and 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 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 units receive their certificate of occupancy; or
 - b. The local government must require that bonus “affordable” units are available before or concurrently with bonus units.
- (10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas

Additional Permitted Residential Density
POLICY 2.16.4

Within parcels located west of and including US 1*, and designated “Commerce” on the Broward County Land Use Plan and fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, or within a parcel designated “Activity Center,” multi-family residential use is permitted in addition to that permitted otherwise in those designations by this Plan, subject to the following:

- (1) One or more of the affordable housing categories, as defined by this Plan, must be a component of the residential development based on the following “bonus” units to “affordable” unit formula(s) described below:
 - (a) Moderate income: six (6) bonus units for every (1) one moderate income unit.
 - (b) Low income: nine (9) bonus units for every (1) one low income unit.
 - (c) Very-low income: nineteen (19) bonus units for every (1) one very-low income unit.
- (2) Each required affordable housing unit must be no smaller than ten percent (10%) less than the average gross floor area of all bonus units in the development project.
- (3) Single-family dwelling units are not permitted. As per Policy 2.2.6 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 thirty (30) years.
- (5) Within a development containing residential units, a minimum of ten percent (10%) of

the gross floor area, excluding parking garages, must be reserved or utilized for office or commercial uses not ancillary to the residential units.

- (6) "Affordable unit" requirements may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund** based on the Florida Housing Finance Corporation (FHFC) most recent "Total Development Cost Per Unit Base Limitations," as updated by the FHFC. The per unit in-lieu payment option shall be the Broward County FHFC average of the "garden ESS," "mid-rise ESS" and "high rise" total development cost (the average is currently \$300,133), divided by 7.
- (7) Units of local government may utilize the additional permitted residential density provisions described in this Policy, at their option, regardless of whether such provisions or conflicting provisions are incorporated within their certified local land use plan elements and utilization of these provisions does not require an amendment to the Broward County Land Use Plan map or local land use plan map.
- (8) Local government utilization of the additional permitted residential density provisions described in this Policy is subject to the following, as enforced by the applicable local government:
 - a) One hundred percent (100%) of the "affordable" units shall be available for occupancy before the final twenty-five percent (25%) of bonus units are available for occupancy.
- (9) In addition to the provisions of this Policy, parcels designated "Commerce" and meeting the location, frontage, and access requirements of this Policy or within an Activity Center, where the residential development will be located within ¼ mile of a State road, County arterial, or other road or portion thereof, as approved by Board of County Commissioners ("Board"), the Board shall consider the following in the review of funding applications submitted by local governments for future public infrastructure and economic development projects:
 - (a) Local government adoption of this Policy into the municipal Comprehensive Plan;
 - (b) Local government adoption of specific regulations, in the municipal zoning and/or land development code, to allow allocation of additional residential density units as a permitted use, by right, within specific zoning district(s);
 - (c) Local government adoption of specific regulations to implement the provisions and criteria of this Policy, including:
 1. Establishment of a minimum net residential density of twenty-five (25) dwelling units per acre;
 2. Where a building is located within 100 feet of any parcel which prohibits, through the applicable zoning regulations, residential development of ten (10) dwelling units per gross acre or more, the local government may establish a maximum building height limit of not less than five (5) stories; and
 3. The zoning regulations that establish reduced on-site parking to accommodate the mixed uses.

In order for a local government's funding application(s) for future public infrastructure and economic development projects to be eligible for consideration by the Broward County Board of County Commissioners under any section of this Policy which provides additional funding to local governments based upon their compliance with Section (9) of this Policy, the Planning and Development Management Division, in consultation with the Office of the County Attorney, must certify that all the foregoing requirements of this Section (9) have been satisfied.

(10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced Policy.

* includes all parcels that front and have direct access to US 1 and, at the option of the applicable municipality as a permitted or special exception use, on parcels east of US 1 and west of the Intracoastal Waterway, provided the municipality makes a finding that the additional dwelling units on said parcels will not negatively impact hurricane evacuation clearance times and/or emergency shelter capacities. A local government is not required to apply this Policy to properties east of US 1 in order to be eligible for funding consideration by the Board of County Commissioners pursuant to Section (9) herein.

**Fifty percent (50%) of in lieu fees may be paid into an Affordable Housing Trust Fund or to the housing authority of the applicable municipality, provided the municipality or housing authority requires said monies to be used for the construction of new affordable units or home repair.

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 2017 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 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 of a report regarding the status of the previously allocated units as prepared by the requesting municipality.

Permitted Uses Section

RESIDENTIAL

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

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

(...)

Residential Density

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

(...)

- Accessory dwelling units permitted in single-family residential areas per and subject to Florida Statutes Chapter 163.31771 shall not be included in density calculations. Local governments shall report to the Planning Council the number of accessory dwelling units granted building permits on an annual basis.