

**Urban Planning Division  
Zoning Code Amendment 22-Z3: Accessory Dwellings  
Staff Report**

**I. Item Summary,**

Commission District	1, 2, 3, 4, 5, 7, 9
Application/Agent	Broward County Board of County Commissioners
Proposed modifications	An Ordinance of the Board of County Commissioners of Broward County, Florida, pertaining to zoning; amending sections 39-4, 39-249, 39-263, and 39-272 of the Broward County Code of Ordinances ("Code"), providing for definitions and accessory dwellings as a permitted use in certain districts; and providing for severability, inclusion in the code, and an effective date.
Effect of Proposed Change	The proposed ordinance expands the type of accessory dwelling allowed to all accessory dwellings within the Agricultural, Estate, and Rural zoning districts.
Comprehensive Plan Consistency	<b>Consistent</b> <ul style="list-style-type: none"> <li>• Broward Municipal Services District Element: Objective BMSD 2.1, Policy BMSD 2.1.7, Policy BMSD 2.1.28.</li> <li>• Housing Element: Goal.</li> <li>• Property Rights Element: Objective PPR 1, Policy 1.1.</li> </ul>

**II. Staff Recommendation**

The Broward County Resilient Environment Department’s Urban Planning Division recommends that the Local Planning Agency (LPA) find the proposed ordinance consistent with the Broward County Comprehensive Plan.

**III. Background.**

The Board of County Commissioners supports and promotes the provision of affordable housing by implementing various programs, such as home buyer purchase assistance, hurricane hardening, minor home repair, septic to sewer conversion, and barrier free/special needs. Chapter 163.31771, Florida Statutes was recently amended to encourage permitting accessory dwelling units in single-family residential areas in order to increase the availability of affordable rental housing for extremely low, very low, low, and moderate-income households. An ADU provides a secondary living unit on a developed residential lot. The ADU is subordinate to and subservient to the primary single-family use of the premises. It may be integrated within the structure of the primary dwelling unit or be located within an accessory building.

On April 26, 2022, the Board directed the Office of the County Attorney to draft an Ordinance amending Chapter 39 of the Broward County Code of Ordinances (“Zoning Code”) related to

permitting Accessory Dwelling Units (ADUs) within the Agricultural Estate (A-1), one-acre Estate (E-1), two-acre Estate (E-2), Rural Estate, and Rural Ranches Zoning Districts (Item 24, Legistar 22-562).

The Zoning Code currently allows a “Detached guest house or servants’ quarters (no kitchen)” as a permitted use in the agricultural, rural, and estate zoning districts. These units are used for sleeping; however, they are not dwelling units since they do not have kitchens. The proposed ordinance defines an accessory dwelling as having separate kitchen, bathroom, and sleeping facilities and allows accessory dwellings within the Agricultural, Estate, and Rural zoning districts.

The proposed amendment adds another means for providing affordable housing in support of the Board’s Value of “offering sustainable, compatible, innovative housing options for all income-levels, including integrated, permanent supportive housing,” and the corresponding goal to “increase the availability of affordable housing of all types, countywide, in every community using effective, uniform criteria, policies and strategies.”

#### **IV. Description of Amendments.**

Amends the Broward County Code of Ordinances, Chapter 39-Zoning as follows:

1. Section 39-4. Definitions: Adds the following definition of accessory dwelling:
  - Accessory dwelling: An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same building or structure devoted to a principal use, or on the same plot with a building or structure that is occupied by or devoted to a principal use.
2. Section 39-249. Uses permitted: Allows an accessory dwelling as a permitted accessory use to a single-family dwelling in the following zoning districts:
  - A-1: Agricultural Estate
  - A-2: General Agricultural
3. Section 39-263. Uses permitted: Allows an accessory dwelling as a permitted accessory use to a single-family dwelling in the following zoning districts subject to criteria of Section 39-272. Accessory dwelling.
  - E-1: 1-acre Estate
  - E-2: 2-acre Estate
  - Rural Estate
  - Rural Ranches.
4. Section 39-272. Accessory dwelling: Requires accessory dwellings to comply with the following criteria:
  - Maximum size: Less than 500 square feet and not in excess of 50% of the principal structure.
  - One accessory dwelling per single-family lot.
  - At least one bedroom, one bathroom, and separate entrance from the outside.
  - One off-street parking space per bedroom, in addition to other required parking.

- Must be affordable to extremely low, very low, low, or moderate-income person(s).

## V. Comprehensive Plan Consistency.

### A. Broward Municipal Services District Element,

#### 1. Applicable Goals, Objectives, and Policies.

- OBJECTIVE BMSD 2.1 – Planning and Redevelopment Broward County will continue to work with residents and business owners within the BMSD to improve the health, safety, and welfare, focusing on security, redevelopment, housing, transportation, education, open space and recreation, and local economic concerns.
  - POLICY BMSD 2.1.28 Broward County will develop programs and strategies to assist BMSD residents to improve their access to employment, housing, higher education, and the accumulation of capital to achieve an overall improvement in their quality of life.

#### 2. Data and Analysis.

In general, accessory dwelling units:

- Make efficient use existing land and infrastructure;
- May provide an affordable housing option for family members, seniors, and on-site caregivers;
- May provide rental income that can offset the cost of a primary dwelling unit.

#### 3. Findings and Conclusion.

The proposed zoning code amendment furthers Objective BMSD 2.1 and related policies, as well as the Board's value related to providing housing options for all income levels.

**B. Capital Improvements Element.** Not applicable.

**C. Climate Change Element.** Not applicable.

**D. Coastal Management Element.** Not applicable.

**E. Conservation Element.** Not applicable.

**F. Deepwater Port Component.** Not applicable.

**G. Historic Preservation Component.** Not applicable.

### H. Housing Element.

#### 1. Applicable Goals, Objectives, and Policies.

- **GOAL HOUSING** Support the provision and maintenance of quality, healthy, affordable, and safe homes in a variety of types, sizes, and locations throughout the County at affordable costs to meet the needs of the current and future residents, businesses, and visitors of Broward County.

#### 2. Data and Analysis.

An ADU provides a secondary living unit on a developed residential lot. The ADU is subordinate to and subservient to the primary single-family use of the premises. It may be integrated within the structure of the primary dwelling unit or be located within an accessory building. In general, accessory dwelling units:

- Make efficient use existing land and infrastructure;
- May provide an affordable housing option for family members, seniors, and on-site caregivers;
- May provide rental income that can offset the cost of a primary dwelling unit.

#### 3. Findings and Conclusion.

The proposed zoning code amendment furthers the Housing Element Goal and related objectives and policies, as well as the Board's value related to providing housing options for all income levels.

**I. Intergovernmental Coordination Element.** Not applicable.

**J. Natural Disaster Component.** Not applicable.

**K. Property Rights Element.**

**1. Applicable, Goals, Objectives, and Policies.**

- OBJECTIVE PPR 1.1 - Property Rights and Local Decision-making

A property owner has various rights to property that shall be considered by Broward County when making decisions.

- Policy 1.1.1. A person who owns property within Broward County has rights to:
  - a. Physically possess and control his or her interests in the property, including easements, leases, or mineral rights;
  - b. Use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances;
  - c. Privacy and to exclude others from the property to protect the owner's possessions and property;
  - d. Dispose of his or her property through sale or gift

**2. Data and Analysis.**

The Zoning Code currently allows a detached guest house or servants quarters without a kitchen. Permitting an ADU within certain zoning districts expands development rights by allowing a secondary dwelling unit on a developed residential lot.

**3. Findings and Conclusion.**

The proposed zoning code amendment furthers Objectives PPR 1.1 and related Policy 1.1.1 by expanding the type of accessory dwelling allowed to all accessory dwellings within the Agricultural, Estate, and Rural zoning districts.

**L. Public School Facilities Element.** Not applicable.

**M. Recreation and Open Space Element.** Not applicable.

**N. Solid Waste Element.** Not applicable.

**O. Transportation Element.** Not applicable.

**P. Water Management Element.** Not applicable.