

Resilient Environment Department, Urban Planning Division

# STAFF REPORT

## Amendment 23-Z2: Affordable Housing and Compact Developments

### I. Item Summary

Figure 1: Item Summary

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Commission District	1, 2, 3, 5, 6, 7, 8, 9
Applicant/Agent	Urban Planning Division
Proposed modifications	Chapter 39-Zoning <ul style="list-style-type: none"> <li>• Section 39-117. Definitions,</li> <li>• Section 39-217. Location, character and size,</li> <li>• Section 39-251. Minimum plot dimensions,</li> <li>• Section 39-275. General provisions,</li> <li>• Section 39-276. Purpose of districts,</li> <li>• Section 39-383. Common open space,</li> <li>• Section 39-413. Site plan review procedures,</li> <li>• Section 39-634. Intent and purpose,</li> </ul>
Effect of Proposed Change	<ul style="list-style-type: none"> <li>• Allows residential uses by right in certain nonresidential future land use designations.</li> <li>• Decreases by 50% the minimum plot size for nonagricultural, nonresidential uses.</li> </ul>
Comprehensive Plan Consistency	Consistent <ul style="list-style-type: none"> <li>• Broward Municipal Services District Element Objective BMSD 2.1 and Policy 2.1.1.</li> </ul>

### II. Staff Recommendation

The Urban Planning Division staff recommend the Resilient Environment Department Local Planning Agency (LPA) find the proposed ordinance consistent with the Broward County Comprehensive Plan.

### III. Background.

**A. June 8, 2022:** On June 8, 2022, Florida’s Governor approved Chapter 2022-176, Laws of Florida amending ss. 125.01055 authorizing counties to approve any residential development project on parcels zoned for commercial or industrial use if certain conditions are met. Such conditions include:

1. A minimum of ten percent (10%) of the housing units are affordable;
2. The developer agrees to not apply for or received funding under Section 420.5087, Florida Statutes, State Apartment Incentive Loan Program.

**B. October 25, 2022:** On October 25, 2022, the Board directed the Office of the County Attorney draft an Ordinance amending Chapter 39 of the Broward County Code of Ordinances (“Zoning Code”) related to various regulations for compliance with SB

962/HB 981 of the 2022 Legislative Session; to update the definition of “Certificate” in section 39-117 and “Impervious Surfaces” in section 39-94; to amend various residential zoning district regulations to allow for more compact development patterns; update off-street parking requirements; and update cross references.

#### IV. Description of Amendment.

The proposed Ordinance (Exhibit 2) changes the zoning regulations as follows:

**A. Section 39-217. Location, character, and size, (b) Size:**

1. Relocates “Table I, Minimum Space Requirements at Various Parking Angles for Self-Parking Facilities” from its current location after Section 39-217. Location, character, and size, (j) *Identification of parking lots* to a more appropriate location after Section 39-217. Location, character, and size, (b) *Size*.

**B. Section 39-248. Density:** Increases the allowable residential density in the Agricultural zoning districts from one (1) dwelling unit per two (2) net acres to one (1) dwelling unit per one (1) net acre.

**C. Section 39-251. Minimum plot dimensions:**

1. Decreases the minimum plot size for nonagricultural, nonresidential uses from two (2) net acres to one (1) net acre, except for wireless communication facilities.

**D. Section 39-275. General provisions:**

1. References the Broward County Land Development Code, Article IV. – Minimum Housing Code, Section 5-58. - Minimum standards for space, light and ventilation, basic facilities, equipment, and maintenance.
2. Deletes the requirements for space and basic sanitary facilities from the Broward County Zoning Code.

**E. Section 39-276. Purpose of districts:**

1. Adds that the zoning districts are intended to conform to the goals, objectives and policies of Broward County Comprehensive Plan's Broward Municipal Services District (BMSD) Element; the future land use designations shown on the Broward County Land Use Plan (BCLUP) Map; and the future land use designations shown on the BMSD Future Land Use Map; in addition to conforming with the density requirements, policies and objectives of the Broward County Land Use Plan.
2. Provides for residential uses to be permitted by right on lands designated Commerce on the BCLUP Map or lands designated for Commercial, Employment Center High or Industrial use on the BMSD Future Land Use Map;
3. Requires the zoning official to make a written determination identifying which residential or mixed-use zoning district is most similar to the density of the proposed development. This district is to be known as the “Comparable Zoning District”;
4. Requires the proposed development to comply with the setbacks, yards, plot coverage, building height, and minimum floor area of the Comparable Zoning District.
5. Requires the proposed development to comply with Section 39-275.-General provisions, applicable to residential zoning districts, unless complete or partial use of the Comparable Zoning District provisions provides for uniformity or cohesiveness of development.

**F. Section 39-283. Common open space.**

1. Replaces the current requirement for common open space that may include recreation areas or water retention areas with a requirement that ten percent (10%) common open space be provided for residential subdivisions larger than 20 net acres, in addition to land required for drainage infrastructure.

2. Eliminates the requirement for common open space for subdivisions of twenty (20) acres or less.

**G. Section 39-413. Site plan review procedures.**

1. Add a requirement for public participation plans for site plans within neighborhoods, in addition to site plan located within enclaves.
2. Adds that public participation plans are required for commercial or industrial renovations, in addition to development of four (4) or more residential units, and new commercial, mixed, and industrial uses.

**H. Section 39-634. Intent and purpose.**

1. Adds the boundary map of the Central County Community Overlay district to the zoning code.

**V. Data and Analysis.** The Broward County Code of Ordinances, Chapter 39-Zoning, Section 39-24 provides for the Board to amend zoning regulations whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires. In addition, the Board of shall consider public input and the recommendations of staff in considering any ordinance amending the Zoning Code.

Staff conducted an analysis of the proposed amendment and found it consistent with the following policies of the Broward County Comprehensive Plan's Broward Municipal Services District Element:

- **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 2.1.1** Broward County will manage development through land use, zoning, platting, site planning, permitting, and professional licensing and registration.

**VI. Exhibits**

- Exhibit 1: Staff Report.
- Exhibit 2: Proposed Ordinance.