

Adopted - May 25, 2006

ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN
ARTICLE 8

AFFORDABLE HOUSING DENSITY BONUSES

In order to facilitate the provision of affordable housing within Broward County, consistent with Policies 1.07.04 and 1.07.05 of the Broward County Land Use Plan, Article 8 outlines special rules providing for bonus density allocation for available flexibility and/or reserve units and/or affordable housing units (AFU's) in this regard.

8.1 Bonus density shall be allocated to facilitate the development of housing for persons within the following income categories as defined in the Broward County Land Use Plan:

(A) "Low-Income Persons" means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for the county. While occupying a rental unit, a Low Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 80 percent of the applicable median income adjusted for family size.

(B) "Moderate-Income Persons" means one or more natural persons or a family, not including students, that has 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. While occupying a rental unit, a Moderate-Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 120 percent of the applicable median income adjusted for family size.

(Note: For the purposes of this Article, "Moderate-Income" is further defined as:

"Workforce-Income:" housing for "moderate-income persons" having a total annual anticipated income for the household that is more than 100 percent but not more than 120 percent of the median annual income adjusted for family size for households within the county; and

“Moderate Workforce-Income:” housing for “moderate-income persons” having a total annual anticipated income for the household that is more than 80 percent but not more than 100 percent of the median annual income adjusted for family size for households within the county.

(C) “Very Low-Income Persons” means one or more natural persons or a family, not including students, that has 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, a Very Low-Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 50% of the applicable median income adjusted for family size.

- 8.2 “Affordable Housing,” for the purposes of this Article and as defined within the Broward County Land Use Plan, means housing for which monthly rents or monthly mortgage payments (including taxes and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate workforce = 100%; workforce = 120%) of the median income limits adjusted for family size for the households.
- 8.3 Affordable housing density bonuses allocated consistent with the provisions of this Article are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, with, as a minimum, the use of restrictive covenants, that the affordability of the bonus units for the income groups described in 8.1 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.
- 8.4 A unit of local government may transfer available “flexibility” and/or “reserve” units to facilitate the development of affordable housing from another standard flexibility zone within the unit of local government regardless of whether flexibility or reserve units are available within the standard flexibility zone in which the affordable housing is to be located. Bonus density units allocated for affordable housing shall not be “sold” to, or be conditioned upon (other than fees or dedications necessary to maintain adopted levels of service) the receipt of financial or material gain from, the applicant/developer by the applicable jurisdiction.

- 8.5 A unit of local government may request and receive a transfer of available "flexibility" and/or "reserve" units to facilitate the development of affordable housing from another unit of local government in Broward County. Such a transfer of "flexibility" and/or "reserve" units to facilitate the development of affordable housing must be "donated" and "received" by the applicable units of local government through resolution or motion. Bonus density units allocated for affordable housing projects shall not be "sold" by the "donor" jurisdiction to, or be conditioned upon (other than fees or dedications necessary to maintain adopted levels of service) the receipt of financial or material gain from, the "receiver" jurisdiction or by the "receiver" jurisdiction to the applicant/developer.
- 8.6 "Affordable Housing Units" (AFU's) may be transferred across municipal boundaries. In such cases, a unit of local government may request and receive a transfer of available "Affordable Housing Units" (AFU's) from another unit of local government in Broward County. Such a transfer of AFU's to facilitate the development of affordable housing must be "donated" and "received" by the applicable units of local government through resolution or motion. AFU's allocated for affordable housing projects shall not be "sold" by the "donor" jurisdiction to, or be conditioned upon (other than fees or dedications necessary to maintain adopted levels of service) the receipt of financial or material gain from, the "receiver" jurisdiction or by the "receiver" jurisdiction to the applicant/developer.
- 8.7 Bonus "reserve", "flexibility" and/or AFU's may not exceed the following limits, and percentages of the maximum number of dwelling units indicated for the parcel by the local land use plan map for the identified target populations:

Workforce-Income Persons 50%

(i.e. housing for "moderate-income persons" having a total annual anticipated income for the household that is more than 100 percent but not more than 120 percent of the median annual income adjusted for family size for households within the county)

("Workforce-income" units constructed on-site ("off-site" units may be permitted as further described in Article 8.13, if on-site construction is not found by the municipality to be feasible) with bonus market rate units:

One (1) bonus "market rate" unit per every one (1) "workforce- income" unit as per the requirements of Article 8.14

Moderate Workforce-Income Persons 50%

(i.e. housing for "moderate-income persons" having a total annual anticipated income for the household that is more than 80 percent but not more than 100 percent of the median annual income adjusted for family size for households within the county)

("Moderate workforce-income" units constructed on-site ("off-site" units may be permitted as further described in Article 8.13, if on-site construction is not found by the municipality to be feasible) with bonus market rate units:

Three (3) bonus "market rate" units per every one (1) "moderate workforce-income" unit as per the requirements of Article 8.14

Low-Income Persons 100%

("Low-income" units constructed on-site ("off-site" units may be permitted as further described in Article 8.13, if on-site construction is not found by the municipality to be feasible) with bonus market rate units:

Five (5) bonus "market rate" units per every one (1) "low-income" unit as per the requirements of Article 8.14

- 8.8 "Flexibility" and/or "reserve" units and/or AFU's allocated pursuant to the provisions of this Article do not require an amendment to the Broward County Land Use Plan or local land use plan map.
- 8.9 Units of local government may utilize the Affordable Housing Bonus Density provisions of this Article regardless of whether such provisions are incorporated within their certified local land use elements.
- 8.10 Upon allocation and/or receipt of "flexibility" or "reserve" units and/or AFU's under the provisions of this Article, the unit of local government shall provide written notification to the Planning Council Executive Director of such allocation and/or receipt.
- 8.11 By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing updated "flexibility" unit, "reserve" unit and "Affordable Housing Unit" (AFU's) tables reflecting bonus density units allocated and/or received pursuant to the provisions of this Article.
- 8.12 The provisions contained within this Article shall be evaluated by the Planning Council annually after the effective date of this Article for their effect in the facilitation of development, including that of affordable housing.

8.13 Off-site” affordable bonus units may be permitted, if on-site construction is not found by the municipality to be feasible, subject to the following:

- A. “Off-site for the purposes of these provisions is defined as within ½ mile of the “on-site” application site and within the same municipality, or within a designated “Regional Activity Center,” “Local Activity Center,” “Transit Oriented Development,” or “Transit Oriented Corridor,” if the “on-site” application site is within the same; and
- B. The “off-site” location must permit residential dwelling units per the certified municipal land use plan, and the residential density resulting from the “affordable” bonus units must not exceed the bonus density limits established as per Article 8.7; and
- C. For every one (1) bonus “affordable” unit located “off-site,” the corresponding “market rate” unit bonus is reduced by twenty-five percent (25%).

8.14 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 ten percent (10%) of bonus “market rate” units receive their certificate of occupancy; or
- B. The local government must require that bonus “affordable” units are available before or concurrently with bonus “market rate” units.

8.15 Advisory Design Guidelines

- A. The unit mix (bedroom count per unit) of the bonus “affordable” units should be proportional to the unit mix (bedroom count per unit) of the bonus “market rate” units;
- B. At least fifty-percent (50%) of the bonus “affordable” units should incorporate Uniform Federal Accessibility Standards (i.e. ADA compliant);
- C. It is recognized that bonus “affordable” units may be marginally smaller and have a different grade of appliances, fixtures and finish to reduce overall development costs;
- D. Bonus “affordable” units should be incorporated into the general site and design of the overall development and have a compatible exterior design;
- E. Use of the bonus density provisions are encouraged for proposed rental developments.

- 8.16 Applicants utilizing these Article 8 provisions should receive accelerated processing of their plans and permits to facilitate the timely delivery of affordable housing.