

# ATTACHMENT 1

## Framework for Policy 2.1.3

### Seven (7) Year Review of [BrowardNext – Broward County Land Use Plan](#)

#### Highlighted Regional Issues

Review and Update.

#### Policies Section

- Clean-up/Housekeeping

Review statutory dates and references, as well as reports; modify to “as amended” to eliminate necessity to update Policies as Florida Statutes or reports are updated.

Make references to agencies such as the Environmental Planning and Growth Management Department (now Resilient Environment Department) generic throughout Plan.

- Reconsideration of Timeframes/References

**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.

**POLICY 2.12.4** Broward County shall, by December 31, 2017, work with municipalities and affected parties to identify and designate a “Coastal Storm Area” on the County’s Natural Resource Map Series which shall depict the Coastal High Hazard Area, as defined by state statutes, all properties directly connected to the mainland by bridges and all low-lying properties that have restricted evacuation and emergency access.

**POLICY 2.18.2** By 2018, Broward County and the Broward County Planning Council shall study and recommend integrated levels of service standards for bicycle, transit, and pedestrian facilities and services within, at a minimum, designated or proposed and eligible “Activity Centers,” or municipal and county approved community redevelopment areas. If a proposed development fails to meet levels of service standards for automobile roadway capacity in such areas, the proposed development may be recommended for approval if levels of service for bicycle, transit, and pedestrian facilities and services are acceptable after considering effects from the proposed development.

**POLICY 2.21.7** In order to ensure coordination, consistency and maximum effectiveness of improvements necessary to mitigate high tide flooding associated with realized and additional sea level rise through the year 2070, tidally-influenced municipalities shall adopt within 24-months of the effective date of this Policy (February 13, 2020), regionally consistent top elevations for seawalls, banks and berms, and other appurtenant infrastructure (e.g., boat ramps) consistent with the findings and recommendations of the United States Army Corps of Engineers/Broward County Flood Risk Management Study for Tidally Influenced Coastal Areas.

These standards shall be consistent with Chapter 39, Article XXV – Resiliency Standards for Flood Protection - of the Broward County Code of Ordinances, which shall serve as the model ordinance, and shall not be applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

**POLICY 2.23.4** By 2019, Broward County shall work with Broward’s municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled.

**POLICY 2.36.2** The Broward County Planning Council and Broward County shall, by 2019, work with Broward County municipalities, partner agencies, stakeholders, and interested parties who make and are affected by land use policy and public infrastructure and services decisions, and issue model guidelines, methods, and tools to advance environmental justice.

- **Policy Updates, Modifications or Additions**

**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. – **Consider expansion of Policy or additional Policy or definition to memorialize Single Occupancy Residential density calculations such as sleeping rooms that share common living facilities such as kitchens and gathering areas, consistent with the Broward Affordable Housing Master Plan recommendations.**

**POLICY 2.3.4** Local certified land use plans may decrease by 20 percent the lands designated “Commerce” on the Broward County Land Use Plan Map for residential use in accordance with the rules established with the “Administrative Rules Document: Broward County Land Use Plan” and the Chapter 163, Florida Statutes plan adoption and amendment process. – **Clarify Policy as follows:**

~~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: Broward County Land Use Plan” and the Chapter 163, Florida Statutes plan adoption and amendment process.~~

**POLICY 2.5.5** Amendments to the Broward County Land Use Plan containing golf courses, including closed golf courses, shall address the following:

...

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

**Add Policy to Activity Centers Section** to address swapping out permitted dwelling unit types for those dwelling unit types that generate fewer students as a universal Policy, consistent with the Planning Council’s formal interpretation of April 25, 2024.

**POLICY 2.10.1...**Allocations of “Flexibility Units” and “Redevelopment Units” shall be subject to the following restriction: Within areas east of the Intracoastal Waterway, in no instance shall allocations of “Flexibility Units” or “Redevelopment Units” result in a residential density greater than twentyfive (25) dwelling units per gross acre for the residentially designated parcel or portion of a nonresidentially designated parcel to be developed with residential use, or exceed one hundred percent (100%) of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less. – **Remove reference to “Redevelopment Units” as it is in conflict with the 2017 adoption of Redevelopment Units Policy, as well as with the current Administrative Rules Document: BrowardNext, Appendix 3, which prohibits the allocation of Redevelopment Units east of the Intracoastal Waterway.**

**POLICY 2.10.3** In order to prevent future incompatible land uses, the established character of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed. - **Modernize to reflect and refocus protection of single-family neighborhoods**

**Examine Disaster Planning and Post-Disaster Redevelopment Section** to update and modify Policies in a manner that is reflective of definable data and processes.

**Update, Modify or Additional Policy(ies) to Affordable Housing Section** to reflect additional incentives and/or densification opportunities, **consistent with the Broward Affordable Housing Master Plan recommendations**, such as:

- **POLICY 2.16.2 (Land Use Plan Amendment Requirements):** Reconsider amendment applicability and corresponding Administrative Rules Document, Article 5 in-lieu of references for set asides and voluntary payments. Reconsider payment amount to be consistent with Policy 2.16.4.
- **POLICY 2.16.3 (Bonus Density):** Examine additional densification opportunities for bonus density.
- **POLICY 2.16.4 (Residential by Right - Commerce and Activity Centers):** Examine the inclusion of additional land use designations (such as medium to high residential densities) within one-half of passenger rail stations.
- **POLICY 2.16.5 (Residential by Right on Government Owned Parcels):** Examine expansion of ownership to other quasi-governmental agencies.

**Update, Modify or Additional Policy(ies) to Climate Resiliency, Adaptation Action Areas and Priority Planning Areas Section** to address new vulnerability study outcomes, updated groundwater mapping, etc.

**Update, Modify or Additional Policy(ies) to Environmentally Sensitive Lands Section** to address conflicts with Broward County Code of Ordinances and processes, as appropriate.

**Update, Modify or Additional Policy(ies) to Transportation Multi- Modal Levels of Service, Complete Streets and/or Greenways and Trails Sections** to reflect updated policies or programs such as the 30-Year Transportation Surtax Plan.

### **Definitions Section**

Holistically Updated Definitions Section in 2021 – Review for continued consistency and consideration of additional definitions for Plan clarification.

### **Permitted Uses Section**

Clean up of **Activity Centers** permitted uses to implement the Broward County Planning Council formal interpretation dated April 25, 2024, to address swapping out permitted dwelling unit types for those dwelling unit types that generate fewer students for the cities of Hallandale Beach, Hollywood, Lauderdale Lakes and Tamarac and/or address as a universal Policy as noted earlier in the document.

Consider the addition of affordable housing opportunities on lands designated **Recreation and Open Space** (mimic Community Facilities permitted use and criteria up to 5 acres) or other Permitted Uses as appropriate.

Clean-up: **Community** Permitted Uses – modify Special Residential Facilities (SRF) use back to end of Permitted Uses Section instead of Implementation Section, as well as amending the definitions of SRF 1, 2 and 3 to be consistent with Florida Statutes Chapters 419 and 429.

Redirect the Residential "dashed-line area" designation to a more powerful and flexible tool to accommodate smaller areas of redevelopment that currently utilize the Activity Center designation. There is potential to promote densification, **consistent with the Broward Affordable Housing Master Plan recommendations.**

### **Implementation Section (In Process)**

PCT 24-1 Parks Section and Implementation Regulation Section

- Expanding Parks and Open Space allowable acreage to the benefit of local governments.
- Streamline, reorder and update Implementation Regulation Section.

Consider accessibility of public beaches in criteria.

### **Recommended Practices**

**POLICY 3.3.3** As of the effective date of this Policy (March 21, 2013), water body and/or waterway acreage added to a community or regional parks inventory may count no more than ten (10) percent of such additional inventory, unless it is actively managed by a government agency for recreation or environmental purposes and greater than 0.5 acres, in which case the entire water body can be counted. – **Eliminate as in conflict with PCT 24-1.**

**POLICY 3.3.11** Broward County and its local governments should continue to implement the recommendations of the 1986 Study of Water Supply and Selection of Future Wellfield Sites in Broward County, as amended by the Board of County Commissioners. – **Review Study reference.**

Consider recommended practices and local government consideration of intensity incentives for non-residential when preserving tree canopy, LEED building, green roofs, cool pavements, etc. that will likely reduce heat islands. Consider for Policy Section.

### **Natural Resource Map Series**

- Refine the Wellfield map to accurately reflect Zones 1, 2 and 3.
- Examine Environmentally Sensitive Lands map to identify and remove properties that were permitted and developed.
- Update Floodplains map to add “Coastal Storm Area” per Policy 2.12.4 and check map for updated Federal Emergency Management Agency data and maps.

### **Administrative Rules Document: BrowardNext**

There was a previous provision in the County’s Chapter 1 of the Code of Ordinances that prohibited the same or substantially the same matter from being brought before the Board within 12 months of when it was denied. This was applicable to Broward County Land Use Plan amendment applications.

Section 1-21 of the Broward County Code of Ordinances, entitled “Time limitation on bringing matters before the board of county commissioners” was repealed in its entirety on 8/25/2022 and effective 10/13/22. The elimination of this prohibition sets the unintended consequence in motion that an application could be refiled the same day as a denial by the County Commission. Planning Council staff recommends that this be memorialized in Article 1.3 regarding County Commission Adoption of Amendments. Suggestion: 6 months before the application can be refiled with the Planning Council.

**ARTICLE 3.5(A)(3)** – Consideration of expansion of mixed residential to include both horizontal and vertical integration of retail and office uses on higher density Residential (over 25 dwelling units per acre).

**Article 5** - Reconsideration of voluntary buyout amount for affordable housing to mimic Policy 2.16.4.

### **August 15, 2024 - Kick-Off Meeting Comments:**

- Continued consideration of expanding open space opportunities to accommodate anticipated population growth, as few local governments will have additional budgetary or land opportunities. New multi-family buildings often include interior recreational opportunities.
- Consider inclusion of statutory Live Local Act authorization in BCLUP.
- Coordination with the Broward Metropolitan Planning Organization on a multi-modal level-of-service.
- Consider separated shared-use paths, for safety and their use as park space.
- Consider elimination of the in-lieu payment for Policy 2.16.4
- Ensure that long-term neighborhood residents are not displaced from their homes due to redevelopment.

- Consider the conversion of non-residential uses such as offices and hotel units to residential uses.

**August 29, 2024 - Planning Council Meeting Member Comment:**

- Consideration of school transportation and impacts to transportation network, both local and regional.

**September 11, 2024 - Broward Workshop Group Comments:**

- Consider additional platting exemptions for affordable housing.
- Continued examination of additional residential by right.
- School Impact Fee reductions and exemptions.

**September 12, 2024 - Subject Matter Expert Presentations Comments (Affordable Housing):**

- Consider additional platting exemptions for affordable housing.
- Consider the elimination of the plat note amendment process. (BCLDC)
- Consider parking reductions. (Local Governments)
- Continued examination of additional residential by right in other permitted uses.
- Consideration of increase to residential density cap for affordable housing.
- School Impact Fee reductions and exemptions. (The School Board of Broward County)
- Mixing income requirements (Example: 15% affordable housing – 12% moderate income and 3% low or very-low)

**September 26, 2024 - Subject Matter Expert Presentations Comments (Affordable Housing):**

- Consider modification of Policy 2.16.4 regarding non-residential thresholds for developments over 5 acres. (See ~~strike-through~~ below)
- Consider modification of Policy 2.16.4 to eliminate number 9. (See ~~strike-through~~ below)

**Submitted by City of Pompano Beach staff on September 26, 2024:**

**POLICY 2.16.4**

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(5) Within a development containing residential units, the following shall apply:

(a) Office and commercial use may either be vertically or horizontally integrated providing the following:

1. At least fifty percent (50%) of the ground floor of any portion of a building or development, excluding ingress and egress, facing a Qualified Road shall provide office and/or commercial uses;
2. Portions of a development not facing a Qualified Road within an Activity Center is not required, but encouraged, to provide for office and/or commercial uses.

~~(b) On parcels greater than five (5) acres, a minimum of ten percent (10%) of the gross floor area, excluding parking garages, must be reserved or utilized for office and/or commercial uses not ancillary to the residential units.~~

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~~(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.~~

~~(d) The Urban Planning Division, in consultation with the Office of the County Attorney, must certify that all the foregoing requirements of this Section (9) have been satisfied.~~

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~~\* 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.~~

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### **October 17, 2024 - Subject Matter Expert Presentations Comments (Resiliency and Sea Level Rise):**

- Policy protection and consideration of range of green (softer, natural techniques for living shorelines such as vegetation, edging and sills) and gray (harder techniques for shoreline and offshore coastal structures such as breakwater, revetment and bulkhead) to reduce a range of wave energy and prevent erosion.
- Protection of existing affordable housing through retroactive dry or wet proofing.
- Encourage local government codes to:
  - incentivize (re)development with resiliency criteria;
  - consider road designs that include rainfall design storm even and tidal flooding beyond FDOT Greenbook;

- consider adoption of storm water regulations incorporating future groundwater conditions into the pre and post development;
- Identify Resilient Growth Priority Areas: Study and identify priority areas for development/redevelopment that advance the County's resilience goals. Might include areas of lower flood risk, connected to desired infrastructure and community services.
- Apply the Countywide Resilience Plan and Scenario Viewer in Review of all Land Use Proposals: Evaluate all land use proposals for future flood risk and assignment of water management needs.
- Enhance Green Streets Requirements: Promote the conversion of selected neighborhoods from 2-way roads to 1-way roads with green infrastructure.
- Reduce Impervious Cover: Provide incentives for property owners to convert impervious area to pervious area on private property for purposes of drainage.
- Increase Stormwater Storage/Management Requirements: Increase required onsite storage capacity requirements on land being developed or redeveloped.
- Green Development Incentives - Facilitate development incentives and variances for providing additional storage at new developments and redeveloped properties if a "net benefit" to the community would be achieved, such as additional density bonuses for enhanced stormwater management or green infrastructure.
- Discourage Large Surface Parking Lots: Provide incentives and/or regulations for property owners to replace asphalt parking lots with parking garages or other alternatives.
- Adaptively Manage the County's Seawall Ordinance: Revisit minimum elevation requirements for tidal flood barriers as sea levels rise. Prepare an updated seawall ordinance to upgrade seawalls from the current 5.0 feet to 7.0 feet NAVD - or appropriate flood protection levels - based on sea level rise trends and projections.
- Resilient Complete Streets Design Standards: Incorporate resilience standards into complete streets projects and standard designs, including bioswales, permeable paving, planted areas, street trees, lighter/reflective paving, and shade structures through resilient complete streets design standards (see NACTO urban street design guide as a reference).
- Resilience through Overlay Districts: Explore the use of overlay districts to further resilience as part of land use development requirements, particularly in furtherance of green infrastructure to address the combined heat and flood risk in priority areas.