

AFFORDABLE HOUSING 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.

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.