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City of Plantation  
City Council Chambers and via Zoom

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING FOR WHICH THIS AGENDA CONSTITUTES NOTICE, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS CONDUCTED AT SUCH MEETING AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THE CITY OF PLANTATION WILL PROVIDE REASONABLE ACCOMODATIONS FOR DISABLED INDIVIDUALS REQUESTING SPECIAL ASSISTANCE IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING; PROVIDED, HOWEVER, THAT A REQUEST FOR SUCH ASSISTANCE MUST BE MADE TO THE OFFICE OF THE CITY CLERK (954) 797-2237 AT LEAST THREE (3) CALENDAR DAYS PRIOR TO THE SCHEDULED MEETING.

- 1 Roll Call**
- 2 Workshop**
- 3 Discussion concerning Flexibility Rules & Provisions  
Summary:

**Plantation Workshop  
Agenda**

**Notice of  
Workshop**

**Wednesday, April 28, 2021 ~ 6:00 PM**



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City of Plantation  
City Council Chambers and via Zoom

**Subject:**

Discussion concerning Flexibility Rules & Provisions

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Memorandum	4/22/2021	Cover Memo
City of Plantation Flexibility Zone Map	4/22/2021	Backup Material
Article 3 of the Broward County Administrative Rules Document	4/22/2021	Backup Material
Policy 2.10.1 of the Broward County Land Use Plan	4/22/2021	Backup Material
Policy 2.35.1 of the Broward County Land Use Plan	4/22/2021	Backup Material




**Planning, Zoning & Economic Development  
Memorandum**

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DATE: April 20, 2021

TO: Mayor and Members of the City Council

FROM: Danny Holmes, AICP   
Planning, Zoning & Economic Development Director

SUBJECT: Discussion on a Request to Amend the Future Land Use Element of the City of Plantation Comprehensive Plan to Clarify Flexibility Provisions, Establish a Unified Flexibility Zone and Incorporate the Use of Redevelopment Units.

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**RECOMMENDATION**

It is recommended that the City Council authorize the following amendments to the Future Land Use Element of the City of Plantation Comprehensive Plan:

- (1) An Amendment to Policy 1.7.6 of the Future Land Use Element to permit the rearrangement of residential density through the application of flexibility units on properties with an underlying residential land use designation;
- (2) An Amendment to Policy 1.7.6 of the Future Land Use Element to establish a “Unified Flexibility” zone within the City as permitted by the adoption of the 2017 BrowardNext Broward County Land Use Plan; and
- (3) An Amendment to Policies 1.7.6 and 1.8.8 of the Future Land Use Element to incorporate Redevelopment Units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan.

## **THE REQUEST**

City Staff is requesting the proposed amendments to the Future Land Use Element of the City of Plantation Comprehensive Plan to: (1) address what it considers to be an oversight in the Future Land Use Element that does not provide standards or rules governing the rearrangement of residential density on properties with an underlying residential land use designation as permitted by the Section 3.4 of the Broward County Administrative Rules Document, (2) update the City's Future Land Use Element to provide the City Council with greater discretion to direct available flexibility units to those areas of the City that would benefit most from additional density; and (3) incorporate provisions that would enable the City to apply for redevelopment units in the future.

## **BACKGROUND**

The impetus for the proposed amendments, as noted by staff at the January 27, 2021 City Council meeting, is based upon two land development applications that the City received during the spring of 2020. The first land development application requested the rearrangement of residential density on a property with a Residential Land Use designation on the City's Future Land Use Map. The second land development application requested the rearrangement of residential density utilizing affordable housing/redevelopment flexibility units on a parcel with a Commercial land use designation on the City's Future Land Use Map.

While the Broward County Land Use Plan, "Administrative Rules Document," permits the rearrangement of density on the residential and commercial parcels as proposed, The City of Plantation Future Land Use Element does not currently have provisions regulating the application of flexibility and redevelopment units in the manner proposed. As such, Staff is recommending that the City Council authorize amendments to Policy 1.7.6 and 1.8.8 to:

- (1) address what it considers to be an oversight in the Future Land Use Element that does not provide standards or rules governing the rearrangement of residential density on properties with an underlying residential land use designation as permitted by the Section 3.4 of the Broward County Administrative Rules Document;
- (2) update the City's Future Land Use Element to provide the City Council with greater discretion to direct available flexibility units to those areas of the City that would benefit most from additional density; and
- (3) incorporate provisions that would enable the City to apply for redevelopment units in the future.

## ANALYSIS

### **Recommendation #1 - Amend the Future Land Use Element to permit the rearrangement of Residential Density on Properties with an Underlying Residential Land Use Designation:**

To permit the rearrangement of Residential Density on Properties with an Underlying Residential Land Use Designation, staff is recommending the following revisions to Policy 1.7.6 of the City's Future Land Use Element:

#### **Policy 1.7.6**

Residential development in designated areas shall be based on the following ranges in density:

<b>Category</b>	<b>Units/Acre</b>	<b>Predominant Housing Type</b>
Estate 1	1 or less	Single family detached
Low 3	3 or less	Single family detached
Low 5	1 to 5	Single family detached and two family
Low Medium 10	Greater than 5 to 10	Villa, 2 story townhouse inclusive of garage
Medium 16	Greater than 10 to 16	2 or 3 story townhouse inclusive of garage, 2 or 3 story apartment building inclusive of garage
Medium High 25	Greater than 16 to 25	Apartment building, three stories or more

#### **Density Calculation:**

References to density within the City of Plantation Comprehensive Plan means gross density. Gross density means the number of dwelling units constructed or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in an area, including acreage used or proposed for roads, lakes, waterways, and other proposed land uses permitted in residential areas by the City of Plantation Comprehensive Plan. (Ord. No. 1974, 4/13/94)

#### **Arrangement of Dwelling Units:**

Any arrangement of dwelling units on a parcel of land designated for residential use is compatible with the Plantation Future Land Use Plan as long as the maximum number of dwelling units permitted within the parcel is not exceeded. For example, the City Future Land Use Plan does not regulate whether a developer uses 100 acres of land designated for Low (5) Residential density to build 500 single-family homes or whether the same 100 acres are used to build a 500-unit high rise structure, with

the balance of the land maintained as permanent open space. The distribution of units will be determined by the City of Plantation Land Development Regulations (LDRs).

#### **Dashed-Line Area:**

Selected areas are identified on the Plantation Future Land Use Plan Map by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number which appears in the circle inside the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the maximum number of dwelling units allowable within the dashed line. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred. Additional dashed-line areas may be designated on the Plantation Future Land Use Plan Map through amendments to the plan consistent with the provisions of this section.

#### **Flexibility Units:**

1. Flexibility Units are the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the City of Plantation's certified future land use plan map.
2. Since Plantation Future Land Use Plan may be more restrictive than the Future Broward County Land Use Plan Map (Series), available flexibility units may be utilized by Plantation to rearrange residential densities consistent with Broward County Comprehensive Plan.
3. Rearrangement of residential densities utilizing flexibility units will be administered within "flexibility zones." The boundaries of and rules governing "flexibility zones" and rearrangement of residential densities therein, will be established, subject to the provisions of the Broward County Comprehensive Plan within the "Administrative Rules Document: Broward County Land Use Plan".
4. The maximum number of dwelling units permitted in a flexibility zone by the Plantation Land Use Plan Map shall not exceed the number of dwelling units permitted in the flexibility zone by the Future Broward County Land Use Plan Map (Series).

### **Reserve Units:**

1. A reserve unit pool is hereby established consisting of 2 percent of the total number of dwelling units permitted within a flexibility zone by the Broward County Land Use Map (see Implementation Requirements).
2. Allocation of reserve units will be administered within “flexibility zones” and not require amendment of the certified local land use plan. The boundaries of land rules governing “flexibility zones” and allocation of reserve units therein will be established, subject to the provisions of the Broward County Comprehensive Plan within the “Administrative Rules Document: Broward County Land Use Plan”.
3. The number of reserve units in a flexibility zone will be fixed at the adoption of the future Broward County Land Use Plan Map (Series). The number of reserve units assigned to a parcel designated for residential use on the local land use plan map may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. However, the Plantation land use plan, the zoning, and the applicable land development regulations shall not permit any density higher than fifty (50) dwelling units per gross acre.

### **Recommendation #2 - Amend the Future Land Use Element to establish a “Unified Flexibility Zone” within the City of Plantation.**

The City of Plantation is currently divided into four (4) flexibility zones. These flexibility zones are Flex Zones 68, 73, 75X, and 76 (See Attachment 1). Under the existing adopted Future Land Use rules, flexibility units and reserve units may only be assigned to development projects located within the same flex zone as the proposed development. So, for example, if a developer was proposing a project on land located in Flex Zone 76, and was applying for the use of flex or reserve units from the City, the City could only apply flex or reserve units from the balance of flex or reserve units remaining in Flex Zone 76.

Because the allocation of flex in this manner limits the City’s discretion to respond to changing market conditions or to allocate density to a more suitable district or area of the City, Staff is recommending that the City establish a Unified Flexibility Zone within the City. A Unified Flexibility Zone would collapse the City’s four (4) existing flex zones into one citywide flexibility zone. Unified Flexibility Zones are permitted based upon changes made to the Broward County Land Use Plan in 2017 as part of the BrowardNext Amendments.

To permit the establishment of a “Unified Flexibility Zone” within the City, staff is recommending the following revisions to policy 1.7.6 of the Future Land Use Element:

**Policy 1.7.6**

Residential development in designated areas shall be based on the following ranges in density:

<b>Category</b>	<b>Units/Acre</b>	<b>Predominant Housing Type</b>
Estate 1	1 or less	Single family detached
Low 3	3 or less	Single family detached
Low 5	1 to 5	Single family detached and two family
Low Medium 10	Greater than 5 to 10	Villa, 2 story townhouse inclusive of garage
Medium 16	Greater than 10 to 16	2 or 3 story townhouse inclusive of garage, 2 or 3 story apartment building inclusive of garage
Medium High 25	Greater than 16 to 25	Apartment building, three stories or more

**Density Calculation:**

References to density within the City of Plantation Comprehensive Plan means gross density. Gross density means the number of dwelling units constructed or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in an area, including acreage used or proposed for roads, lakes, waterways, and other proposed land uses permitted in residential areas by the City of Plantation Comprehensive Plan. (Ord. No. 1974, 4/13/94)

**Dashed-Line Area:**

Selected areas are identified on the Plantation Future Land Use Plan Map by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number which appears in the circle inside the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the maximum number of dwelling units allowable within the dashed line. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred. Additional dashed-line areas may be designated on the Plantation Future Land Use Plan Map through amendments to the plan consistent with the provisions of this section.

**Reserve Units:**

~~A reserve unit pool is hereby established consisting of 2 percent of the total number of dwelling units permitted within a flexibility zone by the Broward County Land Use Map (see Implementation Requirements).~~



### Flexibility Units

1. Flexibility Units shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the City of Plantation's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the City of Plantation's 1989 certified future land use plan map.
2. The certified Plantation Future Land Use Map may be more restrictive than the Broward County Land Use Plan Map (Series), therefore, available Flexibility Units may be utilized by the City to rearrange residential densities.
3. The application of Flexibility Units shall be in accordance with the Broward County Planning Council "Administrative Rules Document."
4. The City of Plantation has been established as a "Unified Flexibility Zone."

### **Recommendation #3 - Amend the Future Land Use Element to establish provisions for Redevelopment Units to encourage the provision of workforce housing within the City.**

To permit establishment of Redevelopment Units, staff is recommending the following revisions to Policies 1.7.6 and 1.8.8 of the Future Land Use Element:

#### **Policy 1.7.6**

Residential development in designated areas shall be based on the following ranges in density:

<b>Category</b>	<b>Units/Acre</b>	<b>Predominant Housing Type</b>
Estate 1	1 or less	Single family detached
Low 3	3 or less	Single family detached
Low 5	1 to 5	Single family detached and two family
Low Medium 10	Greater than 5 to 10	Villa, 2 story townhouse inclusive of garage
Medium 16	Greater than 10 to 16	2 or 3 story townhouse inclusive of garage, 2 or 3 story apartment building inclusive of garage
Medium High 25	Greater than 16 to 25	Apartment building, three stories or more

### **Density Calculation:**

References to density within the City of Plantation Comprehensive Plan means gross density. Gross density means the number of dwelling units constructed or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in an area, including acreage used or proposed for roads, lakes, waterways, and other proposed land uses permitted in residential areas by the City of Plantation Comprehensive Plan. (Ord. No. 1974, 4/13/94)

### **Dashed-Line Area:**

Selected areas are identified on the Plantation Future Land Use Plan Map by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number which appears in the circle inside the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the maximum number of dwelling units allowable within the dashed line. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred. Additional dashed-line areas may be designated on the Plantation Future Land Use Plan Map through amendments to the plan consistent with the provisions of this section.

### **Reserve Units:**

A reserve unit pool is hereby established consisting of 2 percent of the total number of dwelling units permitted within a flexibility zone by the Broward County Land Use Map (see Implementation Requirements).

### **Redevelopment Units:**

1. The City May apply to the Broward County Planning Council for the allocation of additional “redevelopment units” per Broward County Land Use Plan Policy 2.35.1, as amended. Redevelopment Units are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by adoption of the 2017 BrowardNext Broward County Land Use Plan.
2. The application of Redevelopment Units shall be in accordance with the Broward County Planning Council “Administrative Rules Document.”

**Policy 1.8.8**

The following uses are permitted in commercially designated areas:

Neighborhood, community and regional retail uses.

Office Uses.

Commercial uses including wholesale and distribution, light fabricating and warehouse uses.

Children's day care centers.

Hotels, motels.

Commercial recreation uses.

Community facilities.

Public utilities structures and facilities, located on a parcel of 1 acre or less, which are unmanned, such as electric distribution substations, communications facilities, drainage, waste and wastewater pumping stations, excluding electrical power plants.

A limited amount of residential usage may be allowed within property enjoying a Commercial Comprehensive Plan Future Land Use Designation provided the following policy considerations are met:

- A. Flexibility and Reserve units in Flex Zone 75X that are sourced from former Flex Zone 75 are allocated to Plantation Midtown, and may only be utilized therein. Flexibility and reserve units sourced from former Flex Zone 74 may be awarded anywhere in Flex Zone 75X.
  1. Former Flex Zone 75 is bounded by New Hiatus Road on the west, the city limit on the south, University Drive on the east south of NW 5th Street, the OPWCD Canal No. 1A on east north of NW 5th Street, and on the north by the north city limit.
  2. Former Flex Zone 74 is bounded on the south by Broward Boulevard, on the east by the west right of way line of Florida's Turnpike from Broward Boulevard to the north city limit, on the north by the north city limit from Florida's Turnpike to the OPWCD Canal No. 1A, on the west north of NW 5th Street by the OPWCD Canal No. 1A, and on the west south of NW 5th Street by University Drive from NW 5th Street to Broward Boulevard.
  3. Flex Zone 75X is comprised of both former Flex Zones 74 and 75. 1.12

- B. For parcels of property enjoying a Commercial designation which are to be developed only with structures that include both commercial and residential uses in the same structure (i.e. “vertical integration”), Flexibility and Reserve Units may be utilized when determined appropriate by the City’s governing body, and where, in addition to other criteria and considerations as may be applicable: 1. The residential floor area of such vertically integrated structures does not exceed 50 percent of the total floor area of the building; or 2. The first floor of the structure is totally confined to commercial uses. 3. Regardless of 1. or 2. above, the residential density of the parcel shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation.
  
- C. For parcels of property enjoying a Commercial designation which are to be developed only with freestanding buildings devoted to multi-family residential uses, Flexibility and Reserve Units may be utilized when determined appropriate by the City’s governing body, and where, in addition to other criteria and considerations as may be applicable: 1. The maximum parcel size shall be five (5) gross acres, unless located within the urban infill area (east of Florida’s Turnpike) in which the case the maximum parcel size shall be ten (10) gross acres. 2. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation.
  
- D. For parcels of property enjoying a Commercial designation which are proposed to be developed with some buildings being devoted to residential use and some buildings devoted to commercial use (hereafter, "mixed commercial/residential developments"), Flexibility and Reserve Units may be utilized when determined appropriate by the City’s governing body, and where, in addition to other criteria and considerations as may be applicable:
  - 1. For mixed commercial/residential developments located outside of the urban infill area (areas west of Florida’s Turnpike):
    - a. The minimum size of the parcel enjoying the Commercial designation must be greater than five (5) gross acres in size; and,
    - b. The portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of five (5) gross acres in size or forty percent (40%) of the total gross acreage of the commercially designated parcel; and,

- c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation which is devoted to residential use. 1.13
  2. For mixed commercial/residential developments located within the urban infill area (areas east of Florida's Turnpike):
    - a. the minimum size of the parcel enjoying the Commercial designation must be greater than ten (10) gross acres; and,
    - b. the portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of ten (10) gross acres or forty percent (40%) of the total gross acreage of the commercially designated parcel; and,
    - c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation which is devoted to residential use.
  3. The entire mixed commercial/residential development shall be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.
- E. In cases where a tract of land is designated Commercial and is proposed to be divided into parcels, and such parcels can be developed independently under more than one of paragraphs B, C, and D above so as to meet the requirements therein, then the City may utilize combinations of the provisions of B and C above, or B and D above, or C and D above, but not B and C and D above, for such tract of land; provided:
  1. The tract is located within Plantation Midtown or the tract is located within that portion of the City bounded on the North by Sunrise Boulevard, on the South by the City limits, on the West by Pine Island Road, and on the East by University Drive; and,
  2. The land area of a parcel used under paragraph B.3., C.2., D1.c. or D2.c. for purposes of calculating the maximum allowable residential density under such paragraph (being the product of x times twenty-five (25) dwelling units per acre, where x is land area) cannot be used more than once in

applying the provisions of B and C above, or B and D above, or C and D above, but not B and C and D above, for a tract of land.

3. In no case may the maximum residential density for the tract exceed twenty-five (25) dwelling units per gross acre.
- F. For purposes of applying paragraphs B, C, D, and E, neither a “tract” nor a “parcel” need to be defined by referenced to a Plat. Furthermore, while a “tract” is comprised of “parcels”, the “tract” does not need to be subdivided into “parcels” by a plat. A “tract” and a “parcel” do not need to be defined by property lines based upon ownership. Rather, a “tract” and “parcel” may be defined by quantities of contiguous land which the City’s governing body has determined are sufficient in size to constitute independent building sites (i.e. taking into consideration Site Plan development approvals), and 1.14 which are submitted to Unified Control as set forth in the City’s land development regulations for the development intended, and which is submitted to a Master Plan so as to function as a single integrated development.
- G. ~~The City will utilize comprehensive planning flexibility to increase and decrease commercial and residential acreage in order to implement the allowance of residential uses within property enjoying a Commercial Comprehensive Plan Future Land Use Designation consistent with the Broward County Land Use Plan and Administrative Rules Document. The City will consider assigning flexibility or reserve units to achieve desired residential usage pursuant to Section IV(B)(1) (COMMERCIAL)(9) of the adopted Broward County Land Use Plan. When assigning flexibility or reserve units in implementing this comprehensive planning flexibility, an amendment to the City Future Land Use Map will not be required. Residential uses are permitted, without the need to amend the City of Plantation Future Land Use Plan Map, provided that the City of Plantation applies Flexibility and Redevelopment Units to the parcel pursuant to Policies 2.10.1 and 2.35.1 of the Broward County Land Use Plan (BCLUP) and the “Administrative Rules Document” Article 3. The City has ordained additional policy considerations to use for guidance purposes when it determines whether or not to utilize its comprehensive planning flexibility which are set forth in Chapter 19 of the City of Plantation's Code of Ordinances.~~

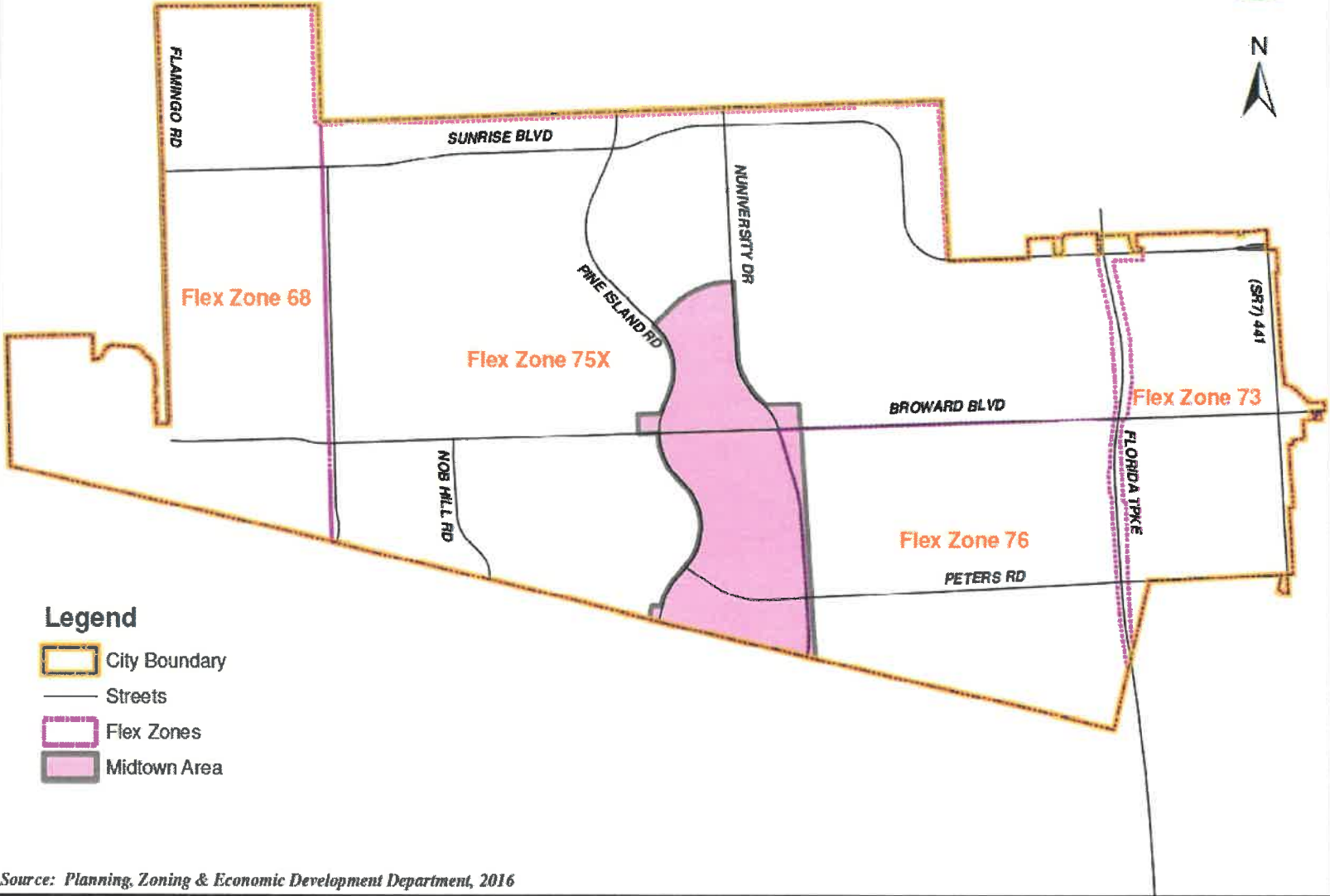
## **ATTACHMENTS**

1. City of Plantation Flexibility Zone Map.
2. Article 3 of the Broward County Administrative Rules Document.
3. Policy 2.10.1 of the Broward County Land Use Plan.
4. Policy 2.35.1 of the Broward County Land Use Plan

# Neighborhoods

City of Plantation

Figure: 1.6



### Legend

- City Boundary
- Streets
- Flex Zones
- Midtown Area

Source: Planning, Zoning & Economic Development Department, 2016



## ARTICLE 3

### FLEXIBILITY, REDEVELOPMENT UNITS AND SPECIAL RESIDENTIAL FACILITIES

#### 3.1 UNIFIED FLEXIBILITY ZONES

The Broward County Land Use Plan map shall be divided by municipal boundaries, known as “unified flexibility zones,” for the purpose of determining the amount of flexibility available for use within the unified area, such as “flexibility units,” “reserve units,” “redevelopment units,” and acreage within land use plan categories.

A local government’s certified land use plan may permit the rearrangement of, within limits specified by the Broward County Land Use Plan, land uses and residential densities within its municipal unified flexibility zone.

Rearrangement of land uses and residential densities within a flexibility zone by a local government consistent with the limits specified by the Broward County Land Use Plan and this document may require (re)certification by the Planning Council, but does not require an amendment to the Broward County Land Use Plan.

#### 3.2 FLEXIBILITY UNITS

- (A) Flexibility units, as defined in Section 2, “Definitions” of the Broward County Land Use Plan, shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government’s certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as “Reserve Units” which were equal to two percent (2%) of the total number of dwelling units permitted by the local government’s certified future land use plan map.
- (B) Assignment of flexibility units by a local government is subject to all of the following rules and regulations:
  - (1) Assignment of flexibility units shall be subject to meeting the provisions of Policy 2.10.1 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
  - (2) Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action. An amendment to the local land use plan may be required by the applicable municipality.

- (3) Upon assignment of flexibility units, the local government shall notify the Planning Council in writing and submit revised charts, as contained within the certified local land use plan, which reflect the current total.
- (4) Flexibility units shall not be assigned from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor be reflected within the “flexibility unit chart” of the certified local land use plan.
- (5) The Planning Council, upon determination that a local government has failed to report assignment of flexibility units in a timely or sufficient manner or has assigned flexibility units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this document.

### **3.3 REDEVELOPMENT UNITS**

- (A) Redevelopment units, as defined in Section 2, “Definitions,” of the Broward County Land Use Plan, means additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan.
- (B) Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less.
- (C) The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever is less, if the municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism for a minimum period of 15 years.
- (D) Assignment of redevelopment units by a local government shall be subject to meeting the provisions and criteria of Policy 2.35.1 of the Broward County Land Use Plan.
- (E) Upon assignment of redevelopment units, the local government shall notify the Planning Council in writing and submit revised charts, in the format certified by the Planning Council, which reflect the current total.

- (F) The Planning Council, upon determination that a local government has failed to report assignment of redevelopment units in a timely or sufficient manner or has assigned redevelopment units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this document.

### **3.4 COMPATIBILITY REVIEW CRITERIA**

- (A) Compatibility determinations required per Policy 2.10.1 of the Broward County Land Use Plan shall be based upon the following considerations:
  - (1) The density and intensity of the land use(s) resulting from the application of flexibility.
  - (2) The density and intensity of existing and planned land uses adjacent to the site.
  - (3) Comprehensive plan requirements, land development code provisions, zoning regulations, adopted design guidelines or other measures in place to ensure compatibility.
  - (4) Impact of proposed increases in residential density on public school enrollments and capacity, including consideration of any proposed mitigation for density increases impacting overcrowded schools.
  - (5) Impact on public beach access, including any reduction in public access points or public rights-of-way providing access to the beach.
- (B) For allocations of flexibility or redevelopment units to sites east of the Intracoastal Waterway which may impact access to public beaches, the allocating municipality shall notify the County Commission or its designee of proposed municipal allocations of flexibility which would alter an existing public access point or public right-of-way providing access to the beach.
- (C) For allocations of flexibility or redevelopment units to sites which are contiguous to another municipality:
  - (1) The allocating municipality shall notify applicable contiguous municipalities and the County Commission or its designee of a proposed municipal allocation of flexibility.
  - (2) After receipt of the above notice, a contiguous municipality has 30 days to notify the County Commission or its designee and the allocating municipality of a request for a compatibility review.

- (3) Upon receipt of a request for a compatibility review by a contiguous municipality, Broward County will notify the allocating municipality within 15 days that the County will be conducting a compatibility review.
- (D) For allocations of flexibility or redevelopment units to sites adjacent to an Environmentally Sensitive Land, Broward County or regional park as defined within the Broward County Comprehensive Plan:
  - (1) The allocating municipality shall notify the County Commission or its designee of the proposed allocation of flexibility.
  - (2) After receipt of the municipal notice, the County Commission or its designee shall have 45 days to notify the municipality if a review is required upon a finding that such proposed municipal allocation of flexibility may be incompatible with the Environmentally Sensitive Land, Broward County or regional park.
  - (3) Broward County shall provide all Broward municipalities with a map identifying the Environmentally Sensitive Lands, Broward County and regional parks which are subject to these provisions.
  - (4) For the purpose of this section, adjacent is defined as attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
- (E) Compatibility review determinations shall be made by the County Commission following a public hearing. County staff shall complete the staff report on each application and schedule the public hearing within 8 weeks of receiving a completed application.
- (F) Broward County shall provide reasonable notice of the County's compatibility review public hearings. The County shall give at least 10 days' notice in a newspaper of general circulation indicating the location and size of the property, future land use designation and proposed number of flexibility or redevelopment units.

### **3.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE**

- (A) A certified local land use plan may allow a different arrangement of commercial and residential acreage than that shown on the Broward County Land Use Plan, if consistent with all of the following provisions:
  - (1) The land designated "Commerce" on the Broward County Land Use Plan (see Policy 2.3.4 of the Broward County Land Use Plan) may be decreased by twenty percent (20%) and (re)designated to a land use category consistent with the residential land use categories of the Broward County Land Use Plan. (Re)designation to a residential land use category is subject to the following rules and regulations:

- a. The local government must assign available flexibility units or redevelopment units in compliance with the provisions of Section 3.2 (Flexibility Units) or Section 3.3 (Redevelopment Units), of this document; or
  - b. The local government must correspondingly reduce, within the local land use element, the density of a residential area so that the total number of permitted dwelling units allowed within the municipality is not increased.
- (2) The local land use plan may permit up to five percent (5%) of the area designated for residential use on the Broward County Land Use Plan to be used for offices and/or neighborhood retail sales of merchandise or services, subject to compliance with Policy 2.10.1 of the Broward County Land Use Plan. No such contiguous area may exceed ten (10) acres in size. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.

This five percent (5%) residential-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 2.10.1 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the residential permitted uses section of the local land use plan.

- (3) A mixed residential and retail sales or office land use may be permitted by the local land use plan in areas designated for “Medium,” “Medium-High” or “High” residential density on the Broward County Land Use Plan, subject to the local land use plan providing:
- a. That no more than fifty percent (50%) of the floor area in a building shall be used for retail sales or offices; and
  - b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (4) Residential and/or mixed commercial/residential developments may be permitted by the local land use plan in areas designated “Commerce” on the Broward County Land Use Plan Map, subject to the following:
- a. The local government shall apply available flexibility and/or redevelopment units in compliance with Articles 3.2 and 3.3 of this document; and

- b. For parcels up to ten (10) acres in size, free-standing multi-family residential uses or mixed commercial/residential developments are permitted; and
  - c. Within areas east of the Intracoastal Waterway, in no instance shall the residential density exceed 25 dwelling units per acre or 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; and
  - d. In no instance shall the total residential uses exceed 20% of the land area designated "Commerce" or "Commercial" within the municipality.
  - e. The above referenced limitations are not applicable to Policy 2.16.4.
- (5) The arrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

### **3.6 REQUIREMENTS FOR SUBMITTAL OF DATA FROM UNITS OF LOCAL GOVERNMENT**

Pursuant to Section 2 of the Broward County Land Use Plan, units of local government shall prepare and transmit to the Planning Council the following information within the time periods specified. This information may be transmitted in any form approved by the Planning Council Executive Director.

- (A) By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing updated information regarding the utilization of the Residential and Non-Residential Flexibility Rules of the Broward County Land Use Plan. The report shall include the following information, as applicable:
- (1) Total number of acres designated residential, commercial, industrial and employment center within the municipal boundary.
  - (2) Total number of residential, industrial and employment center acres allocated for commercial use through assignment of flexibility in the previous calendar year.
  - (3) Total number of residential, industrial and employment center acres allocated for commercial use through assignment of flexibility which includes all previous yearly allocations.

- (4) Total number of flexibility units and redevelopment units allocated in the previous calendar year to residential or non-residential designated lands which did not require an amendment to the local land use plan map.
  - (5) Total number of flexibility units and redevelopment units allocated, including all previous yearly allocations to residential or non-residential designated lands which did not require an amendment to the local land use plan map.
- (B) Upon determination by the Planning Council that a local government has failed to comply with the requirements of this Article, the Planning Council may decertify the local land use element or applicable portions thereof, in accordance with the provisions of Article 2 of this document.

### **3.7 REARRANGEMENT OF RESIDENTIAL DENSITY**

- (A) A local land use plan map may show a different arrangement of residential acreage than that shown on the Broward County Land Use Plan, subject to all of the following rules and regulations:
- (1) The local government shall demonstrate to the Planning Council that no increase in the total number of permitted dwelling units results from the rearrangement.
  - (2) The density assigned to an area circumscribed by a dashed line on the Broward County Land Use Plan shall not be reassigned outside the dashed line.
  - (3) A rearrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

### **3.8 DEVELOPED AREAS**

- (A) Zoning that is consistent with the established density of a developed area shall be in substantial conformity with the Broward County Land Use Plan so long as the local land use plan, the zoning and the applicable land development regulations do not permit any density higher than fifty (50) dwelling units per gross acre.

For the purpose of these rules and regulations, a developed area means a residential zoning district in which the predominant character had been established as of November 22, 1977, by existing buildings, buildings under construction, or by active building permits.

### **3.9 RESIDENTIAL USES IN AGRICULTURAL/RURAL RANCHES LAND USE CATEGORIES**

(A) This section provides for exceptions to the residential density restrictions within the Agricultural and Rural Ranches land use categories of the Broward County Land Use Plan consistent with Broward County Ordinance No. 79-34. Land designated Agricultural or Rural Ranches may be permitted one (1) dwelling unit on parcels less than two (2) net acres or less than two and one-half (2½) gross acres if:

- (1) The parcel is specifically designated on a plat approved by the Board of County Commissioners prior to May 16, 1979; or
- (2) The parcel was of public record prior to May 16, 1979, and has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another parcel or parcels in common ownership which could be combined into a single parcel of at least two (2) net acres, and has received the approval of the applicable agency for a sewage disposal system.

### **3.10 SPECIAL RESIDENTIAL FACILITIES**

Provisions for Special Residential Facilities, such as adult care living facilities, foster care facilities and group homes, are included within Section 2 of the Broward County Land Use Plan consistent with Broward County Ordinance No. 85-92. Definitions, permitted locations and density standards are found in Section 2 of the Broward County Land Use Plan.

- (A) Local governments may utilize the Special Residential Facilities provisions of the Broward County Land Use Plan regardless of whether such provisions are incorporated within the certified local land use plan.
- (B) Each local government may permit a maximum of one hundred (100) bonus sleeping rooms within the local governmental boundary permanently dedicated to a special residential facility(s) use, without an additional allocation of density, subject to meeting the requirements this section.
- (C) If a local government has not incorporated the Special Residential Facilities provisions of the Broward County Land Use Plan within its certified local land use plan, written approval of the Planning Council Executive Director is required, prior to approval by a local government, for special residential facilities projects involving the following:
  - (1) Projects requiring the allocation of flexibility units or redevelopment units;
  - (2) Projects involving allocation of all or a portion of the one hundred (100) bonus sleeping rooms for which the local government does not have to assign density, per Section 3.10(B) above.



- (D) Upon allocation of flexibility units or redevelopment units to a parcel of land, the local government shall submit revised flexibility charts in the format certified by the Planning Council which reflect the current totals.
- (E) Upon allocation of bonus sleeping rooms to a parcel of land per Section 3.10(B) above, the local government shall notify the Planning Council in writing and submit a chart which reflects the remaining total in a format approved by the Planning Council Executive Director.
- (F) In no instance shall a density exceeding 100 sleeping rooms per gross acre be permitted.

## **COMPATIBILITY**

**POLICY 2.10.1** Local government utilization of the Broward County Land Use Plan “Flexibility Rules” shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered, in the following instances:

- a. Allocations to sites east of the Intracoastal Waterway which impact access to public beaches.
- b. Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.
- c. Allocations to sites which are adjacent to an Environmentally Sensitive Land, as defined within the Broward County Comprehensive Plan, or a Broward County or regional park, including sites which are attached, located within 500 feet, or separated only by streets and highways, canals and rivers or easements, upon request of the Broward County Commission.

Additional rules and procedures for the processing of County Commission compatibility reviews shall be included in the Planning Council’s administrative rules.

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 twenty-five (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.

**POLICY 2.10.2** The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and local land use plans. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance from existing land use patterns.

**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.

## **REDEVELOPMENT UNITS**

**POLICY 2.35.1** “Redevelopment Units” are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan. Municipalities that have fewer than 250 combined “flexibility units” or “redevelopment units” may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, subject to the following:

- Demonstrate sufficient capacity for impacts to public facilities and services, including public schools.
- The Planning Council and County Commission shall hold one public hearing with “due public notice” to approve the allocation.
- The number of units per application may be increased to 750, or 15% of the number of dwelling units permitted by the certified municipal land use plan, whichever number is less, if the municipality demonstrates a commitment for at least 10% very-low or low affordable housing, with a legally enforceable mechanism for a minimum period of 15 years.
- For subsequent municipal requests for “redevelopment units” after the first allotment, the Planning Council may consider the number of additional dwelling units at one public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to a review of a report regarding the status of the previously allocated units as prepared by the requesting municipality.

### Criteria:

- The municipality shall identify areas which are appropriate and not appropriate for allocations of “redevelopment units” consistent with an adopted municipal plan or plans, such as comprehensive plans, redevelopment plans, vision plans, or similar plans that have been the subject of municipal public participation and input.
- For site specific allocations, the municipality shall ensure compatibility of land uses and demonstrate sufficient capacity for impacts to public facilities and services.
- The municipality shall ensure compliance with Broward County Land Use Plan policies regarding affordable housing.
- “Redevelopment Units” are not applicable to areas east of the Intracoastal Waterway.

- Municipal site-specific allocations will remain subject to the “compatibility review” requirements of the BCLUP. In addition, site specific allocations of greater than 150 units for a project or combined project may also be subject to a County Commission compatibility review, except allocations within a designated “activity center” or “redevelopment areas,” or within a ¼ mile of a limited transit stop, shall not be subject to such review.
- Allocations are eligible to lands designated “Activity Center,” “Commerce” and “Residential” on the Broward County Land Use Plan.
- The maximum number of combined “flexibility units” and “redevelopment units” within a municipality shall not exceed 5,000. For those municipalities which have more than 5,000 “flexibility” and “reserve” units per their certified plan as of the adoption date of the 2017 BrowardNext Broward County Land Use Plan, at such time a municipality assigns 5,000 dwelling units from the municipal pool, the municipality may request the Planning Council approve an additional allocation of up to 5,000 dwelling units per allocation, if the municipality can demonstrate that such dwelling units would be available via the Broward County Land Use Plan’s definitions regarding the calculation for such units and the certified municipal table.
- Municipal site specific allocations in areas designated within Priority Planning Areas for Sea Level Rise shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.