

DATE: July 6, 2021

TO: Chair and Members of the Planning & Zoning Board

FROM: Danny A. Holmes, AICP 

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.

RECOMMENDATION

It is recommended that the Planning and Zoning Board review 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:

Category	Units/Acre	Predominant Housing Type
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:

Category	Units/Acre	Predominant Housing Type
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 are 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:

Category	Units/Acre	Predominant Housing Type
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