



**Planning, Zoning & Economic Development
Memorandum**

DATE: October 5, 2021

TO: Members of the Planning and Zoning Board

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

I. PROJECT SUMMARY

A. Project Name / Number: Zoning Code Amendment – PP20-0024 (Chapter 19)

B. Request: Applicant initiated amendment to the commercial flexibility rules contained in Section 19-67(b) of the Code.

C. Recommendation:

Staff recommends **APPROVAL** of the requested amendment to the commercial flexibility rules contained in Section 19-67(b) of the Code

II. BACKGROUND

The City has only a limited amount of flexibility available pursuant to its comprehensive plan, the Broward County Comprehensive Plan, and the Broward County Planning Council Administrative Rules document. In a substantially developed city such as Plantation, once flexibility is consumed, it is no longer available and generally cannot be replaced. The advantage to utilizing flexibility is to encourage development the city deems desirable in terms of increasing employment, raising the tax base, arresting blight, or providing other benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain building permits. As such, the assignment of flexibility reserve units should be granted as an incentive for the City to encourage development the City deems desirable in terms of offering significant benefits not otherwise available if the city's land development regulations were otherwise followed (does the proposal exceed the minimum otherwise required land development regulations such as open space, landscaping, contributions to infrastructure improvements, setbacks, site design, etc.).

There are various types of flexibility which include a provision to allow limited amounts of commercial use in residentially land use designated areas, a provision to allow limited amounts of commercial use in industrially land use designated areas, and a provision to

allow limited residential uses in commercially land use designated areas. The amount of residential units that can be assigned within a flexibility zone is determined by combining the amount of flexibility units (the difference between the number of dwelling units permitted within a flexibility zone under the Broward County Comprehensive Plan and the number of dwelling units permitted within the same flexibility zone under the Plantation Comprehensive Plan – given the Plantation Comprehensive Plan is generally more restrictive as to residential density than the Broward County Comprehensive Plan) and reserve units (those additional permitted dwelling units created by the Plantation Comprehensive Plan Future Land Use Element Policy No. 1.7.6 which consists of up to two (2) percent of the total number of dwelling units permitted within a flexibility zone).

Residential use of property that has an underlying Commercial land use designation can only be achieved through the assignment of flexibility reserve units or approval of a land use plan amendment. Section 19-67(b)(2) of the code allows the assignment of flexibility units for residential development (aka “quality housing”) meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document within the Plantation Gateway and limited residential areas (zoned RS-1A or RS-2B) on Broward Boulevard adjacent to the Gateway district. Section 19-67(b)(2) of the code also allows the assignment of flexibility units for mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive within the Plantation Gateway and limited residential areas (zoned RS-1A or RS-2B) on Broward Boulevard adjacent to the Gateway district, or within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or within that portion of the City bounded on the north by Sunrise Boulevard, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive.

The applicant proposes the following changes to the flexibility regulations:

- To allow residential development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document to utilize flexibility in Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan) and within that portion of the City bounded on the north and south by the City limits, on the west by Pine Island Road, and on the east by University Drive. Utilization of flexibility units for residential development meeting the affordable housing rules is currently only permitted in the Plantation Gateway area.
- To allow mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive to utilize flexibility in the area north of Sunrise Boulevard between University Drive and Pine Island Road. Utilization of flexibility units is currently permitted in the Plantation Gateway area, Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or within that portion of the city south of Sunrise Boulevard between University Drive and Pine Island Road. It should be noted that flex utilization was previously only permitted in the Plantation Gateway area and in Plantation Midtown until the code was amended in 2014 to include the

area north of Cleary Boulevard and south of Sunrise Boulevard between University Drive and Pine Island Road (initiated by the same applicant).

- To allow unlimited density when utilizing affordable housing bonus units.

III. PROJECT ANALYSIS, CRITERIA AND FINDINGS

Section 19-67(b)(2) and (3) - *Provisions regarding applying certain types of comprehensive plan flexibility* as it currently reads is attached as Exhibit "A".

Section 19-67(b)(2) and (3) - *Provisions regarding applying certain types of comprehensive plan flexibility* as proposed by the applicant is attached as Exhibit "B".

IV. STAFF RECOMMENDATION:

Residential use of property that has an underlying Commercial land use designation can only be achieved through the assignment of flexibility reserve units or approval of a land use plan amendment.

The applicant's proposal to allow residential development meeting the affordable housing rules to utilize flexibility in Plantation Midtown and the areas north of Cleary Boulevard and south of the City limits between University Drive and Pine Island Road, expands the potential for affordable housing in the central business district of the City.

Prior to 2016, the assignment of flexibility or reserve units for mixed residential/commercial development was limited to the Plantation Gateway and Plantation Midtown areas and was intended to encourage higher density within the central development district and redevelopment within the community redevelopment area. In 2014, the City Council approved a Comprehensive Plan amendment to increase the eligible area to include 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 (associated with development of Plantation Millcreek (pka Sawgrass Hotel and Conference Center). The applicant's proposed amendments ((2)c and (3)d) further expands the use of flexibility or reserve units for mixed-use development to the north city limits between Pine Island Road and University Drive which will further reduce the flexibility reserve units available to the Plantation Midtown area. Staff recommends approval of the subject amendedment to allow greater discretion in the application of commercial flexibility throughout the city.

All aspects of the Comprehensive Plan and City Code limits the maximum residential density city-wide to 25 dwelling units per acre. Inclusion of the language to allow bonus density units pursuant to the Broward County Land Use Plan ((2)f and (3)e) would allow additional market rate units to be constructed based on the number of affordable units provided that would not be subject to any limitation on density. Staff recommends approval of the provision to allow residential densities to exceed twenty-five (25) dwelling units per acre when affordable housing is included as part of a development pursuant to the rules of the Broward County Comprehensive Plan.

Sec. 19-67. - Provisions regarding applying certain types of comprehensive plan flexibility.

Intent and purpose: The city has only a limited amount of flexibility available pursuant to its comprehensive plan, the Broward County Comprehensive Plan, and the Broward County Planning Council Administrative Rules document. In a substantially developed city such as Plantation, once flexibility is consumed, it is no longer available and generally cannot be replaced. The advantage to utilizing flexibility is to encourage development the city deems desirable in terms of increasing employment, raising the tax base, arresting blight, or providing other benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain building permits. In enacting this section, the city governing body desires to provide guidance to the public and to its development staff concerning how it wishes to utilize the city's various types of comprehensive planning flexibility so that these decisions will not be made in an arbitrary fashion. Decisions concerning the utilization of comprehensive planning flexibility are legislative in nature in part because a decision to utilize flexibility is the functional equivalent of deciding not to go through a lengthy process of amending the city comprehensive plan, and as local decisions concerning whether to amend a comprehensive plan are legislative in nature. The city governing body does not intend in enacting this section to transform a legislative decision into a non-legislative decision, and reserves its inherent legislative privilege to waive or not apply any provision contained in this section whenever it decides such waiver or nonapplication serves the future land use and needs of the community. All decisions approving the utilization of flexibility, as well as decisions to waive or not apply a provision of this section in connection with such approval, shall be evidenced by an ordinance which was considered in a legislative fashion.

(b) *Limitations on the use of the various types of flexibility the city enjoys:*

(2) *Flexibility Units.*

- a. The City will permit the assignment of Flexibility Units in Commercial designated properties for:
 1. Any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of offsite or onsite medical care;
 2. Any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 3. Any not-for-profit quality housing facility for unrelated elderly individuals; or
 4. Any quality housing development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or

5. Any mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive Plan.
- b. The City may assign Flexibility Units upon approving a site plan, together with any other appropriate development orders or approvals prerequisite to applying for a building permit. The utilization of this type of flexibility will also require a legislative ordinance enactment.
 - c. The use of Flexibility Units pursuant to subsection a. 1-3. above shall be limited to property located within Former Flex Zone 75 (excluding Plantation Midtown [f/k/a Central Plantation as defined in the adopted City Comprehensive Plan]) and within Former Flex Zone 74, and therein only north or east of Sunrise Boulevard or within 1500 feet of a hospital. The use of Flexibility Units for a project qualifying under subsection a.4. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such Area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B]. The use of Flexibility Units for a project qualifying under subsection a.5. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such Area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B], or within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or within that portion of the City bounded on the north by Sunrise Boulevard, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive. Notwithstanding the foregoing, Flexibility Units sourced from Former Flex Zone 74 and Former Flex Zone 75 shall be subject to the additional restrictions set forth in (2)e. below.
 - d. The project should be consistent in scale, building height, mass, and elevations with the predominant nearby residential buildings, and the utilization of flexibility should not exceed the average density of the contiguous residential property (contiguous meaning adjacent or only separated by streets, canals, or easements). The commercial property for which Flexibility Units are proposed shall not exceed the average residential density for the contiguous residential property (contiguous meaning adjacent to or only separated by streets, canals, or easements). This policy guideline may not always be appropriate when the governing body of Plantation wishes to encourage multifamily structures near residential structures consistent with redevelopment plans or vision-based studies conducted for specific areas of the City, or wishes to encourage the elimination or prevention of urban blight.
 - e. Flexibility Units may not be transferred between Flexibility Zones, except when used as allowed in subsection a. 4. above. Flexibility Units sourced from Former Flex Zone 75 have been allocated by the Comprehensive Plan to Plantation Midtown for assignment pursuant to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, and may be so assigned pursuant to the policy considerations of

this Section. Additionally, Flexibility Units sourced from Former Flex Zone 74 may be assigned anywhere within Flex Zone 75X (and therefore to lands within Flex Zone 75X that are outside of Plantation Midtown) pursuant to such Policy 1.8.8; provided such assignment is pursuant to the policy considerations identified in this Section.

- f. In no instance shall a density greater than twenty-five (25) dwelling units per gross acre be permitted, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is applicable.
- g. The City, in its sole legislative discretion, may choose not to assign Flexibility Units when it is requested to do so, or may choose to assign Flexibility Units so as to achieve a residential density that is less than residential density requested. The policy considerations set forth in this Paragraph (2) are not exclusive, and the City may consider other relevant policy considerations it determines serves the public interests and furthers the City's Comprehensive Plan. The purpose of identifying these policy considerations is to implement provisions of the City Comprehensive Plan, ensure compliance with the Broward County Administrative Rules Document (recognizing the City may be more restrictive than such Rules if it desires), and guide the City's governing body in exercising its legislative discretion so as to improve decision making. The use of these policy considerations shall not result in these decisions becoming quasi-judicial in nature or being policy application in nature.

(3) *Reserve Units.*

- a. The City will permit the assignment of Reserve Units for:
 - 1. Any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of offsite or onsite medical care;
 - 2. Any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 - 3. Any not-for-profit quality housing facility for unrelated elderly individuals;
 - 4. Any quality housing development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or
 - 5. Any residential or mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive Plan.
- b. Presently, the Appendix to the City's Comprehensive Plan, Volume II, requires an amendment to the City's Future Land Use Map whenever Reserve Units are assigned. A local land use plan map amendment will be necessary as long as same is required by the

City Comprehensive Plan. At such time as the Comprehensive Plan is amended to no longer require a local land use plan map amendment process to be used to assign Reserve Units, the City will continue to require a legislative enactment of an ordinance to assign or utilize Reserve Units.

- c. The assignment of Reserve Units must be approved by the Broward County Planning Council Administrator in accordance with the County Administrative Rules Document prior to the City governing body approving same (until such time, if ever, that the City Comprehensive Plan expressly incorporates the County Comprehensive Plan Special Residential Facility provisions).
- d. The use of Reserve Units pursuant to subsection a.1., 2., or 3. above shall be limited to properties located within Former Flex Zone 74 (which are north or east of Sunrise Boulevard, or within 1500 feet of a hospital) and within Flex Zone 73 (and therein only within the Gateway 7 Development District, or adjacent to such redevelopment area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B). The use of Reserve Units for a project qualifying under subsection a. 4. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within the Plantation Gateway), or adjacent to such area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B]. The use of Reserve Units for a project qualifying under subsection a. 5. above will only be for projects located: (i) within Flex Zone 73 [and only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B], or (ii) within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or (iii) within that portion of the City bounded on the north by Sunrise Boulevard, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive. Notwithstanding the foregoing, Reserve Units sourced from Former Flex Zone 74 and Former Flex Zone 75 shall be subject to the additional restrictions set forth in (3)f. below.
- e. In no instance shall a density greater than twenty-five (25) dwelling units per gross acre be permitted, calculated in a manner consistent with Future land Use Element Policy 1.1.8 whenever such Policy is applicable.
- f. Reserve Units may not be transferred between Flexibility Zones, except when used as allowed in subsection a. 4. above. Reserve Units sourced from Former Flex Zone 75 have been allocated by the Comprehensive Plan to Plantation Midtown for assignment pursuant to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, and may be so assigned pursuant to the policy considerations of this Section. Additionally, Reserve Units sourced from Former Flex Zone 74 may be assigned anywhere within Flex Zone 75X (and therefore to lands within Flex Zone 75X that are outside of Plantation Midtown) pursuant to such Policy 1.8.8; provided such assignment is pursuant to the policy considerations of this Section.

- g. The City, in its sole legislative discretion, may choose not to assign Reserve Units when it is requested to do so, or may choose to assign Reserve Units so as to achieve a residential density that is less than residential density requested. The policy considerations set forth in this Paragraph (3) are not exclusive, and the City may consider other relevant policy considerations it determines serves the public interests and furthers the City's Comprehensive Plan. The purpose of identifying these policy considerations is to implement provisions of the City Comprehensive Plan, ensure compliance with the Broward County Administrative Rules Document (recognizing the City may be more restrictive than such Rules if it desires), and guide the City's governing body in exercising its legislative discretion so as to improve decision making. The use of these policy considerations shall not result in these decisions becoming quasi-judicial in nature or being policy application in nature.

EXHIBIT B
Ordinance proposed by applicant

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF GROWTH MANAGEMENT; AMENDING VARIOUS PROVISIONS OF SECTION 19-67 OF THE CODE OF ORDINANCES CONCERNING THE CITY'S COMPREHENSIVE PLANNING FLEXIBILITY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA that:

SECTION 1: Subsection 19-67 (b) of the Code of Ordinances of the City of Plantation is hereby amended as follows:

(2) *Flexibility Units.*

- a. The City will permit the assignment of Flexibility Units in Commercial designated properties for:
 1. Any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of offsite or onsite medical care;
 2. Any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 3. Any not-for-profit quality housing facility for unrelated elderly individuals; or
 4. Any quality housing development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or
 5. Any mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive Plan.
- b. The City may assign Flexibility Units upon approving a site plan, together with any other appropriate development orders or approvals prerequisite to applying for a building permit. The utilization of this type of flexibility will also require a legislative ordinance enactment.
- c. The use of Flexibility Units pursuant to subsection a. 1-3. above shall be limited to property located within Former Flex Zone 75 (excluding Plantation Midtown [f/k/a

Central Plantation as defined in the adopted City Comprehensive Plan]) and within Former Flex Zone 74, and therein only north or east of Sunrise Boulevard or within 1500 feet of a hospital. The use of Flexibility Units for a project qualifying under subsection a.4. above will only be for projects within **Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), within that portion of the City bounded on the north and south by the City limits, on the west by Pine Island Road, and on the east by University Drive, or within** Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such Area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B]. The use of Flexibility Units for a project qualifying under subsection a.5. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such Area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B], or within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or within that portion of the City bounded on the north by ~~Sunrise Boulevard~~ **the City limits**, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive. Notwithstanding the foregoing, Flexibility Units sourced from Former Flex Zone 74 and Former Flex Zone 75 shall be subject to the additional restrictions set forth in (2)e. below.

- d. The project should be consistent in scale, building height, mass, and elevations with the predominant nearby residential buildings, and the utilization of flexibility should not exceed the average density of the contiguous residential property (contiguous meaning adjacent or only separated by streets, canals, or easements). The commercial property for which Flexibility Units are proposed shall not exceed the average residential density for the contiguous residential property (contiguous meaning adjacent to or only separated by streets, canals, or easements). This policy guideline may not always be appropriate when the governing body of Plantation wishes to encourage multifamily structures near residential structures consistent with redevelopment plans or vision-based studies conducted for specific areas of the City, or wishes to encourage the elimination or prevention of urban blight.
- e. Flexibility Units may not be transferred between Flexibility Zones, except when used as allowed in subsection a. 4. above. Flexibility Units sourced from Former Flex Zone 75 have been allocated by the Comprehensive Plan to Plantation Midtown for assignment pursuant to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, and may be so assigned pursuant to the policy considerations of this Section. Additionally, Flexibility Units sourced from Former Flex Zone 74 may be assigned anywhere within Flex Zone 75X (and therefore to lands within Flex Zone 75X that are outside of Plantation Midtown) pursuant to such Policy 1.8.8; provided such assignment is pursuant to the policy considerations identified in this Section.
- f. **In no instance shall a density greater than twenty-five (25) dwelling units per gross acre be permitted, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is applicable. Density shall not exceed twenty-five (25) dwelling units per gross acre, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is**

applicable, except for where bonus density units are allowed pursuant to the Broward County Land Use Plan.

- g. The City, in its sole legislative discretion, may choose not to assign Flexibility Units when it is requested to do so, or may choose to assign Flexibility Units so as to achieve a residential density that is less than residential density requested. The policy considerations set forth in this Paragraph (2) are not exclusive, and the City may consider other relevant policy considerations it determines serves the public interests and furthers the City's Comprehensive Plan. The purpose of identifying these policy considerations is to implement provisions of the City Comprehensive Plan, ensure compliance with the Broward County Administrative Rules Document (recognizing the City may be more restrictive than such Rules if it desires), and guide the City's governing body in exercising its legislative discretion so as to improve decision making. The use of these policy considerations shall not result in these decisions becoming quasi-judicial in nature or being policy application in nature.

(3) *Reserve Units.*

- a. The City will permit the assignment of Reserve Units for:
 - 1. Any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of offsite or onsite medical care;
 - 2. Any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 - 3. Any not-for-profit quality housing facility for unrelated elderly individuals;
 - 4. Any quality housing development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or
 - 5. Any mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive Plan.
- b. Presently, the Appendix to the City's Comprehensive Plan, Volume II, requires an amendment to the City's Future Land Use Map whenever Reserve Units are assigned. A local land use plan map amendment will be necessary as long as same is required by the City Comprehensive Plan. At such time as the Comprehensive Plan is amended to no longer require a local land use plan map amendment process to be used to assign Reserve Units, the City will continue to require a legislative enactment of an ordinance to assign or utilize Reserve Units.
- c. The assignment of Reserve Units must be approved by the Broward County Planning Council Administrator in accordance with the County Administrative Rules Document prior to the City governing body approving same (until such time, if ever, that the City Comprehensive Plan expressly incorporates the County Comprehensive Plan Special Residential Facility provisions).

- d. The use of Reserve Units pursuant to subsection a.1., 2., or 3. above shall be limited to properties located within Former Flex Zone 74 (which are north or east of Sunrise Boulevard, or within 1500 feet of a hospital) and within Flex Zone 73 (and therein only within the Gateway 7 Development District, or adjacent to such redevelopment area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B). The use of Reserve Units for a project qualifying under subsection a. 4. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within the Plantation Gateway), or adjacent to such area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B]. The use of Reserve Units for a project qualifying under subsection a. 5. above will only be for projects located: (i) within Flex Zone 73 [and only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B], or (ii) within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or (iii) within that portion of the City bounded on the north by ~~Sunrise Boulevard~~ **the City limits**, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive. Notwithstanding the foregoing, Reserve Units sourced from Former Flex Zone 74 and Former Flex Zone 75 shall be subject to the additional restrictions set forth in (3)f. below.
- e. ~~In no instance shall a density greater than twenty-five (25) dwelling units per gross acre be permitted, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is applicable. Density shall not exceed twenty-five (25) dwelling units per gross acre, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is applicable, except for where bonus density units are allowed pursuant to the Broward County Land Use Plan.~~
- f. Reserve Units may not be transferred between Flexibility Zones, except when used as allowed in subsection a. 4. above. Reserve Units sourced from Former Flex Zone 75 have been allocated by the Comprehensive Plan to Plantation Midtown for assignment pursuant to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, and may be so assigned pursuant to the policy considerations of this Section. Additionally, Reserve Units sourced from Former Flex Zone 74 may be assigned anywhere within Flex Zone 75X (and therefore to lands within Flex Zone 75X that are outside of Plantation Midtown) pursuant to such Policy 1.8.8; provided such assignment is pursuant to the policy considerations of this Section.
- g. The City, in its sole legislative discretion, may choose not to assign Reserve Units when it is requested to do so, or may choose to assign Reserve Units so as to achieve a residential density that is less than residential density requested. The policy considerations set forth in this Paragraph (3) are not exclusive, and the City may consider other relevant policy considerations it determines serves the public interests and furthers the City's Comprehensive Plan. The purpose of identifying these policy considerations is to implement provisions of the City Comprehensive Plan, ensure compliance with the Broward County Administrative Rules Document (recognizing the City may be more restrictive than such Rules if it desires), and guide the City's

governing body in exercising its legislative discretion so as to improve decision making. The use of these policy considerations shall not result in these decisions becoming quasi-judicial in nature or being policy application in nature.

SECTION 2: Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 3: This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED ON FIRST READING by the City Council this ____ day of _____, 2021.

PASSED AND ADOPTED ON SECOND READING by the City Council this ____ day of _____, 2021.

SIGNED by the Mayor this ____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

	APPROVED	DATE
REQUESTED BY:	_____	
DEPT. OK:	_____	
ADMIN. OK:	_____	
ATTY. OK:	_____	

AS TO FORM ONLY

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance No. ____ was received by the Office of the City Clerk and entered into the Public Record this ____ day of _____, 2021.

April Beggerow, City Clerk _____

