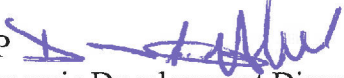




**Planning, Zoning & Economic Development
Memorandum**

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 – PP21-0037
- B. Request: Staff initiated amendment to the *Planned Commercial Development (B-7Q) District* contained in Section 27-92 of the Code
- C. Recommendation: Staff recommends **APPROVAL** of the requested amendment to the *Planned Commercial Development (B-7Q) Districts* in Section 27-92 of the Code, **to delete multi-family residential uses as a permitted conditional use within this district.**

II. BACKGROUND

The primary purpose of Planned Community Development (PCD) zoning is to permit land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. This flexibility provides an opportunity and incentive to the developer to strive for excellence in physical, social and economic planning. Prior to 2014, there were three kinds of Planned Community Development zoning districts in Plantation, to wit: Planned *Residential* Development Districts (PRD-Q), Planned *Commercial* Development Districts (B-7Q), and Planned *Residential Commercial* Development Districts (B-8Q) although regulations for this district were lacking.

In 2014, the City Council approved a text amendment to the zoning code to allow residential uses in the Planned *Commercial* Development District (B-7Q) (associated with the redevelopment of the Sawgrass Hotel and Conference Center into Plantation Millcreek -306 multi-family units) and to delete the Planned *Residential Commercial* Development District (B-8Q). It should be noted that inclusion of residential uses within the Planned *Commercial* Development District (B-7Q) has allowed residential encroachment into the office park areas within Central Plantation, as defined in the adopted City Comprehensive Plan (i.e. Cornerstone Millcreek).

Currently, with the exception of B-7Q (which was intended to be for commercial use), there are no available mixed-use zoning districts available to sites located outside of the Plantation Gateway and Plantation Midtown areas. An applicant-initiated code amendment to restore

the Planned *Residential Commercial* Development District (B-8Q) is in concurrent review. Given the Planned *Residential Commercial* Development Districts (B-8Q) is the appropriate district for mixed residential and commercial uses, it is no longer appropriate to maintain residential uses, other than hotels and motels, in the B-7Q Planned *Commercial* Development District. The proposed ordinance initiated by staff removes residential uses as a permitted conditional use in the B-7Q Planned *Commercial* Development District.

III. PROJECT ANALYSIS, CRITERIA AND FINDINGS

Section 19-92(5)b. – *Planned Commercial Development (B-7Q) District* as proposed by staff is attached as Exhibit “A”.

IV. STAFF RECOMMENDATION:

Should the proposed Planned *Residential Commercial* Development Districts (B-8Q) be approved, staff recommends that residential uses be deleted as a permitted use in the B-7Q Planned *Commercial* Development District.

EXHIBIT "A"
Ordinance proposed by staff

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF ZONING; AMENDING SECTION 27-92 OF THE CITY OF PLANTATION CODE OF ORDINANCES AS IT RELATES TO THE PLANNED COMMERCIAL DEVELOPMENT B-7Q ZONING DISTRICT; AMENDING THE PERMITTED AND CONDITIONAL USES FOR THE B-7Q ZONING DISTRICT; 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: Section 27-92 (5) b. of the Code of Ordinances of the City of Plantation is hereby amended to read as follows:

Section 27-92. – Planned Community Development zoning districts.

(5) Planned Community Development Districts.

b. *Planned Commercial Development (B-7Q) District.*

1. ~~Planned Commercial Development (B-7Q) Districts which are developed primarily with non-residential uses should not be less than ten (10) acres in area.~~
2. ~~Planned Commercial Development (B-7Q) Districts shall not have residential structures or usage other than hotels and motels. All residential buildings and structures existing on the effective date of this ordinance (DATE, 2021) shall not be deemed in violation of this ordinance, nor shall they be classified as a non-conforming building or structure. , except: (i) within Central Plantation, as defined in the adopted City Comprehensive Plan, which may have residential uses developed on parcels no greater than ten (10) acres in size, or (ii) within that portion of Plantation which is North of Clearly Boulevard, South of Sunrise Boulevard, East of Pine Island Road, and West of University Drive. Where the provisions of this paragraph (6)b. would permit residential structures and uses on property enjoying a B-7Q zoning classification, other than hotels and motels, the following additional requirements are applicable:~~
 - i. ~~The size of the parcel containing residential uses shall not be less than seventy thousand (70,000) square feet in area.~~
 - ii. ~~The residential use shall be multifamily only, shall have a density greater than five (5) dwelling units per acre, and while the density in excess of five (5) dwelling units per acre will be established as part of the conditional use approval, such multifamily residential density will always be subject to the~~

~~maximum allowable densities permitted under the parcel's Comprehensive Plan Future Land Use Designation, or as may be otherwise established by an assignment of Comprehensive Planning Flexibility.~~

- ~~iii. The height of all buildings containing residential uses which are located outside of Central Plantation, as defined in the City Comprehensive Plan, shall not exceed five (5) stories with a maximum height of sixty-five (65) feet.~~
- ~~iv. The site development criteria (including building design) that will be applicable to buildings containing residential uses shall be those that are applicable in the Planned Residential Development District (which include the Planned Community Development District requirements).~~

3. Except as may be provided in paragraph 27-93(g)(3)c. below for self-storage facilities outside of the Central Plantation as defined in the City Comprehensive Plan, heavy commercial uses as defined by Section 27-11 of this Code shall not be permitted in the B-7Q zoning district. All uses listed in the B-5P zoning district business use listings in Section 27-100 of this Code, entitled "Master Business List," shall also not be permitted in the B-7Q zoning district, regardless of whether such business use listings are listed in another zoning district.
4. Except as may be limited or prohibited elsewhere in this Code (including this Section), any use which from time to time is listed in the aforesaid City Master Business List is a candidate conditional use for B-7Q zoned property.
5. Except as otherwise provided in Section 27-45(h) and 27-51(j) of this Code (which relates to Minor Development Approvals), all available and proposed candidate conditional uses in the B-7Q zoning district shall require conditional use approval of the City Council after review by its Planning and Zoning Board, Review Committee, and other development advisory boards and committees as may from time to time be given jurisdiction for such purposes by the City Council. Such uses shall be evaluated in accordance with the measurable standards and criteria set forth in Section 27-45 of these LDRs (entitled "Conditional and Permitted Uses") and shall require approval by the City's governing body City Council, after it specifically finds, among other things, that the candidate conditional use is appropriate and desirable for development in such Planned Commercial Development District having due regard and concern of such proposed development in relation to any surrounding and already developed areas or neighborhoods.
6. Application of Master List of Business Uses and other regulations to Planned Commercial Development B-7Q Conditional Uses.
 - i. Planned Commercial Development B-7Q candidate conditional uses are subject to the development regulations that apply to the use's business use listings in Section 27-100, entitled "Master Business List," and Section 27-105, entitled "Specific Use Regulations," except when said regulations conflict with those of this Section (in which case this Section shall control). Where a business use listing in such Master Business List (or its Specific Use

Regulations) has conflicting regulations for the use (as in different zoning districts, for example), the most restrictive of such regulations shall be applicable to the candidate conditional use proposed for the B-7Q zoning district.

- ii. Additionally, Planned Commercial Development B-7Q candidate conditional uses are subject to the development regulations that appear in Articles V, VI, VIII, and XII of these LDRs, as well as other land development regulations within other Chapters of this Code.
 - iii. Notwithstanding the above, the following business use listings shall continue to be candidate conditional uses for B-7Q zoned property: bicycle stores and repair shops; camera shops; carpet, rugs, floor covering-retail; electrical appliances-retail and incidental repairs, food takeout or delivery-retail; self-storage facility (only outside of Central Plantation as defined in the City Comprehensive Plan); and schools (both business schools and small-scale schools).
 - iv. Fast food restaurant (as defined by Section 27-11 of this Code, entitled "Definitions") within the B-7Q zoning district, in addition to being candidate conditional uses, shall not be freestanding establishments; nor shall such fast-food restaurant have a drive-through facility; instead, they shall be located only within a multi-tenant building without an exterior walk-up counter or window or drive-through facility.
1. *Implementation of designated uses on specific B-7Q zoned properties.* Except as provided in this section, all existing provisions in the City of Plantation Code of Ordinances, prior uncodified ordinances, or prior *de jure* or *de facto* resolutions in conflict with Ordinance No. 2254 are hereby superseded by Ordinance 2254 and are hereby repealed to the extent of such conflict and are of no further force and effect. Where the city has enacted a property specific ordinance applicable to B-7Q zoned property approving a use as a permitted use (as distinguished from approving certain uses as being allowed only as conditional uses (i.e. requiring conditional use approval in order to be employed on the property)), and where such property has received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] for structures that could readily accommodate such permitted use without material alterations, the property affected shall be able to employ such use as a permitted use in such structures after the effective date of Ordinance No. 2254 [July 12, 2001]. Where the city has enacted a property specific ordinance applicable to B-7Q zoned property approving a use as a permitted use, and where such property has not received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] but has received site plan approval prior to the effective date of Ordinance No. 2254 for structures that could readily accommodate such permitted use, the property affected shall be able to employ such use as a permitted use in such designed structures after the effective date of Ordinance No. 2254 [July 12, 2001] unless and until the site plan approval expires. Where the city has promulgated a property specific *de jure* or *de facto* resolution (a *de facto* resolution being an approval of the City Council by motion and vote)

applicable to B-7Q zoned property approving a conditional use application, and where such property has received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] for structures that could readily accommodate such approved conditional use without material alterations, then the property affected shall be able to employ such use in such structures as an approved conditional use after the effective date of Ordinance No. 2254. Where the city has promulgated a property specific *de jure* or *de facto* resolution applicable to B-7Q zoned property approving a conditional use application, and where such property has not received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] but has received site plan approval prior to the effective date of Ordinance 2254 for structures that could readily accommodate such approved conditional use without material alterations, then the property affected shall be able to employ such use in such designed structures as an approved conditional use after the effective date of Ordinance No. 2254 unless and until the site plan approval or conditional use approval expires.

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