

ARTICLE I PURPOSE & APPLICABILITY

Sec. 27-1 - Title.

This chapter shall be entitled and may be referred to as the Plantation Land Development Regulations ("LDRs").

Sec. 27-2 – Effective Date.

This Code shall be effective on [March 24, 2021](#).

Sec. 27-3. - Authority and purpose.

These LDRs are enacted pursuant to the requirements and authority of Florida Statutes Chapter 163, Part II (the “Local Government Comprehensive Planning and Land Development Regulation Act”), the general powers confirmed in Florida Statutes Chapter 166 (“Home Rules Powers Act”) and the Constitution of the State.

The purpose of the LDRs is to further implement the comprehensive plan of the City of Plantation by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. The LDRs are adopted in order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development and redevelopment of the City.

It is the intent of these LDRs that the development process in the City be efficient, in terms of time and expense; effective, in terms of addressing the impacts on natural resources and public facilities of proposed development; consistent, in terms of adherence with established regulations and procedures, and equitable in terms of the rights of property owners and the consideration for the interests of the citizens of the City.

Sec. 27-4. - Applicability and vested rights.

- (a) *General Applicability.* Unless otherwise permitted as an exception under Section 27-3(b) or allowed to continue as a nonconforming use, all existing, proposed and new development and uses of land in the City of Plantation shall conform strictly to the provisions of these LDR’s. Except as expressly provided in these LDR’s, no development or use of land shall be undertaken without prior approval and issuance of a development order pursuant to the provisions of these LDRs. The fact that a development order, permit or decision has been issued by an officer or employee with ostensible authority over the interpretation or enforcement of these LDR’s shall not estop or otherwise prevent the City from strict enforcement of the provisions of these LDR’s. If provisions of these LDRs are inconsistent with one another, or with provisions of other adopted codes or ordinances of the city, or with provisions of applicable county, state, and federal laws, the more restrictive provision shall

govern to the extent permitted by law unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions, or more stringent controls.

(b) *Exceptions.*

- (1) The provisions of the LDR and any amendments hereto, shall not affect existing development which has been previously approved and is otherwise exempted in accordance with the provisions of this subsection, or the nonconformity section of this Code.
- (2) The provisions of the LDR shall not affect development, or portions thereof, which has gained a vested right (as determined by applying the principles of equitable estoppel or substantive due process under the common law or by applying the statutory law of this state) to complete development pursuant to Florida law, prior to the effective date of this Code. Upon completion of such vested development, or portions thereof, each non-vested and vested development project with regard to future development expansion or redevelopment will be subject to the then currently effective provisions of these LDR's. If a vested right expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.
- (3) Notwithstanding anything to the contrary in these LDR's, properties zoned "PRD" (Planned Residential Development) prior to the effective date of these LDR's shall be permitted to complete development of the portion(s) of the project having a valid and current master site plan that includes specific land development standards adopted by the City Council. If no such master site plan exists, or such plan has expired, such development shall conform to the provisions of these LDR's.
- (4) A development application accepted as complete under the prior regulations, but still pending a final decision as of the effective date of these LDR's (see Section 27-2, Effective Date), shall be reviewed and decided, at the applicant's option as stated in writing, wholly under the development regulations in effect when the application was accepted, or wholly under these LDR's (but not under a mix of provisions from both sets of regulations).

Sec. 27-5.- Official zoning map.

The City is divided into zones or districts, as shown on the official zoning map and described in the LDRs. The zoning map, together with all explanatory matters thereon, shall be considered a part of the LDRs. The zoning map is the official record of zoning status of all areas within the City. A copy shall be maintained in the Planning, Zoning and Economic Development Department.

- (a) Amendments to the zoning map. Amendments to the official zoning map shall be made in accordance with the procedures and standards of the LDRs.

(b) Recording amendments to the zoning map. Within a reasonable period of time after any amendment to the zoning map, the change shall be posted on the zoning map. Any delay in the posting of a zoning map amendment will not affect the effective date of an amendment as prescribed by the City Council.

(c) Water area.

(1) The water surface and the land under the surface of all canals, waterways, ponds, lakes and other water areas in the city are hereby placed in the same zoning district as the land which they abut. Where the zoning districts are different on opposite sides of the water area, then the zoning district on either side shall extend to the center line or midpoint of the water area.

(2) For convenience and clarity, the zoning of water areas is not shown on the zoning district maps, but is determined by the provisions of this section.

(d) Vacating public rights-of-way.

Where a street or alley is hereafter officially vacated the land formerly in such a street or alley right-of-way shall be included in the zoning district of adjoining property on either side. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the new district boundary shall be the center line of such vacated street or alley.

Sec. 27-6.- Severability.

(a) If any court of competent jurisdiction invalidates any provision of these LDR's, such judgment shall not affect the validity of any other provision of this Code.

(b) If any court of competent jurisdiction invalidates the application of any provision of these LDR's to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.

(c) If any court of competent jurisdiction invalidates any condition attached to a development approval granted under these LDR's, such judgment shall not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

Sec. 27-7 – 27-10. Reserved