



AD/CM

DAVIE  
LATXT 19-102  
LATXT 19-266

**OFFICE OF THE TOWN ADMINISTRATOR**

6591 Orange Drive • Davie, Florida 33314

Ph: 954.797.1034 • Fx: 954.797.1182

www.davie-fl.gov

20-01ESR  
(P)

February 13, 2020

Mr. Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency

Department of Economic Opportunity

Caldwell Building

107 East Madison – MSC 160

Tallahassee, FL 32399

TOWN COUNCIL

Judy Paul  
MAYOR

***Re: Transmittal of the Town of Davie Proposed Land Use Plan Amendments – Public School Facilities Element (LATXT 19-102) and Future Land Use Element (LATXT 19-266)***

COUNCILMEMBERS

Bryan Caletka  
Councilmember  
District 1

Dear Mr. Eubanks:

In accordance with Chapter 163, Florida Statutes, the Town of Davie is transmitting the above referenced amendments to the Department of Economic Opportunity and other governmental agencies as necessary. The information provided below is in accordance with the transmittal requirements found in §163.3184(3) and the Comprehensive Plan Amendment Processing Guidelines furnished by the Department.

Caryl Hattan  
Councilmember  
District 2

- The Town's Planning and Zoning Board (the Local Planning Agency) conducted a public hearing on January 8, 2020.
- The Davie Town Council conducted a public hearing on February 5, 2020.
- The first proposed amendment changes the minimum level of service standard for school facilities in the Public School Facilities Element of the Comprehensive Plan.
- The second proposed amendment would eliminate the 32 units per gross acre cap on residential density in the Transit Oriented Corridor Land Use Category. This does not affect the overall level of density allowed within the Transit Oriented Corridor Land Use Category.
- These amendments are being submitted under the Expedited State Review process.
- These amendments do not apply to an area of critical State concern.
- The Town anticipates these amendments to be adopted by April 1, 2020.

Susan Starkey  
Vice Mayor  
District 3

Marlon Luis  
Councilmember  
District 4

One (1) paper and two (2) electronic copies of the amendment are being furnished to your Department. One (1) copy of the complete proposed amendment including supporting data and analysis is being sent simultaneously with this transmittal to the following reviewing agencies:

South Florida Regional Planning Council  
Department of Environmental Protection  
Department of Transportation  
South Florida Water Management District  
Florida Department of State  
Broward County Planning Council  
The Department of Education

- The contact person for the Town of Davie is:

David Quigley  
Planning and Zoning Manager  
6591 Orange Drive  
Davie, FL 33314  
Office, (954) 797-1103  
[david\\_quigley@davie-fl.gov](mailto:david_quigley@davie-fl.gov)

Please feel free to contact Mr. Quigley if you have any questions or concerns regarding this submittal. Thank you.

Sincerely,



Richard J. Lemack  
Town Administrator

Enclosure

cc: Plan Review, Department of Environmental Protection  
Robin Jackson, Department of State – Bureau of Historic Preservation  
John Krane, Department of Transportation  
Isabel Cosio Carballo, South Florida Regional Planning Council  
Terry Manning, South Florida Water Management District  
Barbara Blake Boy, Broward County Planning Council  
Phillip Holste, Assistant Town Administrator – Town of Davie, FL  
David Quigley, Planning and Zoning Manager – Town of Davie, FL  
File

***Public School Facilities  
Element (LATXT 19-102)***



**TOWN OF DAVIE**  
**PLANNING & ZONING DIVISION**  
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
Phone: 954.797.1103 • www.davie-fl.gov

**MEMORANDUM**

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TO: Planning and Zoning Board

FROM: Matthew Coyle, Planner II

THROUGH: David Quigley, Planning & Zoning Manager

DATE: December 30, 2019

SUBJECT: Ordinance to amend the Comprehensive Plan; Public School Facilities Element (LATXT19-102)

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**BACKGROUND**

In 2008, the School Board of Broward County, Broward County and a majority of the municipalities, including Town of Davie, signed the Interlocal Agreement for Public School Planning. The Agreement required each local government to incorporate public school concurrency into their Comprehensive Plans, established Concurrency Service Areas (CSAs) and adopted a uniform district-wide level of service standard for school concurrency. In assessing school capacity, the original agreement considered all student stations, including portable buildings. In 2010, the agreement was amended (by all parties) to phase out the use of portables in the determination of school capacity by the beginning of the 2018/19 School Year. The School District determined that, along with other challenges involving the state oversight of the financing and development of new school facilities, failing to consider portables in school capacity determinations would lead to an increase in school boundary changes, as this would be the only remaining mechanism to bring schools into compliance with the 2010 level of service standard. School District staff worked collaboratively with Broward County and the municipalities through the School Board's Oversight Committee and Staff Working Group to develop an amendment to the level of service standard. Along with other technical changes, the proposed "Third Amended and Restated Interlocal Agreement" (TRILA) set the level of service standard to the higher of: 100% gross capacity (which includes portables) or 110% permanent capacity (which excludes portables). On December 6, 2017 Town Council approved the TRILA. The proposed amendment would make the Public School Facilities Element of the Comprehensive Plan consistent with the TRILA.

**RECOMMENDATION**

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.



TOWN OF DAVIE  
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES  
JANUARY 8, 2020

**1. ROLL CALL**

The meeting was called to order at 6:30 p.m. Board members present were Chair Donna Evans, Vice Chair Tom Jacob, and David Oakes. Lisa Alvarez and Christopher Cory were absent. Also present were Planning & Zoning Manager David Quigley, Deputy Planning & Zoning Manager David Abramson, Planner II Matthew Coyle, Board Attorney Allan Weinthal, and Lorraine Robinson, Board Secretary.

**2. PUBLIC HEARING**  
Quasi-Judicial

**2.1 Variance (V19-133) Gleason (Tabled from 12/11/19)**  
**11345 Earnest Boulevard**

Chair Evans noted that the applicant requested a tabling to February 12, 2020

**Motion** made by Mr. Oakes, seconded by Mr. Jacob, to table V19-133 to February 12, 2020 meeting.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

**2.2 Variance (V19-207) Arbor Reserve**  
**Generally located on the west side of Southwest 154<sup>th</sup> Avenue, south of**  
**Southwest 36<sup>th</sup> Street**

Mr. Dennis Mele appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding.

Mr. Abramson provided a brief staff report. The variance being requested would allow:

- 75% of the single-family homes to have a front-loaded garage setback 7'-2" (model M) and 0 ft. (model N) from façade of the principal building (code normally allows a minimum of 50% of the homes to have a front-loaded garage setback at least 15 ft. from principal façade).
- An 8 ft. high and continuous wall on top of a 7 ft. high berm (Town code normally allows a maximum wall height of 3 ft., wall sections shall not exceed 10 ft. in lineal length and no wall shall be placed atop a berm)
- The property was previously approved for a similar development in 2015 but was never built.

Mr. Oakes asked if there was any question to the structural integrity of the wall on top of the berm. Mr. Abramson responded that no issue had been addressed by Engineering and the wall would be built to building code.

Mr. Mele provided a power point presentation. He showed the board where the wall would be placed and stated that it was needed for privacy screening as the property was next to I-75. He said that years ago the Broward County School Board was interested in the site for a new school

and eventually opted against it. Mr. Mele showed the previously approved site plan, stating the homes along I-75 have been eliminated. There are (4) models where the footprint and setbacks are the same; Models M and N require the setback variance. There's a total of 18 residential lots in which purchasers would select the model they want to build. Since there isn't a way to determine at this time which lots would have Models M and N, the variance is requested for all the lots. Mr. Mele added that they presented the plans with Riverstone and received their approval.

Mr. Oakes asked if the models with front loading garages would fit on all the lots. Mr. Mele responded that any of the models would fit on all 18 lots. He confirmed for Mr. Oakes that this would be a gated community.

Chair Evans opened and closed the public hearing as there was no one wishing to speak.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve V19-207.  
In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

### 3. PUBLIC HEARING

#### 3.1 Land Development Code (ZB-TXT19-101 – School Concurrency) Townwide

Mr. Coyle stated that Broward County, School Board's Oversight Committee and Staff Working Group developed an amendment to the level of service standard to the 2008 Interlocal Agreement for Public School Planning. On December 6, 2017, Town Council approved setting the level of service standard to the higher of- 100% gross capacity (which includes portables) or 110% permanent titled "Third Amended and Restated Interlocal Agreement (TRILA)". This amendment would make the Town Land Development Code consistent with the TRILA.

Vice Chair Jacob asked if most cities have gone through this process. Mr. Coyle responded that most cities have enacted the 2017 portion with some beginning to begin this process. He added that all cities will participate.

Mr. Oakes asked how the number of students was calculated. Mr. Coyle stated the School Board has a formula. He added that any development coming to the Town has to work with the School Board and provide a letter from them.

Vice Chair Jacob asked if this was eliminating the use of portables. Mr. Coyle said for concurrency purposes, portables could be counted.

Mr. Oakes asked how this amendment would affect future development. Mr. Coyle stated the School Board would have to approve that there is adequate capacity. Mr. Weinthal stated that modifications to the plans would have to be made or provide a deed restriction.

Chair Evans open and closed the public hearing as there was no one wishing to speak.

**Motion** made by Mr. Oakes, seconded by Vice Chair Jacob, to approve ZB-TXT19-101 School Concurrency.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

### **3.2 Land Development Code (ZB-TXT19-102 – Public School Facilities Element) Townwide**

Mr. Coyle provided an overview of the proposed land development code amendment for the “Third Amended and Restated Interlocal Agreement (TRILA)”. This amendment would make the Public Schools Facilities Element of the Comprehensive Plan consistent with the TRILA.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve ZB-TXT19-102 Public School Facilities Element.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

### **3.3 Land Development Code (ZB-TXT19-265 – Transit Oriented Corridor District) Townwide**

Mr. Coyle provided an overview of the proposed land development code amendment for the Transit Oriented Corridor District (TOC) which covers the area; I-595 to the north; State Road 7 to the east; Hard Rock to the south; and the Florida Turnpike to the west. The TOC policies contemplate significant redevelopment in the future including mixed use and multi-story buildings along State Road 7. The proposed amendment to the Land Development Code establishes the regulations for implementing the policies of the TOC Category. The proposed TOC regulations would not be applicable to specific parcels of land until such time as parcels are rezoned to a TOC zoning district. These regulations would limit future rezoning’s in the area. Any rezoning would require public notice and public hearing by both the Planning & Zoning Board and Town Council.

Vice Chair Jacob asked if any residential area would be affected. Mr. Coyle responded that long term would be for mixed-used development. He stated that the Regional Activity Center originally had a similar cap and it didn’t match the long-term vision for higher density.

Vice Chair Jacob asked if there was still a plan to install a bridge connecting Oakes Road to State Road 7. Mr. Quigley said there wasn’t an active plan since there is no funding at this time.

Vice Chair Jacob asked about the status of the talks of having a water retention area off Burris Road. Mr. Quigley said this was the TOC Stormwater Master Plan. The Town completed that in 2012 and part of the implementation of the transit-oriented corridor land use. Currently there is no actionable plan or budget to implement this conceptual plan to create a common stormwater drainage system for the TOC. This will eventually happen once development increases.

Mr. Oakes asked if the TOC was its own development district. Mr. Quigley confirmed it was. Mr. Oakes asked if this was part of the CRA district. Mr. Quigley said a portion of the TOC was within the CRA. Mr. Oakes asked if the CRA could fund road improvements. Mr. Quigley responded if it was within the CRA boundary.

Mr. Oakes asked if there was a cost estimate to redevelop the roads and infrastructure within the TOC. Mr. Quigley said the only cost estimates were for drainage. The TOC is challenging due to the Turnpike.

Mr. Oakes asked how the area that the truck stop is presently would be redeveloped. Mr. Quigley said the demand for industrial and storage yards is high but requests change over time.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve ZB-TXT19-265 Transit Oriented Corridor District.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

**3.4 Land Development Code (ZB-TXT19-266 – Future Land Use Element – Transit Oriented Corridor)  
Townwide**

Mr. Coyle stated the proposed land development code amendment would eliminate 32 units per acre cap in the Transit Oriented Corridor District (TOC). A similar “units per acre” provision was eliminated from the Regional Activity Center in 2010 because it was found to conflict with the overall design and redevelopment goals of the land use designation.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve ZB-TXT19-266 Future Land Use Element – Transit Oriented Corridor.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

**4. OLD BUSINESS** – none

**5. NEW BUSINESS** – none

**6. COMMENTS AND/OR SUGGESTIONS** – none

**7. ADJOURNMENT**

Hearing no further business, the meeting was adjourned at 7:03 p.m.

Date Approved:

2/12/20

  
\_\_\_\_\_  
Chair/Board Member



**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

Item Number: 25.

**To:** Mayor and Councilmembers  
**From:** David Quigley, AICP, Planning and Zoning Manager (954) 797-1075  
**Prepared By:** Matthew Coyle, AICP, Planner II (954) 797-1081 - Planning Zoning  
**Subject:** Ordinance

**Affected District:** Town Wide

**Item Request:** Schedule for Council Meeting

**Title of Agenda Item:** **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN AS TO THE MINIMUM LEVEL OF SERVICE STANDARD FOR SCHOOL FACILITIES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**Executive Summary:** In 2008, the School Board of Broward County, Broward County and a majority of the municipalities, including Town of Davie, signed the Interlocal Agreement for Public School Planning. The Agreement required each local government to incorporate public school concurrency into their Comprehensive Plans, established Concurrency Service Areas (CSAs) and adopted a uniform district-wide level of service standard for school concurrency. In assessing school capacity, the original agreement considered all student stations, including portable buildings. In 2010, the agreement was amended (by all parties) to phase out the use of portables in the determination of school capacity by the beginning of the 2018/19 School Year. The School District determined that, along with other challenges involving the state oversight of the financing and development of new school facilities, failing to consider portables in school capacity determinations would lead to an increase in school boundary changes, as this would be the only remaining mechanism to bring schools into compliance with the 2010 level of service standard. School District staff worked collaboratively with Broward County and the municipalities through the School Board's Oversight Committee and Staff Working Group to develop an amendment to the level of service standard. Along with other technical changes, the proposed "Third Amended and Restated Interlocal Agreement" (TRILA) set the level of service standard to the higher of: 100% gross capacity (which includes portables) or 110% permanent capacity (which excludes portables). On December 6, 2017 Town Council approved the TRILA. The proposed amendment would make the Public School Facilities Element of the Comprehensive Plan consistent with the TRILA.

**Key Points:**

- The Third Amended and Restated Interlocal Agreement (TRILA) became effective on May 29, 2018 after it was approved by the School Board, Broward County and 22 municipalities.
- In addition to adjusting the level of service standards, the proposed comprehensive plan amendment updates statutory references.

**Previous Actions:** On December 6, 2017 Town Council approved the Third Amended and Restated Interlocal Agreement (TRILA) for Public School Planning.

**Concurrences:** At the January 8, 2020 Planning & Zoning Board meeting a motion was made by Vice Chair Jacob, seconded by Mr. Oakes, to approve LA-TXT19-102 Public School Facilities Element. In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

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**Fiscal Impact:**

Has request been budgeted? N/A

If yes expected cost:

Account name and number:

If no, amount needed:

Account name funds will be appropriated from

Additional Comments

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**Recommendation:** Motion to approve

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**Strategic Goals This Item Supports:**

None

**ATTACHMENTS:**

	File Name	Description
D	Public_Schools_Ordinance_v2.pdf	Ordinance
D	7_PUBLIC_SCHOOL_FACILITIES_ELEMENT_v8.pdf	Exhibit A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN AS TO THE MINIMUM LEVEL OF SERVICE STANDARD FOR SCHOOL FACILITIES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3180(6)(a) requires that local governments' that apply concurrency to public education facilities include principles, guidelines, standards and strategies, including adopted levels of service, in their comprehensive plans and interlocal agreements; and

WHEREAS, the Town Council entered into the Third Amended and Restated Interlocal Agreement (TRILA) for Public School Facility Planning with Broward County and the Broward County School Board; and

WHEREAS, the proposed amendment would be consistent with the Third Amended and Restated Interlocal Agreement (TRILA) for Public School Facility Planning; and

WHEREAS, at a public hearing on January 8, 2020, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Comprehensive Plan, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

Approved as to Form and Legality:

\_\_\_\_\_  
TOWN ATTORNEY

## 7. PUBLIC SCHOOL FACILITIES ELEMENT

### GOAL 1: PUBLIC SCHOOL CONCURRENCY

The Broward County Board of County Commissioners (Broward County) in collaboration with the School Board of Broward County (School Board) and Broward County municipalities (municipalities) shall ensure that public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards (LOS). This will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of adequate public school facilities and the authority of Broward County and the municipalities for development permitting and comprehensive planning.

### OBJECTIVE 1.1: FINANCIALLY FEASIBLE DISTRICT EDUCATIONAL FACILITIES PLAN

The School Board, pursuant to Chapters 163.31777 and 163.3180 F.S. and the Interlocal Agreement for Public School Facility Planning (ILA), shall prepare and annually update and adopt the Five-Year District Educational Facilities Plan (DEFP) which shall contain a five-year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted level of service in all concurrency service areas (CSAs). The DEFP shall also contain an LOS plan which reflects the data required to demonstrate the achievement and maintenance of the adopted LOS. The School Board shall also ensure that school facilities are planned to meet the long-term planning period of the Public School Facility Element (PSFE) of the Town of Davie Comprehensive Plan.

- Policy 1.1-1 The DEFP shall include a financially feasible schedule of capacity additions to existing schools and construction of new schools to eliminate existing level of service deficiencies and meet the needs of projected growth for the five-year planning period. This financially feasible schedule shall be annually adopted into the Broward County Comprehensive Plan Capital Improvements Element (CIE) and the capital improvement elements of the municipalities. This adoption may either be by reference or by restatement of the relevant portions of the adopted DEFP, but in no event shall the County or municipality attempt to modify the adopted DEFP.
- Policy 1.1-2: The DEFP shall provide year-by-year projections of the capacity needed to achieve and maintain the adopted LOS within the CSA for each school for the five-year planning period. These projections are included in the supporting documents of the PSFE.
- Policy 1.1-3: The DEFP's five-year financially feasible schedule shall provide for the remodeling/renovation of existing schools to meet the identified needs of aging schools and replace worn facilities.
- Policy 1.1-4: The DEFP shall be amended on an annual basis to: 1) add a new fifth year; 2) reflect changes in estimated capital revenues, planned capital appropriations costs, planned capital facilities projects, CSAs and school usage; and, 3) ensure the DEFP continues to be financially feasible for the five-year planning period.
- ~~Policy 1.1-5: Annually adopted updates to the DEFP and CSA maps shall be coordinated with annual plan amendments to the CIE of the Broward County Comprehensive Plan and comprehensive plans of the municipalities. The annual plan amendments shall ensure that~~

~~the schedule of capital improvements within the CIE continues to be financially feasible and the LOS will be achieved and maintained.~~

## **OBJECTIVE 1.2: CONCURRENCY MANAGEMENT SYSTEM**

Broward County shall adopt a county-wide public school facilities concurrency management system for implementation of public school concurrency to ensure that public school facilities are available at the adopted level of service standard concurrent with the impact of proposed residential development.

- Policy 1.2-1 Broward County and the municipalities, in collaboration with the School Board shall implement concurrency management systems consistent with the policies included in the Broward County and municipal public school facility elements, procedures and requirements included within the ILA and Broward County and municipal land development regulations (LDRs).
- Policy 1.2-2 The CSAs shall be the annually adopted school attendance boundaries for each elementary, middle and high school. The maps of the CSAs are maintained in the data and analysis section of the PSFE.
- Policy 1.2-3 ~~The Level of Service standard shall be 100% of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be 110% of permanent Florida Inventory of School Housing (FISH) capacity for each public elementary, middle and high school.~~ Consistent with the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (“TRILA”), the minimum LOS for school facilities shall be as follows:
1. School Type A is a bounded elementary, middle, or high school that has the equivalent of a least 10% of its permanent Florida Inventory of School Houses (FISH) capacity available onsite in relocatables. The LOS for School Type A shall be 100% gross capacity.
  2. School Type B is a bounded elementary, middle, or high school that has less than the equivalent of 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type B shall be 110% permanent FISH capacity.
- Policy 1.2-4 If adequate capacity is not available in a CSA for a proposed residential development, but capacity exists in one or more contiguous CSAs, the development may proceed consistent with the provisions and procedures in the ILA and County and municipal LDRs.
- Policy 1.2-5 If adequate capacity is not currently available in a CSA or contiguous CSA, for a proposed residential development, but capacity is scheduled in the DEFP to be available within 3 years after the issuance of final subdivision or site plan approval, (or functional equivalent), development of the project may proceed in accordance with the provisions and procedures in the ILA and County and municipal LDRs.
- Policy 1.2-6 Broward County and the municipalities shall not approve a residential plat or site plan (or functional equivalent) until the School Board has reported that the school concurrency requirement has been satisfied consistent with the provisions and procedures in the ILA and County and municipal LDRs.

- Policy 1.2-7 The CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public schools in accordance with the level of service standards and the capacity, taking into account special considerations such as, core capacity, special programs, transportation costs, geographic impediments, diversity programs, and class size reduction requirements to prevent disparate enrollment levels between schools of the same category type (elementary, middle, high) and provide an equitable distribution of student enrollment district-wide.
- Policy 1.2-8 The projected student impact of a proposed residential development shall be determined using the student generation rates approved by the School Board and adopted within the Broward County Land Development Code. The student generation rates shall be reviewed and updated at least every 3 years.
- Policy 1.2-9 The public school concurrency approval for residential plats shall expire if development within the plat does not commence within 5 years following the date of Broward County Commission approval, unless extended.

### **OBJECTIVE 1.3: PROPORTIONATE SHARE MITIGATION**

The School Board, pursuant to Chapter 163.3180 F.S. and the ILA, shall adopt proportionate share mitigation alternatives which provide an option for residential developments unable to meet the public school concurrency requirement. Upon approval of a proportionate share mitigation alternative by the School Board and completion of necessary binding agreements, a development will be deemed to have met the public school concurrency requirement and may proceed.

- Policy 1.3-1: A residential development's proportionate share mitigation value shall be determined by multiplying the number of additional student stations needed to mitigate the impact of the proposed development on schools within the affected CSA(s) not meeting the adopted LOS standards by the State cost per student station for each school type plus a land impact cost share, if any. Pursuant to Section 163.3180(13)(e)(2), F.S., the applicant's proportionate share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.
- Policy 1.3-2: Proportionate share mitigation shall enhance the capacity of the schools (or provide for the construction of new schools) serving the proposed residential development. The mitigation shall equate to at least one permanent classroom, which may be funded by one or more residential developments, or other identified funding sources. Mitigation that results in the need for school site(s) shall primarily be the dedication of land. Proportionate share mitigation shall include the following options, as further defined and subject to, procedures and requirements in the ILA and School Board Policy;
1. Purchase or dedication of needed elementary, middle or high school sites.
  2. Construction of capacity improvements identified in years four (4) or five (5) of the DEFP including advancement of such improvements into the first three years of the DEFP.
  3. Construction of previously unplanned schools, classroom additions, modular classrooms or similar facilities. Such facility capacity shall be included in the first three years of the DEFP through an amendment approved by the School Board.
  4. Construction of the needed capacity at one or more charter schools, which meet the qualifying criteria contained in the ILA.

5. Other mitigation options approved by the School Board on a case by case basis contingent upon a School Board finding that the option mitigates the impact of the proposed development.

Policy 1.3-3 Mitigation shall be assured by a legally binding agreement between the School Board, the applicant and the County or municipality (as applicable), which shall be executed prior to the issuance of the final subdivision plat or the final site plan approval (or functional equivalent). If the School Board agrees to the mitigation, the School Board must commit in the agreement to placing the improvement required for mitigation in the first three years of the DEFP.

## **GOAL 2: COLLABORATE AND COORDINATE TO MAXIMIZE QUALITY EDUCATION**

Broward County, the School Board, and the municipalities will mMaximize collaboration and coordination ~~between Broward County, the School Board and the municipalities,~~ to effectively plan for public elementary and secondary school facilities to meet the current and future needs of Broward County's public school population. Pursuant to Chapter 163.3180 (6)(a) F.S., Broward County and all non-exempt municipalities within the County, shall coordinate and cooperate to ensure that the adopted public school facilities elements and/or provisions included in comprehensive plan regarding school concurrency are consistent with each other.

### **OBJECTIVE 2.1: LAND USE CONSISTENCY, COMPATIBILITY & ADEQUATE INFRASTRUCTURE**

Broward County, the School Board and the municipalities shall establish coordination mechanisms to ensure that the locations of existing and proposed school sites are compatible with and proximate to the existing and planned land uses they serve. Such coordination shall also ensure there is adequate public infrastructure available to serve existing and planned school sites including infrastructure which provides safe access to schools.

Policy 2.1-1: Broward County, the School Board, and the municipalities will coordinate through the procedures established in the ILA and the Broward County and municipal land use planning process to ensure that existing and proposed public school facility sites are consistent and compatible with the land use categories, future land use maps and policies of the County and municipal comprehensive plans and enable a close integration between existing and planned schools and surrounding land uses.

Policy 2.1-2: Consistent with the procedures and requirements identified in the ILA, Broward County, the School Board and the municipalities shall coordinate to prepare projections of future development and public school enrollment growth and to ensure such projections are consistent with the Broward County and municipal future land use maps and the School Board's Long Range Public School Facilities Map, ~~consistent with the procedures and requirements identified in the ILA.~~

Policy 2.1-3: The Broward County PSFE Support Document shall include future conditions maps showing existing and anticipated school facilities for the short-term (5 year) and long-term (10 year) planning time frames

Policy 2.1-4: Consistent with provisions and procedures in the ILA, the School Board will advise Broward County and the municipalities of inconsistencies in comprehensive plans and plan amendments with the DEFP and Long-Range School Facilities Plan.

- Policy 2.1-5: The School Board shall monitor and participate in the Broward County and/or local government plat review and site plan review processes, the Development of Regional Impact (DRI) process, the land use plan amendment process and other development order/permit processes that may have an impact on current or planned public educational facilities in Broward County.
- Policy 2.1-6: Broward County, the School Board and the municipalities shall utilize the procedures identified within the ILA, including the Staff Working Group and Oversight Committee established by the ILA, to coordinate the annual review of school enrollment projections in addition to the preparation and annual reviews of public school facilities elements and ensure that the elements are consistent with each other.
- Policy 2.1-7: The School Board shall annually update and adopt the DEFP and transmit it, including any supplemental amendments, to Broward County and the municipalities, which then shall amend their CIEs to incorporate the updated DEFP consistent with the provisions and procedures of the ILA.
- Policy 2.1-8: Broward County, the School Board and the municipalities shall share and coordinate information through the plat, site plan and school siting processes and procedures identified in the ILA to ensure the location, phasing, and development of public school facilities, including additions to existing facilities, is coordinated with the provision of necessary public infrastructure including water and sewer, roads, drainage, sidewalks, mass transit and other infrastructure required to support the public school facilities.
- Policy 2.1-9: Broward County shall coordinate with the School Board and the municipalities through the school siting process identified in the ILA and Broward County and municipal platting and site plan approval processes to implement strategies, consistent with Florida's Safe Ways to School Program, which reduce hazardous conditions and provide direct, unobstructed and safe access for pedestrian travel (including sidewalks, bicycle paths, signage and signalization) to existing and new school facilities.

## **OBJECTIVE 2.2: SCHOOL FACILITY SITING, COLLOCATION & DESIGN**

Broward County, the School Board and the municipalities, pursuant to the ILA, shall coordinate the location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers and promote schools to be focal points within the community.

- Policy 2.2-1: In the planning, siting, land acquisition, permitting and development of a new school facility or significant renovation or expansion, the School Board shall coordinate with Broward County and the municipalities on the availability of public facilities, services and grounds (especially for the purposes of collocating parks, libraries, ball fields, community centers, public safety facilities, parking facilities, drainage facilities and other appropriate facilities).
- Policy 2.2-2: Broward County, the School Board and the municipalities shall pursue shared-use and co-location of school sites with County and municipal facilities having similar facility needs, such as libraries, parks, ball fields, other recreation facilities. At a minimum, per the ILA, Broward County will look for opportunities to collocate and share use of County facilities when preparing updates to the Schedule of Capital Improvements within the Comprehensive Plan and planning and designing new or renovated facilities.



- Policy 2.2-3:** Through the design of school facilities, establishment of school siting standards and pursuit of collocation opportunities, the School Board shall encourage school facilities to serve as community focal points.
- Policy 2.2-4:** Broward County will coordinate with the School Board and the municipalities on efforts to build new school facilities, which are designed to serve as emergency shelters as required by Section 1013.372, F.S., Broward County will also collaborate and coordinate with the School Board and the municipalities on emergency preparedness issues through the County's Emergency Operating Center.

***Future Land Use  
Element (LATXT 19-266)***



**TOWN OF DAVIE**  
**PLANNING & ZONING DIVISION**  
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
Phone: 954.797.1103 • www.davie-fl.gov

**MEMORANDUM**

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TO: Planning and Zoning Board

FROM: Matthew Coyle, Planner II

THROUGH: David Quigley, Planning & Zoning Manager

DATE: December 30, 2019

SUBJECT: Ordinance to amend the Comprehensive Plan; Future Land Use Element (LATXT19-266)

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**BACKGROUND**

On August 19, 2009 Town Council amended the Future Land Use Element of the Comprehensive Plan by adding the Transit Oriented Corridor (TOC) Land Use Category and new policies related to the TOC. Policy 13.1-3 included a maximum residential density of 32 units per gross acre in the TOC. The proposed amendment would eliminate the 32 units per acre cap. A similar "units per acre" provision was eliminated from the Regional Activity Center in 2010 because it was found to conflict with the overall design and redevelopment goals of the land use designation.

**RECOMMENDATION**

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.



TOWN OF DAVIE  
PLANNING & ZONING DIVISION

PLANNING AND ZONING BOARD MEETING MINUTES  
JANUARY 8, 2020

**1. ROLL CALL**

The meeting was called to order at 6:30 p.m. Board members present were Chair Donna Evans, Vice Chair Tom Jacob, and David Oakes. Lisa Alvarez and Christopher Cory were absent. Also present were Planning & Zoning Manager David Quigley, Deputy Planning & Zoning Manager David Abramson, Planner II Matthew Coyle, Board Attorney Allan Weinthal, and Lorraine Robinson, Board Secretary.

**2. PUBLIC HEARING**  
Quasi-Judicial

**2.1 Variance (V19-133) Gleason (Tabled from 12/11/19)**  
**11345 Earnest Boulevard**

Chair Evans noted that the applicant requested a tabling to February 12, 2020

**Motion** made by Mr. Oakes, seconded by Mr. Jacob, to table V19-133 to February 12, 2020 meeting.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

**2.2 Variance (V19-207) Arbor Reserve**  
**Generally located on the west side of Southwest 154<sup>th</sup> Avenue, south of**  
**Southwest 36<sup>th</sup> Street**

Mr. Dennis Mele appeared on behalf of the Applicant and agreed to waive quasi-judicial proceeding.

Mr. Abramson provided a brief staff report. The variance being requested would allow:

- 75% of the single-family homes to have a front-loaded garage setback 7'-2" (model M) and 0 ft. (model N) from façade of the principal building (code normally allows a minimum of 50% of the homes to have a front-loaded garage setback at least 15 ft. from principal façade).
- An 8 ft. high and continuous wall on top of a 7 ft. high berm (Town code normally allows a maximum wall height of 3 ft., wall sections shall not exceed 10 ft. in lineal length and no wall shall be placed atop a berm)
- The property was previously approved for a similar development in 2015 but was never built.

Mr. Oakes asked if there was any question to the structural integrity of the wall on top of the berm. Mr. Abramson responded that no issue had been addressed by Engineering and the wall would be built to building code.

Mr. Mele provided a power point presentation. He showed the board where the wall would be placed and stated that it was needed for privacy screening as the property was next to I-75. He said that years ago the Broward County School Board was interested in the site for a new school

and eventually opted against it. Mr. Mele showed the previously approved site plan, stating the homes along I-75 have been eliminated. There are (4) models where the footprint and setbacks are the same; Models M and N require the setback variance. There's a total of 18 residential lots in which purchasers would select the model they want to build. Since there isn't a way to determine at this time which lots would have Models M and N, the variance is requested for all the lots. Mr. Mele added that they presented the plans with Riverstone and received their approval.

Mr. Oakes asked if the models with front loading garages would fit on all the lots. Mr. Mele responded that any of the models would fit on all 18 lots. He confirmed for Mr. Oakes that this would be a gated community.

Chair Evans opened and closed the public hearing as there was no one wishing to speak.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve V19-207.  
In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

### 3. PUBLIC HEARING

#### 3.1 Land Development Code (ZB-TXT19-101 – School Concurrency) Townwide

Mr. Coyle stated that Broward County, School Board's Oversight Committee and Staff Working Group developed an amendment to the level of service standard to the 2008 Interlocal Agreement for Public School Planning. On December 6, 2017, Town Council approved setting the level of service standard to the higher of- 100% gross capacity (which includes portables) or 110% permanent titled "Third Amended and Restated Interlocal Agreement (TRILA)". This amendment would make the Town Land Development Code consistent with the TRILA.

Vice Chair Jacob asked if most cities have gone through this process. Mr. Coyle responded that most cities have enacted the 2017 portion with some beginning to begin this process. He added that all cities will participate.

Mr. Oakes asked how the number of students was calculated. Mr. Coyle stated the School Board has a formula. He added that any development coming to the Town has to work with the School Board and provide a letter from them.

Vice Chair Jacob asked if this was eliminating the use of portables. Mr. Coyle said for concurrency purposes, portables could be counted.

Mr. Oakes asked how this amendment would affect future development. Mr. Coyle stated the School Board would have to approve that there is adequate capacity. Mr. Weinthal stated that modifications to the plans would have to be made or provide a deed restriction.

Chair Evans open and closed the public hearing as there was no one wishing to speak.

**Motion** made by Mr. Oakes, seconded by Vice Chair Jacob, to approve ZB-TXT19-101 School Concurrency.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

### **3.2 Land Development Code (ZB-TXT19-102 – Public School Facilities Element) Townwide**

Mr. Coyle provided an overview of the proposed land development code amendment for the “Third Amended and Restated Interlocal Agreement (TRILA)”. This amendment would make the Public Schools Facilities Element of the Comprehensive Plan consistent with the TRILA.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve ZB-TXT19-102 Public School Facilities Element.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

### **3.3 Land Development Code (ZB-TXT19-265 – Transit Oriented Corridor District) Townwide**

Mr. Coyle provided an overview of the proposed land development code amendment for the Transit Oriented Corridor District (TOC) which covers the area; I-595 to the north; State Road 7 to the east; Hard Rock to the south; and the Florida Turnpike to the west. The TOC policies contemplate significant redevelopment in the future including mixed use and multi-story buildings along State Road 7. The proposed amendment to the Land Development Code establishes the regulations for implementing the policies of the TOC Category. The proposed TOC regulations would not be applicable to specific parcels of land until such time as parcels are rezoned to a TOC zoning district. These regulations would limit future rezoning’s in the area. Any rezoning would require public notice and public hearing by both the Planning & Zoning Board and Town Council.

Vice Chair Jacob asked if any residential area would be affected. Mr. Coyle responded that long term would be for mixed-used development. He stated that the Regional Activity Center originally had a similar cap and it didn’t match the long-term vision for higher density.

Vice Chair Jacob asked if there was still a plan to install a bridge connecting Oakes Road to State Road 7. Mr. Quigley said there wasn’t an active plan since there is no funding at this time.

Vice Chair Jacob asked about the status of the talks of having a water retention area off Burris Road. Mr. Quigley said this was the TOC Stormwater Master Plan. The Town completed that in 2012 and part of the implementation of the transit-oriented corridor land use. Currently there is no actionable plan or budget to implement this conceptual plan to create a common stormwater drainage system for the TOC. This will eventually happen once development increases.

Mr. Oakes asked if the TOC was its own development district. Mr. Quigley confirmed it was. Mr. Oakes asked if this was part of the CRA district. Mr. Quigley said a portion of the TOC was within the CRA. Mr. Oakes asked if the CRA could fund road improvements. Mr. Quigley responded if it was within the CRA boundary.

Mr. Oakes asked if there was a cost estimate to redevelop the roads and infrastructure within the TOC. Mr. Quigley said the only cost estimates were for drainage. The TOC is challenging due to the Turnpike.

Mr. Oakes asked how the area that the truck stop is presently would be redeveloped. Mr. Quigley said the demand for industrial and storage yards is high but requests change over time.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve ZB-TXT19-265 Transit Oriented Corridor District.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

**3.4 Land Development Code (ZB-TXT19-266 – Future Land Use Element – Transit Oriented Corridor)  
Townwide**

Mr. Coyle stated the proposed land development code amendment would eliminate 32 units per acre cap in the Transit Oriented Corridor District (TOC). A similar “units per acre” provision was eliminated from the Regional Activity Center in 2010 because it was found to conflict with the overall design and redevelopment goals of the land use designation.

**Motion** made by Vice Chair Jacob, seconded by Mr. Oakes, to approve ZB-TXT19-266 Future Land Use Element – Transit Oriented Corridor.

In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

**4. OLD BUSINESS** – none

**5. NEW BUSINESS** – none

**6. COMMENTS AND/OR SUGGESTIONS** – none

**7. ADJOURNMENT**

Hearing no further business, the meeting was adjourned at 7:03 p.m.

Date Approved:

2/12/20

  
\_\_\_\_\_  
Chair/Board Member

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

Item Number: 26.

**To:** Mayor and Councilmembers  
**From:** David Quigley, AICP, Planning and Zoning Manager (954) 797-1075  
**Prepared By:** Matthew Coyle, AICP, Planner II (954) 797-1081 - Planning Zoning  
**Subject:** Ordinance  
**Affected District:** Town Wide  
**Item Request:** Schedule for Council Meeting

**Title of Agenda Item:** **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING POLICY 13.1-3 OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN TRANSIT ORIENTED CORRIDOR LAND USE DISTRICT; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**Executive Summary:** On August 19, 2009 Town Council amended the Future Land Use Element of the Comprehensive Plan by adding the Transit Oriented Corridor (TOC) Land Use Category and new policies related to the TOC. Policy 13.1-3 included a maximum residential density of 32 units per gross acre in the TOC. The proposed amendment would eliminate the 32 units per acre cap.

**Key Points:**

- A similar "units per acre" provision was eliminated from the Regional Activity Center in 2010 because it was found to conflict with the overall design and redevelopment goals of the land use designation.

**Previous Actions:** On August 19, 2009 Town Council amended the Future Land Use Element of the Comprehensive Plan by adding the Transit Oriented Corridor (TOC) Land Use Category and new policies related to the TOC.

**Concurrences:** At the January 8, 2020 Planning & Zoning Board meeting a motion was made by Vice Chair Jacob, seconded by Mr. Oakes, to approve LA-TXT19-266 Transit Oriented Corridor District. In a roll call vote, the motion passed 3-0 (with Ms. Alvarez and Mr. Cory absent).

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**Fiscal Impact:**

Has request been budgeted? N/A

If yes expected cost:

Account name and number:

If no, amount needed:

Account name funds will be appropriated from

Additional Comments

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**Recommendation:** Motion to approve

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**Strategic Goals This Item Supports:**

None

**ATTACHMENTS:**

	File Name	Description
□	TOC_Ordinance_v2.pdf	Ordinance
□	Future_Land_Use_Element_-_TOC.pdf	Exhibit A



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING POLICY 13.1-3 OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN TRANSIT ORIENTED CORRIDOR LAND USE DISTRICT; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3177(6)(a) requires that local governments' comprehensive plans include a future land use element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land; and

WHEREAS, Section 163.3184(2)(a) comprehensive plan amendments adopted by local governments shall follow the expedited state review process; and

WHEREAS, at a public hearing on January 8, 2020, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Comprehensive Plan, is hereby amended as set forth in Exhibit "A" (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

Approved as to Form and Legality:

\_\_\_\_\_  
TOWN ATTORNEY

EXHIBIT A

**OBJECTIVE 13.1: TRANSIT ORIENTED CORRIDOR USE**

**The Town shall maintain a Transit Oriented Corridor (TOC) designation for the area between SR7/441 to the east, the Florida turnpike to the West and the Town boundaries to the north and south. Redevelopment and development of this area shall be consistent with the adopted Town of Davie State Road 7/441 Corridor Master Plan (Resolution #2005-236). Nothing in this land use plan amendment will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.**

....

Policy 13.1-3: Residential use is a required component within a Transit Oriented Corridor. The location of residential uses shall be incorporated into a mixed-use project or mixed use building with the location of residential uses consistent with those identified within the SR 7/441 Corridor Master Plan. Exclusively residential buildings, not part of an overall mixed-use project, shall be discouraged unless supporting commercial and office is within 1000' linear feet. The TOC through implementing regulations of agreements shall ensure that an appropriate balance of residential and non-residential uses occur in a manner to support each other.

~~Maximum residential density shall not exceed 32 units per gross acre, and no more than a total~~ A maximum of 3,428 residential dwelling units ~~shall be~~ are permitted within the SR7/441 TOC during the planning horizon of 2015. The future planning horizon of 2015+ shall provide for an additional 3,000 residential units, consistent with the ultimate build-out plan depicted in the SR7/441 Corridor Master Plan and the ULI Regional Market Study. However, in the event the residential dwelling units or any other uses are requested before the 2015 planning horizon, Town Council will hear such request and determine, based upon the SR7/441 Corridor Master Plan, whether to move this planning horizon forward. In no case, shall the planning horizon be reviewed before the necessary concurrency requirements have been addressed.

A total of 15% of the residential units shall be provided as affordable housing. Affordable housing shall be encouraged as bonus density consistent with Broward County Planning Council Administrative Rules Document, Article 8. The Town shall create a mechanism to ensure that affordable housing, required as part of this land use plan category, shall remain affordable in the future. The intent of the affordable housing is to ensure that those affordable units are integrated into a development proposal and not easily identified by location or design within the overall community. The affordable housing requirement of this land use category may be included within an overall housing master plan.