

### § 3.19. Maximum Allowed Density.

Density refers to the gross area (lot area includes to the center line of a street) available to be developed. It is used to determine the maximum number of units allowed on a site based upon the maximum allowed density as set forth in the zoning district and as determined below.

The area associated with bodies of water, excluding drainage canals, the Intracoastal [Waterway](#) and North and South Lakes, shall be used in the calculation of the maximum allowed density on a site. [Easement](#) areas located within the site are calculated in the area used for determining density. Density from one site shall not be transferred to another site unless provided otherwise by these regulations.

The maximum allowed density on a site shall only be increased through the application of [Reserve Units](#) or [Flexibility Units](#) (See § 3.20) or [Replacement Units](#) pursuant to the procedures set forth in the City's Comprehensive Plan and Broward County Land Use Plan or through the use of [Replacement Units](#) and as set forth below:

An application for [Reserve Units](#) shall be processed using the criteria for a rezoning and heard by the Planning and Development Board. The determination of the Planning and Development Board constitutes a recommendation to the City Commission who shall hold a public hearing prior to making its decision. Notice of the City Commission's public hearing shall be the same as that which was provided for the Planning and Development Board. The City Commission's determination is personal to the project that was submitted. Any increase in density beyond that which was approved by the City Commission requires a new application.

An application for [Flexibility Units](#) shall be processed as an amendment to the Future Land Use Element of the Comprehensive Plan.

The use of [Replacement Units](#) may be approved by the Director based upon the following standards:

The site is not located in Single Family District, RM-9 or RM-12 District.

All units in the development shall meet or exceed the minimum [floor area](#) requirements.

The development shall provide all of the required parking.

The development shall not exceed the maximum height established in the zoning district.

The development shall provide the minimum required setbacks.

A development, which includes [Replacement Units](#), may be awarded [Flexibility](#) or [Reserve Units](#).

No development shall exceed 50 units per acre.

Hotel units shall not be replaced with apartment units; however apartment units may be replaced with hotel units.

Bonus Units are only allowed in the CCB-1, CCB-2, CC and RM9-T Zoning Districts and Special Residential Facilities pursuant to the Comprehensive Plan, Land Use Element.

An appeal of the Director's decision shall be considered as an Appeal of an Administrative Decision.

An application fee of \$230 plus \$25 per [Flexibility Unit](#), [Reserve Unit](#), [Replacement Unit](#) or [Bonus Unit](#) shall be collected upon the submission of an application to receive [Replacement Units](#).

The maximum allowed density on a site is the density established in the zoning district plus any approved [Flexibility Units](#) or [Reserve Units](#) or [Replacement Units](#). An application to exceed the

maximum allowed density shall only be considered as a change of zoning and must be consistent with the Comprehensive Plan.

In determining the maximum allowed density, fractional unit figures shall be rounded to the closest whole number.

The number of permitted units shall be rounded to the nearest whole number. Fractional unit of 0.5 is rounded to the highest whole number.

(O-84-16 2-15-84; Am. Ord. O-94-13, passed 4-6-94; Am. Ord. O-2000-28, passed 7-5-2000; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2009-39, passed 12-2-09; Am. Ord. O-2011-14, passed 5-4-11) (O-94-13 renumbered from 3.26 4-6-94)