

ORDINANCE NO. C-17-34

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR), SPECIFICALLY ARTICLE II – ZONING DISTRICT REQUIREMENTS, SECTION 47-13.50, GENERAL REGULATIONS, TO ALLOW USE OF FLEX AND RESERVE UNITS FROM FLEX ZONE 56 IN THE SOUTH REGIONAL ACTIVITY CENTER; ARTICLE IV – SECTION 47-24.1, TABLE 1., DEVELOPMENT PERMITS AND PROCEDURES, TO IDENTIFY THE REVIEW AND APPROVAL PROCESS; AND ARTICLE VIII – DENSITY AND FLEXIBILITY RULES, SECTION 47-28, FLEXIBILITY RULES, TO PROVIDE FOR REGULATIONS SPECIFIC FOR USE OF FLEX AND RESERVE UNITS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend the City of Fort Lauderdale Unified Land Development Regulations (“ULDR”), specifically Article II – Zoning District Requirements, Section 47-13.50 entitled “General regulations”; Article IV, Section 47.24.1, Table 1. Development Permits and Procedures; and Article VIII – Density and Flexibility Rules, Section 47-28 entitled “Flexibility Rules” and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of July 19, 2017 (PZ Case T17008), found that the proposed text amendments are consistent with the City’s Comprehensive Plan and as the Planning and Zoning Board, did recommend to the City Commission that the amendment to the ULDR is consistent with the City of Fort Lauderdale Comprehensive Plan; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, September 19, 2017, and Tuesday, October 3, 2017, at 6:00 o’clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article II - Zoning District Requirements, Section 47-13.50 entitled “General regulations” of the ULDR is hereby amended to read as follows:

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B. Definitions.

1. Density Pool: The total number of residential dwelling units permitted by the City's Comprehensive Plan for land within a Regional Activity Center land use designation that has not been allocated to a particular development.
42. Floorplate: The gross square footage (GSF) for any floor of a tower. This does not include balconies that are open on three sides.
23. NWRAC-MU Design Standards: NWRAC-MU Illustrations of Design Standards as part of the creation of the NWRAC-MU zoning districts adopted as part of the ordinance adopted on January 21, 2015 incorporated as if fully set out herein and on file with the Department.
34. Pedestal: The portion of a building extending from the ground to the shoulder.
45. Shoulder: The portion of a building below the horizontal stepback between a tower and a pedestal.
56. SRAC-SA: The overall area comprised of both the SRAC-SAw and SRAC-SAe zoning districts.
67. SRAC-SA Design Standards: SRAC-SA Illustrations of Design Standards as part of the creation of the SRAC-SA zoning districts adopted as part of the ordinance adopted on January 4, 2011, incorporated as if fully set out herein and on file with the Department.
78. Stepback: The horizontal dimension that defines the distance between the face of the tower and the face of the pedestal.
89. Streetscape: Exterior public space beginning at the face of a building extending into the adjacent right-of-way, which includes travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians. Streetscape may also include, but not be limited to, landscaped medians and plantings, street trees, benches, and streetlights as well as fences, yards, porches, and awnings.
910. Streetwall: The building façade adjacent to the street, along or parallel to the lot-line.

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~~40~~11. *Story*: The complete horizontal section of a building, having one continuous or practically continuous floor.

~~41~~12. *Tower*: The portion of a building extending upward from the pedestal.

C. *Density*. Density within the applicable zoning districts is limited in accordance with the number of units as provided in the adopted Comprehensive Plan, as amended from time to time, as per Section 47-28, Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations.

1. Density may be increased as provided in the Comprehensive Plan.
2. Dwelling units are allocated at the time of development ~~plan~~ permit approval. Upon expiration of a development ~~plan~~ permit ~~the allocation of dwelling units shall terminate and such the dwelling units shall be made available~~ returned to the density pool for future allocation ~~development~~.
3. The allocation of dwelling units shall be subject to all applicable provisions of the ULDR ~~applicable~~ at the time of development permit approval ~~when the dwelling units are allocated~~.
4. ~~The d~~Dwelling units are allocated as provided in the City's Comprehensive Plan ~~are available in accordance with the ULDR applicable at the time a development plan application is submitted on a first come, first serve basis.~~
5. ~~Dwelling units shall be allocated in accordance with regulations adopted by City for the dwelling units allocated and no development shall be permitted unless and until the City adopts a zoning regulation addressing the allocation of the dwelling units identified in the City's Plan. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules, and shall not exceed a density of fifty (50) units per gross acre. Density may be increased through the allocation of bonus density provisions for affordable housing or sleeping rooms, and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.~~

SECTION 2. That Article IV., Section 47.24., entitled "Development Permits and Procedures" of the ULDR, is hereby amended to read as follows:

Sec. 47-24.1. Generally.

TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES

<i>Permit</i>	<i>Department</i>	<i>Development Review Committee</i>	<i>Planning & Zoning Board (Local Planning Agency)</i>	<i>Historic Preservation Board</i>	<i>City Commission</i>	<i>Board of Adjustment</i>	<i>Criteria for Review</i>
22.a. Any use within the downtown RAC which is contiguous to residential property outside of the RAC	R	DP	A		CRR/PZ		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3 3. RAC Requirement , Section 47-13
.b. Any Site Plan Level II development within Downtown RAC which has previously been approved by or subject of an agreement with the City Commission (See Sec. 47-13.20.M.1)	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13. 2. Adequacy Review, Sec. 47-25.2. 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable.
.c. Any Site Plan Level II development within Downtown RAC where one or more requirements of the ULDR or City's Comprehensive Plan misapplied or failed to apply. See Sec. 47-13.20.M.2.	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13. 2. Adequacy Review, Sec. 47-25.2. 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable.
.d. Allocation of flexibility units within Downtown <u>and South</u> RAC	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13. 2. Adequacy Review, Sec. 47-25.2. 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable. 4. Flexibility Rules, Section 47-28.

SECTION 3. That Article VIII – Density and Flexibility Rules, Section 47-28 entitled “Flexibility Rules” of the ULDR is amended as follows:

Sec. 47-28.1. - Applicability; conditions.

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N. Allocation of flex and reserve units in the South Regional Activity Center.

1. Flex and reserve units may be allocated to a development site in the South Regional Activity Center land use as provided in the City's Land Use Plan, subject to the following conditions:

- a. Demonstration that the use of flex and reserve units supports and implements the specific goals, objectives and policies of the City's Land Use Plan.
- b. Flex and reserve units shall be allocated in accordance with the flex zone boundaries that contain the South Regional Activity Center land use designated area.
- c. Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRC is subject to a City Commission request for review, under the provisions of Section 47-26A.2.
- d. The allocation of flex and reserve units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.
- e. Development applications located in the SRAC-Saw and SRAC-Saw zoning districts shall be reviewed to determine if the development is consistent with the Design Standards and any subsequent amendments and criteria applicable to the proposed development as provided in the ULDR.
- f. Development sites not located in SRAC-Saw and SRAC-Saw zoning districts but located in the SRAC land use designed areas shall incorporate elements consistent with the fundamental planning principles identified in the South Andrews Avenue Master Plan Design Standards.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten (10) days from the date of final passage.

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PASSED FIRST READING this the 19th day of September, 2017.
PASSED SECOND READING this the _____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI