

ORDINANCE NO. C-21-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, IMPLEMENTING THE BROWARD COUNTY LAND USE PLAN FLEXIBILITY RULES IN THE CITY OF FORT LAUDERDALE, AMENDING SECTION 47-24.1, TABLE 1 OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS ENTITLED "DEVELOPMENT PERMITS AND PROCEDURES", PROVIDING FOR APPROVAL PROCESS FOR DEVELOPMENT UTILIZING FLEXIBILITY RULES; AMENDING SECTION 47-28 ENTITLED "FLEXIBILITY RULES" BY REPLACING SECTION 47-28.1 ENTITLED "APPLICABILITY; CONDITIONS" WITH SECTION 47-28.1 ENTITLED "INTENT AND PURPOSE", CREATING A NEW SECTION 47-28.2 ENTITLED "DEFINITIONS" AND SECTION 47-28.3 ENTITLED "APPLICABILITY"; PROVIDING FOR CONFLICTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Section 47-24, Table 1 entitled "Development Permits and Procedures", providing for approval process for development utilizing flexibility rules, and Section 47-28 entitled "Flexibility Rules" of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR), specifically establishing intent and purpose and amending definitions and applicability; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of July 21, 2021 (PZ Case No. UDP-T21003) reviewed the proposed text amendments for consistency with the City of Fort Lauderdale Comprehensive Plan and recommended the City Commission adopt the amendments to the ULDR; 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 21, 2021, and Tuesday, October 5, 2021, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, and through communication media technology accessible through the City's website (www.fortlauderdale.gov);

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

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

SECTION 2. Section 47-24, Table 1 entitled “Development Permits and Procedures” of the City of Fort Lauderdale, Florida ULDR is hereby amended as follows:

Sec. 47-24.24. – DEVELOPMENT PERMITS AND PROCEDURES

Section 47-24.1 - Generally

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TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES

Permit	Department	Development Review Committee	Planning & Zoning Board (Local Planning Agency)	Historic Preservation Board	City Commission	Board of Adjustment	Criteria for Review
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SITE PLAN—LEVEL II DEVELOPMENT REVIEW COMMITTEE	
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17.a	Allocation of reserve affordable housing units to residential and <u>nonresidential land use designations</u> designated parcels (maximum of 2 dwelling units)	R	DP	A		CRR/PZ	1. Adequacy Review 47-25.2 2. Neighborhood Compatibility Review 47-25. 3. Flexibility Rules 47-28
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17.b	<u>Allocation of affordable housing bonus units to residential and nonresidential land use designations</u> units designated parcels	<u>R</u>	<u>DP</u>	<u>A</u>		<u>CRR/PZ</u>	<u>1. Adequacy Review 47-25.2</u> <u>2. Neighborhood Compatibility Review 47-25</u> <u>3. Flexibility Rules 47-28</u>
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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 47-25.2 2. Uptown Design Standards 47-37B 3. RAC Requirements 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 Requirements 47-13; 2. Adequacy Review 47-25.2; 3. Neighborhood Compatibility Review 47-25.3 when applicable

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c.	Any Site Plan Level II development within Downtown RAC that deviates from the requirements of Section 47-13.20.B				<u>DP</u>			Downtown Master Plan intent
d.	Allocation of flexibility units within Downtown and South RAC RACs and <u>adopted master planned areas</u>	R	DP	A		CRR/PZ or DRC		1. RAC Requirements 47-13 2. Adequacy Review 47-25.2 3. Neighborhood Compatibility Review 47-25.3 when applicable. <u>4. Flexibility Rules 47-28</u> <u>5. Uptown Urban Village Zoning Districts 47-37B</u>

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SITE PLAN—LEVEL III								

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31.a.	Allocation of flexibility units to	R	R	DP		CRR or A		1. Adequacy Review Sec.
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	residential land use to allow bonus density for affordable housing on residential land use parcels or for special residential facilities <u>nonresidential land use designations</u> <u>designated parcels</u>						47-25.2 2. Flexibility Rules, Section 47-28 3. <u>Neighborhood Compatibility Review 47-25.3</u>
31.b	<u>Allocation of bonus flexibility units</u>	<u>R</u>	<u>R</u>	<u>DP</u>		<u>CRR or A</u>	1. <u>Adequacy Review Sec. 47-25.2</u> 2. <u>Flexibility Rules, Section 47-28</u> 3. <u>Neighborhood Compatibility Review 47-25.3</u>
31.c	<u>Allocation of flexibility units for social service residential facilities and bonus sleeping rooms</u>	<u>R</u>	<u>R</u>	<u>DP</u>		<u>CRR or A</u>	1. <u>Adequacy Review Sec. 47-25.2</u> 2. <u>Flexibility Rules, Section 47-28</u> 3. <u>Neighborhood Compatibility Review 47-25.3</u>

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SECTION 3. Article VIII – Density and Flexibility Rules, Section 47-28 – Flexibility Rules, of the City of Fort Lauderdale, Florida ULDR is hereby amended as follows:

Sec. 47-28.1. - ~~Applicability; conditions:~~ Intent and purpose.

The intent of this section is to provide regulations for the flexible arrangement of residential densities and nonresidential intensities throughout the city in accordance with the effective Broward County Land Use Plan of the Broward County Comprehensive Plan, the effective Administrative Rules Document: BrowardNext, and the effective City of Fort Lauderdale Comprehensive Plan.

A. ~~Density.~~ The maximum density permitted on a development parcel is limited by the maximum density permitted by the city's land use plan (LUP). Density of a development parcel may be increased, subject to flexibility rules (FR).

B. ~~Flexibility rules.~~ Flexibility rules permit the city to revise and rearrange land uses and permit additional residential dwelling units without requiring an amendment to the Broward County Land Use Plan (BCLUP).

C. Definitions.

1. ~~Flexibility zones:~~ Flexibility zones (FZ) are fixed geographic areas within the city, designated on the BCLUP which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the city's plan.
2. ~~Flexibility units:~~ Flexibility units, also referenced herein as flex units, are the total number of additional dwelling units permitted by the BCLUP above the total number of dwelling units allowed within the same FZ by the city's LUP.
3. ~~Reserve units:~~ Reserve units are dwelling units permitted in addition to the flexibility units by the BCLUP, which equal a maximum of two percent (2%) of the total number of dwelling units permitted within a FZ by the BCLUP.
4. ~~Commercial flex acreage:~~ Commercial flex acreage is the total percentage of residential acres permitted by the BCLUP to be converted to commercial use within a FZ without a LUP amendment.

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~~D. Determination by the city of available residential dwelling units or available commercial acreage.~~

- ~~1. If a sufficient number of units are available to allocate reserve units or flexibility units to a parcel, or if sufficient commercial flex acreage is available to be applied to a parcel, the city may allocate the units or commercial flex acreage, provided that the FZ and regulations of the ULDR are met.~~
- ~~2. The city shall maintain a log of the number of available reserve or flexibility units, the number of reserve or flexibility units assigned to parcels, and the reason for assigning units to a parcel. The city shall also maintain a log of the number of flex commercial acreage assigned to parcels and the reason for assigning the commercial acreage to each parcel.~~

~~E. Increase of residential densities on residential land use designated parcels.~~

- ~~1. Additional dwelling units may be allocated to a development site with a residential land use designation by applying available flexibility units or reserve units. Flexibility units or reserve units may be allocated subject to the following conditions:~~
 - ~~a. Flexibility units applied to a residential land use designated parcel.~~
 - ~~i. Amendment to the city's land use plan; and~~
 - ~~ii. Criteria:~~
 - ~~a) Demonstration that the use of flexibility units supports and implements the specific goals, objectives and policies of the city's LUP.~~
 - ~~b) Rezoning in accordance with Sec. 47-24.4, Development Permits and Procedures.~~
 - ~~c) Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.~~
 - ~~b. Reserve units.~~
 - ~~i. Site plan approval (level II); and~~

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- ~~ii. Maximum density shall not exceed fifty (50) dwelling units per gross acre; and may not exceed one hundred percent (100%) of the maximum density of the development site; and~~
- ~~iii. The maximum number of reserve units applied to the development site shall not be greater than two (2) units, or two (2) units per net acre, whichever is less. This restriction shall not apply to a mixed use development that is subject to the provisions of Sec. 47-18.21, or, Section 47-9, X-Exclusive Use District;~~
- ~~iv. Criteria:
 - ~~a) Site plan approval level II in accordance with Sec. 47-24.2, Development Permits and Procedures.~~
 - ~~b) Expiration of allocation of reserve units. If the allocation of reserve units is permitted in connection with site plan approval, the allocation shall expire and terminate upon the expiration of the site plan approval.~~~~

~~F. Allocation of residential units on commercial or office park land use designated parcels.~~

- ~~1. The city may allocate flexibility units to a development parcel with a commercial or office park land use designation subject to the following conditions:
 - ~~a. Criteria:
 - ~~i. Flexibility units, see subsection E.1.a.~~
 - ~~ii. No more than twenty percent (20%) of the total acreage within the flexibility zone which is designated commercial or office park, may be used for residential uses.~~~~~~
- ~~2. For mixed-use development, see subsection K.~~

~~G. Allocation of commercial uses on residential land use designated parcels.~~

- ~~1. The city may permit commercial uses on a parcel with a residential land use designation subject to the following conditions:~~

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- a. ~~Rezoning of the development site to community business (CB) only, or to exclusive use (X-Use); and~~
- b. ~~No more than five percent (5%) of the total area within a flexibility zone which is designated residential on the city's plan, may be rezoned to CB or X-Use; and~~
- c. ~~The parcel proposed for CB or X-Use use shall not be greater than ten (10) contiguous acres;~~
- d. ~~Criteria:~~
 - i. ~~Demonstration that the use of commercial flex acreage supports and implements the specific goals, objectives and policies of the city's LUP.~~
 - ii. ~~Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.~~
 - iii. ~~Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.~~

2. ~~For mixed use development, see subsection K.~~

H. ~~Allocation of bonus density for affordable housing on parcels with a residential land use designation.~~

- 1. ~~The city may allocate flexibility units or reserve units to provide for affordable housing units (AFU's) by applying bonus density, through site plan approval (level III), subject to the following:~~
 - a. ~~The total number of reserve units applied to the development parcel shall not be greater than one hundred percent (100%) of the density permitted by the city's land use plan for the development parcel.~~
 - b. ~~The residential density of the parcel shall be greater than five (5) dwelling units/per gross acre.~~
 - c. ~~The affordable housing development shall meet requirements for affordable housing as established by the BCLUP.~~

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~~d. Criteria: Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.~~

~~I. Allocation of bonus sleeping rooms for special residential housing, group homes, foster care facilities, etc.~~

~~1. The city may permit an increase in the number of sleeping rooms permitted by the city's land use plan, by applying bonus sleeping rooms to a special residential facility by site plan approval (level III) without allocating additional density by applying flexibility units or reserve units. For the purpose of calculating density, sleeping rooms shall be counted as one-half (1/2) a dwelling unit.~~

~~2. Subject to the requirements for social service residential facilities (SSRF), see Sec. 47-18.32.~~

~~3. Criteria: Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.~~

~~J. Allocation of commercial uses within areas designated industrial land use or employment center land use.~~

~~1. The city may permit a development to be used for commercial business uses within lands designated employment center or industrial on the city's land use plan, by rezoning the parcel to a business zoning district, subject to the following restrictions:~~

~~a. No more than twenty percent (20%) of the total land use area within the flexibility zone that is designated for industrial land use or U.C. employment center land use may be rezoned to a business zoning district.~~

~~b. Criteria:~~

~~i. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.~~

~~ii. Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.~~

~~K. Allocation of flex for mixed use development.~~

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- ~~1. The city may allocate flexibility units for mixed use development through approval of a mixed use development, as provided in Sec. 47-18.21, Mixed Use Development. This applies to both the allocation of residential flexibility units on a commercial land use designated parcel and for allocation of commercial flex acreage on a residential land use designated parcel.~~

~~L. Allocation of reserve units in the Downtown Regional Activity Center.~~

- ~~1. Additional dwelling units may be allocated to a development site in the Downtown Regional Activity Center area as provided in the city's Land Use Plan by applying available reserve units, subject to the following conditions:
 - ~~a. Demonstration that the use of reserve dwelling units supports and implements the specific goals, objectives and policies of the city's Land Use Plan.~~
 - ~~b. A Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRG is subject to a City Commission request for review, under the provisions of Section 47-26A.2.~~
 - ~~c. Expiration of allocation of reserve units. The allocation of reserve units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.~~~~

~~M. Allocation of flex units in the Downtown Regional Activity Center.~~

- ~~1. Flex units may be allocated to a development site in the Downtown Regional Activity Center area subject to the following conditions.
 - ~~a. Demonstration that the use of flex units is in conformance with goals, objectives and policies of the city's Land Use Plan.~~
 - ~~b. Development in the Downtown Regional Activity Center shall be reviewed to determine if the development is consistent with the design guidelines or has proposed alternative designs which meet the intent of the design guidelines provided in the Downtown Master Plan ("DMP") and any subsequent amendments to the DMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.~~~~

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- ~~c. Flex units shall be allocated in accordance with the flex zone boundaries that are contained by the Downtown Regional Activity Center.~~
- ~~d. A Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRG is subject to a City Commission request for review, under the provisions of Section 47-26A.2.~~
- ~~e. Expiration of allocation of flex units. The allocation of flex units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.~~

~~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 DRG 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~~~~

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~~with the fundamental planning principles identified in the South Andrews Avenue Master Plan Design Standards.~~

~~O. Allocation of flex units and commercial flex acreage in the Uptown Zoning Districts.~~

~~1. Flex units and commercial flex acreage may be allocated to a development parcel in the Uptown Zoning Districts as provided in the city's land use plan, subject to the following conditions:~~

~~a. Demonstration that the use of flex units and commercial flex acreage supports and implements the specific goals, objectives and policies of the city's land use plan.~~

~~b. Development permit and approval process shall be in accordance with Section 47-24, Development Permits and Procedures, Table 1.~~

~~c. The allocation of flex units, commercial flex acreage, and affordable housing units (AFUs) shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.~~

~~d. Development applications requesting flex units, commercial flex acreage, and affordable housing units shall be reviewed to determine if the development is consistent with the applicable Uptown Zoning Districts and the Uptown Illustrative Design Standards as provided in the ULDR.~~

SECTION 4. Section 47-28.2 entitled "Definitions" of the City of Fort Lauderdale, Florida ULDR is hereby created as follows:

Sec. 47-28.2. - Definitions.

For the purpose of this section, the following terms and words herein are defined. Other definitions may appear in specific sections of the ULDR and are applicable only to those sections.

A. Affordable housing bonus units: Additional dwelling units allocatable as bonus residential density to facilitate the development of affordable housing as approved by City Commission and Broward County Planning Council.

B. Bonus flexibility units: Flex units allocable as bonus residential density to facilitate the development of affordable housing.

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- C. Density: The number of dwelling units permitted within an area, divided by the net acreage of the area.
- D. Flexibility rules: Flexibility rules permit the city to revise and rearrange land uses and permit additional residential dwelling units without requiring an amendment to the Comprehensive Plan, Future Land Use Plan or the Broward County Land Use Plan; hereafter referred to as "BrowardNext."
- E. Flexibility units: Flexibility units, also referenced herein as flex units, are the total number of additional dwelling units equal to the difference between the number of dwelling units permitted within a flexibility zone by BrowardNext and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map.
- F. Flexibility Zone: An area that corresponds to the municipal boundaries of the City of Fort Lauderdale.
- G. Master Planned Areas: Geographic areas of the city where there is a master plan or redevelopment plan approved by the City Commission whereas such areas contain various underlying land use designations and is located in the unified flexibility zone.
- H. Nonresidential flexibility acreage: Nonresidential flexibility acreage, also referenced herein as flex acreage, is the total amount of acres permitted to be converted to commercial use without an amendment to the Comprehensive Plan, Future Land Use Plan.
- I. Unified Flexibility Zone: The geographic area identified for the allocation of flex units also referred to as the unified flex zone or flex receiving area. Areas outside the unified flexibility zone are not eligible for the allocation of flex units unless stated herein.

SECTION 5. Section 47-28.3 entitled "Applicability" of the City of Fort Lauderdale, Florida ULDR is hereby created as follows:

Sec. 47-28.3. – Applicability.

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A. Determination of availability.

1. The department shall maintain a log identifying the name, location, and approval date of development projects using flexibility containing the following information:
 - a. Total number of acres designated residential, commercial, industrial and employment center within the municipal boundary.
 - b. Total number of residential, industrial and employment center acres allocated for commercial use through assignment of flexibility in the previous calendar year.
 - c. Total number of residential, industrial and employment center acres allocated for commercial use through assignment of flexibility which includes all previous yearly allocations.
 - d. Total number of flexibility units and redevelopment units allocated in the previous calendar year to residential or non-residential designated lands which did not require an amendment to the local land use plan map.
 - e. Total number of flexibility units and redevelopment units allocated, including all previous yearly allocations to residential or non-residential designated lands which did not require an amendment to the local land use plan map.
2. An applicant seeking the allocation of flex unit or flex acreage must obtain confirmation from the department that the requested flex is available prior to the submittal of a development application.

B. Minimum flex unit size.

1. Minimum unit size for flex units including affordable housing units and bonus flex units shall be four hundred (400) square feet.
2. The minimum unit size of four hundred (400) square feet shall not apply if the applicable zoning district contains a more stringent minimum unit size, in which the more restrictive shall apply.

C. Allocation of flex units in the Regional Activity Center Land Use Designations (RACs) or Master Planned Areas.

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1. For the purpose of this subsection C, the term RACs refers to those areas designated as such in the City's Comprehensive Plan and depicted on the City's Future Land Use Map. The term Master Planned Areas refers to those areas meeting the definition for such as defined herein.
2. Flex units may be allocated to development sites subject to the following conditions:
 - a. Demonstration that the use of flex units is in conformance with goals, objectives and policies of the city's Comprehensive Plan.
 - b. Development applications shall be reviewed to determine if the development is consistent with the applicable master plan or has proposed alternative designs which meet the intent of the applicable master plan design guidelines. In the event compliance with the ULDR would not permit consistency with the design guidelines, the master plan design guidelines shall govern. In the event there is no applicable master plan for the development site, the applicable zoning district regulations shall apply.
 - c. Development applications shall be subject to applicable approval requirements in Section 47-24, Development Permits and Procedures.
 - d. The allocation of flex units shall expire and terminate upon the expiration of the development permit approval in accordance with Section 47-24.1.M.

D. Allocation of flex units on commercial or employment center land use designated parcels.

1. The city may allocate flex units to a development site with a commercial or employment center land use designation subject to the following conditions:
 - a. Demonstration that the use of flex units is in conformance with goals, objectives and policies of the city's Comprehensive Plan.
 - b. Development parcel is located in the city's unified flex zone.
 - c. Development application approval shall be subject to Section 47-24, Development Permits and Procedures.
 - d. Development applications shall meet the provisions of Section 47-18.21, Mixed Use Development.

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E. Allocation of nonresidential flex acreage on residential, employment center, and industrial land use designated parcels.

1. The city may permit commercial uses on a parcel with a residential land use designation subject to the following conditions:
 - a. Rezoning of the development site to community business (CB) only, or to exclusive use (X-Use); and
 - b. No more than five percent (5%) of the total area within the citywide flex zone that is designated residential on the city's plan may be rezoned to CB or X-Use; and
 - c. The parcel proposed for CB or X-Use use shall not be greater than ten (10) contiguous acres;
 - d. Development applications for mixed use shall meet the provisions of Section 47-18.21, Mixed Use Development; and
 - e. Site plan level IV development permit approval in accordance with Section 47-24.2, and Rezoning in accordance with Section 47-24.4, Development Permits and Procedures.

2. The city may permit commercial uses on parcels with employment center or industrial designation on the city's land use plan, by rezoning the parcel to a business zoning district, subject to the following conditions:
 - a. No more than twenty percent (20%) of the total land use area within the citywide flex zone that is designated for industrial or employment center land use may be rezoned to a business zoning district;
 - b. Site plan level IV development permit approval in accordance with Section 47-24.2, and Rezoning in accordance with Section 47-24.4, Development Permits and Procedures.

F. Allocation of affordable housing units and bonus flexibility units.

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1. The city may allocate affordable housing units to a development parcel for affordable housing projects in residential, commercial, employment center, community facility, and RAC land use designations, subject to the following:
 - a. The allocation shall not exceed the density permitted by the city's future land use plan designation for the development parcel and no greater than 50 dwelling units per acre for nonresidential land use designations. There is no density limitation for development parcels within a RAC land use designation unless specified in the applicable RAC zoning district.
 - b. For development parcels with an underlying land use of residential, the development parcel must have a future land use designation that permits a density greater than five (5) dwelling units per net acre.
 - c. Development applications shall meet the requirements for affordable housing as established by BrowardNext restricting the parcel for a period of thirty (30) years.
 - d. The allocation of affordable housing units shall be done in conjunction with a site plan level II development permit approval for the proposed development in accordance with Section 47-24.1, Development Permits and Procedures.

2. The city may allocate affordable housing bonus units and bonus flexibility units to development parcels resulting in a density that exceeds the limitation of subsection ~~47-28.3.E.1.a~~ 47-28.3.F.1.a, provided that:
 - a. The allocation of affordable housing bonus units shall be in addition to the permitted density for development parcel as indicated by the city's future land use plan but shall not exceed one hundred percent (100%) of such permitted density and no greater than one hundred (100) dwelling units per acre for nonresidential land use designations. There is no density limitation for the allocation of affordable housing bonus units for development parcels within a RAC land use designation.
 - b. Bonus flexibility units may be permitted to a development project based on income categories for affordable housing units as defined by BrowardNext and based on the following formulas:
 1. Six (6) bonus flexibility units per every one (1) moderate-income affordable housing unit.

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2. Nine (9) bonus flexibility units per every one (1) low-income affordable housing unit.

3. Nineteen (19) bonus flexibility units per every one (1) very-low-income affordable housing unit.

c. Notwithstanding the provisions of subsection 47-28.3.F.2.a, the total combined Total number of affordable housing bonus units and bonus flexibility units shall not exceed fifty percent (50%) of permitted density for development parcels that contain residential land use and no greater than one hundred (100) dwelling units per acre for nonresidential land use designations. There is no density limitation for development parcels within a RAC land use designation unless specified in the applicable RAC zoning district.

d. Development applications must demonstrate that the development project will meet Section 47-25.3, Neighborhood Compatibility to receive affordable housing bonus units and bonus flexibility units.

e. Development applications shall meet the requirements for affordable housing as established by BrowardNext restricting the affordable housing units for a period of thirty (30) years

f. The allocation of affordable housing bonus units shall be done in conjunction with a site plan level II development permit approval for the proposed development in accordance with Section 47-24.1, Development Permits and Procedures.

g. The allocation of bonus flexibility units shall be done in conjunction with a site plan level III development permit approval for the proposed development in accordance with Section 47-24.1, Development Permits and Procedures.

G. Allocation of flex units and bonus sleeping rooms for social service residential facilities, group homes, foster care facilities, etc.

1. The city may allocate flex units to special residential facilities or bonus sleeping rooms at a density calculated as one-half (½) a dwelling unit per sleeping room. Facilities that contain independent living shall be allocated density at a calculation of one dwelling unit to one.

- 2. Subject to the requirements in Section 47-17.18.32 for social service residential facilities (SSRF).
- 3. A Site Plan Level III approval is required in accordance with Section 47-24.2, Development Permits and Procedures.

SECTION 6. 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 7. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 21st day of September, 2021.

PASSED SECOND READING this _____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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