

ORDINANCE NO. C-13-16

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13-20. DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS, TABLE 1 OF SECTION 47-24, DEVELOPMENT PERMITS AND PROCEDURES, AND SECTION 47-28, FLEXIBILITY RULES, TO CREATE A PROCESS FOR THE ALLOCATION OF FLEXIBILITY UNITS WITHIN THE DOWNTOWN REGIONAL ACTIVITY CENTER AND CLARIFY TERMINOLOGY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 47-13.20, Downtown RAC review process and special regulations, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-13.20. Downtown RAC review process and special regulations.

...

B. General design and density standards. Development in any RAC district is subject to the following standards:

...

4. Density.

a. Density within the entire Downtown RAC is limited to a total of five thousand one hundred (5,100) dwelling units. Additional

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dwelling units above this limit may be permitted as provided in the City of Fort Lauderdale 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. DRC review shall assure compliance with the maximum number of dwelling units permitted. The department is responsible for monitoring the availability of density. Regulations for the assignment of the five thousand one hundred (5,100) dwelling units allocated by the 1989 Comprehensive Plan are provided in this subsection a., and shall be allocated at the time of site plan approval on a first come, first served basis. Unused density shall be returned to the density pool upon expiration of approved site plans.

- b. Dwelling units in excess of the five thousand one hundred (5,100) in the Downtown RAC as certified by the Comprehensive Plan amendments of 2003 and 2007 (hereinafter referred to as "post 2003 du's") shall be allocated in accordance with the following:

...

- 3. *Criteria.* An application for a development permit that includes the allocation of post 2003 du's shall be reviewed for compliance with the criteria applicable to the proposed development as provided in the ULDR. The development shall also 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 Consolidated Downtown Master Plan ("CDMP") ("DMP") and ~~First Amendment to the CDMP~~ any

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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.

...

SECTION 2. That Table I of Section 47-24, Development Permits and Procedures, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

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
...							
SITE PLAN—LEVEL II DEVELOPMENT REVIEW COMMITTEE							
...							
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

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Permit	Department	Development Review Committee	Planning & Zoning Board (Local Planning Agency)	Historic Preservation Board	City Commission	Board of Adjustment	Criteria for Review
...							
d.	<u>Allocation of flexibility units within Downtown RAC</u>	<u>R</u>	<u>DP</u>	<u>A</u>		<u>CRR/PZ or DRC</u>	1. <u>RAC Requirement, Sec. 47-13.</u> 2. <u>Acequacy Review, Sec. 47-25.2</u> 3. <u>Neighborhood Compatibility review Sec. 47-25.3 when applicable.</u> <u>Flexibility Rules, Sec. 47-28</u>
...							

SECTION 3. That Section 47-28, FLEXIBILITY RULES of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

SECTION 47-28. FLEXIBILITY RULES

Sec. 47-28.1. Applicability; conditions.

...

C. Definitions.

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...

- 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.

...

- 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 DRC 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.

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- 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.
- 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 DRC 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.

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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 days from the date of final passage.

PASSED FIRST READING this the 21st day of May, 2013.

PASSED SECOND READING this the _____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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