

ORDINANCE NO. C-25-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13.20 ENTITLED "DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS"; AMENDING SECTION 47-13.30 ENTITLED "TABLE OF DIMENSIONAL REQUIREMENTS FOR THE SRAC DISTRICT"; AMENDING ARTICLE XII ENTITLED "TRANSFER OF DEVELOPMENT RIGHTS (TDR)"; SECTION 47-36.1, ENTITLED "TRANSFER OF DEVELOPMENT RIGHTS (TDR)"; AND AMENDING SECTION 47-37B.5 ENTITLED "TABLES OF DIMENSIONAL REQUIREMENTS FOR THE UPTOWN URBAN VILLAGE ZONING DISTRICT" TO PROVIDE ADDITIONAL DENSITY FOR RECEIVING SITES UTILIZING THE TDR PROGRAM; EXTENDING THE EXPIRATION DATE FOR CERTIFICATES OF ELIGIBILITY; PROVIDING A CALCULATION FOR AVAILABLE DWELLING UNITS AT SENDING SITES; INCORPORATING ABILITY TO RETRANSFER TDR UNITS OR FLOOR AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-13.20 – Downtown RAC Review Process and Special Regulations, Section 47-13.30 – Table of Dimensional Requirements for the SRAC Districts, Article XII, Section 47-36.1 – Transfer of Development Rights (TDR), and Section 47-37B.5 – Tables of Dimensional Requirements for the Uptown Urban Village Zoning Districts to Update the TDR Ordinance and allowing additional density for receiving sites utilizing the TDR program; extending the expiration date for Certificates of Eligibility; providing a calculation for available dwelling units at sending sites; and incorporating ability to retransfer TDR units or floor area.

WHEREAS, a Transfer of Development Rights program will serve the public purpose of historic preservation; and

WHEREAS, the City Commission of the City of Fort Lauderdale wishes to amend the Transfer of Development Rights regulations to encourage participation in the program; and

WHEREAS, permitting owners of historic properties to transfer their development rights will foster development in areas that are more suitable for specific uses; and

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WHEREAS, a business impact estimate was prepared and posted on the City's website in accordance with the requirements in Section 166.041(4)(a), Florida Statutes; and

WHEREAS, amending the Transfer of Development Rights regulations to provide additional units that are eligible for transfer is in the best interest of the health, safety, and welfare of the residents of the City of Fort Lauderdale.

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of \_\_\_\_\_ (PZ Case No. UDP-T24009), 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, \_\_\_\_\_, and Tuesday, \_\_\_\_\_, at 6:00 o'clock P.M., or as soon thereafter as possible, at the Broward Center for the Performing Arts – Mary N. Porter Riverview Ballroom, 201 S.W. 5<sup>th</sup> Avenue, Fort Lauderdale, Florida;

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

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

SECTION 2. That Section 47-13.20 entitled "Downtown RAC Review Process and Special Regulations" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

\* \* \*

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

A. *Applicability.* The following regulations shall apply to those uses permitted within the Downtown RAC district, as shown on the List of Permitted and Conditional Uses, Sections 47-13.10 to 47-13.14.

\* \* \*

D. *Development Permit, Density, Effective Date of Approval of Existing Site Plans.*

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1. Density within the Downtown Regional Activity Center zoning districts is limited in accordance with the number of units as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time, and as per Section 47-28. of the ULDR, Flexibility Rules, or compliance with Broward County Land Use Plan Policy 2.16.4. and Section 47-23.16. of the ULDR, Affordable Housing Regulations, and any other applicable provisions in the Unified Land Development Regulations. Density may be increased as provided for in the City's Comprehensive Plan.
2. Dwelling units are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the density pool for future allocation.
3. The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units are allocated on a first come, first serve basis.
4. Density in the RAC-TMU District and RAC-RPO District.
  - a. All development within the TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre shall be eligible to apply for additional dwelling units subject to the following. Such approval shall be based upon consideration of the number of additional dwelling units available under the City's Comprehensive Plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, sensitivity to adjacent development of the site design and proposed orientation of the proposed development, including proposed setbacks, pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocation of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's Comprehensive Plan and may be granted subject to approval of a Site Plan Level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

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- b. All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre.
  - i. Up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use-; or
  - ii. Up to fifty (50) dwelling units per net acre for the purposes of the Transfer of Development Rights (TDR) program may be allocated from a sending site to a receiving site in accordance with meeting all requirements under Section 47-36.1.
- 5. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules. 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.
- 6. Effective date. The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration, or the day of city commission action.
- 7. Existing Site Plans in DRAC. Development applications received and pending review by the city or approved by the city on or before November 5, 2020, may be approved, amended, or modified through the use of provisions of the zoning regulations in effect at the time the approved application or application pending review was submitted.

\* \* \*

**SECTION 3.** That Section 47-13.30 entitled "Table of Dimensional Requirements for the SRAC Districts" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

**Sec. 47-13.30. Table of Dimensional Requirements for the SRAC Districts.**

| REQUIREMENTS                                 | SRAC-SAE & SRAC-SAW      |                         |
|----------------------------------------------|--------------------------|-------------------------|
| <b>Max. Height</b> (Note A)                  | 110 ft (10 stories) max. |                         |
| <b>Min. Lot Size</b>                         | None                     |                         |
| <b>Min. Lot Width</b>                        |                          |                         |
| <b>Max. FAR</b>                              |                          |                         |
| <b>Density</b> (Note B or Note C)            | 50 du/acre               |                         |
|                                              | <b>Primary Street</b>    | <b>Secondary Street</b> |
| <b>Front &amp; Corner Yard Build-to Line</b> | 0 ft max.                | 5 ft min. - 10 ft max.  |

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| <b>Side &amp; Rear Yard Setback</b>                       |                        |                           |
|-----------------------------------------------------------|------------------------|---------------------------|
| When abutting existing residential zone or use            | 10 ft min.             | 10 ft min.                |
| All others                                                | None                   | None                      |
| <b>(*) Shoulder Height</b>                                | 25 ft (2 stories) min. | 25 ft (2 stories) min.    |
|                                                           | 75 ft (6 stories) max. | 75 ft (6 stories) max.    |
| <b>(*) Front &amp; Corner Stepback</b> (Note C <u>D</u> ) | 12 ft min.             | 15 ft min.                |
| <b>(*) Tower Design Standards</b>                         | <b>Floorplate Max.</b> | <b>Side/Rear Stepback</b> |
| <b>Residential</b>                                        | <8,000 sf              | 20 ft min.                |
|                                                           | 8,001 sf—10,000 sf     | 25 ft min.                |
|                                                           | 10,001—12,000 sf       | 30 ft min.                |
| <b>Non-Residential</b>                                    | <16,000 sf             | 20 ft min.                |
|                                                           | 16,001 sf—20,000 sf    | 25 ft min.                |
|                                                           | 20,001—32,000 sf       | 30 ft min.                |

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                               |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>Note A:</b> | Subject to Site Plan Level II permit, with City Commission request for review, for heights greater than one hundred ten (110) feet, up to two hundred (200) feet, with adherence to the performance standards of Section 47-13.51.B.1 - Performance Standards and Criteria for Additional Height Bonus. Or;<br>Subject to Site Plan Level II permit, with City Commission approval, for heights greater than one hundred ten (110) feet, up to one hundred fifty (150) feet, with adherence to the performance standards of Section 47-13.51.B.2. - Performance Standards and Criteria for Additional Height Bonus. Proposed tower(s) cannot exceed the following standards: |                               |
|                | <b>Max. Floorplate:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Min. Tower Separation:</b> |
|                | Commercial 20,000 sf                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 25 ft side and rear stepback  |
|                | Residential 10,000 sf                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 25 ft side and rear stepback  |
| <b>Note B:</b> | Development requesting an affordable housing density incentive may exceed fifty (50) dwelling units per acre through the allocation of affordable housing units, not to exceed two hundred (200) dwelling units per acre, with approval as a Site Plan level II Development Permit in adherence with the requirements of Section 47-23.16.B.2 - Affordable Housing Density Incentives, subject to City Commission Request for Review.                                                                                                                                                                                                                                        |                               |
| <b>Note C:</b> | <u>Up to fifty (60) dwelling units per net acre for the purposes of the Transfer of Development Rights (TDR) program may be allocated from a sending site to a receiving site in accordance with meeting all requirements under Section 47-36.1.</u>                                                                                                                                                                                                                                                                                                                                                                                                                         |                               |

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|                 |                                                                                                                                                                                                                                                                                    |
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|                 | <u>An increase in density for the purposes of the TDR program may not be combined with any other available density incentive.</u>                                                                                                                                                  |
| <b>Note CD:</b> | Any portion of a structure over 7-stories (75-feet in height) shall meet the minimum step back requirements. Structures located on Andrews Avenue or at the corner of Andrews Avenue and any other Street are exempt from the step back requirements along those street frontages. |
| (*)             | May be modified if alternative design is found to achieve the underlying intent of the design standard as provided in the SRAC-SA Design Standards                                                                                                                                 |

**SECTION 4.** That Article XII entitled “Transfer of Development Rights (TDR)”, Section 47-36.1, entitled “Transfer of Development Rights (TDR)” of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (“ULDR”) is hereby amended as follows:

## **Article XII - Transfer of Development Rights (TDR)**

### **Sec. 47-36.1. Transfer of development rights (TDR).**

#### **A. Intent.**

1. It is the intent of this section to further a public purpose of preserving and protecting locally designated historic landmarks, landmark sites, archeological sites and contributing properties in historic districts by creating a process that permits the sale and transfer of unused development to a receiving site.
2. Designated receiving areas identified in this section are suitable and preferred for growth and redevelopment.
3. Transfer of development rights are a voluntary option and not a requirement.
4. The transfer of development rights program is not intended to guarantee a use or a development permit for a development project after a transfer of development rights is completed, but rather it is intended to supplement the requirements of the Unified Land Development Regulations.

- B. Definitions.** The following words when used in this section shall have the following meanings below. Words not defined herein shall be interpreted in accordance with Section 47-24.11 of the Unified Land Development Regulations (“ULDR”), or in the Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended, or shall be interpreted by their common and ordinary meaning:

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1. *Architectural resource survey.* ~~The~~ A written document summarizing the systematic process of identifying and recording buildings, structures, objects, districts, and sites located in the City of Fort Lauderdale that includes a description of the architectural style, architectural integrity, and character of the buildings, sites, and structures. Surveys are on file with the ~~Department of Sustainable Development Services~~ Department ("DSD").
2. *Certificate of eligibility.* A document issued by the ~~department of sustainable development ("DSD")~~ to the eligible historic landmark, landmark site, archaeological site, or contributing property located within a historic district (proposed sending site), stipulating the amount of area and/or density available for transfer.
3. *Certificate of transfer.* A document issued by the DSD that authorizes the transfer of specified unused development rights from a locally designated historic landmark, landmark site, archaeological site, or contributing property within a historic district (sending site) to a receiving site. The certificate of transfer formally designates a sending site and a receiving site.
4. *Development rights.* Unused floor area or unused residential dwelling units density of a locally designated historic landmark, landmark site, archaeological site, or contributing property within a historic district that are calculated in accordance with Section 47-36.1, ~~this section~~.
5. *Eligible historic resource.* A property that meets the criteria in Section 47-36.1.C.5. ~~of the ULDR~~ that may be eligible to transfer development rights subject to the requirements in Section 47-36.1, ~~this section~~.
6. *Existing conditions report.* A report prepared by a registered architect or engineer that describes the current general condition of a locally designated historic landmark, landmark site, archaeological site, or contributing property in a historic district that is applying for a certificate of transfer including but not limited to photographs, an architectural description,; a summary of general observations,; and a description of the condition for each architectural, structural, and mechanical element, and dated no later than thirty-one-hundred and eighty (30180) days prior to the submission of a certificate
7. *Gross floor area ("floor area").* Refer to the definition in Section 47-2.C ~~of the ULDR~~.
8. *Maintenance plan.* A written document prepared by a registered architect or engineer and submitted by or on behalf of all of the owners of a historic landmark, historic site, archaeological site, or "contributing property" located in a historic district for the transfer

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of development rights program, that identifies any existing deficiencies in the building along with a remediation plan for the short term, and which further identifies a plan for the cyclical maintenance of the building for the long term, and dated no later than thirty one-hundred and eighty (30180) days prior to the submission of any application under this article.

9. *Receiving areas.* City approved areas identified in Section 47-36~~Article XII of the ULDR~~ that are authorized-eligible to receive development rights subject to the requirements in this section.

10. *Receiving sites.* A lot(s) of land as defined in Section 47-365.1~~of the ULDR~~, located within a receiving area which have received development rights from a sending site through the purchase and transfer of development rights in accordance with this section.

11. *Residential Dwelling Units.* means any residential attached or detached dwelling unit constructed or to be constructed for habitable living purpose. This includes, but is not limited to, single family residential, multi-family residential, apartment, condominium, and townhome units.

4412. *Sending areas.* City approved areas identified in Section 47-36~~Article XII of the ULDR~~ that are authorized to send development rights subject to the requirements in this section.

4213. *Sending sites.* A building or lot(s) of land as defined in Section 47-365.1~~of the ULDR~~, located within a sending area where its unused development rights have been transferred and sold in accordance with this section.

4314. *Transfer of development rights ("TDR").* The sale and transfer of unused development rights by the owner(s) of a sending site to the owner(s) of a receiving site whereby the development rights of the sending site are extinguished and may be used or held by the receiving site.

C. *Designated sending area(s).* The following properties are hereby designated as sending areas:

1. Lots or buildings designated as historic landmarks by the city.
2. Lots designated as historic landmark sites by the city.

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3. Lots designated as archaeological sites by the city.
4. Lots or buildings located within a designated historic district identified as "contributing properties" in accordance with the city's most recent applicable architectural resource survey adopted by Resolution of the historic preservation board or identified as "contributing properties" in a designated historic district by resolution of the city commission.
5. Qualified as an eligible historic resource after having met one (1) of the following criteria:
  - a. Identified as a potential individual historic landmark, landmark site, or archaeological site in the city's most recent applicable architectural resource survey adopted by a resolution of the historic preservation board; or
  - b. The building(s) or site is located within a potential historic district and the property has been identified as "contributing" in the city's most recent applicable architectural resource survey adopted by the historic preservation board; or
  - c. A building(s) or site that has been identified by the State Historic Preservation Officer as "eligible" for listing in the National Register of Historic Places in accordance with Section 267.031, Florida Statutes, as amended; or
  - d. A building(s) or site that is already listed in the National Register of Historic Places.

D. *Designated receiving area(s).*

1. The lots of land located in any of the following zoning districts are hereby designated as receiving areas for the purposes stated herein, only if they meet all the requirements in this section and are consistent with all provisions, including those related to TDRs, of the Broward County Land Use Plan.
  - a. For the purpose of a transfer of density (dwelling units), the following zoning districts are receiving areas:
    - i. RAC-CC
    - ii. RAC-UV
    - iii. RAC-RPO

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iv. RAC-EMU

v. SRAC-SA(e)

iv. SRAC-SA(w)

vi. NWRAC-MUe

vii. NWRAC-MUw

viii. NWRAC-MUne

ix. UUV-NE

x. UUV-NW

ix. UUV-SE

xi. CB

xii. B-1

xiii. B-2

i. ~~Uptown Urban Village (UUV-NE, UUV-NW, and UUV-SE) -- A receiving site may receive additional dwelling units from a sending site(s) in accordance with this section. The density of a Receiving Site located within the Uptown Urban Village ((UUV-NE, UUV-NW, and UUV-SE) receiving areas may not exceed sixty (60) dwelling units per acre, with the use of TDRs.~~

ii. ~~Any lot of land located in a unified flex zone -- A maximum of ten (10) dwelling units per acre may be transferred to a receiving site located in the unified flex zone.~~

b. For the purpose of a transfer of ~~non-residential~~ floor area to increase height, the following zoning districts are receiving areas:

i. RAC-UV

ii. RAC-RPO

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- iii. SRAC-SA(e)
- iv. SRAC-SA(w)
- v. ~~NWRAC-MU~~ue~~~~
- vi. ~~NWRAC-MU~~uw~~~~
- vii. NWRAC-MU~~ne~~
- vii. UUV-NE
- viii. UUV-NW
- ix. UUV-SE
- x. CB
- xi. B-1
- xii. B-2
- xiii. B-3

c. For the purpose of a transfer of floor area to increase tower floor plate size, the following zoning districts are receiving areas:

- i. RAC-CC
- ii. RAC-UV
- iii. SRAC-SA(e)
- iv. SRAC-SA(w)
- iv. NWRAC-MU~~e~~
- v. NWRAC-MU~~w~~
- vi. NWRAC-MU~~ne~~

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E. *Regulations for receiving areas and developments using TDRs.*

1. Except as provided in Section 47-36.1 ~~of the ULDR~~, the lot(s) of land in receiving areas must comply with the applicable zoning district requirements of the ULDR. Section 47-36.1 shall prevail in the event of conflict with any other provision of the ULDR.
2. A receiving area may not be located on the barrier island. In Section 47-36.1 ~~Article XII of the ULDR~~, the "barrier island" means any property located east of the intracoastal waterway within the boundaries of the City of Fort Lauderdale.
3. A receiving area may not be located within an adopted adaptation action area (AAA) identified in the city's community investment plan, as amended.
4. All receiving areas must comply with any applicable height requirements of the Federal Aviation Administration (FAA).
5. Properties that do not comply with the provisions in Sections 47-36.1.D and 47-36.1.E ~~of the ULDR~~, are not located within a receiving area and are not authorized to receive development rights.
6. Prior to allocations of TDRs, properties within a designated receiving areas must demonstrate compliance with the Broward County Land Use Plan, as amended, including all provisions related to Transfer of Development Rights within the Broward County Land Use Plan.
7. All proposed developments utilizing TDRs must comply with all requirements for development permits in accordance with Section 47-24, along with all other ULDR development provisions, including not exceeding the maximum density and intensity limits provided within the underlying zoning category of the underlying property within the receiving area.

F. *Certificate of eligibility.*

1. *Application for certificate of eligibility.* An application for a certificate of eligibility must be submitted for a proposed sending site to the DSD, prior to the submission of an application for a certificate of transfer for the same property. The application must include the following information and the applicant must pay all the required fees at the applicant's own expense:

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- a. Name, address, telephone number of applicant or authorized representative for applicant; and
- b. If the applicant is not the owner, a notarized letter from all the owners of the proposed sending site authorizing the applicant to apply for a certificate of eligibility on all of the owners' behalf; and
- c. Proof of ownership (deed) of the property proposed as a sending site; and
- d. Legal description of the property proposed as a sending site from Broward County Official Records; and
- e. Existing land use designation of the property proposed as a sending site; and
- f. Existing zoning of the property proposed as a sending site; and
- g. Calculations of the development rights of the proposed sending site; and
- h. Floor plans of the proposed sending site signed and sealed by an architect or engineer licensed to practice in the State of Florida, if applying to transfer non-designated floor area; and
- i. A current signed and sealed property survey of the property proposed as a sending site (dated no later than six (6) months prior to the date of submission of the certificate of eligibility application), ~~which is signed and sealed by a licensed professional surveyor, authorized to engage in the practice of surveying and mapping in the State of Florida in accordance with Chapter 472, Florida Statutes, as amended;~~ and
- j. Resolution designating the property (proposed as a sending site) as either a historic landmark, landmark site, or archaeological site, if applicable; and
- k. A copy of a resolution passed by the city commission or historic preservation board adopting the most recent applicable architectural resource survey that identifies the proposed sending site as a "contributing property" located within a historic district, if applicable; ~~and~~
- ~~l. A narrative must be provided by the applicant explaining how the criteria in Section 47-36.1.F.3. of the ULDR are met.~~

2. Calculation of available development rights from sending site.

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- a. *Development rights.* Unused development rights that may be transferred to a receiving site must be calculated as follows:
- i. *Floor area.* Existing gross floor area of the sending site will be subtracted from the calculation of permitted gross floor area of the sending site per the ULDR incorporating setbacks, stepbacks, FAR, and all other requirements. The applicant shall submit calculations for the development rights along with signed and sealed floor plans to the DSD.
  - ii. *Density.* Unused ~~density~~ residential dwelling units on a sending site may be transferred to a receiving site rounding down to the nearest whole number. Total available ~~density~~ residential dwelling units is based upon the gross net acreage of the entire site.
    - a) Available ~~density~~ residential dwelling units will be the calculation of the maximum residential dwelling units permitted on the sending site subtracted by the number of existing or already built residential dwelling units on the sending site.
    - b) For zoning districts that have a density which is calculated using a pool of units the maximum density shall be calculated using a maximum FAR of three (3) multiplied by the net acreage of the parcel, then divided by an average unit size of (725) square feet which will provide the total density. The total density will be subtracted by the total number of existing residential dwelling units to identify the number of residential dwelling units available for transfer.
    - c) A twenty-five (25) percent bonus will be provided as part of the calculation of the number of residential dwelling units available for transfer to be taken from the flexibility pool of units or redevelopment units and is based on availability at the time of Certificate of Transfer.
    - b) ~~The conversion of existing hotel units to residential units for the purposes of the density TDR calculation shall be the difference between the number of permitted residential units divided by the number of permitted hotel units as specified in the ULDR per each zoning district for the sending site. This number will be multiplied by the difference between the number of permitted hotel units and the number of existing hotel units.~~

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2. ~~For zoning districts in the Central Beach Regional Activity Center that do not have maximum density, the maximum density shall be capped at forty-eight (48) residential units per acre and ninety (90) hotel units per acre.~~

~~bd)~~ *Partially designated properties.* If a sending site has been partially designated as a landmark, landmark site, or archaeological site, only the designated portion of the property may be included in the calculation of floor area or density that may be transferred to a receiving site. If only a building or structure is designated as a historic landmark and not any portion of the site, it is not eligible for TDRs.

3. *Criteria for certificate of eligibility.* An application for certificate of eligibility must meet the following criteria:

- a. The applicant must provide a complete application with all required documentation as outlined in Section 47-36.1.F. ~~of the ULDR~~; and
- b. The proposed sending site must be located within a sending area in accordance with Section 47-36.1.C. ~~of the ULDR~~; and
- c. The development rights of the proposed sending site must be correctly calculated and meet the requirements of the most recently adopted ULDR and Comprehensive Plan.
- d. The Proposed Sending Site must not be restricted by any covenant, easement, or deed restriction that prohibits the development or use of any unused residential dwelling units or unused floor area at the Sending Site.
- ~~de.~~ A sending site applying for a certificate of eligibility as an eligible historic resource may be issued a certificate of eligibility and will be subject to the following conditions:
  - i. Prior to applying for a certificate of transfer, the eligible historic resource must be designated as a landmark, landmark site, or archaeological site in accordance with Section 47-24.11.C. ~~of the ULDR~~; or
  - ii. If the eligible historic resource is located within a potential historic district, the district must be designated by the city commission prior to the submission of an application for a certificate of transfer and the eligible historic resource must be identified as a "contributing property" in the most recent applicable

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architectural resource survey adopted by the city commission or the historic preservation board that identifies the proposed sending site as a "contributing property" located within a historic district.

4. *Application review process.*

- a. Determination of application completeness. The DSD shall determine within thirty (30) days of the application submittal whether the application is complete and shall notify the applicant of any missing documentation or additional information requested by the DSD in writing.
- b. If an applicant fails to provide additional information as requested in writing by the DSD within thirty (30) days of the request, the application shall be deemed withdrawn.
- c. The DSD shall review the application and determine whether the application meets the criteria as provided in Section 47-36.1.F.
- d. If the DSD determines that the application meets the criteria for a certificate of eligibility as provided in Section 47-36.1.F., the DSD shall approve the application and the ~~historic preservation planner~~ DSD shall issue a certificate of eligibility.
- e. If the DSD determines that the application does not meet the criteria as provided in this Section 47-36.1.F., the DSD shall deny the application and the ~~historic preservation planner~~ DSD shall issue a letter of denial to the applicant.

5. A certificate of eligibility will expire ~~twenty-four~~ eighteen (18) months) after issuance and may not be relied upon for determining development rights. An expired certificate of eligibility may not be included in an application for a certificate of transfer.

- a. The Applicant may apply for a Renewal of a Certificate of Eligibility for the Sending Site at least thirty (30) days prior to its expiration by filing an Application for a Renewal of the Certificate of Eligibility at the DSD.
- b. A renewal will be issued by the DSD unless the property no longer meets the criteria found within Section 47-36.4., the property is altered with a modification in gross floor area, if residential units have been removed or added, or if there has been a change in the zoning district of the property. If the property has been altered with a modification in gross floor area, if residential units have been removed or added, or if the zoning district has been changed, a new Certificate of

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Eligibility will be required. A Renewal Certificate of Eligibility will expire twenty-four (24) months after issuance.

6. Appeal of an application for a certificate of eligibility. If an application for a certificate of eligibility is denied, the applicant may file an appeal in accordance with Section 47-26B.~~the following procedure:~~
- a.~~— The applicant must file an appeal no later than thirty (30) days after the date of the letter of denial.~~
  - b.~~— The applicant must include all of the following documents in its appeal:~~
    - i.~~— A letter addressed to the city clerk and to the director of the DSD requesting an appeal. The letter must include the case number, applicant's name, address, and phone number, property owner(s)'s name, address, and phone number, date of denial, and must specify the grounds for the appeal; and~~
    - ii.~~— If the applicant is not the owner, a notarized letter from all of the owners of each property authorizing the applicant to appeal the application for a certificate of eligibility on all of the owners' behalf; and~~
    - iii.~~— All documents and papers submitted to the city prior to the denial of the application, letter of denial, and the application. The applicant must provide these documents at their own expense.~~
  - c.~~— Other than the documents required in Section 47-36.1.F.6.b. of the ULDR, any other documents submitted by the applicant after the DSD issued its denial, will not be made a part of the record on appeal.~~
  - d.~~— Upon receipt of an appeal, the director of the DSD or his or her designee shall compile the record consisting of the documents and papers submitted by the applicant, the application, and schedule the appeal for a planning and zoning board meeting within sixty (60) days.~~
  - e.~~— The director of the DSD or his or her designee shall transmit the record to the planning and zoning board.~~
  - f.~~— The planning and zoning board will determine whether there was a departure from the essential requirements of law in the decision made regarding the application; or whether competent substantial evidence does not exist to support the decision.~~

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- g. ~~If the planning and zoning board determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision, then the decision will be upheld. If the planning and zoning board finds that there was a departure from the essential requirements of the law or that competent substantial evidence does not exist to support the decision, then the planning and zoning board will reject the decision of the DSD denying the application and approve the application.~~
- h. ~~An appeal from the decision of the planning and zoning board must be made to the applicable state court in accordance with Florida law within thirty (30) days after the rendition of the planning and zoning board's decision.~~

G. *Development rights available for transfer to receiving sites.*

1. *Floor area.* Receiving sites located within a receiving area identified in Section 47-36.1.D. may incorporate additional floor area by increasing the height in accordance with Table 1 below or by increasing the tower floor plate size up to fifteen (15) percent. Floor area equal to the square footage of the floor plate for each additional story or level incorporated above the permitted height must be transferred from the sending site to the receiving site:

**TABLE 1: RECEIVING AREAS THAT MAY RECEIVE ADDITIONAL SQUARE FOOTAGE OF NON-RESIDENTIAL FLOOR AREA TO INCREASE HEIGHT**

|                                                | RAC-UV<br>RAC-RPO     | SRAC-<br>SAe;<br>SRAC-SAw | NWRAC-<br>Mue | NWRAC-<br>Muw | UUV-NE<br>UUV-NW<br>UUV-SE | CB; B-1; B-<br>2; B-3 |
|------------------------------------------------|-----------------------|---------------------------|---------------|---------------|----------------------------|-----------------------|
| Additional Height Allowable with TDR           | 3 Stories<br>(Note A) | 25 feet                   | 25 feet       | 12 feet       | 45 feet                    | 12 feet               |
| Note A: Three (3) stories is equal to 35 feet. |                       |                           |               |               |                            |                       |

2. *Maximum height.* Unless permitted by Section 47-36.1 ~~of the ULDR~~, the receiving site may not utilize TDRs to exceed the maximum allowable height in Sections 47-6.20, 47-13.21, 47-13.30, 47-13.31, 47-37B.5, ~~of the ULDR.~~

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- a. Downtown RAC and uptown urban village. No structure may exceed a height limitation two and one-half times the height of the maximum height of the neighboring zoning district for a distance equal to mid-block of the development site or for a depth of two hundred (200) feet as measured from the zoning district boundary abutting the zoning district of the development, whichever is less.
3. Increase in tower floor plate size. An increase in floor plate size through the use of TDRs does not require a separate request for a deviation from the design standards and dimensional requirements. All other design standards and dimensional requirements included in the applicable zoning district, including tower separation, applies.
34. *Density.*
  - a. Receiving sites areas identified in Section 47-36.1.D. are authorized to receive residential dwelling units in accordance with the maximum allowable density of the underlying zoning district of the ULDR for the purpose of receiving density (dwelling units) are eligible to receive from a sending site to an additional ten (10) dwelling units per acre.
  - b. Receiving sites obtaining additional dwelling units through the TDR program must maintain a minimum unit size of four hundred (400) square feet per dwelling unit.
4. ~~Comprehensive plan. The floor area and FAR of the receiving site shall not exceed that allowed by the City of Fort Lauderdale Comprehensive Plan for the applicable land use category.~~

#### H. *Certificate of transfer.*

1. An application for a certificate of transfer shall be made to the DSD and must include all the following information and the applicants must pay for any fees required at their own expense. One (1) application must be completed and executed by at least two (2) applicants. At least one (1) applicant must represent the owner(s) of the sending site and at least one (1) applicant must represent the owner(s) of the receiving site. If the same entity or person(s) owns the proposed sending site and receiving site, then that entity or person(s) may be represented by one (1) applicant.
2. ~~The certificate of transfer shall serve as a document formally designating a sending site and a receiving site.~~

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~~3. The application for a certificate of transfer must include all the following information and the applicants must pay for any fees required at their own expense:~~

a. Sending site information required:

- i. Name, address, telephone number of applicant and authorized representative(s) for applicant, if applicable; and
- ii. If the applicant is not the owner, a notarized letter from all of the owners of the property proposed as a sending site authorizing the applicant to apply for a certificate of transfer on all of the owners' behalf; and
- iii. Proof of ownership (deed) of the property proposed as a sending site; and
- iv. Certificate of eligibility issued by the city ~~that is dated no later than eighteen (18) months prior to the date of submission of the application for a certificate of transfer~~ DSD; and
- v. If the certificate of eligibility was issued to an eligible historic resource, the applicant must also provide a copy of a city resolution designating the eligible historic resource ~~as a historic landmark, landmark site, building, or archaeological site, or the eligible historic resource must be located in a designated historic district and identified as a "contributing property" by a city resolution~~ in accordance with Section 47-36.1.C.5; and
- vi. Existing conditions report; and
- vii. Maintenance plan; and
- viii. Opinion of title and title report for the property proposed as a sending site; and
- ix. A restrictive covenant in a form prepared by the City Attorney or his or her designee, signed by all the owners of the proposed sending site which includes all the restrictions required in Section 47-36.1 .H. ~~of the ULDR~~; and
- ~~x. Affidavit signed by all owners of the property proposed as a sending site stating that the property does not have any residual development rights that jeopardize the preservation and protection of the historic or archaeological features of the property. The affidavit must be notarized; and~~

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- b. Receiving site information required:
- i. Name, address, telephone number of applicant or authorized representative for applicant; and
  - ii. If the applicant is not the owner, a notarized letter from all of the owners of the property proposed as a receiving site authorizing the applicant to apply for a certificate of transfer on all of the owners' behalf; and
  - iii. Proof of ownership (deed) of the property proposed as a receiving site; and
  - iv. A current signed and sealed property survey of the property proposed as a receiving site (dated no later than six (6) months from the date of submission of the application for a certificate of transfer), ~~which is signed and sealed by a licensed professional surveyor, authorized to engage in the practice of surveying and mapping in the State of Florida in accordance with Chapter 472, Florida Statutes, as amended;~~ and
  - ~~v. Provide a unity of title recorded in the public records of Broward County for the property proposed as a receiving site, if the property is located on multiple lots; and~~
  - vi. Existing land use designation and zoning district of the property proposed as a receiving site; and
  - vii. Existing zoning of the property proposed as a receiving site; and
  - viii. Opinion of title and title report for the property proposed as a receiving site; and
- c. Additional items to be included in application submittal:
- i. Draft of a certificate of transfer; and
  - ~~ii. Sales contract. Submission of a copy of the unexecuted sales contract for the TDR between all of the buyer(s) and seller(s) of the TDR. The sales contract is not effective until the date that a certificate of transfer has been approved by the city; and~~
  - iii. Letter of intent outlining intended use of TDRs at proposed receiving site; and

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~~iv. A narrative explaining how the criteria in Section 47-36.1.H. of the ULDR are met.~~

I. The application for a certificate of transfer must meet all of the following criteria for approval:

1. The applicant must provide a complete application with all required documentation as outlined in Section 47-36.1.H. ~~of the ULDR~~; and
2. Sending site criteria that must be met:
  - a. The property proposed as sending site must be located in a sending area identified Section 47-36.1.C. ~~of the ULDR~~; and
  - b. The property proposed as a sending site must not have modifications to the floor area or density after the issuance of an unexpired certificate of eligibility; and
  - ~~c. No city liens or code violations must be on the property proposed as a sending site; and~~
  - d. The property proposed as a sending site must be designated by a city resolution designating the sending site as a historic landmark, landmark site, building, or archaeological site, or the sending site must be located in a designated historic district and identified as a "contributing property" by resolution of the city commission or historic preservation board; and
  - e. The property proposed as a sending site must not have any residual development rights that jeopardize the preservation and protection of the historic or archaeological features of the property; and
  - f. The development rights of the ~~property proposed as a~~ sending site must be unused; and
  - g. The development rights of the ~~proposed~~ sending site must be correctly calculated and meet the requirements of the most recently adopted ULDR and Comprehensive Plan; and
  - h. The restrictive covenant must be in a form prepared by the City Attorney or his or her Designee. The restrictive covenant must include provisions with ~~include all of the following restrictions on the property proposed as a sending site sending site:~~

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- i. The sending site will be maintained to a standard consistent with the City of Fort Lauderdale's standards for "Forty (40) year recertification"; and
- ii. Long-term maintenance of the sending site as outlined in the maintenance plan will be binding on all existing owners and any subsequent owners; and
- iii. The development rights sold and transferred by the sending site shall remain a restriction on the development rights of the existing owners and subsequent owners of the sending site in perpetuity even if any building(s) on the sending site are demolished; and
- ih. The applicant must prove that the transfer of development rights from the sending site to the receiving site will result in the accomplishment of a public purpose of preserving and protecting historic or archaeological properties; and
- j. ~~The maintenance plan must be dated no later than ninety (90) days prior to the submission of the application for a certificate of transfer and must be prepared by a registered architect or engineer licensed in the State of Florida; and~~
- k. ~~The maintenance plan must describe the historic landmark, historic site, archeological site, or contributing property in a historic district in detail and must identify any existing deficiencies in the building and site along with a remediation plan for the short term, and also outline a plan for the cyclical maintenance of the building and site for the long term; and~~
- ji. The maintenance plan must sufficiently outline plans for continued preservation of the sending site~~historic resource~~; and
- m. ~~The existing conditions report must be dated no later than thirty (30) days prior to the submission of the application for a certificate of transfer and prepared by a registered architect or engineer licensed in the State of Florida; and~~
- kj. The existing conditions report must describe in detail the current general condition of a locally designated historic resource~~landmark, landmark site, archeological site, or contributing property located within a historic district and the existing conditions report must include an architectural description; photographs, a summary of general observations; and a description of the condition for each architectural, structural, and mechanical element.~~

3. Receiving site criteria that must be met:

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- a. The property proposed as a receiving site must be in a receiving area identified in Section 47-36.1.D. ~~of the ULDR~~ and comply with the requirements in Sections 47-36.1.D. and 47-36.1.E. ~~of the ULDR~~; and
- ~~b. No city liens or code violations must be on the property proposed as a receiving site; and~~
- eb. The property proposed as a receiving site must be compatible with adjacent existing and planned land uses; and
- ed. The property proposed as a receiving site must have public facilities and services (e.g. portable water, sanitary sewer, solid waste, transportation, etc.) that will be adequate, consistent with adopted level of service standards; and
- ed. The property proposed as a receiving site must meet the city and county storm evacuation standards; and
- fe. The property proposed as a receiving site must not negatively impact environmental and historic resources.

J. *Review process - Certificate of transfer.*

- 1. Determination of application completeness. The DSD shall determine within thirty (30) days of the application submittal whether the application is complete and shall notify the applicant of any missing documentation or additional information requested by the department in writing.
- 2. If an applicant fails to provide additional information as requested in writing by the DSD within thirty (30) days of the request, the application shall be deemed withdrawn.
- 3. An application for a certificate of transfer shall be reviewed by the development review committee ("DRC") subject to the criteria in Section 47-36.1 ~~of the ULDR~~.
- 4. The DRC shall determine whether the application meets the standards and requirements of the ULDR. After the receipt of a complete application, the DRC shall conduct a meeting to consider the application and ~~the applicant shall have an opportunity to be heard in accordance with the rules of procedure adopted by the DRC. The DRC shall forward its comments for inclusion in the DRC report. The DRC shall provide the applicant with a written report of the comments and recommendations to be~~

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~~discussed at the meeting regarding compliance with the standards and requirements of the ULDR determine whether the application does or does not meet the criteria.~~

5. If the DRC determines that the application for a certificate of transfer meets the standards and requirements of the ULDR, the application will be approved, and the certificate of transfer will be issued. The certificate of transfer will be signed by the director of the DSD or his or her designee.
6. If the DRC determines that the application for a certificate of transfer does not meet the criteria in Section 47-36.1, the application shall be denied. The director of the DSD or his or her designee will issue written notice of the denial to the applicant.

K. *Appeal of application for certificate of transfer.*

1. ~~An appeal may be filed by the applicant if the application for a certificate of transfer is denied in accordance with Section 47-26B of the ULDR, the following procedure:~~
  - a. ~~The applicant must file an appeal no later than thirty (30) days after the date of the written notice of denial.~~
  - b. ~~The applicant must include all of the following documents in the appeal:~~
    - i. ~~A letter addressed to the city clerk and to the director of the DSD requesting an appeal. The letter must include the case number, applicant's name, address, and phone number, property owner(s)'s name, address, and phone number, date of denial, and must specify the grounds for the appeal; and~~
    - ii. ~~If the applicant is not the owner, a notarized letter from all of the owners of each property authorizing the applicant to appeal the application for a certificate of transfer on all of the owners' behalf; and~~
    - iii. ~~All documents and papers submitted by the applicant to the DRC, transcripts, staff comments, letter of denial, the application, and recommendations from the city. The applicant must provide these documents at its own expense.~~
2. ~~Other than the documents required in Section 47-36.1.H and 47-36.1.I. of the ULDR, any other documents submitted by the applicant after the DRC issued its denial, will not be made a part of the record on appeal.~~
3. ~~Upon receipt of an appeal, the director of the DSD or his or her designee shall compile the record consisting of the documents, papers, transcripts, minutes, the application, and~~

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~~any documents submitted by the applicant that were considered by the DRC, and schedule the appeal for a planning and zoning board meeting within sixty (60) days.~~

~~The director of the DSD or his or her designee shall transmit the record to the planning and zoning board.~~

- ~~4. The planning and zoning board must determine whether there was a departure from the essential requirements of law in the proceedings appealed; or whether competent substantial evidence does not exist to support the decision.~~
- ~~5. If the planning and zoning board determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision, then the decision will be upheld. If the planning and zoning board finds that there was a departure from the essential requirements of the law or that competent substantial evidence does not exist to support the decision, then the planning and zoning board will reject the decision of the DRC denying the application and approve the application.~~
- ~~6. An appeal from the decision of the planning and zoning board must be made to the applicable state court in accordance with Florida law within thirty (30) days after the rendition of the planning and zoning board's decision.~~

L. *Issuance of certificate of transfer.*

1. *Issuance.* The DSD will issue a certificate of transfer for the development rights after final DRC approval of the application for a certificate of transfer.
2. *Certificate of transfer.* The certificate of transfer will officially designate a sending site and a receiving site. The certificate of transfer will also delineate the number of dwelling units (if applicable) transferred to the receiving site and the amount of square footage (if applicable) transferred to the receiving site.
3. After an application has been approved, the DSD shall notify the applicant to pick-up the documents to be recorded in the public records of Broward County.
- ~~4. The development rights listed in the certificate of transfer will prevail in the event of a conflict between the development rights listed in a fully executed sales contract and the development rights in the certificate of transfer.~~

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- M. *Recording of certificate of transfer.* The certificate of transfer must run with the land of the receiving site and must be recorded within thirty (30) days after its approval by the city, in the public records of Broward County at the expense of the owner(s) of the receiving site. A certified copy of the recorded certificate of transfer must be furnished by the ~~owner(s) of the receiving site~~ applicant to the DSD within thirty (30) days after the date that it is recorded in the public records.
- N. *Effective date of TDR.* The ~~development rights~~ TDRs are deemed transferred to the receiving site on the date that a fully executed certificate of transfer is recorded in the public records of Broward County.
- O. *Recording of restrictive covenant.* The restrictive covenant must run with the land of the sending site, binding all existing and future owners of the Sending Site. The Restrictive Covenant and must be recorded in the public records of Broward County at the owner(s) of the sending site's expense within thirty (30) days after the certificate of transfer is approved by the city. A certified copy of the recorded restrictive covenant must be furnished by the owner(s) of the sending site to the DSD within thirty (30) days after the date that it is recorded in the public records.
- ~~P. *Restrictive covenant.* The restrictions contained in the restrictive covenant shall bind all existing and future owners of the sending site.~~
- ~~QP. *Development rights TDRs sold and transferred to a sending-receiving site.*~~
1. The development rights that are ~~sold and~~ transferred by the sending site to the receiving site, shall remain on the receiving site in perpetuity unless an application for a Retransfer of TDRs is approved by the City and a TDR Extinguishment Document is filed in the public records at the applicant's expense, subject to the city's ~~unified land development regulations~~ ULDR, city's comprehensive plan, and the Broward County Land Use Plan.
  2. Once ~~development rights~~ TDRs are transferred to a receiving site by a Certificate of Transfer, the development rights are extinguished from the sending site in perpetuity.
  3. Any retransfer of TDRs is subject to a retransfer fee.
- ~~, the receiving site may not transfer its development rights to any other property, unless prior to the transfer, the owner of the receiving site applies for and obtains a certificate of eligibility and certificate of transfer for the designation of the receiving site as a sending site and the property meets the criteria as a sending site. In the event that a~~

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~~receiving site becomes a sending site and its development rights are transferred in accordance with Section 47-36.1.Q. of the ULDR, the development rights will no longer remain in perpetuity and will be considered extinguished from the receiving site.~~

Q. *Retransfer of TDRs.* Once TDRs are transferred to a Receiving Site, the Receiving Site may retransfer its TDRs that are unused to another property, if the owner of the original Receiving Site and the owner of the new Receiving Site submits an application for a new Certificate of Transfer and receives approval from the DSD in accordance with requirements for a Receiving Site in accordance with Section 47-36.1.H.

R. *Future development of sending site.* In addition to the requirements herein, future development of the sending site will be governed by the restrictive covenant, zoning regulations, city comprehensive plan, and Broward County Land Use Plan in effect at the time of the development.

S. *Development permits and certificates of transfer.*

1. ~~Applications for d~~Development permits for sending sites and receiving sites must include an opinion of title and title report of the property that is the subject of the development permit application. The opinion of title and title report must be paid for at the applicant's expense. The title report must include a copy of the recorded restrictive covenant and recorded certificate of transfer. The opinion of title and title report must not be older than six (6) months on the date that the application for a development permit is submitted.
2. All proposed developments utilizing TDRs must comply with all the requirements for development permits in accordance with Section 47-24 of the ULDR, and all other applicable provisions of the ULDR, including not exceeding the underlying density of the property zoning category.
3. Developments utilizing TDRs must be compatible with adjacent land uses and also meet applicable neighborhood compatibility requirements of Section 47-25.3, ~~be compatible with adjacent existing and planned land uses~~ and must be compliant with master plans adopted in the ULDR ~~or~~ and meet the intent of the design guidelines included in drafted master plans developed by the DSD. ~~Department of Sustainable Development.~~
4. The purchase of a TDR does not guarantee a use or a development permit. Uses and development permits are subject to all other applicable development regulations in the ULDR.

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**SECTION 5.** That Section 47-37B.5, entitled “Tables of Dimensional Requirements for Uptown Urban Village Zoning Districts” of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (“ULDR”) is hereby amended as follows:

**Sec. 47-37B.5. Table of dimensional requirements for the Uptown Urban Village Zoning Districts.**

| Requirements                                                                                                                                        | Zoning District    |                 |              |              |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------|--------------|--------------|--------------|
|                                                                                                                                                     | UUV-NE             | UUV-NW          | UUV-SE       | UUV-SW       | UUV-SC       |
| Maximum Height (ft.)*<br>(Note A)                                                                                                                   | 75 ft.             | 75 ft.          | 75 ft.       | 50 ft.       | 50 ft.       |
| Maximum Density (du/ac)                                                                                                                             | 50 du/ac**         | 50 du/ac**      | 50 du/ac**   | N/A          |              |
| Minimum Unit Size (sq. ft.)                                                                                                                         | 400 sq. ft.        | 400 sq. ft.     | 400 sq. ft.  | N/A          |              |
| Minimum Lot Size                                                                                                                                    | None               |                 |              |              |              |
| Minimum Lot Width                                                                                                                                   |                    |                 |              |              |              |
| Maximum Floor Area Ratio (FAR)                                                                                                                      | 3.0                |                 |              |              |              |
| Front and Corner Setbacks                                                                                                                           |                    |                 |              |              |              |
| Primary Street                                                                                                                                      | 10 ft. (min)       | 10 ft. (min)    | 10 ft. (min) | 10 ft. (min) | 10 ft. (min) |
|                                                                                                                                                     | 50 ft. (max)       | 50 ft. (max)    | 50 ft. (max) | 50 ft. (max) |              |
| Secondary Street                                                                                                                                    | 5 ft. (min)        | 5 ft. (min)     | 5 ft. (min)  | 5 ft. (min)  | 5 ft. (min)  |
|                                                                                                                                                     | 10 ft. (max)       | 10 ft. (max)    | 10 ft. (max) | 10 ft. (max) |              |
| Tertiary Street                                                                                                                                     | 0                  | 0               | 0            | 10 ft. (min) | 5 ft. (min)  |
| Side and Rear Setbacks                                                                                                                              | None               |                 |              |              |              |
| Maximum Building Length (Note B)                                                                                                                    | 300 ft.            | 300 ft.         | 300 ft.      | N/A          |              |
| Shoulder Height                                                                                                                                     | 75 ft. (6 stories) |                 |              | N/A          |              |
| Front and Corner Stepback (ft.)                                                                                                                     | 30 ft.             | 30 ft.          | 30 ft        | N/A          |              |
| Tower Separation (ft.)                                                                                                                              | 60 ft.             | 60 ft.          | 60 ft.       | N/A          |              |
| Maximum Floorplate - above shoulder height (sq. ft.)                                                                                                | 8,000 to 12,000    | 8,000 to 10,000 | 8,000        | N/A          |              |
| Note A: Height may be increased to 150 feet subject to Conditional Use Requirements outlined in ULDR Section 47-23.13.                              |                    |                 |              |              |              |
| Note B: Maximum building length does not apply to portions of the building that extend pass the maximum setbacks for Primary and Secondary Streets. |                    |                 |              |              |              |
| * Subject to height limitations by the Federal Aviation Administration (FAA)                                                                        |                    |                 |              |              |              |

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\*\* Up to fifty (60) dwelling units per net acre for the purposes of the Transfer of Development Rights (TDR) program may be allocated from a sending site to a receiving site in accordance with meeting all requirements under Section 47-36.1. An increase in density for the purposes of the TDR program may not be combined with any other available density incentive.

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 thirty days after final passage and adoption.

PASSED FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

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