

ORDINANCE NO. C-22-04

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13.20.D.7 ENTITLED "DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS" AND SECTION 47-24 ENTITLED "DEVELOPMENT PERMITS AND PROCEDURES" OF THE CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) TO CORRECT SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Section 47-13 – Regional Activity Center Districts of the City of Fort Lauderdale Unified Land Development Regulations ("ULDR"), specifically Section 47-13.20 – Downtown RAC review process and special regulations, and Section 487-24. – Development Permits and Procedures, specifically to correct a scrivener's error in Table 1. Development Permits and Procedures; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of November 17, 2021 (PZ Case No. UDP-T21012), 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, February 1, 2022, and Tuesday, February 15, 2022, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida;

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

SECTION 1. Article II – Zoning District Requirements, Section 47-13.20 of the ULDR is hereby amended to read as follows:

Section 47-13.20. – Downtown RAC review process and special regulations

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

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, Flexibility Rules, 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.

- b. All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre and up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use.
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, ~~and 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.

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SECTION 2. Section 47.24 – Development Permits and Procedures of the ULDR is hereby amended to read as follows:

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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CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SITE PLAN—LEVEL I DEPARTMENT	
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11.a.	Parking Reduction in Northwest-Progresso-Flagler Heights Community Redevelopment Area	DP				CRR/A		Parking and Loading Requirements, Section 47-20
<u>11.b.</u>	Parking Reduction on property with non-residential zoning located within the Central City Community Redevelopment Area	DP		A		CRR/PZ		Parking and Loading Requirements, Section 47-20
<u>11.c.</u>	Parking Reduction for developments which meet the criteria for affordable housing in Section 47-20.3.A.2.b. of the ULDR; or	DP		A		CRR/PZ		Parking and Loading Requirements, Section 47-20
<u>11.d.</u>	Parking Reduction for Locally designated historic landmark or a contributing property within a locally designated historic district that have been designated in accordance with Section 47-24.11. of the ULDR	DP		A		CRR/PZ		Parking and Loading Requirements, Section 47-20
<u>11.e.</u>	Parking reduction on property located within the Downtown Regional Activity, subject to City Commission Request for Review as provided in Section 47-26A.2	DP		A		CRR/PZ or Dept		Parking and Loading Requirements, Section 47-20

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SITE PLAN—LEVEL II DEVELOPMENT REVIEW COMMITTEE								
11. <u>12.</u>	New nonresidential construction—greater than 5,000 sq. ft.	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2
12.a. <u>13.a.</u>	When communications towers are permitted.	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2 & 47-18.11
b. <u>13.b.</u>	When communications towers are conditional	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2 & 47-18.11
13. <u>14.</u>	Nonresidential use within 100 feet of residential property	R	DP	A		CRR/PZ		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3
14. <u>15.</u>	Residential—5 units or more	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2
15. <u>16.</u>	Multifamily residential development at a higher density than the density of any abutting existing residential property or vacant residentially zoned property that is outside of the Multifamily Residential Zoning District	R	DP	A		CRR/PZ		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3
16. <u>17.</u>	Redevelopment proposals if existing and proposed improvements together meet the criteria of site plan level II review if proposed as new development and includes one (1) or more of the following:	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2

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16.a. <u>17.a.</u>	A modification which alters the site improvements by more than twenty-five percent (25%) of the area of the development site.							
16.b. <u>17.b.</u>	A new drive or relocation of an existing drive giving vehicular access from a public road to the development site.							
16.c. <u>17.c.</u>	An addition which exceeds twenty-five percent (25%) of the gross floor area of the existing structure(s) on the development site.							
16.d. <u>17.d.</u>	A change in group occupancy category as defined by the Florida Building Code, Broward County Edition which increases traffic generation by more than fifty percent (50%) of the traffic generated by the existing use based on Broward County traffic generation rates.							
17.a. <u>18.a.</u>	Allocation of affordable housing units to residential and nonresidential land use designated parcels	R	DP	A		CRR/PZ		1. Adequacy Review 47-25.2 2. Neighborhood Compatibility Review 47-25. 3. Flexibility Rules 47-28

17.b. <u>18.b.</u>	Allocation of affordable housing bonus units to residential and nonresidential land use designated parcels	R	DP	A		CRR/PZ		1. Adequacy Review 47-25.2 2. Neighborhood Compatibility Review 47-25. 3. Flexibility Rules 47-28
18. <u>19.</u>	Change in use—See Sec. 47-3.5.B.b - Site Plan Level II threshold is met.	R	DP	A		CRR/PZ or DRC		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3 3. Nonconforming Use, Section 47-3
19. <u>20.</u>	For any use in the Downtown RAC which is within 100 feet of residential property outside of the RAC, or within the RAC-TMU(EMU,SMU,WMU) except on the New River waterfront as provided in 32 <u>37</u> , or on the New River waterfront corridor within RAC-CC and RAC-AS as provided in 33 <u>38</u> , below	R	DP	A		CRR/PZ or DRC		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3 3. Nonconforming Use, Section 47-3

20. <u>21.</u>	All development within the RAC-TMU (EMU, SMU, WMU), except as otherwise provided in 20 <u>22</u> and 32 <u>37</u> , below	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
21. <u>22.</u>	All development within the RAC-TMU (EMU, SMU, WMU) that is greater in density than 25 dwelling units per net acre	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
22.a. <u>23.a.</u>	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

<u>23.b.</u>	Any Site Plan Level II development within Downtown RAC which has previously been approved by or subject of an agreement with the City Commission (See Sec. 47-13.20.M.1)	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13. 2. Adequacy Review, Sec. 47-25.2. 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable.
<u>23.c.</u>	Any Site Plan Level II development within Downtown RAC that deviates from the requirements of Section 47-13.20.B	R			DP	<u>DP</u>		Downtown Master Plan intent
<u>23.d.</u>	Allocation of flexibility units within Downtown and South RAC	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13. 2. Adequacy Review, Sec. 47-25.2 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable. 4. Flexibility Rules, Sec. 47-28; 5. 5. Uptown Urban Village Zoning Districts 47-37B

23.a. <u>24.a.</u>	Residential development 5 units or more and nonresidential development greater than 5,000 square feet within the SRAC-SA zoning districts less than or equal to one hundred and ten (110) feet in height.	R	DP	A		CRR		1. Adequacy Review 47-25.2 2. SRAC-SA Design Standards
23.b. <u>24.b.</u>	Residential development 5 units or more and nonresidential development greater than 5,000 square feet within the SRAC-SA zoning districts greater than one hundred ten (110) feet in height up to one hundred fifty (150) feet in height	R	R			DP		1. Adequacy Review 47-25.2 2. SRAC-SA Design Standards
24.a. <u>25.a.</u>	NWRAC-MUe zoning district: Residential development less than five (5) units and nonresidential development less than five thousand (5,000) square feet less than or equal to sixty five (65) feet in height	DP		A		CRR/PZ		
24.b. <u>25.b.</u>	NWRAC-MUw zoning district: Residential development less than five (5) units and nonresidential development less than five thousand (5,000) square feet less than or equal to forty-five (45) feet in height	DP		A		CRR/PZ		

24.e. <u>25.c.</u>	NWRAC-MUe zoning district: Residential development less than five (5) units and nonresidential development less than five thousand (5,000) square feet	DP		A		CRR/PZ		
24.d. <u>25.d.</u>	NWRAC-MUe zoning district: Residential development five (5) units or more and nonresidential development five thousand (5,000) square feet or more less than or equal to sixty five (65) feet in height	R	DP	A		CRR/PZ		
24.e. <u>25.e.</u>	NWRAC-MUw zoning district: Residential development five (5) units or more and nonresidential development five thousand (5,000) square feet or more less than or equal to forty-five (45) feet in height	R	DP	A		CRR/PZ		
24.f. <u>25.f.</u>	NWRAC-MUe or MWRAC-MUe when located east of NW 2 nd Avenue: Residential development five (5) units or more and nonresidential development five thousand (5,000) square feet or more	R	DP	A		CRR/PZ		
24.g. <u>25.g.</u>	NWRAC-MUe zoning district when located west of NW 2 nd Avenue greater	R	R			DP		

	than sixty five (65) feet in height							
24.h. <u>25.h.</u>	NWRAC-MUw zoning district greater than forty-five (45) feet in height	R	R			DP		
25.	Community Residences							
25.a.	Transitional Community Residence between 4 and 10 residents less than 1,000 foot separation in all Multi Family Residential Zoning Districts, or in all single family Residential Zoning Districts	R	R	DP		A		Conditional Use Permit Requirements Sec. 47-24.14
25.b.	Family Community Residence between 4 and 10 residents less than 1,000 foot separation in all Residential Zoning Districts	R	R	DP		A		Conditional Use Permit Requirements Sec. 47-24.14
25.c.	All Community Residences with more than 10 residents in all Residential Zoning Districts/Community Residence, no license or certification available, size and type requiring conditional use	R	R					Conditional Use Permit Requirements Sec. 47-24.14 by Special Magistrate Reasonable Accommodation Process Sec. 4-24.13

26.a.	All new development in Uptown Zoning Districts	R	DP	A		CRR/PZ		1. Adequacy Review Sec. 47-25.2; 2. Uptown Design Standards 47-37B
26.b.	Allocation of flex units or commercial flex in Uptown Zoning Districts	R	DP	A		CRR/PZ		1. Adequacy Review Sec. 47-25.2; 2. Uptown Design Standards 47-37B; 3. Flexibility Rules 47-28
SITE PLAN—LEVEL III								

41.	All development in Uptown Zoning Districts that seeks alternate design solutions to the Uptown Design Standards	R	R	DP		CRR/A		1. Adequacy Review 47-25.2; 2. Uptown Design Standards 47-37B
<u>42.a.</u>	<u>Transitional Community Residence between 4 and 10 residents less than 1,000 foot separation in all Multi Family Residential Zoning Districts, or in all single family Residential Zoning Districts</u>	<u>R</u>	<u>R</u>	<u>DP</u>		<u>CRR or A</u>		<u>1. Conditional Use Permit Requirements Sec. 47-24.14</u> <u>2. Community Residences Sec.47-18.47</u>
<u>42.b.</u>	<u>Family Community Residence between 4 and 10 residents less than 1,000 foot separation in all Residential Zoning Districts</u>	<u>R</u>	<u>R</u>	<u>DP</u>		<u>CRR or A</u>		<u>1. Conditional Use Permit Requirements Sec. 47-24.14</u> <u>2. Community Residences Sec. 47-18.47</u>

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42.c.	<u>All Community Residences with more than 10 residents in all Residential Zoning Districts/Community Residence, no license or certification available, size and type requiring conditional use</u>	<u>R</u>	<u>R</u>			<u>CRR or A</u>		<u>1. Conditional Use Permit Requirements Sec. 47-24.14 by Special Magistrate Reasonable Accommodation Process Sec. 4-24.13</u> <u>2. Community Residences Sec. 47-18.47</u>
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SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

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 are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 1st day of February, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ORDINANCE NO. C-22-04

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ATTEST:

City Clerk
DAVID R. SOLOMAN