



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#23-0328**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Greg Chavarria, City Manager

**DATE:** March 23, 2023

**TITLE:** Second Reading - Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) to Revise Section 47-13.20, Downtown RAC Review Process and Special Regulations, Section 47-18.21, Mixed Use Development, and Section 47-23.16., Affordable Housing Regulations. Case No. UDP-T22011 - **(Commission Districts 1, 2, 3 and 4)**

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**Recommendation**

Staff recommends the City Commission consider an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) to comply with updated affordable housing policies in the Broward County Land Use Plan.

**Background**

On September 20, 2022, the City Commission adopted a citywide affordable housing ordinance, creating incentive-based zoning regulations that support affordable and workforce housing development. Since that time, the Broward County Commission adopted amendments to the Broward County Land Use Plan (BCLUP) Policy 2.16.4. BCLUP 2.16.4 permits the construction of additional residential unit's exchange for setting aside units as affordable on property with the Commercial, Employment Center, Downtown Regional Activity Center, Northwest Regional Activity Center and South Andrews Avenue Regional Activity Center future land use designations. The proposed Unified Land Development Regulations (ULDR) amendments, incorporate the BCLUP policy language. The proposed ULDR amendments are attached as Exhibit 1.

On January 18, 2022, the Planning and Zoning Board recommend approval in a vote of 9 to 0. The January 18, 2022, Planning and Zoning Board Staff Report and Meeting Minutes are attached as Exhibit 2 and Exhibit 3, respectively.

On March 8, 2023, the City Commission voted to approve the item on first reading.

**ULRD Amendments**

Amendments provide access to residential units within Regional Activity Centers (RACs) and commercial corridors, helping to support adaptive reuse of commercial buildings,

infill projects, and development of mixed-income workforce housing. This also modifies the city's mixed-use regulations and affordable housing incentives to include updated county requirements for accessing residential units through BCLUP 2.16.4.

### **Section 47-13.20, Downtown RAC Review Process and Special Regulations**

Intent: Amend section on density within the Downtown Regional Activity Center zoning districts to comply with BCLUP Policy 2.16.4.

Description: Access to residential units within the Downtown Regional Activity Center zoning districts were limited to the number of units provided by the City's Comprehensive Plan or allocation of residential flex units, per ULDR Section 47-28, Flexibility Rules. The adoption of Section 47-23.16, Affordable Housing Regulations, on September 20, 2022, expanded access to residential units to include developments that meet the affordability requirements of Broward County Land Use Plan (BCLUP) Policy 2.16.4. The proposed amendment to Section 47-13.20 clarifies that additional density is permitted in the Downtown Regional Activity Center zoning districts in compliance with BCLUP Policy 2.16.4 and consistent with ULDR Section 47-23.16, Affordable Housing Regulations.

### **Section 47-18.21, Mixed Use Development**

Intent: Define locations where additional affordable units are permitted, address minimum commercial square footage requirements, and provide clarification on single-use multifamily development requirements.

Description: The current mixed use development regulations provide standards on minimum gross floor area of commercial uses and single use buildings. Proposed ULDR text amendments include minimum requirements for a first-floor commercial floor area and prohibit residential uses along first floor frontages when facing a qualified road (State Road or County Arterial). The promotion of offices, shops, restaurants, and services nearby residential uses provide opportunities for reduced travel time and increased opportunities for walking or cycling to nearby services. Reducing the distance between homes, shops, and offices, also increases opportunities for the City to receive public transit project financing.

Lastly, the language clarifies that single-use multifamily residential buildings are permitted as part of a mixed-use development project as long as commercial uses are located on the development site, with the exclusion of placing single-use multifamily residential buildings along the frontage of state roads and county arterials.

### **Section 47-23.16., Affordable Housing Regulations**

Intent: Modify average affordable housing unit size, require incorporation of office and commercial uses when facing a qualified road, establish annual update of payment in-lieu-of fees and clarify contribution of in-lieu-of fees when county affordable housing requirements must be satisfied.

Description: The existing language states affordable housing units can be no less than ten percent (10%) smaller than the average square footage of all market rate units within a development. This requirement did not take into consideration that the average size of

all market rate units would produce larger than anticipated affordable housing units and should have based minimum unit size requirements on unit type. The new language requires affordable housing units to be no less than ten percent (10%) of the average square footage of the corresponding market rate unit type. The updated language ensures affordable housing unit square footage requirements are based on unit type, rather than the total average market rate unit square footage.

The language further establishes that properties along state roads and country arterials are required to provide commercial or office uses for at least fifty percent (50%) of first floor's frontage, that can be vertically and horizontally integrated. The inclusion of floor area percentage requirements ensures active, mixed-use commercial corridors, while providing flexibility for market demand.

Lastly, Broward County has updated the payment in-lieu of fee. The prior fee was based on a calculation that used the Florida Housing Finance Corporations average cost of development for residential units, fluctuating annually based on changes in cost of construction. Fees were approximately \$43,000 per unit in 2022, a price perceived as prohibitive from the development community. To quell concerns the county removed their previous methodology for calculating in lieu payments, opting for an updated fee of \$10,000 per unit to be applied to every unit within a development project, both affordable and market rate. The fee increases 3% percent annually to account for inflation and increases in cost of construction.

Payment in-lieu of funds will be deposited evenly between the Affordable Housing Trust Fund of the City of Fort Lauderdale and Broward County, to be paid at the time of permit issuance and will be used to support affordable housing development.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *2022 Top Commission Priority*, advancing the Homelessness and Housing Opportunities initiative.

This item supports the *Press Play Fort Lauderdale Strategic Plan 2024*, specifically advancing:

- Neighborhood Enhancement Focus Area.
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Objective: Ensure a range of affordable housing options.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

### *Future Land Use Element*

- Goal 2: Sustainable Development: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.
  1. Objective FLU 2.5: Equitable Neighborhoods: The City shall continue to support environmental justice and social equity as an approach for meeting the needs of underserved and vulnerable Fort Lauderdale neighbors through policies and programs that reduce disparities while fostering healthy and vibrant neighborhoods.
    - Policy FLU 2.5.2a: The City shall consider potential outcomes of redevelopment including the needs of underserved populations and under-resourced markets including housing affordability, displacement, capacity building of impacted populations, preserving cultural assets, and potential for expanding minority business ownership.

#### *Housing Element*

- Goal 1: The Comprehensive Plan shall support the provision of adequate sites for future housing, including affordable workforce housing, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.
  1. Objective HS 1.1: Aspirational Goals  
 The City shall aspire to meet the increasing need for affordable housing for existing and future Fort Lauderdale residents.
    - Policy HS 1.1.1c: The City shall, as part of its setting of affordable and attainable housing goals, include considerations and evaluations of workforce housing needs and goals.
    - POLICY HS 1.1.3: The City of Fort Lauderdale shall strive to achieve a reduction of housing and transportation costs such that, by 2035, the Housing and Transportation Index represents 45% of household income.
  2. Objective HS 1.3: Incentivize Construction and Development of Affordable Housing.
    - Policy 1.3.2: The City shall expedite the processing of building permits for affordable, attainable and workforce housing units.
    - Policy HS 1.3.4: Continue to allow reduced parking requirements for affordable housing.
    - Policy HS 1.3.5: Continue to review the ULDR for amendments to incentivize creation of affordable housing.

#### **Attachments**

Exhibit 1 – Proposed ULDR Text Amendments

Exhibit 2 – January 18, 2023, Planning and Zoning Board Staff Report

Exhibit 3 – January 18, 2023, Planning and Zoning Board Meeting Minutes

Exhibit 4 – Ordinance

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