

REQUEST: Amendment to the City’s Unified Land Development Regulations (ULDR); Proposed revision to Section 47-13.20. Downtown RAC Review Process and Special Regulations, Section 47-24. Table 1. Development Permits and Procedures, and Section 47-28. Flexibility Rules.

Case Number	1T13
Applicant	City of Fort Lauderdale
General Location	Downtown Regional Activity Center south of Sunrise Boulevard, north of the Tarpon River, between SE 9th Avenue and NW 7th Avenue
Property Size	749.7 gross acres
Applicable ULDR Sections	Article II Section 47-13.20. Downtown RAC Review Process and Special Regulations; Article IV Section 47-24. Table 1. Development Permits and Procedures; Article VIII Section 47-28. Flexibility Rules
Notification Requirements	Newspaper ad 10 days prior to meeting
Action Required	Recommend approval or denial of the proposal to the City Commission
Project Planner	Todd Okolichany, AICP, Principal Planner

PROJECT DESCRIPTION / BACKGROUND:

The Downtown Regional Activity Center (RAC) is a land use category intended to encourage development and redevelopment in the City’s Downtown urban center, which is an area of regional significance. The City’s Downtown Master Plan (updated in 2007) envisions the Downtown RAC as a truly livable urban center with diverse, healthy residential neighborhoods and an urban fabric consisting of a walkable pattern of streets, public spaces and buildings. The Downtown Master Plan also envisions an expansion of mass transit as a critical component.

As per the City of Fort Lauderdale 2008 Comprehensive Plan, the Downtown RAC has a maximum allowable density of 11,060 dwelling units. As the economy continues to improve, the City of Fort Lauderdale has experienced an influx of new residential and mixed-use development projects in the Downtown RAC. These projects have nearly exhausted the supply of dwelling units in the downtown, leaving only about 391 market rate units remaining for allocation for new developments.

Residential development projects in the Downtown RAC must adhere to both the City’s Comprehensive Plan and the 1989 Broward County Land Use Plan (BCLUP), including the County’s “flexibility rules”. BCLUP flexibility rules allow municipalities the ability to adjust a predetermined amount of residential units or land use acreage within designated flexibility zones (or “flex zones”). The City of Fort Lauderdale is divided into 18 flex zones. Each zone contains a total number of residential flexibility units that can be built within that flex zone. As shown on **Exhibit 1**, the Downtown RAC is located in Flex Zones 49 and 54, which contains about 3,500 remaining flexibility units (1,073 remaining units in Flex Zone 49 and 2,396 remaining units in Flex Zone 54). As can be seen, the boundaries of Flex Zones 49 and 54 extend beyond and include the Downtown RAC; however, at this time, there is no process in place for the allocation of flexibility units in the Downtown RAC. Instead, allocations of flexibility units may only occur outside of the Downtown RAC.

STAFF FINDINGS:

The proposed amendment is part of a larger project that aims to increase the supply of dwelling units in the Downtown RAC in order to help the downtown reach its desired residential density. In this phase of the project, the amendment proposes a process that will release the remaining +/- 3,500 units that are available in Flex Zones 49 and 54 for use in the Downtown RAC, as well as continued use outside of the Downtown RAC. Flexibility units that are allocated within the Downtown RAC will continue to be distributed within their respective flex zone boundaries (Flex Zone 49 and 54). See **Exhibits 2, 3 and 4** for the proposed ULDR text changes.

The proposed ULDR amendment will ensure that dwelling units remain available for new residential development projects in the Downtown RAC so that it can continue to evolve as a vibrant live, work and

play environment with street level activity that will support local businesses and future transit initiatives, such as the Wave Streetcar. By allowing the use of flexibility units in the Downtown RAC, the proposed amendment will help guide future residential growth to the Downtown, while preserving surrounding residential neighborhoods. The proposed amendment will also ensure that when flexibility units are used in the Downtown RAC that they must adhere to the design guidelines set forth in the Downtown Master Plan.

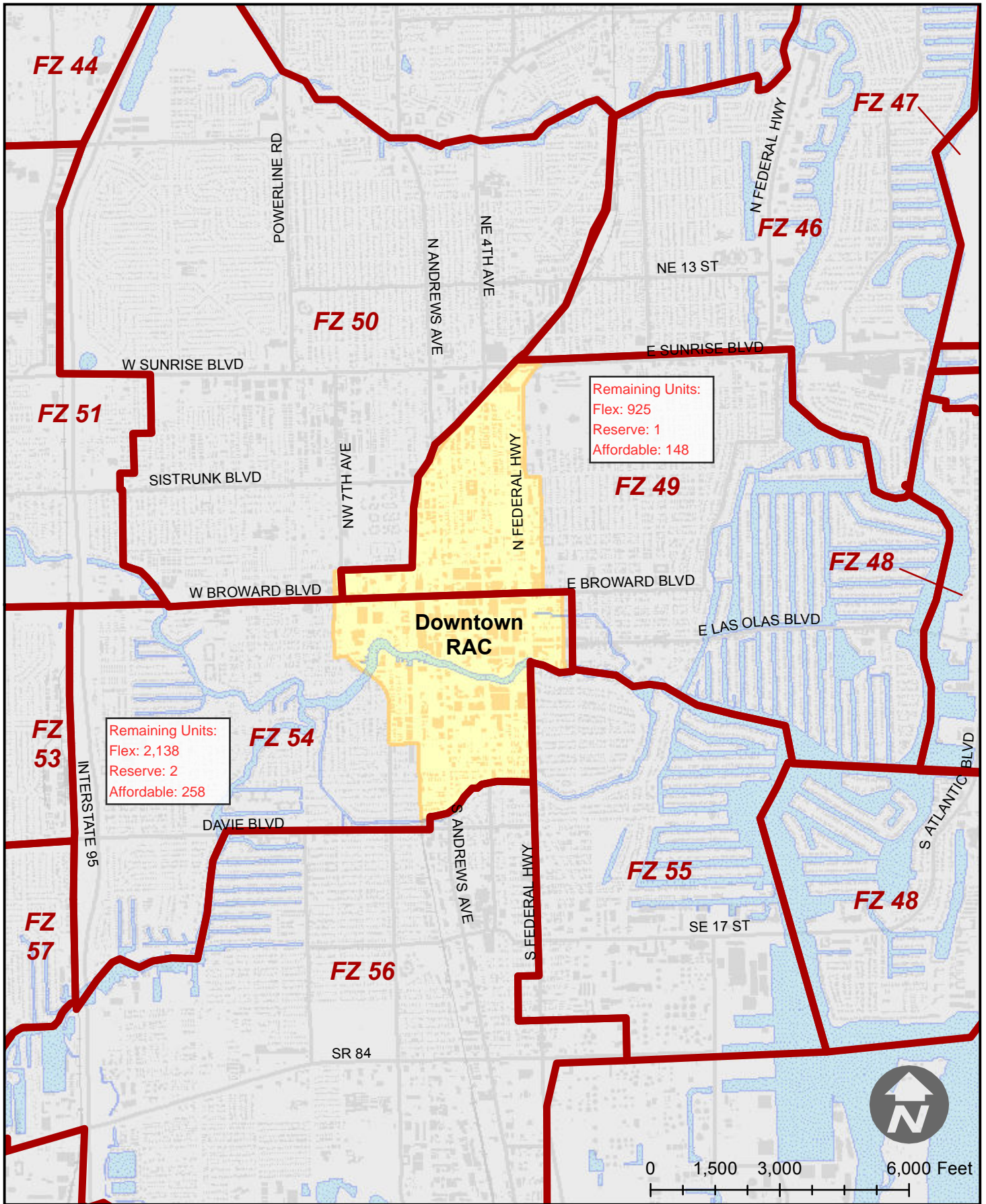
In the second phase of the City's efforts to increase the supply of dwelling units in the Downtown RAC, the City of Fort Lauderdale Department of Sustainable Development will propose an amendment to the City's and County's Land Use Plan (or "Comprehensive Plan") which would add 5,000 dwelling units to the Downtown RAC. Together, the proposed ULDR and Land Use Plan Amendments would increase the supply of dwelling units in the Downtown RAC by roughly 8,500 units. The proposed Land Use Plan Amendment will be presented to the Planning and Zoning Board at a later date and as part of a separate application.

COMPREHENSIVE PLAN and DOWNTOWN MASTER PLAN CONSISTENCY:

The proposed amendment is consistent with the City's Comprehensive Plan and Downtown Master Plan in that Downtown Fort Lauderdale is the urban center of the City and was designated as a RAC in order to encourage more intense development, attract residential uses to the downtown area, and discourage urban sprawl. By allowing an increase in the number of residential flexibility units in the Downtown RAC, this area will continue to thrive as a vibrant, active urban center with a walkable pattern of streets and a sufficient population to support mass transit.

PLANNING and ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, acting as the Local Planning Agency (LPA), shall determine whether the proposed amendment is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendment to the City Commission.



Downtown Area Flex Zones



Chapter 47 UNIFIED LAND DEVELOPMENT REGULATIONS (RESERVED)*

*Note--This Chapter of the City of Fort Lauderdale Code is the Unified Land Development Regulations ("ULDR") adopted by the City of Fort Lauderdale and in effect on June 28, 1997. The ULDR is currently published as a separate volume.

ARTICLE II. ZONING DISTRICT REQUIREMENTS

Section 47-13. Downtown Regional Activity Center Districts
Sec. 47-13.20. Downtown RAC review process and special regulations.

SECTION 47-13. DOWNTOWN REGIONAL ACTIVITY CENTER DISTRICTS

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, Secs. 47-13.10 to 47-13.14.
- B. *General design and density standards.* Development in any RAC district is subject to the following standards:
1. *First floor exterior walls parallel to public rights-of-way.* First floor exterior walls parallel to any public rights-of-way within RAC districts shall not be permitted to extend for more than twenty (20) feet, unless such walls contain windows, doors, recesses of four (4) feet or more, or other transparent or decorative elements.
 2. *Roof lines.* Roof lines within the RAC-CC and RAC-AS districts shall be designed with sloping roofs or stepped roof forms. Flat roofs may be permitted, but must have a parapet facing any street front. Mechanical roof-top equipment must be screened from all grade-level views within any RAC district.
 3. *Design criteria.* Within all RAC districts principal structures shall provide a minimum of four (4) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and public areas. Every facade of a principal structure shall contain at least three (3) of the above architectural features.
 4. *Density.*
 - a. Density within the entire Downtown RAC is limited to a total of five thousand one hundred (5,100) dwelling units. Additional dwelling units above this limit may be permitted as provided in the City of Fort Lauderdale Comprehensive Plan, as amended from time to time, as per Section 47-28. Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations. DRC review shall assure compliance with the

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

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

1. *Application.* An application for a development permit that requires the allocation of post 2003 du's shall, in addition to meeting all of the requirements as provided in the ULDR for the type and location of the development proposed, shall include additional information that shows how the proposed development meets the criteria provided in subsection 3. of this subsection b.
2. *Review process.* An application for a development permit that requires the allocation of post 2003 du's shall be submitted to the same body and go through the same review process as required by the ULDR for the proposed development. The action of the body approving the development permit that includes the allocation of post 2003 du's shall not take effect until the application is reviewed and approved by the City Commission.
3. *Criteria.* An application for a development permit that includes the allocation of post 2003 du's shall be reviewed for compliance with the criteria applicable to the proposed development as provided in the ULDR. The development shall also be reviewed to determine if the development is consistent with the design guidelines or has proposed alternative designs which meet the intent of the design guidelines provided in the Consolidated Downtown Master Plan ("CDMP") and any subsequent amendments ~~First Amendment~~ to the CDMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.
4. *Effective date and expiration date of approval.* The allocation of post 2003 du's shall take effect at the time the development permit takes effect as provided in the ULDR. The allocation of dwelling units shall expire upon expiration of the development permit in accordance with the ULDR.

c. Density in the RAC-TMU District. Building sites within the RAC-TMU shall be eligible to apply for additional dwelling units above twenty-five (25) dwelling units per net acre, subject to the review

criteria as provided in Sec. 47-25.3, Neighborhood Compatibility.

5. *RAC fencing.* Within the RAC districts, chain-link fencing shall not be permitted along any pedestrian priority or image street. In all other areas of the RAC, any chain-link fencing shall be black or green vinyl coated. Temporary fencing may be permitted pursuant to Sec. 47-19.5.
6. The provisions of this subsection B shall not apply to an existing structure in existence on the effective date (June 28, 1997) of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.

C. *Parking regulations.*

1. Off-street parking regulations are as provided in Section 47-20, Parking and Loading Requirements, except as provided herein:
 - a. *RAC-CC and RAC-AS districts.* Development within the RAC-CC and RAC-AS districts shall be exempt from providing off-street parking requirements, except for a nonresidential use on a parcel located within one hundred (100) feet of a parcel zoned RAC-UV, RAC-RPO, or RAC-TMU.
 - b. *RAC-UV, RAC-WMU, and RAC-RPO districts.* RAC-UV, RAC-WMU and RAC-RPO district residential parking requirements are reduced from the general parking requirements as provided in Table 3, Section 47-20, Parking and Loading Requirements.
 - c. *Vehicular use area regulations.* A vehicular use area within any RAC district constructed after the effective date (June 28, 1997) of the ULDR, shall not be located within fifty (50) feet of a pedestrian priority or image street, or the seawall or high water mark of the New River, except as provided in subsection C.1.d. Curbcuts providing access to parking areas shall be located on streets other than pedestrian priority and image streets or on alleys, except where a property only has access from a pedestrian priority or image street, or it is determined based on a traffic study that access from a pedestrian priority street or image street is necessary for safe and efficient vehicular and pedestrian circulation.
 - d. A vehicular use area that is either:
 - i. On a parcel within the RAC-TMU district; or
 - ii. That is less than one hundred twenty-five (125) feet in depth; or
 - iii. Less than fifteen thousand (15,000) square feet in area; or
 - iv. Is located along Federal Highway;need only provide a minimum of a twenty (20) foot setback from pedestrian priority or image streets, or from the seawall or high water mark of the New River.

2. *Parking garage.* The minimum design standards for a parking garage are:
 - a. Sloped garage ramps facing and within one hundred (100) feet of pedestrian priority and image streets and the seawall or high water mark of the New River shall have ornamental grating or other architectural features which screen the sloped ramp from view from the pedestrian priority and image street.
 - b. Parked vehicles shall be screened from view from abutting public rights-of-way, excluding alleys. Screening may be provided by intervening buildings, architectural detailing such as ornamental grating, or landscaping.
 - c. Pedestrian walkways shall be provided between a parking garage and any principal or accessory building it serves and to abutting public spaces.
 - d. A parking garage shall meet the following architectural guidelines:
 - i. When a parking garage is provided for a principal structure on the same plot, the design of the parking garage shall complement and contain architectural features consistent with the principal structure, or
 - ii. When a parking garage is the principal use on a plot, it shall be designed so that the uppermost parapet or roof of the parking garage contains elevational changes averaging at least three (3) feet in height and ten (10) feet in length every fifty (50) horizontal feet or less.
- D. *Open space for residential uses.* For development in the RAC districts, except for RAC-CC, open space shall be required for residential uses. Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall include seating and shade provided by trees, canopies, or other unenclosed shade structures. A minimum of fifty percent (50%) of the required open space shall be in landscaping. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space shall be accessible to individual residential units or through a common area, or both. The total amount of open space required shall be calculated based on the size and density of the development, as follows:
 1. For developments of fifty (50) residential units or less, or developments of twenty-five (25) dwelling units per acre or less density: A minimum of two hundred (200) square feet of open space per unit;
 2. For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than twenty-five (25) dwelling units per acre and up to sixty (60) dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit;
 3. For developments of more than one hundred fifty (150) residential units, or developments of greater than sixty (60) dwelling units per acre density:

A minimum of one hundred (100) square feet of open space per unit;

4. For developments which fall into more than one (1) of the above categories, the lesser open space requirement shall apply.
- E. *RAC landscape requirements.* Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in Section 47-21, Landscaping and Tree Preservation Requirements.
- F. *Signs.* Sign requirements are:
1. Downtown RAC district signs shall be as permitted in the central beach area zoning district pursuant to Sec. 47-22.4.C.13, except that message center signs and time and temperature signs shall be permitted, as provided in Section 47-22, Sign Requirements.
 2. *Amortization period.* All signs in the RAC zoning districts shall comply with these sign code provisions within five (5) years of the effective date (June 28, 1997) of the ULDR.
- G. *Street and waterway treatment.* There are hereby identified streets and a waterfront corridor located within the downtown RAC which are currently accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the downtown, and which will, therefore, require adjacent development to accommodate said pedestrian and vehicular usage and aesthetic considerations. The streets and waterfront corridor are identified below:
1. *Pedestrian priority streets.*
 - a. Las Olas Boulevard, from Brickell Ave. to the east RAC boundary.
 - b. Brickell Avenue, from Las Olas Blvd. to S.W. 2nd Street.
 - c. S.W. 2nd Street, from Brickell Ave., West to S.W. 7th Ave.
 - d. Andrews Avenue, from Broward Blvd. to Las Olas Blvd.
 - e. S.E. 6th Street, from Andrews Ave. to S.E. 3rd Ave.
 - f. S.E. 5th Avenue from Las Olas Blvd. to the New River.

Special regulations for pedestrian priority streets are provided in subsection H.
 2. *Image streets.*
 - a. N.E./N.W. 6th Street (Sistrunk Boulevard), from the FEC rail line to Federal Highway.
 - b. N.E./S.E. 3rd Avenue from N.E. 6th Street to S.E. 6th Street.
 - c. Andrews Ave. from Flagler Dr. to Broward Blvd. and from Las Olas Blvd. South to RAC boundary.
 - d. Broward Boulevard from S.W./N.W. 7th Avenue to N.E./S.E. 8th Avenue.
 - e. Federal Highway from N.E. 6th Street to S.E. 2nd Street.

Special regulations for image streets are provided in subsection I.

3. *New River waterfront corridor.* Special regulations for the New River waterfront corridor are provided in subsection J.
 4. *All other RAC streets.* All streets other than those included as pedestrian priority and image streets within the boundaries of the downtown RAC. Special regulations for these streets are provided in subsection K.
- H. *Pedestrian priority streets.* Development of property located abutting pedestrian priority streets shall meet the following requirements:
1. *Building frontage setback requirement.*
 - a. A minimum of seventy-five percent (75%) of the linear frontage of a parcel along the pedestrian priority street shall be occupied by a ground floor building wall located ten (10) feet from the front property line. All other portions of the building shall be located a minimum of five (5) feet from the property line, except as provided for in subsection H.9. Support columns may be located in the ten (10) foot ground floor setback, provided their combined width does not exceed twenty-five percent (25%) of the linear dimension of the front building wall. The minimum linear frontage and ten (10) foot ground floor building wall requirement of this subsection shall not apply to automotive service stations where allowed within the RAC or to development along Federal Highway, but the requirement of subsection K.1.a shall apply.
 - b. *Modification of building frontage setback requirements within the RAC-TMU district.* Building frontage setback requirements for the RAC-TMU may be modified by the DRC to require greater setbacks above those specified in subsection H.1.a, subject to the review criteria as provided in Sec. 47-25.3, Neighborhood Compatibility, as provided in Sec. 47-25.3.A.3.e.iii. Setbacks may also be modified by the DRC for building sites within the RAC-TMU that apply for additional dwelling units above twenty-five (25) dwelling units per net acre, and shall also be subject to the review criteria as provided in Sec. 47-25.3, as provided in Sec. 47-25.3.A.3.e.ii.
 2. *General stepback and setback requirements.* Portions of the structure located more than nine (9) feet above the sidewalk shall be subject to the stepbacks as required in subsection H.9. Non-load-bearing walls or fences of no greater than forty-two (42) inches in height may be permitted in the setback or stepback areas. An increase in the setbacks may be required for pedestrian amenities, such as public plazas as defined in Section 47-9, X district, pedestrian entries, outdoor dining areas and similar public use areas, or landscaping, as approved by the DRC.
 3. *First floor uses.* A minimum of seventy-five percent (75%) of the building front along a pedestrian priority street required as provided in subsection H.1.a for a depth of at least twenty (20) feet from the building front shall be used for retail sales, retail banking, residential uses, food and beverage, commercial recreation, governmental facility, service use (not

including professional office), public museum or art gallery, or other public cultural facility accessible to the public and occupants of the building in which the use is located.

4. *First floor transparency.* A minimum of thirty-five percent (35%) of the first floor facade of a building along a pedestrian priority street shall utilize transparent elements, such as windows, doors, and other fenestration.
5. *Awnings, canopies, arcades.* Awnings, canopies or arcades shall be required over all doors, windows and other transparent elements provided to satisfy the provisions of subsection H.4, along a pedestrian priority street. The height of the awnings, canopies or arcades shall be between eight (8) feet and twelve (12) feet, and shall be a minimum of four (4) feet in depth. Such elements shall not be subject to the ten (10) foot setback requirement identified in subsection H.1.a.
6. *Cornice.* A cornice shall be provided on the side of a building along a pedestrian priority street at a minimum of twelve (12) feet above the sidewalk or at a height similar to the cornice on an abutting property, but in no case shall the cornice exceed thirty-five (35) feet or two (2) floor levels whichever is less in height.
7. *Street trees.* Street trees as defined by Sec. 47-21.2, Landscaping and Tree Preservation, shall be provided as follows:
 - a. Shade trees shall be provided at least every forty (40) lineal feet along the area fronting the pedestrian priority street. Palm trees or ornamental trees may be permitted when existing or proposed physical conditions may prevent the proper growth of the shade tree, as determined by the DRC, at least every twenty (20) lineal feet along the frontage. All trees shall satisfy the following standards at the time of planting:
 - i. Shade trees: Minimum fourteen (14) feet height and eight (8) foot spread, with minimum six (6) foot ground clearance.
 - ii. Palm trees: Minimum eighteen (18) foot height, with a minimum of eight (8) feet of wood.
 - iii. Ornamental trees: Minimum twelve (12) feet in height and six (6) foot spread, with a minimum six (6) foot ground clearance.
 - b. Root zone and pervious surface areas shall be provided as follows:
 - i. Areca, Carpenteria, Cocothrinax, Phychospermia, Rhapsis, Sabal, and Washingtonia: No less than nine (9) square feet of pervious surface area and no dimension less than three (3) feet.
 - ii. All other shade or ornamental: No less than sixty-four (64) square feet of pervious surface area and no dimension less than eight (8) feet.

- iii. All other palm types: No less than twenty-five (25) square feet of pervious surface area and no dimension less than five (5) feet.

Pervious surface area, for purposes of this requirement, may be provided through open planting beds, tree grates, sand-set pavers, or any combination thereof.

- c. The DRC may permit alternative landscape treatment along the frontage of a pedestrian priority street where pedestrian entries to plazas or principal structures are provided. Specimen palm plantings or other landscape design treatments may be installed to complement the architectural design of the structure or plaza in lieu of shade trees, limited to no more than fifty percent (50%) of the plot frontage on a pedestrian priority street.
8. *Location of street trees.* The requirements for street trees, as provided herein, may be located within the public right-of-way, as approved by the entity with jurisdiction over the abutting right-of-way.
 9. *Building step-backs.* Step-backs shall be provided in a building to provide for air and light at the street level on the side of a building along a pedestrian priority street as follows:
 - a. At the cornice required by subsection H.6 (between twelve (12) feet and thirty-five (35) feet), a step-back of at least ten (10) feet.
 - b. At a level between the 4th and 10th floors, an additional step-back of at least ten (10) feet, or multiple step-backs which total a minimum of at least ten (10) feet.
 - c. In lieu of strict application of subsections H.9.a and b, an applicant may propose an alternative design which satisfies the intent of providing air and light at the street level, subject to review and approval of the DRC.
 10. New buildings, additions to existing buildings or any development of a site on a parcel located on one (1) or more pedestrian priority street(s) or image street(s), must meet all of the ULDR requirements applicable to one (1) of such streets, and all of the requirements of any of the other streets when the development is within fifty (50) feet of the edge of the street closest to the development; however, the requirement for a ground floor building wall along seventy-five percent (75%) of the linear frontage of the parcel (subsection H.1.a) may be provided in phases in accordance with an approved site plan. These requirements shall not apply to buildings or additions with less than five hundred (500) square feet of floor area; however, in all cases, regardless of the size and type of development, the street tree requirements of subsection H.7 shall apply to all pedestrian priority and image streets.
 11. The provisions of this subsection H shall not apply to structures in existence on the effective date (June 28, 1997) of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.

- I. *Image streets.* Development of property located abutting image streets shall satisfy the following regulations:
 1. *Building frontage setback requirement.* As provided in subsection H.1.
 2. *General setback and setback requirements.* As provided in subsection H.2.
 3. *First floor transparency.* As provided in subsection H.4.
 4. *Awnings, canopies, arcades.* As provided in subsection H.5.
 5. *Cornice.* As provided in subsection H.6.
 6. *Street trees.* As provided in subsection H.7.
 7. *Location of street trees.* As provided in subsection H.8.
 8. *Building step-backs.* As provided in subsection H.9.
 9. New buildings, additions to existing buildings or any development of a site on a parcel located on one (1) or more pedestrian priority street(s) or image street(s), must meet all of the ULDR requirements applicable to one (1) of such streets, and all of the requirements of any of the other streets if the development is within fifty (50) feet of the edge of the street closest to the development; however, the requirement for a ground floor building wall along seventy-five (75%) of the linear frontage of the parcel (subsection H.1.a) may be provided in phases in accordance with an approved site plan. These requirements shall not apply to buildings or additions with less than five hundred (500) square feet of floor area; however, in all cases, regardless of the size and type of development, the street tree requirements of subsection H.7 shall apply to all pedestrian priority and image streets.
 10. The provisions of this subsection I shall not apply to an existing structure in existence on the date of adoption of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.
- J. *New River Waterfront Corridor.* Except in the RAC-TMU zoning district as provided in subsection J.3., development on parcels located within one hundred (100) feet of the New River shall be reviewed pursuant to the process for a site plan level IV development permit (section 47-24.2) without planning and zoning board review, and shall be required to meet the following regulations:
 1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:
 - a. A residential use or marine-related use as specified in sections 47-13.10 and 47-13.11, Boats, Watercraft and Marinas, that have portions of structures devoted to those uses that are no higher

than thirty-five (35) feet in height may encroach within the setback specified above, but shall in no case be less than twenty (20) feet from the seawall or the high water mark, if no seawall exists.

If the minimum or greater setbacks specified in subsection J.1. are provided, the development plan shall be reviewed giving consideration to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

- b. Within the RAC-CC and RAC-AS districts, structures may provide less than the minimum setback specified in subsection J.1., above or exceed the thirty-five (35) foot height limitation, as specified above, if approved in accordance with the requirements of a site plan level IV development permit, (section 47-24.2) without planning and zoning board review, subject to the review criteria as provided in section 47-25.3, Neighborhood Compatibility, as provided in section 47-25.3.A.3.e.iii, and the following additional criteria and limitations are met:
 - i. Principal structures shall provide a minimum of one (1) or more setbacks totaling a minimum of twenty (20) feet, between a height of twelve (12) feet and fifty-five (55) feet.
 - ii. No portion of a structure in excess of thirty-five (35) feet in height shall encroach upon a 1:1 height-to-setback plane, as measured from a line twenty (20) feet from the seawall or high water mark, if no seawall exists, up to a height of ninety-five (95) feet. Portions of structures above ninety-five (95) feet in height may proceed vertically without additional setback, subject to the provisions of subsection J.2.c.
 - iii. Principal structures shall also provide a minimum of five (5) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and the New River.

2. *Additional criteria.*
 - a. Within the RAC-CC and RAC-AS districts only, when the development is located along North or South New River Drive or the Riverwalk Linear Park, it shall comply with regulations for Pedestrian Priority Streets, Sec. 47-13.4.G, whereby reference to "pedestrian priority street" shall apply to the New River Waterfront Corridor.
 - b. Within the RAC-CC district only, all principal structures located on the south side of the New River shall provide a minimum setback as required so as to not produce a shadow pattern that shadows a point on the river's edge for more than four (4) hours between the hours of 9:00 a.m. and 4:00 p.m. on March 21 (spring equinox).
 - c. Within the RAC-CC district only, ground level design and amenities shall functionally and visually coordinate with and complement existing public improvements along the New River adjacent or abutting the development site, including pedestrian access and landscaping.
 3. Within the RAC-TMU district only, any structure shall provide minimum setbacks from the seawall or high water mark of the river's edge, if no seawall exists, as approved pursuant to Site Plan Level III development permit, section 47-24.2, subject to the review criteria as provided in section 47-25.3, Neighborhood Compatibility, as provided in section 47-25.3.A.3.e.iii.
- K. *All other RAC district streets.* Development of property located abutting all streets within the RAC districts other than pedestrian priority or image streets shall satisfy the following regulations:
1. *Setback.*
 - a. A minimum setback of five (5) feet shall be provided from the property line along the street.
 - b. *Modification of setback requirements within the RAC-TMU district.* Setback requirements for the RAC-TMU may be modified to require greater setbacks above those specified in subsection K.1.a, subject to approval of a site plan level II permit and the review criteria provided in Sec. 47-25.3.A.3.e.iii, Neighborhood Compatibility. Setbacks may also be modified for building sites within the RAC-TMU that apply for additional dwelling units above twenty-five (25) dwelling units per net acre, subject to approval of a site plan level II permit and the review criteria as provided in Sec. 47-25.3.A.3.e.ii.
 2. *Street trees.* As provided in subsection H.7.
 3. *Location of street trees.* As provided in subsection H.8.
- L. *Effect of other ULDR provisions.* Unless otherwise provided in this Section 47-13, the provisions of the ULDR with general applicability to development within the city shall apply as requirements of the development of property within the district

described in this Section 47-13. However, any provision of this Section 47-13 shall prevail to the extent of such conflict.

M. [Site Plan Level II.]

1. A Site Plan Level II approval of a development for which a site plan has been approved by the City Commission, or which has been the subject of an agreement with the City shall not be final until thirty (30) days after final DRC approval and then only if no motion is adopted by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty-day period if no action is taken by the City Commission.
2. Approval of all other Site Plan Level II developments within the RAC shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is adopted by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. A motion seeking to review an application pursuant to this subsection 2. shall only be approved if it is found by the City Commission that DRC has misapplied or failed to apply one or more requirements of the ULDR or the City's Comprehensive Plan in approving the application.

(Ord. No. C-97-19, § 1(47-13.4), 6-18-97; Ord. No. C-97-65, § 1, 12-16-97; Ord. No. C-99-7, § 1, 2-16-99; Ord. No. C-99-15, § 1, 3-16-99; Ord. No. C-99-20, § 2, 3-16-99; Ord. No. C-99-75, § 1, 12-21-99; Ord. No. C-99-76, § 5, 11-16-99; Ord. No. C-00-57, § 1, 10-17-00; Ord. No. C-01-17, § 2, 5-1-01; Ord. No. C-03-19, § 3, 4-22-03; Ord. No. C-04-4, § 3, 1-21-04; Ord. No. C-04-33, § 1, 7-7-04; Ord. No. C-07-101, § 1, 11-20-07; Ord. No. C-07-107, § 1, 12-4-07)

Chapter 47 UNIFIED LAND DEVELOPMENT REGULATIONS (RESERVED)*

*Note--This Chapter of the City of Fort Lauderdale Code is the Unified Land Development Regulations ("ULDR") adopted by the City of Fort Lauderdale and in effect on June 28, 1997. The ULDR is currently published as a separate volume.

ARTICLE IV. DEVELOPMENT PERMITS AND PROCEDURES

Section 47-24. Development Permits and Procedures
Sec. 47-24.1. Generally.

SECTION 47-24. DEVELOPMENT PERMITS AND PROCEDURES

Sec. 47-24.1. Generally.

TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES

<i>Permit</i>	<i>Department</i>	<i>Development Review Committee</i>	<i>Planning & Zoning Board (Local Planning Agency)</i>	<i>Historic Preservation Board</i>	<i>City Commission</i>	<i>Board of Adjustment</i>	<i>Criteria for Review</i>
22.a. Any use within the downtown RAC which is contiguous to residential property outside of the RAC	R	DP	A		CRR/PZ		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3 3. RAC Requirement, Section 47-13
.b. Any Site Plan Level II development within Downtown RAC which has previously been approved by or subject of an agreement with the City Commission (See Sec. 47-13.20.M.1)	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13. 2. Adequacy Review, Sec. 47-25.2. 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable.
.c. Any Site Plan Level II development within Downtown RAC where one or more requirements of the ULDR or City's Comprehensive Plan misapplied or failed to apply. See Sec. 47-13.20.M.2.	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>.d. Allocation of flexibility units within Downtown RAC</u>	<u>R</u>	<u>DP</u>	<u>A</u>		<u>CRR/PZ or DRC</u>		1. <u>RAC Requirement, Sec. 47-13.</u> 2. <u>Adequacy Review, Sec. 47-25.2.</u> 3. <u>Neighborhood Compatibility review Sec. 47-25.3 when applicable.</u> 4. <u>Flexibility Rules, Section 47-28.</u>

Chapter 47 UNIFIED LAND DEVELOPMENT REGULATIONS (RESERVED)*

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ARTICLE VIII. DENSITY AND FLEXIBILITY RULES

Section 47-28. Flexibility Rules

Sec. 47-28.1. Applicability; conditions.

SECTION 47-28. FLEXIBILITY RULES

Sec. 47-28.1. Applicability; conditions.

- A. *Density.* The maximum density permitted on a development parcel is limited by the maximum density permitted by the city's land use plan (LUP). Density of a development parcel may be increased, subject to flexibility rules (FR).
- B. *Flexibility rules.* Flexibility rules permit the city to revise and rearrange land uses and permit additional residential dwelling units without requiring an amendment to the Broward County Land Use Plan (BCLUP).
- C. *Definitions.*
 1. *Flexibility zones:* Flexibility zones (FZ) are fixed geographic areas within the city, designated on the BCLUP which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the city's plan.
 2. *Flexibility units:* Flexibility units, also referenced herein as flex units, are the total number of additional dwelling units permitted by the BCLUP above the total number of dwelling units allowed within the same FZ by the city's LUP.
 3. *Reserve units:* Reserve units are dwelling units permitted in addition to the flexibility units by the BCLUP, which equal a maximum of two percent (2%) of the total number of dwelling units permitted within a FZ by the BCLUP.
 4. *Commercial flex acreage:* Commercial flex acreage is the total percentage of residential acres permitted by the BCLUP to be converted to commercial use within a FZ without a LUP amendment.
- D. *Determination by the city of available residential dwelling units or available commercial acreage.*
 1. If a sufficient number of units are available to allocate reserve units or flexibility units to a parcel, or if sufficient commercial flex acreage is available to be applied to a parcel, the city may allocate the units or commercial flex acreage, provided that the FZ and regulations of the

ULDR are met.

2. The city shall maintain a log of the number of available reserve or flexibility units, the number of reserve or flexibility units assigned to parcels, and the reason for assigning units to a parcel. The city shall also maintain a log of the number of flex commercial acreage assigned to parcels and the reason for assigning the commercial acreage to each parcel.

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

1. Additional dwelling units may be allocated to a development site with a residential land use designation by applying available flexibility units or reserve units. Flexibility units or reserve units may be allocated subject to the following conditions:

a. *Flexibility units applied to a residential land use designated parcel.*

- i. Amendment to the city's land use plan; and
- ii. Criteria:
 - a) Demonstration that the use of flexibility units supports and implements the specific goals, objectives and policies of the city's LUP.
 - b) Rezoning in accordance with Sec. 47-24.4, Development Permits and Procedures.
 - c) Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

b. *Reserve units.*

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

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

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

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

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

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

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

dwelling units/per gross acre.

- c. The affordable housing development shall meet requirements for affordable housing as established by the BCLUP.
- d. Criteria: Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

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

- 1. The city may permit an increase in the number of sleeping rooms permitted by the city's land use plan, by applying bonus sleeping rooms to a special residential facility by site plan approval (level III) without allocating additional density by applying flexibility units or reserve units. For the purpose of calculating density, sleeping rooms shall be counted as one-half (1/2) a dwelling unit.
- 2. Subject to the requirements for social service residential facilities (SSRF), see Sec. 47-18.32.
- 3. Criteria: Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

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

- 1. The city may permit a development to be used for commercial business uses within lands designated employment center or industrial on the city's land use plan, by rezoning the parcel to a business zoning district, subject to the following restrictions:
 - a. No more than twenty percent (20%) of the total land use area within the flexibility zone that is designated for industrial land use or U.C. employment center land use may be rezoned to a business zoning district.
 - b. Criteria:
 - i. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.
 - ii. Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

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

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

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

- 1. Additional dwelling units may be allocated to a development site in the Downtown Regional Activity Center area as provided in the City's Land

Use Plan by applying available reserve units, subject to the following conditions:

- a. Demonstration that the use of reserve dwelling units supports and implements the specific goals, objectives and policies of the city's Land Use Plan.
- b. A Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRC is subject to a City Commission request for review, under the provisions of Section 47-26A.2.
- c. Expiration of allocation of reserve units. The allocation of reserve units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.-

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

1. Flex units may be allocated to a development site in the Downtown Regional Activity Center area subject to the following conditions:
 - a. Demonstration that the use of flex units is in conformance with goals, objectives and policies of the city's Land Use Plan.
 - b. Development in the Downtown Regional Activity Center shall be reviewed to determine if the development is consistent with the design guidelines or has proposed alternative designs which meet the intent of the design guidelines provided in the Downtown Master Plan ("DMP") and any subsequent amendments to the DMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.
 - c. Flex units shall be allocated in accordance with the flex zone boundaries that are contained by the Downtown Regional Activity Center.
 - d. A Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRC is subject to a City Commission request for review, under the provisions of Section 47-26A.2.
 - e. Expiration of allocation of flex units. The allocation of flex units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.

(Ord. No. C-97-19, § 1(47-28), 6-18-97; Ord. No. C-97-51, § 9, 11-4-97; Ord. No. C-01-17, § 1, 5-1-01)