



**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24, Development Permits and Procedures; Providing for Approval Process for Development Utilizing Flexibility Rules; and Amend Section 47-28, Density and Flexibility Rules; Establishing Intent and Purpose, Amend Definitions, and Amend Applicability.

<b>Case Number</b>	UDP-T21003	
<b>Applicant</b>	City of Fort Lauderdale	
<b>ULDR Sections</b>	Section 47-24, Development Permits and Procedures Section 47-28, Density and Flexibility Rules	
<b>Notification Requirements</b>	10-day legal ad	
<b>Action Required</b>	Recommend approval, approval with conditions, or denial to City Commission	
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**BACKGROUND:**

The City's flexibility rules were established in the Broward County Land Use Plan (BCLUP), and in the City's Comprehensive Plan in 1998, to allow municipalities the ability to adjust a predetermined amount of residential units or nonresidential land use acreage within designated flexibility zones, commonly referred to as flex zones. The total number of flex and reserve units in each zone was established at the time the City's Comprehensive Plan was adopted in 1998. Cities may propose new flex zones or unify flex zones under the BCLUP and must adopt a new flex policy as part of the process.

As part of the Unified Flex Policy, the City collapsed eighteen flex zones into one unified zone identifying the zone as a receiving area for residential flex units. Areas not included in the receiving area are not eligible for residential flex units, with the exception of affordable housing units. Nonresidential commercial flex acreage is available city-wide. On November 7, 2017, staff presented the Unified Flex Policy to the City Commission and was directed to submit the policy to the Broward County Planning Council (BCPC) for review and approval. Subsequently, the policy was presented to the Planning and Zoning Board (PZB) on December 20, 2017, and was recommended for approval (5-0) to the City Commission. The City Commission approved the Unified Flex Policy on March 6, 2018, through Resolution 18-45 and on July 10, 2018, the BCPC approved the unification of the City's flexibility zones. The City's Unified Flex Policy and Strategy Document is attached as **Exhibit 1**.

As part of the unified flex approval, staff identified future steps necessary to implement the Unified Flex Policy, which included text amendments to ULDR Section 47-24, Development Permits and Procedures, and ULDR Section 47-28, Density and Flexibility Rules in an effort to provide consistency with the adopted policy and address any limitations or requirements for the allocation of flex. In addition, staff is currently drafting text amendment language to amend the existing mixed-use development requirements through the adoption a new Mixed-Use zoning district with associated design standards and compatibility criteria that will better align with the Unified Flex Policy. This separate effort is anticipated for PZB consideration in the near future, after additional research and public input.

**ULDR AMENDMENTS:**

Below is a detailed summary of each proposed ULDR amendment section, including intent and a description of section content. The ULDR amendments include Section 47-24, Development Permits and Procedures and Section 47-28, Density and Flexibility Rules, which are attached as **Exhibit 2** and **Exhibit 3**, respectively.

### **ULDR Section 47-24. – Development Permits and Procedures**

Intent: Amend approval process and review criteria for utilization of flex.

Description: This is an amendment to Table 1, List of Development Permits, identifying the development permit type and approval process including the approving body for development projects requesting flex allocation. As proposed, development applications that request affordable housing units will be subject to the Site Plan Level II review process, which is Development Review Committee approval and projects seeking flex allocation in a Regional Activity Center or adopted master planned area will also be subject to Site Plan Level II approval. Development projects seeking additional affordable housing bonus density, flex units on nonresidential land use designations, or social service residential facilities are subject to Site Plan Level III review, which is PZB approval.

### **ULDR Section 47-28. – Density and Flexibility Rules**

Section 47-28 has been drafted as a completely new section to ensure alignment with the flex policy. Each subsection has been outlined below.

#### **ULDR Section 47-28.1 – Intent and Purpose**

Intent: To establish intent and purpose of the density and flexibility rules.

Description: This section identifies the intent and purpose of the City's flexibility rules.

#### **ULDR Section 47-28.2 – Definitions**

Intent: To establish definitions specific to Section 47-28.1.

Description: This section lists specific definitions related to the enforcement and regulations for the City's flexibility rules.

#### **ULDR Section 47-28.3 – Applicability**

Intent: To establish the regulations and requirements for the allocation of flex.

Description: This section identifies the specific requirements for allocation of flexibility rules. This includes determination of availability, minimum flex unit size, allocation of flex units in the Regional Activity Center Land Use Designations (RACs) or adopted Master Planned Areas, allocation of flex units on commercial or employment center land use designated parcels, allocation of nonresidential flex acreage on Residential, Employment Center, and Industrial land use designated parcels, allocation of affordable housing units and bonus flexibility units, and allocation of flex units and bonus sleeping rooms for social service residential facilities, group homes, foster care facilities.

*Section 47-28.3.A, Determination of availability:* This section outlines requirements related to the monitoring and enforcement of flex.

*Section 47-28.3.B, Minimum flex unit size:* A minimum residential unit size is established for allocation of flex units, for the purpose of providing consistency in the City's residential zoning districts where the minimum size requirements are not specifically stated.

*Section 47-28.3.C, Allocation of flex units in the Regional Activity Center Land Use Designations or Adopted Master Planned Areas:* This subsection outlines the

requirements for flex allocation in applicable areas such as Downtown or the Uptown Urban Village area, including consistency with adopted master plans.

*Section 47-28.3.D, Allocation of flex units on Commercial or Employment Center Land Use Designations:* The text in this subsection provides clarity on the allocation of flex units based on the land use designation and the location of parcels in the unified flex zone.

*Section 47-28.3.E, Allocation of nonresidential flex acreage on Residential, Employment Center, and Industrial Land Use Designations:* This subsection provides for the process and requirements for allocating nonresidential flex acreage on certain land use designated parcels such as residential, employment center, and industrial. This includes the requirement to rezone a subject parcel of land. There is also limitation on parcel size and the requirement for mixed use development criteria. In addition, the development permit and approval process was clarified to establish that such requests will be subject to a Site Plan Level IV review process, which includes PZB recommendation and City Commission approval.

*Section 47-28.3.F, Allocation of Affordable Housing Units and Bonus Flexibility Units:* This subsection provides the process and requirements for the allocation of affordable housing units, which will be permitted citywide. There is a density limit established with exceptions for RAC parcels. In addition, this subsection outlines the process and requirements for development applications seeking additional density for affordable housing units as well as bonus flex units. For increasing density, there is a formula identified which is adopted directly from Broward County's land use policy. The development permit and approval process is established as Site Plan Level III review process, which is PZB approval.

*Section 47-28.3.G, Allocation of Flex Units and Bonus Sleeping Rooms for Social Service Residential Facilities, Group Homes, Foster Care Facilities:* This subsection outlines the allocation of flex units to development applications seeking approval for a social service residential facility (SSRF) such as assisted living facilities, or foster care.

#### **COMPREHENSIVE PLAN CONSISTENCY:**

The proposed amendments are consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.2: Utilization of flexibility rules to facilitate the rearrangement of residential densities and nonresidential intensities through the allocation of flexibility to respond to changing economic conditions; Goal 2, Objective 2.1: Protect existing and future neighborhoods from impact created by more intense adjacent uses; and Goal 2, Objective 2.3: Encourage mixed use development multimodal environment to enhance the livability of the City in order to discourage urban sprawl.

#### **PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval, approval with conditions, or denial of the proposed amendment to the City Commission.

#### **EXHIBITS:**

1. City's Unified Flex Policy and Strategy Document
2. Proposed Amendments to ULDR Section 47-24, Development Permits and Procedures
3. Proposed Amendments to ULDR Section 47-28, Density and Flexibility Rules