

ORDINANCE NO. C-25-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTION 47-13.20, ENTITLED "DOWNTOWN REGIONAL ACTIVITY CENTER REVIEW PROCESS AND SPECIAL REGULATIONS"; SECTION 47-13.50, ENTITLED "REGIONAL ACTIVITY CENTER DISTRICTS GENERAL REGULATIONS"; AND SECTION 47-28, ENTITLED "FLEXIBILITY RULES" TO PERMIT ALLOCATION OF RESIDENTIAL DWELLING UNITS FROM A SENDING SITE TO A RECEIVING SITE UTILIZING THE TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Section 47-13.20, entitled "Downtown Regional Activity Center Review Process and Special Regulations"; Section 47-13.50, entitled "Regional Activity Center Districts General Regulations"; and Section 47-28, entitled "Flexibility Rules" of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR) to permit allocation of residential dwelling units from a sending site to a receiving site utilizing the transfer of development rights (TDR) program; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of April 16, 2025 (PZ Case No. UDP-T25006), 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, May 6, 2025, and Tuesday, May 20, 2025, 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. 5th Avenue, Fort Lauderdale, Florida;

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

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

SECTION 1. Article II. – Zoning District Requirements, Section 47-13.20. “Downtown RAC review process and special regulations” of the City of Fort Lauderdale, Florida Uniform Land Development Regulations (“ULDR”) is hereby amended to read 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.

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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. 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. With exception to the TDR Program in Section 47-36.1, 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. For the purposes of the TDR program in Section 47-36.1, Comprehensive Plan Future Land Use (FLU) category density pool units may be allocated from a sending site to a receiving site in perpetuity with the approval and recordation of a Certificate of Transfer in accordance with meeting all requirements under Section 47-36.1.
- ~~34.~~ 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.
- ~~45.~~ 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.
56. 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.
67. 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.
78. 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.

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SECTION 2. Article II. – Zoning District Requirements, Section 47-13.50. entitled “General Regulations” of the City of Fort Lauderdale, Florida Uniform Land Development Regulations (“ULDR”) is hereby amended to read as follows:

Sec. 47-13.50. - General regulations.

- A. The following regulations shall apply to all development permitted within the zoning districts as indicated herein and as specified in Section 47-13.10, List of Permitted and Conditional Uses:

* * *

- C. *Density.* Density within the applicable zoning districts is limited in accordance with the number of units as provided in the adopted 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.

1. Density may be increased as provided in the Comprehensive Plan.
2. With exception to the TDR Program in Section 47-36.1, 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. For the purposes of the TDR Program in Section 47-36.1, Comprehensive Plan Future Land Use (FLU) category density pool units may be allocated from a sending site to a receiving site in perpetuity with the approval and recordation of a Certificate of Transfer in accordance with meeting all requirements under Section 47-36.1.
- ~~34.~~ The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at the time of development permit approval.
- ~~45.~~ Dwelling units are allocated on a first come, first serve basis.
- ~~56.~~ A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules, and shall not exceed a density of 50 units per gross acre. Density may be increased through the allocation of bonus density

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provisions for affordable housing or sleeping rooms, and shall comply with provisions on limitation as outlined in the city's Comprehensive Plan.

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SECTION 3. Article VIII. – Density and Flexibility Rules, Section 47-28. entitled “Flexibility Rules” of the City of Fort Lauderdale, Florida Uniform Land Development Regulations (“ULDR”) is hereby amended to read as follows:

Sec. 47-28.3. Applicability.

A. *Determination of availability.*

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G. *Allocation of flex units and bonus sleeping rooms for social service residential facilities, group homes, foster care facilities, etc.*

1. The city may allocate flex units to special residential facilities or bonus sleeping rooms at a density calculated as one-half ($\frac{1}{2}$) a dwelling unit per sleeping room. Facilities that contain independent living shall be allocated density at a calculation of one dwelling unit to one.
2. Subject to the requirements in Section 47-17.18.32 for social service residential facilities (SSRF).
3. A Site Plan Level III approval is required in accordance with Section 47-24.2, Development Permits and Procedures.

H. *Allocation of flex units for Transfer of Development Rights (TDR).*

1. For the purposes of the TDR program in Section 47-36.1, flex units may be allocated from a sending site to a receiving site in perpetuity with the approval and recordation of a Certificate of Transfer in accordance with meeting all requirements under Section 47-36.1.

SECTION 4. 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 the City Manager's designee, without the need for a public hearing.

SECTION 5. 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 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this ____ day of _____, 2025.

PASSED SECOND READING this ____ day of _____, 2025.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN