

ORDINANCE NO. C-22-18

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY OF FORT LAUDERDALE, FLORIDA'S UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), MORE SPECIFICALLY SECTION 47-13.30 ENTITLED "TABLE OF DIMENSIONAL REQUIREMENTS FOR THE SRAC DISTRICTS" TO MODIFY THE DEVELOPMENT PERMIT APPROVAL PROCESS FOR DEVELOPMENTS APPLYING FOR HEIGHT OR AFFORDABLE HOUSING DENSITY BONUSES WITHIN THE SRAC DISTRICTS; AMENDING SECTION 47-13.31 ENTITLED "TABLE OF DIMENSIONAL REQUIREMENTS FOR THE NWRAC-MU DISTRICT" OF THE ULDR TO MODIFY THE DEVELOPMENT PERMIT APPROVAL PROCESS FOR DEVELOPMENTS APPLYING FOR HEIGHT OR AFFORDABLE HOUSING DENSITY BONUSES WITHIN THE NWRAC-MU DISTRICTS; AMENDING SECTION 47-13.51 ENTITLED "SRAC-SA SPECIAL REGULATIONS" OF THE ULDR TO ADD NEW PERFORMANCE STANDARDS AND CRITERIA FOR ADDITIONAL HEIGHT BONUS; AMENDING SECTION 47-13.52 ENTITLED "NWRAC-MU SPECIAL REGULATIONS" OF THE ULDR TO DELETE PROVISIONS RELATED TO PERFORMANCE STANDARDS AND CRITERIA FOR AFFORDABLE HOUSING HEIGHT INCENTIVE AND ADD REFERENCE TO THE NEW AFFORDABLE HOUSING CODE SECTION 47-23.16; AMENDING SECTION 47-20.3 ENTITLED "REDUCTIONS AND EXCEPTIONS" OF THE ULDR TO UPDATE AFFORDABLE HOUSING MULTIFAMILY PARKING REDUCTION STANDARDS; CREATING SECTION 47-23.16 ENTITLED "AFFORDABLE HOUSING REGULATIONS" OF THE ULDR PROVIDING FOR DEFINITIONS, INCENTIVES, EXEMPTIONS, GENERAL REQUIREMENTS AND EXPEDITED REVIEW PROCESS; AMENDING SECTION 47-24.1 ENTITLED "GENERAL - TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES" OF THE ULDR MODIFYING THE DEVELOPMENT REVIEW PROCESS FOR CERTAIN DEVELOPMENT PERMITS; AND DELETING PORTIONS OF SECTION 47-37B.3 ENTITLED "APPLICABILITY AND GENERAL REGULATIONS" OF THE ULDR RELATED TO INCREASED DENSITY THROUGH THE ALLOCATION OF AFFORDABLE HOUSING UNITS; PROVIDING FOR SEVERABILITY;

PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR  
CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING  
FOR AN EFFECTIVE DATE.

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WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Section 47-13.30 entitled "Table of Dimensional Requirements for the SRAC Districts" of the City of Fort Lauderdale, Florida's Unified Land Development Regulations ("ULDR") to modify the development permit approval process for developments proposing a height or density that exceeds the maximum listed in the Table of Dimensional Requirements for the SRAC Districts; amending Section 47-13.51 entitled "SRAC-SA Special Regulations" of the ULDR to add new performance standards and criteria for additional height bonus; deleting portions of Section 47-13.52 entitled "NWRAC-MU Special Regulations" of the ULDR related to performance standards and criteria for affordable housing height incentive and add reference to the new affordable housing code section; amending Section 47-20.3 entitled "Reductions and Exceptions" of the ULDR to update affordable housing multifamily parking reduction standards; creating Section 47-23.16 entitled "Affordable Housing Regulations" of the ULDR providing for definitions, incentives, exemptions and general requirements; amending Section 47-24.1 entitled "General - Table 1. Development Permits and Procedures" of the ULDR modifying the development review process for certain development permits; and deleting portions of Section 47-37B.3 entitled "Applicability and General Regulations" of the ULDR related to increased density through the allocation of affordable housing units; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meetings of November 17, 2021 (PZ Case No. UDP-T21010) and February 16, 2022 (PZ Case No. UDP-T22001), 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 3, 2022, and Tuesday, May 17, 2022, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida; and

WHEREAS, at the public hearing scheduled for May 3, 2022, the City Commission announced that the public hearing noticed on this matter would be deferred to the City Commission meeting to be held on June 7, 2022, at 6:00 o'clock p.m.;

WHEREAS, notice was provided to the public that this ordinance would be considered on second reading at the City Commission meeting to be held on Thursday, September 22, 2022 at 6:00 o'clock P.M., or as soon thereafter as possible, 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 47-13.30 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (“ULDR”) is hereby amended to read as follows:

**Sec. 47-13.30. - Table of Dimensional Requirements for the SRAC Districts.**

REQUIREMENTS	SRAC-SAE & SRAC-SAW	
<b>Max. Height</b> (Note A)	110 ft (10 stories) max.	
<b>Min. Lot Size</b>	None	
<b>Min. Lot Width</b>		
<b>Max. FAR</b>		
<b>Density</b> (Note B)	50 du/acre	
	<b>Primary Street</b>	<b>Secondary Street</b>
<b>Front &amp; Corner Yard Build-to Line</b>	0 ft max.	5 ft min. - 10 ft max.
<b>Side &amp; Rear Yard Setback</b>		
When abutting existing residential zone or use	10 ft min.	10 ft min.
All others	None	None
<b>(*) Shoulder Height</b>	25 ft (2 stories) min.	25 ft (2 stories) min.
	75 ft (6 stories) max.	75 ft (6 stories) max.
<b>(*) Front &amp; Corner Stepback</b> (Note <del>BC</del> )	12 ft min.	15 ft min.
<b>(*) Tower Design Standards</b>	<b>Floorplate Max.</b>	<b>Side/Rear Stepback</b>
<b>Residential</b>	<8,000 sf	20 ft min.

<b>Non-Residential</b>	8,001 sf—10,000 sf	25 ft min.
	10,001—12,000 sf	30 ft min.
	<16,000 sf	20 ft min.
	16,001 sf—20,000 sf	25 ft min.
	20,001—32,000 sf	30 ft min.

<b>Note A:</b>	<p><u>Subject to Site Plan Level II permit, with City Commission request for review, for heights greater than one hundred ten (110) feet, up to one hundred fifty (150) feet, with adherence to the performance standards of Section 47-13.51.B.1 - Performance Standards and Criteria for Additional Height Bonus.</u></p> <p><u>Or;</u></p> <p>Subject to Site Plan Level II permit, with City Commission approval, for heights greater than one hundred ten (110) feet, up to one hundred fifty (150) feet, <u>with adherence to the performance standards of Section 47-13.51.B.2. - Performance Standards and Criteria for Additional Height Bonus.</u> <del>and proposed tower(s) cannot exceed the following standards:</del></p> <p>Proposed tower(s) cannot exceed the following standards:</p>	
	<b>Max. Floorplate:</b>	<b>Min. Tower Separation:</b>
	Commercial 20,000 sf	25 ft side and rear stepback
	Residential 10,000 sf	25 ft side and rear stepback
<b>Note B:</b>	<p><u>Development requesting an affordable housing density incentive may exceed fifty (50) dwelling units per acre through the allocation of affordable housing units, not to exceed one hundred (100) dwelling units per acre, with approval as a Site Plan level II Development Permit in adherence with the requirements of Section 47-23.16.B.2 - Affordable Housing Density Incentives, subject to City Commission Request for Review.</u></p>	
<b>Note BC:</b>	<p>Any portion of a structure over 7-stories (75-feet in height) shall meet the minimum step back requirements. Structures located on Andrews Avenue or at the corner of Andrews Avenue and any other Street are exempt from the step back requirements along those street frontages.</p>	
(*)	<p>May be modified if alternative design is found to achieve the underlying intent of the design standard as provided in the SRAC-SA Design Standards</p>	

**SECTION 2.** Section 47-13.31 entitled "Table of Dimensional Requirements for the NWRAC-MU District" of the ULDR is hereby amended to read as follows:

Sec. 47-13.31. Table of Dimensional Requirements for the NWRAC-MU District.

<b>REQUIREMENTS</b> (Note A)	<b>NWRAC-MU<sub>ne</sub></b>	<b>NWRAC-MU<sub>e</sub></b>	<b>NWRAC-MU<sub>w</sub></b>
<b>Max. Height</b> (Note B)	120 ft	65 ft	45 ft
<b>Min Lot Size</b>	None		
<b>Min. Lot Width</b>			
<b>Max FAR</b>			
<b>Density</b>	None		
<b>Yard Requirements</b> (Note B & C)	(*) 0 ft (Primary Street) 5 ft (Secondary Street & NW 7 <sup>th</sup> Ave)		
<b>When abutting residential</b>	15 ft	15 ft	15 ft
<b>(**) Min. Shoulder Height</b>	25 ft (2 Stories) min		
<b>(**) Max. Shoulder Height</b>	65 ft (5 Stories) max		
<b>When abutting residential</b>	45 ft max		
<b>(**) Tower Stepback</b>			
<b>(**) Tower Floorplate Separation</b>	Floorplate Max	Floorplate Max	Side Rear Stepback Min
<b>Non-Residential</b>	≤16,000 sf	≤16,000 sf	20 ft min
	16,001—20,000 sf	16,001—20,000 sf	25 ft min
	20,001—32,000 sf	20,001—32,000 sf	30 ft min
<b>Residential</b>	≤ 8,000 sf	≤ 8,000 sf	20 ft min
	8,001—10,000 sf	8,001—10,000 sf	25 ft min
	10,001—12,000 sf	10,001—12,000 sf	30 ft min
	10,001—12,000 sf	10,001—12,000 sf	30 ft min

**Note A:** Dimensional requirements are subject to the intent of the NWRAC-MU Illustration of Design Standards. In the event of a conflict the NWRAC-MU Illustration of Design Standards shall take precedence.

**Note B:** An increase in height shall be permitted as follows:

NWRAC-MUe east of NW 2<sup>nd</sup> Avenue: up to one hundred twenty (120) feet, NWRAC-MUe west of NW 2<sup>nd</sup> Avenue: up to one hundred ten (110) feet ~~when approved by the city commission in accordance with~~ subject to the performance standards provided in Section 47-13.52.B, and City Commission request for review provided in Section 47-26A.2.

NWRAC-MUw: up to sixty-five (65) feet ~~when approved by the city commission in accordance with~~ subject to the performance standards provided in Section 47-13.52.B., and City Commission request for review provided in Section 47-26A.2.

**Note C:** A side yard is not required unless abutting residential property.

- (\*) Yard setback is based on the adopted street cross-sections and shall correspond to those as indicated in the NW-RAC Illustrations of Design Standards.
- (\*\*) May be modified if alternative design is found to achieve the underlying intent of the standards as provided in the NWRAC-MU Illustration of Design Standards.

**SECTION 3.** Section 47-13.51 entitled "SRAC-SA special regulations" of the ULDR is hereby amended to read as follows:

Sec. 47-13.51. - SRAC-SA special regulations.

A. *Applicability.* In addition to the regulations provided for in Section 47-13.50, General Regulations, the following additional regulations shall apply to all development permitted within the SRAC-SAw and SRAC-SAe zoning districts as shown on the List of Permitted and Conditional Uses, Section 47-13.10 As used herein, the SRAC-SA Design Standards shall refer to the SRAC-SA: Illustrations of Design Standards on file with the Department and incorporated herein as if fully set out in those sections of the ULDR that refer to the SRAC-SA Design Standards.

1. *Street Classifications.* All streets are classified as primary or secondary. This classification is made according to various functional characteristics of the street such as width, traffic volume, and suitability for human-scale, pedestrian-friendly street life. The form of development that occurs on any given street is in part determined by the street classification. The regulations for development arising from street classifications encourage development of both sides of the street in a consistent manner. The SRAC-SA Design Standards establishes development provisions intended to reinforce the qualities described for primary and secondary streets. For each street type, the right-of-

way width and particular street section may vary depending on available space and other existing constraints.

- a. *Primary Streets:* Primary streets are characterized by active commercial and retail frontage at the ground floor, taller and more intensive buildings fronting the street, and a consistent streetwall. Primary Streets typically feature a full complement of pedestrian amenities, including wide sidewalks, on street parking, and a well-developed streetscape, which may include open space for public use. Primary Streets are the principal urban streets and are intended to be well used by vehicles and pedestrians and to be the primary transit routes. In the SRAC, the Primary streets are:
  - i. South Andrews Avenue.
  - ii. Davie Boulevard.
  - iii. South East 17th Street.
- b. *Secondary Streets:* Secondary streets are more residential in nature, and have smaller scale non-residential uses transitioning between the more urban areas and the existing residential and commercial neighborhoods. Secondary streets offer a combination of a mix of uses, but at less intensity and with less vehicular traffic while maintaining a pedestrian friendly environment. Secondary streets are streets other than Primary Streets listed in subsection (a) above.

B. Performance standards and criteria for additional height bonus.

The following performance standards and criteria shall be met by developments requesting an increase in maximum height pursuant to Note A of Section 47-13.30 – Table of Dimensional Requirements for the SRAC Zoning Districts:

- 1. Site Plan Level II permit with City Commission request for review for heights greater than one hundred ten (110) feet, up to one hundred fifty (150) feet, with adherence to Section 47-23.16.B.1. – Affordable Housing Height Incentives.

or:

- 2. Site Plan Level II permit, with City Commission approval, for heights greater than one hundred ten (110) feet, up to one hundred fifty (150) feet,

and.

3. Additional Height Criteria:

In addition to the performance standards outlined herein, the following additional criteria shall apply:

- a. Land uses within the development shall be appropriate in their proposed location, compatible with their relationship to each other, and with uses and activities on abutting and nearby properties;
  - b. Where a proposed use is of larger scale and mass than existing adjacent uses, the design of the structure shall place significant consideration to transition, architectural articulation, superior lining with habitable space and screening of parking garage structures; effective transition between higher and lower density uses; and,
  - c. Street and alley vacations shall not be considered unless the applicant demonstrates no decrease to the pedestrian and functional connectivity previously provided and increases options for pedestrian and/or multimodal connectivity.
4. Development that demonstrates substantial, significant, and recognizable improvements and long-term beneficial effect to the community and city. Such as:
- a. Preservation/adaptive-reuse of historically significant structures not otherwise protected;
  - b. Superior architectural design, placement and orientation of buildings and attainment of Leadership in Energy and Environmental Design-Neighborhood Development ("LEED ND") certification for the development or LEED certification of individual buildings and/or other similar state, national or city-recognized programs;
  - c. Provisions of public facilities and public usable open space such as plazas, parks, provision for waterfront public access, greenway features, etc. and may include amenities such as playgrounds, special event space, etc. where the quality and programming of the space shall be emphasized over quantity;
  - d. Landscaping shall be provided in a manner which maximizes tree canopy, emphasizes native vegetation, improves the aesthetic appearance, and provides opportunities for storm water infiltration, including innovative design usage such as Low Impact Development ("LID"), which is an ecologically-based stormwater



management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network; and

- e. Preservation or restoration of environmental or natural resources that would not otherwise be protected, including environmental remediation/brownfield redevelopment.

**SECTION 4.** Section 47-13.52 entitled “NWRAC-MU regulations” of the ULDR is hereby amended to read as follows:

A. *Applicability.* In addition to the provided for in Section 47-13.50 General Regulations, the following additional regulations shall apply to all development permitted within the NWRAC-MU zoning districts as shown on the List of Permitted and Conditional Uses, Section 47-13.10 As used herein, the NWRAC-MU Design Standards shall refer to the NWRAC-MU: Illustrations of Design Standards on file with the Department and incorporated herein as if fully set out in those sections of the ULDR that refer to the NWRAC-MU Design Standards.

1. *Street Classifications.* In the NWRAC-MU all streets are classified as primary or secondary. This classification is made according to various functional characteristics of the street such as width, traffic volume, and suitability for human-scale, pedestrian-friendly street life. The form of development that occurs on any given street is in part determined by the street classification. The regulations for development arising from street classifications encourage development of both sides of the street in a consistent manner and in character with the established residential areas of the NWRAC-MU or development that is compatible with zoning districts outside of the NWRAC-MU. The NWRAC-MU Design Standards establishes development provisions intended to reinforce the qualities described for primary and secondary streets. For each street type, the right-of-way width and particular street section may vary depending on available space and other existing constraints.

- a. *Primary Streets:* Primary streets are characterized by an active commercial ground floor, which includes walk-up residential, commercial and retail uses with taller and more intensive buildings fronting the street creating a consistent streetwall. Primary Streets typically feature a full complement of pedestrian amenities, including wide sidewalks, on street parking, and a well-developed streetscape, which may include open space for public use. Primary Streets are the principal urban streets and are intended to be well used by vehicles and pedestrians and to be the primary transit routes. In the NWRAC, the Primary streets are:

- i. 7<sup>th</sup> Avenue.

- ii. 6<sup>th</sup> Street (Sistrunk Boulevard).
- iii. Sunrise Boulevard.
- iv. Broward Boulevard.
- v. Andrews Avenue.
- vi. Progresso Drive.

- b. *Secondary Streets:* Secondary streets are more residential in nature, and have smaller scale compatible non-residential uses transitioning from the higher intensity primary streets that are more urban in nature to the existing residential and commercial neighborhoods, which are lower in scale and intensity. Secondary streets offer a combination of a mix of uses, but at less intensity and with less vehicular traffic while maintaining a pedestrian friendly environment. Secondary streets are: streets other than Primary Streets listed in subsection (a) above.

- 2. All dimensional requirements shall be as provided in Section 47-13.31.
- 3. Dumpsters shall be located to allow access from existing alleys and away from existing residential property to the greatest extent possible.

B. Performance standards and criteria for additional height bonus.

The following performance standards and criteria shall be met by developments requesting an increase in maximum height pursuant to Note B of Section 47-13.31, Table of Dimensional Requirements for the following NWRAC-MU zoning districts:

- NWRAC-MUe (west of NW 2<sup>nd</sup> Avenue)—up to one hundred ten (110) feet
  - NWRAC-MUw—up to sixty-five (65) feet
- 1. ~~The purpose of Affordable Housing height incentive is to maintain a balanced community that provides housing for people of all income levels and to ensure the opportunity of affordable housing for employees of businesses that are located or will be located in the community.~~

- a. ~~Definitions: As used in this section, the following words and terms shall have the meanings specified herein:~~
- b. ~~Affordable housing: Housing with a sales price or rental amount within the means of a household that may occupy moderate and low income housing. In the case of dwelling units for sale, affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than thirty percent (30%) of such gross annual household income for a household of the size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than thirty percent (30%) of such gross annual household income for a household of the size that may occupy the unit in question.~~
- i. ~~Affordable housing development: Housing subsidized by the federal or state government, or any housing development in which at least twenty percent (20%) of the housing units are affordable dwelling units.~~
- ii. ~~Affordable housing development agreement: A written agreement between an applicant for a development and the city or county containing specific requirements to ensure the continuing affordability of housing included in the development.~~
- iii. ~~Affordable housing development plan: A plan prepared by an applicant for an affordable housing development under this section that outlines and specifies the development's compliance with the applicable requirements in this section.~~
- iv. ~~Affordable housing dwelling unit: A dwelling unit subject to covenants or restrictions requiring such dwelling units to be sold or rented at prices preserving them as affordable housing in perpetuity by deed restriction.~~
- v. ~~Affordable housing unit: A dwelling unit subsidized by the federal or state government or an affordable dwelling unit.~~
- vi. ~~Conversion: A change of a residential rental development or a mixed use development that includes rental dwelling units to a development that contains only owner-occupied individual dwelling units, or a change of a development that contains owner-occupied individual units to a residential rental development or mixed use development.~~
- vii. ~~Low-income housing. According to the U.S. Department of Housing and Urban Development, housing that is affordable, for either home ownership or rental, and~~

~~that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed fifty percent (50%) of the median gross household income for households of the same size within Broward County in which the housing is located.~~

~~viii. Median gross household income: The median income level for the Broward County, as established and defined in the annual schedule published by the secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.~~

~~ix. Moderate-income housing. According to the U.S. Department of Housing and Urban Development, housing that is affordable, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than fifty percent (50%) to one hundred percent (100%) of the median gross household income for households of the same size within the Broward County in which the housing is located.~~

~~2. Any development requesting additional height pursuant to section 47.13.52.B above shall include at least ten percent (10%) of all units in a development as affordable housing.~~

~~3. Application and Affordable Housing Development Plan:~~

~~a. For all developments in which affordable housing is required to be provided or in which the applicant proposes to include affordable housing, the applicant shall complete and file an application on a form required by the City with the Department of Sustainable Development ("DSD"), Urban Design & Planning Division ("UD&P"). The application shall require, and the applicant shall provide, among other things, general information on the nature and the scope of the development as the City may determine is necessary to properly evaluate the proposed development.~~

~~b. As part of the application required under subsection 2 above, the applicant shall provide to the City an affordable housing development plan. The plan shall be subject to approval by the DSD/UD&P Division and shall be incorporated into the affordable housing development agreement pursuant to subsection d. below. The affordable housing development plan shall contain, at a minimum, the following information concerning the development:~~

~~i. A general description of the development, including whether the development will contain units for rent or for sale;~~

- ~~ii. The total number of market-rate units and affordable housing units;~~
- ~~iii. The number of bedrooms in each market-rate unit and each affordable unit;~~
- ~~iv. The square footage of each market-rate unit and of each affordable unit measured from the interior walls of the unit and including air-conditioned and non-air-conditioned areas;~~
- ~~v. The location in the development of each market-rate and affordable housing unit;~~
- ~~vi. If construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and affordable housing units in each phase;~~
- ~~vii. The estimated sale price or monthly rent of each market-rate unit and each affordable housing unit;~~
- ~~viii. Documentation and plans regarding the exterior appearances, materials, and finishes of the affordable housing development and each of its individual units; and~~
- ~~ix. A proposed marketing plan to promote the sale or rental of the affordable units within the development to eligible households.~~

~~c. Criteria for Location, Integration, Character of Affordable Housing Units:~~

~~An affordable housing development shall comply with the following criteria:~~

- ~~i. Affordable housing units in an affordable housing development shall be mixed with, and not clustered together or segregated in any way from market-rate units.~~
- ~~ii. If the affordable housing development plan contains a phasing plan, the phasing plan shall provide for the development of affordable housing units concurrently with the market-rate units. No phasing plan shall provide that the affordable housing units built are the last units in an affordable housing development.~~
- ~~iii. The exterior appearance of affordable housing units in an affordable housing development shall be made similar to market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality.~~

~~d. Affordable Housing Development Agreement:~~

- ~~i. Prior to the issuance of a building permit for any units in a development in which an affordable unit is required pursuant to the criteria of subsection B, the applicant shall have entered into an affordable housing development agreement with the City. The development agreement shall set forth the commitments and obligations of the City and the applicant, and shall incorporate among other things, the affordable housing development plan.~~
  - ~~ii. The applicant shall execute any and all documents deemed necessary by the City in a form to be established by the City Attorney's Office, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for rent units) to ensure the continued affordability of the affordable housing units in accordance with this section.~~
  - ~~iii. Restrictive covenants or deed restrictions required for affordable units shall specify that the title to the subject property shall be transferred only with prior written approval by the City.~~
- ~~e. Enforcement of Affordable Housing Development Agreement; Affordability Controls:~~
- ~~i. The DSD Director or designee shall promulgate rules as necessary to implement this section. On an annual basis, the director shall publish or make available copies of the U.S. Department of Housing and Urban Development household income limits and rental limits applicable to affordable units within the local government's jurisdiction, and determine an inflation factor to establish a resale price of an affordable unit.~~
  - ~~ii. The resale price of any affordable unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:~~
    - ~~(a) Customary closing costs and costs of sale;~~
    - ~~(b) Costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed;~~
    - ~~(c) Consideration of permanent capital improvements installed by the seller; or~~
    - ~~(d) An inflation factor to be applied to the original sale price of a for sale unit pursuant to rules established herein.~~

- ~~iii. The applicant or his or her agent shall manage and operate affordable units and shall submit an annual report to the City identifying, which units are affordable units in an affordable housing development, the monthly rent for each unit, vacancy information for each year for the prior year, monthly income for tenants of each affordable unit, and other information as required by the City, while ensuring the privacy of the tenants. The annual report shall contain information sufficient to determine whether tenants of for rent units qualify as low- or moderate-income households.~~
- ~~iv. For all sales of for-sale affordable housing units, the parties to the transaction shall execute and record such documentation as required by the affordable housing development agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:~~
  - ~~(a) The affordable housing unit shall be sold to and occupied by eligible households in perpetuity by deed restriction from the date of the initial certificate of occupancy.~~
  - ~~(b) The affordable housing unit shall be conveyed subject to restrictions that shall maintain the affordability of such affordable housing units for eligible households.~~
- ~~v. In the case of for-rent affordable housing units, the owner of the affordable housing development shall execute and record such document as required by the affordable housing development agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:~~
  - ~~(a) The affordable housing units shall be leased to and occupied by eligible households.~~
  - ~~(b) The affordable housing units shall be leased at rent levels affordable to eligible households and occupied by eligible households in perpetuity by deed restriction from the date of the initial certificate of occupancy.~~
  - ~~(c) Subleasing of affordable housing units shall not be permitted without the express written consent of the DSD Director or designee.~~

1. Adherence to Section 47-23.16.- Affordable Housing Regulations.

4.2. Additional Height Criteria:

In addition to the performance standards outlined herein, the following additional criteria shall apply:

- a. Land uses within the development shall be appropriate in their proposed location, compatible with their relationship to each other, and with uses and activities on abutting and nearby properties;
- b. Where a proposed use is of larger scale and mass than existing adjacent uses, the design of the structure shall place significant consideration to transition, architectural articulation, superior lining with habitable space and screening of parking garage structures; effective transition between higher and lower density uses; ~~or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional zoning approach; and,~~
- c. Street and alley vacations shall not be considered unless the applicant demonstrates no decrease to the pedestrian and functional connectivity previously provided and increases options for pedestrian and/or multimodal connectivity;

5.3. Development that demonstrates substantial, significant and recognizable improvements and long-term beneficial effect to the community and city. Such as:

- a. Preservation/adaptive-reuse of historically significant structures not otherwise protected;
- b. Superior architectural design, placement and orientation of buildings and attainment of Leadership in Energy and Environmental Design—Neighborhood Development ("LEED ND") certification for the development or LEED certification of individual buildings and/or other similar state, national or city-recognized programs;
- c. Provision of public facilities and public usable open space such as plazas, parks, provision for waterfront public access, greenway features, etc. and may include amenities such as playgrounds, special event space, etc. where the quality and programming of the space shall be emphasized over quantity;
- d. Landscaping shall be provided in a manner which maximizes tree canopy, emphasizes native vegetation, improves the aesthetic appearance, and provides opportunities for storm water infiltration, including innovative design usage such as Low Impact Development ("LID"), which is an ecologically-based stormwater management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network; and;



- e. Preservation or restoration of environmental or natural resources that would not otherwise be protected, including environmental remediation/brownfield redevelopment.

SECTION 5. Section 47-20.3. entitled "Reductions and exemptions" of the ULDR is hereby amended to read as follows:

Sec. 47-20.3 – Reductions and exemptions.

*A. General parking reduction.*

1. Notwithstanding the off-street parking requirements provided in this Section 47-20, a parking reduction may be approved in accordance with the provisions of this section.
2. *Restrictions.* A parking reduction shall not be permitted for a residential use, except for.
  - a. Residential developments located in an area with RAC zoning designation; or
  - b. Multifamily residential developments which provide affordable housing units as defined in Section ~~9.340 of the Code of Ordinances~~ 47-23.16 – Affordable Housing Regulations of the ULDR. To qualify for the ability to obtain a parking reduction pursuant to this section, a restrictive covenant must be executed and recorded in the public records of Broward County, Florida, ensuring that the affordable units remain affordable for a minimum of ten (10) years by restricting the ownership of an owner qualified development to maximum sale or rental price of an affordable housing unit an eligible person for no less than five (5) years and lease of multifamily dwellings to a qualified lease development to an eligible person for no less than fifteen (15); or
  - c. 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.

\* \* \*

SECTION 6. Section 47-23.16 entitled "Affordable Housing Regulations" of the ULDR is created as follows:

Sec. 47-23.16. - Affordable Housing Regulations

The purpose of this section is to provide regulations that implement policies and programs to maximize the attainability of housing for persons and households of moderate to lower incomes. The City finds that affordable housing incentives benefit the public health, safety and welfare by helping to maintain a balanced community that provides housing for people of all income levels and ensure the opportunity of affordable housing.

#### A. Definitions

1. As used in this section, the following words and terms shall have the meanings specified herein:

a. *Affordable*: The term affordable as used in this section refers to the cost of housing that is reasonably priced for a person or household. Housing costs are deemed affordable for:

i. an owner-occupied housing unit when the culminative costs of mortgage, taxes, insurance, and condominium or association fees, if any, is no greater than or equal to thirty five percent (35%) of a persons or household's gross annual income.

ii. a leased housing unit when the culminative costs of common charges and heat and utility costs, excluding television, telecommunications, and information technology services is no greater than or equal to thirty percent (30%) of a persons or household's gross annual income.

b. *Affordable housing categories* are defined as follows:

i. Moderate-Income: persons having a total annual anticipated income for the household that does not exceed one hundred and twenty percent (120%) of the median annual income adjusted for family size for households within the county.\*

ii. Low-Income: persons having a total annual anticipated income for the household that does not exceed eighty percent (80%) of the median annual income adjusted for family size for households within the county.\*

iii. Very-Low Income: persons having a total annual anticipated income for the household that does not exceed fifty percent (50%) of the median annual income adjusted for family size for households within the county.\*

\*While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed one hundred and forty percent (140%) of the applicable median income adjusted for family size.

- c. *Affordable Housing Development Agreement*: A written agreement between a developer of a residential or mixed-use development with a residential component and the city or county containing specific requirements to ensure the continued inclusion of affordable housing in the development.
- d. *Affordable Housing Development Plan*: A plan prepared by an applicant for an affordable housing development that outlines and specifies the development's compliance with the applicable requirements in this section.
- e. *Affordable Housing Unit*: A dwelling unit the sale or rental of which is restricted to a person or household with a gross annual income is less than or equal to one hundred twenty percent (120%) of the median family income (MFI).
- f. *Applicant*: When used herein an applicant for an affordable housing incentive shall mean a property owner or authorized agent of the property owner of real property proposed for a development including affordable housing component.
- g. *Area Median Income (AMI)*: Area median income shall be defined as MFI.
- h. *Conversion*: A change of a residential rental development or a mixed use development that includes rental dwelling units to a development that contains owner-occupied individual dwelling units, or a change of a development that contains owner-occupied individual units to a residential rental development or mixed use development.
- i. *Eligible Person* or *Eligible Household*: means a person or household who meets the income categories established herein.
- j. *Market Rate Housing*: Residential housing units affordable to persons or households with a gross annual income that exceeds one hundred twenty percent (120%) of the MFI.
- k. *Median Family Income (MFI)*: The estimated median family income for the Broward County Metropolitan Statistical Area as determined annually by the U.S. Department of Housing and Urban Development (HUD).

## B. Affordable Housing Incentives

1. Affordable Housing Height Incentives.

Developments within a NWRAC-MUe, NWRAC-MUw, SRAC-S Ae, and SRAC-S Aw zoning district may exceed the maximum height limitations as provided in Sec. 47-13.31. – “Table of Dimensional Requirements for the NWRAC-MUe and NWRAC-MUw Districts” and Section 47-13.30. – “Table of Dimensional Requirements for the SRAC Districts”, through the application of an Affordable Housing Height Bonus as provided in this subsection.

- a. An Affordable Housing Height Bonus may be applied to a development subject to the following restrictions:
  - i. A minimum of ten percent (10%) of dwelling units in a development to which the affordable housing height bonus is applied shall be restricted by deed to be sold or rented as affordable housing units and shall be further restricted as follows:
    1. A minimum of five percent (5%) of dwelling units shall be restricted for rental or to be sold to a person or household with an annual gross income less than or equal to eighty percent (80%) of the MFI; and
    2. A minimum of five percent (5%) of dwelling units shall be restricted for rental or to be sold to a person or household with an annual gross income less than or equal to one hundred percent (100%) of the MFI; and
    3. Minimum floor area of four hundred (400) square feet per restricted residential dwelling unit.
- b. The maximum building height for developments to which an Affordability Housing Height Bonus is applied may not exceed:
  - i. One hundred and ten feet (110') for property with a NWRAC-MUe District zoning designation and located west of NW 2<sup>nd</sup> Avenue;
  - ii. Sixty-five feet (65') for property with a NWRAC-MUw District zoning designation; and
  - iii. One hundred and fifty feet (150') for property with a S-RAC District zoning designation
- c. An application for an affordable housing height bonus shall be reviewed as a Site Plan Level II application subject to a city commission request for review pursuant to Section 47-26A.2.-City Commission Request for Review.

- d. Affordable housing set-aside requirements for this policy are not cumulative. Applicants may satisfy the affordability requirements of this section without providing additional affordable housing units, as long as the total number of units provided as affordable meet the requirements of this section.

## 2. Affordable Housing Density Incentives

### a. Uptown Urban Village

The following regulations shall apply to the application of affordable housing density incentives to the development of parcels within the Uptown Urban Village zoning districts:

- i. Any development requesting the application of affordable housing density may exceed fifty (50) dwelling units per acre through the allocation of affordable housing units, not to exceed one hundred (100) dwelling units per acre, based on the following formula:
  - 1. One (1) affordable housing unit restricted to rental or sale to a person or household with an annual gross income less than or equal to eighty percent (80%) of the MFI, may be allocated for every four (4) market rate units.
  - 2. One (1) affordable housing unit restricted to rent or sale to a person or household with an annual gross income less than or equal to one hundred percent (100%) of the MFI, may be allocated for every two (2) market rate units.
  - 3. Minimum floor area of four hundred (400) square feet per restricted residential dwelling unit.

### b. SRAC-SA Zoning Districts

The following regulations shall apply to the application of affordable housing density incentives to the development of parcels within the SRAC-SAE, and SRAC-SAW zoning districts:

- i. Any development requesting the application of affordable housing density may exceed fifty (50) dwelling units per acre through the allocation of affordable housing units, not to exceed one hundred (100) dwelling units per acre, based on the following:

1. A minimum of ten percent (10%) of dwelling units in a development to which the affordable housing height bonus is applied shall be restricted by deed to be sold or rented as affordable housing units and shall be further restricted as follows:
    - a. A minimum of five percent (5%) of dwelling units shall be restricted for rental or to be sold to a person or household with an annual gross income less than or equal to eighty percent (80%) of the MFI; and
    - b. A minimum of five percent (5%) of dwelling units shall be restricted for rental or to be sold to a person or household with an annual gross income less than or equal to one hundred percent (100%) of the MFI; and
    - c. Minimum floor area of four hundred (400) square feet per restricted residential dwelling unit.
  2. An application for an affordable housing density bonus within the SRAC-S Ae and SRAC-S Aw zoning districts shall be reviewed as a Site Plan Level II application subject to a city commission request for review pursuant to Section 47-26A.2.- City Commission Request for Review.
- c. Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing Bonus residential density for affordable housing may be allocated on parcels located on Highway US 1 and designated Commercial, Employment Center, Industrial or Office Park future land use and fronting with direct access on a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, or within parcels designated Downtown Regional Activity Center, Northwest Regional Activity Center, or South Andrews Regional Activity Center on the City of Fort Lauderdale future land use map, multi-family residential use is permitted in addition to that permitted otherwise in those designations by the BCLUP, excluding properties located east of the intracoastal, subject to the following:
- i. One or more of the affordable housing categories, as defined in Section 47-23.16.A.1.b, must be a component of the residential development based on the following "bonus" units to "affordable" unit formula(s) described below:
    1. Moderate income: six (6) bonus units for every (1) one moderate income unit.
    2. Low income: nine (9) bonus units for every (1) one low income unit.

3. Very-low income: nineteen (19) bonus units for every (1) one very-low income unit.
- ii. Each required affordable housing unit must be no smaller than ten percent (10%) less than the average gross floor area of all bonus units in the development project.
- iii. Single-family dwelling units are not permitted. As per Policy 2.2.6 of the Broward County Land Use Plan, studio, or efficiency housing units, no greater than 500 square feet in size or less than 400 square feet, may be counted by the local government as 0.5 dwelling units for residential density purposes. No more than fifty percent (50%) of a development can consist of studio or efficiency housing units.
- iv. These additional permitted residential density provisions are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, at a minimum, through the use of restrictive covenants, that the affordable unit(s) will be maintained as affordable to the applicable designated income group(s) for a minimum period of thirty (30) years.
- v. Within a development containing residential units, a minimum of ten percent (10%) of the gross floor area, excluding parking garages, must be reserved, or utilized for office or commercial uses not ancillary to the residential units.
- vi. Bonus residential density for affordable housing may be allocated on parcels located east of Highway US1 and west of the Intracoastal Waterway if the City Commission finds that the additional dwelling units on said parcels will not negatively impact hurricane evacuation clearance times and/or emergency shelter capacities. Documentation is required to be submitted prior being reviewed by the Planning and Zoning Board.
- vii. "Affordable unit" requirements may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund based on the Florida Housing Finance Corporation (FHFC) most recent "Total Development Cost Per Unit Base Limitations," as updated by the FHFC. The per unit in-lieu payment option shall be the Broward County FHFC average of the "garden ESS," "mid-rise ESS" and "high rise" total development cost divided by 7.

- viii. One hundred percent (100%) of the “affordable” units shall be available for occupancy before the final twenty- five percent (25%) of bonus units are available for occupancy.
- ix. Development application approval shall be subject to Section 47-24, Development Permits and Procedures.
- d. Affordable housing set-aside requirements for this policy are not cumulative. Applicants may satisfy the affordability requirements of this section without providing additional affordable housing units, as long as the total number of units provided as affordable meet the requirements of this section.

#### C. Exemptions

1. Developments receiving assistance under a governmental program or agreement, that meet or exceed the requirements of Section 47-23.16.B - Affordable Housing Incentives, are exempt from the requirements of Section 47-23.16. - Affordable Housing Regulations. Eligible applicants shall provide the following documentation:
  - a. The applicant shall provide existing or future affordability documentation, recorded deed restrictions, agreements and supporting documentation during site plan application submission to determine conformance with this section; or
  - b. If it is determined by staff that affordability documentation cannot be provided during site plan application submission, affordability documentation shall be provided and reviewed prior to building permit issuance.
2. Exemption is not permitted if the governmental program or agreement requires adherence to set-aside requirements of Section 47-23.15.B - Affordable Housing Incentives. This includes, but is not limited to, City and County programs and agreements.
3. Exemption is not permitted for developments receiving units under Section 47-23.16.B.2.C- Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

#### D. Affordable Housing General Requirements

1. Application and Affordable Housing Development Plan:



For applicants seeking an affordable housing height or density incentive an application for a development permit shall be submitted to the department on forms provided by the Department.

- a. As part of the application requirements, the applicant shall provide to the City an Affordable Housing Development Plan. The plan shall be subject to approval by the Department and shall be incorporated into the Affordable Housing Development Agreement. The Affordable Housing Development Plan shall contain the following:
  - i. A description of the development, including whether the development will contain residential units for rent or for sale;
  - ii. The total number of market-rate units and affordable housing units, separated into categories by income level;
  - iii. The number of bedrooms in each market-rate unit and each affordable unit;
  - iv. The square footage of each market-rate unit and of each affordable unit measured from the interior walls of the unit and including air-conditioned and non-air-conditioned areas;
  - v. The location in the development of each market-rate and affordable housing unit;
  - vi. If construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and affordable housing units in each phase; and
  - vii. The applicant shall provide the following calculations:
    1. Calculations for mortgage, taxes, insurance, and condominium or association fees for affordable housing for sale units.
    2. The estimated sale price and monthly rent of each market-rate unit and each affordable housing unit. The Affordability Plan must reflect whether utility costs are included within rental cost calculations and the estimated cost of utilities. Utility costs must be adjusted to reflect changes in common charges, heat and utility costs every two (2) years;
    3. For rental housing, housing costs include cost of rent common charges, heat, and utility costs; and exclude, television, telecommunications, and information technology services. Housing costs may not exceed thirty

percent (30%) of a persons or households income. If housing costs exceed thirty percent (30%) of a persons or households income, utilities shall be deducted from the maximum monthly housing payment. Heat and utility costs may be calculated by reasonable estimates.

viii. A proposed marketing plan to promote the sale or rental of the affordable units within the development to eligible households.

b. Criteria for Location, Integration and Character of Affordable Housing Units:

- i. Affordable housing units shall be mixed with and not clustered together or segregated in any way from market-rate units;
- ii. Affordable housing units shall be distributed between unit types;
- iii. The square footage of an affordable housing unit shall not be less than four hundred (400) square feet; nor shall the square footage of an affordable housing unit have a smaller square footage than the smallest market rate unit of the same unit type within the proposed development;
- iv. If the affordable housing development plan contains a phasing plan, the phasing plan shall provide for the development of affordable housing units concurrently with the market-rate units. No phasing plan shall provide that the affordable housing units built are the last units in an affordable housing development;
- v. The exterior appearance of affordable housing units shall be made the same as market-rate units; and
- vi. Interior finishes shall be of equal or similar quality as market rate units within the same development.
- vii. Market rate and affordable housing units shall share and have access to development common areas including entrances, lobbies, elevators, and amenities such as pools and gyms.

2. Affordable Housing Development Agreement and Deed Restriction

- a. Prior to the issuance of a building permit for any units in a development in which an affordable unit is required pursuant to the criteria of subsection B, the applicant shall have entered into an affordable housing development agreement with the City. The

development agreement shall set forth the commitments and obligations of the City and the applicant, and shall incorporate among other things, the affordable housing development plan.

- b. The applicant shall execute any and all documents deemed necessary by the City in a form to be established by the City Attorney's Office, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this section, for no less than thirty (30) years, beginning on the date the certificate of occupancy is issued for the affordable housing units.
- c. The required deed restriction shall specify that the title to the subject property shall be transferred only with prior written approval by the City.

3. Income Limits:

- a. On an annual basis, the Director of Sustainable Development or his designee shall publish or make available HUD's income and rental limits.
- b. Upon the sale of for-sale affordable housing units, the parties to the transaction shall execute and record such documentation as required by the affordable housing development agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:
  - i. The affordable housing unit shall be sold to and occupied by eligible households by restrictive covenants, deed restrictions, and related instruments from the date of the initial certificate of occupancy; and
  - ii. The affordable housing unit shall be conveyed subject to restrictions that shall maintain the affordability of such affordable housing units for eligible households.
- c.

4. Resale of For Sale Affordable Housing Units:

- a. The resale of for sale affordable housing units are limited to an annual appreciation of three percent (3%) over the original purchase price, including the following sale price increases:
  - i. Eligible capital improvements and repair costs shall be valued at one hundred percent (100%) of reasonable costs, as determined by the DSD Director or

designee. It is the responsibility of the homeowner to provide documentation of claimed capital improvements and repairs with receipts, contracts, or other supporting evidence, as requested;

ii. Customary closing costs and real estate commissions paid by the seller if a licensed real estate salesperson is employed; and

iii. Repairs costs covered by insurance are not permitted to be included in resale valuation calculations;

b. To account for appreciation, an eligible purchaser's income is permitted to increase twenty percent (20%) over the initially established MFI, after a time period of fifteen (15) years.

5. Rental of Affordable Housing Units:

a. Affordable housing units shall be leased to and occupied by an eligible person or household as required by the affordable housing development agreement from the date of the initial certificate of occupancy.

b. A person or household initially qualified as income eligible are permitted to have their incomes increase up to twenty percent (20%) and will continue to be considered income eligible at the original qualifying income level.

c. If a household is no longer income eligible for the original MFI level and exceeds the permitted income increase, described above, and the household qualifies for a higher MFI level within the development, the affordable housing unit may be re-designated as a higher MFI level, permitting the household to remain in the same unit. To restore the original mix of MFI levels, the next available unit, with the same number of bedrooms, shall replace the lower MFI level that was redesignated and rented as affordable.

d. If a household is no longer income eligible for the original MFI level and exceeds the permitted income increase, described above, and the development does not have an affordable housing unit with a higher MFI level that the household qualifies, the household may remain in the affordable housing unit if the household agrees to pay market rate rent. To restore the required set-aside requirements, the next available unit, with the same number of bedrooms, is required to be designated and rented as affordable.

6. Annual Affidavit:

The property owner or his or her agent are required to submit an annual affidavit, provided by the DSD Director or Designee, certifying rental affordable housing units are leased to eligible persons or households. The affidavit shall state the number of units required to be set-aside, required income level restrictions, the monthly rent for each unit, monthly income for tenants of each affordable unit, and other information as required by the City, while ensuring the privacy of the tenants. The annual report shall contain information sufficient to determine whether the property owner is in compliance with the affordability requirements.

7. Conversion:

Affordable housing rental units are permitted to be converted into for sale affordable housing units, and for sale affordable housing units are permitted to be converted into affordable housing rental units, subject to the following:

- a. The percentage of affordable housing units and income-levels established under the recorded deed restriction for affordable housing shall not change upon conversion;
- b. A converted affordable housing unit shall be sold, resold or rented to an income-eligible household, per Section B, herein;
- c. Affordable housing units shall remain income restricted for the remainder of the originally recorded restriction; and
- d. An updated deed restriction shall be reviewed and approved by the DSD Director or designee and the City Attorney's Office, prior to being executed and recorded in the public records of Broward County, Florida.

8. Payment In-Lieu of Affordable Housing:

- a. Affordable housing set-aside requirements may be satisfied via an in-lieu payment to the City of Fort Lauderdale Affordable Housing Trust Fund, based on the Florida Housing Finance Corporation (FHFC) most recent "Total Development Cost Per Unit Base Limitations," as dictated by the county and updated by FHFC. Residential flexibility units are excluded from satisfying affordable housing set-aside requirements through in-lieu payments.
- b. "Affordable unit" requirements may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund\*\* based on the Florida Housing Finance Corporation (FHFC) most recent "Total Development Cost Per Unit Base Limitations,"

as updated by the FHFC. The per unit in-lieu payment option shall be the Broward County FHFC average of the “garden ESS,” “mid-rise ESS” and “high rise” total development cost divided by 7.

- c. Payment in-lieu of fees shall apply to the total number of units in a development. The applicant shall provide an analysis of the payment in-lieu of affordable housing fees, to be provided at the time of application submission.
- d. In-lieu of fees shall be paid prior to the issuance of certificate of occupancy for residential units.

E. Expedited Review Process:

- 1. An application containing affordable housing units shall be identified for expedited review processing. Expedited processing may include, but shall not be limited to the following:
  - a. Identify zoning regulations applicable to the proposed development.
  - b. Oversight of the development will be conducted from application to certificate of occupancy.
  - c. Assist the applicant with any incomplete portions of the development application.
  - d. Where applicable identify resources, which may assist the applicant in meeting the requirement for development permit approval.

SECTION 7. Section 47-24 entitled “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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SITE PLAN—LEVEL I DEPARTMENT	
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SITE PLAN—LEVEL II DEVELOPMENT REVIEW COMMITTEE								
12.	New nonresidential construction—greater than 5,000 sq. ft.	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2
13.a.	When communications towers are permitted.	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2 & 47-18.11
13.b.	When communications towers are conditional	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2 & 47-18.11
14.	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
15.	Residential—5 units or more	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2

16.	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
17.	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
17.a.	A modification which alters the site improvements by more than twenty-five percent (25%) of the area of the development site.							
17.b.	A new drive or relocation of an existing drive giving vehicular access from a public road to the development site.							
17.c.	An addition which exceeds twenty-five percent (25%) of the gross floor area of the existing structure(s) on the development site.							
17.d.	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.							
18.a.	Allocation of affordable housing	R	DP	A		CRR/PZ		1. Adequacy



	units to residential and nonresidential land use designated parcels							Review 47-25.2  2. Neighborhood Compatibility Review 47-25.  3. Flexibility Rules 47-28
18.b.	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
19.	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. Neighbor-hood Compatibility Review Sec. 47-25.3  3. Nonconforming Use, Section 47-3
20.	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 <del>32</del> <u>37</u> , or on the New River waterfront corridor within RAC-CC and RAC-AS as provided in <del>33</del> <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

21.	All development within the RAC-TMU (EMU, SMU, WMU), except as otherwise provided in <del>20</del> <u>22</u> and <del>32</del> <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
22.	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
23.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
23.b.	Any Site Plan Level II development within Downtown RAC which has previously been approved by or subject of an	R	DP	A		CRR/PZ or DRC		1. RAC Requirement, Sec. 47-13.

	agreement with the City Commission (See Sec. 47-13.20.M.1)							2. Adequacy Review, Sec. 47-25.2.  3. Neighborhood Compatibility review Sec. 47-25.3 when applicable.
23.c.	Any Site Plan Level II development within Downtown RAC that deviates from the requirements of Section 47-13.20.B	R			<del>DP</del>	<u>DP</u>		Downtown Master Plan intent
23.d.	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.  <del>5. Uptown Urban Village Zoning Districts 47-37B</del>
24.a.	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	R	DP	A		CRR		1. Adequacy Review 47-25.2  2. SRAC-SA Design Standards

	one hundred and ten (110) feet in height.						
24.b.	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
<u>24.c.</u>	<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, when in compliance with Sec. 47-13.51.- SRAC-SA Special Regulations.</u>	<u>R</u>	<u>DP</u>	<u>A</u>		<u>CRR</u>	<u>1. Adequacy Review 47-25.2</u>  <u>2. SRAC-SA Design Standards</u>  <u>3. SRAC-SA Special Regulations, Sec. 47-13.51.</u>
<u>24.d.</u>	<u>SRAC-SA Affordable Housing Density Incentive from fifty (50) dwelling units per acre to one hundred (100) dwelling units per acre.</u>	<u>R</u>	<u>DP</u>	<u>A</u>		<u>CRR</u>	<u>1. Adequacy Review 47-25.2</u>  <u>2. SRAC-SA Design Standards</u>  <u>3. Affordable Housing Regulations Section 47-23.16.</u>

25.a.	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		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>
25.b.	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		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>
25.c.	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		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>
25.d.	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		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>
	NWRAC-MUw zoning	R	DP	A		CRR/PZ		<u>1. Adequacy</u>

25.e.	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							<u>Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>
25.f.	NWRAC-MUe or NWRAC-MUe when located east of NW 2 <sup>ND</sup> Avenue: Residential development five (5) units or more and nonresidential development five thousand (5,000) square feet or more	R	DP	A		CRR/PZ		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>
25.g	NWRAC-MUe zoning district when located west of NW 2 <sup>nd</sup> Avenue greater than sixty five (65) feet in height <u>when in compliance with Sec. 47-13.52.-NWRAC-MU Special Regulations</u>	R	<u>RDP</u>	<u>A</u>		<del>D</del> PCRR		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>  <u>3. NWRAC-MU Special Regulations, Sec. 47-13.52.</u>
25.h.	NWRAC-MUw zoning district greater than forty-five (45) feet in height <u>when in compliance with Sec. 47-13.52.-NWRAC-MU Special Regulations</u>	R	RDP	<u>A</u>		<del>D</del> PCRR		<u>1. Adequacy Review 47-25.2</u>  <u>2. Design Standard Applicability, Sec. 47-13.29.</u>  <u>3. NWRAC-MU</u>

							<u>Special Regulations, Sec. 47-13.52.</u>
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

SECTION 8. Section 47-37B.3. entitled “Applicability and general regulations” of the ULDR is hereby amended to read as follows:

Sec. 47-37B.3. - Applicability and general regulations.

A. *Applicability.* The following regulations shall apply to all development permitted within the Uptown Urban Village Zoning Districts as listed in Section 47-37B.4, List of Permitted and Conditional Uses, and shall be read in conjunction with the adopted design standards referenced herein Section 47-37B.3.A.1.

1. Uptown Urban Village Illustrations of Design Standards. Document adopted by ordinance as part of the creation of the Uptown zoning districts and incorporated as if fully set out herein and filed with the department.

B. *Development permit and approval process.* Development applications shall be reviewed in accordance with Section 47-24, Table 1. Development Permits, and as provided below

1. An application for a development permit shall be reviewed for compliance with the applicable criteria as provided in the ULDR and shall demonstrate consistency with adopted design standards for Uptown.

2. An application for a development permit that seeks alternate design solutions to the regulations provided herein shall be reviewed as a site plan level III and is subject to the following restrictions:
  - a. Alternate design solutions shall not exceed more than three (3) regulation standards.
  - b. Development applications must demonstrate that the proposed alternate solution(s) maintain the overall intent of the standard.
  - c. Such alternate solutions cannot include deviations to density, building height, or maximum floor area ratio unless provided herein.

C. Definitions. The following words when used in this section shall, for the purpose of this section, have the following meanings.

1. *Active use*. A use designed to provide visual engagement between the public realm and the ground floor of buildings. Active uses enhance building facades that front a street by creating a sense of human presence, safety, and comfort.
2. *Communal space*. A space that is convenient, accessible, safe, and is adaptable for certain activities including but not limited to movie rooms, cooking and dining areas, office cubicles, and is typically restricted for patrons, residents, or invited guests of the building, community, or neighborhood. Amenity space such as pools and fitness rooms are not included.
3. *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 Regulation (ULDR).
4. *Enhanced architectural element*. High quality building material(s) or design feature(s) that when incorporated into the design of a building or structure results in a unique, aesthetically pleasing style that is different than the surrounding buildings.
5. *Floorplate*. The total square footage for any floor of a tower. This does not include balconies that are open on three (3) sides.
6. *Plaza/gathering area*. An area located outside of the right-of-way, typically between a building and a street, or along a pedestrian path which promotes visual and pedestrian access onto the site and provides pedestrian-oriented amenities and landscaping to



enhance the public's use of the space for passive activities such as resting, reading, and outdoor dining.

7. *Pocket park.* A small, accessible space, mostly at grade, which fits into the urban fabric and provides greenery, seating, and other pedestrian friendly elements for use by residents. A pocket park is not land dedicated or deeded to the city. A pocket park is a spatial requirement for development which contains residential uses to ensure adequate and sufficient open space is provided for residents.
8. *Sense of place element.* Physical characteristics of a structure, area, or element that set it apart from its surroundings and contribute to its individuality through creative design elements that provided an artistic, social, and functional component of the project.
9. *Shoulder.* The portion of a building below the horizontal stepback between a tower and a pedestal.
10. *Stepback.* The horizontal dimension that defines the distance between the face of the tower and the face of the pedestal.
11. *Streetscape zone.* A portion of the public right-of-way, typically adjacent to the sidewalk but outside the pedestrian walking area, including streetscape elements, landscaping, and street trees.
12. *Tower.* The portion of a building extending upward from the pedestal.
13. *Uptown Project Area.* Generally described as the land area bound by McNab Road and the C-14 canal to the north, NW 57<sup>th</sup> Street to the south, Powerline Road to the west, and I-95 to the east.

D. *Density, affordable housing, and flex allocation.*

1. Density within the Uptown Urban Village Zoning Districts shall require the allocation of residential flex units as outlined in Section 47-28, Flexibility Rules.
2. Density of a development parcel shall not exceed fifty (50) dwelling units per acre, however the density may exceed fifty (50) dwelling units per acre ~~through the allocation of affordable housing units (AFUs) within specific income mix categories. The increase in density is directly linked to the number of AFUs in the very low and low income category and moderate income category based in the following formula:~~ in accordance with Section 47-23.16. - Affordable Housing Regulations.

- a. ~~Very low and low income category: one (1) unit equals four (4) market rate units;~~
  - b. ~~Moderate income category: one (1) unit equals two (2) market rate units~~
  - 3. ~~In no case shall the total density including both market rate and AFUs exceed one hundred (100) dwelling units per acre.~~
  - 4. ~~Affordable housing units (AFUs) shall be subject to the following:~~
    - a. ~~The AFUs income categories are defined as the following:~~
      - i. ~~Very low and low income category. Very low and low income persons having a total annual anticipated income for the household that does not exceed eighty (80) percent of the median annual income adjusted for family size households; and~~
      - ii. ~~Moderate income category. Moderate income persons having a total annual anticipated income for the household that does not exceed one hundred twenty (120) percent of the median annual income adjusted for family size households.~~
    - b. ~~Assignment of AFUs shall be allocated from the affordable housing unit pool contained in the city's flex table.~~
    - c. ~~A deed restriction, restrictive covenant, or development agreement must be recorded for a period of fifteen (15) years restricting the development parcel based upon the number and mixture of AFUs as approved by the city.~~
53. Commercial flex allocation shall be applied as outlined in Section 47-28, Flexibility Rules.

SECTION 9. 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 10. 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 11. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 7<sup>th</sup> day of June, 2022.

PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN