

ORDINANCE NO. C-23-10

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY OF FORT LAUDERDALE, UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), TO MODIFY EXISTING REGULATIONS AND ADOPT ADDITIONAL REGULATIONS THAT ARE CONSISTENT WITH BROWARD COUNTY LAND USE PLAN POLICY NO. 2.16.4; SPECIFICALLY AMENDING SECTION 47-13.20 OF THE ULDR ENTITLED "DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS" TO ADD REGULATIONS REGARDING DENSITY; AMENDING SECTION 47-18.21 OF THE ULDR, ENTITLED "MIXED USE DEVELOPMENT" TO ADD REGULATIONS FOR DEVELOPMENTS THAT FACE OR FRONT QUALIFIED ROADS, TO MODIFY REGULATIONS FOR MIXED USE DEVELOPMENT ON COMMERCIAL LAND USE DESIGNATED PARCELS AND MODIFY REGULATIONS FOR MIXED USE DEVELOPMENT ON EMPLOYMENT CENTER LAND USE DESIGNATED PARCELS TO ADD LOCATIONS WHERE AFFORDABLE UNITS ARE PERMITTED; AMENDING SECTION 47-23.16 OF THE ULDR, ENTITLED "AFFORDABLE HOUSING REGULATIONS", TO MODIFY REGULATIONS REGARDING AFFORDABLE HOUSING UNIT SIZES, TO ADD REGULATIONS REGARDING DEVELOPMENTS THAT FACE OR FRONT QUALIFIED ROADS, TO MODIFY REGULATIONS FOR DEVELOPMENTS WHICH INCLUDE RESIDENTIAL UNITS, TO MODIFY THE DEVELOPMENT PERMIT APPLICATION PROCESS, TO AMEND THE AFFORDABLE HOUSING REQUIREMENTS, AND MODIFY THE PAYMENT IN-LIEU OF AFFORDABLE HOUSING REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, on September 22, 2022, the City Commission adopted Ordinance No. C-22-18 amending the City of Fort Lauderdale, Florida Unified Land Development

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Regulations ("ULDR") to create incentive-based zoning regulations that support affordable/workforce housing development; and

WHEREAS, the Broward County Commission subsequently adopted amendments to the Broward County Land Use Plan Policy 2.16.4, which permits the distribution of residential units in exchange for setting aside units as affordable; and

WHEREAS, the amendments to the ULDR add regulations and modify existing regulations that are consistent with Broward County Land Use Plan Policy 2.16.4; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of January 18, 2023 (PZ Case UDP-T22011) found that the proposed amendments to Sections 47-13.20., 47-18.21., and 47-23.16. of the ULDR are consistent with the City's Comprehensive Plan and the Planning and Zoning Board recommended approval of these amendments to the City Commission; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting scheduled on Wednesday, March 8, 2023, and Thursday, March 23, 2023 at 6:00 o'clock P.M., or as soon thereafter as the same may be heard in the City Commission Chambers, City Hall, Fort Lauderdale, Florida; and

WHEREAS, amending the ULDR is in the best interest of the health, safety, and welfare of the City of Fort Lauderdale, Florida.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated in this Ordinance.

SECTION 2. Section 47-13.20. of the ULDR entitled "Downtown RAC review process and special regulations" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

**Sec. 47-13.20. – Downtown RAC review process and special regulations.**

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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. 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. 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.

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SECTION 3. Section 47-18.21. entitled "Mixed use development" of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

**Sec. 47-18-21. – Mixed use development.**

- A. *Generally.* To encourage diversity of compatible land uses on the same development parcel, which uses may include a mixture of residential uses in conjunction with commercial retail sales, service or office uses, the city may permit mixed use development (MXU) as a conditional use, consistent with the provisions of the city's land use plan, and in accordance with the following requirements.
- B. *Definitions.*
  1. *Mixed use development.* A mixed use development is a development parcel which includes a mixture of residential dwelling units and business uses such as commercial

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retail sales, service or office uses. A mixed use development may consist of the following:

- a. *Mixed use—single use buildings.* A mixed use development which contains both residential and commercial business uses that are housed in separate buildings.
- b. *Mixed use—mixed use buildings.* A mixed use development which contains a mixture of residential and commercial business uses within the same building.

2. Qualified Road. Parcels located on Highway US 1 and parcels with a future land use designation of Commercial, Employment Center, Industrial or Office Park fronting with direct access on a roadway classified as a State road or County arterial, per the Broward Highway Functional Classification map.

C. *Mixed use development on residential land use designated parcels.* The city may permit a mixed use development when the development site has a residential medium, residential medium high or residential high land use designation(s), when permitted by the zoning district, subject to the following:

1. *Residential medium land use.* On a development site which has a residential medium land use designation, subject to the following:
  - a. The MXU shall be located in the same building and shall include residential uses only in conjunction with office use; and
  - b. At least fifty percent (50%) of the gross floor area of the MXU building shall be for residential uses; and
  - c. Office uses shall be limited to the floor(s) of the building below the residential use.
2. *Residential medium high and residential high land use.* The city may permit a MXU when the development site has a residential medium high or residential high land use designation(s) subject to the following:
  - a. The MXU shall be located in the same building and shall include residential uses in conjunction with retail sales or retail services or office uses; and

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- b. At least fifty percent (50%) of the gross floor area of the MXU building shall be for residential uses; and
  - c. Business uses, as described in subsection F.3 shall be limited to the floor(s) of the building below the residential use.
3. *Locational limitations.* When located within a residential zoning district, mixed use development shall only be permitted on parcels abutting the following rights-of-way, and shall have a minimum lot frontage of fifty (50) feet with access from the following rights-of-way:
- a. N.W. 19th Street.
  - b. Davie Boulevard (S.W. 12th St.) west of Federal Highway.
  - c. Miami Road.
  - d. Broward Boulevard.
  - e. Sistrunk Boulevard.
  - f. East Las Olas, where the parcel is not separated by a canal.
  - g. N.W. and N.E. 13th Street, between N.W. 9th Ave. and Federal Highway.
- D. *Mixed use development on commercial land use designated parcels.* The city may permit a mixed use development when the development site has a commercial land use designation, subject to the following:
- 1. Approval of an allocation of available flexibility units, without the need to amend the city's land use plan or rezone land. For definition of flexibility units, see 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.

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2. The MXU shall include residential uses in conjunction with business uses as provided below in Section 47-18.201.F.3. of the ULDR.
  3. ~~The residential floor area of the MXU does not exceed fifty percent (50%) of the gross floor area of the building; or~~ Developments shall meet the following requirements:
    - a. At least fifty percent (50%) of the ground floor of any portion of a building or development, excluding ingress and egress, facing a qualified road shall provide office and/or commercial uses.
    - b. Residential uses are prohibited from ground floor frontages facing a qualified road, except for vehicular ingress and egress and lobby access.
    - c. Portions of a development not facing a qualified road are not required, but encouraged, to provide office and/or business uses, except when abutting a residential zoning district.
  4. ~~If the MXU is in the same building, business uses shall be limited to the floor(s) below the residential use; or~~
  54. For a development site that is less than five (5) acres in size, single use multifamily residential buildings are permitted. No business uses are required. in conjunction with onsite business uses subject to Section 47-18.21.D.3. of the ULDR. No single use residential building is permitted to front a qualified road; or.
  65. For a development site that is greater than five (5) acres in size, single use multifamily residential buildings may be permitted in conjunction with onsite business uses subject to Section 47-18.21.D.3. of the ULDR, provided gross residential acreage does not exceed five (5) acres or forty percent (40%) of the total gross acreage of the development site, whichever is greater. No single use residential building is permitted to front a qualified road.
- E. *Mixed use development (MXU) on employment center land use designated parcels.* The city may permit a mixed use development when the development site has an employment center land use designation, subject to the following:

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1. Approval of an allocation of available flexibility units. For definition of flexibility units, see Section 47-28, 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.

2. The MXU includes residential uses in conjunction with the business uses as provided below in subsection Section 47-18.21.F.3. of the ULDR.
3. ~~The residential floor area of the MXU does not exceed fifty percent (50%) of the gross floor area of the building; or~~ Developments shall meet the following requirements:
  - a. At least fifty percent (50%) of the ground floor of any portion of a building or development, excluding ingress and egress, facing a qualified road shall provide office and/or commercial uses.
  - b. Residential uses are prohibited from ground floor frontages facing a qualified road, except for vehicular ingress and egress and lobby access.
  - c. Portions of a development not facing a qualified road are not required, but encouraged, to provide office and/or business uses, except when abutting a residential zoning district. No single use residential building is permitted to front a qualified road.
4. ~~If the MXU is in the same building, business uses shall be limited to the floor(s) below the residential use; or~~
- 5.4. For a development site that is less than the ten (10) acres in size, single use residential buildings are permitted. No business uses are required; ~~or~~ .
- 6.5. For a development site that is greater than ten (10) acres in size, single use multifamily residential buildings may be permitted in conjunction with onsite business uses subject to Section 47-18.21.D.3. of the ULDR, provided gross residential acreage does not exceed the ten (10) acres or forty percent (40%) of the total gross acreage of the

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development site, whichever is greater. No single use residential building is permitted to front a qualified road.

- ~~7. Notwithstanding any other provisions of the ULDR to the contrary, the dimensional requirements for MXU on employment center designated land shall be governed by the dimensional requirements set forth in Section 47-6.20, Table of dimensional requirements, for the CB district.~~

F. *Permitted uses.*

1. The residential and business uses permitted within a mixed use development are as provided by the zoning district where the mixed use development is located.
2. The residential density is limited as provided by the zoning district where the mixed use development is located unless flexibility units are allocated in accordance with Section 47-28. of the ULDR, Flexibility Rules, however, in no case shall residential density exceed fifty (50) dwelling units per gross acre, except where:
  - a. There exists a residential dwelling; and
  - b. The residential dwelling is located on property designated commercial on the city's land use plan; and
  - c. The dwelling was legally permitted at a density greater than fifty (50) units per gross acre; ~~in which case an allocation of flexibility units may be permitted up to the density of the existing residential dwelling.~~

or

- d. The development is in compliance with Broward County Land Use Plan Policy 2.16.4. and Section 47-23.16, of the ULDR, Affordable Housing Regulations.

The maximum density for mixed use development east of the Intracoastal Waterway shall be twenty-five (25) units per gross acre.

3. The business uses permitted in an MXU are as follows:

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- a. When located in a residential zoning district, the aggregate of the business use or uses shall be no greater than an aggregate ten thousand (10,000) square feet in gross floor area:
  - i. *Commercial recreation:*
    - a) Indoor motion picture theater, less than five (5) screens.
  - ii. *Food and beverage service:*
    - a) Bakery store.
    - b) Bar, cocktail lounge, nightclub.
    - c) Cafeteria.
    - d) Candy, nuts store.
    - e) Delicatessen.
    - f) Food and beverage.
    - g) Fruit and produce store.
    - h) Grocery/food store.
    - i) Ice cream/yogurt store.
    - j) Liquor store.
    - k) Meat and poultry store.
    - l) Restaurant.
    - m) Seafood store.
    - n) Supermarket.

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iii. *Retail Sales:*

- a) Antiques store.
- b) Apparel/clothing, accessories store.
- c) Arts and crafts supplies store.
- d) Art galleries, art studio.
- e) Bait and tackle store.
- f) Bicycle shop.
- g) Book store.
- h) Camera, photographic supplies store.
- i) Card and stationery store.
- j) Cigar, tobacco store.
- k) Computer/software store.
- l) Consignment, thrift store.
- m) Cosmetic, sundries store.
- n) Department store.
- o) [*Reserved.*]
- p) Fabric, needlework, yarn shop.
- q) Flooring store.

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- r) Florist shop.
- s) Furniture store.
- t) Gifts, novelties, souvenirs store.
- u) Glassware, china, pottery store.
- v) Hardware store.
- w) Hobby items, toys, games stores.
- x) Holiday merchandise, outside sales, see Section 47-18.15. of the ULDR.
- y) Household appliances store.
- z) Jewelry store.
- aa) Linen, bath, bedding store.
- bb) Luggage, handbags, leather goods store.
- cc) Music, musical instruments store.
- dd) Newspapers, magazines store.
- ee) Optical store.
- ff) Paint, wallpaper store.
- gg) Party supply store.
- hh) Pet store.
- hh-1) Pharmacy.

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- ii) Shoe store.
- jj) Sporting goods store.
- kk) Tapes, videos, music CD's stores.

iv. *Services/Office Facilities:*

- a) Film processing store.
- b) Copy center.
- c) Formal wear, rental.
- d) Hair salon.
- e) Health and fitness center.
- f) Instruction: fine arts, sports and recreation, dance, music, theater.
- g) Interior decorator.
- h) Mail, postage, fax service.
- i) Massage therapist.
- j) Medical clinic.
- k) Nail salon.
- l) Photographic studio.
- m) Professional office.
- n) Shoe repair, shoe shine.
- o) Tailor, dressmaking store, direct to the customer.

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- p) Tanning salon.
    - q) Watch and jewelry repair.
  - b. The following business uses may be permitted to exceed ten thousand (10,000) square feet:
    - i. Department store.
    - ii. Offices.
  - c. Accessory Uses, Buildings and Structures, see also Section 47-19. of the ULDR.
    - i. Child day care facilities, as provided by the district where the mixed use development is located and subject to the requirements of Section 47-18.8. of the ULDR.
    - ii. Film processing when accessory to pharmacy or copy center.
    - iii. Outdoor dining and sidewalk café, see Section 47-19.9. of the ULDR.
- G. *Parking requirements.* The total number of required off-street parking spaces for an MXU shall be equal to the sum of the required parking for each use as if provided separately. See Section 47-20., Parking and Loading Requirements.
- H. *Landscaping and open space requirements.* Street trees shall be planted and maintained along the street abutting the property where the MXU is located to provide a canopy effect. The type of street trees may include shade, flowering and palm trees. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21. of the ULDR., Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on the height, bulk, shadow, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. Open space and landscaping shall be required in conjunction with residential uses in a mixed use development according to the following:

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1. For mixed use development in a residential zoning district, landscaping shall be as required by Section 47-21.10. of the ULDR for the zoning district in which the mixed use development is located.
2. For development in a mixed use development in other than a residential zoning district, open space shall be required. Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall include seating and shade provided by trees, canopies, or other unenclosed shade structures. A minimum of fifty percent (50%) of the required open space shall be in living materials used in landscaping which areas may be above grade. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space shall be accessible to individual residential units or through a common area, or both. The total amount of open space required shall be calculated based on the size and density of the development, as follows:
  - a. For development of twenty-five (25) residential units or less, or developments of fifteen (15) dwelling units per acre or less density: a minimum of two hundred fifty (250) square feet of open space per unit;
  - b. For developments of between twenty-six (26) and one hundred (100) residential units, or developments of greater than fifteen (15) dwelling units per acre and up to twenty-five (25) dwelling units per acre density: a minimum of two hundred (200) square feet of open space per unit;
  - c. For developments of more than one hundred (100) residential units, or developments of greater than twenty-five (25) dwelling units per acre density: a minimum of one hundred fifty (150) square feet of open space per unit;
  - d. For developments which fall into more than one (1) of the above categories, the lesser open space requirement shall apply.
  - e. For the property located east of the Intracoastal Waterway, the percentage of landscape materials provided above grade as permitted by this section shall also be provided off-site in an area impacted by the development as determined by the

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development review committee or an owner shall be required to pay a cash equivalent to the city to be used to landscape a public area impacted by the development.

- f. Developments shall be required to meet the vehicular use area requirements as provided in Section 47-21. of the ULDR, Landscape and Tree Preservation.
- 3. A mixed use development shall contain a public plaza open to the sky which includes pedestrian amenities such as landscaping, benches and fountains. The public plaza shall be a minimum size of one thousand four hundred (1,400) gross square feet and shall be located to provide the principal pedestrian access to the mixed use development. A covered arcade with a minimum width of ten (10) feet may substitute for up to fifty percent (50%) of the above public plaza requirements.
- I. *Dimensional requirements.* The dimensional requirements of a mixed use development shall be as follows:
  - 1. *Density.* The density shall be the same as applies in the zoning district where the development is located.
  - 2. *Minimum lot size.* Ten thousand (10,000) gross square feet.
  - 3. *Maximum structure length.* Two hundred (200) feet for single use residential buildings.
  - 4. *Maximum height.* The same as the district where the mixed use development is located.
  - 5. *Minimum lot width.* One hundred (100) feet.
  - 6. *Minimum floor area.* Four hundred (400) square feet for each multifamily dwelling unit.
  - 7. *Yards.* Yards shall be the same as the district where the mixed use development is located.
- J. *Sidewalk requirements.* A minimum seven-foot wide sidewalk along the street abutting the property proposed for an MXU in a location approved by the city engineer shall be required. Mixed use developments on property within a nonresidential zoning district lying east of the

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Intracoastal Waterway will be required to provide ten-foot sidewalks in a location and manner approved by the city engineer.

- K. *Requirements for conditional review and approval.* In addition to the requirements established by this section, any mixed use development shall be subject to the requirements for a conditional use permit, as provided in Section 47-24.3. of the ULDR.

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SECTION 5. Section 47-23.16. of the ULDR, entitled “Affordable Housing Regulations” of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

**Sec. 47-23.16. – Affordable Housing Regulations**

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**B. Affordable Housing Incentives**

2. Affordable Housing Density Incentives

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- c. Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing  
~~Bonus residential density for affordable housing may be allocated on~~ Within parcels located on Highway US 1 and parcels with a future land use designation of Commercial, Employment Center, Industrial or Office Park ~~future land use and that~~ fronting with direct access on a roadway classified as a State road ~~;~~ or County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, hereinafter referred to as a “Qualified Road,” or within parcels designated Downtown Regional Activity Center, Northwest Regional Activity Center, or South Andrews Regional Activity Center, herein after referred to as “RAC,” 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:

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- 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 each bonus unit corresponding type (i.e., one-bedroom, two-bedroom, three-bedroom, etc.) in the development project.
- iii. Single-family dwelling units are not permitted. Residential units shall not be permitted on the ground floor portion of any building that fronts a Qualified Road. ~~As per Policy 2.2.6 of the Broward County Land Use Plan, s~~Studios, 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, the following shall apply:
  1. Office and commercial uses may be configured in a vertically or horizontally development pattern providing the following:

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- a. At least fifty percent (50%) of the ground floor of any portion of a building or development, excluding ingress and egress, facing a Qualified Road shall provide office and/or commercial uses;
  - b. Portions of a development not facing a Qualified Road within an RAC is not required, but encouraged, to provide for office and/or commercial uses.
2. On parcels greater than five (5) acres, a minimum of ten percent (10%) of the gross floor area, excluding parking garages, must be reserved, or utilized for office and/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 staff~~ 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.~~ to the issuance of a Certificate of Compliance.
- 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 (the average is currently \$300,133), divided by 7.~~
- ~~viii.~~ vii. 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.
- viii. Development application approval shall be reviewed as a Site Plan Level II application subject to ~~Section 47-24, Development Permits and Procedures~~ Section 47-26A.2. of the ULDR, City Commission Request for Review.

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- 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.

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### C. Exemptions

1. Developments receiving assistance under a governmental program or agreement, that meet or exceed the requirements of Section 47-23.16.B. of the ULDR - Affordable Housing Incentives, are exempt from the requirements of Section 47-23.16. of the ULDR - 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. of the ULDR - 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.~~

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### D. Affordable Housing General Requirements

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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. The applicant shall provide the Director of the Development Services Department or the Director's designee with written notice of transference of title via certified mail, and the notice must include the full name of the updated owner and the management company and must also include the owner and management company's address, phone number, and email address (if applicable). The applicant shall also provide Director of the Development Services Department or the Director's designee with a notarized letter between the seller and purchaser, stating that the purchaser has received a copy of the recorded affordable housing development agreement.~~

\* \* \*

8. Payment In-Lieu of Affordable Housing:

- d. City Affordable housing set-aside requirements, per Sections 47-23.16.B.1, 47-23.16.B.2.a., and 47-23.16.B.2.b. of the ULDR 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~~

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~~Per Unit Base Limitations," as dictated by the county and updated by FHFC. equal~~  
to \$10,000.00 per unit for the total number of units within the development which  
sum shall increase by 3% annually. Residential flexibility units are excluded from  
satisfying affordable housing set-aside requirements through in-lieu payments. In-  
lieu of fees shall be paid at the time of issuance of building permits.

- e. ~~County "Affordable unit" requirements, per Section 47-23.16.B.2.c. of the ULDR~~  
~~may be satisfied via an in-lieu payment to the Broward County Affordable Housing~~  
~~Trust Fund\*\*based equal to \$10,000.00 per unit for the total number of units within~~  
~~the development which sum shall increase by 3% annually. 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.~~

Fifty percent (50%) of in-lieu fees may be paid into the City of Fort Lauderdale  
Affordable Housing Trust Fund, provided the City requires said monies to be used  
for the construction of new affordable units or home repair. All in-lieu payments shall  
be made at the time of issuance of building permits.

- f. 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.
- g. In-lieu of payments shall be placed into an affordable housing trust fund based on  
the policy used for unit distribution. If unit distribution is based on Section  
47-23.16.B.2.c. of the ULDR, in-lieu payments shall be equally split between the  
Broward County Affordable Housing Trust Fund and the City of Fort Lauderdale  
Affordable Housing Trust Fund. If unit distribution is based on Section 47-23.16.B.1.  
of the ULDR, Section 47-23.16.B.2.a. of the ULDR, or Section 47-23.16.B.2.b. of the  
ULDR for units distributed from a Regional Activity Center unit pool, in-lieu  
payments shall be placed into the City of Fort Lauderdale Affordable Housing Trust  
Fund.
- ~~h. In-lieu of fees shall be paid prior to the issuance of certificate of occupancy for~~  
~~residential units.~~

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\* \* \*

SECTION 6. 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 7. 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 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9. That this Ordinance shall be effective immediately upon its passage and adoption.

PASSED FIRST READING this 8<sup>th</sup> day of March, 2023.

PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

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