

CASE T19013
CITY OF FORT LAUDERDALE
UNIFIED LAND DEVELOPMENT REGULATIONS AMENDMENT
DOWNTOWN REGIONAL ACTIVITY CENTER ZONING DISTRICTS

SECTION 47-13. - REGIONAL ACTIVITY CENTER DISTRICTS¹¹

Sec. 47-13.10. - List of permitted and conditional uses, Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAe); South Regional Activity Center-South Andrews west (SRAC-SAw); Northwest Regional Activity Center-Mixed Use northeast (NWRAC-MU_{ne}), Northwest Regional Activity Center-Mixed Use east (NWRAC-MU_e) & Northwest Regional Activity Center-Mixed Use west (NWRAC-MU_w) collectively known as NWRAC-MU.

District Categories —Automotive; Boats, Watercraft and Marinas; Commercial Recreation; Food and Beverage Sales and Service; Light Manufacturing; Lodging; Manufacturing; Public Purpose Facilities; Residential Uses; Retail Sales; Services/Office Facilities, Including Wholesale Service; Services/Office Facilities; Storage Facilities; Wholesale Sales; and Accessory Uses, Buildings and Structures.

Use Type	Zoning District									
	RAC-CC	RAC-AS	RAC-UV	RAC-RPO	RAC-TMU	SRAC-SAe	SRAC-SAw	NWRAC-MU _e	NWRAC-MU _w	NWRAC-MU _{ne}
Key:										
P Permitted										
C Conditional										
Automotive										
Automotive Sales, Rental, new or used vehicles, see Section 47-18.3 (only permitted when abutting Federal Highway or the Florida East Coast Railroad in the RAC-CC, RAC-UV and RAC-TMU zoning districts)	P		P		P		P			P

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Indoor Motion Picture Theater (fewer than 5 screens in RAC-UV; SRAC-SAc and NWRAC-MUe, NWARC-MUe and NWRAC-MUw zoning districts)	P	P	P	P	P	P	P	P	P	P
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Sec. 47-13.20. - Downtown RAC Review Process and Special Regulations.

A. *Applicability.* The following regulations shall apply to those uses permitted within the Downtown RAC district, as shown on the List of Permitted and Conditional Uses, Sections 47-13.10 to 47-13.14.

1. *Downtown Master Plan Design Guidelines.* The guidelines contained in Chapter 4 of the Consolidated Downtown Master Plan for the City of Fort Lauderdale, Florida (herein "Downtown Master Plan") as accepted by the City Commission on November 18, 2003 (Resolution No. 03-170) and updated revisions approved by the City Commission on June 19, 2007 (Resolution 07-120) are hereby incorporated and referred to as Downtown Master Plan Design Guidelines.

2. *Intent.* The Downtown Master Plan Design Guidelines are form-based, graphic guidelines intended to guide development within the Downtown Regional Activity Center zoning districts. The Downtown Master Plan includes intent driven language that is not meant to be prescriptive in all situations, to allow for a qualitative design-oriented approach to development and redevelopment proposals.

3. *Downtown Master Plan Chapter 4 Sections.* The Downtown Master Plan Design Guidelines consist of ten sections established in Chapter 4 of the Downtown Master Plan. Any proposed development or redevelopment shall be reviewed against these sections of Chapter 4. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern. These ten sections consist of:

- a. Principles of Street Design
- b. Street Design Examples
- c. Principles of Building Design
- d. Quality of Architecture
- e. Principles of Storefront Design
- f. Character Area Guidelines
- g. Neighborhood Transition Areas
- h. Thematic Planning Districts

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i. Principles of Riverfront Design

j. Implementation

In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.

~~B. *Density.* The permitted density within the Downtown RAC is provided in the City of Fort Lauderdale Comprehensive Plan, Permitted Land Uses, as amended from time to time, and per Section 47-28, Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations.~~

~~1. *Allocation of units.*~~

- ~~a. The department shall review development permits to ensure compliance with the maximum number of dwelling units.~~
- ~~b. Unit allocation shall be on a first come, first served basis and allocated at the time of site plan approval.~~
- ~~c. Upon expiration of approved site plan, the unused density shall be returned to the density pool from which density was allocated.~~

~~2. *1989 Density.* Regulations for the assignment of the five thousand one hundred (5,100) dwelling units allocated by the 1989 Comprehensive Plan are provided in Section 47-13.20.C through Section 47-13.20.0.~~

~~3. *Post 2003 Units.* Dwelling units in excess of the five thousand one hundred (5,100) in the Downtown RAC, as certified by amendments to the Comprehensive Plan, shall be allocated in accordance with the following:~~

- ~~a. *Application and Review Process.* A development application shall be submitted to the department as provided in ULDR, Section 47-24.1.~~
- ~~b. *Criteria.* An application for a development permit requesting the allocation of Post 2003 units shall be reviewed for compliance with the ULDR regulations, as applicable to the proposed development, and shall meet the Downtown Master Plan ("DMP") design guidelines or has proposed alternative designs which meet the intent of the DMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.~~
- ~~c. *Effective date.* The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration.~~

B. *Downtown Master Plan Standards.* Development within the Downtown Regional Activity Center shall be required to meet the following minimum standards, as specified by the geographical boundaries of the character area in which the development or redevelopment proposal is located.

- 1. Maximum Building Height
- 2. Maximum Building Streetwall Length

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3. Maximum Building Tower Stepback
4. Maximum Building Podium (Pedestal) Height
5. Minimum Building Tower Separation Distance
6. Maximum Building Tower Floorplate Square Footage
7. Minimum Open Space Square Footage
8. Transition Zones
9. Local Street Cross Section

C. Downtown Character Areas. In addition to the RAC Districts described in Section 47-13.2.1 the Downtown Regional Activity Center shall be further characterized by three distinct character areas. The character areas are defined by geographic boundaries and are intended to create a variety of urban experiences throughout the Downtown Regional Activity Center through guidelines that set maximum building height, maximum podium height, podium stepback, and floorplate square footage for development in each area. Each character area exhibits unique urban form and characteristics while sharing common themes relating to pedestrian oriented design. Character areas consist of the following:

1. The *Downtown Core* character area is a mixed-use central business district that encourages a variety and higher intensity of commercial, entertainment, office, civic uses and high-density housing. It is characterized by vertical slender towers with minimum stepbacks, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:

- a) RAC-CC
- b) RAC-AS
- c) RAC-WMU

2. The *Near Downtown* character area is made up of a variety of institutional, retail, and office uses, and offers a variety of housing options. It is characterized by intermediate scale buildings that frame the street with a defined building shoulder height and towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:

- a) RAC-CC
- b) RAC-UV
- c) RAC-WMU
- d) RAC-EMU
- e) RAC-SMU

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f) RAC-AS

3. The *Urban Neighborhood* area is primarily residential in nature, with supporting community retail, employment opportunities, local amenities and services. It is characterized by varied scale buildings with defined podium heights and some towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:

a) RAC-UV

b) RAC-RPO

c) RAC-AS

d) RAC-EMU

e) RAC-WMU

f) RAC-SMU

4. *Character Area Boundaries.* The specific geographical boundaries of each character area are shown on the "Official Downtown Character Area Map of the City of Fort Lauderdale."

C. *General design.* Development in any RAC district is subject to the following standards:

D. *Density, Development Permit, Effective Date of Approval and Existing Site Plans.*

1. ~~First floor exterior walls parallel to public rights-of-way.~~ First floor exterior walls parallel to any public rights-of-way within RAC districts shall not be permitted to extend for more than 20 feet, unless such walls contain windows, doors, recesses of four feet or more, or other transparent or decorative elements. *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, Flexibility Rules, 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. ~~Roof lines.~~ Roof lines within the RAC CC and RAC AS districts shall be designed with sloping roofs or stepped roof forms. Flat roofs may be permitted, but must have a parapet facing any street front. Mechanical roof top equipment must be screened from all grade-level views within any RAC district. *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. ~~Design criteria.~~ Within all RAC districts principal structures shall provide a minimum of four of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and public areas. Every façade of a principal structure shall contain at least three of the above architectural features. *The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at*

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the time of development permit approval. Dwelling units are allocated on a first come, first serve basis.

4. ~~Density in the RAC-TMU District and RAC-RPO District. Building sites within the RAC-TMU shall be eligible to apply for additional dwelling units above 25 dwelling units per net acre as provided in Section 47-25.3, Neighborhood Compatibility.~~
 - a) All development within the TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre shall be eligible to apply for additional dwelling units subject to the following. Such approval shall be based upon consideration of the number of additional dwelling units available under the City's Comprehensive Plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, sensitivity to adjacent development of the site design and proposed orientation of the proposed development, including proposed setbacks, pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocation of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's Comprehensive Plan and may be granted subject to approval of a Site Plan Level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.
 - b) All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre and up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use.
5. ~~RAC fencing. Within the RAC districts, chain-link fencing shall not be permitted along any pedestrian priority or image street. In all other areas of the RAC, any chain-link fencing shall be black or green vinyl coated. Temporary fencing may be permitted pursuant to Section 47-19.5. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules. Density may be increased through the allocation of bonus density provisions for affordable housing or sleeping rooms and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.~~
6. ~~The provisions of this subsection C shall not apply to an existing structure in existence on the effective date (June 28, 1997) of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value. Effective date. The development permit shall not take effect until the 30-day City Commission request~~

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for review has expired. Effective date shall be the 30-day expiration, or the day of City Commission action.

7. Existing Site Plans in DRAC. Development applications received and pending review by the City or approved by the City on or before [insert effective date] may be amended and modified through the use of provisions of the zoning regulations in effect at the time the approved application was submitted.

~~D. Parking regulations.~~

- E. Open Space Regulations. 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 feet and at least one side open to a street shall be credited towards open space requirements. The required open space shall be shaded through the use of trees, canopies, trellises or other unenclosed shade structures and may include seating, fountains and other elements that enhance the public realm. A minimum of twenty-five percent (25%) of the required open space shall be in pervious landscape area. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space may be accessible to individual residential units or through common areas, or both. Pervious surface area, for purposes of this requirement, may be provided through open planting beds, porous paving systems, sand-set pavers, or any combination thereof.

The total amount of open space required shall be calculated based on the size and density of the development, as follows:

1. ~~Off street parking regulations are as provided in Section 47-20, parking and loading requirements, except as provided herein:~~ Open Space for Residential Uses. For development in the RAC districts, except for RAC-CC, open space shall be required for any development that includes residential uses as follows.
 - a. ~~RAC-CC and RAC-AS districts.~~ Development within the RAC-CC and RAC-AS districts shall be exempt from providing off street parking requirements, except for a nonresidential use on a parcel located within 100 feet of a parcel zoned RAC-UV, RAC-RPO, or RAC-TMU. 1. For developments of 50 residential units or less, or developments of 25 dwelling units per acre or less density: A minimum of 200 square feet of open space per unit;
 - b. ~~RAC-UV, RAC-WMU, and RAC-RPO districts.~~ RAC-UV, RAC-WMU and RAC-RPO district residential parking requirements are reduced from the general parking requirements as provided in Table 3, Section 47-20, Parking and Loading Requirements. For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than 25 dwelling units per acre and up to 60 dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.a. In no case shall the minimum open space provided be less than 10,000 square feet;
 - c. ~~Vehicular use area regulations.~~ A vehicular use area within any RAC district constructed after the effective date (June 28, 1997) of the ULDR, shall not be located within 50 feet of a pedestrian priority or image street, or the seawall or high

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~~water mark of the New River, except as provided in subsection C.1.d. Curbscuts providing access to parking areas shall be located on streets other than pedestrian priority and image streets or on alleys, except where a property only has access from a pedestrian priority or image street, or it is determined based on a traffic study that access from a pedestrian priority street or image street is necessary for safe and efficient vehicular and pedestrian circulation. For developments of more than one hundred fifty (150) residential units, or developments of greater than 60 dwelling units per acre density: A minimum of 100 square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.b In no case shall the minimum open space provided be less than 22,500 square feet.~~

- ~~d. A vehicular use area that is either
 - i. On a parcel within the RAC-TMU district; or
 - ii. That is less than one hundred twenty five (125) feet in depth; or
 - iii. Less than fifteen thousand (15,000) square feet in area; or
 - iv. Is located along Federal Highway;~~
~~need only provide a minimum of a 20 foot setback from pedestrian priority or image streets, or from the seawall or high water mark of the New River.~~

- 2. Open space general. For development within the Downtown Regional Activity Center zoning districts that do not include residential uses or for all development within the RAC-CC, open space shall be required at a minimum equivalent of ten (10) percent of the gross lot area. Up to fifty (50) percent credit towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way may be applied if approved by the agency with jurisdiction over the subject right-of-way. For development sites of 1.5 acres or less, up to seventy-five (75) percent credit may be applied towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way if approved by the agency with jurisdiction over the subject right-of-way.

2. Parking garage. The minimum design standards for a parking garage are:

- a. ~~Sloped garage ramps facing and within 100 feet of pedestrian priority and image streets and the seawall or high water mark of the New River shall have ornamental grating or other architectural features which screen the sloped ramp from view from the pedestrian priority and image street.~~
- b. ~~Parked vehicles shall be screened from view from abutting public rights-of-way, excluding alleys. Screening may be provided by intervening buildings, architectural detailing such as ornamental grating, or landscaping.~~
- c. ~~Pedestrian walkways shall be provided between a parking garage and any principal or accessory building it serves and to abutting public spaces.~~
- d. A parking garage shall meet the following architectural guidelines:

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- ~~i. When a parking garage is provided for a principal structure on the same plot, the design of the parking garage shall complement and contain architectural features consistent with the principal structure, or~~
 - ~~ii. When a parking garage is the principal use on a plot, it shall be designed so that the uppermost parapet or roof of the parking garage contains elevational changes averaging at least three feet in height and ten feet in length every 50 horizontal feet or less.~~
- 3. For projects that include both residential and non-residential uses the lesser of the calculations above shall apply.
- ~~E. *Open space for residential uses.* For development in the RAC districts, except for RAC-CC, open space shall be required for residential uses. Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten feet and at least one side open to a street shall be credited towards open space requirements. The required open space shall include seating and shade provided by trees, canopies, or other unenclosed shade structures. A minimum of fifty percent (50%) of the required open space shall be in landscaping. At least forty percent (40%) of the required open space shall be provided at grade and the remaining open space shall be accessible to individual residential units or through a common area, or both. The total amount of open space required shall be calculated based on the size and density of the development, as follows:~~
- F. Transition Zones. 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 to effectively transition between higher and lower density districts. Transition zones shall be established to ensure a suitable transition from those more intensive zoning districts within the Downtown Regional Activity Center to those less intensive zoning districts outside of the Downtown Regional Activity Center.
 - 1. For developments of 50 residential units or less, or developments of 25 dwelling units per acre or less density: A minimum of 200 square feet of open space per unit; Commercial Transition Zone:
 - a. Proposed maximum height at the boundary of the RAC-CC district shall be one hundred fifty (150) feet and may be increased one foot for every one foot of setback from the RAC-CC district boundary, for a distance of 100 feet from the RAC-CC district.
 - b. A transition zone shall be required for any development or redevelopment located within the Downtown Regional Activity Center that is within one hundred (100) feet of a nonresidential property outside of the Downtown RAC. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following: a maximum of one hundred and fifty (150) feet for that portion of the structure that is within one hundred (100) feet of the zoning district boundary abutting the RAC and the height may

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increase a maximum of one (1) foot for each one (1) foot of setback from the boundary for a distance of one hundred (100) feet.

2. ~~For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than 25 dwelling units per acre and up to 60 dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit; Residential Transition Zone: A transition zone shall be required for any development or redevelopment located within the Downtown Regional Activity Center that is within two hundred (200) feet of a residential property. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following:~~
 - a. No structure may exceed a height limitation two and one-half times the height of the maximum height of the zoning district outside of the RAC for a distance equal to mid-block of the development site or for a depth of two hundred (200) feet as measured from the zoning district boundary abutting the zoning district of the RAC, whichever is less.
3. ~~For developments of more than one hundred fifty (150) residential units, or developments of greater than 60 dwelling units per acre density: A minimum of 100 square feet of open space per unit;~~
4. ~~For developments which fall into more than one of the above categories, the lesser open space requirement shall apply.~~
- G. ~~F.~~ RAC Landscape Requirements. Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in Section 47-21, Landscaping and Tree Preservation Requirements. All other landscape requirements shall comply with the Downtown Master Plan Chapter 4 Design Guidelines.
- H. RAC Streetscape Design. All streetscape cross sections shall comply with Chapter 4 of the Design Guidelines of Fort Lauderdale for those streets under City of Fort Lauderdale jurisdiction. Streets not under Fort Lauderdale jurisdiction shall comply with the Downtown Master Plan Chapter 4 Design Guidelines to the greatest extent possible. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees and result in the building being placed more than seven (7) feet away from the build to line as prescribed by the street cross sections of the Design Guidelines.
Development shall meet the following streetscape design requirements:
 1. VUA landscaping. Surface parking lots shall meet the landscape requirements for vehicular use areas as provided in Section 47-21, Landscaping and Tree Preservation Requirements.
 2. Streetscape improvements. Streetscape improvements are required to be made as a part of a development in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way. The required streetscape improvements shall be required to be made to that portion of the right-of-way abutting the proposed development site. Developer shall be responsible for making

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the streetscape improvements in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way.

Modification to the required streetscape improvements may be permitted based on the preservation of natural barriers, avoidance of interference with utility lines or other obstructions as approved by the DRC or may be modified based on an alternative design found to achieve the underlying intent of the streetscape design as indicated in the adopted design standards. Streetscape improvements shall include but are not limited to the following:

a. *Street Trees.* Street trees shall be planted and maintained along the street abutting the property to provide a canopy effect. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The requirements for street trees, as provided herein, may be located within the public right-of-way, as approved by the entity with jurisdiction over the abutting right-of-way.

i. In addition to the requirements of Section 47-21, to accommodate proper root growth, street trees shall require the use of a sub-grade soil medium, such as CU Structural Soil® or similar, to be provided to support root growth for trees adjacent to pedestrian pavement and the use of a modular sub-grade block system, such as Silva Cell or similar, to be provided to support root growth for trees adjacent to traffic loads and utilities, and other amenities including but not limited to irrigation, up lighting, porous paving systems.

ii. Street trees shall be shade trees maintained at a minimum twelve (12) foot horizontal clearance from buildings. Shade trees shall be provided at maximum every 30 lineal feet on-center along the street frontage. Palm trees may be provided at intersections where streets with shade trees converge. Provide tall palms at the immediate corners to provide a visual marker and to frame the street. Small canopy trees and small palms may be permitted when existing or proposed physical conditions may prevent the proper growth of shade trees or tall palms, as determined by the DRC, at maximum every fifteen (15) lineal feet along the street frontage. All trees shall satisfy the following standards at the time of planting:

iii. Shade trees: Minimum sixteen (16) feet in height, with a minimum seven (7)-foot ground clearance at installation. Palms are to be single-trunk and a minimum of 7-foot ground clearance and spaced to provide maximum visibility at intersection.

b. *Sidewalk.* A minimum 7-foot clear sidewalk shall be provided along all streets defined as local streets in the Downtown Master Plan Chapter 4 Design Guidelines.

c. *RAC Fencing.* Within RAC districts, chain-link fencing shall not be permitted along street frontages.

d. *Maintenance Agreement.* Applicant shall be required to execute a maintenance agreement providing for the repair, replacement and maintenance of required off-site improvements in form approved by the City Engineer, to be recorded in the

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public records of Broward County at applicant's expense. The City Engineer is authorized to execute said agreement on behalf of City.

~~G. Signs.~~ Sign requirements are:

- ~~1. Downtown RAC district signs shall be as permitted in the central beach area zoning district pursuant to Section 47-22.4.C.13, except that message center signs and time and temperature signs shall be permitted, as provided in Section 47-22, Sign Requirements.~~
- ~~2. Amortization period.~~ All signs in the RAC zoning districts shall comply with these sign code provisions within five years of the effective date (June 28, 1997) of the ULDR.

~~H. Street and waterway treatment.~~ There are hereby identified streets and a waterfront corridor located within the downtown RAC which are currently accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the downtown, and which will, therefore, require adjacent development to accommodate said pedestrian and vehicular usage and aesthetic considerations. The streets and waterfront corridor are identified below:

~~1. Pedestrian priority streets~~

- ~~a. Las Olas Boulevard, from Brickell Ave. to the east RAC boundary.~~
- ~~b. Brickell Avenue, from Las Olas Blvd. to S.W. 2nd Street.~~
- ~~c. S.W. 2nd Street, from Brickell Ave., West to S.W. 7th Ave.~~
- ~~d. Andrews Avenue, from Broward Blvd. to Las Olas Blvd.~~
- ~~e. S.E. 6th Street, from Andrews Ave. to S.E. 3rd Ave.~~
- ~~f. S.E. 5th Avenue from Las Olas Blvd. to the New River.~~

~~Special regulations for pedestrian priority streets are provided in subsection H.~~

~~2. Image streets.~~

- ~~a. N.E./N.W. 6th Street (Sistrunk Boulevard), from the FEC rail line to Federal Highway.~~
- ~~b. N.E./S.E. 3rd Avenue from N.E. 6th Street to S.E. 6th Street.~~
- ~~c. Andrews Ave. from Flagler Dr. to Broward Blvd. and from Las Olas Blvd. South to RAC boundary.~~
- ~~d. Broward Boulevard from S.W./N.W. 7th Avenue to N.E./S.E. 8th Avenue.~~
- ~~e. Federal Highway from N.E. 6th Street to S.E. 2nd Street.~~

~~Special regulations for image streets are provided in subsection I.~~

- ~~3. New River waterfront corridor.~~ Special regulations for the New River waterfront corridor are provided in subsection J.

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- ~~4. All other RAC streets. All streets other than those included as pedestrian priority and image streets within the boundaries of the downtown RAC. Special regulations for these streets are provided in subsection K.~~
- ~~I. Pedestrian priority streets. Development of property located abutting pedestrian priority streets shall meet the following requirements:~~
- ~~1. Building frontage setback requirement.~~
- ~~a. A minimum of seventy five percent (75%) of the linear frontage of a parcel along the pedestrian priority street shall be occupied by a ground floor building wall located ten feet from the front property line. All other portions of the building shall be located a minimum of five feet from the property line, except as provided for in subsection H.9. Support columns may be located in the ten foot ground floor setback, provided their combined width does not exceed twenty five percent (25%) of the linear dimension of the front building wall. The minimum linear frontage and ten foot ground floor building wall requirement of this subsection shall not apply to automotive service stations where allowed within the RAC or to development along Federal Highway, but the requirement of subsection K.1.a shall apply.~~
- ~~b. Modification of building frontage setback requirements within the RAC-TMU district. Building frontage setback requirements for the RAC-TMU may be modified by the DRC to require greater setbacks above those specified in subsection H.1.a, subject to the review criteria as provided in Section 47-25.3, Neighborhood Compatibility, as provided in Section 47-25.3.A.3.e.iii. Setbacks may also be modified by the DRC for building sites within the RAC-TMU that apply for additional dwelling units above 25 dwelling units per net acre, and shall also be subject to the review criteria as provided in Section 47-25.3, as provided in Section 47-25.3.A.3.e.ii.~~
- ~~2. General setback and setback requirements. Portions of the structure located more than nine feet above the sidewalk shall be subject to the setbacks as required in subsection H.9. Non-load bearing walls or fences of no greater than forty two (42) inches in height may be permitted in the setback or setback areas. An increase in the setbacks may be required for pedestrian amenities, such as public plazas as defined in Section 47-9, X district, pedestrian entries, outdoor dining areas and similar public use areas, or landscaping, as approved by the DRC.~~
- ~~3. First floor uses. A minimum of seventy five percent (75%) of the building front along a pedestrian priority street required as provided in subsection H.1.a for a depth of at least 20 feet from the building front shall be used for retail sales, retail banking, residential uses, food and beverage, commercial recreation, governmental facility, service use (not including professional office), public museum or art gallery, or other public cultural facility accessible to the public and occupants of the building in which the use is located.~~
- ~~4. First floor transparency. A minimum of thirty five percent (35%) of the first floor façade of a building along a pedestrian priority street shall utilize transparent elements, such as windows, doors, and other fenestration.~~
- ~~5. Awnings, canopies, arcades. Awnings, canopies or arcades shall be required over all doors, windows and other transparent elements provided to satisfy the provisions of~~

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~~subsection H.4, along a pedestrian priority street. The height of the awnings, canopies or arcades shall be between eight feet and 12 feet, and shall be a minimum of four feet in depth. Such elements shall not be subject to the ten foot setback requirement identified in subsection H.1.a.~~

- ~~6. *Cornice.* A cornice shall be provided on the side of a building along a pedestrian priority street at a minimum of 12 feet above the sidewalk or at a height similar to the cornice on an abutting property, but in no case shall the cornice exceed thirty five (35) feet or two floor levels whichever is less in height.~~
- ~~7. *Street trees.* Street trees as defined by Section 47-21.2, Landscaping and Tree Preservation, shall be provided as follows:
 - ~~a. *Shade trees* shall be provided at least every 40 lineal feet along the area fronting the pedestrian priority street. Palm trees or ornamental trees may be permitted when existing or proposed physical conditions may prevent the proper growth of the shade tree, as determined by the DRC, at least every 20 lineal feet along the frontage. All trees shall satisfy the following standards at the time of planting:
 - ~~i. *Shade trees:* Minimum 14 foot height and eight foot spread, with minimum six foot ground clearance.~~
 - ~~ii. *Palm trees:* Minimum 18 foot height, with a minimum of eight feet of wood.~~
 - ~~iii. *Ornamental trees:* Minimum 12 feet in height and six foot spread, with a minimum six foot ground clearance.~~~~
 - ~~b. *Root zone and pervious surface areas* shall be provided as follows:
 - ~~i. *Areca, Carpenteria, Cocothrinax, Phychospermia, Rhapis, Sabal, and Washingtonia:* No less than nine square feet of pervious surface area and no dimension less than three feet.~~
 - ~~ii. *All other shade or ornamental:* No less than sixty four (64) square feet of pervious surface area and no dimension less than eight feet.~~
 - ~~iii. *All other palm types:* No less than 25 square feet of pervious surface area and no dimension less than five feet.~~

~~Pervious surface area, for purposes of this requirement, may be provided through open planting beds, tree grates, sand set pavers, or any combination thereof.~~~~
 - ~~c. The DRC may permit alternative landscape treatment along the frontage of a pedestrian priority street where pedestrian entries to plazas or principal structures are provided. Specimen palm plantings or other landscape design treatments may be installed to complement the architectural design of the structure or plaza in lieu of shade trees, limited to no more than fifty percent (50%) of the plot frontage on a pedestrian priority street.~~~~
- ~~8. *Location of street trees.* The requirements for street trees, as provided herein, may be located within the public right-of-way, as approved by the entity with jurisdiction over the abutting right-of-way.~~

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9. ~~*Building step-backs.* Step-backs shall be provided in a building to provide for air and light at the street level on the side of a building along a pedestrian priority street as follows:~~
- a. ~~At the cornice required by subsection H.6 (between 12 feet and thirty-five (35) feet), a step-back of at least ten feet.~~
 - b. ~~At a level between the 4th and 10th floors, an additional step-back of at least ten feet, or multiple step-backs which total a minimum of at least ten feet.~~
 - c. ~~In lieu of strict application of subsections H.9.a and b, an applicant may propose an alternative design which satisfies the intent of providing air and light at the street level, subject to review and approval of the DRC.~~
10. ~~New buildings, additions to existing buildings or any development of a site on a parcel located on one or more pedestrian priority street(s) or image street(s), must meet all of the ULDR requirements applicable to one of such streets, and all of the requirements of any of the other streets when the development is within 50 feet of the edge of the street closest to the development; however, the requirement for a ground floor building wall along seventy-five percent (75%) of the linear frontage of the parcel (subsection H.1.a) may be provided in phases in accordance with an approved site plan. These requirements shall not apply to buildings or additions with less than 500 square feet of floor area; however, in all cases, regardless of the size and type of development, the street tree requirements of subsection H.7 shall apply to all pedestrian priority and image streets.~~
11. ~~The provisions of this subsection H shall not apply to structures in existence on the effective date (June 28, 1997) of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.~~
- J. ~~*Image streets.* Development of property located abutting image streets shall satisfy the following regulations:~~
- 1. ~~*Building frontage setback requirement.* As provided in subsection H.1.~~
 - 2. ~~*General setback and setback requirements.* As provided in subsection H.2.~~
 - 3. ~~*First floor transparency.* As provided in subsection H.4.~~
 - 4. ~~*Awnings, canopies, arcades.* As provided in subsection H.5.~~
 - 5. ~~*Cornice.* As provided in subsection H.6.~~
 - 6. ~~*Street trees.* As provided in subsection H.7.~~
 - 7. ~~*Location of street trees.* As provided in subsection H.8.~~
 - 8. ~~*Building step-backs.* As provided in subsection H.9.~~
 - 9. ~~New buildings, additions to existing buildings or any development of a site on a parcel located on one or more pedestrian priority street(s) or image street(s), must meet all of the ULDR requirements applicable to one of such streets, and all of the requirements of any of the other streets if the development is within 50 feet of the edge of the street closest to the development; however, the requirement for a ground floor building wall along seventy-five (75%) of the linear frontage of the parcel (subsection H.1.a) may be~~

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~~provided in phases in accordance with an approved site plan. These requirements shall not apply to buildings or additions with less than 500 square feet of floor area; however, in all cases, regardless of the size and type of development, the street tree requirements of subsection H.7 shall apply to all pedestrian priority and image streets.~~

~~40. The provisions of this subsection I shall not apply to an existing structure in existence on the date of adoption of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.~~

IK. *New River Waterfront Corridor.* Except in the RAC-TMU zoning district as provided in subsection J.3., development on parcels located within 100 feet of the New River shall be reviewed pursuant to the process for a site plan level IV development permit (section 47-24.2) without Planning and Zoning Board review, and shall be required to meet the following regulations:

1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum 60 foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than 60 feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:

a. A residential use or marine-related use as specified in sections 47-13.10 and 47-13.11, Boats, Watercraft and Marinas, that have portions of structures devoted to those uses that are no higher than thirty-five (35) feet in height may encroach within the setback specified above, but shall in no case be less than 20 feet from the seawall or the high water mark, if no seawall exists.

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

b. Within the RAC-CC and RAC-AS districts, structures may provide less than the minimum setback specified in subsection J.1., above or exceed the thirty-five (35) foot height limitation, as specified above, if approved in accordance with the requirements of a site plan level IV development permit, (Section 47-24.2) without Planning and Zoning Board review, subject to the review criteria as provided in Section 47-25.3, Neighborhood Compatibility, as provided in Section 47-25.3.A.3.e.iii, and the following additional criteria and limitations are met:

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- i. Principal structures shall provide a minimum of one or more setbacks totaling a minimum of 20 feet, between a height of 12 feet and fifty-five (55) feet.
- ii. No portion of a structure in excess of thirty-five (35) feet in height shall encroach upon a 1:1 height-to-setback plane, as measured from a line 20 feet from the seawall or high water mark, if no seawall exists, up to a height of ninety-five (95) feet. Portions of structures above ninety-five (95) feet in height may proceed vertically without additional setback, subject to the provisions of subsection J.2.c.
- iii. Principal structures shall also provide a minimum of five of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and the New River.

2. *Additional criteria.*

- a. ~~Within the RAC-CC and RAC-AS districts only, when the development is located along North or South New River Drive or the Riverwalk Linear Park, it shall comply with regulations for Pedestrian Priority Streets, Section 47-13.4.G, whereby reference to "pedestrian priority street" shall apply to the New River Waterfront Corridor.~~
- a. Within the RAC-CC district only, all principal structures located on the south side of the New River shall provide a minimum setback as required so as to not produce a shadow pattern that shadows a point on the river's edge for more than four hours between the hours of 9:00 a.m. and 4:00 p.m. on March 21 (spring equinox).
- b. Within the RAC-CC district only, ground level design and amenities shall functionally and visually coordinate with and complement existing public improvements along the New River adjacent or abutting the development site, including pedestrian access and landscaping.

3. ~~Within the RAC-TMU district only, any structure shall provide minimum setbacks from the seawall or high water mark of the river's edge, if no seawall exists, as approved pursuant to Site Plan Level III development permit, Section 47-24.2, subject to the review criteria as provided in Section 47-25.3, Neighborhood Compatibility, as provided in Section 47-25.3.A.3.e.iii.~~

- L. ~~All other RAC district streets. Development of property located abutting all streets within the RAC districts other than pedestrian priority or image streets shall satisfy the following regulations:~~

1. ~~Setback.~~

- a. ~~A minimum setback of five feet shall be provided from the property line along the street.~~
- b. ~~Modification of setback requirements within the RAC-TMU district. Setback requirements for the RAC-TMU may be modified to require greater setbacks above those specified in subsection K.1.a, subject to approval of a Site Plan Level II permit and the review criteria provided in Section 47-25.3.A.3.e.iii, Neighborhood Compatibility. Setbacks may also be modified for building sites within the RAC-~~

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~~TMU that apply for additional dwelling units above 25 dwelling units per net acre, subject to approval of a Site Plan Level II permit and the review criteria as provided in Section 47-25.3.A.3.e.ii.~~

~~2. *Street trees.* As provided in subsection H.7.~~

~~3. *Location of street trees.* As provided in subsection H.8.~~

~~M. *Effect of other ULDR provisions.* Unless otherwise provided in this Section 47-13, the provisions of the ULDR with general applicability to development within the city shall apply as requirements of the development of property within the district described in this Section 47-13. However, any provision of this Section 47-13 shall prevail to the extent of such conflict.~~

~~N. *[Site Plan Level II.]*~~

J. *Review process.* Except as provided in Section 47-24, Table 1. Development Permits and Procedures, development within the following zoning districts shall be reviewed as a Site Plan Level II permit.

1. A Site Plan Level II approval of a development for which a site plan has been approved by the City Commission, or which has been the subject of an agreement with the City shall not be final until 30 days after final DRC approval and then only if no motion is adopted by the City Commission seeking to review the application, pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty-day period if no action is taken by the City Commission.
2. Approval of all other Site Plan Level II developments within the RAC shall not be final until 30 days after preliminary DRC approval and then only if no motion is adopted by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. ~~A motion seeking to review an application pursuant to this subsection 2, shall only be approved if it is found by the city commission that DRC has misapplied or failed to apply one or more requirements of the ULDR or the City's Comprehensive Plan in approving the application.~~
3. In the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B, the developer may submit the design of the proposed development for review and approval by the City Commission, if the alternative design meets the overall intent of the Downtown Master Plan.

K. *Definitions.*

1. *Density Pool:* The total number of residential dwelling units permitted by the City's Comprehensive Plan for land within a regional activity center land use designation that has not been allocated to a particular development.
2. *Floorplate:* The gross square footage (GSF) for any floor of a tower. This does not include balconies that are open on three sides.
3. *Pedestal:* The portion of a building extending from the ground to the shoulder. Also referred to as "podium".

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4. Shoulder: The portion of a building below the horizontal setback between a tower and a pedestal.
5. Stepback: The horizontal dimension that defines the distance between the face of the tower and the face of the pedestal.
6. Streetscape: Exterior public space beginning at the face of a building extending into the adjacent right-of-way, which includes travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians. Streetscape may also include, but not be limited to, landscaped medians and plantings, street trees, benches, and streetlights as well as fences, yards, porches, and awnings.
7. Streetwall: The building façade adjacent to the street, along or parallel to the lot-line.
8. Story: The complete horizontal section of a building, having one continuous or practically continuous floor.
9. Tower: The portion of a building extending upward from the pedestal.

Sec. 47-13.21. - Table of dimensional requirements for the RAC District.

<u>RAC Character Area</u>	<u>Downtown Core</u>	<u>Near Downtown</u>	<u>Urban Neighborhood</u>
<u>Maximum Building Height*</u>	<u>None</u> (FAA restrictions apply)	<u>30 Floors**</u>	<u>6 Floors</u> <u>12 Floors **</u>
<u>Maximum Building Streetwall Length</u>	<u>300 Feet</u>	<u>300 Feet</u>	<u>300 Feet</u>
<u>Maximum Gross Square Footage of Building Tower Floor Plate Size</u>	<u>Residential: 18,000 for entirety of building tower up to 15 floors high / 12,500 for entirety of building tower up to 37 floors high</u> <u>Non-residential: 32,000</u>	<u>Residential: 18,000 for entirety of building tower up to 15 floors high / 12,500 for entirety of building tower up to 30 floors high</u> <u>Non-residential: None for entirety of building up to 9 floors high / 32,000 for entirety of building tower up to 30 floors high</u>	<u>Residential: 10,000</u> <u>Non-residential: 16,000</u>
<u>Maximum Building Podium Height</u>	<u>9 Floors</u>	<u>7 Floors</u>	<u>6 Floors</u>

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<u>Minimum Building Tower Step Back</u>	<u>None</u>	<u>15 Feet</u>	<u>12 Feet</u>
<u>Minimum Separation between Building Towers</u>	<u>60 Feet</u> <u>30 Feet minimum on subject property if adjacent to abutting lot under separate ownership</u>	<u>60 Feet</u> <u>30 Feet minimum on subject property if adjacent to abutting lot under separate ownership</u>	<u>60 Feet</u> <u>30 Feet minimum on subject property if adjacent to abutting lot under separate ownership</u>

RAC District	RAC-CC	RAC-AS	RAC-UV	RAC-RPO	RAC-TMU
Maximum Height	See** South of SE/SW 7 St., and North of NE/NW 5 St., 150 ft. maximum at boundary****	See**	55 ft. up 150 ft.*** Unspecified for South of NE/NW 5 St. See**	55 ft. up to 150 ft.**	See**
Minimum Plot Size	none	none	Nonresidential 5,000 sf (10,000 sf abutting Federal Hwy) Residential and Mixed Use See Sections 47-5.30—47-5.39	Nonresidential and mixed-use 5,000-sf For res. see Section 47-5.38 RMH-60	Nonresidential 5,000-sf Residential and Mixed Use 5,000-sf
Maximum Plot Coverage	95%	90%	90%	85%	Nonresidential—95% Mixed Use and Residential—75%
Maximum Density	none	35 du/acre	none	35-du/acre—up to 50-du/acre***	none greater than 25 du/acre see Section 47-13.13
Minimum Front Yard (feet)	See Section 47-13.13				

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Minimum Side Yard (feet)	None, unless otherwise provided for in Section 47-13.13	For nonresidential and mixed use, none, unless other provided for in Section 47-13.13	
		For residential apply minimum yards of Section 47-5.38, RMH-60 for Housing type	Greater side yard may be required see Section 47-13.13
Minimum Rear Yard (feet)	None, unless otherwise provided for in Section 47-13.13	For nonresidential and mixed use, none, unless other provided for in Section 47-13.13	
		For residential apply minimum yards of Section 47-5.38, RMH-60 for Housing type	Greater side yard may be required see Section 47-13.13

Notes:

~~* Side and rear setbacks as provided herein, except as regulated by Section 47-25.3, Neighborhood Compatibility Requirements as described in Table 1 of Section 47-24, Development Permits and Procedures.~~

~~** No maximum height, unless otherwise provided in those subsections of Section 47-25.3, Neighborhood Compatibility Requirements, as described in Table 1 of Section 47-24, Development Permits and Procedures.~~

~~*** Height: Heights above fifty-five (55) feet and up to one hundred fifty (150) feet shall be reviewed subject to the requirements of Section 47-24.3, Conditional Use Permit, except that parcels abutting Andrews Ave. and Federal Hwy. shall be exempt from Conditional Use Review for height. Density in the RAC-RPO: Above thirty-five (35) du/ac and up to 50 du/ac shall be reviewed subject to the requirements of Section 47-24.3.~~

~~**** Setbacks/Yards of one-half building height do not apply.~~

* Refer to Section 47-13.20.F, Transition Zones, for additional criteria. Height at boundary of RAC-CC district shall be one hundred fifty (150) feet; height may be increased one foot for every one foot of setback from the RAC-CC district boundary, for a distance of 100 feet from the RAC-CC district.

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****Height:** Heights above ~~fifty-five (55) feet~~ six (6) floors and up to ~~one hundred fifty (150) feet~~ twelve (12) floors in the ~~RAC-UV~~ Urban Neighborhood Character Area and RAC-RPO zoning districts shall be reviewed subject to the requirements of Section 47-24.3, Conditional Use Permit, except that parcels abutting Andrews Ave. and Federal Hwy. shall be exempt from Conditional Use Review for height.

(Ord. No. C-97-19, § 1(47-13.5), 6-18-97)

Secs. 47-13.22—47-13.28. - Reserved.

Section 47-24.1

TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES

Permit	Department	Development Review Committee	City Commission	Criteria for Review
22.c	Any Site Plan Level II development within Downtown RAC <u>that deviates from the requirements of Section 47-13.20.B where one or more requirements of the ULDR or City's Comprehensive Plan misapplied or failed to apply. See Sec. 47-13.20.M.2.</u>	R	CRR/PZ or DRCDP	1. RAC Requirement, Sec. 47-13.25.2. 2. Adequacy Review, Sec. 47-25.2. 3. Neighborhood Compatibility review Sec. 47-25.3 when applicable. <u>Downtown Master Plan intent</u>

Sec. 47-25.3. - Neighborhood compatibility requirements.

e. *Neighborhood compatibility and preservation.* In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:

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ii. All development within the ~~TMU (RAC EMU, RAC SMU and RAC WMU)~~ district that is greater in density than twenty five (25) dwelling units per net acre:

c) ~~In addition to meeting the review requirements of subsection A.3.e.i, Building sites within the RAC TMU (RAC EMU, RAC SMU and RAC WMU) district shall be eligible to apply for additional dwelling units over and above twenty five (25) dwelling units per net acre, provided such additional dwelling units are available for distribution in the downtown regional activity center. However, in order to obtain such additional dwelling units, a site plan level II permit must be approved. Such approval shall be based upon consideration of the number of additional dwelling units available under the city land use plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, the sensitivity to adjacent development of the site design and proposed orientation of the proposed development (including proposed setbacks), pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocations of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed use developments shall conform to the city's land use plan and may be granted subject to approval of a site plan level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty nine percent (59%) of the total floor area, exclusive of parking garages.~~

iii. All development within any downtown RAC district that is within one hundred (100) feet of residential property that is located outside of any downtown RAC district and all development within the ~~RAC TMU (RAC EMU, RAC SMU and RAC WMU)~~ district; and all development that is located on land adjacent to the New River within the RAC AS and RAC CC which deviates from the New River corridor requirements as provided in Section 47-13, Downtown Regional Activity Center:

a) ~~In addition to meeting the review requirements of subsection A.3.e.i, the setbacks imposed for a development plan may be modified subject to the requirements provided as follows:~~

1. ~~No structure, or part thereof, shall be erected or used, or land or water used, or any change of use consummated, nor shall any building permit or certificate of occupancy be issued therefor, unless a development plan for such structure or use shall have been reviewed and approved, where applicable, after development review as prescribed in subsection A.3.e.i. In approving such development plan, consideration shall be given to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to~~

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~~adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of Section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.~~

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