

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE LIVE LOCAL ACT; AMENDING
3 SECTIONS 5-180 AND 5-184 OF THE BROWARD COUNTY CODE OF ORDINANCES
4 ("CODE"); PROVIDING FOR ADMINISTRATIVE APPROVALS, PLATTING
5 REQUIREMENTS, AND PROCEDURES FOR AMENDMENTS TO PLAT NOTES FOR
6 PROPOSED DEVELOPMENTS AUTHORIZED PURSUANT TO THE LIVE LOCAL ACT;
7 AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN
8 EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10

11 WHEREAS, Chapter 2023-17, Laws of Florida, as may be amended (the "Live
12 Local Act"), requires local governments to authorize multifamily and mixed-use residential
13 in any area zoned for commercial, industrial, or mixed use if at least forty percent (40%)
14 of the residential units in a proposed multifamily (including mixed-use multifamily)
15 development are rental units that are affordable, as defined in Section 420.0004, Florida
16 Statutes, for a period of at least thirty (30) years;

17 WHEREAS, a proposed development is authorized pursuant to the Live Local Act,
18 if it "satisfies the County's land development regulations for multifamily developments in
19 areas zoned for such use and is otherwise consistent with the comprehensive plan, with
20 the exception of provisions establishing allowable densities, floor area ratios, height, and
21 land use"; and

WHEREAS, Broward County desires to establish a procedure for plat note approval implementing the Live Local Act, as may be amended,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 5-180 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-180. Application and requirement for development permits.

. . .

(c) *Administrative approvals.* The Board of County Commissioners hereby delegates to the County Administrator the authority to approve the following applications, after review as set forth in this article:

. . .

(2) Amendments to plat notes providing for affordable housing if ~~(i)~~ either:

a. A certification has been obtained from the Broward County Housing Finance and ~~Community Development~~ Division that a minimum of fifteen percent (15%) of the units will be affordable housing, as defined by Division 6 of this article, and ~~(ii)~~ the developer agrees, as a condition of approval of the plat note amendment, to provide sufficient assurances that the affordability of the residential units will be maintained at specified income levels for at least thirty (30) years; or

b. A proposed development complies with the requirements of Chapter 2023-17, Laws of Florida, as may be amended ("Live Local Act"):

...

Section 2. Section 5-184 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-184. Presumptions, limitations, agreements, and security for development review requirements.

(a) *Notation on the Face of the Plat.*

(1) Standard Notation on the Face of the Plat. The face of each recorded plat shall bear a notation indicating the developmental level at which the plat was reviewed and approved for adequacy of required services and facilities pursuant to this article. The notation shall include the following language: "This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the ~~Broward County~~ Board of County Commissioners."

The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner, including an owner or owners of property within this plat who took title to the property with reference to this plat."

~~(4)~~ a. An application for a change to the notation on the face of a plat or for placement of a notation on the face of a plat recorded between

June 4, 1953, and March 20, 1979, may be granted if the ~~Broward County~~ Board of County Commissioners makes a determination that the amendment is consistent with the terms of this article.

An application for placement of a notation on the face of a plat recorded between June 4, 1953, and March 20, 1979, shall comply with the provisions of Divisions 1, 2, and 3 of this article, except for the requirement of preparation and recordation of a plat document or linen. Throughout ~~s~~Section 5-189, references to plat application shall also mean application for placement of a notation on the face of a plat.

~~(2)~~ b. The applicant for a change to the notation on the face of a plat or for placement of a notation on the face of a plat recorded between June 4, 1953, and March 20, 1979, shall be required to execute or provide such documents as determined necessary to amend or place the notation.

~~(3)~~ ~~Failure to comply with the conditions established by the Board of County Commissioners as a prerequisite to recording an amendment to the notation on the face of the plat, within twelve (12) months of the date on which the amendment is approved, shall result in the expiration of the approval to amend the notation.~~

~~(4)~~ c. Failure to comply with the conditions established by the Board of County Commissioners as a prerequisite to placing or amending a notation on the face of a plat recorded between June 4, 1953, and

March 20, 1979, within twelve (12) months of after the date on which the placing or amending of the notation is approved, shall result in the expiration of the approval to place or amend the notation.

(2) Live Local Act Notation on the Face of the Plat. The face of each recorded plat shall bear a notation indicating (i) the development level at which the plat was reviewed and approved for adequacy of required services and facilities pursuant to this article; and (ii) a statement confirming that the proposed development complies with the requirements of Chapter 2023-17, Laws of Florida, as may be amended ("Live Local Act"). The notation shall include the following language:

"This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Board of County Commissioners. The proposed development is authorized pursuant to Chapter 2023-17, Laws of Florida, as may be amended (the "Live Local Act"). As required by the Live Local Act, as may be amended, forty percent (40%) of the residential units to be constructed on the proposed development (as set forth on the final site plan approved by the County or City/Town) shall be rental units that are affordable (the "Affordable Housing Units"), as defined in Section 420.0004, Florida Statutes (the "Affordable Housing Restrictions"), for a period of at least thirty (30) years (the "Restriction Period"). If the affordable housing restrictions are violated at any point during the Restriction Period, the owner of the Affordable Housing Units (the "Owner") shall be given a reasonable

time to cure such violation. If the violation is not cured within a reasonable time, the Owner and the County [and the City/Town, if applicable,] agree that the proposed development shall be treated as a nonconforming use. The notation and any amendments thereto (i) indicate the approved development level for property located within the plat; and (ii) provide a certification that the proposed development is authorized pursuant to Chapter 2023-17, Laws of Florida, as may be amended, and will comply with the affordability requirements of the Live Local Act. Other than as provided above, the notation and any amendments thereto do not operate as a restriction in favor of any property owner, including an owner or owners of property within this plat who took title to the property with reference to this plat."

a. An application for a change to the notation on the face of a plat or for placement of a notation on the face of a plat recorded between June 4, 1953, and March 20, 1979, may be granted if the Board of County Commissioners makes a determination that the amendment is (i) consistent with the terms of this article; and (ii) consistent with the requirements of the Live Local Act, as may be amended.

An application for placement of a notation on the face of a plat recorded between June 4, 1953, and March 20, 1979, shall comply with the Live Local Act, as may be amended, and the provisions of Divisions 1, 2, and 3 of this article, except for the requirement of preparation and recordation of a plat document or linen. Throughout

Section 5-189, references to plat application shall also mean application for placement of a notation on the face of a plat.

b. The applicant for a change to the notation on the face of a plat or for placement of a notation on the face of a plat recorded between June 4, 1953, and March 20, 1979, shall be required to execute or provide such documents as determined necessary to amend the notation.

c. Failure to comply with the conditions established by the Board of County Commissioners as a prerequisite to placing or amending a notation on the face of a plat recorded between June 4, 1953, and March 20, 1979, within twelve (12) months after the date on which the placing or amending of the notation is approved, shall result in the expiration of the approval to place or amend the notation.

...

Section 3. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 4. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

Section 5. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 05/20/2024
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 05/20/2024
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Live Local Act Ordinance
05/20/2024
#41005

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.