

**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

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

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

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

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

29 . . .

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

33 . . .

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

35 a. A certification has been obtained from the Broward County Housing  
36 Finance and ~~Community Development~~ Division that a minimum of  
37 fifteen percent (15%) of the units will be affordable housing, as  
38 defined by Division 6 of this article, and ~~(ii)~~ the developer agrees<sub>1</sub> as  
39 a condition of approval of the plat note amendment<sub>1</sub> to provide  
40 sufficient assurances that the affordability of the residential units will  
41 be maintained at specified income levels for at least thirty (30) years;

42 or

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

46                    . . .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148 . . .

149 Section 3. Severability.

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

156 Section 4. Inclusion in the Broward County Code of Ordinances.  
157 It is the intention of the Board of County Commissioners that the provisions of this  
158 Ordinance become part of the Broward County Code of Ordinances as of the effective  
159 date. The sections of this Ordinance may be renumbered or relettered and the word  
160 "ordinance" may be changed to "section," "article," or such other appropriate word or  
161 phrase to the extent necessary to accomplish such intention.  
162 Section 5. Effective Date.  
163 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