

CITY OF WESTON, FLORIDA
ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, CREATING PART 5, "LIVE LOCAL ACT" OF CHAPTER 125, "LAND DEVELOPMENT" RELATING TO AFFORDABLE HOUSING REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, on March 29, 2023, the Governor signed into law Senate Bill 102 "Live Local Act" codified at Chapter 2023-17, Laws of Florida, which is broad ranging legislation intended to streamline and incentivize affordable housing developments within the State of Florida (the "Act"); and

WHEREAS, Second, the Act preempts certain use, density, and height regulations for qualifying developments that provide for the development of affordable multi-family rental housing in commercial, industrial, and mixed-use areas; and

WHEREAS, Third, the City Commission supports affordable housing and finds it necessary to revise the City Code in order to establish equitable and respectful regulations for the development of mixed income developments as well as to implement the provisions of the Act; and

WHEREAS, Fourth, Section 7.10 of the City Charter requires that all multi-family and non-residential site plans, as well as any amendments to such site plans (except minor amendments as defined by ordinance), must be received at a public hearing and receive prior approval from the City Commission; and

WHEREAS, Fifth, in order to be consistent with the provisions in the City Charter requiring a public hearing for multi-family and non-residential site plans approved by the City Commission, the City Commission desires to require that all site plans, submitted in accordance with the Act, must be received at a public hearing before the City Manager and receive prior administrative approval from the City Manager; and

WHEREAS, Sixth, the Act provides that, if a municipality has designated less than 20 percent of the land area within its jurisdiction for commercial or industrial use, it is only required to allow multi-family development pursuant to the Act as part of a mixed-use residential development; and

WHEREAS, Seventh, given that less than 20 percent of the land area of the City is designated for commercial and industrial use, any development of land approved pursuant to the Act must consist of a mixed-use residential project as defined in the Act; and

WHEREAS, Eighth, the City Commission, in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, Ninth, after review and consideration, the City Commission desires to adopt the proposed amendments; and

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1 WHEREAS, Tenth, the City Commission finds that it is in the best interest of the residents of
2 the City to adopt this Ordinance.

3
4 NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

5
6 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and incorporated as the
7 legislative intent of this Ordinance.

8
9 **Section 2. Recommendation of Approval by the Local Planning Agency.**

10
11 The City Commission, in its capacity as the Local Planning Agency, has reviewed the proposed
12 Ordinance and recommends approval.

13
14 **Section 3. Amendment to Chapter 125.**

15
16 Chapter 125, “Land Development,” of the Code of Ordinances of the City of Weston, is
17 amended to read as follows:

18 **PART 5: LIVE LOCAL ACT**

19
20 **§ 125.70 APPLICABILITY.**

21
22 125.70(A) **Generally.** The provisions of this Part shall apply to any application for the Development of
23 land authorized under Section § 166.04151(7), Florida Statutes.

24
25 125.70(A)(1) **Applicability.** Except as otherwise provided, any application for the Development of land
26 shall comply with all applicable procedures and requirements of the City Code. Only properties within
27 the Commercial (C-1), Industrial (I-1), and PECD zoning districts are eligible to use the provisions of
28 Section § 166.04151(7), Florida Statutes.

29
30 **§ 125.71 SITE PLAN REVIEW.**

31
32 125.71(A) **Generally.** Review of a site plan is required prior to any Development of land.

33
34 125.71(B) **Approval authority.**

35
36 125.71(B)(1) **Administrative review.** A site plan that complies with Section 166.0451(7), Florida Statutes
37 and the applicable City Code provisions shall be subject to administrative approval, after a public
38 hearing, by the City Manager.

39
40 **§ 125.72 DENSITY.**

41
42 Any Development of land shall not exceed the highest allowed density permitted under Section
43 §166.04151(7), Florida Statutes.

44

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1 **§ 125.73 HEIGHT.**

2
3 Any Development of land shall not exceed the maximum Height permitted under Section
4 §166.04151(7), Florida Statutes.

5
6 **§ 125.74 DEVELOPMENT STANDARDS AND CRITERIA.**

7
8 125.74(A) **General Requirements.** In order to be eligible for administrative review, the Development of
9 land shall comply with the land development regulations for the multi-family zoning district which sets
10 the Height for the proposed Development; provided however, a Development that is 3 stories or less shall
11 comply with the land development regulations for the MF1 zoning district.

12
13 125.74(B) **Equivalent Treatment of all Dwelling Unit Requirements.** All affordable Dwelling Units and
14 market rate Dwelling Units shall be located within the same structure. All Common Areas and
15 amenities shall be accessible and available to all residents (both affordable and market rate Dwelling
16 Units). Access to the required affordable Dwelling Units shall be provided through the same principal
17 entrance(s) utilized by all other Dwelling Units in the development. In addition, the sizes and number
18 of bedrooms in the affordable Dwelling Units shall be proportional to the square footage and number
19 of bedrooms in the market rate Dwelling Units (e.g., for number of bedrooms, if 25 percent of the
20 market rate Dwelling Units consist of two bedrooms, then 25 percent of the affordable Dwelling Units
21 shall also have two bedrooms.

22
23 125.74(C) **Mixed-Use Residential.** Any site plan that is administratively approved pursuant to this Part
24 shall consist of a mixed-use residential project in accordance with the provisions of Section §
25 166.04151(7), Florida Statutes.

26
27 125.74(D) **Unified Lot.** All residential and non-residential components of the site plan shall be located
28 on the same or unified Lot.

29
30 125.74(E) **Criteria.**

31 No site plan shall be administratively approved unless and until the City Manager has determined, after
32 a public hearing, that the site plan complies with the criteria provided in Section 125.04(B) of the City
33 Code.

34
35 **§ 125.75 REQUIREMENTS FOR ADVERTISING AND NOTICE.**

36
37 In addition to any applicable advertising and notice requirements of Florida Statutes, the advertising
38 and notice requirements of Section 125.06 of the City Code shall apply to all applications that are
39 submitted for approval pursuant to this Part.

40
41 **§ 125.76 AFFORDABILITY COMMITMENT.**

42
43 Pursuant to Section § 166.04151(7), Florida Statutes, at least 40 percent of the multi-family residential
44 Dwelling Units shall remain affordable, as defined in Section 420.0004, Florida Statutes, for a period
45 of at least 30 years. This requirement shall be incorporated as a condition into any administrative
46 approval. Furthermore, as a prerequisite to the issuance of a building permit, the Owner shall execute
47 and deliver to the City for recordation in the public records, on a form approved by the City Attorney,

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1 a covenant, declaration of restriction, or other deed restriction in favor of the City ensuring compliance
2 with this affordability requirement.

3
4 **§ 125.77 APPEAL.**

5
6 Any substantially affected Person may appeal, pursuant to Section 124.69 of the City Code, an
7 administrative order, decision, approval, or interpretation in the enforcement of the regulations of this
8 Part.

9
10 **Section 4. Codification.**

11
12 It is the intention of the City Commission that the provisions of this Ordinance become and be
13 made part of the City Code, and that the Sections of this Ordinance and Code may be renumbered or
14 relettered and the word "ordinance" may be changed to "section" or such other appropriate word or
15 phrase to accomplish such intentions.

16
17 **Section 5. Severability.**

18
19 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be
20 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of
21 this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

22
23 **Section 6. Conflict.**

24
25 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
26 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to
27 the extent of such conflict.

28
29 **Section 7. Effective Date.**

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31 This Ordinance shall become effective upon passage and adoption.

32
33 PASSED ON FIRST READING June 20, 2023.

34
35 PASSED AND ADOPTED ON SECOND READING July 5, 2023.

36
37
38 CITY COMMISSION
39 CITY OF WESTON, FLORIDA

40
41
42 _____
43 Margaret Brown, Mayor

44 ATTEST:

45
46 _____
47 Patricia A. Bates, MMC, City Clerk

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1
2 Approved as to form and legality
3 for the use of and reliance by the
4 City of Weston only:

5
6 _____
7 Jamie Alan Cole, City Attorney

Roll Call:

Commissioner Mead	<u>Yes</u>
Commissioner Eddy	<u>Yes</u>
Commissioner Molina-Macfie	<u>Yes</u>
Commissioner Jaffe	<u>Yes</u>
Mayor Brown	<u>Yes</u>

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