



MEMORANDUM

TO: City of Belle Isle City Council

FROM: RVI Planning + Landscape Architecture

DATE: November 2, 2023

RE: Florida SB 102 “Live Local Act” Fact Sheet

The Live Local Act authorized by Senate Bill 102 became effective on July 1, 2023. The legislation, in part, is intended to increase the availability of affordable housing opportunities for Florida’s workforce by streamlining the permitting process for affordable housing projects.

This memorandum provides an overview of the major implications related to local land use/zoning policy and implementation.

Live Local Act Overview

SB 102 requires cities and counties to permit multi-family dwelling types and mixed-use residential development as allowable uses in any area zoned for commercial, industrial, or mixed-use if a minimum percentage of the units are affordable to income-eligible households for at least 30 years.

The City may approve a housing development, including a mixed-use residential development, on any parcel zoned commercial or industrial if at least 10% of the units are affordable.

The City must administratively approve multi-family and mixed-use residential projects without a rezoning, and may not require a rezoning, comprehensive plan amendment (future land use map change), special exception, or variance for building height, zoning or densities if the project meets the following criteria:

- ✓ The property is zoned commercial, industrial, or mixed-use; and
- ✓ At least 40% of the multi-family residential units in the proposed development are affordable for a period of at least 30 years. In the case of a mixed-use project, at least 65% of the project’s total square footage must be residential to qualify.

Affordability Defined. “Affordable ” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of the median adjusted gross annual income for income-eligible households. Income-eligible households are those households earning at or below 120% of the Area Median Income (AMI) published annually by the Department of Housing and Urban Development (HUD). The Orlando-Kissimmee-Sanford MSA has an AMI of \$85,700 per the 2023 HUD data.

The 2023 Income and Rent Limits published by Florida Financing Corporation are attached and demonstrate the rental limitation ranges from \$2,152 to \$3,934 depending on the number of bedrooms in the unit.

Maximum Density. A jurisdiction may not restrict the density of a development under this preemption below the highest allowable density in the jurisdiction. In the case of Belle Isle, the maximum permitted density is 10 du/acre in the Medium Density Residential future land use category.

Multi-Family/Mixed Use Rental Only. The law is applicable to multiple-family dwellings as defined in the Belle Isle Land Development Code (LDC), and mixed-use residential dwelling types only – i.e. an affordable housing project proposing single-family detached and/or two-family attached dwelling types would not be eligible. The law is also limited to rental projects only.

Maximum Height. A local government may not restrict the height of a development under this preemption below the highest currently allowed height for a commercial or residential development in the jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Review of the LDC indicates the maximum permissible building height within the City is 50 feet. However, the maximum height will vary based upon the location of the proposed development.

Administrative Approval Required. Application under this section must be administratively approved and does not require further action by the Planning and Zoning Board or City Council, if it satisfies all LDC regulations for multifamily developments, generally set forth in LDC Section 54-76. However, the City must consider reducing parking requirements to the greatest extent possible for developments approved under this section if development located within ½ mile of a transit stop.

Time limit. This preemption lasts for 10 years.

Local Implementation

There is a partial exemption clause which requires that developments using this provision would be required to do mixed-use if less than 20% of a local jurisdiction's land is designated for commercial, industrial, or mixed use. Staff has completed the land allocation analysis and commercial, industrial, and mixed-use land uses make up 12.9% of the City's land area. Thus, any development under SB 102 in the City of Belle Isle must be mixed-use in nature and single-use multi-family rental projects would not qualify for administrative approval under the Act.

Developers intending to request approval under SB 102 must identify this at preapplication to ensure that there is full understanding of what is required long term (e.g., the minimum 30-year period). Staff will be working to incorporate methods for identifying these requests on pre-application and application forms.

The City has included a notification relating to the Live Local Act and the building permitting procedures if submitting under the act as follows:

“Upon submission of the appropriate building permit, applicants must notify the city via email at planning@belleislefl.gov, yquiceno@belleislefl.gov, & cobipermits@universalengineering.com that they are requesting expedited processing and state the statutory basis entitlement for the request under the Live Local Act. Upon review, the city will grant higher priority to process building permits that qualify under the Act. Please note that as of June 2023, the city has not identified any city-owned properties that are appropriate for use as affordable housing under the Act.”

The City should consider updating the Land Development Code to provide definitions for terms in the Act, as well as eligibility process and procedures to clearly implement the Act's provisions.

The LDC amendment can also prescribe development standards for these projects to ensure quality development, such as minimum living area per unit, bicycle/pedestrian connectivity, minimum recreational amenity requirements, etc.

The long-term monitoring and enforcement of any affordable units built under SB 102 is the responsibility of the local government. To do so, City housing staff will, at a minimum, be coordinating land use restriction agreements, conducting/coordinating income qualification trainings, and conducting/coordinating compliance monitoring.

Summary

The Live Local Act requires the City of Belle Isle to administratively approve projects that meet all of the below criteria:

- ✓ Is a mixed-use residential project where residential units comprise 65% of the building square footage;
- ✓ Is a rental project;
- ✓ Is located in a commercial, industrial, or mixed-use zoning district (i.e. Professional-Office, C-1, C-2, C-3, and I-2 zoning districts);
- ✓ Does not exceed 10 dwelling units per acre;
- ✓ Has a building height no greater than 3 stories/50 feet in height, unless a higher building height is permitted/built within 1 mile of the proposed development;
- ✓ Meets all multi-family development standards set forth in the LDC, except parking may be reduced if the site is within ½ mile of a major transit stop; and
- ✓ Commits to providing affordability for 30 years, where rents are limited to not more than 30% of the median adjusted gross annual income for households earning 120% or less than the AMI, as published annually by HUD.