



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 20, 2024

RE: RESOLUTION 24-51: A resolution of the Eustis City Commission providing notice to the public of a pending Live Local Act Ordinance and directing staff to develop procedures for applicant qualification, compliance certification and other necessary components required to give effect to the legislative purpose of the Live Local Act.

Background: Chapter 2023-17, Laws of Florida, preempts some provisions of local comprehensive plans, zoning and land development regulation provisions for certain mixed-use projects and multi-family projects having at least 40 percent of residential units within a project being affordable housing units for at least a 30-year period. However, it does not articulate how a proposed development is intended to evidence compliance with the affordable housing requirements necessary to benefit from the preemptions afforded under the new law, including prior to issuance of a building permit or certificate of completion, or at any time during the minimum 30-year period provided for in the new law nor does the new law set forth any penalties for non-compliance and such should be required in order to ensure the legislative intent is met.

On October 5, 2023, the City Commission approved Resolution 23-89 providing notice to the public of a pending Live Local Act ordinance with a goal completion date of six (6) months from the date of adoption. Since the City passed Resolution 23-89, further amendments to the Live Local Act were adopted by Governor DeSantis through execution of House Bill 7073 on May 7, 2024 and Senate Bill 328 on May 16, 2024.

The Resolution provides notice to the public and directs staff to develop procedures for applicant qualification, compliance certification and other necessary components required to give effect to the legislative purpose of the Live Local Act. It further directs staff to prepare an ordinance for the City Commission's consideration adopting the Live Local Act and creating, modifying or otherwise amending the City code, land development regulations, and other governing documents as applicable, to require evidence of and ensure compliance with the affordable housing criteria as needed for a development to benefit from the preemptions afforded under the Live Local Act and other land development regulations addressing affordable housing, mixed-use and multi-family projects.

The proposed ordinance is to be considered and adopted within one (1) year of adoption of this Resolution. By adoption of this Resolution, the City Commission is implementing the Pending Ordinance Doctrine which places property owners and developers on notice that changes will be forthcoming and that they should not rely on existing local laws when making development or purchase decisions.

Fiscal Impact:

N/A

Attachment:

Resolution Number 24-51