STAFF REPORT

CITY OF GREEN COVE SPRINGS, FLORIDA

TO: City Council **MEETING DATE:** August 6, 2024

FROM: Michael Daniels, AICP, Development Services Director

SUBJECT: Resolution #: R-11-2024 establishing standard operating procedures to implement the requirements set forth in Senate Bill 328, Live Local Amendment Act relating to Affordable Housing Regulations ***Michael Daniels***

BACKGROUND

The purpose of this resolution is to provide the city's interpretation and set the operating procedures to process eligible affordable housing projects meeting the criteria set forth in Senate Bill 328, which amends the Affordable Housing Preemption Bill (Live Local Act or "LLA") that was originally approved by the state legislature and signed into law during the 2023 Legislative Session.

For ease of reference and to avoid redundancy throughout this memorandum, a development seeking approval through LLA will be referred to as a "qualifying development or qualifying developments."

On March 29, 2023, Governor Ron Desantis signed into law Senate Bill 102, also known as the "Live Local Act" ("LLA"). This bill took effect on July 1, 2023, and precludes local governments' ability to apply their use, height, and density restrictions and hearing processes to certain multi-family and mixed-use affordable housing developments. Importantly, LLA doesn't preempt other applicable local laws and regulations.

- LLA requires local governments to administratively approve development projects:
  - Where at least forty percent (40%) of the residential units are affordable in a rental agreement (as defined in section 420.0004 Fl. St.) in a rental agreement for at least thirty (30) years; or
  - If developed as a mixed-use project, at least sixty-five percent (65%) of the square footage is used for residential purposes (of which forty percent (40%) are affordable as defined in section 420.0004 Fl. St.); and are located within commercial, industrial, or mixed-use zoning districts. FS 166.04151(7a)
- Local governments are required to allow projects to develop at the highest allowed density on any land within the local government where residential density is allowed. FS 166.04151(7b)
- Local governments cannot restrict height below the highest allowed for a commercial or residential development within the city limits and within one (1) mile of the proposed development or three (3) stories, whichever is higher. FS 166.04151(7c)
- Local governments must consider reducing parking for developments near a major transit stop. FS 166.04151(7e)

- Notwithstanding the provisions of the law, projects must comply with all other local land development regulations. FS 166.04151(7g)

On May 20, 2024, the Governor signed into law Senate Bill 328 "Live Local Amendment Act" codified at Chapter 2023-17, Laws of Florida, which is broad ranging legislation intended to amend the original Live Local Act and to streamline and incentivize affordable housing developments within the State of Florida (the "Revised Act").

One of the key objectives of the revised Bill was to clarify the uncertainties and omissions that were identified as qualifying developments were proposed and processed in coordination with the requirements of the local government land development regulations. These changes include:

- Amends the phrase "if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004" to "if at least 40 percent of the residential units in a proposed multifamily development are rental units that for a period of at least 30 years, affordable as defined in s. 420.0004." This amended phrase opens the possibility for split multifamily ownership and rental development as long at least 40% of the total units are rental and affordable.
- Provides that proposed multifamily developments that are located in a transit-oriented development or area, as defined by the local government, must be mixed-use residential to receive approval and "otherwise complies with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this section or as otherwise agreed to by the county and the applicant for the development."
- Provides that local governments cannot limit the floor area ratio of a proposed development below 150% of the highest currently allowed floor area ratio on any land where residential development is allowed in the jurisdiction under the jurisdiction's land development regulations.
- Clarifies that the maximum density and height allowances do not include any "bonuses, variances, or other special exceptions" provided in the jurisdiction's land development regulations as incentives for development.
- Allows local governments to limit the maximum height allowance if the proposed development is adjacent to, on two more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.
- Provides that each local government must maintain a policy on its website containing the expectations for administrative approval.
- Reduces the buffer for local governments to "consider" reducing parking requirements from ½ mile of a "major transit stop" to ¼ mile of a "transit stop."
- Requires local government to reduce parking requirements by 20% for proposed developments within ½ mile of a "major transportation hub" that have available parking within 600 feet of the proposed development and eliminates parking requirements for a proposed mixed-use residential development within an area recognized as a transit-oriented development or area.
- Provides that proposed developments located within ¼ mile of a military installation may not be administratively approved.

- Provides that the LLA preemption does not apply to "airport-impact areas as provided in s.333.03."
- Clarifies that developments authorized with the preemption are treated as a conforming use even after the sunset of the preemption statute (2033) and the development's affordability period unless the development violates the affordability term. If a development violates the affordability term, the development will be treated as a nonconforming use.
- Provides that an applicant who submitted an application, written request, or notice of intent to utilize the mandate before the effective date of the bill may notify the local government by July 1,2024, of its intent to proceed under the prior provisions of the mandate.

Other additions and revisions to the bill include Amendments to the "Missing Middle" Property Tax to incentivize affordable housing development as identified in the Live Local bill summary by the Florida Housing Coalition that is enclosed in the packet.

Included in the packet is:

- Proposed Resolution to amend the existing Standard Operating Procedures identified as part of the implementation of the Live Local Act
- Existing Live Local Act Resolution, R-23-2021
- SB 328 Enrolled Bill
- Florida Housing Coalition Bill Summary

STAFF RECOMMENDATION

Staff recommends approval of Resolution # R-11-2024 and repeal of Resolution # R-21-2023, regarding standard operating procedures to implement the requirements set forth in Senate Bill 328 which are available for use as affordable housing.

Recommended Motion:

Motion to recommend approval of Resolution # R-11-2024 and to repeal and replace Resolution # R-21-2023 establishing standard operating procedures to implement the requirements set forth in Senate Bill 328, "The Live Local Amendment Act relating to Affordable Housing Regulations.