

RESOLUTION NO. R-11-2024

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ESTABLISHING STANDARD OPERATING PROCEDURES TO IMPLEMENT THE REQUIREMENTS SET FORTH IN SENATE BILL 328, “THE LIVE LOCAL ACT” RELATING TO AFFORDABLE HOUSING REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 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, after review and consideration, the City Council adopted Resolution No R-21-2023 directing staff to review all project applications submitted pursuant to the Act be handled in substantial compliance with the Standard Operating Procedures set forth in Appendix A of the Resolution.

WHEREAS, 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, the City Council 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, Section 101.355 of the City Land Development Code requires that all multi-family and nonresidential site development plans, as well as any amendments to such site development plans (except minor site development plans as defined by ordinance), must receive approval from the City Council; and

WHEREAS, in order to be consistent with the provisions in the City Code requiring multi-family and non-residential site development plans approved by the City Council, the City Council desires to require that all site plans, submitted in accordance with the Act, must receive administrative approval from the City Manager; and

WHEREAS, the Planning and Zoning Commission, in its capacity as the Local Planning Agency, has reviewed this Resolution and recommends approval; and

WHEREAS, after review and consideration, the City Council adopted Resolution No R-21-2023 directing staff to review all project applications submitted pursuant to the Act be handled in substantial compliance with the Standard Operating Procedures set forth in Appendix A of the Resolution.

WHEREAS, on May 20, 2024, the Governor signed into law Senate Bill 328 “Live Local Act” codified at Chapter 2024-188, Laws of Florida, which is broad ranging legislation intended to amend the original Live Local Act to streamline and incentivize affordable housing developments within the State of Florida (the “Revised Act”). The Revised Act includes the following revisions:

- Eligible Zoning and Applicability
- Height and Density Allowances
- Requires local government consideration of parking reduction requirements for projects in close proximity to transit stops.
- Removes the preemption for projects near airport impact areas and eliminates the administrative approval requirement for projects near military installations.
- Removes the exception for recreational and commercial working waterfront areas.
- Revises Floor Area Ratio requirements.
- •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 residential subdivisions meeting specific criteria.
- 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 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 clarification of non-conforming status after the statute sunsets in 2033.

WHEREAS, the Planning and Zoning Commission, in its capacity as the Local Planning Agency, has reviewed this Resolution and recommends approval; and

WHEREAS, after review and consideration, the City Council adopted Resolution No R-11-2024, which will repeal and replace Resolution No R-21-2023; and

WHEREAS, the City Council finds that it is in the best interest of the residents of the city to adopt this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to Article VIII,

Section 2 Florida Constitution; sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Green Cove Springs; and other applicable provisions of law.

SECTION 3. LIVE LOCAL STANDARD OPERATING PROCEDURES. The Council hereby adopts the Live Local Act Standard Operating Procedures (SOPs) as set forth on Appendix “A” attached hereto and incorporated herein by reference, to accomplish the goals of the Act. The Council hereby directs that any project applications submitted pursuant to the Acts shall be handled in substantial compliance with the SOP’s attached hereto.

SECTION 4. TERMINATION. By its terms, the Act expires on October 1, 2033. This Resolution and the SOPs shall likewise expire on October 1, 2033. In the event the Florida Legislature modifies the expiration date of the Act, this Resolution shall expire on such modified expiration date.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 6th DAY OF AUGUST, 2024.

CITY OF GREEN COVE SPRINGS, FLORIDA

Steven R. Kelley, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L. J. Arnold, III, City Attorney

Appendix “A” Live Local Standard Operating Procedures Policy

The purpose of this policy is to provide the city’s interpretation of LLA, identify the process for implementation, and provide additional development standards which may apply to applications seeking administrative approval pursuant to LLA. 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.

On May 20, 2024, Governor Ron Desantis signed into law Senate Bill 328, which make several amendments to s. 125.01055(7) and s. 166.04151(7) of the Florida Statutes which govern the Live Local Act’s land use preemption. This land use preemption was designed to facilitate eligible affordable housing developments on parcels zoned for commercial, industrial, and mixed-use by providing favorable use, density, height, and administrative approval standards. The SB 328 Amendments are incorporated into the revised standard operating procedures below:

- LLA requires local governments to administratively approve development projects:
 - Where at least forty percent (40%) of the residential units in a proposed multifamily development are rental units that are affordable in a rental agreement (as defined in section 420.0004 Fl. St.) for a period of 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)
 - 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 as a qualified projects and “otherwise comply with requirements of the city’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 city and the applicant for the development.”
- Qualifying projects can develop at the highest allowed density on any land within the City limits where residential density is allowed. FS 166.04151(7b)
- The floor area ratio of a proposed development cannot be limited to less than 150% of the highest currently allowed floor area ratio on any land where residential development is allowed.
- Maximum density and height allowances do not include any “bonuses, variances, or other special exceptions” provided in the City’s land development regulations as incentives for development.
- The City 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)
- The City can limit the maximum height allowance if the proposed development is adjacent to, on two or 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.
- The City must maintain a policy on its website containing the expectations for administrative approval under the LLA.
- LLA does not apply to developments located within an airport impact area as defined in s. 333.03
- LLA does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial. FS 166.04151(7h)

- Qualifying Developments authorized with the preemption are treated as conforming uses 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 is in violation of the affordability term, reasonable time will be given to cure the violation. If the development is in violation after reasonable time is given, they will be treated as a nonconforming use.
- Notwithstanding the provisions of the LLA, qualified projects must comply with all other local land development regulations. FS 166.04151(7g)
- **Applicable Zoning Districts**
- Pursuant to the City of Green Cove Springs Land Development Code (“LDC”), the following zoning districts will be eligible for qualifying developments:
 - RPO Residential Professional Office
 - C-1 Neighborhood Commercial
 - C-2 General Commercial
 - M-1 Light Industrial
 - M-2 Heavy Industrial
 - CBD Central Business District
 - GCC Gateway Corridor Commercial
 - GCN Gateway Corridor Neighborhood
- **Residential Density**
- The City’s most intensive future land use category that allows residential density is Mixed-Use Reynolds Park, which allows up to 40 units to the acre by right. This will be the density permitted for qualifying (single use and mixed-use developments).
- **Allowable Height**
- Pursuant to FS 166.04151(7c) a municipality may not restrict height below the highest allowed for either commercial or residential development within the city limits and within one (1) mile of the qualifying development, or three (3) stories, whichever is higher. Sec. 117-6 provides the permitted maximum heights for all zoning districts, with heights ranging from 35’ to 70’.
- **Other Applicable Standards for Development**
- **Mixed-Use Projects** Except for the residential density, allowable height standards and floor area ratio described above, the following shall apply to mixed-use qualifying developments:
 - A mixed-use development requesting to utilize LLA must provide at a minimum ten percent (10%) of the project as non-residential. This would be measured as a percentage of the total square footage proposed for residential and non-residential uses.
 - For the residential portion of a mixed-use development, development shall comply with the provisions set forth in section 117-566 of the Gateway Corridor Commercial Zoning District except for the requirement in section 117-566(2)(a) requiring additional lot area for more than two dwelling units.
 - For the non-residential portions of a mixed-use development shall comply with the requirements of the underlying zoning district.
- **Single Use Projects (Residential Only)** Except for the residential density, allowable height standards and floor area ratio described above, the following shall apply to single use qualifying developments:
 - Developments shall comply with the provisions set forth in section 117-566(2) of the Gateway

Corridor Commercial District for multifamily dwellings except for the requirement in section 117-566(2)(a) requiring additional lot area for more than two dwelling units.

Parking

LLA requires a City to reduce parking requirements by 20% for proposed developments within ½ mile of a “major transportation hub” as defined in the statute, which 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. There currently is not a major transportation hub within the city limits.

Transit service in the City is supported by Clay Community Transportation (CCT) flex service shuttles, managed by the Jacksonville Transit Authority. There are two CCT routes that service the city with stops at the Clay County Health Department and Courthouse. Transit represents a small to de minimis percentage of transportation users within the City. Pursuant to the definition of a “major transportation hub” as set forth in the statute), there is no major transportation hub in the City of Green Cove Springs. As a result the parking standards set forth in Sec. 113-157 (d) shall apply. However, within a ¼ mile of a transit stop, the City must consider reducing the parking requirements for an eligible project.

Other Development Standards (such as but not limited to Stormwater, landscaping etc.) All projects shall comply with the applicable requirements set forth in the Land Development Code.

Process for Approval

The approval process for a qualifying development located within an eligible zoning district, as outlined above, shall include payment of fees, an application, site development plan, an affidavit of commitment to City of Green Cove Springs affordable housing standards for income qualification, monitoring, inspection and other requirements in accordance with the LLA and the City Land Development Code.

Minimum requirements for Site Development Plan approval of a proposed qualifying project shall include the following:

1. A completed site plan application and attachments as set forth in the City’s site plan submittal requirements in Sec. 101-357.
2. Project Narrative – Application shall contain a narrative which demonstrates compliance with Section 166.04151 (7) (a) – (g), Florida Statutes and applicable LDC provisions.
3. Affidavit of Commitment – Applicant must file an Affidavit of Commitment to record a Land Use Restriction Agreement (LURA) detailing the affordable housing restrictions, to comply with the monitoring and other requirements of the city and F.S. 166.04151 Florida Statutes. The LURA shall also outline the penalties and remedies for not complying with the LURA for a 30-year affordable housing project in compliance with the LLA.

Qualifying projects located within a ¼ mile of a military installation shall adhere to the approval procedures set forth in the Land Development Code.