



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Town Attorney's Office

VIA: Francine L. Ramaglia, Town Manager

DATE: May 8, 2023

SUBJECT: Live Local Act, Chapter 2023-17, Laws of Florida

Background:

Chapter 2023-17, Laws of Florida, recently enacted by the Legislature (Live Local Act), becomes effective July 1, 2023. This new legislation includes amendments to Section 166.04151, Florida Statutes, regarding municipal regulation of affordable housing. A major change is the addition of subsection (7) that requires a municipality to authorize multifamily and mixed-use residential projects in areas zoned for commercial, industrial, or mixed use, if the project meets certain qualifications. Further, the new subsection also requires that approval of such projects must be made administratively without any further action of the governing body of the municipality, if the project complies with the municipality's LDRs for multifamily developments and is consistent with the comprehensive plan except for provisions establishing density, height, and land use.

Minimum Requirements to Qualify for the new Administrative Review Process:

- Forty percent (40%) of residential units must be income restricted for a period of at least 30 years.
- Affordable is defined in F.S. 420.004, which includes units from very low income (30% or less of area median income) to moderate income levels (120% of area median income).
- For a mixed-use project 65% of the total square footage must be residential.
- Development must be consistent with all other Town requirements for new development except for land use, height, and density, which are preempted by the new statutory established limits.

The Required Land Development Regulations:

The new administrative review process is only available if the project complies with the applicable municipality's land development regulations for multifamily developments and is



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consistent with the municipality's comprehensive plan with the exception of provisions establishing density, height, and land use.

The following is a list of all the requirements where developments must comply regardless of the approval process:

- Parcel/Plot Size
- Plot Dimensions
- Floor Area Ratio (FAR)
- Setbacks
- Plot Coverage
- Overall impermeable surface area
- Landscaping
- Parking

Density & Height Preemption – How it works:

The municipality may not require projects that qualify for administrative review to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment to facilitate the proposed projects under the statutorily allowed parameters, which include:

1. For mixed-use residential projects, at least 65% of the total square footage of the project must be used for residential purposes.
2. Density must be allowed at no less than the highest allowed density on any land in the municipality where residential development is allowed.

Analysis: The highest allowed density on any land in the Town, where residential development is allowed, is identified in the Agricultural Residential (AR) district. **In accordance with provision #2, above, density consistent with AR (1 dwelling unit per five acres) would be the maximum density for all projects that meet the criteria under this new legislation.**

3. Height must be allowed at no less than the highest currently allowed height for a commercial or residential development in the municipality within one mile of the proposed project, or three stories, whichever is higher.



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Analysis: The Town allows for commercial development in the Commercial Low (CL) and Commercial Low Office (CLO) zoning districts and residential developments in the AR zoning district. The maximum allowable height in all three of these zoning districts within the Town is 35 ft. **The maximum height would be three stories for all projects that meet the criteria under this new legislation.**

4. Reduced parking requirements must be considered if the project otherwise meeting the criteria under this subsection is located within ½ mile of a major transit stop and the major transit stop is accessible from the project; and

Analysis: The Town does not have any land within its jurisdiction that is located within ½ mile of a major transit stop. **This provision does not apply within the Town.**

5. If the municipality designates less than 20% of the land in its jurisdiction for commercial or industrial purposes, the projects are required to be allowed by the municipality only if they are mixed-use residential.

Analysis: The Town currently designates 3% of the land within its jurisdiction for commercial or industrial purposes. **So long as the commercial and industrial designations remain below 20% of the land within the Town, the Town would only be required to allow mixed-use residential projects that otherwise meet the criteria under this new legislation.**

Recommendation:

Provide staff direction.