

RESOLUTION NO. 24R-02-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA PROVIDING DIRECTION TO THE PUBLIC ON THE IMPLEMENTATION OF SENATE BILL (SB 102), CHAPTER LAW 2023-17, ALSO KNOWN AS THE "LIVE LOCAL ACT"; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, Senate Bill (SB 102) was approved by the Governor on March 29, 2023; and

WHEREAS, the State of Florida adopted Chapter 2023-17, Laws of Florida, effective July 1, 2023, known as the Live Local Act (the "Act"), which among other things, is designed to streamline and incentivize affordable housing within the State of Florida; and

WHEREAS, the Act preempts certain use, density and height regulations and imposes various obligations, including the requirement for a municipality to permit residential developments as an allowable use in any area zoned for commercial, industrial, or mixed use if at least forty percent (40%) of the residential units are affordable, as defined in Section 420.0004, Florida Statutes, for a period of at least thirty (30) years; and

WHEREAS, the benefits afforded by the Act are only available to developments that provide certain threshold levels of affordable multi-family housing, which housing units are further required to remain affordable for at least thirty (30) years, but the Act is silent on issues related to compliance reporting, monitoring, and enforcement of the mandatory affordability requirements applicable to these developments; and

WHEREAS, the Act provides that, if a municipality has designated less than twenty percent (20%) of the land area within its jurisdiction for commercial or industrial use, it is only required to allow multi-family development pursuant to the Act as part of a mixed-use residential development; and

WHEREAS, to qualify as a mixed-use development, a meaningful non-residential component in the project is appropriate, particularly acknowledging the state's legislative recognition of the importance of attaining at least twenty percent (20%) of the City's land area for commercial or industrial use; and

WHEREAS, the City is committed to providing a sustainable community for its residents and future generations, and ensuring an adequate tax base to support public services is an essential component of developing and maintaining such a sustainable community; and

WHEREAS, the City Commission has determined ten (10%) of the total development site proposed under the Act as a non-residential component is both

meaningful and appropriate in order to support required services and maintain residential affordability for City residents; and

WHEREAS, the Act requires that an affordable housing project proposed under the act must be administratively approved, without further action by the governing body, if the development satisfies the City`s land development regulations and is consistent with the City`s Comprehensive Plan, with the exception of provisions establishing allowable densities, height and land use (which are established in, and preempted by, the Act), and complies with all other applicable requirements of state and local law; and

WHEREAS, the City Commission has determined that it is appropriate in the public interest to provide that projects proposed under the Act on commercial or industrial zoned properties are subject to the development regulations within Article III – ZONING DISTRICTS, Section 3.8. – Mixed use development; and

WHEREAS, the Act provides that the City must consider the possibility of reducing the parking requirement for projects developed under the Act if the project is located within one-half mile of a major transit stop, as defined in the City`s Land Development Code, if the major transit stop is accessible from the development; and

WHEREAS, the City does not currently have a definition of major transit stop and does not wish to adopt such a definition; however, the city does currently provide Parking Credits that allow for a reduction of required parking of up to five (5) percent based on codified factors which shall not be applied in a way that results in a parking reduction greater than five (5) percent for any project as already established by the Land Development Regulations. No parking incentives shall be offered in excess of these currently existing Parking Credits as codified; and

WHEREAS, THE City Commission supports affordable housing and finds it necessary to revise the City Code in order to establish equitable regulations for the development of mixed-income mixed-use residential developments in order to implement the provisions of the Act; and

WHEREAS, the City is adopting the regulations contained within this ordinance to provide for implementation of the Act, which was effective as of July 1, 2023, and has determined it is appropriate for all applications for projects under the Act to be processed in accordance with the regulations contained within this ordinance, and to apply these regulations to any application or submission for an application under this Act; and

WHEREAS, this Resolution is subject to any subsequent amendments to the Act, in which case this Resolution would remain in effect and valid as to any provision not inconsistent therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL,

FLORIDA:

SECTION 1. Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

SECTION 2. Applicable Zoning Districts. The Act currently preempts a municipality to permit residential developments in any area zoned for commercial, industrial, or mixed use, as defined in Section 420.0004, Florida Statutes, for a period of at least thirty (30) years; and may be amended from time to time. The commercial zoning districts within the City are as follows: General Commercial (CG), Community Commercial (CC), Commercial Entertainment (CE), Commercial Warehouse (CW), and Commercial Office (CO). The industrial zoning district within the City is: Light Industrial (IL).

SECTION 3. Mixed Use Developments. The commercial and industrial zoning districts within the city comprise less than 20% of the total land area (approximately 11%). Thus, any development proposed under the Act must include a substantial mixed-use component. For compatibility purposes, the City highly has identified certain commercial uses permitted within a mixed-use development (Article III Section 3.8 Mixed use development).

SECTION 4. Development Standards. The Act preempts municipalities from restricting density, height and use. All other standards adopted by the municipality are applicable. The proposed mixed use development submitted under the Act must adhere to the architectural design guidelines set forth in Schedule P (Design Standards and Guidelines) in the LDR. Additionally, the City has adopted minimum unit sizes (Article III Section 5.31). The minimum dwelling unit sizes are dependent on the type of construction (single-family and townhouse dwelling units versus other multi-family) and the location of the proposed development (within the Transit Oriented Corridor & all other zoning districts).

SECTION 5. Administrative Procedure. The Act requires that an authorized development be administratively approved and require no further action by the governing body of the municipality. Therefore, any proposed mixed-use development under this Act shall be: first submitted for a pre-application meeting with staff, followed by a submittal and review by the Development Review Committee (DRC) and, should the development comply with all applicable standards of the LDR and outlined in this Resolution, a development order signed by the Planning & Zoning Director shall be issued. Upon receiving approval from the DRC that the applicant has met all applicable review standards or any outstanding items can be placed as a condition of the development order, prior to the issuance of any building permit.

SECTION 6. Fees. The Act does not provide any waiver from the City's fees, and thus the developer shall be responsible for all applicable fees.

SECTION 7. Conflicts. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 8. This Resolution shall take effect immediately upon its passage.

DATED this _____ day of _____, 2024.

PASSED AND ADOPTED on first reading this _____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSTON

Approved as to Form

Angel Petti Rosenberg
City Attorney