



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendments – Live Local Act**
Public Hearing: Planning and Zoning Board
Date & Time: **September 11, 2024; 6:00 – 9:00 p.m**
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

An ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables official Zoning Code Article 10, "Parking And Access," Section 10-109, "Remote Off-Street Parking And Payment-In-Lieu," Section 10-111, "Shared Parking Reduction Standards,," Section 10-112 "Miscellaneous Parking Standards," Article 14, "Process," Section 14-204, "Transfer Of Development Rights," to address the applicability of these provisions to projects utilizing provisions of the Live Local Act, CH. 2024-188, laws of Florida; providing for repealer provision, severability clause, codification, and providing for an effective date.

The request requires three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission.

2. BACKGROUND INFORMATION

The Live Local Act, initially established under Senate Bill No. 102, Chapter 2023-17, Law of Florida, and further amended by Senate Bill No. 328, Chapter 2024-188, Law of Florida, aims to enhance affordable housing and promote sustainable urban development within the state. These legislative acts introduced several key provisions requiring municipalities to adjust local zoning codes to comply with new state mandates. Staff has prepared Zoning Code text amendments for the City Commission to consider parking reductions for Live Local applications, as well as certain Transfer of Development Rights (TDRs) and shared parking restrictions for these affordable housing developments.

Originally adopted in 2023, Senate Bill No. 102, also known as the Live Local Act, was signed into law by Florida Governor Ron DeSantis on March 28, 2023, under Chapter 2023-17, Laws of Florida, and became effective on July 1, 2023. On May 16, 2024, Governor DeSantis signed Senate Bill No. 328 into law, referred to as the Live Local Act 2024 ("LLA 2024"). This new legislation amends and expands upon the affordable housing framework established by the original Live Local Act in 2023.

The Live Local Act states a municipality cannot require a proposed mixed-use development with mixed-use zoning to obtain a zoning or land use change if the proposed mixed-use development delivers a minimum of 40% affordable housing. Under the Live Local Act provisions, proposed developments can have the highest allowable density allowed in the municipality (with certain restrictions), the highest allowable height (with certain restrictions) for a commercial development within 1 mile of the proposed development, and 150 percent of the highest currently allowed floor area ratio (with certain restrictions).

The Live Local Act mandates that municipalities must consider reducing parking requirements for proposed mixed-

use developments located within one-quarter mile of an accessible transit stop. Additionally, the Act requires a parking reduction of at least 20 percent for mixed-use developments situated within one-half mile of an accessible major transportation hub. The Act defines a major transportation hub as “any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.”

The City of Coral Gables aims to comply with the State’s newly adopted regulations while preserving the City’s higher standards. The Live Local Act provides for State-mandated development entitlements; however, certain City-provided bonuses and incentives – such as Transfer of Development Rights (TDRs) and Shared Parking - would intensify potentially incompatible development within the City. Therefore to address the applicability of these provisions to projects utilizing the Live Local Act, staff has drafted zoning code text amendments, summarized as follows:

- Live Local applications are prohibited to utilized Remote Parking, except for Miracle Mile;
- Live Local applications are prohibited to apply a shared parking reduction when utilizing the Live Local parking reductions;
- City Commission will consider a 10% parking reduction for Live Local applications within ¼-mile of a transit stop;
- City Commission can grant a 20% parking reduction for Live Local applications within ½-mile of a major transportation hub; and
- Live Local applications are prohibited to received Transfer of Development Rights (TDRs).

3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendments are provided below in ~~striketrough~~/underline format.

ARTICLE 10. PARKING AND ACCESS

Section 10-109. Remote off-street parking and Payment-in-lieu.

A. Remote off-street parking. Use of Remote Parking may be allowed as an alternative to, or in conjunction with providing required parking onsite. The one-time payment into the Parking Trust Fund for use of Remote Parking shall be satisfied for one hundred percent (100%) of the requested remote parking spaces to comply with up to one hundred percent (100%) of the required on-site parking and shall be collected prior to the issuance of a building permit in the amount established by the City Commission.

2. Applicability.

- a. Location of remote parking spaces. The proposed building site location and the location of the remote parking spaces shall both be located within the CBD, the Design & Innovation District, or located within one-hundred (100) feet of the Ponce de Leon right of way, south of SW 8th Street. The remote parking facility(ies) shall not be located in a single-family zoning district.
- b. Distance. The remote parking spaces shall be located within one thousand (1,000) feet of the building site, measured from the property line of the site to the property line of the off-street parking facility(ies) containing the remote parking spaces.
- c. Minimum and maximum remote parking. A minimum of ten (10) remote parking spaces shall be requested and up to one-hundred (100%) percent of the Code required off-street parking. A Payment-in-lieu may be requested if a building site requires less than ten (10) off-site parking spaces.

- d. Approval process. Remote off-street parking for new construction requesting more than twenty-five (25) parking spaces shall be subject to a Conditional Use approval as set-forth in Article 14-203.2 of the Zoning Code, including conditions to allow a combination of Remote Parking and Payment-in-lieu. The Development Services Director may review and approve an requesting twenty-five (25) remote off-street parking spaces or less located in the City upon finding that all of the requirements of this subsection have been satisfied.
- e. Miracle Mile. Projects facing Miracle Mile shall remote park one hundred percent (100%) of their required parking with no reductions. No minimum number of remote parking spaces are required. The Development Services Director may review and approve an application requesting less than twenty-five (25) remote off-street parking spaces.
- f. Restrictions: Live Local application projects, as defined in the Live Local Act, Ch. 2024-188, Law of Florida, are prohibited to utilize Remote Parking, except for projects facing Miracle Mile.

Section 10-111. Shared parking reduction standards.

- C. Restrictions: Live Local applications shall not apply for a shared parking reduction when utilizing the parking reductions as specified in in the Live Local Act, Ch. 2024-188, Law of Florida.

Section 10-112. Miscellaneous parking standards.

D. The City Commission shall consider a parking reduction for affordable housing developments as defined in the Live Local Act, Ch. 2024-188, Laws of Florida under the following conditions:

1. Transit Stop.

- a. The development is located within one-quarter (1/4) mile of a transit stop. For the purpose of this subsection D, a transit stop shall be defined as a Miami-Dade County MetroRail or MetroBus stop, or municipal trolley stop.
- b. The transit stop is accessible from the proposed development by safe, pedestrian-friendly infrastructure, such as a connected network of sidewalks, crosswalks, bike paths, or other multimodal design features.
- c. The City Commission shall consider the impact of the parking reduction for the subject development and its compatibility with the surrounding area to allow a reduction of parking requirements by up to ten (10) percent for qualifying developments.

2. Major Transportation Hub.

- a. The development is located within one-half (1/2) mile of a major transportation hub. For the purpose of this subsection D, the term “major transportation hub” means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.
- b. The major transportation hub is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.
- c. The City Commission shall reduce the parking requirements by at least twenty (20) percent for qualifying developments.

ARTICLE 14. PROCESS

Section 14-204. Transfer of Development Rights.

Section 14-204.7. Approvals and restrictions.

A. A Restrictive Covenant shall be required on both the sending and receiving properties outlining any/all applicable conditions of approval pursuant to these provisions. The Restrictive Covenant(s) shall require review and approval by the City Attorney prior to recordation. The applicants shall be responsible for all costs associated herein

B. The use of Transfer of Development Rights (TDRs) as receiver sites are prohibited for Live Local applications, as defined under Senate Bill No. 102, Chapter 2023-17, Law of Florida, and Senate Bill No. 328, Chapter 2024-188, Law of Florida.

4. REVIEW TIMELINE / PUBLIC NOTICE

City Review Timeline

The submitted applications have undergone the following City reviews:

REVIEW COMMITTEES AND BOARDS	DATE
Planning and Zoning Board	09.11.24
City Commission – 1 st Reading	TBD
City Commission – 2 nd Reading	TBD

The following has been completed to solicit input and provide notice of the Application:

PUBLIC NOTICE	DATE
Legal advertisement	08.26.24
Posted agenda and Staff report on City web page/City Hall	09.06.24

5. FINDINGS OF FACT

In accordance with Section 14-212.5 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to the Zoning Code unless the text amendment:

Standard	Staff Evaluation
a. Promotes the public health, safety, and welfare.	The intent of the proposed amendment is to comply with the Live Local Action Bills, Florida’s Senate Bill No. 102, Ch. 2023-17, and Bill No. 328, Chapter 2024-188, Laws of Florida. This amendment provides zoning requirements for parking reductions and TDR restriction for affordable housing developments. Reducing the number of parking and vehicular

	trips to comply with the State’s mandates promotes public health, safety, and welfare by encouraging accessibility, walkability, and the use of public transit. Additionally, prohibiting TDR applications helps to maintain compatible intensity and floor area ratio (FAR), supporting sustainable urban growth.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not permit uses the Comprehensive Plan prohibits in the affected area.
c. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.	The proposed text amendment to allow the City Commission to reduce parking requirements for qualifying affordable housing developments does not affect the densities or intensities of any future land use category. Additionally, by prohibiting the use of TDRs with Live Local applications, the amendment ensures that densities and intensities are compatible with what is permitted by the applicable future land use categories of the affected property.
d. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan.	The proposed text amendment will not cause a decline in the level of service for public infrastructure, as each proposed development will be reviewed by Staff to ensure it meets the concurrency requirements. Furthermore, by prohibiting use of TDRs with Live Local applications, the amendment prevents increases in development intensity that could otherwise strain public infrastructure, thereby maintaining the required levels of service as outlined in the Comprehensive Plan.
e. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment does not directly conflict with any objective or policy of the Comprehensive Plan. The proposed amendment meets Policy FLU-1.9.1., Policy FLU-1.11.1., Policy DES-1.1.2., Policy HOU-1.1.1., Policy HOU-1.1.4., Policy MOB-1.1., Policy MOB-1.1.2., Policy MOB-1.1.4., Policy MOB-3.1.1., and Policy MOB-3.1.2.

Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies

This section provides those CP Goals, Objectives and Policies applicable to the Application and the determination of consistency:

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1	Objective FLU-1.1. Preserve Coral Gables as a “placemaker” where the balance of existing and future uses is maintained to achieve a high quality living environment by encouraging compatible land uses, restoring and protecting the natural environment, and providing facilities and services which meet or exceed the minimum Level of Service (LOS) standards and meet the social and economic needs of the community through the Comprehensive Plan and Future Land Use Classifications and Map (see FLU-1: Future Land Use Map).	Complies
2	Policy FLU-1.9.1. Encourage balanced mixed use development in the central business district and adjoining commercial areas to promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.	Complies
3	Policy FLU-1.11.1. Maintain and enforce effective development and maintenance	Complies

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
	regulations through site plan review, code enforcement, and design review boards and committees.	
4	Policy DES-1.1.2. Provide for rigorous design guidelines, standards, and review processes via the City’s Zoning Code that ensure high quality design of buildings and spaces.	Complies
5	Goal HOU-1. Provide a supply of housing that addresses the City’s needs that shall include a variety of housing opportunities for all income ranges, provide housing diversity to enhance the City’s social and economic growth and continue to be a distinctive, diverse, attractive and desirable place to live.	Complies
6	Objective HOU-1.1. Provide adequate and affordable housing to satisfy the community needs for existing and future residents.	Complies
7	Policy HOU-1.1.1. The City shall support the involvement of county, regional, state, and federal agencies in housing production, including new construction and/or rehabilitation, where appropriate.	Complies
8	<p>Policy HOUS-1.1.4. By 2011, the City shall amend its zoning code to provide for affordable/attainable housing programs to address the City’s fair share of regional affordable housing needs. This may include partnerships between the City and other local governments, affordable housing agencies, etc. The City shall examine a multi-pronged approach to address the City’s fair share of affordable housing which may include the following:</p> <ul style="list-style-type: none"> • Set-aside or unit delivery requirements. • Inclusionary zoning incentives. • Linkage fees. • Creation of affordable housing trust fund. • Affordable housing credits. • Waiver of City building fees, impact fees, etc. • Initiation of an expedited building permit and/or development review system. • Utilization of federal, state, regional and county programs including but not limited to the following: Florida’s State Housing Initiatives Partnership (SHIP), federal Community Development Block Grants (CDBG), and federal affordable housing tax credits. <p>As a part of the amendments, the City shall include principles and criteria for locating affordable/attainable housing that promotes access to a broad range of housing opportunities with a full complement of urban services through cooperation and coordination with the private sector, surrounding local governments and Miami-Dade County. Such principles shall include:</p> <ul style="list-style-type: none"> • Accessible to public transit. • Close proximity or readily accessible to employment centers, medical services, retail centers, social services, and/or governmental services. • Accessible to public parks, recreation areas, and/or open space systems. <p>The Workforce/Affordable Housing Study for the City of Coral Gables (revised 2006) attached as an Appendix shall be the background data and analysis for the completion of the above amendments.</p>	Complies

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
9	Objective MOB-1.1. Provide solutions to mitigate and reduce the impacts of vehicular traffic on the environment, and residential streets in particular with emphasis on alternatives to the automobile including walking, bicycling, public transit and vehicle pooling.	Complies
10	Policy MOB-1.1.2. Encourage land use decisions that encourage infill, redevelopment and reuse of vacant or underutilized parcels that support walking, bicycling and public transit use.	Complies
11	Policy MOB-1.1.4. Support incentives that promote walking, bicycling and public transit and those that improve pedestrian and bicycle access to/and between local destinations such as public facilities, governmental facilities, schools, parks, open space, employment centers, downtown, commercial centers, high concentrations of residential, private/public schools, University of Miami and multimodal transit centers/stations.	Complies
12	<p>Policy MOB-3.1.1. The City shall research various parking strategies and policies for consideration and possible adoption that may include one or more of the following:</p> <ul style="list-style-type: none"> • Additional opportunities for visible/clear signage identifying public parking facilities or opportunities to “intercept” vehicle parking patrons. • Wayfinding signage to direct “pedestrian parkers” to their destinations. • Quality pedestrian connections between the parking facility and the initial destination and secondary destination(s), and City trolley. • Creation of an online real-time access to parking location and occupancy information. • Performance based pricing within high demand areas. • Support a “park once” effort, whereas parking patrons become a “pedestrian” of “transit rider” between the City’s downtown, adjoining retail centers, business attractors, employment centers and the University of Miami. • Continue research on the use of shared parking for destinations for public facilities or the overall parking system. 	Complies
13	Policy MOB-3.1.2. Management of existing public facilities or future public facilities shall be based on a Level of Service (LOS) that provide parking for short term users (i.e., visitors) within 500 feet of their initial destination and beyond 500 feet for long term users.	Complies

Staff’s Findings: Based upon the Findings of Facts provided herein, Staff finds the Application satisfies the provisions of the Zoning Code provides the authority to comply with the Live Local Act. This granted authority is consistent with the goals, objectives, and policies of the Coral Gables Comprehensive Plan.

Per Policy MOB-1.1, Policy MOB-1.1.2, Policy MOB-1.1.4, Policy MOB-3.1.1, and Policy MOB-3.1.2, parking reductions for proposed developments with more than 40% affordable housing that are accessible to a transit stop or a major transportation hub will help promote walking, biking, and the use of public transit between local destinations. Additionally, by restricting remote off-street parking and shared parking reductions, the amendment aides to balance potential development and infrastructure capacity. These measures are designed to comply with the State’s preemptions and mandates while safeguarding the quality of life and accessibility for all residents. Furthermore, per Policy FLU-1.9.1., Policy FLU-1.11.1., Policy DES-1.1.2., Policy HOU-1.1.1., and Policy HOU-1.1.4., the requirements for parking and the prohibition of TDRs with Live Local applications maintain compatible development and provide a range of housing opportunities accessible to urban services, public transit, public amenities, and employment opportunities.

Staff finds that all five of these criteria are **satisfied**.

6. STAFF RECOMMENDATION

The Planning and Zoning Division recommends **approval**.

7. ATTACHMENTS

- A. Legal advertisement published.
- B. PowerPoint Presentation.

Please visit the City's webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Jennifer Garcia, AICP, CNU-A
Planning Official
City of Coral Gables, Florida

COMMUNITY NEWSPAPERS
PUBLISHED MONDAY
MIAMI, MIAMI-DADE, FLORIDA

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared **GEORGIA GRIFFIN** who on oath says she is **OFFICE MANAGER** of Legal Advertising of Community Newspapers, published Monday at Miami-Dade, Florida; that the attached copy of advertisement, published on the publicly accessible website of Miami-Dade County, Florida and/or in a newspaper in print, being a Legal Advertisement of Notice in the Matter of

NOTICE OF PUBLIC HEARING
The City of Coral Gables, Florida
September 11, 2024

in the XXXXX Court, was published in said newspaper in the issue of
August 26, 2024

Affiant further says that the website or newspaper complies with the legal requirements for publication in chapter 50, Florida Statutes.

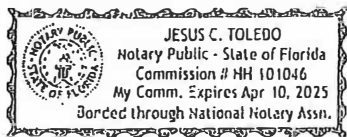
PROOF OF PUBLICATION -

AFFIANT *Georgia Griffin*
26 day of August 2024.

JESUS TOLEDO *[Signature]*
(Print or type or stamp Commissioned name of Notary Public)


(SEAL)

My Commission Expires: _____



X

Community Newspapers
6796 S.W. 62nd Avenue
South Miami, Florida 33143
305-669-7355 Ext. 2226


City of Coral Gables, Florida
Notice of Public Hearing
HYBRID MEETING on Zoom platform
Local Planning Agency / Planning and Zoning Board
Wednesday, September 11, 2024, 6:00 p.m.
City Commission Chamber, City Hall
405 Biltmore Way, Coral Gables, FL 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA) Planning and Zoning Board (PZD) will conduct Public Hearing on the following:

1. A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 14, "Process," Section 14-203, "Conditional Uses," for a proposed Mixed-Use project referred to as "33 Alhambra" on the property legally described as all of Block 15, "Coral Gables Section L," (20 nnd 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.
2. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" Article 3, "Uses," Section 3-402, "Restrictions related to location;" and Article 16, "Definitions;" to enhance the quality of Coral Gables Mediterranean design by requiring a conceptual design review; removing duplicative criteria; relocating inapplicable standards; supplementing existing criteria; and including additional Mediterranean building examples; providing for severability, repealer, codification, and for an effective date.
3. An ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables official Zoning Code Article 10, "Parking And Access;" Section 10-109, "Remote Off-Street Parking And Payment-In-Lieu;" Section 10-111, "Shared Parking Reduction Standards;" Section 10-112 "Miscellaneous Parking Standards;" Article 14, "Process;" Section 14-204, "Transfer Of Development Rights;" to address the applicability of these provisions to projects utilizing provisions of the Live Local Act, CH. 2024-188, laws of Florida; providing for repealer provision, severability clause, codification, and providing for an effective date.

The Planning and Zoning Board will be holding its board meeting on Wednesday, September 11, 2024, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. However, the City Commission has established the ability for the public to virtually provide sworn testimony or public comments (non-sworn and without evidentiary value). Any individual who wishes to provide sworn testimony virtually must have their video on and must be sworn in.

Members of the public may join the meeting via Zoom at (<https://zoom.us/j/8378879513>). In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to and participate in the meeting by dialing: (305) 461-6769 Meeting ID: 837 8870 9513. The public may comment on an item using the City's E-Comment function which may be found on the City's website at: (<https://coralgables.gramscisideas.com/meetings>) once the meeting's agenda is published, or by sending an email to planning@coralgables.com prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website (www.coralgables.com/cctv) as well as Channel 77 on Comcast.

CHAPTER 2024-188

Committee Substitute for
Committee Substitute for Senate Bill No. 328


An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; clarifying application; prohibiting counties and municipalities, respectively, from restricting the floor area ratio of certain proposed developments under certain circumstances; providing that the density, floor area ratio, or height of certain developments, bonuses, variances, or other special exceptions are not included in the calculation of the currently allowed density, floor area ratio, or height by counties and municipalities, respectively; authorizing counties and municipalities, respectively, to restrict the height of proposed developments under certain circumstances; prohibiting the administrative approval by counties and municipalities, respectively, of a proposed development within a specified proximity to a military installation; requiring counties and municipalities, respectively, to maintain a certain policy on their websites; requiring counties and municipalities, respectively, to consider reducing parking requirements under certain circumstances; requiring counties and municipalities, respectively, to reduce or eliminate parking requirements for certain proposed mixed-use developments that meet certain requirements; providing certain requirements for developments located within a transit-oriented development or area; defining the term "major transportation hub"; making technical changes; providing requirements for developments authorized located within a transit-oriented development or area; clarifying that a county or municipality, respectively, is not precluded from granting additional exceptions; clarifying that a proposed development is not precluded from receiving a bonus for density, height, or floor area ratio if specified conditions are satisfied; requiring that such bonuses be administratively approved by counties and municipalities, respectively; revising applicability; authorizing that specified developments be treated as a conforming use under certain circumstances; authorizing that specified developments be treated as a nonconforming use under certain circumstances; authorizing applicants for certain proposed developments to notify a county or municipality, as applicable, of their intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit a revised application, written request, or notice of intent; amending s. 196.1978, F.S.; revising the definition of the term "newly constructed"; revising conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption; making technical changes; requiring property appraisers to make certain exemptions from ad valorem property taxes; providing the method for determining the value of a unit for certain purposes; requiring property appraisers to review certain applications and make certain determinations; authorizing property appraisers to request and review additional information; authorizing property appraisers to grant exemptions only

1
CODING: Words ~~strikes~~ are deletions; words underlined are additions.

Live Local Act

SENATE BILL 328

PLANNING & ZONING BOARD
SEPTEMBER 11, 2024



1

LIVE LOCAL ACT

- LIVE LOCAL ACT
SENATE BILL NO. 102, CHAPTER 2023-17, LAW OF FLORIDA
SIGNED ON MARCH 28, 2023, AND EFFECTIVE ON JULY 1, 2023

- LIVE LOCAL ACT – 2024 AMENDMENTS
SENATE BILL NO. 328, CHAPTER 2024-188, LAW OF FLORIDA
EFFECTIVE ON MAY 16, 2024

- INTENDED TO ADDRESS THE STATE’S AFFORDABLE HOUSING
CRISIS

2

2

LIVE LOCAL ACT



City must authorize development if 40% affordable (120% AMI or below)

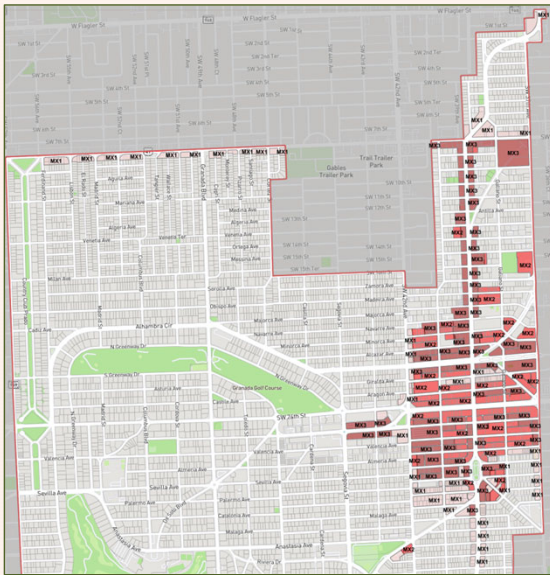
446 (7) (a) A municipality must authorize multifamily and mixed-
447 use residential as allowable uses in any area zoned for
448 commercial, industrial, or mixed use if at least 40 percent of
449 the residential units in a proposed multifamily rental
450 development are, for a period of at least 30 years, affordable
451 as defined in s. 420.0004. Notwithstanding any other law, local
452 ordinance, or regulation to the contrary, a municipality may not
453 require a proposed multifamily development to obtain a zoning or
454 land use change, special exception, conditional use approval,
455 variance, or comprehensive plan amendment for the building
456 height, zoning, and densities authorized under this subsection.
457 For mixed-use residential projects, at least 65 percent of the
458 total square footage must be used for residential purposes.

Development is only authorized in Mixed-Use districts

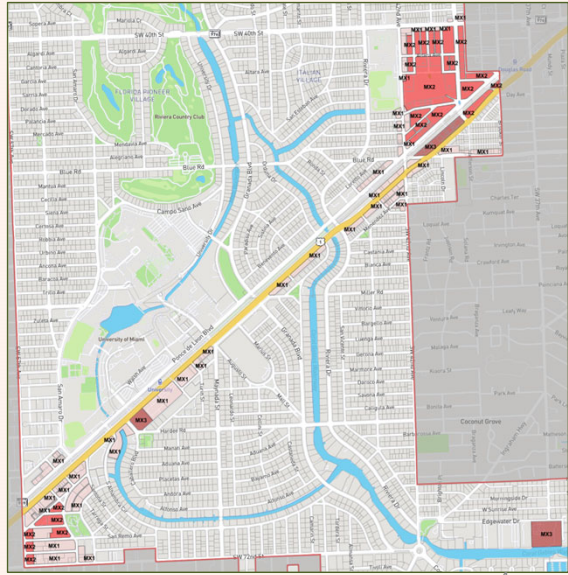
3

3

APPLICABLE TO MIXED-USE DISTRICTS



North Coral Gables



South Coral Gables

4

4

WHAT IS AFFORDABLE?

The 2024 Florida Statutes

[Title XXX](#)
SOCIAL WELFARE

[Chapter 420](#)
HOUSING

[View Entire Chapter](#)

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(3) “Affordable” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9), subsection (11), subsection (12), or subsection (17).

“AMI” in Miami-Dade County

WHAT IS AFFORDABLE?

HUD release: 4/2/2024
Effective: 4/1/2024
Implement on/before: 5/16/2024
4/22/2024 add HS Gulf & Levy

2024 Income Limits and Rent Limits
Florida Housing Finance Corporation
Multifamily Rental Programs and CWHIP Homeownership Program
NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Miami-Dade County (Miami-Miami Beach- Kendall HMFA)	20%	15,900	18,160	20,420	22,700	24,520	26,340	28,160	29,980	31,780	33,596	397	425	510	590	658	726
	25%	19,875	22,700	25,525	28,375	30,650	32,925	35,200	37,475	39,725	41,995	496	532	638	737	823	908
	28%	22,260	25,424	28,588	31,780	34,328	36,876	39,424	41,972	44,492	47,034	556	596	714	826	921	1,017
	30%	23,850	27,240	30,630	34,050	36,780	39,510	42,240	44,970	47,670	50,394	596	638	765	885	987	1,090
	33%	26,235	29,964	33,693	37,455	40,458	43,461	46,464	49,467	52,437	55,433	655	702	842	973	1,086	1,199
	35%	27,825	31,780	35,735	39,725	42,910	46,095	49,280	52,465	55,615	58,793	695	745	893	1,032	1,152	1,271
40%	31,800	36,320	40,840	45,400	49,040	52,680	56,320	59,960	63,560	67,192	795	851	1,021	1,180	1,317	1,453	
45%	35,775	40,860	45,945	51,075	55,170	59,265	63,360	67,455	71,505	75,591	894	957	1,148	1,328	1,481	1,635	
50%	39,750	45,400	51,050	56,750	61,300	65,850	70,400	74,950	79,450	83,990	993	1,064	1,276	1,475	1,646	1,816	
60%	47,700	54,480	61,260	68,100	73,560	79,020	84,480	89,940	95,340	100,788	1,192	1,277	1,531	1,770	1,975	2,180	
70%	55,650	63,560	71,470	79,450	85,820	92,190	98,560	104,930	111,230	117,586	1,391	1,490	1,786	2,065	2,304	2,543	
80%	63,600	72,640	81,680	90,800	98,080	105,360	112,640	119,920	127,120	134,384	1,590	1,703	2,042	2,361	2,634	2,907	
Median: 79,400																	
	120%	95,400	108,960	122,520	136,200	147,120	158,040	168,960	179,880	190,800	201,576	2,385	2,554	3,063	3,541	3,951	4,360
	140%	111,300	127,120	142,940	158,900	171,640	184,380	197,120	209,860	222,460	235,172	2,782	2,980	3,573	4,131	4,609	5,087

LIVE LOCAL ACT

2

2

373 374 375	(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.
465 466 467	highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

2. 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, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

Max. height to highest height w/in 1 mile, w/ some SFR height protections

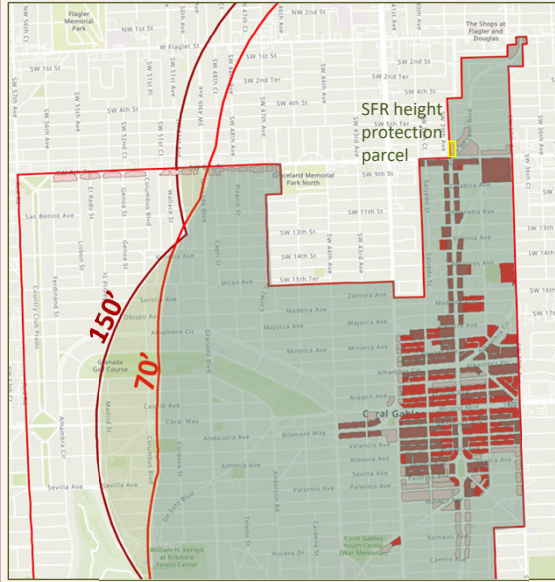
9

9

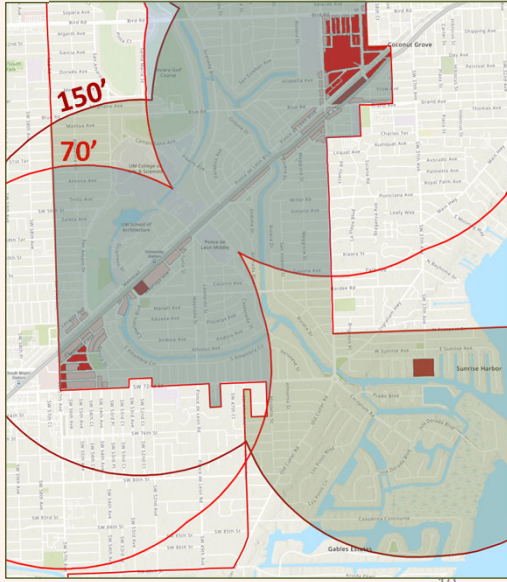
LIVE LOCAL ACT – 1-MILE RADII

2

2



North Coral Gables



South Coral Gables

10

10

LIVE LOCAL ACT



459 (b) A municipality may not restrict the density of a
 460 proposed development authorized under this subsection below the
 461 highest allowed density on any land in the municipality where
 462 residential development is allowed.

Density is analyzed City-wide

HIGHEST ALLOWED DENSITY



Section 2-200 Mixed Use Districts Table

Use categories		MX1		MX2		MX3	
A Lot occupation							
1	Building Site Area Minimum (square feet)	2,500	10,000	2,500	10,000	2,500	10,000
2	Building Site Width Minimum (feet)	25	100	25	100	25	100
3	Ground Coverage Minimum	NA	NA	NA	NA	NA	NA
4	Open Space Minimum	10%	10%	10%	10%	5%	10%
B Density							
1	Density (DU/Acre)	125	125	125	125	125	125
2	Unit Size Minimum (square feet)	900	900	900	900	900	900
3	Floor Area Ratio (FAR)	3.0	3.0	3.0	3.0	3.0	3.0
4	FAR Med. Bonus I	3.2	3.2	3.2	3.2	3.2	3.2
5	FAR Med. Bonus II	3.5	3.5	3.5	3.5	3.5	3.5
C Setback minimums (feet)							
1	Principal Front	0	0	0	0	0	0
2	Side Interior	0	0	0	0	0	0
3	Side Street	0	0	0	0	0	0
4	Rear	10	10	10	10	10	10
5	Rear at Alley	0	0	0	0	0	0
6	Waterway	35	35	35	35	35	35
D Stepback minimums (feet)							
1	Stepback Front	NA	10	NA	10	NA	10
2	Stepback Side	NA	15	NA	15	NA	15
3	Stepback Side Street	NA	10	NA	10	NA	10
4	Stepback Rear	NA	10	NA	10	NA	10
5	Stepback Rear at Alley	NA	3	NA	3	NA	3
E Building height maximums (stories/feet)							
1	Principal Building	45	45	45	70	45	70
2	Mediterranean Bonus I	NA	5 stories /63.5	5 stories /63.5	7 stories /83.5	5 stories /63.5	7 stories /83.5
3	Mediterranean Bonus II	NA	6 stories /77	6 stories /77	8 stories /97	6 stories /77	8 stories /97

LIVE LOCAL ACT

349 (d) A proposed development authorized under this subsection
 350 must be administratively approved and no further action by the
 351 board of county commissioners is required if the development
 352 satisfies the county's land development regulations for
 353 multifamily developments in areas zoned for such use and is
 354 otherwise consistent with the comprehensive plan, with the
 355 exception of provisions establishing allowable densities,
 356 height, and land use. Such land development regulations include,
 357 but are not limited to, regulations relating to setbacks and
 358 parking requirements.

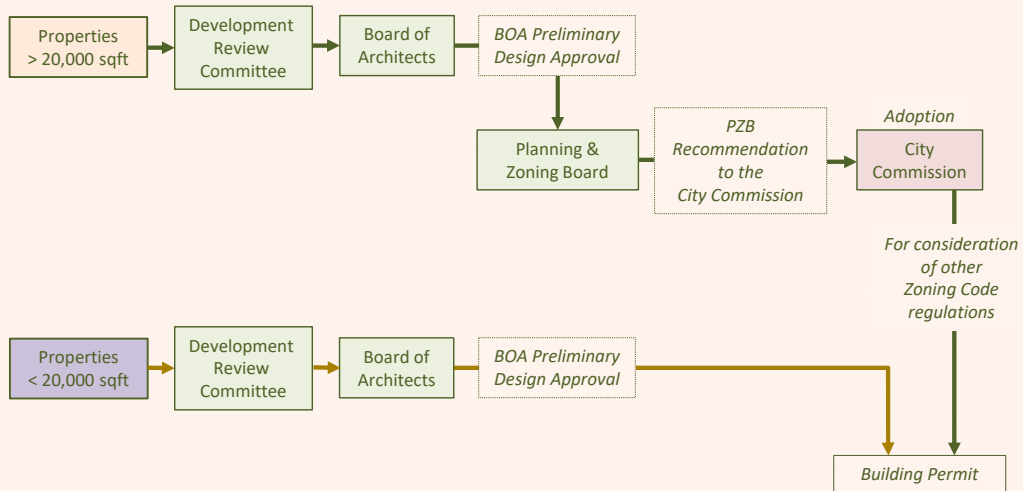
373 (g) Except as otherwise provided in this subsection, a
 374 development authorized under this subsection must comply with
 375 all applicable state and local laws and regulations.

Administrative approval for density, height, land use, and FAR

14

14

LIVE LOCAL ACT APPROVAL PROCESSES



15

LIVE LOCAL ACT

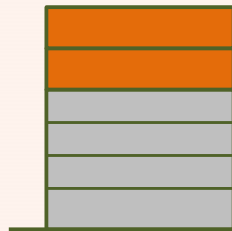
(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

Maximum Floor Area Ratio (FAR) of 150% of currently allowed city-wide

FLOOR AREA RATIO (FAR)

Maximum FAR

Use categories		MX1		MX2		MX3		
B	Density							
1	Density (DU/Acre)	125	125	125	125	125	125	125
2	Unit Size Minimum (square feet)	500	500	500	500	500	500	500
3	Floor Area Ratio (FAR)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
4	FAR Med. Bonus I	3.2	3.2	3.2	3.2	3.2	3.2	3.2
5	FAR Med. Bonus II	3.5	3.5	3.5	3.5	3.5	3.5	3.5



Max Addition 1.5

+

Mixed Use FAR 3.0

Total 4.5

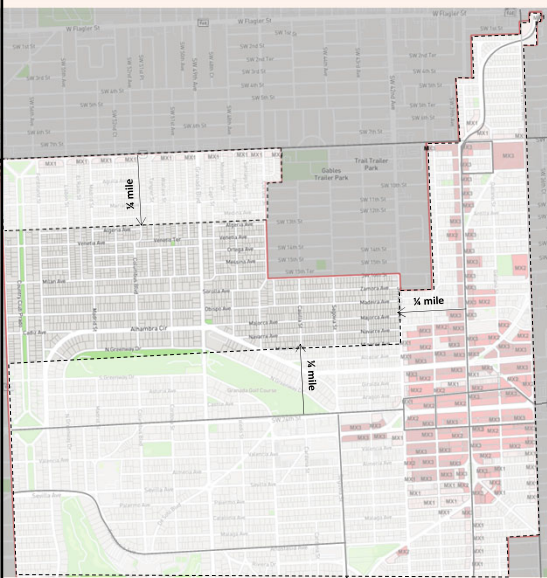
LIVE LOCAL ACT



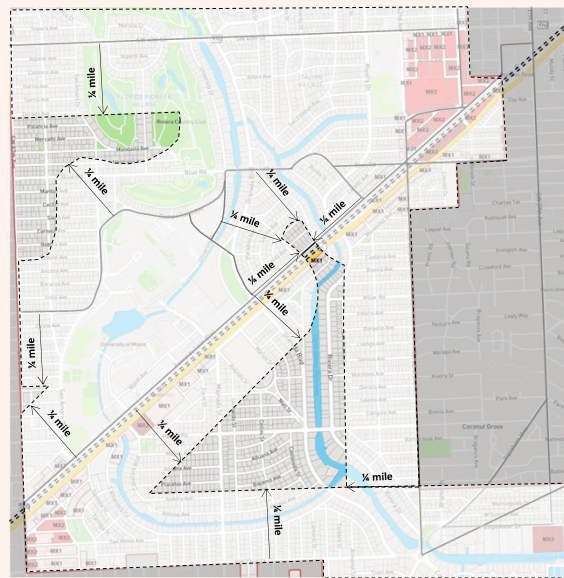
(f)1.(e) A municipality **must consider reducing parking requirements** for a proposed development authorized under this subsection if the development is located within **one-quarter one-half mile of a major transit stop**, as defined in the municipality's land development code, and the ~~major~~ transit stop is accessible from the development.

Parking reductions must be *considered* w/in ¼ mile of a transit stop

¼-MILE FROM TRANSIT STOPS



North Coral Gables



South Coral Gables

--- Parking Reducing Area
— Transit Route

LIVE LOCAL ACT – TRANSIT STOP PARKING



Commission to consider a 10% parking reduction:

- **1/4 mile** of a transit stop (**MetroBus** or municipal **trolley** stop)
- **Accessible** by safe, pedestrian-friendly infrastructure (connected network of sidewalks, crosswalks, bike paths, etc)
- **Considers the impact of the parking reduction** and its **compatibility with the surrounding area**

21

LIVE LOCAL ACT



2. A municipality must reduce parking requirements by **at least 20 percent** for a proposed development authorized under this subsection if the development:

a. Is located within **one-half mile of a major transportation hub** that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.

b. **Has available parking within 600 feet of the proposed development** which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.

20% parking reduction w/in ½-mile and requirements

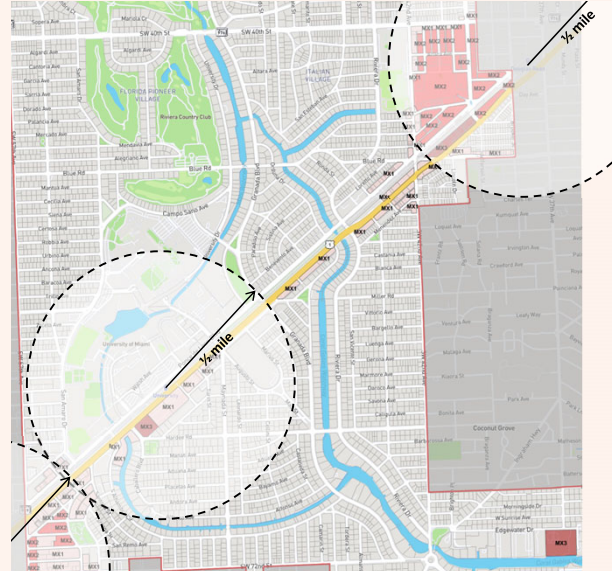
22

22

1/2-MILE FROM MAJOR TRANSPORTATION HUBS

Commission to allow a 20% parking reduction:

- Located within **1/2 mile** of a major transportation hub (**MetroRail station**)
- Has available **parking within 600 feet** of the proposed development
- **Accessible** by safe, pedestrian-friendly means



South Coral Gables

23

LIVE LOCAL ACT - SUMMARY

Height

Highest currently allowed height **within 1-mile** of proposed

Density

Highest density allowed on any land in the City

FAR

150% of the highest currently allowed Floor Area Ratio (FAR)

Use

Mixed-use with multifamily rental in commercial, industrial, or mixed-use zones without a zoning or land use change

Parking

20% reduction within 1/2-mile of major transportation hub and **consider reduction** within 1/4-mile of transit stop

Preemption of local zoning regulations regarding Height, Density, FAR, Use, and Parking

26

26

LIVE LOCAL ACT – ADDITIONAL CHANGES



1. Prohibited to utilize Remote Parking, except Miracle Mile
2. Not apply Shared Parking reduction
3. Prohibited to utilize Transfer of Development Rights (TDRs)

CHAPTER 2024-188

Committee Substitute for
Committee Substitute for Senate Bill No. 328

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; clarifying application; prohibiting counties and municipalities, respectively, from restricting the floor area ratio of certain proposed developments under certain circumstances; providing that the density, floor area ratio, or height of certain developments, bonuses, variances, or other special exceptions are not included in the calculation of the currently allowed density, floor area ratio, or height by counties and municipalities, respectively; authorizing counties and municipalities, respectively, to restrict the height of proposed developments under certain circumstances; prohibiting the administrative approval by counties and municipalities, respectively, of a proposed development within a specified proximity to a military installation; requiring counties and municipalities, respectively, to maintain a certain policy on their websites; requiring counties and municipalities, respectively, to consider reducing parking requirements under certain circumstances; requiring counties and municipalities, respectively, to reduce or eliminate parking requirements for certain proposed mixed-use developments that meet certain requirements; providing certain requirements for developments located within a transit-oriented development or area; defining the term "major transportation hub"; making technical changes; providing requirements for developments authorized located within a transit-oriented development or area; clarifying that a county or municipality, respectively, is not precluded from granting additional exceptions; clarifying that a proposed development is not precluded from receiving a bonus for density, height, or floor area ratio if specified conditions are satisfied; requiring that such bonuses be administratively approved by counties and municipalities, respectively; revising applicability; authorizing that specified developments be treated as a conforming use under certain circumstances; authorizing that specified developments be treated as a nonconforming use under certain circumstances; authorizing applicants for certain proposed developments to notify a county or municipality, as applicable, of their intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit a revised application, written request, or notice of intent; amending c. 196, 1978, F.S.; revising the definition of the term "newly constructed"; revising conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption; making technical changes; requiring property appraisers to make certain exemptions from ad valorem property taxes; providing the method for determining the value of a unit for certain purposes; requiring property appraisers to review certain applications and make certain determinations; authorizing property appraisers to request and review additional information; authorizing property appraisers to grant exemptions only

¹
CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Live Local Act

SENATE BILL 328

PLANNING & ZONING BOARD
SEPTEMBER 11, 2024

