

BCC Mtg. Date: September 10, 2024

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

ADOPTION OF STANDARD OPERATING PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THE LIVE LOCAL ACT.

Resolution No. 2024-M-33

WHEREAS, on March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, creating Section 125.01055(7), Florida Statutes (2023), known as the Live Local Act (the "Act"), which took effect on July 1, 2023; and

WHEREAS, on May 16, 2024, Governor Ron DeSantis signed Senate Bill 328, modifying and extending the Act; and

WHEREAS, the Act requires local governments to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent (40%) of the residential units in a proposed multi-family rental development are, for a period of at least 30 years, affordable as defined in Section 420.0004, Florida Statutes; and

WHEREAS, a proposed development that satisfies the Act's criteria may not be required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized by the Act and, if the project satisfies the County's land development regulations for multifamily development and is otherwise consistent with the Comprehensive Plan, the project must be administratively approved without further action by the Board of County Commissioners (the "Board"); and

WHEREAS, on August 8, 2023, the Board adopted standard operating procedures to implement the requirements of the Act; and

WHEREAS, the Board wishes to modify and adopt new standard operating procedures to guide staff on how to process any projects under the Act.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Authority. This Resolution is adopted pursuant to the provisions of the Constitution of the State of Florida, Chapter 125, Florida Statutes, the Charter of Orange County, and other applicable provisions of law.

Section 2. Live Local Act Standard Operating Procedures. The Board hereby adopts the Live Local Act Standard Operating Procedures (the "SOPs") as set forth on Appendix "A," attached hereto and incorporated herein by reference, to accomplish the goals of the Act. The Board hereby directs that any project applications submitted pursuant to the Act shall be handled in substantial compliance with the SOPs attached hereto.

Section 3. Termination. This Resolution, and the SOPs, shall likewise expire upon expiration of the act. In the event the Florida Legislature modifies the expiration date of the Act, this Resolution shall expire on such modified expiration date.

Section 4. Effective Date. This Resolution shall take effect on _____.

ADOPTED this 10 day of September 2024.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners
By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners
By: *Phil Diamond*
Deputy Clerk



APPENDIX "A"
FORM OF LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

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LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

Description

On March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, which created Section 125.01055(7), Florida Statutes, otherwise known as the Live Local Act (the "Act"). The Act took effect on July 1, 2023. The Act was amended and clarified in 2024 as Senate Bill 328, which was signed on May 16, 2024 and took effect immediately on May 16, 2024. The Act requires local Governments to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multi-family development are rental units that, for a period of at least 30 years, affordable as defined in § 420.0004, Florida Statutes. A proposed development that satisfies the Act's criteria are not be required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, floor area ratio and densities authorized by the Act, and, assuming such projects meet the criteria in the Act, they must be administratively approved. This document outlines the process such projects need to follow to obtain administrative approval pursuant to the Act.

Eligibility Criteria

- Uses
 - Multi-family and mixed-use residential
 - For mixed use projects, at least 65 percent of the total square footage must be used for residential purposes.
- Affordability
 - At least 40 percent of the residential units must be affordable, as defined in § 420.0004, F.S.
 - The affordable units must remain affordable for a period of 30 years.
 - The affordable units must be rental units.
 - A Declaration of Covenants and Restrictions / Land Use Restriction Agreement (the "LURA") documenting the project's affordability, in a form acceptable to the County, must be executed and recorded prior to submitting for vertical permits
- Development Standards
 - Please refer to the Zoning Guidelines section of this document for the applicable multi-family development regulations / performance standards.
 - Except for height, parking (in certain circumstances), floor area ratio, and density, the project must comply with all other applicable development standards. With the exception of allowable floor area ratio, densities, height, and land use, the project must comply with all other applicable Comprehensive Plan provisions. Any project requiring a variance, or otherwise not able to comply with the applicable development standards and Comprehensive Plan provisions, will not qualify under this process and must comply with the applicable conventional development approval

processes.

- Projects zoned PD (Planned Development District) will not qualify under this process and must comply with the applicable PD approval processes.
- Projects within a transit-oriented development (TOD) area must be mixed-use.
- Projects that are located within one-quarter (¼) mile of a military installation identified in 163.3175(2), F.S. may not be administratively approved.
- Projects within airport flight paths (defined as areas extending one-quarter [¼] mile wide from each lateral side of the runway and extending 10,000 ft long from the end of the runway), within airport noise zones or that exceed the airport maximum height restrictions are not eligible under the Act.

- Parking Reductions

- The County must consider reducing the parking requirements by at least 20 percent for a proposed development authorized under Fla. Stat. 125.01055(7)(a) if the development is located within one-quarter (¼) mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development.
- The County must reduce parking requirements by at least 20 percent for a proposed development authorized under Fla. Stat. 125.01055(7), if the development:
 - Is located within one-half (1/2) 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; and
 - 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 county may not require that the available parking compensate for the reduction in parking requirements.
- The county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area.
- "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.

- Administrative Parking Waivers

- A parking study shall be submitted with the Live Local Development Plan application if reduced parking is requested.
- The Transportation Planning Division will review the parking study to consider the reduction in required parking when discretionary. The Transportation Planning Division will review the parking study to confirm the reduction in required parking complies with Fla. Stat. 125.01055(7) when required. If the Transportation Planning Division agrees with the parking study, then the reduced parking shall be approved as part of the Live Local Development Plan.

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Process and Submittal Requirements

1. TRG Pre-application Meeting.
 - o A TRG pre-application meeting is required prior to submitting a Live Local Development Plan.
2. Submit Live Local Plan Set to DRC Office
 - o DRC application must be emailed to DRC_help@ocfl.net . The submittal process will be completed via [Orange County FastTrack](#)
 - o TRG/DRC applications and submittal procedures are located on the [DRC Webpage](#)
 - o Required plan elements can be found in the [Development Plan \(DP\) Sufficiency Checklist](#)
3. Application is reviewed for sufficiency by DRC office.
 - o Once marked sufficient, the applicable Commissioner shall be notified and the plan is added to current Technical Review Group (TRG) review cycle.
 - o An automated email will be sent to applicant indicating plan is sufficient for review and directing coordination with the Housing and Community Development Division to begin the LURA process.
4. TRG Review
 - o The standard TRG Review cycle is 10 business days, after which an automated email including the staff review comments will be sent to the applicant.
 - o The applicant may opt to attend the next available TRG meeting to discuss the comments or revise the plan according to the comments and resubmit via FastTrack.
 - o Once all TRG staff sign off on a plan with no revisions needed, the applicant will be required to post notice on the property with a poster provided by the County which shall include reference to the Live Local Act and shall otherwise substantially comply with the County's standard property posting procedures.
 - o Following confirmation from the applicant that the property was posted, the case will be placed on the consent agenda for the next available DRC meeting.
5. DRC Consent
 - o Case is added to next available DRC meeting as Live Local Act consent item. An accompanying staff report will include findings to support the staff's recommendation. If staff finds that the application meets the requirements in the Act to receive administrative approval, staff will recommend approval. If staff determines that the project does not comply with the applicable development standards and/or Comprehensive Plan provisions, staff will recommend denial of the administrative approval ~~and, if the applicant wants to continue, the applicant must then follow the conventional development process.~~
 - o The DRC will approve or deny the Live Local Development Plan via the Live Local Act Consent Agenda.
6. Approval moves plan to "pending agreement" stage in LDMS.
 - o Once the agreement is approved, executed, and recorded, the **Orange County** Housing and Community Development Division will mark the case as "Approved".
 - o Once case status is "Approved", an automated approval email will be sent to the applicant citing the conditions of approval listed in the DRC staff report and directing a copy to be submitted along with the subsequent building permits.

7. Permit submittal and review

- When submitting for building permits, the applicant will select “permit a result of Live Local Act DRC process” in FastTrack.

SB 328 (Live Local Act 2024)

Zoning Guidelines

Eligible Zoning Districts	
<i>Commercial: C-1, C-2, C-3</i>	
<i>Industrial: I-1A, I-1/I-5, I-2/I-3, I-4</i>	
<i>Mixed Use: NC, NAC</i>	

Applicable Multi-Family Development Regulations/Performance Standards				
Zoning district of subject property	C-1, C-2, C-3 I-1A, I-1/I-5, I-2/I-3, I-4		NC	NAC
Applicability	If subject property is located within 100 ft* of a property zoned A-1, A-2, A-R, R-CE-5, R-CE-2, R-CE, R-CE-C, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T, R-T-1, RT-2, a portion of a PD with single family uses designated on an approved land use plan, or a property zoned R-2, R-3, or NR that has been developed with single-family residential or duplex. A maximum of four (4) units shall be contained in any combination of attached dwellings.	If subject property is located greater than 100 ft* from a property zoned A-1, A-2, A-R, R-CE-5, RCE-2, R-CE, R-CE-C, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T, R-T-1, R-T-2, a portion of a PD with single family uses designated on an approved land use plan, or a property zoned R-2, R-3, or NR that has been developed with single-family residential or duplex.	MFR projects that meet LLA criteria in the NC zone district.	MFR projects that meet LLA criteria in the NAC zone district.
Applicable Standards	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
(see standards for 4 or more DU's per Sec. 38-1501)				
Maximum Density	Per SB 328: Up to 50 du/acre (highest density currently allowed in OC Comprehensive Plan)			
Min. lot area	15,000 SF	15,000 SF	1,000 SF plus 2,000 SF per DU	1,000 SF plus 2,000 SF per DU
Min. living area	500 SF per DU	500 SF per DU	500 SF per DU	500 SF per DU
Min. lot width	85 ft.	85 ft.	85 ft.	85 ft.
Min. front yard	20 ft.	20 ft.	20 ft.	20 ft.

Applicable Standards	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
Min. rear yard	30 ft.	30 ft.	20 ft.	20 ft.
Min. side yard	10 ft. (30 ft. where adj. to SFR district, per note B in Sec. 38-1501)	10 ft. (30 ft. where adj. to SFR district, per note B in Sec. 38-1501)	10 ft.	10 ft.
Min. side street setback	15 ft.	15 ft.	15 ft.	15 ft.
Normal High Water Elevation (NHWE) setback	50 ft. from NHWE			
Max. building height	<p><u>Per SB 328: Max. height currently permitted per code within 1 mile of the project site in the jurisdiction of the project site, or 3 stories, whichever is higher*. See Basic Site and Principal Building Requirements table in Sec. 38-1501.</u></p> <p><u>* 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 County 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 County'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.</u></p>			
Airport proximity	<p><u>Per SB 328: Projects within airport flight paths (defined as areas extending one-quarter [¼] mile wide from each lateral side of the runway and extending 10,000 ft long from the end of the runway), within airport noise zones or that exceed the airport maximum height restrictions are not eligible under the Act.</u></p>			
Applicable Standards	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
Open space	45% (per Sec. 24-29)	45% (per Sec. 24-29)	25% of total lot coverage (per Sec. 38-1734(5)a.1.)	25% of total lot coverage (per Sec. 38-1741(5)a.1.)
Max. impervious surface ratio (ISR)	70% (per Sec. 38-1501, note K)	70% (per Sec. 38-1501, note K)	70% or 80% if mixed-use (per Sec. 38-1501, note K)	70% or 80% if mixed-use (per Sec. 38-1501, note K)
Max. floor area ratio (FAR)	N/A	N/A	3.0 FAR for non-residential component of mixed-use 2.0 FAR for non-residential component of mixed-use	3.0 FAR for non-residential component of mixed-use 1.0 FAR for non-residential component of mixed-use
Buffering and landscaping	Sec. 24-5 (Buffer yards) <ul style="list-style-type: none"> Type C – (C-1 – and utilized for R-2 and R-3 MF – from SFRs) 15 ft. wide, May utilize masonry wall, berm or planted and/or existing vegetation or combo for opaque buffer All buffers shall include one (1) shade tree for each 40 lineal feet or fraction thereof 		Per Sec. 38-1734(6) : Type B buffer per Sec. 24-5, but minimum 7 ft. wide	Per Sec. 38-1741(6) : Type C buffer per Sec. 24-5, but minimum 5 ft. wide
	Ch. 24 (Landscaping)			
	Per Sec. 38-1476 : Residential dwelling units, multi-family			

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<p>Parking</p>	<ul style="list-style-type: none"> • 1.5 spaces/unit for efficiencies or 1 bedroom units • 2 spaces/unit for units with 2 or more bedrooms <hr/> <p>Per SB 328: <u>The County must consider reducing the parking requirements by at least 20 percent for a proposed development authorized under Fla. Stat. 125.01055(7)(a) if the development is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development.</u></p> <p><u>The County must reduce parking requirements by at least 20 percent for a proposed development authorized under Fla. Stat. 125.01055(7), if the development:</u></p> <ul style="list-style-type: none"> ▪ <u>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; and</u> ▪ <u>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 county may not require that the available parking compensate for the reduction in parking requirements.</u> <p><u>The county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area.</u></p> <p><u>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.</u></p>
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**Parking
(continued)**