

BCC Mtg. Date: August 8, 2023

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. 2023-M-32

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;

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, the Board wishes to adopt 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:**

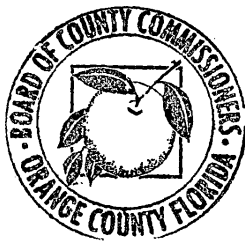
Section 1. Authority. This Resolution is adopted pursuant to the provisions of the Constitution of the State of Florida, Chapter 125, Florida Statutes, the Charter of Orange County, and other applicable provisions of law.

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. 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 4. Effective Date. This Resolution shall take effect on August 9, 2023.

ADOPTED this 8th day of August 2023.



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: *Jennifer Ann - Kline*
Deputy Clerk

APPENDIX “A”
FORM OF LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

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 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 rental development are, 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 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, 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.
 - 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 and density, the project must comply with all other applicable development standards. With the exception of allowable 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 planned development approval processes.

Process and Submittal Requirements

1. TRG Pre-application Meeting.
 - A TRG pre-application meeting is required prior to submitting a Live Local Development Plan.
2. Submit Live Local Plan Set to DRC Office
 - DRC application must be emailed to DRC_help@ocfl.net . The submittal process will be completed via [Orange County FastTrack](#)
 - TRG/DRC applications and submittal procedures are located on the [DRC Webpage](#)
 - Required plan elements can be found in the [Development Plan \(DP\) Sufficiency Checklist](#)
3. Application is reviewed for sufficiency by DRC office.
 - Once marked sufficient, the applicable Commissioner shall be notified and the plan is added to current Technical Review Group (TRG) review cycle.
 - 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
 - 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.
 - 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.
 - 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.
 - 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
 - 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.
 - 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.
 - Once agreement is approved, executed, and recorded, the Housing and Community Development Division will mark the case as "Approved".
 - Once cast 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.

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	<p>If subject property is located <u>within</u> 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, 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 .</p> <p>A maximum of four (4) units shall be contained in any combination of attached dwellings.</p>	<p>If subject property is located <u>greater than</u> 100 ft* from 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, 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.</p>	MFR projects that meet LLA criteria in the NC zone district.	MFR projects that meet LLA criteria in the NAC zone district.

	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
	(for 4 or more DU's per Sec. 38-1501)			
Maximum Density	Per SB 102: Up to 50 du/acre (highest density allowed in OC Comp 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.
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.
ROW setbacks	Per Sec. 38-1603 (Functional classification and setback distances)			
Building separation for MFR	Structures containing three (3) or more dwelling units shall maintain a 20 ft separation between any other structure on the same lot or parcel (per Sec. 38-1501(a))			
Max. building height	35 ft.	35 ft.	65 ft., 80 ft. with ground floor retail	50 ft./4 stories, 65 ft. with ground floor retail
	Per SB 102: Max. height permitted per code within 1 mile* in the jurisdiction of the project site.			
	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
Airport height limit	Chapter 7 of OC Code			
NHWE setback	50 ft. from NHWE			
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.)
Lot coverage/FAR	45% min open space per Sec. 24-29	45% min open space per Sec. 24-29	Max FAR 2.0	Max FAR 1.0
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)
Parking	Per Sec. 38-1476 : Apartments of three (3) DU or more <ul style="list-style-type: none"> • 1.5 spaces/unit for efficiencies or 1 bd • 2 spaces/unit for 2 and 3 bds
	Per SB 102: County to consider parking reductions if project is within ½ mile of a “major transit stop”

*measured “as the crow flies”