



# LIVE LOCAL ACT (SB 102)

*What it means for Development*

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# AFFORDABLE HOUSING – F.S. 420.0004

**<30% of Household Incomes Ranging from 30% - 120% of Area Median Income (AMI)**

- Treasure Coast Regional Planning Council
  - St. Lucie County AMI= \$84,500 – note: info for Port St. Lucie, FL Metropolitan Statistical Area (MSA) (Includes Martin and St. Lucie)
- 120% of AMI (if St. Lucie County) =\$101,400, or \$8,450/month
- Rent cannot exceed 30% of the monthly salary, so rent must be at or below approximately \$2,535 (**before taxes and insurance**)
- This is a “guesstimate” - Unclear as to whether we use the state AMI, regional AMI, county AMI, or municipality’s AMI



# LIVE LOCAL ACT SECTIONS 3 & 5

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## Commercial, Industrial & Mixed-Use Zones Preemption REQUIREMENTS

- Development **must be** multifamily or mixed-use
  - 40% of units must be “affordable” (120% of AMI, for 30 years)
  - Must be “rental”
  - *If mixed-use ... must be 65% residential*  
Must be mixed-use if the city has less than 20% commercial or industrial, or if it is an independent special district meeting that provides municipal services and meets similar criteria
- Property to be developed must be zoned for commercial, industrial, or mixed use
  - **Cannot use SB 102 in residential**  
Single family, lower density residential tends to be less expensive for developers than commercial or industrial

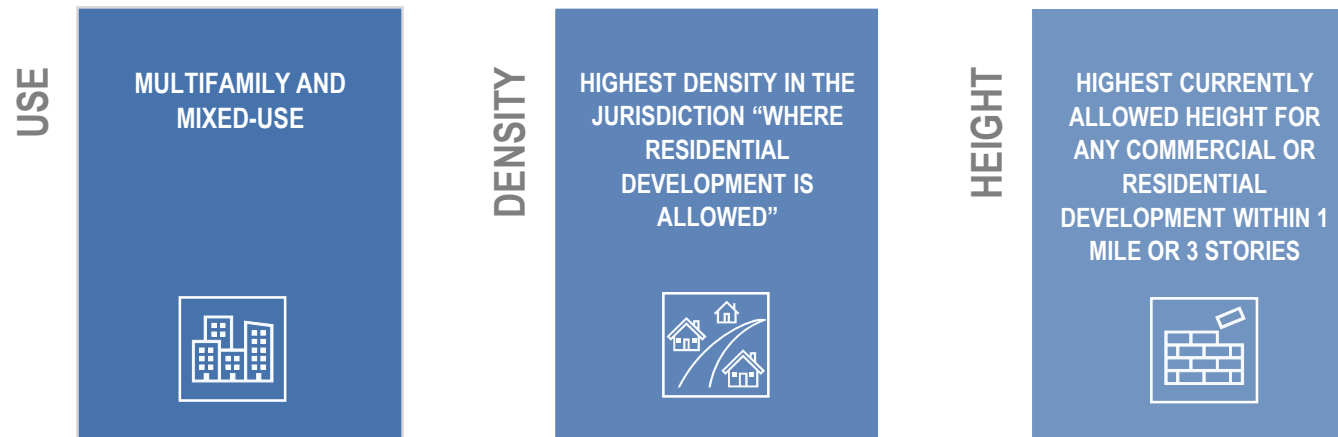
# LIVE LOCAL ACT SECTIONS 3 & 5

## Commercial, Industrial & Mixed-Use Zones Preemption

USE, DENSITY, HEIGHT

### Local government cannot require:

- Land use/map amendment/zoning change
- Special exception/variance
- Conditional use approval



# LIVE LOCAL ACT SECTIONS 3 & 5

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## What is **NOT** Preempted?

ALL OTHER STATE AND LOCAL LAWS APPLY



**Setbacks, max lot coverage**  
Still limit the buildable space

## FAA/Aviation Height Restrictions

### Parking

Per unit parking could still limit the economically feasible DU/a.

### Building spacing formula (St. Lucie county LDC §7.04.03)



### Environmental

Before SB 102, there were project sites that could not reach the maximum permitted density due to “other state and local laws.”

**Developers must continue to work with local governments, as staff is not required to approve projects**

# LIVE LOCAL ACT SECTIONS 3 & 5

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## Which means?

**IF** all Local Development Regulations are met, and the project is “otherwise consistent with the comprehensive plan,” the project must be administratively (not by County or City Commission or Council) approved

*Meaning no public hearings - An attempt to alleviate the “NIMBY” effect*

# LIVE LOCAL ACT SECTIONS 4 & 7

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## To increase the availability of publicly-owned land

### REQUIRED

- Local governments are now required to publish a list of publicly-owned land “suitable for affordable housing development” By October 1, and at least once every 3 years thereafter.
  - BUT “suitable for affordable housing” is not defined
    - Typical criteria includes surroundings, environmental issues, proximity of services
- New requirement for dependent special districts (defined under §189.012) to also inventory **their** “suitable” property
  - This includes community redevelopment districts, port authorities, water & Sewer districts

### ENCOURAGED (*FOR TRANSPARENCY*)

- Establishing “eligibility criteria” of bidding developers
- Process of bidding to be publicly available
- Ensuring long-term affordability through
  - Ground leases with rights of first refusal
  - Reversions if no longer affordable
  - Etc.

# OTHER LIVE LOCAL ACT POLICY CHANGES

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- Prohibits rent control



- Requires local governments to post expedited permitting procedure for affordable housing projects online
  - §420.9071(18) – all local governments that receive SHIP dollars must expedite permits for all affordable housing projects “to a greater degree than other projects.”
- Removes state-funding (SHIPS) from local governments with comp plans not in compliance with Chapter 163



# CURRENT LOCAL GOVERNMENT RESPONSES

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Because all other local state and local laws apply, some local governments are considering amending their codes:

- To provide buffers between SB 102 projects;
- To codify an appeals process;
- To create distribution rules, avoiding clustering of affordable housing;
- These new code changes will likely vary from jurisdiction to jurisdiction
  - Ex. Tampa now requires deed restrictions (30 yr) be recorded before issuance of CoO



# REMAINING QUESTIONS



Will it be sufficient to increase affordable housing?



How does SB 102 interact with PUDs?



Does the permitted density include bonuses (transit, etc.)?



How is the 30-year requirement enforced?



No conditional use approval for residential ... What about commercial or industrial elements of mixed-use?



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