

LAND USE AND ZONING

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Foundation for Land Use regulations

- Basis for all land use regulation derived from the police power of the government
- Police powers are those necessary to protect the health, safety & welfare of the public
- *Euclid v Ambler Realty Co.*, 272 U.S. 365 (1926) due process and equal protection challenge; upheld zoning as a valid use of the police power.
- U.S. Constitution:
 - 10th Amendment to the US Const. - powers not delegated to the U.S by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people. Generally, land use and zoning issues have been left to individual states for regulation.
- Florida Constitution:
 - Article 8 provides for home rule powers.
 - Noncharter counties
 - Charter counties
 - Municipalities

Florida Statutory Authority

- Statutory Authority:
 - General authority for comprehensive planning and zoning for counties is found in Chapter 125, Florida Statutes and in Chapter 163 for counties and municipalities.
 - Chapter 125, Florida Statutes (Counties) –
 - Authorizes counties to prepare comprehensive plans
 - Authorizes counties to establish, coordinate, and enforce zoning and business regulations necessary for protection of the public
 - Authorizes county to adopt and enforce building, housing, and other technical codes and regulations
 - Authorizes county to provide for roads, water and sewer system
 - Chapter 166, Florida statutes (Municipalities) –
 - Unlike the statutory authority for counties, CH. 166 does not specifically address municipal authority for planning and zoning BUT provides such powers in general terms. Further, municipalities may exercise any power for municipal purposes, except where expressly prohibited by law.
 - Chapter 163, Florida Statutes provides for planning and zoning for both counties and municipalities.

Community Planning Act ("The Act")

- Community Planning Act
 - Section 163.3167, F.S. provides specific authority for adoption of comprehensive plan and management of growth.
 - Subsection (1) for both municipalities and counties power and responsibility for:
 - Plan for future development and growth
 - Adopt and amend comprehensive plans to guide the future development and growth
 - Adopt appropriate land development regulations



Community Planning Act ("The Act")

Comprehensive Plan Requirements:

- Content
 - Must identify a local planning agency
 - Provide for 5 and 10 year planning horizon
 - Elements
 - Capital improvement element
 - Concurrency: Must set forth minimum levels of service for potable water, wastewater, and drainage
 - May establish levels of service for transportation, schools, and parks (Note: interlocal still needed for schools)
 - Must address how to correct existing facility deficiencies
 - Element required to cover at least 5-year period and must be reviewed annually
 - Must include projected revenue sources
 - Projects need to be identified as funded or unfunded

Community Planning Act ("The Act")

Comprehensive Plan Requirements:

- Future land use element
 - Must include distribution for residential, commercial, industrial, agricultural, recreational, conservation and public uses
 - Should provide appropriate allocation of land to ensure balance of uses to foster vibrant viable communities and economic development opportunities
 - Future Land Use Element to include a Future Land Use Map
 - Long range planning tool (usually a 20-year time horizon)
 - Must include distribution of uses for residential, commercial, industrial, agricultural and other key uses
 - Must provide a balance of use to foster vibrant viable communities and economic development opportunities
 - Must address compatibility
 - Encourage recreational and commercial waterfronts
 - Encourage schools near residences
 - Protect historic resources



Community Planning Act ("The Act")

Comprehensive Plan Requirements:

Other elements:

- Intergovernmental coordination element
 - Provides for identifying and implementing joint planning areas & joint infrastructure service areas and provide for dispute resolution
- Traffic circulation element (transportation element)
- General sewer, solid waste, drainage and potable water and natural groundwater aquifer recharge element
- Recreation and open space
- Conservation
- Housing element—provide for creation and preservation of affordable housing

Community Planning Act ("The Act")

Comprehensive Plan Adoption and Amendment Process:

Unique from standard ordinance adoption.

Three different processes Comprehensive Plan Adoption and Amendment:

- Expedited State Review Process
- State Coordinated Review Process
- Small Scale Review Process



Community Planning Act ("The Act")

Expedited State Review Process

- 2 hearings – transmittal and adoption
- Adopted plan sent to State Land Planning Agency
- Adversely affected person (someone who has an adverse interest which exceeds in degree the general interest of the community) may file petition with DOAH within 30 days
- DOAH issues recommended order:
 - In compliance - goes to state land planning agency who either issues final order concurring or send to Administration Commission for final action
 - NOT in compliance – goes to Admin. Commission for final order; if no action taken within 90 days, then recommended order is final; noncompliance Admin Comm may penalize by way of receipt of grants or infrastructure funding
- State Coordinated Review Process
- Small Scale Review Process



Community Planning Act ("The Act")

State Coordinated Review Process

- Applies to areas of critical state concern, propose **rural land stewardship**, propose a **sector plan** or amendment thereto, **newly incorporated municipalities**, developments subject to this process
- Public hearing then transmitted to reviewing agencies & other requesting governments within 10 days of hearing
- Reviewing agencies have 30 days to send comments to local government
- State Land Planning Agency ("Agency") issues ORC Report (Objections, Recommendations, & Comments) as to whether plan is in compliance; also identifies adverse impacts to state resources and how to mitigate
- After comments received, local government holds adoption hearing
- After adoption, Agency has 45 days to determine compliance and issue Notice of Intent on Agency website
- Amendment goes into effect upon posting of Notice of Intent, unless challenged
- Affected person may file a petition with DOAH; Agency challenge limited to comments provide after transmittal



Community Planning Act ("The Act")

Small Area Plan Process

- 50 acres or less (or 100 acres if site within rural area of critical concern, pursuant to Sec. 288.0656(2)(d), Florida Statutes
- For map amendments, text can be included so long as no text change to goals, policies, & objectives of the local comp plan
- Review does NOT require transmittal hearing
- Upon adoption at public hearing, an affected person may file a petition within 30 days of adoption
- Effective 31 days after adoption, unless challenged
- Hearing shall be held within 60 days of assignment of ALJ
- Parties to the hearing will be petitioner, local government and any intervenor; State Land Planning Agency cannot intervene
- Standard of review is fairly debateable



Community Planning Act ("The Act")

Miscellaneous Provisions

- Amendments to comp plan can be done as often as desired, Sec. 163.3187, Florida Statutes
- Sector plans are intended for areas of at least 5,000 acres and shall emphasize urban form, protect regionally significant resources, and protect public facilities, Sec. 163.3245(1), Florida Statutes
- Special requirements for jurisdictions with a military installation within the boundary; must send any land development regulation amendments to the installation commanding officer if will affect the intensity, density, or use in close proximity to the installation, Sec. 163.3175, Florida Statutes.
- Decision on amendment to comp plans are review on a fairly debatable standard of review, a rule of reasonableness
- Every 7 years each local government must review comp plan for consistency with any statutory changes that have been enacted, Sec. 163.3191, Florida Statutes.
- Once comp plan is adopted, the requirements of the comp plan and all its elements are strictly applied and compliance of other land use and zoning regulations and project approvals are reviewed on basis of strict scrutiny
- All 3 types of Comp Plan processes require challenge through Ch.120 Administrative Law challenge which is reviewable by the Governor and Cabinet (Administration Commission)

Community Planning Act ("The Act")

Land Development Regulations

- Must be consistent with and implement the comprehensive plan and at a minimum:
 - Regulate the subdivision of land
 - Regulate the use of the land and water to ensure compatibility of adjacent uses and provide for open space
 - Provide for protection of potable water wellfield
 - Regulate areas subject to flooding and provide for drainage and stormwater management
 - Protect environmentally sensitive lands
 - Regulate signage
 - Provide public facilities and service meet or exceed the standards provided in the CEI
 - Ensure safe and convenient traffic flow and address parking
 - Maintain existing density of residential property
- Local government cannot make exceptions to the LDRs unless the code specifically provides for it
- Zoning Code
 - Zoning is optional in LDRS but inclusionary zoning, planned unit developments, impact fees and performance zoning are encouraged
 - Zoning identifies the current uses allowed, while Comprehensive plans are long ranges use – the FLU
 - Compliance of a Development Order with the Comprehensive Plan is based on the of the Comprehensive Plan not the terms of the implementing LDRs or zoning.



Community Planning Act (“The Act”)

Zoning and Other Unique Approvals

- Standard Zoning
 - Allows wide range of uses
 - Cannot conditionally approve
 - No binding site plan
 - Once zoning approved, any permitted use in that zoning category is allowed without additional public hearings
- Planned Development Zoning
 - Usually binding site plan
 - Development Agreement
 - Approval can be conditioned to ensure compliance with review criteria
- Overlay Zoning
 - Unique conditions apply to a limited area
 - Additional conditions to develop within the overlay district
- Zoning Map vs Future Land Use Map
 - Zoning map not required but often adopted as LDR
 - Zoning map identifies uses which are permitted(or permitted with conditions for a property at the present time
 - Future Land Use Map IS required as part of the Com Plan and identifies a range of uses which may be appropriate for a property within the planning time frame – 20 years
- Preemptions
 - Honeybee colonies (Sec. 586.10)
 - Nonresidential farm buildings, fences and signs (Sec. 604.50)
 - Farm worker housing (Sec.381.0896)
- Standard of Review
 - If consistent with comprehensive Plan and no suspect class or right is impacted, then land development regulation shall be upheld if it can be shown bears a rational relation ship to a legitimate public purpose
 - Land use regulation presumptively valid unless proven regulation is unreasonable and no substantial relationship to public health, safety or general welfare
- Development Agreements
 - Set forth the terms for development, provide for infrastructure, and the adoption of comprehensive plan amendments
 - May not exceed 30 years
- Rural Land Stewardship Areas
 - Section 163.3248



Community Planning Act (“The Act”)

Conditional Uses and Special Exceptions

- Certain uses require additional criteria
- Significant enough to require public hearing
- Usually a binding site plan
- Applicant must establish it meets the criteria for approval, but if successful, burden shifts to local government to deny for inconsistency with the Comprehensive Plan

Exceptions to the Code

- Non-conformities
 - Use or structure in existence before code provision
 - Usually allowed to continue as long as not significantly intensified or changed
- Vested Rights(Equitable Estoppel)
 - Generally allows applications or construction in process to proceed
 - Vested rights will exist if Developer:
 - Relied in good faith
 - On an act or omission of the government al entity, and
 - Made a substantial expenditure or change in position
- Variances
 - Allows variation from code requirements
 - Usually only allowed for dimensional variations (ex. Setbacks)
 - Traditionally limited to situations where:
 - Owner did not create the need for the variance
 - No reasonable use of the property can occur with out the variance
 - Variance does not create unfair benefit for one property over another
 - minimum necessary to make reasonable use of the property
 - variance will be consistent with the general intent of the regulations and not harm the area
 - Communities are beginning to examine whether less stringent standards are appropriate in some situations
 - Mt Plymouth Land Owners’ League Inc v Lake County, 279 So. 3d 1284 (Fla.3rd DCA 2019)
 - County commissions granted rezoning application and waived mandatory setbacks requirements
 - LDRS did not provide for commissioners to grant variances
 - Bound by plain language of the LDRs which gave sole authority to grant variances to Board of Adjustment



Community Planning Act ("The Act")

Processing Application for Development Orders or Permits

- Sec. 125.022(1) F.S. Counties; Sec. 166.033(1), F.S. Municipalities
- 30 days for local government to determine completeness of application
- 30 days for applicant to respond
- Local government must approve, deny , approve with conditions within 180 days after determining an application is complete for quasi-judicial matters and 120 days for other applications

Developments of Regional Impact(DRI)

- Sec. 380.06. Florida Statutes, required a special review for a project which may significantly affect more than one jurisdiction
 - Large projects
 - Unique projects
- Slowly being phased out; not required for new development
- Existing DRI development orders remain in effect unless abandoned



Community Planning Act (“The Act”)

Quasi-Judicial vs Legislative

- Until 1993 all land use and zoning decisions were considered legislative decisions
 - Zoning and rezoning decision by local governing boards were considered legislative act
 - Subject to highly deferential “fairly debatable” standard of review
 - Fairly debatable is a rule of reasonableness
- Resulted in inconsistent decisions
- It all changed in 1993 with this case: Board of County Commissioners of Brevard County v Snyder, 627 So.2d 469 (Fla1993) clarified the standard of review of rezoning decisions. Property owners seeking writ of certiorari after county board denied their application for rezoning of property.
 - Florida Supreme Court held that a rezoning which entails application of a general rule or policy to specific individuals, interest or activities, is quasi-judicial in nature and subject to strict scrutiny on certiorari review.
 - Landowner who shows that the proposed use is consistent with the comprehensive plan is not presumptively entitled to said use.
 - Landowner seeking to rezone property has burden of proving proposal is consistent with the comp plan, then the burden shifts to local government to show that keeping existing zoning accomplishes a legitimate public purpose.
 - *It must be shown there was competent substantial evidence presented to support its ruling. Snyder*, 627 So.2d 469.

Zoning Ordinance Hearing Requirements

- Legislative (Pre-Snyder)
 - Notice
 - Hearing
 - Burden of proof is on challenger that the government action is arbitrary and capricious
- Quasi-Judicial (Post-Snyder)
 - Notice
 - Hearing
 - Shifting Burden of Proof
 - No Ex Parte Communication
 - Cross Examination
 - Decision supported by competent substantial evidence
 - Review based on record
 - Burden of proof is initially on property owner to demonstrate the requested action is consistent with Comp Plan, then shifts to local government to prove existing zoning conditions accomplish a legitimate public purpose



Community Planning Act ("The Act")

Code Enforcement

- Prosecution in County Court
 - Sec. 125.69 F.S. for counties and sec. 162.22, F.S. for Municipalities, authorizes the imposition of fines and imprisonment up to 60 days for an ordinance violation
 - Injunctions – permanent and temporary
- Code Enforcement Boards and Special Magistrates
 - Counties and municipalities may establish code enforcement boards
 - Special magistrates is an alternative provided for in Sec. 162.03(2), F.S.
 - Special Magistrates have same status as code enforcement board
 - Code inspectors initiate the proceedings
 - Code enforcement board has subpoena power
 - Laches is available defense
 - Final order must contain specific findings of fact upon which ultimate action is taken
 - Fines are limited to \$250/day for first violation and \$500/day for repeat violation
 - Upon recording a certified copy of an order imposing a fine in the public records, the order constitutes lien against the land on which the violation exists, and any other real or personal property owned by the violator.
- Citations
 - o Must identify date violation started, provide an opportunity to cure prior to issuing citation unless serious threat to public health, safety and welfare.
 - Local government required to establish implementing procedures including the schedule of violations and penalties
 - Penalty: maximum allowed is \$500 per citation; person who willfully refuses to sign and accept a citation shall be guilty of a second degree misdemeanor
- Notice to Appear and Civil Actions – Chapter 162 also provide enforcement through issuance of a notice to appear by a code enforcement officer before county court, Sec 162.23, F.S. as well as bring forth a civil action per Sec. 162.30, F.S.

Community Planning Act ("The Act")

Legal Limitations

Due Process – 14th Amendment, *"No state shall make or enforce any which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."*

- Procedural Due Process – involve a review of the decision-making procedures to determine the fairness of the process and proceedings. Land use usually arise in the context of a right to be noticed and a fair hearing
 - Notice and Hearing – most ordinance require one public hearing with a notice published at least 10 days prior to adoption
 - Comp Plan requires additional hearing on a weekday after 5:00 pm
- Substantive Due Process – under 14th amendment related to land use usually refers to unequal treatment of similarly situated persons or property in an arbitrary manner that result in a deprivation of fundamental rights
 - Analysis involves 2 general questions:
 - Does the government have any purpose for what it is doing?
 - Is the action rationally related to the public purpose and not being applied arbitrarily?
 - Heightened review if impairs a fundamental civil right or liberty or burdens a suspect class; must be narrowly tailored to promote a compelling or overriding public interest

Community Planning Act (“The Act”)

Legal Limitations continued

Taking and Inverse Condemnation – Courts have determined whether a **regulatory taking** has occurred by applying the Penn Central factors:

- The economic impact of the regulation on the claimant
- The extent to which the regulation has interfered with distinct investment-backed expectation; and
- The character of the government actions
- Penn Central Trans. Co. v New York City, 438 U.S. 104 (1978)
- See also TLC Properties Inc v Dept. of Transportation, 292 So.3d 10 (Fla 2020)

Per Se Taking under the Fifth Amendment

- Physical invasion – govt will be considered to have taken the property no matter the size of the area; usually in the form of inverse condemnation where the government, 1) enters upon the property for more than a moment; and 2) under the color of legal authority; 3) devotes it to a public use, or 4) otherwise appropriates or injuriously affects it in such a way as substantially to oust the owner and deprive the owner of all beneficial enjoyment thereof. Kendry v Div. of Admin., 366 So2d 391 (Fla 1978)

Exaction – where the government requires dedication, transfer, or relinquishment of a property right as a condition of development approval, courts have employed a dual rational nexus test:

- A reasonable connection between the required exaction and the anticipated needs of the community due to the impacts of the new development.
- A reasonable connection between the impacts of the new development and the capital improvements being funded by the exaction.
- Statutory limitations imposed on exactions beginning in 2016.
 - Sec. 70.45, F.S. – largely parallel case law and prohibits any condition imposed by a government which does not have the requisite public purpose and is not roughly proportional to the impacts of the proposed use.
 - Actions cannot be brought until the exaction is imposed or required in writing as a final condition of approval.



Community Planning Act (“The Act”)

Legal Limitations continued

Ripeness

- A local government has to have the opportunity, using its own reasonable procedures to decide and explain the reach of the regulation that is subject of the taking claim
- However, once the permissible uses are known, a taking claim is likely to have ripened.

Equal Protection – 14th amendment

- issues generally arise when a local government regulation or decision is alleged to have discriminated against a recognized suspect class, such as race or a fundamental right, such as voting.
- Heightened scrutiny is given to a regulation which impinges on a suspect class or fundamental right. If no suspect class or fundamental right involved, the court traditionally have been very deferential to the government.
- Court have allowed equal protection claim where the plaintiff can show that the entity or person is being treated uniquely as compared to other similarly situated entities or person for no rational reason. City National Bank of Florida v City of Tampa, 67 So.3d 293 (Fla 2d DCA2011)
- Similar standard as substantive due process.

First Amendment – applied to states under 14th Amendment

- Freedom of Speech – regulations which often raise freedom of speech concerns include those relating to sign, billboards, flags, and adult entertainment.
- Commercial Speech – Four Part test for evaluating governmental restriction on commercial speech:
 - Commercial speech only has protection if speech concerns lawful activity
 - The restriction furthers a substantial governmental interest
 - The restriction directly advances that governmental interest
 - It reaches no further than necessary
- Restriction on commercial speech are upheld if:
 - They are justified without reference to the content of the speech
 - Are narrowly tailored to serve the governmental interest and
 - Leave open ample alternative channels for communication



Community Planning Act (“The Act”)

Legal Limitations continued

Non-commercial speech

- Content based restrictions (Ex. Sign) will receive heightened scrutiny
- Local government faces a heavy burden to justify treatment of similar types of communication with different requirements
- Standard reinforced in the Reed v Town of Gilbert case where differing standard for temporary signage based on content of the sign were held unconstitutional.

Freedom of Religion

- Land use laws have not been found to violate the First Amendment if they are:
 - Neutral
 - Of general applicability
 - Have only an incidental effect on burdening a particular religious practice
- Land Development Regulations cannot treat religious organization differently than other similar types of organization, a similar standard in the Federal and Florida’s Religious Freedom Restoration Act.



Community Planning Act ("The Act")

Legal Limitations continued

Other Notable Federal Code Limitations

- Section 1983 – provides a remedy for a violation of one's rights under the federal constitution or code if the violation occur under the color of state law.
 - Permits recovery of monetary damages for injury to one's property rights without having to proceed directly under the US Const.
 - Defendant may be both an individual and/or a local government
 - Immunity - while acting in one's official capacity, regional and local officials have qualified immunity
- 1996 Telecommunications Act

Community Planning Act ("The Act")

Legal Limitations continued

Other Notable Statutory Limitations

- Comprehensive Planning Act under Chapter 163 – provided minimum requirements but generally allows significant leeway as to how an individual government will comply with the requirements.
- Right to Farm Act, Agricultural Exemptions – provided that a local government may not adopt regulations which limit the activities of a farm operation on lands classified as agricultural and where activity is regulated through best management practices. Sec. 823.14(6), F.S.
- Short Term Rental prohibit local government from banning vacation rentals . Preemption does not apply to any local government ordinance adopted on or before June 1, 2011.



Community Planning Act ("The Act")

Bert J. Harris Property Rights Act

- Not applied to ordinances that predate May 11, 1995.
- Protection for individual property owners beyond that which had been traditionally recognized under the Constitution
- Requires compensation if the existing use of the property has been inordinately burdened by state, regional or local government action and no acceptable settlement remedy is proposed by the government.
- Provides a variety of potential remedies for owners of real property
- Designed to address impacts which do not rise to the level of a taking of private property
- Designed to look at restrictions imposed by multiple agencies.
- Cascar LLC v City of Coral Gables, 274 So.3d 1231 (Fla 3d DCA 2019)
 - City adopted Historical Preservation Ordinance in 1984
 - In 2012, home is designated as an historical landmark by City resolution
 - New owner applied to demolish residence and the City refused
 - New owner filed a Harris Act Claim
 - Harris Act preclude claims for application of an ordinance if the ordinance is adopted prior to May 11, 1995.



Community Planning Act ("The Act")

The Heart of the Private Property Rights Protection Act

- Specific action(no inaction) of a governmental entity
- Failure to rezone property does not give rise to a Harris Act claim.
- Existing use of real property or a vested right
- Property owner is entitled to relief
- Relief may include:
 - Compensation
 - Variances
 - Variety of other options
- Who can make claim – Property owners with legal title to the land and who are the subject of and directly impacted by the governmental actions. NOT neighboring property owners.
- Definitions are key:
 - Existing use is: Not only an actual present use but includes:
 - Reasonably foreseeable non-speculative land uses which
 - Are suitable for the subject real property and compatible with the adjacent land uses; and
 - Which have created a fair market value in the property greater than the fair market value of the actual, present use
 - Inordinant burden is
 - Any action



Community Planning Act ("The Act")

The Heart of the Private Property Rights Protection Act, cont.

Definitions cont.

- Inordinate burden is
 - Any action by a government agency which directly restricts and limits the use of real property
 - Such that the property owner is permanently unable to obtain the reasonable investment backed expectation of
 - An existing use of the property or
 - A vested right to a use or that the property owner is left with uses which are unreasonable such that the property owner bear a disproportionate burden for the public good
 - Disproportionate burden is not defined and no minimum amount or percentage specified.

Exemptions pursuant to Section 70.001(30), Florida Statutes, the following are not eligible:

- Rules, regulations and ordinances adopted prior to May 11, 1995
- Those related to the operation, maintenance or expansion of transportation facilities, Sec. 70.001(10)(a), F.S.
- Those related to eminent domain; and
- Those related to the adoption of Flood Insurance Rate Maps, unless they are incorrectly applied to property

Community Planning Act ("The Act")

Live Local Act

The **Live Local Act**, also known as **SB 102**, is a comprehensive statewide housing strategy designed to increase affordable housing opportunities within Florida's communities. Governor Ron DeSantis signed this act into law on **March 29, 2023**

1. Purpose:

1. The Live Local Act aims to enhance the availability of affordable housing options for Florida's workforce.
2. It specifically targets individuals who desire to live within the communities where they work.

2. Historic Funding:

1. The act provides **historic funding** to address workforce housing needs.
2. It represents a significant commitment by the state to support housing affordability.

3. Programs and Opportunities:

1. Florida Housing will implement various programs created by this legislation.
2. These programs include the **Live Local Program**, **Tax Credit Multifamily**, **Middle Market Certification**, and the **Hometown Heroes Program**.
3. The act encourages innovative approaches to housing development across all markets.

Community Planning Act (“The Act”)

Live Local Act Cont.

The **Florida Live Local Act** has significant implications for local governments within the state. Let’s explore how it impacts them:

1. Zoning Entitlements:

1. The **Amended Act** requires local governments to authorize the development of multifamily residential and mixed-use projects on sites zoned for mixed-use residential, commercial, or industrial purposes.
2. Notably, at least **40 percent** of the residential units in proposed multifamily developments must be affordable to individuals earning up to **120 percent** of the local area median income (AMI).
3. This change affects zoning entitlements by promoting affordable housing options.

2. Parking Requirements:

1. The Live Local Act eliminates parking requirements for projects within a **Transit Oriented Development**.
2. For projects within one-half mile of a major transportation hub, parking must be reduced by at least **20 percent**.
3. Local governments must also “consider” reducing parking for projects near a major transit stop.

3. Maximum Height:

1. The act provides for the **highest currently allowed height** for commercial or residential buildings within **1 mile or three stories**, whichever is higher.
2. It also modifies the maximum height when adjacent to single-family residential uses under certain circumstances.

4. Floor Area Ratio (FAR):

1. The Amended Act does not specifically address FAR, but it ensures that the highest currently allowed FAR in the municipality is at least **150 percent** of the existing FAR.

In summary, the Live Local Act encourages affordable housing development, streamlines zoning entitlements, and promotes transit-oriented projects. However, it also places restrictions on local government control over certain aspects of development

- <https://www.hklaw.com/en/insights/publications/2024/03/florida-legislature-amends-live-local-acts-land-use-provisions>
- <https://www.bisnow.com/south-florida/news/multifamily/florida-legislature-closes-live-local-act-loophole-expands-its-reach-into-parking-123124>
- <https://therealdeal.com/miami/2024/02/28/florida-legislature-approves-live-local-act-amendments/>

Thank you

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