



MEMORANDUM

DATE: August 19, 2026

TO: Planning and Zoning Board

FROM: Jordan Smith, AICP, PP Community and Development Services Director

THRU: Jordan Smith, AICP, PP Community and Development Services Director

SUBJECT: Ordinance No. 16-2026, Amending Section 70-30, "Definitions," Section 110-321, "Statutory Uses," and Chapter 76, "Affordable Housing Under the Live Local Act," to update definitions, applicability, administrative review procedures, development standards, and related provisions consistent with Section 166.04151, Florida Statutes (Public Hearing – Legislative – First Reading) (Jordan Smith, Community and Development Services Director)

BACKGROUND: During the 2023 Legislative Session, the Florida Legislature enacted the Live Local Act, establishing statewide requirements for certain affordable housing developments under Section 166.04151, Florida Statutes, including administrative review and preemption of certain local land use regulations.

In response to the legislation, the City Commission adopted Ordinance No. 04-2025 on January 16, 2024, establishing Chapter 76 of the Land Development Code. On December 23, 2024, the City Commission adopted Ordinance No. 02-2025, revising Chapter 76 to incorporate the 2024 legislative amendments and establish procedures and development standards for qualifying developments under the Live Local Act.

Since that time, the Florida Legislature has continued to amend the Live Local Act, most recently through House Bill 1389, effective July 1, 2026. Ordinance No. 16-2026 updates Section 70-30, "Definitions," Section 110-321, "Statutory Uses," and Chapter 76, "Affordable Housing Under the Live Local Act," to reflect the current requirements of Section 166.04151, Florida Statutes.

The proposed amendments also reorganize and clarify Chapter 76 to address eligibility, administrative review, development, affordability, and ongoing compliance.

DISCUSSION: The proposed amendment updates Chapter 76 to reflect the current requirements of the Live Local Act and provides a clearer process for reviewing qualifying developments. The amendment also updates Section 70-30, "Definitions," and Section 110-321, "Statutory Uses," for consistency with the revised Chapter 76.

One of the more significant changes is the expansion of where a qualifying development may be located. The current code limits applicability to the C-1, C-2, C-3, and Industrial zoning districts and excludes Planned Unit Developments. The proposed amendment recognizes additional properties

eligible under state law, including certain Planned Unit Developments and other flexibly zoned properties, eligible government-owned property, and property owned by a qualifying religious institution.

The amendment also revises the review process to make clear that qualifying developments are reviewed administratively for compliance with state law, the Comprehensive Plan, and applicable Land Development Code requirements that have not been preempted. Qualifying developments meeting these requirements do not require review or approval by the Planning and Zoning Board or City Commission. The Development Review Committee will continue to review applications, with final action taken by the Administrative Official.

The proposed amendment also includes requirements for continued compliance with the affordability provisions of the Live Local Act. Prior to issuance of the first building permit, the property owner will be required to record a restrictive covenant addressing the applicable affordability requirements and provide annual certification of continued compliance.

Development standards have also been revised to conform to the Live Local Act. These provisions address residential and nonresidential floor area, density, building height, parking, setbacks, landscaping and open space, mixed-use development, amenities, and architectural standards. The amendments also reflect changes in state law related to building height and the application of setbacks and stepbacks to qualifying developments. The proposed code requires at least 65 percent of the gross floor area of a mixed-use qualifying development to be residential. The current code requires a minimum of 35 percent of the total square footage of the development to be nonresidential; however, under the proposed amendment, consistent with state law, the City may not require more than 10 percent of the gross floor area to be nonresidential.

Overall, the amendment brings Chapter 76 into alignment with the current Live Local Act while retaining the City's ability to apply local development standards where those standards have not been preempted by state law.

CONSISTENCY WITH THE COMPREHENSIVE PLAN: Staff finds the proposed amendments consistent with the Comprehensive Plan. The amendments implement changes required by Section 166.04151, Florida Statutes, while continuing to apply applicable Comprehensive Plan provisions and Land Development Code standards that are not expressly preempted by state law. The proposed amendments provide a clear administrative framework for review of qualifying affordable housing developments while maintaining applicable development standards addressing development form, mobility, landscaping, open space, and amenities.

RECOMMENDATION:

Section 163.3174, Florida Statutes, requires the local planning agency to review proposed land development regulations and make a recommendation to the City Commission regarding their consistency with the Comprehensive Plan.

Based on staff's review, staff recommends that the Planning and Zoning Board find the proposed amendments consistent with the Comprehensive Plan and recommend approval of Ordinance No. 16-2026 to the City Commission. The ordinance amends Section 70-30, "Definitions," Section 110-321, "Statutory Uses," and Chapter 76, "Affordable Housing Under the Live Local Act," of the Land Development Code.

NEXT STEPS: The Mayor and City Commission will hear this item at first reading on September 9, 2026, and at second reading on October 5, 2026.

ATTACHMENTS:

- Ordinance No. 16-2026
- Exhibit “A” – Proposed Text Amendments
- HB 1389