

#### **Section 4.24. Live Local Act – Mixed-Use Affordable Housing Development.**

A. Qualifying development pursuant to F.S. § 166.04151(7), under the Live Local Act.

1. *Intent and purpose.* The purpose of this section is to establish procedures and regulations for the development of mixed-use affordable housing developments pursuant to the provisions of Florida Statutes ("F.S.") § 166.04151(7), as created by Chapter 2023-17, Laws of Florida, the "Live Local Act" (the "Act"), which development involves a combination of residential and non-residential components, and a combination of dwelling units, at least forty (40) percent of which must qualify as affordable housing units, as defined in F.S. § 420.0004, to accomplish the following purposes:
  - a. Protect and promote the public health, safety, and general welfare of the residents of the City;
  - b. Facilitate the orderly and efficient development of affordable multi-family housing in the City pursuant to the Act;
  - c. Confirm that qualifying developments proposed pursuant to the Act are mixed-use residential developments, as required by the Act, given that less than twenty (20) percent of the City's land area is designated for commercial or industrial use;
  - d. Confirm the land development regulations applicable to proposed qualifying developments under the Act, including acknowledgment of the statutory mandates regarding Use, Height, Floor Area Ratio, and Density;
  - e. Provide the minimum non-residential floor area for qualifying developments proposed under the Act in order to ensure a meaningful mixed-use development to support community sustainability and to reduce vehicle trips and vehicle miles traveled; and
  - f. Establish an administrative approval process for qualifying developments under the Act.
2. *Applicability.* Applications for a qualifying development pursuant to this section must be deemed complete prior to October 1, 2033. No applications for qualifying developments shall be accepted after October 1, 2033 unless the legislature extends or reenacts F.S. § 166.04151(7), and the City commission extends these deadlines accordingly.
3. *Definitions.*

*Major transportation hub* shall mean any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

*Qualifying development* shall mean a multiple-family mixed-use development proposed pursuant to F.S. § 166.04151(7), with at least sixty-five (65) percent of the total square footage used for residential purposes, at least forty (40) percent of which are affordable, as defined in F.S. § 420.0004, for a period of at least thirty (30) years, with the remaining thirty (30) percent of the total square footage dedicated to non-residential uses, as provided in the applicable zoning district.

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Unified control means all land included for purpose of qualifying development shall be under the control of the applicant (an individual, partnership, or corporation, or group of individuals, partnerships, or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area, which shall be approved by the City Attorney. Upon application under this section, the applicant shall agree as follows:

- a. To proceed with the qualifying development according to the provisions of this division and the affordability requirements as established by state law and covenant;
- b. To provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the City for completion of the development according to the plans approved at the time of site plan approval and for continuing operations and maintenance of such areas, functions, and facilities, which are not proposed to be provided, operated, or maintained at public expense; and
- c. To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be reviewed by the City attorney and no site plan for a qualifying development shall be approved without verification by the City attorney that such agreements and evidence of unified control meet the requirements of this section.

Transit stop shall mean a passenger rail, interCity bus stop/station or a transit hub where two (2) or more transit routes converge.

4. Zoning districts permitting qualifying developments. Qualifying developments shall be permitted only on properties in zoning districts set forth in the Live Local Act.
  5. Applicable development regulations.
    - a. Unified lot. All land included for purposes of a qualifying development, including all residential and non-residential components shall be under unified control.
    - b. Required residential use.
      - i. At least sixty-five (65) percent of the total square footage of a qualifying development shall be used for residential purposes.
    - c. Equivalency of affordable dwelling units.
      - i. Affordable and market-rate dwelling units within a qualifying development shall be vertically integrated within the same structure and distributed throughout to promote mixed-income vertical communities. Affordable units shall not be clustered or separated from market-rate units. A qualifying development structure shall contain both affordable and market rate units in equal proportions; in no event shall a qualifying development structure consist entirely of market rate units.
      - ii. All common areas and amenities within a qualifying development shall be accessible and available to all residents (both affordable and market rate units).
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- iii. Access to the required affordable dwelling units in a qualifying development shall be provided through the same principal entrance(s) utilized by all other dwelling units in the development, provided that for townhouse-style affordable dwelling units or similar housing typology, each unit shall have its own entrance.
  - iv. The size and bedroom mix of affordable dwelling units shall be proportional to that of market-rate units within the qualifying development. For example, if 25 percent of the market-rate units are two-bedroom units, then 25 percent of the affordable units shall also be two-bedroom units. This proportional distribution shall be maintained across all unit types and reflected within each structure of the development.
  - v. Affordable dwelling units shall be developed simultaneously with, or prior to, the development of the market rate units.
  - vi. If the development is phased, the phasing plan shall provide for the construction of affordable units proportionately and concurrently with the market rate units.
  - vii. The exterior appearance of affordable units shall be the same as the market rate units and shall provide exterior building materials and finishings of the same type and quality.
  - viii. The interior building materials and finishes of the affordable units shall be the same type and quality as the market rate units, including but not limited to all electrical and plumbing fixtures, flooring, cabinetry, counter tops, and decorative finishes, not including resident elected upgrades.
- d. *Affordability commitment.*
- i. Pursuant to F.S. § 166.04151(7), at least forty (40) percent of the multi-family residential units shall remain affordable, as defined in F.S. § 420.0004, for a period of at least thirty (30) years. Prior to the issuance of any building permit, the property owner shall execute and deliver to the City for recordation in the public records, on a form approved by the City Attorney, a covenant, declaration of restriction, or other deed restriction in favor of the City ensuring compliance with this affordability requirement.
  - ii. The property owner shall provide to the City, each year on January 15, an annual certification form certifying all affordable housing units meet the affordability criteria set forth in F.S. § 420.0004.
- e. *Required non-residential use.*
- i. More than 25 percent of the total square footage of the qualifying development shall be devoted to principal non-residential uses that are not dedicated to, or exclusively accessible by, the on-site residential uses. Residential community amenities, or non-residential uses open only to residents of the qualifying development are not considered non-residential uses.
  - ii. Non-residential uses shall be limited to those uses permitted in the zoning district applicable to the land on which the qualified project is located.
- f. *Allocation of shared space square footage.*
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- i. Lobby, service areas, and amenity areas exclusively serving the residential uses of a qualifying development shall be considered residential square footage.
    - ii. Common ground floor lobby, service areas, and amenity areas within a structure housing both residential and non-residential uses shall be proportionately allocated to the residential and non-residential square footage requirements.
  - g. Site design.
    - i. Qualifying developments must locate all non-residential uses on the same (or unified) plot.
    - ii. Non-residential uses shall be vertically integrated below residential units, and residential units shall not be permitted on the ground floor of any building. This integration is intended to maintain active street frontages, support walkable urban environments, and promote mixed-use urban form.
    - iii. Qualifying developments are required to be vertically integrated, at least fifty percent (50%) of the ground floor street frontage of a building shall be occupied by active non-residential uses (not including parking or utilities). Uses that activate the street, such as cafes, restaurants, shops, and offices, to the extent they are permitted in the zoning district applicable to the land on which the qualified project is located, are encouraged to promote pedestrian activity and enhance the public realm.
  - h. Development standards.
    - i. The following standards are applicable to all qualifying developments regardless of the zoning district they are located in:
      - 1. Maximum density, floor area ratio and height.
        - a. Density. With respect to the residential component of a qualifying development, the maximum density shall be the highest allowed density on any land in the City where residential development is allowed by right. This does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, other special exception, which includes entitlement through context specific zoning districts afforded bonused height and/or density, such as Planned Developments, or Governmental Uses, for density provided in the Zoning and Land Development Regulations as an incentive for development.
        - b. Floor area ratio. The maximum floor area ratio of a qualifying development shall be one hundred fifty (150) percent of the highest allowed floor area ratio on any land in the City where development is allowed by right. This does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception, which includes entitlement through context specific zoning districts afforded bonused height and/or density, such as Planned
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Developments, or Governmental Uses, for floor area ratio provided in the Zoning and Land Development Regulations as an incentive for development.

- c. Height. The maximum height shall be the highest currently allowed for a commercial or residential building within the City and within one (1) mile of the proposed development, or three (3) stories, whichever is higher. This does not include the height of any mixed-use building, any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, other special exception, which includes entitlement through context specific zoning districts afforded bonused height and/or density, such as Planned Developments, or Governmental Uses, for height provided in the Zoning and Land Development Regulations as an incentive for development.
  - d. Height adjacent to single-family residential. If the proposed development is adjacent to, on two (2) or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least twenty-five (25) contiguous single-family homes, the City may restrict the height of the proposed development to one hundred fifty (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 Zoning and Land Development Regulations, or three (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.
- 2. All other applicable standards of the Zoning and Land Development Regulations unless specifically regulated in this section.
- ii. Dwelling unit size.
    - i. In the Regional Activity Center and State Road 7 Transit Oriented Corridor zoning districts, the required minimum and average dwelling unit sizes shall be as established by the City for the district the qualifying development is located within.
    - ii. In all other zoning districts, the required minimum dwelling unit size is 500 square feet, and average required unit size is 750 square feet, per dwelling unit.
- iii. Development regulations and setbacks.
    - 1. In the commercial and industrial zoning districts, qualifying development shall adhere to the setback requirements for development in the RM-25 "High Density Multiple Family" zoning district.
    - 2. In the PD "Planned Development" and GU "Government Use" zoning districts, the development regulations and setbacks established for existing residential or mixed-use development on the property which the qualifying development is to be
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located, or the RM-25 “High Density Multiple Family” zoning district development regulations and setbacks, whichever are more restrictive, apply.

3. In all other zoning districts, the development regulations and setback requirements shall be as established for the City for the zoning district the qualifying development is located within.

iv. *Architectural requirements and building treatment.*

1. Architectural requirements of the qualifying development shall conform to Section 5.3.1.4 “Design Criteria” and adhere to any Design Guidelines, including Historic Preservation Guidelines, established by the City for the district the qualifying development is located within, where applicable.
2. All qualifying developments proposed under this section shall be cohesive and architecturally compatible with guidelines as determined by staff.

v. Transitional Massing and Stepback Requirements

1. To ensure compatibility with adjacent development and reinforce a context-sensitive urban form, building massing shall incorporate stepbacks where appropriate to create a gradual transition between varying building heights and intensities. Stepbacks in building height may be required above a specified number of stories, or where the surrounding built context is characterized by a pedestrian-oriented, low- to mid-scale environment, determined through the Urban Design Brief.
2. The location, depth, and elevation at which stepbacks occur shall be based on the prevailing height and scale of adjacent buildings, and the width of adjoining rights-of-way. Stepbacks shall be designed to reduce the visual bulk of upper stories, mitigate shadow and wind impacts on the public realm, preserve key view corridors, and maintain a comfortable human scale at the street level.
3. The architectural design of each building shall integrate stepbacks as a compositional element of the façade and massing strategy. Where required, stepbacks may apply to one or more frontages of a structure and shall not appear as an afterthought or arbitrary truncation of building volume. The City may waive or modify stepback requirements through the site plan review process if the applicant demonstrates that alternative massing, articulation, or transitional design strategies achieve equivalent or superior compatibility with adjacent development and public spaces.

vi. *Parking.* Parking for qualifying development shall be provided as required by the Zoning and Land Development Regulations, unless a reduction or elimination of parking requirements is permitted by the following sub-section.

- i. The parking requirements shall be eliminated for a qualifying development located on land with a Future Land Use (FLU) designation under the City’s Comprehensive plan of Transit Oriented Corridor (TOC), Transit Oriented Development (TOD) or
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Regional Activity Center (RAC). Qualifying projects will rationalize their parking through a Planning Justification Report, and a Transportation Demand Management Plan and parking plan.

- ii. A qualifying development that is not located on land with a FLU designation of TOC, TOD, or RAC under the City's Comprehensive Plan, but that is located within one-fourth (¼) mile of a transit stop, as determined by the City, may request up to a ten (10) percent reduction in the total parking requirements, and such request shall be evaluated based on site conditions and the following criteria:
  1. There is a continuous public sidewalk or multi-use path from the proposed qualifying development to the transit stop (or the proposed qualifying development will provide such continuous path); and,
  2. The proposed qualifying development provides onsite and offsite enhancements to pathways and sidewalks to support pedestrian comfort and other improvements/techniques to achieve the same goal, including but not limited to: incorporating canopy trees; distinctive pavement; identity, wayfinding, and directional signage; transit infrastructure; and shaded rest areas furnished with appropriate street furniture.
- iii. The City will consider reductions for parking requirements by at least twenty (20) percent for a proposed qualifying development if the qualifying development:
  1. Is located within one-half (½) 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.
  2. Has available parking within six hundred (600) feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages authorized for use by residents of the proposed development. However, the City may not require that the available parking compensate for the reduction in parking requirements.
- iv. Parking garages, if proposed, must be screened and shall not be located along roadway frontages.
- v. Surface parking shall be limited to the greatest extent possible.
- vi. Parking areas designated to a use shall be used to calculate the total square footage of the particular use. For example, parking areas designated for residential use would constitute residential square footage as required in Section 4.24(a)(5)(b).

6. Regulatory compliance.

- a. In addition to the provisions set forth herein, qualifying developments shall comply with all other multifamily developments in multifamily residential zoning districts or with all other land development regulations applicable to mixed use developments, as applicable.
  - b. All aspects of the qualifying development shall be consistent with the City's comprehensive plan, with the exception of provisions establishing allowable use, height, floor area ratio and density.
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- c. Compliance with applicable laws and regulations. In addition to the provisions set forth herein, qualifying developments shall comply with all other applicable state and local laws and regulations.

7. Expiration or loss of qualifying development status.

- a. Penalties. Any violation of the affordability requirement shall result in a monetary penalty to be deposited into the City of Hollywood's Affordable Housing Trust Fund. Such monetary penalty shall be assessed as a daily fine of two hundred fifty dollars (\$250.00) per day per unit per violation until proof of compliance has been provided to the City. The monetary penalty shall not be subject to mitigation or otherwise modified by any body or board, including, but not limited to the code enforcement special magistrate.
- b. Loss for failure to meet affordability requirements.
  - i. An approved qualifying development project which fails to maintain the required number of affordable dwelling units and does not comply with the affordable housing requirements of this section after notice and ninety (90) days to cure, shall be considered non-conforming as to all portions of the development that do not comply with use and development regulations applicable based on the assigned zoning designation.
- c. Expiration of covenant. A qualifying development, for which a covenant guaranteeing affordable housing has expired, shall be considered:
  - i. A lawful conforming use, so long as the development maintains the same levels and standards of affordable housing.
  - ii. Subject to Section 3.12 "Nonconforming Structures and Uses".

B. Site plan review procedures for applications pursuant to F.S. § 166.04151(7).

- 1. Preapplication Conference. A preapplication conference with the Department of Development Services staff shall be required prior to the preparation and submission of an application pursuant to this Section. The purpose of this conference shall be for the staff and applicant to discuss overall community goals, objectives, policies and codes as related to the proposed project and to discuss the technical review procedures of the site plan and development review process. The conference shall also review general compliance of the proposed project with the requirements of Section 4.24.A "Qualifying development pursuant to F.S. § 166.04151(7), under the Live Local Act", the land use designation, zoning and application provisions of the Zoning and Land Development Regulations and F.S. § 166.04151(7), as amended from time to time.
  - 2. Application. The applicant shall submit the proposed site plan to the Department of Development Services in accordance with the procedures established in Section 6.22 "Site Plan Review". The application shall include:
    - a. All information and in the form as provided in Section 6.22 "Site Plan Review".
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- b. An affidavit of commitment. The applicant must file an affidavit of commitment, in a form provided by the City, to record a covenant detailing the affordable housing restrictions and the amount of non-residential square footage. The covenant will detail income mix and required affordability, with a release provision ensuring that the covenant is in place for thirty (30) years from temporary certificate of occupancy (TCO) or certificate of occupancy (CO) and may only be released earlier by bringing the project into full compliance with all zoning and land use provisions applicable to the site at the time of the release. The covenant will also include provisions to adhere to the monitoring and compliance requirements of the City. The City will provide the form covenant and monitoring and compliance forms upon submittal of the application.
  - c. Legal documents demonstrating unified control of the proposed development site and providing for maintenance and cross-access as applicable.
  - d. A specific purpose survey demonstrating the one (1) mile distance for the proposed height determination (unless the comparator site is so obviously close to render this unnecessary).
  - e. Analysis of the comparator site for the proposed height determination, including the zoning district and highest allowed height. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use, the analysis shall also identify the number of contiguous single-family homes, for the purpose of determining the maximum allowed height.
  - f. Easily visible notes on the site plan sheet, indicating the project is a Live Local Act, F.S. § 166.04151(7), project.
  - g. Details on the site plan sheet identifying:
    - i. Dwelling unit breakdown, including number of bedrooms and unit sizes.
    - ii. Affordable Housing Summary, describing and showing the location, type, and number of affordable units by income category.
    - iii. A table, or tables, indicating the ratio of residential and non-residential square footage.
  - h. Color renderings of all building elevations.
  - i. If the development is to be phased, a phasing plan demonstrating the timing of each phase, including the development of affordable units proportionately and concurrently with the market rate units in each phase.
  - j. A Planning Justification Report addressing, at a minimum, compliance with F.S. § 166.04151(7), Section 4.23 "Review Standards", Section 5.3.1.4 "Design Criteria", all other applicable Zoning and Land Development Regulations, and consistency with the Comprehensive Plan (with the exception of establishing allowable densities, floor area ratios, height, and land use). The analysis shall also address potential impacts on adjacent properties, including but not limited to traffic, noise, and visual impacts.
  - k. An Urban Design Brief demonstrating how the project achieves high-quality urban design, architectural standards and well-designed open spaces. The brief shall address building massing, articulation, block structure, open spaces, active street frontages, pedestrian connectivity, and integration with surrounding urban fabric.
  - l. If required by the Director of Development Services, qualifying developments located in the IM "Industrial and Manufacturing Districts" shall submit a study by an environmental
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- consultant which performs a comprehensive site assessment of the existing property and proposed development demonstrating existing and proposed uses, including on surrounding and nearby properties, do not present potential hazard or detriment to the proposed mixed-use residential building(s) from noise, glare, odors, smoke, vibration, or environmental contamination and that the project does not compromise the existing economic function of the industrial area.
- m. A Traffic Impact Study.
  - n. A Transportation Demand Management Plan detailing strategies to reduce single-occupancy vehicle trips and promote alternative modes of transportation, including public transit, walking, cycling, ridesharing, and carpooling.
  - o. A parking study if the qualifying development is proposing any reduction in the total parking requirements.
3. Fees. The fee for administrative review of a qualifying development submitted under this section shall be established by the City commission.
4. Administrative Review and Decision.
- a. The Technical Advisory Committee shall review an application for qualifying development in accordance with the requirements of Article II "Technical Review Process for Site Plans", Section 6.22 "Site Plan Review".
  - b. An application for qualifying development that complies with F.S. § 166.04151(7), Florida Statutes and the applicable City code provisions shall be subject to administrative decision after review and sign-off by the City's Technical Advisory Committee.
  - c. If the property is located within a designated Historic Site, Historic District, or Historic Multiple Property Resource Listing District, all requirements of Section 5.5 "Historic Preservation Board and Historic District Regulations", shall be satisfied prior to the Director of Development Services issuing a decision for the qualifying development under this Section.
  - d. The Director of Development Services shall review the Technical Advisory Committee comments and recommendation, applicant responses, and final proposed site plan application, and based on compliance with the City's Zoning and Land Development Regulations, Comprehensive Plan, and applicable state laws, shall approve, approve with conditions, or deny the application and issue a written development order, including findings supporting the decision.
5. Notification and public outreach.
- a. Notification - The public notification procedures for applications requiring review by the Technical Advisory Committee shall be followed for all applications submitted pursuant to this section, in addition, the following posted notice precures shall apply to the property.
    - i. A sign giving notice that an application for a proposed a mixed use affordable housing development under the Live Local Act has been submitted to the City shall be erected
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- adjacent to each public-right-of-way of the subject property no later than 10 days after an application under this section has been submitted to the City.
- ii. A signed and notarized affidavit, including pictures, of proof of the posted sign shall be filed with the Department of Development Services within 24 hours of installation of the required posted notice.
  - iii. If the property does not front on to a public right-of-way, the posted notice shall be placed on the subject property in such a manner as to give maximum exposure to the public.
  - iv. The sign shall be maintained by the applicant at the property until a decision on the application is issued and shall be removed within seven (7) days of that decision.
- b. *Public outreach.* A public participation outreach meeting shall be required for site plan applications submitted under this section. Applicants shall conduct at least one public participation outreach meeting and provide mailed notice to all property owners within 500 feet of the proposed project, the Mayor and Commission, and registered civic and neighborhood associations. Fifteen (15) days prior to the meeting, the applicant shall mail such notice and post a sign on the property, including the date, time, and place of the public participation outreach meeting. Such meeting shall occur prior to the Technical Advisory Committee's sign-off on its review of the application. Prior to sign-off by the Technical Advisory Committee, the applicant shall include in its application packet a letter certifying the date(s), time(s), location(s) of the meeting(s), a copy of the sign-in sheet, presentation material and a general summary of the discussion, including comments expressed during the meeting(s).
- c. *Modifications to approved site plan.* Modifications to a site plan approved under this section may be permitted by the administrative approval of the Director of Development Services, pursuant to the requirements set forth in Section 6.26 "Modification to Approved Site Plans" of the Zoning and Land Development Regulations.
6. *Expiration or extension of site plan approval.*
- a. Upon approval of a site plan pursuant to this section, the applicant shall have up to 24 months to apply for a valid construction permit from the Department of Development Services.
  - b. One (1) extension of up to 12 months may be granted by the Director of Development Services, if all applicable planning, building, zoning, and engineering regulations in effect at the time of the original site plan approval remain unchanged. Any application for such extension must be filed prior to the expiration of the 24 month period.
  - c. An extension shall only be granted when an applicant has applied for an extension during the original effective period of the site plan and a determination that the project development is proceeding with due diligence has been made by the Director of Development Services.
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- d. If the applicant fails to submit a valid application for a construction permit within said period, all previous staff approvals shall be null and void, and the property shall be governed by the regulations allowed under the property's zoning and land use designations, without the benefit of the preemptive provisions of F.S. § 166.04151(7).
  - 7. *Appeals.* Notwithstanding any other provision of this Code, any appeal of an Administrative Decision under this section shall be to the City commission and shall be processed in accordance with the appeal procedures in Section 5.7.A.
  - 8. *Denial.* Denial of an application under this section shall preclude the applicant from refiling the same application for twelve (12) months from the date of denial.
  - 9. *Violation of Approved Site Plans.* The violation of any provision of a site plan, or condition placed upon a site plan, issued/approved by the City shall constitute a violation of the City Zoning and Land Development Regulations.
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