



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

9/12/2023

Subject:

Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article I, Section 62-2, "Rules of construction and definitions," Brevard County Code of Ordinances, to add a definition of "Major Transit Stop"

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

Board approval of legislative intent and permission to advertise an amendment to Chapter 62, Article I, Section 62-2, "Rules of construction and definitions," Brevard County Code of Ordinances, to add a definition of "Major Transit Stop," in order to comply with Chapter 2023-17, Laws of Florida (Live Local Act)

Summary Explanation and Background:

On March 29, 2023, the "Live Local Act" (CS/SB 102) was signed into law by Governor DeSantis. This Act is designed to facilitate and encourage the development of affordable housing. Among many other requirements for local governments, the Act amends Section 125.01055, Florida Statutes, to state that "... a county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county's land development code, and the major transit stop is accessible from the development. ..."

The County's Land Development Code (i.e. Chapter 62, Brevard County Code of Ordinances) does not include a definition of "major transit stop." There are also no contextually relevant definitions in Florida Statutes. Staff suggests that a definition the Board may wish to consider is the following, which is modeled from the Florida Department of Transportation's definition of "transit center": "A transit stop or station located at the meeting point of two or more transit routes or lines, or of different modes of transportation. Such stop or station may be located on the street or located on property that is designed to handle the movement of transit units, such as vehicles or trains, and the boarding, alighting, and transferring of passengers between such transit units. These locations can be referred to as a transfer center when between routes; modal interchange center; intermodal transfer facility; or a hub when between modes of transportation." (cf. See *Accessing Transit: Design Handbook for Florida Bus Passenger Facilities*. Version IV, 2023. Florida Department of Transportation, January 2023, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/transit/transit-facilities-design/2023-accessing-transit---design-handbook-for-florida-bus-passenger-facilities.pdf?sfvrsn=bedad843_2. Accessed August 2, 2023).

If the Board were to adopt this definition, the following locations would be examples of stops that would currently qualify as “major transit stops”:

- Titus Landing
- Shepard Park
- Cocoa Transit Center
- Melbourne Square Mall
- Hammock Landing

For purposes of the Live Local Act, those “major transit stops” that are within municipalities may still be used to qualify a development for reduced parking requirements, if the eligible development is in an unincorporated area within ½ mile from such stop. However, the definition would not apply to those developments within municipalities; cities are free to create their own definitions as they see fit.

It should be noted that this definition is designed to work in conjunction with procedures for implementing the Live Local Act (a draft policy that would implement such procedures is attached). Its addition in the Code does not preclude a developer from utilizing existing tools including, but not limited to, reduced parking requirements obtained through parking accumulation studies (Sec. 62-3206, Brevard County Code of Ordinances) and affordable and workforce housing incentives (Sec. 62-6310).

Should the Board approve this request, staff will draft an ordinance meeting the Board’s direction and present it for review to the Building Construction Advisory Committee (BCAC) and Planning and Zoning Board. Staff will return the resulting Ordinance as well as a Board policy implementing this and other provisions of the Live Local Act, for Board consideration at a future meeting.

Clerk to the Board Instructions:

Please return a copy of the Board action memo to Planning and Development



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September 13, 2023

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

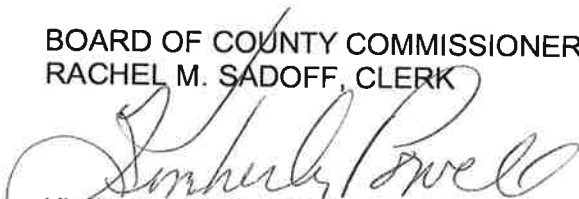
RE: Item F.1., Legislative Intent and Permission to Advertise Amendments to Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions," Brevard County Code of Ordinances, to Add a Definition of "Major Transit Stop"

The Board of County Commissioners, in regular session on September 12, 2023, approved legislative intent and granted permission to advertise an amendment to Chapter 62, Article I, Section 62-2, "Rules of construction and definitions," Brevard County Code of Ordinances, to add a definition of "Major Transit Stop," in order to comply with Chapter 2023-17, Laws of Florida (Live Local Act).

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

cc: County Manager
County Attorney



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-100
Cancels: N/A
Approved: _____, 2023
Originator: Planning and
Development
Review: _____, 2025

TITLE: Evaluation Procedures for Development Proposals Pursuant to the Live Local Act Which Are Not Otherwise Permissible

I. Objective

To institute the requirements of the "Live Local Act," Chapter 2023-17, Laws of Florida.

II. Definitions and References

- A. "Affordable" shall have the same definition as that found in Fla. Stat. § 420.0004, or its successor.
- B. "Affordability Period" shall be a minimum of 30 years.
- C. "Live Local Act," Chapter 2023-17, Laws of Florida.
- D. "Major Transit Stop" shall have the same definition as that found in Section 62-2, "rules of construction and definitions," Brevard County Code of Ordinances.

III. Proposal Procedures

- A. A developer seeking Live Local Act allowances that would not otherwise be permitted under Chapter 62, Brevard County Code of Ordinances, or the Brevard County Comprehensive Plan, shall submit a narrative of the proposed development. Such narrative shall, at minimum, include the following:
 - 1. Property location
 - 2. Property size, in acres
 - 3. Type of residential development (i.e., single-family residential, attached or detached; multi-family residential; mixed residential types, etc.)
 - 4. Number of residential units proposed
 - 5. Whether the proposed units are to be owner-occupied units or rental units

6. Household income levels proposed for each unit of the development (i.e., moderate, low, or very low)
7. A statement of how the income restrictions will be enforced
8. Provide a copy of the marketing brochure of similar development, if applicable
9. Provide a sample lease agreement (terms of the lease shall be a minimum 91 days within single-family residential zoning classifications)
10. Building style of the proposed development (i.e., single-story or multi-story; number of building floors; townhome style; garden home style; etc.)
11. Number of parking spaces
12. How the project will meet all review criteria, as stated in Section IV

B. Applicant shall furnish any documentation required by staff necessary to complete its review and certify compliance as needed.

IV. Review Criteria

- A. Staff shall confirm that the application for the development is made prior to October 1, 2033, unless the legislature extends relevant provisions of the Live Local Act.
- B. Staff shall evaluate whether the development site is in an area with commercial, industrial, or mixed-use zoning.
- C. If the conditions outlined in subsection A and B are met, and if the proposed development is for mixed-use, staff shall determine whether at least 65 percent of the total square footage is to be used for residential purposes.
- D. Staff shall determine whether the proposal includes at least 40 percent of the residential units being affordable for the affordability period.
- E. If the applicable requirements outlined in this Section are met, staff shall not require the proposed multi-family development to obtain a zoning or land use change, conditional use permit, variance, comprehensive plan amendment, or similar waiver, as it relates to building height, zoning classification, or density limitations, provided the following conditions are met:
 1. The proposed density is no more than 30 units per acre.
 2. The height of the proposed development is no more than the highest allowed height for a commercial or residential development within unincorporated Brevard County within 1 mile of the site (pursuant to

Chapter 62, Brevard County Code of Ordinances) or 3 stories, whichever is higher.

3. Staff shall determine that the proposed development is otherwise consistent with the Brevard County Comprehensive Plan and Brevard County Code of Ordinances.
 - a) This shall include, but not be limited to, parking requirements, except that if the development is within one-half mile of a "major transit stop," and such a stop is accessible from the development, staff shall evaluate whether it is appropriate to reduce parking requirements on a case-by-case basis.
 - i. As part of this analysis, staff may request the applicant to provide data supporting a reduction in parking requirements prepared by a Professional Engineer (PE) or allied profession licensed by the State of Florida.
- F. Upon certification by the County Manager, or his/her designee, that all of the above criteria are met, staff shall administratively approve the development, subject to continuing requirements outlined in this Policy.

V. Monitoring, Compliance, and Enforcement

- A. Any development approved under this Policy must continue to meet the requirements outlined herein and the related sections of Florida law impacted by the Live Local Act, as may be amended. Failure to do so may result in the revocation of approval, thereby subjecting the development to the normal requirements of the County's Comprehensive Plan and Code of Ordinances.
- B. The County Manager, or his/her designee, shall have the authority to require a Land Use Restrictive Agreement in order to ensure the development maintains the affordability requirements under the Live Local Act, and that such requirements remain binding on successors-in-interest to the applicant.
- C. Affordable housing developments approved under this policy shall be required to provide documents to the County showing compliance with all criteria throughout the affordability period. This shall include, but not be limited to, the following:
 1. The property owner/manager shall certify the income qualification for tenant-applicant at initial lease-up and re-certify annually thereafter for each affordable housing unit. The property owner/manager shall provide the County Housing and Human Services Department with annual income compliance reports to satisfy this requirement. Annual income compliance reports required by other federal or State agencies, including, but not

limited to, the Florida Housing Finance Corporation, the State of Florida, or Housing and Urban Development, may satisfy this requirement.

D. Recordkeeping Requirements (to be made available to the County for inspection upon request)

1. Affordable housing development projects with rental units shall maintain records on each affordable housing rental unit, including a copy of leases, all income verification documents, and rent calculation documentation.
2. Affordable housing development property owner/manager shall maintain and retain no less than the five (5) most recent years of documentation throughout the affordability period.
3. Affordable housing developers of newly constructed single-family homes shall maintain records of income verification and transfer-of-property documents for each property.
4. Failure to maintain and make available such records may result in the revocation of approval, thereby subjecting the development to the normal requirements of the County's Comprehensive Plan and Code of Ordinances.

VII. Reservation of Authority

The authority to issue or revise this policy is reserved by the Board of County Commissioners.

Rachel Sadoff, Clerk

Rita Pritchett, Chair

Board of County Commissioners

As approved by the Board on _____, 2023