

To: Planning & Zoning Board and Town Staff

From: Diana Davis, Chair person Planning & Zoning Board

Date: 10/1/2023

RE: SB 102, Live Local Act, allowing Affordable Housing high-rise buildings within our Commercial Zoning Districts

I wanted to ask the Board again to for a motion to "request that Town Council take urgent action to implement ordinances, policies and/or procedures for applicants that submit a SB 102 affordable housing project within our community."

SB 102 leaves open to interpretation by local governments, certain definitions, what zoning site plan requirements apply, enforcement conditions for local governments, and the procedures for public notification of an application for one of these high-rise 40% affordable housing projects.

Since our last meeting, the Town Attorney and Town Staff have put information concerning SB 102 on the Town's website. The bill required information to be published by October 1st, and it is a good first step in providing information about SB 102's application in Juno Beach. Our Town Manager has indicated that he is open to further definition of terms, drafting procedures, and creating enforcement criteria.

For enforcement within the Town of Juno Beach, what if at some point the building under SB 102 is charging more than "affordable housing rental rates" or falls below the 40% that it is charging affordable housing rates? If Juno Beach is going to enforce these requirements, we need an ordinance that assigns penalties, such as \$250 per day per violation and definition of what a violation may be. Also of note, violations of the comprehensive plan in Florida have carried penalties of tearing down the non-compliant build. We have a range of enforcement options that should be spelled out in ordinance whether monetary fines or building removal.

For site plan criteria, it should be stated that we will apply setbacks and other site plan requirements¹ that appear in our zoning code for 12 story buildings, if the applicant is proposing the highest height allowed within one mile of the project, and not the lesser setbacks within a commercial zoning district that per our code are only 60 ft in height (typically 4 stories).

¹ **From 34-267 RH Zoning District Site Plan Requirements:** *High-rise setback: for multiple-family, all buildings shall be set back so as to provide at least a 30-foot setback from all property lines. There shall be added an additional five feet of setback at ground level for each additional story beyond the first two stories. Such setbacks need not exceed 60 feet. For those lots having a width of 200 feet or less as recorded in the office of the county property appraiser at the time of adoption of the ordinance from which this chapter is derived, maximum setbacks need not exceed 50 feet. However, the maximum building dimension on such lots shall not exceed 150 feet.*

There should also be public notice, so that the public and our elected officials are aware of any pending applications under SB 102.

It is important that our Town Council act with urgency as this legislation has fast track automatic town staff-only approval provisions built into it, so as soon as an application is received, there will be little recourse as to the bill's application in our community. However, if we have ordinances, processes, and procedures, in place that control when the application is received, those criteria will apply to the applicant.