



**AGENDA  
LOCAL PLANNING AGENCY MEETING  
VILLAGE HALL COUNCIL CHAMBERS  
226 CYPRESS LANE  
DECEMBER 14, 2023  
6:30 PM**

**COUNCIL**

- Mayor Bev Smith
- Vice Mayor Joni Brinkman
- Mayor Pro Tem Patti Waller
- Council Member Kim Schmitz
- Council Member Gary Ready

**ADMINISTRATION**

- Village Manager Michael Bornstein
- Village Clerk Kimberly Wynn
- Village Attorney Glen Torcivia

*If a person decides to appeal any decision made by this Board with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

**CALL TO ORDER**

**ROLL CALL**

**Public Hearing for amending the Comprehensive Land Use Plan by revising the Future Land Use Map and amending the Official Land Development District Zoning Map of the Village by amending and rezoning the following properties in the Village of Palm Springs:**

Motion	Second	Vote
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**AGENDA**

1. **Ordinance No. 2024-02 - Moratorium on Qualifying Developments Under the Live Local Act:** Motion to recommend approval to the Village Council of Ordinance No. 2024-01 establishing a twelve (12) month moratorium on the acceptance,

processing, and consideration of all applications for development orders, development permits, building permits, and zoning approvals for all proposed developments authorized under Florida Statute Section 166.04151(7) within the Village of Palm Springs' Municipal Boundaries; establishing procedures for early termination and extension of this moratorium; and providing for repeal of conflicting ordinances, severability, and an effective date.

Staff: Kimberly Glas-Castro, Assistant Village Manager

Motion	Second	Vote
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**ADJOURNMENT**

# Village of Palm Springs

## Title VI/Nondiscrimination Policy

### I. Policy Statement:

The Village of Palm Springs values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

### II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus  
Address: 226 Cypress Lane, Palm Springs, FL 33461  
Email: [asaingilus@vpsfl.org](mailto:asaingilus@vpsfl.org)  
Phone: (561) 584-8200 Ext. 8421

### III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager  
Address: 226 Cypress Lane, Palm Springs, FL 33461  
Email: [jpiedra@vpsfl.org](mailto:jpiedra@vpsfl.org)  
Phone: (561) 584-8200 Ext. 8422



# Village of Palm Springs

## Executive Brief

**AGENDA DATE:** December 14, 2023

**DEPARTMENT:** Planning, Zoning & Building

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**ITEM #1:** Ordinance No. 2024-02 - Moratorium on Qualifying Developments Under the Live Local Act

**SUMMARY:** The State of Florida adopted the Live Local Act, which went into effect July 1, 2023, and is designed to increase the development of affordable housing throughout the State. The Act includes preemption of municipal authority and allows the development of affordable housing on commercial and industrial lands for "Qualified Developments". Of immediate concern, the Act places the burden of assuring the affordability of the units on the Village. The Village does not have an affordable housing program.

The Act also affects policies municipalities may enact to address housing. These changes are intended to align with the Florida Legislature's rewrite of section 420.0003, Florida Statutes, that deals with affordable housing. That section requires local governments to provide incentives, such as density bonus incentives, to encourage the private sector to be the primary driver for developing affordable housing:

### **1) Development Incentives**

SB 102 makes several changes to sections 125.01055 and 166.04151, Florida Statutes, which preempts local governments from enacting policies that would hinder the development of specific affordable housing projects - these changes sunset on October 1, 2033.

SB 102 requires local governments to make multi-family and mixed-use residential allowable uses in areas zoned commercial, industrial, or mixed use if at least 40% of the proposed development's multi-family residential rental units are affordable as defined under state law (for at least 30 years as Affordable Multi-Family Housing). SB 102 preempts local governments from taking a number of actions that might hinder the development of Affordable Multi-family Housing. The amendments to these sections also remove the prohibition on developers of affordable housing from receiving funds from the State Apartment Incentive Loan (SAIL) Program, provided that 10% of the units are dedicated to affordable housing.

### **2) Local Government Administration and Affordable Housing**

SB 102 amends sections 125.379 and 166.0451, Florida Statutes, and requires local governments to list real property owned in fee-simple by any dependent special district within that local government's jurisdiction that is appropriate for affordable housing, as well as requiring the inventory list of properties be publicly available on the local governments' websites.

SB 102 amends section 553.792 of the Florida Statutes to require local governments to maintain a policy containing the procedures and expectations for expedited processing of building permits and development orders that are needed to be expedited on the local governments' websites.

### **3) Taxes**

SB 102 aims to encourage the development of affordable housing by lessening the associated tax burden.

- Ad Valorem Property Tax Exemptions: SB 102 enacts two separate ad valorem tax exemptions available to owners of property used for Affordable Multi-family Housing developments under sections 196.1978(3) and section 196.1979, Florida Statutes. A taxpayer may only receive one of these exemptions.

1. Sections 196.1978(3): Section 196.1978(3), Florida Statutes, makes portions of property in a multi-family project eligible for a tax exemption by deeming such property to be used for a charitable purpose, pursuant to certain eligibility criteria. This section requires that qualified property is available to house those whose annual household income is above 80% and below 120% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or for households in a county that is not within an MSA, receive an ad valorem property tax exemption of 75% of the property's assessed value. However, if the property is used to house those with income that does not exceed 80% of the median annual adjusted gross income for households within the MSA or county, then the property is 100% exempt from ad valorem property taxes.

2. Section 196.1979: Permits local governments to adopt an ordinance exempting portions of property used to provide affordable housing by deeming the property as being used for a charitable purpose, pursuant to certain eligibility criteria. If all the residential units in a multi-family development are not affordable housing, then the property's exemption may be up to 75% of the assessed value of each residential unit providing affordable housing. If all the residential units are affordable, then the exemption may be up to 100% of the estimated value of the multi-family residential units providing affordable housing.

SB 102 enacts several more tax exemption and credit programs, along with State housing programs, pursuant to certain eligibility criteria.

### **4) Housing Policies**

SB 102 has a number of provisions that direct local governments to take action. For example, section 420.0003 of Florida Statutes encourages local governments to adopt ordinances to promote innovative housing solutions, such as utilizing publicly held land to develop affordable housing. That section also urges local governments to engage in community-led planning, focusing on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development with preexisting public services. It encourages the development of policies that maximize high-density, high-rise, and mixed-use, as well as mixed-income projects. It even encourages the development of policies to modernize housing, specifically naming things such as tiny homes, 3D-printed homes, and accessory dwelling units.

There is a requirement for local governments to maintain on their website a policy containing procedures and expectations for expedited processing of those building permits and development orders to be expedited, pursuant to the Act. The Act does not specify what "expedited" means from a timeliness perspective, nor does it quantify the term (e.g., number of days prior to issuance of a permit, etc.).

Additionally, SB 102's amendments to sections 125.379 and 166.0451, Florida Statutes, encourage local governments to enact ordinances adopting best practices for surplus land programs. These best practices include establishing eligibility criteria for the receipt or purchase of surplus land by developers, making the process for requesting surplus land publicly available, and ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring the reversion of property not used for affordable

housing within a certain timeframe. Local governments that wish to enact an ordinance providing for an ad valorem tax exemption under section 196.1979, Florida Statutes, will have to do so in accordance with the provisions and restrictions set out in that section.

SB 102 also directs certain state agencies, such as the Florida Housing Finance Corporation to adopt rules relating to the ad valorem exemption available under section 196.1978(3), Florida Statutes. It directs the Florida Department of Revenue to adopt rules governing the administration of tax exemptions under sections 212.08 and 220.1878, Florida Statutes.

Based on all of these considerations, **Village staff recommends that up to a 12-month moratorium be enacted** in order to provide the necessary time for the staff to adequately interpret and work through the requirements of the new law. This would ensure our programs and regulations adhere to the requirements so that we can properly review and process applications under the Live Local Act. This would also ensure that we properly administer and apply the new provisions for affordable housing, expedited permitting, tax exemptions, and other provisions in a way that safeguards the public's health, safety, and welfare.

### **What is a Moratorium?**

Generally, moratoria on land use are temporary, legislatively enacted periods during which a local government stops giving some type of permit. The moratorium allows local governments to ensure that a community's problems are not compounded during the time the local government needs to formulate and implement a policy response to an issue. Moratoria also prevents developers and landowners from racing to beat planned or imminent land use changes by carrying out development that is poorly planned or harmful to the community. By providing such assistance, moratoria gives local governments more time to engage in sound planning practices.

### **Moratorium Being Proposed**

The item for the Council's consideration is a 12-month temporary moratorium on the acceptance of applications for, the processing of, and the issuance of development permits and development orders within the Village's municipal boundaries for Qualifying Developments under the Act to allow time for the Village to review, study, hold public hearings, prepare, and adopt potential changes to its Code of Ordinances, Comprehensive Plan and/or its Land Development Regulations, as more particularly set forth above. The duration of the moratorium should be strictly limited to the time necessary for the Village to address the policy, code, and program changes needed to implement the Act.

The proposed moratorium ordinance will be presented to the Village Council for consideration on 1st reading at the December 14, 2023, meeting.

### **FISCAL IMPACT:**

The adoption of a moratorium does not have a direct fiscal impact on the Village.

**Note:** The proposed ordinance is required to ensure the village's compliance with state law, and is solely placing a temporary limitation on qualifying developments under the Live Local Act, and is therefore exempt from a **Business Impact Estimate**. Additionally, in its efforts to implement state requirements for affordable housing, the proposed ordinance does not have a direct economic impact on existing private, for-profit businesses in Palm Springs.

### **ATTACHMENTS:**

1. Proposed Ordinance No. 2024-02 - Moratorium of Live Local Act

**ORDINANCE NO. 2024-02**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING A TWELVE (12) MONTH MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF ALL APPLICATIONS FOR DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, BUILDING PERMITS, AND ZONING APPROVALS FOR ALL PROPOSED DEVELOPMENTS AUTHORIZED UNDER FLORIDA STATUTE SECTION 166.04151(7) WITHIN THE VILLAGE OF PALM SPRINGS' MUNICIPAL BOUNDARIES; ESTABLISHING PROCEDURES FOR EARLY TERMINATION AND EXTENSION OF THIS MORATORIUM; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE**

**WHEREAS**, the Village of Palm Springs, Florida ("Village") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution, Chapters 166 and 163, Florida Statutes; and

**WHEREAS**, the State of Florida adopted the Live Local Act ("Act"), which went into effect July 1, 2023, and is designed to increase the development of affordable housing throughout the State; and

**WHEREAS**, the Act requires local governments to make multifamily and mixed-use residential allowable uses in areas zoned commercial, industrial, or mixed use if at least 40% of the proposed development's multifamily residential rental units are affordable, as defined under state law, for a period of at least 30 years ("Qualifying Developments"); and

**WHEREAS**, the Act places the burden of assuring affordability of the units on the Village; and

**WHEREAS**, the Village currently does not have an affordable housing program or related ordinance; and

**WHEREAS**, the Village needs additional time to develop policies and procedures to ensure that Qualified Developments are providing the required affordable housing units for the minimum 30 year period, which may include monitoring and reporting requirements, enforcement procedures, and penalties for noncompliance; and

**WHEREAS**, the Act requires the Village to administratively approve a Qualifying Development without holding hearings before the Village Council; and

**WHEREAS**, the Act also requires local governments maintain a policy containing the procedures and expectations for expedited processing of building permits and development orders that are required to be expedited by law on the local governments' websites; and

**WHEREAS**, the Village needs time to develop policies and procedures for administratively approving Qualifying Developments; and

**WHEREAS**, the Act permits local governments to adopt an ordinance exempting portions of property used to provide affordable housing from ad valorem property taxes; and

**WHEREAS**, the Act encourages local governments to adopt ordinances to promote innovate housing solutions, such as utilizing publicly held land to develop affordable housing; and

**WHEREAS**, the Village needs time to research whether and how to implement these additional directives contained in the Act; and

**WHEREAS**, a twelve (12) month moratorium on the acceptance, processing, and consideration of all applications for development orders, development permits, building permits, and zoning approvals for all proposed Qualifying Developments within the Village's municipal boundaries will allow time for the Village to review, study, hold public hearings, prepare, and adopt potential changes to its Code of Ordinances, Comprehensive Plan, and/or its Land Development Regulations as contemplated by the Act; and

**WHEREAS**, the duration of the moratorium should be strictly limited to the time necessary for the Village to address the policy, Code of Ordinances, and program changes needed to implement the Act; and

**WHEREAS**, the adoption of this Ordinance is undertaken in good faith and is intended to facilitate the Village's compliance with the Act's requirements and implement programs furthering the Act's goals; and

**WHEREAS**, the Village Council has determined that it is in the best interests and general health, safety, and welfare of the Village to adopt this Ordinance.

**NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Recitals. The foregoing recitals are hereby affirmed and ratified as true and correct findings of the Village Council and incorporated into this Ordinance as if fully set forth herein.

**Section 2.** Moratorium. The Village hereby imposes a twelve (12) month moratorium on the acceptance, processing, and consideration of all applications for development orders, development permits, building permits, and zoning approvals for all proposed Qualifying Developments within the Village’s municipal boundaries in order to provide the Village adequate time to research, interpret, and implement the requirements of the Act in a way that safeguards the public’s health, safety, and welfare.

**Section 3.** Early Termination or Extension of Moratorium. The Village may terminate or extend the moratorium imposed by Section 2 by adoption of an ordinance or resolution of the Village Council.

**Section 4.** Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** Effective Date. This Ordinance shall become effective immediately upon adoption by the Village Council of the Village of Palm Springs, Florida.

Council Member \_\_\_\_\_ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KIMBERLY SCHMITZ, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ord No. 2024-02 Moratorium of Live Local Act

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: \_\_\_\_\_  
BEVERLY SMITH, MAYOR

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_  
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: \_\_\_\_\_  
GLEN J. TORCIVIA, VILLAGE ATTORNEY