



## Memorandum

**Memorandum No: 23-107**

**Date:** December 18, 2023

**To:** Honorable Mayor, Vice Mayor, and Commissioners

**From:** Greg Chavarria, City Manager *Susan Grant*

**Re:** **Live Local Act**

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On July 1, 2023, the Live Local Act, adopted by the Florida State Legislature and signed into law by Governor DeSantis, became effective. The Live Local Act is a multifaceted affordable housing piece of legislation that provides for an increase in state funding for housing programs, amends State Statute, and creates new statutory language aimed at increasing the amount of affordable housing statewide as well as removing regulatory barriers to development.

The Live Local Act created Section 166.04151(7), Florida Statutes. This section preempts local government's ability to restrict the development of affordable housing when meeting certain conditions and proposed in areas that are zoned for mixed-use, commercial, or industrial. To travel under this section of the Act, a development must reserve at least 40% of the dwelling units for households that meet low to moderate income standards determined by the state. The Act further provides that a project must be permitted to be built to a height that is equal to or less than the highest allowed height for a commercial or residential development located within the jurisdiction proposed that is within one mile of the proposed development. Additionally, a municipality may not restrict the density of a proposed development below the highest allowed density that is allowed on land in the municipality where residential development is allowed. Provided a proposed development meets the criteria of the Act and all other applicable land use and zoning regulations, a municipality must approve the proposed development administratively.

Staff has analyzed the Live Local Act and considered the language within the context of the City's Unified Land Development Regulations. Based on that analysis, a reference sheet has been developed that provides guidance to the development community and is also suitable to share with the community at large. This document will be made available on the City's website within the Urban Design and Planning page where other development guidance documents are available.

Please contact Development Services Director Christopher Cooper at 954-828-5980 or [ccooper@fortlauderdale.gov](mailto:ccooper@fortlauderdale.gov) if you have any questions.

Attachment – Live Local Act Summary

c: Anthony G. Fajardo, Assistant City Manager  
Susan Grant, Assistant City Manager  
Thomas J. Ansbro, City Attorney  
David R. Soloman, City Clerk  
Patrick Reilly, City Auditor  
Department Directors  
CMO Managers



## **“Live Local” Act Summary**

### **(Section 166.04151(7) - 40% Affordable Requirement)**

#### **APPLICABILITY**

Effective July 1, 2023, the Live Local Act (Section 166.04151, Florida Statutes) provides opportunities for the approval of developments that include affordable housing units in commercial, industrial, and mixed-use zoning districts, as well as an administrative development review process.

The act does not preempt other applicable laws, local ordinances, and zoning regulations, i.e. landscaping, floodplain, parking, impervious surface, and design regulations. In addition, a multifamily development proposed under this portion of the act may be approved without obtaining approval for amendments to existing building height, zoning, and density requirements applicable to the development site.

Pursuant to the City of Fort Lauderdale Unified Land Development Regulations (ULDR), the following zoning districts are eligible under the Live Local Act:

Residential Office (RO)	North Beach Residential Area (NBRA)
Limited Residential Office (ROA)	South Beach Marina and Hotel Area (SBMHA)
Planned Residential Office (ROC)	City Center (RAC-CC)
Community Business (CB)	Arts & Sciences (RAC-AS)
Boulevard Business (B-1)	Urban Village (RAC-UV)
General Business (B-2)	Residential and Professional Office (RAC-RPO)
Heavy Commercial/Light Industrial Business (B-3)	Transitional Mixed-Use (RAC-TMU)—(RAC-EMU, RAC-SMU and RAC-WMU)
Planned Commerce Center (PCC)	SRAC-SA(e)
General Industrial (I)	SRAC-SA(w)
Commerce Center (CC)	Northwest Regional Activity Center—Mixed Use northeast (NWRAC-MU <sub>ne</sub> )
Commercial Recreation (CR)	Northwest Regional Activity Center—Mixed Use east (NWRAC-MU <sub>e</sub> )
Planned Resort (PRD)	Northwest Regional Activity Center—Mixed Use west (NWRAC-MU <sub>w</sub> )
A-1-A Beachfront Area (ABA)	
Sunrise Lane (SLA)	
Intracoastal Overlook Area (IOA)	

#### **REQUIREMENTS**

Section 166.04151(7) is only applicable to development for rental communities. Qualified Developments are limited to mixed-use and multifamily rental developments with at least 40% of units as affordable, targeting households making up to 120% of the area median income. Rental costs, including utilities, cannot exceed 30% of a household's income and will vary based on household size. Residential components of mixed-use developments must be at least 65% of the total square footage. The commitment to affordability must last for at least 30 years.

#### **DENSITY REGULATION**

A municipality may not restrict a qualifying development to a density below the highest allowed density on any land in the municipality where residential development is allowed. Although in the City of Fort Lauderdale, the highest density permitted by right in a residential zoning district is 60 units per acre (RMH-60 district), residential developments can be constructed at a greater density within the City provided that the overall building form of the development conforms with other applicable land development regulations on a given development site.



### **HEIGHT REGULATION**

Proposed developments are permitted at a height equal to the highest allowed for commercial or residential developments within one mile of the qualifying development site in the city or a minimum of three stories in height, whichever is higher. The highest building height in both residential and commercial zoning districts throughout the city ranges from 110 feet to the maximum building height permitted by the Federal Aviation Administration. Provisions of the ULDR providing an option for a conditional use permit for additional height cannot be used to establish height. Proposed developments must adhere to all applicable masterplan requirements, including setbacks, setback and podium standards, except the maximum height standards established above.

### **ZONING DISTRICT**

A proposed development shall apply all underlying zoning district requirements, except for the provisions establishing allowable density and height. As an example, a development located within a Boulevard Business (B-1) District shall apply the (B-1) dimensional requirements, mixed use requirements, and specific location requirements.

### **PARKING**

The Live Local Act also requires the City to consider reduced parking for a proposed development, if the development is located within one-half (1/2) mile of a major transit stop, as defined in the ULDR. Applications for parking reductions will be processed pursuant to Section 47-20.3, of the ULDR.

### **REVIEW PROCESS**

Municipalities must administratively approve a qualifying development without holding hearings before governing bodies if it otherwise complies with all other regulations. If a qualifying development is proposed within a commercial, industrial, or mixed-use zoning district, the municipality may not require a rezoning, land use change, special exception or conditional use approval, variance, or comprehensive plan amendment to obtain the height, density, and use preemptions. The project will still need to undergo the typical application process with supporting plans and information demonstrating that it satisfies all applicable laws and applicable zoning regulations. In the City of Fort Lauderdale this process is a Site Plan Level I, Administrative Review. The development permit will be issued by staff.








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Final Audit Report

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