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**Meeting Name:** Planning and Zoning Board  
**Meeting Date:** January 17, 2024  
**Prepared By:** L. Rubin, Town Attorney  
**Item Title:** Ordinance No. 782 – Implementation of Live Local Act

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#### **DISCUSSION:**

As discussed previously with the Board, this office has prepared an Ordinance implementing the provisions of Chapter 2023-17, Laws of Florida, as codified in Section 166.04151(7), Florida Statutes, known as the Live Local Act. The Act was intended to streamline and incentivize affordable housing developments within the State of Florida and preempts certain use, density, and height regulations for qualifying developments that provide for the establishment of affordable multi-family rental housing. Because less than twenty percent of the Town's land area is designated for commercial or industrial use, all qualifying projects within the Town must be mixed-use residential, containing both residential and non-residential components. The Act requires **administrative approval** for mixed-use residential developments where at least forty percent (40%) of the residential units are, for a period of at least thirty years, affordable as defined in Section 420.004, Florida Statutes.

The purpose of the proposed Ordinance is to supplement and clarify the provisions of the Act and provides as follows:

1. Live local projects are permitted in each of the Town's commercial zoning districts: Commercial General (CG), Commercial Office (CO), and Medical Commercial (MC).
2. All projects shall be reviewed by the Town's Development Review Committee and shall be subject to the Site Plan and Appearance Review procedures and shall meet all criteria set forth in Article II, Division 4 of Chapter 34 (Zoning).
3. Upon receipt of an application, the Town shall notify the public by posting notice of the application on the Town website and providing notice to the public through the Town's e-mail database. The notice shall indicate that copies of all application materials are available upon request.
4. The application shall be subject to administrative review and approval by the Planning and Zoning Director as required by the Act and shall only be approved if it meets all applicable land development regulations, including the Town's community appearance standards. Additionally, the Director shall determine whether the project is consistent with the Town's Comprehensive Development Plan, except

those provisions expressly preempted by statute (relating to location within specified zoning districts, height, and density). The application shall also be subject to engineering review during the building permitting process.

5. The maximum height shall be limited to height permitted as of right (without any bonuses available via special exception or otherwise) for a residential or commercial project within the Town within one mile of the proposed project. The maximum height of any structure within the Town is twelve (12) stories and one hundred and thirty (30) feet (as permitted in the Residential High (RH) zoning district).

6. The maximum density is limited to maximum residential density permitted as of right for a residential or commercial project within the Town or eighteen (18) units per acre as permitted in the Residential High (RH) zoning district.

7. All projects shall have maximum of seventy-five percent of residential use based on total gross floor area consistent with the existing regulations governing mixed-use projects in commercial zoning districts.

8. If the project is utilizing the height and density permitted in the Residential High (RH) zoning district, the Town shall apply the building site area regulations for that district, including the expanded high-rise setbacks. For purely non-residential components or for mixed-use structures that do not exceed four stories or sixty feet in height, the project shall comply with the building site area regulations of the underlying zoning district.

9. The project shall provide two parking spaces per residential unit and one guest space for every seven units as required for residential projects within commercial zoning districts. Parking for the commercial uses shall meet the Code requirements. Because there are no major transit stops within the Town, the Town will not consider reduction in these requirements; however, the project may propose shared parking in accordance with the Code requirements. Approval of shared parking is not mandatory.

10. Affordable units and market units shall be located within the same structure. All common areas and amenities shall be accessible and available to all residents. Access to the required affordable dwelling units shall be provided through the same principal entrances utilized by all other dwelling units in the development. The sizes and number of bedrooms in the affordable dwelling units shall be proportional to the square footage and number of bedrooms in market rate dwelling units.

11. All residential and non-residential components shall be located on the same or unified lot.

12. The Town shall impose a condition of approval requiring that 40% of the units remain affordable for a period of 30 years and no permits shall be issued until the property owner executes and delivers to the Town, a covenant, declaration, or other deed restriction ensuring compliance. Additionally, the property owner shall provide to the Town, each year on January 15<sup>th</sup>, copies of all leases then in effect for the affordable units, together with such other documentation necessary to demonstrate that such leases meet the affordability criteria set forth in Section 420.0004, Florida Statutes.

13. Any aggrieved or adversely affected party may appeal any order, decision, or interpretation of the enforcement of these regulations to the Town Council, sitting as the Zoning Board of Adjustment and Appeals.

**Note:** There is a bill (SB 328) pending in the Florida Legislature that would modify the provisions of Section 166.04151(7), Florida Statutes. The bill clarifies that density is the maximum density (or floor area ratio) permitted under the municipality's land development regulations without consideration of any bonuses, variances, or other special exceptions. Additionally, the maximum height is limited to the

maximum height for a commercial or residential building within one-quarter mile of the proposed project (without consideration of bonuses, variances, or other special exceptions). Furthermore, if the height of each building on property adjacent to the proposed development is three stories or less, a municipality may restrict the height to 125% of the tallest building on property adjacent to the proposed development or three stories, whichever is higher.

**RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board review Ordinance No. 782 and provide a recommendation to the Town Council.