



## “Live Local” Act Summary (Section 166.04151(7) - 40% Requirement)

### APPLICABILITY

The Live Local Act provides opportunities to apply use, height, density, and area specific parking reduction incentives, through an administrative review process for qualifying developments that include affordable housing units proposed in areas zoned for commercial, industrial, mixed-use, or flexibly zoned areas approved for commercial, industrial, or mixed use (i.e. Planned Unit Developments).

The act does not preempt other applicable local laws and zoning regulations, i.e. landscaping, floodplain, applicable parking requirements, impervious surface, and design regulations. In addition, the development must otherwise be consistent with the City and County comprehensive plans, except for provisions establishing allowable densities, height, and land use. Land use regulations waived include maximum units per acre and land use plan amendments on properties with commercial and industrial future land use designations

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

### AFFORDABILITY REQUIREMENTS

Eligible projects are required to be mixed-use multifamily developments with at least 65% of the total square footage devoted to residential purposes, containing at least 40% of units that are rented 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. 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 currently allowed or allowed on July 1, 2023. Based on the provisions of the Live local Act there is no limit on density for a qualifying development.



### **HEIGHT REGULATION**

Proposed developments are permitted at a height equal to the highest currently permitted height for commercial or residential developments within one mile of the qualifying development site, or allowed on July 1, 2023, and are guaranteed a minimum of three stories in height. 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. Conditional requests for height cannot be used to establish height. Proposed developments must adhere to all applicable masterplan requirements, including stepbacks, setback and podium standards, except the maximum height standards established above.

The city may enforce height limitations on developments that are adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes based on the following limitations:

- a. 150% of the tallest building on any property adjacent to the development;
- b. The highest currently allowed height within the municipality, or allowed on July 1, 2023; or
- c. Three stories

In no instance shall a proposed development adjacent to parcels zoned single-family residential and within a single-family residential development that is contiguous to at least 25 single-family homes exceed 10 stories.

### **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.

### **COMMERCIAL SQUARE FOOTAGE**

A municipality may not require more than 10% of the total square footage of a mixed-use residential project to be used for nonresidential purposes.

### **FLOOR AREA RATIO (FAR) and LOT COVERAGE**

The city will not restrict the FAR of a building below 150% of the highest currently allowed FAR or lot coverage on any land in the municipality where development is allowed, or allowed on July 1, 2023, excluding FAR calculations established through incentives, special requests, or variances.

### **HISTORIC PRESERVATION**

If a parcel contains a contributing structure or building within a historic district in the National Register of Historic Places before January 1, 2000, or is a parcel with a structure or building individually listed on the National Register of Historic Places, municipalities may restrict the height of the proposed development to the highest currently allowed height, or allowed on July 1, 2023, for a commercial or residential building within three-fourths of a mile of the qualifying development site irrespective of any conditions, or three stories, whichever is higher.

If a historic structure meets the beforementioned qualifiers, the municipality may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, or density of the proposed development.

### **PARKING**

#### *Parking Reduction*

The city must reduce parking for a proposed development by 15 percent, if the proposed development meets the following criteria:



## DEVELOPMENT SERVICES DEPARTMENT URBAN DESIGN AND PLANNING DIVISION

- a. The proposed development is located within one-quarter ( $\frac{1}{4}$ ) mile of an accessible transit stop, as defined in the Unified Land Development Regulations;
- b. The site is located within one-half ( $\frac{1}{2}$ ) mile of a "major transportation hub" that is accessible by a safe, pedestrian friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or
- c. The subject site must also be within 600 feet of on-street parking, parking lots, or parking garages available for residents of the proposed development. The city will not require the available parking compensate for the reduction in parking requirements, meaning parking spaces used within a parking reduction analysis can be used for multiple analyses, and the lack of available and open parking spaces during a parking reduction analysis cannot be taken into consideration for whether there's available parking.

Three (3) major transportation hubs exist: Southwest Tri-rail Station, Uptown Tri-rail Station, and Downtown Bus Station/Brightline Station.

### *Parking Exemption*

The city shall exempt all parking requirements for proposed mixed-use residential developments within an area recognized by the municipality as a transit-oriented development or area. A development within a transit-oriented development must be mixed-use residential development, and must comply with all requirements except for use, height, density, floor area ratio and parking, excluding any additional right granted by a bonus, variance, conditional use, or other special exception.

The city has no current transit-orientated developments or areas. But, if the Uptown future land use plan amendment is approved, one (1) TOD area will be established, and the TOD parking exemption incentive would apply.

### **AIRPORT ZONING RESTRICTIONS**

Developments near airports are required to adhere to the following regulations:

- 1) A proposed development near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.
- 2) A proposed development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.
- 3) A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to this section.

### **CONFORMING USES**

Developments approved under the Live Local Act shall be treated as a conforming use, even after the expiration of these regulations. Developments that are not in conformance with the affordability requires of these regulations during the required affordability period, the development must be treated as nonconforming use if the issues are not rectified within a "reasonable time".

### **MILITARY INSTALLATIONS**

Developments proposed within  $\frac{1}{2}$  mile of a military installation as identified in Section 163.3175(2) may not be administratively approved. The city has no listed military installations within or surrounding our city boundaries.



### **PUBLIC SECTOR AND HOSPITAL EMPLOYER-SPONSORED HOUSING**

Developers are permitted to create a preference for housing employees of hospitals, health care facilities, and governmental entities.

### **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, mixed-use zoning district, or flexibly zoned areas approved for commercial, industrial, or mixed use, 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. Use the following link for an overview of the submission and review process.

[Submission and Review Procedure](#)

### **REQUESTS AND NOTICE OF INTENT**

Applicants who submitted applications, written request, or notice of intent to use the provisions of Section 166.04151 (7) before the effective date of the Live Local Act, may notify the municipality by July 1, 2024, of its intent to proceed under the act's provisions as they existed at the time of submittal. City's must allow applicants who submitted applications, or above-mentioned forms of notice, the ability to submit revised plans in alignment with the updated act.