

# **CITY OF MADISON LIVE LOCAL ACT RULES & PROCEDURES**

## **WHAT IS THE LIVE LOCAL ACT?**

The Live Local Act (Senate Bill 102/Chapter 2023-17, Laws of Florida) became law on July 1, 2023. The statute is a land use preemption that requires local governments to provide administrative review and approval of affordable multifamily and mixed-use residential rental developments as allowable uses in any area zoned for commercial, industrial, or mixed use.

To qualify, at least 40 percent of the residential units in a proposed multifamily or mixed-use residential rental development must be affordable to income-eligible households (at or below 120 percent of annual median income) for a period of at least 30 years.

For qualified proposed developments, the land use provisions within the Live Local Act preempts local governments from requiring that a qualified development obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for use, density, height, floor area ratio and lot coverage requirement, and parking requirement in limited circumstances. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. Local governments may not require that more than ten percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

Additionally, local governments may approve the development of affordable housing on any parcel which is owned by a religious institution as defined in Section 170.201(20), Florida Statutes, as amended, which contains a house of public worship regardless of underlying zoning so long as at least ten percent of the units included in the project are for housing that is affordable.

The Live Local Act expires on October 1, 2033.

## **TAX EXEMPTIONS**

Pursuant to House Bill 7073, Chapter 2024-158, Laws of Florida, the City Commission has discretionary consideration of the tax incentives offered for Live Local Act developments. City Commission voted to \_\_\_\_\_ tax exemptions for Live Local Act projects within the city limits.

## **LIVE LOCAL QUALIFYING ZONING DISTRICTS**

According to the Live Local Act, land to be developed must be currently zoned for commercial, industrial uses, or mixed-use. Portions of Planned Developments that allow commercial uses, industrial uses or mixed-use also qualify. *However, be advised, the City does not have a mixed use or Planned Development zoning district.* The following districts qualify:

Future Land Use Category	Zoning Districts	
Commercial	“CN”	Commercial, Neighborhood
	“CG”	Commercial, General
	“CI”	Commercial, Intensive
	“C-CBD”	Commercial, Central Business District
Industrial	“I”	Industrial

## LIVE LOCAL NONQUALIFYING AREAS

The Live Local Act excludes recreational and commercial working waterfronts (as defined in Section 342.201(2)(b), Florida Statutes, as amended) and airport-impacted areas (as provided in Section 333.03, Florida Statutes, as amended).

## LIVE LOCAL DEVELOPMENT REGULATIONS

### 1. Development Regulations

- Other than use, height, density, floor area ratio and lot coverage, Live Local projects must follow the development standards such as setbacks, buffers and other zoning requirements for multi-family developments in the “RMF” Residential, Multiple Family zoning district.
- Live Local projects may utilize the height of the highest allowed building height within a mile or three stories whichever is higher, even if that height was permitted through a planned development process unless a lower height is specified in the Florida Statutes.
- Historic Buildings: Specific height restrictions or architectural design requirements may apply. Contact staff for more information.
- In order to ensure that affordable units are provided in a similar manner across all projects, affordable units must meet the following requirements: Affordable units must be located proportionally within the development site. In single-building development sites, affordable units must not be grouped in one portion of the building. In multi-building development sites, affordable units must be located in the majority of the buildings and must not be grouped in one building.
- All common areas and amenities must be accessible and available to all unit occupants (both affordable and market rate units).
- Access to affordable units must be provided through the same principal entrance(s) used by market rate units. An exterior door to an individual unit is exempt from this requirement.
- The size and number of bedrooms in affordable units must be proportional to the size and number of bedrooms in the market rate units (e.g., if 30% of the market rate units are one-bedroom units, then approximately 30% of the affordable units must be one-bedroom units).
- The finishes and building materials for both the interior and exterior of affordable units must be the same as those used for market rate units.
- Additional fees such as laundry, parking, cable TV or other services must be charged at the same rate (or less) for affordable units as for market rate units.

2. **Mixed-Use**

- Per the statutory requirements, mixed-use development is permitted when at least 65 percent of the total square footage is used for residential purposes. *Be advised, the City does not currently have a mixed-use zoning district.*

3. **Parking**

- Parking must be in accordance with the City's Land Development Regulations, which includes parking reductions in certain locations. Parking reductions per the Live Local Act and Land Development Regulations allowances will be evaluated on a case-by-case basis.
- Parking, upon request of an applicant, will be reduced by 15 percent for a Live Local project if the project is located within 1/4 mile of an accessible transit stop, 1/2 mile of a major transportation hub, or has available parking within 600 feet of the proposed development. Further restrictions may apply depending on the location of the proposed development.

4. **Zoning Actions (Variances, Special Exceptions)**

- A development authorized under the Live Local Act must comply with all applicable state and local laws and regulations.

## **LIVE LOCAL DEVELOPMENT PROCESS**

1. **Pre-Application Meeting:** A scheduled pre-application meeting with City staff will be held to determine if a proposed development is qualified. The applicant will address consistency with the Live Local Act, site-design requirements, financial capacity to sustain the project's affordability, and qualified program-management resources available for determining future residents' income eligibility and ensuring affordability thresholds are maintained.
2. **Written Narrative:** The applicant will provide a written narrative describing the project's consistency with state statute, including, but not limited to, the square footage allocated to all proposed uses, number of units, and height; and
3. **Land Use Restrictions Agreement:** The applicant will provide Land Use Restrictions Agreement for the City Attorney's Office to review. A fully executed and recorded Land use Restrictions Agreement is required prior to administrative approval.
4. **Application:** The applicant will complete a Live Local application prepared by the City. All qualifying project applications will receive administrative review. Such application must be submitted prior to submittal of a building permit. The required site and development plan shall include the elements listed in Section 14.11.1 of the Land Development Regulations.
5. **Plan Review:** The Land Development Regulation Administrator and appropriate City staff will review the plans and provide comments that are emailed to the applicant. The applicant will respond to staff's comments. Revised site plans, landscape plans, or other information needed to satisfy the comments shall be submitted with the written responses in the same quantities as the number of reviewers. The site plan will be approved when all staff comments have been

satisfied. For site plan approval, seven (7) sets of site plans will be required. (One (1) Final sets for each: Owner, Contractor, Engineer of Record, City Inspections, Public Works, Utilities, and Land Development Regulation Administrator). If a site needs a variance or any requests for alternative development standards such as reduced setbacks, buffers, signage or other development standards must be reviewed by the appropriate City Board and/or City Commission.

Once the site and development plan has received approval, the City Manager will sign the documents and have staff record them in the Official Records of Madison County, Florida. City staff provides fully executed Land Use Restrictions Agreement and Consent and Subordination of Lienholder. Building Department shall advise the City Manager when project is complete and Certificate of Occupancy is issued. Planning Department will commence compliance and monitoring.

## **MONITORING AFFORDABILITY**

To ensure that units remain affordable for the entire 30-year duration of the affordability requirement, all projects will be subject to a requirement for a restrictive covenant. The property owner shall execute and deliver to the City, on a form approved by the City Attorney, a covenant, declaration of restriction, or other deed restriction in favor of the City ensuring compliance with the affordability requirements. The document must be approved and executed prior to the issuance of a building permit and must be recorded in the Official Records of Madison County, Florida, at the applicant's expense. During the affordability period, the property owner shall submit documentation necessary to demonstrate that the affordable units meet the affordability criteria as set forth in Section 420.0004, Florida Statutes, as amended, pursuant to a schedule to be established as part of the site plan review to the City.

**DISCLAIMER:** This document will be updated per Florida Statutes from time to time.