



## Background

1. On March 29, 2023, Governor DeSantis signed Senate Bill 102, which is known as the Live Local Act (LLA) with an effective date of July 1, 2023.
2. It addresses a variety of housing policies including funding, tax incentives, and substantial amendments to the state's housing strategy such as providing incentives to developers to construct affordable and workforce housing in the state.
3. On May 16, 2024, Governor DeSantis signed into law Senate Bill 328, an amendment to the LLA with an immediate effective date.
4. The state requires Palm Coast and all other cities/counties within the state to comply with the LLA. This law has numerous preemptions superseding local land development requirements.
5. On November 12, 2024, the Palm Coast City Council adopted Ordinance 2024-17 to implement the Live Local Act within the City.

## Land Use Standards

1. State law requires Palm Coast to administratively approve affordable housing developments in commercial and industrial zoned properties. LLA developments are authorized in the COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, and IND-2 zoning districts provided they are mixed-use and meet the Land Development Code and Section 166.04151 Florida Statutes. This administrative approval requirement of the law supersedes the City's normal requirement to hold public hearings/notice for projects that exceed 40 residential units or 40,000 square feet of non-residential building area. Due to this state requirement, neighborhood meetings are not required for projects developed pursuant to the Live Local Act.
2. The Live Local Act does not apply to land zoned as Master Planned Developments.
3. The law preempts local governments from regulating the use, density, height, or floor area ratio of an affordable housing development (rental projects) until October 1, 2033, if the project has:
  - A. At least 40 percent of the units must be affordable for households up to 120 percent of Area Median Income (AMI) for at least 30 years.
4. The project is required to be mixed-use with a minimum of 65 percent of the building area used for residential purposes. In vertically mixed-used projects, 33 percent of the building area is required for non-residential use. In horizontally mixed-use projects, 35 percent of the building area is required for non-residential use.
  - A. Developments shall submit the residential and non-residential portions of the project concurrently within the same application to ensure the mixed-use nature of the project. If the development is phased, the non-residential portion of the project shall be constructed prior to the residential portion.

- B. The non-residential component must be a principal use based on the underlying zoning district and is not able to be an ancillary use of the residential component, an adult-oriented business, or mini-warehouses, office warehouses and/or self-storage facilities.
5. Under the LLA, affordable housing developments are entitled to the following:
- A. Use – Live Local Mixed-Use Residential Developments (LLA developments) are allowed to be constructed within COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, IND-2 zoning districts and are subject to administrative approval.
    - LLA developments within one-quarter mile of a military installation or an airport-impacted area, as defined by Section 333.03 Florida Statutes, are not subject to administrative approval.
  - B. Density – LLA developments are entitled to the highest density allowed in any zoning district within the city.
  - C. Height – LLA developments are allowed to use the city’s highest allowed height within one mile of the proposed development, or three stories, whichever is higher.
    - LLA developments adjacent, by two or more sides, to single-family zoning classifications with a residential subdivision of at least 25 contiguous units are limited to no more than 150 percent of the tallest adjacent building, the maximum currently allowed height for the property, or three stories, whichever is higher.
  - D. Floor Area Ratio – LLA developments are entitled to 150 percent of the highest floor area ratio (FAR) allowed by any zoning district within the city.
  - E. Parking Reductions – The City does not have any “major transportation” hubs as defined by state statute or Transit Oriented Developments but recognized that LLA developments would benefit from reduced parking requirements. LLA Developments one-quarter mile of a transit stop or within 600 feet of an area with available surplus parking consisting of on-street, parking lots, or parking garages that can be utilized to meet the needs of the development the minimum parking requirements are eligible for a 20 percent reduction to its parking requirements. Provided that any available surplus parking utilized is memorialized by a shared parking agreement.
6. LLA developments must adhere to all applicable state and local laws and regulations not otherwise preempted by the LLA or Ordinance 2024-17. LLA developments shall be subject to the execution of a Land Use Restriction Agreement to ensure compliance with the requirements of the law and provide for compliance monitoring of a project.

## **Procedures for Development**

The procedures for qualifying a development under the Live Local law shall follow the City's administrative approval process for a site plan as described in the Unified Land Development Code, Chapter 2 Review, Authority, and Procedures, Part II – Development Orders and Agreements – Applications and Procedures as amended. The project shall be consistent with both state statute and the Land Development Code. Additionally, the project shall require the execution and recording of a Land Use Restriction Agreement to ensure the affordable nature of the project is protected for the full duration of the affordability period and provide for compliance monitoring.

## Surplus Land Inventory

In compliance with the LLA, as of November 30, 2024, the City of Palm Coast does not own surplus land that is appropriate for the development of affordable housing. This statement shall be updated as required by law.

## Resources

- [Ordinance 2024-17](#)
- [Map of Commercial and Industrial Zoned Property](#)
- [Land Use Restriction Agreement \(LURA\) Template](#)

The posting of these procedures complies with the requirements of Section 166.04151(7)(e) of the Florida Statutes.

For further information regarding the Live Local Act, please contact the Planning Division at (386)986-2360.