

Live Local Act (SB 102)

Applicability in Gainesville

What is the Live Local Act?

The Live Local Act (codified in Sec. 166.04151, *Florida Statutes*) restricts a local government's ability to regulate the **use/location, density, and height** of multifamily or mixed-use residential developments that meet the following ("Qualifying Developments"):

- The residential development is located in any area zoned for commercial, industrial, or mixed-use.
- For multifamily developments, at least 40% of units are affordable.
- For mixed-use developments, at least 65% of the total square footage is residential and at least 40% of units are affordable.
- Affordable means units restricted to households up to 120% AMI. The cost (including utilities) for such units cannot exceed 30% of the tenant's income, and will vary based on household size. The commitment to affordability must last for at least 30 years.

How does the Live Local Act apply in Gainesville?

- **Use/location**. The Live Local Act allows Qualifying Developments in the City's non-residential zoning districts (see the table in Sec. 30-4.1 and definitions in Sec. 30-2.1 of the Land Development Code), which are as follows:
 - Transect zones U3 – DT (the LDC defines U1 and U2 as residential zoning districts)
 - Mixed-Use and Nonresidential
 - MU-1 Mixed-Use Low-Intensity
 - MU-2 Mixed-Use Medium-Intensity
 - OR Office Residential
 - OF General Office
 - CP Corporate Park
 - BUS General Business
 - BA Automotive-Oriented Business
 - BT Tourist-Oriented Business
 - BI Business Industrial
 - W Warehousing and Wholesaling
 - I-1 Limited Industrial
 - I-2 General Industrial
- **Density**. The Live Local Act allows Qualifying Developments to build to the highest density allowed within the City, which is 150 units/acre. Density bonuses are not applicable to Qualifying Developments.

- **Height.** The Live Local Act allows Qualifying Developments to build to the highest currently allowed height for a commercial or residential development within 1 mile of the proposed development or 3 stories, whichever is higher. Legal nonconforming heights and height bonuses are not applicable for determining allowable height for Qualifying Developments.
 - **2024 update per state amendment:** if the proposed development is 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, maximum height may be limited to 150 percent of the tallest building within 1/4 mile, 3 stories, or the maximum allowed by the zoning district, whichever is higher.
- **Additional Criteria.**
 - All other state and local laws apply, including the Comprehensive Plan and zoning regulations for multifamily developments in the applicable zoning district (e.g., setbacks, parking, design, environmental, stormwater requirements, etc.).
 - For Qualifying Developments in zoning districts that do not include regulations for multifamily developments (such as industrial districts or other districts that do not customarily allow for residential uses), the development standards that otherwise apply to multifamily developments will apply.
- **Approval Process.** Qualifying Developments will be processed administratively and will not require board approval. In addition, Qualifying Developments will not require a Comprehensive Plan amendment, land use or zoning change, special exception, conditional use approval, or variance for the use/location, density, and height allowed by the Live Local Act.
 - Administrative review means staff-level review through the City’s electronic review process, including Sec. 30-3.45 and any Land Development Code sections applicable to development plan review (including Neighborhood Workshops, etc.).
 - Applications for Qualifying Developments must include a City-approved legal and enforceable mechanism for ensuring that affordable units are monitored and remain affordable for the specified time period. Coordination with the City Attorney’s Office will be necessary.

Questions on the applicability of the Live Local Act should be directed to:

planning@gainesvillefl.gov

352-334-5023