



*City of*  
**Lake Worth  
Beach**  
FLORIDA<sup>SM</sup>

# Live Local

## Lake Worth Beach

**The Live Local Act  
(Chapter 2023-17)  
becomes effective  
July 1, 2023.**

[lakeworthbeachfl.gov](http://lakeworthbeachfl.gov)

## ABOUT THE PROGRAM

**Chapter 2023-17, Laws of Florida, recently enacted by the Legislature (Live Local Act), becomes effective July 1, 2023. This new legislation includes amendments to Section 166.04151, Florida Statutes, regarding municipal regulation of affordable and workforce housing.**

A major change is the addition of subsection seven that requires a municipality to authorize multifamily and mixed-use residential projects, if the project meets certain qualifications, and only in areas zoned for commercial, industrial, or mixed use (not residential zoning districts). Further, the new subsection also requires that approval of such projects must be made administratively without any further action by the governing body of the municipality. This administrative approval is predicated on the fact that the project complies with the municipality's LDRs for multifamily developments and is consistent with the comprehensive plan, except for provisions establishing density, height, and land use.

### Minimum Requirements to Qualify for the new Administrative Review Process:

- Forty percent (40%) of residential units must be income restricted for a period of at least 30 years.
- Affordable is defined in F.S. 420.004, which includes units from very low income (30% or less of area median income) to moderate income levels (120% of area median income).
- For a mixed-use project, 65% of the of the total square footage must be residential.
- Development must be consistent with all other City requirements for new development except for land use, height, and density, which are preempted by the new statutory established limits.

## The Required Land Development Regulations:

The new administrative review process without further action of the governing body of the municipality is only available if the project complies with the municipality's LDRs for multifamily developments and is consistent with the comprehensive plan with the exception of provisions establishing density, height, and land use.

The following is a list of all the requirements developments must comply regardless of the approval process:

- Floor Area Ratio (FAR)
- Setbacks, including additional setbacks for stories above 30 ft and from rear property lines
- Wall Height at Side Setbacks
- Building Lot Coverage
- Overall Impermeable Surface Area
- Major Thoroughfare Design Guidelines
- Historic Preservation Design Guidelines
- Landscaping
- Sustainable Site and Building Design Qualitative and Performance Standards
- Lake Worth Beach Affordable/Workforce Housing Program
- Sustainable Bonus Incentive Fees (Tier One)
- Parking
- Unit Size
- Micro Unit Housing

## Density & Height Preemption – How it works:

The municipality may not require projects that qualify for administrative review to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment to facilitate the proposed projects under the statutorily allowed parameters, which include:

1. For mixed-use residential projects, at least 65% of the total square footage of the project must be used for residential purposes;
2. Density must be allowed at no less than the highest allowed density on any land in the municipality where residential development is allowed;
3. Height must be allowed at no less than the highest currently allowed height for a commercial or residential development in the municipality within 1 mile of the proposed project, or 3 stories, whichever is higher;

4. Reduced parking requirements must be considered if the project, otherwise meeting the criteria under this subsection, is located within ½ mile of a major transit stop and the major transit stop is accessible from the project; and
5. If the municipality designates less than 20% of the land in its jurisdiction for commercial or industrial purposes, the projects are required to be allowed by the municipality only if they are mixed-use residential.

### **Density**

The highest allowed density on any land in the City, where residential development is allowed, is identified in the MF-40 district, which is also used in the DT, TOD-E and TOD-W districts. **In accordance with provision #2, above, density consistent with MF-40 (40 dwelling units per acre) would be the maximum density for all projects that meet the criteria under this new legislation.** An additional six (6) units per acre is provided through the City's Affordable/Workforce Housing program. Together the maximum density for a Live Local project would be forty-six (46) units per acre.

### **Height**

The maximum allowable height in every zoning district within the City is 30 ft, not to exceed 2 stories, by right and may be increased through participation in the Sustainable Bonus Incentive Program (SBIP). The City has several multifamily residential and mixed-use commercial zoning districts that have the opportunity for height exceeding 3 stories to heights of four (4) stories and forty-five (45) ft or six (6) stories and sixty-five (65) ft. The City's mixed-use commercial zoning districts all allow residential development.

A Live Local application eligible for the new administrative approval process cannot exceed the highest currently allowed height for commercial or residential development within 1 mile of the proposed project site. **The maximum height would typically be between 4 – 6 stories depending on the distance from the applicable zoning district.** Any proposed project over two stories still must satisfy the requirements of the SBIP, including paying the required SBIP incentive fees, even though the proposed project would be subject to administrative level review.

## **Property Tax Exemptions**

The preemption adopted by the State also provides the opportunity for a municipality to adopt certain property tax exemptions to support the creation of affordable housing units with rents at 60% of AMI or below.

## **Applicable Zoning Districts**

Downtown – DT, Mixed Use East – MUE, Mixed Use West – MUW, Mixed Use Dixie Highway – MUDH, Mixed Use Federal Highway – MUFH, Neighborhood Commercial – NC, Artisanal Industrial – AI, Industrial Park of Commerce – IPOC, Transit Oriented Development East – TOD-E and Transit Oriented Development West – TOD-W

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### **For More Information Contact**

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