

CITY OF OAKLAND PARK

LIVE LOCAL ACT POLICY

Purpose

This Live Local Policy aims to ensure the creation of mixed-use developments that provide affordable housing while promoting economic development and maintaining compliance with the City of Oakland Park's Comprehensive Plan and Land Development Code.

The purpose of this policy is to establish clear procedures and regulations for the development of mixed-use affordable housing developments in the City of Oakland Park in accordance with Section 166.04151(7) Florida Statutes as created by Chapter 2023-17 (SB 102) and Chapter 2024-188 (SB 328) Laws of Florida, also known as the "Live Local Act" (the "Act"). This policy aims to streamline the approval process to ensure compliance with affordability requirements, and maintain the integrity of land use regulations.

Applicability

Applications for a qualifying development pursuant to this policy must be deemed complete prior to October 1, 2033. No applications for qualifying developments shall be accepted after October 1, 2033, unless the legislature extends or reenacts Section 166.04151(7), Florida Statutes.

Zoning Districts

This policy applies to all applications for qualifying developments pursuant to the Act within the City of Oakland Park, on properties zoned for commercial or industrial. Qualifying developments are permitted in the following zoning districts:

- B-1 Community Business District
- B-2 General Business District
- B-3 Commercial Industrial District
- I-1 Light Industrial District
- NB- Neighborhood Business
- PCC-1 Planned Office Center
- PCC-2 Planned Business Center
- PCC-3 Planned Light Industrial Center

Minimum Qualification for Live Local Project

Pursuant to Section 166.04151(7), to qualify for consideration under the Live Local Act (the "Act"), a proposed development must meet the following minimum qualifications:

Unified Control: The entire development site, including all residential and non-residential components, must be under unified control. Legal documentation demonstrating unified control must be provided as part of the application.

Affordable Housing: A minimum of forty percent (40%) of the residential units must be dedicated to attainable rental housing of no more than 120% Area Median Income (AMI), for a period of at least thirty (30) years. The developer of the property is required to execute and record a real covenant that runs with the land restricting the properties use to the terms of the Act.

Percentage Requirements: At least 65% of the total square footage of the development must be dedicated to residential use. No more than 35% and no less than 25% of the total square footage of the development may be devoted to active commercial use. Non-residential components must be accessible to the general public and are restricted to the first floor of the building.

Qualifying Zoning: Properties zoned for commercial or industrial are eligible per the Act which are identified in this policy.

Compliance with Zoning and Land Use: The proposed development must comply with the existing zoning and land use regulations applicable to the site, apart from those regulations preempted by the Act. Qualifying developments must comply with all other applicable land development regulations such as the City of Oakland Park's Land Development Code, the City's Comprehensive Plan 2045, Florida Building Code, and any other state, county, or local regulations.

Application Requirements: The application must include all necessary documentation demonstrating compliance with the minimum qualifications of this policy, including detailed site plans, unit breakdowns, affordability commitments, and legal control of the site. The requirements of this policy are separate from the requirements of the Development Review Committee (DRC) requirements.

Definitions

- **Amenity:** An *amenity* refers to any feature or facility provided within a development that enhances the living conditions, convenience, or recreational opportunities for residents. Amenities include swimming pools, fitness centers, community rooms, dog parks, and basketball courts; other amenities may be considered and approved solely at the discretion of the City. Amenities must be accessible to all residents, regardless of rental category or income, and should promote a higher quality of life within the development.
- **Non-Conforming:** A *non-conforming* status applies to any development approved under the Live Local Act (Section 166.04151(7), Florida Statutes) that no longer complies with the Act's affordability requirements. If a development fails to maintain compliance with the affordability conditions (e.g., minimum 40% affordable units at ≤ 120% AMI for 30 years), it will be designated as a *non-conforming use* and subject to all underlying zoning regulations in effect at the time of the violation, including potential loss of vested rights and enforcement actions.
- **Non-Compliant:** A *non-compliant* status is assigned to any development or property that fails to adhere to the standards and requirements established under the Live Local Act Policy, including affordability commitments, development regulations, and annual reporting obligations. Non-compliance results in immediate enforcement actions, including fines, revocation of the Live Local Act designation, loss of preemptions or zoning benefits, and reversion to standard City zoning regulations.
- **Live Local Act (LLA) Zoning Designation:** An overlay zoning designation applied to developments that qualify under the Live Local Act, granting specific zoning bonuses for affordable housing projects.

- **Major Transportation Hub:** Any transit station, whether bus, train, or light rail, served by public transit with a mix of other transportation options.
- **Mixed-Use:** Means a development pattern on a single unified site that allows a mix of residential uses with compatible non-residential uses, such as but not limited to, office, service, retail, entertainment, and food/beverage, designed in a pedestrian-oriented environment. The development pattern may be vertical, accommodating multiple principle uses within a single building, or horizontal, with single use buildings adjacent to each other.
- **Nonconforming Use:** A property that no longer complies with the zoning or development regulations applicable to it due to failure to maintain the required number of affordable units as outlined in the Live Local Act or related city ordinances.
- **Transit Corridor:** Federal Highway, Oakland Park Boulevard, and Commercial Blvd.
- **Transit-Oriented Development (TOD):** An area recognized by the City that integrates residential, commercial, and recreational spaces within close proximity to public transit.
- **Qualifying Development:** A mixed-use development proposed pursuant to Section 166.04151(7), Florida Statutes, with sixty-five percent (65%) of the total square footage used for residential purposes, at least forty percent (40%) of which are affordable, as defined in Section 420.0004, Florida Statutes, for a period of at least thirty (30) years, with the remaining thirty-five percent (35%) of the total square footage dedicated to non-residential uses, as provided in the applicable zoning district.

Preemption per the Act

Pursuant to Section, 166.04151(7), Florida Statutes, a qualifying development preempts the density, Floor Area Ratio (FAR), Height, Use, and Parking as follows:

Density

Pursuant to Section, 166.04151(7)(b), Florida Statutes, the City shall not restrict the density of such developments below the highest currently allowed density in any area zoned for residential development.

City of Oakland Park Highest Density: Downtown Core - 65 du/ acre

Highest Allowable per the Act: 65 du/ acre

Floor Area Ratio (FAR)

Pursuant to Section 166.04151(7)(c), Florida Statutes, the City shall not restrict the FAR of a qualifying development below 150% of the highest currently allowed FAR in any area zoned for development that allows residential.

City of Oakland Park Highest FAR: 4.0

Highest Allowable per the Act: 6.0

Height

Pursuant to Section, 166.04151(7)(d), Florida Statutes, the City shall not restrict the height of proposed developments below the highest currently allowed height for commercial or residential buildings located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Height does not



include the height of any building that was developed utilizing the Act or the height of any building that has received any bonus, variance, or other special exception for height as an incentive for development.

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, the municipality may restrict the height of the proposed development to 150% of the tallest building on any property adjacent to the proposed development, the highest currently allowed height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher.

Use

Pursuant to Section, 166.04151(7)(a), Florida Statutes, the City must authorize mixed-use residential as an allowable use in any area zoned for commercial or industrial if at least 40% of the residential units in the proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in Section 420.0004, Florida Statutes. For all mixed-use residential projects, at least 65% of the total square footage must be used for residential purposes. Qualifying mixed-use residential developments pursuant to the Act are permitted in the following Oakland Park zoning districts:

- B-1 Community Business District
- B-2 General Business District
- B-3 Commercial Industrial District
- I-1 Light Industrial District
- NB- Neighborhood Business
- PCC-1 Planned Office Center
- PCC-2 Planned Business Center
- PCC-3 Planned Light Industrial Center

Parking

Pursuant to Section, 166.04151(7)(f), Florida Statutes, parking requirements shall be provided as required by the City Land Development Code unless one of the following conditions are met:

1. The municipality parking requirements will be considered for reduced parking for developments located within one-quarter mile of transit stop along a transit corridor and the transit stop is directly accessible from the development. Transit corridors are identified by the City's and Development Code as:
 - Federal Highway
 - Oakland Park Boulevard
 - Commercial Boulevard
 - Powerline Road
2. The municipality parking requirements must be reduced by at least 20% for developments within one-half mile of a major transportation hub that is accessible by pedestrian-friendly means and has available parking within 600 feet, however:
 - No major transportation hubs are located within the municipal boundaries of the City of Oakland Park.
3. The municipality parking requirements must be eliminated for mixed-use residential developments within a transit-oriented development or area, however:

- No transit-oriented development or areas are located within the municipal boundaries of the City of Oakland Park.

Minimum Development Requirements

Unified Lot Requirement

All land in a qualifying development, encompassing residential and non-residential components, must be under legal unified control as determined by deed, unity of title or other acceptable means. This ensures cohesive planning and management of the development site, promoting integrated and harmonious land use.

Residential

Residential Uses

A minimum of 65% of the total square footage of a qualifying development shall be dedicated to residential use.

No residential use shall be located on the first or ground floor, other than a residential lobby or accessory use.

All residential units developed under this policy shall be used exclusively for long-term residential purposes. No unit within a qualifying development shall be used for vacation rentals, short-term rentals, or transient public lodging as defined by Florida Statutes. Any rental of a unit for less than 6 months and one day shall be prohibited, and property owners must execute a covenant agreeing to this restriction. This covenant shall be recorded and run with the land, binding all future owners. Violations of this provision will result in enforcement actions, including fines and revocation of the Live Local Act designation.

Residential Amenities Requirement

For every 30 residential dwelling units within a qualifying development, at least one residential amenity shall be provided. Acceptable amenities include swimming pools, basketball courts, dog parks, community rooms, or fitness centers. Other amenities may be considered and approved solely at the discretion of the City. Amenities must be constructed and operational prior to the issuance of the final certificate of occupancy for the residential units they serve. All amenities must be accessible to all residents, regardless of rental category and or income, and will count towards the residential percentage calculation of the development. Shared spaces, including lobby areas and recreational facilities, will be calculated proportionately towards the residential use.

Equivalency of Affordable Dwelling Units

- Affordable and market rate units must be located within the same structure or proportionately distributed across all structures that house rental units, ensuring no structure consists entirely of market rate units.
- All common areas and amenities must be accessible to all residents.
- Affordable units must use the same principal entrances as market rate units, with townhouse-style units having their own entrances.
- Affordable units must reflect the sizes, and bedroom counts of market rate units proportionately.
- Affordable units must be developed simultaneously with, or prior to, market rate units. If the development is phased, affordable units must be constructed proportionately and concurrently with market rate units.
- Affordable units must have the same exterior appearance and quality of exterior building materials as market rate units.

- g. Affordable units must have the same type and quality of interior building materials and finishes as market rate units.

Phased Development

If the development is phased, affordable housing units must be constructed proportionately and concurrently with market rate units to ensure compliance throughout the development process.

Concurrent construction means that for every phase, affordable units must be constructed in direct proportion to the market-rate units. Developers cannot complete a phase consisting solely of market-rate units. This shall also include parking, amenities and other development requirements.

Commercial Uses and Standards

Commercial Uses

A maximum of 35%, with a minimum of 25% of the total square footage of the qualifying development shall be devoted to active commercial uses accessible to the general public, and not limited to residents. Commercial uses must be located on the same (or unified) plot as the residential components.

All commercial uses shall be located on the ground floor of the development. Commercial spaces must include active commercial uses, such as retail or restaurants, to create vibrant, pedestrian-friendly environments. All commercial uses within a qualifying development must be designed to promote pedestrian activity and be accessible to the general public. These uses must remain open and accessible during standard business hours to ensure ongoing interaction with the public and encourage a lively, walkable environment. Commercial areas that do not contribute to public access or fail to meet these requirements may face revocation of use permits or modifications.

Use Requirements

The Act does not preempt the use regulations for commercial spaces within the designated developments. Within developments authorized under the Live Local Act, commercial uses shall be permitted in accordance with the Downtown Core District as specified in Uses as specified in [Sec. 24-266. Downtown Development District \(OP3D\) Use List](#).

Conditional Use

Any commercial use that requires conditional use approval or is subject to other restrictions shall be subject to the requirements set forth in [Section 24-165](#) of the City of Oakland Park Land Development Code. This includes adherence to any zoning conditions, use limitations, or special approvals as outlined in the City of Oakland Park Land Development Code.

Allocation of Shared Space Square Footage

Shared facilities serving residential purposes (lobbies, service areas) are considered part of the residential gross floor area. Ground-floor spaces serving both commercial and residential purposes must be divided proportionately based on use.

Public Access Along Rights-of-Way and Waterways

For properties that abut public rights-of-way or waterways, developers must provide continuous, ADA compliant, pedestrian access along these boundaries. This access must be integrated into the design of the development, featuring pedestrian pathways, public seating, and landscaping that encourages public use. All access pathways must connect to existing public sidewalks or walkways and be accessible for individuals with

disabilities. Pedestrian access areas may be shared between commercial and residential zones but must be clearly delineated and accessible to the general public.

Design and Setback Compliance

All developments under the Live Local Act must adhere to the OP3D Downtown Design Guidelines and [Article XX - Oakland Park Downtown Development District \(OP3D\) Regulations](#) of the City's Land Development Code. These guidelines include specific architectural design elements, setback requirements, and aesthetic considerations. Structures are permitted to project up to five (5) feet into the required setback above the ground floor to accommodate architectural features such as balconies, screening, or façade elements, provided they contribute to the overall design and pedestrian experience. The projection must not encroach upon pedestrian walkways or conflict with other city ordinances.

Parking Requirements

Unless subject to preemptions allowable per the Act, all development shall comply with the parking requirements of the City's Land Development Code. Parking garages, if used, must be screened from residential properties and shall not be located along roadway frontages. Parking shall not encompass the ground level of the development in place of required commercial uses.

Concurrency Compliance

All qualifying developments under the Live Local Act are subject to concurrency requirements. This includes, but is not limited to, transportation, school, water, sewer, and park concurrency. Developers must demonstrate compliance with concurrency standards as part of the Development Review Process.

Regulatory Compliance

Qualifying developments must comply with all other applicable land development regulations such as the City of Oakland Park's Land Development Code, the City's Comprehensive Plan 2045, Florida Building Code, and any other state, county, or local regulations.

Approval and Review Procedures

Site plan review and approval for qualifying developments will be conducted administratively, with specific submission requirements, including affidavits of commitment, legal documents for unified control, and compliance with zoning and land use provisions.

Pre-Application Meeting

The applicant must schedule and attend a pre-application meeting with the Director of Engineering and Community Development or a designated representative prior to submission of a formal application to ensure initial compliance and provide guidance on submission requirements. A completed draft of the Live Local Application and preliminary site plan is required to schedule the Pre-Application Meeting.

Pre-Application Meetings can be requested by emailing the meeting request, a completed draft Live Local Application, and a draft site plan to:

Lia Castro
Administrative Assistant
Planning and Zoning Division
Email: lia.castro@oaklandparkfl.gov
CC: Planning@oaklandparkfl.gov



Live Local Act Application Submission

For consideration of approval of a project utilizing the Act a full and complete Live Local Act Application must be submitted to the Director of Engineering and Community Development, or designee. The Live Local Act Application is attached to this policy.

Compliance Check

The Director of Engineering and Community Development or a designee will conduct a preliminary review of the submission to determine general compliance with development pursuant to Section 166.04151(7), Florida Statutes, under the Live Local Act, land use designation, zoning, and other city code provisions. Within 10 calendar days, the City will provide the applicant notification as to the status of the submittal and identify any missing information and/ or documentation, if any. The applicant has 10 calendar days to comply otherwise their application will be withdrawn. Complete and compliant applications will be issued a Live Local Verification Letter determining preliminary compliance with the Act, which allows the development to proceed to the next phases of submittal and review. An application will not be deemed complete until all relevant fees are paid.

Neighborhood Participation Meeting

Authorization

Upon receipt of Live Local Verification Letter, the applicant is authorized to schedule the mandatory Neighborhood Participation Meeting. The applicant has thirty (30) calendar days from the date of the issuance of the preliminary compliance authorization to schedule the meeting. A one-time, 30-day, extension can be requested in writing to the Director of Engineering and Community Development or a designee prior to the expiration of the Live Local Verification Letter.

Requirement

This meeting must be conducted in accordance with the City's Land Development Code, allowing community members to provide input and discuss the proposed development. See [Sec. 24-263\(E\)](#) for Neighborhood Participation Meeting requirements.

Development Application Submission

Per the City's Land Development Code, a Development Application can be submitted following the completion of the Neighborhood Participation Meeting. Development Review Procedures are to follow [Sec. 24-273](#) of the City's Land Development Code. All pre-qualified projects must submit their Live Local Verification Letter with their Development Permit Application.

Resubmission

The applicant must resubmit required revisions and additional information within 30 days of the review. Failure to do so may result in application cancellation unless an extension is agreed upon.

Variance Application

If the project does not meet the City's land development regulations (excluding those allowable under the Act for mixed-use, height, density, FAR, or parking), the applicant may apply for a variance or other procedure following the standard City code review process.

Denial

Denial of an application precludes refileing the same application for twelve (12) months from the date of denial.

Appeals

Decisions can be appealed to the City Commission following established procedures, with a stay on actions being appealed until a final decision is made. See [Section 24-232](#) for appeals procedure.

Non-Refundable Fees

Any fees collected for development review are non-refundable.

Notice of Approval (NOA) and LLA Zoning Designation

Upon the issuance of a Notice of Approval for a development project under the Live Local Act (LLA), the Director of Engineering and Community Development will concurrently issue a formal Live Local Act (LLA) designation and administratively assign a LLA zoning which shall be an overlay zoning on the City of Oakland Park's official zoning map. The designation of LLA does not replace the underlying zoning designation on the property.

The LLA zoning designation will explicitly identify the project-specific details related to the preemption utilized via the Act, including but not limited to the density, height, floor area ratio, and any other modifications or exceptions granted under the Act. Pursuant to Section 166.04151(8), Florida Statutes, this LLA designation will ensure that the property is treated as a conforming use for the duration of the project's affordability period.

NOA Expiration

A Notice of Approval and LLA zoning designation expires eighteen (18) months after approval unless a building permit is issued and kept in force. Once building permits are issued, construction is required to begin within six (6) months to remain compliant.

After expiration, the property will be governed by zoning entitlements without the preemptive benefits of Section 166.04151(7), Florida Statutes.

NOA Extension

A one-time, twelve (12) month extension may be granted if all applicable regulations remain unchanged and the applicant applies for an extension during the original eighteen (18) month effective period, demonstrating due diligence. An extension request must be submitted prior to expiration of the NOA to the Director of Engineering and Community Development.

Site Plan Approval Modifications

Modifications to Approved Site Plan

Minor modifications to an approved site plan may be reviewed and approved by the Director of Engineering and Community Development or designee. If any of the following revisions are made, a major amendment to the site plan is required to be resubmitted to the Development Review Committee (DRC):

1. Substantially alter the intent and character of the approved site plan.
2. Propose additional structures not clearly accessory to a principal use.
3. Generate additional off-street parking or intrude into approved parking areas.
4. Substantially alter on- or off-site schematic engineering.
5. Substantially alters the intent and character of the approved landscape plan.

Affordability Commitment

Pursuant to Section 166.04151(7), Florida Statutes, at least forty percent (40%) of the multi-family residential units shall remain affordable, as defined in Section 420.0004, Florida Statutes, for a period of at least thirty

(30) years. Prior to the issuance of Building Permit, the property owner shall execute and deliver to the City for recordation in the public records, 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 this affordability requirement in conjunction with an Affordable Housing Development Agreement.

Deed Restriction: Property owners must execute and record a deed restriction ensuring compliance with the affordability requirement.

Affordable Housing Development Agreement: Property owner must execute and record an Affordable Housing Development Agreement as defined.

Penalties: Violations of the affordability requirement will incur a daily fine of \$250 per dwelling unit in violation, to be deposited into the Affordable Housing Trust Fund.

Annual Reporting Requirements

Annual Compliance Report

Property owners must submit an annual Affidavit of Tenant Affordability to the City. This report shall include the following:

- Certification of compliance with affordability requirements.
- A breakdown of rent prices and tenant income verification for affordable units.
- Documentation of any changes in unit designations (e.g., market rate to affordable).

Submission Deadline

Reports must be submitted by January 31st of each calendar year. Failure to submit the report by the deadline may result in penalties.

Enforcement During Affordability Period

Affordability Monitoring

The City will conduct periodic audits of all qualifying developments during the affordability period to verify compliance with the affordability requirements as outlined in the recorded covenant. This includes ensuring that at least 40% of residential units remain affordable to households earning no more than 120% of the Area Median Income (AMI) for the duration of the affordability period (30 years).

Compliance Checks

The City reserves the right to inspect developments at any time during the affordability period to confirm compliance with affordability commitments, including but not limited to site conditions, accessibility of amenities, and interior upkeep of the development. Property owners are required to provide documentation and access to relevant records upon request.

Loss for Failure to Meet Affordability Requirements

An approved qualifying development project which fails to maintain the required number of affordable dwelling units and does not comply with the affordable housing requirements of this section after notice and ninety (90) days to cure, shall be considered non-conforming as to all portions of the development that do not comply with use and development regulations applicable based on the assigned zoning designation.

All deferred housing fees shall be due and payable in full upon a determination of status for failure to meet the affordable housing requirements of this section.

Subject to applicable notice and cure provisions, such payment shall be made in full within thirty (30) days following the date on which the development no longer qualifies as a qualifying development under this section. Late payments shall accrue interest at the maximum rate permitted by law until fully paid. This is in addition to any other enforcement action pursuant to code or agreement.

Enforcement and Compliance

If at any point during the affordability period the development fails to maintain compliance with the affordability requirements stipulated by the Act, and the violation is not cured within a reasonable time as determined by the City, the Director of Engineering and Community Development will revoke the LLA zoning designation. Upon revocation, the property shall immediately be treated as a nonconforming use and will be subjected to any and all fees, fines, and cure requirements set forth by the City's Code of Ordinances. In the event of LLA zoning revocation the property will be ineligible for any reinstatement. The City will issue notice of the non-compliance to all relevant local, state, and federal government agencies.

If the property owner wishes to obtain a new LLA designation, a new application must be submitted to the City at which time the property will be subject to all relevant codes and development requirements in place at the time of the new application, potentially requiring compliance with more stringent regulations than those originally applied under the LLA. A new designation will result in a new affordability period of 30 (thirty) years.

Expiration of Covenant

A qualifying development, for which a covenant guaranteeing affordable housing has expired, shall be considered a legal conforming use.

Fees for Live Local Act Applications and Monitoring

Initial Application Fee

Developers applying under the Live Local Act will be required to pay a non-refundable application fee of \$2,500 to cover administrative costs associated with reviewing the application.

Development Review Committee (DRC) Fees

Developers must pay all applicable Development Review Committee (DRC) fees as outlined in the City's Land Development Code. Fees may vary depending on the scope and nature of the project.

Violations

Penalty Fines

If a violation of the affordability requirements is found, the property owner will incur a daily fine of two hundred and fifty dollars (\$250) per dwelling unit in violation. Fines will continue to accrue until the violation is remedied. The monetary penalty shall not be subject to mitigation or otherwise modified by anybody or board, including but not limited to the code enforcement special magistrate. All fines collected will be deposited into the City's Affordable Housing Trust Fund to support future affordable housing initiatives.

Non-Compliance Period

If violations are not corrected within 60 days of receiving a notice of violation, the City will deem the property nonconforming. At that point, the property will be subject to all applicable legal actions, including potential revocation of any development entitlements or zoning exceptions granted under the Live Local Act.

Non- Conforming Use

Developments that fail to comply with affordability requirements will lose their designation under the Live Local Act and be subject to the City's standard zoning and land development regulations. The property will no longer benefit from any preemptions or zoning bonuses granted under the Act.

