



Cover Memorandum/Staff Report

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TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: July 8, 2025

A PRESENTATION ON THE LIVE LOCAL ACT AND BRIEF REVIEW OF THE LIVE LOCAL PROJECT SUBMITTED FOR 2101 SOUTH CONGRESS AVENUE.

Recommended Action:

Receive a presentation and update on the Live Local Act.

Background:

On March 29, 2023, Senate Bill (SB) 102 also known as the "Live Local Act," was signed into law and became effective on July 1, 2023. The intended purpose of the Live Local Act is to provide incentives for development providing rental workforce housing. In 2024, the Live Local Act was amended through SB 328. These bills include tax incentives and establish requirements for these projects, as well as direction to counties and cities. The Development Services page on the City website provides links to both bills to review the full text of the legislation.

The Live Local Act preempts the City's zoning and land use regulations, including the approval process, for development providing at least 40% of rental units for on-site workforce housing.

Pursuant to the adopted State Statutes, the following standards apply to Live Local Act projects in Delray Beach:

Locations: Live Local Act projects are allowed in any commercial, industrial, or mixed-use zoning district - even in those that do not allow residential uses.

Density: Regardless of location, Live Local Act projects can use the highest standard density allowed anywhere in municipal boundary. The maximum standard density in Delray Beach is 40 du/ac in the MROC zoning district.

Workforce Housing: A minimum of 40% of the total units within the development must be provided as on-site as workforce housing with affordability maintained for 30 years.

Height: Live Local Act projects are allowed to use the highest height allowed in Delray Beach within one-mile of the property, without Commission approval or rezoning. The maximum height allowed in Delray Beach without incentives or exceptions ranges from 35 feet to 80 feet, depending on location. Some additional height restrictions apply when a property is adjacent to single-family development.

Floor Area Ratio (FAR): Live Local Act projects are allowed to have 150% of the maximum FAR

allowed anywhere in the municipal boundary. The maximum FAR allowed in Delray Beach is 3.0, on land designated Commercial Core (CC) on the Land Use Map.

Development Standards: Unless otherwise modified by the Live Local Act (for example, proximity to single-family homes), Live Local projects follow the Development Standards for the RM zoning district. The Performance Standards for Multi-Family Development in LDR Section 4.3.3(BB) will also apply.

Mixed-use Development: Live Local Act projects must be mixed use since less than 20% of Delray Beach's land area is designated for commercial or industrial. The non-residential use must be allowed in the zoning district where it is located. The Act sets forth that at least 65% of the development's total square footage must be used for residential use; however, the minimum amount of non-residential square footage as not specified in the initial Live Local Act. Subsequent adjustments to the act in the last legislative session allow the City to require at least 10% of the project; however, this project legally travels under the rules in effect at the time of submission.

Parking: The required parking is the amount set forth in the City's Land Development Regulations, which are based on the residential unit type (i.e., number of bedrooms) and the specific non-residential use proposed. The Live Local Act requires the City approve a 20% parking reduction allowed for development within 1/2 mile of Major Transportation Hub. For Delray Beach, the Tri-Rail Station is classified as a Major Transportation Hub. There is no administrative ability to further reduce the required amount of parking.

Approval Process: The Live Local Act requires administrative approval of eligible projects, without Board or City Commission review or approval. Eligible projects must comply with all other applicable zoning regulations and any relief (waivers, variances) needed that is not set forth in the Live Local Act will be heard by the City Commission.

Submitted "Live Local Act" Projects: To date, the City has received one Live Local Act project. The Alton Delray is proposed at 2101 South Congress Avenue. This property is zoned for industrial uses. Alton Delray proposes to build 386 dwelling units, 154 of which would be reserved for workforce housing for the next 30 years, and 1,748 square feet of industrial space. While the Act preempts significant local rules related to land use, height, and intensity, LDR standards still apply and must be met for administrative approval. The project is in Technical Advisory Committee (TAC) review and is nearing approval, though it may change as the development adjusts to meet review comments. Images are posted on the Development Services Live Local Act webpage.

City Attorney Review:

Not applicable.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Not applicable.