

RESOLUTION 2025- 172

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA, ADOPTING STANDARD
OPERATING PROCEDURES FOR IMPLEMENTATION OF THE
REQUIREMENTS OF THE LIVE LOCAL ACT; PROVIDING FOR
FINDINGS; PROVIDING FOR TERMINATION; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, on March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, creating Section 125.01055(7), Florida Statutes (2023), known as the Live Local Act (the “Act”), which took effect on July 1, 2023; and

WHEREAS, the Act requires local governments to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent (40%) of the residential units in a proposed multifamily development are rental units that, for a period of at least thirty (30) years, are affordable as defined in Section 420.0004, Florida Statutes; and

WHEREAS, a proposed development that satisfies the Act’s criteria may not be required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized by the Act and, if the project satisfies the County’s land development regulations for multifamily development and is otherwise consistent with the Comprehensive Plan, the project must be administratively approved without further action by the Board of County Commissioners (the “Board”); and

WHEREAS, the Board wishes to adopt standard operating procedures to guide staff on how to process any projects under the Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. FINDINGS.

The above findings are true and correct and are hereby incorporated herein by reference.

**SECTION 2. ADOPTION OF LIVE LOCAL ACT STANDARD OPERATING
PROCEDURES.**

The Board hereby adopts the Live Local Act Standard Operating Procedures as set forth in

Appendix "A", attached hereto and incorporated herein by reference, to accomplish the goals of the Act. The Board hereby directs that any project applications submitted pursuant to the Act shall be handled in substantial compliance with the Standard Operating Procedures attached hereto.

SECTION 3. TERMINATION.

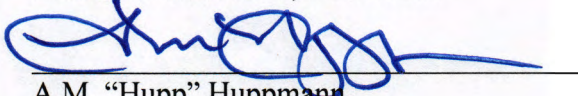
By its terms, the Act expires on October 1, 2033. This Resolution, and the Standard Operating Procedures attached hereto, shall likewise expire on October 1, 2033. In the event the Florida Legislature modifies the expiration date of the Act, this Resolution shall expire on such modified expiration date.

SECTION 4. EFFECTIVE DATE.

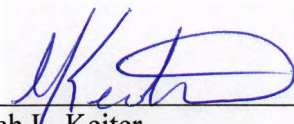
This Resolution shall take effect immediately upon its passage.

**ADOPTED THIS 22nd DAY OF September, 2025 BY THE BOARD OF
COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

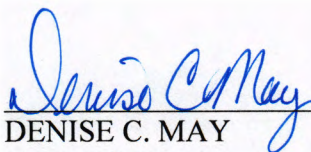
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


A.M. "Hupp" Huppman
Its: Chairman

ATTEST as to Chairman's Signature:


Mitch L. Keiter
Its: Ex-Officio Clerk

Approved as to form:


DENISE C. MAY
County Attorney

APPENDIX “A”

LIVE LOCAL STANDARD OPERATING PROCEDURES

The Live Local Act was created by Senate Bill 102 as amended by Senate Bill 328 and became effective on July 1, 2023. Section 3. of the Live Local Act (the Act) created new subsection (7) in Section 125.01055, Florida Statutes, which relates to affordable housing. The Act was subsequently amended by Senate Bill 1730.

The statute allows a development project to preempt established density, height, and allowable uses to increase the availability of affordable housing. The act provides for administrative approval of multifamily and mixed-use multifamily rental developments in which at least 40 percent of the residential units in a multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in Section 420.0004, Florida Statutes.

Live Local Act projects must still adhere to all other limitations and requirements contained in Nassau County’s Comprehensive plan and Land Development Code regulations for multifamily or mixed-use developments in areas zoned for such use.

Eligibility Criteria:

- Uses:
 - The following zoning districts permit mixed-use, commercial, and industrial uses within unincorporated Nassau County:
 - CJ, CN, CG, CI, CHT, CPO, IP, IH, IW, and PUDs allowing for commercial, industrial, or mixed use
 - For mixed-use projects, at least sixty-five percent (65%) of the total square footage must be used for residential purposes.
- Affordability:
 - At least forty percent (40%) of the residential units in a proposed multifamily development must be affordable, as defined in Section 420.0004, Florida Statutes.
 - The affordable units must remain affordable for a period of thirty (30) years.
 - A Declaration of Covenants and Restrictions for Affordable Multi-Family Rental Development in zoning districts which permit commercial, industrial or mixed-uses, in compliance with Section 125.01055(7), Florida Statutes. The Land Use Restriction Agreement (the “LURA”) documenting the project’s affordability, in a form acceptable to the County, must be executed and recorded prior to submitting for vertical permits.
- Development Standards:
 - Except for height and density, the project must comply with all other applicable Nassau County development standards. Except for allowable

densities, height and land use, the project must comply with all other applicable Comprehensive Plan provisions. Any project requiring a variance, or otherwise not able to comply with the applicable development standards and Comprehensive Plan provisions, will not qualify under this process and must comply with the applicable conventional development approval processes.

- Portions of any flexibly zoned area, such as a PUD (Planned Unit Development), permitted for commercial, industrial, and mixed use are allowed if affordability criteria are met and all other requirements of applicable the applicable PUD zoning or Nassau County Land Development Code Regulations.

Administrative Approval Process:

- STEP 1:** Development Services (DS) receives Zoning Certification form and confirms that project property sought to be developed under LLA is located in zoning districts which permit commercial, industrial or mixed-use development and that number of units being sought is consistent with LLA requirements and advises Planning/Office of Management & Budget (OMB). Planning Department receives a fully complete Zoning Certification form and Live Local Property Owner's Affidavit and confirms that the project property sought to be developed under the Act is located in zoning districts which permit commercial, industrial or mixed-use development and that number of units being sought is consistent with LLA requirements.
- STEP 2:** Applicant is advised by DS to engage with Planning/OMB for execution of the LURA and Consent and Subordination of Lienholder.
- STEP 3:** Applicant shall provide Planning/OMB an updated legal description and shall execute the LURA and Consent and Subordination of Lienholder.
- STEP 4:** Planning/OMB sends confirmation to DS with legal description and will hold documents in escrow until notified by DS that Applicant process is complete.
- STEP 5:** DS processes a complete application for preliminary or site plan review and note it as a LLA project – thereby indicating that use, height, and density is preempted in accordance with the Act.
- STEP 6:** Once site plans have received all required approvals, DS notifies Planning/OMB by confirming memorandum.
- STEP 7:** County Manager or designee will sign the documents and have staff record them.
- STEP 8:** Planning/OMB provides fully executed and recorded LURA and Consent and Subordination of Lienholder to checklist items required for release of

site plans allowing work to commence.

STEP 9: DS shall advise OMB when project is complete and a Certificate of Occupancy is issued.

STEP 10: OMB (Compliance and Monitoring or third party) team shall commence monitoring.