

## **ORDINANCE NO. 2025-04**

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-39, RESERVED, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE* TO PROVIDE REGULATORY GUIDANCE IN ACCORDANCE WITH THE LIVE LOCAL ACT AS PROVIDED IN FLORIDA STATUTES ; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, this is an administrative request to amend Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-39, Reserved, of the *Land Development Code* to provide regulatory guidance in accordance with the Live Local Act as provided in Florida Statutes, and

**WHEREAS**, on March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, creating Section 125.01055(7) and Section 166.04151(7), *Florida Statutes* (2023), known as the Live Local Act, taking effect on July 1, 2023, and

**WHEREAS**, on May 16, 2024, Governor Ron DeSantis signed SB 328, amending the Live Local Act, taking effect on May 16, 2024, and

**WHEREAS**, the Live Local Act affects those properties zoned commercial, industrial, and mixed-use; however, the City does not have a mixed-use zoning district without a planned development, and

**WHEREAS**, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on October 29, 2024, on the requested amendments and has made recommendations thereon to the City Commission, and

**WHEREAS**, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

**WHEREAS**, the City Commission finds the amendments to be consistent with the provisions of the Comprehensive Plan of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** Section 2-39, Reserved, of Article II, District Regulations, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code* is hereby amended by establishing a new section to be titled “Section 2-39, Affordable Housing” as follows:

**Sec. 2-39. ~~Reserved.~~ Affordable Housing.**

(a) Purpose and Intent. The purpose of this section is to address and implement the requirements of the Live Local Act in accordance with Florida Statute Section 125.01055(7) and Section 166.04151(7).

(b) Implementation. With respect to multifamily and mixed-use residential affordable housing as further described herein, the following eligibility criteria, procedures, and standards shall apply:

(1) The development rights afforded by this statutory provision, including the right to City administrative approval and the imposition of restrictions on the application of City density, floor area ratio, and height limitations, apply

only to properties zoned for commercial or industrial. No other properties are eligible. Among those properties excluded from eligibility are properties subject to any Planned Developments (PD) including Planned Residential Development (PRD), Planned Business Development (PBD), Planned Industrial Development (PID), and Planned Mixed-Use Development (PMUD), unless the planned development agreement for the property specifically provides for such applicability; and properties zoned for or used primarily or solely as a golf course or developed as a golf course. For purposes herein, the term golf course includes driving ranges, practice putting greens, and golf practice areas, whether developed as part of a golf course or as a stand-alone facility. Properties subject to the airport exception found in Florida Statute Section 333.03(5) are also not eligible.

- (2) An applicant seeking to avail itself of the rights afforded by this statutory provision, shall be required to execute and record a Declaration of Covenants and Restrictions/Land Use Restriction Agreement (LURA) documenting the project's affordability (and where applicable in the City's discretion, providing for verification of documentation at the applicant's cost), in a form provided by or acceptable to the City Attorney, and recorded at the property owner's sole cost. The LURA shall have a 40 (forty) year term naming the City as a party whose release or authorization to modify the LURA shall be required to allow the cancellation or modification to be effective. Proof of recordation in the public records of Volusia County must be provided to the City and shall be a prerequisite to issuance of any building permits.
- (3) Except for density, floor area ratio, and height, a project eligible for the development rights provided by this statutory provision must comply with all other applicable development standards established in the Land Development Code, including, but not limited to, use specific standards, lot and dimensional standards, and all other regulations pertaining to site design, storm water retention, Base Floor Elevation (BFE), and compensating storage. Any project in conflict with an applicable provision of the comprehensive plan, or with applicable development standards, is not eligible for the development rights provided by this statutory provision.
- (4) For a proposed, eligible project using the Live Local Act or any successor legislation's development rights, upon issuance of building permits and for so long as the project is under construction, the developer will post notice on the property using a poster provided by the City which will include a

reference to the Live Local Act and affordable housing. The developer shall be responsible for the cost of the poster, reimbursable to the City.

**SECTION TWO.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION THREE.** In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

**SECTION FOUR.** This Ordinance shall take effect immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission, this 7<sup>th</sup> day of January, 2025.

**PASSED UPON** at the second and final reading of the City Commission, this 21<sup>st</sup> day of January, 2025.

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**JASON LESLIE**  
Mayor

**ATTEST:**

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**SUSAN CARROLL DAUDERIS**  
City Clerk