



City of Ormond Beach
Special City Commission Meeting

City Hall Commission Chambers
22 South Beach St., Ormond Beach FL 32174

Jason Leslie, Mayor
Lori Tolland, Zone 1
Travis Sargent, Zone 2
Kristin Deaton, Zone 3
Harold Briley, Zone 4

December 23, 2025, 9:00 AM

Agenda

- 1. CALL TO ORDER**
- 2. RESOLUTIONS**

Live Local Act, Opt Out Exemption

- A1. RESOLUTION NO. 2025-200A:** A RESOLUTION MAKING A FINDING PURSUANT TO SECTION 196.1978(3)(O), FLORIDA STATUTES, BASED UPON THE 2025 SHIMBERG CENTER FOR HOUSING STUDIES ANNUAL REPORT; ELECTING TO NOT EXEMPT CERTAIN PROPERTIES LOCATED WITHIN THE CITY OF ORMOND BEACH FROM AD VALOREM TAXATION UNDER THE LIVE LOCAL ACT SUBJECT TO THAT FINDING; PROVIDING FOR THE PRESERVATION OF EXISTING EXEMPTIONS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 1)**

- A2. RESOLUTION NO. 2025-200B:** A RESOLUTION MAKING A FINDING PURSUANT TO SECTION 196.1978(3)(O), FLORIDA STATUTES, CONDITIONED ON THE RELEASE OF 2025 SHIMBERG CENTER FOR HOUSING STUDIES ANNUAL REPORT; ELECTING TO NOT EXEMPT CERTAIN PROPERTIES LOCATED WITHIN THE CITY OF ORMOND BEACH FROM AD VALOREM TAXATION UNDER THE LIVE LOCAL ACT SUBJECT TO THAT FINDING; PROVIDING FOR THE PRESERVATION OF EXISTING EXEMPTIONS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE. **(OPTION 2)**

- 3. ADJOURNMENT**
-

Website Address – www.ormondbeach.org

NOTICE – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.
Phone: 386-610-0400



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

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City of Ormond Beach
City Commission Agenda
Staff Report

Agenda Date	December 23, 2025	Item No	2.A.
Section	RESOLUTIONS	Category	Consent - Resolution
Subject	Live Local Act, Opt Out Exemption		
Recommended Action	<p>If the Shimberg Center for Housing Studies Annual Report has been published, staff recommends APPROVAL of the first resolution (25-200A). If the annual report is not available, then this resolution cannot be approved.</p> <p>If the Shimberg Center for Housing Studies Annual Report has not been published, staff recommends APPROVAL of the conditional resolution (25-200B) that preserves the "opt-out" option based on the annual report concluding that sufficient affordable housing exists in Volusia County.</p> <p>A two-thirds vote of the City Commission is required to approve the resolution.</p>		
Strategic Goal	Transportation & Community Development - Other		
Department Staff Contact	Planning & Building Steven Spraker, Planning Director		

Summary

This is an administrative request to approve a resolution to “opt-out” of the tax exemption associated with the Florida Live Local Act in Florida Statue 196.1978 (3)(o)2. This section states: "A taxing authority must make a finding in the ordinance or resolution that the most recently published Shimberg Center for Housing Studies Annual Report, prepared pursuant to s. 420.6075, identifies that a county that is part of the jurisdiction of the taxing authority is within a metropolitan statistical area or region where the number of affordable and available units in the metropolitan statistical area or region is greater than the number of renter households in the metropolitan statistical area or region for the category entitled “0-120 percent AMI.”

As of the date this agenda item was prepared, the 2025 Shimberg Center for Housing Studies Annual Report had not been released. Therefore, this item includes two possible resolutions. The first resolution assumes that the Shimberg Center for Housing Studies Annual Report has been published prior to the meeting report, and Volusia County qualifies for the “opt-out” of the tax exemption. If the Shimberg Center for Housing Studies Annual Report was not published by

December 23, 2025, the City Commission is not able to approve this resolution.

The second resolution makes a conditional finding that the Shimberg Center for Housing Studies Annual Report will confirm that Deltona-Daytona Beach- Ormond Beach, FL MSA, which includes Volusia County, has a surplus of affordable and available units for households in the “0-120 percent AMI” category relative to the number of renter households in the same category. If the Shimberg Center for Housing Studies Annual Report, once published, does not confirm the finding, the resolution shall be voided. _

A resolution must be passed prior to January 1st and provided to the Volusia County Property Appraiser’s Office to effectively “opt-out” for the next tax year. Last year, the City Commission adopted Resolution 24-217, opting out of 2025. If approved and executed, staff will forward the resolution to the Volusia County Property Appraiser.

Financial Impact

Florida Statutes allow the “opt-out” exemption for tax authorities that meet certain thresholds as determined by the Shimberg Annual Report. Failure to “opt out” where eligible would lead to the loss of property tax revenue if a qualifying project is constructed.

Citizen Impact

The “opt-out” Florida Statutes regulations allow local governments to collect the same tax revenue as existed prior to the legislation. The land development exemptions regarding height and density would still be applicable for qualifying Live Local Act projects.

Attachments

1. 25-200A Live Local (P25-0178G)
2. 25-200B Live Local
3. 23332 - 2025 Update Live Local Analysis Ormond Beach FINAL

RESOLUTION NO. 2025-200A

A RESOLUTION MAKING A FINDING PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, BASED UPON THE 2025 SHIMBERG CENTER FOR HOUSING STUDIES ANNUAL REPORT; ELECTING TO NOT EXEMPT CERTAIN PROPERTIES LOCATED WITHIN THE CITY OF ORMOND BEACH FROM AD VALOREM TAXATION UNDER THE LIVE LOCAL ACT SUBJECT TO THAT FINDING; PROVIDING FOR THE PRESERVATION OF EXISTING EXEMPTIONS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Section 196.1978(3)(o), Florida Statutes, authorizes a taxing authority, upon adoption of a resolution by a two-thirds vote of its governing body, to elect not to exempt property from ad valorem taxation under Section 196.1978(3)(d)1.a., Florida Statutes, provided specific findings are made by the taxing authority and certain conditions are met; and

WHEREAS, Section 196.1978(3)(o) requires a taxing authority to make a finding in the resolution that the most recently published Shimberg Center for Housing Studies Annual Report, prepared pursuant to Section 420.6075, Florida Statutes, identifies that a county within the taxing authority’s jurisdiction is part of a metropolitan statistical area or region where the number of affordable and available units exceeds the number of renter households in the category entitled “0-120 percent AMI”; and

WHEREAS, on December 27, 2024, the City Commission adopted Resolution 2024-217 by a two-thirds vote at a special meeting electing to opt-out of providing the Live

Local Property Tax Exemption based upon the Shimberg Annual Report and desires to renew such resolution for the 2026 tax roll pursuant to Section 196.1978(3)(o)(4), Florida Statutes, and

WHEREAS, the 2025 Shimberg Center for Housing Studies Annual Report (“Report”) was published in December 2025 and provided the data necessary for the City Commission (“Commission”) of the City of Ormond Beach (“City”) to determine that the statutory conditions have been met for electing not to exempt property from ad valorem taxation under Section 196.1978(3)(d)1.a., Florida Statutes; and

WHEREAS, the City intends to adopt this resolution to meet the statutory deadline, now therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The above recitals are true and correct and are incorporated herein by reference.

SECTION TWO. The City Commission hereby makes a finding, pursuant to Section 196.1978(3)(o), Florida Statutes, that the Report confirms that Deltona-Daytona Beach-Ormond Beach, FL MSA, which includes Volusia County, has a surplus of affordable and available units for households in the “0-120 percent AMI” category relative to the number of renter households in the same category.

SECTION THREE. The City elects not to exempt properties eligible for the 80 to 120 Tax Exemption under Section 196.1978(3)(d)1.a., Florida Statutes, and directs the

Volusia County Property Appraiser not to grant such exemptions for the 2026 tax roll or for any subsequent tax year during which this Resolution remains in effect, unless such exemption was granted prior to the adoption of this Resolution.

SECTION FOUR. This Resolution does not impact a property owner of a multifamily project which was granted an exemption pursuant to Section 196.1978(3)(d)1.a., Florida Statutes, prior to the adoption of this Resolution. Such property owner may continue to receive the exemption for each subsequent consecutive year that the property owner applies for and is granted the exemption.

SECTION FIVE. This Resolution shall take effect on January 1, 2026.

SECTION SIX. This Resolution shall expire on January 1, 2027, unless renewed by the City Commission in accordance with Section 196.1978(3)(o), Florida Statutes.

SECTION SEVEN. This Resolution has been duly advertised in accordance with Section 50.011(1), Florida Statutes. A copy of this Resolution shall be provided to the Volusia County Property Appraiser prior to January 1, 2026.

SECTION EIGHT. If any provision of this Resolution or its application is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end, the provisions of this Resolution are declared severable.

**APPROVED AND AUTHENTICATED by a two-thirds vote on this 23rd
day of December, 2025.**

JASON LESLIE
Mayor

ATTEST:

SUSAN CARROLL DAUDERIS
City Clerk

RESOLUTION NO. 2025-200B

A RESOLUTION MAKING A FINDING PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, CONDITIONED ON THE RELEASE OF 2025 SHIMBERG CENTER FOR HOUSING STUDIES ANNUAL REPORT; ELECTING TO NOT EXEMPT CERTAIN PROPERTIES LOCATED WITHIN THE CITY OF ORMOND BEACH FROM AD VALOREM TAXATION UNDER THE LIVE LOCAL ACT SUBJECT TO THAT FINDING; PROVIDING FOR THE PRESERVATION OF EXISTING EXEMPTIONS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS INCIDENTAL THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Section 196.1978(3)(o), Florida Statutes, authorizes a taxing authority, upon adoption of a resolution by a two-thirds vote of its governing body, to elect not to exempt property from ad valorem taxation under Section 196.1978(3)(d)1.a., Florida Statutes, provided specific findings are made by the taxing authority and certain conditions are met; and

WHEREAS, Section 196.1978(3)(o) requires a taxing authority to make a finding in the resolution that the most recently published Shimberg Center for Housing Studies Annual Report, prepared pursuant to Section 420.6075, Florida Statutes, identifies that a county within the taxing authority’s jurisdiction is part of a metropolitan statistical area or region where the number of affordable and available units exceeds the number of renter households in the category entitled “0-120 percent AMI”; and

WHEREAS, on December 27, 2024, the City Commission adopted Resolution 2024-217 by a two-thirds vote at a special meeting electing to opt-out of providing the Live Local Property Tax Exemption based upon the Shimberg Annual Report and desires to renew such resolution for the 2026 tax roll pursuant to Section 196.1978(3)(o)(4), Florida Statutes, and

WHEREAS, the 2025 Shimberg Center for Housing Studies Annual Report (“Report”) is expected to be published in December 2025 and would provide the data necessary for the City Commission (“Commission”) of the City of Ormond Beach (“City”) to determine whether the statutory conditions have been met for electing not to exempt property from ad valorem taxation under Section 196.1978(3)(d)1.a., Florida Statutes; and

WHEREAS, the City intends to adopt this resolution to meet the statutory deadline, while expressly making the required finding conditioned upon confirmation from the Report, now therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The above recitals are true and correct and are incorporated herein by reference.

SECTION TWO. The City Commission hereby makes a conditional finding, pursuant to Section 196.1978(3)(o), Florida Statutes, that the Report will confirm that Deltona-Daytona Beach- Ormond Beach, FL MSA, which includes Volusia County, has a surplus of affordable and available units for households in the “0-120 percent AMI” category relative to the number of renter households in the same category. This finding is expressly contingent upon the data contained in the Report. If the Report does not confirm the required surplus, this finding shall be voided, and this Resolution shall take no effect and be null and void.

SECTION THREE. Subject to the conditional finding described in Section Two, the City elects not to exempt properties eligible for the 80 to 120 Tax Exemption under

Section 196.1978(3)(d)1.a., Florida Statutes, and directs the Volusia County Property Appraiser not to grant such exemptions for the 2026 tax roll or for any subsequent tax year during which this Resolution remains in effect, unless such exemption was granted prior to the adoption of this Resolution.

SECTION FOUR. This Resolution does not impact a property owner of a multifamily project which was granted an exemption pursuant to Section 196.1978(3)(d)1.a., Florida Statutes, prior to the adoption of this Resolution. Such property owner may continue to receive the exemption for each subsequent consecutive year that the property owner applies for and is granted the exemption.

SECTION FIVE. This Resolution shall take effect on January 1, 2026, conditioned upon the data in the Report confirming the City's finding. If the Report does not confirm the finding, the finding shall be voided, and this Resolution shall take no effect and be deemed null and void.

SECTION SIX. This Resolution shall expire on January 1, 2027, unless renewed by the City Commission in accordance with Section 196.1978(3)(o), Florida Statutes.

SECTION SEVEN. This Resolution has been duly advertised in accordance with Section 50.011(1), Florida Statutes. A copy of this Resolution shall be provided to the Volusia County Property Appraiser prior to January 1, 2026.

SECTION EIGHT. If any provision of this Resolution or its application is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end, the provisions of this Resolution are declared severable.

APPROVED AND AUTHENTICATED by a two-thirds vote on this 23rd day
of December, 2025.

JASON LESLIE
Mayor

ATTEST:

SUSAN CARROLL DAUDERIS
City Clerk



LIVE LOCAL ACT ANALYSIS

ZC# 23332

Prepared for:

*City of Ormond Beach
22 South Beach Street
Ormond Beach, Florida 32174*

Prepared by:

*Rebekah Cottle, Planner II
Mark Karet, AICP, Planning Director*

City of Ormond Beach
Volusia County, FL

AUGUST 2025

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I. SCOPE OF ANALYSIS

The accuracy of this analysis is subject to available information known, discovered, or presented at the time of research.

A. OUR RESPONSIBILITY:

1. Review the key provisions and regulations of the Live Local Act.
2. Develop a summary of the Live Local Act highlighting critical provisions of the law that preempt or modify local land use decision-making.
3. Review land use & zoning maps provided by City staff identifying vacant and developed commercial, industrial, and mixed-use properties.
4. Review acreage provided by the City staff of available vacant and developed land designated for commercial, industrial, and mixed-use purposes.
5. Evaluate the distribution of commercial, industrial, and mixed uses properties.
6. Identify the potential density impacts of development and redevelopment under the Live Local Act.
7. Identify potential impacts on the surrounding area for those properties potentially impacted by Live Local Act developments.
8. Consider if other development standards (not exempted in The Live Local Act) should be amended/modified to mitigate any substantial impacts identified in Task 7.
9. Prepare a brief report summarizing the findings of the review.

II. EXECUTIVE SUMMARY

The Live Local Act, initially passed during the 2023 legislative session, restricts the City of Ormond Beach's authority to control the location of residential housing within the City. Prior to the adoption of the Live Local Act, the City had complete discretion to direct new housing to areas planned for residential growth with compatible land uses and in accordance with long-held planning principles. The following is a list of the most impactful provisions of the law to the City of Ormond Beach:

1. A City must authorize Live Local Act developments of multi-family and mixed-use residential in any area zoned for commercial, industrial, or mixed uses.
2. Administrative (i.e. City staff) approval for Live Local Act development projects is required. These requests do not go before the City Commission or the City's Planning Board for consideration.
3. The highest density allowed in the City, 32-units per acre, is the density permitted for Live Local Act developments.
 - a. The gross number of dwelling units possible across the City using the Live Local Act is 83,488 dwelling units for 2,609 acres of developed and vacant qualifying lands. If 5% of this land were developed using the Live Local Act, 4,160 dwellings units are possible on 130 acres.
 - b. At an average of 2.25 people per household, this could increase the City's population by 187,848 residents (100%) or 9,360 residents (5%).
4. A City may not restrict the floor area ratio (FAR) of a development below 150% of the highest currently allowed FAR on any developable land. Ormond Beach's highest currently allowed FAR is 1.5, and at 150%, the allowable FAR for Live Local Act developments is 2.25.
5. A City may not restrict the height below the highest allowed for either commercial or residential development within the jurisdiction, within one mile of the proposed development, or three stories, whichever is higher. The maximum height allowed in Ormond Beach is 75 feet.
6. A City may restrict the height of a development if it is adjacent to, on two or more sides, a parcel zoned for single-family residential use, within a single-family residential development with at least 25 contiguous single-family homes to the following options, whichever is highest:
 - a. 150% of the tallest building on any adjacent property; or,
 - b. the highest currently allowed height of the property; or,
 - c. three stories.

7. The Live Local Act states developers can qualify for a 75% property tax exemption if they rent 40% of units to people whose annual household income "is greater than 80% but not more than 120% of the median annual adjusted gross income for households within the metropolitan statistical area."
 - a. To qualify for a 100% tax exemption, the units would need to be rented to people whose median income doesn't exceed the 80% median annual adjusted gross income.
 - b. The median income for the Deltona-Daytona Beach-Ormond Beach metropolitan area is \$82,800, according to the Florida Housing Finance Corporation as of April 1, 2024.
 - c. The 80% to 120% income range for a one-person household is \$46,400 to \$69,600. Based on rent limits as outlined by the U.S. Department of Housing and Urban Development, a one-bedroom apartment could be rented for between \$1,243 and \$1,864 to qualify as an eligible affordable housing unit for a Live Local development.
 - d. According to Rent.com as of May 5, 2024, the average rent in Ormond Beach for a one-bedroom apartment is \$1,200.
 - e. Based upon average rent rates in Ormond Beach, the City would lose at least 75% and up to 100% of expected property tax revenue from Live Local Act developments meant to provide affordable housing to an area in which the rent average falls within the affordable housing range.

HUD release: 4/2/2024 Effective: 4/1/2024 Implement on/before: 5/16/2024		2024 Income Limits and Rent Limits Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP Homeownership Program <i>NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP</i>															
County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Volusia County (Deltona-Daytona Beach-Ormond Beach HMFA)	20%	11,600	13,260	14,920	16,560	17,900	19,220	20,540	21,860	23,184	24,509	290	310	373	430	480	530
	25%	14,500	16,575	18,650	20,700	22,375	24,025	25,675	27,325	28,980	30,636	362	388	466	538	600	662
	28%	16,240	18,564	20,888	23,184	25,060	26,908	28,756	30,604	32,458	34,312	406	435	522	603	672	742
	30%	17,400	19,890	22,380	24,840	26,850	28,830	30,810	32,790	34,776	36,763	435	466	559	646	720	795
	33%	19,140	21,879	24,618	27,324	29,535	31,713	33,891	36,069	38,254	40,440	478	512	615	710	792	874
	35%	20,300	23,205	26,110	28,980	31,325	33,635	35,945	38,255	40,572	42,890	507	543	652	753	840	927
	40%	23,200	26,520	29,840	33,120	35,800	38,440	41,080	43,720	46,368	49,018	580	621	746	861	961	1,060
	45%	26,100	29,835	33,570	37,260	40,275	43,245	46,215	49,185	52,164	55,145	652	699	839	969	1,081	1,192
	50%	29,000	33,150	37,300	41,400	44,750	48,050	51,350	54,650	57,960	61,272	725	776	932	1,076	1,201	1,325
	60%	34,800	39,780	44,760	49,680	53,700	57,660	61,620	65,580	69,552	73,526	870	932	1,119	1,292	1,441	1,590
	70%	40,600	46,410	52,220	57,960	62,650	67,270	71,890	76,510	81,144	85,781	1,015	1,087	1,305	1,507	1,681	1,855
	80%	46,400	53,040	59,680	66,240	71,600	76,880	82,160	87,440	92,736	98,035	1,160	1,243	1,492	1,723	1,922	2,120
Median: 82,800	120%	69,600	79,560	89,520	99,360	107,400	115,320	123,240	131,160	139,104	147,053	1,740	1,864	2,238	2,584	2,883	3,180
	140%	81,200	92,820	104,440	115,920	125,300	134,540	143,780	153,020	162,288	171,562	2,030	2,175	2,611	3,015	3,363	3,710

8. The airport exception, which includes airport noise zones, runway extension areas, and airport overlay districts, has an impact on preventing the use of Live Local Act provisions around these areas in the City (see appendix for maps depicting these areas).

9. The parking exceptions created by the 2024 addition to the Live Local Act do not apply to Ormond Beach. The City has its own parking reductions built into their code in designated areas the City deemed appropriate.

III. 2023 LIVE LOCAL ACT SUMMARY; SB 102

A. DISCRETIONARY PROVISIONS (SECTION 166.04151(6), F.S.):

The Live Local Act allows local governments to approve the development of housing on any parcel zoned for commercial and industrial use. To qualify the development must have at least 10 percent of the units must be affordable to households with incomes up to 120% of the area median income. Affordable means monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of the household median adjusted gross annual income.

B. MANDATORY PROVISIONS:

The Live Local Act (LLA) preempts local governments from regulating the use, density, or height of a proposed affordable housing multifamily or mixed-use residential project on a property that is zoned for commercial, industrial, or mixed use. To qualify the development must have at least 40% of its units reserved as affordable for households with incomes up to 120% of the area median income for at least 30 years. If the proposed development is mixed use, 65% of its gross floor area must be residential.

More specifically the provisions of Section 166.0415(1) require the following:

1. A City must authorize multi-family and mixed-use residential in any area zoned for commercial, industrial, or mixed uses.
2. A City may not require zoning or land use changes, special exceptions or conditional use approvals, variances, or comprehensive plan amendments for height, zoning, or density.
3. A City may not limit the density of a development below the highest density allowed in the jurisdiction where residential density is allowed.
4. A City may not restrict the height below the highest allowed for either commercial or residential development within the jurisdiction, within one mile of the proposed development, or three stories, whichever is higher.
5. A City must administratively approve - without public hearings or meetings - if the regulations applicable to multifamily development are met (including, but not limited to, setbacks and parking) and consistency with the comprehensive plan, except for density, height, and land use.
6. The Live Local Act requires local governments to consider reduced parking for developments meeting the 40% Requirement, if the proposed

development is within a ½ mile of a major transit stop that is accessible from the proposed development.

IV. 2024 LIVE LOCAL ACT SUMMARY; SB 328 & SB 7074 (Pending Governor Signature)

A. DISCRETIONARY PROVISIONS (SECTION 166.04151(7)&(8)F.S.):

1. A City must “consider” reducing parking for developments within ¼ mile of a transit stop, as defined in the City’s land development code, and the transit stop is accessible from the development.
2. A City may still grant a bonus, variance, conditional use, or other special exception to height, density, or floor area ratio above what is required by the Live Local Act.

B. DISCRETIONARY PROVISIONS (SECTION 196.1978(3)(o)F.S.):

1. Beginning with the 2025 tax roll, a tax authority may elect upon adoption of an ordinance or resolution approved by a two-thirds vote of the governing body, not to exempt property located in a county specified pursuant to the latest Shimberg Center for Housing Studies Annual Report for a county that is part of the jurisdiction of the taxing authority, that the number of affordable and available units in the county is greater than the number of renter households in the county for natural persons or families who meet the specified income limitations. This ordinance or resolution is only good for one year and must be readdressed by ordinance or resolution annually.
2. Volusia County and the municipalities located within are not currently eligible to use this exemption according to the latest Shimberg Center for Housing Studies Annual Report.

C. MANDATORY PROVISIONS:

1. A City may not restrict the floor area ratio (FAR) of a development below 150% of the highest currently allowed FAR on any developable land.
2. A City may not limit the density of a development below the highest currently allowed density allowed in the jurisdiction where residential density is allowed.
 - a. The term “highest current allowed” for FAR, Density, and height does not include any developments having received any bonus, variance, or special exception as an incentive for development.
3. A City may restrict the height of a development if it is adjacent to, on two or more sides, a parcel zoned for single-family residential use, within a single-

- family residential development with at least 25 contiguous single-family homes to the following options, whichever is highest:
- a. 150% of the tallest building on any adjacent property; or,
 - b. the highest currently allowed height of the property; or,
 - c. three stories.
4. A City must administratively approve - without public hearings or meetings - if the regulations applicable to multifamily development are met (including, but not limited to, setbacks and parking) and is "otherwise consistent with the comprehensive plan," except for density, FAR, height, and land use.
 5. A City must reduce parking requirements by at least 20% if the development:
 - a. Is located within ½ mile of a major transportation hub (i.e. transit station served by public transit with a mix of other transportation options) accessible from the development.
 - b. Has available parking (on-street parking and parking lots/garages available for use by residents) within 600 ft of the development.
 - i. However, a City may not require available parking to compensate for the reduced parking requirement.
 6. A City is required to eliminate parking requirements for a mixed-use residential development if the development is located in an area identified as a transit-oriented development/area by the City.
 - a. A development located in a transit-oriented development/area must be developed as a mixed-use development.
 7. These special, Live Local Act development regulations do not apply to airport-impacted areas as provided in F.S. 333.03 and recreation and commercial working waterfronts in F.S. 342.201(2)(b) in any area industrial zoned. More specifically, these do not apply to:
 - a. A development near a runway within ¼ mile laterally from the runway edge and within an area the width of ¼ mile extending at right angles from the end of the runway for 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.
 - b. A development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.
 - c. A development exceeding maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to this section.
 - d. Recreational and commercial working waterfront parcels industrially zoned. "Recreational and commercial working waterfront" means a parcel or parcels of real property that provide access for water-

dependent commercial activities or provide access for the public to the navigable waters of the state.

8. Any development authorized under the Live Local Act must be treated as a conforming use into the future even after the Act expires in 2033. If at any point the development violates the affordability period of 30 years, the development must be allowed a reasonable time to rectify, and if not resolved the development must be treated as a nonconforming use.

V. 2025 LIVE LOCAL ACT SUMMARY; SB 1730

A. UPDATED DEFINITIONS

1. Introduced new definitions for key terms – e.g. “commercial use”, “industrial use” & “mixed use”.
2. Properties zoned for wholesale sales, equipment rentals and other for-profit business activities are to be considered commercial uses.
3. Clarified that the definition of planned unit developments (PUDs) as used in the LLA is the same definition used in Chapter 163 Part II Growth Policy; County and Municipal Planning; Land development regulation.

B. APPLICABILITY AND SCOPE

1. Expanded the applicability to planned unit developments (PUDs) permitted for commercial, industrial or mixed use.
2. Local governments are prohibited from requiring more than 10 percent of the total square footage of a mixed-use Live Local project to be used for nonresidential purposes.
3. Density, height and floor area ratio allowances cannot be lower than the highest allowed entitlements as of July 1, 2023.
4. These are the updated terms:
 - a. “Planned unit development” or “master planned community” means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.
 - b. “Commercial use” means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food

service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

c. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

d. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

C. RELIGIOUS INSTITUTIONS PROVISION

1. The 2025 Live Local Act now allows local governments to permit affordable housing on properties with houses of worship, regardless of zoning. Local

governments can choose to participate. If the local government chooses, developers can now move forward without rezoning the property.

2. Religious Institution as defined in s. 170.201(2), means "any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on..."
3. There are 36 houses of worship within the City, occupying a cumulative area of 226.37 acres. If these parcels were developed at the maximum allowable density of 32-units per acre, the total yield would be 7,244 units. However, given the area of the parcels already developed with a house of worship and associated structures, it's highly unlikely that this maximum yield would be attainable.
4. At an average of 2.25 people per household, this could potential increase the City's population by 16,299 residents.
5. If only 5% of the potential population increase is realized, the population increase would be 815 new residents.

D. ADMINISTRATIVE APPROVAL PROCESSES

1. Clarifies that qualifying developments must receive administrative approval without further action from quasi-judicial or administrative boards or reviewing bodies if the project complies with local LDC for multifamily development & Comp Plan (except for density)
2. Local governments may not require an amendment to a Development of Regional Impact (DRI) for LLA projects.

E. HISTORIC PROPERTIES: DEMOLITIONS AND HEIGHT LIMITS

1. Local governments must approve demolitions for qualifying developments that meet all regulations without further board or commission review. However, if the site has a historic building listed in the National Register of Historic Places (before Jan. 1, 2000) or is within a listed historic district, the government may require compliance with local architectural design rules (e.g., façade replication) as long as these do not change the project's height, floor area ratio, or density.
2. Parcels that contains a contributing structure or building within a historic district listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, may be restricted to the highest building height currently allowed, or allowed on July 1, 2023, within a reduced radius of $\frac{3}{4}$ mile.

F. SINGLE-FAMILY RESIDENTIAL: PROTECTION INCREASE - HEIGHT

1. LLA projects, adjacent on two or more sides to single-family residential with at least 25 contiguous homes, are now restricted to a maximum 10 stories, irrespective of taller adjacent heights or zoned heights within 1-mile. Adjacent now excludes properties separated by a body of water and public roads.
2. For proposals adjacent to, on two or more sides, a parcel zoned for single-family residential use within a single-family neighborhood with at least 25 contiguous single-family homes, local governments may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed (or allowed on July 1, 2023) or three stories, whichever is higher, but not more than 10 stories.

G. ENVIRONMENTAL PROTECTIONS: PROTECTION INCREASE

1. In addition to prohibition against LLA projects in airport-impact areas (Fla. Stat. 333.03) and recreational or commercial working waterfront (Fla. Stat. 342.201(2)(b) in any area zoned industrial, LLA shall also now be prohibited in the Wekiva Study Area and the Everglades Protection Area.

H. PARKING REQUIREMENTS

1. Requires local governments to reduce parking requirements by 15 percent for developments within a quarter-mile of a transit stop, half-mile of a major transportation hub or with available parking within 600 feet.

I. CIVIL ACTIONS AND MORATORIA

1. Expedites civil actions filed against local governments for violating the Live Local Act and caps attorney fees and costs at \$250,000. The amendments allow a county to enforce a building moratorium against developments that qualify under the Live Local Act for no more than 90 days in any three-year period after the county has prepared an assessment of affordable housing in the business impact estimate for the ordinance imposing such a moratorium.

J. ANNUAL REPORTING FOR LOCAL GOVERNMENTS

1. Requires local governments to provide annual reports on litigation, proposed or approved projects, and other relevant data to the state land planning agency.

VI. IMPACTS TO ORMOND BEACH

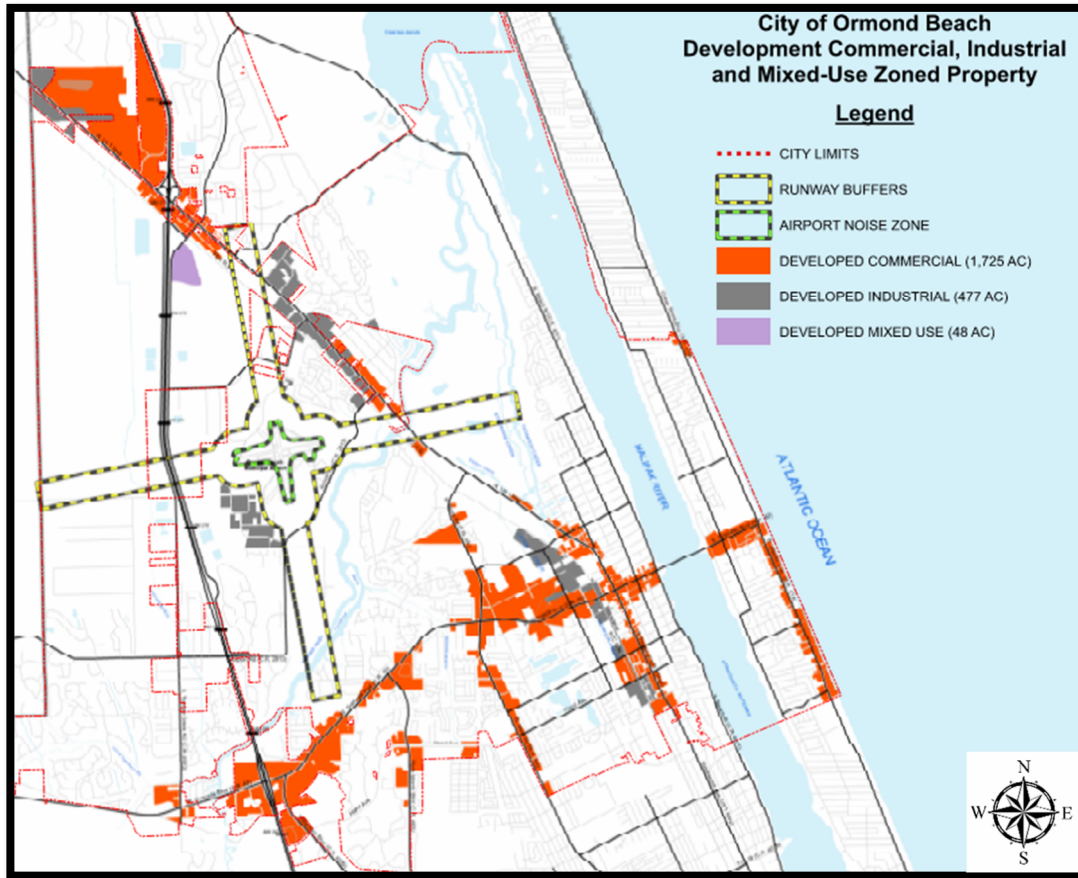
A. DEVELOPED LANDS

1. COMMERCIAL: 2,267 Acres
 - a. Planned Business Developments are included in the updated 2025 amendments to the Live Local Act. The City has 642 acres zoned Planned Business Development, which consist of both vacant and developed parcels.
 - b. If built out to the maximum density of 32-units per gross acre, 72,544 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 163,224 residents.
 - c. If only 5% of the possible acreage was used (86 acres) for Live Local Act development, 3,627 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 8,161 residents.

2. INDUSTRIAL: 477 Acres
 - a. If built out to the maximum density of 32-units per gross acre, 15,264 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 34,344 residents.
 - b. If only 5% of the possible acreage was used (23 acres) for Live Local Act development, 736 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 1,656 residents.

3. TOTAL DWELLING UNIT AND POPULATION INCREASES:
 - a. The gross number of dwelling units possible for developed lands is 87,808 dwelling units. If 5% of this land were developed (137 acres) using the Live Local Act, 4,384 dwellings units are possible.
 - b. At an average of 2.25 people per household, this could increase the City's population by 197,568 residents (100%) or 9,864 residents (5%).

- Notes:
 - o These numbers do not include City owned parcels.
 - o 2.25 average people per household is sourced from July 31, 2023, U.S. Census data for Ormond Beach.
 - o Calculations rounded down to the nearest whole number.



B. VACANT LANDS

1. COMMERCIAL: 268 Acres.
 - a. If built out to the maximum density of 32-units per gross acre, 8,576 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 19,296 residents.
 - b. If only 5% of the possible acreage was used (13 acres) for Live Local Act development, 416 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 936 residents.

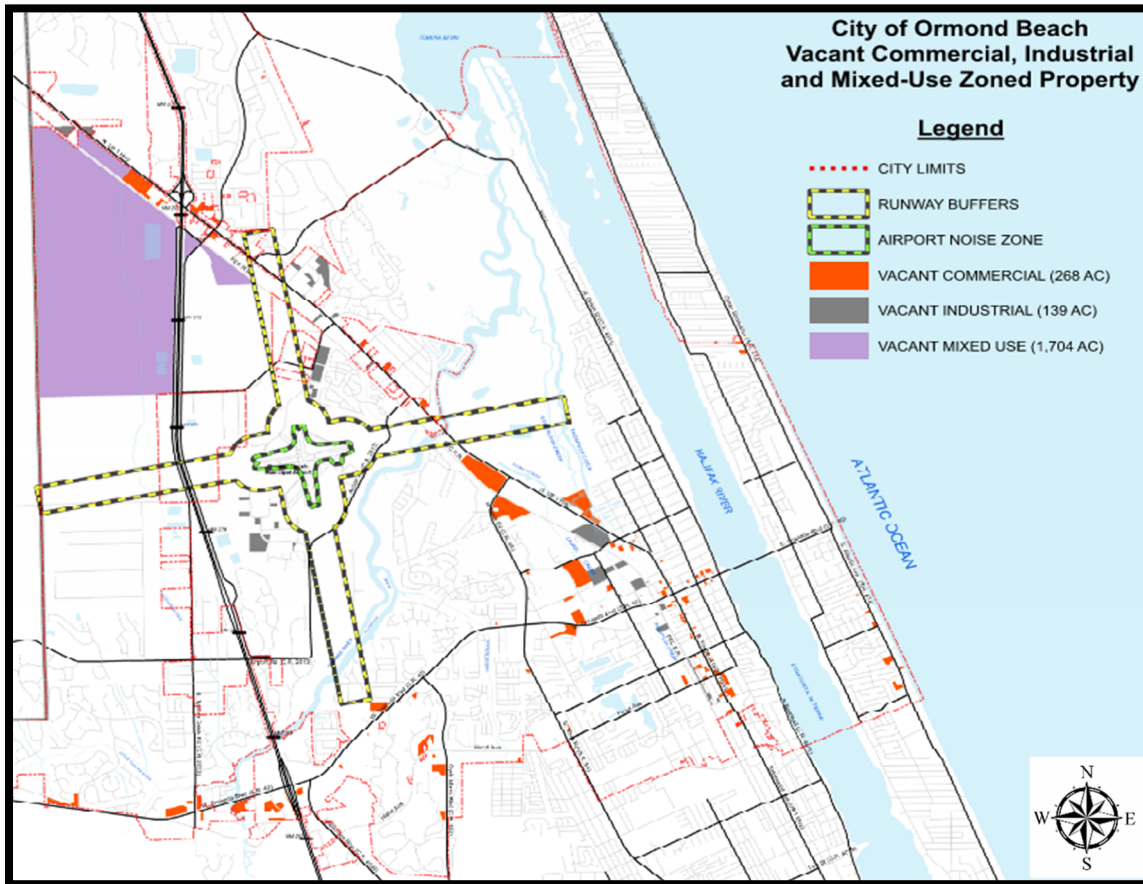
2. INDUSTRIAL: 139 Acres
 - a. If built out to the maximum density of 32-units per gross acre, 4,448 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 10,008 residents.
 - b. If only 5% of the possible acreage was used (6 acres) for Live Local Act development, 192 dwelling units could be permitted. At an average of 2.25 people per household, this could increase the City's population by 432 residents.

3. MIXED-USE (Planned Mixed Use Development Zoning only): 2,919 Acres
 - a. Mixed-use zoning is permitted via planned development zoning only and will now qualify for Live Local Act developments. If built out to the maximum density of 32-units per gross acre, the maximum yield would be a cumulative total of 93,408 units.
 - b. At an average of 2.25 people per household, this could increase the City's population by 210,168 residents (100%) or 10,508 residents (5%).

4. TOTAL DWELLING UNIT AND POPULATION INCREASES:
 - a. The gross number of dwelling units possible for vacant lands (3,326 acres) is 106,432 dwelling units. If 5% of this land were developed (166 acres) using the Live Local Act, 5,312 dwellings units are possible.
 - b. At an average of 2.25 people per household, this could increase the City's population by 239,472 residents (100%) or 11,952 residents (5%).

- Notes:
 - o These numbers do not include City owned parcels.

- 2.25 average people per household is sourced from July 31, 2023, U.S. Census data for Ormond Beach.
- Calculations rounded down to the nearest whole number.



C. COMBINED DEVELOPED AND VACANT LAND IMPACTS

1. The gross number of dwelling units possible across the City using the Live Local Act is 194,240 dwelling units for 6,070 acres of developed and vacant qualifying lands. If 5% of this land were developed using the Live Local Act, 9,728 dwellings units are possible on 304 acres.
2. At an average of 2.25 people per household, this could increase the City's population by 436,040 residents (100%) or 21,888 residents (5%).

D. PARKING

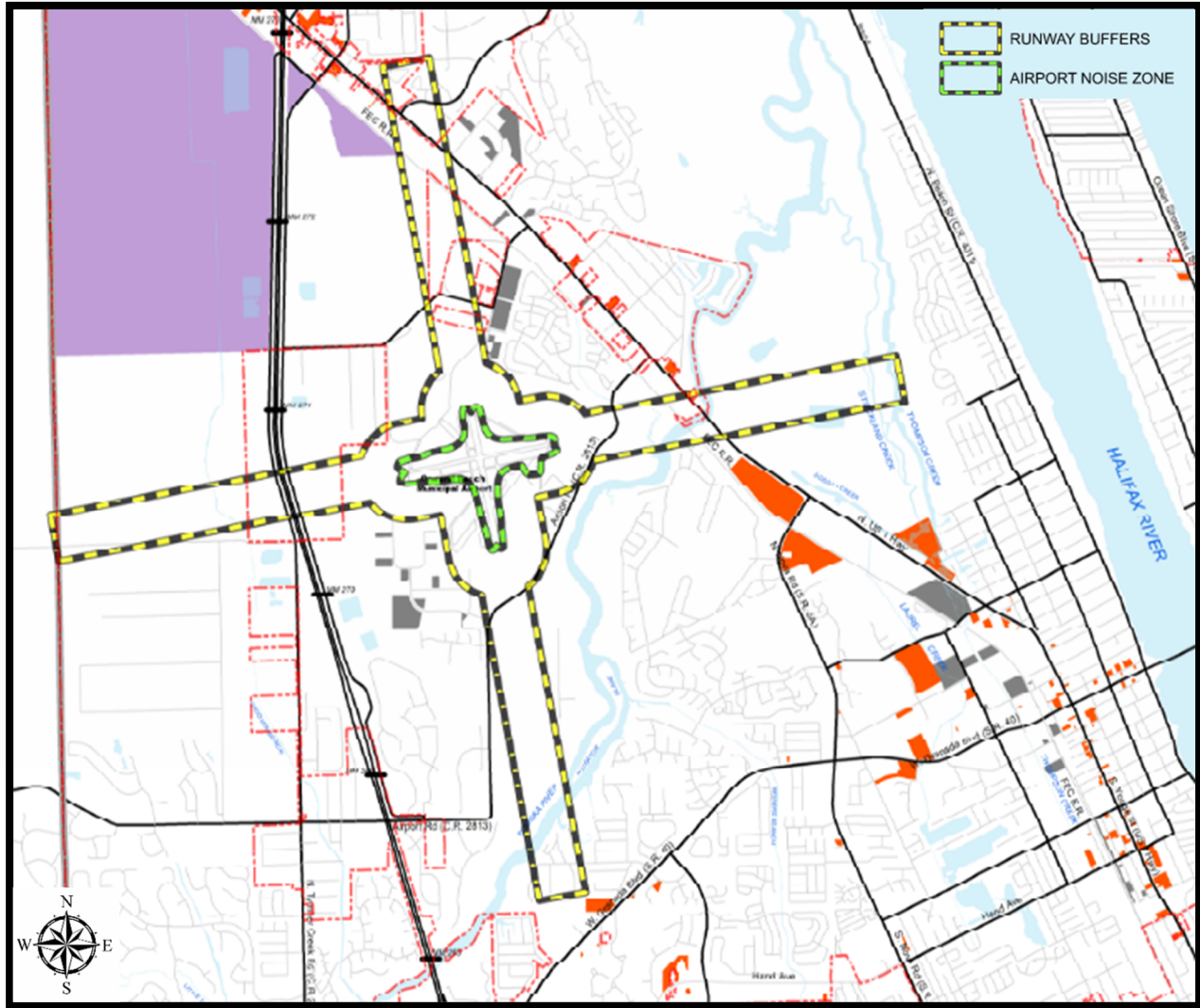
1. 600 FEET AVAILABLE PARKING: The City must reduce parking by 15% (on-street parking and parking lots/garages available for use by residents) within 600 feet of the development. Previously, SB 328 required a 20% reduction if a development had available parking within 600 feet of the development,

including on-street parking or is within one-half mile of a major transportation hub accessible by safe, pedestrian-friendly means.

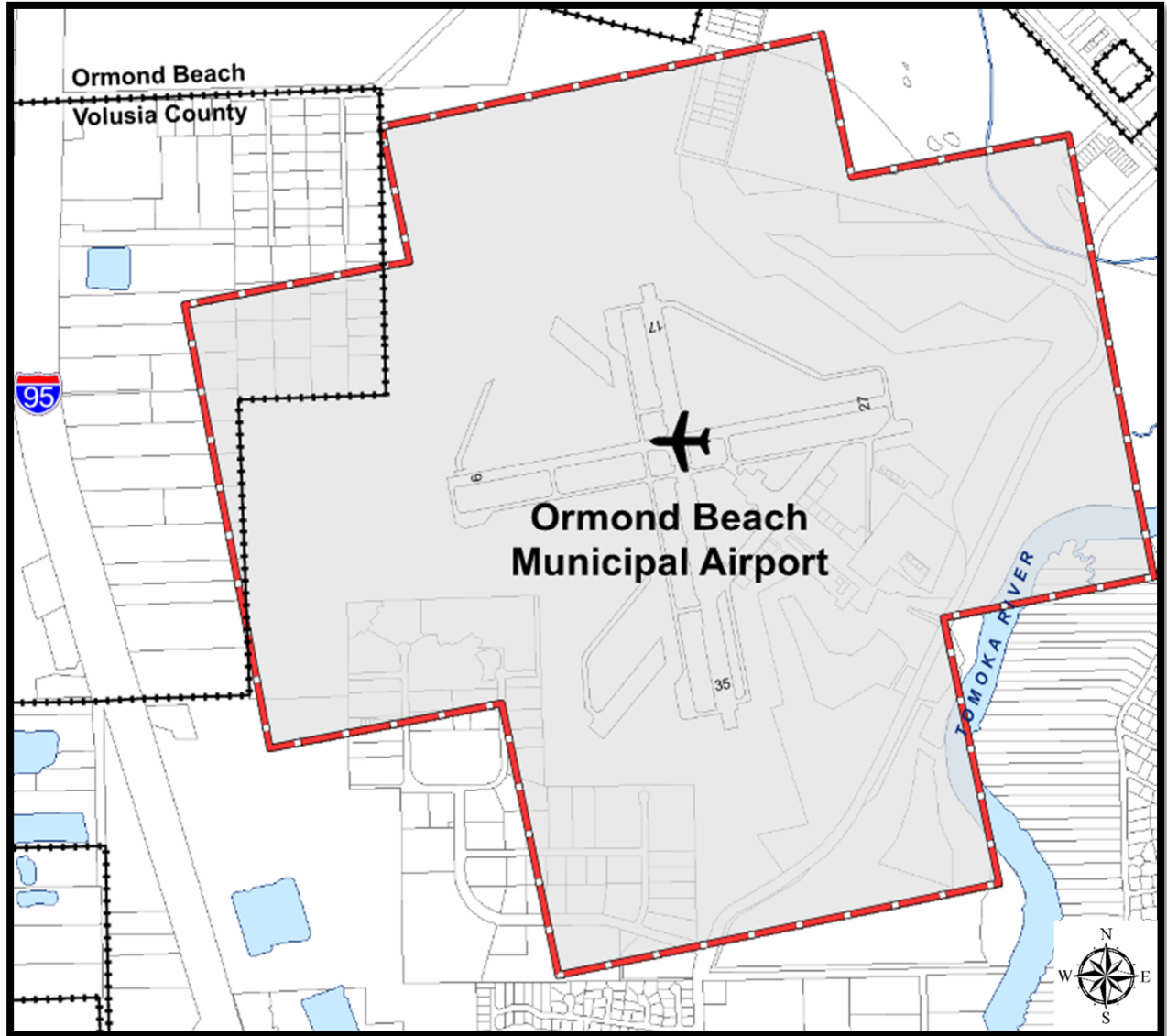
- a. After coordination with City staff, no public parking is available for use by residents for residential purposes. As such, the City will not currently be required to abide by this Live Local Act provision.
- b. The City's Land Development Code currently has section 3-27(a)(7) stating: "To recognize the availability of transit, on-site parking requirements outside of the Downtown Redevelopment Area shall be reduced by fifteen percent (15%) for all development and redevelopment along a recognized Multi-Modal Corridor. City staff identifies Votran routes as Multi-Modal Corridor.
- c. The City's Land Development Code currently has section 3-27(a)(8) stating: Downtown Overlay District parking reductions:
 - i. Downtown District. Due to transit availability, and the existence of on-street parking and public parking lots in the Downtown District, the first two thousand (2,000) square feet of floor area for any building within the River District shall be exempt from the minimum parking requirements as calculated in section 3-26.
 - ii. Uptown and Beachside Districts: Due to transit availability, the minimum parking requirements as calculated in section 3-26 may be reduced by fifteen percent (15%).

E. AIRPORT EXCEPTIONS

1. 10,000 FEET RUNWAY: Parcels near a runway within $\frac{1}{4}$ mile laterally from the runway edge and within an area the width of $\frac{1}{4}$ mile extending at right angles from the end of the runway for 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan (depicted below).



2. AIRPORT OVERLAY DISTRICT: Developments located within the City's Airport Overlay District are not subject to Live Local Act regulations ([depicted below](#)).



VII. RECOMMENDATIONS

A. ORDINANCE REVISION

1. Add specific provisions of the Live Local Act into the land development code to address the conflict between local and state regulations, as well ensuring developments associated with the Live Local Act are considered conforming uses.
 - a. The City of Ormond Beach previously addressed the Live Local Act by incorporating the law directly into their Land Development Code and stating planned developments, planned development-redevelopments, and golf courses are exempt from provisions of the Live Local Act. With the 2025 amendments, the City will need to modify the Land Development Code since planned developments are no longer exempt. However, the City must decide whether to include or exempt properties developed with houses of worship.
 - b. The City handled the Live Local Act affordability requirement by requiring a 40-year term Declaration of Covenants and Restrictions/Land Use Restriction Agreement (LURA). Ormond Beach requires a Live Local Act project to post the property using a poster provided by the City including a reference to the Live Local Act and affordable housing.
2. The following are a few examples of other local governments' previous actions to address the Live Local Act within their own jurisdictions:
 - a. Orange County passed a resolution to adopt standard operating procedures (SOP) for addressing the Live Local Act to include listing planned developments as not eligible for Live Local Act developments. This SOP also requires a LURA documenting the project's affordability.
 - b. The City of Winter Park addressed the Live Local Act by incorporating the law directly into their Land Development Code by clearly defining the law and how it applies to the City of Winter Park. The City imposed their own fines of \$5,000 per day against a developer who fails to meet affordability requirements as agreed upon via a required affidavit. The City also imposed architectural requirements associated by the Orange Avenue Overlay District requiring approval from the Orange Avenue Overlay Appearance Review Advisory Board.
 - c. The City of Tampa created a Live Local Act development application with an associate application fee of \$2,642.00 plus \$111 per acre or portion thereof.
3. Examples of these ordinances, a resolution, and an application are included in the Appendix.

B. PUBLISHING

1. The Live Local Act requires the City to update and electronically publish the inventory of publicly owned properties which may be appropriate for affordable housing development.
2. The Live Local Act requires local governments to maintain a publicly written policy outlining procedures for expediting building permits and development orders for affordable housing projects.







C. INCENTIVISE MULTI-FAMILY ZONED AREAS

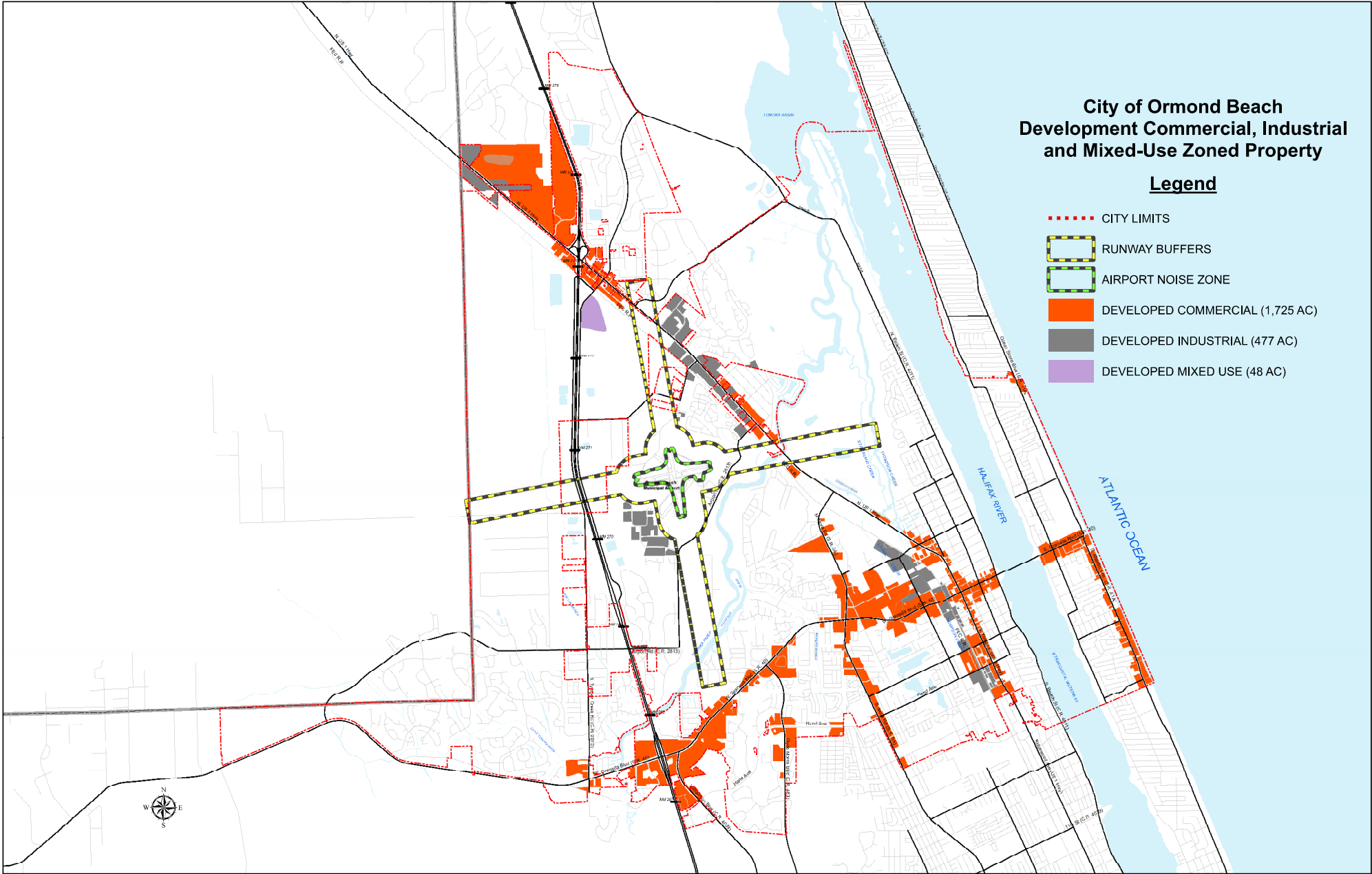
1. Based upon average rent rates in Ormond Beach, the City would lose at least 75% and up to 100% of expected property tax revenue from Live Local Act developments meant to provide affordable housing to an area in which the rent average falls within the affordable housing range.
2. Consider creating additional incentives to encourage affordable housing developments in multi-family areas in accordance with the City's Future Land Use and Zoning Maps. Density bonuses and/or reduced site development standards for affordable housing could encourage these developments to build in traditionally compatible areas and preserve the expected and needed property tax revenue for both Volusia County and the City of Ormond Beach.

APPENDIX

City of Ormond Beach Development Commercial, Industrial and Mixed-Use Zoned Property







Legend

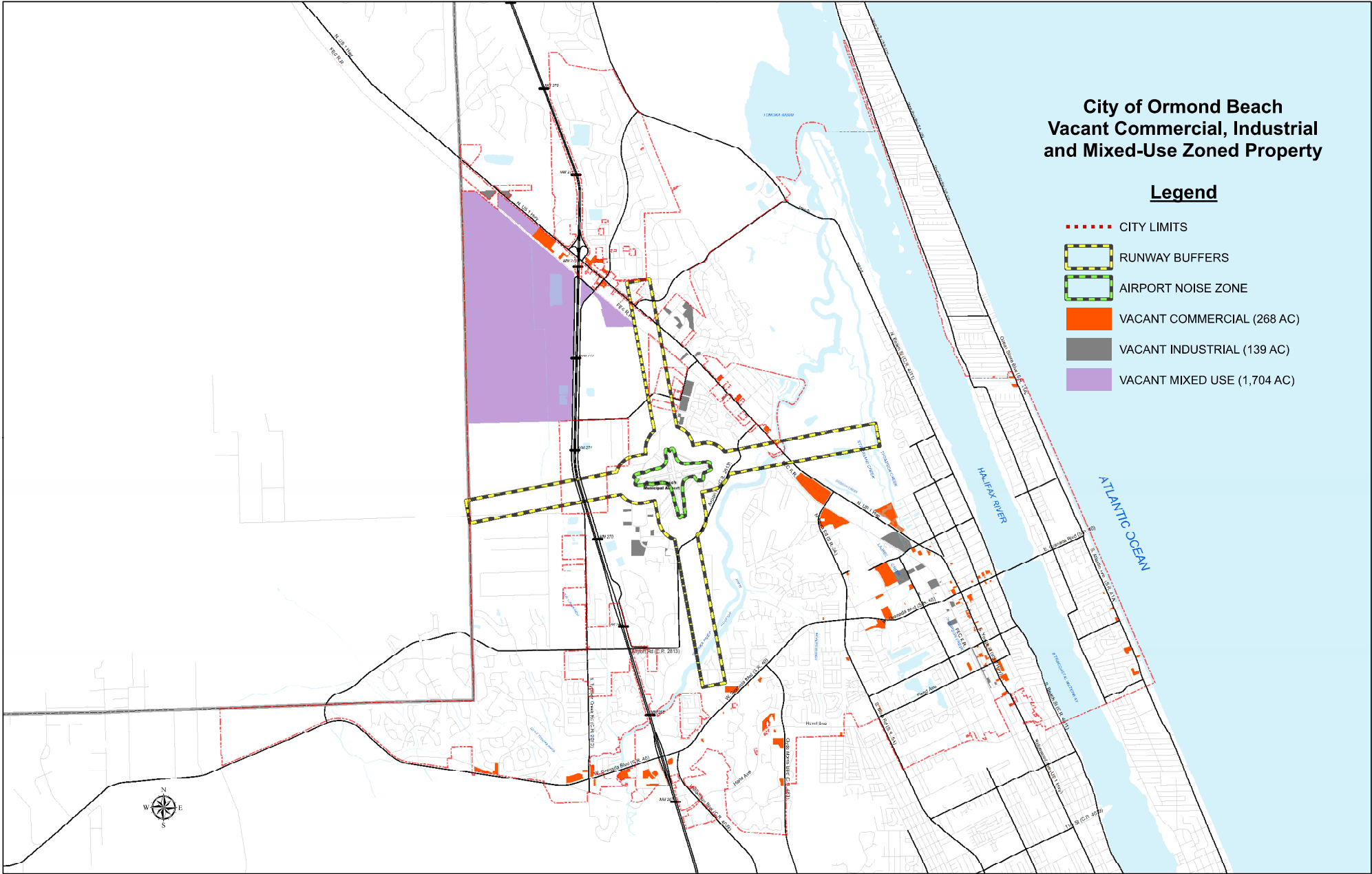
-  CITY LIMITS
-  RUNWAY BUFFERS
-  AIRPORT NOISE ZONE
-  DEVELOPED COMMERCIAL (1,725 AC)
-  DEVELOPED INDUSTRIAL (477 AC)
-  DEVELOPED MIXED USE (48 AC)



City of Ormond Beach Vacant Commercial, Industrial and Mixed-Use Zoned Property

Legend



-  CITY LIMITS
-  RUNWAY BUFFERS
-  AIRPORT NOISE ZONE
-  VACANT COMMERCIAL (268 AC)
-  VACANT INDUSTRIAL (139 AC)
-  VACANT MIXED USE (1,704 AC)

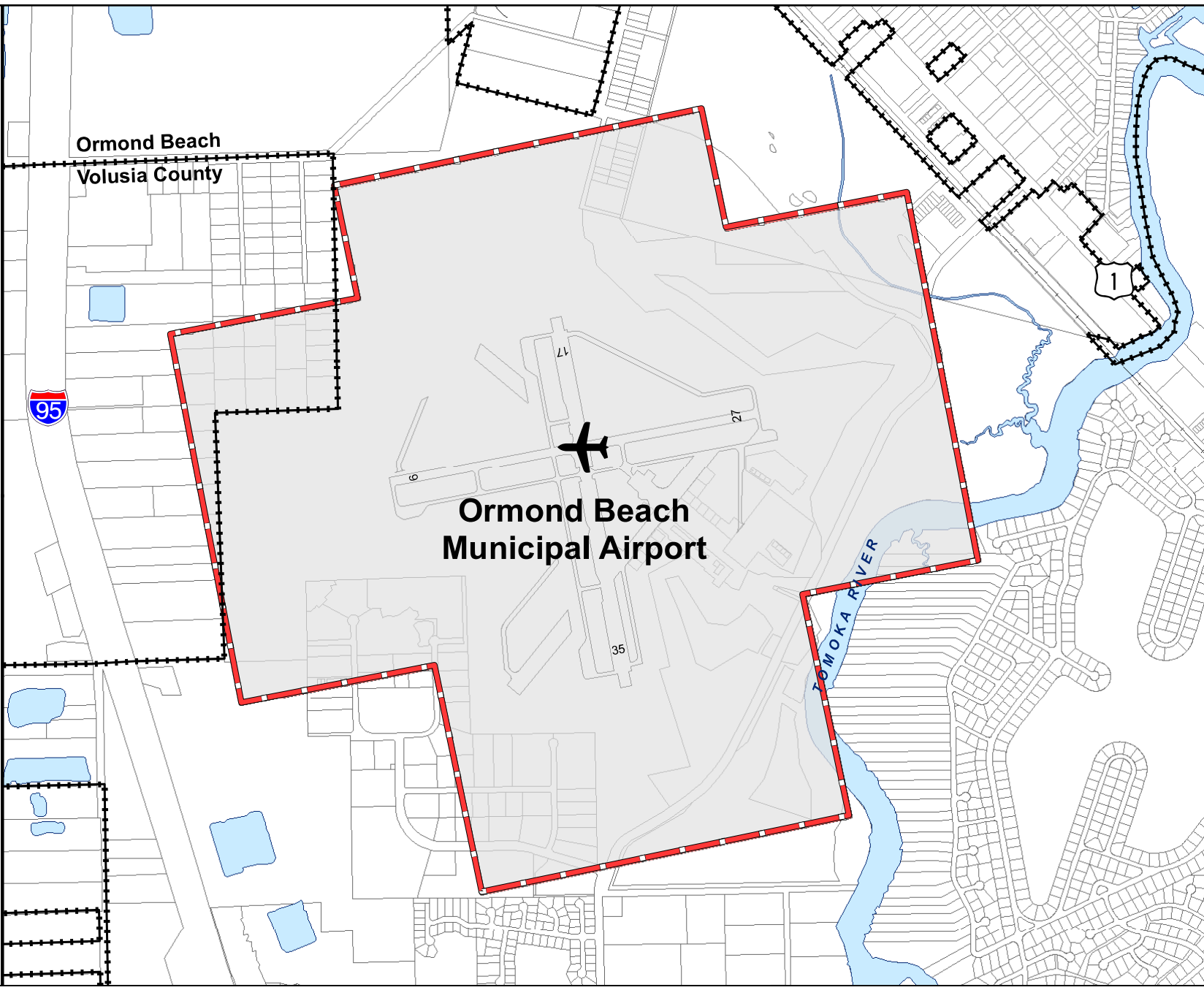




Airport Overlay District Map 10 - 2

Legend

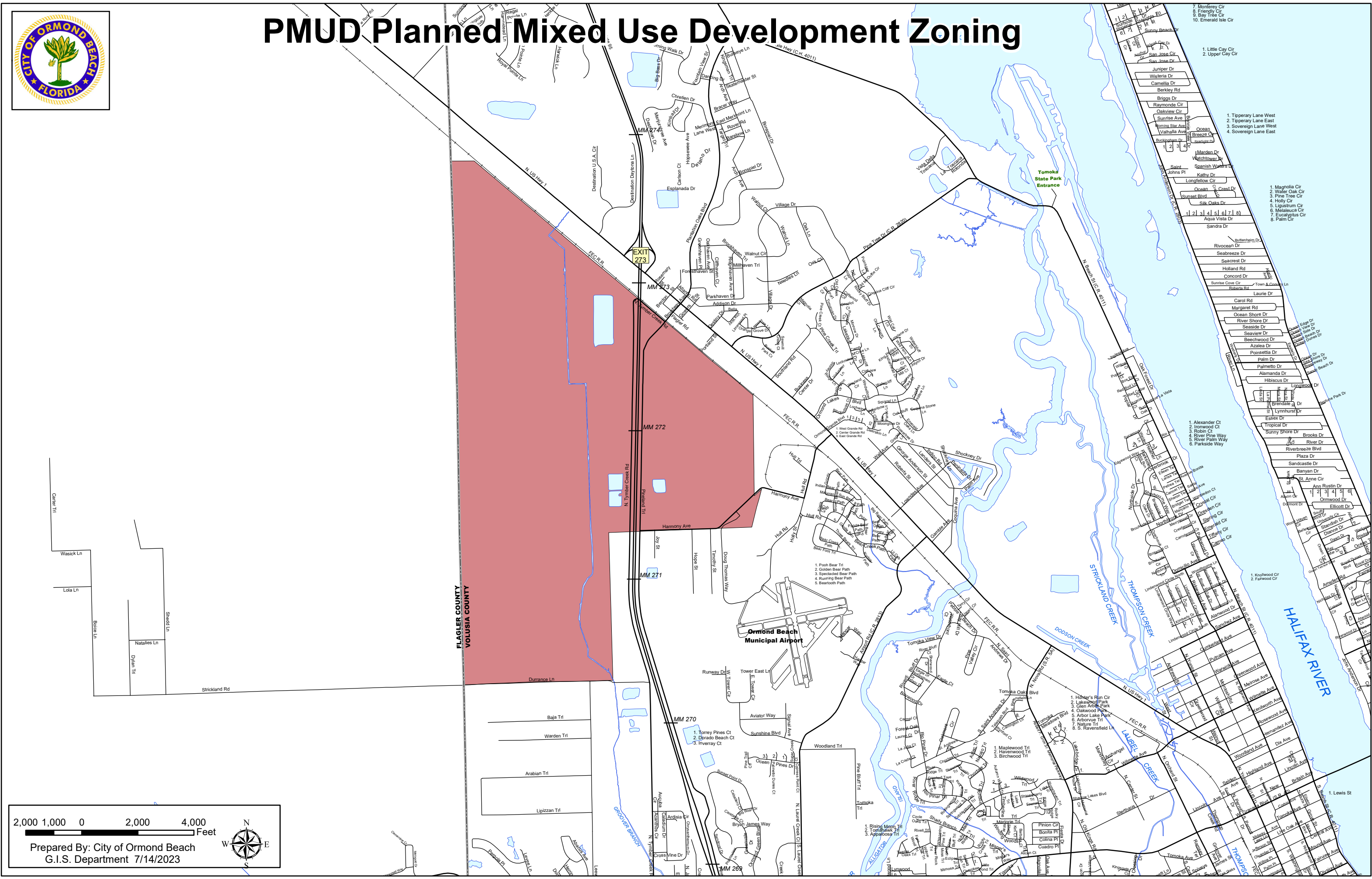
-  AIRPORT OVERLAY DISTRICT
-  CITY LIMITS



Prepared By: City of Ormond Beach G.I.S. Department 1/29/2020



PMUD Planned Mixed Use Development Zoning



2,000 1,000 0 2,000 4,000 Feet

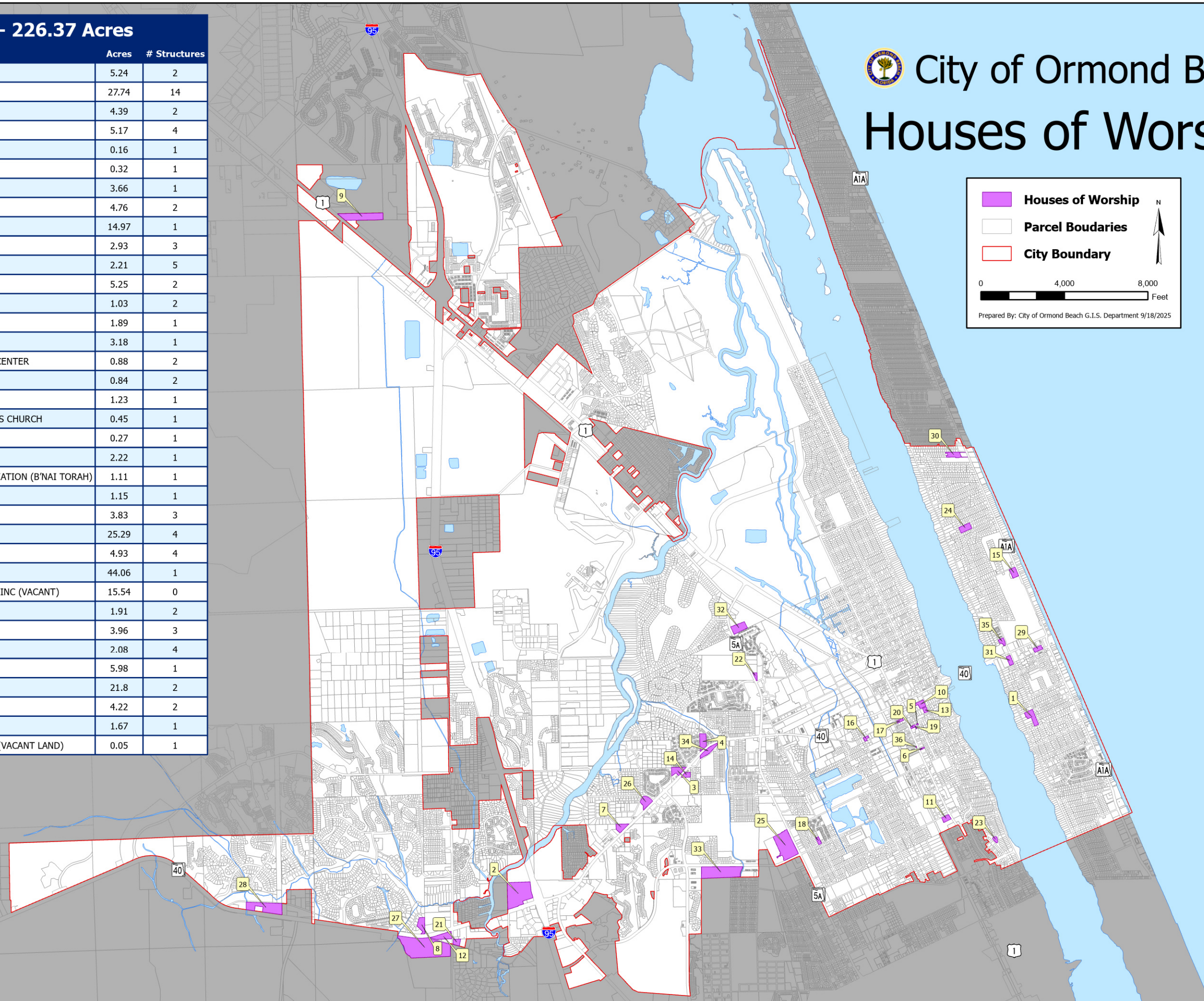
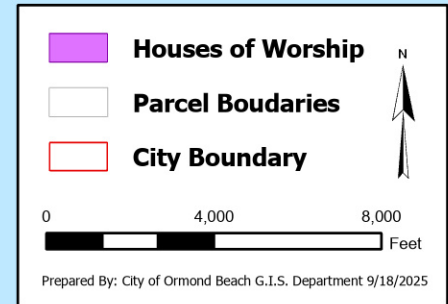
Prepared By: City of Ormond Beach
G.I.S. Department 7/14/2023

Houses of Worship - 226.37 Acres

ID#	Name	Acres	# Structures
1	1ST UNITED METHODIST CHURCH	5.24	2
2	CALVARY CHRISTIAN CENTER	27.74	14
3	CHABAD-LUBAVITCH OF GREATER DAYTONA	4.39	2
4	CHRIST PRESBYTERIAN	5.17	4
5	CHRISTIAN MISS APOSTOLIC CHURCH	0.16	1
6	CHURCH OF GOD BY FAITH	0.32	1
7	CHURCH OF THE HOLY CHILD	3.66	1
8	COQUINA PRESBYTERIAN CHURCH	4.76	2
9	CROSSROADS CALVARY CHAPEL	14.97	1
10	EMMANUEL CHURCH OF THE LIVING GOD	2.93	3
11	FAITH CATHEDRAL MINISTRIES	2.21	5
12	FAITH LUTHERAN CHURCH	5.25	2
13	FELLOWSHIP, INC	1.03	2
14	GRACE COMMUNITY CHURCH	1.89	1
15	GRACE LUTHERAN CHURCH	3.18	1
16	HARBOR BAPTIST CHURCH/POSTIVE LEARNING CENTER	0.88	2
17	HOUSE OF THE RISING SUN CHRISTIAN	0.84	2
18	KINGDOM HALL OF JEHOVAH'S WITNESS	1.23	1
19	MT CALVARY FREE WILL INDEPENDENT HOLINESS CHURCH	0.45	1
20	NEW BETHEL AME CHURCH	0.27	1
21	OASIS CHIRST FELLOWSHIP	2.22	1
22	ORMOND BEACH CONSERVATIVE JEWISH ASSOCIATION (B'NAI TORAH)	1.11	1
23	ORMOND BEACH FIRST CHRISTIAN CHURCH	1.15	1
24	ORMOND BEACH PRESBYTERIAN CHURCH	3.83	3
25	PRINCE OF PEACE CATHOLIC CHURCH	25.29	4
26	PROVIDENCE CHURCH, INC	4.93	4
27	RIVERBEND COMMUNITY CHURCH	44.06	1
28	SAINT MARY MACEDONIAN ORTHODOX CHURCH INC (VACANT)	15.54	0
29	SALTY CHURCH	1.91	2
30	ST BRENDAN CATHOLIC CHURCH	3.96	3
31	ST JAMES EPISCOPAL CHURCH	2.08	4
32	TEMPLE BETH EL	5.98	1
33	TOMOKA CHRISTIAN CHURCH	21.8	2
34	TOMOKA UNITED METHODIST CHURCH	4.22	2
35	UNITARIAN UNIVERSALIST CHURCH	1.67	1
36	UNITED BIBLEWAY CHURCH OF GOD IN CHRIST (VACANT LAND)	0.05	1



City of Ormond Beach Houses of Worship



Agenda Item 7 (Legislative Hearing)

Land Development Code Text Amendments

DEV2023-577

LDC Text Amendment

Live Local Act

STAFF REPORT

DATE: January 5, 2024 **UPDATED**

TO: Planning Board Members

FROM: Doug Gutierrez AICP, Planning Manager

AMENDMENT REQUEST

A request by the Growth Management and Planning Department, to amend Article 6, Section 6.22.G – Affordable Housing, of the Land Development Code, to add the Implementation of Live Local Act, SB 102 (2023), eligibility criteria, procedures, and standards.

BACKGROUND

This item, which is a follow-up to a recent City Commission discussion, is intended to provide clarity and “fill in the gaps” to address issues not expressly addressed by the Live Local Act.

PROPOSED LDC TEXT AMENDMENT

Staff has received a request to implement certain zoning related provisions of the Live Local Act.

Sec. 6.22. Affordable housing.

*** [omitted text not affected by this ordinance]

G. Implementation of Live Local Act, SB 102 (2023). The following provisions are in implementation of the Act:

1. For purposes of implementing certain zoning-related provisions of Fla. Stat. s. 166.04151(7), with respect to multifamily and mixed-use residential affordable housing as further described therein, the following eligibility criteria, procedures, and standards shall apply:

- a. 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 and height limitations, apply only to properties zoned for commercial, industrial, or mixed use. No other properties are eligible. Among those properties excluded from eligibility are properties subject to a PD (planned development) or PD-RD (planned development-redevelopment), unless the PD or PD-RD agreement for the property specifically provides for such applicability; and properties zoned for or use 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 stand-alone facilities.**

- b. 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 (the “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, 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 building permits.
- c. Except for height and density, 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 that would 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.
- d. For a proposed project that is eligible for the development rights under the Live Local Act or any successor legislation, 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 that will include reference to the Live Local Act and affordable housing.

TEXT AMENDMENT REVIEW STANDARDS

The purpose of Section 3.4.B.1 is to provide a uniform means for amending the text of the Land Development Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

Is consistent with the comprehensive plan;

a. Is consistent with the comprehensive plan;

The proposed text amendments are consistent with the comprehensive plan.

b. Is not in conflict with any provision of this Code or the Code of Ordinances;

Staff has reviewed the proposed text amendment and determined that if approved, the amendment will not conflict with any provisions of this Code or the Code of Ordinances.

c. Is required by changed conditions;

Staff has reviewed the proposed text amendment and determined the amendment addresses the Live Local Act.

d. Addresses a demonstrated community need;

Staff has reviewed the proposed text amendment and determined the amendment addresses community need.

- e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;**

N/A

- f. Would result in a logical and orderly development pattern; and**

N/A.

- g. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

Staff does not anticipate any environmental impacts with the proposed text amendment.

RECOMMENDATION

Based on staff analysis and review of the above standards, approval of the requested text amendments concerning the Live Local Act Article 6.22 is recommended. A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

ADOPTION OF STANDARD OPERATING PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THE LIVE LOCAL ACT.

Resolution No. 2023-M-32

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;

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 multi-family rental development are, for a period of at least 30 years, 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.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:**

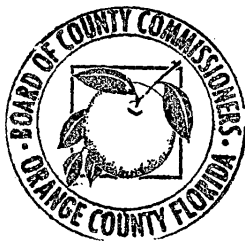
Section 1. Authority. This Resolution is adopted pursuant to the provisions of the Constitution of the State of Florida, Chapter 125, Florida Statutes, the Charter of Orange County, and other applicable provisions of law.

Section 2. Live Local Act Standard Operating Procedures. The Board hereby adopts the Live Local Act Standard Operating Procedures (the “SOPs”) as set forth on 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 SOPs attached hereto.

Section 3. Termination. By its terms, the Act expires on October 1, 2033. This Resolution, and the SOPs, 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 on August 9, 2023.

ADOPTED this 8th day of August 2023.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Jerry L. Demings
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: Jennifer Ann - Kinney
Deputy Clerk

APPENDIX “A”
FORM OF LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

Description

On March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, which created Section 125.01055(7), Florida Statutes, otherwise known as the Live Local Act (the “Act”). The Act took effect on July 1, 2023. 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 of the residential units in a proposed multi-family rental development are, for a period of at least 30 years, affordable as defined in § 420.0004, Florida Statutes. 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, assuming such projects meet the criteria in the Act, they must be administratively approved. This document outlines the process such projects need to follow to obtain administrative approval pursuant to the Act.

Eligibility Criteria

- Uses
 - Multi-family and mixed-use residential
 - For mixed use projects, at least 65 percent of the total square footage must be used for residential purposes.
- Affordability
 - At least 40 percent of the residential units must be affordable, as defined in § 420.0004, F.S.
 - The affordable units must remain affordable for a period of 30 years.
 - A Declaration of Covenants and Restrictions / 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
 - Please refer to the Zoning Guidelines section of this document for the applicable multi-family development regulations / Performance Standards.
 - Except for height and density, the project must comply with all other applicable development standards. With the exception of 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.
 - Projects zoned PD (Planned Development District) will not qualify under this process and must comply with the applicable planned development approval processes.

Process and Submittal Requirements

1. TRG Pre-application Meeting.
 - A TRG pre-application meeting is required prior to submitting a Live Local Development Plan.
2. Submit Live Local Plan Set to DRC Office
 - DRC application must be emailed to DRC_help@ocfl.net . The submittal process will be completed via [Orange County FastTrack](#)
 - TRG/DRC applications and submittal procedures are located on the [DRC Webpage](#)
 - Required plan elements can be found in the [Development Plan \(DP\) Sufficiency Checklist](#)
3. Application is reviewed for sufficiency by DRC office.
 - Once marked sufficient, the applicable Commissioner shall be notified and the plan is added to current Technical Review Group (TRG) review cycle.
 - An automated email will be sent to applicant indicating plan is sufficient for review and directing coordination with the Housing and Community Development Division to begin the LURA process.
4. TRG Review
 - The standard TRG Review cycle is 10 business days. After which an automated email including the staff review comments will be sent to the applicant.
 - The applicant may opt to attend the next available TRG meeting to discuss the comments or revise the plan according to the comments and resubmit via FastTrack.
 - Once all TRG staff sign off on a plan with no revisions needed, the applicant will be required to post notice on the property with a poster provided by the County which shall include reference to the Live Local Act and shall otherwise substantially comply with the County's standard property posting procedures.
 - Following confirmation from the applicant that the property was posted, the case will be placed on the consent agenda for the next available DRC meeting.
5. DRC Consent
 - Case is added to next available DRC meeting as Live Local Act consent item. An accompanying staff report will include findings to support the staff's recommendation. If staff finds that the application meets the requirements in the Act to receive administrative approval, staff will recommend approval. If staff determines that the project does not comply with the applicable development standards and/or Comprehensive Plan provisions, staff will recommend denial of the administrative approval and, if the applicant wants to continue, the applicant must then follow the conventional development process.
 - The DRC will approve or deny the Live Local Development Plan via the Live Local Act Consent Agenda.
6. Approval moves plan to "pending agreement" stage in LDMS.
 - Once agreement is approved, executed, and recorded, the Housing and Community Development Division will mark the case as "Approved".
 - Once cast status is "Approved", an automated approval email will be sent to the applicant citing the conditions of approval listed in the DRC staff report and directing a copy to be submitted along with the subsequent building permits.

7. Permit submittal and review

- When submitting for building permits, the applicant will select “permit a result of Live Local Act DRC process” in FastTrack.

Zoning Guidelines

Eligible Zoning Districts
<i>Commercial: C-1, C-2, C-3</i>
<i>Industrial: I-1A, I-1/I-5, I-2/I-3, I-4</i>
<i>Mixed Use: NC, NAC</i>

Applicable Multi-Family Development Regulations/Performance Standards				
Zoning district of subject property	C-1, C-2, C-3 I-1A, I-1/I-5, I-2/I-3, I-4		NC	NAC
Applicability	<p>If subject property is located <u>within</u> 100 ft* of a property zoned A-1, A-2, A-R, R-CE-5, R-CE-2, R-CE, R-CE-C, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T, R-T-1, R-T-2, a portion of a PD with single family uses designated on an approved land use plan, or a property zoned R-2, R-3, or NR that has been developed with single-family residential or duplex .</p> <p>A maximum of four (4) units shall be contained in any combination of attached dwellings.</p>	<p>If subject property is located <u>greater than</u> 100 ft* from a property zoned A-1, A-2, A-R, R-CE-5, R-CE-2, R-CE, R-CE-C, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T, R-T-1, R-T-2, a portion of a PD with single family uses designated on an approved land use plan, or a property zoned R-2, R-3, or NR that has been developed with single-family residential or duplex.</p>	MFR projects that meet LLA criteria in the NC zone district.	MFR projects that meet LLA criteria in the NAC zone district.

	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
	(for 4 or more DU's per Sec. 38-1501)			
Maximum Density	Per SB 102: Up to 50 du/acre (highest density allowed in OC Comp Plan)			
Min. lot area	15,000 SF	15,000 SF	1,000 SF plus 2,000 SF per DU	1,000 SF plus 2,000 SF per DU
Min. living area	500 SF per DU	500 SF per DU	500 SF per DU	500 SF per DU
Min. lot width	85 ft.	85 ft.	85 ft.	85 ft.
Min. front yard	20 ft.	20 ft.	20 ft.	20 ft.
Min. rear yard	30 ft.	30 ft.	20 ft.	20 ft.
Min. side yard	10 ft. (30 ft. where adj. to SFR district, per note b in Sec. 38-1501)	10 ft. (30 ft. where adj. to SFR district, per note b in Sec. 38-1501)	10 ft.	10 ft.
ROW setbacks	Per Sec. 38-1603 (Functional classification and setback distances)			
Building separation for MFR	Structures containing three (3) or more dwelling units shall maintain a 20 ft separation between any other structure on the same lot or parcel (per Sec. 38-1501(a))			
Max. building height	35 ft.	35 ft.	65 ft., 80 ft. with ground floor retail	50 ft./4 stories, 65 ft. with ground floor retail
	Per SB 102: Max. height permitted per code within 1 mile* in the jurisdiction of the project site.			
	R-2 MFR Standards	R-3 MFR Standards	NC MFR Standards	NAC MFR Standards
Airport height limit	Chapter 7 of OC Code			
NHWE setback	50 ft. from NHWE			
Open space	45% (per Sec. 24-29)	45% (per Sec. 24-29)	25% of total lot coverage (per Sec. 38-1734(5)a.1.)	25% of total lot coverage (per Sec. 38-1741(5)a.1.)
Lot coverage/FAR	45% min open space per Sec. 24-29	45% min open space per Sec. 24-29	Max FAR 2.0	Max FAR 1.0
Buffering and landscaping	Sec. 24-5 (Buffer yards) <ul style="list-style-type: none"> Type C – (C-1 – and utilized for R-2 and R-3 MF – from SFRs) 15 ft. wide, may utilize masonry wall, berm or planted and/or existing vegetation or combo for opaque buffer All buffers shall include one (1) shade tree for each 40 lineal feet or fraction thereof 		Per Sec. 38-1734(6) : Type B buffer per Sec. 24-5 , but minimum 7 ft. wide	Per Sec. 38-1741(6) : Type C buffer per Sec. 24-5 , but minimum 5 ft. wide

	Ch. 24 (Landscaping)
Parking	Per Sec. 38-1476 : Apartments of three (3) DU or more <ul style="list-style-type: none"> • 1.5 spaces/unit for efficiencies or 1 bd • 2 spaces/unit for 2 and 3 bds
	Per SB 102: County to consider parking reductions if project is within ½ mile of a “major transit stop”

*measured “as the crow flies”

ORDINANCE 3290-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NON-RESIDENTIAL ZONING DISTRICTS", TO PROVIDE DEFINITIONS AND SUBMITTAL AND REPORTING REQUIREMENTS AND OTHER PROVISIONS FOR CERTIFICATION AND IMPLEMENTATION OF DEVELOPMENT PURSUANT TO THE LIVE LOCAL ACT, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance in order to provide certification standards and implementation criteria for development proposed in conformance with the Live Local Act of Florida Statutes;

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida;

WHEREAS, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-84 "General provisions for non-residential zoning districts" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-84. General provisions for non-residential zoning districts.

(hh) General provisions for development proposed in conformance with the Live Local Act of Florida Statutes.

(a) **Definitions.** For the purposes of this subsection, the following definitions are provided for terminology not defined in Florida Statutes with respect to implementation consistent with the Winter Park Land Development Code:

Allowed as used in Fla Stat. 166.0415 shall mean as allowed under the provisions of the city land development code at the time of a proposal is submitted for development subject to Fla Stat. 166.0415 and shall not mean as allowed historically back in time previous to the present. It shall also mean allowed by right pursuant to the applicable zoning district and shall not include as may potentially be allowed via a conditional use approval, or access to any bonus

pool, or via special permit for non-conforming structures or settlement agreement or vesting agreement for such non-conforming allowances.

Commercial as used in Fla. Stat. 166.0415 shall mean only the commercial zoning districts of the city which are only the properties zoned C-1, C-3, C-3A and PD-OC as used in the Ravaudage PD, and no other zoning district.

Height within one mile as used in Fla Stat. 166.0415 shall mean one mile as can be traveled by human beings along the public streets of the city within the normal permitted lanes of travel from the center point of the proposed development site and shall not mean a straight-line distance as a bird might be able to travel.

Highest allowed density as used in Fla Stat. 166.0415 shall mean in the context of Winter Park, 17 units per acre as this is the highest residential density currently allowed and is expressed in units per acre and shall only mean residential units per acre and shall not mean density as in the context of floor area ratio as used elsewhere in Chapter 166 Fla Stat. which in reference to intensity terminology as applied to floor area ratio. Density is units per acre and intensity is floor area ratio.

Highest currently allowed height as used in Fla Stat. 166.0415 shall only mean such height allowed by right within the municipality and not heights allowed if such height would require conditional use approval under the city land development code based upon the size in square footage of the project proposed project under the Live Local Act.

Industrial as used in Fla Stat 166.0415 shall mean only the industrial I-1 zoning district of the city and no other industrial zoning district.

Mixed Use as used in Fla Sta. 166,0415 shall not apply in the City, as no mixed use zoning district exists within the city.

(b) **Process for Approval.** The approval process for a qualifying development located within an eligible zoning district, shall include payment of a fee, and if application is not made by the owner of record, then a contract or agreement to purchase (that permits black-out of the financial purchase details) but is clear as to dates of effectiveness and due diligence periods, an application on a form provided by the city, site development plans, and affidavit of commitment to City of Winter Park's Affordable Housing standards for income qualification, monitoring, and inspection during the full minimum 30 years of operation including acknowledgement of the auditing requirements for eligibility of all tenants living within the designated affordable housing units in order to establish compliance with the provisions of the Live Local Act and penalties for non-compliance as further outlined below. Upon application, the city shall complete a sufficiency review of the materials submitted and provide a response that the application is complete or specifically what items are still required at a date sixty (60) days after submittal. The applicant shall then provide the items that are required for the sufficiency review which shall then begin another sufficiency review period that shall be completed at a date

sixty (60) days following re-submittal and so on until a complete application is provided. A contract to purchase must be in full force and effect during the sufficiency and review periods established within this Section. If any due diligence period or other contract matter expires within such time periods, then the city shall not begin or complete the sufficiency review or application review.

- (c) **Minimum Requirements.** The minimum requirements for certification of compliance with the Live Local Act are as follows:

Site Development Plan which includes the following:

1. Scale, date, and north arrow.
2. Legal Description of the property.
3. Site Data Table including gross square footage of the site and project, total impervious coverage and principal setbacks.
4. Dimensioned location, size, height and use of all proposed structures.
5. Project units, number of affordable units per area median income, and affordability period.
6. Label uses of adjacent parcels.
7. Location, dimension and method of buffering from adjacent uses.
8. Location and method of screening of refuse stations, storage areas and off-street parking and loading areas.
9. Method of stormwater retention.
10. Location, size and total amount of greenspace.
11. Tree table with tree retention and applicable mitigation.
12. The location, width, pavement type, right-of-way name and other related appurtenances of all public rights-of-way adjoining, traversing or proximate to the site.
13. Location and dimensions of proposed project ingress/egress, parking and service areas, including typical parking space dimensions.
14. Vehicle Use Area buffering adjacent to rights of way.
15. Southern Florida Building Code definitions for types of construction proposed and existing.
16. Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all existing and proposed curb cuts and sidewalks.
17. Building Elevations (4-sided) for each proposed building.
18. Commitment to complete a transportation study prior to issuance of the building permit.

19. Any other information required under the specific site plan districts pertaining to this article or which may be required, when commensurate with the intent and purpose of this Code, by city reviewing staff.
 20. An affidavit confirming a 30-year commitment to provide affordable housing and monetary cap on all rent charges including any and all other fees as may be assessed to the occupants of units deemed to be affordable, such that all rents and fees shall not exceed 30% of the gross revenue of all occupants of affordable units; affidavit attesting to agreement and acceptance as to the annual audit requirements by a certified public accounting firm attesting to satisfaction of the such income and total rental fees and affidavit attesting to agreement and understanding that violations of such commitments shall be subject to a fine of no less than \$5,000.00 per day for each violation determined by the annual audit and for each day the annual audit is not received by the city after March 1st of every year and affidavit agreement that any such fines shall constitute a lien on said property if not paid to the city within 60 days of receipt of the audit by the city by March 1st of every year and agreement to reimburse the city for any legal expenses in the enforcement of these provisions.
 21. A statement indicating the petitioners' commitment to comply with specific chapters of the City Code applicable to the project (i.e., tree and landscaping, fire, etc.) at the time of permitting.
 22. Compliance with all land development regulations applicable to the zoning district in which the project is proposed, except only as otherwise preempted by the Live Local Act with respect to height.
- (d) **Project Narrative.** Application shall contain a narrative which demonstrates compliance with section 166.04151(7)(a)- (g), Florida Statutes.
 - (e) **Orange Avenue Overlay District (OAO).** Projects within the Orange Avenue Overlay District must meet the applicable architectural requirements of the OAO and will be subject to review by Orange Avenue Overlay Appearance Review Advisory Board. The City may deny a project that receives a recommendation of denial or fails to meet the conditions of a recommendation for approval from the Orange Avenue Overlay Appearance Review Advisory Board.
 - (f) **Affidavit of Commitment and Restrictive Covenants.** As a condition of approval and prior to any site or building permits for the project being requested or obtained, the applicant (and the property owner, if different from the applicant) must execute and have recorded in the public records of Orange County, Florida, an Affidavit of Commitment and Restrictive Covenants. Such Affidavit of Commitment and Restrictive Covenants shall: (i) have terms acceptable to the city, (ii) run with and be binding upon the land for no less than thirty (30) years from the issuance of a certificate of occupancy for the last principal structure of the project (iii) be enforceable by the city; (iv) detail the affordable housing and project conditions and

restrictions required by this section, the Live Local Act and on the approval of the project; (v) provide for monitoring, and compliance requirements; and (vi) provide for the city's enforcement remedies. Mortgage holders will be required to execute and record a subordination of their lien interest to such Affidavit of Commitment and Restrictive Covenants prior to or simultaneously with the recording of the Affidavit of Commitment and Restrictive Covenants. The city will provide the monitoring and compliance forms upon submittal of the application, deemed complete and sufficient.

- (g) **Equivalent Treatment of all Dwelling Unit Requirements.** As a condition of approval prior to any site or building permits for the project being requested or obtained, such project must demonstrate and commit that all affordable dwelling units and market rate dwelling units shall be located within the same structure. all common areas and amenities shall be accessible and available to all residents (both affordable and market rate dwelling units). access to the required affordable dwelling units shall be provided through the same principal entrance(s) utilized by all other dwelling units in the development. in addition, the sizes and number of bedrooms in the affordable dwelling units shall be proportional to the square footage and number of bedrooms in the market rate dwelling units (e.g., for number of bedrooms, if 25 percent of the market rate dwelling units consist of two bedrooms, then 25 percent of the affordable dwelling units shall also have two bedrooms).
- (h) **Agent Authorization.** An affidavit with the property owner's notarized authorization.
- (i) **Timeframe for Review and Issuance of Approval:** Upon receipt of a complete application, the city will complete its review and provide a response sixty (60) days from receipt of such materials as required by this subsection.
- (j) **Fee:** The fee for a qualifying development will be \$2642.00 plus \$111/acre or portion thereof or as otherwise amended within the adopted Fee Schedule from time to time by the City Commission at public hearing.
- (k) **Duration of Approval:** An approval received through this process shall be effective for three (3) months from the date of approval. The application process and certification of compliance with the live local act shall begin again if a building permit has not been issued by the city within six (6) months of an approval under this section.

SECTION 2. CODIFICATION/SUNSETTING. Section 1 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances. The provisions of Section 1 of this Ordinance shall sunset and be automatically repealed upon the occurrence of any one of the following: (1) Section 5 of The Live Local Act as set forth in Chapter 2023-17 expires on October 1, 2033; (2) Section 5 of The Live Local Act as set forth in Chapter 2023-17 is held unconstitutional or invalid by a court of competent jurisdiction; or (3) Section 5 of The Live Local Act as set forth in Chapter 2023-17 is repealed. The sunseting of Section 1 of this Ordinance will not terminate any conditions of approval

for projects utilizing Section 1 prior to its sunseting or the City's ability to enforce the same, including without limitations, any terms and conditions of Affidavit of Commitments and Restrictive Covenants pertaining to the project.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 4. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this 10th day of January 2024.

By: _____
Mayor Phillip M. Anderson

ATTEST:

Rene Cranis, City Clerk



DEVELOPMENT & GROWTH MANAGEMENT DEVELOPMENT COORDINATION



INSTRUCTIONS FOR APPLICATION – LIVE LOCAL ACT (LLA)

Please be aware that this application is provided for the submittal of an application for a qualifying affordable housing development in accordance with the Live Local Act (Chapter 2023-17, Laws of Florida).

PLEASE READ INSTRUCTIONS THOROUGHLY

Please contact a representative of Development and Growth Management (DGM) at (813) 274-3100, option 2, or TampaZoning@tampagov.net prior to submitting your application:

A PRE-APPLICATION COUNSELING is required prior to submittal of a LLA application. The applicant must schedule counseling session with a DGM staff member. The session is to advise an applicant for a qualifying affordable housing development in accordance with the LLA requirements as stipulated in the memo from the City dated July 3, 2023.

Fee:

The fee for an LLA Project will be \$2642.00 plus \$111/acre or portion thereof.

Minimum Requirements for Application:

- The complete application, including site plan and tree/topographical/boundary survey.
- Project Narrative which demonstrates compliance with Section 166.04151(7)(a)-(g), Florida Statutes.
- Owner/Agent Authorization

LLA Applications are available for the following districts:

Residential Office (RO)	Seminole Heights – Commercial Intensive (SH-CI)
Residential Office – 1 (RO-1)	Neighborhood Mixed Use – 16 (NMU-16)
Office Professional (OP)	Neighborhood Mixed Use – 24 (NMU-24)
Office Professional – 1 (OP-1)	Neighborhood Mixed Use – 35 (NMU-35)
Commercial Neighborhood (CN)	Ybor City – 1 (Central Commercial Core) (YC-1)
Commercial General (CG)	Ybor City – 4 (Mixed Use Redevelopment) (YC-4)
Commercial Intensive (CI)	Ybor City – 5 (General Commercial) (YC-5)
Industrial General (IG)	Ybor City – 6 (Community Commercial) (YC-6)
Industrial Heavy (IH)	Ybor City – 7 (Mixed Use) (YC-7)
Seminole Heights – Commercial General (SH-CG)	



Application for a Qualifying Development (LLA)

Property Owner's Information

Name(s): _____

Address: _____

City: _____

State: _____ Zip Code: _____

Phone Number: _____

Email: _____

Applicant's Information

Name(s): _____

Address: _____

City: _____

State: _____ Zip Code: _____

Phone Number: _____

Email: _____

Contact for all related Correspondence (if different than applicant):

Name(s): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Email: _____

Application Certification

Application/site plan is sufficient: _____ Name/Date: _____

Affordable Housing Requirement of the LLA met? Yes ___ No ___ Percentage of Affordable Housing _____

If a mixed use development, percentage of square feet dedicated to affordable housing _____ and

Percentage of square feet dedicated to non-residential development _____.

Legal Description is correct and complete: _____ Name/Date: _____



Application for a Qualifying Development (LLA)



AFFIDAVIT TO APPLY FOR A ZONING CODE RELATED APPLICATION and AUTHORIZED AGENT FOR AN APPLICATION TO THE CITY OF TAMPA

Multiple authorizations may be necessary if there is more than one property owner.

APPLICATION/RECORD NUMBER: _____

PROPERTY (LOCATION) ADDRESS(ES): _____

FOLIO NUMBER(S): _____

"That I am (we are) the owner(s) and record title holder(s) of the property noted herein"

Property Owner's Name(s): _____ *

"That this property constitutes the subject of an application for LIVE LOCAL ACT (LLA) (qualifying affordable housing development in accordance with the Live Local Act (Chapter 2023-17, Laws of Florida)".

I, THE UNDERSIGNED OWNER, HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS TRUE AND COMPLETE AND HEREBY AUTHORIZE AND ALLOW REPRESENTATIVES OF THE CITY TO ACCESS THE PROPERTY UNDERGOING REVIEW FOR THE ABOVE REFERENCED REQUEST. IF MY PROPERTY IS GATED, I WILL PROVIDE ACCESS TO THE PROPERTY UPON REQUEST FROM THE CITY. I ALSO CONSENT TO THE POSTING OF A SIGN ON MY PROPERTY IF THERE IS A THIRD-PARTY SUBMITTAL OF A PETITION FOR REVIEW.

"That this affidavit has been executed to induce the City of Tampa, Florida, to consider and act on the above described application and that the undersigned has(have) appointed and does(do) appoint the agent(s) stated herein as his/her(their) agent(s) solely to execute any application(s) or other documentation necessary to affect such application(s)" (if applicable).

AGENT'S/FIRM NAME: _____

The undersigned authorizes the above agent/ firm (s) to represent me (us) and act as my (our) agent(s) at any public hearing on this matter (if applicable).

The undersigned authorizes the above agent(s) to agree to any conditions necessary to effectuate this application. Both owner and agent must sign and have their names notarized.

<p>STATE of FLORIDA COUNTY of _____.</p> <p>Sworn to (or affirmed) and subscribed before me by means of physical present or online notarization, this _____ day of _____, 202_, by</p> <p>_____/_____ Printed Name (Owner) Signature</p> <p>----- Signature and Stamp of Notary Public</p> <p>Personally known or produced identification: <input type="checkbox"/> Select</p> <p>Type of identification</p>	<p>STATE of FLORIDA COUNTY of _____.</p> <p>Sworn to (or affirmed) and subscribed before me by means of physical present or online notarization, this _____ day of _____, 202_, by</p> <p>_____/_____ Printed Name (Owner) Signature</p> <p>----- Signature and Stamp of Notary Public</p> <p>Personally known or produced identification: <input type="checkbox"/> Select</p> <p>Type of identification</p>
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Application for a Qualifying Development (LLA)



SITE PLAN REQUIREMENTS

An application for a Qualifying Development (LLA) on any parcel of land requires submittal of a Site Plan. The Site Plan must be drawn to an engineer's scale with a ratio such as 1" = 10'.

The Live Local request will be evaluated based on compliance with the memo dated July 3, 2023, in addition to the appropriateness of the site plan based on the requirements of Chapter 27, and other applicable land development regulations.

All development will be reviewed for compliance with all applicable City Codes at time of building permitting.

REQUIRED GENERAL INFORMATION

1. Scale, date, and north arrow.
2. Legal Description of the property.
3. Site Data Table*
4. Dimensioned location, size, height and use of all proposed structures.
5. Project units, number of affordable units per area median income, and affordability period.
6. Label uses of adjacent parcels.
7. Location, dimension and method of buffering from adjacent uses.
8. Location and method of screening of refuse stations, storage areas and off-street loading areas.
9. Method of stormwater retention.
10. Location, size and total amount of greenspace.
11. Tree table with tree retention and applicable mitigation.
12. The location, width, pavement type, right-of-way name and other related appurtenances of all public rights-of-way adjoining, traversing or proximate to the site.
13. Location and dimensions of proposed project ingress/egress, parking and service areas, including typical parking space dimensions.
14. Vehicle Use Area buffering adjacent to rights of way.
15. Southern Florida Building Code definitions for types of construction proposed and existing.
16. Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all existing and proposed curb cuts and sidewalks.
17. Building Elevations (4-sided) for each proposed building.
18. Commitment to complete a transportation study prior to issuance of the building permit.
19. Any other information required under the specific site plan districts pertaining to this article or which may be required, when commensurate with the intent and purpose of this Code, by city reviewing staff.
20. Affidavit confirming a 30-year commitment to provide affordable housing (see below).
21. A statement indicating the petitioners' commitment to comply with specific chapters of the City Code applicable to the project (i.e., tree and landscaping, fire, etc.) at the time of permitting.

Folio #:	Building Setbacks: north, south, west, and east.	VUA greenspace required:
Property Address:		VUA greenspace provided:
Property Area SF:	Max. Building Height:	Multi-family greenspace required:
Future Land Use:	Total Building Area:	Multi-family greenspace provided:
Existing Zoning District:	Maximum number of proposed dwelling units:	Parking Required:
Proposed Use:	VUA:	Parking Provided:



Application for a Qualifying Development (LLA)

Development & Growth Management
2555 E Hanna Avenue
Tampa, FL 33610
(813) 274-3100



**LEGAL DESCRIPTION (use separate sheet if
needed) MUST BE TYPED -- DO NOT ABBREVIATE:**

EXAMPLE

24"

Application for a Qualifying Development (LLA)

LOCATION
MAP:

- PROPOSED IMPROVEMENTS (DRAWING):**
- Name, location, and width of existing street and alley rights-of-way, adjacent to the site.
 - Width of existing pavement on all streets and alleys adjacent to the site.
 - Location, width and type of all easements adjacent to the site.
 - Clearly show the property boundaries of the parcel(s) involved in the special use.
 - Location, size, height and use of all proposed additions and/or new buildings.
 - Existing and proposed building setbacks
 - Location and dimension of existing and proposed driveways, and parking areas include typical parking space.
 - Existing and proposed parking lot landscaping.
 - Approximate location and size of significant natural features such as trees, lakes, etc.
 - Existing and proposed buffering from adjacent uses.
- Show conceptual layout of proposed retention system.

- TITLE BLOCK;**
- Firm's name and address
 - The site plan must be to scale. State scale on drawing
 - Show North arrow.
 - Project name and location.
 - Revision block.
 - Drawing data.

GENERAL NOTES:

LEGAL DESCRIPTION:

- Address
- Folio Number
- Square Footage

Case No.: _____ Date: _____

Certified Date Zoning Administrator



THIS EXAMPLE FOR GENERAL INFORMATION ONLY



Revised 6/2021 1/2021 E.C.



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END OF REPORT