

**ORDINANCE 2024-17  
UNIFIED LAND DEVELOPMENT CODE**

**AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE SECTIONS 2.04, APPLICABILITY, 2.05 NEIGHBORHOOD MEETINGS, AND 3.03, NONRESIDENTIAL AND MIXED USE ZONING DISTRICTS; ESTABLISHING SECTION 3.06, AFFORDABLE HOUSING MIXED-USE RESIDENTIAL DEVELOPMENT STANDARDS, CHAPTER 3, ZONING USES, AND DIMENSIONAL STANDARDS, OF THE CITY OF PALM COAST LAND DEVELOPMENT CODE, TO ENSURE COMPLIANCE WITH SECTION 166.04151, FLORIDA STATUTES; AMENDING SECTION 14.02 GLOSSARY, OF CHAPTER 14 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE TO ADD, DELETE AND RESTATE VARIOUS DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUNSET PROVISIONS**

**WHEREAS**, Chapter 2023-17, Laws of Florida, known as the "Live Local Act" was approved by the Governor on March 29, 2023, and took effect on July 1, 2023. The Live Local Act amended Section 166.04151, Florida Statutes, and imposes various obligations, including the requirement for a municipality to authorize multifamily and mixed -use residential development as an allowable use in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in Section 420.0004, Florida Statutes, and

**WHEREAS**, Chapter 2024-188, Laws of Florida, herein referred to as the Act, was approved by the Governor on May 16, 2024, and took immediate effect. The law further amended Section 166.04151, Florida Statutes, and clarified various obligations imposed by the Live Local Act, and

**WHEREAS**, the Act preempts certain use, density, height, and floor area ratio regulations for qualifying developments that provide for the development of affordable multi -family rental housing in commercial, industrial, and mixed-use areas; and

**WHEREAS**, Subsection 166.04151(7)(g) of the Statute, provides that, a municipality that designates less than twenty (20) percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as set forth in Subsection

166.04151(7) in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential; and

**WHEREAS**, less than 20 percent of the land area of the City of Palm Coast is currently designated for commercial or industrial use; and

**WHEREAS**, a mixed-use development pursuant to the Act involves a combination of residential and non-residential components, and a combination of dwelling units that qualify as affordable housing and units that do not qualify as affordable housing, and

**WHEREAS**, to qualify as a mixed-use development, a meaningful non-residential component is appropriate; and

**WHEREAS**, the Act requires that the residential component (affordable and market rate units) must be a minimum of sixty-five (65) percent of the total square footage of the mixed -use project; and

**WHEREAS**, the City Council of the City of Palm Coast (City Council) has determined that a minimum of thirty-five (35) percent of the total square footage of the project as a non-residential component is both meaningful and appropriate; and

**WHEREAS**, City Council has determined that it is appropriate and in the public interest that land development regulations for projects developed under the Act should be comparable to existing Code regulations applicable to multi-family in areas zoned for multi-family, including, but not limited to, minimum dwelling size, maximum intensity (building coverage) and setbacks; and

**WHEREAS**, City Council supports affordable housing and finds it necessary to amend the City Code of Ordinances in order to establish equitable policies, procedures, and regulations for the development of mixed income developments as well as to implement the provisions of the Act by the adoption of this ordinance.

**WHEREAS**, the City of Palm Coast finds and determines that the amendments herein are consistent with all applicable policies of the City's adopted Comprehensive Plan, are not in conflict with the public interest, will not result in incompatible land uses; and

**WHEREAS**, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (\* \* \*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. LIVE LOCAL ACT ADMINISTRATIVE APPROVAL.** That Table 2-1, *Development Order Approvals* housed under Section 2.04, Applicability, of Chapter 2, Review Authority, Enforcement, and Procedures, of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to add “Developments pursuant to the Live Local Act regardless of size or number of units” under Development Type/Intensity for Minor Tier 1 applications as follows:

*Table 2-1—Development Order Approvals*

<b>DEVELOPMENT LEVEL</b>	<b>DEVELOPMENT TYPE/INTENSITY</b>	<b>FINAL APPROVAL AUTHORITY</b>
<b>MINOR</b> <u>Tier 1:</u> Nonresidential projects up to 40,000 square feet of building and/or residential projects not to exceed 40 residential units	Administrative Deviation of Standards	Land Use Administrator <sup>1</sup>
	Nonstatutory Subdivisions	
	Preliminary Plats	
	Technical Site Plans for Tier 1 developments; Tier 2 developments with an approved Master Site Plan; and Tier 3 developments with an approved Master Site Plan	
	Subdivision Master Plans for nonresidential and for residential up to 100 units	
	<u>Developments pursuant to the Live Local Act regardless of size or number of units</u>	
* * *	* * *	* * *

<sup>1</sup> The Land Use Administrator shall, on a regular basis, submit a report to the Planning and Land Development Regulation Board listing all minor level developments that have been approved during a specified period.

**SECTION 3. NEIGHBORHOOD MEETINGS.** That Section 2.05.02, Neighborhood Meeting Requirements, of Chapter 2, Review Authority, Enforcement, and Procedures, of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to add a sentence to subsection A.1. as follows:

A. *Meetings required.* Developers are required to hold a neighborhood meeting for the following application types:

1. Single-family and multifamily residential developments of 40 units or more, unless waived by the Land Use Administrator. Developments pursuant to the Live Local Act shall not require a neighborhood meeting.

**SECTION 4. PERMITTED USES.** That Table 3-4, *Nonresidential and Mixed Use Zoning Districts – Use Table* housed under Section 3.03, Nonresidential and Mixed Use Zoning Districts, of Chapter 3, Zoning Uses, and Dimensional Standards, of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to add a specific use type of “Live Local Mixed-Use Residential Developments” under Residential with permitted uses in COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, IND-2 and Footnote 4 as follows:

Specific Use Type	COM-1	COM-2	COM-3	OFC-1	OFC-2	IND-1	IND-2	PSP	P & G	PRS	MPD <sup>1</sup>
***											
<b>Residential</b>											
Assisted Living Facilities, Nursing Homes	P	P	P	P	P	-	-	P	-	-	P
Caretaker's Dwellings	-	S	S	-	S	S	S	S	S	S	P
Community Residential Homes (7 to 14 residents)	-	-	-	-	-	-	-	-	-	-	P
On-site dwelling units for agents or employees of principal use.	-	-	-	-	S	-	-	S	S	S	P
Dormitories	S	S	S	-	-	-	-	S	-	-	P
<u>Live Local Mixed-Use Residential Developments</u> <sup>4</sup>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	=	=
***											

**Footnotes for Table 3-4:**

- 1 Only if use is specifically mentioned within the MPD Development Agreement.
- 2 A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. F.S. § 381.986.
- 3 If subject property is within 500 feet of any residential property, a special exception for the use is required in accordance with Section 2.07—Special Exceptions.
- 4 New developments pursuant to the Live Local Act shall be authorized in accordance with Section 3.06, until the sunset of the Live Local Act on October 1, 2033, or as amended. Live Local Act developments shall be considered conforming after the sunset of the Act, as long as they maintain their affordability compliance as outlined in Section 3.06.

**SECTION 5. DEVELOPMENT STANDARDS.** That Section 3.06, *Affordable Housing Mixed-Use Residential Development Standards*, of Chapter 3, Zoning Uses, and Dimensional

Standards, of the Unified Land Development Code, City of Palm Coast, Florida, is established and shall read as follows:

Sec. 3.06. – Affordable Housing Mixed-Use Residential Development Standards.

3.06.01. Zoning Applicability. Applications for the development of property pursuant to the Live Local Act shall require the site to be zoned as: COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, or IND-2. The land area of these zoning districts shall be used to calculate the percentage of commercial and industrial properties within the City. If the City designates less than 20 percent of the land area within its jurisdiction as commercial or industrial, it must authorize a proposed development pursuant to the Live Local Act only if the proposed development is a Live Local Mixed-Used Residential Development (see glossary).

3.06.02. Use of Property. Live Local developments shall maintain the project as a Live Local Mixed-Use Residential Development and shall rent and hold available for rent no fewer than 40 percent of the dwelling units as affordable as defined in Section 420.0004, Florida Statutes for rent exclusively to Eligible Households for the Affordability Period. The project shall have at least 65 percent of the buildable area of the property must be for residential purposes and at least 35 percent of the buildable area of the property must be for commercial or industrial use reflective of the underlying zoning district’s permitted uses. In the event that the project is for a vertically mixed-use development, then the non-residential component of the project may be 33 percent of the buildable area to facilitate vertically stacking non-residential and residential uses.

3.06.03 Development Standards. Live Local Mixed-Use Residential Developments shall be subject to the requirements of the Land Development Code unless otherwise modified below:

- A. Developments may utilize up to the maximum density allowed by any zoning district within the city.
- B. Developments may utilize up to 150 percent of the maximum allowed floor area ratio of any zoning district within the city.
- C. Developments may utilize the city’s maximum allowed building height within one mile of the development.
  - 1. If the development is adjacent to a single-family residential development on two or more sides with at least 25 contiguous single-family homes, the maximum height for the development is restricted to 150 percent of the highest adjacent building, the zoning district’s defined maximum height, or three stories, whichever is higher.
- D. Developments shall submit the residential and non-residential portions of the project concurrently within the same application to ensure the mixed-use nature of the project. If the development is phased, the non-residential portion of the project shall be constructed prior to the residential portion.

- E. Vertical or horizontal mixed-used developments shall be permitted in the COM-1, COM-2, COM-3, OFC-1, OFC-2 zoning districts. Horizontal mixed-use developments shall be permitted in the COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, or IND-2 zoning districts.
- F. The development shall provide a perimeter landscape buffer as required in Section 11.03 based on its zoning district. Horizontally mixed-use developments shall provide a minimum of an internal D, E, or F landscape buffer in-between residential and nonresidential uses.
- G. The non-residential component of a development shall be a principal use of the underlying zoning district and shall be designed so that it could be developed without a live local residential portion. The nonresidential component shall not be an accessory use to the residential use (such as a leasing office, but not limited to other accessory uses related to the management of a multifamily residential development).
- H. A mixed-use development that includes an Adult-Oriented Business or Miniwarehouses, Office Warehouses and/or a Self-Storage Facility as its non-residential component shall be prohibited.
- I. The non-residential portion of a mixed-use development shall be integrated with the residential component of the project through use of sidewalks and internal roads. The non-residential and residential components of the project shall share the same access as for the project, provided the project may require more than one point of access in accordance with Section 5.02.04.
- J. Loading and unloading and refuse collection areas servicing the non-residential uses of a mixed-use development shall be located to provide the least impact to any adjacent residential community.
- K. Developments that are within a one-quarter mile of a transit stop or within 600 feet of an area with available surplus parking consisting of on-street, parking lots, or parking garages that can be utilized to meet the needs of the development the minimum parking requirements are eligible for a 20 percent reduction to its parking requirements. Provided that any available surplus parking utilized is memorialized by a shared parking agreement.

3.06.03 Exemption for Airports. The Live Local Act does not apply to properties within one-quarter mile of a runway or its extension for 10,000 feet.

3.06.04 Affordability Period. The affordable residential portion of the development shall be subject to a minimum affordability period of 30 years from the date of its issuance of a Certificate of Occupancy.

3.06.05 Land Use Restriction. Prior to the issuance of a building permit for a Live Local project, the property owner shall execute and deliver to the City, a Land Use Restriction Agreement (LURA) provided by the City that details the affordable housing conditions, restrictions and compliance for the development including the City's monitoring requirements. Furthermore, as a prerequisite to the issuance of a Certificate of Occupancy, the LURA shall confirm the Affordability Period, any conditions, and restrictions of the development, and shall be recorded in the public records of Flagler County, Florida at the sole expense of the property owner.

3.06.06 Owner Responsible for Income Verification. For each Affordable Unit, the property owner shall be responsible for accepting rental applications and determining and verifying the Adjusted Gross Income of prospective tenants to ensure such tenants qualify as an Eligible Household. Adjusted Gross Income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received by the household during the 12 months following the effective date of determination. The property owner shall submit an annual report to the City as provided in the LURA.

3.06.07 Affordable Units Must be Comparable in Quality to the Market-Rate Units. The Affordable Units shall be intermixed with, and not segregated from any Market Rate Units within the Live Local project. At all times, the Affordable Units must be at least reasonably comparable in terms of size, features, and number of bedrooms to the Market Rate Units. Eligible Households shall not be excluded from using common area amenities within the Project.

3.06.08 Required Recordkeeping. The property owner of a Live Local development shall maintain complete and accurate income records pertaining to each Eligible Household occupying an Affordable Unit. These records must be updated annually and shall be maintained for at least ten years following the date of each such record. At a minimum, property owner shall maintain the following records for each occupied Affordable Unit:

- A. An Eligible Household's complete application for tenancy and related information including the name of each household member, proof of identity, and employment, income, and asset information for each household member;
- B. A copy of the lease agreement listing the term of tenancy, the rent, and identifying each tenant residing in the Affordable Unit;
- C. Verification that the household is an Eligible Household as defined herein; and
- D. Verification that the Eligible Household's rent is Affordable as defined herein.

3.06.09 Annual Reporting Requirements. The property owner of a Live Local development shall provide an Annual Report to the City by September 30 of each year. The Annual Report shall provide the following information regarding each Affordable Unit:

- A. Unit Address;
- B. Number of persons residing in each Affordable Unit;

- C. The Adjusted Gross Income of the persons residing in the Affordable Unit;
- D. The monthly rent charged;
- E. Any other information reasonably required to ensure compliance with the Live Local Act and requested by the City.

3.06.10 Monitoring and Inspection. The property owner of a Live Local development shall permit the City to inspect all records, including but not limited to financial statements and rental records, pertaining to the affordable units within the development upon reasonable notice and shall submit to the City such documentation as required by the City to document compliance with the Live Local Act. The City may, from time to time, make or cause to be made inspections of the Affordable Units and development rental records to determine compliance with the Live Local Act. The City shall notify the Owner prior to scheduled inspections, and the Owner shall make any and all necessary arrangements to facilitate the City’s inspection.

**SECTION 6. GLOSSARY.** It is hereby ordained by the City of Palm Coast, Florida: that Section 14.02. – Glossary, Chapter 14 – Glossary, of the Unified Land Development Code, City of Palm Coast, Florida, is hereby amended to read as follows:

Sec. 14.02. - Glossary.

\* \* \*

Adjusted Gross Income: All wages, assets, regular cash or noncash contributions or gifts from persons outside the Eligible Household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

\* \* \*

Affordable: Monthly rents including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the annual median Adjusted Gross Income for an Eligible Household.

\* \* \*

Affordable Unit(s): Dwelling Units that are Affordable to an Eligible Household. Affordable Unit(s) shall be dispersed throughout the project, however, need not be limited to particular designated Dwelling Units as the Affordable Units may change over time.

\* \* \*

Eligible Household: One or more natural persons or a family, the total annual adjusted gross household income of which is at or less than 120 percent of the median annual Adjusted Gross Income, as posted annually by the Florida Housing Finance Corporation, for households within Flagler County.

\* \* \*

Land Use Restriction Agreement: An agreement made between a property owner and the City that restricts aspects of a property and runs with the land. This document is recorded in the Official Records of Flagler County.

\* \* \*

Live Local Act: A state law codified as Section 166.04151(7) of the Florida Statutes (F.S.), as created by Chapter 2023-17, Laws of Florida, and as amended by Chapter 2024-188.

\* \* \*

Live Local Mixed-Use Residential Development: A development pursuant to the Live Local Act that integrates residential and non-residential uses. Mixed-use Residential Development may be vertically or horizontally integrated.

\* \* \*

Mixed-Use Development, Horizontal: A mixed-use residential development that integrates its residential and non-residential uses horizontally so that the uses are either portioned on the same floor of a building or contained in separate buildings within the overall project.

\* \* \*

Mixed-Use Development, Vertical: A mixed-use residential development that integrates its residential and non-residential uses vertically so that the uses are stacked within the same building(s) on multiple floors. In cases of vertically mixed use developments, nonresidential uses shall be located below the residential portion of the building(s).

\* \* \*

Sunset Provision: A provision within a law that automatically terminates a law on a specific date unless the legislature amends the law to extend it.

\* \* \*

Transit Stop: An area where passengers wait for, board, and alight; usually indicated by distinctive signs and by curb or pavement markings; may provide service information, shelter, seating, or any combination of these. The minimum requirements of a bus stop are a sign and a clear, firm, and stable, slip-resistant surface for boarding and alighting. School bus stops are not considered transit stops.

\* \* \*

**SECTION 7. GRANDFATHERED DEVELOPMENTS.** Any Live Local Mixed-Use Residential Developments that the City has accepted an application for a development order or legally existed prior to the Effective Date of this Ordinance may be continued although their size, location, or other physical attributes may not conform to this Ordinance. Any such development shall meet at minimum the provisions provided by the Live Local Act.

**SECTION 8. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 9. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

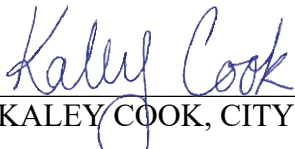
**SECTION 10. CODIFICATION.** It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to Section,” “Article,” or other appropriate word.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**APPROVED** on first reading this 15<sup>th</sup> day of October 2024.

**ADOPTED** on second reading after due public notice and hearing this 12<sup>th</sup> day of November 2024.

ATTEST:

  
\_\_\_\_\_  
KALEY COOK, CITY CLERK

CITY OF PALM COAST

  
\_\_\_\_\_  
DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
MARCUS DUFFY, CITY ATTORNEY

