

## **ORDINANCE 2025-03**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO INCORPORATE MAKE REFERENCE TO CERTAIN STATE LEGISLATION INCLUDING THE STATE'S ADOPTION OF AND AMENDMENTS TO THE LIVE LOCAL ACT AND OTHER STATE LEGISLATION RELATED TO AFFORDABLE HOUSING, ENERGY RESOURCES, AND RESILIENCY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3187, Florida Statutes, provides for the authority and procedure for the City Commission of Flagler Beach, Florida to amend its Comprehensive Plan utilizing procedures applicable to large scale developments; and

**WHEREAS**, Section 163.3191, Florida Statutes, requires that local governments evaluate their comprehensive development plans to determine if plan amendments are necessary to reflect changes in state requirements; and

**WHEREAS**, Section 163.3191, Florida Statutes, requires that local governments who have determined that plan amendments are necessary to reflect changes in state requirements transmit the amendments to the state land planning agency; and

**WHEREAS**, on May 6, 2025, the Planning and Architectural Review Board sitting as the local planning agency for the city, recommended transmittal of the amendments to the comprehensive plan of the city; and

**WHEREAS**, the City Commission desires to adopt the amendments to the current comprehensive plan to guide and control the future development of the city, and to preserve, promote, and protect the public health, safety, and welfare.

**WHEREAS**, on May 22, 2025 the Flagler Beach City Commission authorized transmittal of the proposed plan amendments to the appropriate state agencies;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FLAGLER BEACH, FLORIDA:

### **SECTION 1. APPROVAL**

The City of Flagler Beach Comprehensive Plan is hereby amended as set forth on Exhibit "A".

### **SECTION 2. CONSISTENCY WITH CITY OF FLAGLER BEACH COMPREHENSIVE PLAN**

The City Commission hereby finds and determines that the approval of the amendments is consistent with the goals, objectives and policies of the City of Flagler Beach Comprehensive Plan as amended.

### **SECTION 3. ENFORCEMENT**

The city may enforce this Ordinance as authorized by law.

### **SECTION 4. REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### **SECTION 5. SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

### **SECTION 6. EFFECTIVE DATE**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

This Ordinance was adopted in regular meeting after its second reading this \_\_\_ day of May, 2025.

ATTEST:

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

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CITY CLERK

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Patti King, Mayor

APPROVED AS TO FORM AND LEGALITY:

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DREW SMITH, CITY ATTORNEY

## EXHIBIT "A"

[Note: Underline Text represents language to be added to the Comprehensive Plan, ~~strikethrough text~~ represents deletions, and ellipses (. . . or \* \* \*) represent portions of the Comprehensive Plan that are not reprinted here and which remain unchanged].

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**GOAL B.** Allow Mixed-Use Residential Development projects in commercial and industrial land uses in accordance with applicable Florida Statutes if the project includes affordable housing as defined in Section 166.04151, .

**Goal C.** To the extent required by the Florida Live Local Act, allow for administrative approval of multi-family and mixed-use residential development by developers of affordable housing as defined in Section 166.04151, Florida Statutes.<sup>1</sup>

**Policy C.1** In accordance with the Act, a developer must demonstrate they have the capacity to sustain affordability of the project and have resources available for determining income eligibility of future residents and ensure affordability thresholds are maintained.

**Policy C.1.2.** Update and maintain information on the City's website regarding Live Local procedures and policies as set forth in Section 166.04151, Florida Statutes.

**Policy C.1.3.** Certain development utilizing the Live Local Act are not required to obtain a rezoning, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, or density described in the Live Local Act.

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<sup>1</sup> As of 2025, the Live Local Act requires the City to administratively approve multi-family and mixed-use development if:

1. The property is zoned for commercial, industrial, or mixed use;
2. A minimum of 40% of the residential rental units are affordable to households 120% of area median income or below for a period of at least 30 years;
3. For mixed use developments - at least 65% of the development's total square footage must be residential.

**Policy C.1.4.** To the extent provided by Section 166.04151, Florida Statutes, the density of an affordable residential rental multi-family or mixed-use development may not be restricted below the highest allowed density on any City land where residential land use is allowed.

**Policy C.1.5.** To the extent provided by Section 166.04151, Florida Statutes, the height of an affordable residential rental multi-family or mixed-use development may not be restricted below the highest allowed height for a commercial or residential development located in the city which is 35'.

**Policy C.1.6.** Pursuant to Section 166.04151, Florida Statutes, the City is encouraged to reduce parking requirements for affordable housing.

**Policy C.1.7.** To the extent prohibited by Section 166.0451, Florida Statutes, to avoid is limiting the Floor Area Ratio (FAR) for affordable housing, as defined by said statute, below 150%, or such other percentage as the statute may be amended to provide, of the highest currently allowed FAR in the City.

**Policy C.1.8.** Live Local Act projects must adhere to all other limitations and requirements contained in the City's Comprehensive Plan, Land Development Code regulations, building code, and other regulations such as flood plain regulations and requirements to connect to City water and sewer service.

**Policy C.1.9.** Land to be developed utilizing Live Local must be zoned for commercial, industrial uses, or mixed-use. Planned Developments (PUDs) that allow commercial uses, industrial uses or mixed-uses qualify under Live Local.

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**Policy A.1.1.4** To the extent required by Section 163.32051, Florida Statutes, floating solar facilities are to be a permitted use in the appropriate land use category in local comprehensive plan, future land use element; mainland Highway Commercial or Industrial Land Use categories.

**Senate Bill 1624/House Bill 1645 Energy Resources –**

**Policy A.1.1.5** To the extent required by Section 163.3210, resiliency facilities are to be a permitted use in commercial, manufacturing, and industrial land use categories and local development regulations are not to conflict with resiliency facility citing.