Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32801

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Interoffice Memorandum

DATE: June 9, 2026

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

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DIVISION: DRC Office

ACTION REQUESTED:
Approval and execution of Resolution of the Orange County Board of County Commissioners regarding amendment to previously adopted Standard Operating Procedures to implement the requirements of the Live Local Act. All Districts. (DRC Office)

PROJECT: Update to the Orange County Live Local Development Processes Required by Florida House Bill 1389

PURPOSE: House Bill 1389, which serves as an update to legislation known as the Live Local Act ("Act"), takes effect on July 1, 2026. The original Act required local governments to authorize multi-family 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 Section 420.0004, Florida Statutes. A proposed multi-family development that satisfies the Act's criteria is not required to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities, and such projects must be administratively approved. On September 10, 2024, the Board approved a Resolution adopting an update to previously approved standard operating procedures and zoning guidelines to implement the requirements of the Act.

The new legislation makes several changes to the Live Local Act, some of which add and remove certain properties as eligible under the Act. The following is an overview of the major revised components in the Standard Operating Procedure (SOP):

Regarding Property Ownership:

The Act allows projects on land owned by counties, municipalities, school districts, regardless of zoning. The respective county, municipality, or school district must be a party to the application for the proposed development.

The Act allows projects on property owned by religious institutions. The property must be more than three acres in size and contain a house of public worship that has been in existence for at least 10 years and will continue to operate after construction of the proposed development.

Regarding Project Area:

Provides that an assemblage of properties qualifies under the Act even if the assemblage is separated by public pedestrian access as long as the access is no greater than 15 feet.

Regarding Exemption Areas

Excludes from the definition of “commercial use” and “industrial use” certain farms and farm operations, and

Prohibits the Act to be used on areas subject to land development regulations, as defined in s. 163.3164, which are in existence before July 1, 2026, and are intended to retain the open character of land, including, but not limited to, open space districts, open space recreation districts, open use estate districts, open use rural districts, and park and open space districts. This includes but is not limited to properties designated Parks and Recreation / Open Space (PR/OS), Preservation (PRES), and Conservation (CONS) on the County’s Future Land Use Map (FLUM).

Regarding Height

Provides that the height preemptions under the Act may not be circumvented by the adoption of stricter setbacks or “other dimensional means.”

BUDGET: N/A