

## **ORDINANCE NO. 2024-38**

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS; AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-32, I-1, LIGHT INDUSTRIAL ZONING DISTRICT, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE* TO AMEND THE DEFINITION OF MALTED BEVERAGE PRODUCER, AND AMEND THE NAME OF THE USE “MALTED BEVERAGE PRODUCER” TO “ALCOHOLIC OR MALTED BEVERAGE MANUFACTURER”; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, this is a request to amend Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definition of terms and words; and Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-32, I-1, Light Industrial Zoning District, of the City of Ormond Beach *Land Development Code* to amend the definition of malted beverage producer, and amend the name of the use “malted beverage producer” to “alcoholic or malted beverage manufacturer”, and

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

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

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

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

**SECTION ONE.** Section 1-22, Definition of terms and words, of Article III, Definitions and Acronyms, of Chapter 1, General Administration, of the *Land Development Code*, is hereby amended by adding the following underlined definition in the appropriate alphabetical order, and removing the following definition in strikethrough:

Alcoholic or malted beverage manufacturer means a use that manufactures or produces alcohol containing and non-alcoholic fermented beverages, in which the primary ingredient is the grain, or seed of the barley plant, which has been allowed to sprout in a traditional way, called malting, slightly before it is processed. These products may also include, but not be limited to, malt beverages, distilled spirits, seltzer, cider and wine.

~~Malted beverage producer means a use that produces alcohol containing and non-alcoholic fermented beverages, in which the primary ingredient is the grain, or seed of the barley plant, which has been allowed to sprout in a traditional way, called malting, slightly before it is processed.~~

**SECTION TWO.** Subsection D, Conditional Uses, of Section 2-32, I-1, Light Industrial Zoning District, of Article II, District Regulations, of Chapter 2, District and General Regulations, of the *Land Development Code*, is hereby amended to read as follows:

D. Conditional Uses

1. Alcoholic or Malted Beverage Manufacturer ~~Auction Business~~
2. Auction Business ~~Business/Professional Offices~~
3. Business/Professional Offices ~~Clubs and Fraternal Organization~~

4. Clubs and Fraternal Organization ~~Dry Cleaning Plant and Systems~~
5. Dry Cleaning Plant and Systems ~~Flea Markets~~
6. Flea Markets ~~Garden Centers, and Nursery~~
7. Garden Centers and Nursery ~~Golf Course and Country Club~~
8. Golf Course and Country Club ~~House of Worship~~
9. House of Worship ~~Malted Beverage Producer~~
10. – 27. *(No change in existing text)*

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

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

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

**PASSED UPON** at the first reading of the City Commission, this 3rd day of December, 2024.

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

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**JASON LESLIE**  
Mayor

**ATTEST:**

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**SUSAN CARROLL DAUDERIS**  
City Clerk