

1 shown below (underlined language are additions; ~~stricken through~~ language are
2 deletions; subsections not included are not being modified):

3 **Sec. 54-85. General provisions for a Live Local Act development.**

4 a. General provisions for development proposed in conformance with the Live
5 Local Act of Florida Statutes.

6 b. Definitions. For the purposes of this subsection, the following
7 definitions are provided for terminology not defined in Florida Statutes
8 with respect to implementation consistent with the Belle Isle Land
9 Development Code:

- 10 • Allowed as used in Fla Stat. 166.0415 shall mean as allowed under the
11 provisions of the city land development code at the time of a proposal
12 is submitted for development subject to Fla Stat. 166.0415 and shall
13 not mean as allowed historically back in time previous to the present.
14 It shall also mean allowed by right pursuant to the applicable zoning
15 district and shall not include as may potentially be allowed via any
16 bonus density provision or any non-conforming use or structure.
- 17 • Commercial, as used in Fla. Stat. 166.0415, shall mean only the city's
18 commercial zoning districts, which are the properties zoned C-1, C-2,
19 C-3, ~~P-O PD,~~ and ~~OS,~~ and no other zoning district.
- 20 • Height within one mile as used in Fla Stat. 166.0415 shall mean one
21 mile as can be traveled by human beings along the public streets of
22 the city within the normal permitted lanes of travel from the center
23 point of the proposed development site and shall not mean a straight-
24 line distance as a bird might be able to travel.

- 1 • Highest allowed density as used in Fla Stat. 166.0415 shall mean, in
2 the context of Belle Isle, 10 units per acre, as this is the highest
3 residential density currently allowed.
- 4 • Highest currently allowed height as used in Fla Stat. 166.0415 shall
5 only mean such height allowed by right within the municipality and not
6 heights allowed if such height would require conditional use approval
7 under the city land development code based upon the size in square
8 footage of the project proposed project under the Live Local Act.
- 9 • Industrial, as used in Fla Stat 166.0415, shall mean only the
10 industrial I-2 zoning district of the city and no other industrial
11 zoning district.
- 12 • Mixed Use as used in Fla Sta. 166.0415 shall not apply in the City, as
13 no mixed use zoning district exists within the city.

14 c. Process for Approval. The approval process for a qualifying development
15 located within an eligible zoning district shall include payment of a
16 fee, and if the application is not made by the owner of record, then a
17 contract or agreement to purchase (that permits black-out of the financial
18 purchase details) but is clear as to dates of effectiveness and due diligence
19 periods, an application on a form provided by the city, site
20 development plans, and affidavit of commitment to City of Belle Isle's
21 Affordable Housing standards for income qualification, monitoring,
22 and inspection during the full minimum 30 years of operation including
23 acknowledgment of the auditing requirements for eligibility of all
24 tenants living within the designated affordable housing units in order
25

1 to establish compliance with the provisions of the Live Local Act and
2 penalties for non-compliance as further outlined below. Upon
3 application, the city shall complete a sufficiency review of the
4 materials submitted and provide a response that the application is
5 complete or specifically what items are still required at a date sixty
6 (60) days after submittal. The applicant shall then provide the items
7 that are required for the sufficiency review which shall then begin
8 another sufficiency review period that shall be completed at a date
9 sixty (60) days following re-submittal and so on until a complete
10 application is provided. A contract to purchase must be in full force
11 and effect during the sufficiency and review periods established within
12 this Section. If any due diligence period or other contract matter
13 expires within such time periods, then the city shall not begin or
14 complete the sufficiency review or application review.

15 d. Minimum Requirements. The minimum requirements for certification of
16 compliance with the Live Local Act are as follows:

17 Site Development Plan, which includes the following:

- 18 1. Scale, date, and north arrow.
- 19 2. Legal Description of the property.
- 20 3. Site Data Table including gross square footage of the site and
21 project, total impervious coverage and principal setbacks.
- 22 4. Dimensioned location, size, height and use of all proposed
23 structures.

- 1 19. Any other information required under the specific site plan
2 districts pertaining to this article or which may be required,
3 when commensurate with the intent and purpose of this Code, by
4 city reviewing staff.
- 5 20. An affidavit confirming a 30-year commitment to provide affordable
6 housing and monetary cap on all rent charges including any and all
7 other fees as may be assessed to the occupants of units deemed to
8 be affordable, such that all rents and fees shall not exceed 30% of
9 the gross revenue of all occupants of affordable units; affidavit
10 attesting to agreement and acceptance as to the annual audit
11 requirements by a certified public accounting firm attesting to
12 satisfaction of the such income and total rental fees and affidavit
13 attesting to agreement and understanding that violations of such
14 commitments shall be subject to a fine of no less than \$5,000.00
15 per day for each violation determined by the annual audit and for
16 each day the annual audit is not received by the city after March
17 1st of every year and affidavit agreement that any such fines shall
18 constitute a lien on said property if not paid to the city within
19 60 days of receipt of the audit by the city by March 1st of every
20 year and agreement to reimburse the city for any legal expenses in
21 the enforcement of these provisions.
- 22 21. A statement indicating the petitioners' commitment to comply with
23 specific chapters of the City Code applicable to the project

1 (i.e., tree and landscaping, fire, etc.) at the time of
2 permitting.

3 22. Compliance with all land development regulations applicable to
4 the zoning district in which the project is proposed, except only
5 as otherwise preempted by the Live Local Act with respect to
6 height.

7 e. Project Narrative. Application shall contain a narrative which
8 demonstrates compliance with section 166.04151(7) (a)- (g), Florida
9 Statutes.

10 f. Affidavit of Commitment and Restrictive Covenants. As a condition of
11 approval and prior to any site or building permits for the project being
12 requested or obtained, the applicant (and the property owner, if
13 different from the applicant) must execute and have recorded in the
14 public records of Orange County, Florida, an Affidavit of Commitment
15 and Restrictive Covenants. Such Affidavit of Commitment and
16 Restrictive Covenants shall (i) have terms acceptable to the city,
17 (ii) run with and be binding upon the land for no less than thirty
18 (30) years from the issuance of a certificate of occupancy for the
19 last principal structure of the project (iii) be enforceable by the
20 city; (iv) detail the affordable housing and project conditions and
21 restrictions required by this section, the Live Local Act and on the
22 approval of the project; (v) provide for monitoring, and compliance
23 requirements; and (vi) provide for the city's enforcement remedies.
24 Mortgage holders will be required to execute and record a

1 subordination of their lien interest to such Affidavit of Commitment
2 and Restrictive Covenants prior to or simultaneously with the
3 recording of the Affidavit of Commitment and Restrictive Covenants.

4 The city will provide the monitoring and compliance forms upon
5 submittal of the application, deemed complete and sufficient.

6 g. Equivalent Treatment of all Dwelling Unit Requirements. As a condition of
7 approval prior to any site or building permits for the project being
8 requested or obtained, such project must demonstrate and commit that all
9 affordable dwelling units and market rate dwelling units shall be located
10 within the same structure. All common areas and amenities shall be
11 accessible and available to all residents (both affordable and market-
12 rate dwelling units.) Access to the required affordable dwelling units
13 shall be provided through the same principal entrance(s) utilized by all
14 other dwelling units in the development. In addition, the sizes and
15 number of bedrooms in the affordable dwelling units shall be proportional
16 to the square footage and number of bedrooms in the market rate dwelling
17 units (e.g., for the number of bedrooms, if 25 percent of the market rate
18 dwelling units consist of two bedrooms, then 25 percent of the affordable
19 dwelling units shall also have two bedrooms.

20 h. Agent Authorization. An affidavit with the property owner's notarized
21 authorization.

22 i. Timeframe for Review and Issuance of Approval: Upon receipt of a complete
23 application, the City will complete its review and respond in sixty
24

1 (60) days from receipt of such materials as required by this
2 subsection.

3 j. Fee: The fee for a qualifying development will be \$2642.00 plus
4 \$111/acre or portion thereof or as otherwise amended within the adopted
5 Fee Schedule from time to time by the City Council at a public hearing.

6 k. Duration of Approval: An approval received through this process shall be
7 effective for ~~three (3)~~ six (6) months from the approval date. The
8 application process and certification of compliance with the Live Local
9 Act shall begin again if the city has not issued a building permit
10 within six (6) months of approval under this section.

11
12 SECTION 2. CODIFICATION. Section 1 of this Ordinance shall be incorporated
13 into the City of Belle Isle Code of Ordinances.

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

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that
4 the above and foregoing document ORDINANCE 24-02 was duly and legally passed by
5 the Belle Isle City Council, in session assembled on the _____ day of
6 _____, 2024, at which session a quorum of its members were present.

7

8 _____

9 Yolanda Quiceno, CMC-City Clerk

10

11

12

13

14

15

16

ATTACHMENT A

17

Qualifying Development & Affordable Housing Live Local Act (LLA)

18

Application

19

20

21

22

23

24

25