ORDINANCE NO. 24-02

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 54, "LAND DEVELOPMENT CODE, " ARTICLE III, "ZONING CLASSIFICATIONS," TO CREATE A NEW SECTION 54-85 "GENERAL PROVISIONS FOR LIVE LOCAL ACT DEVELOPMENTS," TO PROVIDE DEFINITIONS AND SUBMITTAL AND REPORTING REQUIREMENT AND OTHER PROVISIONS FOR CERTIFICATION AND IMPLEMENTATION OF DEVELOPMENT PURSUANT TO THE LIVE LOCAL ACT, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

9 WHEREAS, the City Council of the City of Belle Isle deems it necessary for 10 the general welfare of the City to amend the City of Belle Isle Land Development 11 Code as set forth in this Ordinance in order to provide certification standards 12 and implementation criteria for development proposed in conformance with the Live 13 Local Act of Florida Statutes;

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Belle Isle, Florida;

WHEREAS, the City Council hereby finds that the land development regulations
adopted herein are consistent with the Comprehensive Plan;
NOW THEREFORE, BE IT ENACTED by the City Council of the City of Belle Isle,
Florida, after due notice and public hearing, that:

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22 <u>SECTION 1.</u> That Chapter 54 "Land Development Code," Article III, "Zoning 23 Classifications" of the Belle Isle Code of Ordinances, is hereby amended to create 24 a new Section 54-85 "General provisions for a Live Local Act development," as

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1	shown below (<u>underlined</u> 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. <u>General provisions for development proposed in conformance with the Live</u>
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, $\frac{I-2}{I-2}$, PUB, 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.
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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 $\frac{1-1}{1-2}$ 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
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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. <u>Site Data Table including gross square footage of the site and</u>
21	project, total impervious coverage and principal setbacks.
22	4. Dimensioned location, size, height and use of all proposed
23	structures.
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1	5.	Project units, number of affordable units per area median income,
2		and affordability period.
3	6.	Label uses of adjacent parcels.
4	7.	Location, dimension and method of buffering from adjacent uses.
5	8.	Location and method of screening of refuse stations, storage areas
6		and off-street parking and loading areas.
7	9.	Method of stormwater retention.
8	10.	Location, size and total amount of greenspace.
9	11.	Tree table with tree retention and applicable mitigation.
10	12.	The location, width, pavement type, right-of-way name and other
11		related appurtenances of all public rights-of-way adjoining,
12		traversing or proximate to the site.
13	13.	Location and dimensions of proposed project ingress/egress,
14		parking and service areas, including typical parking space
15		dimensions.
16	14.	Vehicle Use Area buffering adjacent to rights of way.
17	15.	Southern Florida Building Code definitions for types of
18		construction proposed and existing.
19	16.	Proposed means of vehicular and pedestrian access from the
20		site(s) within the development to adjacent streets and/or alleys,
21		showing all existing and proposed curb cuts and sidewalks.
22	17.	Building Elevations (4-sided) for each proposed building.
23	18.	Commitment to complete a transportation study prior to issuance of
24		the building permit.
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1	19. <u>Any ot</u>	her information required under the specific site plan
2	distri	cts pertaining to this article or which may be required,
3	when c	commensurate with the intent and purpose of this Code, by
4	<u>city</u> r	eviewing staff.
5	20. <u>An aff</u>	idavit confirming a 30-year commitment to provide affordable
6	housin	g 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 aff	ordable, such that all rents and fees shall not exceed 30% of
9	the gr	oss revenue of all occupants of affordable units; affidavit
10	attest	ing to agreement and acceptance as to the annual audit
11	requir	ements by a certified public accounting firm attesting to
12	satisf	action of the such income and total rental fees and affidavit
13	attest	ing to agreement and understanding that violations of such
14	commit	ments shall be subject to a fine of no less than \$5,000.00
15	per da	y for each violation determined by the annual audit and for
16	each d	ay the annual audit is not received by the city after March
17	<u>lst of</u>	every year and affidavit agreement that any such fines shall
18	consti	tute a lien on said property if not paid to the city within
19	<u>60 day</u>	s of receipt of the audit by the city by March 1^{st} of every
20	year a	nd agreement to reimburse the city for any legal expenses in
21	the en	forcement of these provisions.
22	21. <u>A stat</u>	ement indicating the petitioners' commitment to comply with
23	specif	ic chapters of the City Code applicable to the project
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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
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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
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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 public hearing.		
6	k. Duration of Approval: An approval received through this process shall be		
7	effective for three (3) months from the approval date. The application		
8	process and certification of compliance with the Live Local Act shall		
9	begin again if the city has not issued a building permit within six (6)		
10	months of approval under this section.		
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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.		
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1	SECTION 4. CONFLIC	TS. In the even	t of a c	onflict bet	ween this Ordinance and
2	any other City of Belle Isle ordinance, this Ordinance shall control to the extent				
3	of such conflict.				
4	SECTION 5. <u>EFFECTI</u>	<u>VE DATE</u> . This O	rdinance	shall take	e effect immediately
5	upon its passage and in	accordance with	Florida	law.	
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7	ADOPTED at a regular mee	ting of the City	Commiss	ion of the	City of Belle Isle,
8	Florida, held in City Ha	ll, Belle Isle,	on this	day of	2024.
9		YES		NO	ABSENT
10	Frank Vertolli				
11	Holly Bobrowski				
12	District 3				OPEN
13	Jason Carson				
14	Beth Lowell				
15	Stan Smith				
16	Jim Partin				
17					
18	ATTEST:				
19	Yolanda Quiceno, CMC-Cit	y Clerk		Nicholas Fo	ouraker, Mayor
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22	Approved as to form and legality				
23	Daniel W. Langley, City	Attorney			
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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.
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9	Yolanda Quiceno, CMC-City Clerk
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16	ATTACHMENT A
17	Qualifying Development & Affordable Housing Live Local Act (LLA)
18	Application
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	UKD 24-02 LIVE LOCAL ACC - II UF II