



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

DATE: December 20, 2023

TO: Planning and Zoning Board for Council Review

FROM: Raquel Lozano, City Planner

SUBJECT: Implementation of Senate Bill 102 – Live Local Act

RVi Planning, hired to update the city's comprehensive plan, created a fact sheet (attached to this report) to outline key policies of the Live Local Act and its applicability to the City of Belle Isle. Based on their report, the Act has limited impact on the city as the number of commercial and industrial zoned properties is below the threshold established by state law to approve qualifying affordable housing projects exclusively for residential use. Florida statutes (F.S. 166.04151) provide that municipalities that designate land less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development in those designated areas if the proposed development is mixed-use residential. Belle Isle's commercially and industrially zoned areas comprise approximately 12.9 percent of the city's land area and are mostly already developed. F.S. 166.04151(7)(a) defines mixed use residential as at least 65% of the total square footage.

The new statutory provisions indicate that a local government shall not require any rezoning process or comprehensive plan amendment process and that such a multifamily mixed-use project that complies with F.S. 166.04151 affordable housing provisions must be approved administratively (F.S. 166.04151(7)(d)). Such a project would have a by-right ability to be built at the maximum density allowed on any land in the city (the highest density provided for any land in the city currently is Medium Density Residential on the Future Land Use Map at 5.6 to 10 dwelling units per acre); would be able to be as tall as the height currently allowed height for a commercial or residential development located in the city within one mile of the proposed development, or three stories, whichever is higher.

Staff Recommendation: There are provisions of F.S. 166.04151 that are self-executing. Some jurisdictions in Florida, particularly larger ones significantly affected by these new laws, are amending their land development code to adopt provisions implementing the Live Local Act.

Staff recommends that the city outline administrative standard operating procedures for multifamily mixed-use projects that qualify under the act. It is incumbent upon the applicant to prove that the mixed-use development meets the state law requirements for an affordable housing project for staff review and approval. Upon consensus from the Board, a recommendation to establish administrative standard operating procedures can be shared with the City Council to address the Live Local Act.