



DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Development Services Department
For Public Hearing on Tuesday June 7, 2023
at 1:00 p.m. at City Hall in City Council Chambers at 175 5th Street North, St. Petersburg, Florida.

City File: LDR 2023-03 Alternative Housing Affordability Development Process

This is a City-initiated application requesting that the Development Review Commission (“DRC”), in its capacity as the Land Development Regulation Commission (“LDRC”), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** the following text amendment to the City Code, Chapter 16, Land Development Regulations (“LDRs”).

APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
1 4th Street North
St. Petersburg, Florida 33701

CONTACT: Elizabeth Abernethy, AICP
Director, Planning & Development Services
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STAFF ANALYSIS

Background

In 2020, the Florida State Legislature passed House Bill 1339, which included a provision permitting the governing body of a municipality to approve an affordable and/or workforce development on any parcel zoned for residential, commercial or industrial. In 2021, three ordinances were adopted which permitted City Council to review and potentially approve affordable and/or workforce development proposals in Neighborhood Traditional, Neighborhood Suburban, Industrial Traditional and Industrial Suburban zoning districts without requiring a rezoning or change of Future Land Use. The ordinance which included the process and review criteria for City Council to follow is included in Chapter 17.5 of the City Code.

In the 2023 legislative session, [Senate Bill 102](#) (SB 102) known as the “Live Local Act” was passed and signed by the governor. SB 102 included the following two subsections (changes shown in strike-through/underline format):

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as 433 defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for ~~residential~~, commercial or industrial use; and

(7)(a) A municipality must authorize multifamily 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 multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

The purpose of this amendment is to bring Chapter 16 into conformance with this statutory change by amending 16.01.040 to delete the “residential” option previously allowed under subsection (6) and to add the language from subsection (7)(a) requiring administrative approval for qualifying projects. Concurrently, staff is requesting a change to the Comprehensive Plan which will be reviewed by the Community Planning & Preservation Commission and City Council.

PROPOSED LDR TEXT AMENDMENT

The proposed amended language is shown below in ~~strike through~~ and underline format.

16.01.040. - Applicability.

This chapter applies to all development in the City, except for Affordable Housing projects approved pursuant to F.S. 166.04151(6), which states, in pertinent part, that notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for ~~residential~~ commercial or industrial use or pursuant to F.S. 166.04151(7)(a), which states, in pertinent part, a municipality must authorize multifamily 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 multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004 . No development shall be undertaken except as authorized by this chapter. No structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the regulations established by this chapter for the district in which the building or land is located. When a violation of this chapter exists on any property, no development permits shall be issued for such property, except permits which are necessary to correct the violation or for necessary maintenance, until the violation is corrected.

Consistency and Compatibility (with Comprehensive Plan)

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposal:

- OBJECTIVE LU21: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.
- H1.1 Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity sufficient to meet the required production.
- H1.3 - Review ordinances, codes, regulations and the permitting process for the purpose of eliminating excessive and overlapping requirements and resolving conflicting requirements and amending or adding other requirements in order to increase private sector participation in meeting housing needs, while continuing to insure the health, welfare and safety of the residents.

PUBLIC HEARING PROCESS

The ordinance associated with the LDR text amendment requires one (1) public hearing by the Development Review Commission (“DRC”) and one (1) by the City Council.

RECOMMENDATION

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the City Code, Chapter 16 LDR text amendment described herein.

City of St. Petersburg Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately \$2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. Initiating Department: Planning & Development Services Development

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2023-04).

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No (No further explanation required.)
Yes Explanation:

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No (No further explanation required)
Yes Explanation:

IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Elizabeth Abernethy
Planning & Development Services Director (signature)

6.01.23
Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development