



DEVELOPMENT REVIEW COMMISSION

Prepared by the Neighborhood Affairs Administration
For Public Hearing on Tuesday, August 3, 2021
at 10:00 a.m. at City Hall in City Council Chambers at 175 5th Street North, St. Petersburg, Florida.

City File: LDR 2021-03

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”).

The purpose of this text amendment is to locate a textual signpost within Chapter 16 of the City Code acknowledging an alternative process for the development of affordable and workforce housing in residential and industrial zoning districts, which is not subject to the regulations of Chapter 16.

APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, Florida 33701

CONTACT: Robert Gerdes, Neighborhood Affairs Administrator
City Hall
175 5th Street North
St. Petersburg, Florida 33701
robert.gerdes@stpete.org
727-893-7876

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. The exact language included now in F.S. 166.04151.6 states:

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. 420.004, on any parcel zoned for residential, commercial or industrial use.

In the course of four (4) committee meetings with City Council, two (2) committee meetings with the City's Affordable Housing Advisory Committee and public outreach to the Council of Neighborhood Associations and the Chamber of Commerce, City staff have created an ordinance which would permit 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 includes the process and review criteria for City Council to follow would be included in Chapter 17.5 of the City Code (draft ordinance attached).

Concurrently with requesting City Council approval of the ordinance to create the aforementioned process in Chapter 17.5, staff is requesting a change to Chapter 16 of the City Code, which is the subject of the Development Review Commission review, and additionally a change to the Comprehensive Plan which will be reviewed by the Community Planning & Preservation Commission and City Council. The requested change to the Comprehensive Plan will add language identifying this new process in Chapter 17.5 and will also add a new objective which will state: H1.b The City shall create a process for consideration of Affordable Housing projects pursuant to F.S. 166.04151(6).

The request before the Development Review Commission is to modify Chapter 16 of the City Code to recognize there is an alternative development process for affordable and/or workforce housing developments located in Neighborhood Traditional, Neighborhood Suburban, Industrial Traditional and Industrial Suburban zoning districts. This recognition also explicitly states that the alternative process is not subject to the requirements of Chapter 16 and the Land Development Regulations.

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 or industrial use. 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.
- H1.2 Develop working relationships with the private sector to improve the efficiency and expand the capacity of the housing delivery system.
- 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.
- H1.6 The City shall triennially through the efforts of the State Housing Initiatives Partnership Affordable Housing Advisory Committee review its development regulations to develop a variety of incentives to allow and encourage housing for extremely low, very low, low, and moderate income households.

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.

ATTACHMENTS: Draft Language for changes to Chapter 16 and the Comprehensive Plan
 Draft Ordinance for alternative process in Chapter 17.5

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 2019-03).

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 X (No further explanation required.)

Yes Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be:
\$.

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

No X (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:

CHECK ONE:

- ☒ 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.)

Robert M. Gerdes
Neighborhood Affairs Administrator (signature)

6.21.21
Date

OR

- ☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Manager, Urban Planning and Historic Preservation Division (signature)

Date

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

Chapter 16 amendment:

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 or industrial use. 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.

Comprehensive Plan Amendment

Future Land Use Element

OBJECTIVE LU3:

The Future Land Use Map (Map 2) shall specify the desired development pattern for St. Petersburg through a land use category system that provides for the location, type, density, and intensity of development and redevelopment. All development will be subject to any other requirements, regulations and procedures outlined in the land development regulations including, but not limited to: minimum lot size, setback requirements, density, floor area ratio, and impervious surface ratio. This objective shall not apply to 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 or industrial use.

Add new objective under ISSUE: Housing Quantity in the Housing Element of the Comprehensive Plan

H1.b The City shall create a process for consideration of Affordable Housing projects pursuant to F.S. 166.04151(6).

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING CHAPTER 17.5 OF THE CITY CODE RELATED TO HOUSING ASSISTANCE; CREATING A PROCESS PURSUANT TO SECTION 166.04151(6), FLORIDA STATUTES, WHEREIN THE ST. PETERSBURG CITY COUNCIL MAY APPROVE THE DEVELOPMENT OF HOUSING THAT IS AFFORDABLE IN DESIGNATED ZONING CATEGORIES SUBJECT TO PROCEDURAL AND SITE COMPATIBILITY REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City of St. Petersburg does ordain:

Section 1. Section 17.5-19. of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 17.5-19. - Intent and purpose.

- (a) The intent of the local housing assistance program (the program) is:
- (1) To increase the availability of affordable housing units by combining local resources and cost-saving measures into a local housing partnership and using public funds to leverage private funds, thereby reducing the cost of housing;
 - (2) To assist in achieving the growth management goals contained in the adopted local comprehensive plan, by allowing more efficient use of land so as to provide housing units that are affordable to persons who have special housing needs, very-low income, low-income, or moderate-income;
 - (3) To promote innovative design of eligible housing that provides cost savings; flexible design options for housing and development such as the combination of architectural styles, building forms, and development requirements; and positive design features such as orientation towards the street and pedestrian access, without compromising the quality of the eligible housing;
 - (4) To promote mixed-income housing in urban and suburban areas so as to provide increased housing and economic opportunities for persons who have special housing needs, or have very low-income, low-income, or moderate-income; and
 - (5) To build the organizational and technical capacity of community-based organizations so as to optimize the role of community-based organizations in the production of affordable housing.
 - (6) To provide for a process pursuant to F.S. 166.04151(6) for City Council review of Affordable Housing Projects that are not otherwise allowed under Chapter 16 of City Code.
- (b) The purpose of this article is to aid in achieving the intent of the program while providing for:
- (1) Protection of natural resources;
 - (2) Enhancement of the viability of public transit, pedestrian circulation, and non-motorized modes of transportation;
 - (3) Community development and economic growth; and
 - (4) A strong sense of community through increased social and economic integration

Section 2. The St. Petersburg City Code is hereby amended by adding a new Article VI to Chapter 17.5, to read as follows:

ARTICLE VI. - AFFORDABLE HOUSING SITE PLAN APPROVAL

Sec. 17.5-110. – Intent and purpose.

The City recognizes that housing affordability continues to be an important issue to the citizens of St. Petersburg. The City further recognizes that its Land Development Regulations (LDRs) may sometimes be an impediment to the establishment of affordable housing on certain sites that may otherwise be appropriate for such development. The intent and purpose of this Article is to create an alternative process to that which is outlined in the City's LDRs for the provision of affordable housing in certain residential and industrial areas of the City, pursuant to Section 166.04151(6), Florida Statutes. Approvals sought pursuant to this Article shall meet the procedural requirements set forth herein, in addition to the standards for review related to the compatibility of the development with its neighborhood.

Sec. 17.5-111. – Qualifying property.

To qualify for application for the Affordable Housing Site Plan Approval process, property shall meet the following minimum criteria:

- (a) The property shall have a current zoning designation of Neighborhood Traditional, Neighborhood Suburban, Industrial Traditional or Industrial Suburban.
- (b) Property located in a Neighborhood Traditional or Neighborhood Suburban zoning district shall have a minimum lot size of one (1) acre.
- (c) Property located in an Industrial Traditional or Industrial Suburban zoning district shall have a minimum lot size of five (5) acres.
- (d) The development proposal in a Neighborhood Traditional or Neighborhood Suburban zoning district shall consist of 20 or more dwelling units.
- (e) The development proposal in an Industrial Traditional or Industrial Suburban zoning district shall consist of 60 or more dwelling units.
- (f) Property located in an Industrial Traditional or Industrial Suburban zoning district shall meet the following additional location criteria:
 - (1) Shall be located within a ½ mile of a public school including a vocational school;
 - (2) Shall be located within a ¼ mile of a PSTA bus line;
 - (3) Shall be located within 1 mile of a grocery store; and
 - (4) Shall be located within 1 mile of the Pinellas Trail or City park.
- (g) The proposed dwelling units shall have a restrictive covenant that requires the dwelling units to be affordable to qualified buyers or renters at 120% of Area Median Income or below for a minimum period of 30 years.
- (h) For mixed use projects on a property, other permitted uses besides affordable housing sought pursuant to this section are subject to Chapter 16 of the City Code.
- (i) There shall be no variances granted to these criteria.

Sec. 17.5-112. – Pre-application conference.

An applicant for development shall meet with the City professional staff prior to filing an application for the purpose of discussing the proposed development, identify required pre-application notice requirements, and to identify the views and concerns of the applicant and the City's professional staff.

Sec. 17.5-113. – Determination of completeness.

All applications shall include the information required and any additional information (including studies) reasonably required by the POD to review the request. If an application does not include the information required, the POD shall reject the application with an explanation of the deficiencies. The application shall not be processed until all the required information is provided and the pre-application notice provided. The POD may waive an application submittal requirement if:

- (1) The required information is readily available from existing sources; or
- (2) The information is not required due to unique circumstances.

Sec. 17.5-114. – Definitions.

As used in this section:

Applicant means the person who requested the decision.

Application mean an application or request for approval of an affordable housing development pursuant to F.S. 166.04151(6).

Decision means a decision of the POD or a decision of City Council.

Render means, with respect to decisions of the POD, that the decision has been reduced to writing, signed by the POD, and mailed or delivered to the applicant. With respect to decisions by City Council, the term means a vote has been taken and the results have been announced by the City Clerk.

Sec. 17.5-115. – Supplemental notice.

- (a) Notice requirements. The supplemental notice set forth in this section for public hearing shall be provided for all public hearings before the City Council.
- (b) Notification. The City Council recognizes the importance for community involvement in many proceedings for which notice is not required by Florida Statutes. In an attempt to facilitate such involvement, and to provide notification of such proceedings to property owners and residents in nearby neighborhoods and to other interested parties, it is the intent of the City Council to provide the following supplemental notice.
 - (1) Written notice. Notice shall be mailed by the applicant to all neighborhood associations and business association representatives within 300-feet of the subject application, the Council of Neighborhood Associations (CONA), and the Federation on Inner-City Community

Organizations (FICO) and the owners of property listed by the county property appraiser's office, any portion of which is within 300 feet of any portion of the subject property measured by a straight line, property line to property line.

- a. Any request to receive notice by any person not an owner of property as described above must be in writing, must specifically identify the notices the person wishes to receive, must be delivered to the POD, and must contain a mailing address.

Such requests, when not related to a specific application, shall only be valid for the specifically identified notices for not more than one year after receipt by the POD and may be renewed on an annual basis.

- b. The applicant shall obtain from the POD a copy of the notice and the procedures for notification of property owners who must receive notice. The applicant shall not include any information in the notice other than that which is required by the POD.
 - c. Not less than 15 days prior to the date of the scheduled public hearing, the applicant shall deliver or mail a copy of said notice to all persons listed on the notification list and the owners of property within the distance described in this section. Notice shall be mailed by the U.S. Mail with a postal service certificate of mailing returned to the City.
 - d. The applicant shall file proof that the notices were mailed or delivered with the POD not less than seven days prior to the date of the scheduled public hearing.
 - e. For property in condominium or cooperative ownership which falls within 300 feet, the owner of each unit shall be notified.
- (2) Posted notice. Notice of the public hearing shall be posted on the subject property by the applicant at least 15 days prior to the public hearing. The applicant shall provide proof of posted notice on the subject property to the POD at least seven days prior to the public hearing.
 - (3) Identify the property. The written and posted notices shall identify the property upon which the request for action is made, the date and location of the public hearing, the phone number and address where information regarding the proposal can be obtained, and the type of action requested.
 - (4) Neighborhood and business association notice. One complete copy of each application shall be provided by the POD to CONA, FICO and neighborhood and business association representatives within 300 feet of the subject property.
 - (5) Governmental notice. Mailed notice shall be provided to a neighboring government for comment, where the subject property is located within one-fourth of a mile of a neighboring government. Mailed notice shall also be provided to the Pinellas County School Board for

comment, where the subject property is located within one-fourth mile of a public educational facility.

- (6) Failure to provide supplemental notice.
- (7) If the POD is notified of or discovers a failure to provide supplemental notice of at least 36 hours before the scheduled start of the public hearing, the POD may cancel the public hearing, reschedule the public hearing and require new notice to be given. The POD should only take this action if:
 - a. It appears from the information provided that the holding of the hearing would be a substantial hardship on the person who did not receive notice;
 - b. Such substantial hardship is different from the hardship the person would have suffered had he received the notice;
 - c. Such hardship cannot be corrected or mitigated prior to the scheduled public hearing; and
 - d. Rescheduling would not be a substantial hardship on other persons who received notice or the applicant.
- (8) If the POD is not notified of or does not discover a failure to provide supplemental notice until after the time set forth above then the POD shall not cancel the public hearing. City Council, at the public hearing, may weigh the effects of the failure to provide supplemental notice and may choose to continue the public hearing if the circumstances so warrant.
- (9) If the POD is not notified of or does not discover a failure to provide supplemental notice until after the public hearing has been held and a decision rendered, then none of these actions shall be taken. Failure to provide any supplemental notice shall not invalidate any action by the City Council.

Sec. 17.5-116. – Rehearing.

An applicant following a decision by City Council may request a rehearing.

- (a) The City Council shall not rehear an application unless:
 - (1) There has been faulty notification to the applicant;
 - (2) New evidence is discovered by the applicant after the hearing which would likely change the result if a new hearing is granted and which could not have been discovered before the hearing by due diligence; or

- (3) There is a substantial change of circumstance.
- (b) If either of these conditions is alleged to exist, then a request for rehearing may be made by the original applicant or the City staff within ten days of the original decision by filing a written request for rehearing with the POD.
- (1) If a request for rehearing is based on newly discovered evidence, documents supporting that evidence shall be served with the application.
- (2) A request for rehearing shall be heard at the next regularly scheduled meeting following the receipt of any request and, based upon the information before it, City Council shall issue an order denying or granting a rehearing.
- (3) If a request for rehearing is granted, the application shall be scheduled for a public hearing after the required fee, if any, has been paid and notification has been made as required for the first hearing by the person requesting the rehearing.
- (4) If a request for rehearing is timely filed, such filing tolls the time in which to seek judicial review of the decision until an order is rendered denying the request for rehearing. If a request for a rehearing is granted, the time in which to seek judicial review shall begin when an order is entered at the rehearing of the application.

Sec. 17.5-117. – Withdrawal of application; abandonment of approval.

- (a) An applicant may withdraw his application at any time prior to a final decision. The process shall end upon receipt of written notice thereof or an oral request made at a public hearing.
- (b) An owner of property with an approved development order or permit may request that the approved development order or permit be deemed abandoned. Once an approved development order or permit is abandoned, the approval shall become null and void and the property shall be treated as if the approval had never occurred. Thereafter, the owner shall not be allowed to perform any work pursuant to the approval. The owner shall apply for any required development order or permit before performing any work on the property. The owner (not the owner's agent) shall provide the POD with a sworn statement expressing the owner's intention to abandon the approved development order or permit and acknowledging that after approval by the POD, the owner shall not be allowed to perform any work pursuant to the approval and shall be required to apply for a development order or permit before performing any work. The POD shall approve the request and may place reasonable conditions on the approval of such request. The abandonment of an approval shall not be approved if development of the property has commenced under the development order or permit, whether the development is complete or not, unless the POD determines the condition of the property would not violate the Land Development Regulations in the absence of the approval.

Sec. 17.5-118. – Successive applications.

- (a) If an application is submitted to City Council for a decision, and if the City Council denies the application, the same or a substantially similar application shall not be accepted by the POD within 18 months following the action by the City Council on the earlier application unless the applicant demonstrates that there has been a substantial change of conditions or character of the surrounding land area or the land in question.
- (b) A decision by the POD not to accept an application may be appealed by the applicant to the City Council.
- (c) A decision by the POD to accept an application is not appealable.

Sec. 17.5-119. – Extensions and duration of approvals.

- (a) *Duration of approvals.* Any application approved pursuant to this section shall remain valid for three years from the date of approval except approvals of applications for which a specific expiration date is established by the approval.
- (b) Applicants may request up to two two-year extensions from the POD. The application shall be revised to comply with any code amendments that were adopted after the original approval, unless a variance is granted.
- (c) After the original approval and any approved extension have expired without substantial construction commencing, the approval shall be void, and a new application shall be required.
- (d) Phased projects, including rehabilitation of an existing building, shall be approved in such a manner that each phase can reasonably be started within two years from the date the certificate of occupancy is issued for the previous phase, unless a shorter compliance period is required by City Council.
- (e) Approved applications for which substantial construction has commenced shall remain valid subject to compliance with all approved development permits.
- (f) New applications for sites with a previously approved application which are submitted in advance of the expiration date of the approval or extension shall have maintained non-interrupted approval for vesting purposes for any other ordinance or code of the City or for any other government approval provided that the new application is approved by City Council within 120 days after the expiration date of the original approval or extension.
- (g) *Extensions of approvals.* Requests for extension approval shall be in writing and received by the POD prior to the expiration date of the approval or previously approved extension. A failure to request an extension prior to the expiration of the approval or a previously approved extension or failure to meet all conditions of an approval of an extension shall invalidate the original

application approval. Requests for extensions shall address the following matters and may be denied if impacts cannot be adequately mitigated:

- (1) The extent of actions taken by the applicant to implement the approved development plan including real estate transactions, preparation of construction plans, site preparation and pre-construction sales.
- (2) The effect of unforeseen circumstances such as changes in economic condition, cost of materials, and site specific conditions on the approval.
- (3) The length of additional time estimated by the applicant to be needed to implement the approved development plan.
- (4) Changes in the City code that would apply to the property.
- (5) Changes or new construction on property in the vicinity of the applicant's property which may increase impacts to other properties.
- (6) Other facts considered relevant to a consideration of an extension.

Sec. 17.5-120. – Tenant notice of intent to develop.

Development applications under this section which involve the demolition of four or more existing occupied multi-family dwelling units at time of application shall provide a written notice of intent to develop to all tenants residing on the subject property at least 90 days prior to issuance of a building permit. Evidence of notice shall be provided to the POD. No permits shall be issued for the subject property until such time as the 90 day period has expired. For purposes of this section, multi-family shall include tenancies in which both a mobile home and a mobile home lot are rented or leased by the mobile home resident, but not those mobile homes otherwise regulated by F.S. ch. 723.

A notice of intent to develop shall comply with the requirements set forth herein. A written notice shall be on paper and indicate the intent to develop with a planned date for demolition of structures and commencement of construction and shall be delivered via certified mail to all tenants residing on the subject property. Notice shall be mailed by U.S. mail with a U.S. postal service certificate of mailing returned to the City. Evidence of notice shall be a copy of the notice letter, the list of tenants residing on the subject property at time of mailing, and a copy of the U.S. postal service certificate of mailing.

Sec. 17.5-121. – Affordable housing site plan review.

- (a) *Application.* An application shall include the following information in addition to additional information that the POD may reasonably require.
 - (1) A site plan of the subject property. The number of copies required shall be established by the POD:

- a. All site plans shall include information required by the POD.
 1. Elevations depicting architectural details and materials for all sides of each structure shall be provided.
 2. The POD may require a surveyor's certificate to determine location of the proposed structures relative to the lot lines involved.
- b. The site plan shall include the parking layout and the number of parking spaces being provided.
- c. The site plan shall include a landscaping plan.
- d. The application shall include a site data sheet to be provided to the applicant by the POD.
- e. The application shall include a financial document depicting the financial sources for the proposed development and the financial uses. The financial documents shall also include information on financial reserves to maintain the dwelling units.
- f. If the property is located in an industrial zoning district, an environmental report of the subject property and an analysis of the surrounding industrial uses.
- g. If the redevelopment will displace an existing business or businesses, a plan for relocation of the business or businesses and/or re-employment of existing employees.

(b) Procedures.

(1) City Council review and decision:

- a. Public hearing. If the POD determines that an application meets the applicability standards and all required application and public notice information has been provided, the POD shall schedule a public hearing before City Council.
- b. Upon receipt of a recommendation from the POD, the City Council shall conduct a public hearing on the application and shall approve, approve with conditions or deny the application. After considering the application, the City Council may defer action for no more than 60 days to obtain additional information.

(c) Standards for review.

- (1) Ingress and egress to the property and the proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities, and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on state and county roads

shall be based on the latest access management standards of FOT or the county, respectively.

- (2) Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (3) Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts.
- (4) Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. City Council may grant approval of a drainage plan as required by City ordinance, county ordinance or SWFWMD.
- (5) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties.
- (6) Orientation, height and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape.
- (7) Compatibility of the use with the existing natural environment of the site, historic, and archaeological sites, and with properties in the neighborhood.
- (8) Substantial detrimental effects of the use, including evaluating the impacts of the use and a concentration of similar or the same uses and structures on the neighborhood.
- (9) Sufficiency of setbacks, screens, buffers and general amenities to preserve the internal and external harmony and compatibility with the uses inside and outside the proposed development and to control adverse effects of noise, light, dust, fumes and other nuisances.
- (10) Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations.
- (11) Landscaping and preservation of natural manmade features of the site including trees, wetlands and other vegetation.
- (12) Sensitivity of the development to on-site and adjacent historic or archaeological resources related to scale, mass, building materials and other impacts.

(13) Unit type, such as rental or ownership, and the income levels served by the development are needed in the market place.

(14) If the subject property is zoned industrial, then the following criteria shall be considered in determining the suitability of the subject property for development pursuant to this section:

- a. One or more of the following characteristics exist over an extended period of time:
 - 1) vacant or underutilized land; 2) vacant or underutilized buildings; 3) poor quality job creation in terms of pay, employee density and spin-off or multiplier effects; 4) chronic competitive disadvantages in terms of location, transportation infrastructure/accessibility and other market considerations.
- b. Conversion to a residential use will not cause negative impacts on surrounding industrial operations.
- c. Location and surrounding land uses will not cause any adverse impacts to the health of future residents.

Sec. 17.5-122. – Fees.

In order to incentivize and assist in the development of additional affordable and workforce housing, there will be no fee for this application process.

Section 3. Coding. As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

Section 4. Severability. The provisions of this ordinance shall be deemed severable. If any provision of this ordinance is determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 5. Effective Date. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

City Attorney (Designee)
00570847

DRAFT