



City of Tampa

Jane Castor, Mayor

Development & Growth Management Administration

1400 N. Boulevard
Tampa, Florida 33607

Office (813) 274-8577

DATE: June 30, 2023

TO: The Honorable Chair and Members of Tampa City Council

THROUGH: John Bennett, Chief of Staff *JB*

THROUGH: Cate Wells, Deputy City Attorney *CW*

FROM: Abbye Feeley, Deputy Administrator for Development and Growth Management *Abbye Feeley*

SUBJECT: File No. CM23-81347 - Senate Bill 102 also known as the Live Local Act (Scheduled for Consideration on July 13, 2023)

On April 13, 2023, City Council made a motion directing staff to provide a report on July 13, 2023 under Staff Reports and Unfinished Business on the impact of Senate Bill 102 on the City of Tampa. Senate Bill 102, also referred to as the Live Local Act, was approved by Governor DeSantis on March 29, 2023 and became law on July 1, 2023. The Live Local Act preempts a local government's regulation on zoning, density and height for certain multi-family and mixed-use affordable housing developments.

Policies that boost the supply of affordable housing, including the improvement of the City's Land Development Code and refinement of Bonus Density, are critical to easing the burden of rising housing costs for renters and aspiring homeowners, and must be taken in combination with actions that address near-term housing affordability and promote fair housing. The City reserves the right to make changes to these standards with prior notice to the public, provided that such revised standards are in compliance with the Live Local Act.

Please find attached a memorandum from Eric Cotton, Development Coordination Manager, which provides a detailed summary of the City's implementation of the Live Local Act. Please note, the summary is the result of a collaborative effort between staff with Development & Growth Management and the Legal Department and reflects the administrative authority granted to local governments for the aforementioned affordable housing developments. Staff with Development & Growth Management and the Legal Department appreciate the opportunity to present this report.

cc: Andrea Zelman, City Attorney
Nicole Travis, Administrator for Development & Economic Opportunity *NT*
Eric Cotton, Development Coordination Manager
Martin Shelby, City Council Attorney
Shirley Foxx-Knowles, City Clerk
Suling Lucas, Deputy City Clerk

Attachment: Memorandum from Eric Cotton



City of Tampa

Jane Castor, Mayor

Development & Growth Management

Development Coordination

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Office (813) 274-3100, Option 2

MEMORANDUM

DATE: June 30, 2023
TO: Nicole Travis, Administrator, Development and Economic Opportunity
THROUGH: Abbye Feeley, Deputy Administrator, Development and Growth Management
FROM: Eric Cotton, Zoning Administrator/Manager, Development Coordination
SUBJECT: Implementation of Senate Bill 102 - Live Local Act

Background

On March 29, 2023, Governor Ron DeSantis signed into law Senate Bill 102, also known as the "Live Local Act" ("LLA"). This bill takes effect on July 1, 2023, and precludes local governments' ability to apply their use, height, and density restrictions and hearing processes to certain multi-family and mixed-use affordable housing developments. Importantly, LLA doesn't preempt other applicable local laws and regulations.

- LLA requires local governments to administratively approve development projects:
 - ✓ Where at least forty percent (40%) of the residential units are affordable (as defined in section 420.0004 Fl. St.) for at least thirty (30) years; or
 - ✓ If developed as a mixed-use project, at least sixty-five percent (65%) of the square footage is used for residential purposes (of which forty percent (40%) are affordable as defined in section 420.0004 Fl. St.); and
 - ✓ Are located within commercial, industrial, or mixed-use zoning districts.
- Local governments are required to allow projects to develop at the highest allowed density on any land within the local government where residential density is allowed.
- Local governments cannot restrict height below the highest allowed for a commercial or residential development within the city limits and within one (1) mile of the proposed development or three (3) stories, whichever is higher.
- Local governments must consider reducing parking for such developments.
- Notwithstanding the provisions of the law, projects must comply with all other local land development regulations.

The purpose of this memorandum is to provide the city’s interpretation of LLA, identify the process for implementation, and provide additional development standards which may apply to applications seeking administrative approval pursuant to LLA. For ease of reference and to avoid redundancy throughout this memorandum, a development seeking approval through LLA will be referred to as “qualifying development or qualifying developments”.

Applicable Zoning Districts

Pursuant to the City of Tampa Land Development Code (“LDC”), the following zoning districts will be eligible for qualifying developments.

Residential Office (RO)	Seminole Heights – Commercial Intensive (SH-CI)
Residential Office – 1 (RO-1)	Neighborhood Mixed Use – 16 (NMU-16)
Office Professional (OP)	Neighborhood Mixed Use – 24 (NMU-24)
Office Professional – 1 (OP-1)	Neighborhood Mixed Use – 35 (NMU-35)
Commercial Neighborhood (CN)	Ybor City – 1 (Central Commercial Core) (YC-1)
Commercial General (CG)	Ybor City – 4 (Mixed Use Redevelopment) (YC-4)
Commercial Intensive (CI)	Ybor City – 5 (General Commercial) (YC-5)
Industrial General (IG)	Ybor City – 6 (Community Commercial) (YC-6)
Industrial Heavy (IH)	Ybor City – 7 (Mixed Use) (YC-7)
Seminole Heights – Commercial General (SH-CG)	

Future Land Use and Density

Density

The City’s most intensive future land use category that allows residential density is the Regional Mixed Use – 100 (RMU-100) category, which allows up to 100 units to the acre by right. This will be the density permitted for qualifying developments.

Mixed-Use

- Given that the intensity of a mixed-use development is calculated by floor area ratio (FAR), the city will utilize an averaged FAR of 2.5 for a qualifying development.
- If a qualifying development is located on property with either the Urban Mixed Use – 60 (UMU-60) or RMU – 100 future land use categories, the qualifying development may utilize the associated by right FAR assigned to those categories respectively.
- A mixed-use development requesting to utilize LLA must provide at a minimum ten percent (10%) of the project as non-residential. For example, a qualifying mixed-use development consisting of one (1) acre utilizing the 2.5 FAR would at a minimum contain 70,799 SF of residential use(s) and 10,890 SF of non-residential use(s).

Allowable Height

LLA states that the city may not restrict height below the highest allowed for either commercial or residential development within the city limits and within one (1) mile of the qualifying development, or three (3) stories, whichever is higher. Chapter 27 provides the permitted maximum heights for all zoning districts, which heights range from 35’ to 200’. Please note, where applicable, Federal Aviation Authority (FAA), Hillsborough County Aviation Authority, etc. height restrictions shall apply.

Applicable Standards for Development

Multiple Family Residential Projects (Single Use)

For multiple family residential developments (single use), the city will utilize the Residential, Multiple Family 75 (RM-75) development standards.

Front Yard:	25'
Side Yard:	7'
Corner Yard:	7'
Rear Yard:	20'

For each four (4) feet of building height above thirty (30) feet, the required yards shall be increased by one (1) foot.

Mixed-Use Residential Projects

For mixed-use residential projects, the city will utilize the Commercial General (CG) development standards.

Front Yard:	10'
Side Yard:	10'
Corner Yard:	10'
Rear Yard:	10'

Alternative Standards

As noted above, LLA does not preempt other applicable local laws and regulations. However, after thoughtful consideration by the city, and in order to allow qualifying development to be reviewed in the same manner as other permitted affordable housing developments, the following alternative standards may be used for qualifying developments and, if used, are intended to be applied through the application process described below. Separate administrative approvals otherwise allowed by the LDC, including but not limited to design exceptions, variances, etc., shall not apply to qualifying developments.

Parking

LLA requires a local government to “consider” reduced parking for a qualifying development within ½ mile of a major transit stop. Since neither the LDC nor the Comprehensive Plan define ‘major transit stop’, the city will apply the parking standards allowed through design exceptions (DE) for other affordable housing projects permitted throughout the city. For qualifying developments, the city will utilize a parking ratio of 0.8 spaces per affordable housing unit. Market rate units within the qualifying development will be calculated in accordance with the LDC. Additional consideration may be given if a project application contains further data and analysis to support an alternative ratio based on proximity to transit, multi-modal transportation options which may serve the property, or as otherwise may be legally permitted pursuant to the code.

Loading

For multiple family and mixed-use projects, one (1) loading berth (minimum) must be provided.

Greenspace and Landscape

Multiple Family (single-use) qualifying developments may provide a multi-family greenspace requirement of 100 SF of greenspace per unit or a minimum of 6,000 SF whichever is greater. If the greenspace is aggregated in a centralized location with amenities to serve the residents, the qualifying development may utilize a 75 SF per unit requirement or 5,000 SF whichever is greater. An 8' buffer with plantings shall be installed along the right-of-way. All qualifying developments seeking to utilize this alternative shall be subject to the fee in lieu for the square footage as required by LDC.

Mixed-Use qualifying developments with either surface parking or structured parking less than six stories may provide 20% greenspace and may count the required vehicle use area (if applicable) toward the total site greenspace. The twenty percent shall be calculated based on the entire property. For example, a one-acre property would require 8,712 SF of greenspace.

Vehicle Use Area

All qualifying developments with surface parking, whether developed for multiple family or mixed-use, shall provide an 8' buffer adjacent to all rights-of-way with plantings.

Process for Approval

The approval process for a qualifying development located within an eligible zoning district, as outlined above, shall include payment of a fee (see below), an application, site development plan, and affidavit of commitment to City of Tampa Affordable Housing standards for income qualification, monitoring, and inspection.

Minimum Requirements

Application

Site Development Plan which includes the following:

1. Scale, date, and north arrow.
2. Legal Description of the property.
3. Site Data Table*
4. Dimensioned location, size, height and use of all proposed structures.
5. Project units, number of affordable units per area median income, and affordability period.
6. Label uses of adjacent parcels.
7. Location, dimension and method of buffering from adjacent uses.
8. Location and method of screening of refuse stations, storage areas and off-street loading areas.
9. Method of stormwater retention.
10. Location, size and total amount of greenspace.
11. Tree table with tree retention and applicable mitigation.
12. The location, width, pavement type, right-of-way name and other related appurtenances of all public rights-of-way adjoining, traversing or proximate to the site.
13. Location and dimensions of proposed project ingress/egress, parking and service areas, including typical parking space dimensions.
14. Vehicle Use Area buffering adjacent to rights of way.
15. Southern Florida Building Code definitions for types of construction proposed and existing.

16. Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all existing and proposed curb cuts and sidewalks.
17. Building Elevations (4-sided) for each proposed building.
18. Commitment to complete a transportation study prior to issuance of the building permit.
19. Any other information required under the specific site plan districts pertaining to this article or which may be required, when commensurate with the intent and purpose of this Code, by city reviewing staff.
20. Affidavit confirming a 30-year commitment to provide affordable housing (see below).
21. A statement indicating the petitioners' commitment to comply with specific chapters of the City Code applicable to the project (i.e., tree and landscaping, fire, etc.) at the time of permitting.

*Site Data Table shall include:

Folio #:	Building Setbacks: north, south,	VUA:
Property Address:	west, and east.	VUA greenspace required:
Property Area SF:	Max. Building Height:	VUA greenspace provided:
Future Land Use:	Total Building Area:	Multi-family greenspace required:
Existing Zoning District:	Maximum number of proposed	Multi-family greenspace provided:
Proposed Use:	dwelling units:	Parking Required:
		Parking Provided:

Project Narrative – Application shall contain a narrative which demonstrates compliance with Section 166.04151(7)(a) – (g), Florida Statutes.

Affidavit of Commitment – Applicant must file an Affidavit of Commitment to record a Land Use Restriction Agreement (LURA) detailing the affordable housing restrictions, as approved by the city, and to comply with the monitoring and compliance requirements of the city. The city will provide the form LURA and monitoring **and** compliance forms upon submittal of the application.

Agent Authorization – An affidavit with the property owner’s notarized authorization.

Timeframe for Review and Issuance of Approval: Upon receipt of a complete application, the city will complete its review within sixty (60) days. The applicant may request an additional 30-day extension.

Appeal: An applicant, who receives an official ruling or order wherein the aforementioned standards are applied to a specific parcel(s), may file a request for review pursuant to Section 1-19 of the City of Tampa Code of Ordinances (“1-19 Review”). Please note, the ability to file a 1-19 Review does not extend to an individual or entity who is not the applicant. Also, an applicant may not file a 1-19 Review if the application did not include the property owner(s) authorization.

Fee: The fee for a qualifying development will be \$2642.00 plus \$111/acre or portion thereof.

Duration of Approval: An approval received through this process shall be effective for twenty-four (24) months from the date of approval. The LLA application process shall begin anew if a building permit has not been issued by the city within twenty-four (24) months of LLA approval.

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