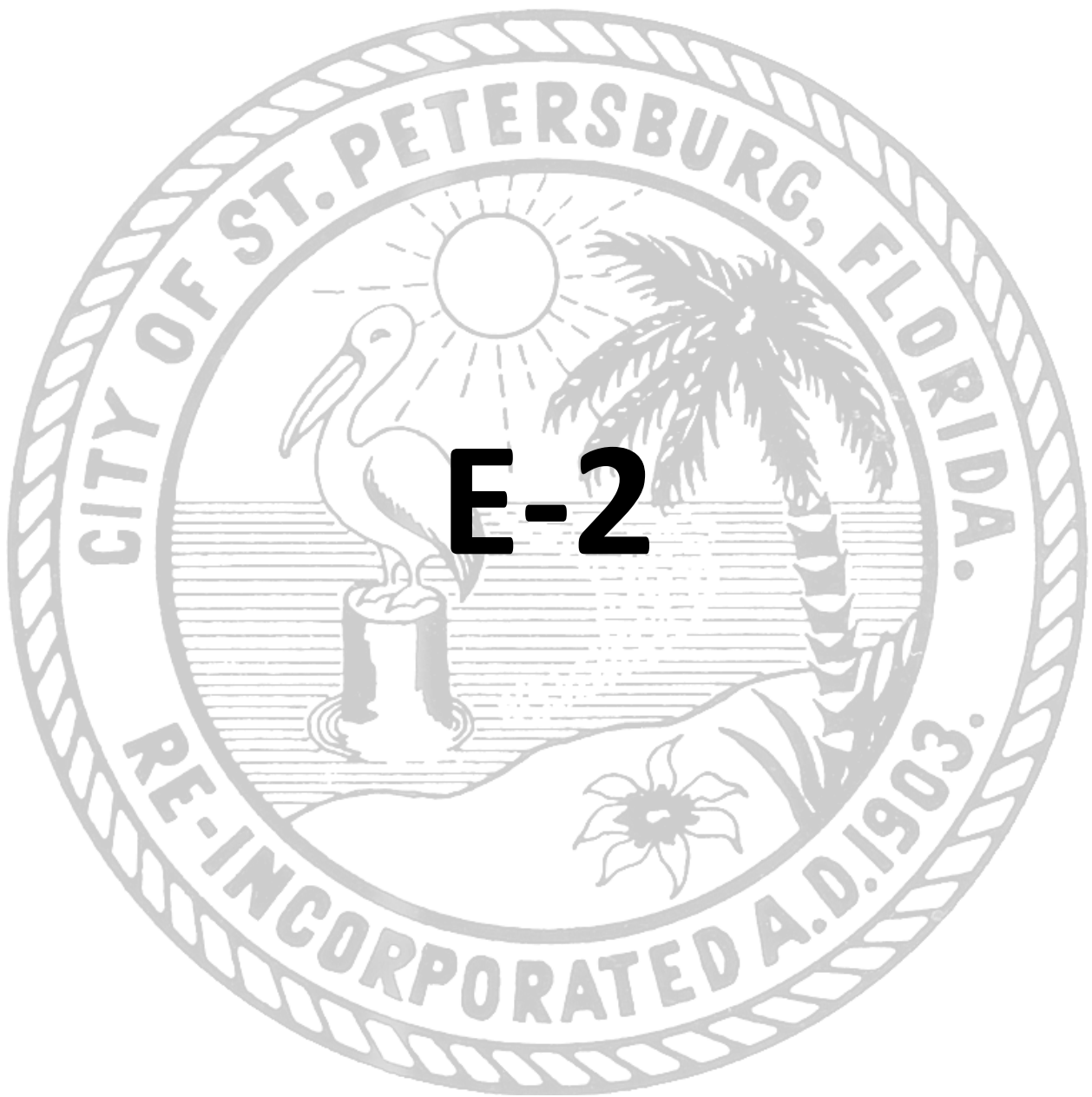


The following page(s) contain the backup material for Agenda Item: Ordinance 608-H, an ordinance of the City of St. Petersburg, Florida amending Chapter 17.5, Article VI. of the City Code related to Affordable Housing Site Plan Approval; amending section 17.5-111. related to applicability criteria; creating a new section 17.5-124. related to conforming uses; providing for severability; and providing an effective date. (LDR 2025-01)  
Please scroll down to view the backup material.





## ST. PETERSBURG CITY COUNCIL

### Meeting of May 1, 2025

**TO:** The Honorable Copley Gerdes, Chair, and Members of City Council

**SUBJECT:** Ordinance 608-H, Ordinance 608-H, an ordinance of the City of St. Petersburg, Florida amending Chapter 17.5, Article VI. of the City Code related to Affordable Housing Site Plan Approval; amending section 17.5-111. related to applicability criteria; creating a new section 17.5-124. related to conforming uses; providing for severability; and providing an effective date.

#### **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 with residential, commercial, or industrial zoning. In 2021, three (3) ordinances were adopted which permitted City Council to review and potentially approve affordable and/or workforce housing 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 known as the “Live Local Act” was passed and signed by the governor. On November 30, 2023, City Council approved Ordinances 564-H and 565-H, which included amendments to Chapter 16 and 17.5 to delete the “residential” option, add an administrative process for 40% mandatory projects (F.S. Section 166.04151(7)(a)), subject to the same minimum review criteria as 30% projects; amend standards for 30% optional projects (F.S. Section 166.04151(6)) to eliminate the 5-acre minimum and reduce the 60-unit minimum to a 10-unit minimum for industrial zoning districts, change the process to administrative, eliminate the required public hearing, add an appeal process for applicants; and add a 30-day public comment period.

In the 2024 Legislative Session, [SB 328](#) Affordable Housing passed, amending the Live Local Act. The purpose of the proposed amendments to Chapter 17.5 is to bring our ordinance in conformance with these statutory changes. Modifications include the following:

- Add a Floor Area Ratio (FAR) allowance of up to 6.0 FAR (150% of 4.0);
- Amend height regulations to add a provision relating to proximity to single-family zoning;
- Add a parking exemption for the SunRunner 22<sup>nd</sup> Street S Overlay (TOD area);
- Amend applicability to exclude airport-impacted areas; and
- Add a non-conforming use provision.

#### **RECOMMENDATION:**

Administration: City staff recommends APPROVAL.

Previous City Council Action: At the Housing, Land Use and Transportation (HLUT) committee meeting on February 13, 2025, Staff provided a presentation on the amendments needed to Chapter 17.5. First Reading was conducted on April 17, 2025.

#### Recommended City Council Action:

- 1) CONDUCT the second reading and public hearing
- 2) APPROVE the proposed Ordinance

Attachments: Ordinance

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING CHAPTER 17.5, ARTICLE VI. OF THE CITY CODE RELATED TO AFFORDABLE HOUSING SITE PLAN APPROVAL; AMENDING SECTION 17.5-111. RELATED TO APPLICABILITY CRITERIA; CREATING A NEW SECTION 17.5-124. RELATED TO CONFORMING USES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

**SECTION ONE.** Section 17.5-111. of the St. Petersburg City Code is hereby amended to read as follows:

**Sec. 17.5-111. – ~~Qualifying property~~ Applicability.**

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 Commercial Corridor Traditional (CCT), Commercial Corridor Suburban (CCS), Industrial Suburban (IS), Industrial Traditional (IT), Downtown Center (DC) Regional Center (RC), Employment Center (EC), or Institutional Center (IC).
- (b) The development proposal submitted for review pursuant to F.S. § 166.04151(6) in an IT or IS zoning district shall consist of ten or more dwelling units.
- (c) Projects submitted for review pursuant to F.S. § 166.04151(6) located in an Industrial Traditional or Industrial Suburban zoning district shall meet the following additional location criteria:
  - (1) Shall be located within two miles 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 one mile of a grocery store; and
  - (4) Shall be located within one mile of the Pinellas Trail or City park.
- (d) All of the proposed dwelling units shall have a restrictive covenant that requires the dwelling units to be affordable to qualified buyers or renters at 120 percent of area median income or below for a minimum period of 30 years. Notwithstanding the foregoing, development proposals submitted for review pursuant to F.S. § 166.04151(6) may designate no less than 30 percent of the proposed dwelling units as affordable so long as 50 percent of those dwelling units are designated as affordable to qualified buyers or renters at 80 percent of area median income or below for a minimum period of 30 years.

Notwithstanding the foregoing, development proposals submitted for review pursuant to F.S. § 166.04151(7)(a) shall designate no less than 40 percent of the proposed

dwelling units as affordable to renters at 120 percent of area median income or below for a minimum period of 30 years.

- (e) 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. However, for development proposals submitted for review pursuant to F.S. § 166.04151(6) within an Industrial Traditional or Industrial Suburban zoning district, accessory commercial uses such as cafes, restaurants, drug stores or pharmacies, and grocery stores up to 10,000 square feet are exempt from this requirement.
- (f) For development proposals submitted pursuant to F.S. § 166.04151(7)(a), projects shall comply with the following:
  - i. Maximum density shall be 82 dwelling units per acre.
  - ii. Floor Area Ratio (FAR) shall not exceed 6.0.
  - iii. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the height of the proposed development shall be 150 percent of the tallest building on any property adjacent to the proposed development or 300-feet. For the purposes of this paragraph, the term “adjacent to” means those properties sharing more than one point of a property line but does not include properties separated by a public road.
  - iv. Projects located in Industrial zoning districts shall follow the land development regulations of the Neighborhood Suburban Multi-family-1 (NSM-1) District; projects located in commercial/mixed-use districts shall follow the district standards of the underlying commercial/mixed-use district.
  - v. Projects located within the SunRunner Target Employment Center Local Overlay District shall be mixed-use residential and otherwise comply with requirements of the Overlay District regulations except for use, height, density, floor area ratio, and parking.
  - vi. Projects shall not be located in an airport hazard area as provided in F.S. § 333.03(5).
- ~~have a maximum density of 82 dwelling units per acre and maximum height shall be the highest currently allowed height for a commercial or residential development located within 1 mile of the proposed development or 3 stories, whichever is higher. Projects located in Industrial zoning districts shall follow the land development regulations of the Neighborhood Suburban Multi-family-1 (NSM-1) District; projects located in commercial/mixed-use districts shall follow the district standards of the underlying commercial/mixed-use district.~~
- (g) There shall be no variances granted to these criteria.

**SECTION TWO.** The St. Petersburg City Code is hereby amended by adding a new Section 17.5-124. to read as follows:

**Section 17.5-124. – Conforming uses.**

Notwithstanding the City’s comprehensive plan, future land use designation, or zoning, and in accordance with F.S. § 166.04151(8), any development authorized under F.S. § 166.04151(7)(a)

must be treated as a conforming use even after the sunset date set forth in this Article and the development's affordability period as provided in F.S. § 166.04151(7)(a). If at any point during the development's affordability period the development violates the affordability period requirement provided in F.S. § 166.04151(7)(a), the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

**SECTION THREE.** *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. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

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

**SECTION FIVE.** COMPLIANCE WITH § 166.041(4), FLORIDA STATUTES. Pursuant to City Council resolution 2023-507, a business impact estimate was prepared for this ordinance and posted on the City's website no later than the date the notice of the proposed ordinance was published.

**SECTION SIX.** *Effective Date.* In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after 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 the ordinance, in which case the ordinance shall take effect 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.

LEGAL:

  
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ADMINISTRATION:

