



City of Tampa

Jane Castor, Mayor

Development & Growth Management
Development Coordination
2555 East Hanna Avenue
Tampa, Florida 33610

Office (813) 274-3100, Option 2

MEMORANDUM

DATE: August 27, 2024

TO: The Honorable Chair and Members of Tampa City Council

THROUGH: Cate Wells, Deputy City Attorney *Cate Wells*

FROM: Abbye Feeley, Interim Administrator, Development and Economic Opportunity *Abbye Feeley*

SUBJECT: File No. CM-24-4660 – Notice of Filing Live Local Act Application

On April 11, 2024, City Council made a motion directing staff to provide a report on June 20, 2024, under Staff Reports and Unfinished Business, regarding the creation of notice requirements for Live Local Applications (“LLA”) and to limit or prohibit access to bonus density and/or City subsidies. On June 20, 2024, staff confirmed that notice of LLA applications is not legally required since state law requires LLA applications to be processed administratively. Upon conclusion of the presentation, City Council determined that it is important for the public to be aware of the filing of LLA and directed staff to require LLA applicants to provide written notice of filing application and post a sign(s) similar to the notice and signs posted for other City applications. City Council acknowledged that the policy decision to require notice would not create or result in a right by members of the public or those receiving written notice to participate in the administrative process nor would such notice require a public hearing.

As directed, attached please find the proposed written notice and a mock-up of the proposed sign. In addition, attached please find staff’s updated memorandum implementing LLA, as amended by Senate Bill 328 which became effective May 16, 2024. The 2024 amendments include:

- Prohibition on qualifying developments within ¼ mile of a military installation;
- Clarification on how to determine maximum allowed density;
- Inclusion of FAR for mixed-use qualifying developments;
- Limitation on maximum height for qualifying developments adjacent to a single-family residential development;
- Parking reductions for qualifying developments located within ½ mile of a transit stop; within ½ mile of a major transportation hub; within 600 feet of available parking; or within a transit-oriented development or area; and,
- Bonus for density, height or FAR (to be processed administratively);

Staff with Development & Growth Management and the Legal Department will be available to answer any questions.

cc: John Bennet, Chief of Staff *J. Bennet*
Andrea Zelman, City Attorney

Eric Cotton, Development Coordination Manager
Martin Shelby, City Council Attorney
Shirley Foxx-Knowles, City Attorney
Suling Lucas, Deputy City Clerk

Attachments: Memorandum from Eric Cotton
Proposed Written Notice
Mock-up of Proposed Sign




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DATE: August 27, 2024
TO: Abbye Feeley, Interim Administrator, Development and Economic Opportunity
FROM: Eric Cotton, Zoning Administrator/Manager, Development Coordination 
SUBJECT: Implementation of Live Local Act

Background

On July 1, 2023, Senate Bill 102, also known as the “Live Local Act” (“LLA”), went into effect and precluded local governments’ ability to apply their use, height, and density restrictions and hearing processes to certain multi-family and mixed-use affordable housing developments. On May 16, 2024, LLA was amended by Senate Bill 328. Below please find a summary of LLA as amended by the 2024 legislation:

- LLA requires local governments to administratively approve development projects:
 - ✓ Where at least forty percent (40%) of the residential units are rental units for a term of at least thirty (30) years and are affordable (as the term is defined in section 420.0004, Fl. St.); 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 currently allowed density on any land within the local government where residential density is allowed under the local government’s land development regulations.
- Local governments may not restrict floor area ratio (“FAR”) below 150 percent of the highest currently allowed FAR within the local government where development is allowed under the local government’s land development regulations.
- Local governments may not restrict height below the highest currently allowed for a commercial or residential building within the city limits and within one (1) mile of the qualifying development or three (3) stories, whichever is higher. Additional restrictions relative to height are included in the below discussion “Allowable Height”.
- Parking requirements are reduced or eliminated within certain areas. Please see below discussion “Parking”.
- A qualifying development located within ¼ mile of a military installation may not be administratively approved; any such request requires an application for rezoning subject to approval by Tampa City Council. In addition, LLA may not be applied to airport-impacted areas as provided in Section 333.03, Fl. St. nor property defined as recreational and commercial working waterfront in Section 342.201(2)(b).

- Importantly, LLA doesn't preempt other applicable local laws and regulations requiring projects to comply with all other land development regulations.

The purpose of this memorandum is to provide the City's interpretation of LLA, as amended; 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, as amended, 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, Density & Intensity

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. As clarified in SB 328, the term "highest currently allowed density" does not include the density of any building that met the requirements of LLA, as originally enacted, or the density of any building that has received any bonus, variance, or other special exception for density provided in the LDC as an incentive for development.

Floor Area Ratio

The City's most intensive future land use category is the RMU-100 category, which allows up to 3.5 FAR by right. Accordingly, the permitted FAR for mixed-use qualifying developments is 5.25. And, a mixed-use qualifying development must provide, at a minimum, ten percent (10%) of the project as non-residential.

As clarified in SB 328, the term "highest currently allowed FAR" does not include the FAR of any building that met the requirements of LLA, as originally enacted, or the FAR of any building that has received any bonus, variance, or other special exception for FAR provided in the LDC as an incentive for development.

Allowable Height

LLA states that the City may not restrict height below the highest currently allowed for a commercial or residential building 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'.

Notwithstanding the above restrictions, if a qualifying development is adjacent on two (2) or more sides to single-family homes which are zoned single-family residential and the adjacent development includes at least 25 contiguous homes, height is limited to 150% of the tallest building on any property adjacent to the qualifying development, the highest currently allowed height for the qualifying development provided in the LDC, or three (3) stories, whichever is higher.

The term "highest currently allowed height" does not include the height of any building that met the requirements of LLA, as originally enacted, or the height of any building that received a bonus, variance, or special exception for height provided in the City's LDC as an incentive for development.

Please note, where applicable, Federal Aviation Authority (FAA), Hillsborough County Aviation Authority, etc. height restrictions shall apply.

Parking

LLA, as amended, requires the City to reduce parking for a qualifying development within ½ mile of a transit stop; within ½ mile of a major transportation hub; or, within 600 feet of available parking. Consistent with the City's prior implementation of LLA, the City will continue to apply the parking standards allowed through design exceptions (DE) for other affordable housing projects permitted throughout the City and regardless of the qualifying development's proximity to a transit stop, major transportation hub, or availability of parking. 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 an application for LLA approval 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.

The statutory elimination of parking for mixed-use qualifying developments located within a transit oriented development or area does not apply within the City as such areas are not designated within the City.

Bonus for Density, Height or FAR

As clarified by SB 328, a qualifying development may apply for a bonus for density, height, or FAR if the qualifying development satisfies the conditions to receive the bonus except for any condition which conflicts with LLA. Such bonus may be processed administratively by staff.

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 developments 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.

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, notice of filing application, site development plan, and an 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.

Notice of Filing Application – As directed by Tampa City Council on June 20, 2024, an applicant is required to post a sign(s) on the property and provide written notice of filing an application to owners of property located within 300 feet of the qualifying development and to registered neighborhood organizations. The posting of the sign(s) and mailing of written notice must be completed and evidence of same uploaded to Accela before the application is distributed for review by the City’s reviewing departments. Although notice of filing application is required, such notice does not create or result in a right by members of the public or recipients of such written notice to participate in the administrative process nor does it require a public hearing.

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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