

**CERTIFICATE OF COMPLIANCE WITH
SECTION 166.041(4), FLORIDA STATUTES**

This certificate of compliance with Section 166.041(4), Florida Statutes, concerns the proposed ordinance of the City of St. Petersburg, Florida, that can be described as follows:

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING CHAPTER 17.5 OF THE CITY CODE RELATED TO HOUSING ASSISTANCE; AMENDING THE EXISTING PROCESS PURSUANT TO SECTIONS 166.04151(6) AND 166.04151(7(a), FLORIDA STATUTES, WHEREIN THE CITY MAY ADMINISTRATIVELY 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.

Based on a review of that proposed ordinance:

- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance, and no Business Impact Estimate has been prepared.
- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance. The City is, nevertheless, providing the Business Impact Estimate below as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate Pursuant to Section 166.041(4), Florida Statutes.

EXEMPTIONS

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

BUSINESS IMPACT ESTIMATE

The City provides the following Business Impact Estimate, which may be revised following its initial posting:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

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 these amendments is as follows:

1. 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. The related change to the Comprehensive Plan was approved by City Council on September 28, 2023 (LGCP 2023-02); and
2. Modify the Affordable Housing Site Plan Approval process (Section 17.5-111) in response to SB 102, the “Live Local Act” as follows:
 - Add an Administrative process for 40% Mandatory projects (F.S. Section 166.04151(7)(a)), subject to same minimum review criteria as 30% projects;
 - Establish Neighborhood Suburban Multi-family (NSM) as the standard for Industrial zoning districts
 - Amend standards for 30% Optional Projects (F.S. Section 166.04151(6)) as follows:
 - Eliminate the 5-acre minimum for industrial zoning districts
 - Reduce 60-unit minimum to 10-unit minimum for industrial zoning districts
 - Change process to Administrative, eliminating the required Public Hearing
 - Add an Appeal process for applicants
 - Add a 30-day Public Comment Period
2. **An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:**

(a) An estimate of direct compliance costs that businesses may reasonably incur;

None. There are no fees associated with an Affordable Housing Site Plan Application. Applicants will continue to be responsible for costs of public notification for any application which they file

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

There are no new fees or charges associated with this ordinance

- (c) **An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

There are staff hours related to processing Affordable Housing Site Plan Applications. There are no fees or charges to cover such costs.

3. **Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:**

The City processed one application in 2022 and two applications in 2023 related to three properties. We would expect a similar number of applications in future years.

4. **Additional information the governing body deems useful (if any):**