

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING ARTICLE XIII, SECTION 240.00, LIVE LOCAL ACT DEVELOPMENT, OF THE SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE TO PROVIDE FOR THE CITY'S REVIEW OF LAND DEVELOPMENT APPLICATIONS AUTHORIZED UNDER THE LIVE LOCAL ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 29, 2023, the Governor signed into law Senate Bill 102, the "Live Local Act," which was codified as Chapter 2023-17, Laws of Florida and is broad ranging legislation intended to streamline and incentivize affordable housing developments within the State of Florida (the "Act"); and

WHEREAS, on May 16, 2024, the Governor signed into law Senate Bill 328 which was codified as Chapter 2024-188, Laws of Florida, amending the Act to require that municipalities maintain a policy on their website containing procedures and expectations for administrative approval of affordable housing developments authorized under the Act; and

WHEREAS, on June 23, 2023, the Governor signed into law Senate Bill 1730 which was codified as Chapter 2025-172, Laws of Florida, amending S. 166.04151, F.S related to the administrative approval of affordable housing developments authorized under the Act; and

WHEREAS, on November 18, 2024, the Safety Harbor City Commission adopted Ordinance 2024-15, amending Article xiii, Administration and Enforcement, of the Safety Harbor Comprehensive Zoning and Land Development Code by creating Section 240.00, Live Local Act Development, to provide for the city's review of land development applications authorized under the Act; and

WHEREAS, the City Commission finds it necessary to amend Section 240.00 of the Safety Harbor Comprehensive Zoning and Land Development Code to be consistent with the amended S. 166.04151, F.S; and

WHEREAS, upon public hearing with due public notice before the Planning and Zoning Board in its capacity as the Local Planning Agency on September 10, 2025. and

public hearing with due public notice before the City Commission on October 6, 2025 and October 20, 2045, it has been found and determined that the amendments proposed by this ordinance are consistent with the goals, objectives and policies of the Safety Harbor Comprehensive Plan and Countywide Future Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. The above recitals are true, correct, and incorporated by reference as the findings of the City.

SECTION 2. Section 240.00 of the Safety Harbor Comprehensive Zoning and Land Development Code is amended to read as follows:

240.01 Applicability.

A. The provisions of this Section shall apply to any application for the development of land authorized under Section 166.04151(7), Florida Statutes.

B. Outside of the Community Redevelopment District (CRD), only properties within the General Office (GO); Neighborhood Commercial (C-1); Restricted Commercial District (C-1A); Flex Business/Industrial (FBI); Light Industrial (M-1); General Industrial (M-3) zoning districts are eligible to use the provisions of Section 166.04151(7), Florida Statutes.

C. Within the Community Redevelopment District (CRD), only properties within the Service Corridor - 1 (SC-1), Service Corridor - 2 (SC-2), Main Street Marketplace (MSM) and Community Town Center (CTC) Character Districts are eligible to use the provisions of Section 166.04151(7), Florida Statutes.

D. Portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, as defined herein, are eligible to use the provisions of Section 166.04151(7), Florida Statutes.

E. The City may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under Section 166.04151(7), Florida Statutes.

240.02 Definitions.

Unless specifically defined below, words or phrases used in this Section shall be defined in accordance with Article XVI, Section 271 of this Code.

Affordable Housing: A multi-family rental development in which a minimum of forty (40) percent of the residential units meets the definition of affordability in Section 420.0004, Florida Statutes, for a minimum period of thirty (30) years.

Commercial use: Activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in Section 509.242(1)(a), Florida Statutes; food service vendors; sports arenas; theaters; tourist attractions; and other for profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in Section 509.242(1)(c), Florida Statutes, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

Industrial use: Activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

Mixed-Use Residential Development: The development of a tract of land or building or structure with two (2) or more different uses, one of which must include affordable

~~housing and uses permitted and limited in the underlying zoning district. Any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.~~

~~At a minimum sixty five (65) percent of the total square footage of the mixed-use development must be residential (lobby, service areas and amenity areas exclusively serving the residential uses shall be considered residential square footage), but no more than eighty (80) percent of the total square footage shall be residential. At a minimum, twenty (20) percent of the total square footage of the development must be nonresidential.~~

Planned Unit Development: An area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

Transit Stop: A location designated by the Pinellas Suncoast Transit Authority for buses to make regularly scheduled, periodic stops for the purpose of loading and unloading passengers on an established transit route.

240.03 Development standards for mixed-use development.

A. Affordable Housing shall be permitted as part of a Mixed-Use Residential Development, as defined herein, ~~shall be permitted~~ within the zoning districts listed in Section 240.01 (B) (C) and (D) of this Code and shall be subject to the following requirements:

1. At a minimum sixty-five (65) percent of the total square footage of the mixed-use development must be used for residential purposes.
2. At a minimum, ten (10) percent of the total square footage of the mixed-use development must be nonresidential.

B. Except for use, height, density, and floor area ratio, the Affordable Housing project shall comply with the applicable development standards of this Code.

C. The allowable density, floor area ratio, and height of the Affordable Housing development shall conform to the requirements of Section 166.04151(7), Florida Statutes.

D. All other uses, including nonresidential uses, shall comply with the applicable development standards of this Code and the requirements of the zoning district the project is located in.

E. ~~The City may consider reduced parking requirements for eligible projects within one-quarter mile of a Transit Stop accessible from the proposed development. The City shall, upon request of the applicant, reduce parking requirements for a proposed development in conformance with the requirements of Section 166.04151 (7) (f), Florida Statutes.~~

240.04 Affordable housing requirements.

A. A Land Use Restriction Agreement (LURA) documenting the affordable housing project's affordability, reporting and monitoring requirements and enforcement in a form acceptable to the City must be executed and recorded prior to issuance of permits for vertical construction of the multi-family residential projects.

B. The City Manager shall be authorized to approve the LURA.

BC. During the affordability period, the affordable housing project's owner shall submit to the City such documentation necessary to demonstrate the affordable units meet the criteria as set forth in Section 402.004, Florida Statutes, pursuant to the requirements and schedule established in the LURA.

240.05 Administration and enforcement.

A. A site plan that complies with Section 166.04151(7), Florida Statutes, and the applicable City Codes shall be subject to administrative approval by the City Manager without further action by the City Commission or any quasi-judicial or administrative board or reviewing body.

1. Applications for Site Plan approval shall be filed with the Community Development Department on forms provided by the Community Development Director (Director) and shall include the required fee established by this Code.

2. The Director shall forward all applications to the City's Technical Review Committee (TRC) to the Public Works, Fire, and Community Development Departments for an administrative and completeness review to determine

compliance with the provisions of this Code, the Code of Ordinances, the Comprehensive Plan and all applicable building codes. ~~In no case shall the TRC convene more than three times on a single application. If the applicant fails to respond to TRC comments within 90 days from the date a TRC letter is issued, the Community Development Director may close the file based on insufficient progress. A new application may be filed at any time after a file is closed.~~

3. The Community Development Director shall, upon receiving a determination from the TRC that the application is complete and ready for processing, review the application for compliance with the provisions of this Code, the Code of Ordinances, and the Comprehensive Plan, and shall make a written recommendation to the City Manager.

3. The Director shall upon receiving comments from the reviewing departments, review the application for compliance with Section 166.04151(7), Florida Statutes, the provisions of this Code, and the Code of Ordinances, and the Comprehensive Plan, and shall make a written recommendation to the City Manager.

4. If the Director determines that the application does not comply with Section 166.04151(7), Florida Statutes, the provisions of this Code, the Code of Ordinances, or the Comprehensive Plan, the Director shall notify the applicant in writing of the reasons for noncompliance. The written notice must identify all areas of noncompliance and include specific statutory or code citations to each requirement the site plan application fails to meet. If the applicant fails to respond to the Director's comments within 30 days from the date a noncompliance letter is issued, the Director may close the file based on insufficient progress. A new application may be filed at any time after a file is closed. In no case shall the Director review an application more than three times unless mutually agreed upon by the applicant and Director.

5. The Director shall make a written recommendation to the City Manager upon determining that the application is in compliance with Section 166.04151(7), Florida Statutes, the provisions of this Code, the Code of Ordinances, and the Comprehensive Plan.

46. The City Manager shall review the application and recommendation of the Director. The City Manager shall approve, approve with stipulations, or deny the application.

57. If the development within a Mixed-Use Development authorized under this section requires a variance for development standards including, but not limited to, setbacks, landscaping and buffering and parking, such request shall be reviewed by the Board of Appeals pursuant to Sections 234.00—234.05 of this Code. Within the Community Redevelopment District, waivers shall require review by the City Commission pursuant to Section 100.00 of this Code.

68. ~~If the development is for a Mixed-Use Residential Development, The nonresidential land uses within a Mixed Use Development authorized under this section are~~ shall be subject to conditional use approval in the underlying zoning district, and such request shall be reviewed by the Planning and Zoning Board and City Commission in accordance with Sections 228.00—228.01 of this Code.

B. The proposed development may not be developed in phases. All residential and nonresidential components of the site plan shall be located on the same or unified lot. A unity of title is required by a document recorded in the office of the Clerk of Court of Pinellas County, stipulating that a lot, lots, or parcel of land shall be held under single ownership, and prevent further subdivision, transfer, or conveyance of land in any unit other than in its entirety.

SECTION 3. This Ordinance shall be published in accordance with the requirements of law.

SECTION 4. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 5. This Ordinance shall be codified and made part of the Safety Harbor City Code and all sections shall be alphabetized and/or renumbered to accomplish such codification.

SECTION 6. This Ordinance shall become effective immediately upon its passage and enactment.

PASSED ON FIRST READING THIS 6TH DAY OF OCTOBER 2025.

PASSED AND ENACTED ON SECOND AND FINAL READING THIS 20TH DAY OF OCTOBER 2025.

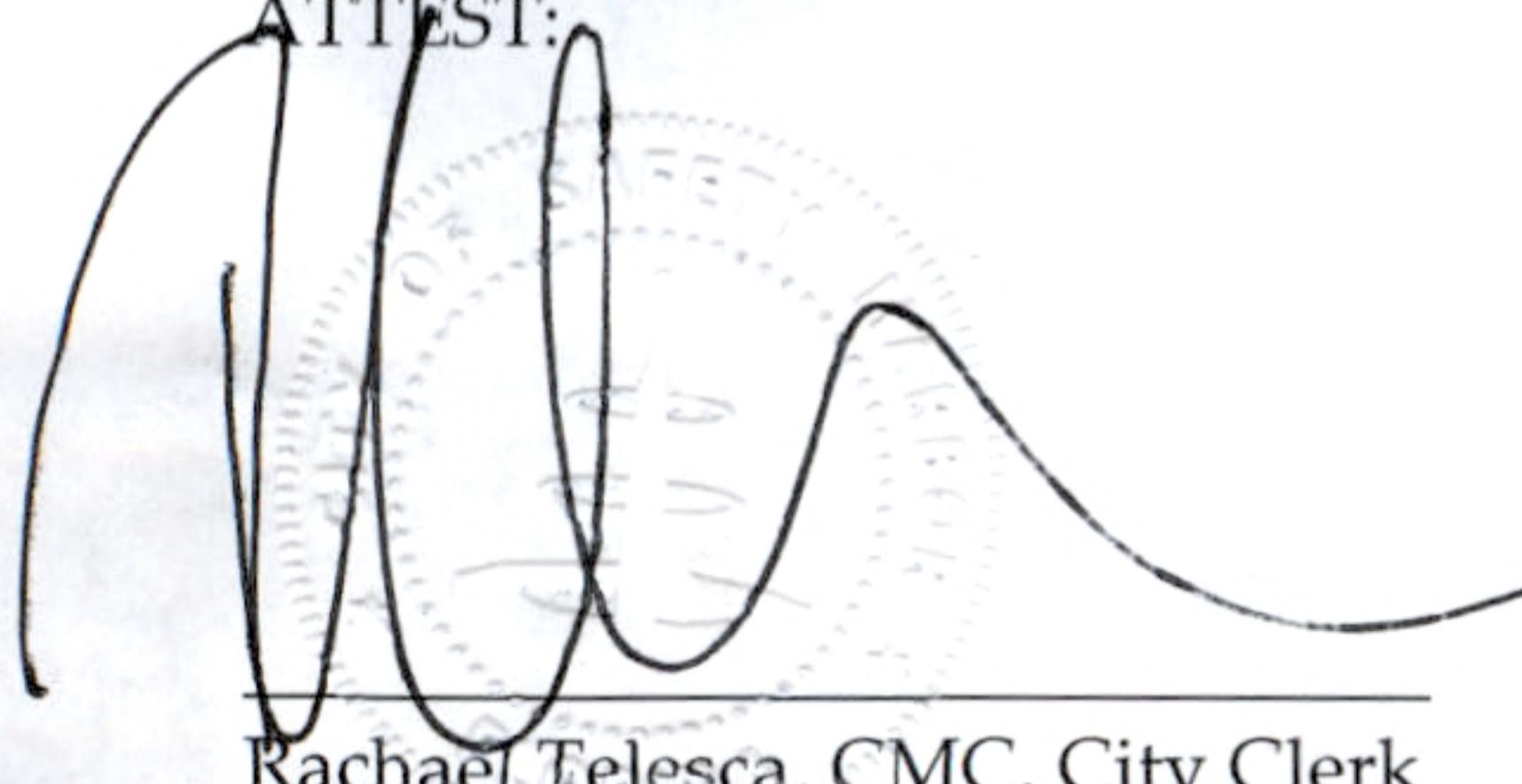
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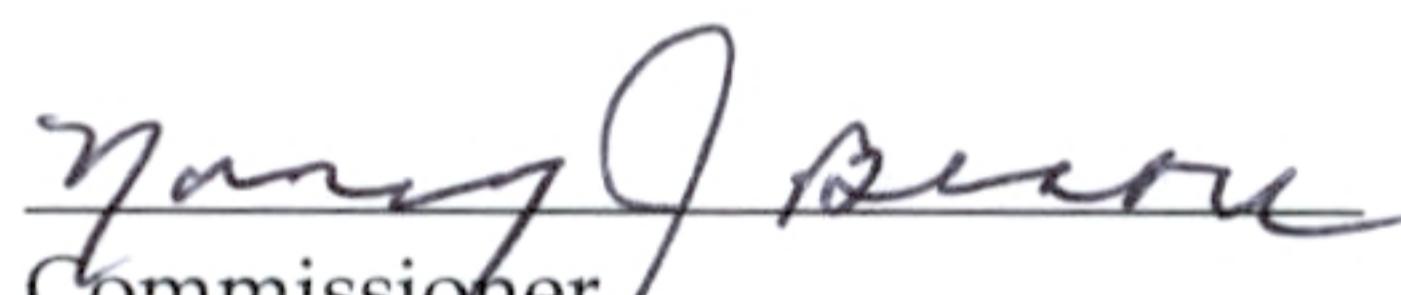

Sarah L. Johnston, City Attorney

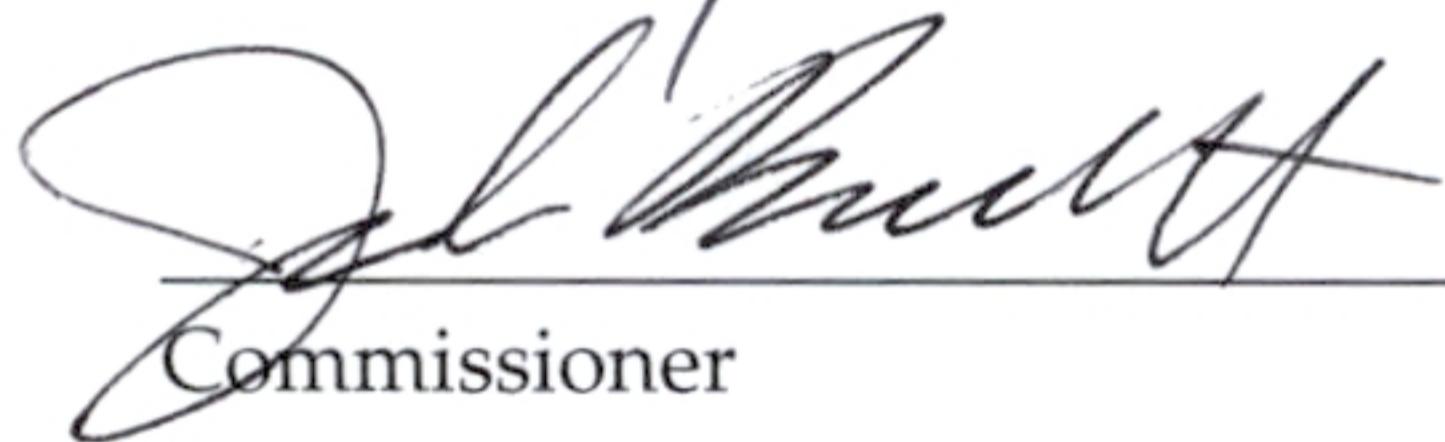

Mayor - Commissioner

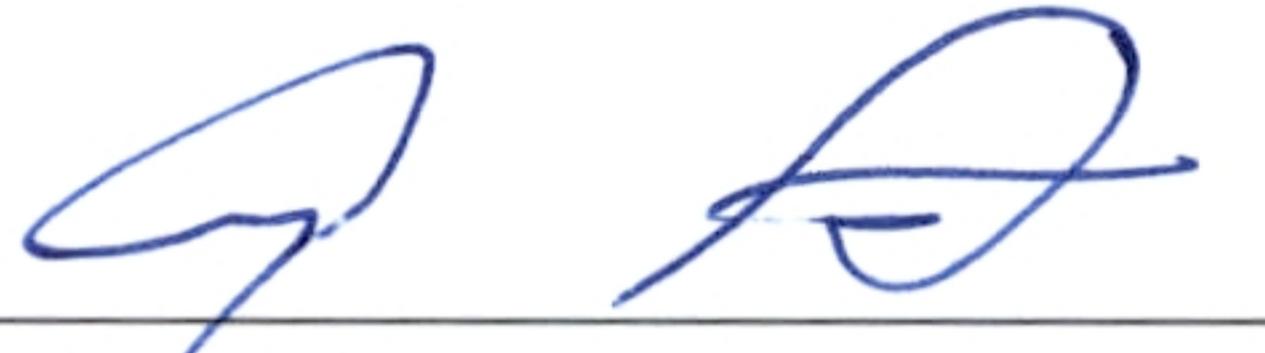

Vice Mayor - Commissioner

ATTEST:


Rachael Telesca, CMC, City Clerk


Commissioner


Commissioner


Commissioner