

# LDC 22-1115 - PROPOSED REGULATIONS: December 2, 2022

## Land Development Code

— Original Changes

### Article XII Definitions

— Latest Changes

**Affordable Housing:** A dwelling unit -which is available at a cost not exceeding 30 percent of a household's income at or below ~~100~~120% of the Tampa/St. Petersburg/Clearwater Metropolitan Statistical Area (MSA) Area Median Income (AMI) consistent with the annually adjusted Department of Housing and Urban Development (HUD) income guidelines, adjusted for household size. Owner occupied housing costs include principal, interest, insurance, and property taxes. Rental housing costs include the contract rent.

~~Housing which is available at a price or rent not exceeding 30 percent of a low income household's gross income. Owner occupied housing costs include principal, interest, insurance, and property taxes. Rental housing costs include the contract rent. Low income household is defined as a household with gross income which is at or below 80 percent of median income adjusted for family size, consistent with annually adjusted Department of Housing and Urban Development income guidelines.~~

**Affordable Housing Development:** A development where 20 percent or more of the dwellings are affordable housing ~~is available to these groups~~ and where documentation of affordability, and continued availability has been certified by the Administrator~~site review conducted by the Planning and Growth Management Department~~.

## Article VI – Design Standards and Improvement Requirements

### Sec. 6.01.02. Schedule of Residential Density and Open Space Regulations for Affordable Housing ~~and~~ Developments

District	Maximum Gross Density <sup>1</sup>	Minimum Open Space	<del>Minimum Site Area</del>	Minimum Lot Area <sup>2+</sup>
AM	.05	.92	<del>80 ac.</del>	43,560
	.05	.97	<del>80 ac.</del>	7,000
A	.10	.85	<del>40 ac.</del>	43,560
	.10	.94	<del>40 ac.</del>	7,000
AR	.20	.40	<del>20 ac.</del>	43,560
	.20	.70	<del>20 ac.</del>	7,000
AS-0.4	.40	.35	<del>15 ac.</del>	43,560
	.40	.50	<del>15 ac.</del>	7,000
AS-1	1.00	.30	<del>10 ac.</del>	7,000
ASC-1	1.00	.30	<del>10 ac.</del>	7,000
RSC-2	2.00	.30	<del>5 ac.</del>	5,000
RSC-3	3.00	.30	<del>5 ac.</del>	5,000
RSC-4	4.00	.25	<del>2 ac.</del>	3,600
RSC-6	6.00	.20	<del>1 ac.</del>	2,400
RSC-9	9.00	.20	<del>1 ac.</del>	2,000
RSC-10	10.00	.20	<del>1 ac.</del>	2,000
RMC-6	6.00	.20	<del>1 ac.</del>	2,400
RMC-9	9.00	.20	<del>1 ac.</del>	2,000

<sup>1</sup> Does not include any density bonuses that may be awarded pursuant to the comprehensive plan

<sup>2+</sup> The type of wastewater treatment facility used shall be required pursuant to 6.01.06 of the Land Development Code.

The Table in this Section is established to allow smaller lot sizes and, thus, a potentially greater number of residential units for developments which seek to promote affordable housing. The following is an example of how the Table works.

For a ten-acre tract zoned RSC-6, the maximum density permitted is six dwelling units per acre. The maximum number of 7,000 square foot lots for the ten-acre parcel would realistically be approximately 50 units, given internal streets, drainage facilities and other required site improvements. If a developer desired to maximize the development of the site while providing affordable housing units, then by using the Table above, 2,400 square foot lots would be permitted in the RSC-6 district allowing for the maximum 60 lots on the ten-acre parcel to be accomplished. This example assumes the necessary site specific infrastructure improvements are in place.

These developments are exempt from the minimum standards in 6.01.01, Schedule of Residential Area, Height, Bulk and Placement Regulations. The developer may use any dwelling unit type in accordance with the criteria established in Section 6.11.06 (Affordable Housing Development).

(Ord. No. 02-13, § 2, 8-1-02; Ord. No. 09-53, Item L, 6-11-09, eff. 10-1-09)

**Sec. 6.11.07-- Affordable Housing Development**

A. General Standards

1. Affordable housing development, as defined in Article XII, shall be reviewed by the County Administrator or their designee to determine if it is affordable. That review shall require the following affirmative findings by staff: :
2. The development shall have 20 percent or more of the dwelling units available to households with gross incomes at or below ~~100~~120% ~~80~~ percent of the area median income adjusted for household family-size, consistent with annually adjusted Department of Housing and Urban Development income guidelines.
3. Affordability shall be based on gross family income being below ~~100~~120~~80~~ percent of median income adjusted for family size.
4. There shall be adequate assurances (e.g., deed restrictions or restrictive covenants) that the housing will remain affordable housing over a period of ~~30~~15 years.

B. Standards for Affordable Housing Developments ~~Standards~~

To take advantage of the increased flexibility provided affordable housing developments projects the following development standards shall apply:

1. The development ~~may contain any of the following building types. shall use single family detached dwelling units where the minimum lot size is 7,000 square feet or more. Where the minimum lot size is less than 7,000 square feet, then~~ single family detached, single family-attached zero lot line, duplex, triplex, quadraplex, townhouse or multi-family apartment units shall be permitted. These building types, with the exception of apartments and townhouses with more than 4 attached units, may also be used in affordable housing developments in a planned development approved for residential development through the minor change process, regardless of otherwise-approved dwelling types.
2. ~~The following building setbacks shall apply: For developments on lots of 5,000 square feet or more, the standard district setbacks shall apply.~~

<u>front</u>	<u>Secondary Front</u>	<u>Side</u>	<u>Rear</u>
<u>10'</u>	<u>10'</u>	<u>5'</u>	<u>10'</u>

~~23. For development on lots of less than 5,000 square feet a minimum ten-foot front yard setback shall be maintained except that garages shall be set back a minimum of 20 feet. There-~~

shall be a minimum building spacing of ten feet. There shall be a minimum 20-foot rear yard setback.

4. The minimum building setback from adjoining residential parcels shall be equal to the largest yard setback (front, rear, or side) required by the zoning of the adjoining property.

5. The minimum lot size or area per dwelling unit shall meet the requirements of 6.01.02 Schedule of Residential Density and Open Space Regulations for Affordable Housing Development except as otherwise provided in this Code.

6. The development may use single family detached, single family zero lot line, duplex, triplex, quadraplex, atrium, townhouse or multi-family units.

37. In no case shall the administrative review consider the funding source of the project, or involve the appropriateness of the affordable housing unit to the neighborhood's character.

### C. Density Bonus

1. The BOCC may approve density and floor area ratio bonuses for affordable housing through a Planned Development rezoning if it ~~If an affordable housing project is proposed as a site planned controlled zoning and~~ meets the affordable housing qualifying criteria established herein listed above and as established in the Comprehensive Plan, ~~and as further qualified below (project plan), the project may receive affordable housing density and/or FAR bonuses~~ The increases in density and/or intensity which may be achieved are established in the Housing Section of the Comprehensive Plan under Affordable Housing Bonuses and elsewhere within the Plan. Such site planned controlled projects shall establish specific lot sizes, setbacks and dwelling unit types and shall be exempt from meeting the standard district setback requirements. ~~However, the minimum setback standards established above for development on less than 5,000 square foot lots shall apply.~~

2. The project receiving the density bonus shall meet the requirements in the Housing Element of the Comprehensive Plan and the following criteria: ~~To further clarify the qualifying criteria established within the Comprehensive Plan for the Project Plan option, the specific Comprehensive Plan criteria is first listed and then the terminology is defined as follows:~~

a. The project shall have access to a public street and shall have public water and sewer services. ~~The surrounding area must be fully or partially developed and contain in place infrastructure and public facilities which will meet the public facilities and service needs of existing and proposed residential development. A distance of three miles shall be used to define the surrounding area.~~

b.- The project shall be wholly located within the Urban Service Area and shall not be located within the Coastal High Hazard Area. ~~The surrounding area must contain two or more of the following conditions warranting the repair or rehabilitation of existing housing, and/or development of additional affordable housing units. A distance of one mile shall be used to define the surrounding area.~~

c. Density Bonuses can be awarded to previously-approved Planned Developments that contain residential units through the Minor Modification process.

d. At a minimum 20% of the total proposed units shall be affordable in order to qualify for the bonus.

1. A minimum of ~~5~~30% of the affordable units provided must be set aside for incomes at 60% or below the Area Median Income (adjusted for household size).

~~2. A minimum of 20% of the affordable units provided must be set aside for incomes at 80% or below the Area Median Income (adjusted for household size).~~

23. The remaining affordable units provided may be set aside for incomes at ~~100~~120% or below the Area Median Income (adjusted for household size).

34. Where set aside units result in a fraction of a unit, the number shall be rounded up to the next whole number.

45. To encourage residential infill and appropriate scale of transition, properties 1 acre or less may provide all required affordable units at or below 80% AMI.

#### Sample Development Example:

A proposed development of 200 residential units utilizing the AHDB shall at a minimum provide the following:

40 affordable units, ~~12~~ 20 of these shall be set aside for incomes at or below 60% AMI, ~~8 units shall be set aside for incomes at or below 80% AMI~~, the remaining units shall be set aside at or below ~~100~~120% AMI. The applicant may exceed the minimum once the minimum has been met.

~~Evidence that existing resident households of very low, low, and/or moderate income comprise a reasonable percentage of the total existing neighborhood population, along with evidence of need, on the part of some of these households, for affordable housing assistance. A 20 percent minimum shall be used to define a reasonable percentage. A 20 percent minimum shall be used to define the term some.~~

~~d. The subject area is close to a significant economic development project which will provide employment opportunities for proposed project residents. A distance of three miles shall be used to define the term close. A significant economic development project shall represent a compact employment center which may contain any grouping of nonresidential uses which provides a minimum of 200 jobs.~~

~~e. Mass transit services must be available within a reasonable distance of the project site. A distance of one mile shall be used to define a reasonable distance.~~

#### D. Redevelopment of Mobile Home Parks

1. Where mobile home parks in the Urban Service Area have lawfully permitted densities that exceed the density permitted by the Comprehensive Plan Future Land Use Element, such parks may be redeveloped with affordable housing at the same density with any housing type pursuant to the requirements of the section and connection to public water and wastewater services. Such projects shall be exempt from the Density Bonus qualifying criteria.

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### **Sec. 5.03.07. Changes to approved PD districts**

#### **A. Changes to Critical Design Features**

1. Changes to any condition on the site plan or to the list of conditions that have received a "critical design feature" designation shall be considered a Major Modification and shall be reviewed in accordance with procedures in Sec. 10.03.00.

#### **B. Changes to Approved PD Site Plans**

The Administrator is authorized to approve the administrative modifications specifically listed in this section of the PD Ordinance, as long as they are in harmony with the originally approved PD district. The Administrator shall not have the power to approve changes that constitute a minor or a major modification of the approval. A minor modification shall require approval by resolution of the Board and shall be heard in the form of a personal appearance. A major modification shall require approval of the Board and shall be handled in the same manner as the original approval.

1. Administrative Modification: The Administrator is authorized to approve the following modifications to approved Planned Development Districts:
  - a. Reduce the number of parking spaces by an amount not to exceed 10 percent of the approved spaces, provided the reduction meets the minimum off-street parking requirement for the uses.
  - b. Any relocation of approved density or intensity farther than 500 feet from the zoning lot boundaries or farther than 200 feet from any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.
  - c. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development. If no single-family units are included in the project, the requirements of the RSC-9 district shall be the minimum permitted.
  - d. Allow interim passive agricultural uses, as defined by this Code, prior to development, site construction plan approval and/or final subdivision plat approval of the planned district or portion(s) thereof, provided the agricultural activity will not impede development in any part of the district under separate ownership. Additionally, the allowance shall be restricted to planned districts or portions thereof that were agriculturally zoned at the time of rezoning to PD. Upon qualification for interim passive agricultural uses under this provision, the allowance for such uses shall run with the land irrespective of any subsequent zoning changes, including rezoning to a standard district, unless expressly prohibited by condition or restriction imposed by the zoning change, and provided that passive agricultural uses were permitted on the property under its zoning, or through this provision, on November 1, 2012.
  - e. Allow redevelopment of mobile home parks in the Urban Service Area with affordable housing at the same permitted density with any housing type pursuant to the affordable housing requirements of Section 6.11.07 of this Code and

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connection to public water and wastewater services. The project shall be subject to the affordable housing standards in Sections 6.11.07 and 6.01.02 of this Code for the RSC-9 district unless alternative standards are necessary to achieve the permitted density. Such alternative standards shall be subject to approval of the Administrator as being the minimum necessary for the provision of affordable housing pursuant to Section 6.11.07 of this Code. If alternative standards are requested, the applicant shall provide written justification with a detailed explanation of why the alternative standards are necessary to achieve the permitted density.

f. A change in dwelling type from single family, two-family, triplex or quadplex to single family, two-family, triplex or quadplex in an affordable housing development. Standards for lot size, required yards, building coverage and impervious surface shall be those required for other dwellings of the same type previously approved in the PD. If not otherwise approved in the PD single family dwellings shall be subject to RSC-9 standards, two-family dwellings shall be subject to RDC-12 standards and triplex or quadplex dwellings shall be subject to RMC-20 standards.

2. Minor Modification: In reaching a decision as to whether or not the changes are substantial enough to be considered a minor modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
  - a. Any change in parking areas resulting in a reduction of more than ten percent in the number of approved spaces which also reduce any minimum required spaces.
  - b. Significant changes in the basic form.
  - c. Any reduction in the amount of open space/recreation area or any substantial change in the location or characteristics of open space.
  - d. Changes in location, or type of pedestrian or vehicular accesses or circulation, or any increase or decrease in the number of pedestrian or vehicular accesses.
  - e. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. Relocation of uses, density or intensity which triggers these thresholds shall be considered a minor modification.
  - f. Any increase in density or intensity of use of up to five percent usable floor area, three percent of the number of dwelling units, or five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
  - g. An increase in structure height less than 15 feet or an increase in number of stories.
  - h. Any change in a condition specifically required by the Board as part of the PD amendment. However, any condition which merely restates a Code requirement



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without deviation may be modified by the Administrator if the regulation allows a waiver or if the regulation has subsequently been changed by the Board of County Commissioners.

- i. Any decrease in required yards, except that when such decrease is to apply to three or less single-family lots within the project, the change shall be reviewed per Section 11.04.
  - j. Any deletion of a specifically approved use.
  - k. Any increase in the area allocated to any land use type, except open space/recreation area, by ten percent or less.
  - l. Any increase in traffic generation, up to ten percent.
  - m. Any request for a decrease in intensity from commercial to residential support or conventional single-family, or from commercial or office to conventional single-family, shall be considered a minor modification.
  - n. If any of the above changes are present, the change shall be considered a minor modification.
3. Major Modification: In reaching a decision as to whether the changes are substantial enough to be considered a Major Modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
- a. Any increase in intensity of use shall be considered to be an increase of more than five percent usable floor area, or an increase of more than three percent in the number of dwelling units, or an increase of more than five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
  - b. Any increase in structure height of 15 feet or greater.
  - c. Any addition of a use from the specifically approved use. However, a change from multi-family to single family shall be an administrative modification if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development.
  - d. Any increase in the area allocated to any land use type, except open space, by more than ten percent.
  - e. Any increase in traffic generation by more than ten percent.
  - f. If any of the above changes are present, the change shall be considered a major modification.

TABLE 5.1  
CHANGES IN APPROVED GENERAL PLANS

N/A = not applicable

LAND DEVELOPMENT CODE			
	Administrative Modification	Minor Modification	Major Modification
Parking	Reduction $\leq$ 10% of spaces above the minimum requirement	Reduction $>$ 10% of spaces that also reduce required spaces	N/A
Basic Form	N/A	Significant changes	N/A
Open Space (See also Use)	NA	Reduction in area, location or characteristics; includes recreation area	N/A
Access/Circulation	N/A	Changes in location or type of pedestrian or vehicular accesses or circulation. Increase or decrease in number of pedestrian or vehicular accesses.	N/A
Density/Intensity	Relocation $>$ 500' from zoning lot line or $>$ 200' from other owner and not minor/major modification	Increase or relocation $\leq$ 500' from zoning lot line or $\leq$ 200' from other owner	N/A
	N/A	Increase $\leq$ 5% usable floor area, $\leq$ 3% of number of dwelling units, $\leq$ 5% outside land area for sales, displays, demonstrations	Increase $>$ 5% usable floor area, $>$ 3% of number of dwelling units, $>$ 5% outside land area for sales, displays, demonstrations
Height	N/A	Any increase in structure height $<$ 15 feet or increase in number of stories	Any increase $\geq$ 15'
Conditions	N/A	Any change in condition specifically required by BOCC	N/A

Yards	N/A	Any decrease in required yards (see 5.03.04.C.i.)	N/A
Use	Change from M-F to S-F if no increase in external impacts and is consistent in lot size, coverage, yards with other S-F in development. If no other S-F, then minimum requirements are RSC-9	Any deletion of a specifically approved use.	Any addition of a use different from the specifically approved use
	<u>A change in dwelling type from single family, two-family, triplex or quadplex to single family, two-family, triplex or quadplex in an affordable housing development.</u>	Any increase in area allocated to any land use type (except open space/recreation area) by $\leq 10\%$	Any increase in area allocated to any land use type (except open space) by $> 10\%$
		Change from commercial to residential support or conventional S-F	
		Change from commercial or office to conventional S-F	
Traffic Generation	N/A	Any increase $\leq 10\%$	Any increase $> 10\%$

### C. Time Limits for Approved PD Site Plans

If site construction plans, or the equivalent thereof, have not been approved for all or part of a PD rezoning within five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning or last modification thereto, then the certified PD General Development Plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points.

If site construction plans, or the equivalent thereof, have been approved for all or part of an approved PD district within five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning or last modification thereto, then the General Development Plan shall remain valid until the expiration date of the initially-approved site construction plans or any other subsequently-approved site

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construction plans or until five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning, whichever is longer.

Any portion of the internal transportation network and/or external access points constructed pursuant to approved site construction plans is not subject to expiration.

Upon expiration, re-certification of the PD General Site Plan for those portions that have expired shall require a Minor Modification to the PD, in accordance with subsection B above, the scope of review of which shall be to reevaluate the internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points of the PD for consistency with current Comprehensive Plan policies and Code regulations.

Such reevaluation shall include consideration of the existing transportation network, existing development, and how any modification to the previously approved internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points would affect the ability to develop the approved uses.

1. Upon initial review of a PD or at any time thereafter, the BoCC may approve a duration exceeding five (5) years when supported by evidence that the characteristics of the property or the scope, scale or anticipated timing or phasing of the project would make a longer duration more practical or is reasonably necessary to complete the project in its entirety.
2. If a PD is approved along with a development agreement, the PD shall have a duration of at least the duration of the development agreement.
3. The property owner may request the Administrator to allow a one-year extension of development rights to the original PD conditions and General Site Plan, provided the following is met:
  - a. The request is submitted to the Administrator at least thirty (30) days prior to expiration.
  - b. The applicant must provide a written explanation as to the status of the project and the need for the extension.
4. Notwithstanding anything to the contrary, this Subsection C. shall not apply to any PD approved before May 20, 2021, or to any PD for which a complete application was pending as of May 20, 2021. However, this Subsection C. shall apply to modifications to an otherwise exempt PD that proposes a substantial modification to the internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points.

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. 12-24, § 2(Exh. A)(Item IV.C)(12-0681), 10-25-12, eff. 11-1-12; Ord. No. 16-21, (Exh. A)(Item I-02)(16-1070), 10-11-16, eff. 10-18-16; Ord. No. 18-30, § 2(Exh. A), 10-11-18, eff. 10-18-18; Ord. No. 21-18, § 2(Exh. A), 5-20-21, eff. 5-27-21)

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22-1115

**Division Director  
Sign-Off**

*J. Brian Grady*