

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, PERTAINING TO AFFORDABLE HOUSING; AMENDING THE TITLE TO ARTICLE I OF CHAPTER 17.5 OF THE CITY OF TAMPA CODE OF ORDINANCES TO INCLUDE "COMPLIANCE AND MONITORING FEES FOR AFFORDABLE HOUSING DEVELOPMENTS"; ADDING SECTION 17.5-14 TO ARTICLE I OF CHAPTER 17.5 TO PROVIDE FOR COMPLIANCE AND MONITORING FEES TO BE PAID BY PRIVATE DEVELOPERS TO REIMBURSE THE CITY OF TAMPA FOR COSTS INCURRED BY THE CITY IN MONITORING AFFORDABLE HOUSING UNITS CONSTRUCTED PURSUANT TO BONUS PROVISION AGREEMENTS APPROVED PURSUANT TO CITY OF TAMPA CODE OR AS AUTHORIZED BY SECTION 166.04151, FLORIDA STATUTES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tampa ("City") encourages the development of affordable housing within the city of Tampa; and

WHEREAS, the City and State of Florida provide options and incentives for the development of affordable housing; and

WHEREAS, Section 27-140 of the City of Tampa Code of Ordinances ("Code") allows for bonus or additional floor area to be constructed as part of a project in certain areas of the City if a percentage of that project's dwelling units are reserved and used for affordable housing (currently 10%) for a defined period of time; and

WHEREAS, Section 166.04151(6), Florida Statutes, allows the City to also approve the development of projects including residential units on any parcel zoned for commercial or industrial use if at least 10% of the residential units in the project are affordable, as defined in Sec. 420.0004, Florida Statutes; and

WHEREAS, Section 166.04151(7), Florida Statutes, requires the City to authorize the development of residential units on any parcel zoned for commercial, industrial, or mixed-use if at least 40% of the residential units in the project are affordable, as defined in Sec. 420.0004, Florida Statutes, for a minimum of thirty (30) years; and

WHEREAS, the development of affordable housing pursuant to these Code and state statutory provisions requires that City ensure that the original occupants of the designated affordable housing units meet certain income eligibility requirements, as defined in Florida Statutes, and or Code, and thereafter monitor these units annually to ensure that the housing units remain

1 affordable for a prescribed period of time (generally, thirty (30) years or more);
2 and

3
4 **WHEREAS**, ensuring compliance with the applicable income restrictions
5 and monitoring of these developments requires substantial time and resources
6 to be dedicated to these tasks by City staff; and

7
8 **WHEREAS**, it is in the best interest of the City to be reimbursed for all or a
9 portion of the cost of the City staff time and resources dedicated to monitoring
10 the affordable housing requirements of projects that have been developed
11 pursuant to these City Code and state statutory provisions; and

12
13 **WHEREAS**, the City, therefore, desires to amend Article I of Chapter 17.5
14 of the Code to require that developers of affordable housing units pursuant to
15 the incentives or provisions described herein be required to pay compliance and
16 monitoring fees to the City to reimburse the City for the costs incurred in
17 performing the monitoring of the affordable housing requirements for these
18 developments.

19 **NOW, THEREFORE,**

20
21 **BE IT ORDAINED BY THE CITY COUNCIL**
22 **OF THE CITY OF TAMPA, FLORIDA THAT:**

23
24 **Section 1.** The "Recitals" set forth above are true and correct and are hereby
25 adopted and incorporated into the body of this Ordinance as if fully set forth herein.

26
27 **Section 2.** The title of Chapter 17.5, Article I, of the City of Tampa Code of
28 Ordinances is hereby amended by adding the following underlined words:

29
30 **"ARTICLE I. – AFFORDABLE HOUSING ADVISORY COMMITTEE AND**
31 **COMPLIANCE AND MONITORING FEES FOR AFFORDABLE HOUSING**
32 **DEVELOPMENTS"**

33
34 **Section 3.** Chapter 17.5, Article I, of the City of Tampa Code of Ordinances
35 is hereby amended by adding the following underlined words to create and add
36 Section 17.5-14- to Article I, as follows:

37
38 **"Sec. 17.5-14. – Compliance and Monitoring Fees.**

39
40 **(1) Definitions.**

1 (a) "Affordable Housing Project" shall mean a project containing
2 one or more Affordable Housing Units approved or authorized by the City
3 pursuant to:

4 (i) a bonus provision agreement approving bonus density or
5 floor area pursuant to Sec. 27-140(f)(1) of the Tampa City
6 Code; or

7 (ii) Chapter 166.04151(6), Florida Statutes; or

8 (iii) Chapter 166.04151(7), Florida Statutes.

9
10 (b) "Affordable Housing Unit(s)" shall mean one or more
11 residential dwelling units that is/are deemed "affordable" as defined in
12 Section 420.0004, Florida Statutes, and is also designated as an affordable unit
13 pursuant to a land use restrictions agreement or "LURA".

14
15 (c) "LURA" or land use restriction agreement means the
16 Declaration of Affordable Housing Restrictive Covenants, or such other
17 declaration or land use restriction agreement executed by the fee owner of
18 the Affordable Housing Units in an Affordable Housing Project in favor of the
19 City of Tampa, which is recorded in the public records of Hillsborough County,
20 Florida, and which subjects the Affordable Housing Units in an Affordable
21 Housing Project to restrictions ensuring that the Affordable Housing Units
22 remain "affordable" as defined in Section 420.0004, Florida Statutes, for a
23 minimum prescribed period of time as may be required by the City consistent
24 with City Code or Florida Statutes.

25
26 (2) An owner of an Affordable Housing Project shall pay the following
27 monitoring and compliance fees to the City:

28
29 (a) A fee per Affordable Housing Unit shall be paid prior to the
30 issuance of the certificate of occupancy for the building(s) containing one or
31 more Affordable Housing Units. Such fee shall be set by resolution of the
32 Tampa City Council and shall be based upon the actual cost to the City to
33 qualify initial occupants for the Affordable Housing Units.

34
35 (b) An annual fee shall be paid with the submittal of the annual
36 monitoring report, as required by the LURA. Such fee shall be set by resolution
37 of the Tampa City Council and shall be based upon the actual cost to the City
38 to monitor compliance of the Affordable Housing Project with the LURA.

39
40 (3) An "Affordable Housing Project" as defined in this Section shall not
41 include a project that is completed with funding provided by the City and
42 which is subject to a separate funding agreement entered into with the City.
43
44

1 (4) These Compliance and Maintenance Fees shall not be paid to the City
2 in the event that the fee owner of the Affordable Housing Project and the City
3 have agreed in writing to the utilization of a third-party monitoring company
4 provided that: (1) the third-party monitoring company is approved by the City;
5 (2) the scope of the monitoring services to be provided by the third-party
6 monitoring company have been approved by the City; (3) the third-party
7 monitoring company performs the monitoring services, as required by the City,
8 and issues monitoring reports to the City, as required by the City; and (4) the
9 owner of the Affordable Housing Project pays for all monitoring services and
10 monitoring reports provided to the City by the third-party monitoring
11 company."
12

13 **Section 4.** That all ordinances of the City of Tampa or portions thereof in
14 conflict with this Ordinance are hereby repealed to the extent of any conflict.
15

16 **Section 5.** Should a court of competent jurisdiction declare any part of this
17 Ordinance invalid, the remaining parts hereof shall be severed and remain in effect
18 and shall not be affected by such determination as to the invalid part.
19

20 **Section 6.** This Ordinance shall become effective immediately upon becoming
21 a law.
22

23 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,
24 ON JUN 06 2024.

25
26
27 _____
28 CHAIRMAN/CHAIRMAN PRO-TEM
29 CITY COUNCIL

30 ATTEST:

31 _____
32 CITY CLERK/DEPUTY CITY CLERK
33

34
35 APPROVED BY ME ON 6/7/24

36
37 _____
38 Jane Castor, MAYOR
39

40 PREPARED AND APPROVED
41 AS TO LEGAL SUFFICIENCY BY:

42
43 /es/ Rebecca Johns
44 Assistant City Attorney

NOTICE OF PUBLIC HEARING

ON June 6, 2024 @ 9:30 A.M. IN THE TAMPA CITY COUNCIL CHAMBERS, OLD CITY HALL, 315 E. KENNEDY BLVD., 3RD FLOOR, TAMPA, FLORIDA, A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

File No. VAC-22-06

An Ordinance amending Ordinance No. 2022-166, passed and ordained by the City Council of The City of Tampa on September 15, 2022, which vacated, closed, discontinued and abandoned that alleyway described below, to correct two scrivener's errors that are contained in the first recital clause and Section 2 thereof; repealing conflicts; providing for severability; providing an effective date.

File No. E2024-8 CH 17.5

An ordinance of the City of Tampa, Florida, pertaining to affordable housing; Amending the title to Article I of Chapter 17.5 of the City of Tampa Code of Ordinances to include "Compliance and monitoring fees for affordable housing developments"; Adding Section 17.5-14 to Article I of Chapter 17.5 to provide for compliance and monitoring fees to be paid by private developers to reimburse the City of Tampa for costs incurred by the City in monitoring affordable housing units constructed pursuant to bonus provision agreements approved pursuant to City of Tampa Code or as authorized by Section 166.04151, Florida Statutes; Repealing all ordinances or parts of ordinances in conflict herewith; Providing for severability; and providing an effective date.

File No. SU2-23-09

An ordinance approving a Special Use Permit (SU-2); approving a restaurant with drive-in window in a CU (Community Unit) zoning district in the general vicinity of 16001 Tampa Palms Boulevard, in the City of Tampa, Florida, and as more particularly described in Section 1 hereof; providing an effective date.

File No. REZ-24-28

An ordinance rezoning property in the general vicinity of 1102 West Ohio Avenue, in the City of Tampa, Florida, and more particularly described in Section 1, from Zoning District Classification(s) RS-60 (Residential, Single-Family) to RS-50 (Residential, Single-Family); providing an effective date.

File No. REZ-24-29

An ordinance rezoning property in the general vicinity of 1408 East 21st Avenue, in the City of Tampa, Florida, and more particularly described in Section 1, from Zoning District Classification(s) RS-50 (Residential, Single-Family) to RM-18 (Residential, Multi-Family); providing an effective date.

SAID ORDINANCES MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK, CITY HALL, 3RD FLOOR CITY HALL, 315 E. KENNEDY BLVD., TAMPA, FL, DURING REGULAR BUSINESS HOURS, 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOXX-KNOWLES, CMC
CITY CLERK

5/24/24LG 1T