Staff Report to the St. Petersburg Community Planning & Preservation Commission
Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on August 8, 2017
at 2:00 p.m., in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File #LGCP-2017-02

Request: City Administration requests that the Comprehensive Plan be amended as follows:

1. The Future Land Use and Coastal Management elements be amended to address the new Coastal High Hazard Area
2. General Introduction Section 1.7 (page GID 19), Definitions, Re-word definition of CHHA
3. Chapter 3, Section 3.2 (page LU-23): Amend Policy LU7.1 to include new balancing criteria and delete policies 7.2, and 7.5.

Staff Analysis: The following analysis addresses the above-described proposed Comprehensive Plan amendments in greater detail.

1. Staff Analysis

In an effort to reduce losses of life and property caused by natural disasters, the State of Florida requires local governments to designate a Coastal High Hazard Area (CHHA) in which public expenditures and population growth are limited (section 163.3178, Florida Statutes). The Coastal High Hazard Area is defined as “the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.” Areas included in the CHHA are governed both by state law and the policies adopted to administer those provisions in the local government comprehensive plans.

A requirement of the statute is that local governments amend their future land use map, and Coastal Management Element, to include a definition of the CHHA. They must also adopt policies
regulating proposed comprehensive plan amendments in the CHHA. While the CHHA has existed since 1985, the definition and applicable standards have changed a number of times with the most recent changes taking place in 2006, 2010, and 2016. These changes have led to an expansion of the CHHA and have caused the city to re-evaluate its adopted policies.

The City adopted two policies to address the CHHA in 2008. Land Use Policy LU7.1 states that “Requests for residential density increases within the Coastal High Hazard Zone shall not be approved”, and Coastal Management objective CM10B states that “The City shall direct population concentrations away from known or predicted coastal high hazard areas consistent with the goals, objectives and policies of the Future Land Use Element”. These two policies clearly restrict and prohibit increases in density in the CHHA, and are quite different from the language that exists at both the state and county levels.

State Statute section 163.3178 (8) states that “A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm...
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm...
3. Appropriate mitigation is provided that will satisfy subparagraph 1 or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities.

Countywide Rules section 4.2.7.1 states that “the Countywide Planning Authority shall deny an amendment to the Countywide Plan Map within the CHHA which results in an increase of density or intensity; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment”. This criteria includes:

1. Access to Emergency Shelter Space and Evacuation Routes
2. Utilization of Existing and Planned Infrastructure
3. Utilization of Existing Disturbed Areas
4. Maintenance of Scenic Qualities and Improvement of Public Access to Water
5. Water Dependent Use
6. Part of Community Redevelopment Plan
7. Overall Reduction of Density or Intensity
8. Clustering of Uses

The above language demonstrates that the City’s adopted policy is far more restrictive than either the state or the county rules, which provide balancing criteria that allow for an increase in density. While the City’s original policy in the Comprehensive Plan was a responsible attempt to protect the population from potential storm surge; the impact of the most recent map update warrants new consideration towards a more flexible policy. These changes are supported by Forward Pinellas, which in December 2016 released a memo encouraging municipalities to adopt language that more closely aligns with the state and county rules.

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As mentioned earlier, the CHHA map has been modified in 2006, 2010, and 2016, with each modification increasing the category 1 storm surge area. Until July of 2016, the CHHA map indicated that St. Petersburg had a total of 7,705 acres in the coastal high hazard area. This number more than doubled in 2016 to 16,328 acres. (See attached maps). This larger footprint includes portions of the Skyway Marina District, USF St. Petersburg campus, Innovation District, and portions of the city north of 54th Avenue North, including Metropointe Commerce Park and Carillon Office Park. Prohibiting increases in density for over 16,000 acres of land would hamper economic development in the city, while preventing rational land use amendments from being enacted. Therefore, city staff is recommending adopting the balancing criteria language that exists at the county level, while acknowledging that these criteria do not supersede state regulations. These changes will maintain a framework to evaluate increases in density in the CHHA, while aligning our policy with those of the state, county, and surrounding municipalities.

It is proposed that the Future Land Use Element, and the Coastal Management Element be amended as outlined below.

a) General Introduction Section 1.7

Coastal High Hazard Area (CHHA) also referred to as the Coastal High Hazard Zone (CHHZ) – The Area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (“SLOSH”) computerized storm surge model as reflected in the most recent Statewide Regional Evacuation Study for the Tampa Bay Region, Storm Tide Atlas Volume 7 prepared by the Tampa Bay Regional Planning Council and approved in August 2010 July 2016.

b) Future Land Use Element Section 3.2 List of Policies amended as follows:

Policy LU 7.1 Requests for residential density increases within the Coastal high hazard one shall not be approved.

The City shall deny an amendment to the Comprehensive Plan within the Coastal High Hazard Area (CHHA) which results in an increase of density or intensity; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment.

A. Access to Emergency Shelter Space and Evacuation Routes – The uses associated with the requested amendment will have access to adequate emergency shelter space as well as evacuation routes with adequate capacities and evacuation clearance times.

B. Utilization of Existing and Planned infrastructure – The requested amendment will result in the utilization of existing infrastructure, as opposed to requiring the expenditure of public funds for the construction of new, unplanned infrastructure with the potential to be damaged by coastal storms.

C. Utilization of Existing Disturbed Areas – The requested amendment will result in the
utilization of existing disturbed areas as opposed to natural areas that buffer existing development for coastal storms.

D. Maintenance of Scenic Qualities and Improvement of Public Access to Water – The requested amendment will result in the maintenance of scenic qualities, and the improvement of public access, to the Gulf of Mexico, inland waterways (such as Boca Ciega Bay), and Tampa Bay.

E. Water Dependent Use – The requested amendment is for uses which are water dependent.

F. Part of Community Redevelopment Plan - The requested amendment is included in a Community Redevelopment Plan, as defined by Florida Statues for a downtown or other designated redevelopment areas.

G. Overall Reduction of Density or Intensity – The requested amendment would result in an increase in density or intensity on a single parcel, in concert with corollary amendments which result in the overall reduction of development density or intensity in the surrounding CHHA.

H. Clustering of Uses – The requested amendment within the CHHA provides for the clustering of uses on a portion of the site outside the CHHA.

I. Integral Part of Comprehensive Planning Process – The requested amendment has been initiated by the local government as an integral part of its comprehensive planning process, consistent with the local government comprehensive plan.

Policy LU 7.2 All approval of new proposed development will consider the hurricane evacuation level/ location of the proposed development, and provide appropriate mitigation.

Policy LU 7.3 7.2 The City will prohibit the new construction of hospitals, nursing homes, and convalescent homes in Evacuation Level A zones, discourage the siting or expansion of these facilities in Evacuation Level B zones and limit the expansion of existing sites in these zones to the boundaries of the currently developed lot.

Policy LU 7.4 7.3 The City will prohibit the siting of new mobile home parks within the Evacuation Level A zone and limit the expansion of existing sites in these zones to the boundaries of the currently developed lot.

Policy LU 7.5 When establishing Future Land Use Plan designations, through a Comprehensive Plan amendment for annexed properties located within the Coastal High Hazard Area there shall be no net increase in residential density as compared to the Future Land Use Plan of Pinellas County designation(s) existing at the time of annexation of a property without prior written approval of the state Land planning Agency and Pinellas County
Policy LU 7.6 7.4 Opportunities to decrease residential development potentials on the remaining vacant tracts in the CHHA through plan amendments to less intensive uses, land purchase or transfer of development rights shall be considered.

Policy LU 7.7 7.5 The City will review the Tampa Bay Regional Planning Council’s (TBRPC) Hurricane Evacuation Study for issues that pertain to requests for residential density increases and the general application of residential future land use densities in coastal high hazard areas.

Policy LU 7.6 Nothing in these policies should be construed as superseding or otherwise modifying the local plan amendment requirement of Section 163.3178(8), Florida Statutes.

c) Map 15, Coastal High Hazard Area, to be deleted and replaced with the updated 2016 map.

2. Consistency with the Comprehensive Plan

The amendment is making direct changes to the Coastal High Hazard Section of both the Land Use Element, and the Coastal Management element, however, the proposed Comprehensive Plan text changes presented in this staff report are consistent with the following objectives and policies:

LU 3.5 The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.

LU 3.6 Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.

LU 3.11 More dense residential uses (more than 7.5 units per acre) may be located along (1) passenger rail lines and designated major streets or (2) in close proximity to activity center where compatible.

LU 3.17 Future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan.

LU 5.3 The Concurrency Management System shall continue to be implemented to ensure proposed development to be considered for approval shall be in conformance with existing and planned support facilities and that such facilities and services be available, at the adopted level of service standards, concurrent with the impacts of development.

T 1.6 The City shall support high-density mixed-use development and redevelopments in and adjacent to Activity Centers, redevelopment areas and locations that are supported by mass transit to reduce the number and length of automobile trips and encourage transit usage, bicycling and walking.
The City shall require new development and redevelopment along the coastal shoreline to be located and designed to protect or enhance beach shoreline and native vegetation historically represented in St. Petersburg including, mangroves, salt marsh and seagrasses, so that there are no further losses of coastal wetlands related to development, as documented by the Florida Department of Environmental Protection.

For development and redevelopment on the coastal shoreline, the City will give higher priority to siting water-dependent uses over other uses. The order of priority is listed below.
1. Water-dependent uses;
2. Water-related uses;
3. Water-enhanced uses;

The approximately 9 linear miles and approximately 1471 acres of publicly accessible waterfront sites, as inventoried in the coastal element, shall be maintained or improved.

The City shall cooperate with state, regional and county agencies to maintain or reduce hurricane evacuation times, and actively work with the Red Cross in the identification of emergency shelters to provide space for the population in Evacuation Zone A, B and C.

The City shall implement the strategies identified in Coastal management Element Subsection 6.6, “Measures to Maintain or Reduce Evacuation Times”

3. Recommended Action

City Administration respectfully requests that the Community Planning & Preservation Commission APPROVE the Comprehensive Plan amendments addressed in this staff report, and recommends that the City Council approve and adopt the amendments.

Attachments:
1: Map 15: Coastal High Hazard Area 2010 boundary
2: Map 15: Coastal High Hazard Area 2016 boundary
3: Combined: Coastal High Hazard Area 2010 and 2016 boundary

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COMMUNITY PLANNING and PRESERVATION COMMISSION

Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing on Tuesday, August 8, 2017
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

Application: CITY FILE LDR 2017-05: Amendment Section 16.30.070, Land Development Regulations ("LDRs"), Chapter 16, City Code of Ordinances, making minor clarifications to the City’s Historic and Archaeological Preservation Overlay. The purpose of this application is to implement minor text amendments that will help clarify the regulations and remove ambiguity that has been identified since implementation of the 2015 update.

Subject: HISTORIC AND ARCHAEOLOGICAL PRESERVATION ORDINANCE

Applicant: City of St. Petersburg
275 5th Street North
St. Petersburg, Florida 33701

Request: Staff recommends that the Community Planning and Preservation Commission ("CPPC"), in its capacity as the Land Development Regulation Commission ("LDRC"), make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the City Code, Chapter 16, text amendments described in this report.

Authority: Pursuant to Section 16.80.030.1 of the City Code of Ordinances, the CPPC, acting as the LDRC for the purposes of and as required by the Local Government Comprehensive Planning and Land Development Regulation Act to review and evaluate proposed modifications to the LDRs related to historic and archaeological preservation, to review and evaluate proposed historic designations, certificates of appropriateness and any other action to be performed pursuant to the Historic and Archaeological Preservation Overlay Section (currently Sec. 16.30.070)

Background: On August 20, 2015, the City Council adopted Ordinance 157-H amending Section 12-6(8), Section 16.30.070, and Section 16.70 of the City Code. The adoption was a culmination of several years of partnership between City staff and residents to update the Historic and Archaeological Preservation Overlay section of the city code.
On May 9, 2017, the CPPC received an initial presentation on the proposed text amendments included herein. Following a presentation by City staff and initial comments from the general public, the CPPC requested a workshop to further discuss the proposed amendments. On July 11, 2017, a workshop was conducted by the CPPC to review the proposed text amendments before returning on August 8, 2017, to conduct a public hearing.

Since the original presentation in May and the subsequent workshop in July, two items – the establishment of a minimum (local historic) district size and several word edits in the section regulating potentially eligible properties – have been removed. Those edits caused unnecessary confusion and concern extending beyond what is intended here to be simple clarifications. Questions relating to minimum district size and potentially eligible properties are important and will continue to be evaluated separately.

**Analysis:**

The City of St. Petersburg is a Certified Local Government ("CLG"). The CLG program links three (3) levels of government (federal, state and local) into a preservation partnership for the identification, evaluation and protection of historic properties. The program was first enacted on the federal level as part of the National Historic Preservation Act Amendments of 1980. On the state and local level, Florida’s CLG program and the City of St. Petersburg’s CLG designation were both established in 1986. Since that time, the CLG program has assisted in the survey, designation and preservation of historic and cultural resources citywide and helped to increase the public awareness of historic preservation.

In accordance with the conditions of its CLG designation, St. Petersburg makes historic preservation a public policy through maintenance of a historic and archaeological preservation ordinance. The purpose of this application is to implement text amendments that will help clarify the regulations and remove ambiguity that has been identified since implementation of the 2015 update.

Text amendments are identified in a strikethrough-underline format on the attached. Although a number of minor text amendments are located throughout the document, the more substantive items are categorized and explained below:

1. **Application Requirements, Who is Authorized to Submit.** Clarify who is authorized to submit an application for designation of an individual local landmark where property owners are co-located within a multi-family development (e.g. condominium complex). The purpose of this clarification is to state that the owners’ representative association has the authority to submit an application for individual local landmark designation. (Section 16.30.070.2.5.B, Page 7)
   a. **Workshop Comments:** During the CPPC workshop, it was suggested that these types of applications require evidence showing compliance with association regulations, including material change authorizations, where applicable. The proposed text amendment has been updated accordingly.

2. **Application Fee Waiver.** Clarify when an application fee for local landmark designation may be waived. The current language is ambiguous and has been interpreted by some to mean that any contributing resource to a National Register district shall not be charged a fee when applying for an individual local landmark designation. Since the detailed property research required for an individual listing on the National Register is more substantial than the basic research required for determining a contributing resource to a National Register district, the application fee waiver should only apply when the property is *individually listed* on the National Register. A contributing resource to a
National Register district, without individual listing, will not qualify for the fee waiver.
(Section 16.30.070.2.5.B, Page 7)

3. City-Issued Ballots and Postage, Who Pays? The code does not assign responsibility
for paying the postage when mailing City-issued ballots. Ballots are distributed for the
purpose of determining whether a proposal to establish a local historic district meets the
minimum threshold of public support required for initiating a local historic district
designation application. This amendment will clarify that postage shall be paid by the
applicant. (Section 16.30.070.2.5.B, Page 8)

4. Individual vs. District Designation, Five-Year Prohibition Reapprication. When
applying the five-year prohibition for reapplication, the code does not distinguish
between applications for an individual local landmark when located within the boundary
of a failed local historic district application. This amendment will clarify that a new
application for designation of an individual local landmark may be initiated by the
owner, non-owner or the City Council at any time, even though the property is located
within the boundary of a failed local historic district application and inside the five-year
prohibition period. City staff believes this authority exists under the current language
but the proposed amendment will explicitly state the same. (Section 16.30.070.2.5.C,
Page 9)

5. Supermajority vs. Simple Majority Vote. Clarify when a simple majority and super-
majority vote is required. The proposed amendments do not change the current policy
rather they restate the standard in a more clear and precise way. On page 8 of the
attached ordinance, Section 16.30.070.2.5.C states, “When an owner objects to an
application involving designation of their property, other than when in a local historic
district, approval by the Community Planning and Preservation Commission shall
require a supermajority vote.” On page 13 of the attached ordinance, Section
16.30.070.2.5.I states, “A decision to reverse a Commission recommendation, or to
approve the designation over an owner objection shall be by a supermajority vote.”
Since this second section omits any reference to, or exclusion for, a local historic district
as intended by the preceding section, the City Attorney’s office recommended this
amendment for clarification. (Section 16.30.070.2.5.C, Page 8 and Section
16.30.070.2.5.I, Page 13)

a. Workshop Comments: During the CPPC workshop, one Commission member
suggested that a supermajority vote be required for all applications to designate a
local historic district. This proposal was not incorporated into the attached
ordinance but it is included here for your information.

6. Sensitivity Level. Clarify that a Certificate to Dig is only required when ground
disturbing activity is impacting an area classified as Sensitivity Level 1. The requirement
for a Certificate to Dig was added to the historic preservation overlay in 2015 and
references sensitivity levels, generally. This has caused confusion extending from
language in the City’s 1991 publication titled City of St. Petersburg, Florida,
Plan identifies three Sensitivity Levels, only one of which is required to include any
type of mitigation – Sensitivity Level 1. Sensitivity Level 2 recommends that the owner
employ a professional archaeologist for site investigation, but such investigation is not
required. Sensitivity Level 3 means that the site has already been evaluated and
determined not eligible. (Section 16.30.070.3.1, Page 24)
The following objectives and policies from the City’s Comprehensive Plan are applicable to the attached proposed amendments:

**Objective HP1:** To continue to promote the preservation of resources through the commitment to conduct historic and archaeological resource surveys and the continued development of ordinances, guidelines and databases.

**Objective HP2:** To continue to develop programs and policies to protect and preserve the City’s historic resources.

**Objective HP3:** To support the programs and incentives provided by local, state and national preservation organizations.

*Policy HP3.5:* The City will continue to review its land use and Land Development Regulations and consider initiating amendments to such regulations to remove unnecessary disincentives to the reuse and redevelopment of historic landmarks. The City will solicit input from appropriate local and state organizations and interest groups.

**Objective LU7:** The City will continue to revise and amend the land development regulations, as necessary, to ensure compliance with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C.]. The City will amend its land development regulations consistent with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C.] so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

*Policy LU7.1:* Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

**Objective LU20:** The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

*Policy LU20.1:* The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

**Housing Statement:**

The proposed amendments will have a minimal impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

**Attachments:**

1. Proposed text amendments, strikethrough and underline
2. Housing Affordability Statement

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1 Chapter 9J–24 F.A.C. is no longer a valid reference in State statute. As of this writing, the city’s Comprehensive Plan has not been updated to reflect this legislative change.

LDR 2017-05: Text Amendment to Section 16.30.070
Historic and Archaeological Preservation
Page 4
SECTION 16.30.070. - HISTORIC AND ARCHAEOLOGICAL PRESERVATION OVERLAY

Sections:

Footnotes:

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State Law reference— Historical resources, F.S. ch. 267.

16.30.070.1. - Generally.

16.30.070.2. - Preservation of historic properties.

16.30.070.2.1. Purpose and declaration of public policy.

A. The City Council declares as a matter of public policy that the preservation, protection, perpetuation and use of local landmarks is a public necessity because they have a special historic, architectural, archaeological, aesthetic or cultural interest and value and thus serve as visible and tangible reminders of the history and heritage of this City, the state and nation. The Council finds that this section benefits the City's residents and property owners and declares as a matter of public policy that this section is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people.

B. The purpose of this section is to:

1. Effect and accomplish the preservation, protection, perpetuation and use of local landmarks having a special historic, architectural, archaeological, aesthetic or cultural interest and value to this City, the state and nation;

2. Promote the educational, cultural, economic and general welfare of the people and to safeguard the City's history and heritage as embodied and reflected in such local landmarks;

3. Stabilize and improve property values in historic districts and in the City as a whole;

4. Foster civic pride in the value of notable accomplishments of the past;

5. Strengthen the economy of the City;

6. Protect and enhance the City's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry;

7. Enhance the visual and aesthetic character, diversity and interest of the City;

8. Provide for incentives to renovate or rehabilitate historic structures by implementing State law (currently F.S. §§ 196.1997 and 196.1998) relating to exemption of certain ad valorem taxes for historic properties.
16.30.070.2.2. Definitions.

Definitions shall be as provided in the rules of interpretation and definitions section and Chapter 1.

16.30.070.2.3. Designation of Community Planning and Preservation Commission.

It is hereby established that the Community Planning and Preservation Commission shall serve as the Commission responsible for matters pertaining to historic and archaeological preservation as provided in this overlay section. It is the City Council's intent that this Commission shall meet the requirements of the state and federal Certified Local Government program. When a new member is appointed by the Mayor and confirmed by City Council, the professional education and qualifications of the new member should be considered to ensure that the requirements of the Certified Local Government program are met. When necessary, persons serving on the Commission shall attend educational meetings to develop a special interest, experience or knowledge in history, architecture, or related disciplines.

16.30.070.2.4. Powers and duties of the Commission.

A. In addition to the powers and duties stated elsewhere, the Commission shall take action necessary and appropriate to accomplish the purposes of this section. These actions may include, but are not limited to:

1. Continuing the survey and inventory of historic buildings and areas and archaeological sites and the plan for their preservation;

2. Recommending the designation of local landmarks;

3. Regulating alterations, demolitions, relocations, and new construction to local landmarks;

4. Recommending specific design review criteria for local landmarks;

5. Working with and advising the federal, state and county governments and other departments or commissions of the City;

6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;

7. Initiating plans for the preservation and rehabilitation of individual historic buildings; and

8. Undertaking educational programs including the preparation of publications and placing of historic markers.

B. The Commission shall review all nominations of a local property to the National Register of Historic Places (NRHP) following the regulations of the Florida Division of Historical Resources. The Commission shall also ask the Mayor and the chairman of the Board of County Commissioners for their written opinion as to whether or not each property should be nominated to the NRHP. The Commission shall conduct a public hearing to consider the nomination and publish and mail notice as provided in the supplemental notice section of the application and procedures section. When necessary, the Commission shall seek expert advice before evaluating the nomination. The Commission shall forward to the state historic preservation officer its action on the nomination and the recommendations of the local officials.

When a property owner objects to having their property nominated to the National Register, a notarized written statement from the property owner must be requested by the POD before the nomination is
considered. The Commission may then continue its review, forwarding its recommendation to the state historic preservation officer noting the property owner’s objection or it may cease any further review process and notify the state historic preservation officer of the property owner’s objection to the proposed listing.

C. In the development of the certified local government program, the City Council may ask the Commission to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

D. The Commission shall conduct at least four public hearings a year to consider historic preservation issues. The Commission shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.

E. The Commission shall receive assistance in the performance of its historic preservation responsibilities from the POD who shall provide expertise in historic preservation or a closely related field. Other City staff members may be asked to assist the Commission by providing technical advice or helping in the administration of this section.

16.30.070.2.5. Designation of local landmarks.

A. Generally. Upon recommendation of the Commission, the City Council shall consider local landmark designation by ordinance of individual buildings, structures, objects, archaeological sites, local historic districts and multiple property landmarks. An application for the creation of TDR, H credits and/or for a historic ad valorem tax exemption may be processed simultaneously with an application for designation.

B. Application requirements. Consideration of the designation of a local landmark shall be initiated by the filing of an application for designation by the property owner, any resident of the City, or any organization in the City, including the City. Where multiple property owners are co-located within a multi-family development or building (e.g., condominiums, townhouses, etc.), the owners' representative association (e.g., a condominium or homeowners association) may submit an application for individual designation of the multi-family development or building. The City shall charge a fee for each application. Such fee shall be waived for City-initiated applications and/or where properties are individually listed in the NRHP or are the subject of an active application for individual listing in the NRHP. This fee exemption does not include contributing resources to a district listing in the NRHP, or, upon demonstration of a pending application, proposed to be listed in the NRHP. The POD shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

1. Generally. The applicant shall complete an application form provided by the POD which shall include:
   a. A written description of the architectural, historical, or archaeological significance of the proposed local landmark specifically addressing and documenting those related points contained in the criteria of this section;
   b. The date of construction of each of the structures on the property;
   c. Photographs of the property; and
   d. The legal description and a map of the property to be designated as a local landmark or upon which the local landmark is located.
e. Where multiple property owners are co-located within a multi-family development or building, documentation shall be included showing compliance with association regulations, including material change authorizations, where applicable.

2. Additional requirements for historic districts. On applications for the designation of historic districts, the applicant shall also submit:

   a. Evidence of the support of the historic district from the owners of 50 percent plus one tax parcel (50% + 1) (e.g. if there are 201 tax parcels, 50% = 100 ¼ tax parcels, plus one would equal 101 ¼ which would mean 102 tax parcels must vote in favor), of the tax parcels within the proposed district except for City initiated applications. Such evidence shall be obtained in the following manner:

   1) the City shall mail to all property owners of each tax parcel within the proposed historic district, as listed in the Public Records of Pinellas County, and at the applicant’s sole expense, a City issued ballot requesting the owner to return by mail a signed ballot showing support or opposition/nonsupport for the application;

   2) the POD shall obtain a certificate of mailing on the date of the mailing, and only City issued ballots that have a postmark within 60 days of the date of mailing, or have been physically received by the POD within 60 days the date of mailing and have been date stamped by the City, shall be counted;

   3) the response for each tax parcel shall be counted as one vote, if more than one owner of a tax parcel responds and one or more owners show opposition/nonsupport then the property shall not be found to support the application; each tax parcel (which may be more than one lot) shall be a "property";

   4) City owned tax parcels shall not have a vote and shall not be counted toward the total number of tax parcels;

   5) the POD shall not accept an application which does not meet this requirement; once a signed ballot is received by the City, the signor’s position may not be changed for the purposes of meeting the requirements of the application minimum (such persons may express any change of opinion or vote in any other legal manner);

   6) applications must be filed within six months of a determination by the City that the requirements of this subparagraph have been complied with in their entirety;

   7) the POD shall not accept an application which does not meet this requirement;

b. Justification for the formation of the historic district based on the criteria for designation;

c. A written description of the boundaries of the district which shall include a map; and

d. A list of contributing and noncontributing resources.

C. Additional requirements

1. When an owner objects to an application involving designation of their property, other than when in a local historic district, approval by the Commission and City Council shall require a supermajority vote. An application for individual designation shall require a simple majority vote of the Commission and City Council. When a property owner is opposed to the individual designation,
a supermajority vote of the Commission and City Council when the property owner is opposed to the individual designation is required. An application for district designation shall require a simple majority vote of the Commission and City Council, regardless of whether there is opposition from one or more property owners located within the proposed district boundary.

2. A designation application made by a non-owner shall not be made or accepted for a property with an unexpired site plan approval.

3. If a designation application for an individual property has been made by a non-owner and has been denied by the City Council, no new application to designate the same property (unless it is part of a local historic district designation application) shall be accepted by the POD initiated for five years from the date of the failed public hearing unless initiated by the property owner. The property owner may initiate an application for individual designation at any time, regardless of previous denials.

4. If an application for district designation is denied by City Council, a new application to designate the same or substantially similar district shall not be initiated for five years from the date of the mailing of ballots for the previously failed effort.

5. If an application for district designation is denied by the City Council, a new application for individual designation of buildings located within the boundary of the failed district may be initiated by the owner, a non-owner or the City Council at any time, unless otherwise prohibited by this subsection.

64. One complete copy of a non-owner initiated designation application for an individual property shall be provided by the applicant to each property owner (and may be made to any legal person of interest) as shown in the Public Records of Pinellas County, by certified mail. The application shall not be complete until proof of mailing has been provided to the POD and the POD shall not process the application until complete. The applicant of a non-owner initiated designation application for an individual property shall mail notice of each public hearing at least 30 days prior to each public hearing, to each property owner as shown in the Public Records of Pinellas County by regular mail. The applicant shall provide proof of mailing to the POD at least 14 days prior to the public hearing.

5. If a ballot process to initiate a designation application for a historic district has failed, no ballot process to designate the same or a substantially similar district may be undertaken by the City for five years from the date of the initiation of the prior failed ballot.

D. Criteria for designation of property. The City of St. Petersburg uses locally adopted minimum criteria modeled after recognized national historic standards for determining the significance of historic properties. At least one or more criteria each, under a two-part test for designation as a local landmark must be met, as evaluated herein. As part of the first test for local landmark designation, a property proposed for designation must meet the general 50-year rule requirement. Also under the first test, at least one or more of nine criteria must be met. The second test involves the property's integrity, of which at least one or more of seven factors of integrity (i.e., location, design, setting, materials, craftsmanship, feeling, and association) must be met; however, feeling and association, without meeting at least one other factor, are insufficient to support designation.
1. The Commission shall recommend the designation of property as a local landmark after the public hearing if the principal structure is at least 50 years old and it meets one or more of the following criteria:
   a. Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
   b. Its location is a site of a significant local, state, or national event;
   c. It is identified with a person who significantly contributed to the development of the City, state, or nation;
   d. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, state, or nation;
   e. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
   f. It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
   g. Its character is a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development;
   h. Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development; or
   i. It has contributed, or is likely to contribute, information important to the prehistory or history of the City, state, or nation.

2. If a property meets the criteria for designation set forth in paragraph 1. above, then the Commission shall also consider the following seven factors of integrity as they apply to the property. The property shall meet at least one of the following factors of integrity; however, feeling and association, without meeting at least one other factor, are insufficient to support designation:
   a. **Location.** The place where the historic property was constructed or the place where the historic event occurred.
   b. **Design.** The combination of elements that create the form, plan, space, structure, and style of a property.
   c. **Setting.** The physical environment of a historic property.
   d. **Materials.** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
   e. **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
   f. **Feeling.** The property's expression of the aesthetic or historic sense of a particular period of time.
   g. **Association.** The direct link between an important historic event or person and a historic property.
In order to be designated as a local landmark, a property shall meet at least one of the foregoing factors of integrity; however, feeling and association, without meeting at least one other factor, are insufficient to support designation.

3. Special properties. Cemeteries, birthplaces, or graves of historical figures, structures that have been moved from their original locations, reconstructions of historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for designation unless it is an integral part of a historic district that meets the criteria above or if it falls within the following categories:

a. A cemetery which derives its primary significance from graves of persons of significance either from its age, from its distinctive design features, or from its association with historic events;

b. A birthplace or grave of a historical figure of significance if there is not an appropriate building or site directly associated with the historical figure’s life;

c. A building or structure removed from its original location but which is significant primarily for its architectural value or which is the surviving structure most importantly associated with a historic person or event;

d. An accurate reconstruction of an historic building or structure which was destroyed by catastrophic causes, located in an environment which is compatible with its historic location, presented in an academic manner, and no other building or structure with the same historic significance has survived;

e. A property primarily commemorative in intent if its design, age, tradition, or symbolic value has created its own exceptional significance; or

f. A property achieving significance within the past 50 years if it is of exceptional importance and meets one or more of the general criteria.

4. Additional criteria for designation of hexagon block sidewalk preservation areas.

a. Evidence of approval of the property owners of greater than 50 percent of the linear front footage of property abutting the sidewalks (right-of-way) within the area designated in the application at the time the application is submitted to the POD. For the purposes of this subsection and unless otherwise directed by City Council, the City shall be presumed to approve of the application for designation of hexagon block sidewalk preservation areas for all City owned property, excluding rights-of-way, within an area designated in the application. This presumption shall not affect the power of City Council to deny an application. City Council may initiate the designation of a hexagon block sidewalk preservation area without the approval of any owners.

b. The hexagon block sidewalk preservation area contributes an aesthetic or cultural interest and value which enhances the character of the City.

c. A proposed hexagon block sidewalk preservation area shall contain a minimum of four abutting city blocks or a minimum of 1,500 linear feet of sidewalk. Preservation areas should contain at least 66 percent of the total linear feet in hexagon block sidewalk after measuring all sidewalks along the streets within the proposed district.

E. Updating and modifying historic districts.
1. The status of properties as either contributing or non-contributing resources within a historic district may be changed by following the same process as required for the initial designation.

2. The boundaries of a historic district may be expanded to include (an) adjoining property(ies) at the request of the property owner if the property(ies) meet(s) the designation criteria.

3. The boundaries of a historic district may be contracted to exclude (a) property(ies) if the property(ies) no longer meet(s) the criteria for designation and if the contraction does not create an 'enclave' within the historic district or make any portion of the historic district noncontiguous with the remainder of the historic district.

4. Approval of the expanded or contracted boundaries shall follow the same process as required for the initial designation, as described in this section. The Commission and City Council shall only consider the properties to be added or removed and shall not re-evaluate the designation of the entire historic district or other properties which are not included in the request.

F. Public hearings for designations. The Commission shall schedule a public hearing on the proposed designation within 60 days of the submission of a completed application. Notice of the public hearing and notice to the owner(s) shall clearly state the boundaries for the proposed local landmark and notice shall include mailed notice to the owner, and written and posted notice as provided in the applications and procedures section except that no posted notice for an application for a historic district shall be required.

G. Commission recommendation. After evaluating the testimony, evidence, and other material presented to the Commission, the Commission shall:

1. Recommend approval, denial or approval with modifications of the application within 60 days.

2. Within this 60-day period, the Commission may vote to defer its recommendation if adequate information is not available to make a recommendation but shall reconsider the application at the earliest opportunity after adequate information is made available.

3. A written report to the City Council on the Commission's recommendation shall be sent for Council's review and action. If the Commission recommends a designation, it shall explain how the proposed local landmark qualifies for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the City and shall identify the significant features of the proposed local landmark. The report shall include a discussion of the relationship between the proposed designation and existing and future plans for the development of the City. The POD shall promptly notify the applicant and the property owner of the Commission recommendation.

H. Permit issuance. When a complete (as determined by the POD) application for designation of a local landmark has been submitted, no permits shall be issued for any exterior alteration, new construction, demolition, or relocation on the property which is the subject of the recommendation until one of the following has occurred:

1. City Council designates the property and a certificate of appropriateness is issued;

2. The application is withdrawn; or

3. The designation is denied by City Council.
4. This prohibition shall not apply to a noncontributing resource within the boundaries of an application for local landmark designation for a local historic district nor shall it apply to permits for ordinary repair and maintenance of contributing resources, as determined by the POD.

I. City Council review and designation. The City Council shall schedule a public hearing on the proposed designation within 60 days of the Commission recommendation. Notice of the public hearing and notice to the owner(s) shall clearly state the boundaries for the proposed local landmark and notice shall include mailed notice to the owner, and written and posted notice as provided in the applications and procedures section except that no posted notice for an application for a historic district shall be required. After evaluating the testimony, evidence, and other material presented to the Council, and considering the criteria for designation, the Council shall:

1. Approve, deny or approve with modifications of the Commission recommendation.

2. Within this 60-day period, the Council may vote to defer its decision if adequate information is not available to make a decision, but shall reconsider the application at the earliest opportunity after adequate information is made available.

3. In addition to the criteria for designation, Council may also consider the relationship of the proposed designation to the existing and future plans for the development of the City.

4. If the Commission recommends individual designation, and the City Council supports the application, then a simple majority vote of the City Council is required to approve the application. When the property owner is opposed to the individual designation, a supermajority vote of both the Commission and City Council is required.

5. If the Commission recommends against individual designation, and the City Council reverses the Commission recommendation, then a supermajority vote of the City Council is required to reverse the Commission recommendation and approve the application.

6. If the Commission recommends district designation, and the City Council supports the application, then a simple majority vote of the City Council is required to approve the application, regardless of whether a property owner located within the district boundary is opposed to the district designation.

7. If the Commission recommends against district designation, and the City Council reverses the Commission recommendation, then a supermajority vote of the City Council is required to reverse the Commission recommendation and approve the application.

A decision to reverse a Commission recommendation, or to approve the designation over an owner objection shall be by a super-majority vote.

Modification of the boundaries of a proposed local landmark is not a reversal of a Commission recommendation so long as a substantial portion of the recommended area is approved.

8. If a designation is made, the Comprehensive Plan including the land use map shall automatically be amended to show the designation with no further action by City Council necessary.

9. The POD shall notify the applicant and property owner of the decision relating to the property and shall arrange that notice of the designation of a property as a local landmark or as a part of a historic district is provided to the property appraiser and tax collector so that they may include this information in their public records and with the City Clerk.
J. **Amendments and rescissions.** The designation of any local landmark may be amended or rescinded through the same procedure utilized for the original designation. Where a physical portion of a local landmark remains, the Commission may consider whether the local landmark has lost its significance as a result of the approval of a COA which required the retention of a portion of the original local landmark.

**16.30.070.2.6. Approval of changes to local landmarks.**

A. **Certificate of appropriateness (COA).** No person may undertake any of the following actions affecting a local landmark **or property within a local landmark district** without first obtaining a COA:

1. Alteration of a designated archaeological site;
2. Alteration to the exterior part of a building, structure or object within the designated boundary of a local landmark;
3. New construction;
4. Demolition; or
5. Relocation, including the relocation of a building into a historic district.

Review of new construction and alterations to designated buildings and structures shall be limited to exterior changes **except when part of an application for an Ad Valorem Tax Exemption.** Whenever any alteration, new construction, demolition, or relocation is undertaken on a local landmark **or within a local landmark district** without a COA, the Building Official is authorized to issue a stop work order.

A COA shall be in addition to any other building permits required by law. The issuance of a COA shall not relieve the property owner of the duty to comply with other federal, state and local laws and regulations.

**Certain Ordinary repair and maintenance activities that are otherwise permitted by law may be undertaken without a COA.** The final determination of what work is considered ordinary repair and maintenance shall be made by the POD. Property owners may request the POD to review any scope of work to determine if a COA is required at no charge.

Owners of properties which are subject to a COA review shall make all artifacts from archaeological sites available to the investigating archaeologists for purposes of analysis and for the reasonable period of time needed for the analysis.

No COA approved by the Commission shall be effective for a period of ten days from the date of approval. If during that ten-day period an appeal is made, the decision shall automatically be stayed during the appeal.

B. **Application procedures for a COA.** Each application for a COA shall be accompanied by the required fee. No permits shall be issued for an alteration, new construction, demolition or relocation affecting a local landmark without first directing the applicant to the POD to determine if a COA is required. The applicant shall complete an application form provided by the POD which shall include the following information:

1. Drawings, sketches, and plans of the proposed work;
2. Photographs of the existing building or structure and adjacent properties;
3. A complete written description of the proposed work which clearly describes the building materials to be used;
4. In the case of archaeological sites, a site plan that illustrates the archaeological site boundary and clearly describes any potential impacts or disturbances to the site.

5. The POD shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

6. For relocations, a written statement from the applicant shall be included in the application addressing:
   a. How the proposed relocation of the local landmark will impact the NRHP seven factors of integrity which contribute to its; and
   b. Why the relocation is necessary.

7. Each application for a COA shall be accompanied by the required fees.

C. Review of a COA.

1. The Commission shall hold a public hearing and approve, by resolution, a COA approval matrix for local landmarks and archaeological sites. The matrix shall identify which approvals shall be made by the POD and which shall be made by the Commission. Changes to the matrix shall be made in the same manner. Approval of any action which is not specifically identified on the matrix shall be made by the Commission.

2. The decision to approve, approve with conditions, or deny any application, shall be based on the criteria contained in this section.

3. The Commission shall hold a public hearing after providing mailed and posted notice as required in the application and procedures section for each COA request requiring Commission approval. The Commission may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. The Commission shall act within 60 days after the close of the public hearing unless an extension is agreed to by the property owner.

4. The decision by the POD to approve, approve with conditions, or deny any application shall be provided to the owner, and the applicant, if different than the owner. The POD's decision shall be in writing and shall state the reasons for such approval. The POD's decision may be appealed to the Commission by following the procedures for appeals in the applications and procedures section, however, only the owner may appeal the POD's decision under this paragraph. The POD shall provide mailed notice to the owner as required in the application and procedures section for each COA request requiring POD approval at least ten days before making a decision unless this time frame is waived by the owner.

D. Modifications to a COA. Modifications to a COA shall be made only by the Commission or POD, based on the approval matrix, after receipt of a completed application by following the procedures for approval of a COA. The POD shall determine when an action affects a local landmark or property within a local landmark district. Modification to any work or materials approved by the COA or any condition of the COA is prohibited without receipt of an approval as set forth herein. Fees for review of a COA shall be established by the City Council.

E. General criteria for granting a COA. In approving or denying applications for a COA for alterations, new construction, demolition, or relocation, the Commission and the POD shall evaluate the following:

1. The effect(s) of the proposed work activity on the local landmark;
2. The relationship between such work activity and other structures on the property or, if within a historic district, other property in the historic district;

3. The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture and materials of the local landmark or the property will be affected;

4. Whether the denial of a COA would deprive the property owner of reasonable beneficial use of the property;

5. Whether the plans may be reasonably carried out by the applicant;

6. A COA for a noncontributing structure in a historic district shall be reviewed to determine whether the proposed work would negatively impact a contributing structure or the historic integrity of the district. Approval of a COA shall include any conditions necessary to mitigate or eliminate the negative impacts.

F. Additional guidelines for alterations. In approving or denying applications for a COA for alterations, the Commission and the POD shall also use the following additional guidelines which are based on the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties:

1. A local landmark should be used for its historic purpose or be adaptively fit into placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The distinguishing historic qualities or character of a building, structure, or site and its environment shall be preserved. The removal or alteration of any historic material or distinctive architectural features shall be avoided when reasonable.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings without sufficient documentary evidence, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved as appropriate.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and other visual qualities and, where reasonable, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved if designated pursuant to this section. If such resources must be disturbed, mitigation measures shall be undertaken.
G. Additional guidelines for new construction. In approving or denying applications for a COA for new
construction (which includes additions to an existing structure), the Commission and the POD shall
also use the following additional guidelines:

1. The height and scale of the proposed new construction shall be visually compatible with
   contributing resources in the district.

2. The relationship of the width of the new construction to the height of the front elevation shall be
   visually compatible with contributing resources in the district.

3. The relationship of the width of the windows to the height of the windows in the new construction
   shall be visually compatible with contributing resources in the district.

4. The relationship of solids and voids (which is the pattern or rhythm created by wall recesses,
   projections, and openings) in the front facade of a building shall be visually compatible with
   contributing resources in the district.

5. The relationship of the new construction to open space between it and adjoining buildings shall
   be visually compatible with contributing resources in the district.

6. The relationship of the entrance and porch projections, and balconies, to sidewalks of the new
   construction shall be visually compatible with contributing resources in the district.

7. The relationship of the materials and texture of the facade of the new construction shall be visually
   compatible with the predominant materials used in contributing resources in the district.

8. The roof shape of the new construction shall be visually compatible with contributing resources
   in the district.

9. Appurtenances of the new construction such as walls, wrought iron, gates and fences, evergreen,
   vegetation and landscape masses features, building facades, shall, if necessary, form cohesive
   walls of enclosures along a street, to ensure visual compatibility of the new construction with
   contributing resources in the district.

10. The size of the new construction, the mass of the new construction in relation to open spaces,
    the windows, door openings, porches and balconies shall be visually compatible with contributing
    resources in the district.

11. The new construction shall be visually compatible with contributing resources in the district in its
    orientation, flow, and directional character, whether this is the vertical character, horizontal,
    character or non-directional static character.

12. New construction shall not destroy historic materials that characterize the local landmark or
    contributing property to a local landmark district. The new construction should be
    differentiated from the old and shall be compatible with the massing, size, scale, and architectural
    features to protect the historic integrity of the local landmark and its environment, or the local
    landmark district.

13. New construction shall be undertaken in such a manner that if removed in the future, the essential
    form and integrity of the local landmark and its environment would be unimpaired.

H. Additional requirements-guidelines for demolition. In approving or denying applications for a COA for
demolition, the Commission and the POD shall also use the following additional guidelines:
1. The purpose and intent of these additional requirements is to determine that no other feasible alternative to demolition of the local landmark or contributing property can be found.

2. No COA for demolition shall be issued by the Commission until the applicant has demonstrated that there is no reasonable beneficial use of the property or the applicant cannot receive a reasonable return on a commercial or income-producing property.

The Commission may solicit expert testimony and should request that the applicant furnish such additional information believed to be necessary and relevant in the determination of whether there is a reasonable beneficial use or a reasonable return. The information to be submitted by a property owner should include, but not be limited to, the following information:

a. A report from a licensed architect or engineer who shall have demonstrated experience in structural rehabilitation concerning the structural soundness of the building and its suitability for rehabilitation including an estimated cost to rehabilitate the property.

b. A report from a qualified architect, real estate professional, or developer, with demonstrated experience in rehabilitation, or the owner as to the economic feasibility of rehabilitation or reuse of the property. The report should explore various alternative uses for the property and include, but not be limited to, the following information:

i. The amount paid for the property, date of purchase, remaining mortgage amount (including other existing liens) and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

ii. The most recent assessed value of the property.

iii. Photographs of the property and description of its condition.

iv. Annual debt service or mortgage payment.

v. Real estate property taxes for the current year and the previous two years.

vi. An appraisal of the property conducted within the last two years. The City may hire an appraiser to evaluate any appraisals. All appraisals shall include the professional credentials of the appraiser.

vii. Estimated market value of the property in its current condition; estimated market value after completion of the proposed demolition; and estimated market value after rehabilitation of the existing local landmark for continued use.

viii. Evidence of attempts to sell or rent the property, including the price asked within the last two years and any offers received.

ix. Cost of rehabilitation for various use alternatives. Provide specific examples of the infeasibility of rehabilitation or alternative uses which could earn a reasonable return for the property.

x. If the property is income-producing, submit the annual gross income from the property for the previous two years as well as annual cash flow before and after debt service and expenses, itemized operating and maintenance expenses for the previous two years, and depreciation deduction and projected five-year cash flow after rehabilitation.
xi. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition.

xii. Evidence that the building can or cannot be relocated.

c. The Commission may request that the applicant provide additional information to be used in making the determinations of reasonable beneficial use and reasonable return.

d. If the applicant does not provide the requested information, the applicant shall submit a statement to the Commission detailing the reasons why the requested information was not provided.

3. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition.

4. The Commission shall review the evidence provided and shall determine whether the property can be put to a reasonable beneficial use or the applicant can receive a reasonable return without the approval of the demolition application. The applicant has the burden of proving that there is no reasonable beneficial use of the property or that the owner cannot receive a reasonable return. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Commission shall deny the demolition application except as provided below.

5. The Commission may condition any demolition approval upon the receipt of plans and building permits for any new structure and submission of evidence of financing in order to ensure that the site does not remain vacant after demolition.

6. The Commission may grant a COA for demolition even though the local landmark, or property within a local historic district has reasonable beneficial use or receives a reasonable return if:

   a. The Commission determines that the property no longer contributes to a local historic district or no longer has significance as a historic, architectural or archaeological local landmark; or

   b. The Commission determines that the demolition of the designated property is necessary to achieve the purposes of a community redevelopment plan or the Comprehensive Plan.

7. The Commission may, at the owner's expense, require the recording of the property for archival purposes prior to demolition. The recording may include, but shall not be limited to, video recording, photographic documentation with negatives and measured architectural drawings.

   I. Additional guidelines for relocation. In approving or denying applications for a COA for the relocation of a local landmark or to relocate a building or structure to a property in historic district, the Commission and the POD shall also use the following additional guidelines:

   1. The contribution the local landmark makes to its present setting;

   2. Whether there are definite plans for the property the local landmark is being moved from;

   3. Whether the local landmark can be moved without significant damage to its physical integrity; and

   4. The compatibility of the local landmark to its proposed site and adjacent properties.

   5. If the structure is a noncontributing resource, the compatibility and impact of the noncontributing resource on abutting contributing resources and the historic district.

   6. The property owner may be required to obtain an approved site plan before permits may be issued to relocate a local landmark.
J. Additional guidelines for window replacement. The City’s historic preservation office, State of Florida Division of Historic Resources, and U.S. Department of Interior Technical Preservation Services can provide additional information relating to window repair and replacement for individual landmark buildings and properties within local historic districts. While preservation and repair of historic windows is often preferable, PProperty owners may replace windows provided that each replacement window meets the following criteria:

1. Impact resistance. The replacement window and glass shall be impact resistant;
2. Energy performance. The replacement window shall be Energy Star qualified for southern climate zones;
3. Depth in wall. The replacement window shall be setback into the wall the same distance as the historic window;
4. Frame size, shape and exterior trim. The replacement window shall be the same size and shape as the historic window and opening. Historic openings shall not be altered in size. Existing, exterior trim shall be retained, where practicable;
5. Configuration. The replacement window shall have the same light configuration as the historic window. If the historic window configuration cannot be determined, the replacement window configuration shall be appropriate to the architectural style of the subject building;
6. Proportions. The replacement window shall have the same visual qualities of the historic window, where commercially reasonable:
   a. Muntins and Mullions. Where provided, muntins and mullions shall have the same dimensions and profile of the historic muntins and mullions.
   b. Muntins. Reproduced as simulated divided lights and affixed tight to the glass, muntins shall have the same dimensions (width and depth) and profile of the historic muntins.
   c. Stiles. For hung windows, stiles shall align vertically and be the same width at the upper and lower sashes.
   d. Top, meeting and bottom rails, and blind stop. The top, meeting and bottom rails of a hung window, including the corresponding blind stop, shall have the same dimensions and profile of the historic window.
7. Finish. The finished surface and appearance shall match the historic window, where commercially reasonable/practicable.

K. Additional guidelines for construction in hexagon block sidewalk preservation areas. In approving or denying applications for a COA for construction in hexagon block sidewalk preservation areas, the Commission and the POD shall also use the following additional guidelines:

1. The responsibility for proper repair of hexagon block sidewalks within a preservation area shall be governed by City policies and ordinances.
2. All construction shall be done in accordance with City sidewalk specifications and shall be inspected by the POD.
3. All construction must obtain all required permits.
4. The replacement and/or repair of existing hexagon block sidewalks shall be made with hexagon block.

5. The replacement and/or repair of existing concrete sidewalks shall be made with hexagon block.

6. All new sidewalk construction shall be made with hexagon block.

7. The abutting property owner shall be responsible for the expenses associated with the construction and repair of hexagon block sidewalks as set forth in city policies concerning sidewalk assessments.

L. Additional guidelines for archaeological sites. In approving or denying applications for a COA for activity on archaeological sites, the Commission and the POD shall also use the following additional guidelines which are based on the United States Secretary of the Interior's Standards for the Treatment of Historic Properties:

1. Any ground disturbing activity requires approval of a COA. Archaeological resources should be left undisturbed. The existing form, integrity, and materials of the archaeological site should be retained. Ground disturbing activity should be located to avoid known archaeological sites. Where avoidance of ground disturbing activity on or near the archaeological site is not possible, projects shall be designed to avoid or minimize ground disturbance.

2. Stabilization of an archaeological site to arrest and inhibit deterioration is recommended and should be done in such a way as to detract as little as possible from its appearance and significance and not adversely affect its research potential unless adequate data recovery has occurred. Stabilization by vegetation, installation of rip rap or landscape netting, burial, or other alteration will be undertaken only after sufficient research or experimentation to determine the probable effectiveness of the action and only after existing conditions are fully documented. A complete record of stabilization work shall be provided to the City.

3. Ground disturbing activities should be employed only when necessary to provide sufficient information for research, interpretation, and management needs. Excavated areas should be backfilled or otherwise stabilized.

4. The use of heavy machinery or equipment is discouraged and such equipment shall be used in a manner to reduce the impact to known archaeological resources on an archaeological site. The applicant shall provide justification for their use when necessary and their use will be subject to conditions of approval to minimize the impact on known archaeological resources on an archaeological site.

5. For a major disturbance which occurs when preservation of significant archaeological resources in place is not reasonable, a professional archaeologist shall be used to survey the site to determine the potential impact and exact location of significant archaeological resources prior to any ground disturbing activities. If avoidance of an impact is not possible, a professional archaeologist shall document the site, shall monitor construction activities, and shall be given an opportunity to excavate and preserve any archaeological resources. Such work shall be performed by a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61).

6. For a minor disturbance which occurs when preservation of significant archaeological resources in place is reasonable but ground disturbing activities will occur on the site, a professional
archaeologist or individuals certified by the Florida Department of State, Bureau of Archaeological Research, Archaeological Resource Management Training shall monitor construction activities.

7. Recovered archaeological resources shall be recorded, cataloged, and curated or reinterred on site when possible. A complete record as to their original location, location to be stored or reinterred, and the stabilization of the site shall be provided to the City.

8. Significant archaeological resources affected by ground disturbing activity shall be protected and preserved.

M. Emergency conditions; designated properties. In any case where the Building Official determines that there are emergency conditions dangerous to life, health or property affecting a local landmark or a property in a historic district, the Building Official may order the remediying of these conditions (including demolition) without the approval of the Commission or issuance of a required COA. The POD shall promptly notify the Commission of the action being taken.

16.30.070.2.7. Appeals.

Decisions of the POD may be appealed to the Commission. Decisions of the Commission may be appealed to City Council.

16.30.070.2.8. Conformity with the COA.

All work performed pursuant to a COA shall conform to all provisions of such COA. The POD may inspect any work being performed to ensure such compliance. In the event work is not in compliance with such COA the Building Official may issue a stop work order. No additional work shall be undertaken as long as such stop work order is in effect.

16.30.070.2.9. Maintenance and repair of local landmarks and property in historic districts.

A. Every owner of a local landmark shall protect the local landmark against any fault, defect, or condition of the local landmark which renders it structurally unsafe or not watertight and shall keep it in good repair including:

1. All of the exterior portions of such buildings or structures including but not limited to all roofing materials and roof components, window glass, window frames and sashes, exterior doors and door frames;

2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and

3. In addition, where the landmark is a designated archaeological site, the owner shall maintain the property in such a manner so as not to adversely affect the archaeological integrity of the site.

B. Compliance. The property owner and any other person having possession or control of a local landmark shall comply with the City's minimum building standards and repair the local landmark if it is found to have any of the defects listed above. In addition, the property owner and any other person having possession or control of the local landmark shall keep all property, including vacant property, clear of all fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City's minimum building codes and ordinances. The provisions of this section shall be supplemental to any other laws requiring buildings and structures to be kept in good repair.

C. Enforcement.
1. The POD and the Commission may work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

2. The POD or the Commission may file a complaint with the POD performing code enforcement requesting that the POD issue a citation to require repairs to any local landmark so that the local landmark shall be preserved and protected in accordance with this section.

16.30.070.2.10. Expedited actions; stop work order; nondesignated properties.

A. The City Council may call a special meeting to review a threat to property that has not yet been designated by the City.

B. The POD may issue a temporary stop work order for a maximum of 15 days or until City Council conducts the special meeting or discusses the property at a regular City Council session within that period. The City Council may request that a stop work order be issued for up to 120 days to provide time to negotiate with the property owner to remove the threat to the property.

C. During the stop work order period the City Council may initiate steps to designate the property. Within the stop work order period the Commission shall meet and seek alternatives that may remove the threat to the property, determine if the property should be designated and make a recommendation to City Council.

D. If a stop work order is requested by an individual or group and the City Council issues a stop work order, the requesting individual or group shall submit a completed designation application form and fee within 30 days from the date the City Council stop work order is issued. If the City Council or Commission does not receive adequate information and documentation concerning the property or if a completed application and fees are not filed within this period, the City Council may lift the stop work order or allow it to expire without taking further action.

16.30.070.2.11. Identification of potentially eligible landmarks which are not locally designated.

In order to protect and preserve the City's historic resources, the City shall discourage the demolition of historic resources which are listed or eligible for listing on the NRHP or the St. Petersburg Register of Historic Places.

1. The property records and planning and permitting database should identify all properties listed individually or as a contributing resource on the St. Petersburg Register of Historic Places or the NRHP. The property records and planning and permitting database should also identify all properties which are potentially eligible for designation as a local landmark.

2. Upon receipt of a complete application (or substantially complete as determined by the POD) for a site plan that includes demolition, the POD shall delay the processing of the site plan and the issuance of a permit for the demolition of a property which is potentially eligible for designation as an individual local landmark and which is identified as such in the property records and planning and permitting database, for 30 days.

3. The City will notify by e-mail or letter mailed first class mail to the members of the Commission and any resident or community group who annually files their name with the POD requesting notice of any applications for a site plan that includes demolition for a property which is potentially eligible for designation as an individual local landmark and which is identified as such in the property records and planning and permitting database.
4. The requirement for delay and notice set forth in subsections 1. through 3. of this section shall not apply when:
   a. The Building Official or Fire Chief determines that it is necessary to demolish all or part of a building to protect the safety of the public;
   b. The Building Official determines that the building is structurally unsafe;
   c. The property has been the subject of an application for historic designation which has been denied and which is not on appeal; and
   d. The property has been the subject of an application for a site plan which has been approved and which is not on appeal, and the site plan approval has not expired or been withdrawn.


16.30.070.3. - Archaeological protection and preservation.

In order to protect and preserve the City's historical resources, the City discourages the destruction of any archaeological resources. The POD may authorize archaeological investigations including, but not limited to, survey of archaeological site boundaries, survey of specified properties in order to locate any previously unrecorded sites, site assessment in order to determine landmark status, and mitigation of archaeological resources in cases where preservation of a resource is determined by the Commission to be infeasible. These investigations may be in conjunction with existing or proposed designations or COA applications. Public records requests made of the City regarding the location of archaeological sites may be subject to F.S. § 267.135, as it may be amended from time to time.


16.30.070.3.1. - Certificate to Dig on property which has not been designated.

The purpose for requiring a Certificate to Dig on property which has not been designated as an archaeological site is to assist in identifying archaeological resources before they are disturbed, and if necessary, to allow sufficient time to conduct any investigations to determine the location, to evaluate the significance of, and to protect significant archaeological sites and resources in areas identified as potentially having such sites.

1. Any project that obtains a site plan or building permit which will include ground disturbing activity in a sensitivity "Sensitivity Level 1" zone is required to obtain a Certificate to Dig if it is on property which has not been designated or is not required to obtain a COA.

2. An application for a Certificate to Dig shall be on the form required by the POD which shall include an aerial, a site plan, a description and the location on the site of all proposed ground disturbing activity, and the fee established by City Council. An application for a commercial property or a three or more unit residential property shall not be considered complete unless it includes a report from a professional archaeologist identifying the boundaries of the site, the significance of the
site, an analysis of the impact of the proposed activity on the archaeological resources on the site (if any), and recommendations concerning avoidance of adverse impacts or mitigation. Such work shall be performed by a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61). Upon receipt of a complete application (or substantially complete as determined by the POD), the POD may delay issuance of the certificate for up to 30 days to allow a local landmark designation application to be filed.

3. If a local landmark designation application has not been filed within 30 days, or has been filed and denied, the Certificate to Dig shall be issued which may contain conditions providing for the curation of any recovered artifacts and, where the archaeological site, or any portion thereof, is not being developed, the avoidance or reduction of ground disturbing activities. The curation of any recovered artifacts should be performed by a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61).

4. Decisions to deny, approve, or approve with conditions Certificate to Dig shall be made by the POD. Decisions of the POD require at least ten days public notice to the applicant prior to the decision but shall not require notice to any other person. Appeals of POD decisions shall be made to the Commission, may be made only by the applicant, and shall follow the procedure for appeals set forth in the application and procedures section.

5. The POD shall inspect any work being performed to ensure compliance with the Certificate to Dig. In the event work is not in compliance with such certificate, the Building Official may issue a stop work order. No additional work shall be undertaken as long as such stop work order is in effect. The POD may refer violations of this section to the POD for code enforcement for citation.


16.30.070.3.2. - Human remains.

If human skeletal remains are found, the property owner, person in possession, or applicant for any permit or certificate shall notify the POD and comply with all relevant state laws (currently see F.S. § 872.05).

(Ord. No. 157-H, § 1, 9-17-2015)

16.30.070.3.3. - Prohibited practices and penalties.

Any person who conducts removes or attempts to remove, or defaces, destroys, or otherwise alters any archaeological site or archaeological resource located upon, any land owned or controlled by the City or within the boundaries of a local landmark or sensitivity zone, except in the course of activities allowed under an approved COA or an approved Certificate to Dig is subject to a $500.00 per day fine for each violation and, in addition, shall forfeit to the City all archaeological resources collected, together with all photographs and records relating to such material. No individual shall be allowed to use a probe, metal detector, or any other device to search or excavate for archaeological resources on public property without the written permission of the City.
(Ord. No. 157-H, § 1, 9-17-2015)

16.30.070.4. - Procedure for ad valorem tax exemption for historic properties.

A. Generally. State statutes (currently F.S. §§ 196.1907 and 196.1908) authorize the City to adopt an ordinance allowing certain ad valorem tax exemptions under the state Constitution for historic properties which meet certain requirements.

B. Definitions. For the purposes of this section, the following words shall have the following meanings:

Assessed value means the total value of a tax parcel (including the structures, land and any other rights appurtenant thereto) as determined by the county property appraiser and shown on the property tax bill sent to the owner of record by the county.

Covenant means the Historic Preservation Property Tax Exemption Covenant required to be recorded to obtain an exemption pursuant to this chapter.

Exemption means the ad valorem tax exemption for historic properties authorized pursuant to this chapter.

Qualifying improvement means:

1. Any change in the condition of a qualifying property which is sympathetic to the architectural and/or historical integrity of the structure as determined by a review for a COA which may include additions and accessory structures (e.g., a garage, cabana, guest cottage, storage/utility structure) so long as the new construction is compatible with the historic character of the building and site in terms of size, scale, massing, design, and materials and preserves the historic relationship between a building or buildings, landscape features and open spaces; and

2. Which occurs as a result of the expenditure of money on labor or materials for the restoration, renovation or rehabilitation of such property; and

3. Which expenditures the property owner can document to the satisfaction of the City; and

4. Which improvements were made on or after the original adoption of this section, July 21, 1994; and

5. That the total expenditure on the qualifying improvement was paid within the two years prior to the date of submission of the request for review of completed work; and

6. That the total expenditure equals or exceeds ten percent of the assessed value of the property in the year in which the qualifying improvement was initiated (expenditures for interior and exterior work, including construction of additions but excluding all recreational facilities, shall be included in the meaning of improvement for purposes of this section); and

7. That the qualifying improvement complies with the COA criteria and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1990) U.S. Department of Interior, National Park Service and F.A.C. ch. 1A-38.

Qualifying property means real property which is:

1. Property designated as a local landmark or part of a multiple property landmark;

2. A contributing resource to a local historic district;
3. A property listed in the NRHP;

4. A contributing resource in a historic district listed in the NRHP; or

5. A property proposed for listing as an individual or contributing resource on either historic register. "Proposed" in this instance means that a local landmark application or NRHP nomination report has been submitted to the City for review or an agreement has been signed by the City or other parties to prepare the local landmark application or NRHP nomination. A property must be officially designated as a local landmark or contributing resource by the City or by the federal government's keeper of the NRHP before the City Council will approve the ad valorem tax exemption request.

C. **Ad valorem tax exemption for historic properties.** A qualifying property that has completed a qualifying improvement may be granted an exemption from that portion of the ad valorem taxation levied by the City on 100 percent of the assessed value of the qualifying improvement.

This exemption shall not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of electors pursuant to section 9(b) or section 12, article VII of the state Constitution.

D. **Ad valorem tax exemption period.** Any exemption granted shall remain in effect for up to ten years, with the effective date being January 1 of the year following substantial completion of the qualifying improvement. The exemption shall continue in force if the authority of the City to grant exemptions changes (unless the City is preempted by state law) or if ownership of the property changes (including any change from a tax exempt entity to a tax paying entity except as set forth in the following subsection).

E. **Ad valorem tax exemptions for historic properties open to the public.** If a qualifying improvement is for a qualifying property that is used for non-profit or governmental purposes and is regularly and frequently open for the public's visitation, use and benefit, the City may exempt 100 percent of the assessed value of the property as improved from ad valorem taxes levied by the City provided that the assessed value of the qualifying improvement must be equal to at least 50 percent of the total assessed value of the property as improved. This subsection applies only if the qualifying improvements are made by or for the use of the existing property owner. A qualifying property is considered used for non-profit or governmental purposes if the occupant or user of at least 65 percent of the useable space of the building is an agency of the federal, state or local government or a non-profit corporation whose articles of incorporation have been filed by the Department of State in accordance with F.S. § 617.0125. Useable space means that portion of the space within a building which is available for assignment or rental to an occupant. A property is considered regularly and frequently opened to the public if public access to the property is provided not less than 52 days a year on an equitably spaced basis, and at other times by appointment. This exemption does not prohibit the owner from charging a reasonable nondiscriminatory admission fee. If a property that qualifies for this exemption is no longer used for non-profit or governmental purposes or is no longer regularly and frequently open to the public or if ownership is transferred then this exemption shall be revoked.

F. **Application process.**

1. **Preconstruction application.** Consideration of the exemption shall be initiated by the filing of a preconstruction application by the property owner on the form provided by the City prior to the initiation of any work on a qualifying improvement. Qualifying improvements or any portion thereof initiated prior to approval of the preconstruction application shall not be eligible for the exemption.
a. The property owner shall also provide all information required for a COA review, the proposed cost of the qualifying improvement based on a licensed contractor's price estimates or other city approved cost estimate method, and a copy of the most recent tax assessment and bill for the property.

b. The POC shall review and approve or deny the preconstruction application and shall follow the review and appeal procedures for a COA. After such review, the POD shall notify the property owner in writing of the following:
   (1) Whether the proposed work is a qualifying improvement;
   (2) Whether the work, as proposed, is consistent with the criteria for the certificate of appropriateness and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1990) U.S. Department of Interior, National Park Service and F.A.C. ch. 1A-38; and
   (3) Making recommendations for correction of work which is not consistent with the foregoing.

c. Any changes made to the qualifying improvement after approval of the preconstruction application must receive prior approval by the POD or the Commission to ensure compliance with the criteria set forth herein. Failure to obtain prior approval may result in denial of the exemption.

d. The property owner must complete the qualifying improvement within two years following the date of approval of a preconstruction application. A preconstruction application approval shall automatically be revoked if the property owner has not submitted a request for review of completed work within two years following the date of approval of a preconstruction application. The POD may grant an extension to this provision for up to six months if such request is made in writing prior to the expiration of the initial period. Any other extensions must be approved by the Commission and shall require a public hearing and notification as set forth for appeal of a COA decision.

2. Request for review of completed work. A request for review of completed work (post construction application) shall be submitted to the POD by January 15 for work completed by December 31 of the prior year. The request for review of the completed work shall include documentation acceptable to the City showing the total cost of, and an itemized list of expenses for, the qualifying improvement. Appropriate documentation may include paid contractor's bills, canceled checks, an approved building permit application listing cost of work to be performed and any other information required by the POD. The POD may inspect the qualifying improvement to determine compliance with this section. Following the Property Appraiser's established time frames, the POD shall recommend that City Council grant or deny the exemption and shall notify the property owner in writing of the recommendation and the date which the City Council shall consider the exemption.

a. If the completed qualifying improvement complies with the requirements set forth in the preconstruction application approval, as amended, this section, the COA, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and any additional conditions required by the City, then the POD shall recommend that City Council grant the exemption.
b. If the completed qualifying improvement does not comply with the requirements of this section, then the POD shall provide a written summary of the reasons for that determination, including recommendations to the property owner concerning changes to the proposed work necessary to comply and shall recommend that City Council deny the exemption.

c. If the property owner is notified that the improvement does not comply with the requirements of this section, the property owner shall have 15 days from the date of the POD’s notification to respond in writing describing the specific actions to be taken by the property owner to comply. If the POD receives a written response within 15 days, the property owner shall have 30 days from receipt of the written response to comply with the requirements of this section. The POD may grant an extension to this provision for up to an additional (60 days if such request is made prior to the expiration of the initial period. At the end of this period the POD shall review the qualifying improvement and make a recommendation to City Council to grant or deny the exemption based on the requirements of this section.

3. Historic preservation property tax exemption covenant. A covenant in the form approved by the City Attorney must be executed by the property owner for the term of the exemption before an exemption is approved by the City Council. The covenant shall provide that the property owner shall maintain and repair the property so as to preserve and maintain the historic architectural qualities or historical or archaeological integrity of the qualifying property for which an exemption was granted. If the exemption is granted, the property owner shall have the covenant recorded with the deed for the property in the official records of the county prior to the effective date of the exemption which shall be binding on the property owner, transferees, and their heirs, successors or assigns.

The applicant shall provide a certified copy of the recorded covenant to the POD by June 15 or said approval by the City Council shall be void.

If the property changes ownership during the exemption period, the requirements of the covenant must be transferred to the new owner. The property owner may sign a waiver which discontinues the exemption on the property. The exemption will be discontinued beginning with the tax year in which the waiver was received with no penalty to the property owner. The exemption may not be reinstated after the waiver has been delivered to the POD.

4. City Council review and approval of the request for review for completion of work. The City Council shall approve, modify, defer or deny the exemption by resolution within 60 days of the POD’s recommendation. If approved the resolution shall include but not be limited to the following: the period of time the exemption shall be in effect and the expiration date of that period, approval of the covenant, any conditions of approval, the name of the owner and address of the property for which the exemption is granted and a finding that the property meets the requirements of F.S. § 196.1997. Said approval shall be conditioned upon receipt by the POD of a certified copy of the recorded covenant.

5. Reapplication. A property owner previously granted an exemption may undertake additional qualifying improvements during this period or apply for additional exemptions for qualifying improvements following its expiration. A property owner may not reapply for an exemption for a qualifying improvement which has been denied by City Council.

6. Notice to property appraiser. Within 15 days following receipt of a certified copy of the recorded covenant, the POD shall transmit a copy of the approved request for review of completed work to
the county property appraiser. The property appraiser shall implement the exemption as provided by State law.

7. Revocation proceedings. The City Council may revoke an exemption at any time in the event that the property owner, or any subsequent owner or successor in interest to the property, violates the covenant, fails to maintain the qualifying property according to the terms, conditions and standards of the covenant, the historic character of the property and improvements which qualified the property for the exemption are not maintained or if the qualifying property has been damaged by accidental or natural causes to the extent that the historic integrity of the features, materials, appearances, workmanship and environment, or archeological integrity which made it eligible for listing or designation have been lost or damaged so that restoration is not possible. The POD shall provide written notice of such proceedings to the owner of record of the qualifying property at least ten days before the public hearing. The City Council shall hold a public hearing and determine whether or not the exemption shall be revoked. The POD shall provide written notice of the decision to the owner of record and the county property appraiser.

8. Civil penalties. If an exemption is revoked for violation of the covenant required hereby, the property owner shall pay an amount equal to the total amount of taxes that would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption, less the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3). This payment shall be made to the City within 30 days of the effective date of the revocation. If the City initiates an action in any court to enforce this provision, the property owner shall be liable for all administrative expenses, attorneys’ fees and all other costs associated with such action.


16.30.070.5. - Civil penalties.

In addition to any other penalties, any person who violates any provision of this section shall forfeit and pay to the City civil penalties equal to the fair market value of any property demolished or destroyed in violation of this section or the cost to repair or rehabilitate any property that is altered in violation of this section. In lieu of a monetary penalty, any person altering property in violation of the provisions of this section may be required to repair or restore any such property.

City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately $2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that increase the cost of housing construction, or of housing redevelopment, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1–June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. Initiating Department: Planning & Economic Development

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2017-05).

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No  X  (No further explanation required.)
Yes  ____  Explanation:

If Yes, the per unit cost increase associated with this proposed policy change is estimated to be: $__________________.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No  X  (No further explanation required)
Yes  ____  Explanation:
IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

X The proposed regulation, policy, procedure, or comprehensive plan amendment will not result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

[Signature]
For D.G. May 2, 2017
Department Director (signature) Date

OR

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance will increase housing costs in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Department Director (signature) Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development