



## CITY OF ST. PETERSBURG, FLORIDA

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

URBAN PLANNING AND HISTORIC PRESERVATION DIVISION

# STAFF REPORT

## COMMUNITY PLANNING and PRESERVATION COMMISSION TEXT AMENDMENT REQUEST

Report to the Community Planning and Preservation Commission from the Urban Planning and Historic Preservation Division, Planning and Development Services Department, for Public Hearing and Executive Action, **Tuesday, June 9, 2020 at 2:00 p.m.**, by means of communications media technology pursuant to Executive Order 20-69 issued by the Governor on March 20, 2020, and Executive Order 2020-12 issued by the Mayor on April 9, 2020. Everyone is encouraged to view the meetings on TV or online at [www.stpete.org/meetings](http://www.stpete.org/meetings).

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**Application:**      **CITY FILE LDR 2020-03:** Amendments to the Land Development Regulations (“LDRs”), Chapter 16, City Code of Ordinances. The purpose of this application is to amend processing timelines and improve coordination of deadline requirements for Ad Valorem Tax Exemptions (“AVTs”) Certificates of Appropriateness (“COA”).

**Subject:**            **HISTORIC AND ARCHAEOLOGICAL PRESERVATION ORDINANCE**

**Applicant:**         City of St. Petersburg  
275 5<sup>th</sup> 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)

**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.

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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 amend processing timelines and improve coordination of deadline requirements for Ad Valorem Tax Exemptions (“AVTs”) and Certificates of Appropriateness (“COA”).

Ad Valorem Tax Exemptions are usually processed in coordination with COA’s for qualified improvements. Pursuant to the current regulations, AVTs are approved for two (2) years; whereas, COAs are only approved for 18-months. The inconsistency between these co-dependent procedures has resulted in confusion among applicants, unnecessary construction delays, and missed deadlines. This minor text amendment will synchronize the two (2) procedures using a two (2) year deadline, with staff extensions.

Further, specific deadline dates included in the AVT section are now obsolete as the Pinellas County Property Appraiser’s Office has changed leadership and process. This minor text amendment removes specific dates to allow more flexibility for future changes.

Text amendments are identified in a strikethrough-underline format on the attached.

**Compliance w/  
Comprehensive  
Plan:**

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 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 positive impact on housing affordability, availability or accessibility by synchronizing procedures and deadlines schedules. A Housing Affordability Impact Statement is attached.

**Attachments:**

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

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, AMENDING THE PROCEDURES FOR AD VALOREM TAX (“AVT”) EXEMPTIONS AND CERTIFICATES OF APPROPRIATENESS (“COA”) FOR HISTORIC PROPERTIES; AMENDING SECTIONS 16.30.070.4., 16.70.010.9., AND 16.70.015. TO PROVIDE CONSISTENT TIMELINES BETWEEN AVT EXEMPTIONS AND COAs; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

**SECTION 1.** Section 16.30.070.4. of the St. Petersburg Code is hereby amended to read as follows:

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

- A. *Generally.* State statutes (currently F.S. §§ 196.1997 and 196.1998) 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 POD 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. However, the POD may grant an extensions to under this provision for up to six months per request if such requests is are made in writing prior to the expiration of the initial period. The POD may choose to send any extension requested under this provision to the Commission at their sole discretion. Any other extensions that must be approved by the Commission or appeals of a denial by the POD of an extension 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~~ may be submitted to the POD ~~by January 15~~ at any time for work completed, although the ad valorem tax exemption period shall not commence until January 1 of the year following substantial completion of the qualifying improvement and the exemption has been granted pursuant to this subsection 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 on or before the Property Appraiser's established recordation deadline 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.

**SECTION 2.** Section 16.70.010.9. of the St. Petersburg Code is hereby amended to read as follows:

16.70.010.9. - Extensions and duration of approvals under these Land Development Regulations.

A. *Duration of approvals.*

1. Any application approved pursuant to this code on or after September 10, 2007, shall remain valid for three years from the date of approval except:
  - a. Approvals for property within an activity center which are greater than 60 dwelling units or 250,000 square feet shall remain valid for five years;
  - b. Approved certificates of appropriateness shall remain valid for 18 24 months from the date of approval; although the CPPC may establish a longer date at the time of approval and only the CPPC may grant extensions. The POD may grant extensions subject to all other applicable requirements of subsections A. and B. of this section. However, the POD may choose to send any extension requested under this provision to the CPPC at their sole discretion. Any extensions that must be approved by the CPPC or appeals of a denial by the POD of an extension shall require a public hearing and notification as set forth for appeal of a COA decision.;
  - c. Development permits subject to the building, fire, and engineering codes; and
  - d. Approvals of applications for which a specific expiration date is established by the approval.

2. Applicants may request up to two two-year extensions from the POD. The application shall be revised to comply with any code amendments that were adopted after the original approval, unless a variance is granted.
  3. After the original approval and any approved extension have expired without substantial construction commencing, the approval shall be void, and a new application shall be required.
  4. Phased projects, including rehabilitation of an existing building, shall be approved in such a manner that each phase can reasonably be started within two years from the date the certificate of occupancy is issued for the previous phase, unless a shorter compliance period is required by the POD or commission.
  5. Approved applications for which substantial construction has commenced shall remain valid subject to compliance with all development permits.
  6. School concurrency certificates are valid for two years. Any approved application that is required to obtain a school concurrency certificate shall expire when the school concurrency certificate expires unless a new school concurrency certificate is obtained.
  7. New applications for sites with a previously approved application which are submitted in advance of the expiration date of the approval or extension shall have maintained non-interrupted approval for vesting purposes for any other ordinance or code of the City or for any other government approval provided that the new application is approved by the appropriate City body within 120 days after the expiration date of the original approval or extension.
- B. *Extension.* Requests for extension of an approval shall be in writing and received by the POD prior to the expiration date of the approval or previously approved extension. A failure to request an extension prior to the expiration of the approval or a previously approved extension or failure to meet all conditions of an approval of an extension shall invalidate the original application approval. Requests for extensions shall address the following matters and may be denied if impacts cannot be adequately mitigated:
1. The extent of actions taken by the applicant to implement the approved development plan including real estate transactions, preparation of construction plans, site preparation and pre-construction sales.
  2. The effect of unforeseen circumstances such as changes in economic conditions, cost of materials, and site specific conditions on the approval.
  3. The length of additional time estimated by the applicant to be needed to implement the approved development plan.
  4. Changes in the Code that would apply to the property.
  5. Changes or new construction on property in the vicinity of the applicant's property which may increase impacts to other properties.
  6. Other facts considered relevant to consideration of an extension.

**SECTION 3.** Section 16.70.015. of the St. Petersburg Code is hereby amended to read as follows:

16.70.015. – Decisions and Appeals Table

<p>Extensions and Duration of Approvals, Under These Land Development Regulations (<i>involving Certificates of Appropriateness</i>)</p>	<p><u>16.70.010.9.</u></p>	<p><u>Final</u> (Advisory Appealable to CPPC)</p>	<p>CPPC (Final)</p>	<p>not applicable</p>
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**SECTION 4.** Coding: As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

**SECTION 5.** The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

**SECTION 6.** In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to Form:

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City Attorney (designee)

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# City of St. Petersburg

## Housing Affordability Impact Statement

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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 & Development Services 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 2020-03).

**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  (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  (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:

- 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.)



\_\_\_\_\_  
Manager, Urban Planning and Historic Preservation Division (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.)

\_\_\_\_\_  
Manager, Urban Planning and Historic Preservation Division (signature)

\_\_\_\_\_  
Date

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