

ORDINANCE NO. 544-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING CHAPTER 16 OF THE CITY CODE, LAND DEVELOPMENT REGULATIONS, RELATED TO APPLICATION REQUIREMENTS, PUBLIC NOTICE, AND SUPPLEMENTAL NOTICE; EXTENDING THE TIME FOR FILING APPEALS; CREATING A PROVISION FOR ADMINISTRATIVE CLOSURE OF DORMANT APPLICATIONS; CLARIFYING APPLICABILITY OF SITE PLAN REVIEW REQUIREMENTS; REVISING TERMS FOR MEMBERS OF THE COMMUNITY PLANNING AND PRESERVATION COMMISSION AND THE DEVELOPMENT REVIEW COMMISSION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

**SECTION ONE.** Section 16.70.010.1 of the St. Petersburg City Code is hereby amended to read as follows:

**16.70.010.1. ~~Optional~~ Required pre-application conference.**

An applicant for development ~~may~~ shall request an informal conference with the City professional staff prior to filing an application for the purpose of discussing the proposed development and to identify the views and concerns of the applicant and the City's professional staff. In certain situations a fee may be charged.

**SECTION TWO.** Section 16.70.010.4(B) of the St. Petersburg City Code is hereby amended to read as follows:

**16.70.010.4. Supplemental notice.**

- B. *Notification.* The City Council recognizes the importance of community involvement in many proceedings for which notice is not required by Florida Statutes (see development agreement section for other notice requirements). In an attempt to facilitate such involvement, and to provide notification of such proceedings to property owners and residents in affected neighborhoods and to other interested parties, it is the intent of the City Council to provide the following supplemental notice.
1. *Written notice.* Notice shall be mailed by the applicant to all neighborhood associations and business association representatives within 300-feet of the subject application, the Council of Neighborhood Associations (CONA), ~~and the Federation of Inner-City Community Organizations (FICO)~~ and the owners of property as listed by the county

property appraiser's office, any portion of which is within 300 feet of any portion of the subject property measured by a straight line, property line to property line. For applications to vacate rights-of-way, easements, and walkways, mailed notice shall also include all property owners within the blocks abutting the requested vacation and property owners within 200 feet of such blocks.

- a. Any request to receive notice by any person not an owner of property as described above must be in writing, must specifically identify the notices the person wishes to receive, must be delivered to the POD, and must contain a mailing address.  
  
Such requests, when not related to a specific application, shall only be valid for the specifically identified notices for not more than one year after receipt by the POD and may be renewed on an annual basis.
  - b. The applicant shall obtain from the POD a copy of the notice and the procedures for notification of property owners who must receive notice. The applicant shall not include any information in the notice other than that which is required by the POD. For the purposes of this chapter, the term, the "applicant," shall also include the appellant in an appeal.
  - c. Not less than 15 days prior to the date of the scheduled streamline approval or public hearing, the applicant shall deliver or mail a copy of said notice to all persons listed on the notification list and the owners of property within the distance described in this section. Notice shall be mailed by U.S. mail with a U.S. postal service certificate of mailing returned to the City. For applications initiated by the City, U.S. postal service certificate of mailing is not required.
  - d. The applicant shall file proof that the notices were mailed or delivered with the POD not less than seven days prior to the date of the scheduled public hearing or the POD decision.
  - e. For property in condominium or cooperative ownership which falls within 300 feet, only the association shall be notified if the current or proposed use of the property which is the subject of the application is a single-family, duplex, or triplex residential use. If the current or proposed use of the property is any other use, then the owner of each unit in the structure shall be provided notice, in addition to the association.
2. *Published notice.* At least ten days prior to the public hearing, Nnotice of the public hearing shall be published by the applicant in a newspaper of general circulation in the City or, if allowed pursuant to section 50.0311, Florida Statutes (as it may be amended), on the Pinellas County publicly accessible website. at least ten days prior to the public hearing. Published notice shall only be required for public hearings concerning special exceptions and site plans. There are additional State law requirements for ordinances. The applicant shall file an affidavit of publication provided by the newspaper with the POD not less than seven days prior to the date of the scheduled public hearing or the POD decision, unless website notice is provided.
  3. *Posted notice.* Notice of the public hearing shall be posted on the subject property by the applicant at least 15 days prior to the public hearing. Posted notice shall be visible

and legible from all adjacent street rights-of-way and a minimum of one sign shall be posted for each street frontage. For properties with more than 500-feet of street frontage, a minimum of one sign per every 500-Feet shall be posted. Posted notice is required for rezoning or land use plan changes for applications related to individual parcels, but is not required for applications involving multiple parcels where the combined acreage of all parcels exceeds ten acres. The applicant shall provide proof of posted notice on the subject property to the POD at least seven days prior to the public hearing. For non-owner initiated individual historic designation applications, required public notice may be placed in the adjacent non-vehicular right-of-way if access to the property is denied by the property owner.

4. *Identify the property.* The written, published and posted notices shall identify the property upon which the request for action is made, the date and location of the public hearing, the phone number and address where information regarding the proposal can be obtained, and the type of action requested (e.g., variance, lot line adjustment, site plan).
5. *Neighborhood and business association notice.* One complete copy of each application to the Development Review Commission (DRC) and Community Planning and Preservation Commission (CPPC) shall be provided by the POD to the Council of Neighborhood Associations (CONA), ~~the Federation of Inner City Community Organizations (FICO)~~, and neighborhood and business association representatives within 300-feet of the subject property. The term, "complete" includes one copy of the information required and any additional information (including studies) required by the POD to review the request.
6. *Governmental notice.*
  - a. For rezoning, land use plan amendments and special exceptions, mailed notice shall be provided to the neighboring government for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a neighboring government. Mailed notice shall also be provided to the Pinellas County School Board for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a public educational facility.
  - b. For variances and site plan reviews requiring CPPC or DRC approval, mailed notice shall be provided to the neighboring government for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a neighboring government.
  - c. For the establishment or expansion of a community redevelopment area, community development block grant target area or historic preservation district, mailed notice shall be provided to the neighboring government for comment, where the subject area or district is located within one mile (5,280 linear feet) of a neighboring government. Mailed notice shall also be provided to the Pinellas County School Board for comment, where the subject property is located within one mile (5,280 linear feet) of a school.

**SECTION THREE.** Section 16.70.010.6 of the St. Petersburg City Code is hereby amended to read as follows:

**16.70.010.6. Appeals.**

- D. *Time for filing notice of appeal.* A notice of appeal shall be filed in writing not later than 5:00 p.m. on the ~~tenth~~ fifteenth day after the decision sought to be reviewed has been made, except that notice of appeal of a property card interpretation or zoning, rebuild or buildable lot letter shall be filed not later than the 30th day after the PCI or letter is mailed. The decision of a commission is made when it takes a final vote on a matter. The decision of the POD is made when it is mailed to the person who made the application or request.

**SECTION FOUR.** Section 16.70.010.7 of the St. Petersburg City Code is hereby amended by amending the title and adding a new subsection C. to read as follows:

**16.70.010.7. Withdrawal of application; abandonment of approval; administrative closure of applications.**

- C. *Administrative closure of applications.* If an applicant has not taken any action on its complete application for more than 6 months, the POD may administratively close the complete application after providing no less than 15 days advanced written notice to the applicant and the property owner.

**SECTION FIVE.** Section 16.70.040.1.4(A) of the St. Petersburg City Code is hereby amended to read as follows:

**16.70.040.1.4. Site plan review.**

- A. *Applicability.* In neighborhood zoning districts, site plan review (SPR) approval by the DRC is required for all projects in excess of 50,000 square feet of gross floor area for non-residential or mixed-use projects or 60 dwelling units for residential projects. In all other districts SPR approval by the DRC is required for all projects in excess of 250,000 square feet of gross floor area except in the EC-2 district or the DC districts. In addition, SPR approval by the DRC is required for all projects located within or partially located within the Coastal High Hazard Area in excess of 60 dwelling units, regardless of the zoning district.

**SECTION SIX.** Section 16.80.040.2 of the St. Petersburg City Code is hereby amended to read as follows:

**16.80.040.2. Terms and powers of members; vacancies and removal; new member training.**

- A. Each regular member of each commission shall serve for a three-year term beginning on the date the Resolution approving the regular member's appointment is finalized. ~~October 1;~~ ~~provided, that the initial appointments to each commission shall be for terms of one year for two members, two years for two members, and three years for three members. Thereafter,~~

~~each regular member shall be appointed for a term of three years. Appointments to fill any vacancy shall be for the remainder of the unexpired term.~~

- B. Each alternate member of each commission shall serve for a three-year term beginning on the date the Resolution approving the appointment of the alternate member is finalized. ~~October 1; provided that, the initial appointments to each commission shall be for terms of two years for one member and three years for the other member. Thereafter, each alternate member shall be appointed for a term of three years.~~ An alternate member shall serve in the place of a regular member during a commission meeting in the absence of the regular member or when the regular member cannot vote upon an item of business due to a conflict of interest. When participating in the place of a regular member, the alternate member shall have all the rights and responsibilities of a regular member. Alternate members shall be allowed to participate in all matters considered by the Commission regardless of whether they are eligible to vote on the matter under consideration. If an alternate member is appointed as a regular member during the alternate member's three -year term, the start date and duration of their term as a regular member shall be pursuant to subsection A. above.
- C. Each new regular or alternate member shall be allowed to participate in all matters considered by the Commission but shall be prohibited from voting prior to receiving and completing new member training, which shall be provided by the POD following appointment of the members.
- D. Regular members may serve no more than two consecutive full terms on any commission. ~~Neither s~~Service as an alternate member nor service for the remainder of an unexpired term shall not be counted in determining this limitation. No person shall serve as a regular or alternate member on two or more commissions at the same time.
- E. The Mayor may remove from office any regular member of a commission for absenteeism in accordance with section 2-338.

**SECTION SEVEN.** Coding: As used in this ordinance, language appearing in struck through type is language to be deleted form the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or tother 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. Section of this ordinance that amend the City Code to add new sections or subsection s are generally not underlined.

**SECTION EIGHT.** 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 NINE.** 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.

First reading conducted on 6<sup>th</sup> day of April 2023.

Adopted by St. Petersburg City Council on second and final reading on the 20<sup>th</sup> day of April 2023.



Brandi Gabbard, Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:



Chan Srinivasa, City Clerk



Title Published: Times 1-t 04/05/23

**Not vetoed. Effective date April 27, 2023 at 5:00 p.m.**