



Staff Report to the St. Petersburg Development Review Commission

Prepared by the Planning & Development Services Department

For Public Hearing on Wednesday, September 7, 2022
at 10:00 a.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: LDR 2022-05

Open Space Funds in DC and EC-2

This is a city-initiated application requesting that the Development Review Commission (“DRC”), in its capacity as the Land Development Regulations Commission (“LDRC”), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the following text amendments to the City Code, Chapter 16, Land Development Regulations (“LDRs”) pertaining to Sections 16.20.120.7.3 and 16.20.130.6.1 creating a process for requesting allocation of funds from the DC and EC-2 Open Space funds.

APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, Florida 33712

CONTACT: Elizabeth Abernethy, Director
Planning and Development Services Department
One 4th Street North
St. Petersburg, Florida 33711
Elizabeth.Abernethy@stpete.org
(727) 893-7868

REQUEST

On August 25, 2022, the Budget, Finance and Taxation Committee discussed an amendment to the Land Development Regulations to establish a process to request funding from the Downtown Center (DC) and Employment Center-2 (EC-2) Open Space Funds. The committee voted in favor of a motion for staff to move forward with Option C amending the ordinance, see attached Memo dated August 25, 2022.

More specifically, the amendment will revise Sections 16.20.120.7.3 and 16.20.130.6.1 creating a process for requesting allocation of funds from the DC and EC-2 Open Space funds.

Consistency and Compatibility (with Comprehensive Plan)

The following objectives and policies from the City's Comprehensive Plan are applicable to the proposed amendment:

Future Land Use Element:

- Policy LU2.3 To attract large scale quality development and assure the proper coordination, programming and timing of City services in the activity centers the City shall continue to develop, evaluate and implement appropriate activity center development incentives.
- Policy LU13.2 The City shall continue to review downtown development trends and related redevelopment plans to ensure that all downtown area redevelopment efforts are coordinated and reflect the best possible vision for the future of the downtown area.
- OBJECTIVE LU17A: Maintain and enhance the City's Waterfront Park system.
- OBJECTIVE LU21: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.
- Policy LU21.1 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.

PROPOSED TEXT AMENDMENT

The proposed Ordinance is attached, showing the text amendments in strike-thru/underline format.

PUBLIC HEARING PROCESS

The proposed ordinance associated with the LDR text amendment requires one (1) public hearing before the Development Review Commission (DRC) and one (1) City Council public hearing.

RECOMMENDATION

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the City's Comprehensive Plan and Recommend Approval of the amendments to City Council.

REPORT PREPARED BY:

/s/ Elizabeth Abernethy

Elizabeth Abernethy, AICP

Director, Planning & Development Services Department

08/25/2022

DATE

Attachments: BFT Memo dated August 25, 2022; Ordinance

HOUSING AFFORDABILITY IMPACT STATEMENT

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 & Development Services Development

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

See attached amendment to Chapter 16, City Code of Ordinances (City File LDR 2022-05).

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 ☒ (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

X: 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:

☐ 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.)

/s/ Elizabeth Abernethy

Director, Planning & Development Services (signature)

08-25-2022

Date

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

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE, SECTIONS 16.20.120.7.3 AND 16.20.130.6.1 RELATED TO OPEN SPACE IN THE DOWNTOWN CENTER (DC) ZONING DISTRICTS AND THE EMPLOYMENT CENTER-2 (EC-2) ZONING DISTRICT; DIVIDING THE OPEN SPACE TRUST FUND INTO THE DOWNTOWN OPEN SPACE FUND AND THE EMPLOYMENT CENTER-2 OPEN SPACE FUND; PROVIDING A PROCESS TO REQUEST MONEY FROM THESE FUNDS TO PURCHASE NEW PARK PROPERTY, OR IMPROVE EXISTING PARKS AND RIGHTS-OF-WAY WITHIN DOWNTOWN CENTER (DC) AND EMPLOYMENT CENTER-2 (EC-2) DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

SECTION ONE. Section 16.20.120.7.3 of the St. Petersburg City Code is hereby amended to read as follows:

16.20.120.7.3. Minimum ground level open space.

A. Ground level open space shall be required in all DC districts. The minimum ground level open space shall be at least five percent of the total land area of the site. This ground level open space shall not have any portion of a building above it and shall be at least 50 percent pervious. Up to 50 percent of the required open space may be covered by architectural features (e.g. balconies, awnings, etc.), and does not require a vacation of air rights. The architectural features shall begin no lower than 12 feet above the abutting grade level. Ground level open space shall be adjacent to the right-of-way, shall be linked to the right-of-way, and shall be available for use by the public during the hours the building is accessible to the public. When a building has at least 50 percent gross floor area of residential uses, the ground level open space may be secured for the exclusive use of the occupants of the building, but shall remain visible to pedestrians along all abutting public sidewalks. Open space includes but is not limited to ground-level courtyards, plazas, sidewalks, and landscaped areas, but does not include parking spaces, driveways, alleys, and other vehicular use areas, nor does it include required vehicular use landscaping areas.

~~B. Instead of providing open space, a payment in lieu of open space of one percent of total construction cost may be made into the City's "open space" trust fund that will provide for the purchase or improvement of an existing downtown park or downtown right of way improvements. In lieu of providing open space, a payment of one percent of total construction cost may be made into the City's downtown open space fund that will provide for the purchase~~

of new park property, improvement of an existing park or right-of-way in the DC districts, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the DC districts. The process to request money from the downtown open space fund is as follows:

1. A City Council member or the Mayor makes a request in writing to City Council that purchase of new park property, improvement of an existing park or right-of-way within the DC districts, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the DC districts, be referred, subject to City Council approval, to the Budget, Finance and Taxation Committee for discussion and consideration of funding from the downtown open space fund.
2. If referred to the Budget, Finance and Taxation Committee, the Committee determines whether to recommend to City Council use of money from the downtown open space fund for the purchase of new park property, improvement of an existing park or right-of-way within the DC districts, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the DC districts. The Committee may also elect to defer action on the request and leave the project on the Committee's pending and continuing referrals list.
3. If the Budget, Finance and Taxation Committee recommends approval for money from the downtown open space fund for the request, City Council shall consider such recommendation. Appropriation of money from the downtown open space fund is subject to City Council approval.
4. Applicable contracts for the purchase of new park property, improvement to an existing park or right-of-way within the DC districts, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the DC districts may be considered by City Council at a future date, in accordance with City Code and Council procedures then in effect.

SECTION TWO. Section 16.20.130.6.1 of the St. Petersburg City Code is hereby amended to read as follows:

16.20.130.6.1. - Minimum ground level open space.

A. Ground level open space shall be required only in the EC-2 district. The minimum ground level open space shall be at least five percent of the total land area of the site. This ground level open space shall not have any portion of a building above it and shall be at least 50 percent pervious. Ground level open space shall be adjacent to the right-of-way, shall be linked to the right-of-way, and shall be available for use by the public during the hours the

building is accessible to the public. When a building has at least 50 percent gross floor area of residential uses, the ground level open space may be secured for the exclusive use of the occupants of the building, but shall remain visible to pedestrians along all abutting public sidewalks. Open space includes but is not limited to ground-level courtyards, plazas, sidewalks, and landscaped areas, but does not include parking spaces, driveways, alleys, and other vehicular use areas, nor does it include required vehicular use landscaping areas.

B. In lieu of providing open space, a payment ~~in lieu of open space~~ of one percent of total construction cost may be made into the City's ~~"open space" trust~~ employment center-2 open space fund that will provide for the ~~purchase purchasing of parkland, new park property, or~~ improvement of an existing park or right-of-way within the EC-2 district, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the EC-2 district. The process to request funding from the employment center-2 open space fund is as follows:

1. A City Council member or the Mayor makes a request in writing to City Council that purchase of new park property, improvement of an existing park or right-of-way within the EC-2 district, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the EC-2 district be referred, subject to City Council approval, to the Budget, Finance and Taxation Committee for discussion and consideration of funding from the employment center-2 open space fund.
2. If referred to the Budget, Finance and Taxation Committee, the Committee determines whether to recommend to City Council use of money from the employment center-2 space fund for the purchase of new park property, improvement of an existing park or right-of-way within the EC-2 district, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the EC-2 district. The Committee may also elect to defer action on the request and leave the project on the Committee's pending and continuing referrals list.
3. If the Budget, Finance and Taxation Committee recommends approval for money from the employment center-2 open space fund for the request, City Council shall consider such recommendation. Appropriation of money from the employment center-2 open space fund is subject to City Council approval.
4. Applicable contracts for the purchase of new park property, improvement to an existing park or right-of-way within the EC-2 district, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the EC-2 district may be considered by City Council at a future date, in accordance with City Code and Council procedures then in effect.

C. Sites two acres in size or less are exempt from these minimum ground level open space requirements.

SECTION THREE. 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 FOUR. 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 FIVE. 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:

Assistant City Attorney
(00639848)

MEMORANDUM

TO: Ed Montanari, Budget, Finance and Taxation Committee Chair;
Members of the Budget, Finance and Taxation Committee

FROM: Heather Judd, Assistant City Attorney

DATE: August 25, 2022

SUBJECT: Proposed Ordinance creating a process for requesting money from downtown and employment center-2 open space funds

- A draft ordinance was presented at PSI on July 28, 2022 which proposed changes to Chapter 16 related to funding for purchase of new parkland or improvement to existing parks and rights-of-way within the DC and EC-2 zoning districts. Currently the City's Land Development Regulations (LDRs) require a minimum amount of ground level open space for all developments in the Downtown Center (DC) and Employment Center-2 zoning districts. In lieu of providing this open space a developer can instead make a payment in lieu to what is currently called the "open space trust fund". This payment in lieu is currently set at one percent of total construction cost.
- The first version of the draft ordinance created a process by which money can be requested for the purchase of new parkland or for improvement to an existing park or right-of-way within these districts. Requested amendments to this process related to the initial referral to BFT and the means by which City Council will consider recommendations have been made.
- References to "parkland" have been changed to "park property" to align with the definitions provided in City Code Chapter 21, Parks and Recreation.
- The set up as two funds with money collected from developments in DC districts to be used only in the DC districts and money collected from EC-2 developments to be used only within the EC-2 zoning district has not been changed from the prior draft.
- In response to comments made at the July 28th meeting regarding the meaning of "improvement" and the ability of money from the fund to be used for study and planning purposes, the following options are proposed for discussion purposes:

Option A (Improvement definition and inclusion of certain planning activities):

In lieu of providing open space, a payment in lieu of open space of one percent of total construction cost may be made into the City's downtown open space fund that will provide for the purchase of new park property, improvement of an existing park or right-of-way in the DC districts, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the DC districts. For the purposes of this subsection, "improvement" shall mean construction or creation of structures, facilities, sidewalks, or landscape features, or the restoration, repair, or reconstruction of existing structures, facilities, sidewalks, or landscape features, including any required infrastructure, planning or studies required to complete the improvement. The process to request money from the downtown open space fund is as follows:

Option B (Improvement definition only):

In lieu of providing open space, a payment in lieu of open space of one percent of total construction cost may be made into the City's downtown open space fund that will provide for the purchase of new park property or improvement of an existing park or right-of-way in the DC districts. For the purposes of this subsection, "improvement" shall mean construction or creation of structures, facilities, sidewalks, or landscape features, or the restoration, repair, or reconstruction of existing structures, facilities, sidewalks, or landscape features, including any required infrastructure, planning or studies required to complete the improvement. The process to request money from the downtown open space fund is as follows:

Option C (improvement remains open, inclusion of certain planning activities):

In lieu of providing open space, a payment in lieu of open space of one percent of total construction cost may be made into the City's downtown open space fund that will provide for the purchase of new park property, improvement of an existing park or right-of-way in the DC districts, or a study or planning project related to the creation or amendment of land development regulations for open spaces within the DC districts. The process to request money from the downtown open space fund is as follows:

Whichever option is chosen the companion change will be made for the employment center -2 section and inserted into the attached draft.

Attachments: Draft Ordinance