



Staff Report to the St. Petersburg Development Review Commission
Prepared by the Planning & Development Services Department

For Public Hearing on Wednesday, March 2, 2023
at 1:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: LDR 2023-02

Procedural Amendments

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 text amendments to the City Code, Chapter 16, Land Development Regulations (“LDRs”)

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
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REQUEST

In December 2022, City Council discussed the need to extend the appeal period from 10 to 15 days to give applicants additional time and account for delays in mailing. Staff is also requesting consideration of several procedural modifications and clarifications to the Application Filing and Procedures Section 16.70 and to Administrative Agencies Section 16.80. The proposed amendments are described as follows:

1. Section 16.70.010.1. – Change pre-application meeting to be required rather than optional:
A “Notice of Intent to File” requirement was added to the code in November 2019, requiring an application to send email notice to CONA and all neighborhood and/or business associations within 300 feet of the property, a minimum of 10-days before filing (16.70.040.1.F.5). Staff started requiring a pre-application meeting with all applicants in order to provide the applicant with the notice list, and to review the application. This amendment clarifies and codifies this practice.

2. Section 16.70.010.4 –Eliminate the requirement for U.S. Postal service certificate of mailing for City initiated applications and allow the option of posting on the Pinellas County website in lieu of published notice:

There is a significant amount of staff time and extra expense incurred on large mailings related to city-initiated map changes. Example: NTM rezoning of 3,000 parcels, man hours to process certificate of mailing exceeded 200 hours (verify), in addition to the added expense of \$7,000. Staff has several more amendments planned for 2023 and 2024 which will include similar mailout requirements.

House Bill 7049 became effective on January 1, 2023, allowing an option to post legal notice on a county website in lieu of publishing in the newspaper. Staff has contacted Pinellas County to coordinate. This amendment will update our code to be consistent with the state statute.

3. Section 16.70.010.6 – Change the length of time for filing an appeal from 10 to 15 days:

This change will give applicants five additional calendar days and provide additional time to account for delays in mail service.

4. Section 16.70.010.7. – Provide the POD an option to administratively close a case where an applicant has not moved forward:

There is currently no provision to allow staff to close a case if an applicant is not moving forward. Only the applicant can request that the case be closed. This change will provide staff the option to close a case after six-months, no sooner than 15-days after providing mailed notice.

5. 16.70.040.1.4. - Add clarification to the threshold language for Site Plan Review.

Current code does not state the threshold for mixed-use projects. 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 or 60 dwelling units.

6. Section 16.80.040.2 – Modify the terms for DRC and CPPC:

Current code provides for 3-year terms, beginning on October 1st. If a commissioner leaves prior to the end of their term, and appointment is made to finish the term, and then that commissioner can be appointed for up to 2 additional terms. Staff is proposing that all terms be 3-years from the date of appointment, to simplify the process and reduce confusion.

Consistency and Compatibility (with Comprehensive Plan)

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

Vision Element:

Governance Mission Statement:

St. Petersburg will have governance structures that facilitate the successful implementation of shared community values and important public interests through concise, effective and understandable laws and regulations. These governance structures support social, physical and economic fairness and mutual support. They facilitate maximum political access, empowerment to its citizens and seek to include the voices of those who are not easily heard.

Citizen Based Communication Mission Statement:

St. Petersburg will facilitate citizen involvement and public discussion in building its community. All neighborhoods and business associations will take ownership in their city, and participate in useful and constructive dialogue regarding the broad vision and specific decisions. Everyone will feel connected to local representatives and welcomed and encouraged to participate. Citizens will know that they are being heard.

Likes:

Open processes that are inclusive, ability to be heard, variety of ways to be included or participate, accessibility through local communication networks, local representation.

Future Land Use Element:

- 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 amendment is attached, shown 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

02/13/2023

DATE

Attachments: Proposed Amendments - Strike-through/Underline

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)

02-13-2023

Date

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

LDR Procedural Amendments

February 21, 2023

1. 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.

2. 16.70.010.4. - Supplemental notice.

B.1.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.

B.2. Published notice. ~~At least ten days prior to the public hearing, n~~Notice 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. 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

4. 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.

5. 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.

6. 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; ~~provided, that the initial appointments to each commission shall be for terms of one year for beginning on October 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.