



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

For Public Hearing and Executive Action on Tuesday, April 11, 2023  
 at 2:00 p.m. in City Council Chambers, City Hall  
 175 5<sup>th</sup> St North, St. Petersburg, FL 33701.

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, April 11, 2023 at 2:00 p.m.

<b>CASE NUMBER:</b>	<b>LDR 2022-06</b>
<b>CASE DESCRIPTION:</b>	<b>Text Amendment to City Code, Chapter 16, <a href="#">Section 16.30.020.4</a></b>
<b>APPLICANT:</b>	Carolee Blackmon & Robert Blackmon
<b>AGENT:</b>	Jessica Icerman, Esquire, Stearns Weaver Miller
<b>REQUEST:</b>	Owner-initiated application for approval of a text amendment to City Code, Chapter 16 (Land Development Regulations), Section 16.30.020.4, titled <i>Adaptive Reuse of Historic Buildings Overlay: Assignment of New Uses</i> . The purpose of this text amendment is to allow the consideration of a drive-thru, where the justification for a local landmark designation is based on the building’s original design and function as an auto-dependent use, for e.g. filling station or auto repair shop.

**DESCRIPTION:** Owner-initiated application for approval of a text amendment to City Code, Chapter 16 (Land Development Regulations), Section 16.30.020.4, titled Adaptive Reuse of Historic Buildings Overlay: Assignment of New Uses. The purpose of this text amendment is to allow the consideration of a drive-thru, where the justification for a local landmark designation is based on the building’s original design and function as an auto-dependent use, for e.g., filling station or auto repair shop.

**AUTHORITY:** Pursuant to Section 16.80.030.1 of the City Code of Ordinances, the Community Planning and Preservation Commission (“CPPC”), acting as the Land Development regulation Commission (“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 Land Development Regulations (“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).

**REQUEST:** That the CPPC, in its capacity as the 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. City Staff concurs with the applicant’s application and requests the same.

**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.

Through the *Adaptive Reuse of Historic Buildings Overlay* local landmark buildings may be re-purposed or adaptively reused for land use types that are otherwise prohibited within the applicable zoning category. The purpose of this benefit is to encourage the retention and productive reuse of structures that add historic, architectural, or cultural value to the city rather than demolition because their original use has become functionally obsolete. Historically significant buildings are sometimes abandoned or demolished when it becomes too difficult to meet current zoning standards and Florida Building Code requirements. Adaptive reuse recognizes the importance of these historically significant buildings and establishes a process by which these buildings can be retained and reused while minimizing any secondary impacts to the surrounding properties.

Although a local landmark building is encouraged to continue operating with **it’s** original land use, some land use types become functional obsolete over time. The following reuse chart allows conversion to any other listed uses which are listed in the reuse chart. The proposed text amendment is identified in a strikethrough-underline format and highlighted in **[red]**.

- B. *Reuse chart.* The following chart identifies uses which are allowed in certain districts. Uses not identified in the chart and not allowed in the zoning district are prohibited unless the property is rezoned.

Reuse Chart

<b>If the building or structure is located in the following districts:</b>	<b>The building or structure may be used for the following:</b>
Neighborhoods, traditional and suburban	All uses allowed in the district plus multifamily uses and bed and breakfasts.
Corridor, residential	All uses allowed in the district plus any allowable use in the NT-4 district. <u>Where a building or structure was originally designed, and subsequently landmarked for, its importance as an auto-dependent use (i.e. filling station, auto repair shop), adaptive reuse into other auto-dependent uses may be considered.</u>
Corridor, commercial	Any use
Centers, traditional and suburban	Any use
Industrial	Any nonresidential use

This text amendment application was submitted with a three-part request by the Applicants, who are attempting to preserve a former Standard Oil filling station, located at 2439 4<sup>th</sup> Street South. If approved, similar future requests are still required to have local landmark designation as a pre-qualifying criterion and any adaptive reuse proposal requires public hearing approval by the CPPC. The very limited applicability of local landmark designation for auto-dependent uses and the protection of a public hearing requirement to assess individual adaptive reuse proposals, makes this text amendment application a reasonable request with no negative, measurable impacts.

City Staff recommends support for the proposed text amendment.

**COMPLIANCE WITH THE 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. See attachment.

**REPORT PREPARED AND APPROVED BY:**



Derek Kilborn, Manager  
Urban Planning and Historic Preservation Division  
Planning & Development Services Department

04.05.2023

DATE

Attachments



# **ATTACHMENT NO. 1**

## **Applicant Narrative**

**REQUEST TO AMEND  
THE TEXT OF THE  
LAND DEVELOPMENT REGULATIONS**

**\*\*\*\*\***

**Carolee Blackmon & Robert Blackmon**

**2439 4th Street South  
St. Petersburg, Florida**

**Submitted by:**

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Jessica Icerman, Esquire  
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*As of October 13, 2022*



## **EFFECT OF TEXT AMENDMENT**

If approved, the text amendment would permit auto-centric uses for historically auto-oriented and locally designated landmarks within a residential corridor district as a major adaptive reuse. By way of example, a historic fueling station would be considered historically auto-oriented. If the historically auto-oriented building or structure is designated as a local or national historic landmark, it would be eligible to obtain an approval for a major adaptive reuse. The major adaptive reuse would permit auto-centric uses, such as drive-thrus, as permitted uses if the property containing the auto-oriented historic landmark is within a residential corridor zoning district.

Text amendments are identified in a strikethrough-underline format on the draft Ordinance, attached hereto as **Exhibit “A”**.

## **OVERALL JUSTIFICATION**

The purpose the Adaptive Reuse of Historic Buildings Overlay Section is “to encourage the retention and productive reuse of structures that have historic, architectural, or cultural value to the City instead of seeing their underutilization or demolition because their original use has become functionally obsolete.” Further, the LDR “recognizes the importance of these significant buildings and provides a process by which these buildings can be reused and retained while minimizing any secondary impacts to the surrounding properties.”

Certain historic auto-oriented uses, such as fueling stations, contain historic structures with a smaller-than-average footprint. Such structures no longer function in the current market environment due to their small size. Adaptive reuse is difficult because the small structures often need to be expanded and significantly retrofitted to accommodate permitted uses, thereby losing their historic integrity. To incentivize the preservation of such historic structures, the proposed text amendment adds auto-centric uses as permitted uses. Auto-centric uses will expand the available uses to allow for greater reuse opportunities—such as a coffee shop, café, or to-go restaurant. Although a coffee shop or café may currently be a permitted use, the inclusion of a drive-thru is what makes the use economically viable, and in the case of auto-centric uses, uniquely in harmony with the historic use of the property. Without proper incentives, such small historic buildings are at significant risk of being demolished or adapted in such a way wherein the structure will lose its historic integrity.

The proposed change to add auto-centric uses as permitted uses does not create a by-right permitted use. All applicants seeking to incorporate such a use via a major adaptive reuse application must still undergo the major adaptive reuse process and obtain approval from the Community Planning and Preservation Commission.

## **STANDARDS FOR REVIEW**

1. *Compliance of the proposed use with the goals, objectives, polices and guidelines of the Comprehensive Plan;*

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

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

*Policy HP2.9:* In order to protect and preserve the City's historic resources, the City shall incorporate policies into the Land Development Regulations which discourage the demolition of historic resources which are listed, or eligible for listing, in the National Register of Historic Places or the St. Petersburg Register of Historic Places. Not only does this reinforce the City's public policy that historic preservation is a public necessity, it preserves sense of place, encourages heritage tourism, and eliminates perpetually vacant blocks.

*Policy HP2.10:* The City shall examine adding new land use and zoning incentives for historically or archaeologically significant properties for inclusion in the land development regulations.

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

*Policy HP3.4:* All City departments that provide or can create programs or incentives to assist in the rehabilitation and preservation of historic properties will provide assistance on an ongoing and case-by-case basis.

*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 HP5:** Utilize the historic preservation ordinance and other available programs to reserve significant archaeological resources located in the City.

*Policy HP5.5:* In order to protect and preserve the City's archaeological resources, the City has adopted Land Development Regulations which discourage adverse impacts or the demolition of sites which are listed, or eligible for listing, in the National Register of Historic Places or the local register.

**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 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.

**Objective LU26:** The City's LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.

*Policy LU26.1:* The City shall, on an ongoing basis, examine existing adaptive reuse standards and revise or eliminate land-use provisions that act as regulatory barriers to the continued use of existing infrastructure and historic buildings.

The proposed LDR text amendment is consistent with and furthers all of the above objectives and policies. The LDR text amendment provides further incentive to preserve structures and building of historic significance through an innovative use of a historically auto-oriented structure. The LDR text amendment will result in the preservation of historic structures which would not otherwise be preserved.

- 2. Whether the proposed amendment would adversely affect environmentally sensitive lands or properties which are documented as habitat for the listed species as defined by the conservation element of the Comprehensive Plan;*

The proposed LDR text amendment would not adversely affect environmentally sensitive lands. In fact, the proposed LDR text amendment would preserve environmentally sensitive areas by incentivizing the reuse of already disturbed lands.

- 3. Whether the proposed changes would alter the population density pattern and thereby adversely affect residential dwelling units or public schools;*

The proposed LDR text amendment would not alter population density patterns as it does not impact any permitted residential uses.

- 4. Impact of the proposed amendment upon the adopted level of service (LOS) for public services and facilities including, but not limited to: water, sewer, sanitation, recreation and stormwater management and impact on LOS standards for traffic and mass transit. The POD may require the applicant to prepare and present with the application whatever studies are necessary to determine what effects the amendment will have on the LOS;*

The proposed LDR text amendment will have no impact on the LOS standards as it incentivizes the reuse of already-built structures/buildings.

- 5. Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansions;*

Not applicable as the proposed LDR text amendment does not alter the major adaptive reuse process, which evaluates each property on a case-by-case basis.

6. *The amount and availability of vacant land or land suitable for redevelopment for similar uses in the City or on contiguous properties;*

Not applicable as the proposed LDR text amendment does not apply to vacant land and does not alter the major adaptive reuse process, which evaluates each property on a case-by-case basis.

7. *Whether the proposed change is consistent with the established land use pattern of the areas in reasonable proximity;*

Not applicable as the proposed LDR text amendment does not alter the major adaptive reuse process, which evaluates each property on a case-by-case basis.

8. *Whether the exiting district boundaries are logically drawn in relation to existing conditions on the property proposed for change;*

Not applicable.

9. *If the proposed amendment involves a change from residential to a nonresidential use or a mixed use, whether more nonresidential land is needed in the proposed location to provide services or employment to residents of the City;*

Not applicable.

10. *Whether the subject property is within the 100-year floodplain, hurricane evacuation level zone A or coastal high hazard areas as identified in the coastal management element of the Comprehensive Plan;*

Not applicable.

11. *Other pertinent facts.*

The proposed LDR text amendment would not increase housing costs.

### CONCLUSION

We respectfully request the approval of the proposed LDR text amendment, attached as Exhibit "A".

## **EXHIBIT A**

**EXHIBIT “A”**

**ORDINANCE NO.:** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE PERMITTED USES IN CONNECTION WITH A MAJOR ADAPTIVE REUSE; AMENDING SECTION 16.30.020.4 TO ADD DRIVE-THRU AS A PERMITTED USE UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:**

**Section 1:** Section 16.30.020.4 of the St. Petersburg Code is hereby amended to read as follows:

16.30.020.4 – Assignment of new use.

- A. *Generally.* A building is encouraged to contain any use allowed by right but may convert to any of the uses which are listed in the reuse chart.
- B. *Reuse chart.* The following chart identifies uses which are allowed in certain districts. Uses not identified in the chart and not allowed in the zoning district are prohibited unless the property is rezoned.

Reuse Chart

<b>If the building or structure is located in the following districts:</b>	<b>The building or structure may be used for the following:</b>
Neighborhoods, traditional and suburban	All uses allowed in the district plus multifamily uses and bed and breakfasts.
Corridor, residential	All uses allowed in the district plus any allowable use in the NT-4 district. <u>Where a building or structure was originally designed, and subsequently landmarked for, its importance as an auto-centric use (i.e. filling station), adaptive reuse into other auto-centric uses may be considered.</u>
Corridor, commercial	Any use
Centers, traditional and suburban	Any use
Industrial	Any nonresidential use

**Section 2:** 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.

**EXHIBIT "A"**

**Section 3:** 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 4:** 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:**

\_\_\_\_\_  
City Attorney (designee)



## **ATTACHMENT NO. 2**

# **Housing Affordability Impact Statement**

# 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 2022-06).

**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)

04.05.2023

\_\_\_\_\_  
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