

ORDINANCE NO. 24- \_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 138, ZONING, OF THE PINELLAS COUNTY CODE OF ORDINANCES; AMENDING THE DEVELOPMENT APPLICATION AND REVIEW PROCESS; AMENDING LANGUAGE PERTAINING TO ZONING CLEARANCES; AMENDING ALLOWED BUILDING HEIGHTS IN SPECIFIC ZONING CATEGORIES; AMENDING PROVISIONS GOVERNING OUTDOOR STORAGE; AMENDING PARKING STANDARDS; PROVIDING FOR SEVERABILITY; AMENDING THE PROCESS FOR ADMINISTRATIVE APPROVALS AND WAIVERS; AMENDING PROVISIONS RELATED TO COMMUNICATION TOWERS; AMENDING THE PALM HARBOR FORM BASED CODE DRAINAGE MAP DESCRIPTIONS; AMENDING AND PROVIDING FOR DEFINITIONS; AMENDING CODE PROVISIONS FOR THE PURPOSE OF GENERAL CLARIFICATION; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, (“BCC”) adopted the Land Development Code in 1990; and

WHEREAS, in 2018, the BCC approved Ordinance No. 18-36, which constituted the first major rewrite of the Pinellas County Land Development Code since 1990; and

WHEREAS, the purpose of this Ordinance is to amend and update the provisions of Chapter 138 of the Land Development Code; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on November 13, 2024 as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

WHEREAS, the Board of County Commissioners finds that proposed amendments to the Land Development Code as set forth herein are consistent with the Comprehensive Plan and the review requirements set forth in the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_ 2024, that:

**SECTION 1.** Chapter 138 of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 138. The only section(s) of Chapter 138 being amended are those with revisions reflected herein. Sections of Chapter 138 not included herein remain in full force and effect.

**Sec. 138-64. Development review committee (DRC).**

- (a) *Establishment.* The Development Review Committee (DRC) is hereby established to review and analyze certain development proposals in order to assist the applicant and ensure compliance with this Code and the Comprehensive Plan. The DRC is established to provide a more collaborative technical review and analysis of Site Plans, Type 2, Type 3, and Type 4 reviews. The DRC is also established to provide information and analysis to applicants, higher review authorities, and boards.
- (b) *Composition.* The DRC shall be composed of designated county staff members.
  - (1) The Building and Development Review Services director or designee shall be a member of the DRC.
  - (2) The DRC shall be composed of staff members with technical knowledge in the subject areas listed below:
    - a. Land use planning/urban design.
    - b. Civil engineering/Floodplain Management.
    - c. Utilities.
    - d. Roadways and transportation.
    - e. Environmental management/biology.
    - f. Public Safety.
    - g. Economic development.
    - h. Other subject areas as determined by the BDRS Director.
- (c) *Powers and duties.* The DRC shall have the power and duties to review and analyze the following development-related applications and requests:
  - (1) *Application/review types.* The DRC shall have the authority to review and analyze the following applications:
    - a. The DRC shall have the authority to conduct completeness and sufficiency reviews on the applications/requests designated to the Type 2, Type 3, and Type 4 review as listed in Table 138-77. Comments made by the DRC are solely for informational purposes and shall not be construed as an approval or denial of any application. Failure of the DRC to identify any required permits or procedures shall not relieve the applicant of any such requirements nor constitute a waiver of the requirement by the decision-making body.
    - b. The DRC shall have the authority to conduct Technical Reviews of Site Plans. Comments made by the DRC are solely for informational purposes and shall not be construed as an approval or denial of any application. Failure of the DRC to identify any required permits or procedures shall not relieve the applicant of any such requirements nor constitute a waiver of the requirement by the decision-making body.
  - (2) *Adoption of procedural rules.* The DRC shall have the authority to adopt rules of procedure.

- (3) *Other authority.* The DRC shall have authority to review and analyze such other matters as provided by this Code or as may be assigned by the Board of County Commissioners or county administrator.
- (d) *DRC meeting requirements.*
  - (1) *Record of proceedings.*
    - a. *Records maintenance.* All records of any proceeding before the DRC shall be filed with the county.
    - ~~b. *Recording.* All DRC meetings shall be recorded and filed with the County.~~
    - be. *Application files.* Application files shall be held and maintained by the county.
  - (2) *Schedule.* The DRC shall determine an appropriate meeting schedule to ensure that issues before the committee are analyzed in a timely manner.
  - (3) *Public meeting.*
    - a. All meetings of the DRC shall be open to the public.
    - b. An agenda shall be prepared and distributed to each member prior to each meeting.
    - c. All applicants having requests reviewed by the DRC will be provided an agenda and invited to attend and participate in the meeting.
  - (4) *Final determination.* The information and analysis provided to a higher board shall be based on adopted policies in the comprehensive plan, state and federal law and the Pinellas County Code.

**Sec. 138-90. Zoning clearance.**

A zoning clearance determines if an application is in conformance with the provisions of the Code or as permitted by special approval such as a variance, development agreement or similar action. It is required and should be obtained prior to any property use, development activity or land disturbance. Zoning clearance is often performed ~~as part of in conjunction with the a site plan review process for or building permits, application review process site plans, and/or pre-application meetings.~~

- (a) Prior to the use of any land or structure or the expansion of any use of land or structure and prior to the issuance of a building permit, a zoning clearance must be determined.
- (b) For the purpose of this Code, a zoning clearance is a written determination granted to an applicant indicating that the property, land usage(s), and improvements/structures conforms to zoning requirements. ~~This may~~ When this occurs as part of the site plan and/or building permit application review processes, a separate written determination is not issued.
- (c) A zoning clearance shall be determined by the county administrator or designee.
  - (1) The issuance of a zoning clearance does not exempt an applicant from complying with all laws properly affecting the use or development of land.
  - (2) This clearance is required regardless of any other provision of this division.

- (3) Failure to obtain such clearance may be deemed a violation of this chapter.
- (d) Issuance and conditions:
  - (1) Zoning clearances shall be determined as part of a Type 1 review. The resulting determination may require that the applicant make site modifications and/or secure the required review type approval for the requested outcome.
  - (2) The county administrator or designee may request additional information pertaining to the project in order to conduct a thorough review and ensure full compliance with this Code.

**DIVISION 5. SITE PLAN REQUIREMENTS AND REVIEW PROCEDURES**

**Sec. 138-176. Uses requiring site plan review.**

- (a) The following uses require Site Plan Type 1 Path B review:
  - 1. All new construction, unless otherwise specified by this section.
    - a. Single-family dwellings, duplexes, or triplexes when constructed on an established individual lot or parcel shall be exempt from site plan review. This provision does not exempt these uses from complying with other codes, regulations and ordinances applicable to site plan review.
    - b. Accessory uses/structures that are associated to a particular single-family dwelling, duplex, or triplex are exempt from site plan review.
  - 2. New buildings and/or building additions involving the construction of 3,000 square feet or more of building footprint area OR the total surface coverage area of construction exceeding 7,500 square feet or more of impervious surface whether such surface includes all site surface cover or a combination of building and site surface cover.
  - 3. All subdivision plats, excluding minor plats as defined under section 154-265, involving a plat and as consistent with state statutes.
  - 4. All new roadways and streets.
  - 5. A land use or combination of land uses on a property generating greater than 150 additional peak hour trips from the proposed improvements.
  - 6. Change of use to development that is more intensive than the previous use, as determined by the county administrator or his or her designee.
  - 7. Any land excavation or fill referenced in Section 138.3341.
- (b) All other development activity shall be reviewed and processed under the building permit process with a determination if the minor site plan scope is a Development Review Services (DRS) staff review or an Interdepartmental Distributed (ID) staff review.
- (c) Compliance with Chapter 154-52, Pinellas County Stormwater Manual, applies except as specified for Minor Plats per section 154-265(a)(1)(i).

**Sec. 138-178. Site plan requirements.**

- (a) *Site plan set.* A site plan shall be provided as a set of documents per county procedures and departmental checklist.
- (b) *Site plan set preparation.* Site plan elements shall be prepared by:
  - (1) Property surveys and new legal descriptions shall be prepared by a licensed professional surveyor to conduct work in the State of Florida.
  - (2) Development plans, grading plans, utility plans and similar plans shall be prepared by an appropriate professional licensed to conduct work in the State of Florida.
  - (3) A statement from the servicing utility companies which supply water, sewer, and electric service indicating the utility is available for the proposed development. If water or sewer is not available, the County health department must approve potable water and/or septic tank design, where applicable, before a development approval can be recommended by county staff. Land shall not be divided into parcels of less than two acres when a septic system would be the only means of waste disposal.
- (c) *Approved site plan.* After receiving site plan approval, the applicant shall submit updated copies of the site plan, containing all data and information required as follows, to the designated county department:
  - (1) Final site plans, development designs, reports, or similar items that reflect staff's written determination.
  - (2) A notice of intent (NOI) issued by the Florida Department of Environmental Protection (FDEP) for activities regulated under the National Pollutant Discharge Elimination System (NPDES) program or as amended.
  - (3) ~~A statement from the servicing utility companies which supply water, sewer, and electric service indicating that the utility is available for the proposed development. If water or sewer is not available, the County health department must approve potable water and/or septic tank design, where applicable, before a development approval can be recommended. Land shall not be subdivided into parcels less than two acres when septic would be the only means of waste disposal.~~

**Sec. 138-746. C-2, General Commercial and Services District.**

The C-2, General Commercial and Services District provides areas for the retailing of a wide range of goods and services. This district is intended to serve a considerably greater population with a wider degree of intensity than the C-1 district, and offer certain specialized services in addition to all other retail sales outlets for consumer products. Certain research and development and light manufacturing activities are also allowed at appropriate locations. The C-2 district should be located within commercial nodes, along certain corridors, and/or in areas that transition from more intensive uses.

**Sec. 138-746.1. C-2, General Commercial and Services District—Development parameters.**

C-2 — Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	<del>5075 / 45<sup>(5)</sup></del> except up to 100-ft with Type 2 or 3 approval	10,000 sf	80	100	5	0 / 20 <sup>(4)</sup>	
1. Other height requirements and allowances may be applicable pursuant to chapter 138, article X, division 1, section 138-3501, measurement of height and limitations.							
2. Other setback requirements and allowance may be applicable pursuant to chapter 138, article X, division 1, section 138-3505, setback measurements, allowances and restrictions.							
3. These development parameters may be superseded by other requirements as part of an adopted development master plan and/or conditional overlay.							
4. None required; except that, when the side/rear of a lot abuts a residential district, there shall be a 20-foot setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.							
<del>5. Building height is limited to 45 feet for the portions of a building located within 50 feet of residentially-zoned property.</del>							

**Sec. 138-747. CP, Commercial Parkway District.**

The CP, Commercial Parkway District provides for a variety of uses along the county's arterial roadways. The intent of the district is to facilitate smooth and safe traffic flow by minimizing the number of roadway access points and by encouraging the use of service roads, common curb and median cuts, acceleration/deceleration lanes, and/or interconnected parking facilities between properties. Structural setbacks will generally be greater than those of other commercial districts to provide more space between buildings and the heavily-used arterial roadways.

**Sec. 138-747.1. CP, Commercial Parkway District—Development parameters.**

CP — Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	<del>5075 / 45<sup>(5)</sup></del> except up to 100-ft with	1 ac	N/A	N/A	5	0/15 <sup>(3)</sup>	

<i>Use Category</i>	<del>Type 2 or 3 approval</del>					
1. Other height requirements and allowances may be applicable pursuant to chapter 138, article X, division 1, section 138-3501, measurement of height and limitations.						
2. Other setback requirements and allowance may be applicable pursuant to chapter 138, article X, division 1, section 138-3505, setback measurements, allowances and restrictions.						
3. None required; except that, when the side/rear of a lot abuts a residential district, there shall be a 15-foot setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.						
4. These development parameters may be superseded by other requirements as part of an adopted development master plan and/or conditional overlay.						
<del>5. Building height is limited to 45 feet for the portions of a building located within 50 feet of residentially zoned property.</del>						

**Sec. 138-762. E-1, Employment 1 District.**

The E-1 district provides locations for employment uses, light manufacturing, industry, industrial support facilities, and certain public service functions. This district is intended to provide for employment uses and lower intensity general industrial development which will have limited impacts on the surrounding areas.

**Sec. 138-762.1. E-1, Employment 1 District—Development parameters.**

E-1 — Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	<del>6075</del> / 45 <sup>(5)</sup> <del>except up to 100 ft with Type 2 or 3 approval</del>	12,000 sf	80	100	5	0/10 <sup>(3)</sup>	
1. Other height requirements and allowances may be applicable pursuant to chapter 138, article X, division 1, section 138-3501, measurement of height and limitations.							
2. Other setback requirements and allowance may be applicable pursuant to chapter 138, article X, division 1, section 138-3505, setback measurements, allowances and restrictions.							
3. None required; except that, when the side/rear of a lot abuts a residential district, there shall be a 10-foot setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.							
4. These development parameters may be superseded by other requirements as part of an adopted development master plan and/or conditional overlay.							

5. Building height is limited to 45 feet for portions of a building within 50 feet of residentially zoned property.

**Sec. 138-763. E-2, Employment 2 District.**

The E-2 district provides areas for general services, wholesale distribution, storage, and light fabrication. These areas should be conveniently located to arterial highways and transportation facilities. This district is intended as a distribution center for products sold, serviced, stored and warehoused for retail or wholesale sales to a consumer, sales outlet or wholesaler. Such areas should be located to minimize the flow of heavy trucking routes through residential areas. These areas may also provide support services to adjacent or nearby industrial areas.

**Sec. 138-763.1. E-2, Employment 2 District—Development parameters.**

E-2 — Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	<del>60</del> 75 / 45 <sup>(5)</sup> except up to 100 ft with Type 2 or 3 approval	12,000 sf	80	100	5	0/20 <sup>(3)</sup>	
1. Other height requirements and allowances may be applicable pursuant to chapter 138, article X, division 1, section 138-3501, measurement of height and limitations.							
2. Other setback requirements and allowance may be applicable pursuant to chapter 138, article X, division 1, section 138-3505, setback measurements, allowances and restrictions.							
3. None required; except that, when the side/rear of a lot abuts a residential district, there shall be a 20-foot setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.							
4. These development parameters may be superseded by other requirements as part of an adopted development master plan and/or conditional overlay.							
5. Building height is limited to 45 feet for portions of a building within 50 feet of residentially zoned property.							

**Sec. 138-764. I, Heavy Industry District.**

The I, Heavy Industry District is intended to permit general manufacturing and industry. It is further intended that this district will be less restrictive than the employment districts so as to provide a wider variety of industrial uses.



**Sec. 138-764.1. I, Heavy Industry District—Development parameters.**

I — Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	<del>60</del> 40 / 45 <sup>(5)</sup>	25,000 sf	100	200	20	0/20 <sup>(3)</sup>	
1. Other height requirements and allowances may be applicable pursuant to chapter 138, article X, division 1, section 138-3501, measurement of height and limitations.							
2. Other setback requirements and allowance may be applicable pursuant to chapter 138, article X, division 1, section 138-3505, setback measurements, allowances and restrictions.							
3. None required; except that, when the side/rear of a lot abuts a residential district, there shall be a 20-foot setback for the lot portions that about the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.							
4. These development parameters may be superseded by other requirements as part of an adopted development master plan and/or conditional overlay.							
5. Building height is limited to 45 feet for portions of a building within 50 feet of residentially zoned property.							

**Sec. 138-2153. Establishment of form-based code districts.**

- (a) ~~Reserved.~~ The Lealman Form Based Code (L-FBC) is hereby adopted and placed as article XI to chapter 138 of the Pinellas County Land Development Code.
- (b) The Downtown Palm Harbor Form-Based Code (DPH-FBC) is hereby adopted and placed as article XII to chapter 138 of the Pinellas County Land Development Code.

**Sec. 138-3220. Outdoor storage, residential.**

- (a) *Purpose.* Outdoor storage, residential is intended to allow for the retention/storage of residential household items outside of the home, garage, or accessory structure for routine or seasonal use. Items shall be organized, arranged, stored, and/or maintained in such a manner as to not cause any general health and welfare concerns, environmental concerns, block emergency access to the property, or otherwise cause a nuisance.
- (b) *Applicability.* The provisions of this section shall apply to all residentially zoned properties and/or properties being used primarily for residential purposes within unincorporated Pinellas County.
- (c) *Standards.* Residential outdoor storage areas shall meet the following requirements:
  - (1) All ~~items~~materials must be stored on private property and shall be located behind a privacy fence or otherwise generally screened from public view.

- (2) No items shall be stored in the public right-of-way, alley, or other areas generally accessible to the public.
  - (3) No items shall be stored within an easement that would otherwise prevent or preclude the intent of the easement such as drainage, access to utilities, and access to another piece of property, etc.
  - (4) Items stored outside shall have some discernable value and shall be maintained in working order.
  - (5) The item(s) stored outdoor shall be intended for outdoor use.
  - (6) The outdoor storage of such items shall not cause a harmful by products, such as, but not limited to leaking, disintegrating, or deterioration.
  - (7) The storage of outdoor items does not result in the accumulation of stagnant water that can become breeding ground for mosquitos.
- (d) Illustrative examples of permissible outdoor storage items:
- ~~(1) Properly registered personal vehicles, kept in working order, such as golf carts, cars, trucks, recreational vehicles, boats, and associated trailers.~~
  - ~~(2)~~ Refuse and recycling containers.
  - ~~(3)~~ Firewood, neatly stacked and organized.
  - ~~(4)~~ Fire pits and barbeque grills.
  - ~~(5)~~ Outdoor furniture such as umbrellas, seating, tables, art installations, etc.
  - ~~(6)~~ Children's backyard playgrounds such as tree house, swing sets, jungle gyms, etc.
  - ~~(7)~~ Recreational equipment intended for outdoor use such as kayaks, bicycles, tennis court equipment cabinets, etc.
  - ~~(8)~~ Accessory structures for household pets or permitted animals such as dog houses, stables, barns, pig pens, etc.
- (e) Illustrative examples of items not appropriate for outdoor storage:
- (1) Home or commercial building supplies.
  - (2) Engine parts or equipment not being used by the residence.
  - (3) Indoor household items such as mattresses, indoor carpet, indoor furniture.
  - (4) Excessive amounts of firewood or yard debris.
  - (5) Items of no value, trash and debris.
  - (6) Gym equipment.
  - (7) Paints, solvents, or other hazardous materials.
  - (8) Damaged or discarded vehicles or vehicle parts.
  - (9) Prohibited vehicles as regulated per section 122-37 of the Pinellas County Code.
  - (10) Commercial equipment, machinery and building suppliessupplies.

**Sec. 138-3313. Communication towers and antennas outside of county rights-of-way.**

- (a) *Purpose.* Construction of towers and antennas should be designed in a manner to minimize the visual impacts of towers on the landscape and to ensure public safety. It is the intent of this section to encourage and allow communication equipment to be collocated on to an existing tower or structure. It shall be the intent of this chapter to allow for the reasonable expansion of technology in keeping with the 1996 Federal Telecommunications Act while providing reasonable regulation of communication towers and antennas to ensure that the county landscape is not adversely affected by the proliferation of tall towers.
- (b) *Applicability.*
- (1) The provisions of this section shall apply to the following uses and structures outside of the county's rights-of-way:
    - a. Transmitting stations, remote radio and television uses and structures. This shall not apply to broadcast studios or office.
    - b. Wireless communication antennae, towers, and associated structures.
- (c) *Standards.* The following provisions shall apply:
- (1) Freestanding communication towers and antennas shall be subject to the following height standards:
    - a. Communication towers and antennas may be erected to a maximum of 20 feet above the height limits of the zoning district in which they are located.
    - b. Communication towers which are designed to be camouflaged may be erected to a maximum of 75 feet or the maximum height described above, whichever is greater. Camouflage may include towers to be designed to resemble trees, palms, flag poles, and other similar feature.
    - c. The heights of these structures or appurtenances thereto shall in no case exceed the height limitations prescribed by the Federal Aviation Agency within the flight approach zone patterns of airports.
  - (2) Freestanding communication towers shall be subject to following setback standards:
    - a. All towers and supporting equipment shall meet district setback requirements.
    - b. New towers shall be set back from abutting residential property lines a distance equal to the height of the tower.
    - c. These setback restrictions do not apply to communication equipment attached to utility poles or similar feature in the public right-of-way.
    - d. These setback restrictions may be reduced for self-collapsing tower designs, subject to a Type 2 ~~review as a Variance~~**approval**. The applicant shall demonstrate that the reduced setbacks will not create a safety hazard.
  - (3) Antennas and supporting mechanical equipment may be installed on or attached to buildings, light poles, other existing towers, water towers, or other existing structures in any zoning district. Such antennas shall add no more than 20 feet in height above the existing structure and shall be a neutral color similar to that of the supporting structure.

- (4) Supporting equipment buildings shall be compatible with the architecture of the neighborhood in which located.
- (5) Towers and supporting structures shall be a neutral, non-glare color or finish so as to reduce visual obtrusiveness (except as may otherwise be required by the Federal Aviation Authority).
- (6) Any tower or antenna which is not operated for a period of 180 days or more shall be considered abandoned and subject to the following standards:
  - a. Upon written notification by the county, the owner shall remove the tower or antenna within 60 days. Failure to do so shall constitute a violation of this Code.
  - b. Upon such written notification any previously granted variance or special exception shall terminate.
  - c. Abandonment shall not include towers or antennas damaged by forces beyond the control of the operator, where the operator is proceeding in good faith to restore the facility to operational status.
  - d. A tower or antenna shall be considered operational so long as an antenna and corresponding electronics, in operational condition, are present, at the facility or undergoing repairs in accordance with the above.
- (7) Towers shall include the following safety features:
  - a. Towers shall be enclosed by security fencing a minimum of six feet in height.
  - b. Towers shall be equipped with warning lights in accordance with FAA standards regardless of height.
- (8) Towers shall not be used for the placement of advertising or signs other than warning signs or devices.
- (9) Communication towers and antennas may seek flexibility to the standards in this section subject to Type 2 review as a Variance approval. Conditions may be imposed on the structure(s) to ensure compatibility and safety with adjacent properties.

**ARTICLE XI. – THE LEALMAN FORM BASED CODE**

**Sec. 138-3931. Review types.**

LFBC Table 138-3931.a: Review Types, establishes three (3) review types for the purpose of interpreting and applying the provisions of the LFBC. These are used in reviewing and recommending, and/or taking final action on land development, land use permits, applications, and other procedures established in the LFBC.

**TABLE 138-3931.a: REVIEW TYPES**

REVIEW TYPE	REQUEST / APPLICATION	DECISION-MAKING BODY	APPEAL AUTHORITY
Type 1A "Department Review"	Type 1A Uses/Designations [See LFBC Div. 6: Table 138-4057.a] Site Plans	Department	1 <sup>st</sup> Appeal - Board of Adjustments & Appeals (BAA)

	Code Interpretations Verification of Nonconforming Situations Administrative Adjustments (up to 10%) Signs Zoning Clearance Letters Change of Use		2 <sup>nd</sup> Appeal - Circuit Court
Type 1B "Permitted by Warrant"	Type 1B Uses/Designations [See LFBC Div. 6: Table 138-4057.a] Administrative Adjustments (up to 20%) Waivers Alternative Landscape Plans [See LFBC Div. 5: Section 138-4022(c)]	County Administrator or his or her designee Development Review Committee <sup>1</sup>	1 <sup>st</sup> Appeal - Board of Adjustments & Appeals (BAA) 2 <sup>nd</sup> Appeal - Circuit Court
Type 2 "Public Hearing Process"	Type 2 Uses/Designations [See LFBC Div. 6: Table 138-4057.a] Variances	Board of Adjustments & Appeals (BAA)	Circuit Court

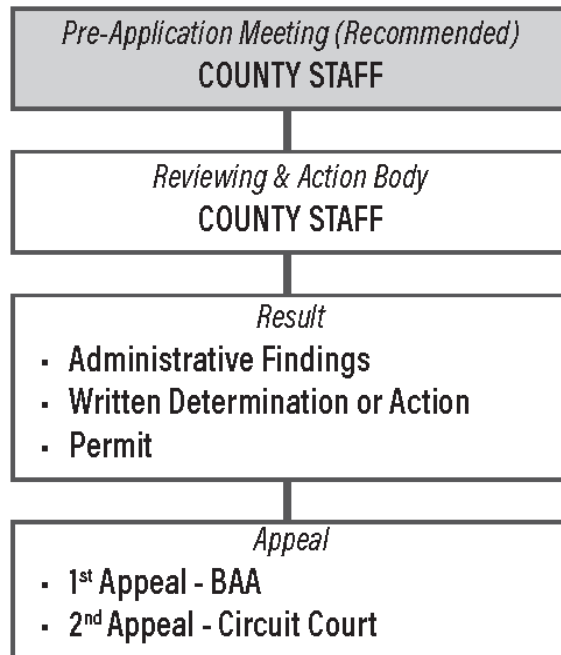
<sup>1</sup>For Type 1B reviews, the Code Administrator will coordinate with the appropriate departments before making a final decision.

**Sec. 138-3932. Review procedures.**

Any development, land usage, or property modification in the LBFC District is applicable to the review procedures established in this section.

(a) *Type 1A Review.*

Figure 138-3932.a: Type 1A Review Procedure

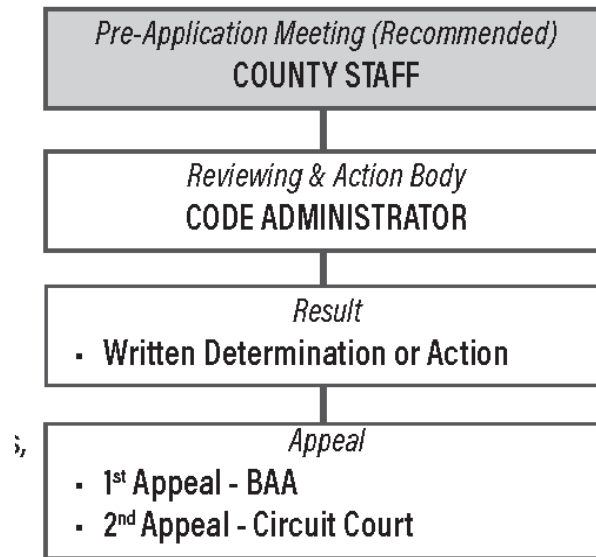


- (1) The Type 1A review is an administrative process to ensure that development projects, land use, and activities comply with the minimum provisions of the LFBC. The Type 1A process is intended to be a clear and objective review.

(2) LFBC Figure 138-3932.a: Type 1A Review Procedure outlines the general review process for a Type 1A submittal.

(b) *Type 1B Review.*

Figure 138-3932.b: Type 1B Review Procedure



(1) A Type 1B review enables the County Administrator or his or her designee ~~Code Administrator~~ to determine the appropriateness of Type 1B uses/designations, administrative adjustments up to 20%, and waivers based on the overall intent of the provisions within the LFBC, and when applicable, the context of the subject property.

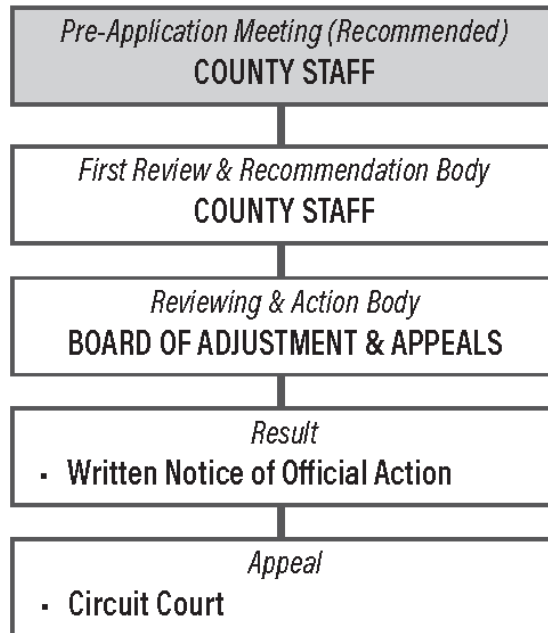
(2) LFBC Figure 138-3932.b: Type 1B Review Procedure outlines the general review process for a Type 1B submittal.

(c) *Type 2 Review.*

(1) A Type 2 Review is a public hearing process to ensure that development projects, land usages, and activities comply with the minimum provisions of the LFBC and are consistent with the Pinellas County Comprehensive Plan. A Type 2 process requires the Board of Adjustments and Appeals (BAA) to determine the appropriateness of certain applications/requests at specific locations within the county.

(2) LFBC Figure 138-3932.c: Type 2 Review Procedure outlines the general review process for a Type 2 submittal.

Figure 138.3932.c: Type 2 Review Procedure



(d) *Other requests.*

- (1) Re-Districting: A request to change a property's District designation, must follow the Type 3 Review Procedure as described in LDC section 138-83.
- (2) Other applications and requests within the Lealman Form-Based District that are not covered within this section, such as comprehensive/countywide plan amendments or subdivision plat approvals, must follow the applicable review procedures established in LDC Section 138-77.

**Sec. 138-3935. Variances, waivers, and administrative adjustments.**

The provisions set forth in the LFBC apply to a wide, diverse area. The County recognizes some sites may be difficult to develop in compliance with these regulations. The variance, waivers, and administrative adjustments review processes provide a mechanism for these regulations to be modified to relieve a property owner from meeting a requirement due to property characteristics beyond his or her control. These reviews provide flexibility for unusual situations and allow for alternative ways to meet the intent of the LFBC.

(a) *General.*

- (1) A variance, waiver, or administrative adjustment cannot be granted to the following:
  - a. Density and intensity limitations of the Pinellas County Comprehensive Plan.
  - b. Land usage restrictions of the Pinellas County Comprehensive Plan.
  - c. Review and procedural requirements of the LFBC.

- d. State and federal rules, regulations, and standards.
- (2) Required information. The following is required to be submitted for these requests:
- a. A proposed site development diagram (concept plan) drawn to scale.
  - b. A survey and/or current aerial photograph of the subject site and adjustment properties.
  - c. A written explanation and justification of the requested variance, waiver, and/or administrative adjustment.
  - d. A written response for each of the criteria for granting variances, waivers and/or administrative adjustments as listed in this section.
  - e. Other supplemental information as required by the Code Administrator or designee.
- (3) Initiation of construction. A variance, waiver, or administrative adjustment issued under these provisions automatically expires within 2 years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans and building permits must be obtained within those 2 years; the granting of any variance, waiver, and/or administrative adjustment must not be deemed as automatic approval for any such permit or site plan required.
- (4) Extensions. The Code Administrator may grant an extension of up to one year upon a showing of good cause, provided the request for extension is submitted in writing stating the reason for extension and is received prior to the expiration of the variance, waiver, and/or administrative adjustment.
- (b) *Variances.*
- (1) A variance is a request to lessen or remove certain dimensional standards of the LFBC for a particular property or structure.
  - (2) Review procedure. A variance from the LFBC must be processed as a Type 2 Review, which is in a public hearing setting by the Board of Adjustment and Appeals (BAA). All variance requests are subject to the Criteria established in LFBC Div. 2: Table 138-3935.a: Variances, Waivers, and Administrative Adjustments Criteria.
- (c) *Waivers.*
- (1) A waiver is an approved elimination of a particular technical standard(s) based on a site constraint and/or the ability to meet the intent by another means. Waivers generally have minimal or no impact on a neighboring property.
  - (2) Subject to the criteria established in LFBC Div. 2: Table 138-3935.a: Variances, Waivers, and Administrative Adjustments Criteria, the approval authority may grant the following waivers to the LFBC:
    - a. Site access standards and requirements may be waived to respond to site constraints and/or respond to existing development conditions.



- b. Sidewalk connections may be waived to respond to site constraints and/or respond to existing development conditions that would make the connections impractical or unsafe. Compensatory pedestrian improvements are required within the same District where a sidewalk waiver is granted.
  - c. Landscaping and buffering standards may be waived for specific areas on a site when other vegetation is present and provides the same purpose. Landscaping standards may be waived for portions of a site to respond to government security and surveillance mandates.
  - d. Parking area location and front setback requirements may be waived to respond to site constraints, existing development conditions, and/or to respond to conditions that would make the literal interpretation of the parking area location requirement impractical or unsafe.
  - e. Other similar technical standards as determined by the Code Administrator in coordination with the appropriate department(s). However, waivers pertaining to ADA standards are not permitted.
- (3) Review procedure. Waivers are processed as a Type 1B Review.
- (d) *Administrative adjustments.*
- (1) An administrative adjustment is an approved adjustment or reduction to dimensional standards and/or technical requirements of the LFBC based on a site constraint, and/or the ability to meet the intent by other means. Administrative Adjustments generally have minimal or no impact on a neighboring property.
  - (2) Subject to the criteria established in LFBC Div. 2: Table 138-3935.a: Variance, Waivers, and Adjustments Criteria, the standards of the LFBC may be adjusted up to 20 percent.
  - (3) Review procedure. Administrative adjustments are processed as a Type 1A Review for up to 10 percent and Type 1B for up to 20 percent adjustments.
- (e) *Criteria.* The reviewing body must determine the following criteria described in LFBC Div. 2: Table 138-3935.a: Variance, Waivers, and Adjustments Criteria, have been satisfied in order to authorize such approval.

**TABLE 138-3935.a: VARIANCE, WAIVERS, and ADMINISTRATIVE ADJUSTMENTS CRITERIA**

CRITERIA	VARIANCE	WAIVER	ADMINISTRATIVE ADJUSTMENT
(a) <i>Special Conditions.</i> That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.	X	<del>X</del>	
(b) <i>Unnecessary Hardship.</i> That literal	X	<del>X</del>	

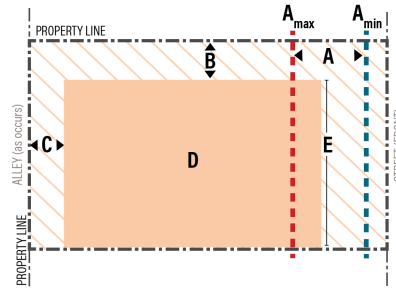
interpretation of the provisions of the LFBC would deprive or make it practically difficult for the applicant to achieve the same proportion of development potential commonly enjoyed by other properties in the same District under the terms of this section. The hardship must not be self-imposed.			
(c) <i>Minimum Code Deviation Necessary.</i> That the granting of the request is the minimum code deviation that will make possible the reasonable use of the land, building, or structure.	X	X	X
(d) <i>Consistency with the LFBC.</i> That the granting of the request will be in harmony with the general intent, purpose, and spirit of the LFBC.	X	X	X
(e) <i>Consistency with the Comprehensive Plan.</i> That the granting of the request will be consistent with the intent and limits of the Comprehensive Plan.	X		
(f) <i>Detriment to Public Welfare.</i> That such request will not be injurious to the area involved or otherwise detrimental to the public welfare.	X	X	

**Sec. 138-3988. Commerce District (C).**

- (a) *Intent.* The 'Commerce District' provides for the continued use, enhancement, and new development of retail, office and service needs for the local and surrounding communities. This District supports enhanced transit opportunities and increased pedestrian comfort. Development within this District is characterized by low to mid-rise buildings, screened

parking with reduced/shared access points, and primary building entries with direct access to the street.

(b) *Siting.*



**TABLE 138-3988.a**

REQUIREMENT	MIN.	MAX.
A Front Setback <sup>1</sup>	10 ft	80 ft
B Side Setback <sup>2,3</sup>	-	-
C Rear Setback <sup>3</sup>	10 ft	-
D Lot Coverage	Per Future Land Use ISR Allowance	
E Building Frontage	50%	-

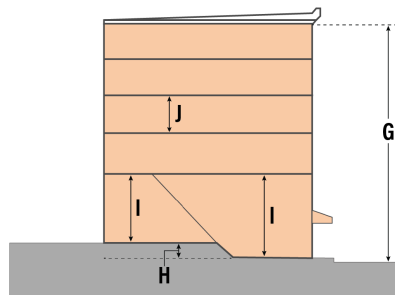
**TABLE NOTES:**

sz;6q 1. The maximum front setback may increase 5 feet to allow for an activated public space.

sz;6q 2. Refer to LFBC Div. 4: Section 138-3986(b)(2) when a form-based code district is adjacent to a single-family residential zoned district.

sz;6q 3. When an alley is present, the minimum rear/side setback is a minimum of 12 feet, measured from the centerline of the alley.

(c) *Height.*



**TABLE 138-3988.b<sup>1</sup>**

REQUIREMENT	MIN.	MAX.
G Building Height <sup>1</sup>	1 story	5 stories <sup>2</sup>
34th Street	1 story	10 stories <sup>2,3</sup>
H Ground Floor Elevation (Residential Uses)	2 ft	-

I Ground Story Clearance Single Story Buildings	12 ft <del>14 ft</del>	22 ft <del>22 ft</del>
J Upper Story Clearance	9 ft	12 ft

TABLE NOTES:

1. Refer to LFBC Div. 4: Section 138-3986(b)(1) when a form-based code district is adjacent to a single-family residential zoning district.

~~2. Up to 10 stories is permitted for portions of the property that are within 100 feet of the 34th Street right-of-way line.~~

~~23.~~ Buildings cannot exceed a maximum height of ~~60~~120 feet.

(d) *Elements.*

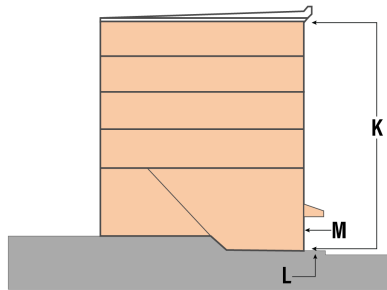


TABLE 138-3988.c

REQUIREMENT				
K Fenestration (Facade transparency)			MIN.	MAX.
	Ground Story	Nonresidential	30%	90%
		Residential	15%	90%
	Upper Story(ies)	Any Use	15%	60%
L Building Projections <sup>1, 2</sup>	A front porch/stoop/overhang must be provided for any ground story residential unit entry.			
M Doors/Entries	A minimum of one functioning entry door per storefront/residential unit must have direct access to the primary frontage(s). A shared courtyard may serve as the primary frontage access.			

TABLE NOTES:

1. Any building projection that extends into the public right-of-way requires a right-of-way utilization permit.

2. Awnings, when provided, must project a minimum of 3 feet from the building ~~façade~~façade ~~a minimum of 3 feet~~ and must maintain a minimum 10 foot clearance over any sidewalk.

(e) *Use Categories*<sup>1</sup>

- Residential
- Lodging

- Office
- Retail
- Automotive
- Industrial
- Civil Support
- Civic

**NOTES:**

1. Refer to LFBC Div. 6: Table 138-4057.a: Permitted Land Uses Table for full list of permitted uses within each use category listed.

**ARTICLE XII. THE DOWNTOWN PALM HARBOR FORM-BASED CODE**

**DIVISION 2. ADMINISTRATION**

**Sec. 138-4351. Review types.**

- (a) DPH FBC Div. 2: Table 138-4351.a: Review types, establishes three review types for the purpose of interpreting and applying the provisions of the DPH FBC. These are used in reviewing and recommending, and/or taking final action on land development, land use permits, applications, and other procedures established in the DPH FBC.
- (b) Development, land usage, and/or property modification shall obtain approval through one or more review types as established in DPH FBC Div. 2: Table 138-4351.a: Review types. For contributing historic structures, as designated on the district map, additional review and approval shall be required per LDC chapter 146: Historic preservation.

TABLE 138-4351.a: REVIEW TYPES			
REVIEW TYPE	REQUEST / APPLICATION	DECISION-MAKING BODY	APPEAL AUTHORITY
Type 1A <i>"Permitted by Right"</i>	Type 1A Uses/Designations (See DPH FBC Div. 6: Table 138-4552.a)	Department Review	1 <sup>st</sup> Appeal — Board of Adjustments and Appeals (BAA)  2 <sup>nd</sup> Appeal Circuit Court
	Site Plans		
	Code Interpretations		
	Verification of Nonconforming Situations		
	Administrative Adjustments (up to 10%)		
	Signs		
	Zoning Clearance Letters		
Change of Use			

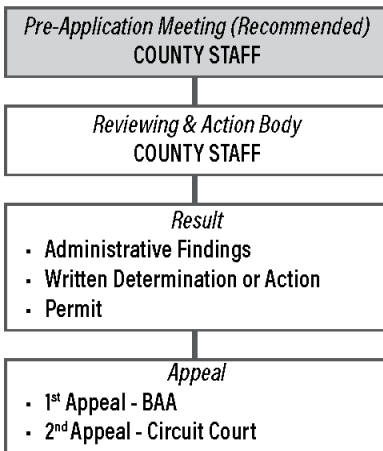
Type 1B "Permitted by Warrant"	Type 1B Uses/Designations (See DPH FBC Div. 6: Table 138-4552.a)  Administrative Adjustments (up to 20%)  Waivers  Alternative Landscape Plans (See DPH FBC Div. 5 section 138-4504(c))	<u>County Administrator or his or her designee</u> <u>Code Administrator</u> <sup>+</sup>	1 <sup>st</sup> Appeal — Board of Adjustments and Appeals (BAA)  2 <sup>nd</sup> Appeal Circuit Court
Type 2 "Public Hearing Process"	Type 2 Uses/Designations (See DPH FBC Div. 6: Table 138-4552.a)  Variances  Alternative Private Frontage Types (See DPH FBC Div. 4: Table 138-4422.a)	Board of Adjustments and Appeals (BAA)	Circuit Court

<sup>+</sup>For Type 1B reviews, the code administrator will coordinate with the appropriate departments before making a final determination.

**Sec. 138-4352. Review procedures.**

- (a) Any development, land usage, or property modification in the Downtown Palm Harbor Form-Based District is subject to the review procedures established in this section, with the exception of Contributing Historic Structures, as designated on the district map.
- (b) Contributing historic structures and their associated properties are subject only to DPH FBC Div. 6: Use standards, along with the accompanying DPH FBC Div. 6: Table 138-4552.a: Permitted Land Uses, of the DPH FBC. Such structures and properties are also and primarily subject to LDC chapter 146: Historical preservation, which includes a required certificate of appropriateness prior to the issuance of development permits. If there is conflict between the DPH FBC and LDC chapter 146, the standards and requirements of LDC chapter 146 take precedent.

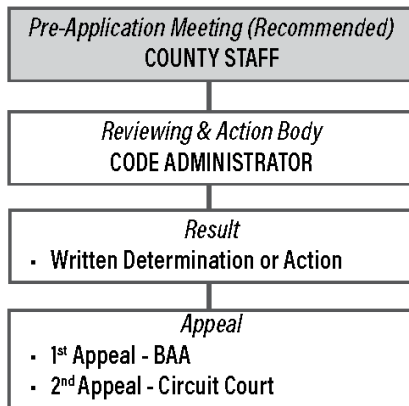
**Figure 138-4352.a: Type 1A Review Procedure**



(c) *Type 1A review.*

- (1) A Type 1A review is an administrative process to ensure that development projects, land use, and activities comply with the minimum provisions of the DPH FBC. The Type 1A process is intended to be a clear and objective review.
- (2) DPH FBC Div. 2: Figure 138-4352.a: Type 1A Review Procedure outlines the general review process for a Type 1A submittal.

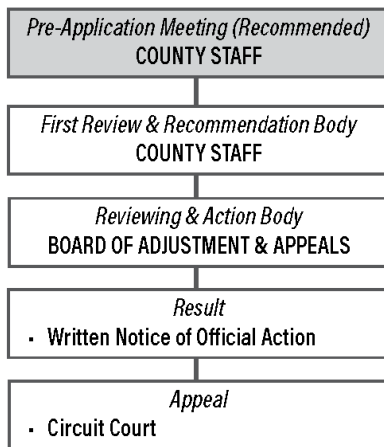
**Figure 138-4352.b: Type 1B Review Procedure**



(d) *Type 1B review.*

- (1) A Type 1B review enables the County Administrator or his or her designee ~~code administrator~~ to determine the appropriateness of Type 1B uses/designations, administrative adjustments up to 20 percent, alternative landscape plans, and waivers based on the overall intent of the provisions within the DPH FBC, and when applicable, the context of the subject property.
- (2) DPH FBC Div. 2: Figure 138-4352.b: Type 1B review procedure outlines the general review process for a Type 1B submittal.

**Figure 138-4352.a: Type 21A Review Procedure**



(e) *Type 2 review.*

- (1) A Type 2 review is a public hearing process to ensure that development projects, land usages, and activities comply with the minimum provisions of the DPH FBC and are consistent with the Pinellas County Comprehensive Plan. A Type 2 process requires the Board of Adjustments and Appeals (BAA) to determine the appropriateness of Type 2 uses/designations established within the DPH FBC and variances from the standards of the DPH FBC.
- (2) DPH FBC Div. 2: Figure 138-4352.c: Type 2 review procedure outlines the general review process for a Type 2 submittal.

(f) *Other requests.*

- (1) *Re-districting:* A request to change a property's district designation, must follow the Type 3 review procedure as described in LDC section 138-83.
- (2) Other applications and requests within the Downtown Palm Harbor Form-Based District that are not covered within this section, such as subdivision plat approvals, must follow the applicable review procedures established in LDC section 138-77.
- (3) *Review procedure.* Waivers are processed as a Type 1B review.

**Sec. 138-4355. - Variances, waivers, and administrative adjustments.**

The provisions set forth in the DPH FBC apply to a diverse area. The county recognizes some sites may be difficult to develop in compliance with these regulations. The variance, waivers, and adjustments review processes provide a mechanism for these regulations to be modified to relieve a property owner who, because of property characteristics beyond their control, is unable to meet a requirement. These reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the DPH FBC.

(a) *General.*



- (1) A variance, waiver, or adjustment cannot be granted to the following:
    - a. Density and intensity limitations of the Pinellas County Comprehensive Plan.
    - b. Land usage restrictions of the Pinellas County Comprehensive Plan.
    - c. Review and procedural requirements of the DPH FBC.
    - d. State and federal rules, regulations, and standards.
  - (2) *Required information.* The following is required to be submitted for these requests:
    - a. A proposed site development diagram (concept plan) drawn to scale.
    - b. A survey and/or current aerial photograph of the subject site and adjustment properties, including information identifying all existing easements and encumbrances.
    - c. A written explanation and justification of the requested variance, waiver, and/or administrative adjustment.
    - d. A written response for each of the criteria for granting variances, waivers and/or adjustments as listed in this section.
    - e. Other supplemental information as required by the code administrator or designee.
  - (3) *Initiation of construction.* A variance, waiver, or administrative adjustment issued under these provisions automatically expire within two years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans and building permits must be obtained within those two years; the granting of any variance, waiver, and/or administrative adjustment must not be deemed as automatic approval for any such permit or site plan required.
  - (4) *Extensions.* The code administrator may grant an extension of up to one year upon a showing of good cause, provided the request for extension is submitted in writing stating the reason for extension and is received prior to the expiration of the variance, waiver, and/or administrative adjustment.
- (b) *Variances.*
- (1) A variance is a request to lessen or remove certain dimensional standards of the DPH FBC for a particular property or structure.
  - (2) *Review procedure.* A variance from the DPH FBC must be processed as a Type 2 review, which is in a public hearing setting by the board of adjustments and appeals (BAA). All variances are subject to the criteria established in DPH FBC Div. 2: Table 138-4355.a: Variance, Waivers, and Administrative Adjustments Criteria.
- (c) *Waivers.*

- (1) A waiver is an approved elimination of a particular technical standard(s) based on a site constraint, and/or the ability to meet the intent by another means. Waivers generally have minimal or no impact on a neighboring property.
  - (2) Subject to the criteria established in DPH FBC Div. 2: Table 138-4355.a: Variances, Waivers, and Adjustments Criteria, the approval authority may grant the following waivers to the DPH FBC:
    - a. Site access standards and requirements may be waived to respond to site constraints and/or respond to existing development conditions.
    - b. Sidewalk connections may be waived to respond to site constraints and/or respond to existing development conditions that would make the connections impractical or unsafe. Compensatory pedestrian improvements are required within the same district where a sidewalk waiver is granted.
    - c. Landscaping and buffering standards may be waived for specific areas on a site when other vegetation is present and provides the same purpose. Landscaping standards may be waived for portions of a site to respond to government security and surveillance mandates.
    - d. Other similar technical standards as determined by the code administrator in coordination with the appropriate department(s). However, waivers pertaining to ADA standards are not permitted.
  - (3) *Review procedure.* Waivers are processed as a Type 1B review.
- (d) *Administrative adjustments.*
- (1) An administrative adjustment is an approved adjustment or reduction to certain dimensional standards and/or technical requirements of the DPH FBC based on a site constraint, and/or the ability to meet the intent by other means. Administrative adjustments may have some impact on a neighboring property.
  - (2) Subject to the criteria established in DPH FBC Div. 2: Table 4355.a: Variance, Waivers, and Adjustments Criteria, the standards of the DPH FBC may be adjusted up to 20 percent.
  - (3) *Review procedure.* Administrative adjustments are processed as a Type 1A review for up to ten percent and Type 1B for up to 20 percent adjustments.
- (e) *Criteria.* The reviewing body must determine the following criteria described in DPH FBC Div. 2: Table 138-4355.a: Variance, Waivers, and Adjustments Criteria, have been satisfied in order to authorize such approval.

TABLE 138-4355.a: VARIANCES, WAIVERS, AND ADMINISTRATIVE ADJUSTMENTS CRITERIA			
CRITERIA	VARIANCE	WAIVER	ADJUSTMENT
(a) <i>Special Conditions</i> . That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.	X	<del>X</del>	
(b) <i>Unnecessary Hardship</i> . That literal interpretation of the provisions of the DPH FBC would deprive or make it practically difficult for the applicant to achieve the same proportion of development potential commonly enjoyed by other properties in the same District under the terms of this section. The hardship must not be self-imposed.	X	<del>X</del>	
(c) <i>Minimum Code Deviation Necessary</i> . That the granting of the request is the minimum code deviation that will make possible the reasonable use of the land, building, or structure.	X	<del>X</del>	X
(d) <i>Consistency with the DPH FBC</i> . That the granting of the request will be in harmony with the general intent, purpose, and spirit of the DPH FBC.	X	<del>X</del>	X
(e) <i>Consistency with the Comprehensive Plan</i> . That the granting of the request is consistent with the intent of the standard, results in better urban design for the neighborhood as a whole, and does not impede or burden existing or future development on adjacent properties.	X		
(f) <i>Detriment to Public Welfare</i> . That the granting of the request respects the historic fabric of Downtown Palm Harbor and is consistent with the Downtown Palm Harbor Design Guidelines.	<del>X</del>	X	

**Sec. 138-4356. Zoning clearances, code interpretations, and site plans.**

(a) *Zoning clearance.*

- (1) A zoning clearance determines if an application is in conformance with the provisions of the DPH FBC or as permitted by special approval. It is required and must be obtained prior to any property use, development activity or land disturbance. zoning clearance is often performed in conjunction with the plan review process for building permits, site plans, and/or pre-application meetings.

- (2) A zoning clearance shall be determined by the code administrator.
    - a. The issuance of a zoning clearance does not exempt an applicant from complying with all laws properly affecting the use of development of land.
    - b. This clearance is required regardless of any other provision of this section.
    - c. Failure to obtain such clearance may be deemed a violation of this section.
  - (3) *Issuance and conditions.*
    - a. Zoning clearances are determined as part of the Type 1A and Type 1B review. The resulting determination may require that the applicant make site modifications and/or secure the required review type approval for the requested outcome.
    - b. The code administrator or designee may request additional information pertaining to the project in order to conduct a thorough review and ensure full compliance with the DPH FBC.
- (b) *DPH FBC interpretation.*
- (1) Any member of the public may request a code interpretation of any provision in the DPH FBC, upon filing a written request.
  - (2) A DPH FBC interpretation is intended for cases and situations where the standards and requirements are not clear and/or there is opportunity for interpretation.
  - (3) *Issuance and conditions.*
    - a. DPH FBC interpretations must be issued by the code administrator as a part of a Type 1A review.
    - b. Requests for DPH FBC interpretations must include:
      - 1. A legal description, address, and/or parcel identification of the property for which the request is made.
      - 2. A description of the requested interpretation as it relates to a development, review process, and/or use of land.
      - 3. A conceptual plan or drawing illustrating the request when applicable. Plans must be drawn to scale and show the property boundaries, proposed improvements, and connections to streets.
    - c. The code administrator must review the relevant DPH FBC sections and the comprehensive plan in reaching a determination. The code interpretation must not be used to circumvent adopted policy or code requirement.
  - (4) *Fees.* Fees for DPH FBC interpretations shall be established by the board of county commissioners. A schedule of fees is available in the designated county department.
- (c) *Site plans.*
- (1) *Applicability.* Site plans are required for the following:
    - a. As required per DPH FBC Div. 5: section 138-4503: Building design standards.

- b. All development that requires new or revised stormwater management facilities.
  - c. All new roadways and streets.
- (2) *Requirements.*
- a. Site plans must demonstrate full compliance with the provisions of the DPH FBC and any condition imposed by a decision-making authority for the use.
  - b. A site plan must be provided as a site plan set, per county procedures.
  - c. Site plan elements must be prepared by:
    - 1. Surveys and property descriptions shall be prepared by a professional surveyor and mapper licensed in the State of Florida.
    - 2. Development plans, grading plans, utility plans and similar plans must be prepared by an appropriate professional licensed to conduct work in the State of Florida.
  - d. After receiving site plan approval, the applicant must submit updated copies of the site plan, containing all data and information required as follows:
    - 1. Final site plans, development designs, reports, or similar items that reflect the written approval.
    - 2. A notice of intent (NOI) issued by the Florida Department of Environmental Protection (FDEP) for activities regulated under the National Pollutant Discharge Elimination System (NPDES) program as amended.
- (3) *Time limits.*
- a. A site plan approval is only valid for a period of 12 months, unless construction of the project commences within 12 months of such approval and continues in good faith.
  - b. The County Administrator or his or her designee ~~code administrator~~ shall be authorized to extend any site plan approval for two additional 12-month periods subject to the following:
    - 1. No changes to the site plan are required when the applicable development standards have not changed since the original approval.
    - 2. At the County Administrator or his or her designee's ~~code administrator's~~ discretion, the site plan must be updated to incorporate applicable development standards that have been changed since the original approval.
- (4) *Fees.* Fees for site plan review shall be established by the board of county commissions. A schedule of fees is available in the designated county department.

## DIVISION 5. - DEVELOPMENT DESIGN STANDARDS

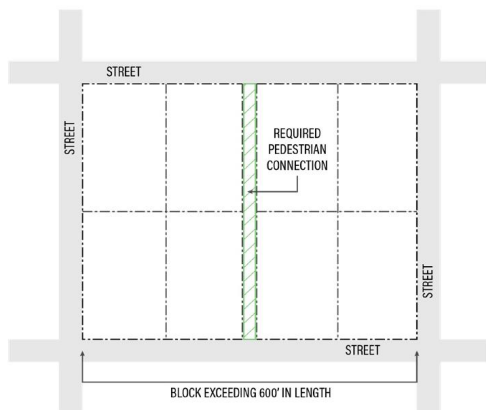
### Sec. 138-4501. Site design standards.

The following site design standards apply to all new development and the redevelopment of properties within Downtown Palm Harbor.

(a) *General.*

- (1) *existing street preservation.* The vacation of public streets and alleys is discouraged in order to preserve the existing street network and the integrity of the 1888 Sutherland Subdivision.
- (2) *New streets.* New public streets must align with and follow the existing gridded street network wherever possible. Cul-de-sacs must be avoided.
- (3) *Blocks and lots.*
  - a. All lots must front on at least one public street.
  - b. All lots and/or contiguous lots that are situated between two parallel public streets are considered a block. No new block created through land assembly can have a length greater than 600 feet without providing pedestrian through-access to another public street, pedestrian pathway, or public space/facility. The required pedestrian connection must be located within the public right-of-way or within a dedicated easement and must be a minimum of ten feet in width. (See DPH FBC Div. 4: Figure 138-4501.a)

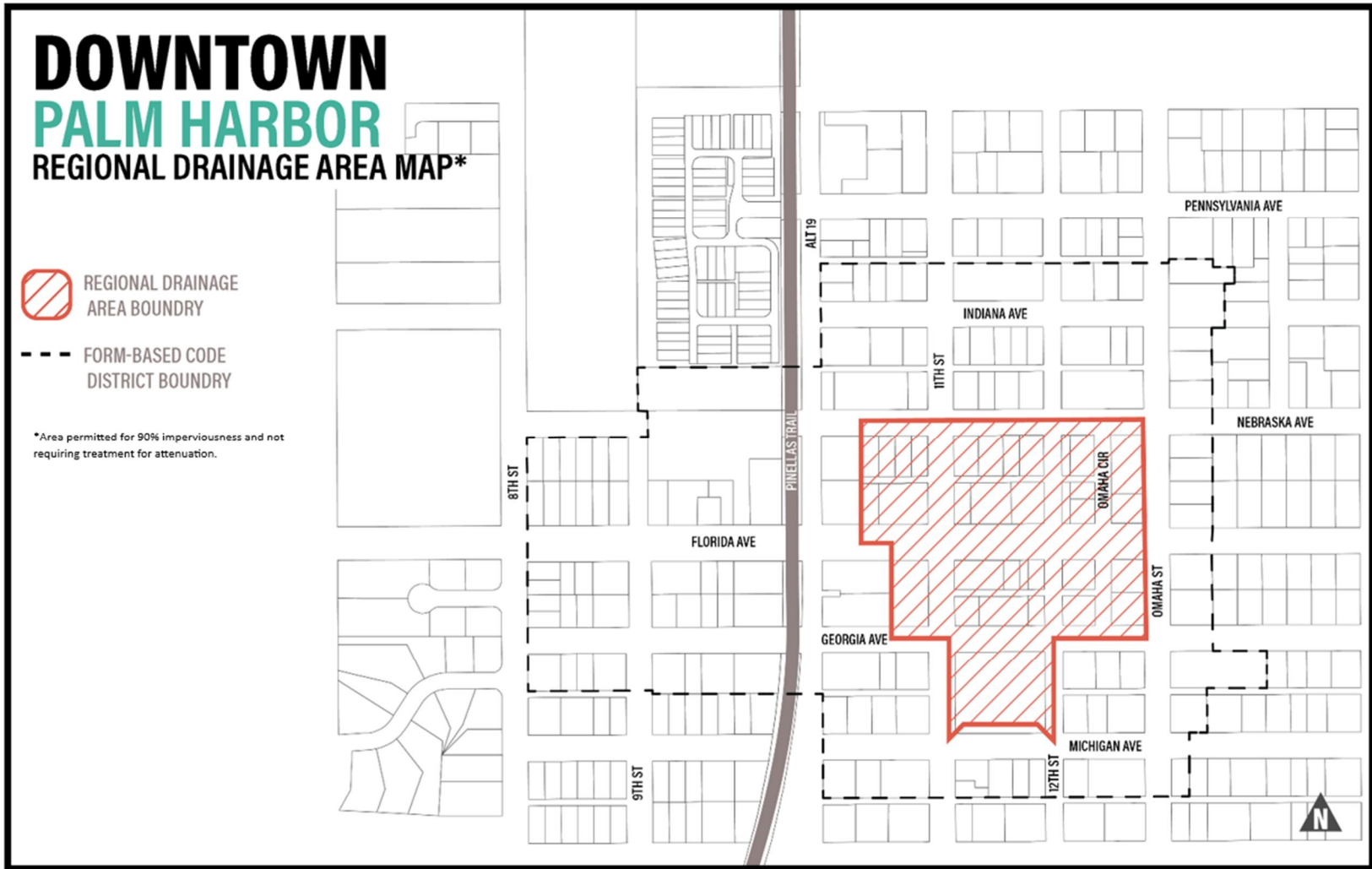
**Figure 138-4501.a: Block Length**



- (4) *Outdoor pedestrian areas.* Structures, landscaping, and/or other methods are encouraged to be provided around outdoor pedestrian use areas, such as outdoor dining areas, to provide shade and reduce heat island effect.
- (5) *Dumpster enclosure.* All dumpsters, recycling, and other similar containers must be screened from view of all public streets and adjacent properties. The screening must be a fence/wall that is a minimum of six feet in height and 100 percent opaque. The fence/wall must be constructed of wood (at least 1.5" in thickness), masonry, or of a similar material. Chain link fence with or without interwoven plastic strips or other similar fencing is not permitted.

- (6) *Stormwater management.*
  - a. *Regional drainage.* Certain properties are located within Downtown Palm Harbor's regional drainage area as depicted on DPH FBC Div. 5: Figure 138-4501.b: Regional Drainage Area Map.
  - b. All development must comply with the Pinellas County Stormwater Manual.
  - c. Traditional stormwater facilities, such as dry/wet retention/detention ponds are discouraged to be located in front of the primary building on the property. These types of facilities are preferred to be located to the rear and side of buildings. Stormwater detention and retention ponds must be integrated landscape features, rather than single-purpose flood control and stormwater management ponds.
- (7) *Floodplain management.* All development located within any flood hazard area must comply with LDC chapter 158 for floodplain management.
- (8) *Fence/wall standards.*
  - a. *Height.* The maximum height for any fence/wall located within the front yard is three feet and six feet in any side or rear yard. Pool enclosures must meet minimum height requirements per the Florida Building Code.
  - b. *Location.* Fences may be constructed up to the property lines, except when there is a sight visibility conflict per DPH FBC Div. 5: section 138-4501(b)(5).
  - c. *Material.*
    - 1. Fences/walls facing a public street must be constructed of decorative materials, such as wood or aluminum pickets, wrought iron, brick, or of a similar material.
    - 2. Rear or interior side yard fences/walls must be constructed of wrought iron, brick, wood, or aluminum. Structural elements of the fence/wall, such as posts and rails, must face inward to the subject property.
    - 3. Materials such as, or similar to, barbed wire, electric, razor, or chicken wire and chain link fencing are prohibited.
- (9) *Non-residential outdoor storage of materials.* Materials associated with non-residential uses that are stored outdoors are required to be located to the rear/ side of the primary structure and screened per DPH FBC Div. 5: section 138-4504(d), from any public street and/or when located within 50 feet of residential properties.

FIGURE 138-4501.b: REGIONAL DRAINAGE AREA MAP

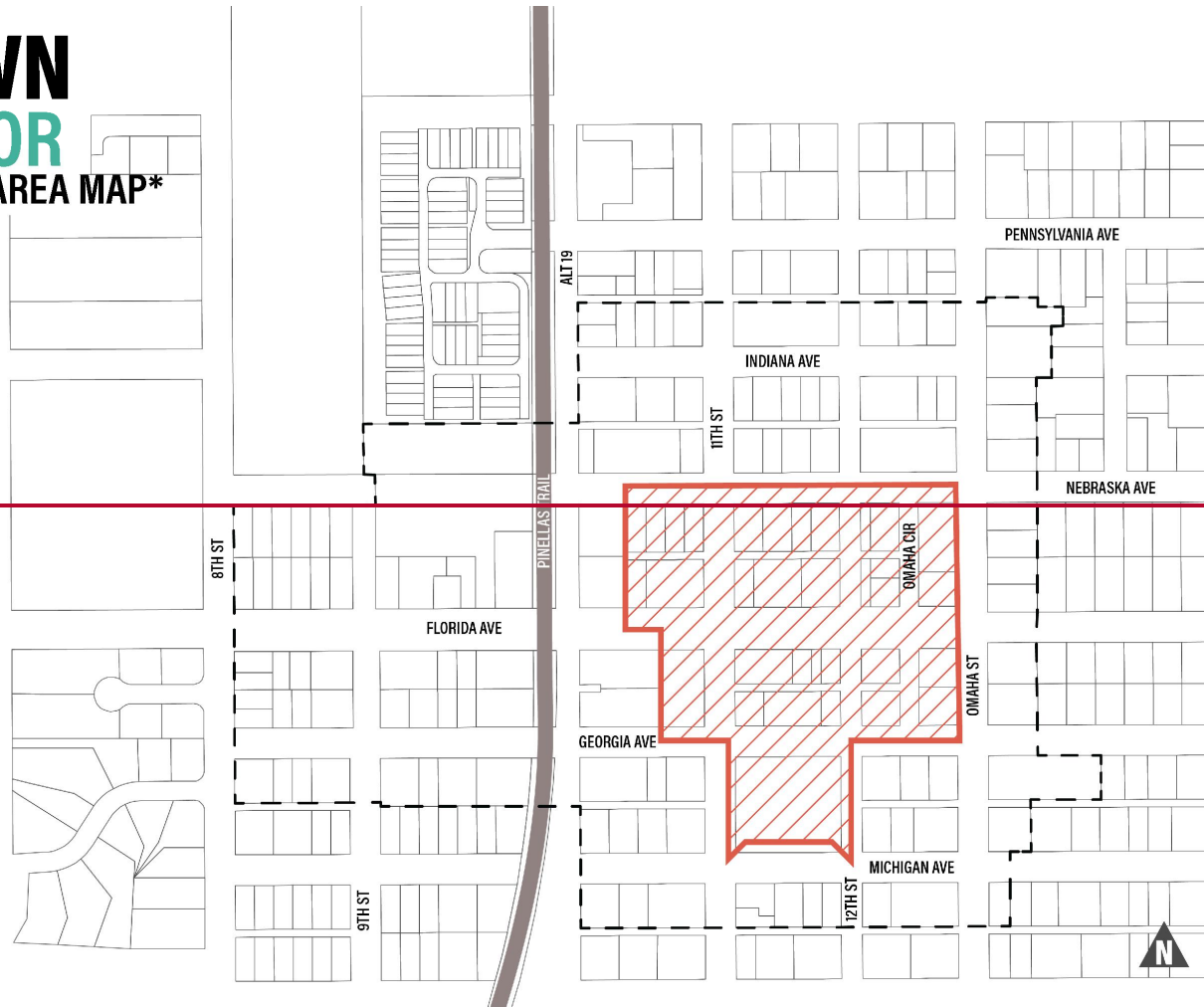




# DOWNTOWN PALM HARBOR REGIONAL DRAINAGE AREA MAP\*

-  REGIONAL DRAINAGE AREA BOUNDARY
-  FORM-BASED CODE DISTRICT BOUNDARY

\* Area permitted for 100% imperviousness and not requiring treatment or attenuation.



Note: This map is a graphic depiction of the regional drainage area. Please contact Pinellas County Public Works for official drainage map.

(b) *Access.*

(1) *Pedestrian access.*

- a. Where public sidewalks are required along a roadway, per LDC Table 154-121.a, but do not exist along a property's frontage(s), they must be constructed within the public right of way and/or within an easement dedicated at the time of site development/redevelopment. The width of the new sidewalk must be consistent with the existing network in which it connects, or the widths listed in the Table 138-4501.a: Sidewalk Width Requirements, whichever is greater. Where sidewalks currently exist, but do not meet the standard identified in the table below, they must be expanded within the public right of way and/ or within an easement dedicated at the time of development/redevelopment. Where, due to environmental or other physical constraints, the sidewalk cannot be constructed to meet the required standard, the code administrator, in coordination with public works, can approve alternative designs as long as the intent of the DPH FBC is met.

TABLE 138-4501.a: SIDEWALK WIDTH REQUIREMENTS				
Street Name	Central District (width in feet)	West District (width in feet)	Neighborhood District (width in feet)	Boulevard District (width in feet)
Indiana Ave	n/a	n/a	6	n/a
Nebraska Ave	8	5	n/a	8
Florida Ave	8	6	n/a	6
Georgia Ave	8	5	n/a	6
Michigan Ave	6	5	6	6
Alternate 19 (between North Boundary and Georgia Ave) <sup>1</sup>	10	8	8	n/a
Alternate 19 (between Georgia Ave and Michigan Ave) <sup>1</sup>	10	8	8	n/a
11th St	8	n/a	8	n/a
12th St	6	n/a	6	n/a
Omaha Circle	6	n/a	6	n/a
Omaha St	8	n/a	8	8
9th Street	6	6	n/a	n/a
Table notes: <sup>1</sup> Sidewalk requirements along Alternate 19 must be coordinated with and approved by the FDOT.				

- b. Pedestrian walkways must be provided from public sidewalks to building entries, parking areas, and to connect to walkways on adjacent properties in order to create a continuous pedestrian network.
- c. Any pedestrian walkway that crosses a parking or vehicular area, including nonresidential driveways, must be clearly delineated with striping, contrasting pavement materials, textured or raised pavement, or of a similar treatment.
- d. Where properties are adjacent to existing or future trails or an existing transit stop (as identified in the Pinellas County Comprehensive Plan, Long Range Transportation Plan, and/or Capital Improvement Plan), pedestrian and/or bicycle connections must be incorporated into the development/ redevelopment project.

(2) *Primary vehicular access.*

- a. In the Central District:
  - i. Vehicular access is required to be provided from the alleys identified in the improved alley map which is available from the building and development review services department.
  - ii. If an expansion, new development, or redevelopment in the Central District requires more than five off-site parking spaces per the requirements of DPH FBC Div. 7 Table 138-4601.b and 138-4602(b), the developer/applicant will be required to upgrade the existing alley (for the entire block) to meet the design standards identified in the Transportation Design Manual.
- b. In all other districts, if vehicular access is available to a public alley that has been improved to Pinellas County Engineering standards, vehicular access must be provided from such alley.
- c. When improved alley access is not available, vehicular access must be provided from the lowest classified street type.
- d. Cross access easements are encouraged in order to provide access between adjacent properties. These easements are permitted to provide primary access to a property and must be recorded in official records.

(3) *Access and drive consolidation.*

- a. Wherever possible, existing and proposed curb cuts and driveways must be consolidated and located in a way to minimize pedestrian conflicts with vehicular movement. Adjacent properties are encouraged to share drive access to further minimize curb cuts.
- b. If a property gains vehicular access from an existing shared driveway, access must continue to be shared or further consolidated in the event of redevelopment.

(4) *New curb cuts and driveways.*

- a. New curb cuts and driveways must be aligned with existing or planned entrances on the opposite side of the street, where possible.
  - b. No access point from a property to a public street can exceed 24 feet in total width.
- (5) *Intersection sight visibility.* To ensure clear visibility and safety, all vehicular access drives must comply with the sight visibility standards set forth in LDC section 138-3508. However, these standards may be modified, with county engineer approval, to meet the overall intent of the DPH FBC and its Districts as a compact, urban built environment, while still maintaining public safety.

**Sec. 138-4602. Parking reductions.**

- (a) *Mixed-use shared parking.* When any parking area is used for two or more uses, the minimum total number of required off-street parking spaces is permitted a reduced total amount of required parking spaces based on the following methodology:
- (1) Determine the minimum parking quantities, per use, in accordance with DPH FBC Div. 7: Table 138-4601.b: Parking Standards to get the total minimum parking quantity required.
  - (2) Take the total minimum parking quantity required and divide it by the number that intersects with the two applicable, corresponding use functions in DPH FBC Div. 7: Table 138-4602.a: Shared Parking Matrix.
  - (3) Use this number as the required minimum number of motor vehicle parking spaces that is required to be provided at any given time. (See DPH FBC Div. 7: Table 138-4602.b for an example of a mixed-use shared parking calculation scenario.) When uses are located on separate lots/parcels from where the parking is located, a legal instrument must be provided to ensure long term legal use of the parking facility by the subject users (e.g., parking agreement, easement or the like). The legal instrument must be approved by the county attorney.
  - (4) If there are more than two primary uses on site, the two uses with the highest parking requirement must be used when calculating the mixed-use shared parking reduction.

USE FUNCTION	with		USE FUNCTION
LODGING			LODGING
OFFICE			OFFICE
RETAIL/AUTOMOTIVE			RETAIL/AUTOMOTIVE
INDUSTRIAL		1	INDUSTRIAL
CIVIC SUPPORT/CIVIC	1.7	1.7	CIVIC SUPPORT/CIVIC
	1.3	1	
	1.4	1.2	
	1.3	1.2	
	1.1	1	
	1.2	1.2	
	1.2	1	
	1.2	1.2	
	1.2	1	
	1.2	1.2	
	1	1	

USE	AREA/DWELLING UNITS	CODE REQUIREMENT	TOTAL SPACES REQUIRED PER USE
1 Retail	2,000 sq ft.	3 spaces per 1,000 sq ft.	6
2 Office	3,000 sq ft.	3 spaces per 1,000 sq ft	9
Mixed-Use Shared Parking Equation: <i>(Use 1 Required Parking Spaces ÷ Matrix Ratio) + (Use 2 Required Parking Spaces ÷ Ratio) = Reduced Total Parking</i>			
USE	REQUIRED SPACES	MATRIX RATIO	TOTAL SPACES REQUIRED BOTH USES
1 Retail	6	1.2	12.5 Spaces
2 Office	9	1.2	

(b) *Central District.*

- (1) *Intent.* It is intended to provide safe and efficient parking in the Central District while recognizing the unique conditions in Downtown Palm Harbor. The combination of a walkable, pedestrian-scaled, mixed-use downtown within close proximity to residents, the proximity and accessibility of the Pinellas Trail for convenient travel by walking

and bicycling, plentiful wide sidewalks and ease of access to businesses, and the availability of public on-street and off-street parking throughout the downtown allow for a reduced off-street parking requirement for comparable uses in conventional zoning districts.

(2) *Minimum parking—Retail.* The minimum number of off-street vehicle parking spaces as listed in DPH FBC Div. 7: Table 138-4601.b: Parking Standards, applies to the Central District with the following exceptions for retail:

- a. Retail (buildings with one retail tenant space)
  1. First 2,000 sq ft = 0.0 spaces
  2. Over 2,000 sq ft = 2.0 spaces per 1,000 sq ft
- b. Retail (buildings with two or more retail tenant spaces)
  1. First 4,000 sq ft. = 0.0 spaces
  2. Over 4,000 sq ft = 2.0 spaces per 1,000 sq ft
- c. Outdoor seating (specific to a food/drink establishment)
  1. First 400 sq ft = 0.0 spaces
  2. Over 400 sq ft = 4.0 per 1,000 sq ft
- d. Outdoor display (specific to retail uses)
  1. First 400 sq ft = 0.0 spaces
  2. Over 400 sq ft = 4.0 per 1,000 sq ft
  3. Includes outdoor work, display, and sales for retail goods, wares and merchandise, where permitted.

(3) *Public parking bank—Retail.*

- a. *Purpose and intent.* A public parking bank has been established as a tracking mechanism to facilitate and account for the granting of parking space reductions for retail uses in the Central District, per DPH FBC Div. 7: section 138-4602(b)(2), without compromising the overall parking supply through the application of the minimum retail parking requirements.
- b. *Parking utilization study.* The public parking bank tracks the supply of surplus public parking spaces typically available in the downtown area during an average peak-hour parking demand time frame, as documented in the 2017-2018 parking utilization study conducted by Pinellas County.
- c. *Retail market demand study.* The number of parking space reductions available in the public parking bank is far less than the number of spaces that would typically be demanded from additional retail in the Downtown Palm Harbor Central District through year 2030, as determined by the 2018 Retail Market Demand Study. The Study concluded that the area could support approximately 50,000 square feet of (mostly smaller-scale) additional retail through the year 2030. This would equate to a corresponding need for approximately 200 additional parking spaces.

- d. *Tracking reductions.* As Central District retail use parking space reductions are granted per DPH FBC Div. 7: section 138-4602(b)(2), the county will track such spaces by reducing the overall number of surplus spaces in the public parking bank.
  - e. *Future reevaluation.* When the bank is reduced to 20 percent of the initial total number of spaces, the county will reevaluate retail use parking reduction provisions within the Central District to determine the need for additional regulations on the supply of parking.
- (c) *All districts.* The minimum vehicle parking space quantity required for each site may be permitted a reduced parking amount with the utilization of one or more of the following (cannot exceed a total of 75 percent reduction in the West District):
- (1) *On-street and/or public parking.* Properties, with the exception of residential properties, are permitted to count 20 percent of any standard size ~~private-public~~ spaces located within 600 feet toward meeting the minimum number of required parking spaces subject to a written agreement assuring the continued availability of the spaces.
  - (2) *Rideshare/drop-off space.* For each designated on-site rideshare/drop-off space that is provided, a reduction of three vehicle parking spaces is permitted.
  - (3) *Valet parking.* For sites with designated on-site valet parking service provided, a reduction of three vehicular parking spaces is permitted.
  - (4) *Tree preservation.* Where healthy trees and/or tree stands exist and are preserved within a proposed parking area, the use/development may be permitted up to a 20 percent reduction.

**SECTION 2. Severability.** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding will not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 3. Inclusion in Code.** The provisions of this Ordinance will be included and incorporated in the Pinellas County Land Development Code, as an amendment thereto, and will be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code

**SECTION 4. Filing of Ordinance; Effective Date.** Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance will be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance will become effective upon filing with the Department of State.

PCAO 487659