

ORDINANCE NO. _____

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, AMENDING THE PINELLAS COUNTY LAND DEVELOPMENT CODE; ADDING SECTION 138-2153 TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE TO ADOPT THE DOWNTOWN PALM HARBOR FORM BASED CODE; AMENDING RELATED SECTIONS 138-311, 138-355, 138-3230, 138-3240, 138-3242, 138-3246, 138-3285, 138-3317, 138-3321, ARTICLE VIII OF CHAPTER 138, AND CHAPTER 146 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; RESERVING ARTICLE XI AND ADDING ARTICLE XII - THE DOWNTOWN PALM HARBOR FORM BASED CODE TO CHAPTER 138 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, in 1994, the Pinellas County Board of County Commissioners established the Downtown Palm Harbor Historic District; and

WHEREAS, on December 18, 2001, the Pinellas County Board of County Commissioners adopted the Downtown Historic Palm Harbor Master Plan (Master Plan); and

WHEREAS, after adoption of the Master Plan, the Pinellas County Board of County Commissioners established the Old Palm Harbor-Downtown (OPH-D) Zoning District to implement provisions of the Master Plan; and

WHEREAS, in 2016, the County began a public engagement process to support an update to the Master Plan; and

WHEREAS, upon receiving considerable input from area residents and stakeholders, a set of ten new recommendations were established to guide the update of the Master Plan and implementation thereto; and

WHEREAS, the County has completed a final draft update to the Master Plan, incorporating the ten associated recommendations and expanding the associated Activity Center-Neighborhood (AC-N) Future Land Use Map (FLUM) category designation; and

WHEREAS, the County has developed the Downtown Palm Harbor Form Based Code (DPH-FBC) to serve as the regulatory zoning code to implement the Master Plan and associated AC-N; and

WHEREAS, the DPH-FBC establishes urban form standards intended to guide investment and redevelopment in the Downtown Palm Harbor area in a way that enhances the built environment while being respectful and complimentary to the established historic character; and

WHEREAS, throughout the updated of the Master Plan and development of the new DPH-FBC, the County has sought input from the Palm Harbor community through a series of outreach events, as well as, an online survey; and

WHEREAS, the County engaged various stakeholders, including local developers, architects, civil engineers, land use attorneys, business owners and residents, to gather in-depth feedback on the proposed DPH-FBC; and

WHEREAS, County Departments have reviewed the draft DPH-FBC prior to adoption; and

WHEREAS, there have been presentations to the Palm Harbor community, Local Planning Agency, Development Review Committee, Historic Preservation Board, and Board of County Commissioners; and

WHEREAS, the Pinellas County Historic Preservation Board held a public meeting to review associated proposed amendments to Chapter 146 - Historic Preservation, of the Pinellas County Land Development Code and the proposed DPH-FBC on October 16, 2019, and made a formal recommendation of approval to the adopt the amendments; and

WHEREAS, the Local Planning Agency held a public hearing to review the proposed DPH-FBC on June 10, 2021, found the amendments in compliance with the Pinellas County Comprehensive Plan, and recommended adoption by the Board of County Commissioners.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

Section 1. Findings.

The above “Whereas” clauses are hereby incorporated as findings.

Section 2. Purpose and Intent.

It is the purpose of the Board of County Commissioners of Pinellas County to establish the standards, regulations and procedures for review and approval of all proposed development of property in unincorporated Pinellas County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the Pinellas County Comprehensive Plan.

In order to foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, and progressive development of the Downtown Palm Harbor area, it is the intent of this Form Based Code that the development process be efficient, in terms of time and expense; effective, in terms of facilitating the desired urban form and scale; and equitable, in terms of consistency with established regulations and procedures, respect for the rights and interests of property owners within this area.

The Board of County Commissioners deems it to be in the best public interest for all development and redevelopment to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

Section 3. The following Chapters, Articles, Divisions, and Sections of the Pinellas County Land Development Code are hereby amended to read as provided for in Exhibit “A” of this Ordinance:

- Section 138-311. - Establishment of Zoning Districts, Table 138-311.
- Section 138-355. - Table of Uses.
- ARTICLE VIII - SPECIAL DISTRICTS of Chapter 138
- Section 138-3230. - Bed and Breakfast.
- Section 138-3240. - Alcohol dispensing.
- Section 138-3242. - Artisan.
- Section 138-3246. - Drive-thru facility or use with a drive-thru.
- Section 138-3285. - Theater/cinemas.
- Section 138-3317. - Parking lots and structures, principal/stand-alone.
- Section 138-3321. - Solar energy systems.
- Chapter 146 - HISTORICAL PRESERVATION

Section 4. Article XI of Chapter 138 of the Pinellas County Land Development Code is hereby added to read as follows:

Article XI. - *Reserved.*

Section 5. Article XII of Chapter 138 of the Pinellas County Land Development Code is hereby added to read as provided for in Exhibit “B” of this Ordinance.

Section 6. Severability

If any Section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgement or decree shall be rendered.

Section 7. Inclusion in Code

The provision of this Ordinance shall be included and incorporated in the Pinellas County Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 8. Filing of Ordinance: Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within 10 (ten) days after enactment by the Board of County Commissioners. Upon filing of the Ordinance with the Department of State, this Ordinance shall become effective _____, 2021.

EXHIBIT A

PINELLAS COUNTY LAND DEVELOPMENT CODE

CHAPTER 138 - ZONING

Section 138-311. - Establishment of Zoning Districts, Table 138-311.

Section 138-355. - Table of Uses.

ARTICLE VIII - SPECIAL DISTRICTS

Section 138-3230. - Bed and Breakfast.

Section 138-3240. - Alcohol dispensing.

Section 138-3242. - Artisan.

Section 138-3246. - Drive-thru facility or use with a drive-thru.

Section 138-3285. - Theater/cinemas.

Section 138-3317. - Parking lots and structures, principal/stand-alone.

Section 138-3321. - Solar energy systems.

CHAPTER 146 – HISTORICAL PRESERVATION

Sec. 138-311. - Establishment of zoning districts.

The unincorporated area of Pinellas County is divided into zoning districts in order to apply the goals, objectives, and policies of the comprehensive plan to specific areas of its jurisdiction. Pinellas County is hereby divided into zoning districts which are depicted on the official zoning map atlas and are set forth as follows:

Table 138-311 — Zoning Districts for Unincorporated Pinellas County		
District Category Group	Zoning District Abbreviation	Zoning District Name
Single-Family Residential Districts	R-A	Residential Agriculture District
	R-E	Residential Estate District
	R-R	Rural Residential District
	R-1	Single-Family Residential District (9,500 sf)
	R-2	Single-Family Residential District (7,500 sf)
	R-3	Single-Family Residential District (6,000 sf)
	RMH	Residential Mobile/Manufactured Home District
Multi-Family Districts	R-4	One, Two and Three-Family Residential District
	R-5	Urban Residential District
	RM	Multi-Family Residential District
	RPD	Residential Planned Development District
Office and Commercial Districts	LO	Limited Office District
	GO	General Professional Office District
	C-1	Neighborhood Commercial
	C-2	General Commercial Services District

	CP	Commercial Parkway District
	CR	Commercial Recreation District
Industrial Districts	E-1	Employment 1 District
	E-2	Employment 2 District
	I	Heavy Industry District
	IPD	Industrial Planned Development District
Mixed Use District	MXD	Mixed-Use District
Special Districts	OPH-D	Old Palm Harbor Downtown District
	FBC	Form Based Code District
	Reserved	
Public/Semi-Public Districts	<i>Institutional Districts</i>	
	LI	Limited Institutional District
	GI	General Institutional District
	<i>Environmental Districts</i>	
	AL	Aquatic Land District
	PC	Preservation/Conservation District
	P-RM	Preservation Resource Management District
	<i>Recreational Districts</i>	
	RBR	Resource-Based Recreation District
	FBR	Facility-Based Recreation District

Overlay Districts	CO	Conditional Overlay
	HPO	Historic Preservation Overlay
	C-T	Transient Accommodation Overlay
	WPO	Wellhead Protection Overlay

Sec. 138-355. - Table of uses.

Land Uses shall be permitted as defined in Table 138-355—Table of Uses for the Zoning Districts of this Code. The review procedures are further defined in article II of the Zoning Code.

- (a) An "A" in Table 138-355 indicates that the specific use is permitted as an accessory use to other uses within the district. Where an "A", a slash (/), and a number are displayed in the table, the use may be permitted as an accessory use or established as a stand-alone use subject to the corresponding review type (indicated by the number).
- (b) A "1" in Table 138-355 indicates that the specific use is a permitted use and may be established and expanded by a Type 1 review as defined in article II of this chapter.
- (c) A "2" in Table 138-355 indicates that the establishment of the specific use and major expansions thereof, requires a Type 2 review and approval, and subject to conditions as defined in article II of this chapter.
- (d) A "3" in Table 138-355 indicates that the establishment of the specific use and major expansions thereof, requires a Type 3 review and approval, subject to conditions as defined in article II of this chapter.
- (e) A blank in Table 138-355 indicates that the specific use is not allowed in the zone.
- (f) A "Y" in the specific use standards column of Table 138-355 indicates that the specific use is subject to specific land development or operational requirements as defined in article IX of this chapter.
- (g) Uses not listed in Table 138-355 are not allowed in any district, except as provided for in section 138-100, Code interpretations. Uses not listed but similar to those permitted may be allowed as part of an official code interpretation.
- (h) Uses may be further defined, restricted, and/or limited in an approved development master plan, regulating plan, and/or specific area plan. In such cases where one of the aforementioned plans is approved for a property, the allowable uses shall be governed by said plan.

Table 138-355 — Table of Uses for Zoning Districts

LEGEND: 1 = Permitted Use / Type 1 Review 2 = Board of Adjustment and Appeals (B) / Type 2 Review 3 = board of county commissioners (BoCC) / Type 3 Review A = Accessory Use Blank = Use Not Allowed

NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Development Master Plan, regulating plan, and/or Specific Area Plan.

Zoning Districts	Single-Family Districts (a)						Multi-Family Districts (a)				Office and Commercial Districts (a)				Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)					Specific Use Standards							
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1		E-2	I	IPD	MXD	OPH-D (ESD)	OPH-W (WSD)	FBC See Adopted Regulating Plan	LI		GI	AL	PC	P-RM	RBR	FBR	See Article VI Division 3
RESIDENTIAL USES																																			
Accessory Dwelling Unit	A	A	A	A	A	A		A	A	A	A					A										A	A								Y
Accessory Dwelling Unit, Owner/Manager	A	A					A					A	A	A	A	A	A	A	A	A	A	A						A	A						Y
Affordable Housing Development (AHD)	2	2	2	2	2	2	1	1	1	1	1			2	1	1						2	1												Y
Assisted Living Facility	2	2	2	2	2	2	2	2	2	1	1			2	1	1							1	1	1			1	1						Y

ARTICLE VIII. - SPECIAL DISTRICTS

DIVISION 1. - GENERALLY

Secs. 138-2000—138-2089. - Reserved.

Sec. 138-2090. - District density and intensity standards.

The maximum density and intensity (floor area ratio) standards for each zoning district are governed by the underlying future land use map (FLUM) category identified within the Pinellas County Comprehensive Plan.

~~Sec. 138-2091. - Permitted land uses.~~

~~Land uses shall be permitted as defined in Table 138-355—Table of Uses in article III, division 3.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~ Secs. 138-2091~~2~~—138-2149~~099~~. - Reserved.

DIVISION 2. -~~OPH-D, OLD PALM HARBOR—DOWNTOWN DISTRICT~~

~~Sec. 138-2100. - Definition, purpose and intent.~~

~~The Old Palm Harbor Downtown (OPH-D) District provides a set of regulations that recognize, maintain and encourage the special character, uses and history of Downtown Old Palm Harbor and its historic district. The area will include a mixture of retail, lodging, residential, office and service uses. The OPH-D district is intended to assist in implementing the Downtown Historic Palm Harbor Master Plan adopted by the board of county commissioners by Ordinance No. 01-85 on December 18, 2001, and as it may be amended from time to time. Only those properties located within the master plan study area as adopted, or as it may be amended by the board, are eligible for designation with this district. The OPH-D district incorporates design and dimensional regulations that maximize the pedestrian experience and that recognize the existing character of Old Palm Harbor and its historic buildings.~~

~~Due to the increased mix of uses promoted, there is the opportunity to combine multiple purposes into one trip. As a result, parking requirements reflect this increased rate of internal capture and other unique circumstances such as a mix of uses, on-street parking, and bike traffic from the Fred Marquis Pinellas Trail.~~

~~There are two sub-districts that comprise the OPH-D district based upon the desired uses and the street function. The sub-district assignments will differentiate uses and dimensional regulations, as outlined in the following sections.~~

~~(1)—East Sub-District (ESD): Represents the historic downtown commercial center for Old Palm Harbor.~~

~~(2)—West Sub-District (WSD): Represents a transitional area between residential uses near the waterfront and the historic downtown commercial center.~~

~~Figure 138-2100, below, depicts the area included in the OPH-D district.~~

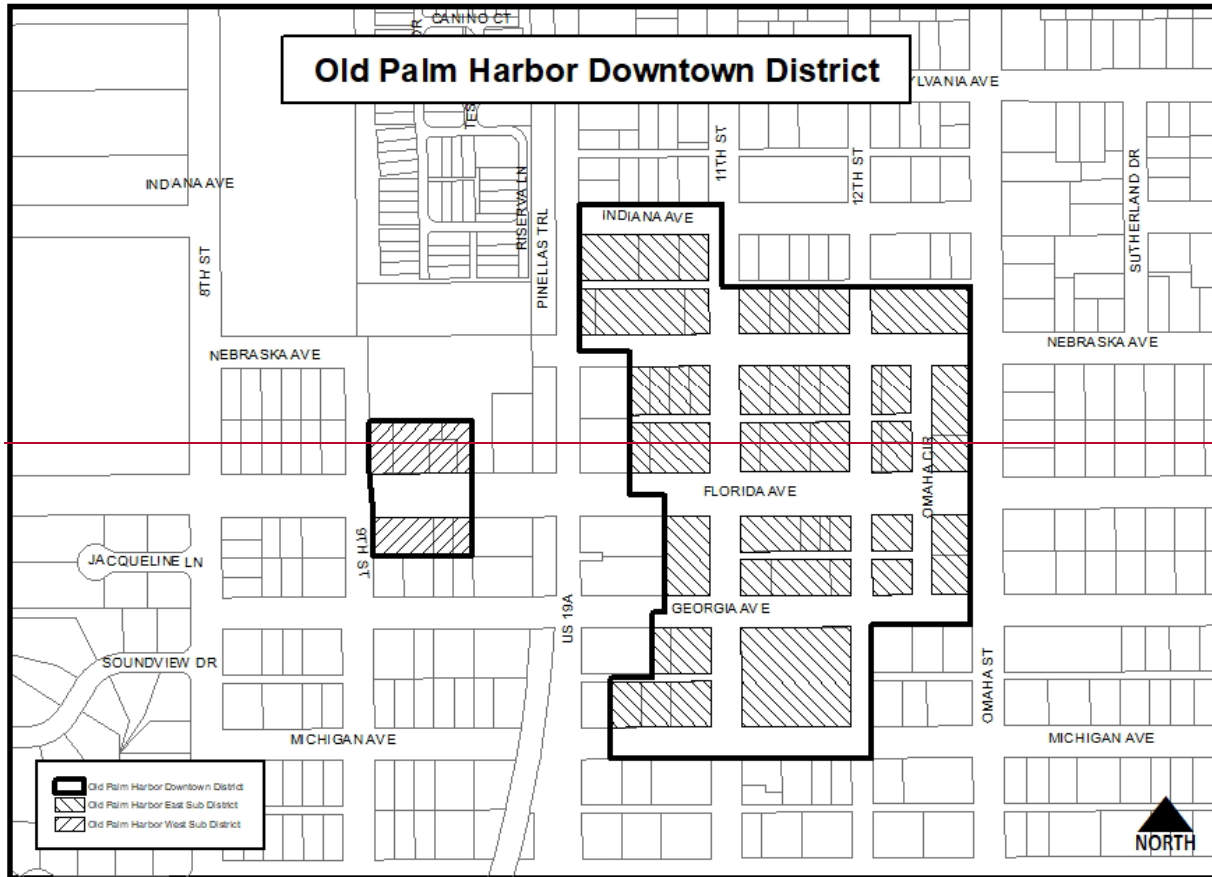


Figure 138-2100—Old Palm Harbor Downtown District.

(Ord. No. 18-36, § 3(Att. B), 10-23-18)

Sec. 138-2101. — Applicability and nonconformities.

(a) — The OPH-D district zoning and design guidelines of division 2 will provide for the regulation and restriction of uses, structures, lots and parcels, or combinations thereof, which were lawfully established prior to the adoption of the ordinance from which this division derives.

(1) — All new uses, development, alteration, demolition, relocation, reconstruction and excavation within the OPH-D district shall be subject to the requirements of this division.

(2) — All new development, alteration, demolition, relocation, reconstruction, and excavation within the OPH-D district shall be subject to the requirements and procedures of section 146-7 for certificates of appropriateness. The design criteria for issuance of a certificate of appropriateness in the OPH-D district shall be as stated in section 138-2107.

(b) — The nonconforming standards stated in chapter 138, article II, division 6 shall apply to the OPH-D district.

~~(c) Communication towers and antennas as defined in the Pinellas County Code, must comply with the height requirements in the OPH-D zoning district and in the Downtown Palm Harbor Historic District and be camouflaged and consistent with the architectural character of the Downtown Palm Harbor Historic District.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~

~~Sec. 138-2102. Reserved.~~

~~Sec. 138-2103. First floor uses.~~

~~In the six blocks of the east sub-district of the OPH-D district located south of Nebraska Avenue, north of Georgia Avenue, east of Alternate U.S. Highway 19, and west of C.R. 1, pedestrian-oriented uses are required on the first floor.~~

~~(1) The allowable uses for the first floor are:~~

- ~~a. Retail sales and service.~~
- ~~b. Medical office.~~
- ~~c. Restaurant.~~
- ~~d. Studios and galleries.~~
- ~~e. Bank (no drive-through facilities).~~
- ~~f. Bed and breakfast.~~
- ~~g. Laboratories and research and development.~~
- ~~h. General office.~~
- ~~i. Artisan.~~
- ~~j. Alcoholic beverage production.~~

~~(2) The criteria for compliance with this section are described in section 138-2101.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~

~~Sec. 138-2104. Development parameters.~~

OPH D — Development Parameters Table		
	Minimum Lot ³	Setbacks ⁶

Max. Density	Max. FAR ¹	Max. ISR	Max. Bldg. Height ⁴	Area	Width ⁵	Depth	Front	Side	Rear	Abutting Residential	Corner
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East Sub-District

10	0.40 ²	0.85	30 ft ⁴	4,500 sq-ft	50 ft	90 ft	Abutting Florida Avenue east of Alt-19; and the property at 1205 Omaha Circle				
							Min. 0-ft Max. 15-ft	Min. 0-ft	Min. 0-ft	Min. 7.5-ft	Min. 0-ft
							Not abutting Florida Avenue east of Alt-19				
							Min. 10-ft Max. 20-ft	Min. 0-ft	Min. 0-ft	Min. 7.5-ft	Min. 5-ft

West Sub-District

10	0.30 ³	0.75	30 ft ⁴	4,500 sq-ft	50 ft	90 ft	Min. 10-ft	Min. 7.5-ft	Min. 15-ft	N/A	Min. 10-ft
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1. Floor area used as a dwelling unit shall not be included in calculating floor area and are exempt from FAR limitations.

2. The maximum FAR for properties where first floor uses are restricted per section 138-2103 is 0.60.

3. Professional, scientific and technical service uses, galleries and studios shall not exceed an FAR of 0.30 or 1,500 sq ft per lot, whichever is less. These nonresidential uses shall only be permitted within an existing residential structure that has been converted for these types of uses. Any structural changes, modifications, or enlargements to existing residential structures shall retain the residential character of the building.

4. Measured to the lowest portion of the eaves. New buildings or alterations/additions to existing structures shall not be built higher than the existing buildings in the district on the date the Downtown Palm Harbor Historic District was established (August 16, 1994). The height of new construction, or of alterations/additions to existing structures, shall not exceed 30 feet in height when measured at the

~~lowest point of the eaves of the structure.~~

~~5. Lots less than 50 feet in width that lawfully existed before May 21, 2002 may be developed pursuant to the conditions outlined in section 138-2101.~~

~~6. The maximum setback on the east side of Omaha Circle/College Hill Drive, between Nebraska Avenue and Georgia Avenue, shall be 30 feet to accommodate the historic perpendicular parking pattern that was incorporated into the Downtown Historic Palm Harbor Master Plan adopted on December 18, 2002.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~

~~Sec. 138-2105. Off-street parking.~~

~~This section provides for safe and efficient parking while recognizing the unique conditions in Palm Harbor. Some internal capture of vehicle trips results from the mixture of uses and the bicycle traffic from the Fred Marquis Pinellas Trail. This combined with the public on-street parking improvements allows a reduced off-street parking requirement for comparable uses in conventional zoning districts.~~

~~(1) There shall be provided at the time of the erection of any structure, or at the time any structure is enlarged or increased in capacity, a minimum number of off-street parking spaces provided.~~

~~(2) For retail sales and services, studios and galleries, restaurants, alcoholic beverage production and on-premises dispensing facilities, and artisan establishments, in the East Sub-District: the minimum number of spaces provided on-site shall be equal to 2.1 parking spaces per 1,000 square feet of gross floor area. Outdoor work areas and outdoor display and/or sales of retail goods, wares and merchandise that are equal to or less than 400 square feet in area are not included when calculating the minimum number of off-street automobile parking spaces required.~~

~~(3) For medical and veterinary offices, and other office uses, in the east sub-district: the minimum number of spaces provided on-site shall be equal to four automobile parking spaces per 1,000 square feet of gross floor area. A rate reduction of 0.2 parking space for every one public parking space located within a radius of 500 feet from the center of the parcel or parcels where the improvement will be located shall be applied towards meeting the off-street parking requirements. The county may request a survey be provided locating the center of the parcel or parcels where the improvement will be located for the purpose of determining the 500-foot radius. Only those public parking spaces completely located (both the entire width and length of the space) within the 500-foot radius can be counted toward the parking rate reduction. Calculation of this reduction shall not include on-street public parking spaces located along Florida Avenue, Michigan Avenue, and Nebraska Avenue. Regardless of the resulting rate reduction, a minimum of two spaces shall be provided.~~

~~(4) For other nonresidential uses in the east sub-district: the minimum number of off-street parking spaces shall be equal to 45 percent of the minimum number of off-street automobile parking spaces required in chapter 138, article X, division 2, with a minimum of two spaces.~~

~~(5) For nonresidential uses in the west sub-district: the minimum number of spaces provided on-site shall be equal to four-fifths the minimum number of off-street automobile parking spaces required in chapter 138, article X, division 2, with a minimum of two spaces.~~

~~(6) Off-street parking for nonresidential uses in the west sub-district shall not be located in the front or corner setback areas.~~

~~(7) Any outdoor seating area shall be included when calculating the required number of minimum off-street parking spaces, except no off-street parking shall be required for an outdoor seating area that allows up to 24 seats and is equal to or less than 400 square feet in area. An outdoor seating area shall be accessory to an indoor eating and/or drinking establishment.~~

~~(8) Alleys may be used for access to off-street parking spaces.~~

~~(9) Parking spaces for nonresidential uses may be provided on a separate lot or parcel not more than 500 feet from the primary parcel to be served as measured along the most direct pedestrian route.~~

~~(10) Bed and breakfast in the east sub-district: one off-street parking space for every two guest rooms plus one space. Bed and breakfast in the west sub-district: one off-street parking space for every guest room plus two spaces. Parking shall be provided in a manner that is compatible with the surrounding area.~~

~~(11) Single-family dwellings: two off-street parking spaces per dwelling unit.~~

~~(12) For all other residential uses: one off-street parking space per efficiency unit and one and one-half off-street parking spaces per dwelling unit with one or more bedrooms.~~

~~(13) Where not specifically changed in this section, parking requirements shall otherwise comply with chapter 138, article X, division 2. In the case that this section contradicts with chapter 138, article X, division 2, the standards of this section will supersede.~~

~~(14) Off-street parking shall not be located on the Florida Avenue frontage east of Alternate U.S. Highway 19.~~

~~(15) Shared parking: parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to approval by the county administrator or designee, and must meet the following conditions:~~

~~a. The applicant must demonstrate to the county administrator's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.~~

b. ~~The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking spaces reasonably anticipated to be available during differing hours of operation. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 25 percent.~~

c. ~~Parking facilities designed for joint use should not be located further than 500 feet from any structure or use served, measured along the most direct pedestrian route.~~

d. ~~A written agreement shall be drawn to the satisfaction of the county attorney and executed by all parties concerned assuring the continued availability of the number of parking spaces designated for joint use.~~

~~(16) For properties within this district that have existing buildings, as of May 21, 2002, the off-street parking arrangement in existence on that date for each building shall continue to be recognized by the county as meeting the minimum parking requirements of the OPH-D district. Such existing building square foot area may be renovated and redeveloped with a structure that is of similar size to the existing building square foot area without providing any additional off-street parking spaces. However, this recognition of existing parking arrangements shall not apply if there is additional building square footage or a change in use that increases the required number of off-street parking spaces. Parking shall be provided, as required by this section, for any increase in building square foot area, or for the increased number of parking spaces required by a change in use.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~

~~Sec. 138-2106. Landscaping for vehicular use (parking) areas.~~

~~In addition to the requirements of chapter 138, article X, division 3 of the Land Development Code, parking lots or vehicular use areas shall comply with the following:~~

~~(1) Parking areas with three spaces or less are exempt from the landscaping provisions of chapter 138, article X, division 3.~~

~~(2) Parking areas using alley access and not visible from the street are exempt from this section.~~

~~(3) Parking or vehicular use areas shall be designed to complement the streetscape design plan.~~

~~a. Where appropriate, the site design shall coordinate with and connect with the streetscape on the public right-of-way.~~

~~b. Hardscape, paving and construction materials shall match or complement the streetscape materials within the right-of-way.~~

~~c. Plant materials and species shall be selected from the following list:~~

Botanical Name	Common Name

PALMS*Sabal palmetto*

Cabbage Palm

Acocelorrhaphe wrightii

Paurotis Palm (Needs ample water)

TREES*Cornus florida*

Dogwood

Ilex cassine

Dahoon Holly

Ilex opaca

American Holly

Ilex x attenuata 'East Palatka'

East Palatka Holly

Ilex x attenuata 'Savannah'

Savannah Holly

Ilex vomitoria

Yaupon Holly

Lagerstroemia indica

Grape Myrtle

Liquidambar styraciflua

Sweet Gum

Magnolia grandiflora

Southern Magnolia

Quercus laurifolia

Laurel Oak

Quercus virginiana

Live Oak

Ulmus alata

Winged Elm

ACCENTS*Cercis canadensis*

Redbud

Crinum spp.

Spider Lily*

Phoenix roebelenii

Pygmy Date Palm

<i>Prunus angustifolia</i>	Chickasaw Plum
<i>Zamia floridana</i>	Coontie
SHRUBS	
<i>Forestiera segregata</i>	Florida Privet
<i>Ilex cornuta</i> 'burfordii'	Chinese Holly
<i>Ilex cornuta</i> 'rotunda'	Round Chinese Holly
<i>Ilex vomitoria</i> 'schillings'	Dwarf Yaupon Holly
<i>Illicium parviflorum</i>	Anise
<i>Raphiolepis indica</i>	Indian Hawthorn
<i>Viburnum obovatum</i>	Walter's Viburnum
<i>Viburnum odoratissimum</i>	Sweet Viburnum
<i>Viburnum suspensum</i>	Sandankwa Viburnum
GROUND COVERS	
<i>Juniperus</i> spp.	Juniper
<i>Liriope muscari</i> 'evergreen giant'	Evergreen Giant
<i>Ophiopogon japonicus</i>	Mondo Grass
<i>Stachytarpheta jamaicensis</i>	Trailing Porterweed
<i>Zamia floridana</i>	Coontie
<i>Zamia furfuracea</i>	Cardboard Palm
<i>Trachelospermum asiaticum minima</i>	Minima Jasmine

Ornamental Grasses:	
Miscanthus sinensis	Miscanthus
Muhlenbergia capillaris	Muhly Grass
Pennisetum setaceum	Fountain Grass
Pennisetum setaceum 'rubrum'	Red Fountain Grass
Tripsacum floridana	Dwarf Fakahatchee Grass
ORNAMENTALS	
Lantana species	Sterile subspecies or varieties like 'Gold Mound'
Lantana montevidensis	
Pentas lanceolata	Pentas*
Plumbago 'Imperial Blue'	Plumbago
Annuals	Annuals

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(Ord. No. ~~18-36~~, § 3(Att. B), 10-23-18)

Sec. 138-2107.— Design criteria:

(a) ~~All new development, alteration, demolition, relocation, reconstruction, and excavation within the Old Palm Harbor Downtown (OPH-D) District shall be subject to the criteria for historic properties set forth in chapter 146, The Historic Preservation Code, and reiterated below. Those properties that are also located within the Downtown Palm Harbor Historic District shall continue to be subject to the provisions of chapter 146.~~

(b) ~~The following design criteria apply to the OPH-D district. Downtown Old Palm Harbor is the historic commercial center for one of the oldest communities in the county. There are several contributing buildings within the OPH-D district. The historical "contributing" buildings located in the OPH-D district do not fall into any specific architectural style but are instead considered a part of the "folk" architectural tradition. For this reason, design criteria cannot be based upon specific, stylistic elements~~

but instead must be based upon integrating the elements and characteristics that are present in the district.

These characteristics include; the relationship between the shape, size and height of the buildings, the front-facing orientation of the buildings and the lack of setbacks from the main street, the major roof types; window/door design and placement; and minimal ornamentation and architectural detailing. Minor connecting elements in the district include shutters, porches, and fences.

~~(1)—General design criteria.~~

~~a.—The scale (height/width ratio) of new construction, or of alterations/additions to existing structures, shall be similar to that of the contributing structures in the district.~~

~~b.—The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings. The orientation of new buildings, and of alterations/additions to existing buildings, shall maintain front-facing façades with the main entrance on the street side of the building.~~

~~c.—The size, slope, and type of roofs for new construction, or for alterations/additions to contributing structures, shall be similar to those of the contributing structures.~~

~~d.—Shutters shall be in character with the style and period of the building. Replacement shutters shall be similar to the original in size, configuration, and style, and shall fit the window openings, not to overlap on the surface of the wall.~~

~~e.—Porch additions shall have a roof type that is either similar to the existing roof or that is in character with the style and period of the building.~~

~~f.—Historically, building, trim, and roof colors have not been a major defining component of the district. Choice of colors should complement and enhance the character of the district. For new construction and noncontributing structures, specific color choice is left to the discretion of the property owner. For contributing structures, the general criteria for evaluating certificates of appropriateness as cited in subsection 146-5(a)(5) of the Historic Preservation Code shall be followed.~~

~~g.—On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.~~

~~(2)—Contributing structures.~~

~~a.—If windows and doors in contributing structures are determined to be unrepairable, they shall be replaced with new windows and/or doors matching the size, spacing, and where possible, materials of the originals. The use of materials other than the original materials shall be considered by the Downtown Palm Harbor Review Committee (DPHRC) and Pinellas County on a case-by-case basis.~~

~~b.—Porches and porch features that are in good condition or repairable, and which are in character with the style and period of the building, shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.~~

~~(3) — Noncontributing structures.~~

~~a. — Where possible and appropriate, alterations and additions to noncontributing structures shall be similar to the major features, details and materials found in the contributing structures. Alterations and additions shall not introduce false historical architectural features not found in the district.~~

~~b. — Where possible and appropriate, when renovating an existing noncontributing structure, new or replacement windows and/or doors shall be similar to the size, spacing, materials and general rhythm of the windows and doors found in the contributing structures.~~

~~(4) — New construction.~~

~~a. — The roof types of new buildings shall conform to the roof types of the contributing structures in the district. Gable, pyramidal (hip), and flat roofs with parapets are found in the contributing structures. Use of a roof type that is not present in the contributing structures, and which can be seen from the street is prohibited. Alternative roof styles can be used if they are concealed by a parapet and are not visible from the street.~~

~~b. — Proportions, configurations, and placement of windows and doors in new buildings shall be similar to the size, spacing, materials and general rhythm of the window/door fenestration found in the contributing structures.~~

~~c. — Use of double hung sash windows with two four lites is encouraged. Jalousie windows are prohibited. Recessed entrances are encouraged.~~

~~d. — Major architectural features, detailing and materials used in new construction shall be similar to those of the contributing structures found in the district.~~

~~e. — Modern equipment such as solar collectors, air conditioners, etc., shall be concealed from public view.~~

~~(c) — Fences within the OPH-D district shall be limited to the following styles and materials:~~

~~(1) — All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.~~

~~a. — Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative aluminum, brick, or stamped concrete which are compatible with the streetscape design materials.~~

~~b. — No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.~~

~~c. — Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.~~

~~(2) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three feet in height.~~

~~(3) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by the county.~~

~~(4) No fence or wall shall enclose a water meter box or manhole, unless authorized by the county.~~

~~(5) Where not specifically defined in this section, fences and walls shall otherwise comply with chapter 138, article X, division 4.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~

~~Sec. 138-2108. Signs.~~

~~Except as modified herein, signs shall be subject to the regulations outlined in chapter 138, article X, division 5. Nonconforming signs shall be made compliant under the provisions of chapter 138, article X, division 5, "nonconforming signs". Signs and standards in the OPH-D district shall be permitted as follows:~~

~~(1) In the east sub-district:~~

~~a. Freestanding signs shall be permitted only as follows:~~

~~1. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage.~~

~~2. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to section 138-3755 or 50 square feet per sign face, whichever is less.~~

~~3. *Height.* For properties with frontage facade orientation on Alternate U.S. Highway 19, the maximum height for a freestanding sign is 20 feet or the height of the building, whichever is less. For all other freestanding signs the maximum height is ten feet.~~

~~4. *Setbacks.* Such signs shall be set back as follows:~~

~~i. Three feet from any public right-of-way.~~

~~ii. Additional setbacks may be required when determined appropriate per chapter 138, article X, division 5.~~

~~5. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on-site including any commodity or service for sale on-site shall be part of the computation of allowable area for freestanding signs.~~

~~b. Attached signs shall be permitted only as follows:~~

~~1.—Area. The maximum total area for all attached signs shall be that area calculated according to the computation of dimensions provision in chapter 138, article X, division 5 or 100 square feet, whichever is less.~~

~~2.—Types of signs permitted. The following attached signs may be permitted, provided the cumulative area of the attached signs does not exceed the maximum area according to subsection (1)b.1, above:~~

~~i.—Wall sign;~~

~~ii.—Canopy or awning sign;~~

~~iii.—Permanent window sign;~~

~~iv.—Projecting sign;~~

~~v.—Integral roof sign.~~

~~c.—Directory/information signs shall be permitted only as follows:~~

~~1.—Number. A maximum of one sign per street frontage is permitted.~~

~~2.—Area. The maximum area for a directory/information sign shall be 20 square feet per sign face for any one sign.~~

~~3.—Setback. Three feet from any public right-of-way.~~

~~d.—Public/semi-public land uses shall comply with the sign provisions for Residential zoning districts as stated in chapter 138, article X, division 5.~~

~~e.—Community event signs may be permitted within public rights-of-way provided that they are safely located.~~

~~(2)—In the west sub-district, signs shall be permitted pursuant to the residential zoning districts as stated in chapter 138, article X, division 5. Nonresidential uses permitted in the west sub-district are allowed up to one two-square-foot sign.~~

~~(Ord. No. 18-36, § 3(Att. B), 10-23-18)~~

~~Secs. 138-2109—138-2149.—Reserved.~~

~~DIVISION 3.—FBC, FORM BASED CODE DISTRICT~~

~~Sec. 138-2150. - Definition, purpose and intent of district.~~

(a) Form based code means a land development regulation mechanism that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the district.

(b) The purpose of the FBC, form based code district is to establish an alternative to existing zoning districts found elsewhere in this Land Development Code in order to promote and conserve

traditional neighborhood development patterns; promote and conserve mobility and walkable neighborhoods; and accommodate mixed use development patterns that may be excluded by standard, Euclidian-type zoning districts. The application of the FBC district designation may require a Pinellas County Future Land Use Map designation that supports the use of the FBC district.

- (c) FBC districts in the county are intended to:
 - (1) Identify target areas throughout the county ideal for concentrating urban development with land uses in near proximity to one another, to reduce automobile dependency, and that accommodate the demand for housing, employment, shopping, entertainment and recreation;
 - (2) Promote quality redevelopment that considers and accommodates multiple users, land uses and transportation modes to allow residents more living options and transportation choices;
 - (3) Provide a mix of land uses, including minimum levels of residential density sufficient to support compatible nonresidential land uses, such as but not limited to retail goods and services, professional business and office services, restaurants, and recreation places that are convenient to all intended users;
 - (4) Provide greater certainty to developers of property and the public in terms of urban form and neighborhood character to be expected when property is developed; and
 - (5) Establish a process for interpreting and applying land development regulations that gives more clarity to development possibilities and potential outcomes.
- (d) The subject property to be considered for a FBC district shall consist of a minimum 20 acres and include a minimum ten acres of upland area. The planning director or designee may administratively approve adjustments to this minimum property and/or upland area requirement, on a case-by-case basis, if they determine that such adjustment will not compromise the purpose and intent of this section. Adjustments to this minimum acreage requirement shall be considered unique and shall not set precedent for others.
- (e) Properties considered for FBC district designation should comprise contiguous areas suitable for cohesive redevelopment and meet the intent of the district as identified in subsection (c) of this section.
- (f) The preparation of FBC districts per this section is intended to be initiated by county staff; however, property owners and developers of property may petition the county for the creation of a FBC district per this section. The planning director, or designee, will review FBC district requests for consistency with the comprehensive plan and the expressed purpose, intent and requirements as outlined in this section, and will provide a written response thereto.

Sec. 138-2151. - Adoption process.

- (a) The FBC district and regulating plan shall be adopted by ordinance and the official zoning atlas shall be amended to reflect the FBC district.
- (b) Each FBC district designation shall include a form based regulating plan based on the following:
 - (1) The expressed purpose and intent of this division; and
 - (2) The use of urban design standards and practices generally accepted by professional planning organizations, such as, but not limited to, the American Planning Association, the Congress of the New Urbanism, the Form Based Codes Institute, Urban Land Institute and Transect-Based plans such as the SmartCode™ and Neighborhood Conservation Code.
- (c) Interpretation. Where additional clarity or interpretation is needed in order to apply this section of the Code to an area or a specific project, the decision rendered shall be by the planning director, or designee. The interpretation should be documented in a written statement which demonstrates how the interpretation is consistent with the purpose and intent of the district.

- (d) Each form based code district (including the associated regulating plan) shall be adopted by ordinance to the zoning chapter of the Land Development Code or as a separate appendix to the Land Development Code.

Sec. 138-2152. - Implementation.

- (a) Each FBC district regulating plan must adhere to all applicable local, state, and federal regulations as well as appropriate planning and urban design principles.
- (b) Conflicting provisions. Should conflicts between the FBC district and other zoning or zoning-related provisions be discovered, the FBC district shall take precedence, unless such conflicts are found to negatively impact the health, safety or welfare of the county.

Sec. 138-2153. – Establishment of Form Based Code Districts.

- (a) Reserved.

- (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.

Secs. 138-215~~4~~³—138-3199. - Reserved.

Sec. 138-3230. - Bed and breakfast.

- (a) *Purpose.* Bed and breakfast establishments are intended to be building(s) of a residential character other than a hotel, motel, or other transient accommodation which provides daily overnight accommodation and morning meal service to guests in return for payment. In residential districts, bed and breakfast establishment uses are intended to be compatible to the surrounding uses in the neighborhood in terms of scale, appearance, and operation.
- (b) *Applicability.* This section shall apply to bed and breakfast establishment uses.
- (c) *Standards.*
 - (1) In residential districts the following standards shall apply:
 - a. Buildings shall not exceed an overall length of 120 feet.
 - b. The permitted number of overnight rooms shall be based on the underlying future land use category. In addition, the maximum number of overnight rooms is limited to six for lots under 10,000 square feet and limited to 12 for lots 10,000 square feet or greater. ~~This shall not apply within the Old Palm Harbor Downtown District.~~
 - ~~(2) In the Old Palm Harbor Downtown District the following standards shall apply:
 - a. The permitted number of overnight rooms shall be based on the underlying future land use category. In addition, the maximum number of overnight rooms is ten.
 - b. A sign measuring up to six square feet may be provided to identify the facility location in the east sub-district.
 - c. A sign measuring up to two square feet may be provided to identify the facility location in the west sub-district.~~
 - (3) Food service shall be limited to overnight guests.
 - (4) On-site management — An owner or manager shall reside on the premises of each bed and breakfast.
 - (5) Special functions — A bed and breakfast may conduct indoor and outdoor special functions, including, but not limited to, receptions, showers, parties, and weddings.
 - a. Each bed and breakfast which provides special functions shall create a parking plan to accommodate all vehicles for the anticipated number of driving guests at each special function in cases where the anticipated attendance exceeds that which can be accommodated with on-site parking. The parking plan shall be approved as a Type 1 review.
 - b. A bed and breakfast located within a residential zoning district may be permitted to conduct special functions as part of the Type 2 approval.

Sec. 138-3240. - Alcohol dispensing.

- (a) *Purpose.* The dispensing of alcoholic beverages has the potential to contribute to undesirable impacts on adjacent or nearby properties such as litter, noise, and other disturbances. The purpose and intent of this section is to establish appropriate locational and distance standards that promote public safety and mitigate associated impacts.
- (b) *Applicability.* This section shall apply to the dispensing of alcoholic beverages for both on-premises and off-premises consumption in unincorporated Pinellas County. This section does not apply to restaurants that sell alcohol as a product of their business.
- (c) *Standards.*
 - (1) The dispensing, wholesale storage and distribution of alcoholic beverages by any business establishment shall be allowed pursuant to Table 138-355—Table of Uses for Zoning Districts.
 - (2) Parking structures shall be subject to the District Design Criteria provisions of Article X Division
 - a. Patron areas shall be delineated and designated on an approved site plan.
 - b. Patron areas may only occupy a public sidewalk when a right-of-way permit or equivalent thereof is obtained from the applicable right-of-way owner.
 - c. When located within 100 feet of a residential zoning district:
 - 1. Outdoor patron areas shall be closed between the hours of 10:00 pm and 8:00 am.
 - 2. No outdoor music or indoor amplified live music is allowed between the hours of 10:00 pm and 8:00 am.
 - 3. A six-foot high opaque wall or fence shall be provided along rear and side property lines around any outdoor patron area.
 - 4. These standards shall not apply to adjacent mixed-used buildings that include residential units, nor to adjacent residentially-zoned property that consists of public right-of-way, water ways, wetlands, or similar areas which cannot be used for actual residential purposes.
 - (3) It is further provided that a building or structure located on a bona fide golf course or country club premises, in which alcoholic beverages are dispensed for consumption by the members and guests thereof only, may be located in any zoning district, but shall be located within the boundaries of the golf course or country club and shall be located not less than 200 feet from any residential structure. The sale of alcoholic beverages from a mobile vehicle, which travels along established cart paths within a bona fide golf course shall be permitted as an ancillary use of the golf course or country club where alcohol sales are permitted within the main clubhouse.
 - (4) The dispensing of alcoholic beverages for on-premises consumption in conjunction with a bona fide restaurant shall be exempt from the distance provisions of this chapter provided sale of alcohol is incidental to food sales (at least 51 percent of sales are food). Vendors may be required to provide verification from a certified public accountant of such sales ratio.
 - (5) Social clubs, veterans', fraternal, benevolent, civic or other organizations described in F.S. § 561.20(7) may dispense alcoholic beverages for on-premises consumption within any zoning district or location provided such location must be approved subject to a Type 2 approval. This subsection shall not apply to those areas which meet the provisions of subsection (c)(2) of this section.
 - (6) The dispensing of alcoholic beverages for on-premises consumption by any business establishment shall not be permitted within 500 feet of the boundary of any tract of land on which a school is located or which has received authority to locate, measured in a straight line,

from the nearest entrance or exit (except emergency exits) of any building or structure dispensing alcohol. In a multi-tenant or multi-user building such as a shopping center, the distance may be measured from the entrance or exit of the unit or portion of the building where alcoholic beverages are dispensed to the boundary of any tract of land on which a school is located or which has received authority to locate.

If the school property contains wetlands, waterways, or similar geographic features that would not permit the physical use of the property for school use such as buildings, parking, playgrounds or school usage, the distance requirement shall include the wetland, waterway, or similar area and the measurement shall be taken from the area of the school site that would physically allow such school use.

This subsection shall not be retroactive; and the subsequent erection of a school within the distance of a legally authorized business establishment shall not be cause for the revocation or suspension of any permit, certificate, or license, or cause for denial of any permit or certificate thereafter requested for that use.

The dispensing of alcoholic beverages for on-premises consumption within a bona fide restaurant shall be exempt from this provision provided the sale of alcohol is incidental to food sales (more than 50 percent of the total business revenues are food). Vendors may be required to provide verification by a certified public accountant of such sales ratio.

- (7) The provisions of Laws of Florida Chapter 63-1790, as amended (compiled in Chapter 6, Article II), relating to uniform closing hours and other restrictions, apply to all business establishments as defined in this section, and the reasonable evidence of any violation thereof shall constitute grounds for the revocation or suspension by the board of county commissioners of any zoning or use approval, building permit, occupancy certificate, or license approval to any such business establishment.

(d) *Exemptions.*

- (1) The sale or dispensing of alcoholic beverages within any zoning district at one time or at short duration fundraisers, special events, [and] promotions, shall be exempt from the provisions of this section except for the uniform closing hours established in subsection (c)(7) of this section, under the following conditions:
 - a. Sale or dispensing shall be for a maximum of three days only during any six-month period. This condition shall not apply to the number of annual fundraising and special events held in the Downtown Palm Harbor ~~Form-Based Code~~ Historic District provided the events have received street closure approval and have received a waiver from section 6-47(b) of the Pinellas County Code.
 - b. Sale or dispensing shall be located on the site of an authorized use as permitted by this chapter.
- (2) The sale or dispensing of alcoholic beverages at special events of community interest and importance may be permitted to occur as early as 8:00 a.m. as provided for in section 6-30(e) of the Pinellas County Code, under the following conditions:
 - a. Sale or dispensing shall be located on the site of an authorized use as permitted by this chapter or otherwise waived pursuant to section 6-47(b) of the Pinellas County Code.
 - b. A permit is obtained from Pinellas County detailing the conditions required under this section and section 6-30(e).

Sec. 138-3242. - Artisan.

- (a) *Purpose.* Artisan establishments are intended to produce high-quality or distinctive products generally in small quantities. The production is usually by hand or traditional methods. Examples include but not limited to glass blowing, jewelry making, woodworking, baking and traditional food product making.
- (b) *Applicability.* The provisions of this section shall apply to all new, existing, and expanding artisan uses. The provisions of this section are not applicable to alcohol production and/or manufacturing activities that involve automated or robotic machinery for product assembly.
- (c) *Standards.*
 - (1) Artisan establishments shall be permitted indoor and outdoor work areas for the purposes of creating art pieces and hosting performing art practices. When outdoor work areas abut a residential district, the area shall be screened with a six-foot high opaque wall or fence.
 - (2) Artisan establishments shall be permitted indoor and outdoor display and sales areas for the purposes of exhibiting and selling artisan products and directly related merchandise. When outdoor display areas abut a residential district, the area shall be screened with a six-foot high opaque wall or fence.
 - (3) Artisan establishments shall be permitted to teach artisan crafts, skills and techniques. When the use requires a Type 2 or 3 approval, the number of students and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns.

~~(4) In the Old Palm Harbor Downtown (OPH-D) district, artisan establishments shall be subject to the following standards:~~

~~a. Artisan buildings are limited to 7,500 square feet.~~

~~b. Artisan establishments shall provide a retail storefront when located in that portion of the east sub-district of the OPH-D district located south of Nebraska Avenue, north of Georgia Avenue, east of Alternate U.S. Highway 19, and west of C.R. 1.~~

Sec. 138-3246. - Drive-thru facility or use with a drive-thru.

- (a) *Purpose.* Drive-thru facilities have become a common amenity for a range of uses. A well designed drive-thru can be convenient for motorists and have minimal impact upon the streetscape and pedestrians. Drive-thru facilities have the potential to generate undesirable impacts for adjacent properties such as odors from vehicle exhaust and noise from engines, car stereos, and menu board speakers. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities while ensuring public safety and mitigating the associated impacts.
- (b) *Applicability.* The provisions of this section shall be applicable to any new or modified drive-thru facility.
- (c) *Standards.*
 - (1) *Location.* Drive-thru service windows shall be located to take advantage of the first available alternative in the following prioritized list:
 - a. Interior side or rear yard when either yard abuts a nonresidential use; or
 - b. Street facade when the interior side and rear yard abut an existing residential use; or
 - c. Street facade when abutting a nonresidential use where both the interior side and rear yards are impractical due to the lot's physical constraints or concerns regarding vehicle and pedestrian safety.
 - (2) *Minimum stacking requirements.*
 - a. Restaurants, retail sales and service and similar commercial uses, shall provide a minimum of five stacking spaces at or behind the menu board.
 - b. Banks and similar uses shall provide a minimum of three stacking spaces at or behind the service window/terminal for the drive-thru.
 - c. Drive-thru stacking lanes shall be delineated from other vehicular use areas. Stacking lanes may include part of the drive aisles in a parking area.
 - d. Stacking lanes shall be designed to ensure that waiting vehicles do not extend into the public right-of-way.
 - ~~(3) *Old Palm Harbor Downtown District standards.* When located in the Old Palm Harbor Downtown District, drive-thru facilities shall be subject to the following requirements:
 - a. ~~Drive-thru facilities may only be allowed as part of bank uses located along Alternate U.S. 19.~~
 - b. ~~Drive-thru facilities and associated stacking lanes shall be set back 25 feet from existing residential uses.~~~~

Sec. 138-3285. - Theater/cinemas.

- (a) *Purpose.* Theaters and cinemas provide plays, dramatic performances, and motion pictures to an audience.
- (b) *Applicability.* The provisions of this section shall apply to new and expansions of permanent theaters and cinemas. This section is not intended to be applicable to other uses that may periodically show motion pictures and/or host dramatic performances as an accessory to their primary operation (e.g., places of worship, schools and/or restaurants hosting periodic live performances). This section shall not apply to outdoor movie theaters.

~~(c) Standards.~~

- ~~(1) In the Old Palm Harbor District, theaters and cinemas shall be subject to the following standards:
 - ~~a. Venues are limited to 200 seats.~~
 - ~~b. Theaters and cinemas shall not be located adjacent to residential uses.~~~~

Sec. 138-3317. - Parking lots and structures, principal/stand-alone.

- (a) *Purpose.* The purpose of this section is to assign specific standards to stand-alone parking facilities that may or may not be associated with a specific business or use.
- (b) *Applicability.* The provisions of this section shall apply to stand-alone parking lots and parking structures that are located on a separate parcel from the use(s) they are intended to serve.
- (c) *Standards.*
 - (1) ~~In the Old Palm Harbor Downtown District, stand-alone parking lots and structures shall not be permitted on Florida Avenue.~~
 - (2) Parking structures shall be subject to the District Design Criteria provisions of Article X Division 6 of this chapter.
 - (23) *Reserved.*

Sec. 138-3321. - Solar energy systems.

- (a) *Purpose.* Solar energy systems are intended to collect and provide solar power to individual buildings and their accessory uses. They are also intended to be small in scale and should be architecturally integrated to and complementary to the structure in which they are attached.
- (b) *Applicability.* The provisions of this section shall apply to all solar energy systems and similar facilities.
- (c) *Standards.*
 - (1) Solar energy systems shall be an allowed accessory use.
 - (2) The system shall comply with district lot size and setbacks.
 - (3) In residential districts, the following standards shall apply to solar energy systems:
 - a. Ground mounted solar panels are limited to a maximum height of 14 feet.
 - b. Where technically feasible, highly-reflective, roof-mounted solar energy systems shall be installed in a location that is least visible from streets. When technically practical, tilt-mounted solar panels should be installed parallel to the roofline to minimize their visual impact.
 - c. Highly-reflective solar collection surfaces shall be oriented away from neighboring windows. If there is evidence that glare will be casted directly onto neighboring windows or create a safety concern for vehicles in a street, then the use of a non-reflective surface or screening may be required as an alternative finish.
 - (4) Solar energy systems may be affixed to any building on the site including but not limited to: the principal structure, accessory buildings, and/or carports.
 - (5) ~~In the Old Palm Harbor Downtown District, solar energy systems shall be concealed from view from the public right-of-way.~~
 - ~~(6)~~—New technologies in solar energy systems that incorporate energy collection cells as part of the structure's building materials and do not create excessive glare may be exempt from the design restrictions of this section.

Chapter 146 - HISTORICAL PRESERVATION

Sec. 146-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggrieved party means anyone who has a legally recognizable interest which is or may be adversely affected by an action taken by fulfilling the requirements of this chapter.

Archaeological site means an individual historic resource recognized for its prehistoric or historic artifacts and features. This also includes archaeological sites recorded ~~in the state site file records~~ and identified in the county historic resource database.

Archaeologically sensitive area means a location with high probability of prehistoric archeological site occurrence or properties where buildings and structures of historical importance once stood and have since been buried, demolished or removed.

Architect or preservation architect means a person who is licensed by the state department of professional regulation and is certified to practice in the state.

Balcony means an elevated platform projecting from the wall of a building and enclosed by a railing or parapet.

Building means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

Building code means "Florida State Building Code".

Building of Historical Merit means a building that is at least 50 years of age; and has been documented to be associated with a significant person, activity or event of historical importance; or possesses architectural features and character indicative of a recognized style, type or period in Pinellas County's history. For buildings recognized in this manner, the issuance of a Certificate of Appropriateness consistent with Section 146-7 (b)(1) shall be required only if demolition of all or part of the historic portion of the building or structure is proposed.

Building official means the county building department officer, or his/~~her~~ designee, designated as the person responsible for administering and enforcing the provisions of the Florida State Building Code.

Certificate of appropriateness means a written authorization by the Pinellas County Historic Preservation Board or the county administrator to the owner(s) of a designated property, or any building, structure or site within a designated historic district, ~~or~~ landmark, ~~on a~~ ~~or~~ landmark site allowing a proposed alteration, relocation, or the demolition of a building, structure or site. A certificate of appropriateness is required for any proposed work that will result in the alteration, demolition, relocation, reconstruction, new construction or excavation of a designated landmark, ~~on a~~ landmark site or a property in a designated historic district.

Certified local government means a government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State of Florida.

Compatibility means, when applied to structures, sensitivity of a building design to the existing character of a neighborhood, surrounding blocks, or historic or special area. This is measured by how the design of a building or project relates to the design elements of the surrounding natural/physical and manmade environment. Compatibility measures include but are not limited to the following: building relationship to the street (such as height, facade details, landscaping, activities); the rhythm of spacing between buildings; the use of building materials which match in dimension, color, pattern and finish/texture; and building scale and mass.

Contributing property means and includes any building, structure or site which contributes to the overall historic significance of a designated historic district and was present during the period of historic significance and possesses historic integrity reflecting the character of that time or is capable of yielding important information about the historically significant period or independently meets the criteria for designation as a landmark ~~and~~ on a landmark site.

County administrator means the county administrator for Pinellas County, or his/her designee.

County ~~planning-housing and community development~~ department or ~~planning-housing and community development~~ department means Pinellas County Planning-Housing and Community Development Department.

County staff means the Director of the Pinellas County Planning-Housing and Community Development Department or designated staff to review, monitor and administer the provisions of this chapter.

Demolition means the complete removal of a building, structure, or portions thereof from a site.

Demolition by neglect means the willful abandonment of a building or structure by the owner, resulting in such a state of deterioration that its self-destruction is inevitable, or where demolition of the building or structure to remove a health and safety hazard is a likely result.

Design element means the features of a building that include architectural style and facade details, the rhythm and proportion of windows, porches, doors, and vertical and horizontal features, and building form, scale, color, and materials and finish.

Designation means action by the board of county commissioners to approve a historic preservation overlay district, landmark on a ~~and~~ landmark site for a parcel or parcels of land or district containing historic resources.

Designation report means a written document indicating the basis for the findings of the Pinellas County Historic Preservation Board and the Pinellas County Local Planning Agency, as applicable, concerning the proposed designation of a historic resource with a historic preservation overlay district, or landmark on a ~~and~~ landmark site pursuant to this chapter.

Excavation means ground disturbing activity including filling, digging, removal of vegetation and/or trees, or any other activity that may alter or reveal an archaeological site and may include, but is not limited to, excavating soil for the placement or removal of pilings, posts, footers, power poles, fence

[posts, large trees or plants, septic tanks, inground water features, ponds, swimming pools, hot tubs, water and sewer lines, drainage ditches, and the extensive grading of the ground surface.](#)

Exterior means all outside surfaces of a building or structure visible from a public right-of-way or the street easement of the building or structure.

Facade means the face or elevation of a building.

Florida Master Site File means an inventory of surveyed historical and archaeological resources compiled by the State of Florida, Division of Historical Resources for Pinellas County.

Historian means a person with a master's degree in history or American history or museum studies and two years of experience in conducting historical studies, or graduation from an accredited college or university with a major in American history or museum studies and four years of experience in conducting historical studies, or an equivalent combination of training, education and experience.

Historic district means a geographically definable area designated pursuant to this chapter possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history. To qualify as an historic district, an area may contain both contributing and noncontributing properties.

Historic preservation overlay district is a zoning district contained in chapter 138 that will be used to designate a historic district in unincorporated areas of the county.

Historic resource database means the compilation of Florida Master Site File data gathered on historic and archaeological sites in Pinellas County, Florida, based on the findings of An Archaeological and Historical Survey of the Unincorporated Areas of Pinellas County, Florida (1991), A Historic Resources Survey of Unincorporated Pinellas County, Florida (1993), the Countywide Cultural Resources Study (2008), and any subsequent historic or archaeological survey deemed acceptable by the county administrator.

Historic resources means any prehistoric or historic district, site, building, structure, object, or other real or personal property of historical, architectural, or archaeological value that has been surveyed by a historian and submitted to the Florida Master Site File Section of the State of Florida, Division of Historical Resources. Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historic or archaeological value, or any part thereof, relating to the history, government, or culture of the county, the state, or the United States.

Landmark means an archaeological or historical site or a structure designated pursuant to the requirements of this chapter. A "landmark" may include the location of significant archaeological features or of a historical event.

Landmark site means the land designated pursuant to the requirement of this chapter on which a landmark and related structures, or archaeological features and artifacts are located and the land that provides the grounds, the premises or the setting for the landmark.

National Register of Historic Places is a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 U.S.C. 470, or as may be amended, renumbered or replaced, and its implementing regulation, 36 CFR 60, National Register of Historic Places, or as may be amended, renumbered or replaced. Areas listed on the National Register are identified in the county historic resource database.

Noncontributing property means and includes any building, structure or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and, therefore, no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period. [The exterior appearance of noncontributing properties in a historic district shall be reviewed and regulated using the Certificate of Appropriateness procedure outlined in Sec. 146-7 unless the Pinellas County Board of County Commissioners adopts specific form-based code guidelines, standards or requirements that address said exterior appearance.](#)

Ordinary maintenance and repairs means work done ~~to prevent deterioration, decay, or damage or~~ to repair ~~deterioration, decay or~~ damages to [a minor portion of an architectural feature or component of a](#) designated landmark ~~on a~~ landmark site, or a building or structure within a designated historic district, or any part thereof, by restoring the [architectural feature or component of the](#) landmark site, building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage [using the same materials](#). Ordinary maintenance ~~and repair~~ does not include chemical or physical treatments, such as sandblasting, that [may](#) cause damage to historic materials.

Outside professional opinion means an opinion of an individual who practices and/or operates a business in the field of history, architecture, or archaeology, and who is licensed by the state, where appropriate.

Owner or owners means those individuals, partnerships, corporations or public agencies holding fee simple title to real property as listed by the county property appraiser's office. "Owner" does not include individuals, partnerships, corporations, or public agencies holding easements or less than a fee simple interest (including leaseholds) in real property.

Porch means a structure that extends along the outside of a building consisting of a floor that is typically raised above the finished horizontal elevation of the lot. The porch is unenclosed except for a balustrade and the flooring and may be roofed or open to the sky. Porches may be located within any yard, however, when located within the front or side yard, the porch typically provides a primary access into the structure. When providing primary access, the design elements of the porch are typically consistent with those of the attached structure and include the finish materials of any exterior surface, stem wall materials and/or foundation skirting.

State master site file means a compilation of archaeological and historic resources surveyed in the county and recorded with the state bureau of historic preservation, division of historical resources.

Structure means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

Undue economic hardship means an onerous and excessive financial burden that would be placed upon a property owner by the failure to issue a certificate of appropriateness for demolition, thereby amounting to the taking of the owner's property without just compensation.

Zoning ordinance means chapter 138. Such chapter may be referred to in this chapter as the "zoning ordinance."

Sec. 146-2. - Purpose and intent.

The purpose of this chapter is to implement goals, objectives and policies in the comprehensive plan by identifying, evaluating, preserving and protecting historic buildings and structures, and historic and archaeological sites and districts, and to promote the health and the cultural, moral, economic, educational, aesthetic and general welfare of the public by:

- (1) Giving the authority, power and duty to the Pinellas County Historic Preservation Board and county administrator to review historic sites, areas, structures and buildings for possible designation as landmarks, on landmark sites or historic district(s);
- (2) Establishing procedures whereby the board of county commissioners can designate significant historic resources;
- (3) Protecting designated landmarks, on landmark sites or historic district(s) by requiring the issuance of certificates of appropriateness before allowing alterations to those designated historic resources;
- (4) Encouraging historic preservation by creating programs of technical assistance and financial incentives for preservation practices;
- (5) Stabilizing and revitalizing unique older residential and commercial neighborhoods;
- (6) Enhancing the county's attraction to visitors and the ensuing positive impact on the economy as a result of historic preservation activities;
- (7) Creating and promoting cultural and educational programs aimed at fostering a better understanding of the community's heritage;
- (8) Promoting the sensitive use of historic and archaeological sites, resources and districts for the education, pleasure and welfare of the people of the county; and
- (9) Implementing components of the Countywide Historic Preservation Program, as specified in sections 38-141 through 38-146 of the Pinellas County Code.

Sec. 146-3. - Scope of chapter.

- (a) This chapter shall govern and be applicable to all property located in the unincorporated areas of the county.

~~(b) Nothing contained in this chapter shall be deemed to supersede or conflict with applicable building, zoning, or any other county codes, except as specifically provided in this chapter.~~

Sec. 146-4. - Pinellas County Historic Preservation Board.

(a) Establishment; composition; terms; quorum.

- (1) *Establishment.* The Pinellas County Historic Preservation Advisory Board established in Pinellas County Code section 38-146 hereby is renamed to the historic preservation board and shall serve as the board responsible for matters pertaining to historic and archaeological preservation. It is the Pinellas County Board of County Commissioner's intent that this board shall meet the requirements of the state and federal Certified Local Government program.
- (2) *Composition.* The historic preservation board shall be composed of nine members. Each member of the board of county commissioners shall nominate one member of the historic preservation board, and the board of county commissioners shall jointly nominate two at large members, with the board of county commissioners appointing the entire nine members. Each person appointed by the board of county commissioners shall be considered a voting member of the historic preservation board. The board of county commissioners shall appoint two alternates to the historic preservation board to serve during the absence of any regular member. The board of county commissioners shall appoint one of its members to the historic preservation board to serve as its chairman. The chairman shall be an ex-officio, non-voting member of the historic preservation board. The historic preservation board shall be composed of community advocates; municipal representatives; and historic preservation professionals with expertise and/or knowledge in the historic preservation field and shall, to the extent possible, include representation from the following fields: archaeology, preservation architecture, history, architectural history, historical museum studies and preservation planning. The historic preservation board shall include at least two individuals who are not required to have expertise or knowledge in the historic preservation field, and at least four members of the board must have expertise or knowledge in historic preservation. When a new member is appointed by the Pinellas County Board of County Commissioners, the local residency and the professional education and qualifications of the new member should be considered to ensure insure that the requirements of the certified local government program are met. When necessary, persons serving on the historic preservation board shall attend educational meetings to develop a special interest, experience or knowledge in history, architecture, or related disciplines.
- (3) *Terms.* The term of appointment for the historic preservation board members shall be three years as stated in the Pinellas County Code section 38-146. Each person appointed by the Pinellas County Board of County Commissioners shall be considered a voting member of the historic preservation board. Any vacancy in the membership of the historic preservation board shall be filled for the unexpired portion of the term in the same manner as an appointment for a full term.
- (4) *Quorum.* The presence of at least five voting members of the historic preservation board shall constitute a quorum.

Sec. 146-5. - Powers and duties of the historic preservation board.

- (a) In addition to the powers and duties stated in Pinellas County Code section 38-146(c), the historic preservation board shall take action necessary and appropriate to accomplish the purposes of this chapter. These actions may include, but are not limited to:

- (1) Continuing to survey and inventory historic buildings and areas and archaeological sites and to plan for their preservation;
 - (2) Recommending the designation of historic districts, ~~and~~ individual landmarks ~~on and~~ landmark sites to the Pinellas County Board of County Commissioners;
 - (3) Nominating and reviewing historic resources for listing on the National Register;
 - (4) Reviewing and acting on certificate of appropriateness applications for alterations, demolitions, relocations, and new construction to designated properties in a historic district, ~~or a~~ landmark ~~on a and~~ landmark site;
 - (5) ~~Recommending design standards and guidelines for historic districts and individual landmarks on landmark sites to the Pinellas County Board of County Commissioners;~~
 - (6) ~~Recommending specific design review criteria for special districts or overlay districts containing significant historic designated properties to the Pinellas County Board of County Commissioners and districts;~~
 - (7) ~~Working with and advising the federal, state and municipal governments and other departments or commissions of municipal government;~~
 - (8) ~~Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;~~
 - (9) ~~Initiating plans for the preservation and rehabilitation of individual historic buildings;~~
and
 - (10) ~~Undertaking educational programs including the preparation of publications and placing of historic markers and perform any other functions, duties, and responsibilities assigned to it by the Pinellas County Board of County Commissioners or by general or special law.~~
- (b) The historic preservation board shall conduct at least four public meetings a year to consider historic preservation issues. The historic preservation board shall provide recording minutes of each meeting. The historic preservation board shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.
- (c) The county ~~planning housing and community development~~ department is designated by the Pinellas County Board of County Commissioners as the staff to the historic preservation board, as specified in section 146-2, and as the department with the general responsibility for the conduct of the countywide historic preservation program. Other county staff members may be asked to assist the historic preservation board by providing technical advice or helping in the administration of this section.
- (d) The historic preservation board shall review all nominations to the National Register of Historic Places located in the unincorporated area and all nominations involving county-owned property located in a municipality, following the regulations of the state historic preservation office. The historic preservation board shall conduct a public meeting to consider a nomination and shall publish and mail notice of the public meeting to interested individuals or organizations. When determined necessary by the historic preservation board, the board shall seek outside professional

opinion before evaluating the nomination. The historic preservation board shall forward its recommendation by letter to the state historic preservation officer. When a property owner objects to having their property nominated to the National Register, a notarized written statement must be submitted to the historic preservation board before the nomination is considered. The historic preservation board may then continue its review, forwarding its recommendation to the state historic preservation officer noting owner's objection or it may cease any further review and notify the state historic preservation officer of the property owner's objection to the proposed listing.

Sec. 146-6. - Local designation of historic resources.

(a) *Designation of landmark ~~on a~~ landmark site.*

(1) *Initiation of designation process.* The designation process may be initiated by the owner(s), or their appointed agent(s), or the county ~~planning-housing and community development~~ director with consent of the owner(s) by filing an application for designation in a form provided by the county ~~planning-housing and community development~~ department. The historic resource database shall be used as the initial database when considering the designation of historic resources as a landmark ~~on a~~ landmark site. Each request for designating a landmark shall include a request for the designation of a landmark site.

(2) *Designation review process.*

a. *Pinellas County Historic Preservation Board's review and recommendation.* The historic preservation board shall conduct a public hearing on the proposed designation within 60 days of the submission of a completed application. Notice of the public hearing and notice to the owners shall state clearly the boundaries for the proposed landmark ~~on a~~ landmark site. After evaluating the testimony, survey information and other material presented at the public hearing, the historic preservation board shall make a recommendation on the proposed designation. The historic preservation board may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. County staff shall notify the applicant and the property owner of the historic preservation board's recommendation.

b. *Pinellas County Board of County Commissioners' review and action.* Upon receipt of the findings and recommendation of the historic preservation board, the Pinellas County Board of County Commissioners shall hold a public hearing to consider the designation of an individual landmark ~~on a~~ landmark site. At the board of county commissioners' public hearing, a representative of the historic preservation board may present the board's recommendation. The Pinellas County Board of County Commissioners shall approve, approve with modifications, defer or deny the proposed designation. The Pinellas County Board of County Commissioners may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application after adequate information is made available. County staff shall notify each applicant and property owner of the decision relating to his/her property and shall arrange that the designation of a property as a landmark ~~on a~~ landmark site be recorded in the official zoning map.

(b) *Designation of historic district.*

- (1) Development of an application to designate a historic district shall involve owners of property within the proposed historic district and any interested citizens.
- (2) Initiation of designation process. The historic preservation overlay district shall be used to designate historic districts in unincorporated areas of the county. The zoning designation process may be initiated by the owners of the property within the proposed district, their appointed agents, or the planning housing and community development director. Initiation of the zoning designation process shall require the consent of the property owners of at least two-thirds of the parcels located within the proposed district. The historic resource database shall be consulted when considering the designation of a historic district.
- (3) The procedures for using the historic preservation overlay district shall be those utilized in implementing chapter 138 (zoning), except as they may be modified by provisions within this chapter. In cases where the provisions of chapter 138 and this chapter conflict, the provisions of this chapter shall govern.
- (4) The historic preservation board shall review and make a recommendation on a proposal to apply the historic preservation overlay district using the process in subsection 146-6(a)(2). The historic preservation board recommendation shall be provided to both the local planning agency and the board of county commissioners for their consideration when making decisions on the proposed historic district designation.

(c) *Application requirements for designation.* The application form provided by the county planning housing and community development department shall require that the applicant provide the following information:

- (1) A written description of the architectural, historical, or archaeological significance of the proposed landmark on a ~~and~~ landmark site, or structures in the proposed historic district and specifically addressing and documenting those related points contained in the criteria for designation listed in this chapter;
- (2) A copy of the Florida Master Site File for the subject property;
- (3) Date of construction of the structures on the property;
- (4) Photographs of the property; and
- (5) Legal description and map of the property to be designated as a landmark on a, landmark site, or historic district.

On applications for the designation of historic districts, the applicant shall also submit:

- (6) A written description of the boundaries of the district; and
- (7) A list of contributing resources.

The county staff shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

(d) *Designation report.* Prior to the designation of a landmark on a ~~and~~ landmark site or a historic district pursuant to this chapter, a designation report shall be prepared by county staff and provided

to the historic preservation board, the local planning agency (proposed historic district designation only) and to the Pinellas County Board of County Commissioners with any request for landmark ~~on a~~ ~~and~~ landmark site or historic district designation. The designation report shall contain the following information:

(1) Landmarks ~~on a~~ ~~and~~ landmark sites:

- a. A physical description of the building, structure or site and its character-defining features, accompanied by photographs.
- b. A statement of the historic, cultural, architectural, archaeological or other significance of the building, structure or site as defined by the criteria for designation established by this chapter.
- c. A description of the existing condition of the building, structure or site including any potential threats or other circumstances that may affect the integrity of the building, structure or site.
- d. A statement of rehabilitative or adaptive use proposals.
- e. A location map, showing relevant zoning and land use information.
- f. Recommendations concerning the eligibility of the building, structure or site for designation pursuant to this chapter and a listing of those features of the building, structure or site which require specific historic preservation treatments.

(2) Historic districts:

- a. A physical description of the district, accompanied by photographs of buildings, structures or sites within the district indicating examples of contributing and noncontributing properties within the district. Also, a list of all contributing properties outside the proposed boundaries of the district.
- b. A description of typical architectural styles, character-defining features, and types of buildings, structures or sites within the district.
- c. An identification of all buildings, structures and sites within the district and the proposed classification of each as contributing, ~~contributing with modifications~~, or noncontributing, with an explanation of the criteria utilized for the proposed classification.
- d. A statement of the historic, cultural, architectural, archaeological, or other significance of the district as defined by the criteria for designation established by this chapter.
- e. A statement of recommended boundaries for the district and a justification for those boundaries, along with a map showing the recommended boundaries.
- f. A statement of incentives requested, if any, and the specific guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.

(e) Criteria for designation of a landmark ~~on a~~ ~~and~~ landmark site, or historic district.

- (1) The board of county commissioners shall have the authority to designate historic resources as a landmark on a landmark site or historic district based upon their significance in the county's history, architecture, archaeology or culture and/or for their integrity of location, design, setting, materials, workmanship or association, and because they:
 - a. Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history that have contributed to the pattern of history in the community, the county, southwestern Florida, the state or nation;
 - b. Are associated with the lives of persons significant in the county's past;
 - c. Embody the distinctive characteristics of a type, period, style or method of construction or are the work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction;
 - d. Have yielded, or are likely to yield, information on history or prehistory; or
 - e. Are listed or have been determined eligible for listing in the National Register of Historic Places.

- (2) A historic resource shall be deemed to have historic or cultural significance if it fulfills one or more of the following criteria:
 - a. Is associated with the life or activities of a person of importance in local, state, or national history;
 - b. Is the site of a historic event with a significant effect upon the county, state or nation;
 - c. Is associated in a significant way with a major historic event;
 - d. Is exemplary of the historical, political, cultural, economic, or social trends of the community in history; or
 - e. Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the community.

- (3) A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:
 - a. It portrays the environment in an era of history characterized by one or more distinctive design element or architectural styles;
 - b. It embodies the characteristics of an architectural style, period or method of construction;
 - c. It is a historic or outstanding work of a prominent architect, designer, or landscape architect; or
 - d. It contains elements of design, detail, material, or craftsmanship which are of outstanding quality or which represented, in its time, a significant innovation, adaptation or response to the southwest Florida environment.

(f) *Suspension of activities.* Upon the filing of a designation request, no permits may be issued authorizing building, demolition, relocation or excavation on the subject property until such time as final action by the board of county commissioners has occurred. Any permits issued prior to filing of the designation request may be suspended.

Sec. 146-7. - Certificates of appropriateness.

(a) *General requirements.*

- (1) *Prerequisite to issuance of building permit.* No building, moving, demolition, excavation or other development permit shall be issued for a designated landmark, on a designated landmark site, or a property in a designated historic district until a certificate of appropriateness has been issued.
- (2) *Work not requiring a certificate of appropriateness.* A certificate of appropriateness shall not be required for work requiring a building permit and classified as "ordinary maintenance and repair" by this chapter, ~~or for any work that will result, to the satisfaction of the county administrator, in the close resemblance in appearance of the building, architectural feature or landscape feature to its appearance when it was built or was likely to have been built, or to its appearance as it presently exists so long as the present appearance is appropriate to the style and materials. County staff may develop specific criteria to determine the type of work that does not require a certificate of appropriateness, provided the criteria are consistent with the foregoing description.~~
- (3) *Work requiring a certificate of appropriateness.* A certificate of appropriateness ~~shall be required issued~~ by the county shall be required prior to initiation of any work involving the alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original or historical appearance or integrity of the surface or subsurface materials of a designated landmark ~~on a designated~~ landmark site, or an applicable property in a designated historic district.
- (4) *Application procedures.*
 - a. An applicant for a certificate of appropriateness shall submit an application outlining proposed work to the county ~~planning housing and community development~~ department on a form provided by said department. ~~An application for a certificate of appropriateness for a designated landmark, a designated landmark site, or a property in a historic district is reviewed by the historic preservation board or county staff.~~ An application for a certificate of appropriateness shall be considered complete when the following is submitted in full accompanied by:
 1. ~~Full Documentation of existing conditions such as plans, drawings and specifications~~ description, including pictures;
 2. ~~If required, Summary of proposed work including site plan, floor plans, elevation drawings, and specifications to support the project; and~~
 3. ~~In the case of sites involving buildings or structures, S~~ samples of materials as deemed appropriate by county staff or the historic preservation board to fully describe the proposed appearance, color,

texture, materials, or design of architectural components for the affected building(s) or structure(s) or site features including, but not limited to, and any an outbuilding, wall, courtyard, ~~porch, façade, balcony,~~ fence, landscape feature, paving, signage or exterior lighting.;

4. Individual name of the applicant with contact information; and

~~3.5.~~ Written authorization provided by the property owner.

- b. ~~The applicant shall provide adequate information as determined~~ When requested by the county staff or the historic preservation board, the applicant shall provide adequate information to ~~enable the reviewing county staff or the historic preservation board to~~ visualize the effect of the proposed action on the designated historic resources and on adjacent buildings and streetscapes within a historic district.

(5) *Review of certificates of appropriateness for exterior alterations and new construction.*

- a. Review of certificate of appropriateness applications for a landmark, on a landmark site, or properties in a historic district shall be the responsibility of either the historic preservation board or county staff as shown in the following certificate of appropriateness reference table. ~~The following certificate of appropriateness reference table shows what type of construction activity requires a review by either the historic preservation board or by county staff.~~

Certificate of Appropriateness (COA) Reference Table¹

<u>COA Issued by Historic Preservation Board or County Staff:</u> <u>Residential & Commercial</u>		
<i>Type of Construction Activity</i>	<i>Contributing Properties/ Landmark <u>on a</u> Landmark Site</i>	<i>Non-Contributing Properties and Vacant lots</i>
New Addition or <u>New</u> Accessory Structure, <u>New Building</u>	HPB	HPB
Carport or Porch Enclosure, <u>New</u>	HPB	HPB
Deck, <u>New</u> Above Ground	HPB	Staff
Demolition/Moving	HPB	Staff
Fence/Wall, Repair <u>Existing Consistent w/Design Guidelines</u>	Staff	Staff
Fence/Wall, New	Staff	Staff
Hurricane Shutters	HPB (if permanent)	Staff
Move Structure onto Site	HPB	HPB
Porch Supports/Ornamentation Repair (<u>same materials/style only</u>)	Staff	Staff
Porch Replacement & Repair <u>With same materials/style only</u>	<u>Staff HPB</u>	Staff
<u>Porch Repair, with same materials</u>	<u>Staff</u>	<u>Staff</u>
<u>New</u> Primary Structure, <u>including Dormers, New</u>	HPB	HPB
Roof, Replace/Repair, With same materials/style	Staff	Staff
<u>Roof, Replace</u> , With other materials/ <u>style</u>	HPB	Staff
Satellite Dish, Antenna, Solar Collectors, <u>and other utility equipment/service appurtenances</u>	Staff	Staff
Signs, Awnings, Canopies, Repair/replace	Staff	Staff
<u>Signs, Awnings, Canopies</u> , New	Staff	Staff
Stucco/siding/brick/stone/soffit/fascia, Repair With same materials/style	Staff	Staff
Stucco/siding/brick/stone/soffit/fascia, Replace/New	HPB	Staff
Window/Door Replacement With same materials/style	Staff	Staff
<u>Window/Door Replacement</u> With other materials	HPB	Staff

KEY:

¹ Certificates of Appropriateness for non-contributing properties and new construction on vacant lots in a historic district shall be reviewed consistent with this reference table unless the Board of County Commissioners has adopted specific form-based code guidelines, standards and/or requirements that address the exterior appearance of buildings under Chapter 138, Pinellas County Code of Ordinances.

HPB ~~is~~: Pinellas County Historic Preservation Board ~~is responsible for reviewing and issuing Certificates of Appropriateness~~

Staff ~~is~~: County Housing and Community Development Department staff ~~is responsible for reviewing and issuing Certificates of Appropriateness, however staff has the right to refer the item to the HPB.~~

- b. The historic preservation board or county staff shall act upon an application for a certificate of appropriateness within ~~60~~ 30 days of receipt ~~to determine if the application is complete in accordance with Section 146-7(a)(4) of the application and materials adequately describing the proposed action. If an application is determined to be incomplete, the applicant shall have 30 days to submit additional required information. Once an application has been determined to be complete~~ The historic preservation board or county staff may request outside professional opinions in the review of specific applications. The historic preservation board or county staff shall approve, deny, or approve with conditions the certificate of appropriateness with conditions within 60 days. (subject to the acceptance of the conditions by the applicant), In the event that an application, due to unique circumstances, requires the historic preservation board to seek outside technical assistance in order to fairly review an application, the board may make a finding of such and suspend action on an application for up to 60 days. or suspend action on the application for a period not to exceed 30 days from the date the application is made in order to seek technical advice from outside sources, or to meet further with the applicant to revise or modify the application. Final action shall be taken by the historic preservation board or county staff no later than 120 days after receipt of the complete application unless a continuance for good cause as outlined in Sec 146-7(a)(5)c below is requested by the applicant.
- c. Failure of the historic preservation board or county staff to act upon ~~an a complete~~ application within ~~60 the timeline established in paragraph b, above, days (if no additional information is required) or 90 days (if additional information is required) from the date the application was received,~~ shall result in the immediate issuance of the certificate of appropriateness applied for, without further action by the historic preservation board or county staff. The applicant may seek in writing a continuance for good cause shown and any continuance shall ~~halt to~~ halt the running of the ~~60 or 90-day applicable~~ time period (60 or 120 days) until the applicant advises the county, by written notice, to proceed with review of the application. The time remaining upon receipt of the notice to proceed shall be the time otherwise remaining for review, or 30 days, whichever is greater.
- d. The historic preservation board shall hold a public meeting ~~within 60 days (if no additional information is required) or 90 days (if additional information is required) from the date the application was received~~ to review and consider applications for a certificate of appropriateness. A notice of the meeting ~~will be posted on the Pinellas County website~~ and a copy of the certificate of appropriateness application along with the associated staff report will be posted on the Pinellas County website along

[with a placard with the application number, brief project description, meeting date, and location](#) in front of the applicant's property. ~~A~~[Also](#), a notice of the meeting will be mailed to all owners of property located within 200 feet of the applicant's property.

~~e. When an application for a certificate of appropriateness within the Downtown Palm Harbor Historic District or the Old Palm Harbor Downtown Zoning District requires review and action by the historic preservation board, the Old Palm Harbor Main Street Board will be provided a notice of the public meeting and a copy of the application.~~

(6) *General criteria for evaluating certificates of appropriateness.* The criteria for issuance of a certificate of appropriateness shall be as follows:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- i. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- j. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(7) *Design criteria for Downtown Palm Harbor Historic District.* The following design criteria apply to contributing properties in the Downtown Palm Harbor Historic District as sited and depicted in the zoning ordinance and zoning atlas. ~~Downtown Palm Harbor Historic District is a unique example of the county's past. There are several contributing buildings within the district. The historical "contributing" buildings located in the district do not fall into any specific architectural style but are instead considered a part of the "folk" architectural tradition. For this reason, design criteria cannot be based upon specific, stylistic elements but instead must be based upon the connecting elements and characteristics that are present in the district. These characteristics include: the relationship between the shape, size and height of the buildings; the front-facing orientation of the buildings and the lack of setbacks from the main street; the major roof types; window/door design and placement; and minimal ornamentation and architectural detailing. Minor connecting elements in the district include shutters, porches, and fences.~~

a. General design criteria.

1. The ~~scale (height/width ratio)~~ of new construction on a contributing property, or of alterations/additions to existing structures, shall not exceed more than one (1) story/floor above the existing historic building on site. ~~be similar to that of the contributing structures in the district.~~
2. ~~New buildings or alterations/a~~Additions to existing historic buildings structures on a contributing property shall be setback at least 10 feet from the façade of the historic building; shall not exceed 50% of the footprint of the historic building; and shall not be built higher than the existing historic buildings on site. ~~in the district as of the time of designation. The height of new construction, or of alterations/additions to existing structures, shall not exceed 30 feet in height when measured at the eave of the structure.~~
3. The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings on a contributing property. New buildings shall be built flush with at the edge of the public right-of-way except in cases where the presence of mature trees requires that the building be located back from the street. The orientation of new buildings shall be towards the street and all street-facing elevations shall be designed with an architectural treatment the same as the façade., and of aAlterations/additions to existing historic buildings, shall maintain the front-facing orientation of the façade facades with the main entrance on the street side of the building.

4. The size, slope, and type of roofs for new construction, and ~~or~~ for alterations/additions on a ~~to~~ contributing property structures, shall match the appearance of the existing historic building. ~~be similar to those of the contributing structures.~~
5. Shutters shall be in character with the style and period of the building. Replacement shutters shall be similar to the original in size, configuration, and style, and shall fit the window openings, not to overlap on the surface of the wall.
6. Porch additions shall have a roof type that is either similar to the existing roof or that is in character with the style and period of the building.
7. Fences and walls on contributing properties within the Downtown Palm Harbor Historic District shall be limited to the following styles and materials:
 - a) All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.
 - (1) Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative metal, brick, or stamped concrete which are compatible with the streetscape design materials.
 - (2) No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.
 - (3) Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.
 - b) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three feet in height, except in those instances where a higher fence is required by section 138-~~1286~~ 4501(a)(5) for screening dumpsters.
 - c) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by the county.
 - d) No fence or wall shall enclose a water meter box or manhole, unless authorized by the county.
 - e) Where not specifically changed in this section, fences and walls shall otherwise comply with section 138-~~1336~~4501(a)(8).

8. Historically, building, trim, and roof colors have not been a major defining component of the district. Choice of colors should complement and enhance the character of the district. For new construction and noncontributing structures, specific color choice is left to the discretion of the property owner. For contributing structures, the general criteria for evaluating certificate of appropriateness as cited in subsection (a)(6) of this section shall be followed.
9. On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.

b. Contributing structures properties. Any proposed exterior alteration, demolition, relocation, reconstruction, excavation or new construction associated with a contributing property in the Downtown Palm Harbor Historic District shall comply with the certificate of appropriateness procedures and requirements outlined in this chapter using the general criteria outlined in Sec. 146-7(a)(6) of this chapter along with any additional standards and guidelines adopted by the County specific to this district.

- ~~1. If windows and doors in contributing structures are determined to be unrepairable, they shall be replaced with new windows and/or doors matching the size, spacing, and where possible, materials of the originals. The use of materials other than the original materials shall be considered by the historic preservation board or county staff on a case-by-case basis.~~
- ~~2. Porches and porch features that are in good condition or repairable, and which are in character with the style and period of the building, shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.~~

cb. Noncontributing structures properties. Any proposed exterior alteration, demolition, relocation, reconstruction, excavation or new construction associated with a noncontributing property in the Downtown Palm Harbor Historic District shall comply with the Development Design Standards for the Downtown Palm Harbor Form-Based Code as outlined in Chapter 138, Article XII.

- ~~1. Where possible and appropriate, alterations and additions to noncontributing structures shall be similar to the major features, details and materials found in the contributing structures. Alterations and additions shall not introduce false historical architectural features not found in the district.~~
- ~~2. Where possible and appropriate, when renovating an existing noncontributing structure, new or replacement windows and/or doors shall be similar to the size, spacing, materials and general rhythm of the windows and/or doors found in the contributing structures.~~

~~d.—New construction.~~

- ~~1.—The roof types of new buildings shall conform to the roof types of the contributing structures in the district. Gable, pyramidal (hip), and flat roofs with parapets are found in the contributing structures. Use of a roof type that is not present in the contributing structures, and which can be seen from the street is prohibited. Alternative roof styles can be used if they are concealed by a parapet and are not visible from the street.~~
- ~~2.—Proportions, configurations, and placement of windows and/or doors in new buildings shall be similar to the size, spacing, materials and general rhythm of the window/door fenestration found in the contributing structures.~~
- ~~3.—Use of double hung sash windows with two—four lites is encouraged. Jalousie windows are prohibited. Recessed entrances are encouraged.~~
- ~~4.—Major architectural features, detailing and materials used in new construction shall be similar to those of the contributing structures found in the district.~~
- ~~5.—Modern equipment such as solar collectors, air conditioners, etc. shall be concealed from public view.~~

(b) *Special requirements.*

(1) *Demolition.*

- a. Demolition of a designated landmark, on a landmark site, building of historical merit, or a contributing property within a designated historic district may only occur pursuant to an order of a governmental body, the historic preservation board, or an order of a court of competent jurisdiction and pursuant to approval of an application by the owner for a certificate of appropriateness for demolition.
- b. No permit for voluntary demolition of a designated landmark, on a landmark site, building of historical merit, or contributing site property within a historic district shall be issued to the owner(s) thereof until an application for a certificate of appropriateness has been submitted to the county planning housing and community development department, and approved pursuant to the procedures in this section.
 1. The historic preservation board shall approve, deny, or approve with conditions the application for a certificate of appropriateness for demolition.
 2. In the event of a denial Refusal by the historic preservation board to grant a certificate of appropriateness for demolition, a shall be evidenced by a written order detailing the board's findings and the public interest to be served by retaining the building or structure which is sought to be preserved shall be prepared.

3. The historic preservation board may grant a certificate of appropriateness for demolition ~~with the condition that a~~ ~~which may provide for a~~ ~~delayed effective date~~ of up to six months ~~be implemented to specifically~~ ~~allowing for~~ ~~the historic preservation board~~ ~~interested parties~~ to seek possible alternatives to demolition. During the demolition delay period, the historic preservation board may take such steps as deemed necessary to preserve the structure concerned, in accordance with the purpose of this chapter. Such steps may include, but shall not be limited to, ~~one or more of the following~~:
 - i. Consultation with civic groups, public agencies and interested citizens;
 - ii. Recommendations for acquisition of property by public or private bodies or agencies; ~~or and~~
 - iii. Exploration of the possibility of moving the building or other feature.
- c. In addition to the general criteria of subsection (a)(6) of this section, the historic preservation board shall consider the following criteria in evaluating applications for certificates of appropriateness for demolition of designated landmarks, ~~on~~ landmark sites or contributing properties within a designated historic district:
 1. ~~Is the~~ ~~The~~ building or structure ~~is~~ of such interest or quality that it would reasonably meet national, state or local criteria for additional designation as an historic or architectural landmark.
 2. ~~Is the~~ ~~The~~ building or structure ~~is~~ of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
 3. ~~Is the~~ ~~The~~ building or structure ~~is~~ one of the last remaining examples of its kind in the neighborhood, the county or the region.
 4. ~~Does the~~ ~~The~~ building or structure ~~contributes~~ significantly to the historic character of a designated historic district.
 5. ~~Would~~ ~~Retention~~ of the building or structure ~~promotes~~ the general welfare of the county by providing an opportunity for the study of local history or prehistory, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.
 6. ~~Are~~ ~~Whether or not~~ there ~~are~~ definite plans for reuse of the property if the proposed demolition is carried out, and ~~what will be~~ the effect of those plans on the character of the surrounding area.
 7. ~~Has~~ ~~Demolition~~ of the designated building or structure ~~has~~ been ordered by the ~~building official~~ ~~appropriate public agency~~ due to unsafe conditions.

~~8. Is the~~ Whether or not the cause of demolition is due to self-imposed negligence of the property owner and is deemed demolition by neglect as defined in this chapter.

9. A condition assessment report including, but not limited to, an evaluation of the structural integrity of the building and electrical and plumbing systems, to be prepared, by a licensed architect or engineer serving as a neutral party.

~~8.10.~~ A cost-benefit analysis outlining estimated construction costs prepared by a construction professional and potential economic return projected over at least a ten-year period.

- d. Unless demolition has been ordered by a court of competent jurisdiction, ~~or the building official, or another~~ governmental body, a certificate of appropriateness for demolition of a designated landmark, on a landmark site or a contributing property in a historic district shall not be issued until there are definite plans for reuse of the property and a building permit or development order for the new construction has been applied for.
- e. In the event that an undue economic hardship, as defined in this chapter, is claimed by the property owner as a result of the denial of a certificate of appropriateness for demolition, the property owner may file a takings' claim consistent with the provisions of chapter 134, article IV.

(2) *Moving permits.* The historic preservation board shall use the general criteria of subsection (a)(6) of this section along with the following criteria when evaluating applications for a certificate of appropriateness for the moving of a landmark or a contributing property located within a designated historic district:

- a. The historic character and aesthetic interest the building or structure contributes to its present setting.
- b. The reasons for the proposed move.
- c. The proposed new setting and the general environment of the proposed new setting.
- d. Whether the building or structure can be moved without significant damage to its physical integrity.
- e. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
- f. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.

~~g. The effect of the move on the eligibility of the sites that are listed or may be determined eligible for listing in the National Register of Historic Places.~~

(3) *Archaeological sites* ~~designated as landmark and landmark site.~~

- a. A certificate of appropriateness shall be required prior to the issuance of a building permit for excavation activity within a designated landmark on a ~~and~~ landmark site or property in a designated historic district containing or likely to contain an archaeological site. ~~pursuant to section 146-6(f)~~. An application for a certificate of appropriateness shall be accompanied by full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites. The requirements outlined in subsection (a)(4) of this section shall apply to all applications and the issuance of all certificates of appropriateness for landmark on a ~~and~~ landmark site or property in a designated historic district containing archaeological sites designated pursuant to this chapter.
- b. In reviewing an application for a certificate of appropriateness for a designated landmark on a ~~and~~ landmark site or property in a designated historic district containing an archaeological site, the county administrator may ~~also~~ require any or all of the following:
 1. Scientific excavation and evaluation of the site by an archaeologist at the owner's expense.
 2. An archaeological survey, conducted by an archaeologist as defined in this chapter, containing an analysis of the impact of the proposed activity on the archaeological site.
 3. Proposed mitigation measures pursuant to subsection (b)(4) of this section.

(4) Guidelines for protection, mitigation and curation of archaeological resources.

- a. *Protection.* Measures taken to protect an archaeological site may be either temporary or permanent. When a site is to be protected, it is to be shielded from deterioration, damage, and from artifact collection by other than archaeologists designated by the property owner to assess the significance of the site. Site protection is designed to sustain the existing form and integrity of the site. Protective measures are site specific, but may include (but are not limited to) the following steps and considerations where appropriate:
 1. Designing the development site plan to avoid known designated archaeological sites and/or to include them in green-space preservation areas. This design action can often result in the establishment of protective covenants or preservation easements between the county and the property owner, those proposing to develop the property, or any other authorized entities.
 2. Satisfactory protection may also be achieved, under appropriate circumstances, by means of fencing, on-site public notices, covering with fill, or paving over buried archaeological resources, stabilization, or a combination of these.
 3. Even though basic protective measures have been agreed upon at a development site, care must be taken to avoid indirect impact to an archaeological site as a result of development site preparation and construction activities. Examples of indirect impact are disturbance by the maneuvering of heavy equipment, delivery of construction materials and digging of utility line

trenches. Temporary buffers, fencing or other means of site protection may therefore be required during construction and site preparation activities.

- b. *Mitigation.* The term "mitigation" refers to archaeological excavation of that portion of a designated archaeological site which is threatened by an adverse impact and which cannot be preserved. If feasible, an archaeological site that has been designated as a landmark or landmark site should be preserved and protected from adverse impact. Excavation of significant sites will occur only as a last resort if the development impacts are unavoidable. If it is infeasible to preserve the site, then the owner or applicant shall hire an archaeologist to excavate that portion to be impacted in order to recover and interpret the information which the site contains. The excavation shall be conducted in accordance with [section 4.6 of the guidelines contained in archeological procedures outlined in](#) the historic preservation compliance review program of the state division of historical resources. As is the case with test excavations for purposes of site assessment, adhering to these guidelines will provide a consistent level of effort for affected sites in the county and will also be sufficient for state compliance in the event the site is located within a DRI area.
- c. *Curation of artifacts and related materials.* Artifacts (objects made or used by humans) and associated materials (e.g., soil samples, samples for radiocarbon dating, faunal remains, botanical specimens) recovered from archaeological excavation belong to the owner of the property from which they were recovered and should be properly curated.
 1. *Materials recovered from county properties.* The county may either store or display archaeological materials recovered from county properties. In either case, care is to be taken not to lose the information concerning individual artifact provenance and the associated documentation, such as artifact catalogs. Assemblages from a single site should be stored as a unit and should be accessible to qualified researchers. The materials should not be sold, but they may be donated or loaned to appropriate institutions which have suitable curatorial facilities, such as the Heritage Village Museum, other museums, colleges or universities. Whether stored or displayed, the materials should be in a physical environment that prevents deterioration. Special conservation measures may be required in some cases, especially for materials recovered from submerged sites.
 2. *Materials recovered from privately owned properties.* Objects and other materials recovered from privately owned property will remain in the care of the designated archaeologists for the duration of the appropriate analysis. A copy of the archaeological report and findings shall be given to the county [planning-housing and community development](#) department. Once analysis has been completed and a report of the investigation has been submitted, the artifacts will be turned over to the property owner. Thus, the private property owner makes disposition of the archaeological materials from his [or her](#) property. The private property owner may elect to

keep the materials. In that event, the owner should take care to maintain the provenance records of the individual objects and any associated materials, to protect the collections and to store/display them in a physical environment which will prevent deterioration. If artifacts are displayed, they should not be grouped in a manner that renders it impossible to redetermine their relative location within the archaeological site. Special conservation measures may be necessary in some cases, especially for materials recovered from submerged sites. A private property owner may choose to donate the artifacts to the county, a museum, an educational institution with suitable curatorial facilities, or other appropriate institution. It is also possible to loan the artifacts to a suitable institution for purposes of interpretive display.

Sec. 146-8. - Maintenance and minor repair provisions.

- (a) *Ordinary maintenance. Exemption for work not requiring a building permit.* Nothing in this chapter shall be construed to prevent or discourage the ordinary maintenance ~~and repair~~ of the exterior elements of any landmark, ~~on a~~ landmark site or any property within a designated historic district when such maintenance and repair does not involve a change of design, appearance ~~(other than color)~~, or material, ~~and which does not require a building permit.~~
- (b) *Enforcement of maintenance and repair provisions.* When the county administrator determines that the exterior of a designated landmark, ~~on a~~ landmark site or a contributing property within a designated historic district is endangered by lack of ordinary maintenance and repair, or that other improvements in visual proximity of a designated landmark, ~~on a~~ landmark site or historic district are endangered by lack of ordinary maintenance, or are in danger of deterioration to such an extent that it detracts from the desirable character of the designated landmark, ~~on a~~ landmark site or historic district, the county administrator may require correction of such deficiencies under the authority and procedures of applicable ordinances, laws and regulations.
- (c) *Unsafe structures.* If the building official determines that any designated landmark, ~~on a~~ landmark site or contributing property in a historic district is unsafe pursuant to the provisions of the applicable county ordinances, the appropriate official will immediately notify the county administrator by submitting copies of such findings. Where appropriate and in accordance with applicable ordinances, the county shall encourage repair of the building or structure rather than demolition.
- (d) *Emergency conditions.*
 - (1) For the purpose of remedying an emergency condition determined to be imminently dangerous to life, health, or property, nothing contained in this chapter will prevent the temporary construction, reconstruction, demolition, or other repairs to a designated landmark, ~~on a~~ landmark site or a contributing or noncontributing property in a historic district, structural improvement, landscape feature, or archaeological site within a designated historic district.
 - (2) Such temporary construction, reconstruction or demolition must take place pursuant to permission granted by the building official and only such work as is reasonably necessary to correct the emergency conditions may be carried out.

- (3) The owner of a designated landmark, on a landmark site or a contributing property in a historic district damaged by fire or natural calamity will be permitted to immediately stabilize the building or structure and to later rehabilitate it under the procedures required by this chapter. The owner may request a special meeting of the county administrator to consider an application for a certificate of appropriateness to provide for permanent repairs.
- (e) *Demolition by neglect.* If the county administrator finds that a landmark, on a landmark site or a contributing property in a historic district, is subject to demolition by neglect, the county administrator may recommend that the owner(s) be issued a citation by the building department for code violations and that penalties be instituted pursuant to this chapter or other ordinances.

Sec. 146-9. - Incentives.

- (a) *Tax credits.* The county staff shall encourage and assist in the nomination of eligible income-producing properties to the National Register of Historic Places or as a Landmark in order to make available to those property owners the investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986, the Florida Historic Preservation Property Tax Exemption, and any other federal, state, or local programs, ~~offered through the National Register.~~
- (b) *Variance from building code.* Designated d landmarks, on landmark sites and contributing properties in to a designated historic district may be eligible for administrative variances or other forms of relief from applicable building codes as follows:
 - (1) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to the technical requirements of the building codes when the proposed work has been approved by a certificate of appropriateness and also by the building official pursuant to the authority granted to such officials by other ordinances or statutes, and further provided that:
 - a. The restored building will be no more hazardous based on considerations of life, fire and sanitation safety than it was in its original condition;
 - b. Plans and specifications are sealed by a state registered architect or engineer, if required by the building official; and
 - c. The building official has required the minimum necessary corrections to be made before use and occupancy which will be in the public interest of health, safety and welfare.
 - (2) Designated landmarks, on landmark sites or properties within a designated historic district may be eligible for fee exemption from the building official.
- (c) *Relief, special exceptions to zoning ordinance.* Designated landmarks, on landmark sites or properties within a designated historic district may be eligible for zoning relief pursuant to the zoning ordinance. Landmarks, on landmark sites and properties within a designated historic district may also be eligible for special exception from the board of adjustment pursuant to the zoning ordinance.

Sec. 146-10. - Stop work orders.

Any work conducted contrary to the provisions of this chapter shall be immediately stopped upon notice from the building official or county administrator that the work does not conform to the terms of this chapter. Notice shall be in writing and shall be given to the property owner, his agent, or to the person

doing the work. If none of these persons are immediately available on the construction site to receive the required notice, it shall be posted on the property. The notice shall state all conditions under which work may be resumed. In emergencies, the building official shall not be required to furnish written notice of the stop work order.

Sec. 146-11. - Penalty for violation of chapter.

Violations of this chapter are punishable as provided in section 134-8. In addition, any violation of this chapter may subject work done either with or without permits issued pursuant to this chapter to review for purposes of stop work orders issued pursuant to section 146-10.

Sec. 146-12. - Review of decisions.

(a) Appeals.

- (1) *County staff.* Any aggrieved party may file an appeal before the historic preservation board of a final decision made by county staff under this chapter.
- (2) *Historic preservation board.* Any aggrieved party may file an appeal before the board of county commissioners of a final decision made by the historic preservation board under this chapter.
- (3) *Board of county commissioners.* Any challenge to a decision by the board of county commissioners under this chapter is to a court of competent jurisdiction.

(b) Timing. An appeal filed pursuant to subsections (a)(1) and (2) above shall not be required to be in any particular form, but shall be filed with the county administrator's office within ten days after receipt of notice of the final decision of the county staff or the historic preservation board. Each such appeal filing, at a minimum, shall be accompanied by a payment in sufficient amount to cover the cost of publishing notice of the required public hearing. The board of county commissioners or the historic preservation board shall schedule and conduct a public hearing on the appeal as soon as practicable, at a convenient place and time.

Sec. 146-13. - Conflicting provisions.

If any provision in this chapter is found to be contrary to any other existing county ordinance, code, rule or regulation covering the same subject matter, this chapter shall supersede all other such ordinances, codes, rules or regulations to the extent that this chapter is in conflict therewith. Further, nothing in this chapter is intended to relieve the applicant or the owner from obtaining all other permits otherwise required by law or regulation.

EXHIBIT B

PINELLAS COUNTY LAND DEVELOPMENT CODE

CHAPTER 138

ARTICLE XII – THE DOWNTOWN PALM HARBOR FORM BASED CODE