

ORDINANCE NO. 23- \_\_\_\_

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA; AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FINDINGS; PROVIDING FOR PURPOSE AND INTENT; AMENDING CHAPTER 134, GENERAL AND ADMINISTRATIVE PROVISIONS; AMENDING NOTICE PROVISIONS FOR COUNTY MEETINGS; AMENDING CHAPTER 138, ZONING; AMENDING DEFINITIONS; AMENDING THE SITE PLAN APPROVAL PROCESS; AMENDING STANDARDS FOR VARIANCES TO SPECIFIC USE STANDARDS; AMENDING NOTICE REQUIREMENTS FOR TYPE 3 AND 4 USES; REVISING BUILDING CRITERIA FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS; AMENDING REGULATIONS RELATED TO RESIDENTIAL MODEL DWELLINGS AND SALES OFFICES; REVISING REVIEW TIMEFRAMES FOR SITE DEVELOPMENT EXCAVATION AND FILLING; REVISING PROVISIONS RELATED TO THE KEEPING OF FARM ANIMALS; REVISING MECHANICAL EQUIPMENT SETBACK REQUIREMENTS; AMENDING PROVISIONS RELATED TO DUMPSTER LOCATION; AMENDING REGULATIONS RELATED TO OUTDOOR LIGHTING; AMENDING REGULATIONS RELATED TO ACCESSORY STRUCTURES; ADDING PROVISIONS GOVERNING SCENIC NONCOMMERCIAL CORRIDORS; AMENDING RPD ZONING DISTRICT REGULATIONS; AMENDING REGULATIONS RELATED TO SHORT TERM RENTALS; AMENDING REGULATIONS RELATED TO CAR WASHES AND DETAILING; AMENDING REGULATIONS RELATED TO ANIMAL KENNELS; AMENDING REGULATIONS GOVERNING FOOD CARTS AND FOOD TRUCKS; AMENDING REGULATIONS GOVERNING FITNESS CENTERS; AMENDING REGULATIONS RELATED TO LANDSCAPING; AMENDING REGULATIONS RELATED TO FENCES AND WALLS WITHIN FRONT SETBACK AREAS; AMENDING REGULATIONS RELATED TO SIGNS; AMENDING PERMITTED USES AND LOCATIONS IN VARIOUS ZONING DISTRICTS; AMENDING CHAPTER 154, SITE DEVELOPMENT; AMENDING PROVISIONS RELATED TO RIGHT-OF-WAY IMPROVEMENTS; AMENDING PROVISIONS RELATED TO ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; AMENDING PROVISIONS RELATED TO SUBDIVISION AND PLATTING; DEFINING MINOR PLATS AND CREATING A PROCESS AND PROCEDURE FOR THE IMPLEMENTATION OF MINOR PLATS; AMENDING PROVISIONS RELATED TO THE USE OF PUBLIC RIGHT OF WAY; AMENDING CHAPTER 158, FLOODPLAIN MANAGEMENT; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the purpose of this Ordinance is to amend and update the provisions of Chapters 134, 138, 154 and 158 of the Land Development Code; and

WHEREAS, in accordance with Section 138-83 of the Land Development Code the Development Review Committee held a duly noticed and advertised public hearing on June 12, 2023 as to the proposed Ordinance and recommends approval of the proposed amendments contained therein; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on July 12, 2023 as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

WHEREAS, the Board of County Commissioners finds that proposed amendments to the Land Development Code as set forth herein are consistent with the Comprehensive Plan and the review requirements set forth in Section 138-83 of the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_2023, that:

SECTION 1. Section 134-296 of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 134. The only section(s) of Chapter 134 being amended are those with revisions reflected herein. Sections of Chapter 134 not included herein remain in full force and effect.

**Sec. 134-296. General requirements for notices and hearings.**

- (a) Before entering into, amending, modifying, canceling, or revoking a development agreement, the county shall conduct at least two public hearings, one of which shall be held by the local planning agency prior to a final public hearing before the ~~h~~Board of ~~e~~County ~~e~~Commissioners.
- (b) The day, time and place at which the next scheduled public hearing under this article will be held shall be announced at the prior public hearing.
- (c) Notice of intent to consider a development agreement at a scheduled public hearing under this article shall be provided:
  - (1) By advertising the required notice in a newspaper of general circulation and readership in the county or by internet website notice per Florida State Statute requirements approximately seven days before each public hearing on the application;

- (2) By mailing the required notice to all property owners of record listed in the county property appraiser's office records as abutting or lying within 250 feet of the subject property; these notices shall be mailed approximately seven calendar days prior to the first scheduled public hearing; and
  - (3) In writing, to adjacent or affected local governments or their agencies pursuant to the intergovernmental coordination element of the county comprehensive plan.
- (d) Required notice of intent to consider a development agreement shall specify:
- (1) The time, place, and location of the scheduled hearing(s);
  - (2) The location of the land subject to the development agreement;
  - (3) The development uses proposed on the property, including the proposed population densities and proposed building intensities and height; and
  - (4) Instructions for obtaining further information, including the place(s) where a copy of the proposed agreement can be obtained.

SECTION 2. Chapter 138 (Zoning) of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 138. The only sections of Chapter 138 being amended are those with revisions reflected herein. Sections of Chapter 138 not included herein remain in full force and effect.

ARTICLE I. IN GENERAL

**Sec. 138-1. Definitions and rules of construction.**

The terms and definitions expressed below shall be applicable to this chapter.

- (a) For the purpose of this chapter, words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the words "used for" shall include the meaning "designed for"; the word "structure" includes the word "building"; the word "shall" is mandatory and not discretionary. The words "he," "she" and "it" are interchangeable.
- (b) The following terms as used in this chapter are used only in accordance with the following definitions:

*Abandon* means to discontinue or terminate a use for more than 180 consecutive days.

*Accessory* means the term applied to a building, structure or use which:

- (1) Is subordinate to and serves a principal building or principal use;

- (2) Is subordinate in area, extent, and purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience or necessities of the users or occupants of the principal building or principal use; and
- (4) Is located on the same lot as the principal building or principal use, provided such use is in keeping with the purpose and intent of the district in which located.
- (5) See section 138-3510 for residential accessory structures.

*Accessory dwelling unit* means as defined in chapter 138, article III, division 3

*Accessory dwelling unit, owner/manager* means as defined in chapter 138, article III, division 3.

*Accident* means an event that happens unexpectedly, without misconduct or a deliberate plan or cause.

*Act of nature* means an overwhelming, unpreventable event caused exclusively by forces of nature, such as an earthquake, flood, tropical cyclone, or tornado, and including all natural phenomena that are exceptional, inevitable and irresistible, the effects of which could not be prevented or avoided by the exercise of due care or foresight.

*Administrative adjustment* means as defined in chapter 138, article II, division 7.

*Affordable housing development* means as defined in chapter 138, article III, division 3.

*Animated sign* means any sign which includes action, motion, the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere, or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. In order to accommodate changes in technology, but to prevent such changes from creating distractions to the motoring public, "animated signs" shall include electronic reader boards unless the message changes instantaneously, without scrolling, and at a frequency of greater than one minute between message changes.

*Antenna* means any exterior apparatus designed for telephonic, radio, or television communications through the sending or receiving of electromagnetic waves, not including a tower.

*Articulation, architectural* means the fragmentation of building form and surface in order to break up large, otherwise featureless spaces, masses or volumes into more human scaled components.

*Area inundated by a category 2 hurricane* means the area determined by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) model to be inundated by a category 2 hurricane, as depicted on the most recent Regional Evacuation Study, Storm Tide Atlas.

*Assisted living facility* means as defined in chapter 138, article III, division 3 and as defined in F.S. ch. 429, part I.

*Bed and breakfast inn* means as defined in chapter 138, article III, division 3.

*Building, completely enclosed* means a structure with a roof and having the entire area under the roof totally enclosed by walls with no more than 20 percent of the total wall surface area having openings and no more than 50 percent of any one side wall surface area having openings. It shall be the intent of this term, where used in this chapter 138, to provide indoor locations for certain uses which may be noisy, odiferous, noxious, aesthetically displeasing, or which may have similarly undesirable effects on nearby properties. By requiring such indoor locations, these undesirable effects can be reduced, mitigated, and buffered to such a degree so as to provide neighboring properties with reasonable protection from such potentially undesirable effects.

*Building, height of* means as described in chapter 138, article X, division 1.

*Chicken* refers to *Gallus domesticus*.

*Chicken enclosure* means a fenced (or wire) area, or pen, required in association with a coop in order to provide an outside exercise area for chickens free from predators, and of a size that allows for access to a foraging area, sunlight, etc.

*Coastal high hazard area*, as defined in the Pinellas County Comprehensive Plan means the area defined by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) model to be inundated from a category one hurricane, as reflected in the most recent Regional Evacuation Study, Storm Tide Atlas.

*Coastal storm area* means the area delineated in Figure 2 of the Coastal Management Element of the Pinellas County Comprehensive Plan, which encompasses all of the following: the Coastal High Hazard Area as defined in the Pinellas County Comprehensive Plan; all land connected to the mainland of Pinellas County by bridges or causeways; those isolated areas that are defined by the SLOSH model to be inundated by a category 2 hurricane or above and that are surrounded by the CHHA or by the CHHA and a body of water; and all land located within the velocity zone, as designated by the Federal Emergency Management Agency (FEMA). If 20 percent or more of a parcel of land is located within the coastal storm area, then the entire parcel shall be considered within the coastal storm area. However, if either a parcel of land or a group of parcels that are part of a master development plan is equal to or greater than five acres and less than 50 percent of the parcel or group of parcels is within the coastal storm area, the property owner may elect to provide a survey of the parcel or parcels to determine the exact location of the coastal storm area.

*Community residential home* means as defined in chapter 138, article III, division 3 and as defined in F.S. § 419.001.

Complete Application shall mean that an application includes all of the necessary information, documents and analysis required by the Comprehensive Plan, the LDC and implementing regulations to enable staff and the approving authority to make the necessary determinations under the Comprehensive Plan and the LDC.

Completeness Review shall mean the review performed by staff to determine if an application includes the necessary information, documents and analysis required by the Comprehensive Plan, LDC and any implementing regulations to enable staff and the approving authority to make the necessary determinations under the Comprehensive Plan and the LDC.

*Congregate care facility* means as defined in chapter 138, article III, division 3 and as defined in F.S. ch. 429, part I.

*Coop* the covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators.

*Day care facility, child and/or adult* means as defined in chapter 138, article III, division 3.

*Density* means a ratio of dwelling units per acre of land. No portion of a dedicated public right-of-way or submerged lands may be calculated for density purposes.

*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. See articulation, architectural.

*Deterioration* means as defined in chapter 22, buildings and building regulations, of the Pinellas County Code, article V, division 1, section 22-156.

*Dormitory* means as defined in chapter 138, article III, division 3.

*Dwelling unit* means a building or portion thereof designed as a unit for one family occupancy, not including hotels, motels, or mobile homes. This term shall include residential design manufactured homes as defined in this chapter. A dwelling unit shall have only one kitchen facility (sink, cooking unit, and refrigerator). Provisions for wetbars or food and drink preparation facilities for recreational purposes within or accessory to a dwelling shall not be considered a kitchen facility.

*Dwelling, live/work* means as defined in chapter 138, article III, division 3.

*Dwelling, multiple family and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Dwelling, single family (attached) and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Dwelling, single family (detached) and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Dwelling, single family zero lot line and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Dwelling, three-family and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Dwelling, two-family and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Erosion* means the process by which land surface is worn away by the action of wind, water, and gravity.

*FAA* means the Federal Aviation Administration, a division of the U.S. Department of Transportation.

*Family* means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, or the parent or legal custodian has a legal responsibility by court order to care for minor children in the household, no family shall contain more than six members, except as otherwise provided in this chapter.

*FCC* means the Federal Communications Commission.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be preserved in existing layout and topography in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot.

*Floor area ratio (FAR)* means a ratio of square footage of gross building floor area to square footage of land area.

*Freeboard* means a factor of safety expressed in feet above a base flood elevation for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Freeboard results in significantly lower flood insurance rates due to lower flood risk.

*Heavy equipment* means any farm tractors, machinery or implements, or heavy equipment, including earthmovers, backhoes, draglines, bulldozers, trenchers, rollers, scrapers, semi tractors and trailers and similar equipment. This does not include small gardening or landscape maintenance equipment.

*Home ~~occupation~~based business* means an accessory use in a residential area consisting of an occupation or business activity performed entirely within a dwelling or authorized accessory structure. The home ~~occupation~~based business is to be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

*Home satellite dish* means a device used to receive satellite broadcast signals, usually parabolic, dish-shaped antenna, one meter or less in diameter.

*Hospital* means as defined in chapter 138, article III, division 3.

*Hotel/motel* means as defined in chapter 138, article III, division 3.

*Household pets* means and includes animals which are normally considered as household pets and which can be maintained and cared for within the living space of a residence. Such animals may include but are not limited to dogs, cats, small rodents, small reptiles, fish, small birds, such as parrots and parakeets, and other similar animals. Livestock and service animals as defined by Florida law and the Americans with Disabilities Act are not included. For nontraditional pets see Article IX.

*Impervious surface ratio (ISR)* means a measure of the intensity of hard surfaced development on a site. An ISR is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

*Junk yard* means a parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials or manufactured products which may or may not be reusable or saleable. This shall not include recycling operations for metal, paper, or similar materials when located entirely within an enclosed building.

*Kennel/pet care* means as defined in chapter 138, article III, division 3.

*Land filling of more than 1,000 cubic yards* means as defined in chapter 138, article III, division 3.

*Livestock* means and includes those animals which are normally considered as farm animals, such as cattle, goats, sheep, horses, ponies, mules, pigs, chickens, ducks, geese, other similar farm animals, and wild animals licensed pursuant to state law. This definition is not intended to include household pets, or wild animals living within their native habitat.

*Loading space* means a space which provides for the loading or unloading of delivery vehicles.

*Lot* means an area of land designated on a recorded plat as an individual tract. A lot may also include an unplatted parcel of land that meets the minimum underlying zoning requirements. No submerged lands or lands below the shoreline shall be credited for the purposes of determining lot area, nor shall such land be part of any required yard or setback.

*Lot/parcel depth* means the distance measured in the direction of the side lines of the lot from the midpoint on the front lot line to the midpoint of the opposite main rear line of the lot or the average horizontal distance between the front and rear lot lines.



*Lot/parcel width* means the width of the lot at the minimum front building setback line. For a lot fronting on a cul-de-sac, lot width may be measured at the midpoint of depth at the side lot lines.

*Mass transit center* means as defined in chapter 138, article III, division 3.

*Mechanical equipment* means HVAC, pool equipment, well pumps, or other mechanisms that are fixed in a location for uses associated with structures.

*Mini-storage* means as defined in chapter 138, article III, division 3.

*Mobile home and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Mobile home park and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Mobile home site* means a space or plot of ground within a mobile home park designated for the accommodation of not more than one mobile home.

*Mobile home subdivision and their customary accessory uses* means as defined in chapter 138, article III, division 3.

*Modern manufactured home* means a structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility after June 1, 1994, in one or more sections, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site. Also known as a "HUD-Code Home." This definition does not include recreational vehicle, mobile home or modular home.

*Modular home* means a dwelling units that consists of multiple modules or sections that is manufactured in a remote facility and then delivered to its intended site for use where it is assembled on a permanent, fixed foundation and constructed to the same Florida, local, or regional building codes as a site-built home.

*MS4 or Municipal Separate Storm Sewer System* means a large, medium, or small MS4 as defined in chapter 62-624, F.A.C.

*Net land area* means the land area for the purpose of computing density/intensity shall be the total land area within the property boundaries of the subject parcel, and specifically exclusive of any submerged land or pre-existing dedicated public road right-of-way.

*NOI or notice of intent* means authorization to discharge stormwater associated with industrial activity to surface waters under a NPDES permit. All discharges must be entirely composed of stormwater.

*NOT or notice of termination* means elimination of the stormwater discharges associated with construction activities authorized by the NOI.

*Nonconforming* means a use, structure, lot or parcel, or combination thereof, which was lawfully established according to the rules and regulations in force at the time of its establishment, but would be prohibited, restricted or further regulated under the terms of the current land development code.

*Non-vertical water supply infrastructure/structures* means any below ground structures such as wells, pipes, pumps, etc. (and their supporting above-ground minor appurtenances and structures), that facilitate the provision of high quality potable water or reduce potable water demand. Reservoirs are not included in this definition.

*NPDES or National Pollutant Discharge Elimination System* means the permitting process by which technology based and water quality based controls are implemented to eliminate discharges or pollutants into waters of the U.S.

*Nursing home* means as defined in chapter 138, article III, division 3 and as defined in F.S. ch. 400, part II.

*Office service/office support use* means an occupation or service attending primarily to office equipment or supplies, and like office support uses. Any assembly, sale or merchandise, or conveyance of a product in support of an office service or office support use shall be clearly accessory, incidentally, and secondary to such use.

*Off-shore tour vessel and water transport* means as defined in chapter 138, article III, division 3.

*Open space* means the land and/or water areas between and around structures, the pervious area of a site with soils sufficient to promote healthy plant growth, including required recreation areas, stormwater detention areas, or preservation areas. This shall not include parking areas unless designed as pervious areas in accordance with the stormwater manual.

*Outdoor storage, residential* means as defined in chapter 138, article III, division 3.

*Parcel* means any individual tract of land or area of land or water owned under unified ownership.

*Place of worship (or) religious institution* means any physical site or premises such as a church, synagogue, temple, mosque, cathedral, chapel, tabernacle or similar place which is used primarily or exclusively for religious worship and incidental ancillary activities.

*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. 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.

*Principal/primary use* means the most dominant use, building, or structure located on a lot or parcel.

*Property line* means a legally defined line, which separates a lot or parcel from an adjoining lot or parcel or right-of-way.

*Property management office, residential* means as defined in chapter 138, article III, division 3.

*Repeat violation* means a violation of a provision of a code or ordinance by a person who has been previously found, through a code enforcement special magistrate or any other quasi-judicial or judicial process, to have violated, or who has admitted violating, the same provision within five years prior to the violation, notwithstanding that the violations may occur at different locations. For the purposes of this definition, a plea of "no contest" or "nolo contendere" shall be deemed an admission of a violation.

*Residential design manufactured homes (RDMH)* means manufactured homes as defined by state law which meet residential design standards contained in this chapter.

*Right-of-way* means land in which the state, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

*Satellite dish antenna* means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based stations. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television-reception-only), and satellite microwave antennas.

*Setback* means the horizontal distance between a structure and another structure, a property line, a right-of-way line, a body of water or other specific point as designated in this chapter.

*Shopping center* means a single unit or integrated group of commercial establishments which are planned, developed, and managed as a unit which is used primarily for the sale of goods and services. This does not include outparcels which meet site area and other requirements of this chapter.

*Sign* means any combination of structure and message in the form of an outdoor sign, display, device, figure, drawing, painting, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, or used to advertise or inform, any part of the advertising message or informative contents of which is visible at any place. The term does not include an official traffic control sign, official marker or other official combination of structure and message caused to be

erected or approved by the board of county commissioners, its designee, or other official public agency.

Site Plan means a plan and/or plan set delineating the extent of proposed development and existing conditions, both surface and subsurface improvements, including but not limited to building(s), parking, landscaping, stormwater drainage, utilities, and other such information as may be required, to demonstrate the proposed development is in compliance with all pertinent County ordinances, resolutions, and policies. The extent of proposed development and whether it exceeds the site plan thresholds under Section 138-176 will determine the permitting process.

Site Plan, Minor does not exceed the thresholds specified in Section 138-176(a) and is generally less complicated and/or results in fewer impacts to a property and its surrounding environment. It requires minimal field work, limited technical analysis, and/or no additional review by external agencies.

*Solid waste* means:

- (1) Class III sanitary landfill means the addition or deposit of trash, refuse, yard trash, or construction and demolition debris materials upon or within any lot or parcel. Such materials shall be limited to: yard trash, rubbish, and other vegetative material resulting from landscaping, maintenance or land clearing operations, including tree and shrub trimmings, grass clippings, palm fronds, tree limbs and stumps; construction and demolition debris including steel, concrete, glass, brick, asphalt, roofing material or lumber which are not water soluble and result from a construction or demolition project; and other trash and refuse including paper, cardboard, cloth, glass, white goods, street sweepings, vehicle tires, metals, mineral matter, and other similar materials not usual to housekeeping or to the operations of stores or offices.
- (2) Class I sanitary landfill means the addition or deposit of any putrescible matter or any solid waste not included within the materials permitted in a class III sanitary landfill, including garbage and other discharged solid or semisolid materials resulting from domestic, commercial, industrial, agricultural and governmental operations, but excluding solids or dissolved material in domestic sewage effluent or other significant pollutants in water resources, upon or within any lot or parcel. Garbage materials include kitchen and table food waste and animal or vegetative waste attendant with or resulting from the storage, preparation, cooking or handling of food.
- (3) Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
- (4) Solid waste means garbage, refuse, yard trash, construction and demolition debris, white goods, special waste, ashes, sludge or other discarded material, including solid, liquid, semisolid, or contained gaseous materials resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

- (5) Solid waste disposal facility means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.
- (6) Solid waste management means the process by which solid waste is collected, transported, stored, separated, processed or disposed of in any other way, according to an orderly, purposeful, and planned program.
- (7) Solid waste management facility or facility means any volume reduction plant, transfer station or other facility, the purpose of which is the resource recovery or disposal, recycling, processing or storage of solid waste. Such term does not include facilities which use or ship recovered materials unless such facilities are generating solid waste as part of the recovery process. For the purpose of this chapter, this term does not include any type of solid waste disposal facility. (Such uses are authorized through chapter 106, article III.)
- (8) Transfer station means a site, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.
- (9) Volume reduction plant means a pulverizer, grinder, compactor, shredding and baling plant, composting plant, or other plant which accepts and processes solid waste for recycling or disposal.

*Stormwater* means the flow of water which results from, and which occurs immediately following, a rainfall event. Any surface runoff and drainage of water from land surfaces, including the surfaces of buildings and other hardened surfaces on the land.

*Stormwater pollution prevention plan (SWPPP)* means a plan that is designed to reduce pollution at the construction site. The six phases of the plan are:

- (1) Site evaluation and design development.
- (2) Assessment.
- (3) Control selection and plan design.
- (4) Certification and notification.
- (5) Construction/implementation.
- (6) Final stabilization/termination.

*Structural alteration* means any extension, reduction, enlargement or rebuilding of the structural components of a building or structure. This shall not include any routine plumbing, electrical or mechanical repairs.

*Structure* means anything constructed, installed or portable, the use of which requires a location on a parcel of land. Such term includes a movable structure, while it is located on land, which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently, including all caging designed to contain livestock. This definition shall include all decks which exceed one foot in height. Fences a maximum of six feet high, sidewalks, patio slabs, driveways, containers (tanks) covered by other codes, and utility poles are not considered structures except for permit requirements.

*Submerged lands* mean the area situated below the mean high-water line or the ordinary high-water line of a standing body of water, including gulf, estuary, lake, pond, river, or stream. For the purpose of this definition, drainage detention areas created as a function of development that are recorded on an approved final site plan or other authorized development order action of Pinellas County, and wetlands, landward of the mean and/or ordinary high water line, shall not be considered submerged land, and thus may be included in the computation of land area for the purposes of determining permitted density and intensity, subject to the provisions of article III division 2 of this chapter.

*Sufficiency Review* shall mean the review performed by staff to determine whether a Complete Application contains the necessary analysis addressing the various criteria for approval contained in the Comprehensive Plans, LDC or implementing regulations, to enable a determination to be made by staff and the approving authority on the merits of a Complete Application.

*Technical Review* shall mean the review and verification of a site plan set and any supporting documents for compliance with the applicable sections of the LDC, including but not limited to, Chapters 138, 142, 146, 150, 154, 158, and 166, as amended; the Transportation Design Manual, Stormwater Manual, and any other condition imposed by any decision-making authority for the proposed use.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

*Variance* means as defined in chapter 138, article II, division 7.

*Vehicle, recreational* means and includes the following types of vehicles (each of the following shall have a body width not to exceed 102 inches and a body length not to exceed 40 feet when stored on residential parcels as an accessory use):

- (1) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses.
- (2) Pickup coach means a structure designed to be mounted on a truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, and vacation uses.

- (3) Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation uses, constructed as an integral part of a self-propelled vehicle.
- (4) Camping trailer means a collapsible temporary dwelling structure mounted on wheels, and designed for travel, recreation, and vacation uses.
- (5) Auto camper means a lightweight, collapsible unit that fits on top of an automobile and/or into the trunk with the cover removed, and designed for travel, recreation, and vacation uses.

*Vehicle site* means a space or plot of ground within a travel park of a drive-through or back-in classification which is designated for the accommodation of not more than one recreational vehicle and its towing vehicle, if any.

*Verified nonconforming use or structure* means a use or structure that has been confirmed as nonconforming according to the procedure for the review and determination of applications for nonconforming uses of land and structures established by board of county commissioners Resolution No. 90-439.

*Vertical water supply infrastructure/structures* means any building, facility, fixture, machinery, reservoir or appurtenant structure used or useful to the provision of high quality potable water or to reduce potable water demand, including the development, supply, storage, distribution, treatment, conservation, acquisition or transfer of water to meet the needs of Pinellas County customers.

*Waivers* means as defined in chapter 138, article II, division 7.

~~*Walkthrough site plan* means a site plan that is generally less complicated and/or results in fewer impacts to a property and its surrounding environment. Because of its simpler nature, the site plan used to document the requested modifications to the property can be 'walked through' the various subject matter experts for an over the counter or streamlined review (i.e., minimal field work, limited technical analysis, and/or no additional review by external agencies).~~

*Wellfield* means an area of land that is developed or could be developed with one or more wells for obtaining water.

*Zoning district* means an area of the unincorporated part of the county designated by a single zone classification with uniform use regulations.

- (c) All other words, terms and phrases not defined in this section shall be defined according to their commonly accepted meanings.

**Sec. 138-77. Review types.**

- (a) Each application/request shall be processed and reviewed pursuant to the required review type as established in Table 138-77 — Review Type and Approval.

- (b) Certain land uses are assigned a review type pursuant to the property's zoning district. The required review type for the proposed land use is established in article III, division 3, and summarized in Table 138-355.
- (c) Each review type is summarized in Table 138-77 along with the associated application/request, decision making authority, and appeal authority. The subsequent sections of this chapter provide additional provisions and authorities for each review type.
- (d) During review Types 2, 3, 4, and 5, the applicant may request a continuance. Staff may grant the continuance before the case is publicly noticed. Following public notice, the review or decision making authority may continue an application for good cause in its sole discretion.

Table 138-77—Review Type and Approval			
Review Type	Application/Request	Decision Making Authority	Appeal Authority
Type 1  Path A: Department Reviews	<ul style="list-style-type: none"> <li>• Type 1 uses NOT requiring or part of a site plan</li> <li>• Code interpretations</li> <li>• Minor development activity</li> <li>• Minor Modifications, including site plans</li> <li>• Waivers <del>not involving a site plan</del></li> <li>• <del>Walkthrough site plans</del></li> <li>• Administrative Adjustments up to 10% <del>AND not involving a site plan</del></li> <li>• Administrative Adjustments up to 30% for landscaping standards</li> <li>• Zoning Clearances and Verification Letters</li> <li>• Signs</li> <li>• Environmental Permits (County)</li> <li>• Right-of-Way Utilization permits (or equivalent)</li> <li>• Stormwater projects involving single-family detached residential</li> <li>• Mobile home replacement (single unit)</li> <li>• Temporary uses</li> <li>• Lot Line Adjustments and Lot Splits (no plats)</li> <li>• Time extensions.</li> <li>• Other actions and powers that are not specifically assigned to a higher review authority, as established by the Code.</li> </ul>	Department Review	1st Appeal — Board of Adjustment and Appeals (BAA)  2nd Appeal — Circuit Court



<p>Type 1</p> <p>Path B: Development review committee (DRC)</p>	<ul style="list-style-type: none"> <li>• Type 1 uses requiring or part of a site plan</li> <li>• <del>Waivers involving a site plan</del></li> <li>• Administrative Adjustments <del>up to</del><u>from 10% to 20%</u> <del>AND/OR involving a site plan</del></li> <li>• Administrative Adjustments <del>up to</del><u>from 30% to 50%</u> for landscaping standards</li> <li>• Site Plans</li> <li>• <u>Non-Traditional Pets</u></li> <li>• <u>Variances per Chapter 158, Floodplain Management</u></li> <li>• Other authority as provided by this Code or delegated by the BoCC or county administrator.</li> </ul>	<p>Development Review Committee (DRC)</p>	<p>1st Appeal — Board of Adjustment and Appeals (BAA)</p> <p>2nd Appeal — Circuit Court</p>
<p>Type 2</p>	<ul style="list-style-type: none"> <li>• New Type 2 Use establishment or major modifications thereof</li> <li>• Variances</li> <li>• Modification, expansion, redevelopment, revocation, and/or re-establishment of nonconforming uses and structures</li> <li>• Other authority as provided by this Code.</li> </ul>	<p>Board of Adjustment and Appeals (BAA)</p>	<p>Circuit Court</p>
<p>Type 3</p>	<ul style="list-style-type: none"> <li>• New Type 3 Use establishment or major modifications thereof</li> <li>• Variances (if a part of the establishment of Type 3 Use)</li> <li>• Development Agreements</li> <li>• Development master plans or similar or major modifications thereof</li> <li>• Zoning Changes</li> <li>• Land Development Code text amendments</li> <li>• Other authority as provided by this Code.</li> </ul>	<p>Board of County Commissioners (BoCC)</p>	<p>Circuit Court</p>
<p>Type 4</p>	<ul style="list-style-type: none"> <li>• Comprehensive plan amendments</li> </ul>	<p>Board of County Commissioners</p>	<p>Pursuant to State Statutes</p>
<p>Type 5</p>	<ul style="list-style-type: none"> <li>• Final plats</li> <li>• Final public land transfers</li> <li>• Final right-of-way transfers (vacations and dedications)</li> <li>• Final platted easement terminations</li> </ul>	<p>Board of County Commissioners</p>	<p>Circuit Court</p>

**Secs. 138-78—138-80. Reserved.**

**Sec. 138-81. Type 1 review.**

- (a) *Purpose.* Type 1 review is an administrative process to ensure that development projects, land usages, and activities comply with the minimum provisions of this Code. A Type 1 process is intended to be a clear and objective review.
- (b) *Application types.* A Type 1 review is required for the following applicable types:
  - (1) The applications/requests designated to the Type 1 review as listed in Table 138-77.
  - (2) Other authority as allowed in this Code.
- (c) *Performed by.* Type 1 review is performed by one of the following authorities:
  - (1) *Department review.* Considered a Type 1—Path A review, the applicable county department, as determined by the county administrator, may review and provide action on any application requiring Type 1 review unless specifically assigned to the development review committee (DRC) below. Department reviews may occur for applications/requests pursuant to Table 138.81.a.
  - (2) *Development review committee (DRC).* Considered a Type 1—Path B review, the DRC reviews applications/request pursuant to Table 138.81.a.

Table 138.81.a—Type 1 Reviewing Authorities by Application and Request Type further identifies which reviewing authority is tasked with each application/request.

Type 1 Review Path	Path A	Path B
Reviewing Authority	Department Review	Development Review Committee (DRC)
Applications/Requests(*)  (*) The application/requests are based on Table 138-77	<ul style="list-style-type: none"> <li>• Type 1 uses NOT requiring or part of a site plan</li> <li>• Code Interpretations</li> <li>• Minor Development Activity</li> <li>• Minor Modifications, including site plans</li> <li>• Waivers <del>NOT involving or part of a site plan</del></li> <li>• <del>Walkthrough site plans</del></li> <li>• Administrative Adjustments <del>NOT involving a site plan AND</del> up to 10%</li> </ul>	<ul style="list-style-type: none"> <li>• Type 1 uses requiring or part of a site plan</li> <li>• <del>Waivers involving or part of a site plan</del></li> <li>• Administrative adjustments <del>involving a site plan and/or up from</del> <u>10%</u> to 20% adjustment of a dimensional standard-</li> <li>• <u>Administrative Adjustments from 30% to 50% for landscaping standards</u></li> </ul>

	<p>adjustment.</p> <ul style="list-style-type: none"> <li>• Administrative Adjustments up to 30% adjustment of a landscaping standard.</li> <li>• Zoning Clearance Letters</li> <li>• Signs</li> <li>• Environmental Permits (County)</li> <li>• Right-of-way Utilization Permits</li> <li>• Stormwater projects involving single-family detached residential</li> <li>• Mobile home replacement (single unit)</li> <li>• Temporary Use Permits</li> <li>• Lot Line Adjustments and Lot Splits (no plats)</li> <li>• Time extensions.</li> <li>• Other actions and powers that are not specifically assigned to a higher review authority, as established by the Code.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Non-Traditional Pets</a></li> <li>• <a href="#">Variances per Chapter 158, Floodplain Management</a></li> <li>• Site plans</li> <li>• Other authority as provided by this Code.</li> </ul>
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(d) *Result.* Type 1 reviews will result in one of the following actions based on application type.

- (1) For code interpretations and zoning clearance letters, the applicable department will issue a written determination of the requested property and/or land use issue.
- (2) For Type 1 uses not involving a site plan, the applicable department will issue a determination whether the use is permitted or not permitted based on code requirements.
- ~~(3) For Type 1 uses involving site plans, preliminary plats, and/or preliminary right of way transfers, the DRC will issue a written determination of approval, approval with conditions, or denial based on code requirements.~~
- (4) For waivers and administrative adjustments, the reviewing authority will issue a written determination of approval, approval with conditions, or denial base on the provisions of the Code.

(e) *Appeal process and authority.* Type 1 review decisions may be appealed as per Table 138-77 and per section 134-14.

(f) *Review procedures.*

The following Table 138.81.b—Type 1 Review Procedure, outlines the general review procedures for Type 1 submittals.

Table 138.81.b — Type 1 Review Procedure	
<p>Type 1—Path A Review Department Reviews</p> <p><i>Applications/Reviews</i></p> <ul style="list-style-type: none"> <li>■ Type 1 uses not involving or part of a site plan</li> <li>■ Code Interpretation</li> <li>■ Minor Development Activity</li> <li>■ Minor Modifications, including site plans</li> <li>■ <del>Waivers &amp; Administrative Adjustments up to 10% and NOT involving or part of a site plan</del></li> <li>■ <del>Walkthrough site plans</del></li> <li>■ <u>Administrative Adjustments up to 10%</u></li> <li>■ Administrative Adjustments up to 30% for landscaping standards</li> <li>■ Zoning Clearance Letters</li> <li>■ Signs</li> <li>■ Environmental Permits (County)</li> <li>■ Right-of-Way Utilization permits</li> <li>■ Stormwater projects involving single-family detached residential <ul style="list-style-type: none"> <li>■ Mobile home replacement (single unit)</li> </ul> </li> <li>■ Temporary Use Permits</li> <li>■ Lot Line Adjustments and Lot Splits</li> <li>■ Time Extensions</li> <li>■ Other authorized authority</li> </ul>	<p>Type 1—Path B Review Development Review Committee (DRC)</p> <p><i>Applications/Reviews</i></p> <ul style="list-style-type: none"> <li>■ Type 1 uses requiring or part of a site plan</li> <li>■ <del>Waivers involving or part of a site plan</del></li> <li>■ Administrative Adjustments <u>involving a site plan and/or up from 10% to 20% adjustment-</u></li> <li>■ Administrative Adjustments <u>up to from 30% to 50%</u> for landscaping standards</li> <li>• <u>Non-Traditional Pets</u></li> <li>• <u>Variances per Chapter 158, Floodplain Management</u></li> <li>■ Site Plans</li> <li>■ Other authorized authority</li> </ul>
↓	↓
<i>Pre-Application Meeting (optional)</i>	
County Staff	
↓	↓

<i>Reviewing and Action Body</i> Department Review	<i>Reviewing and Action Body</i> Development Review Committee (DRC)
↓	↓
<i>Result</i> <ul style="list-style-type: none"> <li>■ Administrative Findings</li> <li>■ Written Determination of action</li> </ul> AND/OR <ul style="list-style-type: none"> <li>■ Permit</li> </ul>	<i>Result</i> <ul style="list-style-type: none"> <li>■ Written Determination of action <u>for applications identified in Section 138-64(c)(1)a</u></li> <li>■ <u>Completeness and Sufficiency review for applications identified in Section 138-64(c)(1)b</u></li> <li>■ <u>Technical Review for Site Plans, Type 1 Path B</u></li> </ul>
↓	↓
<i>Appeal Process</i> <ul style="list-style-type: none"> <li>■ 1<sup>st</sup> Appeal -- Board of Adjustment and Appeals (BAA)</li> <li>■ 2<sup>nd</sup> Appeal -- Circuit Court</li> </ul>	<i>Appeal Process</i> <ul style="list-style-type: none"> <li>■ 1<sup>st</sup> Appeal -- Board of Adjustment and Appeals (BAA)</li> <li>■ 2<sup>nd</sup> Appeal -- Circuit Court</li> </ul>

**Sec. 138-85. Type 5 review.**

- (a) *Purpose.* Type 5 review is a formal adoption process for final plats, public land transfers, and right-of-way transfers, vacations and dedications. A Type 5 process requires the board of county commissioners (BoCC) to formally accept, adopt, and/or approve the legal instruments associated with these actions. A Type 5 review occurs AFTER receiving preliminary plat, preliminary subdivision, and preliminary right-of-way transfer approval as part of a Type 1 review.
- (b) *Application types.* A Type 5 review is required for the following applicable types:
- (1) Final plats, including Minor Plats
  - (2) Final public land transfers
  - (3) Final right-of-way transfers, vacations and dedications
- (c) *Performed by.* Type 5 review is performed by the following authorities:
- (1) Development review committee (DRC)-County Staff. The DRC County staff reviews the application/request, writes a staff report, and provides a recommendation to the board of county commissioners (BoCC).

(2) *Board of county commissioners (BoCC)*. The BoCC reviews the application/request and takes final action whether to approve the application/request.

(d) *Result*. Type 5 reviews will result in a written notice of official action.

(e) ~~⊕~~ *Review procedure*.

(1) The applicant shall file a formal application with the applicable department as determined by the county administrator.

a. The application shall include, at a minimum:

1. Applicant, owner, and property information.
2. All applicable drawings and legal descriptions.

b. The following Table 138.85.a—Type 5 Review Procedure, outlines the general review procedures for Type 5 submittals.

Table 138.85.a — Type 5 Review Procedure
<i>Applications/Reviews</i>
<ul style="list-style-type: none"> <li>■ Final Plats, <u>including Minor Plats</u></li> <li>■ Final Public Lands Transfer</li> <li>■ Final Right-of-way Transfers, Dedications and Vacations</li> </ul>
↓
<i>Pre-Application Meeting (optional)</i>
County Staff
↓
<i>First Review and Recommendation Body</i>
<del>Development Review Committee</del> <u>County Staff</u>
↓
<i>Reviewing and Action Body</i>
Board of County Commissioners (BoCC)
↓
<i>Result</i>
<ul style="list-style-type: none"> <li>■ <i>Written Notice of official action</i></li> </ul>

*DIVISION 5. SITE PLAN REQUIREMENTS AND REVIEW PROCEDURES*

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

- (a) The following uses require ~~Site~~ Plan Type 1 Path B review:
1. All new construction, unless otherwise specified by this section.
    - a. Single-family dwellings, duplexes, or triplexes when constructed on an established individual lot or parcel shall be exempt from site plan review. This provision does not exempt these uses from complying with other codes, regulations and ordinances applicable to site plan review.
    - b. Accessory uses/structures that are associated to a particular single-family dwelling, duplex, or triplex are exempt from site plan review.
  2. ~~Additions to existing uses/buildings/sites (other than those listed above) involving the construction of 1,500 square feet or more of impervious surface~~New buildings and/or building additions involving the construction of 3,000 square feet or more of building footprint area OR the total surface coverage area of construction exceeding 7,500 square feet or more of impervious surface whether such surface includes all site surface cover or a combination of building and site surface cover.  
~~All development that requires new or revised stormwater management facilities, except for those development types listed in Section 138-176(a)~~
  3. All Subdivision Plats, excluding Minor Plats as defined under Section 154-265, subdivisions involving a plat and as consistent with state statutes.
  4. All new roadways and streets.
  5. A land use or combination of land uses on a property generating greater than one hundred and fifty (150) additional peak hour trips from the proposed improvements.
- (b) All other development activity shall ~~require minor (walkthrough) site plan review be reviewed and processed under the building permit process with a determination if the minor site plan scope is a Development Review Services (DRS) staff review or an Interdepartmental Distributed (ID) staff review.~~
- (c) Compliance with Chapter 154-52, Pinellas County Stormwater Manual, applies except as specified for Minor Plats per section 154-265(a)(1)(i).

**Sec. 138-177. Site plan approval procedures.**

- (a) *Site plans.*
- (1) A site plan shall be reviewed as a Type 1 — Path B review.
  - (2) The site plan shall be provided to demonstrate full compliance with the provisions of the Code and any condition imposed by any decision making authority for the use.

The site plan shall include the items and information listed in section 138-178—Site plan requirements.

- (b) *Site plans for affordable housing developments (AHDs).*
  - (1) It is the intent of the board of county commissioners that these plans shall be given priority in the review system and, where possible, be reviewed by staff within ten business days of submittal by the applicant.
  - (2) The DRC shall provide an expeditious review of these plans.
- (c) *Site plans for economic development projects.* Economic development projects that are identified to be a priority by the board of county commissions shall be expedited in the review process. ~~The county administrator or designee may authorize additional DRC meetings to expedite review of said projects.~~

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

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



*DIVISION 7. VARIANCES, WAIVERS AND ADMINISTRATIVE ADJUSTMENTS*

**Sec. 138-231. Criteria for granting of variances, waivers and/or administrative adjustments.**

In order to authorize any variance, waiver, and/or administrative adjustment to the terms of the Code, the authorized reviewing body shall determine the following criteria have been satisfied:

Table 138-231.a — Criteria for Granting of Variances, Waivers and/or Administrative Adjustments			
<del>Criteria</del> Criteria	Variance	Waiver	Administrative Adjustment
(a) <i>Special conditions.</i> That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.	X	<del>X</del>	
(b) <i>Unnecessary hardship.</i> That literal interpretation of the provisions of this Code would deprive or make it practically difficult for the applicant to achieve the same proportion of development potential commonly enjoyed by other properties in the same zoning district under the terms of this chapter. The hardship shall not be self-imposed.	X	<del>X</del>	
(c) <i>Minimum code deviation necessary.</i> That the granting of the request is the minimum code deviation that will make possible the reasonable use of the land, building, or structure.	X	<del>X</del>	X
(d) <i>Consistency with the land development code.</i> That the granting of the request will be in harmony with the general intent, purpose, and spirit of this Code.	X	<del>X</del>	X
(e) <i>Consideration of rezoning.</i> That a rezoning of the property has been considered and determined not to be appropriate and/or determined not to meet the objective of the request.	X		
(f) <i>Consistency with Comprehensive Plan.</i> That the granting of the request will be consistent with the intent and limits of the Comprehensive Plan.	X		
(g) <i>Detriment to public welfare.</i> That such request will not be injurious to the area involved or otherwise detrimental to the public welfare.	X	<del>X</del>	
(h) <i>Circumvent Board approval.</i> That the granting of the request does not circumvent a condition	X		

placed upon the subject property by the Board of Adjustment and Appeals and/or the board of county commissioners. This shall not apply to new variances reviewed by the same board that originally placed the condition.			
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**Sec. 138-235. Variances.**

- (a) *Purpose.* A variance is a request to lessen or remove certain dimensional standards of the Code for a particular property or structure. A variance is reviewed in a public hearing setting by the board of adjustment and appeals (BAA) or the board of county commissioners (BoCC). Action shall be determined by the reviewing authority.
- (b) *Variances allowed.* Subject to the criteria of this division, the BAA and/or BoCC may grant the following variances to the Code:
  - (1) Zoning district dimensional requirements including lot size, setbacks and building height.
  - (2) Parking requirements including parking quantity, dimensions, access, and location.
  - (3) Landscaping and tree preservation requirements including plant quantity, size, species, and location.
  - (4) Sign requirements including size, location, and quantity.
  - (5) Fence requirements and limitations including height, materials, location, and size.
  - (6) Building requirements and limitations including size, materials, facade treatment/design, and location. This shall not be allowed where the comprehensive plan imposes limitations including, but not limited to, floor area ratios and impervious surface ratios.
  - (7) Other structural requirements including height, location, size, and materials.
  - (8) Design criteria for any zoning district.
  - (9) Specific use standard(s) within Chapter 138 Article IX for any land use that relate to numerical/dimensional requirements or design criteria within Article IX or Article X Division 6 of Chapter 138.
  - (10) Alcohol sales distance limitation standards. This shall not be allowed to conflict with state requirements.
  - (11) Animals and livestock standards.

(12) Other similar requirements of the Code. However, variances pertaining to ADA standards are not permitted.

(c) *Variance review.* Variances shall be reviewed pursuant to the following:

(1) Variances may be processed as a Type 2 review. The BAA shall have the authority to review and take action on any variance.

(2) Variances may be processed as a Type 3 review under certain situations. The BoCC shall have the authority to take action on any variance that is a part of the following:

a. The establishment of a new Type 3 use; and/or

b. Development agreements.

~~(3) Any variances from the county's floodplain standards shall be review pursuant to section 138-236 and chapter 158.~~

#### **Sec. 138-236. Variances from floodplain standards.**

(a) *Purpose.* The intent is to provide a means to seek relief and/or flexibility to the county's floodplain standards of chapter 158 based on unique situations, hardships, and alternative development strategies.

(b) *Floodplain standards variances allowed.* The permitted variances to floodplain standards are established in chapter 158 of the Pinellas County Code.

(c) *Floodplain standards variance review.* Variance to floodplain regulations shall be reviewed by the DRC pursuant to ~~section 138-235(e) and as specified in e~~Chapter 158 Division 7 of the Pinellas County Code.

#### **Sec. 138-237. Waivers and administrative adjustments.**

(a) *Purpose.* There are situations that require flexibility to technical standards, dimensional standards, district design criteria, and/or specific use standards to respond to unique site conditions and/or existing conditions in the immediate vicinity. The waiver and administrative adjustment provisions are intended to allow an applicant to seek flexibility to certain code requirements and allow the county to administratively process and take action on said requests as a Type 1 review; the degree of the request will determine whether the application will follow a Path A or B review pursuant to subsection (d).

(1) A waiver is an approved elimination of a particular technical standard based on a site constraint, and/or the ability to meet the intent by another means. Waivers generally have minimal or no impact on a neighboring property.

(2) An administrative adjustment is an approved adjustment or reduction to certain dimensional standards and/or technical requirements of the Code based on a site

constraint, and/or the ability to meet the intent by another means. Administrative adjustments may have some impact on a neighboring property.

(b) *Administrative adjustments.* Subject to the criteria and limitations of this division, the approval authority may grant the following administrative adjustments to the Code:

- (1) Zoning district dimensional requirements may be adjusted up to 20 percent; this may include adjustments to setbacks, ~~and building height,~~ and building size. Building size is only applicable to accessory dwelling units and accessory residential structures.
- (2) Parking and loading requirements may be adjusted subject the following limitations:
  - a. The minimum parking and/or loading quantity may be adjusted up to 20 percent or two stalls/spaces whichever is greater; this adjustment may not be permitted in addition to the other administrative reductions outlined in chapter 138, article X, division 2.
  - b. The minimum parking/loading dimensions may be adjusted up to 20 percent or two feet whichever is greater.
- (3) Landscaping and tree preservation requirements may be adjusted up to 50 percent; this may include adjustments to plant quantity, plant size, buffer width, and location.
- (4) Sign dimensional standards may be adjusted up to 20 percent; this is limited to adjustments to sign placement on the site and/or placement on a building.
- (5) Fence requirements and limitations may be adjusted up to 20 percent or two feet whichever is greater; this is limited to adjustments to height, location, and size.
- (6) Design criteria may be adjusted up to 20 percent; this is limited to adjustments to setbacks, building height, buffer width, façade treatment areas, and sidewalks.
- (7) Specific use standard(s) may be adjusted up to 20 percent; this is limited to adjustments to setbacks, building height, buffer width, façade treatment areas, and sidewalks.
- (8) Roadway and transportation dimensional standards may be adjusted up to 20 percent; this is limited to adjustments to lane width, sidewalk widths, turnaround dimensions, and right-of-way widths.
- (9) Stormwater design elements may be varied or adjusted to overcome site constraints or respond to existing development conditions in accordance with the Pinellas County Stormwater Manual. Stormwater dimensional requirements may be adjusted up to 20 percent.

(10) Construction standards and materials for sidewalks, roadways, driveways and similar elements may be varied and/or adjusted when alternative materials or methods are used that strengthen the district intent. Dimensional requirements may be adjusted up to 20 percent. Adjustments pertaining to ADA standards are not permitted.

(c) *Waivers allowed.* Subject to the criteria and limitations of this division, the approval authority may grant the following waivers to the Code:

- (1) Site access standards and requirements may be waived to respond to site constraints and/or respond to existing development conditions.
- (2) Sidewalk connections may be waived to respond to site constraints and/or respond to existing development conditions that would make the connections impractical or unsafe.
- (3) Landscaping and buffering standards may be waived for specific areas on a site when other on-site vegetation is present and provides the same purpose. Landscaping standards may be waived for portions of a site to respond to government security and surveillance mandates.
- (4) Construction elements for sidewalks, roadways, driveways, parking lots, and stormwater management facilities may be waived when comparable methods are proposed to meet the standard's original intent.
- (5) Road frontage requirements may be waived so long as legal access is available. A waiver may be granted where roadway frontage constraints exist due to existing property configurations and the inability to combine with or connect to adjacent properties. The provisions of section 138-3503 shall be considered for road frontage waiver requests.
- (6) Other similar technical standards as determined by the county administrator or designee. However, waivers pertaining to ADA standards are not permitted.

(d) *Waivers and administrative adjustment review.* Waivers and administrative adjustments may be processed as a Type 1 review subject to the following:

- (1) Type 1—Path A: Department review procedure is allowed for the following:
  - a. ~~Waivers that are not a part of a required site plan.~~
  - b. Administrative adjustments up to ten percent of a dimensional standard.
  - c. Administrative adjustments up to 30 percent of landscape standards.
- (2) Type 1—Path B: Development review committee procedure is required for the following:

~~Waivers that are a part of a required site p~~  
~~a. b.~~ Administrative adjustments ~~up from 10 percent~~ to 20 percent of a dimensional standard.

~~b. Administrative adjustments from 30 percent to 50 percent of landscape standards.~~

#### *DIVISION 10. NOTICE REQUIREMENTS*

##### **Sec. 138-252. Notice requirements.**

Notice shall be provided pursuant to the following.

- (a) Type 1 — Path B reviews that involve administrative adjustments shall provide internet website notice, and mail notices.
- (b) Type 2 reviews shall provide internet website notice, mail notices, and posting signs.
- (c) Type 3 and 4 reviews shall provide internet website notice, mail notices, newspaper advertisements per Florida State Statute requirements, and posting signs for the LPA and BOCC meetings.
- (d) Type 5 reviews shall provide notice as required by Florida State Statutes.
- (e) All notices pertaining to legislative actions or other actions regulated by Florida State Statutes shall be conducted in accordance with Florida State Statutes or as amended. All other required notices shall occur ten days prior to hearings; for Type 1, Path B reviews involving administrative adjustments this notice requirement shall be based on the DRC meeting date in which a decision will be made.
  - (1) For mailing notices, the required notice shall be based on the postmark date.
  - (2) For newspaper advertisements, the required notice shall be based on the publish date.

##### **Sec. 138-253. Notice types.**

The notice types that may be required in this Code are listed in this section. Certain actions, hearings, and procedures require specific notice types as defined in section 138-252, notice requirements. Where a specific notice type is required, it shall be implemented as listed below.

- (a) *Internet website notice.* Notice of the requested action, hearing, and/or procedures shall be posted on the Pinellas County website in a designated section of the website as determined by the county administrator or designee and as required by Florida State Statutes.
- (b) ~~*Newspaper advertisement (Ad).* Notice shall be placed in a local printed newspaper published periodically once a week or oftener, containing at least 25 percent of its words in the English language, entered as periodicals matter at a post office in the county where~~

~~published, and for sale to the public general. Notice Newspaper advertisements, if required, shall comply with the Florida State Statutes pertaining to public notice(s). (1) — Notice for non legislative actions — Notice ads have no size requirement and may be placed in the classified advertisements section of a newspaper.~~

~~(2) Notice for legislatives actions — Notice ads shall be issued pursuant to Florida State Statutes or as amended.~~

(c) *Mail notice.* Notice shall be mailed to surrounding property owners as prescribed in this subsection. All notice to affected property owners shall be per the Florida Statutes.

(1) Notice for Type 1 — Path B reviews that involve administrative adjustments — Mail notices shall be sent to property owners whose properties abut the subject property requesting the administrative adjustment.

(2) Notice for variance(s) — Mail notices shall be sent to property owners within at least 250 feet of the subject property requesting the variance. ~~The county administrator or designee shall be responsible for executing this required mail notice.~~

(3) Notice for all other actions, hearings, and procedures — Mail notices shall be sent to property owners within at least 250 feet of the subject property. ~~The county administrator or designee shall be responsible for executing this required mail notice.~~

(4) Notice pertaining to legislatives actions shall be conducted in accordance with Florida State Statutes or as amended.

(d) *Posting sign.* A sign shall be posted on the subject property requesting the action, hearing, and/or proceeding. Posting signs are subject to the following standards:

(1) Size posting signs shall be a minimum of 18 inches by 24 inches.

(2) Legibility text shall be clearly legible and of a contrasting color from the background.

(3) Location signs shall be posted along public and private street frontages. For large-area cases involving multiple properties signs may be posted at strategic locations but need not be placed on all affected properties.

**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	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts				
Land Use																																	
																																	See Article IX
<b>RESIDENTIAL USES</b>																																	
Accessory Dwelling Unit	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	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					Y	
Community Residential Home, Category 1: 1 to 6 residents	1	1	1	1	1	1	1	1	1	1	1				2	2	1							1		1	1					Y	
Community Residential Home, Category 2: 7 to 14 residents	2	2	2					2	2	1	1				2	2	1							2		1	1					Y	
Dormitory	A / 2	A / 2							A / 2	1	1		A	A / 2	A / 2	A / 2	A / 2	A / 2	A / 2	A / 2	A / 2	A / 2	1			A	A					Y	
Dwelling, Live/Work	1	1	1	2	2	2	2	1	1	1	1	1	1	1	1	1		1	2	1	1	1	1									Y	
Dwelling, Multifamily and their customary accessory uses									2	1	1				2	1	1							2	1							Y	
Dwelling, Single-family Attached (townhouses) and their customary accessory uses								1	1	1	1				2	2	1							2	1							Y	
Dwelling, Single-family Detached and their customary accessory uses	1	1	1	1	1	1	1	1	1	2	1						2							1								Y	
Dwelling, Single-family Zero Lot Line and their customary accessory uses				1	1	1		1	1	1	1						2							1									
Dwelling, Three-family and their customary accessory uses								1	1	1	1				2	2	2							2	1							Y	
Dwelling, Two-family and their customary accessory uses								1	1	1	1						2							1								Y	
Home Occupation Based Business	A	A	A	A	A	A	A	A	A	A	A				A	A	A							A	A							Y	
Mobile Home and their customary accessory uses							1																										
Mobile Home Park, Subdivision, and their customary accessory							1																										
Mobile Home Park Redevelopment (Sec. 38-100)	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2			2	2						
Modern Manufactured Home	1	1	1	1	1	1	1	1	1	1	1																					Y	
Outdoor Storage, Residential	A	A	A	A	A	A	A	A	A	A	A				A	A	A															Y	
Property Management Office							1		1	1	1	1	1	1	1	1							1								Y		
<b>ACCOMMODATIONS</b>																																	
Bed and Breakfast	2	2	2	2	2	2	2	2	2	2	1				1	1	1	2						2	1							Y	
Hotel/Motel										2	1				2	1	1	2						2	1							Y	
Short-Term Vacation Rentals	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1							1		1	1					Y		
RV Park/Campground																	1															Y	
<b>COMMERCIAL AND OFFICE USES</b>																																	
Alcohol - Wholesale Storage and Distribution															2	2		1	1	1	1												
Alcohol Dispensing - On-Premises Consumption											1				1	1	1	A	A / 2	A	A / 2	1										Y	
Alcohol Dispensing - Off-Premises Consumption											1				1	1	1	A	1	A	A	1										Y	
Alcoholic Beverage Production - Accessory to a Restaurant											A	A	A	A	A	A	A	A	A	A	A	A	A			A	A					Y	

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	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts			
Land Use																							LI	GI	AL	PC	P-RM	RBR	FBR	See Article IX		
																									See Article VI Division 3			See Article VI Division 4		See Article IX		
Alcoholic Beverage Production - Small Scale													2	1	1		1	1	1	2	1									Y		
Alcoholic Beverage Production - Regional and Large Scale																	1	1	1											Y		
Artisan										2			1	1	1		1	1	1	1	1									Y		
Bank										1	1	1	1	1	1	A	A/3	A/3	A/3	A/2	1		A							Y		
Car Wash and Detailing										1			2	1	1		1	1	1	2	2									Y		
Catering Service/Food Service Contractor										2			2	1	1	2	1	1	1	1	1											
Drive-Thru Facility or Use with a Drive-Thru										2	2	1	2	1	1	1	1	1	1	1	2		1	1						Y		
Food Carts/Food Trucks - Fixed										2	2	2	1	1	1	2	A/2	A/2	2	2	1		1	1						Y		
Food Carts/Food Trucks - Mobile	A	A	A	A	A	A	A	A	A	A	A	A	1	1	1	1	1	1	1	1	1				1	1						Y
Health Club/Fitness Center										2	1	2	2	1	1	1	2	1	2	1	1									Y		
Kennel/Pet Care <del>Indoor</del>	2													1	1		2	1	2	1	2									Y		
<del>Kennel/Pet Care Outdoor</del>	<del>2</del>																<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>										<del>Y</del>		
Model Dwelling Units and Pre-construction Sales Offices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									Y		
Motor Vehicle Sales														1	1					2										Y		
Office, General										1	1	1	1	1	1		1	1	1	1	1									Y		
Office, Medical										2	1	1	1	1	1		A/2	2	A	1	1		1	1						Y		
Office, Temporary Labor (Day Labor)											2	1	2	1	1		1	1	1	1	2									Y		
Office, Veterinary	2									2	1	1	1	1	1		2	1	2	1	1									Y		
Outdoor Sales, Permanent													2	1	1		A	1	A	2	2									Y		
Personal Care										1	1	1	1	1	1		A	1												Y		
Recreational Vehicle/Boat Sales														1	1		A	2	A	A	2									Y		
Restaurant										1	A	A	1	1	1	1	A/2	A/2	A	A/2	1		A/2	A/2						Y		
Retail Sales and Services - Less than 5,000 sf										1	A	A/2	1	1	1	1	A/2	1	A	1	1		A	A						Y		
Retail Sales and Services - 5,000 to 19,999 sf										1		A	1	1	1	2	A/2	1	A	2	1		A	A						Y		
Retail Sales and Services - 20,000 to 79,999 sf											2	1	1	1			A	1		2	1									Y		
Retail Sales and Services - 80,000 sf or greater													1	1			A	1		A	2									Y		
Studio and Gallery										2	1	1	1	1	1	2	2	1	2	2	1		A	A						Y		
<b>INDUSTRIAL, MANUFACTURING AND WAREHOUSING USES</b>																																
Battery Exchange Stations											1	1	1	1	1		1	1	1	1	1		1	1								
Concrete Mixing Facilities/Asphalt																	2		1	2												
Contractors Yard and Building																	1	1	1	1										Y		
Fat, Oil and Grease Facilities																	3	3	3	3										Y		
Freight Trucking														2	2		1	1	1	1										Y		

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	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	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts					
Land Use																										LI	GI	AL	PC	P-RM	RBR	FBR	See Article IX	
																												See Article VI Division 3			See Article VI Division 4			
Laboratories and Research and Development												1	1		1	1		1	1	1	1	1				A	A							
Manufacturing - Light, Assembly and Processing: Type A														2	1	1		1	1	1	1	2												Y
Manufacturing - Light, Assembly and Processing: Type B														2	2	2		1	1	1	1	2												Y
Manufacturing - Heavy																		2	2	1	1													Y
Outdoor Storage, Principal Use																			1	1	2													Y
Publishing and Printing												2	2	2	2			1	1	1	1	2												
Recycling Center																		1	2	1	2													Y
Salvage Yard																		3	3															Y
Storage, Self/Mini Warehouse														2	1	1			1		2	2												Y
Vehicle Towing															1	1	2	1	1	1	2													
Vehicle Fuel/Gasoline Station										2				2	1	1	2	1	1	1	2	2												Y
Vehicle Storage, Maintenance and Repair														2	1	1		1	1	1	2	2												Y
Transfer Station, Solid Waste																		3	3	1	2													
Warehouse															A	A		1	1	1	1													
Wholesale Establishment														2	2	1		1	1	1	1	2												
<i>ARTS, RECREATION, AND ENTERTAINMENT USES</i>																																		
Adult Use, Adult Use Establishment, Adult use Business														2	1	1			1			2												Y
Club, Community Service and Fraternal	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	2	2	2	1	1				1	1							
Commercial Recreation, Indoor	3												2	2	1	1	1	2	1	2	2	1				A	A							Y
Commercial Recreation, Outdoor	3												2	A	A		2	2	2	1	2	2	2			A	A							Y
Golf Course and accessory structures	2	2	2	2	2	2	2	2	2	2	1											2	2			2	2							Y
Museum/Cultural Facility													2	1	1	1	1					2	1			1	1							
Natural Resources and Wildlife Management Uses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1				1	1							
Parks and Recreation areas - Facility-based High Intensity	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	A	1	A	A	1				1	1							Y
Parks and Recreation areas - Facility-based Low Intensity	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	A	1	A	A	1				1	1							Y
Parks and Recreation areas - Resource-based	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	A	1	A	A	1				1	1							Y
Performing Arts Venue													2	2	2	1	1	1				2	1			1	1							
Shooting Range/Gun Club — indoor	2														1	1	1	2	1	2	1	2				A	A							Y
Shooting Range/Gun Club — Outdoor	3														3	3	3	3	3	3	3					3	3							Y
Theater/Cinema														1	1	1	2					2	1			2	2							Y
Theater/Cinema, Drive-In															2	2	2					2												
<i>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND INSTITUTIONAL USES</i>																																		
Cemetery	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2			1	1							Y
Correctional Facilities																			3		3					3	3							
Crematorium																		1	2	1	2					2	2							Y

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 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	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts		
Land Use																							LI	GI	AL	PC	P-RM	RBR	FBR	See Article IX	
																									See Article VI Division 3			See Article VI Division 4			
Day Care Facility, child and/or adult	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	A/2	A/2	A/2	A/2	A/2	1		1	1						Y	
Day Care, Family	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1							
Environmental Education Facilities	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1		1	1							
Funeral Home/Mortuary	2	2									1	1	1	1							2										
Government Building or Use	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	2	2	2	2	2	1		1	1						Y	
Hospital/Medical Clinic	3										2	1	1	1							2		2	1						Y	
Library	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	2	2	2	2	2	2		1	1							
Meeting Hall and other Community Assembly Facility	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1		2			2		1	1						Y	
Nursing Home	2	2						2	2	2			2	1	1						2		1	1						Y	
Probation/Parole Correction Office													2	1	1						2			1							
School, grades Pre-K thru 8	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	2					2		1	1						Y	
School, grades 9 thru 12	2	2	2	2	2	2	2	2	2	2	1	1	1	1	2	3	2	3	2	1	2		1	1						Y	
School, Post-Secondary	2									2	2	1	1	1	2	2	2	2	2	1	1		1	1							
School, All Others	2										2	1	1	1	2	2	2	2	2	2	1		2	2							
Shelter/Transitional Housing	3	3	3	3	3	3	3	3	2	1	1	1	1	1	1	2	2	2	2	2	1		1	1						Y	
<i>TRANSPORTATION, COMMUNICATION, AND INFORMATION USES</i>																															
Airports (Air Transportation)	3																3	3	3	3										Y	
Docks and Piers	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A						Y	
Marina	3									A/3		2	2	2	1	1	1	1	1	2		2	2						Y		
Helicopter and Helistops	3	3							3	3	3	3	3	3	3	3	3	3	3	3	3		3	3						Y	
Mass Transit Center	3	3	3					3	3	3	2	2	2	1	1	1	1	1	1	1	1		1	1						Y	
Navigation safety devices and structures	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1		1	1							
Off-shore Tour Vessels and Water Transport													3	2	2	2	2	2	2	2	2		2	2						Y	
Parking, Surface - Principal Use	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1		1	1						Y	
Parking Structure								2	2	1	1	1	1	1	1	1	1	1	1	1	1		1	1						Y	
Transmitting stations, remote radio and television, not including broadcast studios or office	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	2		2	2						Y	
Wireless Communication Antennae (WCA)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A						Y	
Wireless Communication Tower	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1						Y	
<i>UTILITIES</i>																															
Biohazardous or Hazardous Waste Storage and Treatment																	3	3	3	3											
Power Generation Plant																	3	3	3	3			3	3							
Solar Energy Systems	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A						Y	
Solar Energy Production Facility	3	3	3						3	3	3	3	3	3	3	1	1	1	1	2	2		2	2						Y	
Solid Waste Management and Disposal Facility																	3	3	3	3			3	3						Y	
Solid Waste Transfer Facility													3	3			2	2	2	2			2	2						Y	
Utilities, Class I	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1						Y	

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	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts				
Land Use																										LI	GI	AL	PC	P-RM	RBR	FBR	See Article IX
																										See Article VI Division 3			See Article VI Division 4				
Utilities, Class II	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			1	1						Y
Utilities, Class III	3	3	3	3	3	3	3	3	3	3	3	2	2	2	2	2	2	2	2	1	1	1	2			2	2						Y
Wind Energy Conservation System (WECS), Medium Scale	3	3	3											3	3	3	3	1	1	1	2	3				3	3						Y
Wind Energy Conservation System (WECS), Small Scale	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1			1	1						Y
<i>AGRICULTURAL USES</i>																																	
Agricultural Activities, Commercial Use	2	2	2									2	1	1	2	1	1	1	1	1	1												Y
Community Gardens	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			1	1						Y
Nursery/Greenhouse, Retail	2	2												2	1	1		A	1	2	2	1											Y
Nursery/Greenhouse, Wholesale	2	3	3											2	2	2	2	1	1	1	1												Y
<i>OTHER USES</i>																																	
Excavation Pits and Quarries, in excess of 1,000 cubic yards	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	2	2	2	2	3				3	3						Y
Land Filling or Excavations of More than 1,000 Cubic Yards	<del>1</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>			<del>2</del>	<del>2</del>						Y
Land Filling or Excavations of Less than 1,000 Cubic Yards	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			1	1						Y
<i>ANIMALS AND LIVESTOCK</i>																																	
Farm Animals	A	A	A										A	A	A	A	A	A	A	A	A					A	A						Y
Backyard Chickens				A	A	A	A	A	A	A	A																						Y
Non-Traditional Pets	A	A	A	A	A	A	A	A	A	A	A																						Y
Dog-Friendly Dining												A	A	A	A	A	A	A	A	A	A	A				A	A						Y

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**Sec. 138-356. Uses defined.**

Land uses as listed in Table 138-355 — Table of Uses for the Zoning Districts are further defined as follows.

**Residential uses.**

*Accessory dwelling unit* means an independently functioning dwelling unit which is an accessory use to the principal use on the same lot and which has a separate kitchen with a cooking stove. These uses are sometimes referred to as "garage apartments," "mother-in-law apartments," and/or "carriage houses."

*Accessory dwelling unit, owner/manager* means no more than one on-premises dwelling unit that is to be occupied by the owner, lessor, manager, watchman, or custodian in connection with the operation of any permitted or permissible use.

*Affordable housing development* means a single-family detached housing development in which at least 20 percent of the units are affordable to households at 80 percent of median family income, or a multifamily development in which at least 20 percent of the units are affordable to households at 60 percent of median family income.

*Assisted living facility* means as defined in F.S. ch. 429, part I, which through its ownership or management provides housing, meals and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

*Community residential home, category 1 and 2* means as defined in F.S. § 419.001.

*Dormitory* means a building or group of buildings intended to provide sleeping accommodations for unrelated persons who are registered students and/or employees of an educational and/or religious institution on a seasonal or year-round basis. Dormitories are managed by the institution at which the students/employees are associated.

*Dwelling, live/work* means an establishment that includes a dwelling unit and an area for nonresidential use by the residents.

*Dwelling, multiple family and their customary accessory uses* means four or more dwelling units, attached to each other by a stacking arrangement and with common vertical and horizontal walls.

*Dwelling, single family (attached) and their customary accessory uses* means a dwelling unit on a single lot or parcel attached to one or more one-family dwellings by a common vertical wall.

*Dwelling, single family (detached) and their customary accessory uses* means a dwelling unit in a single structure, on a single lot, not attached to any other dwelling by any means.

*Dwelling, single family zero lot line and their customary accessory uses* means a dwelling unit, on a lot, with a side setback reduced to zero.

*Dwelling, three-family and their customary accessory uses* means three dwelling units attached to each other by common vertical walls, or by stacking.

*Dwelling, two-family and their customary accessory uses* means two dwelling units attached by a common vertical wall, or by stacking.

*Home ~~occupation~~based business* means an accessory use in a residential area consisting of an occupation or business activity performed entirely within a dwelling or authorized accessory structure. The home ~~occupation~~based business is to be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

*Mobile home and their customary accessory uses* means a dwelling unit constructed in a factory before June 15, 1976, or constructed after June 15, 1976 in compliance with the federal Manufactured Home Construction and Safety Standards (the HUD Code) for manufactured homes. Mobile homes are not self-propelled.

*Mobile home park and their customary accessory uses* means a lot or parcel of land which contains mobile home sites and accessory open areas, recreation, or community facilities for the residents.

*Mobile home subdivision and their customary accessory uses* means a platted residential subdivision in which the dwelling units consist of mobile homes and accessory residential structures.

*Mobile home park redevelopment* means as defined in chapter 38, section 38-100, of the Pinellas County Code.

*Modern manufactured home* means a structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility after June 1, 1994, in one or more sections, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site. Also known as a "HUD-Code Home." This definition does not include recreational vehicle, mobile home or modular home.

*Outdoor storage, residential* means an area intended to allow for the retention/storage of residential household items outside of the home, garage, or accessory structure for routine or seasonal use.

*Property management office, residential* means an office that provides management and associated maintenance services for a particular residential or golf course project and may include personnel, accounting, and similar administrative functions as well as equipment storage and workshop areas required for the maintenance of the residential and/or golf course project.

## **Accommodations**

*Bed and breakfast inn* means a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

*Hotel/motel* means a building or group of buildings containing lodging units intended primarily for rental or lease to short-term visitors by the day or week, and which may provide accessory services such as restaurants, meeting rooms and recreation facilities. Does not include condo hotels.

*RV park/campground* means a lot or parcel of land upon which spaces are occupied or intended for occupancy by recreational vehicles (RVs) designed for travel, recreation and vacation uses and which provides temporary residences to visitors.

*Short-term vacation rentals* means as described in section 138-3232.

## **Commercial and Office Uses**

*Alcohol—Wholesale storage and distribution* means the wholesaling, storage and distribution of alcoholic beverages from an enclosed building.

*Alcohol dispensing—On-premises and off-premises consumption* means as described in section 138-3240.

*Alcoholic beverage production—Accessory to a restaurant, small scale, and regional and large scale* means as described in section 138-3241.

*Artisan* means establishments producing a high-quality or distinctive product generally in small quantities, usually by hand or using traditional methods. The retailing of wares produced on site and related materials is allowed.

*Bank* means establishments providing retail banking services including check cashing, receiving, lending, and safeguarding of money and other valuable items.

*Car wash and detailing* means establishments providing full- or self-service washing and detailing for motor vehicles and domestic equipment. Retail sale of automotive products is permitted as an accessory use.

*Catering service/food service contractor* means establishments providing prearranged on- or off-site meal preparation and delivery services for off-site consumption at a lawful principal use. This term shall not include Restaurants which may perform these activities.



*Drive-thru facility or use with a drive-thru* means an accessory use/structure to a lawful business establishment, such as a fast food restaurant, designed to enable customers in parked vehicles to transact business with persons inside of the principal building, subject to the applicable use restrictions set forth in this chapter.

*Food carts/food trucks fixed and mobile* means as described in section 138-3247.

*Health club/fitness center* means as described in section 138-3248.

*Kennel/pet care, ~~indoor and outdoor~~* means an establishment where domestic animals are bred, boarded, sold or treated for profit or public service, and housed. This includes personal service functions for pets.

*Model dwelling units and pre-construction sales offices* means a temporary office used to sell real estate in the associated development.

*Motor vehicle sales* means establishments engaged in selling and/or leasing of motor vehicles (included automobiles, motorcycles, and similar vehicles).

*Office, general* means establishments where persons conduct business or carry on stated occupations. The term includes administrative, business and professional offices, radio and television studios, and governmental offices. The term does not include medical or dental offices.

*Office, medical* means establishments where persons perform routine medical or dental examinations, treatments and procedures (including mental health) as outpatient services.

*Office, temporary labor (day labor)* means establishments where prospective employees gather to seek temporary construction or industrial labor positions, or similar positions of temporary employment.

*Office, veterinary* means a facility used by veterinarians to treat and examine animals, including accessory indoor boarding of animals.

*Outdoor sales, permanent* means establishments selling goods and/or garden material where the majority of the sales and display area exists outside of a completely enclosed building.

*Personal services* means an occupation or service attending primarily to one's personal care or apparel; examples of which include hair and beauty care, clothing repair or alteration, dry cleaning/laundry service (collection and distribution only) and like personal service uses.

*Recreation vehicle/boat sales* means as described in section 138-3254.

*Restaurant* means an establishment serving or selling food and/or beverages prepared on the premises, which are generally intended for immediate consumption.

*Retail sales and service—Less than 5,000 square feet* means establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the table of uses. Square footage limitation is based on individual tenant spaces.

*Retail sales and service—5,000 to 19,999 square feet* means establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the Table of Uses. Square footage limitation is based on individual tenant spaces.

*Retail sales and service—20,000 to 79,999 square feet* means establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the Table of Uses. Square footage limitation is based on individual tenant spaces.

*Retail sales and service—80,000 square feet or greater* means establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the table of uses. Square footage limitation is based on individual tenant spaces.

*Studio and gallery* means establishments used for the production or teaching of art, writing, dance, theater, or similar endeavors of an artistic or creative nature, or sports and recreational endeavors such as martial arts and displaying works of art for retail sale.

### **Industrial, Manufacturing, and Warehousing Uses**

*Battery exchange stations* means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.

*Concrete mixing facilities/asphalt* means a permanent manufacturing facility for the production of concrete or asphalt.

*Contractors yard and building* means establishments involved in construction of new buildings, additions, alterations, reconstruction, installation, repairs, demolition, blasting, test drilling, landfilling, leveling, dredging, earthmoving, excavating, land drainage, and other land preparation and development. Accessory office space and outdoor storage is allowed.

*Fat, oil and grease facilities* means as described in section 138-3262.

*Freight trucking* means establishments that provide local pickup, local sorting and terminal operations, line-haul, destination sorting and terminal operations, and local delivery for freight trucks.

*Laboratories and research and development* means establishments engaged in (1) testing and analysis of products, materials or biological organisms; (2) investigation of natural, physical, or social sciences; or (3) engineering and development as an extension of investigation, with the objective of creating an end product. No manufacturing is conducted on the premises except for experimental or testing purposes.

*Manufacturing—Light, assembly and processing: Type A* means establishments engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products with no outdoor storage or processing of equipment or materials of any kind.

*Manufacturing—Light, assembly and processing: Type B* means establishments engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products with no outdoor processing of equipment or materials of any kind. Outside storage is allowed.

*Manufacturing—Heavy* means establishments engaged in the manufacture, processing or assembly of materials or substances such as concrete, asphalt, or fiberglass into parts or products. Such use may include the outdoor storage and processing of materials and equipment.

*Outdoor storage, principal use* means as described in section 138-3265.

*Publishing and printing* means establishments that print books, newspapers or other printed materials, or create, reproduce, or package printed materials or software. Accessory uses such as distribution or circulation facilities are allowed.

*Recycling center* means establishments that collect, sort, and/or store recyclable materials for ultimate delivery to a processing facility.

*Salvage yard* means establishments where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking or salvage yards, used lumber yards, house wrecking yards and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase or storage of operative second-hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances in working order nor shall it apply to the possessing of used, discarded, or salvaged materials as part of manufacturing operations.

*Storage, self/mini warehouse* means a building designed, arranged and used exclusively for leasing storage space for household goods, business or personal property. Lessees shall not engage in any commercial activities and shall use the premises for storage only.

*Vehicle towing* means establishments offering local or long-distance towing services for motor vehicles. Vehicle towing establishments may offer incidental services, such as storage and emergency road repair services. This definition shall not include gas stations, automotive repair and maintenance or retailing automotive parts and accessories.

*Vehicle fuel/gasoline station* means establishments that specialize in retail sales of gasoline or other fuel to the general public.

*Vehicle storage, maintenance and repair* means establishments providing service, repair and storage of motor vehicles such as buses, cars, boats, recreation vehicles, trucks or heavy equipment.

*Transfer station, solid waste* means a site, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

*Warehouse* means establishments that store, ship and distribute, but do not sell, goods within completely enclosed structures. Warehouse uses may provide a range of services related to the distribution of goods, such as labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement. Bonded warehousing and storage services are included in this category.

*Wholesale establishment* means establishments selling goods exclusively to other businesses, are not open to the general public, and that typically operate from a warehouse or other building that does not display merchandise.

### **Arts, Recreation, and Entertainment Uses**

*Adult use, adult use establishment, adult use business* means as defined in chapter 42, consumer protection, article III, adult uses, of the Pinellas County Code.

*Club, community service and fraternal* means any not-for-profit organization whose primary purpose is to provide a service which benefits the general public, such as labor and political organizations, business associations and professional membership organizations, and civic and not for profit clubs whose primary function is to provide social and humanitarian services to the community (e.g., Women's Club, League of Women Voters, Garden Club, Junior League, Jaycees, Kiwanis, Masons, Rotary Club, Shriners and others of a similar nature).

*Commercial recreation, indoor* means privately owned commercial facilities offering indoor athletic courts, swimming pools, skating rinks, skateboard or bicycle racing facilities, waterslides, batting and archery facilities, bowling alleys, amusement parks, entertainment venues including dance halls, and amusement facilities containing games or amusement devices.

*Commercial recreation, outdoor* means privately owned commercial facilities offering outdoor athletic courts, swimming pools, skating rinks, skateboard or bicycle racing facilities, waterslides, golf driving ranges, batting and archery facilities, amusement parks, entertainment venues, and amusement facilities containing games or amusement devices.

*Golf course and accessory structures* means land developed and operated as a golf course including tees, fairways, and putting greens, clubhouses, practice greens, and driving ranges.

*Museum/cultural facility* means establishments for the preservation and public exhibition of objects and places of historical, cultural, or educational value, including historical sites, zoos, and similar uses.

*Natural resources and wildlife management uses* means activities related to the protection, enhancement and interpretation of natural resources.

*Parks and recreation areas—Facility-based high intensity* means active high intensity — areas for public and private active outdoor recreational activities that may have higher trip generations than low intensity uses, or have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples of such uses include, but are not limited to, sports fields, skate parks, swimming pools/splash pools, golf driving ranges, motor-cross tracks, and rodeo venues, ~~and stadiums seating in excess of 500 people.~~

*Parks and recreation areas—Facility-based low intensity* means active low intensity — areas for public and private passive and limited active outdoor recreational activities. Typical uses include, but are not limited to, parks, playgrounds, and walking, jogging, hiking, ~~and~~ bicycle paths/trails and sports courts such as tennis and basketball.

*Parks and recreation areas—Resource-based* means park—area of land set aside for public use with few or no buildings maintained for recreational and/or ornamental purposes. Playground—outdoor area provided for children to play on, especially at a school or park. Such a facility is typified by the placement of various pieces of equipment such as swings and slides. Passive—outdoor leisure activities that are low vehicle trip generators and have a low potential for nuisance to adjacent properties due to noise, light, glare, or odor. Examples include, but are not limited to parks, walking, jogging, hiking, and bicycle paths/trails.

*Performing arts venue* means establishments used for the enactment of live performances. Dinner theaters are regulated as restaurants and adult theaters are regulated as adult uses.

*Shooting range/gun club—Indoor* means enclosed firing range with targets for rifle or handgun practice.

*Shooting range/gun club—Outdoor* means an outdoor facility designed for the firing of arms at targets.

*Theater/cinema* means establishments that provide plays, dramatic performances, and motion pictures to an audience.

#### **Education, Public Administration, Health Care, and Institutional Uses**

*Cemetery* means land used or intended to be used for the permanent interment of human or pet remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated human or pet remains; or any combination of one or more of such structures or places. (Also see F.S. § 497.005.) This type of use is not permitted on individual residential lots.

*Congregate care facility/nursing home* means as defined in F.S. ch. 400, part II, and F.S. ch. 429, part I. Also see section 138-3291.

*Correctional facilities* means a building, use or structure, owned or occupied by a federal, state or local government agency, for the purposes of long and short-term and/or permanent housing for persons who are serving terms of imprisonment for violations of criminal laws and/or who are participating in work release programs and/or who have previously served and completed terms of imprisonment for violations of criminal laws.

*Crematorium* means establishments offering cremation of cadavers. "Cremation" includes any mechanical or thermal process whereby a dead body is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby remains are pulverized, burned, re-cremated, or otherwise further reduced in size or quantity. (Also see F.S. § 497.005.)

*Day care facility, child and/or adult* means any children's center, day nursery, nursery school, kindergarten, or family day care home as defined by Florida law and as described in section 138-3292.

*Day care facility, family* means an occupied residence in which childcare is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in childcare, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age: (a) A maximum of four children from birth to 12 months of age. (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children. (c) A maximum of six preschool children if all are older than 12 months of age. (d) A maximum of ten children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

*Environmental education facilities* means structures or uses of land for environmental education purposes on public lands.

*Funeral home/mortuary* means establishments primarily engaged in preparing human cadavers for burial or interment and conducting funerals (e.g., providing facilities for wakes, arranging transportation, selling caskets and related merchandise), includes accessory cremation services.

*Government building or use* means offices and other facilities such as city halls, courts, public safety facilities, and similar buildings and structures used for administrative, legislative and judicial governmental functions. This does not include correctional facilities or schools.

*Hospital/medical clinic* means an establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty 24 hours a day, inpatient beds and equipment and facilities to provide complete health care; may also provide complete health care emergency room care and include less intensive medical uses such as convalescent and ambulatory care facilities.

*Library* means establishments that acquire, research, store, preserve and otherwise maintain collections of books, journals, newspapers, audiovisual recordings, photographs, maps, historic documents, and similar materials for information, research, education, or recreation needs of users.

*Meeting hall and other community assembly facility* means establishments that provide shelter for public gatherings and communal activities, or other assembly structures, including community halls, reception halls, wedding halls, places of worship and similar facilities that provide a gathering place for community functions. This does not include government offices, or club, community service and fraternal uses.

*Nursing home* means as defined in F.S. ch. 400, part II, and F.S. ch. 429, part I. Also see section 138-3295.

*Probation/parole correction office* means a government or non-governmental office use which supervises, case manages, oversees or regulates persons who come to the office who are under court ordered supervision from the federal or state (including county) court system. These uses shall not be considered an "office" or "governmental use."

*School, grades Pre-K thru 8* means elementary schools, special education facilities, alternative education facilities, and middle schools operated by a public or private entity.

*School, grades 9 thru 12* means high schools operated by a public or private entity. (Note: private trade schools are classified under "school, all others.")

*School, post-secondary* means junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training.

*School, all others* means establishments that provide vocational and technical training of nonacademic subjects and trades which are designed to lead to job-specific certification, including beauty schools, computer training, driving education, flight training, and language instruction.

*Shelter/transitional housing* means a structure that contains open sleeping areas and/or individual sleeping rooms, and where tenancy of all rooms is typically arranged for periods of less than one month furnished with cots, floor mats, or bunks. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or nonprofit agency to provide relatively short-term, transitional housing for individuals in need, with or without a fee, on a daily basis.

### **Transportation, Communication, and Information Uses**

*Airports (air transportation)* means a tract of leveled land where aircraft can take off and land, usually equipped with hard-surfaced landing strips, a control tower, hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo.

*Docks and piers* means structures built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming and recreational uses; and subject to the requirements of chapter 166, article V, division 3, docks and similar structures.

*Heliport and helistops* means an area providing for the take-off and landing of helicopters and related fuel facilities (whether fixed or mobile) and appurtenant areas for parking, maintenance, and repair of helicopters.

*Marina* means a facility, adjacent to and utilizing a body of water which may provide the following: boat storage and launching, docking, minor repair and maintenance of water craft such as washing, polishing, engine tune up, oil change, lubrication, minor outfitting, retail sale of gas, oil, bait, tackle and marine supplies, restaurants or such other customary use commonly found at a retail marina.

*Mass transit center* means a local and suburban ground passenger transit hub using one or more mode of transport over regular routes and on regular schedules. Does not include individual transit shelters such as a typical bus stop.

*Navigation safety devices and structures* means as described below:

*Aids to navigation structures* support visual and audible signal equipment in a fixed location and at a design elevation that establishes the geographical range of the aid.

*Major aids to navigation:* Complex in design and construction and usually require significant engineering effort, including geotechnical and hydrographic site analysis.

*Minor aids to navigation:* Structures are relatively simple in design and construction, and are usually made of wood or concrete piles, steel piles, or other steel structural shapes. They can be either lighted or unlighted.



*Lighthouses:* An enclosed edifice which houses, protects, displays, or supports visual, audible, or radio aids to navigation. These structures are usually made of granite, brick, cast iron plate, monolithic stone, concrete, or steel.

*Off-shore tour vessel and water transport* means any type of watercraft which has a Coast Guard rated capacity of 125 or more persons and which regularly engages in tours of two hours or longer, including ferries.

*Parking, surface—Principal use* means surface parking areas located outside of structures as a principal use. Surface parking areas reserved for a principal use are accessory uses.

*Parking structure* means multistory, underground, and rooftop parking facilities.

*Transmitting stations, remote radio and television, not including broadcast studios or office* means such uses and structures as radio and television transmitting and receiving antennas, radar stations, and microwave towers.

*Wireless communication antennae (WCA)* means an antenna at a fixed location used for the transmission or reception of wireless communication signals, excluding those antennas used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those antennas which receive video programming services via multipoint distribution services which are one meter or less in diameter, and those antennas which receive television broadcast signals.

*Wireless communication tower* means a monopole, guyed or a lattice type tower greater than 15 feet in height designed for the attachment of or as support for wireless communication antennas or other antennas.

## **Utilities**

*Biohazardous or hazardous waste storage and treatment* means any building, site, structure, or equipment used in an activity or process designed to change the physical form or chemical composition of hazardous waste, as regulated by the Resource Conservation and Recovery Act (RCRA), so as to render it nonhazardous. Biohazardous waste shall be as defined in the Florida Administrative Code.

*Power generation plant* means a facility that generates electricity by means of geothermal power, burning of coal, oil, or gas, or by hydropower. Accessory generators for hospitals, schools, and other similar uses shall not be considered a power generation facility, nor does the use include solar energy production facilities as defined by this Code.

*Solar energy systems* means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). It is the intent of the LDC that energy generated from these systems be limited to on-premises consumption, or for net metering purposes.

*Solar energy production facility* means a power generation facility which utilizes ground-mounted or building-mounted photovoltaic devices to convert sunlight into electricity primarily for use by off-site consumers. Such facilities do not include solar energy devices or systems that primarily serve a principal use on the site.

*Solid waste management and disposal facility* means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located.

*Solid waste transfer facility* means site with the primary purpose of storing or holding solid waste for transport to a management or disposal facility.

*Utilities, Class I* means transmission lines, whether subterranean or overhead; including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; effluent disposal systems; cable television and telephone transmission lines; or similar utility lines.

*Utilities, Class II* means booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, and other similar utilities.

*Utilities, Class III* means production or treatment facilities such as sewage treatment plants, elevated water storage towers, non-accessory ground storage tanks, or similar facilities. This definition does not include electric power plants and lime stabilization facilities.

*Wind energy conservation system (WECS), medium scale* means an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill or wind turbine. Medium scale WECS are those WECS rated 61 kW to 100 kW.

*Wind energy conservation system (WECS), small scale* means an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill or wind turbine. Small scale WECS are those WECS rated 60 kW or less.

### **Agricultural Uses**

*Agricultural activities, commercial use* includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber

agricultural use, vineyard, aquaculture, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land.

*Community gardens* means an activity on property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment, for the consumptions and enjoyment of friends and relatives and/or donation to a not-for-profit organization, generally on a not-for-profit basis.

*Nursery/greenhouse, retail* means establishments primarily engaged in retail sales of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell product grown on-site.

*Nursery/greenhouse, wholesale* means establishments primarily engaged in wholesale sales of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are either grown on site or elsewhere.

**Other uses.**

*Excavation pits and quarries, in excess of 1,000 cubic yards* means the removal of 1,000 cubic yards or more of earth material for purposes other than that incidental to and on the site of construction authorized by site plan approval. This shall include land balancing other than that incidental to and on the site of construction authorized by site plan approval.

*Land filling of more than 1,000 cubic yards* means an addition of 1,000 cubic yards or more of earth, topsoil, sand, mulch, gravel, or rock to any lot or parcel other than that incidental to and on the site of construction authorized by site plan approval. This shall not include any solid waste landfills.

*Land filling or excavations of less than 1,000 cubic yards* means any landfill or excavation which is more than five cubic yards but less than 1,000 cubic yards.

**Animals and Livestock**

*Farm animals* means livestock and/or fowl. Livestock and fowl shall include those animals which are normally considered as farm animals, such as cattle, goats, sheep, horses, ponies, mules, pigs, chickens, ducks, geese, other similar farm animals, and wild animals licensed pursuant to state law.

*Backyard chickens* means as described in section 138-3351.

*Non-traditional pets* means as described in section 138-3352. Examples include pot-bellied pigs and pygmy goats. A type-1 path B review is required.

*Dog-friendly dining* means the program established by F.S. § 509.233 permitting public food service establishments to allow patrons' dogs within certain designated outdoor portions of their respective establishments.

**Sec. 138-386.2. R-5, Urban Residential District—Additional requirements and clarifications.**

- (a) Each residential building may include up to six individual dwelling units. Such buildings containing single family attached units with individual lot ownership are not considered to be a multifamily use.
- (b) Lots that abut an improved alley shall provide parking in the rear of the dwelling and/or within rear-loaded garages.
- (c) Entrances for residential units shall be oriented to a public or private adjacent street, alley, open space area, or internal courtyard.
- (d) A garage vehicle door/opening located on a street-facing facade shall be limited to 55 percent of the facade width in which it is located. This standard shall not be applicable to garages served by alleys, nor to single family detached or two-family dwellings.
- (e) All street-facing garage vehicle doors/openings should be set back behind the primary home door, entryway, and/or porch structure.
- (f) An alternative parking plan may be provided in lieu of the requirements of article X, division 2 of this chapter.

**Sec. 138-395.1. RPD, Residential Planned Development District—Development parameters.**

RPD — Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards	All Uses and Building Types								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front-Structure	Front-Garage	Side Interior	Side Street	Rear
<i>See underlying Future Land Use Category<sup>(4)</sup></i>	(a) The development parameters including building height, lot dimensions, and setbacks shall be defined as part of a Development Master Plan or similar approved plan for the district.								
	(b) For development/redevelopment on individual <del>platted</del> legal lots of record AND where no Development Master Plan (or similar) has been approved, the lot shall be subject to the R-4 development parameters until such time a Development Master Plan is approved.								
1. Other height requirements and allowances may be applicable pursuant to chapter 138, article X, division 1, section 138-3501, measurement of height and limitations.									
2. Other setback requirements and allowance may be applicable pursuant to chapter 138, article X, division 1, section 138-3505, setback measurements, allowances and restrictions.									
3. These development parameters may be superseded by other requirements as part of an adopted development master plan and/or conditional overlay.									
4. Or as provided by the approved master plan.									

**Sec. 138-3215. Dwellings.**

- (a) *Purpose.* Multifamily, single-family attached with more than two units, live-work, ~~two-family~~, and three-family residential dwelling units are intended to be developed, expanded,

and maintained to accommodate, enhance or improve the immediate vicinity in terms of scale, orientation, and accessibility.

(b) *Applicability.* The provisions of this section shall apply to all multifamily, single-family attached with more than two units, live-work, ~~two-family~~, and three-family development and expansion.

(c) *Standards.*

(1) In the one, two and three-family residential (R-4) and urban residential (R-5) districts the following standards shall apply:

- a. Multifamily and single-family attached exterior building materials shall complement and be architecturally compatible with other residential structures in the immediate neighborhood.
- b. Entrances for single-family attached residential units shall be oriented to an adjacent street, alley, open space area, or internal courtyard.
- c. Multifamily and single-family attached buildings shall not exceed an overall length of 120 feet.

(2) In commercial and industrial planned development districts the following standards shall apply:

- a. Residential units shall not be located along the ground floor facades of any building fronting an arterial or collector street.
- b. Common entrances, reception areas, rental offices, and similar residential accessory uses may occupy the ground floor façade of any building fronting an arterial or collector streets.
- c. Single-family attached properties, where permitted in the C-1, C-2 and CP zoning districts, shall be subject to a minimum lot size of 1,400 square feet.

(3) Multifamily development is subject to the following standards:

- a. Multifamily units shall provide a minimum of ten percent of the site area to be reserved and/or improved as common open space.
  1. This open space area may be combined with other open space requirements of the zoning district.
  2. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection to ensure usability. Enclosed recreation spaces may count toward the minimum requirement.

- b. At least 50 percent of street facades shall have architectural articulation.
  - c. A six-foot high opaque wall or fence shall be provided along rear and side property lines that abut a single-family attached and/or detached lot. A fence is not required for the portions between the front building façade and an abutting street. A fence is not required for portions that abut an alley.
- (4) Live-work units are subject to the following standards:
- a. Live-work units are permitted up to one-half of the unit area to be used for retail sales and service, office, and/or educational purposes.
  - b. The nonresidential operations shall be conducted in part by at least one occupying resident of the live-work unit.
  - c. Nonresidents are permitted to be employed at the live-work unit.
  - d. The nonresidential component must meet the use requirements of the zoning district. The uses shall have shared connections and amenities.

**Sec. 138-3218. Home ~~occupation~~Based Business.**

- (a) *Purpose.* ~~Technological advances allow many types of business to be conducted outside of a traditional business setting.~~ The purpose of this section is to recognize the need for home-based businesses/~~offices~~ and establish standards for operation.
- (b) *Applicability.* The provisions of this section shall apply to all home based businesses ~~occupations~~.
- (c) *Standards.*
  - ~~(1) The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and may not change the residential character thereof. The home occupation business shall not detract from the residential neighborhood character.~~
  - ~~(2) A home occupation may include such uses, when operated in strict accordance with the provisions of this section, as follows: Phone sales, mailing service, accountant, engineer, architect, dressmaker, artist, handicrafts, consultant or similar profession. The precedent list is meant to be illustrative only and is not all inclusive.~~
  - ~~(3) Home occupations specifically prohibited would include auto repair, motor and appliance repair, and any similar type of use which is not compatible with the residential neighborhood. No materials or stock in the trade are to be sold on the premises or stored outside the dwelling.~~
  - ~~(4) Customers may not conduct business on the premises except as otherwise provided in this section.~~
  - ~~(5) Only members of the family permanently residing on the premises may be engaged in a home occupation.~~

- ~~(6) The use shall not create dangerous vapors or fumes, and no use shall be permitted where noise, light, dust, or vibration extends beyond the lot or parcel line of an abutting lot or parcel.~~
- ~~(7) The space used for home occupations shall represent no more than 20 percent of the total area of the dwelling.~~
- ~~(8) All activities associated with the home occupation shall be conducted entirely within a dwelling. There shall be no display or other visible evidence, other than as provided in article X, division 5, Signs, of this chapter, that would indicate that the dwelling is being utilized for any other use than a dwelling, unless such display or evidence is located inside of the dwelling in such fashion as not to be visible from the street.~~
- ~~(9) Traditional home-based instruction such as, but not limited to, tutoring, music or swimming lessons, where instruction is provided by only one instructor to up to three students per class with no more than ten classes per day between the hours of 9 a.m. and 9 p.m. shall be considered a home occupation. Other instruction or private school may be allowed with Type 1, Path B approval.~~
- ~~(10) A zoning clearance is required per section 138-90.~~
- (1) A home-based business that operates from a residential property may operate in an area zoned for residential use, and shall not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses, except as otherwise provided in this section.
- (2) A business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:
- a. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
- b. Parking related to the business activities of the home-based business must comply with zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the home-based business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. The standards of Section 122-37 of the Pinellas County Code regarding the storage, parking, and maintenance of prohibited vehicles and equipment in residential zoning districts shall apply.
- c. As viewed from the street, the use of the residential property must be consistent with the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than

the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

- d. The activities of the home-based business must be secondary to the property's use as a residential dwelling.
- e. The business activities must comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, but such local regulations may not be more stringent than those regulations that apply to a residence where no business is conducted.
- f. All business activities must comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids, but such local regulations may not be more stringent than those regulations that apply to a residence where no business is conducted.

**Sec. 138-3232. Short-term vacation rentals.**

- (a) *Purpose.* The intent of short-term vacation rentals is to allow for an individual dwelling unit to be rented to an individual or party at a lease term that is less than one month while protecting the immediate vicinity from associated negative impacts relating to traffic, noise, safety, and maintenance. Short-term vacation rentals generally occur in typical residential units and mostly within residential neighborhoods. Individual rooms within owner-occupied properties may also be used for short-term vacation rentals.
- (b) *Applicability.* This section shall apply to short-term vacation rentals consisting of individual dwelling units/rooms and the rental periods for said unit/room is more than three times in a calendar year for periods of 30 days or less. This section is not applicable to hotels/motels and bed and breakfast uses. This section is also not applicable to other residential dwelling units that are rented for periods over one month.
- (c) *Standards.*
  - (1) *Maximum occupancy.* Maximum occupancy shall be no more than two persons per bedroom plus two persons in one common area, not to exceed more than ten persons total per unit, whichever is less.
  - (2) *Parking.* A minimum of one off-street parking space shall be provided for every three occupants. Garage spaces count towards minimum requirement if available to the occupant(s). Front lawn parking does not count towards the minimum requirement.
  - (3) *Noise.* Quiet hours are to be observed between 10:00 p.m. and 9:00 a.m. daily or as superseded by any county noise regulation.



(4) *Responsible party.* The property owner or designee shall be available in a timely manner to respond to inspections, complaints, or other problems related to the short-term vacation rental property. The duties of the short-term vacation responsible party are to:

- a. Be available by telephone at the posted phone number to handle any issues arising from the short-term vacation rental use;
- b. If necessary, be willing and able to come to the short-term vacation rental unit following notification from an occupant, owner, law enforcement, or county official to address issues related to the short-term vacation rental;
- c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
- d. Otherwise regularly monitor the short-term vacation rental unit to assure compliance with the requirements of this section.

(5) *Posting short-term vacation rental unit information.* On the back of, or next to, the main entrance door or on the refrigerator, there shall be provided as a single page the following information:

- a. The name, address and phone number of the short-term vacation rental responsible party;
- b. The maximum occupancy of the unit, per section 138-3232(c)(1), above;
- c. The maximum number of vehicles that can be parked at the unit, per section 138-3232(c)(2), above; along with a sketch of the location of the off-street parking spaces;
- d. Noise standard, per section 138-3232(c)(3), above;
- e. The days of trash pickup and recycling; and
- f. The location of the nearest hospital.

(6) *Fines.* Any person convicted of violating any provisions of section 138-3232 may be punishable by a fine of up to \$300.00, per violation, per day.

~~(6)(7)~~ Short-term vacation rentals within single family detached homes shall require a zoning clearance per Section 138-90.

**Sec. 138-3244. Car wash and detailing.**

- (a) *Purpose.* Car washes and detailing establishments are intended to provide service cleaning for motor vehicles and domestic equipment. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties including noise, particle disbursement and untreated runoff. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
- (b) *Applicability.* This section shall apply to car wash and detailing uses. This section does not apply to temporary car wash activities that occur no more than three consecutive days at the same location.
- (c) *Standards.*
- (1) When within or adjacent to a residential district the following standards shall apply:
    - a. Sound from radios, stereos, or other sound amplification devices shall not be audible from the adjacent residential district. Signs shall be conspicuously posted notifying persons of these prohibitions.
    - b. Car washing and detailing activities shall be limited to the hours from 7:00 a.m. to 9:00 p.m.
    - c. Generators shall not be used in conjunction with exterior washing and detailing.
    - d. A six-foot high opaque wall or fence shall be provided along rear and side property lines around the car wash/detailing facility and its associated operations.
  - (2) Vacuum stations.
    - a. Vacuum stations and related equipment shall comply with the setbacks for the principal structure.
    - b. ~~OutsideCentral vacuum stations and related equipment are prohibited~~ systems shall be fully enclosed when located along any side of a building abutting a residential district.
  - (3) Traffic circulation and vehicle stacking.
    - a. Drive-lanes and parking spaces shall be clearly delineated.
    - b. A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.
  - (4) All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust. No wash-water runoff generated by the carwash facility may be conveyed off

site into the Municipal Separate Storm Sewer Systems (MS4). Runoff must be directed to either a recycling system or other water quality treatment facility.

**Sec. 138-3247. Food carts/food trucks.**

- (a) *Purpose.* It is the intent to allow food carts/food trucks to occupy a site ~~as temporary, non-permanent structures~~ for the purpose of preparing and selling prepared food, beverages, and consumables. Food cart/food truck units provide most of their service to walk-up customers. It is also intended to recognize that food carts/food trucks may be fixed/parked at a specific site or mobile in nature. It's intended that these ~~temporary~~ uses are sited in an orderly manner and are reasonably secured to ensure public safety and welfare.
- (b) *Applicability.* The provisions of this section shall apply to food carts, trucks, or similar structures that provide food, beverage, and other consumables at a temporary site and location.
- (c) *Standards.*
  - (1) The followings standards are applicable to all food carts/food trucks.
    - a. Food cart/food truck units are intended to be temporary in nature but may be approved at a specific location for long lengths of time. Food cart/food truck units shall remain in a condition that allow for easy mobility to be removed from the site.
    - b. Food carts/food trucks uses require approval pursuant to Table 138-355 — Table of Uses for Zoning Districts and shall be subject to section 138-3356, temporary uses and structures, as applicable.
    - c. Food cart/food truck units shall not exceed 26 feet in length.
    - d. Food carts/food truck units shall not have any internal floor space available to customers.
    - e. As a concern for public safety, food carts/food truck units and their associated materials (e.g., tents, fuel sources, cables, awning and the like) shall be moved to secured locations during the period that a hurricane warning is in effect. During the time of a hurricane warning, units shall not be left parked and/or unanchored in open parking lots or open fields.
  - (2) The followings standards are applicable to food carts/food trucks that are fixed or parked at a specific for any length of time.
    - a. Accessory structures such as tents and awnings shall be securely anchored to the ground or adjacent structure.
    - b. Permanent structures associated with the food carts/food trucks require a building permit.

- c. Sites with more than one food cart/food truck shall provide adequate customer and employee parking pursuant to the parking standards of this Code.
  - d. Siting requirements—Food carts/food truck units shall be positioned on a site pursuant to the following standards:
    - 1. Food carts/food truck units shall be on a paved surface such as, but not limited to, concrete, asphalt, pavers, and/or reinforced grass.
    - 2. Food carts/food trucks and their accessory structures and materials shall be located a minimum of 25 feet from driveway entrances and are subject to sight triangle standards.
    - 3. Food carts/food truck units shall not occupy pedestrian walkways or required landscape areas.
    - 4. Carts shall not occupy or block parking stalls needed to meet the minimum automobile parking requirement for another use located on the site.
    - 5. Where multiple food cart/food truck units are located on a single parcel, the units shall be co-located and positioned in a cluster arrangement in one area of the site.
    - 6. Food carts/food trucks shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items. These items shall be screened with temporary fencing and/or potted plant material.
- (3) The following standards are applicable to food carts/food trucks that are mobile and/or are only sited at specific locations for a short period of time.
- a. Food cart/food truck units may be allowed as an accessory to an active construction/development project and/or another permitted nonresidential use or event.
  - b. Food carts/food trucks may be parked on an individual lot/parcel.
  - c. Food carts/food trucks may utilize areas within a right-of-way that is allowed for on-street parking; travel lanes and sidewalks shall not be used. Street parking locations are applicable to duration limits.
  - d. Mobile food carts/food trucks shall be exempt from zoning clearance requirements.

**Sec. 138-3248. Health club/fitness center.**

- (a) *Purpose.* Health clubs and fitness centers are individual establishments with equipment and facilities for exercising and improving physical fitness. Large health clubs/fitness centers

should be focused in commercial districts. Health clubs/fitness centers should be accessible in multifamily, office, industrial and warehouse districts in order serve residents and employees but limited in size to protect available land for the intended primary land uses.

- (b) *Applicability.* The provisions of this section shall apply to any individual health club/fitness center. This section does not apply to accessory health/fitness facilities that are a part of another land use and used solely by the employees, residents, and/or patrons of said use. (For example, a private fitness center as part of an apartment community that is reserved solely for residents is not subject to this section.)
- (c) *Standards.*
  - (1) In the GO, LO, I, and E-1 districts, health clubs/fitness centers shall be less than 20,000 square feet ~~and shall be limited to properties located within a designated community redevelopment area, as described in F.S. § 163.360.~~
  - (2) In the RM district, health clubs/fitness centers shall be less than 10,000 square feet.

**Sec. 138-3249. Kennel/pet care.**

- (a) *Purpose.* Kennels and pet care facilities are intended to provide for buying, selling, breeding, grooming, renting, boarding, and/or training of dogs, cats, and other domestic animals. Residential areas should be protected from noise, odor, and other effects that may be caused from these facilities. Kennels should be limited within industrial districts to ensure land is available for other employment-based development.
- (b) *Applicability.* The provisions of this section shall apply to new and expanding kennels and pet care facilities.
- (c) *Standards.*
  - (1) The following activities may occur as part of kennels/pet care establishments:
    - a. Dogs, cats, and other domestic animals may be kept for various purposes, including animal shelters ~~and animal daycare~~, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians.
    - b. Dogs, cats, and other domestic animals may be groomed.
    - c. Dogs, cats, and other domestic animals may be available for buying, selling, breeding for sale, letting for hire, boarding or training.
    - d. Dogs may be trained for obedience, hunting, protection, etc.
    - e. Activities described above may be further regulated per chapter 14, animals.

- (2) Animal shows are not permitted as part of a kennel/pet care use.
- (3) Dogs shall be kept in an enclosed soundproof structure between the hours of 10:00 p.m. and 7:00 a.m.
- (4) Kennels shall not cause external effects such as increased lighting or glare on nearby properties, or animal-related odors that are readily detectable at any point beyond the property line of the facility.
- (5) Kennel/pet care facilities may sell, breed for sale, let for hire, board or train other species pursuant to the non-traditional pets provisions of this Code. This may require a higher type of approval. See sections pertaining to non-traditional pets.
- (6) Kennel/pet care facilities must have an appropriate system for the disposal of animal waste. Animal waste must not be allowed to collect in areas where it could result in direct discharge into the Municipal Separate Storm Sewer Systems (MS4) or waters of the county.
- (7) When adjacent to a residential district the following standards shall apply:
  - a. A six-foot high opaque wall or fence shall be provided along rear and side property lines around outside runs and exercise areas.
  - b. Exercise areas shall be at least 50 feet from any residential district. Unsupervised, unattended runs must be located indoors.
  - c. Structures housing dogs shall be setback a minimum of 50 feet any residential district. Structures shall feature sound proofing design features or fixtures.
- (8) In the Residential Agriculture District (R-A), new kennels/pet care facilities may be established only on sites of two or more acres in size.
- (9) In industrial districts, the contiguous industrial district shall be limited to ten percent of its buildable land area for use as kennel/pet care facilities.

**Sec. 138-3250. Model dwelling units and pre-construction sales offices.**

- (a) *Purpose.* Model dwelling units are intended to showcase future residences and/or units that are available for purchase or lease within the development. Pre-construction sales offices are intended to host the real estate transaction for homes, units, and/or properties available within the development. These uses are intended to be allowed on a temporary basis and solely for the sales and marketing of the units within the development.
- (b) *Applicability.* The provisions of this section shall apply to model dwelling units, pre-construction, and their associated elements.

(c) *Standards.*

- (1) Model dwelling units may be allowed as an accessory use in any district for the purpose of displaying and marketing the development, project, or subdivision in which such uses are to be located.
- (2) Authorization for a temporary use and structure shall only be granted after the filing of an approved site plan. This may be approved as part of a Type 1 review for the development in which the model dwelling units and/or pre-construction sales office is located.
- (3) ~~For single-family subdivisions, a~~ maximum of four model dwelling units may be permitted within each development.
- (4) The model dwelling unit shall meet all district requirements for lot and yard dimensions.
- (5) The sales office, if not in a model dwelling unit, shall not exceed 750 square feet and is an accessory use on the same property. It shall only be used by the developer team and shall only be used in connection with the development in which located.
- (6) Model dwelling units and signs shall not be illuminated after 9:30 p.m. and shall not be used for any business activity after 10:00 p.m.
- (7) Model dwelling units shall not be occupied as a personal residence until such time the commercial operations cease and the land in which it is located is platted.
- (8) Model dwelling units shall not be used as a means to sell similar homes for a period longer than two years. The development review committee (DRC) may grant an extension for a period not to exceed an additional two years from the date the certificate of occupancy for the model dwelling unit was issued.
- (9) These regulations shall not apply to a home displayed as a model dwelling unit for less than three months, where no accessory office is erected.

**Sec. 138-3281. Commercial recreation.**

- (a) *Purpose.* Commercial recreation uses are privately-owned businesses focused on offering amusement, recreation and personal instruction in schools of dance, gymnastics, martial arts and similar sports. Commercial recreation uses have the potential to cause adverse impacts on neighboring properties and the immediate vicinity in terms of noise, light, traffic and visual clutter. Development and operation standards should be applied to mitigate negative impacts.
- (b) *Applicability.* The provisions of this section shall apply to new or expansions of commercial recreation uses.

(c) *Standards.*

- (1) Commercial recreation, indoor uses are subject to the following:
  - a. All activity areas and facilities shall be located in an enclosed building that includes a roof and exterior walls.
- (2) Commercial recreation, outdoor uses shall be subject to the following:
  - a. No outdoor activity area or its ancillary uses may encroach the required district setbacks. This does not apply to trails and pathways.
  - b. A six-foot high fence/wall and/or a landscape buffer shall be provided around outdoor activity areas that abut a residential use. The fence/wall and/or buffer is not required for portions used for access and areas required for sight visibility. This standard is not required for passive use areas of the project.
  - c. Outdoor lighting shall be designed such that direct sources of illumination are not visible beyond the property lines. Lights shall be directed away from adjacent residential uses.
  - d. Nets used for driving ranges are exempt from the district height standard.
- (3) When adjacent to a residential district the following standards shall apply:
  - a. No speaker or amplified announcement device shall be oriented to face the residential district.
  - b. Low and high intensity outdoor activity areas shall be set back at least 50 feet from any residential district. Passive outdoor areas are exempt from this standard.
- (4) When located within an E-1, I, or GO district, such uses shall be limited to less than 20,000 square feet ~~and must further be located within a designated community redevelopment area, as described in F.S. 163.360.~~

**Sec. 138-3340. Excavation pits and quarries, 1,000 or more cubic yards.**

- (a) *Purpose.* The purpose of this section is to allow and regulate large excavation and quarry activities.
- (b) *Applicability.* The provisions of this section shall apply to all excavation pits and quarries that involve 1,000 or more cubic yards of fill to be excavated. Excavation pits and quarry activities that involve less than 1,000 cubic yards of material shall be subject to the applicable provisions in section 138-3341.
- (c) *Standards.*
  - (1) Excavations may be permitted pursuant to Table 135-355, Table of Uses for Zoning Districts. Prior to the approval of any excavation, the county site plan review agencies,



as required, shall examine a preliminary site plan (a cross-section of the excavation is required) to determine whether the proposed excavation will be detrimental to or interfere with the health, safety or general welfare of the community. The plan, once approved, shall become a condition upon which the excavation is permitted, and any change or addition shall constitute a violation of the zoning ordinance unless such change or addition is examined by the county site plan review agencies according to the same criteria required for original issuance, ~~and approved as a Level 2 use.~~

- a. No excavations of earth shall be within 150 feet of any road right-of-way line.
- b. Unfenced excavations of earth shall be no closer than 50 feet to an adjoining lot or parcel. Fenced excavations shall be no closer than 25 feet to an adjoining lot or parcel.
- c. Depth and slope shall be determined by the county engineering department and/or the county water system according to demands for safety from pollution of the underground watercourses to be determined according to the nature of the particular substrata soil structure.
- d. No excavation shall detract from or interfere with the county's ultimate drainage plans or existing patterns. No excavation may be approved which would pollute the underground watercourse.
- e. A site plan shall be provided pursuant to the requirements limited in chapter 138, article II, division 5. In addition to these requirements, site plans shall depict the proposed on-site truck routes, location of excavation/fill activity, and location of surface water and protected environmental features.

**Sec. 138-3341. Land excavation or fill.**

- (a) *Purpose.* The purpose of this section is to recognize but limit land excavation and fill activities that are needed for land management and construction.
- (b) *Applicability.* The provisions of this section shall apply to all land excavation or fill which is five cubic yards or more. This section shall not apply to land excavation and fill activity involving less than five cubic yards. This section shall not apply to class III sanitary landfills and solid waste landfills. This section shall not apply to excavate-fill balanced sites.
- (c) *Standards.*
  - (1) *Five cubic yards but less than 1,000 cubic yards.* The following standards shall apply to land excavation or fill which is at least five (5) cubic yards but less than 1,000 cubic yards.
    - a. A zoning clearance shall be required. ~~Prior to issuance of such clearance, a site plan shall be submitted as a Type 1 review.~~

- b. A site plan shall be provided pursuant to the requirements limited in chapter 138, article II, division 5. In addition to these requirements, site plans shall depict the proposed on-site truck routes, location of excavation/fill activity, and location of surface water and protected environmental features.
- (2) *One thousand cubic yards or more.* The following standards shall apply to land excavation or fill which is 1,000 cubic yards or more.
- a. Land excavation or fill may be permitted pursuant to Table 138-355—Table of Uses for Zoning District.
  - b. A site plan shall be provided pursuant to the requirements limited in chapter 138, article II, division 5. In addition to these requirements, site plans shall depict the proposed on-site truck routes, location of excavation/fill activity, and location of surface water and protected environmental features.
  - c. The site plan review and analysis shall determine whether the proposed finished grade will be compatible with the surrounding area and ultimate county drainage plan or existing patterns. The plan, once approved, shall become a condition upon which the excavation is permitted.
  - d. On fill areas where seawalls or bulkheads are required, no permits for construction shall be issued until the seawall or bulkhead has been completed, unless otherwise authorized as part of the project's original approval.
  - e. Landfills shall not be permitted within any well-field zone of protection as established by the county's well-field protection program.

**Sec. 138-3350. Farm animals.**

- (a) *Purpose.* The purpose of this section is to establish minimum standards for the keeping of farm animals.
- (b) *Applicability.* The provision of this section shall apply generally to the keeping of livestock and/or fowl. Livestock and fowl shall include those animals which are normally considered as farm animals, such as cattle, goats, sheep, horses, ponies, mules, pigs, chickens, ducks, geese, other similar farm animals, and wild animals licensed pursuant to state law.

This section shall not apply to the following:

- (1) Non-traditional pets covered in section 138-3352.
- (2) Backyard chickens in urban areas as regulated in section 138-3351.

- (c) *Standards.*

- (1) Farm animals shall not be maintained, raised or housed within any zoning district except R-A, R-E and R-R or per subsection (2) below.
- (2) The keeping and maintaining of farm animals is permitted as part of an approved "commercial agricultural activity" use or educational/instructional use pursuant to Table 138-355 — Table of Uses for Zoning Districts.
- (3) Farm animals shall not be boarded within 100 feet of any residence on an adjacent property.
- (4) A minimum property size of one-half acre is required to keep and maintain farm animals.
- (5) Up to three livestock and ten fowl are permitted per acre of upland area. For this purpose of calculating the allowable number of animals, any fraction below one-half shall be rounded down. Any fraction one-half or above shall be rounded up.
- (6) Waste containment and disposal is required, and shall be designed to minimize odor, vermin and insect infestation impacts on adjacent lots. The waste storage area shall be located and constructed in such a manner that minimizes exposure to rain or ponding water. Waste shall only be disposed in a manner allowed by law. Waste storage sites are not allowed within front yard setbacks and shall be subject to the following additional setback requirements:
  - a. Twenty feet or greater from any property line.
  - b. Fifty feet or greater from any well, lake, pond, wetland, stream or drainage ditch.

**Sec. 138-3502. Boundary lines and survey.**

Prior to construction on any lot or parcel, the boundaries of such lot or parcel shall be accurately marked with appropriate markers set by a licensed surveyor. Markers shall thereafter be protected and shall be used by inspectors to determine required setbacks. A survey shall be required with development applications that will result in a new or replaced building or structure. For vacant properties, the survey shall have been completed within the previous year. For developed properties the survey shall have been completed within the previous five years.

**Sec. 138-3505. Setback measurements, allowances and restrictions.**

- (a) Setbacks shall be measured pursuant to the following standards and situations:
  - (1) Setbacks shall be measured by the shortest dimension, running from the property line perpendicular to the structure. No land below the shoreline shall be credited as a part of a required yard or setback.

- (2) No portion of an alley or ingress/egress easement shall be considered as a part of a required setback.
- (3) Residential corner lots and multiple-frontage lots shall be considered to have one front setback. For setback purposes, the front setback shall generally be applied to the frontage designated to bear the address, that has access from the street and the principal entrance to the building or the narrower of the two frontages.
  - a. Side setback standards shall apply to all other sides of such a lot or parcel; except
  - b. A rear setback shall apply to the property line that is opposite of the primary frontage.
  - c. In cases where there is a frontage opposite of the primary frontage, a front setback shall apply to that opposite frontage. If the opposite front is not accessible, a rear setback may be applied.
- (4) Where right-of-way lines have been previously established by an action of the board of county commissioners for the purpose of future roads or widening of existing roads, all street setbacks shall be measured from the proposed right-of-way line.
- (5) Wing walls shall conform to the normal setback requirements whenever they exceed the allowable fence height.
- (6) Wherever a side or rear lot line in a commercial or industrial district abuts either a railroad right-of-way, a railroad siding tract, or a railroad easement, the side and rear setback requirements will not apply at the abutting side or rear line. Instead, a zero-foot setback for the construction of buildings will be permitted up to the abutting side or rear property line.
- (7) The portions of a lot that abut an alley or a designated public park or trail shall require a minimum setback of ten feet or as otherwise stated in this Code, whichever is greater.
- (8) All decks which exceed one foot above grade shall be considered as structures for the purpose of setback requirements in order to preclude encroachment and violation of privacy onto neighboring properties.
  - a. This shall not include docks approved by the water and navigation authority.
  - b. Where this situation does not exist, such as lots which abut natural areas or similar areas where there will be no such encroachment or violation of privacy, the county administrator may waive this provision and such deck shall not be considered as a structure for the purpose of meeting setback requirements.

- c. This provision, however, in no way precludes the application of other provisions such as habitat management requirements, easement restrictions or similar provisions regulating the location of such uses.
- (b) Setbacks standards shall include the following encroachments, allowances, and/or limitations:
- (1) Porches and decks are subject to the applicable district front building setback(s); some districts allow for a separate, reduced front setback for porches and decks. This reduced front setback standard is not applicable to carports and other covered parking structures unless approved as part of a development master plan or equivalent.
  - (2) Sills, eaves, cornices, chimneys, flues and similar architectural projections may project into a setback area up to three feet, but at least a three-foot distance from the adjacent property line must be maintained.
  - (3) Swimming pools shall have a minimum rear property setback, as measured from the water's edge of the pool, of eight feet or the minimum rear setback of the district, whichever is less.
  - (4) Screen enclosures are permitted a side and rear property setback of five feet or the minimum rear or side setback of the district, whichever is less.
  - (5) Swimming pools, as measured from the water's edge of the pool, and pool enclosures located on multi-frontage lots are subject to the applicable district side street and rear setbacks, respectively. This applies only to the side or rear that is adjacent to the secondary frontage(s).
  - (6) All residential structures, and their accessory structures, on waterfront lots or parcels shall be subject to the following setbacks limitations:
    - a. Where no seawall is present, structures shall be set back 25 feet from the mean high-water mark determined in accordance with Florida Statutes 177-Part II Coastal Mapping in tidal areas or normal high water on lake top of bank in non-tidal areas;
    - b. Where adequate seawalls or riprap stabilization exist, the setback requirement shall be 15 feet from the midpoint of the seawall or riprap stabilization.
    - c. Swimming pools without screen enclosures may be constructed pursuant to subsection (3) of this section, provided that, certification from an engineer registered in the state is submitted prior to issuance of a permit, verifying that the proposed structure will not affect the integrity or functioning of the seawall or its dead-men (underground support structures).
  - (7) Arbors and pergolas 100 square feet or less in size are not subject to setback standards provided that site visibility standards are addressed through structure placement/design.

- (8) Other setback encroachments may be allowed to nonconforming situations pursuant to chapter 138, article II, division 6.
  - (9) Mechanical equipment such as air conditioning units, pool equipment and optional standby and emergency generators with fuel tanks should be placed adjacent to the structure and may encroach into the required side or rear setback up to three feet ~~from the adjacent property line~~, however a minimum ten-foot separation shall be required from any residential structure on a neighboring property, excluding garages or other uninhabited spaces.
    - a. Mandatory access points to elevated platforms housing mechanical equipment may also encroach into the required setback per the above standards. Mechanical equipment on raised platforms that encroach into the required setback shall be appropriately screened to shield noise.
    - b. Mechanical equipment shall not encroach into a recorded easement unless authorized by the county and/or other easement holder.
  - (10) Outside, unenclosed stairways may extend four feet into any required yard but not closer to any ~~side~~ lot line than a distance of five feet.
- (c) Setbacks standards for storage sheds apply as follows in residential districts:
- (1) For the purposes of this subsection and standards therein, storage sheds are described as stand-alone, non-inhabitable structures that are up to 200 square feet in size.
  - (2) Two storage sheds may be permitted as accessory to a residence. This shall not apply to properties in the R-A, R-E and R-R districts or as part of a bona fide agricultural activity.
  - (3) Storage sheds, 12 feet or less in height, are permitted the following setbacks:
    - a. Three foot side and rear setbacks, OR
    - b. Zero-foot side and rear setback with a six-foot high opaque fence.
  - (4) Storage sheds over 12 feet tall shall comply with the district setbacks.
  - (5) All storage sheds shall be designed in such a manner so that water runoff from the roof of the structure is not directed onto neighboring properties.
  - (6) Storage sheds shall not be placed in the front yard between the main residence and the abutting street. Applicants may request a waiver to this standard where existing site conditions prevent the shed from being placed in other locations of the property.
  - (7) Storage sheds may be permitted within an exterior side yard if screened with a six-foot high opaque fence.

(d) Setbacks standards shall not supersede or allow easement encroachment. The following shall apply:

- (1) No portion of any structure shall be located within the area of a recorded public easement unless authorized by the county and/or other easement holder.
- (2) Easement encroachment may not be authorized as a variance.

**Sec. 138-3507. Dumpsters and trash enclosures.**

(1) *General standards.* Dumpsters are subject to the standards in this section.

- (1) Dumpsters shall meet the minimum setbacks of the zoning district.
- (2) Dumpsters shall be screened from street view with a solid fence or wall a minimum of six feet in height.
- (3) Dumpsters shall be serviceable in that location by a waste hauler vehicle.
- (4) The property owner shall be responsible for the repair and maintenance to the dumpster and associated enclosure(s). The areas surrounding the dumpster shall be free of garbage, trash, weeds and debris.
- (5) Dumpster enclosures shall have gates across the full width of the opening when facing a street or right-of-way. The gates must have drop pins to secure them in the open and closed position.
- (6) Dumpsters shall be subject to the performance standards in chapter 138, article IX division 14, performance standards.
- (7) Dumpsters shall not cause a sight distance obstruction, per section 138-3508, for vehicles maneuvering on the adjacent or any nearby street system.
- (8) Areas surrounding dumpsters shall be landscaped pursuant to division 3 of this article.

(9) Dumpsters are prohibited within the public rights-of-way.

(2) *Prohibition for single-family districts.* Dumpsters are prohibited on all parcels zoned R-1, R-2, R-3, R-4 and R-5 with single-family detached dwelling units.

(3) *Exemptions.*

(1) A dumpster which is located on a site on a temporary basis for the purpose of construction being done pursuant to a valid, current permit, trash collection, or cleaning of the site shall be exempt from the requirements of this section.

~~(1)(2)~~ A dumpster legally placed on a property prior to 1990 shall be exempt from the requirements of the section. Aerial photography or other methods may be used to verify the pre-1990 placement. Any relocation of such a dumpster shall comply with the requirements of this section.

**Sec. 138-3509. Outdoor lighting.**

- (a) *General standards.* All outdoor lighting devices shall be installed in conformance with the provisions of this Code and the Florida Building Code. The provisions of this section are not applicable to street lighting.
- (1) All outdoor lighting shall be designed and installed to prevent glare and light trespass on abutting property. Light trespass is when unwanted light crosses property lines.
  - (2) Outdoor lighting shall include full cut-off lighting fixtures. The term "full cut-off" has and is being used to describe luminaires that have no direct uplight (no light emitted above horizontal)
    - a. Full cut-off fixtures are required for all outdoor walkway, parking lot, canopy and building/wall mounted lighting, and all lighting located within those portions of open-sided parking structures that are above ground.
    - b. Lights that are properly installed in an architectural space (such as under a porch roof or a roof overhang) and that provide the functional equivalent of a full cut-off fixture do not need to include full cut-off fixtures.
- (b) *Maximum outdoor lighting fixture height.* The maximum height of exterior lighting fixtures, whether mounted on poles or walls or by other means, shall be as follows:
- (1) Twenty feet in residential districts.
  - (2) Thirty feet in all nonresidential districts.
  - (3) Lighting for outdoor sports fields are not subject to these height limitations; site compatibility concerns shall be reviewed as part of the site plan review.
- (c) *Exemptions.* The following are exempt from the requirements of this section:
- (1) *Street lights.* Located in public right-of-way and/or along private roadways.
  - (2) *Government facilities.* Outdoor light fixtures on, or in connection with facilities and land owned or operated by the federal, state, and/or local government, and the Pinellas County School Board. However, voluntary compliance with the intent and provisions of this section is encouraged.



- (3) *Temporary construction and emergency lighting.* Lighting necessary for construction or emergencies, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating the lighting.
- (4) *Hazard warning lighting.* As required by federal or state regulatory agencies.
- (5) *Seasonal lighting.* Lighting that is clearly incidental to the use of the property and is customary and commonly associated with any national, local or religious holiday.
- (6) *Flag lighting.* Up-directed lighting illuminating flags.
- (7) ~~*Incandescent and fluorescent lighting.* Incandescent lights 150 watts and less per fixture and fluorescent lights 20 watts and less per fixture.~~

**Sec. 138-3510. Residential accessory structures and uses.**

Accessory residential structures or uses, ~~which may be detached or attached~~, are subject to the following standards:

- (1) The cumulative area of all residential accessory structures must be subordinate to and serve a primary residential structure and use:
  - a. R-A zoned or bona fide agricultural properties of two acres or more in size are excluded from this requirement;
- (2) Must be subordinate in area, extent, and purpose to the primary residential structure and use served. Basements, attached garages, and accessory dwelling units are ~~excepted~~exempt ~~for~~from area calculation;
- (3) Contributes to the comfort, convenience or necessities of the users or occupants of the primary residential structure and use;
- (4) Is located on the same lot as the primary residential structure and use, provided such use is in keeping with the purpose and intent of the district in which located;
- (5) Attached accessory structures shall share a common wall with the primary residential structure and use;
- (6) Accessory structures must be architecturally compatible with the primary residential structure and use;
- (7) Accessory structures must meet setback requirements and other applicable standards of the underlying zoning district.

**Sec. 138-3602. Motor vehicle parking.**

Parking for motor vehicles shall be planned and provided for each land use. However, motor vehicle parking should not dominate the landscape or create excessive conflicts with the orderly movement of transportation.

(a) *Motor vehicle parking quantity standards:*

- (1) Parking quantity standards are established for each use:
  - a. Each use/development shall provide at least the minimum required number of motor vehicle parking stalls.
  - b. In addition, some uses are limited to a maximum number of required parking stalls on the site.
  - c. Table 138-3602.a — Motor Vehicle Parking Stall Quantity Standards establishes the parking stall quantity minimums and limits for each use.
- (2) Parking for motor vehicles shall be provided with one of the following standards:
  - a. The use/development shall provide the parking quantities consistent with Table 138-3602.a — Motor Vehicle Parking Stall Quantity Standards; OR
  - b. When the proposed use is not specifically listed, the use/development shall provide the parking quantity for a similar use listed in Table 138-3602.a — Motor Vehicle Parking Stall Quantity Standards. The similar use(s) shall be determined by the county administrator or designee; OR
  - c. When the use/development is located in a special district and separate parking quantity standards are established therein, the use/development shall provide the parking quantities specified for the special district; OR
  - d. The applicant may prepare a parking study to identify the parking demand for the proposed use/development. The parking shall be based on a pre-determined methodology as determined between the applicant and the county. If the county agrees with the parking study findings, the use/development may provide the parking quantity identified therein; OR
  - e. The use/development may seek flexibility from the parking quantity as a variance or administrative adjustment based on the limits and standards of chapter 138, article II, division 7, variances, waivers, and administrative adjustments.
- (3) *Allowed reductions.* The minimum motor vehicle parking stall quantity for each site may be permitted with the following administrative reductions; whereas, the cumulative of administrative reductions for subsections a.—h. below shall be limited to 30 percent.

- a. Properties located within one-quarter mile of a regularly scheduled public transit line, with headways 30 minutes or less during a.m./p.m. peak times, may be permitted a 15 percent reduction.
- b. Where healthy trees and/or tree stands exist and are preserved within a proposed parking area, the use/development may be permitted up to a 15 percent reduction.
- c. Properties located within the mixed-use district may be permitted a 15 percent reduction;
- d. Properties located within a special district may be permitted the parking reduction allowances listed in chapter 138, article VIII.
- e. A use/development requiring a minimum of 20 motor vehicle parking stalls may participate in a bicycle facility improvement program (BFIP) by providing on-site bicycle infrastructure to reduce the number of required motor vehicle parking by the following amounts:
  - 1. For each bicycle repair station that is installed by the developer, the development is allowed a reduction of two motor vehicle parking stalls. Each repair station should include a bicycle mount, tools, tire pump, or similar elements.
  - 2. For each covered bicycle station with racks that is installed by the developer, the use/development is allowed a reduction of four motor vehicle parking stalls.
- f. The use/development is allowed a reduction of up to five motor vehicle parking stalls for each designated on-site carpool/rideshare stall.
- g. Properties located within one-quarter mile of a multi-use trail (e.g., Pinellas Trail) may be permitted a 15 percent reduction.
- h. Properties that are directly accessible by boat are allowed a reduction of one motor vehicle parking stall per each boat slip. For marinas, this only applies to accessory uses such as a restaurant.

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Table 138-3602.a — Motor Vehicle Parking Stall Quantity Standards		
Land Use	Minimum Motor Vehicle Parking Ratio	Maximum Motor Vehicle Parking Ratio
<b>RESIDENTIAL USES</b>		
Accessory Dwelling Unit	None	None
Assisted Living Facility	0.33 stalls per bed	None
Dwelling, Multifamily	1.5 stall per unit	None
Dwelling, Attached	1.5 stall per unit	None
Dwelling, Detached	2.0 stall per unit	None
Dwelling, Manufactured or Mobile Home	1.5 stall per unit	None
<b>ACCOMMODATIONS</b>		
Bed and Breakfast	1.0 stall per room	None
Hotel	1.0 stall per room	None
Motel	1.0 stall per room	
RV Park/Campground	1.0 stall per campsite	None
<b>COMMERCIAL AND OFFICE USES</b>		
Alcohol Dispensing	3.0 stalls per 1,000 sf	None
Bank	4.0 stalls per 1,000 sf	150% of minimum
Health Club/Fitness Center	5.0 stalls per 1,000 sf	150% of minimum
Office, General	2.5 stalls per 1,000 sf	None
Office, Medical	3.0 stalls per 1,000 sf	None
Office, Veterinary	1.5 stalls per 1,000 sf	None
Restaurant, Quality <sup>(4)</sup>	5.55 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Restaurant, Sit-down <sup>(4)</sup>	10.6 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Restaurant, Fast-food <sup>(4)</sup>	10.0 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Restaurant, Fast-food with Drive Thru <sup>(4)</sup>	8.2 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Retail Sales and Service	4.0 stalls per 1,000 sf	150% of minimum
Shopping Center with a mix of retail, restaurant, and/or office tenants	4.0 stalls per 1,000 sf	150% of minimum
<b>INDUSTRIAL, MANUFACTURING AND WAREHOUSE USES</b>		
Laboratories and Research and Development	2.5 stalls per 1,000 sf	None
Manufacturing	1.0 stall per 1,000 sf	None
Publishing and Printing	3.0 stalls per 1,000 sf	None
Storage, Self/Mini Warehouse	0.2 stall per 1,000 sf	None
Vehicle Repair	3.0 stalls plus 3 per service bay (each bay included as 1 stall)	None
Warehouse	0.5 stall per 1,000 sf	None

ARTS, RECREATION AND ENTERTAINMENT		
Commercial Recreation	6.0 stalls per 1,000 sf	None
Golf Courses	9 per golf course hole	None
Museum	1.0 stall per 1,000 sf	None
Park	4.0 stalls per acre	None
Performing Arts Center	0.25 stalls per seat <sup>(2)</sup>	None
Theater/Cinema	0.25 stalls per seat <sup>(2)</sup>	None
EDUCATION, PUBLIC ADMINISTRATION, HEALTHCARE, AND INSTITUTIONAL USES		
Congregate Care Facility	0.33 stalls per bed <sup>(2)</sup>	None
Day Care Facility, child and/or adult	3.0 stalls per 1,000 sf	None
Government Use	4.0 stalls per 1,000 sf	None
Hospital	3.5 stalls per bed <sup>(2)</sup>	None
Library	2.5 stalls per 1,000 sf	None
Meeting Halls and other Community Assembly	8.4 stalls per 1,000 sf <sup>(1)</sup>	None
Nursing Home	0.33 stalls per bed <sup>(2)</sup>	None
Place of Worship	8.4 stalls per 1,000 sf <sup>(1)</sup>	None
School, Pre-K—8	0.2 stalls per student <sup>(2)</sup>	None
School, 9—12	0.5 stalls per student <sup>(2)</sup>	None
School, Post-Secondary, University, and/or Colleges	0.5 stalls per student <sup>(2)</sup>	None
Shelter/Short-Term Housing	1.0 stall per 1,000 sf	None
TRANSPORTATION AND OTHER USES		
Marina	0.30 stalls per berth	None
General Notes:		
1. The parking ratios for this use shall be based on only portions of the building that are primarily used for patrons and/or customers. Service areas, hallways, kitchens and similar building use areas may be exempt from the building area for the purposes of calculating parking.		
2. The parking ratio for this use may be based on the total building capacity.		
3. The use/development shall provide at least the minimum motor vehicle parking ratio but up to the maximum motor vehicle parking ratio.		
4. For the purposes of determining the motor vehicle parking quantity, the land use may be further defined by the traffic impact fee study (e.g., quality restaurant verses a sit-down restaurant)		

- (b) *Shared parking options:* When any parking area is used for two or more uses, the minimum total number of required parking spaces shall be determined by using one of the following options:

- (1) *Option 1:* Two or more individual uses or owners may share a parking facility if the total minimum number of required spaces conforms to the parking provisions of section 138-3602(a) when computed separately for each use or building type; OR
- (2) *Option 2:* The individual uses may share a parking facility with reduced total amount of required parking spaces in accordance with Table 138-3602.b — Shared Parking Matrix and the following methodology.
  - a. Determine the minimum parking quantities in accordance with the provisions of section 138-3602(a) to get the total minimum parking quantity required;
  - b. Take the total minimum parking quantity required and divide it by the number that intersects with the two applicable, corresponding use functions in Table 138-3602.b.
- (c) Use this number as the required minimum number of motor vehicle parking spaces that shall be provided at any given time. When uses are located on separate lots/parcels from where the parking is located, a legal instrument shall be provided to ensure long term, legal use of the parking facility by the subject users (e.g., parking agreement, easement or the like). The legal instrument must be approved by the county attorney.

Table 138-3602.b—Shared Parking Matrix

USE FUNCTION	with		USE FUNCTION
RESIDENTIAL			RESIDENTIAL
ACCOMMODATIONS			ACCOMMODATIONS
OFFICE			OFFICE
COMMERCIAL			COMMERCIAL
INDUSTRIAL		1	INDUSTRIAL
ART, RECREATION, ENTERTAINMENT	1.1	1.1	ART, RECREATION, ENTERTAINMENT
EDUCATION, PUBLIC, HEALTH, INSTITUTIONAL	1.4	1.4	EDUCATION, PUBLIC, HEALTH, INSTITUTIONAL
	1.2	1.7	
	1.3	1.3	
	1.2	1.2	
	1.3	1.3	
	1.4	1.4	
	1.2	1.2	
	1.1	1.1	
	1.3	1.3	
	1.4	1.4	
	1.2	1.2	
	1.5	1.5	
	1.2	1.2	
	1.1	1.1	
	1.2	1.2	
	1.2	1.2	
	1.2	1.2	
	1.1	1.1	
	1.2	1.2	
	1.1	1.1	
	1	1	

(d) *Accessible parking for disabled persons:* Motor vehicle parking for persons with disabilities shall be provided in the following manner:

(1) *Quantity:* The use/development shall provide motor vehicle parking quantities listed in Table 338-3602.c — Minimum Number of Accessible Motor Vehicle Parking Stalls. The number of accessible stalls shall be a part of required parking as outlined in subsection (a) above and not in addition to.

Table 138-3602.c — Minimum Number of Accessible Motor Vehicle Parking Stalls	
Total Motor Vehicle Parking Stalls in Lot	Required Number of Accessible Stalls
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 Plus 1 for each 100 spaces over 1,000
General Notes:	
1. A minimum of four spaces for the disabled shall be provided at a hospital or physical rehabilitation center.	

(2) *Size:* Accessible parking stalls for the disabled which are diagonal or perpendicular shall be a minimum of 12 feet wide and 18 feet deep.

(3) *Access:*

- a. All accessible stalls for the disabled shall be provided with a curb cut or curb ramp to a pathway, a minimum of 44 inches wide, to provide access to the building served. The stall shall be located so that users will not be compelled to maneuver behind parked vehicles. Two accessible parking spaces may share a common access aisle.
- b. All accessible stalls shall have an adjacent access aisle measuring at least 60 inches wide. Parking access aisles shall be part of the accessible route to the building or facility entrance.

(4) *Location:* When considering all the parking on the site, the designated accessible spaces should be located closest to the primary building entrance. If there are multiple

entrances or multiple retail stores, the accessible spaces must be dispersed to provide parking at the nearest building entrance.

(5) *Markings:*

- a. Accessible parking spaces shall be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "parking by disabled permit only."
- b. Each such parking space must be prominently outlined in blue paint. The property owner shall be responsible to repaint the stalls as necessary.

(ed) *Parking location:* The location for motor vehicle parking shall be consistent with the following:

- (1) Required motor vehicle parking should be provided on the same site as the use(s) in which it serves; AND/OR
- (2) All or portions of the required motor vehicle parking may be provided on a separate site as the use(s) in which it serves subject to the following:
  - a. The off-site parking lot is either under the same ownership or officially allowed to be used to serve the subject land uses such as a lease agreement with a timeframe of at least five years or other legal instruments; AND
  - b. The off-site parking lot is generally within 600 feet AND readily accessible by walking, transit, and/or shuttle service. This distance standard may be waived if stated otherwise in a special district AND/OR if located in designated activity center pursuant to the comprehensive plan.

(fe) *Development standards for motor vehicle parking:* This subsection is not applicable where parking for single-family detached, attached, two-family, and three-family units is provided as private driveways.

- (1) Parking shall be provided consistent with the following standards:
  - a. Parking may be provided in a motor vehicle parking lot; AND/OR
  - b. Parking may be provided in a motor vehicle parking structure/garage; AND/OR
  - c. Parking may be provided along the abutting street when allowed by the roadway facility owner (i.e., local government, developer, or property owners association) and subject to the following conditions:
    1. Only street parking that abuts the site may be counted towards satisfying the minimum parking quantity standard.



2. Certain roadway improvements may be required to accommodate street parking.
3. Due to physical constraints and/or roadway classifications, some roadways may not allow, or be suited for, street parking.
4. Street parking stalls shall remain available to the general public and not be reserved for the sole use of the adjacent businesses.

(2) Parking stalls and associated aisles are subject to the following design standards.

- a. The minimum dimensional requirements for standard parking stalls and drive aisles are established in the following table; whereas, some additional reductions and allowances are listed the following subsections:

Table 138-3602.d — Dimensional Requirements for Parking Stalls and Drive Aisles						
A	B	C	D	E	F	G
0	8.0'	8.0'	12'	22'	28'	—
20	9.0'	15.9'	11'	23.6'	41'	32.5'
30	9.0'	17.3'	11'	18'	45.6'	37.8'
40	9.0'	19.1'	12'	14'	50.2'	43.3'
45	9.0'	19.8'	13'	12.7'	52.6'	46.2'
50	9.0'	20.4'	14'	11.7'	52.8'	47'
60	9.0'	21'	18'	10.4'	60'	55.5'
70	9.0'	21'	19'	9.6'	61'	57.9'
80	9.0'	20.3'	24'	9.1'	64.3'	62.7'
90	9.0'	18'	24'	9.0'	60'	—
<p>A - Parking angle (degrees)            B - Minimum stall width (feet)            C - Minimum stall depth to aisle (feet)            D - Minimum drive aisle width (feet)            E - Minimum curb length (feet)            F - Minimum overall distance between curbs (or equivalent) for double row with drive aisle between (feet)            G - Minimum distance between ends of stalls (or equivalent) for double row with drive aisle between</p>						

b. *Parking stall standards:* Parking for motor vehicles shall meet the following standards:

1. Standard parking stalls are subject to the dimensional standards as listed in Table 138-3602.d.
2. The dimensional standards may be modified as part of a Type 1 Path B administrative adjustment process.
3. Compact stalls:
  - i. Compact stalls shall be at least eight feet × 16 feet.
  - ii. Compact stalls may be used to satisfy up to 20 percent of the minimum motor vehicle parking quantity for a site.
4. Standard parking stall dimensions may be reduced to allow for two feet of vehicular overhang when abutting a landscaping area.
5. Motor vehicle stalls located in a parking lot shall be designed to directly access a drive aisle and/or alley.
6. Motorcycle/scooter stalls:
  - i. Motorcycle/scooter stalls shall be at least four feet × eight feet
  - ii. Motorcycle/scooter stalls may be used to satisfy up to five automobile spaces or five percent of the required parking spaces, whichever is less. Additionally, for every three motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one space.

c. *Parking drive aisle standards:* Motor vehicle parking lot drive aisles shall meet the following dimensional standards:

1. Drive aisles are subject to the dimensional standards as listed in Table 138-3602.d.
2. One-way: drive aisles shall be at least 12 feet wide.
3. Two-way: drive aisles shall be at least 24 feet wide.

4. Drive aisles may be reduced to respond to and protect existing trees. Any reductions must result in sound engineering practices for safe vehicle maneuvering.

(3) *Surface materials:*

- a. Parking lot stalls, driveways and drive aisles shall be constructed of asphalt, concrete, brick, pavers, or other similar material approved by the county.
- b. The following surface material exemptions may apply:
  1. Up to 50 percent of the motor vehicle parking stalls may be of grid pavers, reinforced grass, or other similar material approved by the county, OR
  2. Up to 100 percent of the motor vehicle parking areas for the following and similar uses may be grid pavers, grass, gravel, or other similar material approved by the county:
    - i. Agricultural uses.
    - ii. Natural resources and wildlife management areas.
    - iii. Nurseries/greenhouses.
    - iv. Parks and recreation areas.
    - v. Places of worship, meeting halls and other community assembly facilities.
  3. Non-paved surfaces of parking areas and associated drives shall be stabilized and provided with appropriate dust control.
- c. All accessible stalls and accessways shall be paved with asphalt, concrete or similar hard-surface material approved by the county. Accessible parking for disabled persons requirements/standards may not be reduced.

(4) *Access standards:*

- a. All motor vehicle parking lots shall be designed to allow vehicles to enter and exit the street in a forward motion. An exception may be allowed in cases where parking is provided abutting an alley.
- b. A tandem parking arrangement may be allowed only when provided in the following situations:
  1. As part of an associated valet service; and/or

2. As part of a multifamily development where the set of tandem stalls are assigned to the same unit; and/or
  3. As part of designated employee parking.
- c. Motor vehicle parking lots shall provide for internal vehicle connections at logical locations between abutting parking lots and adjacent nonresidential and multifamily properties. Exceptions to this standard are allowed to protect natural resources, where onerous topographic features exist, and to comply with design restrictions from other governing agencies.
- (5) Stacking requirements for parking lot entrances are described in the Transportation Design Manual.
- (6) *Design criteria:*
- a. Motor vehicle parking lots shall also be constructed consistent with any zoning district design criteria and any applicable specific use standards that may apply to the proposed use.
  - b. *Reserved.*

(gf) *Development standards for residential driveway/garage parking:*

- (1) On-site parking for single-family detached, attached, two-family, and three-family units may be provided in a driveway, carport, and/or in a garage. Parking provided as parking lots shall be applicable to the standards in subsection (fe).
- (2) Residential private driveway requirements are described in the Transportation Design Manual.

(hg) *Electric vehicle charging stations:*

- (1) An electric vehicle charging station (EVCS) is an optional site element that provides power supply to electric motor vehicles.
- (2) Where an EVCS is provided, the adjacent parking shall be reserved for vehicles that can be electrically charged.

~~Sec. 138-3660.—Reserve~~

**Section 138-3660 – Scenic Noncommercial Corridor Landscaping Standards**

- (a) Applicability. The following standards shall apply to landscape buffering for development adjacent to a Scenic Noncommercial Corridor. Roads designated Scenic Noncommercial Corridors can be found in the Pinellas County Comprehensive Plan. The intent of the buffer

area is to provide an adequate area for landscaping and other screening to assist in minimizing any negative visual impacts potentially created by onsite uses.

(b) Standards.

- (1) The landscape buffering requirement is based on the Scenic Noncommercial Corridor designation in Table 138-3660.a.
- (2) Areas of access and sight visibility standards are exempt from these standards.
- (3) Trees may be clustered in informal groupings provided the total number of trees is provided.
- (4) The width of the Buffer may vary due to specific site constraints, however, the average width of the Buffer over the length of the site shall meet the specified standard.
- (5) Height of hedge/landscape screening must be obtained within three (3) years.
- (6) Other screening/buffering methods may be allowed provided that the resulting situation meets the buffering intent. This may be approved as part of the site plan review process.

**Table 138-3660.a – Scenic Noncommercial Corridor Buffer Standards Matrix**

<u>Corridor Type:</u>	<u>Rural/Open Space</u>	<u>Residential</u>	<u>Mixed Use</u>	<u>Unique Scenic View</u>	<u>Enhancement Connector</u>
<u>Buffer Width</u>	<u>25 feet</u>	<u>15 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>10 feet</u>
<u>Number of Trees per Buffer Length</u>	<u>1 per 25 feet</u>	<u>1 per 25 feet</u>	<u>1 per 35 feet</u>	<u>Accent Trees</u>	<u>1 per 50 feet</u>
<u>Height of Visual Screen</u>	<u>N/A</u>	<u>6 feet</u>	<u>3 feet</u>	<u>N/A</u>	<u>3 feet</u>
<u>Setback for Wall/Fence</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>N/A</u>	<u>10 feet</u>
<u>Screening Methods (choose one):</u>					
<u>Berm with Hedge or:</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N/A</u>	<u>Y</u>
<u>Wall with Hedge</u>	<u>N/A</u>	<u>Y</u>	<u>Y</u>	<u>N/A</u>	<u>Y</u>

**Sec. 138-3702. General requirements.**

(a) *Residential fences and walls.* In residential districts, walls and fences are subject to the following:

(1) Within the required side and rear setback area:

- a. Six feet maximum height for a fence or wall of any style; or eight feet for a decorative fence or wall along secondary arterial and collector frontages.
- b. On waterfront properties, fences and walls within the rear setback shall be semi-opaque.

(2) Within the required front setback area:

- a. Three feet maximum height for a fence or wall of any style; ~~additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.~~
- b. Four feet maximum height for an opaque decorative fence or wall, subject to site visibility requirements per Section 138-3508; ~~additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.~~
- c. Five feet maximum height for a semi-opaque decorative fence or wall, subject to site visibility requirements per Section 138-3508.
- ed. Six feet maximum height for a wall or fence of any style at the required front setback line on the primary frontage or, for multiple frontage lots, along the property line of a secondary frontage where the property is not addressed, subject to sight visibility requirements per section 138-3508.
- de. Eight feet maximum height for a decorative fence or wall when one of the following conditions apply:
  - 1. The fence or wall encloses the perimeter of a development adjacent to roads classified as collector streets or arterial roads. In such case:

It must be located at least two feet from the right-of-way and shall be landscaped with two trees for each 100 lineal feet and hedge material planted, in keeping with the intent of chapter 166, article II. Trees should be planted at least five feet in distance from the wall to allow adequate room for growth. Hedges within sight triangles must be maintained at no more than three feet above pavement.

The fence or wall must be reviewed and approved as part of a site plan or as a modification to an approved site plan. This includes the requirement that plans

submitted be signed and sealed by a registered professional engineer in the State of Florida, thereby certifying that the fence or wall as proposed will not cause a sight distance obstruction for vehicles maneuvering on the adjacent or any nearby street system.

2. The subject property is a corner lot, double frontage lot, or other multiple frontage lot, and the fence will be located within a setback area from an adjacent collector or arterial right-of-way for which the property is not addressed. Sight triangle requirements per section 138-3508 for maintaining adequate sight distance must be followed.

(b) *Rural residential districts (R-A, R-E and R-R).* Split rail fences may be permitted up to six feet maximum height within the required front setback area. Such fences shall maintain at least 50 percent transparency.

(c) *Nonresidential fences and walls.* In nonresidential districts, walls and fences are subject to the following:

(1) Within the required side and rear setback area: six feet maximum height for a fence or wall of any style, except when required as part of a Type 2 review or Type 3 review approval.

(2) Within the required front setback area:

a. Three feet maximum height for a fence or wall of any style; ~~additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.~~

b. Four feet maximum height for a decorative fence or wall, subject to site visibility requirements per Section 138-3508; ~~additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.~~

c. Six feet maximum height for a decorative fence or wall, provided the applicant satisfies the requirements of subsection 138-3702(a)(2)ed.

(d) Fences and walls may not be installed within public rights-of-way or other public property unless authorized by the appropriate public agency.

(e) Fences and walls may be installed on vacant property as long as setback and sight visibility standards are met.

(f) A zoning clearance is required for fences taller than three feet that are installed adjacent to public rights-of-way to ensure sight visibility standards per section 138-3508 are met.

**Sec. 138-3705. Measurement of height.**

The maximum height of fences or walls shall be measured as follows:

- (a) From lowest adjacent grade to the uppermost horizontal member or members.
- (b) Wire strands, except certain permitted barbed wire strands described in section 138-3704, may not exceed 18 inches above the ~~minimum~~maximum height of fence requirement for such wire.
- (c) A post, pilaster, or light with a cross-sectional dimension of 18 inches or less may exceed the allowable height by up to 12 inches. Berms or other mounds above normal grade shall be considered part of the height measurement.
- (d) Fences placed on retaining walls shall include the retaining wall height as part of the overall permitted height unless a minimum separation of three feet is provided between the edge of the retaining wall and fence.

**Sec. 138-3756. Permitted signs and standards by zoning classifications.**

- (a) *Purpose and procedure.* It is the intent of this section to regulate signs consistent with the zoning classification or general type of land usage which establishes the character of the area in which the signs are located.
- (b) *Residential zoning districts.* The following types of signs are permitted in any residential zoning district:
  - (1) Subdivision signs for single-family residential areas shall be permitted only as follows:
    - a. *Number.* A maximum of one sign is permitted for each platted subdivision or property entrance. When incorporated into a fence, wall, or other decorative entry feature one such sign shall be permitted on either side of the road or entry way for a total of two signs.
    - b. *Area.* The maximum area shall be 24 square feet per sign face. When incorporated into a fence, wall or similar decorative entry feature no portion of the fence or wall upon which the sign is mounted shall be counted towards the area of the sign.
    - c. *Height.* The maximum height for a freestanding sign is six feet.
    - d. *Setbacks.* No front setback is required and the side and rear setbacks of the zoning district shall apply, provided a safe sight distance clearance is maintained. Such safe sight distance shall be determined by the county traffic engineer pursuant to section 138-3755(d). Fences, walls and similar decorative entry features shall be set back in accordance with division 4 of this chapter.
  - (2) Signs for multifamily residential areas shall be permitted only as follows:



- a. *Number.* A maximum of one sign is permitted for each platted subdivision or property entrance. When incorporated into a fence, wall, or other decorative entry feature one such sign shall be permitted on either side of the road or entry way for a total of two signs.
  - b. *Area.* The maximum area is 24 square feet per sign face. When incorporated into a fence, wall or similar decorative entry feature no portion of the fence or wall upon which the sign is mounted shall be counted towards the area of the sign.
  - c. *Height.* The maximum height for a freestanding sign is eight feet.
  - d. *Setbacks.* No front setback is required and the side and rear setbacks of the zoning district shall apply, provided a safe site distance clearance is maintained. Such safe site distance shall be determined by the county traffic engineer pursuant to section 138-3755 (d). Fences, walls and similar decorative entry features shall be set back in accordance with division 4 of this chapter.
- (3) Residential identification signs (nameplate) shall be permitted only as follows:
- a. *Number.* A maximum of one attached sign is permitted.
  - b. *Area.* The maximum area of the sign shall be two square feet per sign face.
- (4) Small, off-premises signs that are for public/semipublic purposes and are directional only, as per subsection 138-3753(m).
- (5) Signs for public/semipublic land uses shall be in accordance with the provisions of subsection (c).
- (c) *Public/semipublic zoning district and signs utilized for public/semipublic uses.* The following types of signs are permitted in the public/semipublic zoning district or on sites containing an authorized public/semipublic land use:
- (1) Freestanding signs shall be permitted only as follows:
    - a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other. One additional sign which is used as a bulletin board for church or school use is permitted.
    - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections 138-3755(a) and (b) of this section, or 48 square feet per sign face, whichever is less. An additional 48 square feet may be provided for a bulletin board.

- c. *Height.* The maximum height for a freestanding sign shall be 12 feet.
  - d. *Setbacks.* Setbacks shall be three feet from any public right-of-way. Side and rear yards shall be as required by the zoning district where the sign is located. Additional setbacks may be required when determined appropriate per subsection 138-3755(d).
- (2) Attached signs shall be permitted only as follows:
- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections 138-3755(a) and (b) or 48 square feet, whichever is less. An additional 48 square feet may be provided for a bulletin board.
  - b. *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 (c)(2)a, above:
    - 1. Wall sign;
    - 2. Canopy or awning sign;
    - 3. Permanent window sign;
    - 4. Projecting sign; and
    - 5. Integral roof sign.
- (d) *LO and GO zones.* Within the LO and GO zones, only the following signs shall be permitted:
- (1) Freestanding signs shall be permitted only as follows:
- a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
  - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections 138-3755(a) and (b) of this section or 50 square feet per sign face, whichever is less.
  - c. *Height.* The maximum height for a freestanding sign is 20 feet.
  - d. *Setbacks.* Such signs shall be set back as follows:
    - 1. Three feet from any public right-of-way.
    - 2. Fifteen feet from side and rear property lines in P-1 zones.

3. Twenty feet from side and rear property lines in the P-1A zone. Additional setbacks may be required when determined appropriate per subsection 138-3755(d).
  - e. *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.
- (2) Attached signs shall be permitted only as follows:
- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections 138-3755(a) and (b), or 100 square feet, whichever is less.
  - b. *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 (d)(2)a, above:
    1. Wall sign;
    2. Canopy or awning sign;
    3. Permanent window sign;
    4. Projecting sign;
    5. Integral roof sign.
- (3) Directory/information signs shall be permitted only as follows:
- a. *Number.* A maximum of one sign per street frontage is permitted.
  - b. *Area.* The maximum area for a directory/information sign shall be 40 square feet per sign face for any one sign.
  - c. *Setback.* The minimum setback distance for a directory/information sign is 100 feet from any property line.
- (4) Off-premises directional signs for public/semipublic purposes are permitted in accordance with subsection 138-3753(m) of this section.
- (5) Public/semipublic land uses shall follow the sign provisions of subsection (c).
- (e) *C-1 zone.* Within the C-1 zone, only the following signs shall be permitted:
- (1) Freestanding signs shall be permitted only as follows:

- a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
- b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections 138-3755(a) and (b), or 50 square feet per sign face, whichever is less.
- c. *Height.* The maximum height for a freestanding sign is 20 feet.
- d. *Setbacks.* Such freestanding signs shall be set back as follows:
  - 1. Three feet from any public right-of-way.
  - 2. Side and rear yards, 20 percent of the width or depth of the lot up to 20 feet when abutting residential property. No side or rear setback is required when abutting nonresidential property.Additional setbacks may be required when determined appropriate per subsection 138-3755(d).
- e. *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.

(2) Attached signs shall be permitted only as follows:

- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections 138-3755(a) and (b) 100 square feet, whichever is less.
- b. *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 (e)(2)a., above:
  - 1. Wall sign;
  - 2. Canopy or awning sign;
  - 3. Permanent window sign;
  - 4. Projecting sign; and
  - 5. Integral roof sign.

- (3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with subsection 138-3753(m).
- (4) Public/semipublic land uses shall follow the sign provisions of subsection (c).
- (f) *C-2 and E-2 zones, except when located on arterial highways.* When located within the C-2 or E-2 zone, except areas located on arterial highways, only the following signs may be permitted. For signs located in these zones on arterial highways, see subsection (g), below:
  - (1) Freestanding signs shall be permitted only as follows:
    - a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
    - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections 138-3755(a) and (b) or 100 square feet per sign face whichever is less.
    - c. *Height.* Maximum height for a freestanding sign is 25 feet.
    - d. *Setbacks.* Such signs shall be set back as follows:
      - 1. Three feet from any public right-of-way for a sign up to 75 square feet in area; ten feet from any public right-of-way for any sign over 75 square feet in area.
      - 2. Side and rear yards, 20 percent of the width or depth of the lot up to 20 feet when abutting residential property. No side or rear setback is required when abutting nonresidential property.Additional setbacks may be required when determined appropriate per subsection 138-3755(d).
    - e. *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.
  - (2) Attached signs shall be permitted as follows:
    - a. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections 138-3755(a) and (b) or 150 square feet, whichever is less.
    - b. *Types of signs permitted.* The following attached signs may be permitted, provided the cumulative area of the attached sign does not exceed the maximum area according to subsection (f)(2)a., above:

1. Wall sign;
  2. Canopy or awning sign;
  3. Permanent window sign;
  4. Projecting sign; and
  5. Integral roof sign.
- (3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with subsection 138-3753(m).
- (4) Public/semipublic land uses shall follow the sign provisions of subsection (c).
- (g) C-2 and E-2 zones fronting on arterial highways; CP zones. When fronting on arterial highways in C-2 and E-2 zones and in all CP zones, only the following signs may be permitted:
- (1) Freestanding signs shall be permitted only as follows:
    - a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
    - b. *Area.* The maximum total area for any freestanding sign or signs shall be that area calculated according to subsections 138-3755(a) and (b) or 150 square feet per sign face, whichever is less.
    - c. *Height.* The maximum height for a freestanding sign is 25 feet.
    - d. *Setbacks.* Such signs shall be set back as follows:
      1. Three feet from any public right-of-way for any sign up to 75 square feet; ten feet from any public right-of-way for any sign over 75 square feet.
      2. Side and rear setbacks shall be required by the zoning district in which the property is located.
    - e. *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.
  - (2) Attached signs shall be permitted only as follows:

- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections 138-3755(a) and (b) or 150 square feet, whichever is less.
- b. *Types of signs permitted.* The following attached signs may be permitted, provided the cumulative area of the attached sign does not exceed the maximum area according to subsection (g)(2)a., above:
  - 1. Wall sign;
  - 2. Canopy or awning sign;
  - 3. Permanent window sign;
  - 4. Projecting sign; and
  - 5. Integral roof sign.
- (3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with subsection 138-3753(m).
- (4) Public/semipublic land uses shall follow the sign provisions of subsection (c) of this section.
- (h) E-1, I, and IPD zones. Within the E-1, I, and IPD zones, only the following signs shall be permitted:
  - (1) Freestanding signs shall be permitted only as follows:
    - a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign must be spaced at least 300 feet from the other.
    - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections 138-3755(a) and (b) or 75 square feet per sign face, whichever is less.
    - c. *Height.* The maximum height for a freestanding sign is 25 feet.
    - d. *Setbacks.* Such signs shall be set back as follows:
      - 1. Three feet from any public right-of-way.
      - 2. Side and rear setbacks:
        - E-1 zone: Ten feet.

I zone: Twenty feet.

IPD zone: Ten feet.

Additional setbacks may be required when determined appropriate per subsection 138-3755(d).

e. *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.

(2) Attached signs shall be permitted only as follows:

a. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections 138-3755(a) and (b) of this section or 150 square feet per sign face, whichever is less.

b. *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 (h)(2)a., above:

1. Wall sign;
2. Canopy or awning sign;
3. Permanent window sign;
4. Projecting sign; and
5. Integral roof signs.

~~The maximum area for all display signs shall total no more than 24 square feet per sign face.~~

(3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with subsection 138-3753(m).

(4) Public/semipublic land uses shall follow the sign provisions of subsection (c) of this section.

(i) *MXD and FBC zoning districts and commercial areas in the RPD district.* The allowable sign size, style, and type shall be established as part of the development master plan or equivalent process. The sign standards for the C-1 zone may be applied for developed sites in the MXD, FBC or RPD districts that do not have adopted development master plans.



SECTION 3. Chapter 154 (Site Development, Right-of-Way Improvements, Subdivisions, and Platting) of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 154. The only sections of Chapter 154 being amended are those with revisions reflected herein. Sections of Chapter 154 not included herein remain in full force and effect.

**Sec. 154-2. 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:

*Arterial roads (streets)* means main traffic thoroughfares, as indicated on the Pinellas County Sector Plan Right-of-Way Requirements and Traffic Corridors Plan, and defined as roads consisting of connecting links between municipalities and/or state roads. Requirements for speed and level of service are usually quite high. The arterial system should form a continuous network designed for a free flow of through traffic.

*Block length* means the distance between the right-of-way lines of intersecting streets, measured along the nearside right-of-way line of the through street.

*Collector roads (streets)* means roadways that are of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed, and allows the distribution of traffic between local streets and major traffic generators, such as highways, to provide intra-neighborhood transportation connections. The traffic characteristics generally consist of relatively short trip lengths, moderate speeds and volumes. Average daily traffic usually ranges from 1,000 to 4,000 vehicle trips per day. It is primarily a residentially oriented system which filters traffic from local streets before their capacity is exceeded and conducts it to arterial facilities or local generators such as shopping centers, schools or community centers.

*County engineer or director* means the county administrator if certified and licensed as a professional engineer in the State of Florida, or his or her authorized designee(s), certified and licensed as a professional engineer in the State of Florida.

*Detention* means the temporary storage of stormwater runoff to limit the rate of discharge into receiving water bodies. These system can also discharge into the MS4.

*Easement* means a nonpossessory interest in land of another that entitles the grantee to use or enjoy the other's land in a specific manner.

*Elevation* means the vertical distance of a point relative to the established North American Vertical Datum of 1988 (NAVD 88).

*Engineer, professional engineer, or licensed engineer, or professional surveyor or mapper* shall be as defined by F.S. chs. 471 and 472.

*File of record* means a permanent file which contains all pertinent data, correspondence, calculations, drawings, plats, etc., used to review site plans and/or plats of submitted developments.

*Final stabilization* means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, without large bare areas) perennial vegetative cover, with a density of at least 70 percent for all unpaved areas and areas not covered by permanent structure, has been established, or equivalent permanent stabilization measures have been employed.

*Flag lot* means a lot which abuts or gains access to a street through a narrow portion which does not meet the minimum frontage or lot width requirements for the zone district where it is located.

*Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.] The county has a no-rise policy within the floodways.

*Impervious* means land surfaces that do not allow, or minimally allow the penetration of water; such as building roofs, non-porous concrete and asphalt pavements, and some fine grained or compacted soils.

*Natural area* means a preservation area which is to remain in its natural state.

*Natural drainageways* means those watercourses that are either natural or have not been substantially excavated, graded or otherwise altered or improved by man.

*Plat* means a map or delineated representation of the ~~s~~Subdivision of lands, being a complete exact representation of the ~~s~~Subdivision, and other information in compliance with the requirement of all applicable sections of this chapter, state statutes and of any local ordinances, and may include the terms "replat," and "amended plat."

*Plat, Minor* means a subdivision of land into not more than four lots or parcels subject to Section 154-265 of this Chapter, as amended, and otherwise governed by the same statutes and regulations governing plats in Florida.

*Receiving water bodies* means those water bodies and drainage-ways, either natural or manmade, that lie downstream of the site in question and which are susceptible to degradation of water quality due to activity at the upstream site.

*Redevelopment* means any manmade material change to improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Retention* means as defined by the Pinellas County Stormwater Manual.

*Right-of-way* means land in which the state, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

*Site* means any tract, lot or parcel or combination of lots or parcels of land where development or redevelopment can occur and which is subject to site plan requirements as defined in chapter 138, article II, division 5.

*Subdivision* means the division of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development; or, if a new street is involved, any division of a parcel of land. ~~However, division of land for agricultural purposes into lots or parcels of five acres or more, and not involving a new street, shall not be deemed a subdivision.~~ The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The word "subdivision" includes the words "resubdivision," "plot," "plat" and "replat."

*Subdivision street* means a street within a subdivision defined as a local street in the county sector plan right-of-way requirements and traffic corridor plan.

*Substantial site improvement* means any manmade change to a site which discharges the surface water runoff from the site at a faster rate.

*Transportation facility* means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

*Water body* means any lake, reservoir, pond or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline or edge.

#### **Sec. 154-200. Relocation of installation by owner or permittee.**

- (a) In the event of any widening, repairs, installation, construction, or reconstruction, by or for the county, of any county facility within the right-of-way in which the permittee or owner has constructed any installation, such permittee or owner shall move, remove, or relocate such installation as may be required for the public convenience as and whenever specified by the county and at the permittee's or owner's own expense. The same duty to move, remove, or relocate shall apply if an installation is determined, in the county's sole discretion, to be unreasonably interfering in any way with the convenient, safe, or continuous use of the right-of-way. The county may repair or replace irrigation components adjacent to single family residential properties including fittings, sprinkler heads, and minor related appurtenances encountered during widening, repairs, installation, construction, or reconstruction activities as directed by the County Engineer.
- (b) When relocation is required under this section, county owned and maintained facilities shall be given priority in establishing new utility and installation alignments within the right-of-way.

**Sec. 154-231. Required.**

- (a) It is unlawful for any person to construct, install, remove, relocate, ~~or~~ perform other work activities for installations or improvements, or place temporary items or structures or make improvements, within, on, under, or above the right-of-way without first having obtained a right-of-way permit with the exception of trash and recycling receptacles and bulk debris, which can be placed in the right-of-way for no more than 48 hours, mailboxes, irrigation and landscaping, provided the placement in the right-of-way is in compliance with subsection (b) of this section.
- (b) It is unlawful for any person to utilize the right-of-way in a manner that impedes the public access, restricts vehicular access and sight lines, or poses a risk of damage to public infrastructure, including, but not limited to, the parking or staging of equipment, vehicles, RV's, trailers, construction or landscape materials, or construction or landscaping debris, or use as temporary construction or landscaping access, without first having obtained a right-of-way permit.
- (c) It is unlawful for any person to modify, deface, clean, utilize chemicals upon, or pressure wash any portion of the public right-of-way without a permit, with the exception that adjacent property owners may clean adjacent sidewalks for aesthetics without necessity of a permit, providing that the entire frontage is treated in a consistent manner and markings for sidewalk deviations and utility location must not be removed. Nothing in this section prohibits the use of transient chalk on sidewalks or the placement of paint on the right-of-way for purposes of utility location or to warn of potential hazards.
- (~~bd~~) All permits issued under this article are revocable, and nothing in this article creates a vested right or property interest in the permittee.
- (~~ee~~) Nothing in this article creates a right of access at any particular location or in any configuration which, in the sole discretion of the county administrator or designee is, or becomes, unsafe.
- (~~ef~~) Nothing in this article creates rights of any nature to the opening of any median or of the right to any particular turning movements either ingressing or egressing private property.

*DIVISION 2. LOT LINE ADJUSTMENTS AND LOT SPLITS*

**Sec. 154-260. Lot line adjustments and lot splits defined.**

- (a) A lot line adjustment is a process involving the adjustment of the platted lot line(s) between two or more abutting platted lots of record which changes the size of the buildable lots. For the purposes of these standards, lot line adjustments do not result in additional number of lots.

- (b) A lot split is the process involving the creation of one or more buildable lots from a platted lot of record which changes the number of buildable lots. Obtaining a separate parcel identification number from the Pinellas County Property Appraiser does not constitute a lot split or a buildable lot.

**Sec. 154-261. Requirements.**

- (a) The following standards apply to lot line adjustments and lot splits:
  - (1) Easements for public utilities including stormwater drainage shall be relocated as necessary and subject to county approval. The applicant shall pay all costs of utility adjustments, extensions, relocations, and connections.
  - (2) Any unpaid outstanding liens and assessments owed to the county shall be satisfied as a condition of lot line adjustment or lot split.
  - (3) Consistency with the established neighborhood pattern shall generally be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services.
  - (4) All lots must be owned by the same entity or person and have the written consent of all property owners or someone legally able to bind the owner.
  - (5) Lot splits shall not result in ~~three or more~~ than two (2) buildable lots; in such case where three (3) or more lots are proposed, the proposal may not be reviewed as a lot split and shall be processed as ~~subdivision/plat~~ either a Plat or Minor Plat.

A parcel of land, which exists in the same size and shape as shown on the official map adopted by the Board of County Commissioners as housed in the Building & Development Review Services offices, may receive the benefit of a lot split on only one (1) occasion. Any subsequent subdivision or replat of the subject property shall not be processed as a lot split or minor plat process.

  - (6) For lot line adjustments, all lots shall meet the minimum lot size of the zoning district, unless one or more of the original lots do not meet the minimum lot size, then no lot having less area than the smallest of the lots included in the application shall be created.
  - (7) For lot splits, no variance to the minimum lot area requirements of the zoning district is allowed.
- (b) Lot line adjustments and lot splits shall be reviewed as a Type 1 Path A application pursuant to chapter 138, article II.
- (c) Platting and/or replatting is required if the ~~lot split~~ subdivision of the subject property will result in a total of three or more lots.
- (d) Upon approval, the lot split/lot line adjustment shall be recorded with the clerk of the court.

*DIVISION 3. SUBDIVISION/PLATS*

**Sec. 154-262. Platting required.**

- (a) Platting is required for the following conditions:
- (1) Land which is intended to be subdivided to result in:
    - a. Three or more lots or parcels;
    - b. New streets and/or alleys; AND/OR
    - c. Additions and resubdivisions as it relates to the subdivision.
  - (2) Land which is being developed in such a manner that it is apparent from the documents submitted that subdivision of the land for sale will result and platting would otherwise be required.
  - (3) Obtaining a ~~lot split~~ or separate parcel identification number from the Pinellas County Property Appraiser without obtaining a lot split is not a valid form of subdividing land for the purpose of creating a buildable lot.

**Sec. 154-263. Plat review and approval processes.**

- (a) Plats are reviewed as a two-step process pursuant to the following:
- (1) *Step 1 — Preliminary Plats.*
    - a. Preliminary plats are required prior to plat approval and recording; preliminary plans illustrate the requested parcels, tracts, lots, rights-of-way, and easements.
    - b. Preliminary plats are reviewed as a Type 1 Path A application pursuant to chapter 138, article II.
    - c. When the subject area includes site improvements and/or new roadways, the preliminary plat may be reviewed as part of a site plan application.
  - (2) *Step 2 — Final plats.*
    - a. Final plats include the legally-adopted instruments that establishes the new plat. Final plats are prepared and processed after the county approves the preliminary plat and any required site improvements are completed or bonded (e.g., streets).
    - b. Final plats are reviewed as a Type 5 application pursuant to chapter 138, article II.

c. Final plats must be approved by the board of county commissioners and subsequently recorded with the clerk of the court.

(b) Modifications/corrections to existing plats shall follow the applicable review processes.

(c) Minor Plats shall be reviewed per Section 154-265.

**Sec. 154-264. Platting requirements and information.**

(a) General requirements for platting are as follows:

- (1) For platting purposes, the owner of the land shall cause a record plat to be made. Such plat must be prepared by a professional surveyor or mapper and submitted to the county in the format required by the county administrator or designee. The plat must conform to the requirements of F.S. ch. 177, part 1.
- (2) Developers must submit the required number of copies of the plat along with the check for the review fee as established by resolution of the board of county commissioners. Such check shall be made payable to the board of county commissioners.
- (3) There shall be a dedication to the public on the face of the plat clearly identifying those streets, walkways, waters, easements and/or other areas being dedicated to the public. The plat shall include dedicated areas which are necessary for access, drainage and, utilities, or as established by resolution of the board of county commissioners. Such dedication shall be duly executed by the owner or owners, in the same manner as deeds conveying lands are required to be executed for recordation.
- (4) Plats and Minor Plats shall include the submittal and information as established in chapter 138 article II for Type 1 and Type 5 reviews. Refer to section 154-265 for exemptions and other applicable procedures on Minor Platting.
- (5) The clerk of the circuit court requires:
  - a. All additions after initial drafting of plat be executed in permanent black ink.
  - b. Every plat submitted to the board of county commissioners must be accompanied by a title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication as it is shown on the plat. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.
  - c. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public

as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or his succession in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

- (6) The board of county commissioners shall establish fee schedules by board resolution for plat review, final inspection and reinspections for release of surety. Checks for these fees shall be made out to the board of county commissioners.
  - (7) The board of county commissioners shall establish fee schedules by board resolution for filing fees for plats and for recording consents to plat if mortgagee(s) did not sign the plat itself. Checks for these fees shall be made out to the clerk of the circuit court.
- (b) The plat must conform to all of the requirements of F.S. ch. 177, part 1, and any amendments thereto, and the current platting standards as presented by the requirements and example package available from the reviewing county department.
- (c) The following shall be submitted with the plat prior to recording:
- (1) Required plat review fee.
  - (2) Proof that vacations of existing right-of-way and easements within the proposed boundaries of the development have been completed.
  - (3) Letter from utility companies (i.e., water, reclaimed water, sewer, power, phone, gas, etc.) stating that the easements shown are sufficient for their needs.
  - (4) Developer's sidewalk completion guarantee. Sidewalks adjacent to common areas must be constructed as a portion of the development construction.
  - (5) An engineer's certification on design. Not applicable to Minor Plats if no improvements are proposed or required.
  - (6) A letter from the postal service indicating that there are no duplicate street names. The street names on the plans and on the plat must be the same.
  - (7) The fee for installation of street signs shall be per quote from the county traffic department. If the streets are private, street signs must have been installed or a private street sign installation guaranty submitted.
  - (8) In the event improvements have been made prior to the plat being submitted for recording, an engineer's certification of completion, a subdivider's affidavit that all bills have been paid, a letter from the water, sewer and highway departments that all their requirements have been met and they are accepting their respective systems, and a maintenance surety are required prior to the plat being recorded.



- (9) Subdivisions where the infrastructure is not to be public must be completed before the filing of the plat or a payment and escrow agreement must be submitted and approved.
  - (10) Each plat submittal shall include a title report not more than 60 calendar days old. The title report ("report") must cover a minimum 30-year period, and must include copies of all recorded documents within the 30-year period, as well as earlier documents still binding on the plat (e.g., easements and rights-of-way). All documents referenced in the title report as pertinent to the platted lands must be provided with the certification, including the last deed of record.
  - (11) Certified copies of any active permits issued by the Florida Department of Environmental Protection or Southwest Florida Water Management District for any stormwater management system, as that term is defined in F.S. ch. 373, reflected on the plat.
  - (12) Certified copies of any active sovereign submerged lands leases issued by the Florida Department of Environmental Protection pursuant to F.S. ch. 253 for any sovereign submerged lands reflected on the plat.
- (d) It is the responsibility of the project engineer to request in writing to the county administrator or designee that the final inspection of the street, drainage, and related grading improvements be made. This request should be made at the earliest possible date to allow sufficient time to complete incidental construction items prior to surety expirations or to meet deadlines mentioned.
- (e) Completion and maintenance security:
- (1) The board of county commissioners, as a condition to the approval of the plat, shall require the developer who is seeking to have the plat approved provide a completion security in the form of a surety bond, letter of credit or other acceptable guaranty as the board shall determine adequate to guarantee construction and installation of all roads, streets, sidewalks, drainage, and water and sewerage disposal facilities as are required in accordance with this chapter and other applicable ordinances, statutes and regulations. Security shall be in the amount of 110 percent of the estimated cost of required improvements based on a certificate of cost estimate prepared, signed, sealed and dated by a registered professional engineer.
  - (2) Upon satisfactory completion of all improvements within areas to be dedicated to the public, the board of county commissioners may, at its discretion, accept those dedicated areas, by resolution, on behalf of the public. As a condition of acceptance, the developer shall provide a maintenance security in the form of a surety bond, letter of credit, or other acceptable guaranty in such amount and for such duration as the board deems sufficient to indemnify the board against latent defects in the improvements within the dedicated areas. Minimum security shall be 20 percent of the estimated cost of required improvements, to be fully effective for 18 months from acceptance by the board. Upon

acceptance and receipt of the maintenance surety, the board shall release the completion security. A bill for the cost of work may be used to calculate the amount for the 20 percent maintenance bond.

- (3) A separate security may be required for construction to be performed and/or maintained within existing county rights-of-way and other public property.

(f) Procedure of acceptance of improvements and release of surety:

- (1) Sixty days before the expiration date, the county inspector will inspect the development and prepare an inspection report. This report will be sent to the principal of the bond (owner/developer or contractor) by certified mail, return receipt requested. Copies will also be forwarded to the project engineer, the surety agent, either the owner/developer or contractor and the director.
- (2) Thirty days before the expiration date, the county shall reinspect the development to determine whether defects in the above referenced 60-day report have been corrected satisfactorily. If defects still exist within the development, the highway division shall prepare a final letter stating that the contractor or developer has failed to repair certain defects within the development. Such letter of defects shall be specific and shall give exact locations within the development.
  - a. Completion surety: If the inspection shows that all defects have been corrected, and a maintenance surety has been submitted and approved, the release of the completion surety will be placed on the next Board of County Commissioner's agenda.
  - b. Maintenance surety: If the inspection shows that all defects have been corrected, the request for release of the maintenance surety will be placed on the board of county commissioner's agenda.
- (3) Eighteen days before the expiration date, correspondence will be prepared that will enable the county to collect on the completion surety or maintenance surety. In the case of a bond, a letter will be sent directly to the bonding company. In the case of a letter of credit, a sight draft will be prepared to be drawn upon the bank or lending institution. Necessary signatures on the sight draft will be obtained and will be sent by certified mail, return receipt requested, to the respective surety representative.
- (4) A request to release a surety (completion or maintenance) must be made in writing to the county administrator or designee no later than 5:00 p.m. on Monday of the week previous to the scheduled board meeting. At this time the board of county commissioners must have a written release from the public works and utility departments stating that the work is accepted and a maintenance surety has been received and approved or the project has been accepted for county maintenance after the maintenance surety has expired or been released.

- (5) Should a surety have to be extended beyond the expiration date, in order that requirements of the surety are met, then the time of extension shall not exceed six months. If it is deemed necessary to further extend the time of surety, a new certificate of cost estimate shall be submitted, signed, sealed and dated by a Florida registered engineer. The new surety shall be in the amount of the cost estimate but not less than the amount of the original surety. The new sureties shall not be extended.

**Sec. 154-265. Minor Platting requirements, procedures and restrictions.**

(a) Generally. Minor Plats constitute:

(1) The subdivision of land into not more than four lots or parcels, provided that:

- a. The parcel being platted exists in the same size and shape as shown on the official map adopted by the Board of County Commissioners as housed in the Building & Development Review Services offices;
- b. No new streets, alleys, or other public ways are created, or required;
- c. No changes, including but not limited to the extension, widening or horizontal geometry are made to the existing rights-of-way of any streets, alleys, or other public ways;
- d. Access occurs on a designated local street. Properties located with frontage only on a designated collector road shall be subject to the requirement of a common access driveway(s) as determined by the County Engineer. Properties located with frontage only on a designated arterial road are not eligible for a Minor Plat.
- e. No new primary water and/or sewer utilities are required including extensions;
- f. The new lots or parcels comply with applicable zoning district frontage requirements;
- g. No flag lot is created;
- h. The lots have direct access to a roadway built to applicable County or Municipal jurisdiction standard or approved by the County Engineer and has been accepted for maintenance by the appropriate jurisdiction or is maintained by a Property Owners Association (note-at the discretion of the County Engineer, minor scope of work associated with existing roadway may be permitted as a condition of approval associated with a Minor Plat) and;
- i. Stormwater management for each platted property located in Residential Zones R-1 – R-4 shall meet a 1-inch rainfall volumetric retention requirement for the entire lot area through the utilization of vegetated swales (e.g. turf or planted), rain

gardens, bio-swales or dry retention areas. The Minor Plat shall be required to include a note that each lot and subsequent building permit must comply with this stormwater provision when located within Zones R-1 – R-4. Minor subdivisions in all other zones would be subject to compliance with the Pinellas County Stormwater Manual.

(b) Procedures. Minor Plats shall be exempt from the requirements for a preliminary plat and site plan review, but shall be required to obtain Final Plat approval in accordance with F.S. 177 part 1, and any amendments thereto, the Final Platting process as applicable in Chapter 154 - Division 3, the current platting standards as presented by the requirements and example package available from the reviewing county department and the procedures below:

(1) Minor Plat pre-application meeting (optional)

(2) Application submission

(3) Departmental technical staff review including but not limited to:

a. Completeness review of submittal by county staff

b. Technical review by the following departments:

1. Public Works – Survey & Transportation

2. Utilities

3. DRS Engineering

4. Zoning

(4) When a completed review has been conducted by all applicable technical staff, and there are no outstanding review comments to be addressed by the applicant, the applicant shall set permanent reference monuments (PRM) and lot corners, have a monument inspection performed and furnish signed and sealed mylars. The submittal will then proceed to the Board of County Commissioners for review and determination of action.

(5) If approved by the reviewing authority, the Minor Plat(s) shall be recorded with the clerk of the circuit court as lots of record.

(6) A parcel of land may receive the benefit of the Minor Plat process on only one (1) occasion and a replat of the subject property shall not be processed under the provision of section 154-264.

**Secs. 154-265~~6~~—154-269. Reserved.**

**Sec. 154-271. Review and approval processes.**

- (a) *Vacations.* Vacation requests for platted rights-of-way and easements are reviewed as a Type 5 application.
- (b) *Easements other than those dedicated by plat.* Vacation of easements other than those dedicated by plat shall be a Type 1 Path A review, approved by the county administrator or designee.

**SECTION 4.** Chapter 158 (Floodplain Management) of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 158. The only sections of Chapter 158 being amended are those with revisions reflected herein. Sections of Chapter 158 not included herein remain in full force and effect.

**Sec. 158-243. Accessory structures.**

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (~~Zone A/AE~~) other than coastal high hazard areas and Coastal A Zones, are one-story and not greater than 600 square feet in floor area, and have flood openings in accordance with section R322.2 of the Florida Building Code, Residential.
- (2) If located in coastal high hazard areas (Zone V/VE) or coastal A zones, are not located below elevated buildings and are not greater than 100 square feet in floor area.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one foot.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.
- (6) If greater than 100 square feet in floor area, are compliant with section 158-64(8) of this chapter.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 6. Inclusion in Code.** The provisions of this Ordinance, except for Section 141, shall be included and incorporated in the Pinellas County Land Development Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform

numbering system of the Pinellas County Land Development Code

SECTION 7. 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 ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.