

ORDINANCE NO. 21 -

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT OF CHAPTERS 138 - ZONING AND 154 – SITE DEVELOPMENT, RIGHT-OF-WAY IMPROVEMENTS, SUBDIVISIONS, AND PLATTING OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR THE ADOPTION OF THE TRANSPORTATION DESIGN MANUAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, adopted Ordinance No. 18-36, which constituted the first major rewrite of the Pinellas County Land Development Code since 1990;

WHEREAS, this glitch ordinance amends and updates the provisions of Chapters 138 - Zoning and 154 - Site Development, Right-of-Way Improvements, Subdivisions, and Platting, of the Pinellas County Land Development Code; and

WHEREAS, some provisions of Chapters 138 and 154 of the Pinellas County Land Development Code are transferred into the Transportation Design Manual, as adopted are herein.

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

**SECTION 1.** The following definitions in Section 138-1(b) of the Pinellas County Land Development Code are hereby amended to read as follows:

*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.

*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.

*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.

SECTION 2. The following definitions in Section 138-1(b) of the Pinellas County Land Development Code are added to read as follows:

*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.

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

*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.

*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.

*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).

SECTION 3. The definitions of “Business service”, “Personal / business service use”, and “Special exception” in Section 138-1(b) of the Pinellas County Land Development Code are hereby deleted.

SECTION 4. Section 138-54(1)–(3) of the Pinellas County Land Development Code is amended to read as follows:

Any person may report a violation of this chapter.

- (1) The County’s code enforcement inspectors shall have the authority to investigate alleged violations of this chapter.
- (2) Investigations may be based upon statements of complainants or upon inspections performed by the County’s code enforcement inspectors.

- (3) In conducting investigations of alleged violations of this chapter, the County's code enforcement inspectors shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of an alleged zoning violation.

**SECTION 5.** Section 138-63(c)(2) of the Pinellas County Land development Code is hereby amended to read as follows:

- (2) *Time extensions.* The county administrator or designee shall have the authority to grant time extensions to department approvals, site plans, and administrative adjustments and waivers up to one year from the previous approval.

**SECTION 6.** Section 138-66(b)(1) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (1) The BAA shall be composed of seven (7) members, one each nominated by each member of the Board of County Commissioners and appointed by the Board of County Commissioners. The term of office shall be up to four years and shall run concurrently with the term of the nominating commissioner. The Board of County Commissioners may appoint two alternate members to the BAA to serve during the absence of any regular member. Alternate members shall serve four-year terms.

**SECTION 7.** Section 138-67(b) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (b) *Composition.* The LPA shall be composed of seven members, one nominated by each member of the Board of County Commissioners and appointed collectively by the Board of County Commissioners. The Board of County Commissioners may appoint two alternate members to the LPA to serve during the absence of any regular member. Alternate members shall serve four-year terms.
  - (1) The term of office shall be up to four years and shall run concurrently with the term of the nominating commissioner.
  - (2) A Local Planning Agency member may be removed and replaced by the Board of Commissioners at will.

**SECTION 8.** Section 138-75 of the Pinellas County Land Development Code is amended to read as follow:

**Section 138-75. - Applicability**

Review procedures of this chapter shall be applicable to any development, land usage, or property modification in unincorporated Pinellas County. Development, land usage, and/or property modification shall also be subject to other provisions of the code.

SECTION 9. Table 138-77 of the Pinellas County Land Development Code is amended to read as follow:

<b>Table 138-77 – Review Type and Approval</b>			
<b>Review Type</b>	<b>Application/Request</b>	<b>Decision Making Authority</b>	<b>Appeal Authority</b>
<p><b>Type 1</b></p> <p><b>Path A:</b> Department Reviews</p>	<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 not involving a site plan</li> <li>• Walkthrough site plans</li> <li>• Administrative Adjustments up to 10% AND not involving a site plan</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	<p>1<sup>st</sup> Appeal – Board of Adjustment and Appeals (BAA)</p> <p>2<sup>nd</sup> Appeal – Circuit Court</p>
<p><b>Type 1</b></p> <p><b>Path B:</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>• Waivers involving a site plan</li> <li>• Administrative Adjustments up to 20% AND/OR involving a site plan</li> <li>• Administrative Adjustments up to 50% for landscaping standards</li> <li>• Site Plans</li> </ul>	Development Review Committee (DRC)	<p>1<sup>st</sup> Appeal – Board of Adjustment and Appeals (BAA)</p> <p>2<sup>nd</sup> Appeal – Circuit Court</p>

<b>Review Type</b>	<b>Application/Request</b>	<b>Decision Making Authority</b>	<b>Appeal Authority</b>
	<ul style="list-style-type: none"> <li>• Other authority as provided by this code or delegated by the BoCC or county administrator.</li> </ul>		
<b>Type 2</b>	<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>	Board of Adjustment and Appeals (BAA)	Circuit Court
<b>Type 3</b>	<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>	Board of County Commissioners (BoCC)	Circuit Court
<b>Type 4</b>	<ul style="list-style-type: none"> <li>• Comprehensive Plan Amendments</li> </ul>	Board of County Commissioners	Pursuant to State Statutes
<b>Type 5</b>	<ul style="list-style-type: none"> <li>• Final Plats</li> <li>• Final Public Land Transfers</li> <li>• Final Right-of-way Transfers (Vacations &amp; Dedications)</li> <li>• Final Platted Easement Terminations</li> </ul>	Board of County Commissioners	Circuit Court

**SECTION 10.** Table 138.81.a of the Pinellas County Land Development Code is hereby amended to read as follows:

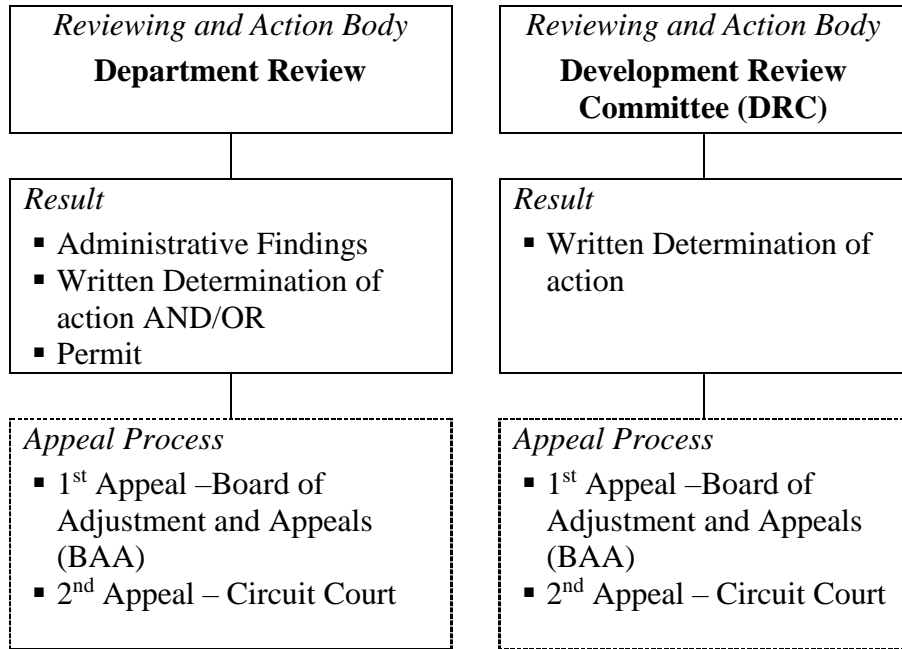
<b>Type 1 Review Path</b>	<i>Path A</i>	<i>Path B</i>

<b>Reviewing Authority</b>	<i>Department Review</i>	<i>Development Review Committee (DRC)</i>
<p><b>Applications/ Requests</b> (*)</p> <p>(*) <i>The application/ requests are based on Table 138-77</i></p>	<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 NOT involving or part of a site plan</li> <li>• Walkthrough site plans</li> <li>• Administrative Adjustments NOT involving a site plan AND up to 10% adjustment.</li> <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>• Type 1 uses requiring or part of a site plan</li> <li>• Waivers involving or part of a site plan</li> <li>• Administrative Adjustments involving a site plan and/or up to 20% adjustment.</li> <li>• Site Plans</li> <li>• Other authority as provided by this code.</li> </ul>

SECTION 11. Table 138.81.b of the Pinellas County Land Development Code is hereby amended to read as follows:

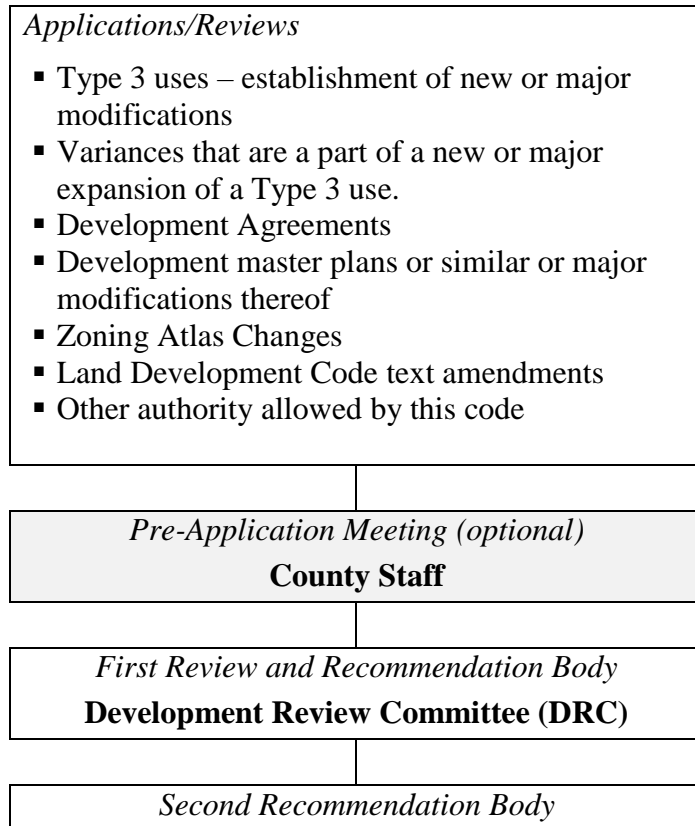
**Table 138.81.b - Type 1 Review Procedure**

<p><b>Type 1 – Path A Review Department Reviews</b></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>▪ Waivers &amp; Administrative Adjustments up to 10% and NOT involving or part of a site plan</li> <li>▪ Walkthrough site plans</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</li> <li>▪ Mobile home replacement (single unit)</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><b>Type 1 – Path B Review Development Review Committee (DRC)</b></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>▪ Waivers involving or part of a site plan</li> <li>▪ Administrative Adjustments involving a site plan and/or up to 20% adjustment.</li> <li>▪ Administrative Adjustments up to 50% for landscaping standards</li> <li>▪ Site Plans</li> <li>▪ Other authorized authority</li> </ul>
<p><i>Pre-Application Meeting (optional)</i></p> <p><b>County Staff</b></p>	

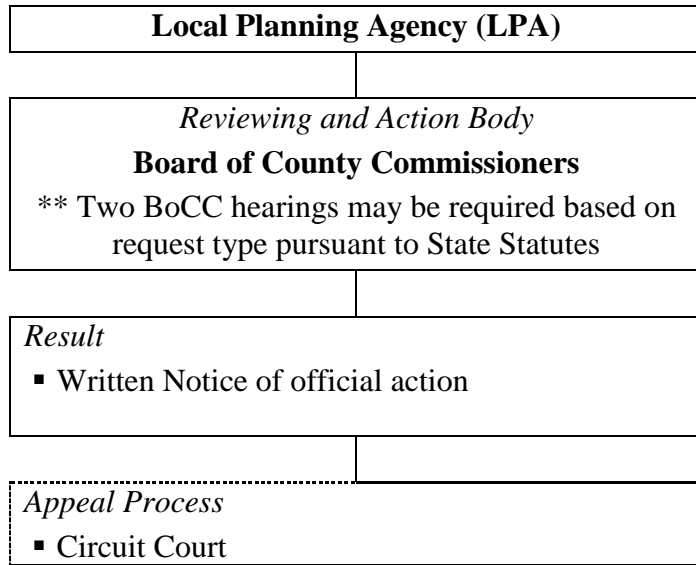


SECTION 12. Table 138.83.a of the Pinellas County Land Development Code is hereby amended to read as follows:

**Table 138.83.a - Type 3 Review Procedure**







**SECTION 13.** Section 138-176 of the Pinellas County Land Development Code is hereby amended to read as follows:

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

- (a) The following uses require site plan 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.
  - (3) All development that requires new or revised stormwater management facilities, except for those development types listed in Section 138-176(a)(1).
  - (4) All subdivisions involving a plat and as consistent with state statutes.
  - (5) All new roadways and streets.
- (b) All other development activity shall require minor (walkthrough) site plan review.

**SECTION 14.** Section 138-178(a) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (a) *Site plan set.* A site plan shall be provided as a set of documents per county procedures and departmental checklist.

**SECTION 15.** Section 138-211(d) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (d) A nonconforming lot that is under common ownership with an adjoining lot may be built upon if the following standards are met:
  - (1) The lot consists of at least one entire lot of record on the effective date of this code.
  - (2) The lot was not created in violation of a previous zoning ordinance.
  - (3) The lot was not combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks. It is recognized that the neighboring developed lot may become non-conforming and may require future variances to re-build, expand, or alter the property.
  - (4) There are other similarly-sized lots within the surrounding area.
  - (5) It meets the density requirements of the applicable Future Land Use Map category.
  - (6) A variance may not be granted under this section if it will reduce the area or width of a non-conforming lot.

**SECTION 16.** Section 138-230 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-230. - Generally**

- (a) An applicant may seek relief, deviations, and/or adjustments from the dimensional and technical provisions of this code as a variance, waiver and/or administrative adjustment; these are further described in individual sections of this division. Variances require a public hearing, and waivers and administrative adjustments require a department review and/or Development Review Committee review.
- (b) A variance, waiver and/or administrative adjustment may not be granted to the following:
  - (1) Density and intensity limitations of the code and the Comprehensive Plan.
  - (2) Land usage restrictions of the code and the Comprehensive Plan.
  - (3) Review and procedural requirements of code.
  - (4) State and federal rules, regulations, and standards.
- (c) *Required information.* These requests must be submitted to include the following information:
  - (1) A proposed site development diagram (concept plan) drawn to scale.
  - (2) An accurate survey of the subject site and adjustment properties.
  - (3) A written explanation and justification of the requested variance, waiver, and/or administrative adjustment.
  - (4) A written response for each of the criteria for granting of variances, waivers and/or administrative adjustment as listed in this Division.

- (5) Other supplementation information as required by the county administrator or designee.
- (d) *Initiation of construction.* A variance, waiver and/or administrative adjustment issued under the provisions of this Division shall automatically expire within two (2) years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans must be approved and development orders must be finalized; and the granting of any variance, waiver, and/or administrative adjustment shall not be deemed as automatic approval for any such permit or site plan required.
- (e) *Extensions.* The county administrator or designee may grant an extension of up to one year upon a showing of good cause, provided the request for extension is submitted in writing stating the reason for extension and is received prior to the expiration of the variance, waiver and/or administrative adjustment.
- (f) *Expiration.* Variance, waivers, and administrative adjustment approvals shall automatically expire in the event a subject structure is removed from the site or a subject use is discontinued for a period of 180 consecutive days.
- (g) Economic hardship shall not be a justifiable reason for granting a variance, waiver or administrative adjustment.

**SECTION 17.** Section 138-232 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-232. – Variances, Waivers, and Administrative Adjustments for After-the-Fact Construction, Installation or other Development Activity.**

Any request for a variance, waiver and/or administrative adjustment that is requested to cure or legally correct unauthorized construction, installation or other development activity that violates this code, shall be limited and subject to the provisions of this section.

- (a) *Unauthorized existing construction, installation or other development activity.* Under no circumstances shall the county accept an application for a variance, waiver or administrative adjustment that arises from a request for after-the-fact relief from the provisions of the code where a building, fence, or other structure or development activity has been built, installed, or otherwise occurred in violation of the code and no permit, or zoning clearance where applicable, was issued for such construction, installation or other development activity, except where:
  - (1) The property owner or contractor has made a mistake in the construction or installation, and it would be economically impracticable to correct the mistake at the time it was discovered; and
  - (2) The appropriate building permit, zoning clearance or other use permit had been issued;
  - (3) Such mistake could not have been avoided by the application of normal construction or business practices; and
  - (4) Such case is proven before the reviewing and approving body by competent substantial evidence.

- (5) Then and only then, may the reviewing and approving body grant the minimum variance, waiver or administrative adjustment that will achieve a result that is fair to the applicant and the public alike.
- (b) *Construction or installation in error.* In circumstances where it can be demonstrated to the reviewing body by competent and substantial evidence that a violation of the code has occurred during the time of ownership of a previous property owner without the actual, inquiry or constructive knowledge of the current property owner who could not have known of such violation by reasonable inquiry prior to the purchase or other acquisition of the property, the reviewing body may grant the following relief to the applicant:
  - (1) The minimum relief necessary that will make possible the reasonable use of the land, building, fence, or structure;
  - (2) Only for the life of said structure or installation that is the subject of the violation.

**SECTION 18.** Section 138-233 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 138-233. - Modification or revocation of a previously granted variance.**

- (a) The board of adjustment and appeals (BAA) shall have the authority to modify or revoke a previously granted variance. All applicants shall be so notified in the decision provided. Such modification or revocation may occur when the BAA finds that the use of the variance:
  - (1) Is or has become detrimental to the general health, safety or welfare;
  - (2) Does not meet the letter or the intent of the original standards required for such approval; or
  - (3) Does not meet the letter or the intent of the special standards or conditions attached by the BAA in its approval of the application.
- (b) The modification or revocation of a previously granted request by the board of adjustment and appeals (BAA) shall follow the procedures for Type 2 Reviews as outlined in division 3 of this article as well as the administrative provisions outlined in Chapter 134.

**SECTION 19.** Section 138-237(b) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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%; this may include adjustments to setbacks and building height.
  - (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% or 2 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% or 2 feet whichever is greater.
- (3) Landscaping and tree preservation requirements may be adjusted up to 50%; this may include adjustments to plant quantity, plant size, buffer width, and location.
- (4) Sign dimensional standards may be adjusted up to 20%; 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% or 2-feet whichever is greater; this is limited to adjustments to height, location, and size.
- (6) Design criteria may be adjusted up to 20%; 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%; 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%; this is limited to adjustments to lane width, sidewalk widths, turnaround dimensions, and right-of-way widths.
- (9) Stormwater design elements may be varied and/or adjusted to overcome site constraints and/or respond to existing development conditions. Stormwater dimensional requirements may be adjusted up to 20%; adjustments to quantity or quality performance standards are not permitted.
- (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%. Adjustments pertaining to ADA standards are not permitted.

**SECTION 20.** Section 138-240 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-240. - Generally**

- (a) An applicant may request Type 2 use approval from the Board of Adjustment and Appeals and Type 3 use approval from the Board of County Commissioners for certain types of uses as delineated in Table 138-355 – Table of Uses for Zoning Districts.
- (b) *Required information.* These requests must be submitted to include the following information:
  - (1) A proposed site development diagram (concept plan) drawn to scale. The plan, once approved, shall become a condition upon which the use and structures shown thereon are permitted. Modifications to approved plans are subject to the provisions of Division 9 of this Article.
  - (2) An accurate survey of the subject site and adjustment properties.
  - (3) A written explanation and justification of the requested Type 2 or Type 3 use.
  - (4) A written response for each of the criteria for granting Type 2 and/or Type 3 uses as listed in this Division.

- (5) Other supplementation information as required by the County Administrator or designee.
- (c) *Establishing conditions.* When granting any Type 2 or Type 3 use, the authorized reviewing body may prescribe appropriate conditions to ensure proper compliance with the general purpose, spirit and intent of this chapter. Noncompliance with such conditions shall be deemed a violation of this chapter.
- (d) *Initiation of construction.* A Type 2 and/or Type 3 use approval issued under the provisions of this Division shall automatically expire within two (2) years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans must be approved and development orders must be finalized; and the granting of any Type 2 or Type 3 use shall not be deemed as automatic approval for any such permit or site plan required.
- (e) *Extensions.* The County Administrator or designee may grant an extension of up to one year upon a showing of good cause, provided the request for extension is submitted in writing stating the reason for extension and is received prior to the expiration of the Type 2 and/or Type 3 use approval.
- (f) *Expiration.* Type 2 and Type 3 use approvals shall automatically expire in the event a structure or use of land that is the subject of approval is discontinued or removed for a period of 180 consecutive days.
- (g) The applicable decision-making body shall have the authority to modify or revoke a previously granted Type 2 or Type 3 use. All applicants shall be so notified in the decision provided. Such modification or revocation may occur when the decision-making body finds that the use of the Type 2 or Type 3 use:
  - (1) Is or has become detrimental to the general health, safety or welfare;
  - (2) Does not meet the letter or the intent of the original standards required for such approval; or
  - (3) Does not meet the letter or the intent of the special standards or conditions attached by the decision-making body in its approval of the application.
- (h) The modification or revocation of a previously granted request by the decision-making body shall follow the procedures for Type 2 and/or Type 3 Reviews as outlined in division 3 of this article as well as the administrative provisions outlined in Chapter 134.

**SECTION 21.** Section 138-246 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-246. - Major Modifications**

- (a) *Major modifications defined.* A major modification may be considered an adjustment or change that is not specified to be a minor modification pursuant to this division.
- (b) *Major modification changes.* Major modifications shall be sought in accordance with the applicable approval procedures as listed in Table 138-77.

SECTION 22. Section 138-252(e) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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 10 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.

SECTION 23. Section 138-253(d) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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.

SECTION 24. Section 138-262(b)(3) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (3) Existing development master plans may be modified to the density/intensity limitations of underlying Future Land Use Map category of the Comprehensive Plan.
  - a. Any excess density/intensity that is identified between the Future Land Use Map category and the original development master plan may be assigned to the project, subject to applicable code requirements.
  - b. When areas of the development master plan are owned by different entities, said areas are entitled to add a portion of the excess density/intensity based on their land holding percentage in relation to the original development master plan OR distributed as determined by the Board of County Commissioners.

SECTION 25. Table 138-311 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Table 138-311 - Zoning Districts for Unincorporated Pinellas County**

<b>District Category Group</b>	<b>Zoning District Abbreviation</b>	<b>Zoning District Name</b>
Single-Family Residential Districts	R-A	Residential Agriculture District
	R-E	Residential Estate District
	R-R	Rural Residential District
	R-1	Single-Family Residential District (9,500 sf)
	R-2	Single-Family Residential District (7,500 sf)
	R-3	Single-Family Residential District (6,000 sf)
	RMH	Residential Mobile/Manufactured Home District
Multi-Family Districts	R-4	One, Two and Three-Family Residential District
	R-5	Urban Residential District
	RM	Multi-Family Residential District
	RPD	Residential Planned Development District
Office and Commercial Districts	LO	Limited Office District
	GO	General Professional Office District
	C-1	Neighborhood Commercial
	C-2	General Commercial and Services District
	CP	Commercial Parkway District
	CR	Commercial Recreation District
Industrial Districts	E-1	Employment 1 District
	E-2	Employment 2 District
	I	Heavy Industry District
	IPD	Industrial Planned Development District
Mixed Use District	MXD	Mixed-Use District
Special Districts	OPH-D	Old Palm Harbor Downtown District
	FBC	Form Based Code District



<b>Table 138-311 - Zoning Districts for Unincorporated Pinellas County</b>		
<b>District Category Group</b>	<b>Zoning District Abbreviation</b>	<b>Zoning District Name</b>
	<i>Reserved</i>	
Public/Semi-Public Districts	<i>Institutional Districts</i>	
	LI	Limited Institutional District
	GI	General Institutional District
	<i>Environmental Districts</i>	
	AL	Aquatic Land District
	PC	Preservation/Conservation District
	P-RM	Preservation Resource Management District
	<i>Recreational Districts</i>	
	RBR	Resource-Based Recreation District
	FBR	Facility-Based Recreation District
Overlay Districts	CO	Conditional Overlay
	HPO	Historic Preservation Overlay
	C-T	Transient Accommodation Overlay
	WPO	Wellhead Protection Overlay

**SECTION 26.** Section 138-315(6) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (6) In cases where a parcel of unzoned submerged land is to be filled, an application for the zoning of such land shall be filed with the zoning section within 30 days after granting of the dredge and fill permit. The clerk of the water and navigation control authority shall notify the zoning section when each such dredge and fill application is granted.

**SECTION 27.** Section 138-352(g)-(m) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (g) There shall be no transfer of development rights from the Activity Center (AC) or Mixed Use Corridor (MUC) categories unless provided for in the applicable community plan or station area plan.
- (h) The nature of submerged lands is such that they do not have development potential in and of themselves. As a result, the intensity of existing and planned development should be based upon a determination of the adjacent upland's natural carrying capacity and suitability for development. Furthermore, the transferring of development rights from submerged lands often makes it extremely difficult to plan the adequate provision of public services and facilities, and frequently results in poor land use transitions resulting in adverse impacts upon adjacent land uses, and may over burden the natural carrying capacity of upland areas. Therefore, there shall be no transfer of any development rights from or to submerged lands.
- (i) The maximum permitted density/intensity of the FLUM category for any parcel of land to which development rights are transferred shall not exceed twenty-five (25) percent of the otherwise maximum permitted density/intensity allowed for each respective FLUM category applicable to such parcel, except as may be otherwise specifically provided for in an associated community plan or station area plan.
- (j) Where all development rights have previously been transferred from a sending parcel, no additional development rights shall be transferrable from that sending parcel.
- (k) There shall be no transfer of development rights from outside the Coastal High Hazard Area (CHHA) into the CHHA, or from outside the Coastal Storm Area (CSA) into the CSA.
- (l) There shall be no transfer of development rights from existing developed property, irrespective of whether or not that property has been developed to the maximum density/intensity permitted under the FLUM, except for preservation of archaeological, historical, or environmental sites or features.
- (m) Where development rights are transferred from a sending parcel, that property shall only be used in a manner and to the extent specified in the transfer and recording mechanism. Any parcel from which development rights are transferred will be limited to the use and density/intensity that remains after the transfer. In particular:
  - 1. The residual development rights on the sending parcel will be limited to the remnant use and density/intensity available under the FLUM category, and not otherwise transferred.
  - 2. Determination of available remnant use and density/intensity for any mixed use, or combination of distinct uses, shall be in accord with the consistency criteria as set forth in Section 4.2.3 and 4.2.4 of the Countywide Rules.
  - 3. Neither the use nor density/intensity of a sending parcel shall be double-counted, and the transfer of development rights shall not result in any combination of use or density/intensity above that which was otherwise permitted under the applicable FLUM category for each the sending and receiving parcels, when taken together. Section 4.2.3.5 of the Countywide Rules enables density bonuses above the category maximums for affordable housing projects irrespective of the transfer of development rights process.

4. A sending parcel from which all development rights are transferred shall not thereafter be available for use except consistent with the use characteristics and density/intensity standards of the R/OS category, except for sending parcels classified as P or P-RM, or required to be classified as P or P-RM as a function of the transfer, in which case such parcels shall be limited to the use characteristics and density/intensity standards of the P or P-RM category.

SECTION 28. Section 138-353(a) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (a) Density averaging may occur from any Future Land Use Map (FLUM) category to any other FLUM category, except as follows:
  - (1) There shall be no density/intensity averaging to the Preservation (P), Preservation-Resource Management (P-RM) or Recreation/Open Space (R/OS) categories.
  - (2) There shall be no density/intensity averaging from the Activity Center (AC) or Mixed-Use Corridor (MUC) categories, unless provided for in the applicable community plan or station area plan.
  - (3) There shall be no density/intensity averaging from or to submerged land, from outside the Coastal High Hazard Area (CHHA) into the CHHA, or from outside the Coastal Storm Area (CSA) into the CS



**Table 138-355 – Table of Uses for Zoning Districts**

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

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

Zoning Districts	Single-Family Districts (a)								Multi-Family Districts (a)				Office and Commercial Districts (a)						Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)				Specific Use Standards													
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1	E-2	I	IPD	MXD		OPH-D-(ESD)	OPH-D-(WSD)	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts												
																							LI				GI	AL	PC	P-RM		RBR	FBR											
<b>Land Use</b>																																												
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															
Modern Manufactured Home	1	1	1	1	1	1	1	1	1	2	1																														Y			
Outdoor Storage, Residential	A	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	1	2			2	1	1	1																Y				
Hotel / Motel										2	1			2	1	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			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-Premise Consumption											1			1	1	1	1	A	A/2	A	A/2	1	1																			Y		
Alcohol Dispensing - Off-Premise Consumption											1			1	1	1	1	A	1	A	A	1	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		
Alcoholic Beverage Production - Small Scale																		1	1	1	2	1	1																		Y			
Alcoholic Beverage Production - Regional and Large Scale																		1	1	1																						Y		
Artisan											2			1	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	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	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	OPH-D-(ESD)	OPH-D-(WSD)	FBC <i>See Adopted Regulating Plan</i>	Institutional Districts		Environmental Districts			Recreational Districts										
																										LI	GI	AL	PC	P-RM	RBR		FBR								
<b>Land Use</b>																																									
Food Carts / Food Trucks - Fixed											2	2	2	1	1	1	2	A / 2	A / 2	2	2	1																		Y	
Food Carts / Food Trucks - Mobile	A	A	A	A	A	A	A	A	A	A	A	1	1	1	1	1	1	1	1	1	1	1	1	A	A															Y	
Health Club/Fitness Center											2	1	2	2	1	1	1	2	1	2	1	1																		Y	
Kennel/Pet Care Indoor	2																	2	1	2	1	2																		Y	
Kennel/Pet Care Outdoor	2																	2	2	2	2																			Y	
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	A	A																	Y	
Motor Vehicle Sales																			2				2																	Y	
Office, General											1	1	1	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											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	1	1																Y	
Outdoor Sales, Permanent														2	1	1		A	1	A	2	2																		Y	
Personal Services											1	1	1	1	1	1		A	1																					Y	
Recreational Vehicle/Boat Sales																		A	2	A	A	2																		Y	
Restaurant											1	A	A	1	1	1	1	A / 2	A / 2	A	A / 2	1	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	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	1	1											A	A				Y	
Retail Sales and Services - 20,000 to 79,999 sf														2	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	1	1	1										A	A				Y	
<b>INDUSTRIAL, MANUFACTURING AND WAREHOUSING USES</b>																																									

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Zoning Districts	Single-Family Districts (a)							Multi-Family Districts (a)				Office and Commercial Districts (a)					Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)					Specific Use Standards											
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1	E-2	I	IPD	MXD	OPH-D-(ESD)	OPH-D-(WSD)	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts										
																										LI	GI	AL	PC		P-RM	RBR	FBR								
<b>Land Use</b>																													LI	GI	See Article VI Division 3			See Article VI Division 4		See Article IX					
Battery Exchange Stations													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			
Laboratories and Research and Development												1	1		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	2					1	1	1	2																
Vehicle Fuel/Gasoline Station											2				2	1	1					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																						1	1	1	1																
Wholesale Establishment																2	1					1	1	1	1	2															
<b>ARTS, RECREATION, AND ENTERTAINMENT USES</b>																																									





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Zoning Districts	Single-Family Districts (a)								Multi-Family Districts (a)				Office and Commercial Districts (a)						Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)				Specific Use Standards		
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1	E-2	I	IPD	MXD	OPH-D-(ESD)	OPH-D-(WSD)	FBC <i>See Adopted Regulating Plan</i>	Institutional Districts		Environmental Districts				Recreational Districts	
																										LI	GI	AL	PC	P-RM		RBR	FBR
<b>Land Use</b>																																	
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	1		1	1						
Environmental Education Facilities	2	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						
Funeral Home / Mortuary	2	2												1	1	1	1				2	2											
Government Building or Use	2	2	2	2	2	2		2	2	2	2		1	1	1	1	1	2	2	2	2	1	1			1	1						
Hospital/Medical Clinic	3													2	1	1					2	2				2	1						
Library	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	2	2	2	2	2	1				1	1						
Meeting Hall and other Community Assembly Facility	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1		2		2	1	1			1	1						
Nursing Home	2	2												2	1	1					2	2				1	1						
Probation / Parole Correction Office														2	1	1					2	1											1
School, grades Pre-K thru 8	2	2	2	2	2	2	2	2	2	2	2		1	1	1	1	2				2	1	1			1	1						
School, grades 9 thru 12	2	2	2	2	2	2	2	2	2	2	2		1	1	1	1	2	3	2	3	2	1	1			1	1						
School, Post-Secondary	2											2	2	1	1	1	1	2	2	2	2	1	1			1	1						
School, All Others	2												2	1	1	1	1	2	2	2	2	2	1	1		2	2						
Shelter/Transitional Housing	3	3	3	3	3	3	3	3	2	1	1	1	1	1	1	1	1	2	2	2	2	1	3	3		1	1						
<b>TRANSPORTATION, COMMUNICATION, AND INFORMATION USES</b>																																	
Airports (Air Transportation)	3																		3	3	3	3											
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	A						
Marina	3													A/3				2	2	2	1	1	1	1	2	2	2						
Heliport and Helistops	3	3												3	3	3	3	3	3	3	3	3				3	3						
Mass Transit Center	3	3	3										3	3	3	3	2	2	2	1	1	1	1	1		1	1						

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Zoning Districts	Single-Family Districts (a)											Multi-Family Districts (a)				Office and Commercial Districts (a)				Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)				Specific Use Standards			
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1	E-2	I	IPD	MXD	OPH-D-(ESD)		OPH-D-(WSD)	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts				Recreational Districts		
																											LI	GI	AL	PC	P-RM		RBR	FBR	
<b>Land Use</b>																																			
Navigation safety devices and structures	2	2	2	2	2	2	2	2	2	2	2	2	2	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												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	2	1	1	1	1	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												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												Y	
<b>UTILITIES</b>																																			
Biohazardous or Hazardous Waste Storage and Treatment																		3	3	3	3														
Power Generation Plant																		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	A											Y
Solar Energy Production Facility	3	3	3							3	3	3	3	3	3	3	3	1	1	1	2	2												Y	
Solid Waste Management and Disposal Facility																		3	3	3	3													Y	
Solid Waste Transfer Facility															3	3		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	1										Y	
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										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	2												Y	
Wind Energy Conservation System (WECS), Medium Scale	3	3	3											3	3	3	3	1	1	1	2	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												Y	
<b>AGRICULTURAL USES</b>																																			

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Zoning Districts	Single-Family Districts (a)							Multi-Family Districts (a)				Office and Commercial Districts (a)						Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)					Specific Use Standards													
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1	E-2	I	IPD	MXD	OPH-D-(ESD)	OPH-D-(WSD)	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts				Recreational Districts												
																										LI	GI	AL	PC	P-RM		RBR	FBR											
<b>Land Use</b>																																												
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	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		
<b>OTHER USES</b>																																												
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	2	3														3	3					Y	
Land Filling or Excavations of More than 1,000 Cubic Yards	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2																					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																			Y	
<b>ANIMALS AND LIVESTOCK</b>																																												
Farm Animals	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																					Y

SECTION 30. Section 138-356 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 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 Chapter 429, Part I, Florida Statutes, 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 section 419.001, Florida Statute.

*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* means an accessory use in a residential area consisting of an occupation or activity performed entirely within a dwelling or authorized accessory structure. The home occupation 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-premise and off-premise 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 sf* 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 sf* 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 sf* 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 sf 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, golf driving ranges, motor-cross tracks, 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 outdoor recreational activities. Typical uses include, but are not limited to, parks, playgrounds, and walking, jogging, hiking, and bicycle paths/trails.

*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 Florida Statutes, s. 497.005) This type of use is not permitted on individual residential lots.

*Congregate care facility/nursing home* means as defined in Chapter 400, Part II, and Chapter 429, Part I, Florida Statutes. 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 Florida Statutes, 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 10 children if no more than 5 are preschool age and, of those 5, no more than 2 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 Chapter 400, Part II, and Chapter 429, Part I, Florida Statutes. 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 non-profit 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 fifteen 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.

**SECTION 31.** Section 138-365.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-365.1 – R-A, Residential Agriculture District – Development Parameters**

R-A – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(4)</sup>	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior	Side Street	Rear
See underlying Future Land Use Category	35	2 ac.	90	100	25	15	15	20	20
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations</p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. Setback Measurements, allowances and restrictions</p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p> <p>4. The maximum Impervious Surface Ratio (ISR) is 0.60 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.</p>									

**SECTION 32.** Section 138-366.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section. 138-366.1 – R-E, Residential Estate District – Development Parameters.**

R-E – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(4)</sup>	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior	Side Street	Rear
See underlying Future Land Use Category	35	32,000 sf	90	100	25	15	15	20	20



1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. The maximum Impervious Surface Ratio (ISR) is 0.60 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 33.** Section 138-367.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-367.1 - R-R, Rural Residential District – Development Parameters.**

R-R – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(4)</sup>	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior	Side Street	Rear
See underlying Future Land Use Category	35	16,000 sf	90	100	25	15	10	15	15

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. The maximum Impervious Surface Ratio (ISR) is 0.60 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 34.** Section 138-368.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Sec. 138-368.1 - R-1, Single-Family Residential District – Development Parameters.*

R-1 – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(5)</sup>	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior <sup>(4)</sup>	Side Street	Rear
See underlying Future Land Use Category	35	9,500 sf	80	90	20	10	6	10	10

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations

2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. For new residential subdivisions only, Single-Family Detached Zero Lot Line dwellings may be constructed with a 0-foot setback on one side yard; whereas, the opposite side yard shall be at least 10 feet.

5. The maximum Impervious Surface Ratio (ISR) is 0.75 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 35.** Section 138-369.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-369.1 - R-2, Single-Family Residential District – Development Parameters.*

R-2 – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(5)</sup>	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior <sup>(4)</sup>	Side Street	Rear
See underlying Future Land Use Category	35	7,500 sf	70	80	20	10	6	10	10

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. For new residential subdivisions only, Single-Family Detached Zero Lot Line dwellings may be constructed with a 0-foot setback on one side yard; whereas, the opposite side yard shall be at least 10 feet.
5. The maximum Impervious Surface Ratio (ISR) is 0.75 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 36.** Section 138-370.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-370.1 - R-3, Single-Family Residential District – Development Parameters.*

R-3 – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(5)</sup>	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side <sup>(4)</sup> Interior	Side Street	Rear
See underlying Future Land Use Category	35	6,000 sf	60	80	20	10	6	10	10

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. For new residential subdivisions only, Single-Family Detached Zero Lot Line dwellings may be constructed with 0-ft setback on one side yard; whereas, the opposite side yard shall be at least 10-ft.

5. The maximum Impervious Surface Ratio (ISR) is 0.75 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 37.** Section 138-375.3(e) and (f) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (e) Any additions, expansions or substantial changes to existing mobile home parks or subdivisions shall comply with the provisions of the current requirements of this division. An individual lot mobile home replacement does not constitute a substantial change.
- (f) Manufactured homes being installed in new parks, subdivisions, or replacing existing mobile/manufactured homes must have been constructed on or after June 1, 1994.

**SECTION 38.** Section 138-385.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-385.1 – R-4, One, Two and Three-Family Residential District – Development Parameters.*

R-4– Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(6)</sup>	<b>Single-Family Detached</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side <sup>(4)</sup> Interior	Side Street	Rear
See underlying Future Land Use Category	35	5,000 sf	50	80	20	10	6	10	10
See underlying Future Land Use Category	<b>Single-Family Attached, Maximum of Three Dwelling Units</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft) <sup>(5)</sup>	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior unit / end unit	Side Street	Rear
	35	2,800 sf	35	80	20	10	0 / 5	10	10
	<b>Two-Family Dwelling/Three Family Dwelling</b>								
Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>					
	Area	Width (ft)	Depth (ft)	Front -	Front - porch,	Side	Side Street	Rear	

					Structure	patio, deck	Interior		
	35	7,500 sf	75	80	20	10	7.5	10	10

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - *Measurement of height and limitations*
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. Single-Family Detached Zero Lot Line dwellings may be constructed with 0-ft setback on one side yard; whereas, the opposite side yard shall be at least 10-ft.
5. Interior lots, minimum 20 feet width required.
6. The maximum Impervious Surface Ratio (ISR) is 0.75 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 39.** Section 138-386.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section. 138-386.1 – R-5, Urban Residential District – Development Parameters.**

R-5– Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards <sup>(6)</sup>	<b>Single-Family Detached</b>								
	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 <sup>(4)</sup> Interior	Side Street	Rear
See underlying Future Land Use Category	35	3,000 sf	N/A	N/A	10	20	5	10	5
	<b>Single-Family Attached / Two-family Dwelling / Three-family Dwelling</b>								
	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 <sup>(4)</sup> Interior unit / end unit	Side Street	Rear

	45	N/A	N/A	N/A	10	20	0 / 5	10	10 / 5 <sup>(5)</sup>
<b>All Other Uses and Building Types</b>									
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 <sup>(4)</sup> Interior	Side Street	Rear	
45	N/A	N/A	N/A	10	20	5	10	10 / 5 <sup>(5)</sup>	

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - *Measurement of height and limitations*
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 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. Interior attached units: 0-feet, attached end units: 5-feet. For units not located in individual platted lots, buildings must provide a 10-foot separation from an adjacent structure. Zero Lot Line detached units shall provide a 0-foot setback on one side and a 10-foot side setback on the opposite side property line.
5. Alley-accessible garages are permitted a 5-ft setback from the property line that abuts an alley.
6. The maximum Impervious Surface Ratio (ISR) is 0.85 for residential uses. For nonresidential uses, see the underlying Future Land Use Category.

**SECTION 40.** Section 138-395.2(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (c) Residential - Residential shall be the predominate use within the RPD district and shall be planned and developed according to the following:
  - (1) Residential uses shall occupy the majority of the total lot area in the district.
  - (2) Residential areas should provide a variety of housing options and should include a minimum of two of the following building types:
    - a. Two-family/Three-family
    - b. Multifamily
    - c. Single-family attached/townhouse
    - d. Single-family detached

- (3) Residential supporting uses such as clubhouses, pools and other similar recreation facilities, and storage areas for use by residents are permitted as accessory uses.

**SECTION 41.** Section 138-745.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-745.1 – C-1, Neighborhood Commercial District – Development Parameters.**

C-1 – Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	45	6,000 sf	60	80	5	0 / 10 <sup>(4)</sup>	
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations.</p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions.</p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p> <p>4. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 10-ft setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.</p>							

**SECTION 42.** Section 138-746.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-746.1 – C-2, General Commercial and Services District – Development Parameters.**

C-2 – Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	75 / 45 <sup>(5)</sup> except up to 100-ft	10,000 sf	80	100	5	0 / 20 <sup>(4)</sup>	

	with Type 2 or 3 approval					
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions</li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 20-ft setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.</li> <li>5. Building height is limited to 45-feet for the portions of a building located within 50-feet of residentially zoned property.</li> </ol>						

**SECTION 43.** Section 138-747.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-747.1 – CP, Commercial Parkway District – Development Parameters.*

CP – Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	75 / 45 <sup>(5)</sup> except up to 100-ft with Type 2 or 3 approval	1 ac	N/A	N/A	5	0/15 <sup>(3)</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions</li> </ol>							



3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 15-ft setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.
4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.
5. Building height is limited to 45-feet for the portions of a building located within 50-feet of residentially zoned property.

**SECTION 44.** Section 138-762.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-762.1. – E-1, Employment 1 District – Development Parameters.*

E-1 – Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	75 / 45 <sup>(5)</sup> except up to 100-ft with Type 2 or 3 approval	12,000 sf	80	100	5	0/10 <sup>(3)</sup>	

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations.
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions.
3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 10-ft setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.
4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.
5. Building height is limited to 45-feet for portions of a building within 50-feet of residentially zoned property.

**SECTION 45.** Section 138-763.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-763.1. – E-2, Employment 2 District – Development Parameters.*

E-2 – Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sub>(1)</sub>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	75 / 45 <sup>(5)</sup> except up to 100-ft with Type 2 or 3 approval	12,000 sf	80	100	5	0/20 <sup>(3)</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions</li> <li>3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 20-ft setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.</li> <li>4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>5. Building height is limited to 45-feet for portions of a building within 50-feet of residentially zoned property.</li> </ol>							

**SECTION 46.** Section 138-764.1 of the Pinellas County Land Development Code is hereby amended to read as follows:

*Section 138-764.1. – I, Heavy Industry District – Development Parameters.*

I – Development Parameters Table <sup>(4)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sub>(1)</sub>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear

See underlying Future Land Use Category	100 / 45 <sup>(5)</sup>	25,000 sf	100	200	20	0/20 <sup>(3)</sup>
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions</li> <li>3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 20-ft setback for the lot portions that abut the residential district. This does not apply to adjacent stormwater ponds or similar lands that cannot be used for residential purposes.</li> <li>4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>5. Building height is limited to 45-feet for portions of a building within 50-feet of residentially zoned property.</li> </ol>						

**SECTION 47.** Section 138-3210(c)(2) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (2) In nonresidential districts, one accessory dwelling unit for an owner or employee (i.e., a caretaker, night watchman, guard, manager, etc.) may be permitted as an accessory use to an office, commercial or industrial activity, provided that such residential use is limited to one dwelling unit per parcel of land and such a dwelling unit shall not cause the maximum lot coverage to be exceeded, subject to the following requirements:
  - a. The accessory dwelling unit shall not exceed 750 square feet. Larger accessory dwelling unit area may be approved subject to a Type 2 review.
  - b. Mobile homes and recreational vehicles shall not be used as accessory dwelling units.

**SECTION 48.** Section 138-138-3211(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(c) *Standards*

- (1) Development Standards
  - a. Affordable housing developments may be constructed/ established as a variety of housing types; however, tents, mobile homes constructed prior to June 1994, and recreational vehicles shall not be permitted to be used as affordable housing units under the provisions of this section.

- b. The affordable housing developments allowable density shall be based on the underlying Future Land Use Map classification and any further limitations per the Future Land Use Element of the Comprehensive Plan.
- (2) Incentives - The following incentives may be applied to affordable housing Developments to encourage the provision of affordable housing:
- a. Affordable housing developments may be granted density bonuses and development standard flexibility as part of the development review process. Bonuses may be granted in accordance with the Comprehensive Plan and when it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and building character. A density bonus shall not be allowed for affordable housing developments located within the coastal storm area.
  - b. Lot sizes may be reduced below the district minimum standard when a density bonus is granted to the AHD and it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and character.
  - c. Setback requirements may be reduced when it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and building character.
  - d. On-site parking requirements may be reduced to match the projected parking demand for the development. The applicant shall demonstrate through a technical memorandum or similar analysis that a reduction will not cause an adverse impact to the surrounding neighborhoods.
  - e. *An expedited review process may be allowed for affordable housing developments.* The county administrator or designee may allow for an expedited review process; however, all public notice requirements shall be applicable. At the applicant's request, the project site plan review process may occur concurrently to any required Type 2 review.
  - f. *Review fees may be waived for affordable housing developments.* The county administrator is authorized to waive all review fees for affordable housing units, except where "bond covenants" (i.e. on water, sewer connection fees) or other legal constraints prevent such waiving.
  - g. Zero lot line configuration will be permitted in all single-family residential districts as follows:
    - 1. Zero lot line configuration when not located on the periphery of the AHD may be permitted provided no setback is required on one side of the lot and the setback on the opposite side is double on one side of the lot and the setback on the opposite side is double the normal requirement of the district in which the AHD is located.
    - 2. Zero lot line configuration proposed on the periphery of an AHD where located in a single - family residential district may be permitted as a Type 2 Use pursuant to Article II Division 7 of this chapter.
  - h. Street design. Modification in street layout and design may be permitted subject to site constraints, type and intensity of development and compatibility

with surrounding development. The county administrator or his designee may recommend such modifications as deemed appropriate to achieve the intent of this section. However, such recommendation will be in keeping with standard, safe engineering practice and construction standards generally shall not be modified.

- I. Donation of publicly owned land. County ordinance 88-47 currently permits donations of escheated property to nonprofit organizations. Using state or federal housing funds, the county may also make deferred payments or low-interest loans to both nonprofits and for-profits for the purchase of property when the use meets the requirements of the funding source.
  - j. Identifying qualified buyers or renters. Existing sources will be identified and made available to AHDs to provide assistance in locating a qualified pool of eligible home buyers and renters for the affordable units. The Housing and Community Development Department will make this information available.
  - k. Non-conforming mobile home parks may be redeveloped as affordable housing, subject to a Type 2 review, in accordance with Section 38-100.
- (3) Procedure for obtaining approval of affordable housing developments.
- a. The Housing and Community Development Department shall determine if the proposed affordable housing development meets the definitional criteria of affordable housing. Such criteria shall be contained in a manual prepared by the Housing and Community Development Department and adopted by resolution of the Board of County Commissioners.
  - b. The Housing and Community Development Department will assist the applicant in seeking fee waiver, subsidies, expedited plan review, and other incentives available to promote the construction of affordable housing if: 1. The Housing and Community Development Department determines that the AHD proposal meets these criteria; and 2. The applicant is not requesting a density bonus and/or development standard flexibility.
  - c. Where the Housing and Community Development Department finds that the AHD proposal meets the definitional criteria AND the applicant seeks a density bonus and/or development standard flexibility, refer to article II, Table 138-77 – Review Type and Approval, of this chapter for the appropriate approval process.

SECTION 49. Section 138-3212(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(c) *Standards*

- (1) In single-family districts, the proposed building materials shall complement and be architecturally compatible with other residential structures in the immediate neighborhood.
- (2) A designated pedestrian pathway shall be provided between the main building entrance and the nearest adjacent street.

- (3) Facilities shall be developed with at least 10 percent of the site area to be reserved and/or improved as common open space.
  - a. This open space area may be combined with other open space requirements of the zoning district.
  - b. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection.
- (4) The allowable density shall be based on the underlying Future Land Use Map classification.
- (5) Assisted living facilities may be constructed/established as a variety of housing types.
- (6) New or expanded assisted living facilities are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway, as defined by this chapter. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as an assisted living facility has not been abandoned, and the improvements or replacement do not result in additional beds.
- (7) Assisted living facilities having 6 or fewer beds are considered a Type 1 use in all residential zoning districts but shall not be located within 1,000 feet of another such facility.

SECTION 50. Section 138-3215(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(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 (10) 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 non-residential operations shall be conducted in part by at least one occupying resident of the live-work unit.
  - c. Non-residents 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.

SECTION 51. Section 138-3218(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(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.

SECTION 52. Section 138-3220(d) and (e) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (d) Illustrative examples of permissible outdoor storage items:
  - (1) Properly registered personal vehicles, kept in working order, such as golf carts, cars, trucks, recreational vehicles, boats, and associated trailers.
  - (2) Refuse and recycling containers
  - (3) Firewood, neatly stacked and organized
  - (4) Fire pits and barbeque grills
  - (5) Outdoor furniture such as umbrellas, seating, tables, art installations, etc.
  - (6) Children's backyard playgrounds such as tree house, swing sets, jungle gyms, etc.
  - (7) Recreational equipment intended for outdoor use such as kayaks, bicycles, tennis court equipment cabinets, etc.
  - (8) Accessory structures for household pets or permitted animals such as dog houses, stables, barns, pig pens, etc.
- (e) Illustrative Examples of items not appropriate for outdoor storage:
  - (1) Home or commercial building supplies
  - (2) Engine parts or equipment not being used by the residence
  - (3) Indoor household items such as mattresses, indoor carpet, indoor furniture
  - (4) Excessive amounts of firewood or yard debris
  - (5) Items of no value, trash and debris
  - (6) Gym equipment



- (7) Paints, solvents, or other hazardous materials
- (8) Damaged or discarded vehicles or vehicle parts
- (9) Prohibited vehicles as regulated per Section 122-37 of the Pinellas County Code.
- (10) Commercial supplies

SECTION 53. Section 138-3232(a) and (b) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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.

SECTION 54. Section 138-3240(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (c) *Standards.*
  - (1) The dispensing, wholesale storage and distribution of alcoholic beverages by any business establishment shall be allowed pursuant to Table 138-355 – Table of Uses for Zoning Districts.
  - (2) Outdoor patron areas shall be subject to the following standards:
    - a. Patron areas shall be delineated and designated on an approved site plan.
    - b. Patron areas may only occupy a public sidewalk when a right-of-way permit or equivalent thereof is obtained from the applicable right-of-way owner.
    - c. When located within 100 feet of a residential zoning district:
      - 1. Outdoor patron areas shall be closed between the hours of 10:00 pm and 8:00 am.
      - 2. No outdoor music or indoor amplified live music is allowed between the hours of 10:00 pm and 8:00 am.
      - 3. A six-foot high opaque wall or fence shall be provided along rear and side property lines around any outdoor patron area.
      - 4. These standards shall not apply to adjacent mixed-used buildings that include residential units, nor to adjacent residentially-zoned property that consists of public right-of-way, water ways, wetlands, or similar areas which cannot be used for actual residential purposes.

- (3) It is further provided that a building or structure located on a bona fide golf course or country club premises, in which alcoholic beverages are dispensed for consumption by the members and guests thereof only, may be located in any zoning district, but shall be located within the boundaries of the golf course or country club and shall be located not less than 200-feet from any residential structure. The sale of alcoholic beverages from a mobile vehicle, which travels along established cart paths within a bona fide golf course shall be permitted as an ancillary use of the golf course or country club where alcohol sales are permitted within the main clubhouse.
- (4) The dispensing of alcoholic beverages for on-premises consumption in conjunction with a bona fide restaurant shall be exempt from the distance provisions of this chapter provided sale of alcohol is incidental to food sales (at least 51 percent of sales are food). Vendors may be required to provide verification from a certified public accountant of such sales ratio.
- (5) Social clubs, veterans', fraternal, benevolent, civic or other organizations described in F.S. § 561.20(7) may dispense alcoholic beverages for on-premises consumption within any zoning district or location provided such location must be approved subject to a Type 2 approval. This subsection shall not apply to those areas which meet the provisions of subsection (c)(2) of this section.
- (6) The dispensing of alcoholic beverages for on-premises consumption by any business establishment shall not be permitted within 500-feet of the boundary of any tract of land on which a school is located or which has received authority to locate, measured in a straight line, from the nearest entrance or exit (except emergency exits) of any building or structure dispensing alcohol. In a multi-tenant or multi-user building such as a shopping center, the distance may be measured from the entrance or exit of the unit or portion of the building where alcoholic beverages are dispensed to the boundary of any tract of land on which a school is located or which has received authority to locate.

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

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

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

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

SECTION 55. Section 138-3247(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(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 followings 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 non-residential 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.

SECTION 56. Section 138-3248(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(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.

SECTION 57. Section 138-3251(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(c) *Standards*

- (1) Outdoor motor vehicle display areas are prohibited within required off-street parking areas, the right-of-way, and the required buffer/landscape areas.
- (2) The motor vehicle display areas shall occur on paved surface and/or on reinforced grass surfaces.
- (3) Service and repair activities shall be reviewed and approved as part of the *Vehicle Storage, Maintenance and Repair* sections of this code.

- (4) Accessory vehicle washing/detailing facilities shall be located to the side or rear of the primary building. No untreated wash-water runoff generated by the vehicle washing facility may be conveyed offsite into the Municipal Separate Storm Sewer Systems (MS4). This is not applicable to handwashing and/or mobile detailing activities.
- (5) When adjacent to a residential district the following standards shall apply:
  - a. No speaker or amplified announcement device shall be oriented to face an adjacent residential district.
  - b. Accessory vehicle washing/detailing facilities shall be located 30 feet from a residential district.

**SECTION 58.** Section 138-3252(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(c) *Standards*

- (1) Office, medical
  - a. In the RM District, the following standards shall apply
    - 1. Medical offices are limited to 2,500 square feet.
    - 2. Medical offices are limited to urgent care, emergency service, "free clinics," public health service agency, or similar medical facilities to provide health care service convenient to neighborhoods.
- (2) Office, veterinary
  - a. When adjacent to a residential district the following standards shall apply:
    - 1. A six-foot high opaque wall or fence shall be provided along rear and side property lines around outside exercise areas.
    - 2. Animal exercise areas shall be at least 25-feet from any residential district.
    - 3. Animals shall not be boarded outdoors.
  - b. In the RM District, veterinary offices are limited to 2,500 square feet.
  - c. Veterinary 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).
- (3) In the C-2 and CP districts, contractors' offices/showrooms may store construction materials and heavy equipment if it is within a completely enclosed building and may park commercial vehicles onsite as long as they are behind the primary building and screened from view. These are considered accessory uses.

**SECTION 59.** Section 138-3254 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3254. – Personal Services**

- (a) *Purpose* – Personal services are establishments that involve primarily attending to one’s personal care or apparel. These establishments may be permitted in various zoning districts based on the gross square footage of individual business establishments in order to achieve a compatible neighborhood character based on scale, intensity and massing.
- (b) *Applicability* – The provisions of this section shall apply to new and expanding personal service uses.
- (c) *Standards*
  - (1) Personal services shall include 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.
  - (2) In the LO, GO and C-1 zoning districts the maximum square footage of the use shall be limited to 5,000 square feet.
  - (3) In the E-1 zoning district personal services is permitted as an ‘accessory’ use. The personal service shall primarily provide services that relate to an approved primary use on the site and shall not cover an area greater than three (3) acres.

SECTION 60. Section 138-3255 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3255. – Recreational Vehicle/Boat Sales**

- (a) *Purpose* - The sale and leasing of recreational vehicles and boats may occur in designated districts according to the Table 138-355 – Table of Uses for Zoning Districts. Display areas should occur on portions of a site that support viable commerce but limit negative impacts on adjacent properties and public rights-of-ways.
- (b) *Applicability* - The provisions of this section shall apply to establishments engaged in the sale and/or lease of recreational vehicles or boats.
- (c) *Standards*
  - (1) Outdoor display areas are prohibited within required off-street parking areas, the right-of-way and the required buffer/landscape areas.
  - (2) Vertical racks for boat storage shall not exceed district height limits and shall meet district setback requirements for primary structures.
  - (3) The display areas shall occur on paved surface and/or on reinforced grass surfaces.
  - (4) Service and repair activities shall be reviewed and approved as part of the Vehicle Storage, Maintenance and Repair sections of this code.
  - (5) Accessory washing/detailing facilities shall be located to the side or rear of the primary building. No untreated wash-water runoff generated by the washing facility may be conveyed offsite into the Municipal Separate Storm Sewer Systems (MS4). This is not applicable to handwashing and/or mobile detailing activities.

- (6) Accessory lifts/mechanical equipment shall be located to the rear of the primary structure or vertical storage racks.
- (7) When adjacent to a residential district the following standards shall apply:
  - a. No speaker or amplified announcement device shall be oriented to face an adjacent residential district.
- (d) Accessory washing/detailing facilities shall be located 30 feet from a Residential district.

**SECTION 61.** Section 138-3256 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3256. - Restaurant**

- (a) *Purpose* - Restaurants are establishments serving or selling food and/or beverages prepared on the premises, which are generally intended for immediate consumption. Restaurants should be limited in various zones to achieve a compatible neighborhood character based on scale, activity, and proportional use of the district.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of restaurants or similar uses serving food and/or beverages. These standards shall not include other specific uses listed in the district table of uses. Establishments serving alcohol shall also be subject to Florida State standards.
- (c) *Standards*
  - (1) Restaurants shall not include other specific uses listed in the district table of uses. (Example: food carts/food trucks are not included as part of restaurants.)
  - (2) Restaurant may be permitted outside dining/seating areas subject to the following standards:
    - a. Seating areas shall be delineated and designated on an approved site plan.
    - b. Seating areas may only occupy a public sidewalk when a right-of-way permit or equivalent thereof is obtained from the applicable right-of-way owner.
    - c. When located within 100-feet to a residential district, the following standards shall apply:
      - 1. Table service to the outside dining/seating area shall not be provided between 10:00 pm and 7:00 am.
      - 2. A six-foot high opaque wall or fence shall be provided along rear and side property lines around the outside dining/seating area.
      - 3. No amplified outdoor sound equipment may be used between 10:00 pm and 7:00 am.
      - 4. These standards shall not apply to adjacent mixed-use buildings that include residential units nor to adjacent residentially-zoned property that consists of public right-of-way, water ways, wetlands, or similar areas which cannot be used for actual residential purposes.
  - (3) Where restaurants are permitted as an ‘accessory’ use in a zoning district (A), the restaurant should primarily serve and/or sell prepared food to employees, residents, and/or patrons that relate to another approved use on the site. (Example: an office

building may have an accessory restaurant use to sell prepared food items to its employees.)

- (4) For restaurants that allow dogs, the provisions of Section 138-3354, Dog Friendly Dining Program, shall apply.

**SECTION 62.** Section 138-3257 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3257. – Retail Sales and Services**

- (a) *Purpose* - Retail sales and services should be permitted in various zoning districts based on the gross square footage of individual business establishments in order to achieve a compatible neighborhood character based on scale, intensity, and massing.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding Retail Sales and Services uses. These standards shall not apply to other specific uses listed separately in Table 138-355, Table of Uses of Zoning Districts (Example: banks, offices, motor vehicle sales, restaurants, outdoor sales, and medical offices).
- (c) *Standards*
  - (1) Retail sales and services shall include business activity within an enclosed building involving the sale or lease of goods, products, materials, or services directly to the consumer.
  - (2) The retail sales and services square-footage categories listed in Table 138-355, Table of Uses for Zoning Districts, refer to the gross sizes of individual business establishments and their ancillary indoor use areas such as hallways, restrooms, and storage. For the purposes of regulating retail sales and services square-footage categories, *outdoor sales* areas shall not be considered a part of the gross size.
  - (3) Where *retail sales and services* is permitted as an ‘accessory’ use in a zoning district, the *retail sales and service* shall primarily sell, lease, and provide goods and services that relate to another approved use on the site. (Example: a manufacturer may have a retail area to sell the products that are manufactured on site).

**SECTION 63.** Section 138-3258 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3258. – Studio and Gallery**

- (a) *Purpose* - Studios and galleries are establishments used for the production or teaching of art, writing, dance, theater, or similar endeavors of an artistic or creative nature. Studios and galleries are establishments where artists can create and manufacture art pieces and provide areas for display and sale of such collections. These establishments may also be places to host performing arts.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Studios and Galleries.
- (c) *Standards*



- (1) Studios and galleries shall be permitted indoor and outdoor work areas for the purposes of creating art pieces and hosting performing art practices. When outdoor work areas abut a residential district, the area shall be screened with a six-foot high opaque wall or fence.
- (2) Studios and galleries shall be permitted indoor and outdoor display and sales areas for the purposes of exhibiting and selling art collections and directly related merchandise. When outdoor display areas abut a residential district, the area shall be screened with a six-foot high opaque wall or fence.
- (3) Studios and galleries shall be permitted to teach art, writing, dance, theater, or similar endeavors of an artistic or creative nature. When the use requires a Type 2 approval, the number of students and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns.

**SECTION 64.** Section 138-3260(a) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (a) *Purpose* - Contractor yards and associated buildings are land and structures used primarily for the storage of equipment, vehicles, machinery, building materials, piping, electrical components or similar items being used by the owner or occupant of the premises in the conduct of a building or land development trade. Certain standards should be implemented to mitigate impacts onto surrounding communities.

**SECTION 65.** Section 138-3281(c)(4) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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.

**SECTION 66.** Section 138-3291 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3291. – Day Care Facility, Child and/or Adult**

- (a) *Purpose* - Day care facilities provide for care and supervision of youth, elderly, and the impaired. Such use should be allowed in a variety of districts to site facilities in close proximity to residences and places of employment. Specific standards should be applied to ensure that facilities are compatible and complementary to the district in which they are located.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of day care facilities. This section does not apply to *day care, family* facilities or any other separate use listed on the district Table of Uses.
- (c) *Standards*
  - (1) Facilities shall be licensed as required by appropriate governmental agencies.

- (2) When abutting a residential use, a six-foot high opaque wall or fence shall be provided along rear and side property lines around any outdoor child play area.
- (3) In Single-family districts, new day care facilities should be architecturally compatible with houses in the immediate neighborhood in terms of materials and fenestration.
- (4) Child day care centers shall orient all play areas and provide buffering and separation so as to prevent adverse impacts to adjacent properties.

**SECTION 67.** Section 138-3292 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3292. – Government Building or Use**

- (a) *Purpose* - Government buildings and uses include offices and other facilities used for administrative, legislative, public safety, and judicial governmental functions. These uses are focused in commercial and institutional areas but certain public need warrants establishment in other areas.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding government building or use. These standards shall not apply to other uses listed separately in Table 135-355, Table of Uses for Zoning Districts, (examples include but not limited to utilities, schools, public housing, parks and recreation, and libraries).
- (c) *Standards*
  - (1) When the use requires a Type 2 or 3 approval, the size, intensity, development configuration, and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns. Due to the variety of uses and associated impacts, specific standards shall be determined during this review.

**SECTION 68.** Section 138-3293 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3293. – Hospital/Medical Clinic**

- (a) *Purpose* – Hospitals are establishments providing medical, diagnostic, and treatment services including physician, nursing, specialized accommodations, and other health services to in-patients. Medical clinics provide outpatient treatment only and can include stand-alone emergency rooms that may or may not be open on a 24-hour basis.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of hospitals.
- (c) *Standards*
  - (1) New or expansions to hospitals are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a hospital has not been abandoned, and the improvements or replacement do not

result in additional beds. This does not apply to stand-alone medical clinics that are outpatient only.

- (2) Hospitals may provide outpatient services, clinics, medical offices and other ancillary uses.

**SECTION 69.** Section 138-3294 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3294. – Meeting Hall and other Community Assembly Facility**

- (a) *Purpose* - Facilities provide shelter for public gatherings and communal activities, or other assembly structures, including community halls, reception halls, wedding halls, places of worship and similar uses.
- (b) *Applicability* - The provisions of this section shall apply to new or modifications to meeting halls and other community assembly facilities. This section does not apply to government uses.
- (c) *Standards*
  - (1) In the general professional office (GO) and neighborhood commercial districts (C-1), the following standards shall apply:
    - a. Meeting halls and other community assembly facilities less than 20,000 square feet shall be permitted as a Type 1 review.
    - b. Meeting halls and other community assembly facilities 20,000 square feet and larger must secure Type 2 approval.
  - (2) In residential districts, the following standards shall apply:
    - a. Parking lots should be located behind the front building.
    - b. Street facing façades shall have architectural articulation and fenestration.
  - (3) When adjacent to a residential district the following standards shall apply:
    - a. No speaker or amplified announcement device shall be oriented to the Residential district.
    - b. Active recreational areas such as sports fields and playgrounds shall be set back at least 50-feet from any residentially-zoned lot. This does not apply to trails and pathways.
  - (4) Accessory uses such as retail shops, food service facilities, and day cares, should be generally intended to serve employees and members of the meeting hall/community assembly facility. Land uses that are intended to primarily serve outside customers and the general public shall seek separate land use approval pursuant to Table 135-355, Table of Uses for Zoning Districts.

**SECTION 70.** Section 138-3295 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3295. – Nursing Home facilities**

- (a) *Purpose* - Nursing home facilities provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of nursing home facilities.
- (c) *Standards*
  - (1) In Single-family residential districts, facilities should be architecturally compatible with houses in the immediate neighborhood in terms of materials and fenestration.
  - (2) A designated pedestrian pathway shall be provided between the main building entrance and the nearest adjacent street. This pathway shall satisfy current ADA requirements.
  - (3) Facilities shall be developed with at least ten (10) percent of the site area to be reserved and/or improved as common open space.
    - a. This open space area may be combined with other open space requirements of the zoning district.
    - b. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection.
  - (4) New or expanded nursing home facilities are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway, as defined by this chapter. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a nursing home has not been abandoned, and the improvements or replacement do not result in additional beds.
  - (5) The number of beds may not exceed three times the allowed density of the Future Land Use Map category in which the parcel is located.

SECTION 71. Section 138-3296 of the Pinellas County Land Development Code is hereby deleted, and now held in reserve.

SECTION 72. Section 138-3317 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3317. – Parking Lots and Structures, Principal/Stand-alone**

- (a) *Purpose* – The purpose of this section is to assign specific standards to stand-alone parking facilities that may or may not be associated with a specific business or use.
- (b) *Applicability* - The provisions of this section shall apply to stand-alone parking lots and parking structures that are located on a separate parcel from the use(s) they are intended to serve.
- (c) *Standards*

- (1) In the Old Palm Harbor-Downtown District, stand-alone parking lots and structures shall not be permitted on Florida Avenue.
- (2) Parking structures shall be subject to the District Design Criteria provisions of Article X Division 6 of this chapter.

**SECTION 73.** Section 138-3324(c)(4) and (5) of the Pinellas County Land Development Code is hereby added to read as follows:

- (4) Spillage containment systems shall be provided for lift stations or similar pumping facilities to sufficiently contain accidental discharges.
- (5) Electric substations are exempt from landscaping requirements that may interfere with safety and operations.

**SECTION 74.** Section 138-3330 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3330. – Agricultural Activities, Commercial Use**

- (a) *Purpose* – Commercial agricultural activities may include the 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, or combination thereof.
- (b) *Applicability* - The provisions of this section shall apply to commercial agricultural activities. This section shall not apply to stand-alone nurseries/greenhouses operations and community gardens. This section does not apply to beekeeping, which is regulated by state law, nor to minor gardening and animal keeping normally associated with private residences (Example: growing vegetables and raising backyard chickens as accessory uses on residential lots are not considered agricultural activities for the purposes of this section.)
- (c) *Standards*
  - (1) Materials produced on-site may be sold to third-party, off-site sales establishments. (Example: Selling produce to a retail store is permitted as part of a commercial agricultural activity.)
  - (2) Except for in zoning districts that allow retail per Table 138-355, accessory retail activities shall be limited to products and materials that relate to an existing agricultural operation on the site. (Example: A grower may sell produce grown onsite.)
  - (3) Accessory offices that relate to the agricultural activity may be permitted on-site.
  - (4) Worker housing may be permitted as a Type 2 review. Approved worker housing may only remain in operation when in conjunction with an active commercial agricultural activity.
  - (5) The provisions of Section 138-3350 Farm Animals shall also apply.

**SECTION 75.** Section 138-3350(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(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 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 ½ acre is required to keep and maintain farm animals.
- (5) Up to three (3) livestock and 10 fowl are permitted per acre of upland area. For this purpose of calculating the allowable number of animals, any fraction below 0.5 shall be rounded down. Any fraction 0.5 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. 20-feet or greater from any property line.
  - b. 50-feet or greater from any well, lake, pond, wetland, stream or drainage ditch.

**SECTION 76.** Section 138-3351(c) of the Pinellas County Land Development Code is hereby amended to read as follows:

(c) *Standards*

- (1) General conditions for the keeping of chickens in the R-1 through R-5 and RPD zoning districts.
  - a. For the purposes of this section of the code, the term "chicken" refers to female chickens only (i.e., hens).
  - b. Up to four chickens may be kept within an occupied single-family property located in the R-1, R-2, R-3, R-4, R-5 and RPD zoning districts. Chickens may be kept within manufactured home subdivisions, but not on duplex, triplex or multifamily properties, or within mobile home/manufactured home parks.
  - c. Chickens must be kept within a coop or fence enclosure.
  - d. Ducks, geese, turkeys, peafowl, adult male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this section of the code.
  - e. Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
  - f. Chickens shall not be slaughtered on premises.
  - g. The coop and enclosure must be screened from the neighbor's view, using an opaque fence and/or a landscape screen.

- (2) Location and requirements for chicken coops and enclosures in the R-1 through R-5 and RPD zoning districts.
  - a. Any chicken coop and fenced enclosure must be located in the rear yard. No coop or enclosure shall be allowed in any front or side yard. (Corner lots shall be excluded from the side setback restriction).
  - b. The coop and enclosure comply with the district setback standards.
  - c. If the coop structure exceeds 100 square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building code.
  - d. The coop shall be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators).
  - e. All stored feed must be kept in a rodent and predator-proof container.
  - f. The coop shall provide a minimum of three (3) square feet per chicken and be of sufficient size to permit free movement of the chickens. The coop may not be taller than six (6) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.
- (3) Health, sanitation and nuisance as applied to the keeping of chickens in the R-1 through R-5 and RPD zoning districts.
  - a. Chickens shall be kept within a coop and enclosure. No person shall release or set any chicken free from such coop or enclosure.
  - b. Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
- (4) Enforcement.
  - a. In a public health emergency declared by the Director of the Pinellas County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, the county may require immediate corrective action in accordance with applicable public health regulations and procedures.
  - b. No person convicted as a repeat violator of this section may be permitted to, or continue to, keep chickens on their premises.
- (5) This section applies no restriction on chickens in the R-A, R-E, and R-R zoning districts, which are instead subject to the provisions of Section 138-3350.

**SECTION 77.** Section 138-3352 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3352. - Non-Traditional Pets**

- (a) *Purpose* - There may be some situations where an individual desires to keep or possess an animal species that is not otherwise addressed by this Code. There should be an opportunity to pursue special approval to keep such animals (e.g., pot-bellied pig, pygmy goat or marmoset) where appropriate, safe, and adequate site conditions exist.

- (b) *Applicability* - This section shall apply to individuals that wish to request approval to keep an animal species that is not otherwise addressed by this Code.
- (c) *Standards*
  - (1) An applicant may seek approval to keep, board, and/or possess Non-Traditional Pets, subject to a Type 1 Path B review with the Development Review Committee.
  - (2) State and federal restrictions on certain species shall supersede any County approval.
  - (3) The approval of the Non-Traditional Pet shall be assigned to a specific individual AND to an exact parcel of land for habitation.

**SECTION 78.** Section 138-3356 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3356. - Temporary uses and structures.**

- (a) *Purpose* - The purpose of this section is to establish allowances, standards, and criteria for temporary uses and structures.
- (b) *Applicability* - The provisions of this section shall apply to temporary uses and structures upon a given property. They do not apply to mobile vendors on wheels except for stationary time restrictions.
- (c) *Standards* -
  - (1) Construction offices, sales centers and construction storage buildings for land under development may be allowed in any district for the purpose of development.
    - a. Authorization for a temporary use and structure shall only be granted after the filing of an acceptable preliminary site plan.
    - b. Any permit for a temporary use or structure shall expire at the end of two (2) years or upon completion of the project for which the temporary use has been authorized, whichever is sooner, and shall be removed or converted to a permitted use upon such expiration. Extensions to the original permit may be granted for a period of one year as a Type 1 review.
  - (2) Other temporary uses such as Christmas tree sales, pumpkin sales, rummage sales, temporary flea markets, carnivals, festivals, and promotional activities may be permitted under the following criteria:
    - a. The uses may be permitted in the residential agriculture district (R-A), office and commercial districts, industrial districts, mixed use districts, special districts, or public/semi-public districts; and may be permitted in other zones when on the site of an existing civic organization (e.g., place of worship, school, fraternal organization or similar activity).
    - b. No parcel shall be occupied by a temporary use for more than 60 days in any calendar year.
    - c. The operator of a temporary use must:
      - 1. Obtain written permission from the property owner and have such permission available on site during the operation of the temporary use.



2. Provide adequate off-street parking as required by Chapter 138 Article X, Division 2.
  3. Ensure safe and adequate ingress and egress to the property, including safe sight distance for vehicles entering or leaving the property.
  4. Ensure that all use areas (i.e. sales, activities) other than parking are located at least 25-feet from a public right-of-way and residential properties.
- d. The provisions of Section 138-3357 shall be met for any tent erected as part of operations.
  - e. The operator shall obtain permits for any structures to be located on the property or if such use requires electricity or plumbing permits the operator shall obtain such permits prior to operation.
  - f. The county administrator or his designee shall have authority to require immediate compliance with the provisions of this section.
  - g. Nothing herein shall relieve an operator of a temporary use from complying with other applicable codes, ordinances, and regulations.
- (3) Garage/yard sales may be permitted under the following criteria:
- a. May be permitted at any residential use.
  - b. Shall be allowed to occur up to four (4) sales per calendar year for each parcel, not to exceed three (3) days per sale; AND
  - c. Shall be allowed to occur two (2) days per calendar year for a neighborhood-wide event.
- (4) Temporary storage structures such as moving containers and portable storage units shall not occupy a parcel for more than 60 days in any calendar year.

SECTION 79. Section 138-3502 of the Pinellas County Land Development Code is hereby amended to read as follows:

**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.

SECTION 80. Section 138-3503(a) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (a) Except as otherwise provided in this chapter, no building shall be built, constructed, enlarged or structurally altered or moved on a lot, tract, or parcel of land which does not abut a publicly-accessible right-of-way for a distance equal to the minimum lot width required in the zoning district in which the property is located. This requirement shall not apply to subdivision roads platted in accordance with Section 154-102 - Private Roads.

SECTION 81. Section 138-3505 of the Pinellas County Land Development Code is hereby amended to read as follows:

**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 (0) 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 10 feet or as otherwise stated in this code, whichever is greater.
  - (8) All decks which exceed one (1) 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 (3) feet, but at least a three (3)-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 (8) 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 (5) 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.
  - (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 in tidal areas or normal high water on lakes;
    - 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 deadmen (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 should be placed adjacent to the structure and may encroach into the required setback up to three (3) feet from the adjacent property line, however a minimum ten (10) 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 (4) feet into any required yard but not closer to any side lot line than a distance of five (5) 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 (3) foot side and rear setbacks, OR
    - b. Zero (0) foot side and rear setback with a six (6) 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 (6)-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.

**SECTION 82.** Section 138-3508 of the Pinellas County Land Development Code is hereby amended to read, and Figures 138.3508(b)1-3 are hereby deleted, as follows:

**Sec. 138-3508. – Sight Visibility Triangles**

- (a) *General standards.* Sight visibility triangles are designated areas located near streets and/or driveway intersections that shall be free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All property shall maintain sight visibility triangles as described in this section and in the Transportation Design Manual.
  - (1) Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or a driveway; and, on all corners of the intersection of an alley and driveway.

- (2) No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.
- (b) *Exemptions.* The following exemptions may apply to sight visibility standards.
- (1) The mixed-use district is exempt from the sight visibility triangle standards, provided that other engineering and design methods are implemented to ensure visibility and safety. This shall be reviewed as part of the site plan review.
  - (2) Transparent fences including chain link, wrought iron, and similar styles may be exempt so long as visibility is maintained through the fence.
  - (3) Governmental signage and governmental sign posts in the right-of-way.
  - (4) Fire hydrants, benches, and traffic control devices in the right-of-way.
  - (5) Utility poles and one utility transmission or control device in the right-of-way.

**SECTION 83.** Section 138-3509 of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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) 20-feet in residential districts.
  - (2) 30-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.

SECTION 84. Section 138-3510 of the Pinellas County Land Development Code is hereby added to read as follows:

**Secs. 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 are excepted for 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.

SECTION 85. Section 138-3602 and Tables 138-3602.a-d of the Pinellas County Land Development Code are hereby amended to read, and Table 138-3602.e is deleted, as follows:

## 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 ( $\frac{1}{4}$ ) mile of a regularly-scheduled public transit line, with headways 30 minutes or less during am/pm 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 (2) 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 (4) motor vehicle parking stalls.
- f. The use/development is allowed a reduction of up to five (5) motor vehicle parking stalls for each designated on-site carpool/rideshare stall.
- g. Properties located within one-quarter (1/4) 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 (1) motor vehicle parking stall per each boat slip. For marinas, this only applies to accessory uses such as a restaurant.

<b>Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards</b>		
<b>LAND USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING RATIO</b>	<b>MAXIMUM MOTOR VEHICLE PARKING RATIO</b>
<b><i>RESIDENTIAL USES</i></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>Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards</b>		
<b>LAND USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING RATIO</b>	<b>MAXIMUM MOTOR VEHICLE PARKING RATIO</b>
<b><i>ACCOMMODATIONS</i></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><i>COMMERCIAL AND OFFICE USES</i></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><i>INDUSTRIAL, MANUFACTURING AND WAREHOUSE USES</i></b>		

<b>Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards</b>		
<b>LAND USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING RATIO</b>	<b>MAXIMUM MOTOR VEHICLE PARKING RATIO</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
<b><i>ARTS, RECREATION AND ENTERTAINMENT</i></b>		
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
<b><i>EDUCATION, PUBLIC ADMINISTRATION, HEALTHCARE, AND INSTITUTIONAL USES</i></b>		
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

<b>Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards</b>		
<b>LAND USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING RATIO</b>	<b>MAXIMUM MOTOR VEHICLE PARKING RATIO</b>
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 1,000sf	None
<b><i>TRANSPORTATION AND OTHER USES</i></b>		
Marina	0.30 stalls per berth	None
<p>General Notes:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The parking ratio for this use may be based on the total building capacity.</li> <li>3. The use/development shall provide at least the minimum motor vehicle parking ratio but up to the maximum motor vehicle parking ratio.</li> <li>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)</li> </ol>		

(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		
				1.4	1	1.4				
				1.2	1.7	1.7	1.2			
				1.3	1.3	1	1.3	1.3		
				1.2	1.4	1.2	1.4	1.2		
				1.4	1.3	1.1	1	1.1	1.3	1.4
				1.5	1.2	1.2	1.2	1.2	1.2	1.5
				1.1	1.2	1	1.2	1.1		
				1.2	1.2	1.2	1.2			
				1.2	1	1.2				
				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.

<b>Table 138-3602.c – Minimum Number of Accessible Motor Vehicle Parking Stalls</b>	
<b>TOTAL MOTOR VEHICLE PARKING STALLS IN LOT</b>	<b>REQUIRED NUMBER OF ACCESSIBLE STALLS</b>
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
<b>General Notes:</b> 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.

(d) *Parking location:*

The location for motor vehicle parking shall be consistent with the following:

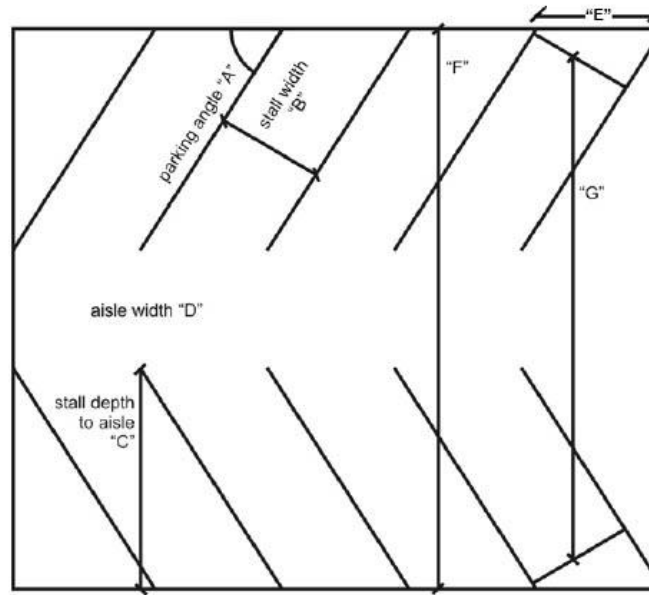
- (1) Required motor vehicle parking should be provided on the same site as the use(s) in which it serves; AND/OR
- (2) All or portions of the required motor vehicle parking may be provided on a separate site as the use(s) in which it serves subject to the following:
  - a. The off-site parking lot is 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-ft 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.

(e) *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**



<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
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'	-

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

- 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 8-feet X 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 2-ft 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 4-feet X 8-feet
    - ii. Motorcycle/scooter stalls may be used to satisfy up to five (5) automobile spaces or five (5) percent of the required parking spaces, whichever is less. Additionally, for every three (3) motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one (1) 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 multi-family 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 non-residential and multi-family 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*
- (f) 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 (e).
  - (2) Residential private driveway requirements are described in the Transportation Design Manual.
- (g) 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.

**SECTION 86.** Section 138-3651(a) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (a) All new landscaping, tree protection actions, conservation, and plant/tree maintenance shall be provided in accordance to this division. The following exceptions apply:
  - (1) When the use/development is located within a special district and separate landscaping and/or conservation standards are established therein, the use/development shall comply with the requirements specified in that district, AND/OR
  - (2) When the use/development is subject to any specific use standard of Chapter 138, Article IX, and additional landscaping and conservation requirements are established, the stricter standard shall apply. AND/OR
  - (3) When the property is in or is experiencing a state of emergency such as flooding, fire, tornado, and/or hurricanes AND the plant material creates a safety hazard. AND/OR
  - (4) When the use/development meets the criteria for affordable housing and is subject to the provisions of Section 138-3211(c)(2)e.

**SECTION 87.** Section 138-3659 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 138-3659 - Non-Residential and Multifamily Landscaping Standards**

- (a) *Applicability.* The following standards shall apply to landscaping for non-residential and multi-family uses/developments.
  - (1) *Perimeter surface parking lot landscaping.* A perimeter landscaping buffer shall be provided around all vehicular use areas. The required perimeter parking lot landscaping may be combined with other perimeter landscape areas (e.g. buffers along streets and/or abutting a residential use).
    - a. Landscaping areas shall be a minimum of five (5)-feet in width as measured from the edge of the vehicular use area.
    - b. Landscaping areas shall include the following minimum plant material:
      - 1. Three (3) trees per 100 linear feet.
      - 2. Continuous plantings of at least two (2)-feet in height. The continuous plantings may consist of shrubs and/or ornamental grasses, excluding turf grass. Plant material shall be spaced a maximum of 30 inches on center.
    - c. For buffers that contain overhead utility lines, the requirement for shade trees may be altered to accent trees, and/or Sabal/Cabbage Palms in clusters of three, at a ratio of 2.5 accent/palms for each required shade tree. These trees shall be grouped in clusters of three (3) at a maximum of 12-feet on center.
  - (2) *Interior parking lot landscaping.* The interior portions of each parking areas shall be landscaped pursuant to the following:

- a. *Required landscaped area.* Vehicular use areas with more than ten (10) parking spaces shall provide interior parking landscaping. Terminal and interior islands and divider medians shall be used to comply with required interior parking lot landscaping.
- b. *Terminal islands.* Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes. Terminal islands shall be provided as follows:
  1. Each terminal island shall measure at least eight (8)-feet in width, measured from the inside of the curb.
  2. Terminal islands shall provide at least 150 square feet in landscaping area.
  3. Within terminal islands, 1 shade tree shall be required for every 150 square feet (or fraction above half thereof) of the interior parking lot landscaping, with a minimum of 1 shade tree required per terminal island.
  4. Terminal islands shall be landscaped with shrubs, accent plants, ornamental grasses and groundcover, excluding turf grass, planted to provide 100 percent coverage within 2 years.
  5. Shrubs, accent plants and ornamental grasses in islands adjacent to parking spaces shall be set back a minimum of 2-feet behind the edge of the planting area to provide for pedestrian access to parked vehicles.
- c. *Interior islands.* Interior landscaping islands shall be provided within parking areas pursuant to the following:
  1. No more than an average of 24 parking spaces shall be allowed between islands in order to reduce the overall scale of the parking area.
  2. Each interior island shall measure at least eight (8)-feet in width, measured from the inside of the curb. Interior islands less than eight (8)-feet in width shall not be credited towards interior landscaping.
  3. Within interior islands, 1 shade tree shall be required for every 150 square feet (or fraction above half thereof), with a minimum of 1 shade tree required per interior island.
- d. *Divider medians.* Parking lots in excess of 250 spaces shall provide landscaped divider medians for a minimum of 50 percent of all abutting rows of parking pursuant to the following:
  1. These divider medians shall be designed to form a continuous landscaped strip between abutting rows of parking areas.
  2. All access drives shall have divider medians.
  3. The minimum width of a divider median shall be four (4)-feet, measured from the inside of the curb.
  4. Three (3) shade trees or six (6) accent trees shall be required for each 100 linear feet of divider median (or fraction thereof).

5. Shrubs shall be planted in divider medians which separate parking areas from access drives to form continuous plantings the full length of the divider median.
- (3) *Stormwater ponds and water bodies landscaping.* Stormwater ponds and water bodies may be required to be landscaped pursuant to the Pinellas County Stormwater Manual.
  - (4) *Landscaping fence/wall for non-residential, subdivision, and multifamily projects.* Fences and walls shall be landscaped pursuant to the following standards:
    - a. Any street-facing fence/wall shall be landscaped with
      1. Continuous plantings, and
      2. Three (3) shade trees or six (6) accent trees for each 100 linear feet along the fence/wall (or fraction thereof).
      3. These requirements may be combined with other perimeter landscaping areas (e.g. perimeter landscaping along a street).
    - b. When a fence/wall is erected within a perimeter landscaping area, any required plant material shall be installed in the following arrangements:
      1. When the fence or wall is located along side or rear property lines, the required plant material *may* be placed on the inside of the fence/wall.
      2. When the fence or wall is located along a street right-of-way the following shall apply.
        - i. Required plant material *may* be placed on the inside of the fence/wall when the fence/wall is 36 inches or less in height.
        - ii. Required plant material *shall* be provided on the right-of-way side of the fence/wall (but not within the right-of-way) when the fence/wall exceeds 36 inches in height. Sight visibility standards per Section 138-3508 must be met.
  - (5) *Landscaping adjacent dumpster enclosures.* Dumpster enclosures visible from any street shall be landscaped with plantings. This shall not apply to portions of the enclosure with doors or gates.
  - (6) *Landscaping adjacent to mechanical equipment.* Mechanical equipment, such as backflow prevention devices, utility cabinets, and air conditioners, visible from the street excluding alleys shall be landscaped on at least two (2) sides with continuous plantings comprised of shrubs planted no more than 30 inches on center. This requirement may be waived if the screening will inhibit safety, accessibility and maintenance.
  - (7) *Foundation landscaping.* Foundation planting shall be provided along the base of street-facing building facades subject to the following:
    - a. Planting areas shall be a minimum of five (5)-feet in width as measured from the building edge and outward.
    - b. Planting areas shall include the following minimum plant material:
      1. Two (2) accent trees per 100 linear feet.
      2. 20 evenly-spaced shrubs/plants/ornamental grass per 100 linear feet.

- c. The following conditions or features are exempt:
    - 1. alley-facing facades
    - 2. areas of ingress/egress,
    - 3. patios and paved courtyards, and/or
    - 4. similar elements as above.
  - d. Where the foundation landscaping requirements conflict with any applicable buffering standards from Article IX Specific Use Standards AND/OR the Design Criteria for the underlying zoning district, the most restrictive standard shall apply.
  - e. Foundation landscaping may be designed/construction as LID stormwater facilities.
- (8) *Buffer averaging option.* Portions of the minimum required perimeter landscaping/buffers may be reduced up to one-third of the minimum width. However, additional landscaping areas shall be provided in other portions of the site to result in an overall buffer width that exceeds the minimum standard.
- (b) All required landscape material shall be provided on the subject site. The following alternatives may be allowed:
- (1) The required trees/shrubs may be planted within the abutting right-of-way when allowed by the roadway facility owner (i.e. local government, developer, or property owners association), AND/OR,
  - (2) The applicant may provide a monetary contribution to a formally-adopted tree mitigation fund at a rate established by the Board of County Commissioners. AND/OR,
  - (3) The county administrator or designee may allow applicants to construct and maintain structures with plant material that provide similar shade and vegetation function as a tree (e.g. arbors with vines, shrubs, or similar plant material). In this alternative, the amount of required trees may be reduced based on a near equivalent shade/vegetation function of a tree.

**SECTION 88.** Section 138-3664(e) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (e) *Plant list option.* The proposed plant species may be based on the latest publication of the Florida-Friendly Landscaping™ Guide to Plant Selection & Landscaping Design by the University of Florida Institute of Food and Agriculture Sciences (UF/IFAS).

**SECTION 89.** Section 138-3701(b) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (b) *Decorative* as applied to fences means that a fence is made of PVC fence material, wrought iron, pre-fabricated metal, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence.

SECTION 90. Section 138-3702 of the Pinellas County Land Development Code is hereby amended to read as follows:

**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 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 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 for a decorative fence or wall; 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 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.
    - d. Eight feet 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 (6) feet within the required front setback area. Such fences shall maintain at least 50% 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 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 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 for a decorative fence or wall; 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 for a decorative fence or wall, provided the applicant satisfies the requirements of Subsection 138-3702(a)(2)c.
- (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.

**SECTION 91.** Section 138-3704 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 138-3704. – Barbed wire or electrical strands.**

Barbed wire or electrical strands or similar type of fencing, when permitted, shall be no greater than six feet in height. The use of such type of fencing is permitted only as follows:

- (a) Barbed wire may be used on security fences in nonresidential districts.
- (b) Barbed wire may be used as part of agricultural activities.
- (c) Barbed wire or electrical strands or similar type of fencing may be used when specifically authorized in conjunction with a Type 2 Review or a Type 3 Review.

**SECTION 92.** Section 138-3705 of the Pinellas County Land Development Code is hereby amended to read as follows:

**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 height 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 (3) feet is provided between the edge of the retaining wall and fence.

SECTION 93. Section 138-3706 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 138-3706. – Visibility.**

- (a) The placement and height of fences, walls and hedges shall be guided by the minimum sight triangle requirements for maintaining adequate sight distance as described in section 138-3508.

SECTION 94. Section 138-3708 of the Pinellas County Land Development Code is hereby amended to read as follows:

The county administrator or his/her designee may administratively approve minor adjustments to fence or wall heights when they have determined that the shape of the property or elevation and slope disparities prohibit adequate screening and/or sufficient enclosure under the permitted height standards of this section. Such adjustment shall not result in a fence or wall exceeding a maximum height of eight feet, as measured in Section 138-3705.

SECTION 95. Section 138-3709 of the Pinellas County Land Development Code is hereby deleted and placed in reserve.

SECTION 96. Section 138-3754 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 138-3754. – Prohibited Signs**

The following types of signs are prohibited:

- (a) Abandoned signs.
- (b) Bus shelter signs and bench signs, except when approved by the Board of County Commissioners, pursuant to F.S. § 337.407(2)(a) or as amended. This prohibition shall not be construed to include the identification of a transit company or its route schedule.
- (c) Off-premises signs, except for public/semipublic directional signs, where specifically provided for elsewhere in this section, and per section 138-3757.



- (d) Pavement markings, except official traffic control markings as permitted by an authorized government agency.
- (e) Pennants, streamers, banners and cold air inflatables.
- (f) Roof signs, except integral roof signs in nonresidential districts.
- (g) Sandwich board signs.
- (h) Signs attached to or painted on piers or seawalls, other than such official regulatory or warning signs as authorized by an appropriate government agency.
- (i) Signs in or upon any river, bay, lake, or other body of water within the limits of the county, unless authorized by an appropriate government agency.
- (j) Signs that are erected upon or project over public rights-of-way or present a potential traffic or pedestrian hazard. This includes signs which obstruct visibility.
- (k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter, or project three-dimensional images, holographic images or pyrotechnics.
- (l) Signs that have unshielded illuminating devices, other than electronic changeable message sign displays permitted in accordance with Division 5 – Signs.
- (m) Animated signs, multi-prism signs and beacon lights, except when required by the Federal Aviation Administration or other governmental agency.
- (n) Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal or device.
- (o) Snipe signs.
- (p) Temporary window signs in single-family residential districts.
- (q) Vehicle signs, as defined in this section, and portable trailer signs.
- (r) Any sign that is not specifically described or enumerated as permitted by this section.

**SECTION 97.** Section 138-3755(b) of the Pinellas County Land Development Code is hereby amended to read as follows:

(b) *Computation of sign area.*

- (1) The area of a sign shall be computed on the basis of the smallest square, circle, rectangle, or other geometric figure, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any material, color or border trim forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This includes foundations, support structures or any other portions of the sign from the ground up, that are clearly indicative of the branding or color of the business or product with which they are associated. The computation of a sign area does not include any framework, bracing, fence or wall that is reasonably necessary to support the sign. Any pole or pole cover greater than two feet in width shall be counted in the computation of sign area.

- (2) The area of a sign shall be computed on a per sign face basis and all requirements with respect to sign area reference the area of a single face of a sign. A double-faced sign shall be permitted to have the allowed area for a single-faced sign on each of the two faces of the double-faced sign.

SECTION 98. Section 138-3756(i) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (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 99. Section 138-3804(d)(3) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (3) The standards of this subsection do not apply to the following:
  - a. Buildings and other structures located internal (set back from the street) to the lot when a separate building is located along the primary roadway/street which independently meets these standards.
  - b. For institutional and government uses, portions of the lot's street frontage beyond 600 linear feet.
  - c. Certain automobile-oriented uses including motor vehicle sales, recreational vehicle/boat sales, outdoor sales (permanent), vehicle fuel/gasoline stations, car washes, and vehicle storage, maintenance and repair.

SECTION 100. Section 154-12(i)(3) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (3) The county may stop any work within a public right-of-way at any time there is a perceived hazard or noncompliance with approved plans.

SECTION 101. Section 154-52 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-52. – Pinellas County Stormwater Manual.**

The Pinellas County Stormwater Manual is intended to provide detailed drainage requirements and guidelines for the construction of physical improvements in the unincorporated limits of the county and on Pinellas County owned infrastructure in the incorporated limits of Pinellas County. However, to the extent this article conflicts with a municipal ordinance, the more stringent criteria shall be met. The Pinellas County Stormwater Manual was adopted by ordinance of the county commission, is kept on file in the development review services and public works departments, and must be amended in the same manner.

SECTION 102. Section 154-100 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-100. – Purpose and intent.**

This article establishes the standards for roadway and other transportation facilities' service, design, and construction. The County's facilities should be designed in a manner that promotes a multimodal transportation system that serves a variety of users, including pedestrians, bicyclists, transit, and motorists.

The road and transportation standards are also intended to respond to the surrounding context in terms of intended character, users, urban design, and other physical conditions.

SECTION 103. Section 154-102 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-102. - Private roadways.**

- (a) Roadways and other new transportation facilities may be private if they meet the following:
  - (1) Roadways that are gated or otherwise limit access to residents and/or tenants shall be private.
  - (2) Private roadway designation/establishment shall be conducted as part of the platting process.
  - (3) The roadway may not be an arterial or collector as identified in the Pinellas County Comprehensive Plan.
- (b) Private roads and transportation facilities shall be constructed to county standards but may include design modifications that are approved through the waiver and administrative adjustment process as established in Chapter 138, Article II, Division 7. *Variations, Waivers and Administrative Adjustments.*
- (c) Any private roadway and transportation facility shall be designated on the final plat and shall identify the facility owner.
- (d) Private roadway and transportation facilities shall be fully improved or bonded prior to final plat approval. However, sidewalk sections for residential lots may be constructed at the time the lot is developed pursuant to Sec. 154-125.
- (e) Private roadways shall include easements for utilities and emergency access.

SECTION 104. Section 154-103(b) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (b) If a street name is changed by filing an affidavit confirming error on a plat, the surveyor filing the affidavit is responsible for providing written notice to all affected property owners and agencies. If changed by resolution, the county shall provide written notice to all affected property owners and all required agencies shall be notified in writing of the name change.

SECTION 105. Section 154-110 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-110. – Facility Functional Classification**

- (a) Roadways and transportation facilities within Pinellas County are identified by one of the following functional classifications:
- (1) **Arterial Roadway** – A route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.
  - (2) **Collector Roadway** – A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.
    - a. *Major Collector* - provides direct property access and traffic circulation in higher density residential neighborhoods and commercial and industrial areas. It may enter/pass-through residential neighborhoods for significant distances and also channel traffic from local streets onto the arterial system.
    - b. *Minor Collector* - provides traffic access and traffic circulation in lower density residential and commercial/industrial areas. It may enter/pass-through residential neighborhoods for only a short distance and also channel traffic from local streets to/from the arterial system.
  - (3) **Local Roadway** – A route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Roadways include those connecting a home, work, or entertainment trip by connecting the final destination to the roads serving longer trips. Local roadways are further classified as major, minor or infill.
    - a. *Major Local* – provides basic access in higher density residential neighborhoods and commercial and industrial areas.
    - b. *Minor Local* – provides basic access in lower density residential neighborhoods and commercial and industrial areas.
    - c. *Infill Local* - provides basic access in lower density/intensity redevelopment and urban infill projects where space is limited and/or site constraints are present. Infill local roadways generally serve six (6) lots or less.
  - (4) **Alleys** – A route that provides service access behind/along-side individual properties; alleys provide very short access between the property and a higher classified roadway. Alleys also serve as a service route for utilities, parking, and trash collection.
  - (5) **Multimodal Trails and Pathways** – A travelway/route which is physically separated from motorized vehicle traffic by open space or barrier either within the right-of-way or within an independent area. Multimodal trails and pathways are typically used exclusively by pedestrians, bicycles, and other non-motorized users.

- (6) **Auto Courts/Shared Drive-lanes** – A private, common driveway that provides indirect access from single-family dwellings to adjacent streets. Auto courts/shared drive-lanes are a street access alternative and may serve up to 6 single-family dwellings by sharing a common, vehicle accessway.
- (b) The functional classification for each roadway is identified in the Pinellas County Comprehensive Plan Transportation Element. Where the Comprehensive Plan does not clearly identify the functional classification, its classification shall be determined by its intended function as described in subsection (a)
- (c) Any new roadway that is not classified in the Comprehensive Plan and/or within a specific area plan shall be classified by the county based on its intended function as described in subsection (a).

**SECTION 106.** Section 154-111 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-111. – Facility Context Designation**

Roadways and transportation facilities shall additionally have a context designation as being either (a) within an activity center, (b) a multimodal corridor, or (c) a typical roadway. Each roadway/transportation facility shall be designated as one of the following:

(a) **Activity Center Facilities**

Activity Center Facilities are roadways and other transportation infrastructure located within a designated activity center. Activity centers are areas of the county that have been identified and planned for in a special and detailed manner, based on their unique location, intended uses, density/intensity, and pertinent planning considerations. The activity center designation is intended to recognize/designate important, identifiable centers of business, public, and residential activity. Activity centers are the focal point of a community; they are planned for enhanced transit service, high pedestrian activity, and bicycle access.

(b) **Multimodal Corridor Facilities**

Multimodal corridor facilities are roadways and other transportation infrastructure that are designated as a multimodal corridor. Multimodal corridors are of critical importance to the movement of people and goods throughout the county and that are intended to be served by multiple modes of transport, including automobile, bus, bicycle, rail, and/or pedestrian. Multimodal corridors are intended to include those transportation corridors connecting activity centers, characterized by mixed-use development, and in particular, supported by and designed to facilitate enhanced transit, including those corridors proposed to be served by light rail transit, bus rapid transit (BRT), and/or premium bus service.

(c) **Typical Facilities**

Typical facilities are roadways and other transportation infrastructure that are neither located within an activity center nor a part of a multimodal corridor. Typical facilities are located in all other portions of the county. Typical facilities provide access and mobility to the neighborhoods and districts they serve.

**SECTION 107.** Section 154-120 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-120. – Functional Classification Design Elements**

- (a) Roadways and other transportation facilities shall include the design elements as indicated in Table 154-120.a.
- (b) The roadway/transportation elements shall be based on the facility’s functional classification.
- (c) Design elements that are listed as ‘Required’ shall be included in the roadway/transportation facility design. Design elements that are listed as ‘Optional’ are voluntary and may be included at the developer’s discretion.
- (d) The following exceptions shall apply:
  - (1) Specific area plans and/or special planning areas may establish specific roadway designs for designated areas within the county. In those cases, the roadway/transportation facility shall be developed according to the standards in those plans.
  - (2) Approved development master plans, Residential Planned Developments (RPD), and/or similar development approvals may establish specific transportation facility designs within specific developments within the county. In those cases, the roadway/transportation facility shall be developed according to the standards in those approvals.

**SECTION 108.** Table 154-120.a of the Pinellas County Land Development Code is hereby amended to read as follows:

<b>Table 154-120.a – Functional Classification Design Elements</b>							
	<b>ROADWAY/TRANSPORTATION ELEMENTS <sup>4</sup></b>						
<b>FUNCTIONAL CLASSIFICATION</b>	<b>Travel Lanes</b>	<b>Bicycle Accommodations</b>	<b>Street Parking</b>	<b>Curbs</b>	<b>Planter Strip</b>	<b>Street Trees</b>	<b>Sidewalk</b>
Arterials	Required	Required <sup>1</sup>	Optional	Required where sidewalks abut travel lanes; Optional in all other cases	Optional <sup>3</sup>	Optional	Required <sup>2</sup>
Major Collector	Required	Required <sup>1</sup>	Optional		Optional <sup>3</sup>	Optional	Required <sup>2</sup>
Minor Collector	Required	Optional	Optional		Optional <sup>3</sup>	Optional	Required <sup>2</sup>
Major Local	Required	Optional	Optional		Required <sup>3</sup>	Required	Required <sup>2</sup>
Minor Local	Required	Optional	Optional		Required <sup>3</sup>	Required	Required <sup>2</sup>

<b>Table 154-120.a – Functional Classification Design Elements</b>							
	<b>ROADWAY/TRANSPORTATION ELEMENTS <sup>4</sup></b>						
<b>FUNCTIONAL CLASSIFICATION</b>	<b>Travel Lanes</b>	<b>Bicycle Accommodations</b>	<b>Street Parking</b>	<b>Curbs</b>	<b>Planter Strip</b>	<b>Street Trees</b>	<b>Sidewalk</b>
Infill Local	Required	Optional	Optional		Optional <sup>3</sup>	Optional	Required <sup>2</sup>
Alley	Required	Optional	Optional	Optional	Optional <sup>3</sup>	Optional	Optional
Multimodal Trails and Pathways	N/A	Required <sup>5</sup>	N/A	Optional	Optional <sup>3</sup>	Optional	Required <sup>5</sup>
Auto Courts/Shared Drive-lanes <sup>6</sup>	Required	N/A	N/A	Optional	N/A	N/A	Optional

Notes:

(1) Bicycle lanes may not be required where a multimodal trail / pathway is present OR when another bicycle travel facility is present.

(2) Sidewalk may not be required where a multimodal trail / pathway is present OR when another pedestrian facility is present. Sidewalks may be provided as a boardwalk or similar structure to address topographic/wetland features.

(3) The planter strip shall be placed between the edge of pavement and public sidewalk. The planter strip may be replaced with additional sidewalk area. The planter strip may be omitted at intersections. Planter strips may be provided as Low Impact Development (LID) stormwater management features.

(4) Specific Area Plans and/or special planning areas may establish specific roadway/transportation facility designs for designated areas within the County.

(5) Multimodal Trails and Pathways shall include design elements that accommodate safe bicycles and pedestrian mobility and are generally developed as a single/combined paved surface.

(6) Auto Courts/Shared Drive-lanes are private, indirect paved common access drives between dwelling units and the adjacent street. Auto Courts/Shared Drive-lanes closely resemble private residential driveways but may serve up to 6 residential units. Auto Courts/Shared Drive-lanes maybe used as an alternative to standard street construction.

**SECTION 109.** Section 154-121 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-121. – Dimensional Requirement for Design Elements**

- (a) Roadway/transportation facility design elements must be in accordance with the Pinellas County Transportation Design Manual.

- (b) The following exceptions shall apply:
- (1) Specific area plans and/or special planning areas may establish specific roadway designs for designated areas within the county. In those cases, the roadway/transportation facility shall be developed according the standards in those plans.
  - (2) Approved development master plans, Residential Planned Developments (RPD), and/or similar development approvals may establish specific transportation facility designs within specific developments within the county. In those cases, the roadway/transportation facility shall be developed according the standards in those approvals.

SECTION 110. Table 154-121.a of the Pinellas County Land Development Code is hereby deleted.

SECTION 111. Section 154-124(a) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (a) Barrier curbs are required where sidewalks abut travel lanes. Mountable curbs are optional in all other cases except rural cross sections.

SECTION 112. Section 154-125 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-125 – Sidewalks along roadways**

- (a) Sidewalks are required along roadways pursuant to Table 154-120.a – Functional Classification Design Elements.
- (b) Sidewalk widths must be in accordance with the Pinellas County Transportation Design Manual and must satisfy latest ADA requirements.
- (c) Sidewalks shall be constructed pursuant to Pinellas County Standard Details and as required in Division 3 of this article. Sidewalk may not be required where a multimodal trail / pathway is present OR when another pedestrian facility is present. Boardwalks may be provided in lieu of sidewalk to address topographic/wetland features.
- (d) When sidewalks are provided on only one-side of local roadways, sidewalks should be placed in locations to respond to site environmental features or other site development constraints.
- (e) Where sidewalks are required along a roadway but do not exist along a property’s frontage, sidewalks shall be constructed at the time of site development.
- (f) For new subdivisions, required sidewalks may be installed pursuant to one of the following options:
  - (1) Option 1: Sidewalks shall be installed at the time of roadway construction, **OR**
  - (2) Option 2: Common area sidewalks shall be installed at the time of roadway construction. Individual sidewalk sections may be constructed at the time the



adjacent lot is developed. This option requires that a continuous internal sidewalk route is provided to the existing public sidewalks that are adjacent to the subdivision by the time 50 percent of the subdivision lots are developed and certificates of occupancy are issued; the developer may be required to bond these requirements as part of the platting, **OR**

- (3) Option 3: Where there is benefit to the development and based upon impacts of the development, individual sidewalk sections may be provided in other locations to overcome physical constraints or to provide better pedestrian connections to the public sidewalk system. This option may be sought as part of a waiver and/or administrative adjustment pursuant to Chapter 138, Article II, Division 7.

**SECTION 113.** Section 154-128 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-128. – Dead-End Roadway Turnarounds**

- (a) Dead-end roadways in excess of 150 feet shall provide proper turnarounds in accordance with Table 154-128.a. All turnaround designs must meet AASHTO and Florida Greenbook standards and be approved by the local Fire Marshall.
- (b) Cul-de-sacs shall be considered the standard turnaround method when a turnaround is required.
- (c) Hammerheads and “Y” turnaround methods may be approved for infill projects and/or when physical constraints prevent a cul-de-sac.
- (d) Hammerheads and “Y” Turnaround methods may also be used in situations where a temporary turnaround is needed prior to a future roadway connection.

**SECTION 114.** Table 154-128.a of the Pinellas County Land Development Code is hereby amended to read as follows:

<b>Table 154-128.a – Requirements for Dead-end Roadways</b>			
<b>Dead-End Roadway Length</b>	<b>Minimum Emergency Access Width</b>	<b>Turn Around Required</b>	<b>Allowable Turn Around Methods <sup>1</sup>.</b>
0-150-ft	20-ft	No	None required
151-500-ft	20-ft	Yes	<ul style="list-style-type: none"> <li>• Cul-de-sac</li> <li>• Hammerhead <sup>1</sup></li> <li>• “Y” <sup>1</sup></li> </ul>
501-600-ft	26-ft	Yes	<ul style="list-style-type: none"> <li>• Cul-de-sac <sup>1</sup></li> <li>• Hammerhead <sup>1</sup>,</li> <li>• “Y” <sup>1</sup></li> </ul>

Over 600-ft	26-ft	Yes	Design subject to Fire Marshall approval AND Administrative Adjustment approval
Notes: (1) Hammerhead and “Y” turnarounds may also be used as a temporary turnaround method when a future street connection is anticipated.			

SECTION 115. Figure 154-127.(a) of the Pinellas County Land Development Code is hereby deleted.

SECTION 116. Section 154-144 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-144. - Collectors and Arterials.**

Collectors and Arterials shall have a minimum design speed as indicated by the Pinellas County Transportation Design Manual. However, roadway design shall be customized to reflect the surrounding context. Additional consideration, including but not limited to a traffic study, may be necessary to determine where acceleration and deceleration lanes are necessary.

SECTION 117. Section 154-145 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-145. - General paving criteria.**

- (a) Roadways and other transportation improvements shall comply with the Pinellas County Transportation Design Manual, Pinellas County Standard Details, and the latest County Standard Specifications.

SECTION 118. Section 154-146 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-146. - Flexible pavement standards.**

- (a) Flexible pavement design shall be in accordance with the Pinellas County Transportation Design Manual.

SECTION 119. Section 154-147 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-147. - Base materials.**

- (a) Base material shall be in accordance with the Pinellas County Transportation Design Manual.

SECTION 120. Section 154-148 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-148. - Asphaltic concrete surface course standards.**

- (a) Asphalt surface course shall be in accordance with the Pinellas County Transportation Design Manual.

SECTION 121. Section 154-149 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-149. - Pavement structural design.**

- (a) The pavement section elements shall be in accordance with the Pinellas County Transportation Design Manual.

SECTION 122. Section 154-150 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-150. - Underdrains.**

- (a) Underdrains shall be designed in accordance with the Pinellas County Stormwater Manual.

SECTION 123. Section 154-151 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-151. – Sidewalk construction.**

- (a) Sidewalks shall be constructed in accordance with the Pinellas County Transportation Design Manual.

SECTION 124. Section 154-152 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-152. – Street Lighting Standards**

- (a) Street lighting generally.
  - (1) Proposed lighting improvements within dedicated or proposed rights-of-way, including private streets, shall be submitted to and approved by the county prior to construction.
- (b) Design standards for street lighting shall be in accordance with the Pinellas County Transportation Design Manual.

SECTION 125. Section 154-195 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-195. - Area embraced.**

- (a) The areas embraced by this article are all county rights-of-way, whether or not within municipal boundaries.
- (b) This article is not applicable to installations that are already properly placed within the rights-of-way unless they are relocated or modified, but shall apply to those to be placed within the right-of-way after the effective date of this article.

SECTION 126. Section 154-198(f) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (f) Driveway and median opening spacing on county arterial and collector roadways must be in accordance with the Pinellas County Transportation Design Manual.

SECTION 127. Section 154-199 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-199. - Design and construction criteria for access connections to county roads.**

- (a) Access connections to county roads must be designed and constructed in accordance with the Pinellas County Transportation Design Manual.

SECTION 128. Section 154-231 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-231. - Required.**

- (a) It is unlawful for any person to construct, install, remove, relocate, or perform other work activities for installations, or place temporary structures or make improvements, within, on, under, or above the right-of-way without first having obtained a right-of-way permit.
- (b) All permits issued under this article are revocable, and nothing in this article creates a vested right or property interest in the permittee.
- (c) 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.
- (d) 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.

SECTION 129. Section 154-232 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-232. - General permitting procedures.**

- (a) The application and the fee for a right-of-way permit not associated with the review of a site plan will be filed as a Type 1 review; those which are so associated should be filed concurrent with the site plan review.
- (b) Approval or denial of an application and conditions of the right-of-way permit shall be subject to the provisions of all current and applicable county ordinances and state and federal laws.
- (c) Proposed amendments or changes to the right-of-way permit must be approved by the county administrator or designee prior to the commencement of the work.
- (d) In the event of materially incorrect or false statements or information in the application on which the right-of-way permit was issued, the permit may be revoked and the fee shall not be refunded.
- (e) Work for which the right-of-way permit has been issued shall begin within 90 days of the issuance of the permit and shall be completed within 180 days of the issue date unless the permittee is granted an extension of time prior to the expiration of either period, unless otherwise noted on the permit. Any permit not used within the prescribed time limit becomes void and future work requires a new application and fee. Permits issued in conjunction with site plans will adhere to the site plan time constraints.
- (f) The issuing of a right-of-way permit under this article does not abrogate any legal requirement to comply with other county ordinances or with the regulations of any other governmental agency, whether local, state, or federal, which may apply.
- (g) The inspection or permitting by the county of work under this article shall not be construed as a warranty of the adequacy of performance or of the accuracy of information provided in the permit application by the applicant. The applicant retains full responsibility for information provided and the permittee retains full responsibility for work performed at all times.
- (h) Right-of-way permits under this article may require the following sureties and insurance:
  - (1) Completion: Minimum completion surety is 110 percent of the estimated cost of the installation. All sureties shall be based on a certified cost estimate prepared, signed, sealed and dated by a registered professional engineer or other documentation acceptable to the county.
  - (2) Maintenance surety: Minimum maintenance surety is 20 percent of the original surety of 110 percent of the estimated cost of the installation. A higher percentage may be required if special circumstances dictate that such is necessary to protect the public from defects. The surety shall be fully effective for a minimum of 18 months from acceptance by the Board of County Commissioners and/or its designated representative.
  - (3) Waiver: The surety requirement may be waived by the county administrator if special circumstances dictate that such protection is not necessary.
  - (4) Insurance: Prior to permit approval, the permittee shall deliver proof of insurance as determined by Pinellas County Risk Management.

SECTION 130. Section 154-233(b)(8) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (8) A traffic control plan (TCP) must be designed in accordance with the standards set forth in the Manual of Uniform Traffic Control Devices, the Florida Department of Transportation Roadway and Traffic Design Standards and Standard Specifications for Road and Bridge Construction. The proposed plan must address pedestrian as well as vehicular traffic. The approved plan shall be available on the job site at all times. Following approval, changes necessitated by site conditions require permission from the county traffic division and the county highway department. All TCP's shall be signed and sealed by a Florida registered engineer.

SECTION 131. Section 154-237 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-237. - Fees.**

- (a) A schedule of fees for right-of-way permits is established by resolution of the Board of County Commissioners.
- (b) The fee for a right-of-way permit represents the estimated cost for reviewing and processing the permit application, inspecting all work performed under the permit, and any other reasonable costs associated with the implementation of this article. Such fees may be reviewed and updated.

SECTION 132. Section 154-263 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 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 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.

SECTION 133. Section 154-264 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 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 shall include the submittal and information as established in Chapter 138 – Article II for Type 1 and Type 5 reviews.
  - (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 Chapter 177, Part 1, Florida Statutes, 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.
  - (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 Chapter 373, Florida Statutes, reflected on the plat.
  - (12) Certified copies of any active sovereign submerged lands leases issued by the Florida Department of Environmental Protection pursuant to Chapter 253, Florida Statutes 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.

SECTION 134. Section 154-270 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Section 154-270. - Applicability.**

- (a) Right-of-way Vacation. A right-of-way vacation is required for situations that will result in the county's vacation, abandonment, discontinuance or closure of any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof, including associated right-of-way. The provisions of this division are applicable to requests to vacate public rights-of-way.
- (b) Easement Termination. An easement termination is required for situations where the county will terminate its access and/or utilization benefits from a particular easement. The provisions of this division are applicable to easement terminations between the county and a property owner; this section does not apply to private party easement arrangements.

SECTION 135. Section 154-301 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-301. - Definitions.**

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Abandonment* means the cessation of the use of a utility facility; provided that this term shall not include cessation of all use of a Utility facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be considered abandonment while the cessation of use of a small wireless facility collocated upon an active utility pole shall be considered abandonment of the small wireless facility but not constitute abandonment of the active utility pole. Removal of all utilities, including small wireless facilities, from a pole and leaving the pole, in whole or in part, shall constitute abandonment of the utility pole.
  - (2) *Annual general permit* means an annual permit issued by the county for certain routine, repetitive work not requiring a specific utilization permit, which may be issued or renewed for periods up to one year, in the discretion of the county.
  - (3) *Antenna* means a mounted device used for the transmission of telecommunications services or communications services, including but not limited to traditional and small cell technology.
  - (4) *Applicant, owner, or permittee* means any person requesting permission to place or maintain facilities in a right-of-way, or who has previously done so.
  - (5) *As-built survey* means a survey performed to obtain horizontal and vertical dimensional data so that constructed improvements may be located and delineated.
  - (6) *Co-location, co-locate or attach* means the placement or attachment of telecommunications antenna on any existing, lawfully permitted and active structure within the right-of-way. Colocation upon an existing structure not providing telecommunication services does not convert the pole structure into a Wireless Facility.
  - (7) *Communications services* shall have the meaning found in Florida Statutes, Section 202.11, as may be amended.
  - (8) *County* means Pinellas County, Florida.
  - (9) *County project* means work done by or for the county within public right-of-way for county purposes, not for the benefit of a private developer.
  - (10) *Department* means the County Department of Public Works.
  - (11) *Director* means the Director of the County Department of Public Works.
  - (12) *Emergency* means a condition that poses a threat to life, health, or property, or may create an out-of-service condition.

- (13) *Facilities* mean any utilities located in, over or under any right-of-way, but shall not include plantings, driveways, or other non-utility installations in the right-of-way.
- (14) *FDOT* means the Florida Department of Transportation.
- (15) *Micro wireless facility* means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.
- (16) *Permit* means the right-of-way utilization permit which must be obtained before a person may place or maintain any facility in a right-of-way.
- (17) *Permittee* means any person to whom a permit to place or maintain a facility in a right-of-way has been granted by the county.
- (18) *Person* means any natural or corporate person, municipality, school, church, or business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have facilities located in any right-of-way.
- (19) *Place or maintain, placement and maintenance, or placing or maintaining* means to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A person that owns or exercises physical control over facilities located in the public right-of-way, such as physical control to maintain and repair, is "placing or maintaining" the facilities. A person providing service only through resale or the use of a third party's unbundled network elements is not "placing or maintaining" the facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public rights-of-way does not constitute "placing or maintaining" facilities within the public rights-of-way.
- (20) *Registrant* means a person or corporation that has registered with Pinellas County as a provider of wireless communication services or infrastructure.
- (21) *Right-of-way* means the surface and space above and below any real property in which the county has an interest in law or equity, devoted to or required for use as a transportation facility, including streets, easements and sidewalks, but excluding parks. Right-of-way means the public right-of-way, not private rights-of-way. Right-of-way does not include the Fred Marquis Pinellas Trail nor the Duke Energy Trail.
- (22) *Small wireless facility* means a wireless facility, including a micro wireless facility, that meets the following qualifications:
  - a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
  - b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes,

ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

- (23) *Structural change* means activities affecting the integrity of the public road surface, road base, curb, sidewalk or shoulder.
- (24) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- (25) *Utilities* means any water, reclaimed water, sewer, gas, drainage, monitor well, sprinkler or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber, wire, cable, or operator thereof, including utilities operated by the county.
- (26) *Utility pole* means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The terms includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less.
- (27) *Wireless facility* means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities, but does not include:
  - a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
  - b. Wireline backhaul facilities; or
  - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (28) *Wireless infrastructure provider* means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but is not a wireless services provider.
- (29) *Wireless provider* means a wireless infrastructure provider or a wireless services provider.
- (30) *Wireless services* means any services provided using spectrum wireless facilities.
- (31) *Wireless service provider* means a person who provides wireless services.
- (32) *Wireless support structure* means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

SECTION 136. Section 154-302 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-302. – Permits and Registration required.**

- (a) The director, or his designee, shall be the principal county official responsible for the administration of this article, and he may delegate any or all of the duties hereunder.
- (b) **Permits Required.** No person shall place facilities within the right-of-way prior to the issuance of a utility permit, including an annual general permit, for such work. Permits are also required for any work that involves excavation, closure of a sidewalk or multi-modal trail, or closure of a vehicular lane or parking lane, within the right-of-way, unless the provider is performing service restoration to existing facilities. All applications shall contain:
  - (1) Applicant's and local agent's name, address, e-mail address, telephone and facsimile numbers.
  - (2) A statement that the applicant is a utility owner or its authorized agent, if applicable.
  - (3) All required attachments, and scaled, dated drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
  - (4) Certification of a registered Florida professional engineer (unless permittee is using exempt employees pursuant to F.S. § 471.003(2)(b)2(d)), that the drawings, plans, and specification submitted by the applicant shall comply with applicable technical codes, rules and regulations. Certification of plans is required if a construction project:
    - a. Results in a significantly different traffic control plan;
    - b. Results in a structural change of the county road; or
    - c. Contains engineering plans which were developed and designed by an outside engineering firm.
  - (5) A maintenance of traffic plan, consistent with the Manual on Uniform Traffic Control Devices, and/or a specific FDOT 600 Series for safety of the public and employees.
  - (6) For underground installation, information in sufficient detail to identify:
    - a. The physical space currently available in applicant's existing ducts or conduits before installation of applicant's facilities;
    - b. The physical space, if any, that will exist in such ducts or conduits after installation of applicant's facilities;
    - c. The location, depth, size, material and quantity of proposed new ducts or conduits;
    - d. The type of the utility facility to be installed.
  - (7) A description of the construction methods or techniques to be used for the installation.
  - (8) A preliminary construction schedule and completion date.
  - (9) Payment of all uncontested money past due to the county for:
    - a. Prior and current construction permits issued to applicant;

- b. Any loss, damage, or expense suffered by the county as a result of applicant's prior construction in the right-of-way or any emergency actions taken by the county; and
  - c. Any use agreement, license, or franchise issued to the applicant.
- (c) Registration. Every person or entity that desires to place or maintain any small wireless facility in any county right-of-way shall first register with the director or his/her designee prior to applying for a permit, if required, to place or maintain such facility within the right-of-way.
  - (1) Every person registering pursuant to this section shall provide the following information:
    - a. the name of the registrant under which it will transact business in the county and, if different, in the State of Florida; and
    - b. the address and telephone number of the registrant's principal place of business in the State of Florida and any branch office located in the county or, if none, the name, address and telephone number of the applicant's national headquarters and its registered agent in Florida; and
    - c. the name, address and telephone number of the registrant's primary contact person and the person to contact in case of an emergency; and
    - d. the type of small wireless facility that the registrant intends to provide within or upon the county's rights-of-ways (if more than one, state all that apply); and
    - e. a copy of both the registrant's Florida annual resale certificate and certificate of registration issued by the Florida Department of Revenue to engage in the business of providing communications services in the State of Florida; and
    - f. a copy of the registrant's certificate of authorization, public convenience and necessity or other similar certification issued by the Florida Public Service Commission; and
    - g. the number of the registrant's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission, the department, the FCC, or other federal authority, if any; and
    - h. evidence of the registrant's insurance coverage as required under this chapter.
  - (2) The director or designee shall review the information submitted by the registrant. If it is found that the registrant complied with the requirements in subsection 1 above, the registration shall be effective and the director or designee shall notify the applicant of the effectiveness of registration in writing. If the director or designee determines that the registrant is not in compliance, the director or designee shall notify the registrant in writing of the non-effectiveness and denial of registration and the reasons therefor. Denial of registration shall not preclude an applicant from reapplying or filing subsequent applications for registration under the provisions of this section.
  - (3) An effective registration does not, and shall not be construed to, convey equitable or legal title in the rights-of-way.
  - (4) A registrant may cancel a registration upon written notice to the director stating that it will no longer place or maintain a small wireless facility. A registrant cannot cancel

a registration if it intends to continue placing or maintaining a small wireless facility in the rights-of-way.

- (5) Registration does not establish a right to place or maintain or a priority for the placement or maintenance of any facility in the rights-of-way. However, registration is required prior to submitting an application for the placement of telecommunication antennae or towers pursuant to Section 277.
- (6) A registrant shall update its registration annually, providing any changes to the required registration information.
- (7) An effective registration shall be a condition of a complete permit submitted pursuant to Section 277 of this chapter.

SECTION 137. Section 154-303(b)(3) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (3) Removal sureties shall be required for installation of temporary facilities, intended to remain in place for no more than five years. The amount shall be based on the estimated cost of removal of the facility, or a minimum of \$5,000.00, whichever is greater.

SECTION 138. Section 154-307(c)(1) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (1) The holder of a permit does not possess a vested right to maintain its facilities in a particular location, nor may the rights of the permittee be construed to be an interest in real property of a property right subject to constitutional protection.

SECTION 139. Section 154-308(a)(5) of the Pinellas County Land Development Code is hereby amended to read as follows:

- (5) Work on any utility within the right-of-way that is being done contrary to the provisions of this article, or the terms and conditions of the utility permit, may be immediately stopped upon the following conditions:
  - a. In an emergency situation that may have a serious effect on health or safety; or
  - b. When irreversible or irreparable harm may result, in the reasonable opinion of the county administrator or designee, and immediate cessation of the activity is necessary to protect the public and the right-of-way. Notice shall be given by the county administrator or designee in writing to the owner, agent, or the person performing the work, which shall state the conditions under which work may be resumed. Verbal notice shall be sufficient to order an immediate cessation of the activity in emergency situations as determined by the county administrator or designee and shall be followed by written notice.

SECTION 140. Section 154-309(b) of the Pinellas County Land Development Code is hereby amended to read as follows:



- (b) Written request for variance from the terms of this article shall be made by the applicant to the county administrator and shall include detailed plans and written justification for the variance. If the county administrator or designee determines that strict compliance with this article would impose an unnecessary hardship peculiar to the property of the applicant, they may vary or waive the requirements of this article, provided that such variance or waiver will be consistent with the intent and purpose of this article. In granting such variances or waivers, the county may impose such reasonable conditions as will ensure that the objectives of this article are met.

**SECTION 141.** Section 154-310 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-310. - Indemnification.**

- (a) To the fullest extent permitted by state law, permittee agrees to indemnify, defend and save harmless the county and all the members of its board, its officers and employees from and against all losses and all claims, judgments, demands, payments, suits, actions, recoveries, and expenses of every nature and description, including claims for property damage and claims for injury to or death of persons, or on account of any claim or amounts recovered under the "Workers' Compensation Law" or of any other laws, by-laws, ordinance, order or decree brought or recovered against it by reason of any act of negligence or omission of the permittee, its agents, contractors, or employees, except only such injury or damage as shall have been occasioned by the sole negligence of the county. The monetary limits of this indemnity shall be the limits of insurance coverage applicable to the permittee. These obligations shall survive the expiration of any permit.

**SECTION 142.** Section 154-311 of the Pinellas County Land Development Code is hereby amended to read as follows:

**Sec. 154-311. - Small Wireless Facilities Located Within the Right-of-Way.**

- (a) Purpose. The purpose of this section is to adopt specific regulations relating to the use of rights-of-way for the erection of small wireless facilities and any accessory equipment supporting the same within county right-of-way, regardless of whether or not the right-of-way is in an unincorporated or incorporated area in accordance with Florida Statute §337.401. Regardless of the type of small wireless facility, a utilization permit pursuant to Article IV of this chapter shall be obtained prior to commencing any activity which impedes or alters the movement of pedestrian or vehicular traffic, or excavating, filling, or altering the right-of-way and must thereafter comply with all applicable terms therein and this section.
- (b) Permit Needed. All small wireless facilities must apply for a permit as follows:
  - (1) Micro wireless facilities:
    - a. In accordance with applicable Florida law, micro wireless facilities strung on cables between utility poles do not require an annual permit for the wireless

facility but must be registered with the county and meet the appropriate insurance and bonding requirements.

- b. To the extent that the installation of a micro wireless facility will require excavation, a sidewalk or multi-modal trail closure, or the closure of lane(s) for vehicular traffic or parking, a use permit is required for those uses of the right-of-way.
  - c. Micro wireless facilities mounted on utility poles must comply with section B(2).
- (2) Small wireless facilities:
- a. With the exception of micro wireless facilities suspended on cables strung between existing utility poles, a permit must be sought and may be granted for any small wireless facilities to be installed within the county right-of-way through the submittal of a permit application as set forth in Section 170-268.
- (c) Permit conditions. Any permit issued pursuant to this section must contain the following conditions, in addition to any other appropriate conditions authorized by the Pinellas County Land Development Code:
- (1) If necessary for the construction, maintenance, operation or alteration of the right-of-way, the antenna, tower, or utility pole, must be immediately removed or relocated from the right-of-way at the expense of the permittee unless reimbursement is authorized by the county or otherwise required by law. Unless the removal and relocation is required as a result of an emergency, the county must provide at least 90 days' written notice to the permittee and must cooperate with the permittee to relocate the antenna, tower, or utility pole, at the permittee's expense, in the right-of-way.
  - (2) All work, materials and equipment must meet all county codes and standards and must be subject to inspection by the county. All disturbed areas must be restored to the original condition or better and in accordance with applicable county codes.
  - (3) The installation, maintenance and operation of the antenna, tower, or utility pole must not interfere with the prior rights of a permittee or interfere with the convenient, safe or continuous use of the right-of-way. Interference that requires relocation or removal pursuant to Section 170-271 must be done so within 90 days of written notice and at permittee's expense or as otherwise required by section 337.403, Florida Statutes as may be amended.
  - (4) The County will not be responsible for damage to any structure placed within the right-of-way or any structure/vehicle outside of the right-of-way as a result of granting a permit. Normal maintenance of the right-of-way must not be impaired by the actions/omissions of the permittee.
  - (5) Final inspection and acceptance of work by the county must be obtained. All work is subject to the installation requirements of the county.
  - (6) In the case of noncompliance with any of the county's requirements, the permit will be void and the installation must be brought into compliance or removed from the right-of-way at no cost to the county.

- (7) The County may issue a stop work order upon a permittee committing or creating an unsafe act which may create a public hazard, failing to comply with the permit, or not complying with applicable county requirements.
  - (8) The permittee is responsible for all repair costs incurred due to damage to existing Utilities in accordance with the Underground Facility Damage Prevention and Safety Act, Florida Statutes, Chapter 556, as may be amended.
  - (9) It is expressly stipulated that the permit represents a nonexclusive permissive use only and that the placing of an antenna, tower, utility pole, or any equipment, or lines upon public property pursuant to the permit does not create a property right in the permittee.
  - (10) All antennae, towers, and utility poles must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other agency of the federal government with the authority to regulate antennae, towers, and/or utility poles, as well as all requirements of the Americans with Disabilities Act (ADA) as amended and as may be amended. If such standards and regulations are changed, then the permittee must bring such facilities into compliance with such revised standards and regulations in accordance with the compliance deadline requirements of such standards and regulations. Failure to bring antennae, towers, and/or utility poles into compliance with such revised standards and regulations shall constitute grounds for the removal of the structure at the permittee's expense.
- (d) Design standards: Wireless facilities and accessory equipment placed anywhere in county right-of-way is subject to the following design parameters.
- (1) Micro wireless facilities must comply with the design parameters for small wireless facilities with the following exception:
    - a. To the extent permitted by state law, micro-wireless facilities may be suspended on cable strings between utility poles, except within historic preservation areas.
  - (2) Small wireless facilities:
    - a. Small wireless facilities may not extend more than ten (10) feet above the utility pole upon which it is mounted.
    - b. A new pole placed in the right-of-way upon which a small wireless facility will be mounted may not exceed the maximum height as follows:
      - 1. The tallest pole, as of July 1, 2017, within five hundred (500) feet of the new pole, provided the tallest pole was not issued a waiver by the county. If the tallest pole within 500 feet was installed pursuant to a waiver by the county or after July 1, 2017, the maximum height must not exceed that of the next tallest pole, if any, within 500 feet of the new pole; and
      - 2. If there are no existing poles within five hundred (500) feet of the new pole that were in existence as of July 1, 2017 and not issued a waiver by the county, the new pole must not extend past the maximum height of fifty (50) feet; and

3. A utility pole upon which a small wireless facility is mounted must be of a substantially similar design, material and color as the existing utility poles; and
  4. New utility poles upon which small wireless facilities are mounted must not be constructed of wood except in an area predominately comprised of wooden poles; and
- c. Must not be artificially lighted except as required by the FAA. In cases where there are residential uses located within a distance that is 300% of the height of the utility pole or tower, authorization for dual mode lighting must be requested from the FAA; and
  - d. Must comply with any applicable local building codes in terms of design, construction and installation. All construction or maintenance of facilities must be accomplished in the manner resulting in the least amount of damage and disruption of the right-of-way, subject to economic and technical feasibility; and
  - e. All small wireless facilities, including the utility poles or towers installed for the purpose of mounting and accessory equipment, must be located to avoid any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians or motorists, including clear zone and sight-line requirements per Florida Department of Transportation's (FDOT)'s "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" commonly known as "Florida Greenbook" as may be amended; and
  - f. Must not include signs or advertising or other form of communication unless otherwise required by law; and
  - g. Must not be installed upon horizontal traffic signal poles or mast arms inside the county's public right-of-way or on any county maintained traffic infrastructure; and
  - h. New and replacement utility poles that support antenna must match the style, design, and color of the utility poles in the surrounding area, unless otherwise approved in writing in the permit; and
  - i. Where possible, new utility poles or towers that support small wireless facilities must be located in public utility easements within or immediately adjacent to the right-of-way; and
  - j. New utility poles or towers for the mounting of small wireless facilities must adhere to the following minimum setbacks:
  - k. must be located at least 6 feet from a driveway and at least 10 feet from the edge of existing trees 12 inches or greater in diameter;
    1. distance from sidewalks and pedestrian ramps must be such so as to satisfy the requirements of the ADA, as may be amended;
    2. Notwithstanding the above, the county may require greater setbacks from these and other fixtures in the right-of-way to ensure proper sight lines for public safety purposes;

3. In residential zoning districts, facilities must be located within the right-of-way where the shared property line between two residential parcels intersects the right-of-way, or otherwise in a manner that demonstrates the least impact to access to private property;
  4. In nonresidential districts wireless communication facilities must be located within the right-of-way between tenant spaces or adjoining properties where their shared property lines intersect the right-of-way, or otherwise in a manner that demonstrates the least impact to access to private property;
  5. Must not be located in an area that will cause sight line issues.
1. Small wireless facilities, including any ground-mounted equipment supporting said facilities, must, to the greatest extent possible, use camouflaging techniques to blend in with the surrounding area. The application must include a depiction of such camouflaging for approval by the county.
- (e) Accessory equipment: All equipment attached to or connected with a co-located antenna, tower, or utility pole must comply with the following standards:
- (1) Equipment boxes located at grade must be located in areas with existing foliage or another aesthetic feature to obscure it from the view, and to the greatest extent possible, use camouflaging techniques to blend in with the surrounding area. The application must include a depiction of such camouflaging for approval by the county;
  - (2) Equipment boxes at the base of the tower must not exceed 28 cubic feet of volume;
  - (3) Equipment mounted to the exterior of a pole must be a minimum of 12 feet above finished grade, excluding the electric meter and disconnect switch. Each pole mounted equipment component must be no more than 15 cubic feet in area. The external finish of the equipment cases must generally match the color of the pole. All mounting and banding fixtures must also match the color of the pole;
  - (4) No exposed wiring or conduit is permitted. Above the electric meter and disconnect switch, all conduit and wiring must be located inside the pole. Where wooden poles are allowed, wiring or conduit shall be placed in a manner consistent with the placement on adjacent poles;
  - (5) Electric meters and disconnect switches must not be located on the side of the pole that faces the sidewalk, or if there is not currently a sidewalk, the area identified by county staff for the preferred placement of any future sidewalk. Conduit leading to the electric meter box and disconnect switch must generally match the color of the utility pole;
  - (6) The grounding rod may not extend above the top of sidewalk and must be placed in a pull box; and the ground wire between the pole and ground rod must be inside an underground conduit;
  - (7) Where feasible, all pull boxes must be located outside of the sidewalk or pedestrian ramp. A concrete apron must be installed around all pull boxes not located in the sidewalk;

- (8) All pull boxes must be vehicle load bearing, comply with FDOT Standard Specifications and be listed on the FDOT Approved Products List;
- (f) Waiver of design and siting standards: The design and siting standards applicable to small wireless facilities may be waived by the county administrator, or designee, upon a showing as follows:
  - (1) If the applicant shows that the particular requirement(s) for which a waiver is sought is not reasonably compatible for the particular location of the small wireless facility. It is the burden of the applicant to demonstrate that the requirement is not reasonably compatible for the particular location; or
  - (2) If the applicant shows that compliance with the particular requirement(s) for which a waiver is sought would result in an excessive expense, which must be demonstrated by the applicant.
- (g) Advance installation of utility poles to support small wireless facilities. Wireless infrastructure providers certified to provide telecommunications services in the state, may apply to place poles to support collocation of small wireless facilities, separate from the placement of said facilities. Such application must additionally include an attestation that facilities will be collocated on the utility pole and used by a wireless service provider within nine (9) months of application approval. All other requirements, including fees, insurance, and bonds, relative to the placement of utility poles in the right-of-way apply.

SECTION 143. The Transportation Design Manual, attached as Exhibit A, is hereby adopted.

SECTION 144.       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 145.       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 146.       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.