

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

**AN ORDINANCE OF PINELLAS COUNTY FLORIDA  
RELATED TO ACCESSORY DWELLING UNITS;  
AMENDING CHAPTER 138; ZONING; PROVIDING  
DEFINITIONS; PROVIDING FOR CLARIFICATION  
REGARDING THE STANDARDS FOR ACCESSORY  
DWELLING UNITS; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION IN THE CODE;  
PROVIDING FOR CORRECTION OF SCRIVENER'S  
ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

WHEREAS, the purpose of this Ordinance is to amend and update the provisions of Chapter 138 of the Land Development Code, specifically modifying the regulations related to accessory dwelling units; and

WHEREAS, in accordance with Section 138-83 of the Land Development Code the Development Review Committee held a duly noticed public meeting on March 11, 2024, as to the proposed Ordinance and recommends approval of the proposed amendments contained therein; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on April 10, 2024, as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_2024, that:

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

Chapter 138- Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Chicken* refers to *Gallus domesticus*.

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

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

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

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

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

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

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

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

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

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

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

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

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

*Dwelling unit* means a building or portion thereof designed as a unit for one family occupancy, not including hotels, motels, or mobile homes. This term shall include residential design manufactured homes as defined in this chapter. A dwelling unit shall have only one kitchen facility (sink, cooking unit, and refrigerator). Provisions for wetbars or food and drink preparation facilities for recreational purposes within or accessory to a dwelling shall not be considered a kitchen facility. A single-family dwelling unit may have a second kitchen facility provided there is only one primary entrance to the dwelling unit, the dwelling unit has only one address, and there are no separate metered utility connections.

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

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

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

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

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

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

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

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

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

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

*FCC* means the Federal Communications Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

*Repeat violation* means a violation of a provision of a code or ordinance by a person who has been previously found, through a code enforcement special magistrate or any other quasi-judicial or judicial process, to have violated, or who has admitted violating, the same provision within five years prior to the violation, notwithstanding that the violations may occur at different

locations. For the purposes of this definition, a plea of "no contest" or "nolo contendere" shall be deemed an admission of a violation.

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

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

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

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

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

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

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

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

*Solid waste* means:

- (1) Class III sanitary landfill means the addition or deposit of trash, refuse, yard trash, or construction and demolition debris materials upon or within any lot or parcel. Such materials shall be limited to: yard trash, rubbish, and other vegetative material resulting from landscaping, maintenance or land clearing operations, including tree and shrub trimmings, grass clippings, palm fronds, tree limbs and stumps; construction and demolition debris including steel, concrete, glass, brick, asphalt, roofing material or lumber which are not water soluble and result from a construction or demolition project; and other trash and refuse including paper, cardboard, cloth, glass, white goods, street sweepings, vehicle tires, metals, mineral matter, and other similar materials not usual to housekeeping or to the operations of stores or offices.
- (2) Class I sanitary landfill means the addition or deposit of any putrescible matter or any solid waste not included within the materials permitted in a class III sanitary landfill, including garbage and other discharged solid or semisolid materials resulting from domestic, commercial, industrial, agricultural and governmental operations, but excluding solids or dissolved material in domestic sewage effluent or other significant pollutants in water resources, upon or within any lot or parcel. Garbage materials include kitchen and table food waste and animal or vegetative waste attendant with or resulting from the storage, preparation, cooking or handling of food.
- (3) Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
- (4) Solid waste means garbage, refuse, yard trash, construction and demolition debris, white goods, special waste, ashes, sludge or other discarded material, including solid, liquid, semisolid, or contained gaseous materials resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.
- (5) Solid waste disposal facility means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.
- (6) Solid waste management means the process by which solid waste is collected, transported, stored, separated, processed or disposed of in any other way, according to an orderly, purposeful, and planned program.
- (7) Solid waste management facility or facility means any volume reduction plant, transfer station or other facility, the purpose of which is the resource recovery or disposal, recycling, processing or storage of solid waste. Such term does not include facilities which use or ship recovered materials unless such facilities are generating solid waste as part of the recovery process. For the purpose of this chapter, this term does not include any type of solid waste disposal facility. (Such uses are authorized through chapter 106, article III.)

- (8) Transfer station means a site, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.
- (9) Volume reduction plant means a pulverizer, grinder, compactor, shredding and baling plant, composting plant, or other plant which accepts and processes solid waste for recycling or disposal.

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

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

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

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

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

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

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

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

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

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

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

- (1) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses.
- (2) Pickup coach means a structure designed to be mounted on a truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, and vacation uses.
- (3) Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation uses, constructed as an integral part of a self-propelled vehicle.
- (4) Camping trailer means a collapsible temporary dwelling structure mounted on wheels, and designed for travel, recreation, and vacation uses.
- (5) Auto camper means a lightweight, collapsible unit that fits on top of an automobile and/or into the trunk with the cover removed, and designed for travel, recreation, and vacation uses.

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

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

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

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

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

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

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

#### **Sec. 138-356. 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 or parcel and which has a separate entrance from the primary dwelling unit, separate sleeping quarters, a separate bathroom, and a separate kitchen with a sink, refrigerator, and a cooking unit. These uses are sometimes referred to as “garage apartments,” “mother-in-law apartments,” and/or “carriage houses.”

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

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

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

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

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

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

*Dwelling, multiple family and their customary accessory uses means* four or more dwelling units on a single lot or parcel, either detached or attached to each other.

*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. There shall be only one single family attached dwelling unit per lot or parcel of ownership.

*Dwelling, single family (detached) and their customary accessory uses means* a dwelling unit in a single structure, on a single lot or parcel, not attached to any other dwelling unit, unless it is an accessory dwelling unit by any means. There shall be only one single family detached dwelling unit per lot or parcel of ownership.

*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. There shall be only one single family zero lot line dwelling unit per lot or parcel of ownership.

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

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

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

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

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

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

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

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

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

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

## **Accommodations**

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

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

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

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

## **Commercial and Office Uses**



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Parks and recreation areas—Facility-based high intensity* means active high intensity — areas for public and private active outdoor recreational activities that may have higher trip generations than low intensity uses, or have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples of such uses include, but are not limited to, 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 F.S. § 497.005.) This type of use is not permitted on individual residential lots.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

## **Utilities**

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

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

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

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

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

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

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

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

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

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

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

### **Agricultural Uses**

*Agricultural activities, commercial use* includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, vineyard, aquaculture, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land.

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

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

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

### **Other uses.**

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

*Land filling of more than 1,000 cubic yards* means an addition of 1,000 cubic yards or more of earth, topsoil, sand, mulch, gravel, or rock to any lot or parcel other than that incidental to and

on the site of construction authorized by site plan approval. This shall not include any solid waste landfills.

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

## **Animals and Livestock**

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

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

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

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

## **Sec. 138-3210. Accessory dwelling units.**

- (a) *Purpose.* Accessory dwelling units are intended to provide additional housing that is incidental to a primary use while ensuring that the intended district character is protected. Accessory dwelling units are intended to provide guest housing, security residence, and/or affordable housing options.
- (b) *Applicability.* The provisions of this section shall apply to the establishment of a new accessory dwelling unit and expansion of any existing accessory dwelling unit.
- (c) *Standards.*
  - (1) In residential districts, accessory apartments, garage apartments, and guest houses may be permitted as accessory uses to any single-family detached home in all residential districts subject to the applicable district regulations and the following requirements:
    - a. The accessory dwelling unit shall not exceed 1,000 square feet, or 750 square feet if the property is within the Coastal Storm Area or flood hazard areas established in Land Development Code Section 158-23. Unconditioned space that is connected to and serves the accessory dwelling unit (e.g., garage or storage space for the accessory dwelling unit) is counted toward the size calculation of the accessory dwelling unit. Larger accessory dwelling unit area may be approved pursuant to Section 138-77.

- b. There shall be only one accessory dwelling unit per lot or parcel of ownership.
  - c. Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied. This requirement may be waived if both the primary dwelling unit and the accessory dwelling unit qualify as affordable to households at 80 percent or below of the median family income as defined consistent with the provisions of Chapter 420 Florida Statutes, and are under a Land Use Restrictive Agreement (LURA) for a minimum period of 20 years.
  - d. All applicable district regulations pertaining to setbacks, building height and lot coverage provisions shall be met. The building height of a detached accessory dwelling unit shall not exceed the building height of the primary dwelling unit, unless it is required under Chapter 158, however, it shall not exceed the number of stories of the primary dwelling unit.
  - e. Separate metered utility connections for the accessory dwelling unit may be permitted.
  - f. Mobile homes and recreational vehicles shall not be used as accessory dwelling units.
  - g. Must meet the minimum requirements for a dwelling unit in accordance with the Florida Building Code.
  - h. The accessory dwelling unit may be attached to the primary unit or be separate/detached.
  - i. An accessory dwelling unit must have an entrance that is separate from the primary unit, and it must contain sleeping quarters, a bathroom, and a full kitchen with sink, cooking unit, and refrigerator.
  - j. Applicable development review fees shall be waived for accessory dwelling units.
- (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 1,000 square feet, or 750 square feet if the property is within the Coastal Storm Area or flood hazard areas established in Land Development Code Section 158-23 . Larger accessory dwelling unit area may be approved pursuant to Section 138-77.
  - b. Mobile homes and recreational vehicles shall not be used as accessory dwelling units.

- (3) Accessory dwelling units are exempt from district density limitations. Accessory dwelling units larger than 750 square feet must have at least one dedicated off-street parking stall.
- (d) Include a signed declaration of land restriction acknowledging owner occupancy requirements including a non-conversion acknowledgment of ground level open-air building footprint area to enclosed space to not exceed allowable maximum square footage thresholds. The signed declaration shall be recorded with the property deed prior to issuance of the certificate of occupancy.

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

Table 138-602.a — Motor Vehicle Parking Stall Quantity Standards		
Land Use	Minimum Motor Vehicle Parking Ratio	Maximum Motor Vehicle Parking Ratio
<b>RESIDENTIAL USES</b>		
Accessory Dwelling Unit	None for units 750 sf or less. 1.0 stall per unit if larger than 750 sf	None
Assisted Living Facility	0.33 stalls per bed	None
Dwelling, Multifamily	1.5 stall per unit	None
Dwelling, Attached	1.5 stall per unit	None
Dwelling, Detached	2.0 stall per unit	None
Dwelling, Manufactured or Mobile Home	1.5 stall per unit	None
<b>ACCOMMODATIONS</b>		
Bed and Breakfast	1.0 stall per room	None
Hotel	1.0 stall per room	None
Motel	1.0 stall per room	
RV Park/Campground	1.0 stall per campsite	None
<b>COMMERCIAL AND OFFICE USES</b>		
Alcohol Dispensing	3.0 stalls per 1,000 sf	None
Bank	4.0 stalls per 1,000 sf	150% of minimum
Health Club/Fitness Center	5.0 stalls per 1,000 sf	150% of minimum
Office, General	2.5 stalls per 1,000 sf	None
Office, Medical	3.0 stalls per 1,000 sf	None
Office, Veterinary	1.5 stalls per 1,000 sf	None
Restaurant, Quality <sup>(4)</sup>	5.55 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Restaurant, Sit-down <sup>(4)</sup>	10.6 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Restaurant, Fast-food <sup>(4)</sup>	10.0 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum

Restaurant, Fast-food with Drive Thru <sup>(4)</sup>	8.2 stalls per 1,000 sf <sup>(1)</sup>	150% of minimum
Retail Sales and Service	4.0 stalls per 1,000 sf	150% of minimum
Shopping Center with a mix of retail, restaurant, and/or office tenants	4.0 stalls per 1,000 sf	150% of minimum
INDUSTRIAL, MANUFACTURING AND WAREHOUSE USES		
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

**SECTION 2. Severability and Scrivener’s Errors.** 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. Any scrivener’s errors unrelated to the substantive application and enforcement of this ordinance may be amended prior to codification.

**SECTION 3. Inclusion in Code.** The provisions of this Ordinance 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 4. 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.

APPROVED AS TO FORM  
By: Derrill McIner  
Office of the County Attorney

PCAO 469746