

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 138 OF THE LAND DEVELOPMENT CODE; PROVIDING DEFINITIONS; ESTABLISHING A PROCESS FOR THE REVIEW OF REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING 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, Senate Bill 954 adopted during the 2025 legislative session (the "Bill"), requires the governing body of each county to adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

WHEREAS, the Bill also requires the ordinance to include a process for requesting reasonable accommodations from any local land development regulations that prohibit the establishment of certified recovery residences; and

WHEREAS, creating a procedure to request a reasonable accommodation to establish a certified recovery residence will provide people with disabilities equal access to housing in Pinellas County while preserving the overall intent and purpose of the Pinellas County Land Development Code; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on December 10, 2025, as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, that:

SECTION 1. RECITALS. The recitals above are incorporated herein.

SECTION 2. Chapter 138 of the Pinellas County Code is hereby amended set forth below.

## ARTICLE I. - IN GENERAL

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

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

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

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

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

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

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

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

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

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

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

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

*Animated sign* means any sign which includes action, motion, the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere, or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. In order to accommodate

changes in technology, but to prevent such changes from creating distractions to the motoring public, "animated signs" shall include electronic reader boards unless the message changes instantaneously, without scrolling, and at a frequency of greater than one minute between message changes.

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

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

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

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

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

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

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

*Certified recovery residence* means as defined in section 397.311 Florida Statutes, as this statute may be amended from time to time.

*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.

## **ARTICLE III. - ZONING AND LAND USES**

### ***DIVISION 3. PERMITTED LAND USES***

#### **Sec. 138-355. Table of uses.**

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

- (a) An "A" in Table 138-355 indicates that the specific use is permitted as an accessory use to other uses within the district. Where an "A", a slash (/), and a number are

displayed in the table, the use may be permitted as an accessory use or established as a stand-alone use subject to the corresponding review type (indicated by the number).

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



















Parks and Recreation areas - Facility-based Low Intensity	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	A	1	A	A	1		1	1							Y
Parks and Recreation areas - Resource-based	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	A	1	A	A	1		1	1							Y
Performing Arts Venue												2	2	2	1	1	1	1				2	1		1	1							
Shooting Range/Gun Club — indoor	2														1	1	1	2	1	2	1	2			A	A							Y

Shooting Range/Gun Club — Outdoor	3														3	3	3	3	3	3	3				3	3							Y		
Theater/Cinema											2				1	1	1	2				2	1			2	2							Y	
Theater/Cinema, Drive-In															2	2	2		2		2														
<b><i>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND INSTITUTIONAL USES</i></b>																																			
Cemetery	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2			1	1							Y	
Correctional Facilities																				3		3				3	3								
Crematorium																		1	2	1	2					2	2							Y	
Day Care Facility, child and/or adult	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	A/ 2	A / 2	A / 2	A / 2	A/ 2	1				1	1							Y	











## **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.

*Certified recovery residence* means as defined in F.S. § 397.311.

*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.

**Secs. 138-357—138-359. Reserved.**

## **ARTICLE IX. – SPECIFIC USE STANDARDS**

### ***DIVISION 2. RESIDENTIAL USES***

#### **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. 138-3211. Affordable housing development (AHD).**

- (a) *Purpose.* Affordable housing developments (AHDs) may occur throughout the county while ensuring compatibility to the surrounding context and providing certain incentives. The purpose is also to implement the affordable housing goals, objectives, and policies in the Pinellas County Comprehensive Plan.
- (b) *Applicability.* The specific use standards of this section shall be applicable to the development, expansion, and operation of AHDs. Applicable projects shall meet the affordable housing definitions from the State Housing Initiatives Partnership (SHIP) and/or Community Development Block Grant Program (CDBG).
- (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.

**Sec. 138-3212. Assisted living facility.**

- (a) *Purpose.* Assisted living facilities (ALFs) are residential communities where a person lives in a group living environment where various levels of services are provided to assist in their daily needs, consistent with the criteria in F.S. ch. 429, part I. ALFs shall be developed and operated in a manner that is compatible with the surrounding neighborhood and connected to nearby services. It is intended to create a living environment that is easily accessible for pedestrians and persons with impaired mobility.
- (b) *Applicability.* The provisions of this section shall apply to all new, existing, and expanding assisted living facilities.
- (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 ten 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 six 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.

**Sec. 138-3213. Certified recovery residence.**

- (a) *Purpose.* The purpose of this section is to address the establishment of certified recovery residences, as defined in s. 397.311(5), F.S., and to provide procedures for the review and approval of requests for a reasonable accommodation in the application of the County's ordinances, rules, policies, and procedures consistent with the federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et seq.) ("ADA").
- (b) *Applicability.* The provisions of this section shall apply to all new, existing, and expanding certified recovery residences.
- (c) *Standards.*
  - (1) A new certified recovery residence shall not be located within 1,000 feet of another such facility.
  - (2) Each certified recovery residence shall be designed, maintained, and operated so as to be compatible with the neighborhood and should provide a style of life which is substantially similar to that of natural families living in the neighborhood.
  - (3) These facilities, when required, shall be licensed by the appropriate state licensing entity. The granting of a Type 1 or 2 approval shall not be deemed effective until such license has been issued.
  - (4) New certified recovery residences are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway.
- (d) *Filing a reasonable accommodation request to establish a certified recovery residence:*
  - a. Any person who is disabled or a provider of services to disabled individuals qualifying for a reasonable accommodation, collectively referred to as "Applicant" in this subsection, may request a reasonable accommodation to the County's land use and zoning ordinances, rules, regulations, policies, and procedures that prohibit establishment of certified recovery residences. It is the responsibility of the Applicant to establish that they, or those who are being provided recovery services, are protected individuals under the FHA and/or ADA by demonstrating that the proposed accommodation is reasonable and necessary to afford the Applicant, or those who are being provided services, an equal opportunity to use and enjoy a residential dwelling and shall at a minimum provide the following information:
    - (1) Name and contact information of the Applicant or the Applicant's authorized representative;
    - (2) Property address and parcel identification number of where the reasonable accommodation is being requested. If the Applicant is not the owner of the property, then the contact information for the owner and an owner's authorization form is also required;

- (3) A description of the accommodation needed, identifying the ordinances, rules, regulations or policies from which the Applicant is requesting a reasonable accommodation and why the requested accommodation is necessary;
  - (4) A certification signed by the Applicant stating: I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID;
  - (5) Signature of the Applicant and date;
  - (6) A verification of disability status form executed by someone with personal knowledge of the Applicant's, or those who are being provided services', disability, such as a medical or social services professional;
  - (7) Any additional information or documents the Applicant feels is necessary to supplement the request for reasonable accommodation.
- b. The application must not include information or records specific and personal to any individual's medical diagnoses, prognoses, history, or treatment.
  - c. The County shall notify the applicant in writing within 30 days of receipt of an application if additional information is required. The applicant must provide the requested information within 30 days.
- (e) *Review process.* Within 60 days of receiving the completed application, the County Administrator or designee shall review the request for reasonable accommodation as a Type 1 Path B review and make a determination consistent with this Section, and the FHA and/or ADA after considering the following:
- (1) Whether the Applicant has established that they are protected under the FHA and/or ADA by demonstrating that they or those being provided recovery services, are handicapped or disabled, as defined in the FHA and/or ADA. To do this, the following must be shown:
    - a. A physical or mental impairment which substantially limits one (1) or more major life activities;
    - b. That they are regarded as having such impairment; and
    - c. A record of having such impairment.
  - (2) Whether the requested accommodation is reasonable and necessary to afford the Applicant an equal opportunity to use and enjoy the dwelling, building or structure, or provides accessibility in another manner.
  - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the County.
  - (4) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the County.
- (f) *Determination.* Once review of the request is complete, the County Administrator or designee shall make a determination to:

- a. Grant the accommodation request; or
  - b. Grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or approve a reasonable alternative accommodation; or
  - c. Deny the request in accordance with state and federal law.
- (f) *General provisions.* The following general provisions are applicable:
- a. An applicant may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by the individual in writing.
  - b. In the event that a reasonable accommodation is granted, the applicant shall comply with any and all applicable conditions, as well as all unaffected permitting processes required by the Code of Ordinances and/or the land development regulations of the County.
  - c. A reasonable accommodation is specific to the applicant and does not run with the land.
  - d. A reasonable accommodation does not alter an individual's obligation to comply with other applicable federal, state, county, or County requirements, rules, regulations, or laws.
- (g) *Revocation.* The approval granted under this Section for a reasonable accommodation may be revoked or modified if the recovery residence fails to maintain certification or licensure required under state law and it is not reinstated within 180 days, or a violation of any provision of the determination granting the reasonable accommodation is found. The County shall provide 30-days' written notice of the proposed revocation or modification.

**Sec. 138-3214. Community residential home.**

- (a) *Purpose.* Community residential homes provide for safe housing for those who require their service while ensuring compatibility to the surrounding neighborhood, consistent with the criteria in F.S. § 419.001. Community residential homes should closely resemble a typical residential unit as opposed to a commercial or institutional building. Community residential homes are provided in two categories based on the number of residents: Category 1: 1 to 6 residents; and Category 2: 7 to 14 residents.
- (b) *Applicability.* The provisions of this section shall apply to all new, existing, and expanding community residential homes and their accessory structures.
- (c) *Standards.*
  - (1) A new community residential home shall not be located within 1,000 feet of another such facility.
  - (2) Each community residential home shall be designed, maintained, and operated so as to be compatible with the neighborhood and should provide a style of life which is substantially similar to that of natural families living in the neighborhood.

- (3) These facilities, when required, shall be licensed by the appropriate state licensing entity. The granting of a Type 1 or 2 approval shall not be deemed effective until such license has been issued.
- (4) New community residential home units are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway.

**Sec. 138-3215. Dormitory.**

- (a) *Purpose.* Dormitories are 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. Dormitories should closely resemble typical multifamily structures when located within or adjacent to residential neighborhoods.
- (b) *Applicability.* The provisions of this section shall apply to all dormitory development, expansion, and operation.
- (c) *Standards.*
  - (1) Dormitories shall be associated with or accessory to an educational or religious institution. Residents shall be either employed or enrolled in the associated educational and/or religious institution.
  - (2) Dormitories may be located on a separate lot or parcel from the educational/religious institutional they serve. Dormitories should be located within the general vicinity, typically within one-half mile, of the institution in which they are associated.
  - (3) Individual dormitory units shall not have full kitchens. Shared, fully-equipped cooking facilities may be available to a grouping of units.
  - (4) Dormitory density may be calculated as a residential equivalent use and based on the underlying future land use map classification.

**Sec. 138-3216. Dwellings.**

- (a) *Purpose.* Multifamily, single-family attached with more than two units, live-work, and three-family residential dwelling units are intended to be developed, expanded, and maintained to accommodate, enhance or improve the immediate vicinity in terms of scale, orientation, and accessibility.
- (b) *Applicability.* The provisions of this section shall apply to all multifamily, single-family attached with more than two units, live-work, and three-family development and expansion.
- (c) *Standards.*
  - (1) In the one, two and three-family residential (R-4) and urban residential (R-5) districts the following standards shall apply:
    - a. Multifamily and single-family attached exterior building materials shall complement and be architecturally compatible with other residential structures in the immediate neighborhood.

- b. Entrances for single-family attached residential units shall be oriented to an adjacent street, alley, open space area, or internal courtyard.
  - c. Multifamily and single-family attached buildings shall not exceed an overall length of 120 feet.
- (2) In commercial and industrial planned development districts the following standards shall apply:
- a. Residential units shall not be located along the ground floor facades of any building fronting an arterial or collector street.
  - b. Common entrances, reception areas, rental offices, and similar residential accessory uses may occupy the ground floor facade of any building fronting an arterial or collector streets.
  - c. Single-family attached properties, where permitted in the C-1, C-2 and CP zoning districts, shall be subject to a minimum lot size of 1,400 square feet.
- (3) Multifamily development is subject to the following standards:
- a. Multifamily units shall provide a minimum of ten percent of the site area to be reserved and/or improved as common open space.
    - 1. This open space area may be combined with other open space requirements of the zoning district.
    - 2. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection to ensure usability. Enclosed recreation spaces may count toward the minimum requirement.
  - b. At least 50 percent of street facades shall have architectural articulation.
  - c. A six-foot high opaque wall or fence shall be provided along rear and side property lines that abut a single-family attached and/or detached lot. A fence is not required for the portions between the front building facade and an abutting street. A fence is not required for portions that abut an alley.
- (4) Live-work units are subject to the following standards:
- a. Live-work units are permitted up to one-half of the unit area to be used for retail sales and service, office, and/or educational purposes.
  - b. The nonresidential operations shall be conducted in part by at least one occupying resident of the live-work unit.
  - c. Nonresidents are permitted to be employed at the live-work unit.
  - d. The nonresidential component must meet the use requirements of the zoning district. The uses shall have shared connections and amenities.

**Sec. 138-3217. Reserved.**

**Sec. 138-3218. Home based business.**

- (a) *Purpose.* The purpose of this section is to recognize the need for home-based businesses and establish standards for operation.
- (b) *Applicability.* The provisions of this section shall apply to all home based businesses.
- (c) *Standards.*
  - (1) A home-based business that operates from a residential property may operate in an area zoned for residential use, and shall not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses, except as otherwise provided in this section.
  - (2) A business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:
    - a. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
    - b. Parking related to the business activities of the home-based business must comply with zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the home-based business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. The standards of section 122-37 of the Pinellas County Code regarding the storage, parking, and maintenance of prohibited vehicles and equipment in residential zoning districts shall apply.
    - c. As viewed from the street, the use of the residential property must be consistent with the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
    - d. The activities of the home-based business must be secondary to the property's use as a residential dwelling.
    - e. The business activities must comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, but such local regulations may not be more stringent than those regulations that apply to a residence where no business is conducted.
    - f. All business activities must comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive,

combustible, or other hazardous or flammable materials or liquids, but such local regulations may not be more stringent than those regulations that apply to a residence where no business is conducted.

**Sec. 138-3219. Modern manufactured home.**

- (a) *Purpose.* Modern manufactured homes (MMH) are structures built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities. MMHs are 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. MMHs are designed to be transported for installation or assembly at the building site. Modern manufactured homes shall be planned, sited, and maintained in a manner to ensure compatibility with the surrounding neighborhood in terms of scale, orientation, and building character.
- (b) *Applicability.* The standards in this section shall apply to all new, replacement, or modified modern manufactured homes. This section does not apply to recreational vehicles, mobile homes, or modular homes.
- (c) *Procedures for approval.* Approval of modern manufactured homes shall be authorized by the county administrator or designee.
  - (1) An application for a modern manufactured home placement shall be submitted to the county administrator or designee. Such applications shall include all information necessary to make determinations as to conformity with the standards in this section, including photographs of all sides of the modern manufactured home, exterior dimensions, roof pitch, roof materials, exterior finish, and other information necessary to make determinations.
  - (2) Within 14 days of receipt of the application and all required supporting materials, the county administrator or designee shall approve, approve with conditions, or deny the application for a modern manufactured home placement. Conditional approval shall be granted only where the conditions and reasons therefor are stated in writing and agreed to by the applicant, and such conditions shall be binding upon the applicant. In the case of denial, the reasons therefor shall be stated in writing.
- (d) *Standards for determination of similarity in exterior appearance.* The following standards shall be used to determine modern manufactured home compatibility with the surrounding neighborhood.
  - (1) *Minimum dimension of main body.* Minimum dimension of the main body of the modern manufactured home shall not be less than 20 feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.
  - (2) *Minimum roof pitch; minimum roof overhang; roofing materials.* Minimum pitch of the main roof shall be not less than three feet of rise for each 12-feet of horizontal run and minimum roof overhang shall be one foot. In cases where site-built housing generally has been constructed in adjacent or nearby locations with lesser roof pitches and/or roof overhangs of less than one foot, then the modern manufactured home may have less roof pitch and overhang, similar to the site-built houses. In general, any

roofing material which is generally used for site-built houses in adjacent or nearby locations may be used, except that a built-up composition roof may not be used.

- (3) *Exterior finish; light reflection.* Only material for exterior finish which is generally acceptable for site-built housing which has been constructed in adjacent or nearby locations may be used, provided, that reflection for such exterior shall not be greater than that from siding coated with clean white gloss exterior enamel.
- (4) *Approved foundations required in residential districts.* No modern manufactured home shall be placed or occupied for residential use on a site in a residential district until such foundation plans have been submitted to and approved by the county administrator or his/her designee, who will determine if the appearance and durability of the proposed is acceptably similar or compatible in appearance to foundations of residences built on adjacent or nearby sites. All homes shall be placed on permanent foundations.
- (5) *Site orientation of the manufactured home.* Modern manufactured homes shall be placed on lots in such a manner compatible with and reasonably similar in orientation to the site-built housing which has been constructed in adjacent or nearby locations.
- (6) *Garages, carports required.* In cases where a modern manufactured home is located adjacent to site-built homes which include garages and/or carports, a garage and/or carport is required.
- (7) *Compatibility with nearby site-built housing.* Modern manufactured homes shall be compatible with site-built housing in the neighborhood within the same zoning district. Approval for a modern manufactured home shall not be granted unless it is found that the dwelling is substantially similar in size, siding, material, roof pitch, roof material, foundation and general appearance to site-built housing which may be permitted by the zoning and/or building code in the neighborhood in the same zoning district.

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

- (a) *Purpose.* Outdoor storage, residential is intended to allow for the retention/storage of residential household items outside of the home, garage, or accessory structure for routine or seasonal use. Items shall be organized, arranged, stored, and/or maintained in such a manner as to not cause any general health and welfare concerns, environmental concerns, block emergency access to the property, or otherwise cause a nuisance.
- (b) *Applicability.* The provisions of this section shall apply to all residentially zoned properties and/or properties being used primarily for residential purposes within unincorporated Pinellas County.
- (c) *Standards.* Residential outdoor storage areas shall meet the following requirements:
  - (1) All items must be stored on private property and shall be located behind a privacy fence or otherwise generally screened from public view.
  - (2) No items shall be stored in the public right-of-way, alley, or other areas generally accessible to the public.

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

**Sec. 138-3221. Property management and maintenance facility.**

- (a) *Purpose.* Property management office and maintenance facility is an office that provides management and maintenance services for a particular residential or golf course project. A property management office 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.

- (b) *Applicability.* The provisions of this section shall apply to all residential- or golf course-related property management offices and maintenance facilities.
- (c) *Standards.* Property management offices and maintenance facilities shall meet the following requirements:
  - (1) The property management office is located on a parcel that does not exceed three acres and is a part of or contiguous to the residential and/or golf course project to be managed;
  - (2) All storage and maintenance of equipment is enclosed within a building, except for washing of equipment when screened by an opaque fence at least six feet in height from adjacent residential uses per the performance standards of article X, division 4 of this chapter; and
  - (3) Storage and workshop/maintenance shall not exceed 50 percent of the enclosed building area.

**Sec. 138-3222. Setback of residential uses from county-owned solid waste disposal facility.**

- (a) *Intent and legislative findings.*
  - (1) The board of county commissioners hereby recognizes that the efficient and proper handling and disposal of solid waste may nonetheless create various effects and impacts that have been determined to generate complaints from nearby residential properties.
  - (2) The board of county commissioners also finds and recognizes that allowing increasing numbers of nearby residential properties will likely generate a greater volume of complaints and impede the ability of the county to perform its solid waste disposal obligations.
  - (3) It is hereby declared that the board of county commissioners does not intend to allow further residential development of properties not currently zoned for residential use, such that the development will impact the ability of the county to perform its solid waste disposal obligations now or in the future.
  - (4) It is further declared that the board of county commissioners finds that the separation of incompatible residential development from the Pinellas County Solid Waste Disposal Facilities is directly concerned with the provision of countywide solid waste disposal services.
  - (5) The board of county commissioners further makes a legislative finding that there is a rebuttable presumption that residential uses within 2,000 feet of the Pinellas County Solid Waste Facilities are incompatible with the long-term provision of the essential countywide solid waste disposal services.
  - (6) It is the intent of the board of county commissioners that this article be the ordinance, "that regulates the setback of residential uses from a county-owned solid waste disposal facility," referred to in changes to the countywide future land use plan relating

to the industrial limited classification made by the board sitting as the countywide planning authority on January 6, 2004.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Pinellas County Solid Waste Disposal Facilities* or *county-owned solid waste disposal facilities* shall mean the entirety of that real and tangible personal property currently owned or controlled by Pinellas County, as of the effective date of this article, in fee simple, by contractual obligation or otherwise, currently used or contemplated to be used for solid waste handling, collection or transfer operations, processing, incineration, or disposal, as those activities are currently regulated by the state department of environmental protection. The facilities shall include but not be limited to the Bridgeway Acres landfill, the Pinellas County Waste to Energy Resource Recovery Facility, and the Pinellas County Sod Farm property. The term shall not include the closed Toytown Landfill.

*Landfill easement* shall mean a deed restriction, easement, or covenant to run with the land placed upon the entirety of a development project that does all of the following:

- (1) Exists in perpetuity.
  - (2) Requires written notification prior to closing by each seller of real property to potential buyers of that real property of the existence, location, and nature of the Pinellas County Solid Waste Disposal Facilities. The required notification shall include a statement that the Pinellas County Solid Waste Disposal Facilities process and dispose of over 1,000,000 tons of municipal solid waste per year and include current contact information for the Director of Pinellas County Solid Waste Operations.
  - (3) Requires written notification by each lessor of real property, within any lease or rental agreement, to potential lessees of that real property of the existence, and location, and nature of the Pinellas County Solid Waste Disposal Facilities. The required notification shall include a statement that the Pinellas County Solid Waste Disposal Facilities process and dispose of over 1,000,000 tons of municipal solid waste per year and include current contact information for the Director of Pinellas County Solid Waste Operations.
  - (4) Recognizes that the Pinellas County Solid Waste Disposal Facilities may eventually reach a height of at least 150 feet above existing grade and possibly higher if allowed by applicable permitting authorities.
  - (5) States that failure by a seller or a lessor to provide both a copy of the deed restriction, easement or covenant running with the land and the notice required by subsections (2) or (3) above, as applicable, shall create a rebuttable presumption of fraud in the inducement to the contract for sale or lease.
  - (6) That the terms of the deed restriction, easement or covenant running with the land shall inure to the benefit of the other owners or tenants of the development project as well as to Pinellas County, and shall be enforceable by any of those entities in circuit court.
- (c) *Regulation of solid waste disposal facilities/preemption.* Pursuant to its countywide authority under the Pinellas County Charter Section 2.04(b), and the preemption contained

in The Pinellas County Solid Waste Disposal and Resource Recovery Act § 15, the board of county commissioners hereby declares that all other local government or municipal ordinances, regulations, rules, special exceptions, conditions, permits or other limitations upon the Pinellas County Solid Waste Disposal Facilities are void and of no effect to the extent that they attempt to limit any actions of Pinellas County with respect to the operation, construction, improvement, or maintenance of the Pinellas County Solid Waste Disposal Facilities.

- (d) *Use restrictions/buffers.* No residential development of any type shall be permitted within 2,000 feet of the boundary of the Pinellas County Solid Waste Disposal Facilities without a variance issued pursuant to subsection (g).
- (e) *Regulations not retroactive.* The regulations prescribed by this section relating to uses of property outside the boundaries of the Pinellas County Solid Waste Disposal Facilities shall not be construed to affect any structure not conforming to the regulations prior to the effective date of the ordinance from which this section is derived, or otherwise interfere with the continuance of any existing nonconforming use. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance. Nothing in this section shall be construed to affect land uses permitted under countywide future land use rules in effect prior to March 31, 2004. Nothing in this section shall prohibit a property owner from reconstructing or altering a residential structure which is either existing or approved for construction prior to the effective date of the ordinance from which this section is derived and no provision of this section shall apply to any reconstruction or alteration of such existing or approved residential structures.
- (f) *Enforcement of section.* It shall be the duty of the county administrator or designee to administer and enforce the regulations prescribed in this section.
- (g) *Variance procedures.* Variances and modifications to the provisions of this section may be processed and reviewed pursuant to chapter 138, article II, division 7, variances, waivers, and administrative adjustments.
- (h) *Territory embraced.* All territory within the legal boundaries of Pinellas County, Florida, including all incorporated and unincorporated areas, shall be embraced by the provisions of this section.

**Secs. 138-3223—138-3229. Reserved.**

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding will not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 4. Inclusion in Code.** The provisions of this Ordinance will be included and incorporated in the Pinellas County Code, as an amendment thereto, and will be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance will be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance will become effective upon filing of the ordinance with the Department of State.

PCAO 542138

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