

# **Attachment ‘B’**

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# CHAPTER 138 – ZONING

## ARTICLE I - IN GENERAL

### Section 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.

*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 Chapter 429, Part I, Florida Statutes.

*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.

*Business service* means an occupation or service requiring the utilization of a manual, mechanical, or specialized skill which involves neither the on-premises use of heavy machinery or equipment nor primarily the sale of merchandise or conveyance of a product.

*Chicken* a 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 Section 419.001, Florida Statute.

*Congregate care facility* means as defined in Chapter 138, Article III Division 3 and as defined in Chapter 429, Part I, Florida Statutes.

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

*Day care facility, child and/or adult* means as defined in Chapter 138, Article III Division 3.

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

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

*Deterioration* means as defined in Chapter 22, Buildings and Building Regulations, of the Pinellas County Code, Article V, Division 1, Section 22-156.

*Dormitory* means as defined in Chapter 138, Article III Division 3.

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

*Dwelling, live/work* means as defined in Chapter 138, Article III Division 3.

*Dwelling, multiple family and their customary accessory uses* means as defined in Chapter 138, Article III Division 3.

*Dwelling, single family (attached) and their customary accessory uses* means as defined in Chapter 138, Article III Division 3.

*Dwelling, single family (detached) and their customary accessory uses* means as defined in Chapter 138, Article III Division 3.

*Dwelling, single family zero lot line and their customary accessory uses* means as defined in Chapter 138, Article III Division 3.

*Dwelling, three-family and their customary accessory uses* means as defined in Chapter 138, Article III Division 3.

*Dwelling, Two-family and their customary accessory uses* means as defined in Chapter 138, Article III Division 3.

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

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

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

*FCC* means the Federal Communications Commission.

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

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

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

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

*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.

*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.

*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.

*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.

*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 Chapter 400, Part II, Florida Statutes.

*Office service / office support use* 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 (collection and distribution only), and like personal service uses; and office equipment or supplies, and like office support uses. Any assembly, sale or merchandise, or conveyance of a product in support of a personal 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.

*Personal / business service use* means an occupation or service requiring the utilization of a manual, mechanical, or specialized skill which involves neither the on-premises use of heavy machinery or equipment nor primarily the sale of merchandise or conveyance of a product. Any production, processing, or assembly shall clearly be secondary and incidental to the primary use characteristics.

*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.

*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.

*Special exception* means a use that would not be appropriate generally or without restriction throughout the particular zoning district or classification but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect public health, safety, comfort, good order, appearance, convenience, or the general welfare (see Article II, Division 7 of this chapter).

*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.

*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 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.

*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.

*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.

#### **Section 138-2. Interpretation.**

In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the community. It is not intended by this chapter to abrogate or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction than imposed or required by other ordinances, resolutions, rules, regulations, or by lawful easements, covenants or agreements, the provisions of this chapter shall control.

#### **Section 138-3. Conflicting provisions.**

Where the provisions of this chapter impose a higher standard than set forth in any other ordinance of the county, then the standard as set forth in this chapter shall prevail; but if the provisions of this chapter impose a lesser standard than any other ordinance of the county, then the higher standard contained in any such ordinance or law shall prevail. The county administrator or designee shall make interpretations when this circumstances arise.

#### **Section 138-4. Interpretation of other laws, ordinances, codes or regulations.**

Where other lawful codes, ordinances, regulations or statutory provisions are referenced within this chapter, such references shall include lawful revisions or amendments thereto which may occur from time to time.

#### **Section 138-5. Severability.**

It is declared to be the intent of the Board of County Commissioners that, if any article, division, section, subsection, sentence, clause, phrase, or provision of this chapter is held invalid or

unconstitutional, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this chapter.

**Section 138-6. Original preparation; major revision and re-adoption.**

- (a) The county zoning regulations were originally prepared and adopted by the Board of County Commissioners on December 5, 1955.
- (b) The county zoning regulations were revised, consolidated, and readopted by the Board of County Commissioners on February 5, 1963, and on January 30, 1990, revised, consolidated, and readopted as the Comprehensive Zoning Ordinance of the County.

**Section 138-7. Effective date.**

This chapter shall become effective upon acknowledgement from the secretary of state that the ordinance from which this chapter is derived has been duly filed, or on THE DATE OF ADOPTION, whichever is later.

**Section 138-8. Ratification of previous actions.**

All actions taken by the Board of County Commissioners pursuant to previously enacted rules and regulations are hereby confirmed and ratified.

**Section 138-9. Compliance with district regulations.**

Except as otherwise provided in this chapter:

- (1) Use. No structure shall be erected and no existing structure shall be moved, altered, added to or enlarged; nor shall any land, structure or premises be used for any purpose or in any manner without the necessary zoning clearance. Such clearance may be issued only if the proposed use is permitted under this chapter in the district in which such land, structure or premises is or are located.
- (2) Height. No structure shall be erected, nor shall any existing structure be moved, reconditioned or structurally altered so as to exceed in height the limit established in this chapter, or amendments thereto, for the district in which such structure is located. However, special provisions may be allowed pursuant to Chapter 138, Article X, Division 1 and/or through special approval through a Type 2 or 3 review.
- (3) Percentage of lot occupancy. No structure shall be erected, nor shall any existing structure be moved, altered, enlarged, or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area, parking space and setback regulations established by this chapter, or amendments thereto, for the district in which such structure is located.

**Sections 138-10—138-50. Reserved.**

## **ARTICLE II - ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1. GENERALLY**

**Section 138-51. - Administrative authority.**

The county administrator or authorized designee shall interpret, administer, and enforce the permitting provisions of this code.

**Section 138-52. - Employees assisting county administrator.**

There shall be employed by the county such employees as the Board of County Commissioners (BoCC) whom may authorize and determine for the purpose of assisting the county administrator in the performance of his/her duties under this chapter.

**Section 138-53. - Duties of county administrator.**

In administering, interpreting, and enforcing this chapter, the county administrator or designee shall issue all permits, as required under the code, and collect all fees, as required, and transmit all fees collected to the clerk of the circuit court of the county for disposition as required by law. The county administrator shall also perform such other duties that are normal to the operation of land use planning and zoning, including the supervision of any employees hired under section 138-52.

**Section 138-54. - Report of violations; enforcement procedure.**

Any person may report a violation of this chapter.

- (1) Inspectors for the County's Code Enforcement Department shall have the authority to investigate alleged violations of this chapter.
- (2) Investigations may be based upon statements of complainants or upon inspections performed by county departmental personnel.
- (3) In conducting investigations of alleged violations of this chapter, departmental inspectors shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of an alleged zoning violation.
- (4) Where violations of this chapter are found to exist during the course of any construction or other activity requiring a permit, a stop work order may be issued by the County Building Department, or any department referenced in this section, and work shall thereafter cease until the violation is corrected.
- (5) Where it is determined that a violation of this chapter exists, the county's code enforcement inspectors shall attempt to contact the violator and direct compliance with the provisions of this chapter. The county administrator may refer matters to the proper agency for other county, state and/or federal law violations not covered by this chapter.
- (6) *Responsible parties:* The owner(s) of property subject to this zoning code shall be responsible for compliance with this chapter with respect to their property. Enforcement action taken by the county or state may be brought against the owner(s) and/or persons or entities in control of the property, including a contractor working on the property.
- (7) Any person or entity that violates any provision of this chapter shall be deemed guilty of an infraction of a county ordinance and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or as allowed by Florida State Statutes. Each day a violation continues to exist constitutes a separate offense. Nothing contained in this section shall prohibit the county or state from bringing an appropriate civil action to ensure compliance with the zoning code or from utilizing the procedures found in Article VIII of Chapter 2 of the Pinellas County Code.
- (8) Where this chapter provides for permitted uses or activities, a violation of the particular section which provides for the permitted use or activity shall occur if dissimilar uses or activities are existing on the subject property. Failure to obtain a permit, site plan or clearance from the county, as required in this chapter, shall be considered a violation of the particular provision requiring the permit, site plan or clearance.

**Sections 138-55. – Full disclosure of ownership of property to be rezoned.**

- (a) Full disclosure of ownership of property sought to be rezoned. No authority shall rezone nor shall it consider an application for rezoning of real property within its jurisdiction until such time as the applicant therefor has fully disclosed all persons having any ownership interests in the property sought by application to be rezoned and whether such ownership interests are contingent or absolute.
- (b) Penalty. Violations of this section are punishable as provided in Section 134-8.

**Sections 138-56. – 59 - Reserved**

**DIVISION 2. REVIEW AND DECISION-MAKING AUTHORITIES**

**Section 138-60. - Generally**

The review and decision-making authorities outlined herein are established to interpret and apply the provisions of the land development code in reviewing and recommending, and/or taking final action on land development, land use permits, applications activities, and other procedures established in this code. In the event of a conflict between this article and section 158-111, the later shall control. This division establishes and describes each review and decision making body. The decision-making authorities herein are responsible for reviewing and implementing land use and development standards. This section shall not affect other duties and authorities established in other code sections, the charter and/or state law.

**Sections 138-61 -62 - Reserved**

**Section 138-63. - Department Reviews**

- (a) *Establishment.* Department review procedures shall be established to conduct action for clear and objective development reviews of development proposals and requests. Department Reviews are administrative and involve non-subjective implementation of the Code.
- (b) *Composition.* The county administrator shall designate Directors to manage county departments. Directors shall assign designated staff to facilitate, review, and determine compliance for requests listed in subsection (c) of this section.
- (c) *Powers and duties.* In addition to the administrative duties assigned by the county administrator, county departments shall have the power and duties to review and take action on the following land usage and development-related applications and requests:
  - (1) *Application/Review Types.* Departments shall have the authority to review and take action on any of the applications/requests designated to the Type 1 – Path A review as listed in Table 138-77
  - (2) *Time extensions.* The county administrator or designee shall have the authority to grant time extensions to department approvals, site plans, and minor variances up to one year from the previous approval.
  - (3) *Other actions and powers.* Departments shall have the authority to take action and powers on items that are not specifically assigned to a higher review authority, as established by the code.

**Section 138-64. - Development Review Committee (DRC)**

- (a) *Establishment.* The Development Review Committee (DRC) is hereby established to review and act on certain development proposals in order to ensure compliance with this code and the Comprehensive Plan. The DRC is established to provide a more collaborative technical review of site plans, subdivisions, waivers and administrative

adjustment allowances, and other similar requests. The DRC is also established to provide technical recommendations to higher review authorities and boards.

- (b) *Composition.* The DRC shall be composed of designated county staff members.
  - (1) The DRC shall include the development review services director or designee as chairperson.
  - (2) The other DRC members shall be composed of staff representing technical knowledge in the following:
    - a. land use planning/urban design
    - b. civil engineering
    - c. utilities
    - d. roadways and transportation
    - e. environmental management/biology
    - f. public safety
    - g. economic development
- (c) *Powers and duties.* The DRC shall have the power and duties to review and approve the following development-related applications and requests:
  - (1) *Application/review types.* The DRC shall have the authority to review and take action on any of the applications/requests designated to the Type 1 – Path B review as listed in Table 138-77.
  - (2) *Adoption of procedural rules.* The committee shall have the authority to adopt rules of procedure.
  - (3) *Other authority.* The committee shall have authority to review and take action on such other matters as provided by this code or as may be assigned by the Board of County Commissioners or county administrator.
- (d) *DRC Meeting Requirements.*
  - (1) *Record of proceedings.*
    - a. *Records maintenance.* All records of any proceeding before the committee shall be filed with the county.
    - b. *Official minutes.* Minutes shall be kept in which applications, recommendations and all determinations or decisions of the committee shall be recorded.
    - c. *Application files.* Application files shall be held and maintained by the County.
  - (2) *Schedule.* The committee shall determine an appropriate meeting schedule to ensure that issues before the committee are reviewed in a timely manner.
  - (3) *Notice of meetings.* Meeting shall be noticed pursuant to Division 10 of this Article.
  - (4) *Public meeting.*
    - a. All meetings of the committee shall be open to the public.
    - b. Applications requiring quasi-judicial proceedings shall be subject to Chapter 134, Article I, Division 2.
  - (5) *Quorum.* Three members of the committee shall constitute a quorum.
  - (6) *Final determination.* The final determination and/or recommendation to a higher board shall be based on adopted policies in the Comprehensive Plan, state and

federal law and the Pinellas County Code. The committee shall reach their final determination through consensus amongst the members.

- (e) *Equitable and Reasonable Code Application.* The DRC shall apply all code standards in a manner that is fair, equitable, reasonable, and furthers the intent of the land development code, Comprehensive Plan, and aligns with the County's strategic plan(s).
  - (1) The DRC may allow for minor adjustments and/or general code interpretations when it is determined that strict application of the code requirements would:
    - a. create an inequitable/unreasonable situation,
    - b. stifle innovative/creative design, AND/OR
    - c. create undue hardship when applied to a specific project/ development.
  - (2) Any DRC action that applies minor adjustments and/or code interpretation(s) should include the following:
    - a. The determination shall not be contrary to requirements of law or the general policies of the code;
    - b. Interpretations pertaining to zoning standards shall be conducted consistent with Division 4 of this chapter.

**Section 138-65. – Pinellas County Historic Preservation Board**

- (a) *Establishment.* The Pinellas County Historic Preservation Board is established in Chapter 146 of the Pinellas County Code and is responsible for matters pertaining to historic and archaeological preservation.
- (b) *Powers and Duties.* The Pinellas County Historic Preservation Board shall have the power and duties to review and approve the following development-related applications and requests:
  - (1) *Historical Preservation.* Any action/requested as outlined in Chapter 146 – Historical Preservation of the Pinellas County Code. The Pinellas County Historical Preservation Board may be required to issue a determination for certain development proposals involving designated historical structures/districts.
  - (2) *Other authority.* The Historic Preservation Board shall have authority to review and take action on such other matters as assigned by the Board of County Commissioners from time to time.

**Section 138-66. –Board of Adjustment and Appeals (BAA)**

- (a) *Establishment.* The Board of Adjustment and Appeals (BAA) is established to be the approval authority for Type 2 processes.
- (b) *Composition.*
  - (1) The BAA shall be composed of seven (7) members, one each nominated by each member of the Board of County Commissioners and appointed by the Board of County Commissioners. The term of office shall be up to four years and shall run concurrently with the term of the nominating commissioner. The Board of County Commissioners may appoint two alternate members to the BAA to serve during the absence of any regular member.
  - (2) A BAA member may be removed and replaced by the Board of Commissioners at will.
- (c) *Powers and Duties.* The BAA shall have the power and duties to review and take action on the following:

- (1) *Application/Review Types.* The BAA shall have the authority to review and take action on any of the applications/requests designated to the Type 2 review as listed in Table 138-77.
  - (2) *Appeals.*
    - a. The BAA shall have the authority to review appeals from department reviews and/or the development review committee.
    - b. The BAA shall have the authority to review appeals from Vested Rights Determinations made by the DRC per Chapter 134, Article V.
  - (3) *Adoption of procedural rules.* The BAA shall have the authority to adopt rules of procedure.
  - (4) *Other authority.* The BAA shall have authority to review and decide on such other matters as assigned by the Board of County Commissioners or county administrator from time to time.
- (d) Quorum. Four (4) BAA members shall constitute a quorum.

**Section 138-67. – Local Planning Agency (LPA)**

- (a) *Establishment.* The Local Planning Agency (LPA) is established to review certain land use proposals and policy amendments and to make recommendations to the Board of County Commissioners. The establishment herein is in addition to any provisions relating to the Local Planning Agency duties expressed in Chapter 134 (Sec. 134-12. - Designation of the Local Planning Agency or as amended).
- (b) *Composition.* The LPA shall be composed of seven members, one nominated by each member of the Board of County Commissioners and appointed collectively by the Board of County Commissioners. The Board of County Commissioners may appoint two alternate members to the LPA to serve during the absence of any regular member.
  - (1) The term of office shall be up to four years and shall run concurrently with the term of the nominating commissioner.
  - (2) A Local Planning Agency member may be removed and replaced by the Board of Commissioners at will.
- (c) *Powers and Duties.* Local Planning Agency (LPA) shall have the power and duties to review and make recommendations on the following:
  - (1) *Application/Review Types.* The LPA shall have the authority to review and make recommendations on any of the applications/requests designated to the Type 3 and Type 4 review as listed in Table 138-77.
  - (2) *Recommendations.* The LPA shall have the authority to provide recommendations to higher review authorities and boards as assigned by the Board of County Commissioners or the county administrator.
  - (3) *Adoption of procedural rules.* The LPA shall have the authority to adopt rules of procedure.
  - (4) *Other authority.* The LPA shall have authority to review and to make recommendations on such other matters as provided by this code or as may be assigned by the Board of County Commissioners.
- (d) Quorum. Four (4) LPA members of the committee shall constitute a quorum.

### **Section 138-68. - Board of County Commissioners (BoCC)**

- (a) *Establishment.* The Board of County Commissioners (BoCC) is authorized to exercise their powers as established by statute, charter and other chapters of the Pinellas County Code.
- (b) *Powers and Duties.* In addition to other authority granted by the Florida Constitution, state law and charter, the BoCC shall have the power and duties to review and take action on the following land usage and development-related items:
  - (1) *Application/Review Types.* The BoCC shall have the authority to review and take action on any of the applications/requests designated to the Type 3, Type 4, and Type 5 reviews as listed in Table 138-77
  - (2) *Other authority.* The BoCC shall have authority to review and decide on such other matters as provided by this code or as allowed by State law.
- (c) *Countywide Planning Authority.* The BoCC shall use their authority as the Countywide Planning Authority (CPA) to take action pursuant to the Countywide Rules.

### **Sections 138-69 -74 – Reserved**

## **DIVISION 3. DEVELOPMENT AND LAND USE REVIEW PROCEDURES**

### **Section 138-75. - Applicability**

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

### **Section 138-76. - Development and Land Usage Approval Required**

Any development, land usage, or property modification shall obtain approval through one or more review types as established in this code.

### **Section 138-77. - Review Types**

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

<b>Review Type</b>	<b>Application/Request</b>	<b>Decision Making Authority</b>	<b>Appeal Authority</b>
<b>Type 1</b>  <b>Path A:</b> Department Reviews	<ul style="list-style-type: none"> <li>• Type 1 uses NOT requiring or part of a site plan</li> <li>• Code Interpretations</li> <li>• Minor Development Activity</li> <li>• Minor Modifications, including site plans</li> <li>• Waivers not involving a site plan</li> <li>• Administrative Adjustments up to 10% of a dimensional standard AND not involving a site plan</li> <li>• Zoning Clearance Letters</li> <li>• Signs</li> <li>• Environmental Permits (County)</li> <li>• Right-of-Way Utilization permits (or equivalent)</li> <li>• Temporary uses</li> <li>• Lot Line Adjustments and Lot Splits (no plats)</li> <li>• Time extensions.</li> <li>• Other actions and powers that are not specifically assigned to a higher review authority, as established by the code.</li> </ul>	Department Review	1 <sup>st</sup> Appeal – Board of Adjustment and Appeals (BAA)  2 <sup>nd</sup> Appeal – Circuit Court
<b>Type 1</b>  <b>Path B:</b> Development Review Committee (DRC)	<ul style="list-style-type: none"> <li>• Type 1 uses requiring or part of a site plan</li> <li>• Waivers involving a site plan</li> <li>• Administrative Adjustments up to 20% of a dimensional standard AND/OR involving a site plan</li> <li>• Site Plans</li> <li>• Other authority as provided by this code or delegated by the BoCC or county administrator.</li> </ul>	Development Review Committee (DRC)	1 <sup>st</sup> Appeal – Board of Adjustment and Appeals (BAA)  2 <sup>nd</sup> Appeal – Circuit Court
<b>Type 2</b>	<ul style="list-style-type: none"> <li>• New Type 2 Use establishment or major modifications thereof</li> <li>• Variances</li> <li>• Modification, expansion, redevelopment, revocation, and/or re-establishment of nonconforming uses and structures</li> <li>• Other authority as provided by this code.</li> </ul>	Board of Adjustment and Appeals (BAA)	Circuit Court
<b>Type 3</b>	<ul style="list-style-type: none"> <li>• New Type 3 Use establishment</li> <li>• Variances (if a part of the establishment of Type 3 Use)</li> <li>• Development Agreements</li> <li>• Development master plans or similar</li> <li>• Zoning Changes</li> <li>• Land Development Code text amendments</li> <li>• Other authority as provided by this code.</li> </ul>	Board of County Commissioners (BoCC)	Circuit Court
<b>Type 4</b>	<ul style="list-style-type: none"> <li>• Comprehensive Plan Amendments</li> </ul>	Board of County Commissioners	Pursuant to State Statutes

Table 138-77 – Review Type and Approval			
Review Type	Application/Request	Decision Making Authority	Appeal Authority
Type 5	<ul style="list-style-type: none"> <li>• Final Plats</li> <li>• Final Public Land Transfers</li> <li>• Final Right-of-way Transfers (Vacations &amp; Dedications)</li> <li>• Final Platted Easement Terminations</li> </ul>	Board of County Commissioners	Circuit Court

**Sections 138-78 -80 - Reserved**

**Section 138-81. - Type 1 Review**

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

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

<b>Table 138.81.a – Type 1 Reviewing Authorities by Application and Request Type</b>		
<b>Type 1 Review Path</b>	<i>Path A</i>	<i>Path B</i>
<b>Reviewing Authority</b>	<i>Department Review</i>	<i>Development Review Committee (DRC)</i>
<b>Applications/ Requests (*)</b>  (*) <i>The application/ requests are based on Table 138-77</i>	<ul style="list-style-type: none"> <li>• Type 1 uses NOT requiring or part of a site plan</li> <li>• Code Interpretations</li> <li>• Minor Development Activity</li> <li>• Minor Modifications, including site plans</li> <li>• Waivers NOT involving or part of a site plan</li> <li>• Administrative Adjustments NOT involving a site plan AND up to 10% adjustment of a dimension standards.</li> <li>• Zoning Clearance Letters</li> <li>• Signs</li> <li>• Environmental Permits (County)</li> <li>• Right-of-way Utilization Permits</li> <li>• Temporary Use Permits</li> <li>• Lot Line Adjustments and Lot Splits (no plats)</li> <li>• Time extensions.</li> <li>• Other actions and powers that are not specifically assigned to a higher review authority, as established by the code.</li> </ul>	<ul style="list-style-type: none"> <li>• Type 1 uses requiring or part of a site plan</li> <li>• Waivers involving or part of a site plan</li> <li>• Administrative Adjustments involving a site plan and/or up to 20% adjustment of a dimensional standard.</li> <li>• Site Plans</li> <li>• Other authority as provided by this code.</li> </ul>

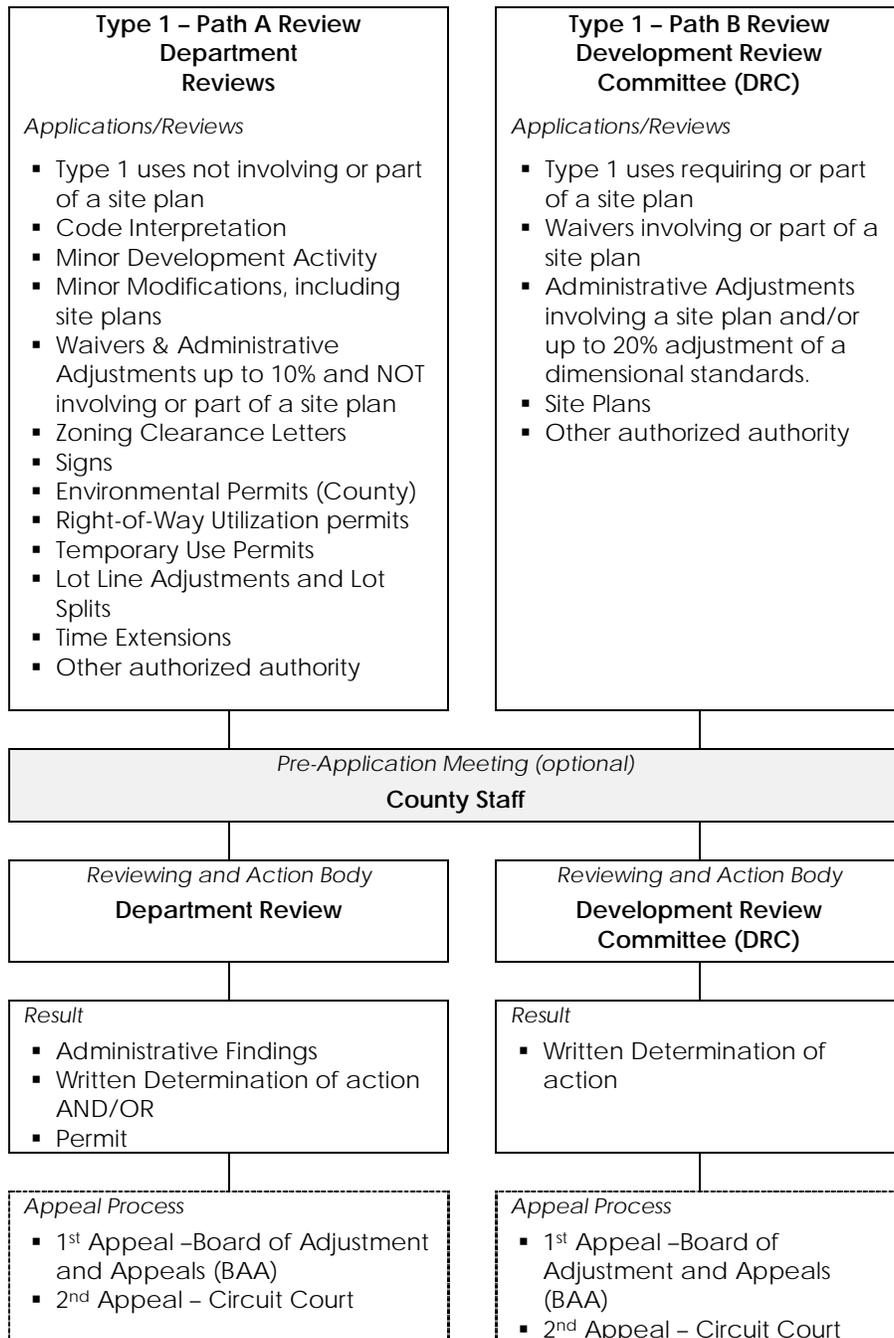
- (d) *Result.* Type 1 Reviews will result in one of the following actions based on application type.
- (1) For code interpretations and zoning clearance letters, the applicable department will issue a written determination of the requested property and/or land use issue.
  - (2) For Type 1 uses not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

(e) *Appeal Process and Authority.* Type 1 Review decisions may be appealed as per Table 138.77 and per Section 134-14.

(f) Review Procedures.

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

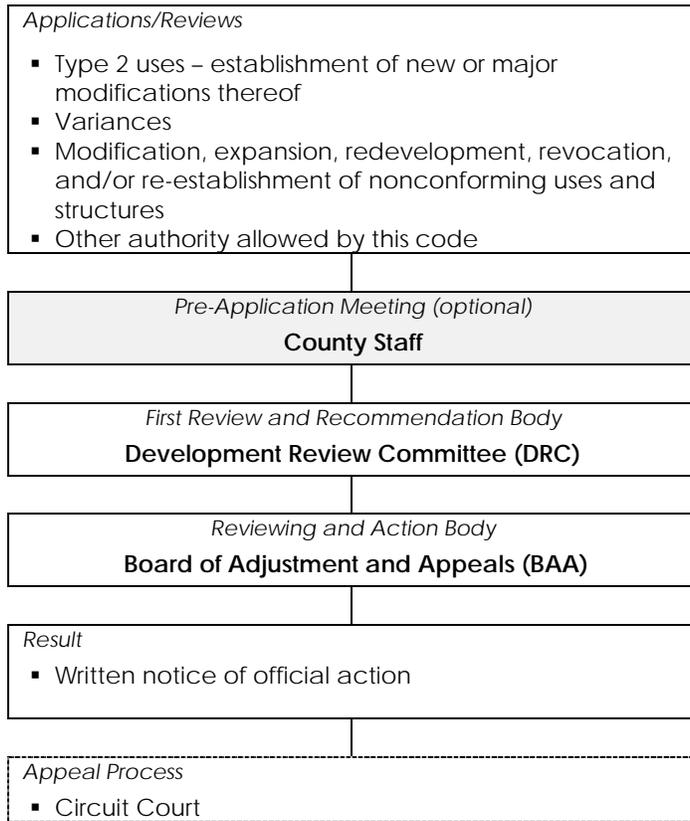
**Table 138.81.b - Type 1 Review Procedure**



## Section 138-82. - Type 2 Review

- (a) *Purpose.* Type 2 review is a public hearing process to ensure that development projects, land usages, and activities comply with the minimum provisions of this code and are consistent with the Comprehensive Plan. A Type 2 process requires the Board of Adjustment and Appeals (BAA) to determine the appropriateness of certain applications/requests at specific locations within the county.
- (b) *Application Types.* A Type 2 review is required for the following applicable types:
  - (1) The applications/requests designated to the Type 2 review as listed in Table 138-77 and Table 138-355 (Article III, Division 3)
  - (2) Other authority as provided by this code.
- (c) *Performed by.* Type 2 Review is performed by the following authorities:
  - (1) *Development Review Committee (DRC).* The DRC reviews the application/request, writes a staff report, and provides a recommendation to the BAA.
  - (2) *Board of Adjustment and Appeals (BAA).* The BAA reviews the application/request, conducts a public hearing, and takes final action on Type 2 Uses and variances to code standards.
- (d) *Result.* Type 2 Reviews will result in a notice of official action.
- (e) *Appeal Process and Authority.* Type 2 Review decisions may be appealed per Table 138.77 and per Section 134-14.
- (f) *Review Procedures.*
  - (1) The applicant shall file a formal application with the applicable department as determined by the county administrator.
    - a. The application shall include, at a minimum:
      - 1. Applicant, owner, and property information.
      - 2. Description of the request.
      - 3. A conceptual plan or drawing illustrating the request. Plans shall be drawn to scale and show the property boundaries, proposed improvements and connections to the roadway system.
    - b. The following Table 138.82a, Type 2 Review Procedure, outlines the general review procedures for Type 2 submittals.

**Table 138.82.a - Type 2 Review Procedure**

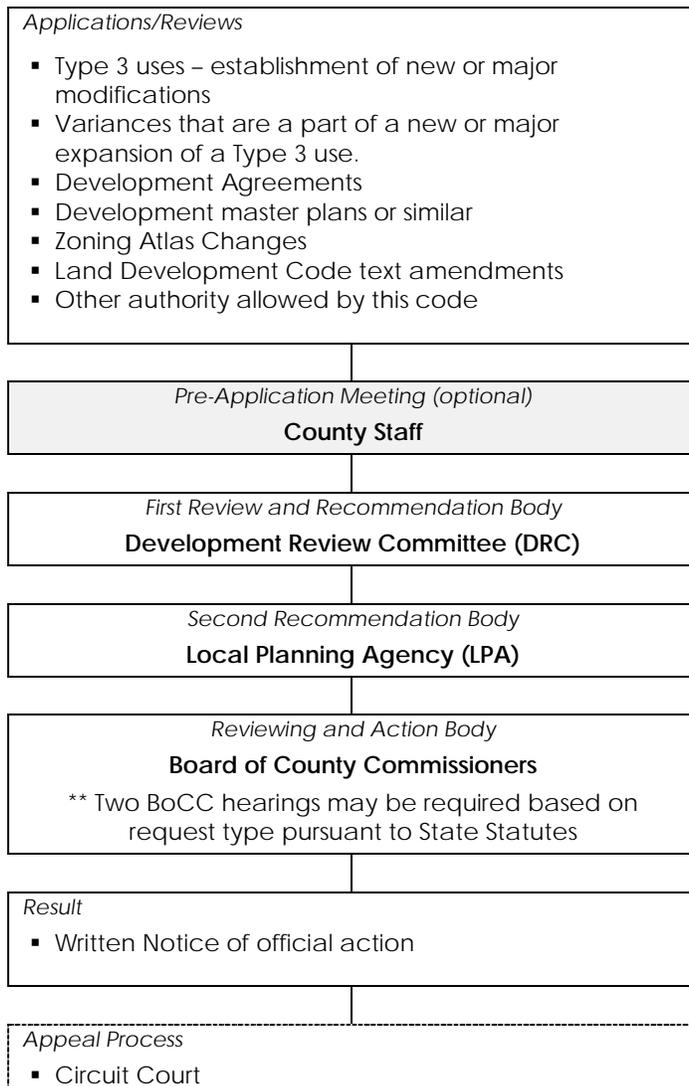


**Section 138-83. - Type 3 Review**

- (a) *Purpose.* Type 3 review is a public hearing process to ensure that development projects, land usages, Land Development Code text amendments, and activities comply with the minimum provisions of code and are consistent with the Comprehensive Plan. A Type 3 process requires the Board of County Commissioners (BoCC) to determine the appropriateness of certain applications/requests at specific locations within the county.
- (b) *Application Types.* A Type 3 review is required for the following applicable types:
  - (1) The applications/requests designated to the Type 3 review as listed in Table 138-77 and Table 138-355 (Article III, Division 3).
  - (2) Other authority as provided by this code, the State of Florida, or similar laws.
- (c) *Performed by.* Type 3 Review is performed by the following authorities:
  - (1) *Development Review Committee (DRC).* The DRC reviews the application/request, writes a staff report, and provides a recommendation to the LPA.
  - (2) *Local Planning Agency (LPA).* The LPA reviews the application/request, conducts a public hearing, and makes a formal recommendation to the BoCC.
  - (3) *Board of County Commissioners (BoCC).* The BoCC reviews the application/request, reviews the DRC staff report, reviews LPA recommendation and findings, conducts a public hearing, and takes final action.
- (d) *Result.* Type 3 Reviews will result in a written determination.

- (e) *Appeal Process and Authority.* Type 3 Review decisions may be appealed per Table 138.77 and per Section 134-14.
- (f) Review Procedures.
  - (1) The applicant shall file a formal application with the applicable department as determined by the county administrator.
    - a. The application shall include, at a minimum:
      1. Applicant, owner, and property information.
      2. Description of the request.
      3. A conceptual plan or drawing illustrating the request, if applicable. Plans shall be drawn to scale and show the property boundaries, proposed improvements, and connections to the roadway system.
    - b. The following Table 138.83a. - Type 3 Review Procedure, outlines the general review procedures for Type 3 submittals.

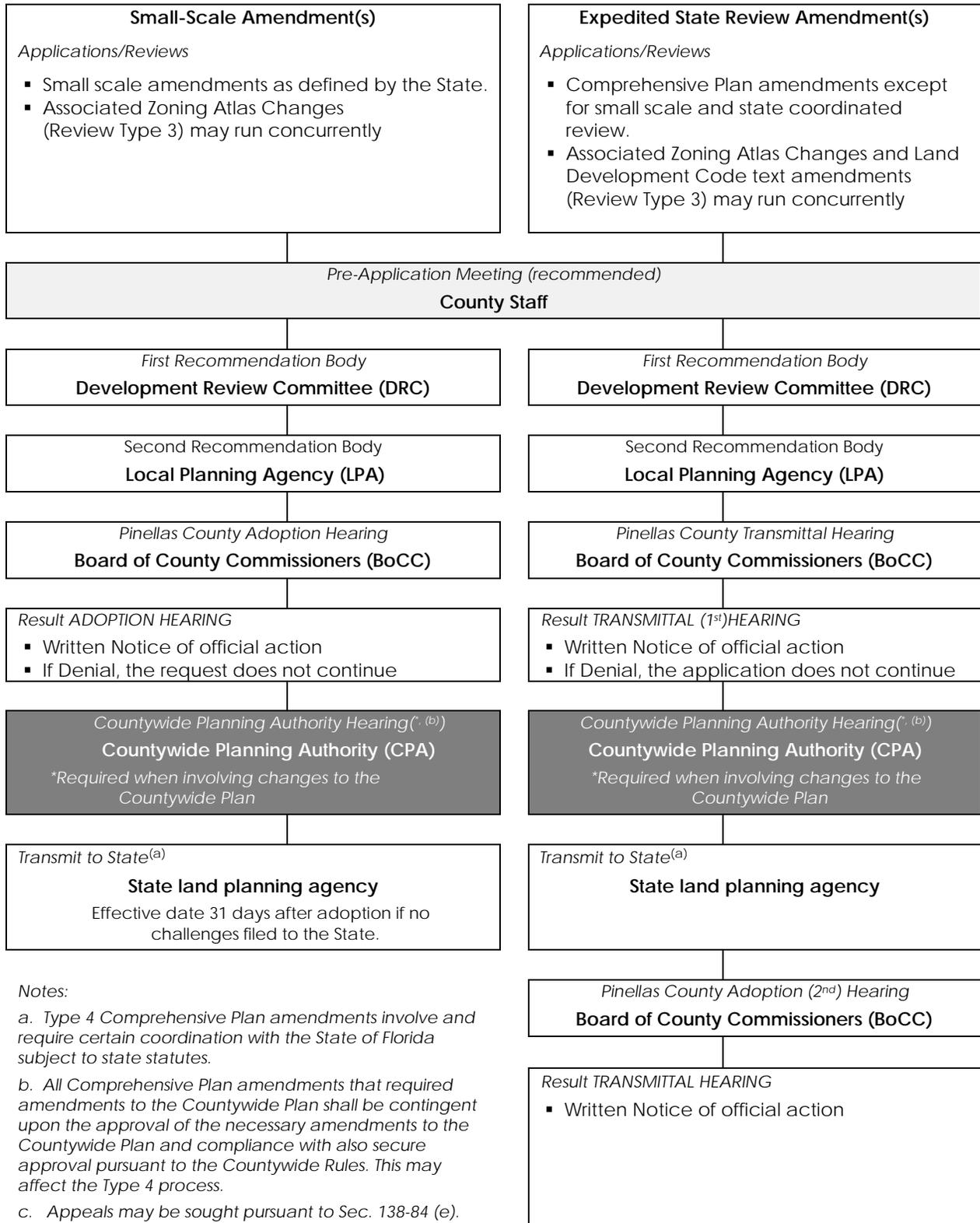
**Table 138.83.a - Type 3 Review Procedure**



## Section 138-84. - Type 4 Review

- (a) *Purpose.* Type 4 review is a public hearing process to consider changes to the Comprehensive Plan. A Type 4 process requires the Board of County Commissioners (BoCC) to determine the appropriateness of certain applications/requests based on the Comprehensive Plan, the Countywide Rules, and other sound community planning practices.
- (b) *Application Types.* A Type 4 review is required for the following applicable types:
  - (1) Comprehensive Plan amendments.
  - (2) Zone changes and Land Development Code text amendments that are processed concurrent with an associated Comprehensive Plan amendment
- (c) *Performed by.* Type 4 Review is performed by the following authorities:
  - (1) *Development Review Committee (DRC).* The DRC reviews the application/request, writes a staff report, and provides a recommendation to the Local Planning Agency (LPA).
  - (2) *Local Planning Agency (LPA).* The LPA reviews the application/request, conducts a public hearing, and makes a formal recommendation to the BoCC.
  - (3) *Board of County Commissioners (BoCC).* The BoCC reviews the application/request, conducts a public hearing, and takes final action whether to change the Pinellas County Future Land Use Map.
  - (4) *Countywide Planning Authority (CPA).* The BoCC, in its role as The CPA, reviews Comprehensive Plan amendments when the request will require changes to the Countywide Land Use Plan. Where authorized by the Countywide Rules, the CPA reviews the application/request, reviews staff reports and recommendations, conducts a public hearing, and takes final action pertaining to the Countywide Land Use Plan pursuant to the Countywide Rules.
- (d) *Result.* Type 4 Reviews will result in a written determination.
- (e) *Appeal process and authority.* Type 4 Review decisions may be appealed per Table 138.77 and per Section 134-14.
- (f) *Review Procedure*
  - (1) The applicant shall file a formal application with the county.
    - a. The application shall include, at a minimum:
      - 1. Applicant, owner, and property information.
      - 2. Description of the request.
    - b. The following Table 138.84a - Level 4 Review Procedure, outlines the general review procedures for Type 4 submittals.

**Table 138.84.a - Level 4 Review Procedure**



**Notes:**

a. Type 4 Comprehensive Plan amendments involve and require certain coordination with the State of Florida subject to state statutes.

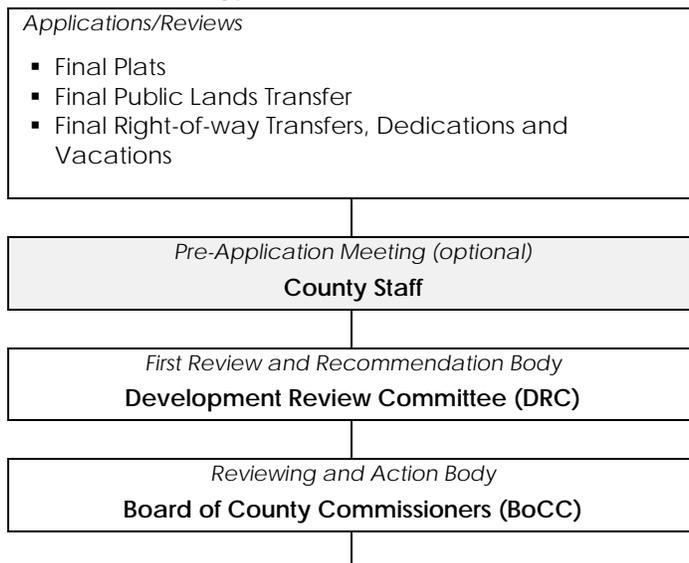
b. All Comprehensive Plan amendments that required amendments to the Countywide Plan shall be contingent upon the approval of the necessary amendments to the Countywide Plan and compliance with also secure approval pursuant to the Countywide Rules. This may affect the Type 4 process.

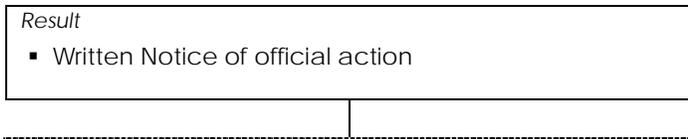
c. Appeals may be sought pursuant to Sec. 138-84 (e).

**Section 138-85. - Type 5 Review**

- (a) *Purpose.* Type 5 review is a formal adoption process for final plats, public land transfers, and right-of-way transfers, vacations and dedications. A Type 5 process requires the Board of County Commissioners (BoCC) to formally accept, adopt, and/or approve the legal instruments associated with these actions. A Type 5 review occurs *AFTER* receiving preliminary plat, preliminary subdivision, and preliminary right-of-way transfer approval as part of a Type 1 review.
- (b) *Application Types.* A Type 5 review is required for the following applicable types:
  - (1) Final plats
  - (2) Final public land transfers
  - (3) Final right-of-way transfers, vacations and dedications
- (c) *Performed by.* Type 5 Review is performed by the following authorities:
  - (1) *Development Review Committee (DRC).* The DRC reviews the application/request, writes a staff report, and provides a recommendation to the Board of County Commissioners (BoCC).
  - (2) *Board of County Commissioners (BoCC).* The BoCC reviews the application/request and takes final action whether to approve the application/request.
- (d) *Result.* Type 5 Reviews will result in a written notice of official action.
- (f) *Review Procedure*
  - (1) The applicant shall file a formal application with the applicable department as determined by the county administrator.
    - a. The application shall include, at a minimum:
      - 1. Applicant, owner, and property information.
      - 2. All applicable drawings and legal descriptions.
    - b. The following Table 138.85a - Type 5 Review Procedure, outlines the general review procedures for Type 5 submittals.

**Table 138.85.a - Type 5 Review Procedure**





**Sections 138-86 -89 - Reserved**

**DIVISION 4. ZONING CLEARANCES AND CODE INTERPRETATIONS**

**Section 138-90. - Zoning clearance**

A zoning clearance determines if an application is in conformance with the provisions of the code or as permitted by special approval such as a variance, development agreement or similar action. It is required and should be obtained prior to any property use, development activity or land disturbance. Zoning clearance is often performed in conjunction with the plan review process for building permits, site plans, and/or pre-application meetings.

- (a) Prior to the use of any land or structure or the expansion of any use of land or structure and prior to the issuance of a building permit, a zoning clearance must be determined.
- (b) For the purpose of this code, a zoning clearance is a written determination granted to an applicant indicating that the property, land usage(s), and improvements/structures conforms to zoning requirements. This may occur as part of the application review processes.
- (c) A zoning clearance shall be determined by the county administrator or designee.
  - (1) The issuance of a zoning clearance does not exempt an applicant from complying with all laws properly affecting the use or development of land.
  - (2) This clearance is required regardless of any other provision of this division.
  - (3) Failure to obtain such clearance may be deemed a violation of this chapter.
- (d) Issuance and conditions:
  - (1) Zoning clearances shall be determined as part of a Type 1 Review. The resulting determination may require that the applicant make site modifications and/or secure the required review type approval for the requested outcome.
  - (2) The county administrator or designee may request additional information pertaining to the project in order to conduct a thorough review and ensure full compliance with this code.

**Sections 138-91 -99 - Reserved**

**Section 138-100. - Code Interpretation.**

- (a) Any member of the public may request a code interpretation of any provision in the Pinellas County Code of Ordinances Part III Land Development Code as it relates to development, the review process(es), and/or use of land on any parcel in unincorporated Pinellas County.
- (b) A code interpretation is intended for cases and situations where the standards and requirements are not clear and/or there is opportunity for interpretation. It is also intended for those cases that require a thorough code review and involve multiple code sections in making a determination.
- (c) Issuance and conditions.
  - (1) Code Interpretation requests shall be issued by the county administrator or designee as part of a Type 1 – Path A Department Review.

- (2) All requests for code interpretations may include:
  - a. A legal description, address, and/or parcel identification of the property for which the request is made.
  - b. A description of requested interpretation as it relates to a development, review process, and/or use of land.
  - c. A conceptual plan or drawing illustrating the request when applicable. Plans shall be drawn to scale and show the property boundaries, proposed improvements, and connections to the roadway system.
- (3) The county administrator or designee shall review the relevant code sections and the Comprehensive Plan in reaching a determination. The code interpretation shall not be used to circumvent adopted policy or code requirement.
- (4) The county administrator or designee shall provide a written finding of the code interpretation as it applies to the case and situation.

**Sections 138-101 - 175 - Reserved**

**DIVISION 5. SITE PLAN REQUIREMENTS AND REVIEW PROCEDURES**

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

- (a) The following uses require site plan review:
  - (1) All new construction, unless otherwise specified by this section.
    - a. Single-family dwellings, duplexes, or triplexes when constructed on an established individual lot or parcel shall be exempt from site plan review. This provision does not exempt these uses from complying with other codes, regulations and ordinances applicable to site plan review.
    - b. Accessory uses/structures that are associated to a particular single-family dwelling, duplex, or triplex are exempt from site plan review.
  - (2) Additions to existing uses/buildings/sites (other than those listed above) involving the construction of 1,500 square feet or more of impervious surface.
  - (3) All development that requires new or revised stormwater management facilities.
  - (4) All subdivisions involving a plat and as consistent with state statutes.
  - (5) All new roadways and streets.

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

- (a) Site Plans
  - (1) A site plan shall be reviewed as a Type 1 – Path B review.
  - (2) The site plan shall be provided to demonstrate full compliance with the provisions of the code and any condition imposed by any decision making authority for the use. The site plan shall include the items and information listed in *Section 138-178. - Site plan requirements*.
- (b) Site plans for affordable housing developments (AHD's)
  - (1) It is the intent of the Board of County Commissioners that these plans shall be given priority in the review system and, where possible, be reviewed by staff within ten business days of submittal by the applicant.
  - (2) The DRC shall provide an expeditious review of these plans.
- (c) Site plans for economic development projects. Economic development projects that are identified to be a priority by the Board of County Commissions shall be expedited in

the review process. The county administrator or designee may authorize additional DRC meetings to expedite review of said projects.

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

- (a) *Site plan set.* A site plan shall be provided as a site plan set per county procedures. .
- (b) *Site plan set preparation.* Site plan elements shall be prepared by:
  - (1) Property surveys and new legal descriptions shall be prepared by a licensed professional surveyor to conduct work in the State of Florida.
  - (2) Development plans, grading plans, utility plans and similar plans shall be prepared by an appropriate professional licensed to conduct work in the State of Florida.
- (c) *Approved site plan.* After receiving site plan approval, the applicant shall submit updated copies of the site plan, containing all data and information required as follows, to the designated county department:
  - (1) Final site plans, development designs, reports, or similar items that reflect the Development Review Committee's written approval determination.
  - (2) A Notice of Intent (NOI) issued by the Florida Department of Environmental Protection (FDEP) for activities regulated under the National Pollutant Discharge Elimination System (NPDES) program or as amended.

**Section 138-179. - Adherence to approved site plans.**

All development shall be constructed and maintained in strict compliance with the approved final site plan. Any additional site alteration shall require further site plan review. All land or water areas required to remain in a natural condition shall not be altered in any way from such natural condition, except by further site plan review and approval.

**Section 138-180. - Time limits on site plans.**

- (a) It is the intent of this division that a site plan approval shall only remain valid for a period of 12 months unless construction of the project commences within 12 months of such approval and continues in good faith. Therefore, the following shall apply:
  - (1) *Single-phase projects.* The site plan approval for a single-phase project shall only remain valid for a period of 12 months unless a building permit or construction plan approval for the project is obtained within 12 months from the date of site plan approval, and construction of the project continues in good faith thereafter, in accordance with the approved site plan and permits.
  - (2) *Multiphase or multi-building projects.* The site plan for a multiphase or multi-building project shall only remain valid for a period of 12 months unless a building permit or construction plan approval is obtained for the first phase or building within 12 months from the date of the site plan approval and construction continues in good faith thereafter in accordance with the approved site plan and permit.
    - a. Each subsequent phase or building to be constructed must receive a building permit within one year of the site plan anniversary date of the preceding phase or building (for which a permit was obtained and for which construction has continued in good faith) and construction continues in good faith thereafter in accordance with the approved site plan and permit.
    - b. Permits for all subsequent phases or buildings issued pursuant to this division shall be issued in accordance with the original site plan.
    - c. Any site plan for which construction has not commenced pursuant to this division shall become void and a new site plan meeting all current standards

required for site plan approval must be submitted and approved prior to further development being authorized.

- (b) It is also intended that when site plan comments or reports are provided to a site plan applicant, the applicant shall have 90 days in which to revise and submit a site plan, in compliance with such reports or review, to the county for further review. Site plans not revised and received within such 90-day period shall be reviewed for compliance with county requirements in effect on the date of resubmittal. When received within such 90 days, the plan shall be reviewed under requirements provided to the applicant in the county's previous review or report.
- (c) At the county administrator's or designee's discretion, any site plan not approved within one year from the date of initial submittal shall be reviewed for compliance with all site plan requirements in effect on the date of approval of such plan.
- (d) The county administrator, or designee shall be authorized to extend any site plan approval for two additional 12-month periods subject to the following:
  - (1) No changes to the site plan are required when the applicable development standards have not changed since the original approval.
  - (2) At the county administrator's or designee's discretion, the site plan shall be updated to incorporate applicable development standards that have been changed since the original approval.

**Section 138-181. - Plan review fees.**

Fees for site plan review shall be as established by the Board of County Commissioners. A schedule of fees is available in the designated county department.

**Sections 138-182—138-200. Reserved.**

**DIVISION 6. NONCONFORMING SITUATIONS**

**Section 138-201. - Purpose and intent of division.**

- (a) This division will provide for the regulation and restriction of uses, structures, lots/parcels, or combinations thereof, which were once lawfully established prior to the current requirements of the Pinellas County Code and continued thereafter, but which would be prohibited, restricted, or regulated under the terms of an updated code or future amendments thereto. While the general intent is for uses, structures and lots to conform to this code, it is acknowledged that preexisting conditions/situations should be afforded some provisions for repair, maintenance, reuse, and modernization.
- (b) *Nonconformities.* Nonconforming uses, structures, and lots/parcels are:
  - (1) those created prior to zoning regulations adopted September 3, 1963, and/or
  - (2) those situations caused by the adoption and amendment of the Pinellas County Comprehensive Plan, Pinellas County Code, and/or State Statutes that make a previously conforming use nonconforming.
- (c) *Continuation of nonconformities.* It is the intent of this chapter to permit the continuance of nonconformities consistent with the parameters of this the Pinellas County Code. However this shall not be used as grounds for adding other prohibited uses or structures on the site or in the area, nor enlarging them by means of extension or expansion, except as specifically provided by this chapter.
- (d) *Nonconforming status remains with land.* It is the intent that all the rights and obligations associated with a nonconforming status shall run with the land and are not affected by a

change in ownership or tenancy, unless the nonconformity is abandoned or deteriorated in excess of 50 percent of its appraised valuation for tax purposes.

- (e) *Future conformity.* It is the general intent that new development, land usage, and lots/parcels conform to the Pinellas County Code.
- (f) *Illegal uses and structures.* Nothing in this chapter shall be deemed to allow the use, change in use, repair, alteration, expansion, enlargement, or reconstruction of an illegal use or structure. Any such illegal use shall be discontinued and any such illegal structure shall be removed.

### **Section 138-202. - Verifying a Nonconforming Situation**

A nonconforming situation may be verified pursuant to a Type 1 review. To be considered a nonconforming situation, the applicant must provide sufficient evidence to show that the land usage(s), structure, and/or property was allowed when established and was consistently maintained over time. If the applicant provides some standard evidence from the list below, the county administrator or designee will determine if the evidence is satisfactory and may require more information if necessary. The following items may be used as evidence in determining nonconforming status.

- (a) *Situation allowed when established.* Standard evidence that the nonconforming situation was allowed when established may include but is not limited to:
  - (1) Building, land use, or development permits; or
  - (2) Zoning codes or maps;
- (b) *Situation maintained over time.* Standard evidence that the nonconforming situation has been maintained over time may include but is not limited to:
  - (1) Utility bills for the specific land use and/or unit;
  - (2) Income tax records;
  - (3) Business licenses, use permits, or the like for the specific land use;
  - (4) Advertisements in dated publications pertaining to the specific land use;
  - (5) Insurance policies for the specific land use, structure and/or unit;
  - (6) Leases for the specific land use and/or unit;
  - (7) Dated aerial photos showing site improvements and/or land use activity;
  - (8) Insurance maps that identify use or development, such as the Sanborn Maps;
  - (9) Land use and development inventories prepared by a government agency. and/or
  - (10) Affidavit of witness.

### **Section 138-203. - Nonconforming Uses**

A nonconforming use is a land use activity that exists on a property that would not be permitted under the current code, but was lawful at the time it was established. The following standards and requirements apply to legally nonconforming uses.

- (a) *Continuation.* A nonconforming use may continue in operation at the same intensity/scale that it was legally established, unless otherwise prohibited herein.
- (b) *Abandonment.* When a nonconforming use of land or structure has been abandoned, for more than 180 consecutive days, its future use shall conform to the uses permitted in the district in which such land is located. Such lands shall not thereafter be occupied by any nonconforming use.

- (c) *Maintenance and repair.* Structures that contain nonconforming uses may be maintained and repaired pursuant to the district dimensional standards or as allowed in the nonconforming structures subsection of this chapter.
- (d) *Location.* A nonconforming use shall not be moved in whole or in part from one lot/parcel to another lot/parcel, except as to bring the use into conformance with this Code.
- (e) *Modification and expansion.* A legal nonconforming use may only be modified, enlarged, extended, or intensified pursuant to this section.
  - (1) *Nonresidential nonconforming uses.* Any increase in intensity for a nonresidential nonconforming use shall require special approval as a Type 2 review.
  - (2) *Multifamily nonconforming uses.* The total square-footage of a multifamily, nonconforming use may be modified up to 20 percent of its square-footage from the time when the use was made nonconforming. Adding dwelling units to a nonconforming multifamily use is not allowed. Any further increases require special approval as a Type 2 review.
  - (3) *Single-family attached/detached, three-family, and two-family nonconforming uses.* The total square-footage of the nonconforming use may be modified, enlarged, extended, or intensified up to 20 percent of its square-footage from the time when the use was made nonconforming. Any further increases require special approval as a Type 2 review.
  - (4) *Approval criteria for modifications and expansions.* When a modification to a nonconforming use is proposed, the request shall be consistent with the following criteria:
    - a. The proposal will not materially change the character or quality of the neighborhood in which it is located,
    - b. The proposal will be compatible with the land use and zoning designations of the surrounding properties,
    - c. The new development associated with the proposal will comply with current dimensional requirements,
    - d. The proposal complies with the level of service standards as set forth in the Pinellas County Comprehensive Plan, and
    - e. A nonconforming use shall not be expanded beyond the boundaries of the parcel of land it occupied when it became nonconforming.
- (f) *Redevelopment and re-establishment.* A property may be entirely redeveloped and/or re-established with the nonconforming use or situation subject to the provisions of Section 138-208 of this division.

#### **Section 138-204. - Nonconforming Structures**

A nonconforming structure is a building or manmade feature that was lawfully established according to the rules and regulations in force at the time of its establishment, but would not be permitted under the current code. The following standards and requirements apply to legally nonconforming structures.

- (a) *Deterioration.* A nonconforming structure which is hereafter damaged or destroyed in excess of 50 percent or more of its appraised valuation for tax purposes by deterioration may not be reconstructed, repaired, or restored except in compliance with the requirements of this division.
- (b) *Maintenance and repair.* A nonconforming structure may be maintained and repaired pursuant to the following:

- (1) Any physical change to the structure shall not increase the degree of nonconformity unless otherwise permitted by code.
  - (2) Any nonconforming structure or portion thereof declared to be unsafe, by the county administrator or designee, may be restored to a safe condition. However, where deterioration exceeds 50 percent of the structure's appraised valuation for tax purposes, repairs shall occur in accordance to district standards.
  - (3) All interior, utility, accessibility, and/or life-safety alternations and repairs are permitted.
- (c) *Modification and expansion.* A nonconforming structure may only be modified, enlarged, extended, or intensified pursuant to this section.
- (1) *Conforming additions.* Nonconforming structures may be expanded in a manner that conforms to the district standards and other applicable sections of the code and does not increase the degree of nonconformance.
  - (2) *Nonresidential setback encroachment allowances.* Nonresidential structures that currently encroach into required setback(s), may be allowed to expand within these areas subject to the following:
    - a. Front setbacks.
      1. Structures may be expanded vertically above portions of the structure that encroaches into the front setback.
      2. A structure may be expanded within the setback up to 20 feet horizontally from an existing nonconforming building line.
    - b. Side and rear setbacks.
      1. Structures may be expanded vertically above portions of the structure that encroaches into the side/rear setback where the situation results in at least three (3) feet from the property line.
      2. A structure may be expanded within the setback up to 10 feet horizontally from an existing nonconforming building line. The situation must result in at least three (3) feet from the property line.
      3. However, these side and rear yard encroachment allowances are not allowed when the adjoining lot is occupied by a residential structure and zoned as a residential district.
  - (3) *Residential setback encroachment allowances.* Residential structures that currently encroach into required setback(s), may be allowed to expand within these areas subject to the following:
    - a. Front setbacks.
      1. Structures may be expanded vertically above portions of the structure that encroaches into the front setback.
      2. A structure may be expanded within the setback up to five (5) feet horizontally from an existing nonconforming building line.
    - b. Side and rear setbacks.
      1. Structures may be expanded vertically above portions of the structure that encroaches into the side/rear setback where the situation results in at least three (3) feet from the property line.
      2. A structure may be expanded within the setback up to five (5) feet horizontally from an existing nonconforming building line. The situation must result in at least three (3) feet from the property line.

- (4) *Substandard parking.* A change of property/building use and/or building expansions are subject to the parking requirements and thresholds of *Chapter 138, Article X, Division 2 – Parking and Loading.* Substandard parking shall be modified pursuant to those code standards.
- (5) *Substandard landscaping.* A change of property/building use and/or building expansions are subject to the landscaping requirements and thresholds of *Chapter 138, Article X, Division 3 – Landscaping.* Substandard landscaping shall be modified pursuant to those code standards.
- (d) *Redevelopment and re-establishment.* A property may be redeveloped and/or re-established with the nonconforming situation subject to the provisions of Section 138-208 of this Division.

**Sections 138-205—138-207. Reserved.**

**Section 138-208. - Redevelopment and Re-establishment of Nonconforming Uses/Structures.**

A property may be redeveloped and/or re-established with the nonconforming use/structure subject to the provisions of this section.

- (a) *Residential nonconforming use/structure.* A verified residential nonconforming use or structure that is destroyed or damaged in excess of 50 percent of its appraised valuation for tax purposes by an act of nature or accident may be re-established or reconstructed up to its previously existing lawfully established density, subject to the following:
  - (1) The re-established use or reconstructed structure must be located within a Future Land Use Map Category and zoning district that permit residential uses.
  - (2) The re-established use or reconstructed structure must otherwise conform to the regulations of the applicable zoning district and other relevant county codes. Whereas, variances, waivers, and administrative adjustments may be sought as allowed by code.
- (b) *All other nonconforming situations.* A verified nonresidential nonconforming use/structure or a verified residential nonconforming use/structure that does not meet the criteria of Section 138.208(a)(1), may be redeveloped, re-established, or reconstructed in full or in part pursuant to special approval as a Type 2 review. An approval may include conditions based on the degree to which the application is:
  - (1) Consistent with the comprehensive plan;
  - (2) Compatible with the density, lot sizes and building types within the surrounding area;
  - (3) Compliant with the land development regulations of the applicable zoning district and other relevant county codes at the time of application;
  - (4) Mitigating any adverse impacts on the surrounding area as a result of the use, number of residential units, or building floor area ratio on the site in excess of that allowed under the current zoning district, substandard maintenance, or other similar factors related to the application.
- (c) *States of emergency exception.* The provisions of this section shall be applicable to any pre-existing, nonconforming situation which has incurred damage from a state of emergency caused by a natural disaster or other catastrophic event that is declared and recognized by the county administrator. The structure and use may be replaced/reestablished at the location and intensity/density which the structure was established prior to the state of emergency.

**Sections 138-209—138-210. Reserved.**

**Section 138-211. - Nonconforming Lots and Parcels**

A nonconforming lot/parcel is a property that does not meet the minimum requirements of code, but was lawful at the time it was established. The following standards and requirements apply to verified nonconforming lots/parcels.

- (a) *Lot/parcel use.* A verified nonconforming lot or parcel may be used for development subject to compliance with all other district standards (e.g. setbacks, buffers, intensity/density, and allowable use(s)).
  - (1) Modifications may be made to existing structures on a nonconforming lot/parcel; however, additions and expansions shall comply with district standards.
  - (2) Nonconforming residential lots shall be permitted at least one (1) dwelling unit in situations where the property's density allowance, pursuant to its future land use classification, is less than one.
- (b) *Lot/parcel modifications.* Lots/parcel dimensions may be modified or reconfigured in a manner that retains the existing nonconforming characteristic(s) and/or results in a situation that improves compliance with the minimum lot/parcel standards of code. The lot/parcel dimensions shall not be modified or reconfigured in a manner that will further reduce compliance to the minimum lot/parcel standards of code. An exception is allowed for eminent domain actions.
- (c) If at any time the owner of a nonconforming parcel or lot owns adjoining unimproved land then the lots or land shall be combined to meet the minimum requirements of this Code.
- (d) The Board of Adjustment and Appeals may grant a variance to allow a nonconforming lot that is under common ownership with an adjoining lot to build upon if the following standards are met:
  - (1) The lot consists of at least one entire lot of record on the effective date of this code.
  - (2) The lot was not created in violation of a previous zoning ordinance.
  - (3) The lot was not combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks. It is recognized that the neighboring developed lot may become non-conforming and may require future variances to re-build, expand, or alter the property.
  - (4) A variance may not be granted under this section if it will reduce the area or width of a non-conforming lot.

**Section 138-212. - Nonconforming situations created by eminent domain proceedings.**

Any lot or parcel that was made nonconforming or substandard after the effective date of this section as a result of eminent domain shall be deemed to be a conforming lot or parcel for all purposes under this section, without the necessity for a variance from any land development standard.

However, where sufficient land is available so that deficiencies can be corrected with no resulting damage to the remainder, the corrective action shall be performed. This section shall not apply to any lot or parcel which is reduced in size by more than 25 percent by such action.

**Section 138-213. - Performance standards.**

Nothing in this division exempts nonconforming uses from compliance with the performance standards required by this chapter or other valid codes, ordinances or regulations.

**Sections. 138-214—138-219. Reserved.**

**Section 138-220. – Proportional Improvement and Upgrade to a Nonconforming Development.**

- (a) *Intent.* This section is primarily intended to require proportional site upgrades to nonconforming development elements that affect the appearance and functionality of the site and its impact on the surrounding neighborhood.

Site improvements pertaining to buffering, landscaping, bicycle parking, and pedestrian connections shall occur when substantial construction occurs to existing developments that do not fully comply with the current code standards. It is not intended to require extensive changes that would be extremely impractical and would require building demolition.

- (b) *Applicability and threshold.*

(1) The provisions of this section apply to nonconforming developments in the multi-family districts, office and commercial districts, mixed-use district, and special districts. Additionally, all single-family detached, attached, duplex, and triplex, as well as certified economic development priority projects and affordable housing projects are exempt from the provisions of this section.

(2) Nonconforming developments are applicable to the standards of this section when the value of the proposed alterations, improvements, and/or redevelopment on the site, as determined by the county administrator or designee, is more than 150% of just market value of the property.

a. This shall be the cumulative value of improvements/development over a five (5) year period and shall not reset with a change in ownership.

b. The following alterations and improvements do not count toward the threshold as stated above:

1. Alterations related to fire/life safety standards and similar upgrades.
2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act or as specified the Florida State Statutes.
3. Improvements to site landscaping.
4. Improvements to on-site stormwater management facilities in conformance the Stormwater Manual and/or Florida State requirements.
5. Improvements made to sites in order to comply with wellfield protection standards.
6. Improvements relating to energy efficiency or renewable energy methods.
7. Alterations relating to hazardous material/waste cleanup or similar activities.

- (c) *Standards which must be met.* Nonconforming developments that do not fully comply with any of code related elements listed below must be brought closer into compliance as part of site alterations, improvements, and/or redevelopment and pursuant to this section.

- (1) Dumpster enclosure requirements pertaining to screening.
  - (2) Bicycling parking requirements pertaining to quantity and facilities.
  - (3) Landscaping requirements pertaining to parking lots and perimeter buffers.
  - (4) Specific Use standards for the applicable land use.
  - (5) Pedestrian connection/circulation requirements for applicable district design standards.
- (d) *Area of required improvements.* Any required improvements must be made for the entire site. However, required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. The area of the ground lease will be considered as a separate site for purposes of required improvements.
- (e) *Required improvement options.* The applicant may choose one of the following options for making proportional site improvements:
- (1) *Option 1.* The site shall be redeveloped with improvements that bring the elements listed in Sec. 138-220(c) closer into code compliance. In this option, the following shall apply:
    - a. Five (5) percent of the value of the proposed site and building alterations must be used to perform site improvements towards elements listed in Sec. 138-220(c).
    - b. In applying the required improvements from subset 'a.', the applicant may choose which of the improvements to the elements listed in Sec. 138-220(c) to make.
    - c. The required improvements must be made as part of the site alteration(s) that trigger(s) the required improvements.
    - d. It is the responsibility of the applicant to document the value of the required improvements.
    - e. However, if site improvements occur in a manner that bring all the elements listed in Sec. 138-220(c) into conformance can be made for less than five (5) percent of site alterations value, the site shall be deemed to comply with this section.

- (2) *Option 2.* Under option 2, the required improvements may be made over time, based on the compliance period identified in Table 138-220.a. However, by the end of the compliance period, the site must be brought into full code compliance with regard to the elements listed in Sec. 138-220(c).

<b>Table 138.220.a – Compliance Periods for Option 2</b>	
<i>Site Area</i>	<i>Compliance Period</i>
Less than 5 acres	2 years
5 to 14.99 acres	3 years
15 to 29.99 acres	4 years
30 acres or more	5 years

**Sections 138-221 -229 - Reserved**

**DIVISION 7. VARIANCES, WAIVERS AND ADMINISTRATIVE ADJUSTMENTS**

**Section 138-230. - Generally**

- (a) An applicant may seek relief, deviations, and/or adjustments from the dimensional and technical provisions of this code as a variance, waiver and/or administrative adjustment; these are further described in individual sections of this division. Variances require a public hearing, waivers require a department review, and administrative adjustments require Development Review Committee review.
- (b) A variance, waiver and/or administrative adjustment may not be granted to the following:
- (1) Density and intensity limitations of the code and the Comprehensive Plan.
  - (2) Land usage restrictions of the code and the Comprehensive Plan.
  - (3) Review and procedural requirements of code.
  - (4) State and federal rules, regulations, and standards.
- (c) *Required information.* These requests must be submitted to include the following information:
- (1) A proposed site development diagram (concept plan) drawn to scale.
  - (2) A survey and/or current aerial photograph of the subject site and adjustment properties.
  - (3) A written explanation and justification of the requested variance, waiver, and/or administrative adjustment.
  - (4) A written response for each of the criteria for granting of variances, waivers and/or administrative adjustment as listed in this Division.
  - (5) Other supplementation information as required by the county administrator or designee.
- (d) *Initiation of construction.* A variance, waiver and/or administrative adjustment issued under the provisions of this Division shall automatically expire within two (2) years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans and building permits must be obtained; and the

granting of any variance, minor variance, and/or technical adjustment shall not be deemed as automatic approval for any such permit or site plan required.

- (e) *Extensions.* The county administrator or designee may grant an extension of up to one year upon a showing of good cause, provided the request for extension is submitted in writing stating the reason for extension and is received prior to the expiration of the variance, waiver and/or administrative adjustment.

**Section 138-231. - Criteria for Granting of Variances, Waivers and/or Administrative Adjustments.**

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

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

**Section 138-232. – Variances, Waivers, and Adjustments for After-the-Fact Construction.**

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

- (a) *Unauthorized existing construction.* Under no circumstances shall the county accept an application for a variance that arises from a request for after-the-fact relief from the provisions of the code where a building or other structure has been built in violation of the code and no building permit was issued for such construction, except where:

- (1) The property owner or contractor has made a mistake in the construction of a structure, and it would be economically impracticable to correct the mistake at the time it was discovered;
  - (2) The appropriate building permit or other use permit had been issued;
  - (3) Such mistake could not have been avoided by the application of normal construction or business practices; and
  - (4) Such case is proven before the reviewing and approving body by competent substantial evidence.
  - (5) Then and only then, may the reviewing and approving body grant the minimum variance that will achieve a result that is fair to the applicant and the public alike.
- (b) *Construction in error.* In circumstances where it can be demonstrated to the reviewing body by competent and substantial evidence that a violation of the code has occurred during the time of ownership of a previous property owner without the actual, inquiry or constructive knowledge of the current property owner who could not have known of such violation by reasonable inquiry prior to the purchase or other acquisition of the property, the reviewing body may grant the following relief to the applicant:
- (1) The minimum relief necessary that will make possible the reasonable use of the land, building, or structure;
  - (2) Only for the life of said structure.

**Sec. 138-233. - Modification or revocation of a previously granted variance or Type 2 use (special exception).**

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

**Section 138-234. - Reserved**

**Section 138-235. - Variances**

- (a) *Purpose.* A variance is a request to lessen or remove certain dimensional standards of the code for a particular property or structure. A variance is reviewed in a public hearing setting by the Board of Adjustment and Appeals (BAA) or the Board of County Commissioners (BoCC). Action shall be determined by the reviewing authority.
- (b) *Variances allowed.* Subject to the criteria of this division, the BAA and/or BoCC may grant the following variances to the code:
- (1) Zoning district dimensional requirements including lot size, setbacks, building height, and building coverage.
  - (2) Parking requirements including parking quantity, dimensions, access, and location.

- (3) Landscaping and tree preservation requirements including plant quantity, size, species, and location.
  - (4) Sign requirements including size, location, and quantity.
  - (5) Fence requirements and limitations including height, materials, location, and size.
  - (6) Building requirements and limitations including size, materials, facade treatment/design, and location. This shall not be allowed where the Comprehensive Plan imposes limitations.
  - (7) Other structural requirements including height, location, size, and materials.
  - (8) Design criteria for any zoning district.
  - (9) Specific use standard(s) for any land use.
  - (10) Alcohol sales distance limitation standards. This shall not be allowed to conflict with state requirements.
  - (11) Animals and livestock standards.
  - (12) Other similar requirements of the code. However, variances pertaining to ADA standards are not permitted.
- (c) *Variance review.* Variance shall be reviewed pursuant to the following:
- (1) Variances may be processed as a Type 2 Review. The BAA shall have the authority to review and take action on any variance unless a part of the establishment of a new Type 2 use.
  - (2) Variances may be processed as a Type 3 Review under certain situations. The BoCC shall have the authority to take action on any variance that is a part of the following:
    - a. The establishment of a new Type 3 use, and/or
    - b. Development agreements
  - (3) Any variances from the county's floodplain standards shall be review pursuant to Section 138-236 and Chapter 158.

**Section 138-236. – Variances from Floodplain Standards**

- (a) *Purpose.* The intent is to provide a means to seek relief and/or flexibility to the county's floodplain standards of Chapter 158 based on unique situations, hardships, and alternative development strategies
- (b) *Floodplain standards variances allowed.* The permitted variances to floodplain standards are established in Chapter 158 of the Pinellas County Code.
- (c) *Floodplain standards variance review.* Variance to floodplain regulations shall be reviewed pursuant to section 138-235 (c) and as specified in Chapter 158 of the Pinellas County Code.

**Section 138-237. – Waivers and Administrative Adjustments**

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

- (1) A waiver is an approved elimination of a particular technical standard based on a site constraint, and/or the ability to meet the intent by another means. Waivers generally have minimal or no impact on a neighboring property.
  - (2) An administrative adjustment is an approved adjustment or reduction to certain dimensional standards and/or technical requirements of the code based on a site constraint, and/or the ability to meet the intent by another means. Administrative Adjustments may have some impact on a neighboring property.
- (b) *Administrative adjustments.* Subject to the criteria and limitations of this division, the approval authority may grant the following administrative adjustments to the code:
- (1) Zoning district dimensional requirements may be adjusted up to 20%; this may include adjustments to setbacks, building height, and building coverage.
  - (2) Parking and loading requirements may be adjusted subject the following limitations:
    - a. The minimum parking and/or loading quantity may be adjusted up to 20% or 2 stalls/spaces whichever is greater; this adjustment may not be permitted in addition to the other administrative reductions outlined in Chapter 138, Article X, Division 2.
    - b. The minimum parking/loading dimensions may be adjusted up to 20% or 2 feet whichever is greater.
  - (3) Landscaping and tree preservation requirements may be adjusted up to 20%; this may include adjustments to plant quantity, plant size, buffer width, and location.
  - (4) Sign dimensional standards may be adjusted up to 20%; this is limited to adjustments to sign placement on the site and/or placement on a building.
  - (5) Fence requirements and limitations may be adjusted up to 20% or 2-feet whichever is greater; this is limited to adjustments to height, location, and size.
  - (6) Design criteria may be adjusted up to 20%; this is limited to adjustments to setbacks, building height, buffer width, façade treatment areas, sidewalks, and building coverage.
  - (7) Specific use standard(s) may be adjusted up to 20%; this is limited to adjustments to setbacks, building height, buffer width, façade treatment areas, sidewalks, and building coverage.
  - (8) Roadway and transportation dimensional standards may be adjusted up to 20%; this is limited to adjustments to lane width, sidewalk widths, turnaround dimensions, and right-of-way widths.
  - (9) Stormwater design elements may be varied and/or adjusted to overcome site constraints and/or respond to existing development conditions. Stormwater dimensional requirements may be adjusted up to 20%; adjustments to quantity or quality performance standards are not permitted.
  - (10) Construction standards and materials for sidewalks, roadways, driveways and similar elements may be varied and/or adjusted when alternative materials or methods are used that strengthen the district intent. Dimensional requirements may be adjusted up to 20%. Adjustments pertaining to ADA standards are not permitted.
- (c) *Waivers allowed.* Subject to the criteria and limitations of this division, the approval authority may grant the following waivers to the code:
- (1) Site access standards and requirements may be waived to respond to site constraints and/or respond to existing development conditions.

- (2) Sidewalk connections may be waived to respond to site constraints and/or respond to existing development conditions that would make the connections impractical or unsafe.
  - (3) Landscaping and buffering standards may be waived for specific areas on a site when other vegetation is present and provides the same purpose. Landscaping standards may be waived for portions of a site to respond to government security and surveillance mandates.
  - (4) Construction elements for sidewalks, roadways, driveways, parking lots, and stormwater management facilities may be waived when comparable methods are proposed to meet the standard's original intent.
  - (5) Road frontage requirements may be waived so long as legal access is available. A waiver may be granted where roadway frontage constraints exist due to existing property configurations and the inability to combine with or connect to adjacent properties. The provisions of section 138.3503 shall be considered for road frontage waiver requests.
  - (6) Other similar technical standards as determined by the county administrator or designee. However, waivers pertaining to ADA standards are not permitted.
- (d) *Waivers & administrative adjustment review.* Waivers & administrative adjustments may be processed as a Type 1 review subject to the following:
- (1) Type 1- Path A: Department review procedure is allowed for the following:
    - a. Waivers that are not a part of a required site plan.
    - b. Administrative adjustments up to 10% of a dimensional standard.
  - (2) Type 1- Path B: Development Review Committee procedure is required for the following:
    - a. Waivers that are a part of a required site plan.
    - b. Administrative adjustments up to 20% of a dimensional standard.

**Sections 138-238 -239 - Reserved**

**DIVISION 8. TYPE 2 AND TYPE 3 USE APPROVALS**

**Section 138-240. - Generally**

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

- (c) *Establishing conditions.* When granting any Type 2 or Type 3 use, the authorized reviewing body may prescribe appropriate conditions to ensure proper compliance with the general purpose, spirit and intent of this chapter. Noncompliance with such conditions shall be deemed a violation of this chapter.
- (d) *Initiation of construction.* A Type 2 and/or Type 3 use approval issued under the provisions of this Division shall automatically expire within two (2) years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans and building permits must be obtained; and the granting of any Type 2 or Type 3 use shall not be deemed as automatic approval for any such permit or site plan required.
- (e) *Extensions.* The County Administrator or designee may grant an extension of up to one year upon a showing of good cause, provided the request for extension is submitted in writing stating the reason for extension and is received prior to the expiration of the Type 2 and/or Type 3 use approval.
- (f) *Expiration.* Type 2 and Type 3 use approvals shall automatically expire in the event a structure or use of land that is the subject of approval is discontinued or removed for a period of 90 consecutive days.

**Section 138-241. - Criteria for granting Type 2 and/or Type 3 uses**

In order to authorize any Type 2 and/or Type 3 use to the terms of the code, the authorized reviewing body shall determine that the following criteria has been satisfied:

- (a) The proposed use is consistent with the Pinellas County Comprehensive Plan and with the purpose and intent of the applicable zoning district.
- (b) There is adequate separation of the proposed use and related structures from adjacent and nearby uses by screening devices, buffer area, and/or other appropriate means.
- (c) Adequate drives, walkways, and parking are available or proposed so that no vehicular circulation or parking problems are created.
- (d) The proposed use will not create excessive vehicular traffic or other traffic problems.
- (e) Drainage problems will not be created on the subject property or nearby properties.
- (f) All provisions and requirements of the applicable zoning district will be met, unless otherwise varied by the authorized reviewing body as authorized by this code.

**Section 138-242. – Additional safeguards**

In approving a Type 2 and/or Type 3 use, the authorized reviewing body may also establish and require additional safeguards to ensure proper operation of the use and provide protection to the surrounding area. Such safeguards may include, but are not limited to: a time limit for acquiring development authorization and/or development completion, hours of operation, entry and exit points to and from the site, fencing and screening, additional setbacks, and capacity of the use.

**Section 138-243 - Reserved**

**DIVISION 9. MODIFICATIONS TO APPROVED PLANS**

**Section 138-244. - Generally**

Modifications and changes to approved plans shall be considered a minor or major modification. Changes to approved plans may be sought as one of the following:

- (a) A minor modification as limited and allowed in this division, OR;

- (b) A major modification as limited and allowed in this division, OR;
- (c) A new project that meets the requirements of this code.

**Section 138-245. - Minor Modifications**

- (a) *Minor modifications defined.* A minor modification may be considered a change that:
  - (1) Does not result in conflicts in on-site circulation and/or negative impacts with ingress/egress.
  - (2) Does not change the use unless such change is of a similar or less intensity, as determined by the county administrator or designee.
  - (3) Does not increase the density or intensity of the development by more than 10%, while remaining within the permitted density and intensity limits of the underlying Future Land Use Designation.
  - (4) Does not result in a substantial reduction of the required landscape area.
  - (5) Does not result in a substantial change to the location of a structure previously approved.
  - (6) Does not result in a substantial modification or the cancellation of any condition or limits placed upon the application as originally approved.
  - (7) Does not add property to the parcel proposed for development.
  - (8) Does not increase the height of the buildings in a manner that will change the overall height of the project, will not alter the scale of the project, does not exceed the maximum height permitted in by the applicable special area plan and zoning district.
  - (9) Does not substantially alter the character and design of the project.
- (b) *Minor modification changes.* For a request that qualifies as a minor modification, the county administrator or designee is authorized to allow minor revisions/modifications to approved site plans and land use activity. This shall be processed as a Type 1 Path A – Department Review.

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

- (a) *Major modifications defined.* A major modification may be considered an adjustment or change that is not specified to be a minor modification pursuant to this division.
- (b) *Major modification changes.* Major modifications shall be sought in accordance with the procedures of a Type 1 Path B approval.

**Sections 138-247 -249 - Reserved**

**DIVISION 10. NOTICE REQUIREMENTS**

**Sec. 138-250. - Generally**

This section shall apply to all procedures and hearings that are subject to public notice requirements of this code and the Florida Statutes. The following standards shall apply when public notice is required for certain actions, hearings, and procedures pertaining to this code:

- (a) Address for mailed notice shall be obtained from the Pinellas County Property Appraiser. This requirement shall be modified when other laws require a different source.
- (b) Actions shall not be invalidated if a person does not receive notice yet a good faith attempt was made to comply with notice requirements.

- (c) The Board of County Commissioners may establish notice fees that shall be paid by the applicant.

**Section 138-251. - Reserved**

**Section 138-252. – Notice Requirements**

Notice shall be provided pursuant to the following.

- (a) Type 1 – Path B reviews that involve administrative adjustments shall provide internet website notice, and mail notices.
- (b) Type 2 reviews shall provide internet website notice, mail notices, and posting signs.
- (c) Type 3 and 4 reviews shall provide internet website notice, mail notices, newspaper advertisements, and posting signs.
- (d) Type 5 reviews shall provide notice as required by Florida State Statutes.
- (e) All notices pertaining to legislative actions or other actions regulated by Florida State Statutes shall be conducted in accordance with Florida State Statutes or as amended. All other required notices shall occur 10 days prior to hearings; for Type 1 – Path B reviews involving administrative adjustments this notice requirement shall be based on the DRC meeting date in which a decision will be made.
  - (1) For mailing notices, the required notice shall be based on the postmark date.
  - (2) For newspaper advertisements, the required notice shall be based on the publish date.

**Section 138-253. – Notice Types**

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

- (a) *Internet website notice.* Notice of the requested action, hearing, and/or procedures shall be posted on the Pinellas County website in a designated section of the website as determined by the county administrator or designee.
- (b) *Newspaper advertisement (Ad).* Notice shall be placed in a local printed newspaper published periodically once a week or oftener, containing at least 25 percent of its words in the English language, entered as periodicals matter at a post office in the county where published, and for sale to the public general. Notice shall comply with the Florida Statutes pertaining to public notice(s).
  - (1) Notice for non-legislative actions - Notice ads have no size requirement and may be placed in the classified advertisements section of a newspaper.
  - (2) Notice for legislative actions – Notice ads shall be issued pursuant to Florida State Statutes or as amended.
- (c) *Mail notice.* Notice shall be mailed to surrounding property owners as prescribed in this subsection. All notice to affected property owners shall be per the Florida Statutes.
  - (1) Notice for Type 1 – Path B reviews that involve administrative adjustments – Mail notices shall be sent to property owners whose properties abut the subject property requesting the administrative adjustment.
  - (2) Notice for variance(s) – Mail notices shall be sent to property owners within 250 feet of the subject property requesting the variance. The county administrator or designee shall be responsible for executing this required mail notice.

- (3) Notice for all other actions, hearings, and procedures – Mail notices shall be sent to property owners within 250 feet of the subject property. The county administrator or designee shall be responsible for executing this required mail notice.
- (4) Notice pertaining to legislative actions shall be conducted in accordance with Florida State Statutes or as amended.
- (d) *Posting sign.* Signs shall be posted on the subject property requesting the action, hearing, and/or proceeding. Posting signs are subject to the following standards:
  - (1) Size – Posting signs shall be a minimum of 18-inches by 24-inches.
  - (2) Legibility – Text shall be clearly legible and of a contrasting color from the background.
  - (3) Location - Signs shall be posted along public and private street frontages.

**Section 138-254. – Notice Content**

All notice types shall include the following minimum information:

- (a) Property address and/or street location with nearest cross street
- (b) Case name or number
- (c) Summary of request
- (d) Hearing/meeting date(s), time(s), and location(s)
- (e) Contact information for the applicable Pinellas County department in charge of facilitating the request.

**Sections 138-255 - 259. - Reserved**

**DIVISION 11. DEVELOPMENT MASTER PLANS**

**Section 138-260. – Generally**

Designated areas within unincorporated Pinellas County shall be master planned to designate the overall transportation network, land use pattern, open space areas, and utility services prior to actual site development. The master plan should respond to natural conditions, surrounding land use patterns, and implement the land’s future intent as established in the Comprehensive Plan. Additionally, these areas should be afforded design flexibility to achieve a community design and building types that may not otherwise be allowed through standard zoning district regulations. The development master plan process is established to require a comprehensive approach to a district design prior to actual site construction and site plan approval.

**Section 138-261. – Situations that require a Development Master Plan**

- (a) A Development Master Plan (DMP) is required prior to site plan approval for each of the following:
  - (1) Residential planned development district (RPD)
  - (2) Industrial planned development district (IPD),
  - (3) Mixed-use districts, AND/OR
  - (4) Any other zoning district that may be established that require said plans.
- (b) A development master plan (DMP) may be required for any properties that are conditioned to do so by the Board of County Commissioners as part of a rezone approval.

**Section 138-262. – Development Master Plan approval procedures**

- (a) New Development Master Plans shall be created and administered pursuant to the following:
  - (1) The development master plan may be created by the property owner(s). The County may also initiate and create a development master plan for specific areas within its jurisdiction.
  - (2) Multiple development master plans may be approved for distinctive areas within the overall district; this option is generally reserved for situations with separate property ownerships or development entities.
  - (3) A development master plan shall be created and approved prior to site plan approval. The county administrator or designee may allow an exception for the purposes of maintaining existing uses.
  - (4) A new development master plan shall be established as a Type 3 review. This may occur concurrently with a zone change request or reviewed separately as a subsequent request.
  - (5) All new development activity within the district shall be consistent with an approved development master plan except as otherwise provided in Division 9 – Modifications to Approval Plans.
  - (6) The permitted land uses may be determined/established as part of the development master plan approval process AND/OR pursuant to the review type (Type 1, 2, or 3) as specified in Table 138-355 – Table of Uses for Zoning Districts.
- (b) Existing development master plans may be modified and shall be administered pursuant to the following:
  - (1) All previously approved and existing development master plans or equivalent thereof shall remain in effect.
  - (2) Any modifications to existing plans, such as adding or removing property from a development master plan, shall be subject to the standards of this section.
    - a. Modifications to an approved development master plan may be reviewed pursuant to Chapter 138, Article II, Division 9.
    - b. A land owner (or authorized agent) may only modify portions of the development master plan that are under their ownership.
    - c. The county may initiate and seek approval to modify any development master plan.
  - (3) Existing development master plans may be modified to the density/intensity limitations of underlying Future Land Use Map category of the Comprehensive Plan.
    - a. Any excess density/intensity that is identified between the Future Land Use Map category and the original development master plan may be assigned to the project, subject to applicable code requirements.
    - b. When areas of the development master plan are owned by different entities, said areas are entitled to add a portion of the excess density/intensity based on their land holding percentage in relation to the original development master plan OR distributed as determined by the Board of County Commissioners.
    - c. Density/intensity increases are not permitted on properties, or portions thereof, from which development rights have been transferred.

- (c) Nothing in this section affects the provisions of this chapter regarding deed restrictions, covenants, easements, and other regulations.
- (d) Development master plans and the regulations therein may be removed by the Board of County Commissioners at such time the properties are rezoned to another district(s).

**Section 138-263. – Development Master Plan requirements**

All new development master plans shall include the following elements.

- (a) *Framework plans* - A development master plan shall be designed as a series of framework plans that, collectively, create a complete future development plan. These framework plans should be created at a conceptual level that illustrate key development features such as primary transportation corridors, land use areas, and utility locations; detailed site design is not necessarily required. The development master plan shall include the following framework plans:
  - (1) *Transportation framework plan* – The development master plan shall depict all access points, primary internal roadways (collectors/arterials), surrounding roadways, transit stops (if available), and primary bicycle/pedestrian facilities. The Transportation Framework shall assign a street classification to each roadway within the Plan.
  - (2) *Land use framework plan* – The development master plan shall assign land use designations to individual areas within the district and indicate acreage and proposed density/intensity. The individual land use areas shall correspond with a table that identifies the list of permitted uses and housing types; these shall be consistent with the underlying zoning district.
  - (3) *Open space framework plan* – The development master plan shall depict the open space network within the district. The individual open space areas shall correspond with a table that identifies the planned open space and recreation uses unique to each tract. All conservation areas, wetlands, and waterbodies shall be depicted on the Open Space Framework Plan.
  - (4) *Utilities and stormwater framework plan* – The development master plan shall depict the primary potable water, sanitary sewer and reclaimed water lines that will serve the district. The plans shall also depict any regional/district-scale stormwater management system(s) consistent with the Pinellas County Stormwater Manual and other state standards.
- (b) *Development parameters and guidelines* - A development master plan shall establish the development parameters and guidelines that will be applicable to buildings and lots and correspond to the land use framework. At a minimum, the development parameters and guidelines shall establish standards for the following:
  - (1) Building height limits and setback requirements,
  - (2) Lot dimension standards that address area, width, and depth,
  - (3) Land uses and building types that are permitted within the district, AND
  - (4) Any other design requirements that will be applicable to site development and buildings within the development master plan.
- (c) *Small district option* – for small districts and as determined by the county administrator or designee, the required elements in this section may be displayed on a single plan sheet.

**Sections 138-264 -310 - Reserved**

# ARTICLE III. – ZONING AND LAND USES

## DIVISION 1. – GENERALLY

### Section 138-311. - Establishment of Zoning Districts.

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

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

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

**Section 138-312. - Zoning atlas.**

The designations, locations, and boundaries of the various zoning districts, which are described in Section 138-311, are shown on the official zoning atlas of the county. This atlas consists of volumes of maps each of which depicts a half section (half square mile) of land or water area and which together comprise a map of the territory of the unincorporated area of the county. Such atlas and all notations, references, data, and other information shown thereon shall, by reference, be adopted and made a part of this chapter.

**Section 138-313. - Custody of atlas.**

The county administrator or the designee is hereby given custody of the county zoning atlas containing the current maps identified in Section 138-312 or those which may be added or substituted as provided in this chapter, which maps shall hereby be kept, cared for and maintained in the county administrator or designee's office. This zoning atlas may be maintained in electronic and printed format.

**Section 138-314. - Zoning atlas changes.**

A new zoning map shall be prepared to reflect any change of a geographic feature; this may include but not limited to a zoning change, an annexation, an approved subdivision plat, or any other feature which is customarily reflected on zoning maps. This shall occur upon adoption of the aforementioned geographic feature changes; however, existing streams, waterbodies, and transportation facilities may be added without formal adoption.

This new zoning map shall be authenticated by the current date and signature of the county administrator or designee and shall become an official map to be placed in the zoning atlas in place of the current map. The replaced zoning map shall then be retired and filed with the clerk of the Board of County Commissioners.

**Section 138-315. - Interpretation of district boundaries.**

The zone classification of the property shown on zoning maps as determined by the legend appearing in the margin of the maps on which such property appears and the boundaries of the several zones as shown on such maps shall be determined by use of the scale shown thereon. Where uncertainty may exist as to the exact location of any zone boundary, the following rules shall apply:

- (1) Where boundaries are indicated as approximately following street and alley lines, military district lines or lot or parcel lines, such lines shall be construed to be such boundaries. In the instance where such street or alleyway lines are used to designate boundaries, then boundaries shall be considered to be the centerline of such private street or alleyway.
- (2) Where a zone boundary line divides a lot or parcel into separate zones, each portion of such lot or parcel shall be limited to the uses prescribed to their particular zoning classification.
- (3) In un-subdivided property, where a district boundary divides a parcel, the location of such boundaries, unless such boundaries are indicated by dimensions, shall be determined by use of the scale appearing on such maps.
- (4) Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
- (5) In cases of uncertainty, the county administrator, or designee, shall interpret the zoning map to fix the exact location of boundaries. Any such decision may be appealed to the Board of County Commissioners.
- (6) In cases where a parcel of unzoned submerged land is to be filled, an application for the zoning of such land shall be filed with the planning department within 30 days after granting of the dredge and fill permit. The clerk of the water and navigation control authority shall notify the planning department when each such dredge and fill application is granted.

**Sections 138-316 -349 - Reserved**

**DIVISION 2. – DISTRICT DENSITY AND INTENSITY STANDARDS**

**Section 138-350. – Measurement of Density and Intensity.**

- (a) Development shall be limited based on the following measures of density/intensity:
  - (1) Residential – measured as dwelling units per acre (D.U./Acre)
  - (2) Residential Equivalent – measured as Equivalent beds per dwelling unit
  - (3) Nonresidential – measured as Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR).
  - (4) Transient Accommodation – measured as Transient accommodation units per acre and Impervious Surface Ratio (ISR)
  - (5) Mixed Uses - The combination of the applicable above referenced standards, when allocated in their respective proportion of the total site area.
- (b) Density and intensity standards are expressed as a maximum, with the upper end of any range being the effective maximum for each underlying Future Land Use Map Category.
- (c) The number of dwelling units afforded by the permitted density shall be rounded to the nearest whole number.
- (d) Density and Intensity shall be based on the site/land area.
  - (1) The site/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.
  - (2) Drainage detention areas created as a function of development, and wetlands landward of the mean and/or ordinary high water line, shall not be considered

submerged land. Jurisdictional wetlands shall be permitted a density transfer of one dwelling unit per acre or an intensity transfer of 0.05 floor area ratio per acre.

**Section 138-351. – Density and Intensity Limitations**

- (a) The maximum density and intensity standards for each zoning district are governed by the underlying Future Land Use Map (FLUM) Category identified within the Pinellas County Comprehensive Plan. Additional density and intensity limitations may be included in the individual zoning district.
- (b) Compatibility with the future land use category is determined as part of the rezone process.

**Section 138-352. – Transferable Development Rights**

- (a) Development rights may be transferred from areas designated for Preservation (P) or Preservation-Resource Management (P-RM) on the Future Land Use Map (FLUM) to other locations under the same or different ownership, regardless of whether the parcel(s) receiving development rights is(are) contiguous to the sending parcel.
  - (1) Areas designated on the FLUM as Preservation (P) or Preservation-Resource Management (P-RM) shall have a development rights transfer of up to one residential unit per acre, or a building floor area to lot area ratio (FAR) of up to five percent per acre (nonresidential), depending on the applicable FLUM classification(s).
  - (2) Preservation development rights noted above represent development rights that may be transferred from Preservation (P) and Preservation-Resource Management (P-RM) FLUM categories to other FLUM categories; actual land uses within Preservation (P) and Preservation-Resource Management (P-RM) FLUM categories are restricted to uses permitted by the FLUM Rules.
- (b) Development rights associated with dedicated parkland or open space, dedicated drainage areas or drainage easements in conjunction with development, future public park or open space sites, and proposed open space provided in conjunction with new development proposals (e.g., public space within mixed-use projects) may be transferred to other properties, regardless of whether these properties are contiguous to the sending parcel, in accordance with the project's FLUM designation(s) or zoning, whichever is more restrictive. The area within which the transfer occurs must be subject to a site plan, master plan or comparable approval process.
- (c) If the situation in the implementation of 'a' or 'b' above meets the requirements of density/intensity averaging then the provisions for density/intensity averaging under 138-353 may be utilized.
- (d) The aggregation of development rights between contiguous property(ies) in different FLUM categories that exceed a combined total of five (5) acres is subject to these provisions on Transferable Development Rights, and must be part of a site plan, master plan or comparable approval process.
- (e) Development rights may only be transferred to a receiving parcel that remains consistent with the use characteristics of its given FLUM category, and post transfer of development rights in receiving areas should result in a land use density, intensity and pattern that is compatible with the natural environment, support facilities and services, and the land uses in adjacent and surrounding areas.
- (f) There shall be no transfer of development rights to the Recreation/Open Space (R/OS), Preservation (P) or Preservation-Resource Management (P-RM) FLUM categories.

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

by the Countywide Planning Authority, and a record copy of same shall be filed with the Pinellas Planning Council.

**Section 138-353. – Density and Intensity Averaging**

- (a) Density averaging may occur from any Future Land Use Map (FLUM) category to any other FLUM category, except as follows:
  - (1) There shall be no density/intensity averaging to the Preservation (P), Preservation-Resource Management (P-RM) or Recreation/Open Space (R/OS) categories.
  - (2) There shall be no density/intensity averaging from the Transit Oriented Development (TOD) Activity Center, and Mixed-Use Corridor categories, unless provided for in the applicable specific/special area plan or station area plan.
  - (3) There shall be no density/intensity averaging from or to submerged land, from outside the Coastal High Hazard Area (CHHA) into the CHHA, or from outside the Coastal Storm Area (CSA) into the CSA.
- (b) Density/intensity averaging may occur only in accordance with the following:
  - (1) Aggregation within contiguous property(ies) in the same FLUM category based on the maximum density/intensity allowed in this category.
  - (2) Aggregation within contiguous property(ies) in different FLUM categories based on the maximum density/intensity allowed in the combination of applicable categories, provided that the subject area does not exceed a maximum area of five (5) acres.
  - (3) When considering a project that incorporates density/intensity averaging, Pinellas County shall ensure that development within the project is compatible with the natural environment, support facilities and services, and the land uses in adjacent and surrounding areas.
  - (4) Such aggregation of density/intensity as provided for in either 1 or 2 above shall require the property(ies) to be subject to a site plan, master plan or comparable approval process and a written record of the density/intensity averaging recorded in the public record with the Clerk of the Circuit Court for Pinellas County, and a record of same filed with the Pinellas Planning Council.
- (c) Density/intensity averaging shall be allowed to include any development rights available to, but previously unused by, existing developed property that is being added to or redeveloped using the density/intensity averaging provisions of these mandatory rules.

**Section 138-354. - Previously Approved Transfer of Development Rights and/or Averaging**

- (a) Density/intensity permitted as a function of transfer of development rights or density/intensity averaging through an approved master plan, planned development, or comparable process, prior to April 15, 2010, shall be deemed to be consistent and conforming as to the maximum permitted density/intensity requirements of the Pinellas County Comprehensive Plan.

**DIVISION 3. – PERMITTED LAND USES**

**Section 138-355. – Table of Uses**

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

- (a) An “A” in Table 138-355 indicates that the specific use is permitted as an accessory use to other uses within the district. Where an “A”, a slash (/), and a number are displayed in the table, the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review type (indicated by the number).

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





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

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

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

Zoning Districts	Single-Family Districts (a)							Multi-Family Districts (a)				Office and Commercial Districts (a)						Industrial Districts (a)				Mixed-Use District (a)	Special Districts (a)			Public/Semi-Public Districts (a)					Specific Use Standards						
	R-A	R-E	R-R	R-1	R-2	R-3	RMH	R-4	R-5	RM	RPD	LO	GO	C-1	C-2	CP	CR	E-1	E-2	I	IPD		MXD	OPH-D-(ESD)	OPH-D-(WSD)	FBC See Adopted Regulating Plan	Institutional Districts		Environmental Districts			Recreational Districts					
																											LI	GI	AL	PC		P-RM	RBR	FBR			
Food Carts / Food Trucks - Fixed											2	2	2	1	1	1	2	2	2	2	2	1					1	1								Y	
Food Carts / Food Trucks - Mobile	A	A	A	A	A	A	A	A	A	A	A	1	1	1	1	1	1	1	1	1	1	1	A	A			1	1								Y	
Health Club/Fitness Center										2	1	2	2	1	1	1	1		1		1	1														Y	
Kennel/Pet Care Indoor	2														1	1		2	1	2	1	2														Y	
Kennel/Pet Care Outdoor	2																	2	2	2	2																Y
Model Dwelling Units and Pre-construction Sales Offices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A															Y
Motor Vehicle Sales															1	1		2			2															Y	
Office, General											1	1	1	1	1	1		1	1	1	1	1	1	1												Y	
Office, Medical										2	1	1	1	1	1	1		A / 2	2	A	1	1	1			1	1									Y	
Office, Temporary Labor (Day Labor)												2	1	2	1	1		1	1	1	1	2														Y	
Office, Veterinary	2									2	1	1	1	1	1	1		2	1	2	1	1	1													Y	
Outdoor Sales, Permanent														2	1	1		A	1	A	2	2														Y	
Recreational Vehicle/Boat Sales															1	1		A	2	A	A	2														Y	
Restaurant											1	A	A	1	1	1	1	A / 2	A / 2	A	A / 2	1	1				A / 2	A / 2								Y	
Retail Sales and Services - Less than 5,000 sf											1	A	A / 2	1	1	1	1	A / 2	1	A	1	1	1				A	A								Y	
Retail Sales and Services - 5,000 to 19,999 sf											1		A	1	1	1	2	A / 2	1	A	2	1	1				A	A								Y	
Retail Sales and Services - 20,000 to 79,999 sf														2	1	1		A	1		2	1														Y	
Retail Sales and Services - 80,000 sf or greater															1	1		A	1		A	2														Y	
Studio and Gallery										2	1	1	1	1	1	1	2	2	1	2	2	1	1	1			A	A								Y	
<b>INDUSTRIAL, MANUFACTURING AND WAREHOUSING USES</b>																																					
Battery Exchange Stations													1	1	1	1	1	1	1	1	1	1														1	1











## **Section 138-356. – Uses defined**

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

### ***Residential Uses***

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

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

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

*Assisted living facility* means as defined in Chapter 429, Part I, Florida Statutes.

*Community residential home, category 1 and 2* means as defined in section 419.001, Florida Statute.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Accommodations**

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

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

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

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

### **Commercial and Office Uses**

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

*Alcohol dispensing – on-premise and off-premise consumption* means as described in Section 138-3240.

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

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

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

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

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

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

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

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

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

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

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

*Office, general* means establishments where persons conduct business or carry on stated occupations. The term includes administrative, business and professional offices (including mental health counseling or treatment), 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Manufacturing - light, assembly and processing: Type A* means establishments engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts,

including processing, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products with no outdoor storage or processing of equipment or materials of any kind.

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

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

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

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

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

*Salvage yard* means establishments where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking or salvage yards, used lumber yards, housewrecking 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 facilities, trucks or heavy equipment.

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

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

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

**Arts, Recreation, and Entertainment uses**

*Adult Use, adult use establishment, adult use business* means as defined in Chapter 42 - Consumer Protection, Article III - Adult Uses, of the Pinellas County Code.

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

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

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

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

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

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

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

*Parks and recreation areas - facility-based low intensity* means active low intensity - areas for public and private passive outdoor recreational activities. Typical uses include, but are not limited to, parks, playgrounds, and walking, jogging, hiking, and bicycle paths/trails.

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

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

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

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

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

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

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

*Congregate care facility/nursing home* means as defined in Chapter 400, Part II, and Chapter 429, Part I, Florida Statutes. Also see Section 138-3291.

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

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

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

*Day care facility, family* means an occupied residence in which child care 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 child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age: (a) A maximum of four children from birth to 12 months of age. (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children. (c) A maximum of six preschool children if all are older than 12 months of age. (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

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

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

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

*Hospital* 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.

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

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

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

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

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

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

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

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

*Docks and piers* means structures built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming and recreational uses; and subject to the requirements of Chapter 166, Article V, Division 3. Docks and Similar Structures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Utilities**

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

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

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

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

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

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

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

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

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

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

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

### **Agricultural Uses**

*Agricultural activities, commercial use* includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, 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.

*Agricultural activities, personal use* includes utilization of land to raise, harvest, or sell crops; feed, breed, and manage livestock, poultry, honeybees, or their produce; dairy products; or any other agricultural or horticultural activity that is for personal use.

*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 consumption 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, 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.

**Secs. 138-357 – 138-359 Reserved**

## **ARTICLE IV. - RESIDENTIAL AND AGRICULTURAL DISTRICTS**

### **DIVISION 1. - GENERALLY**

#### **Section 138-360. – District Density and Intensity Standards**

The maximum density and intensity (Floor Area Ratio) standards for each zoning district are governed by the underlying Future Land Use Map (FLUM) category identified within the Pinellas County Comprehensive Plan.

#### **Section 138-361. – Permitted Land Uses**

Land Uses shall be permitted as defined in Table 138-355 – *Table of Uses* in Article III, Division 3.

**Section 138-362. – Specific Use Standards and District Design Criteria**

- (a) Individual land uses may be subject to the Specific Use Standards as established in Chapter 138 Article IX – Specific Use Standards.
- (b) Developments and land uses may be subject to the Design Criteria for individual districts as established in Chapter 138 Article X - Community Design Standards Division 6 – District Design Criteria.
- (c) Where the standards/requirements are different the stricter regulation shall apply.

**DIVISION 2. – SINGLE-FAMILY RESIDENTIAL (SFR) ZONING DISTRICTS**

**Section 138-363. – Applicability**

- (a) The Single-family zoning districts include the following: R-A, R-E, R-R, R-1, R-2, R-3 and RMH.
- (b) The following sections list the development parameters and other specific requirements for each individual zoning district.
- (c) Division 4, Supplemental Residential Standards are applicable in addition to the individual zoning district standards.

**Section 138-364. – Definition, purpose and intent of districts.**

The Single-family zoning districts comprise zoning districts ranging in lot size from two or more acres to less than 5,000 square feet. Most of the lots within these districts are suburban in nature and characterized by single-use development.

The regulations within these districts are designed to protect their single-family residential character while permitting rehabilitation, improvements and redevelopment in keeping with the scale of each respective neighborhood.

**Section 138-365. – R-A, Residential Agriculture District**

The R-A, Residential Agriculture District provides for large residential lots of a size and character that can accommodate agricultural activities. The district is intended to retain and preserve much of the natural character of the area including vegetation, hydrology, and topography. Personal and commercial agricultural uses may be permitted within this district as authorized. Due to the extensively urbanized character of the county, however, agriculture may not be appropriate in certain areas covered by this district.

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

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

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

2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. Setback Measurements , allowances and restrictions
3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.

**Section 138-366. – R-E, Residential Estate District**

The R-E, Residential Estate District provides for large lot, low density residential communities. The areas covered by the R-E District are generally developed with large lot residential estates, while maintaining open spaces and natural landscapes.

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

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

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. Setback Measurements , allowances and restrictions
3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.

**Section 138-367. - R-R, Rural Residential District**

The R-R, Rural Residential District is characterized by medium to large lot, low density residential communities. The R-R District provides a transition between the more rural and suburban neighborhoods within the County.

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

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

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. Setback Measurements , allowances and restrictions
3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.

**Section 138-368. - R-1, Single-Family Residential District**

The R-1, Single-Family Residential District provides for areas of single-family residential development located where lower density single-family uses are desirable.

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

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

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. Setback Measurements , allowances and restrictions
3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.

**Section 138-369. - R-2, Single-Family Residential District**

The R-2, single-family residential district provides for areas of single-family residential development located where moderate density single-family uses are desirable.

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

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

1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations
2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions
3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.

**Section 138-370. - R-3, Single-Family Residential District**

The R-3, single-family residential district provides for areas of single-family residential development located where higher density single-family uses are desirable. It provides for the highest density of all the traditional single-family residential zoning districts.

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

R-3 – Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side <sup>(4)</sup> Interior	Side Street	Rear
See underlying Future Land Use Category	35	6,000 sf	60	80	20	10	6	10	10
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. For new residential subdivisions only, Single-Family Detached Zero Lot Line dwellings may be constructed with 0-ft setback on one side yard; whereas, the opposite side yard shall be at least 10-ft.</li> </ol>									

**Sections 138-371—138-374. - Reserved.**

**Section 138-375. - RMH, Residential Mobile/Manufactured Home District**

The RMH, Residential, Mobile/Manufactured Home District provides for single-family areas comprised of mobile/manufactured homes, mobile home parks and/or mobile home subdivisions.

**Section 138-375.1 - RMH, Residential Mobile/Manufactured Home District – Development Parameters for Mobile Home Parks and their individual spaces.**

RMH – Development Parameters Table – Mobile Home Parks <sup>(3)</sup>							
Density and Intensity Standards	Mobile Home Park						
	Max. Building	Min. Lot			Min. Perimeter Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear

	Height (ft) <sup>(1)</sup>								
See underlying Future Land Use Category	35	15 ac <sup>(5)</sup>	150 <sup>(5)</sup>	200 <sup>(5)</sup>	25 <sup>(5)</sup>	10 <sup>(5)</sup>	10 <sup>(5)</sup>		
	<b>Individual Mobile Home Spaces</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
	Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior	Side Street	Rear	
35	3,500 sf <sup>(4)</sup>	20	N/A	10 <sup>(6)</sup>	5 <sup>(6)</sup>	5 <sup>(6)</sup>	5 <sup>(6)</sup>	5 <sup>(6)</sup>	5 <sup>(6)</sup>
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p> <p>4. Individual Mobile Home lot: 25 percent of the spaces in a mobile home park may be a minimum of 3,000 square feet. Each 3,000 square foot space, however, requires the provision of a corresponding space of at least 4,000 square feet.</p> <p>5. This dimension refers to the overall mobile home park site.</p> <p>6. Interior spaces: hitches may encroach into the setback; individual spaces shall be arranged so that vehicle parking does not extend into adjacent streets, sidewalks, and accessways.</p>									

**Section 138-375.2 - RMH, Residential Mobile/Manufactured Home District – Development Parameters for Mobile Home Subdivision individual lots.**

RMH – Development Parameters Table – Mobile Home Subdivision Lots <sup>(3)</sup>									
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior	Side Street	Rear
See underlying Future Land Use Category	35	6,000 sf	60	80	20 <sup>(4)</sup>	10	6	10	10
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p> <p>4. Permitted structures on substandard lots in a mobile home subdivision of record prior to May 7, 1963 shall be set back a minimum of 15 feet, measured from the right-of-way line to the front of the structure.</p>									

**Section 138-375.3. – RMH, Residential Mobile/Manufactured Home District – Additional Requirements and Clarifications.**

- (a) Roadways or streets within a mobile home park shall comply with county roadway standards as defined in Chapter 154, Article III.
- (b) A minimum of 10 percent of the gross site area shall be devoted to open space and recreation facilities, generally provided in a central location, or decentralized in larger sites. Such areas may include space for community buildings and community use facilities, such as recreation and play areas, swimming pools and open space.
- (c) A mobile home subdivision shall be platted in accordance with the standards of this chapter and Chapter 154 of this Code.
- (d) Any real property zoned RMH (previously R-6) after **DATE**, shall comply with all of the provisions set forth in this division. Any legally established mobile home park in existence on or prior to January 30, 1990 may continue to operate in accordance with approved plans and the regulations in effect at the time of the park's site plan approval. Mobile home parks with legally established non-conforming density may be redeveloped as affordable housing in accordance with Section 38-100 of this Code.
- (e) Any additions, expansions or substantial changes to existing mobile home parks or subdivisions shall comply with the provisions of the current requirements of this division.
- (f) Manufactured homes being installed in new parks, subdivisions, or replacing existing mobile / manufactured homes must have been constructed prior to June 1, 1994.

**Sections 138-376—138-378. - Reserved.**

**DIVISION 3. – MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS**

**Section 138-379. – Applicability**

- (a) The Multi-family zoning districts include the following: R-4, R-5, RM, and RPD.
- (b) The following sections list the development parameters and other specific requirements for each individual zoning district.
- (c) Division 4, Supplemental Residential Standards are applicable in addition to the individual zoning district standards.

**Section 138-380. – Definition, purpose and intent of districts.**

The unifying characteristic of Multi-family zoning districts is the flexibility of providing multi- and single-family residential dwellings or a mix of such uses. These districts also provide a wide range of accessory uses typical of multi-family developments.

The regulations within these districts are generally designed to protect the residential character of these neighborhoods while permitting rehabilitation, improvements and redevelopment in keeping with the scale of each respective neighborhood and surrounding areas.

**Sections 138-381—138-384. - Reserved.**

**Section 138-385. – R-4, One, Two and Three-Family Residential District**

The R-4, One, Two and Three-family Residential District provides for areas where single-family, two-family and three-family dwellings are appropriate and desirable. It is intended that such areas be located in or near urbanized areas where a range of transportation options and urban services are readily available.

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

R-4– Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards	<b>Single-Family Detached</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side <sup>(4)</sup> Interior	Side Street	Rear
See underlying Future Land Use Category	35	5,000 sf	50	80	20	10	6	10	10
See underlying Future Land Use Category	<b>Single-Family Attached, Maximum of Three Dwelling Units</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft) <sup>(5)</sup>	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior unit / end unit	Side Street	Rear
	35	2,800 sf	35	80	20	10	0 / 5	10	10
	<b>Two-Family Dwelling/Three Family Dwelling</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
Area		Width (ft)	Depth (ft)	Front - Structure	Front - porch, patio, deck	Side Interior	Side Street	Rear	
35	7,500 sf	75	80	20	10	7.5	10	10	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. Single-Family Detached Zero Lot Line dwellings may be constructed with 0-ft setback on one side yard; whereas, the opposite side yard shall be at least 10-ft.</li> <li>5. Interior lots, minimum 20 feet width required.</li> </ol>									

**Section 138-386. – R-5, Urban Residential District**

The R-5, Urban Residential District provides for areas where the development of small-lot, detached single-family, two-family and three-family dwellings and townhouses are appropriate. The district is intended to allow compact, urban-style dwelling units typically comprised of smaller living spaces on smaller lots.

The R-5 district should be located in or near urbanized areas where sufficient transportation facilities and urban infrastructure are readily available. The district is also intended for properties in and around established urban residential neighborhoods that are planned to accommodate infill redevelopment. The district facilitates compact infill redevelopment by allowing housing types

with small lots and minor structural setbacks. This district shall include all areas indicated on the zoning atlas maps as R-5.

R-5 residential neighborhoods should be developed around and incorporate common open space areas such as parks and courtyards.

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

R-5- Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards	<b>Single-Family Detached</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front – Garage	Side <sup>(4)</sup> Interior	Side Street	Rear
See underlying Future Land Use Category	35	3,000 sf	N/A	N/A	10	20	5	10	5
See underlying Future Land Use Category	<b>Single-Family Attached / Two-family Dwelling / Three-family Dwelling</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - Garage	Side <sup>(4)</sup> Interior unit / end unit	Side Street	Rear
	45	N/A	N/A	N/A	10	20	0 / 5	10	10 / 5 <sup>(5)</sup>
	<b>All Other Uses and Building Types</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
Area		Width (ft)	Depth (ft)	Front - Structure	Front – Garage	Side <sup>(4)</sup> Interior	Side Street	Rear	
45	N/A	N/A	N/A	10	20	5	10	10 / 5 <sup>(5)</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. Interior attached units: 0-feet, attached end units: 5-feet. For units not located in individual platted lots, buildings must provide a 10-foot separation from an adjacent structure. Zero Lot Line detached units shall provide a 0-foot setback on one side and a 10 -foot side setback on the opposite side property line.</li> <li>5. Alley-accessible garages are permitted a 5-ft setback from the property line that abuts an alley.</li> </ol>									

**Section 138-386.2 – R-5, Urban Residential District - Additional Requirements and Clarifications.**

- (a) Each residential building may include up to six individual dwelling units.
- (b) Lots that abut an improved alley shall provide parking in the rear of the dwelling and/or within rear-loaded garages.
- (c) Entrances for residential units shall be oriented to a public or private adjacent street, alley, open space area, or internal courtyard.

- (d) A garage vehicle door/opening located on a street-facing facade shall be limited to 55 percent of the facade width in which it is located. This standard shall not be applicable to garages served by alleys.
- (e) All street-facing garage vehicle doors/openings should be set back behind the primary home door, entryway, and/or porch structure.
- (f) An alternative parking plan may be provided in lieu of the requirements of Article X, Division 2 of this chapter.

**Sections 138-387—138-389. - Reserved.**

**Section 138-390. – RM, Multi-Family Residential District**

The RM, Multi-Family Residential district is intended to provide a broad range of residential development types and intensities.

**Section 138-390.1 – RM, Multi-Family Residential District – Development Parameters.**

RM- Development Parameters Table <sup>(3)</sup>									
Density and Intensity Standards	<b>Single-Family Detached</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
Area		Width (ft)	Depth (ft)	Front - Structure	Front – Garage	Side <sup>(4)</sup> Interior	Side Street	Rear	
See underlying Future Land Use Category	35	3,000 sf	N/A	N/A	10	20	5	10	5
See underlying Future Land Use Category	<b>Single-Family Attached / Two-family Dwelling / Three-family Dwelling</b>								
	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front - Garage	Side <sup>(4)</sup> Interior unit / end unit	Side Street	Rear
	45	1,400 sf	20	70	10	20	0 / 5	10	5
<b>All Other Uses and Building Types</b>									
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2) (5)</sup>				
		Area	Width (ft)	Depth (ft)	Front - Structure	Front – Garage	Side <sup>(4)</sup> Interior	Side Street	Rear
	50 except up to 100-ft with Type 2 approval	7,500 sf	75	80	10	20	5	10	10
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></p>									

3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.
4. Interior attached units: 0-feet, attached end units: 5-feet. For units not located in individual platted lots, buildings must provide a 10-foot separation from an adjacent structure. Zero Lot Line detached units shall provide a 0-foot setback on one side and a 10-foot side setback on the opposite side property line.
5. An additional foot of building setback shall be required for each additional foot of building height above 50 feet when located on any parcels that abut another parcel with an existing detached single-family home. Such required additional building setback shall be measured from the parcel line adjacent to such existing detached single-family home.

**Section 138-390.2. – RM, Multi-Family Residential District – Common Open Space Requirements.**

- (a) Subdivisions and multi-family\_developments shall provide a minimum of 10 percent of the total land area as common open space, or a minimum of five (5) percent when it is acceptably demonstrated to the county administrator or designee that sidewalk accessible public open space which otherwise meets the requirements of this section is located within ¼ mile of the development.
- (b) Required common open space shall be provided according to the following:
  - (1) Required common open space areas shall be developed and maintained pursuant to the associated site plan.
  - (2) Required common open space shall be accessible, at a minimum, to all residents within the development. This standard does not apply to areas retained for natural resource protection.
  - (3) Up to 50 percent of the common open space requirement may be satisfied by stormwater management systems that utilize LID stormwater management principles, including but not limited to bio/vegetated swales, buffers and landscape strips; bioretention and biofiltration; rainwater harvesting systems and rain gardens.
  - (4) A minimum of one-third of the common open space area shall be in one location on the site.
  - (5) The required common open space shall be usable for parks, recreation, and/or retained for natural resource protection.
  - (6) Residential developments which are greater than 25 units shall provide at least 20 percent of their required common open space area as facility-based recreation.

**Sections 138-391—138-394. - Reserved.**

**Section 138-395. – RPD, Residential Planned Development District**

The RPD, Residential Planned Development District is intended to provide for a wide variety of housing types and densities while permitting some complementing non-residential, neighborhood-oriented uses. The RPD district requires that the district be master planned as a creative, walkable and context-sensitive community that responds to the surrounding land use pattern and preserves unique natural features. The RPD district requires a Development Master Plan and allows the applicant to establish the permitted uses and associated development standards that will be applied therein.

- (a) The RPD, Residential Planned Development district, allows a variety of housing options to accommodate multi-generational communities with a range of residential building forms and housing sizes.

- (b) The intent of this district is to encourage use of imaginative design, to avoid monotonous repetition of pattern, to provide adequate open space and to permit flexibility of site design. The development parameters including building height, lot sizes, and setbacks shall be established for each RPD district.
- (c) The RPD district is intended to promote the health and well-being of residents by including facility-based and resource-based open space that encourages physical activity, promotes pedestrian activity, provides access to alternative transportation choices, and fosters greater social interaction.
- (d) The RPD district is intended to provide for flexible mixed-use developments at a scale that serves one or more neighborhoods in appropriate locations that have adequate infrastructure, transportation access, and market demand, consistent with the vision articulated within the Pinellas County Comprehensive Plan.
- (e) The RPD district is intended to encourage walkable, mixed use neighborhood centers within the community that provide greater opportunity for pedestrian activity, bicycle uses, resulting in reduced parking demand, and establish a sense of place. These centers should include community uses, recreation opportunities, and appropriate commercial services.
- (f) The RPD district should also achieve compatibility with surrounding neighborhoods by avoiding commercial intrusion and associated impacts into established neighborhoods.
- (g) RPDs with approved master plans prior to **DATE OF CODE ADOPTION** shall continue to conform to regulations in place at the time of approval. Changes to approved master plans shall conform to current adopted standards.
- (h) Communities within the RPD district are developed and redeveloped pursuant to an approved Development Master Plan pursuant to Chapter 138 Article II Division 11.

**Section 138-395.1 – RPD, Residential Planned Development District – Development Parameters.**

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

**Section 138-395.2 – RPD, Residential Planned Development District – Additional Land Use Standards**

The RPD, Residential Planned Development district shall be planned and developed according to the following use standards.

- (a) Land uses shall be allowed pursuant to Table 138-355. Specific uses shall obtain the review approval as defined in the table. The list of permitted uses may be established as part of a Development Master Plan or subsequently as individual properties are proposed for development.
- (b) Mixed-use development may be permitted as follows:
  - (1) Vertical Mixed-use – A variety of uses may be provided within a single building atop one another.
  - (2) Horizontal Mixed-use – A variety of uses may be provided within the same development in separate buildings.
- (c) Residential - Residential shall be the predominate use within the RPD district and shall be planned and developed according to the following:
  - (1) Residential uses shall occupy the majority of the total lot area in the district.
  - (2) Residential areas should provide a variety of housing options and should include a minimum of two of the following building types:
    - a. Two-family/Three-family
    - b. Multifamily
    - c. Single-family attached/townhouse
    - d. Single-family detached
- (d) Commercial, Office and Accommodation Uses - All developments may include one or more of the commercial, office and accommodation land uses listed in Table 138-355. Commercial, office and accommodation uses shall be planned and developed according to the following:
  - (1) Commercial and office uses shall not occupy more than five percent of the total land area (less wetlands and submerged lands) of the Development Master Plan or the acreage thresholds of the underlying future land use category, whichever is more restrictive.
  - (2) Individual commercial tenant spaces shall be limited to 14,000 square feet.
  - (3) Commercial, office and accommodation uses shall not be located within any areas designated solely for residential uses or within those areas designated for drainage, open space/recreation, conservation/preservation, or wetland on any approved Development Master Plan or plat.
  - (4) Commercial, office and accommodation uses shall be located at a neighborhood node that is defined as part of the Development Master Plan.
- (e) Common Open Space
  - (1) Subdivisions and multi-family developments shall provide a minimum of ten (10) percent of the total land area as common open space, or a minimum of five (5) percent when it is acceptably demonstrated to the county administrator or designee that sidewalk accessible public open space which otherwise meets the requirements of this section is located within ¼ mile of the development.
  - (2) Required open space shall be provided according to the following:

- a. The required common open space shall be established pursuant to the associated Development Master Plan.
  - b. The required common open space shall be accessible, at a minimum, to residents within the development. This standard does not apply to areas retained for natural resource protection.
  - c. Up to 50 percent of the common open space requirement may be satisfied by stormwater management systems that utilize LID stormwater management principles, including but not limited to bio/vegetated swales, buffers and landscape strips; bioretention and biofiltration; rainwater harvesting systems, and rain gardens.
  - d. A minimum of one-third of the common open space area shall be in one location on the site.
  - e. The required common open space shall be usable for parks, recreation, and/or retained for natural resource protection.
  - f. Residential developments which are greater than 25 units shall provide at least 20 percent of their required common open space area as facility-based recreation.
- (f) Additional Setbacks
- (1) Multifamily buildings shall not be located within 25-feet of the boundary of the RPD district when the boundary is adjacent to any parcel zoned primarily for single-family detached dwellings.
  - (2) Commercial and office buildings shall not be located within 50-feet of the boundary of the RPD district when the boundary is adjacent to any parcel zoned primarily for single-family detached dwellings.
  - (3) For buildings over 45-feet in height, there shall be an additional one foot of setback at ground level for each additional two (2)-feet of height above the first 45-feet. This provision shall apply to the setbacks referenced within this subsection (f).

**Section 138-395.3. – RPD, Residential Planned Development District – Development Master Plan**

A Development Master Plan shall be established for the RPD District pursuant to Chapter 138, Article II, Division 11.

**Section 138-396 - 398 - Reserved.**

**DIVISION 4. – SUPPLEMENTAL RESIDENTIAL STANDARDS**

The following supplemental standards are applicable to all new residential development.

**Section 138-399. – Residential Infill Development**

This section may be applied to all residential districts as a goal to create compatible and harmonious infill development and redevelopment in established residential neighborhoods. The setback and height requirements of residential districts may be administratively adjusted to allow development and redevelopment to occur in concert with abutting properties. In cases where properties exist in established residential neighborhoods, development of said properties may occur in such a way that is to be compatible with abutting lots in terms of setbacks and height adjustments.

- (a) The proposed infill development may conform to any standards required by valid recorded plats, deed restriction or approved valid site plans, to the extent provided by law. OR

- (b) Where such documentation is not available, the setbacks of the proposed infill units shall be based upon the average setbacks of neighboring units. [Example: if a proposed infill lot abuts two single-family homes with front setbacks of 10 feet and 20 feet, the proposed unit may be constructed with a minimum 15 feet front setback]. This standard shall be applied to the primary structure; accessory structures may not be used in determining the average setback.
- (c) When a primary structure is constructed using a reduced setback afforded by this section, the structural height shall be limited by the average stories/levels of the primary structures on the abutting properties, rounded to the highest story/level. In this case, a structure that utilizes the reduced setback shall be limited to such average stories/levels and may not necessarily be permitted the full building height of the district. In no case shall building height exceed the maximum for the district. This standard is intended to achieve compatible infill development.
- (d) The property owner may pursue the development flexibility afforded in this section by providing proper documentation to the applicable county reviewing department. Proper documentation may include official surveys, development plans, blueprints or other documentation as may be approved by the county administrator or designee.

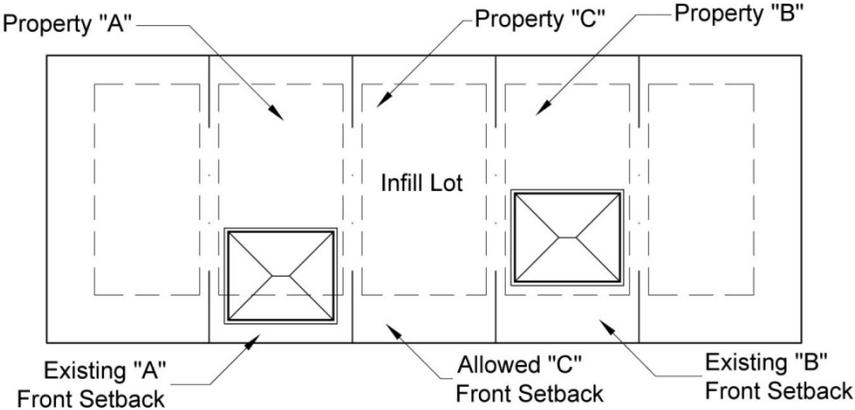


Figure 138-399.(d). 1 – Residential Infill Standards:

Property "C" (infill lot) may be permitted a reduced front structural setback based on the average existing front setbacks of adjacent properties "A" and "B". The average setback of the adjacent properties shall be calculated as follows:

$$\text{Existing Front Setback "A"} + \text{Existing Front Setback "B"} / 2 = \text{Allowed Front Setback "C"}$$

**Section 138-400 - 710 - Reserved.**

# ARTICLE V – OFFICE, COMMERCIAL, INDUSTRIAL & MIXED USE DISTRICTS

## DIVISION 1. – GENERALLY

### Section 138-711. – District Density and Intensity Standards

The maximum density and intensity (Floor Area Ratio) standards for each zoning district are governed by the underlying Future Land Use Map (FLUM) category identified within the Pinellas County Comprehensive Plan.

### Section. 138-712. – Permitted Land Uses

Land Uses shall be permitted as defined in Table 138-355 – *Table of Uses* in Article III, Division 3.

### Section 138-713. – Specific Use Standards and District Design Criteria

- (a) Individual land uses may be subject to the Specific Use Standards as established in Chapter 138 Article IX – Specific Use Standards.
- (b) Developments and land uses may be subject to the Design Criteria for individual districts as established in Chapter 138 Article X - Community Design Standards Division 6 – District Design Criteria.
- (c) Where the standards/requirements are different the stricter regulation shall apply.

**Sections. 138-714—739. - Reserved.**

## DIVISION 2. - OFFICE AND COMMERCIAL ZONING DISTRICTS

### Section 138-740. – Applicability

- (a) The Office and Commercial Zoning Districts include the following: LO, GO, C-1, C-2, CP, and CR.
- (b) The following sections list the development parameters and other specific requirements for each individual zoning district.

### Section 138-741. – Definition, purpose and intent of district.

The office and commercial districts implement the policies of the Pinellas County Comprehensive Plan. Individual and unique zoning districts are established to support land uses, development and redevelopment of office and commercial uses that are strategically planned areas within unincorporated Pinellas County. Each zone is established to achieve a specific community character and land use intensity. Some zones are intended to support surrounding residential neighborhoods while others are intended to serve larger community and/or regional markets. All office and commercial zoning districts are intended to facilitate development and redevelopment that is attractive, economically viable, pedestrian-oriented, and transit supportive.

- (a) **LO, Limited Office and GO, General Professional Office Districts** - The purpose of the LO and GO districts is to permit general professional services, offices, employment, and related uses. These districts also support limited commercial uses that are complementary to office uses. These office districts include intensity limits and design standards that achieve development and redevelopment that is complementary and compatible with adjacent neighborhoods and commercial districts.

- (b) **C-1, Neighborhood Commercial and C-2, General Commercial and Services Districts** –The purpose of the C-1 and C-2 districts is to permit commercial sales and services at various intensities that are responsive to the surrounding uses and the markets they are intended to serve. The C-1 district is intended to support neighborhood oriented retail sales and services by allowing land uses and imposing design standards that will complement the neighborhoods they are intended to serve. The C-2 district is intended to support retail sales and services to a regional market by allowing more intensive land uses and larger scale commercial buildings to serve the intended market.
- (c) **CP, Commercial Parkway District** - The purpose of the CP district is to allow and plan for orderly development and redevelopment along the arterial roadways. The CP district is intended to support land uses that are normally associated and marketed to primary transportation corridors yet achieve an attractive, economically viable and orderly appearance. While development within the CP district is associated with primary transportation corridors, district standards are intended to result in pedestrian-oriented and transit supportive site design.
- (d) **CR, Commercial Recreation District** – The purpose of the CR district is to permit certain uses of land for commercial outdoor recreation. The CR district is intended to support recreational and entertainment uses that contribute to a livable and vibrant community. The CR district supports recreational uses that are oriented to a neighborhood and/or surrounding community. The district includes intensity and design standards to achieve development and redevelopment that is appropriate and responsive to the adjacent community.

**Section 138-742- Reserved.**

**Section 138-743. – LO, Limited Office District**

The purpose of the LO, Limited Office district is to provide areas for the development of low intensity office uses that would be compatible with neighboring land uses. This district may serve as a step-down in transition between a higher intensity activity (such as a major traffic corridor) and a lower density neighborhood, representing areas where more intense uses may not be appropriate or desired.

**Section 138-743.1 – LO, Limited Office District – Development Parameters**

LO – Development Parameters Table <sup>(3)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	45	6,000 sf	60	80	5		10
1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i> 2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i> 3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.							

**Section 138-744. - GO, General Professional Office District**

The purpose of the GO, General Professional Office district is to permit office buildings of moderate intensity within proximity to residential neighborhoods. This zone is not intended for use in areas which are predominantly single-family residential in character.

**Section 138-744.1 – GO, General Professional Office District – Development Parameters**

GO – Development Parameters Table <sup>(3)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	75 / 45 <sup>4</sup> except up to 100-ft with Type 2 or 3 approval	6,000 sf	60	80	5	10	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. Building height is limited to 45-feet for the portions of a building located within 50-feet of residentially zoned property.</li> </ol>							

**Section 138-745. – C-1, Neighborhood Commercial District**

The C-1, Neighborhood Commercial district provides locations for limited commercial development, such as compact shopping areas, in or near the neighborhoods which they serve. The location of such areas is intended to conveniently meet the immediate needs of the neighborhoods where the types of services rendered and the commodities sold are those which are needed often and purchased at frequent intervals. Impacts to the surrounding residential areas should be minimized.

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

C-1 – Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	45	6,000 sf	60	80	5	0 / 10 <sup>4</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations.</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions.</li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 10-ft setback for the lot portions that abut the residential district.</li> </ol>							

**Section 138-746. – C-2, General Commercial and Services District**

The C-2, General Commercial and Services district provides areas for the retailing of a wide range of goods and services. This district is intended to serve a considerably greater population with a wider degree of intensity than the C-1 district, and offer certain specialized services in addition to all other retail sales outlets for consumer products. Certain research and development and light manufacturing activities are also allowed at appropriate locations. The C-2 district should be located within commercial nodes, along certain corridors, and/or in areas that transition from more intensive uses.

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

C-2 – Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	75 / 45 <sup>5</sup> except up to 100-ft with Type 2 or 3 approval	10,000 sf	80	100	5	0 / 20 <sup>4</sup>	
<ol style="list-style-type: none"> <li>Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 20-ft setback for the lot portions that abut the residential district.</li> <li>Building height is limited to 45-feet for the portions of a building located within 50-feet of residentially zoned property.</li> </ol>							

**Section 138-747. – CP, Commercial Parkway District**

The CP, Commercial Parkway district provides for a variety of uses along the County’s arterial roadways. The intent of the district is to facilitate smooth and safe traffic flow by minimizing the number of roadway access points and by encouraging the use of service roads, common curb and median cuts, acceleration/deceleration lanes, and/or interconnected parking facilities between properties. Structural setbacks will generally be greater than those of other commercial districts to provide more space between buildings and the heavily-used arterial roadways.

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

CP – Development Parameters Table <sup>(4)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	75 / 45 <sup>5</sup> except up to 100-ft with Type 2 or 3 approval	1 ac	N/A	N/A	5	0/15 <sup>3</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 15-ft setback for the lot portions that abut the residential district.</li> <li>4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>5. Building height is limited to 45-feet for the portions of a building located within 50-feet of residentially zoned property.</li> </ol>							

**Section 138-748. – CR, Commercial Recreation District**

The CR, Commercial Recreation district provides locations for commercial recreation destinations within the County such as golf courses, sporting venues, RV parks, campgrounds, marinas, and similar uses. The district is also intended to support hotel/motel accommodations for visitors and tourists, as well as complementary commercial services that serve daily and seasonal users of the primary recreational and temporary accommodation uses.

**Section 138-748.1 – CR, Commercial Recreation District – Development Parameters.**

CR – Development Parameters Table <sup>(3)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	50 except up to 100-ft with Type 2 or 3 approval	1 ac of upland / 2,500 sf <sup>4</sup>	150/ 25 <sup>4</sup>	200/ N/A <sup>4</sup>	10 / 5 <sup>4</sup>	20 / 5 <sup>4</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>4. General site requirement/Travel trailer RV parks and campgrounds vehicle site requirement.</li> </ol>							

**Sections 138-749--758 Reserved.**

## **DIVISION 3. – EMPLOYMENT AND INDUSTRIAL ZONING DISTRICTS**

### **Section 138-759. – Applicability**

- (a) The Employment and Industrial Zoning Districts include the following: E-1, E-2, I, and IPD
- (b) The following sections list the development parameters and other specific requirements for each individual zoning district.

### **Section 138-760. – Definition, purpose and intent of districts.**

The employment and industrial districts implement the industrial, manufacturing, and employment policies of the Pinellas County Comprehensive Plan. Each zone is established to achieve a certain industrial, manufacturing and/or employment characteristic and land use intensity. Some zones are intended to support industrial and employment at a smaller, community-oriented scale, while others support large and regionally significant employment centers. The employment and industrial zoning districts are intended to accommodate industrial and manufacturing operations that contribute to the County's economic vitality while protecting surrounding uses through sound site design, buffering, and compatibility standards.

- (a) **E-1, Employment 1 and E-2, Employment 2 Districts** – These districts are established to support employment uses but limited in scale to be compatible with surrounding uses. The E-1 district is intended for research & development, and low intensity industrial and manufacturing, activities by limiting certain uses, limiting intensities, and imposing standards to ensure compatibility with nearby residential and commercial districts. Most manufacturing in this district occurs indoors and/or in highly screened areas. The purpose of the E-2 district is to provide areas within the County that allow and support limited-manufacturing, warehousing, service offices, large/bulky item sales, and other intensive commercial uses.
- (b) **I, Heavy Industry District** - The I district is intended for intensive industrial and manufacturing activities by allowing a wider variety of uses, increased intensities, and limited site design standards to recognize and accommodate more intense operations that contribute to the economic vitality of the region.
- (c) **IPD, Industrial Planned Development District** – The purpose of the IPD district is to allow employment areas to be master planned as highly specialized and technological industries, industrial support facilities, research and experimental institutions, administrative facilities and commercial uses, all of which are within a planned industrial park. The IPD is planned at the developer's option with a land use mix that is unique to the site and is implemented through a Development Master Plan. The IPD district is a land planning option that may be used as an alternative to other industrial zones.

### **Section 138-761- Reserved.**

### **Section 138-762. – E-1, Employment 1 District**

The E-1 district provides locations for employment uses, light manufacturing, industry, industrial support facilities, and certain public service functions. This district is intended to provide for employment uses and lower intensity general industrial development which will have limited impacts on the surrounding areas.

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

E-1 – Development Parameters Table <sup>(4)</sup>							
		Min. Lot			Min. Setbacks (ft)		
Density and Intensity Standards	Max. Building Height (ft)	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	75 / 45 <sup>5</sup> except up to 100-ft with Type 2 or 3 approval	12,000 sf	80	100	5	0/10 <sup>3</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations.</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements, allowances and restrictions.</li> <li>3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 10-ft setback for the lot portions that abut the residential district.</li> <li>4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>5. Building height is limited to 45-feet for portions of a building within 50-feet of residentially zoned property.</li> </ol>							

**Section 138-763. -E-2, Employment 2 District**

The E-2 district provides areas for general services, wholesale distribution, storage, and light fabrication. These areas should be conveniently located to arterial highways and transportation facilities. This district is intended as a distribution center for products sold, serviced, stored and warehoused for retail or wholesale sales to a consumer, sales outlet or wholesaler. Such areas should be located to minimize the flow of heavy trucking routes through residential areas. These areas may also provide support services to adjacent or nearby industrial areas.

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

E-2 – Development Parameters Table <sup>(4)</sup>							
		Min. Lot			Min. Setbacks (ft)		
Density and Intensity Standards	Max. Building Height (ft)	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	75 / 45 <sup>5</sup> except up to 100-ft with Type 2 or 3 approval	12,000 sf	80	100	5	0/20 <sup>3</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 20-ft setback for the lot portions that abut the residential district.</li> <li>4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>5. Building height is limited to 45-feet for portions of a building within 50-feet of residentially zoned property.</li> </ol>							

**Section 138-764. – I, Heavy Industry District**

The I, Heavy Industry district is intended to permit general manufacturing and industry. It is further intended that this district will be less restrictive than the employment districts so as to provide a wider variety of industrial uses.

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

I – Development Parameters Table <sup>(4)</sup>							
		Min. Lot			Min. Setbacks (ft)		
Density and Intensity Standards	Max. Building Height (ft)	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	100 / 45 <sup>5</sup>	25,000 sf	100	200	20	0/20 <sup>3</sup>	
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</li> <li>3. None required; except that, when the side/ rear of a lot abuts a residential district, there shall be a 20-ft setback for the lot portions that abut the residential district.</li> <li>4. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> <li>5. Building height is limited to 45-feet for portions of a building within 50-feet of residentially zoned property.</li> </ol>							

**Section 138-765. – IPD, Industrial Planned Development District**

The IPD, Industrial Planned Development district will provide areas exclusively for and conducive to the development of highly specialized and technological industries, industrial support facilities, research and experimental institutions, administrative facilities and commercial uses, all of which are within a planned industrial park. The IPD district requires that the district is master planned as a employment center that responds to the surrounding land use pattern and preserves unique natural features. The IPD requires a Development Master Plan and allows the applicant to establish the permitted uses and associated development standards that will be applied therein.

- (a) It is intended that these parks be created to produce a campus-like setting; to be aesthetically pleasing and not obnoxious or offensive to the surrounding area. These should also provide protection for the specialized uses against odor, fumes, smoke, gas, dust, noise, vibration, and similar objectionable hazards.
- (b) It is further intended that this district be located in keeping with established planning and zoning practices so as to be readily accessible to major transportation facilities and other municipal services, and to provide compatibility between uses both internal and external to the site.
- (c) The IPD district is intended to create a sustainable employment center that is master planned to incorporate complementary land uses and provide a high quality pedestrian environment.

- (d) The IPD district is intended to provide for flexible employment development in appropriate locations that have adequate infrastructure, transportation access, and market demand, consistent with the vision articulated within the Pinellas County Comprehensive Plan.
- (e) The IPD district should accommodate and promote multimodal transportation options so that job opportunities are extended to a wide variety of workers.
- (f) The IPD district shall be developed and redeveloped pursuant to an approved Development Master Plan pursuant to Chapter 138 Article II Division 11.

**Section 138-765.1. – IPD, Industrial Planned Development District – Development Parameters.**

IPD – Development Parameters Table <sup>(1,2,3)</sup>	
<i>Density and Intensity Standards</i>	<b>All Uses and Building Types</b>
See underlying Future Land Use Category	<ul style="list-style-type: none"> <li>(a) The development parameters including building height, lot dimensions, and setbacks shall be defined as part of a Development Master Plan or similar approved plan for the district.</li> <li>(b) For development/redevelopment on individual platted lots AND where no Development Master Plan (or similar) has been approved, the lot shall be subject to the E-1 development parameters until such time a Development Master Plan is approved.</li> </ul>
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> </ol>	

**Section 138-765.2. – IPD, Industrial Planned Development – Common Open Space**

All developments shall provide a minimum of 10 percent of the total land area as common open space. Required common open space shall be provided according to the following:

- (a) The required common open space shall be established pursuant to the associated Development Master Plan.
- (b) Required common open space shall be accessible, at a minimum, to all buildings and properties within the development. This standard does not apply to areas retained for natural resource protection.
- (c) Up to 50 percent of the common open space requirement may be satisfied by stormwater management systems that utilize LID stormwater management principles, including but not limited to bio/vegetated swales, buffers and landscape strips; bioretention and biofiltration; rainwater harvesting systems, and rain gardens.
- (d) Required open space shall be usable for facility-based or resource-based recreation or retained for natural resource protection.
- (e) Additional open space, parks, and recreational uses are permitted beyond the minimum requirements of this section.

**Section 138-766 - 798 Reserved.**

**DIVISION 4. – MIXED-USE ZONING DISTRICTS**

**Section 138-799. – Applicability**

- (a) The Mixed-Use Zoning Districts include the following: MXD.
- (b) The following sections list the development parameters and other specific requirements for each individual zoning district.

**Section 138-800. – Definition, purpose and intent of district.**

The Mixed-Use (MXD) District is intended to promote and achieve distinctive urban nodes that include a mix of complementary land uses designed and arranged to promote economic diversity and to be walkable, bicycle-friendly, and transit supportive. The MXD district is intended to implement the pedestrian-friendly, transit-oriented goals of the Comprehensive Plan. While there are no defined acreage parameters for the MXD district, the density, intensity, mass and scale of development must be compatible with the existing and/or intended surrounding community and its distinctive characteristics, with the availability of public services and facilities, and with the area's natural and cultural resources.

The MXD district is implemented via an approved Development Master Plan that establishes land uses, a transportation network, utility plans, and phasing plans. The MXD district requires a Development Master Plan and allows the applicant to establish the permitted uses and associated development standards that will be applied therein. Development within the MXD district strives to achieve the following urban characteristics:

- (a) The MXD district is intended to create diverse housing options to accommodate a range of residential building forms and housing sizes.
- (b) The MXD district is intended to promote the health and well-being of residents through facility-based and resource-based public open space that encourages physical activity, pedestrian-friendly design, access to alternative transportation choices, and greater social interaction.
- (c) The MXD district is intended to provide for flexible mixed-use developments at a scale that serves one or more neighborhoods in appropriate locations that have adequate infrastructure, transportation access, and market demand, consistent with the vision articulated within the Pinellas County Comprehensive Plan.
- (d) The MXD district is intended to create walkable, mixed use activity centers and corridors within the community that provide greater opportunity for pedestrian activity, bicycle uses, reduced parking, and improved sense of place.
- (e) Optimal land use relationships and compatibility with surrounding neighborhoods.
- (f) A broad range of uses, including places of employment, neighborhood shopping, and commercial services with diverse housing options that meet the community's needs.
- (g) Communities within the MXD district are developed and redeveloped pursuant to an approved Development Master Plan pursuant to Chapter 138 Article II Division 11.

**Section 138-801- Reserved.**

**Section 138-802. – MXD, Mixed-Use District – Development Parameters.**

MXD– Development Parameters Table <sup>(1,2,3)</sup>	
<i>Density and Intensity Standards</i>	<b>All Uses and Building Types</b>
See underlying Future Land Use Category	<p>(a) The development parameters including building height, lot dimensions, and setbacks shall be defined as part of a Development Master Plan or similar approved plan for the district.</p> <p>(b) For development/redevelopment on existing platted lots AND where no Development Master Plan (or similar) has been approved, the lot shall be subject to the the following until such time a Development Master Plan is approved:</p> <ul style="list-style-type: none"> <li>i. Residential projects/developments may occur pursuant to the RM development parameters</li> <li>ii. Non-Residential projects may occur pursuant to the C-2 development parameters.</li> </ul>
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - <i>Measurement of height and limitations</i></p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - <i>Setback Measurements , allowances and restrictions</i></p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p>	

**Section 138-803. – MXD, Mixed-Use District – Land Uses**

The MXD district shall be planned and developed according the following use standards:

- (a) Land uses shall be allowed pursuant to Table 138-355. Specific uses shall obtain the review approval as defined in the table.
- (b) Mixed-use development may be permitted as follows:
  - (1) Vertical Mixed-use – A variety of uses may be provided within a single multi-story building.
  - (2) Horizontal Mixed-use – A variety of uses may be provided within the same development in separate buildings.
- (c) Mixed-use developments must contain at least two distinct land use types, one of which being some form of residential use. However, this residential requirement may be waived where it is demonstrated that the average density within a ¼ mile around the MXD district is developed with at least 10 dwelling units per acre.
- (d) Residential uses must be developed to at least 25 percent of maximum allowable residential density.
- (e) Common Open Space
  - (1) All Development Master Plans shall provide a minimum percentage of the total land area as common open space determined by the size of the overall MXD district as follows:
    - less than three acres, five (5) percent;
    - three to 10 acres, eight (8) percent;
    - greater than 10 acres, ten (10) percent.

- (2) Required common open space shall be satisfied as part of the Development Master Plan and provided according to the following:
  - a. The required common open space shall be established pursuant to the associated Development Master Plan.
  - b. Required common open space shall be accessible, at a minimum, to all residents within the development, or set aside for protection of natural features and visual enjoyment.
  - c. Up to 50 percent of the common open space requirement may be satisfied by stormwater management systems that utilize LID stormwater management principles, including but not limited to bio/vegetated swales, buffers and landscape strips; bioretention and biofiltration; rainwater harvesting systems and rain gardens.
  - d. Required common open space shall be usable for facility-based or resource-based recreation or retained for natural resource protection.
  - e. Other green space, open space, parks, and recreational uses may be permitted pursuant to Table 138-355.

**Section 138-804 - 1029 - Reserved.**

## **ARTICLE VI – PUBLIC/SEMI-PUBLIC DISTRICTS**

### **DIVISION 1. – GENERALLY**

#### **Section 138-1030. – District Density and Intensity Standards**

The maximum density and intensity (Floor Area Ratio) standards for each zoning district are governed by the underlying Future Land Use Map (FLUM) category identified within the Pinellas County Comprehensive Plan. However, some districts may establish stricter intensity standards than the FLUM category.

#### **Section 138-1031. – Permitted Land Uses**

- (a) Land Uses in the Institutional Districts shall be permitted as defined in Table 138-355 – *Table of Uses* in Article III, Division 3.
- (b) Land Uses in the Environmental Districts shall be permitted as defined for each individual district listed in Division 3.
- (c) Land Uses in the Recreational Districts shall be permitted as defined for each individual district listed in Division 4.

#### **Section 138-1032. – Specific Use Standards and District Design Criteria**

- (a) Individual land uses may be applicable to the Specific Use Standards as established in Chapter 138 Article IX – Specific Use Standards.
- (b) Developments and land uses may be applicable to the Design Criteria for individual districts as established in Chapter 138 Article X - Community Design Standards Division 6 – District Design Criteria.
- (c) Where the standards/requirements are different the stricter regulation shall apply.

Secs. 138-1033—1049. - Reserved.

**DIVISION 2. – INSTITUTIONAL DISTRICTS**

**Section 138-1050. – Applicability**

- (a) The Institutional Districts include the following: LI and GI
- (b) The following sections list the development parameters and other specific requirements for each individual zoning district.

**Section 138-1051. – Definition, purpose and intent.**

The institutional districts accommodate educational, health, public safety, civic, religious, and other similar institutional and public uses required to serve the community; and recognize the unique needs of these uses relative to their relationship with surrounding uses and transportation access.

- (a) **LI, Limited Institutional District** – The purpose of the LI, Limited Institutional district is to designate, develop and accommodate public uses that serve the needs and interests of the surrounding community, such as day care facilities, nursing homes, libraries, museums, places of worship, meeting halls, government buildings, assisted living facilities/congregate care/nursing homes, and other similar limited institutional uses.
- (b) **GI, General Institutional District** – The purpose of the GI, General Institutional district is to designate, develop, and accommodate a broad range of public, semi-public and institutional uses, including some that are more intensive than those allowed in the LI district, such as hospitals, medical offices, large-scale educational institutions, assisted living facilities/congregate care/nursing homes, utilities and correctional facilities.

**Section 138-1052. - Reserved.**

**Section 138-1053. – LI, Limited Institutional District**

The LI, Limited Institutional district provides areas for essential and/or desirable public services that are compatible with nearby residential uses. The district is generally appropriate in locations where religious, educational, civic, health or similar institutional uses are necessary or desirable to serve the surrounding community.

**Section 138-1053.1. LI, Limited Institutional District – Development Parameters**

LI – Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	50 except up to 100-ft with Type 2 or 3 approval	0.5 acre	100	100	20	10	

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

2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. – Setback Measurements , allowances and restrictions
3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.

**Secs. 138-1054—1059. - Reserved.**

**Section 138-1060. – GI, General Institutional District**

The GI, General Institutional district establishes locations for a broad range of public service facilities, government facilities and other institutions throughout the unincorporated county. The district provides a wide range of services, facilities and institutions, and therefore should be located in appropriate areas easily accessible to the public and/or in proximity to areas with a demonstrated demand or need for such uses.

**Section 138-1060.1. GI, General Institutional District – Development Parameters**

GI – Development Parameters Table <sup>(3)</sup>							
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
		Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	50 except up to 100-ft with Type 2 or 3 approval	0.5 acre	100	100	20	15	
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p>							

**Sections 138-1061 - 1068. - Reserved.**

**DIVISION 3. – ENVIRONMENTAL DISTRICTS**

**Section 138-1069. – Applicability**

- (a) The Environmental Zoning Districts include the following: AL, PC and P-RM.
- (b) The following sections list the development parameters, allowable land uses, and other specific requirements for each individual zoning district.

**Section 138-1070. – Definition, purpose and intent.**

The environmental districts implement the natural resource conservation, and protection goals and policies of the Pinellas County Comprehensive Plan. The AL, PC, and P-RM districts are assigned to environmentally sensitive lands and limit development and natural resource disturbance.

- (a) **AL, Aquatic Lands District** – The purpose of the AL, Aquatic Lands District is to protect coastal waterways and coastal wetlands. The district limits land uses from being established and expanded that would otherwise disturb coastal natural resources. Uses are limited to recreation, docks, and stormwater management facilities.
- (b) **PC, Preservation/Conservation District** – The purpose of the PC, Preservation/ Conservation District is to designate and protect properties containing natural resources. The district limits

land uses from being established and expanded that would result in alternatives and degradation of significant natural resources. Uses are generally limited to recreation, docks, stormwater management facilities, and research.

- (c) **P-RM, Preservation-Resource Management District** – The purpose of the P-RM, Preservation-Resource Management District is to designate and protect areas where the conservation and management of important natural and potable water resources are priorities, and to recognize those functional open space areas that are essential to the health, safety and welfare of the County's residents.

**Section 138-1071. – AL, Aquatic Lands District**

The AL, Aquatic Lands district protects coastal waterways and coastal wetlands that are subject to tidal action or periodic tidal inundation. Coastal areas are characterized by mangrove stands and other salt-tolerant vegetation found in tidal fringe lands, and also include all adjacent coastal waters. Any significant alteration of these lands and waterways would result in damage to the aquatic ecosystem and its ecological value to the public.

**Section 138-1071.1. – AL, Aquatic Lands District – Type 1 uses.**

The following uses are permitted in the AL district pursuant to a Type 1 review and approval:

- (a) Wildlife management structures and accessory uses.
- (b) Docks and piers.
- (c) Recreation and park uses and/or structures compatible with the above.
- (d) Stormwater management facilities that are compatible with the purpose and intent of this district and are consistent with approved county watershed or land management plans.
- (e) Natural Resources and Wildlife Management Uses

**Section 138-1071.2. – AL, Aquatic Lands District – Type 2 and 3 uses.**

There are no Type 2 or 3 uses within the AL district.

**Section 138-1071.3. – AL, Aquatic Lands District – Property development regulations.**

The following property development regulations are applicable to the AL district:

- (a) This section shall not conflict with other federal, state and local laws, ordinances and regulations; and to the extent of any such conflict, the more stringent regulations shall prevail unless otherwise provided by law.
- (b) Development requirements will be established in conjunction with site plan review.
- (c) The AL district is intended for utilization in areas designated as Preservation by the Future Land Use Map of the Comprehensive Plan; however, it may be utilized under any designation of the Plan provided the subject property meets the intent of the district.

**Secs. 138-1072—1079. - Reserved.**

**Section 138-1080. – PC, Preservation/Conservation District**

The PC, Preservation/Conservation district regulates the use of properties having unique environmental, biological, or ecological features. The district provides criteria to protect areas containing endangered species of flora or fauna, preserve areas considered vital to the maintenance and recharge of water resources, preserve areas with unique or valuable topographic or subsurface features, protect areas of significant environmental or ecological

importance to the county, protect areas of natural drainage, and ensure the least intensive development compatible with the protection of native plants, wildlife and habitats in their natural condition. These areas may consist of wetlands and/or uplands.

This district also supports environmental research and environmental education that is dependent on, or interprets, the surrounding natural environment, and is consistent with applicable management plans on County-owned or managed property. It is the intent of this section that all lands and water classified as PC shall remain in an essentially undeveloped state with no appreciable impervious surface coverage and with as much natural vegetation retained as possible, or in compliance with adopted management plans.

**Section 138-1080.1. – PC, Preservation/Conservation District – Type 1 uses.**

The following uses are permitted in the PC district pursuant to a Type 1 review and approval:

- (a) Facilities, structures and accessory uses for natural resources and wildlife management.
- (b) Natural Resource and Wildlife Management uses/activities.
- (c) Docks and piers, nature trails, and boardwalks; observation towers and canopy walk(s) for environmental research, education and appreciation on public-owned land.
- (d) Stormwater management facilities that are compatible with the purpose and intent of this district and are consistent with approved county watershed or land management plans.
- (e) Small diameter groundwater/wetland monitoring wells, existing permitted (non-vertical) potable water transmission lines.

**Section 138-1080.2. – PC, Preservation/Conservation District – Type 2 and 3 uses.**

There are no Type 2 or 3 uses within the PC district.

**Section 138-1080.3. – PC, Preservation/Conservation District – Property development regulations.**

The following property development regulations are applicable to the PC district:

- (a) The following development parameters shall apply to the PC district:

PC – Development Parameters Table <sup>(3)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2,4)</sup>		
Density and Intensity Standards	Max. Building Height <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	<ul style="list-style-type: none"> <li>• 35-ft for structures</li> <li>• 75-ft for observation towers and associated elevated walkways</li> <li>• 100-ft with Type 2 or 3 approval</li> </ul>	N/A	N/A	N/A	20	20	
1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. – Measurement of height and limitations 2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. – Setback Measurements , allowances and restrictions							

3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.
4. Where appropriate, site specific determination should be made with preference given to maintaining the natural environment.

(b) This section shall not conflict with other federal, state and local laws, ordinances and regulations; and to the extent of any such conflict, the more stringent regulations shall prevail unless otherwise provided by law.

**Secs. 138-1081—1089. - Reserved.**

**Section 138-1090. – P-RM, Preservation-Resource Management District**

The P-RM, Preservation-Resource Management district regulates the use of environmentally-significant properties where the conservation and management of important natural and water resources is a priority. Environmental research and resource-based recreational and educational uses that promote environmental stewardship, consistent with an approved management plan for the respective County-owned or managed property, are compatible with this district, as is the provision of public potable water supply in those areas designated with a Resource Management Overlay (RMO) on the Future Land Use Map (FLUM).

The intent of the PR-M district with the application of an RMO is to provide for both the conservation and management of important natural resources, as well as, the ability to develop and manage potable water supply resources and assets, and to protect the functional integrity of natural aquifer recharge areas and potable wellfields in a manner that preserves and enhances water quantity and quality.

**Section 138-1090.1 – P-RM, Preservation-Resource Management District – Type 1 uses.**

The following uses are permitted in the P-RM district pursuant to a Type 1 review and approval:

- (a) Facilities, structures and accessory uses for natural resource and wildlife management.
- (b) Resource-based recreation uses.
- (c) Facilities, structures and accessory uses for environmental education.
- (d) Nature trails and boardwalks; observation towers and canopy walk(s) for environmental research, education and appreciation located on publicly-owned land.
- (e) Surface water management facilities that are compatible with the purpose and intent of this district and are consistent with approved County watershed or natural resource management plans.
- (f) Natural Resource and Wildlife Management uses/activities
- (g) Wellfield/recharge area protection, groundwater monitoring, water transmission lines.
- (h) Implementation of uses and activities directed by, or compatible with, an approved watershed or natural resource management plan.
- (i) Facilities, structures and accessory uses that enhance or support the provision of potable water supply, located on properties that have a Resource Management FLUM Overlay (RMO-1 or RMO-2) and that are consistent with the specific permitted uses associated with the respective overlay.

**Section 138-1090.2 – P-RM, Preservation-Resource Management District – Type 2 uses.**

The following uses may be permitted as a Type 2 review in the P-RM district:

- (a) Governmental telecommunication tower facilities.

**Section 138-1090.3 – P-RM, Preservation-Resource Management District – Type 3 uses.**

There are no Type 3 uses within the P-RM district.

**Section 138-1090.4. – P-RM, Preservation-Resource Management District – Property development regulations.**

The following property development regulations are applicable to the P-RM district:

- (a) The following development parameters shall apply to the P-RM district:

P-RM – Development Parameters Table <sup>(3)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
Density and Intensity Standards	Max. Building Height <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category	<ul style="list-style-type: none"> <li>• 35-ft for structures</li> <li>• 75-ft for observation towers and associated elevated walkways</li> <li>• 100-ft with Type 2 or 3 approval</li> </ul>	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>• 25-ft; except</li> <li>• 500-ft from the northern edge of Old Keystone Road and the western edge of those portions of Section/Township/Range (STR) 02/27/16 and STR 11/27/16.</li> </ul>		
<ol style="list-style-type: none"> <li>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. – Measurement of height and limitations</li> <li>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. – Setback Measurements , allowances and restrictions</li> <li>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</li> </ol>							

- (b) Final decisions regarding the location of vertical water supply infrastructure/structures within those areas designated with the P-RM zoning district that have the RMO-2 category on the FLUM, shall be the responsibility of the Pinellas County Board of County Commissioners, and be determined through the following process:

- (1) County provides general notice to the public;
- (2) Review by the county administrator or designee for compliance with the adopted Pinellas County Comprehensive Plan;
- (3) County conducts two public informational meetings to provide interested citizens with the opportunity to review and comment on the proposal for locating vertical water supply infrastructure/structures within the area designated with the RMO-2 category;
- (4) A public hearing and decision on the proposal by the Board of County Commissioners.

- (c) For properties designated with the P-RM zoning district with the RMO-2 category as an overlay on the future land use map, no use shall exceed an FAR of 0.05 nor an ISR of 0.10, based on the area of the project site, unless the following conditions apply:
  - (1) Vertical water supply infrastructure/structures shall not exceed a cumulative FAR of 0.25 and an ISR of 0.50 that are calculated based on the area of the project site within the 260 acres that would permit these vertical water supply uses; and
  - (2) If a reservoir is constructed within the 260 acres that would permit vertical water supply infrastructure/structures, the reservoir may be permitted up to a maximum ISR of 0.50, calculated based on the area of the project site, and any other vertical water supply infrastructure/structures shall not exceed a cumulative FAR of 0.25 and an ISR of 0.50 based on the area of the project site within the remaining portion of the 260 acres not used as a reservoir.
- (d) This section shall not conflict with other federal, state and local laws, ordinances and regulations, and to the extent of any such conflict, the more stringent regulations shall prevail unless otherwise provided by law.

**Sections 138-1091—1098. – Reserved.**

#### **DIVISION 4. – RECREATIONAL DISTRICTS**

##### **Section 138-1099. – Applicability**

- (a) The Recreational Zoning Districts include the following: RBR, Resource-Based Recreation District and FBR, Facility-Based Recreation District.
- (b) The following sections list the development parameters, allowable land uses, and other specific requirements for each individual zoning district.

##### **Section 138-1100. – RBR and FBR – Definition, purpose and intent.**

The recreational districts implement the public recreational goals and policies of the Pinellas County Comprehensive Plan. The RBR and FBR districts are designated to lands that are used and planned for various passive and active recreational purposes.

- (a) **RBR, Resource-Based Recreation District** – The purpose of the RBR, Resource-Based Recreation district is to designate, develop, and accommodate recreational uses on lands that contain open space, natural resources and environmental features.
- (b) **FBR District, Facility-Based Recreation District** – The purpose of the FBR, Facility-Based Recreation district is to designate, develop, and accommodate recreational uses on lands that possess significant facilities such as sports fields, recreational centers, and tracks.

##### **Section 138-1101. – RBR, Resource-Based Recreation District.**

The RBR, Resource-Based Recreation district provides for resource-based (passive) recreation uses, open space and accessory uses and facilities to meet the resource-based recreation and open space needs of the county's residents and visitors. These uses and accessory facilities are located in areas where there is a demonstrated demand, need or opportunity for such. While not limited to regional county parks, this district is appropriate for such properties, as well as in park areas where natural resource features dominate and are worthy of protection, enhancement, and interpretation.

**Section 138-1101.1. – RBR, Resource-Based Recreation District – Development Parameters**

RBR – Development Parameters Table <sup>(3)</sup>							
		Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
Density and Intensity Standards	Max. Building Height (ft) <sup>(1)</sup>	Area	Width (ft)	Depth (ft)	Front	Side	Rear
<i>See underlying Future Land Use Category</i>	<ul style="list-style-type: none"> <li>• 45-ft for structures</li> <li>• 75-ft for observation towers and associated elevated walkways</li> <li>• 100-ft with Type 2 or 3 approval</li> </ul>	N/A	N/A	N/A	25	25	
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p>							

**Section 138-1101.2. – RBR, Resource-Based Recreation District – Type 1 uses.**

The following uses may be permitted as a Type 1 review in the RBR district:

- (a) Resource-based (passive) recreation uses such as:
  - (1) Picnicking/picnic shelters.
  - (2) Low-impact camping and accessory uses.
  - (3) Facilities, structures and accessory uses for environmental education.
  - (4) Wildlife viewing/observation decks and towers.
  - (5) Horseback riding on trails.
  - (6) Fishing/fishing piers.
  - (7) Hiking on trails/boardwalks.
  - (8) Saltwater beach activities, including bath houses.
  - (9) Boating/boat ramps.
  - (10) Canoeing and kayaking/canoe and kayak launch areas.
  - (11) Playgrounds/playground equipment.
  - (12) Historic/cultural interpretation and activities.
  - (13) Bike riding.
  - (14) Dog parks.
  - (15) Non-organized field sports.
  - (16) Community gardens.

- (17) Concessions.
  - (18) Restrooms.
  - (19) Special events that are not facility dependent.
  - (20) Maintenance activities and facilities.
  - (21) Such other uses that would be similar to those listed in this section and which would be in keeping with the intent and purpose of the RBR district.
- (b) Natural Resource and Wildlife Management uses, including:
    - (1) Those facilities, structures and accessory uses necessary for wildlife and natural resource management, including the conservation, protection and enhancement of natural plant communities.
    - (2) Watershed and habitat management activities.
    - (3) Surface water management facilities.
    - (4) Uses and activities that implement park management plans.
  - (c) Accessory dwellings.

**Section 138-1101.3. – RBR, Resource-Based Recreation District – Type 2 and 3 uses.**

There are no type 2 or 3 uses within the RBR district.

**Sections 138-1101.4. – RBR, Resource-Based Recreation District – Additional requirements.**

- (a) All vehicular use areas, play areas, recreation areas, etc. shall be effectively screened from contiguous residential properties.
- (b) Outdoor lighting shall be low-impact, directional and limited to security purposes only.

**Sections 138-1102—1109. - Reserved.**

**Section 138-1110. – FBR, Facility-Based Recreation District.**

The FBR, Facility-Based Recreation district provides for recreation facilities for (facility-based (active) recreation uses located in appropriate areas accessible to the public. The district is appropriate primarily for public parks and other publicly-owned facilities, but may also be applied to privately-owned facilities that follow the intent of this section.

**Section 138-1110.1. – FBR, Facility-Based Recreation District – Development Parameters**

FBR – Development Parameters Table <sup>(3)</sup>								
Density and Intensity Standards		Max. Building Height (ft) <sup>(1)</sup>	Min. Lot			Min. Setbacks (ft) <sup>(2)</sup>		
			Area	Width (ft)	Depth (ft)	Front	Side	Rear
See underlying Future Land Use Category		<ul style="list-style-type: none"> <li>• 45-ft for structures</li> <li>• 75-ft for observation towers elevated walkways, and sports lighting poles</li> <li>• 100-ft with Type 2 or 3 approval</li> </ul>	N/A	N/A	N/A	25	25	
<p>1. Other height requirements and allowances may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3501. - Measurement of height and limitations</p> <p>2. Other setback requirements and allowance may be applicable pursuant to Chapter 138, Article X, Division 1, Sec. 138-3505. - Setback Measurements , allowances and restrictions</p> <p>3. These Development Parameters may be superseded by other requirements as part of an adopted Development Master Plan and/or Conditional Overlay.</p>								

**Section 138-1110.2. – FBR, Facility-Based Recreation District – Type 1 uses.**

The following uses may be permitted as a Type 1 review in the FBR district:

- (a) Parks and Recreation areas - Facility-based (High and Low Intensity) such as:
  - (1) Organized field sports such as football, baseball, softball, soccer, etc., with the exception of those that require Type 2 approval.
  - (2) Court-related activities such as tennis, basketball, racquetball, etc.
  - (3) Equestrian activities/horse stables.
  - (4) Pool swimming/swimming pools.
  - (5) Spray parks/splash parks.
  - (6) Skating/skate parks.
  - (7) Bicycling/BMX facilities.
  - (8) Fitness activities.
  - (9) Restrooms.
  - (10) Community centers/social activities such as dance, recreational classes, special events, etc.
  - (11) Such other uses that would be similar to those listed in this section and which would be in keeping with the intent and purpose of the FBR district.
- (b) All uses allowed in the RBR, Resource-Based Recreation district.

**Section 138-1110.3. – FBR, Facility-Based Recreation District – Type 2 uses.**

The following Type 2 uses may be permitted in the FBR district:

- (a) Nighttime lighting for sport fields or courts that operate during non-daylight hours.

- (b) Sport fields that are proposed within 300-feet, measured from the actual playing surface, of a residential zoning district.
- (c) More than three sport fields at one particular site.

**Section 138-1110.4. – FBR, Resource-Based Recreation District – Type 3 uses.**

There are no Type 3 uses within the FBR district.

**Section 138-1110.5. – FBR, Facility-Based Recreation District – Additional requirements.**

- (a) All vehicular use areas, play areas, recreation areas, playfields or similar recreation areas shall be effectively screened from contiguous residential properties.
- (b) Outdoor lighting must be directional and low-impact.
- (c) Noise levels from public address systems, piped music and other similar sources in the FBR District shall adhere to the standards adopted by Pinellas County.
- (d) The location must accommodate the required parking and potential queuing of vehicles onsite.

**Section 138-1111 - 1119 - Reserved.**

## **ARTICLE VII – OVERLAYS**

### **DIVISION 1. – GENERALLY**

**Section 138-1120. – District Density and Intensity Standards**

The maximum density and intensity (Floor Area Ratio) standards for each zoning district are governed by the underlying Future Land Use Map (FLUM) category identified within the Pinellas County Comprehensive Plan.

**Section 138-1121. – Permitted Land Uses**

Land Uses shall be permitted as defined in Table 138-355 – *Table of Uses* in Article III, Division 3 for the underlying zoning district AND as permitted/limited pursuant to the overlay district adoption.

**Section 138-1122. – Specific Use Standards and District Design Criteria**

- (a) Individual land uses may be applicable to the specific use standards as established in Chapter 138 Article IX – Specific Use Standards.
- (b) Developments and land uses may be applicable to the design criteria for individual districts as established in Chapter 138 Article X - Community Design Standards Division 6 – District Design Criteria.
- (c) Where the standards/requirements are different the stricter regulation shall apply.

**Sections 138-1123—1199. – Reserved.**

## **DIVISION 2. – CONDITIONAL OVERLAY**

### **Section 138-1200. - Definition, purpose and intent.**

The purpose of a Conditional Overlay (CO), is to provide for additional limitations to the underlying zoning district, to ensure compatibility with surrounding uses and consistency with the Comprehensive Plan and this code.

### **Section 138-1201. – Development regulations generally.**

The development regulations imposed by a CO are more restrictive than the regulations otherwise applicable to the property under this code. Development of property subject to the application of a CO shall be pursuant to its underlying zoning district, as limited by the regulations imposed by the CO. Each resolution applying a CO shall define the land area which it covers along with the specific regulations imposed. The property specific development regulations shall be made a part of the zoning atlas and noted on each property to which they apply. Conditional overlays shall be indicated on the zoning atlas by an overlay pattern or shading, as deemed appropriate.

### **Section 138-1202. – Limitation on permitted development regulations.**

Development regulations imposed by a CO shall be limited to those which:

- (a) Prohibit certain Type 1, 2 and 3 uses and accessory uses otherwise authorized in the underlying zoning district;
- (b) Decrease the number or average density of dwelling units that may be constructed on the subject property;
- (c) Increase minimum lot size, minimum lot depth or minimum lot width requirements;
- (d) Limit maximum floor area ratio (FAR);
- (e) Limit maximum height;
- (f) Increase minimum yard and setback requirements;
- (g) Limit building or impervious coverage;
- (h) Impose specific design criteria; AND/OR
- (i) Restrict access to /from adjacent roadways.

### **Section 138-1203. – Boundaries.**

COs shall be indicated on the zoning atlas by an overlay pattern or shading, as deemed appropriate by the county administrator or designee.

**Sections 138-1204—1299 – Reserved.**

## **DIVISION 3. – HISTORIC PRESERVATION OVERLAY**

### **Section 138-1300. – Definition, purpose and intent.**

Historic Preservation Overlays (HPOs) assist in implementing the goals, objectives, and policies in the Comprehensive Plan pertaining to the protection, preservation, and appropriate use of historic resources in the unincorporated county, including historic structures and buildings identified in the county historic resource data base referenced in chapter 146 of this code.

The intent of an HPO is to protect and preserve the county's historic resources through an overlay whereby land use controls in addition to those of the underlying zoning districts may be applied.

**Section 138-1301. – Permitted Land Uses**

Uses permitted under an HPO shall be those permitted by the underlying zoning district. Land uses shall be permitted per the underlying zoning district as defined in Table 138-355 – *Table of Uses* in Article III, Division 3.

**Sections 138-1302—1303 – Reserved.**

**Section 138-1304. – Property development standards and regulations.**

- (a) All development subject to the application of an HPO shall comply with the requirements of the underlying zoning district.
- (b) In addition, the land uses/development activity shall comply with Chapter 146 of this code. The uses and associated regulations of Chapter 146 of this code are adopted by reference and shall apply to those areas subject to the application of an HPO.

**Section 138-1305. – Boundaries.**

HPOs shall be indicated on the zoning atlas by an overlay pattern or shading, as deemed appropriate by the county administrator or designee.

**Sections 138-1306—1399 – Reserved.**

**DIVISION 4. – TRANSIENT ACCOMMODATION OVERLAY**

**Section 138-1400. – Definition, purpose and intent.**

C-T, Transient Accommodation Overlay, depicts those areas of the county that are now developed, or appropriate to be developed, with more intensive medium density permanent transient accommodation uses and accompanying accessory uses. C-T overlays recognize such areas as well-suited for transient accommodation use consistent with their location, surrounding uses, public infrastructure and transportation facilities and, when applicable, the natural resource characteristics of these areas.

**Section 138-1401. – Permitted Land Uses**

Within any area subject to a C-T overlay, only the following uses shall be permitted:

- (a) Any use permitted in the underlying zoning district. Land uses shall be permitted per the underlying zoning district as defined in Table 138-355 – *Table of Uses* in Article III, Division 3.
- (b) Permanent transient accommodation use up to the maximum densities and intensities provided for by the C-T overlay, subject to meeting the requirements of Subsection 138-1402(d).
- (c) Such other uses that would be similar to those listed in this section and that would be consistent with the definition of the C-T overlay.

**Section 138-1402. – Property development regulations.**

- (a) The maximum height of structures subject to the application of a C-T overlay shall be as established in the underlying zoning district, except that the height of a permanent transient accommodation may be increased up to a maximum height of 100 feet if the following conditions are met:

- (1) The transient accommodation use requirements of Subsection 138-1400.2(d) have been achieved.
  - (2) The site consists of a minimum of five acres.
  - (3) Any height allowed for a site that exceeds the maximum height established in the underlying zoning district shall be included within a development agreement developed and approved pursuant to subsection 138-1402(d)(1).
  - (4) Any height allowed for a site that exceeds the maximum height established in the underlying zoning district must be compatible with adjoining property uses and with the character of the surrounding community.
- (b) The minimum building site area requirements for properties subject to the application of a C-T overlay shall be as established in the underlying zoning district.
- (c) The maximum area of land coverage shall be as established in the underlying zoning district, with the exception of transient accommodation uses that meet the requirements of subsection 138-1402(d), which use shall not exceed the Floor Area Ratios (FAR) and Impervious Surface Ratios (ISR) in the following table:

<b>Density and Intensity Standards for Permanent Transient Accommodations that meet the Requirements of Subsection 138-1402(d)</b>				
<b>Zoning District</b>	<b>Permanent Transient Accommodations on Property that is designated on the Future Land Use Map with the Following Category:</b>	<b>Maximum Density/Intensity Standards</b>		
		<b>Units/Acre</b>	<b>FAR*</b>	<b>ISR</b>
C-T Overlay	Residential/Office/Retail	45	1.0	0.85
	Commercial Recreation	60	1.2	0.90
	Commercial General	60	1.2	0.90
	Employment	75	1.5	0.85

\*The floor area ratios apply to the transient accommodation use, associated parking structures, and uses accessory to transient accommodation uses (e.g., meeting space, restaurants, spas, clubs, etc.).

- (d) The standard transient accommodation densities and intensities specified in the underlying zoning district shall be utilized, unless the requirements of this section have been achieved, in which case the higher densities and intensities specified in the table in subsection 138-1402(c) may be used. A permanent transient accommodation use may utilize these higher densities and intensities, subject to the following:
- (1) A development agreement prepared and approved pursuant to Chapter 134 Article VII and the applicable Florida Statutes that addresses at a minimum the following:
    - a. The ability of the county, or the applicable service provider, to meet the concurrency management standards identified in Policy 1.5.1 of the Capital Improvements Element of the Pinellas County Comprehensive Plan.
    - b. Provision for all transient accommodation uses to comply with all County and local hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to the Pinellas County

Comprehensive Plan. All transient accommodation uses which are located in the coastal storm area, as identified in the Pinellas County Comprehensive Plan, shall prepare a legally enforceable mandatory evacuation/closure covenant, stating that the transient accommodation use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center. A plan implementing the closure and evacuation procedures shall be prepared and submitted to the county emergency management coordinator prior to issuance of a certificate of occupancy. This plan will be updated and sent for review when there is a change of ownership or substantive change to the plan or as required by the county emergency management coordinator.

- c. Design considerations in subsection 138-1402(d)(3), the transportation concurrency management provisions in subsection 138-1402(d)(4), and the restrictions on transient accommodation use in subsection 138-1402(d)(5).
  - d. A requirement that prior to issuance of building permits the conditions and restrictions in subsection 138-1402(d)(1)c. are generally described in a recorded deed restriction, which shall be perpetual and may be amended or terminated only with the consent of the county, which consent shall not be unreasonably withheld.
- (2) For development that includes a combination of transient accommodation and residential dwelling uses, each use shall be allowed in proportion to the size of the property and the permitted density and intensity of the respective use.
- (3) For locations where the underlying zoning district is not subject to design criteria, design considerations applicable to the proposed use shall address the following in the development agreement so as to ensure compatibility in terms of context-sensitive design, and the scale and placement of the proposed use so as to achieve a harmonious relationship and fit relative to its location and surroundings.
- a. Building scale – including height, width, location, alignment, and spacing.
  - b. Building design – including elevations, facade treatment, entrance and porch or balcony projections, window patterns and roof forms. Building design considerations are optional for inclusion in the development agreement unless they are required to be included in order to meet requirements of the underlying zoning district or other applicable provision(s) of the County Comprehensive Plan or Land Development Code (e.g. the County's Historical Preservation Code).
  - c. Site improvements – including building and site coverage, accessory structures, service and amenity features, walkway and parking areas, open space, and view corridors.
  - d. Adjoining property use – including density/intensity, and building location, setbacks, and height.
- (4) A project authorized to use the increased density and intensity provided by a C-T overlay shall be subject to a transportation analysis that is consistent with the Metropolitan Planning Organization's (MPO) methodology, which includes the following:
- a. Recognition of standard data sources as established by the MPO.

- b. Identification of level of service standards for state and county roads as established in the Pinellas County Comprehensive Plan.
  - c. Use of proportionate fair share requirements consistent with the Pinellas County Comprehensive Plan and the County's land development regulations.
  - d. Use of the MPO traffic impact study methodology.
  - e. Recognition of the designation of "deficient roads" as set forth in the most current Pinellas County concurrency test statement.
- (5) To ensure that a project authorized to use any portion of the transient accommodation uses at the higher densities and intensities provided for by the application of a C-T overlay is built, functions, operates, and is occupied exclusively as transient accommodation, the project shall comply with the following restrictions:
- a. No transient accommodation unit shall be occupied as a residential dwelling unit, and a maximum length of stay for any consecutive period of time shall be established by Pinellas County to ensure that any transient accommodation use does not function as a residential use.
  - b. Transient accommodation units shall not qualify or be used for homestead or home occupation purposes.
  - c. All transient accommodation units must be included in the inventory of units that are available within a transient accommodation use.
  - d. No conversion of transient accommodation units to residential dwelling units shall be permitted unless the conversion is in compliance with the Pinellas County Comprehensive Plan with respect to the permitted residential density and, where applicable, the intensity for associated nonresidential uses.
  - e. A transient accommodation use may include accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, and other uses commonly associated with transient accommodation uses. All such uses shall be included in the calculation of allowable floor area ratio.
  - f. Any license required of a transient accommodation use by Pinellas County and/or a state agency shall be obtained and kept current.
  - g. Transient accommodation uses shall be subject to all applicable tourist development tax collections.
  - h. A reservation system shall be required as an integral part of the transient accommodation use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for transient accommodation would be operated.
  - i. Transient accommodation uses must have sufficient signage that complies with the Pinellas County Land Development Code and is viewable by the public designating the use as a transient accommodation use.
  - j. The books and records pertaining to use of each transient accommodation unit shall be open for inspection by authorized representatives of Pinellas

County, upon reasonable notice, in order to confirm compliance with these regulations as allowed by general law.

- k. Pinellas County may require affidavits of compliance with this section from each transient accommodation use and/or unit owner.
- (6) A copy of an approved development agreement prepared pursuant to this section shall be recorded with the Clerk of the Circuit Court, a copy filed with the Property Appraiser's office, and a copy submitted to the Pinellas Planning Council and the Countywide Planning Authority for receipt and filing within 14 days after recording.
- (e) For areas subject to the application of a C-T overlay, the minimum setbacks established in the underlying zoning district shall apply. Where the height of a permanent transient accommodation is allowed to exceed the maximum height established in the underlying zoning district pursuant to subsection 138-1400.2(a), the additional following minimum setback requirements shall apply:
- 1) That portion of a building height above 50 feet to 75 feet requires a minimum setback of 65 feet on all sides.
  - 2) That portion of a building height above 75 feet to 100 feet requires a minimum setback of 80 feet on all sides.
- (f) The following special requirements apply in areas subject to the application of a C-T overlay:
- (1) Performance standards: See Article IX, Division 14 of this chapter.
  - (2) Commercial vehicles may be stored on site within this district when utilized in conjunction with an approved use. This shall not include the use or storage of heavy equipment or semi-tractors/trailers.
  - (3) Compatibility with the Comprehensive Plan: a C-T overlay may be utilized in areas classified by the Future Land Use Map as follows:
    - a. Residential/Office/Retail (R/O/R).
    - b. Commercial Recreation (CR).
    - c. Commercial General (CG).
    - d. Employment (E).

**Section 138-1403. – Boundaries.**

C-Ts shall be indicated on the zoning atlas by an overlay pattern or shading, as deemed appropriate.

**Sections 138-1404—1499 – Reserved.**

**DIVISION 5. – WELLHEAD PROTECTION OVERLAY**

**Section 138-1500. – Definition, purpose and intent.**

The purpose of a WPO, Wellhead Protection Overlay, is to designate and protect lands that possess high quality natural groundwater aquifer recharge functions.

WPOs protect the health, safety and welfare of the residents and visitors of the county and strive to achieve the goal of the Comprehensive Plan to protect the functional integrity of natural groundwater aquifer recharge areas and wellheads in a manner that preserves and enhances

water quality. Because the county is dependent on groundwater for its potable water supply, it is imperative to protect the function of the water recharge areas. Large amounts of impervious surfaces, seepage from landfills, septic systems, urban runoff and storage tanks all potentially degrade the function of the recharge areas.

It is the intent of this section to protect high quality groundwater recharge areas via the application of the additional land use controls provided by WPOs.

**Section 138-1501. – Regulations.**

The uses and associated regulations of Chapter 166, Article IV of this Land Development Code are adopted by reference and shall apply to those areas subject to the application of a WPO.

**Section 138-1502. – Boundaries.**

WPOs are generally located in the northeastern portion (Planning Sector 2) of the county and shall encompass the area described in Chapter 166, Article of this Land Development Code.

- (a) Interpretation of boundary:
  - (1) Properties located wholly within a WPO shall be governed by the provisions of that overlay.
  - (2) Properties having parts lying within a WPO shall be governed by the provisions of that overlay.
- (b) The boundaries of a WPO, as described above, shall be indicated on the zoning atlas by an overlay pattern or shading, as deemed appropriate by the county administrator or designee.

**Section 138-1503 - 1999 - Reserved.**

## **ARTICLE VIII – SPECIAL DISTRICTS**

### **DIVISION 1. – GENERALLY**

**Sections 138-2000—2089. – Reserved.**

**Section 138-2090. – District Density and Intensity Standards**

The maximum density and intensity (Floor Area Ratio) standards for each zoning district are governed by the underlying Future Land Use Map (FLUM) category identified within the Pinellas County Comprehensive Plan.

**Section 138-2091. – Permitted Land Uses**

Land uses shall be permitted as defined in Table 138-355 – *Table of Uses* in Article III, Division 3.

**Sections 138-2092—2099. – Reserved.**

### **DIVISION 2. – OPH-D, OLD PALM HARBOR - DOWNTOWN DISTRICT**

**Section 138-2100. – Definition, purpose and intent.**

The Old Palm Harbor-Downtown (OPH-D) District provides a set of regulations that recognize, maintain and encourage the special character, uses and history of Downtown Old Palm Harbor and its historic district. The area will include a mixture of retail, lodging, residential, office and service uses. The OPH-D district is intended to assist in implementing the Downtown Historic Palm

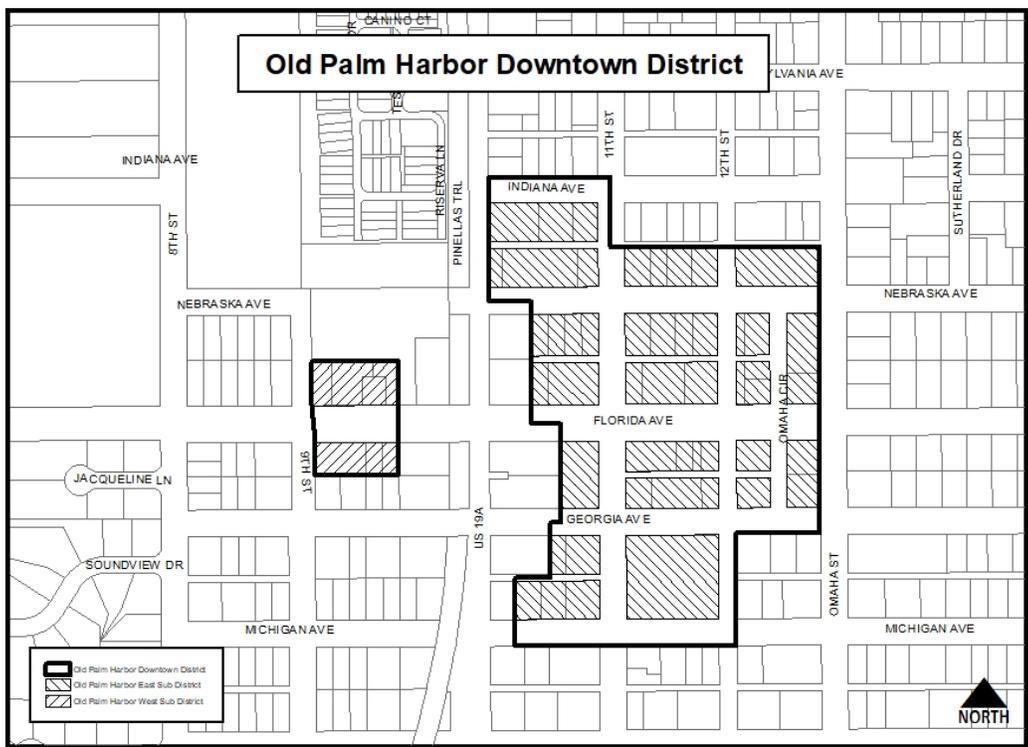
Harbor Master Plan adopted by the Board of County Commissioners by Ordinance No. 01-85 on December 18, 2001, and as it may be amended from time-to-time. Only those properties located within the master plan study area as adopted, or as it may be amended by the board, are eligible for designation with this district. The OPH-D district incorporates design and dimensional regulations that maximize the pedestrian experience and that recognize the existing character of Old Palm Harbor and its historic buildings.

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

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

- (1) East sub-district (ESD): Represents the historic downtown commercial center for Old Palm Harbor.
- (2) West sub-district (WSD): Represents a transitional area between residential uses near the waterfront and the historic downtown commercial center.

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



**Section 138-2101. – Applicability and nonconformities.**

- (a) The OPH-D district zoning and design guidelines of Division 2 will provide for the regulation and restriction of uses, structures, lots and parcels, or combinations thereof, which were lawfully established prior to the adoption of the ordinance from which this division derives.
  - (1) All new uses, development, alteration, demolition, relocation, reconstruction and excavation within the OPH-D district shall be subject to the requirements of this division.
  - (2) All new development, alteration, demolition, relocation, reconstruction, and excavation within the OPH-D district shall be subject to the requirements and procedures of section 146-7 for certificates of appropriateness. The design criteria for issuance of a certificate of appropriateness in the OPH-D district shall be as stated in section 138-2107
- (b) The nonconforming standards stated in Chapter 138, Article II, Division 6 shall apply to the OPH-D district.
- (c) Communication towers and antennas as defined in the Pinellas County Code, must comply with the height requirements in the OPH-D zoning district and in the Downtown Palm Harbor Historic District and be camouflaged and consistent with the architectural character of the Downtown Palm Harbor Historic District.

**Section 138-2102. – Reserved.**

**Section 138-2103. – First floor uses.**

In the 6 blocks of the east sub-district of the OPH-D district located south of Nebraska Avenue, north of Georgia Avenue, east of Alternate U.S. Highway 19, and west of C.R. 1, pedestrian-oriented uses are required on the first floor.

- (1) The allowable uses for the first floor are:
  - a. Retail sales and service.
  - b. Medical office.
  - c. Restaurant.
  - d. Studios and galleries.
  - e. Bank (no drive-through facilities).
  - f. Bed and breakfast.
  - g. Laboratories and research and development.
  - h. General office.
  - i. Artisan.
  - j. Alcoholic beverage production.
- (2) The criteria for compliance with this section are described in Section 138-2101.

**Section 138-2104 – Development Parameters.**

OPH-D – Development Parameters Table											
				Minimum Lot <sup>3</sup>			Setbacks <sup>6</sup>				
Max. Density	Max. FAR <sup>1</sup>	Max. ISR	Max. Bldg. Height <sup>4</sup>	Area	Width <sup>5</sup>	Depth	Front	Side	Rear	Abutting Residential	Corner
<b>East Sub-District</b>											
10	0.40 <sup>2</sup>	0.85	30-ft <sup>4</sup>	4,500 sq ft	50-ft	90-ft	<b>Abutting Florida Avenue east of Alt-19; and the property at 1205 Omaha Circle</b>				
							Min. 0-ft	Min. 0-ft	Min. 0-ft	Min. 7.5-ft	Min. 0-ft
							Max. 15-ft				
							<b>Not abutting Florida Avenue east of Alt-19</b>				
Min. 10-ft	Min. 0-ft	Min. 0-ft	Min. 7.5-ft	Min. 5-ft							
<b>West Sub-District</b>											
10	0.30 <sup>3</sup>	0.75	30-ft <sup>4</sup>	4,500 sq ft	50-ft	90-ft	Min. 10-ft	Min. 7.5ft	Min. 15-ft	N/A	Min. 10-ft

1. Floor area used as a dwelling unit shall not be included in calculating floor area and are exempt from FAR limitations.
2. The maximum FAR for properties where first floor uses are restricted per section 138-2103 is 0.60.
3. Professional, scientific and technical service uses, galleries and studios shall not exceed an FAR of 0.30 or 1,500 sq ft per lot, whichever is less. These nonresidential uses shall only be permitted within an existing residential structure that has been converted for these types of uses. Any structural changes, modifications, or enlargements to existing residential structures shall retain the residential character of the building.
4. Measured to the lowest portion of the eaves. New buildings or alterations/additions to existing structures shall not be built higher than the existing buildings in the district on the date the Downtown Palm Harbor Historic District was established (August 16, 1994). The height of new construction, or of alterations/additions to existing structures, shall not exceed 30-feet in height when measured at the lowest point of the eaves of the structure.
5. Lots less than 50-feet in width that lawfully existed before May 21, 2002 may be developed pursuant to the conditions outlined in section 138-2101.
6. The maximum setback on the east side of Omaha Circle/College Hill Drive, between Nebraska Avenue and Georgia Avenue, shall be 30-feet to accommodate the historic perpendicular parking pattern that was incorporated into the Downtown Historic Palm Harbor Master Plan adopted on December 18, 2002.

**Section 138-2105. – Off-street parking.**

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

allows a reduced off-street parking requirement for comparable uses in conventional zoning districts.

- (1) There shall be provided at the time of the erection of any structure, or at the time any structure is enlarged or increased in capacity, a minimum number of off-street parking spaces provided.
- (2) For retail sales and services, studios and galleries, restaurants, alcoholic beverage production and on premise dispensing facilities, and artisan establishments, in the East Sub-District: the minimum number of spaces provided on-site shall be equal to 2.1 parking spaces per 1,000 square feet of gross floor area. Outdoor work areas and outdoor display and/or sales of retail goods, wares and merchandise that are equal to or less than 400 square feet in area are not included when calculating the minimum number of off-street automobile parking spaces required
- (3) For medical and veterinary offices, and other office uses, in the east sub-district: the minimum number of spaces provided on-site shall be equal to four automobile parking spaces per 1,000 square feet of gross floor area. A rate reduction of 0.2 parking space for every one public parking space located within a radius of 500 feet from the center of the parcel or parcels where the improvement will be located shall be applied towards meeting the off-street parking requirements. The county may request a survey be provided locating the center of the parcel or parcels where the improvement will be located for the purpose of determining the 500-foot radius. Only those public parking spaces completely located (both the entire width and length of the space) within the 500-foot radius can be counted toward the parking rate reduction. Calculation of this reduction shall not include on-street public parking spaces located along Florida Avenue, Michigan Avenue, and Nebraska Avenue. Regardless of the resulting rate reduction, a minimum of two spaces shall be provided.
- (4) For other nonresidential uses in the east sub-district: the minimum number of off-street parking spaces shall be equal to 45 percent of the minimum number of off-street automobile parking spaces required in Chapter 138, Article X, Division 2, with a minimum of two spaces.
- (5) For nonresidential uses in the west sub-district: the minimum number of spaces provided on-site shall be equal to four-fifths the minimum number of off-street automobile parking spaces required in Chapter 138, Article X, Division 2, with a minimum of two spaces.
- (6) Off-street parking for nonresidential uses in the west sub-district shall not be located in the front or corner setback areas.
- (7) Any outdoor seating area shall be included when calculating the required number of minimum off-street parking spaces, except no off-street parking shall be required for an outdoor seating area that allows up to 24 seats and is equal to or less than 400 square feet in area. An outdoor seating area shall be accessory to an indoor eating and/or drinking establishment.
- (8) Alleys may be used for access to off-street parking spaces.
- (9) Parking spaces for nonresidential uses may be provided on a separate lot or parcel not more than 500-feet from the primary parcel to be served as measured along the most direct pedestrian route.

- (10) Bed and breakfast in the east sub-district: one off-street parking space for every two guest rooms plus one space. Bed and breakfast in the west sub-district: one off-street parking space for every guest room plus two spaces. Parking shall be provided in a manner that is compatible with the surrounding area.
- (11) Single-family dwellings: two off-street parking spaces per dwelling unit.
- (12) For all other residential uses: one off-street parking space per efficiency unit and one and one-half off-street parking spaces per dwelling unit with one or more bedrooms.
- (13) Where not specifically changed in this section, parking requirements shall otherwise comply with Chapter 138, Article X, Division 2. In the case that this section contradicts with Chapter 138, Article X, Division 2, the standards of this section will supersede.
- (14) Off-street parking shall not be located on the Florida Avenue frontage east of Alternate U.S. Highway 19.
- (15) Shared parking: parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to approval by the county administrator or designee, and must meet the following conditions:
  - a. The applicant must demonstrate to the county administrator's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.
  - b. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking spaces reasonably anticipated to be available during differing hours of operation. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 25 percent.
  - c. Parking facilities designed for joint use should not be located further than 500-feet from any structure or use served, measured along the most direct pedestrian route.
  - d. A written agreement shall be drawn to the satisfaction of the county attorney and executed by all parties concerned assuring the continued availability of the number of parking spaces designated for joint use.
- (16) For properties within this district that have existing buildings, as of May 21, 2002, the off-street parking arrangement in existence on that date for each building shall continue to be recognized by the county as meeting the minimum parking requirements of the OPH-D district. Such existing building square foot area may be renovated and redeveloped with a structure that is of similar size to the existing building square foot area without providing any additional off-street parking spaces. However, this recognition of existing parking arrangements shall not apply if there is additional building square footage or a change in use that increases the required number of off-street parking spaces. Parking shall be provided, as required by this section, for any increase in building square foot area, or for the increased number of parking spaces required by a change in use.

**Section 138-2106. – Landscaping for vehicular use (parking) areas.**

In addition to the requirements of Chapter 138, Article X, Division 3 of the Land Development Code, parking lots or vehicular use areas shall comply with the following:

- (1) Parking areas with three spaces or less are exempt from the landscaping provisions of Chapter 138, Article X, Division 3.
- (2) Parking areas using alley access and not visible from the street are exempt from this section.
- (3) Parking or vehicular use areas shall be designed to complement the streetscape design plan.
  - a. Where appropriate, the site design shall coordinate with and connect with the streetscape on the public right-of-way.
  - b. Hardscape, paving and construction materials shall match or complement the streetscape materials within the right-of-way.
  - c. Plant materials and species shall be selected from the following list:

Botanical Name	Common Name
<b>PALMS</b>	
Sabal palmetto	Cabbage Palm
Acoelorrhaphe wrightii	Paurotis Palm (Needs ample water)
<b>TREES</b>	
Cornus florida	Dogwood
Ilex cassine	Dahoon Holly
Ilex opaca	American Holly
Ilex x attenuata 'East Palatka'	East Palatka Holly
Ilex x attenuata 'Savannah'	Savannah Holly
Ilex vomitoria	Yaupon Holly
Lagerstroemia indica	Crape Myrtle
Liquidambar styraciflua	Sweet Gum
Magnolia grandiflora	Southern Magnolia
Quercus laurifolia	Laurel Oak
Quercus virginiana	Live Oak
Ulmus alata	Winged Elm
<b>ACCENTS</b>	
Cercis canadensis	Redbud
Crinum spp.	Spider Lily*
Phoenix roebelenii	Pygmy Date Palm
Prunus angustifolia	Chickasaw Plum
Zamia floridana	Coontie

<b>Botanical Name</b>	<b>Common Name</b>
<b>SHRUBS</b>	
Forestiera segregata	Florida Privet
Ilex cornuta 'burfordii'	Chinese Holly
Ilex cornuta 'rotunda'	Round Chinese Holly
Ilex vomitoria 'schillings'	Dwarf Yaupon Holly
Illicium parviflorum	Anise
Raphiolepis indica	Indian Hawthorn
Viburnum obovatum	Walter's Viburnum
Viburnum odoratissimum	Sweet Viburnum
Viburnum suspensum	Sandankwa Viburnum
<b>GROUND COVERS</b>	
Juniperus spp.	Juniper
Liriope muscari 'evrgn gnt'	Evergreen Giant
Ophiopogon japonicus	Mondo Grass
Stachytarpheta jamaicensis	Trailing Porterweed
Zamia floridana	Coontie
Zamia furfuracea	Cardboard Palm
Trachelospermum asiaticum minima	Minima Jasmine
Ornamental Grasses:	
Miscanthus sinensis	Miscanthus
Muhlenbergia capillaris	Muhly Grass
Pennisetum setaceum	Fountain Grass
Pennisetum setaceum 'rubrum'	Red Fountain Grass
Tripsacum floridana	Dwarf Fakahatchee Grass
<b>ORNAMENTALS</b>	
Lantana species	Sterile subspecies or varieties like 'Gold Mound'
Lantana montevidensis	
Pentas lanceolata	Pentas*
Plumbago 'Imperial Blue'	Plumbago
Annuals	Annuals

## Section 138-2107. - Design criteria.

- (a) All new development, alteration, demolition, relocation, reconstruction, and excavation within the Old Palm Harbor Downtown (OPH-D) District shall be subject to the criteria for historic properties set forth in Chapter 146, The Historic Preservation Code, and reiterated below. Those properties that are also located within the Downtown Palm Harbor Historic District shall continue to be subject to the provisions of Chapter 146.
- (b) The following design criteria apply to the OPH-D district. Downtown Old Palm Harbor is the historic commercial center for one of the oldest communities in the county. There are several contributing buildings within the OPH-D district. The historical "contributing" buildings located in the OPH-D district do not fall into any specific architectural style but are instead considered a part of the "folk" architectural tradition. For this reason, design criteria cannot be based upon specific, stylistic elements but instead must be based upon integrating the elements and characteristics that are present in the district.

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

### (1) General design criteria.

- a. The scale (height/width ratio) of new construction, or of alterations/additions to existing structures, shall be similar to that of the contributing structures in the district.
- b. The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings. The orientation of new buildings, and of alterations/additions to existing buildings, shall maintain front-facing façades with the main entrance on the street side of the building.
- c. The size, slope, and type of roofs for new construction, or for alterations/additions to contributing structures, shall be similar to those of the contributing structures.
- d. Shutters shall be in character with the style and period of the building. Replacement shutters shall be similar to the original in size, configuration, and style, and shall fit the window openings, not to overlap on the surface of the wall.
- e. Porch additions shall have a roof type that is either similar to the existing roof or that is in character with the style and period of the building.
- f. Historically, building, trim, and roof colors have not been a major defining component of the district. Choice of colors should complement and enhance the character of the district. For new construction and noncontributing structures, specific color choice is left to the discretion of the property owner. For contributing structures, the general criteria for evaluating certificates of appropriateness as cited in Subsection 146-5(a)(5) of the Historic Preservation Code shall be followed.
- g. On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.

### (2) Contributing structures.

- a. If windows and doors in contributing structures are determined to be unrepairable, they shall be replaced with new windows and/or doors matching the size, spacing, and where possible, materials of the originals. The use of materials other than the original materials shall be considered by the Downtown Palm Harbor Review Committee (DPHRC) and Pinellas County on a case-by-case basis.
  - b. Porches and porch features that are in good condition or repairable, and which are in character with the style and period of the building, shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.
- (3) Noncontributing structures.
- a. Where possible and appropriate, alterations and additions to noncontributing structures shall be similar to the major features, details and materials found in the contributing structures. Alterations and additions shall not introduce false historical architectural features not found in the district.
  - b. Where possible and appropriate, when renovating an existing noncontributing structure, new or replacement windows and/or doors shall be similar to the size, spacing, materials and general rhythm of the windows and doors found in the contributing structures.
- (4) New construction.
- a. The roof types of new buildings shall conform to the roof types of the contributing structures in the district. Gable, pyramidal (hip), and flat roofs with parapets are found in the contributing structures. Use of a roof type that is not present in the contributing structures, and which can be seen from the street is prohibited. Alternative roof styles can be used if they are concealed by a parapet and are not visible from the street.
  - b. Proportions, configurations, and placement of windows and doors in new buildings shall be similar to the size, spacing, materials and general rhythm of the window/door fenestration found in the contributing structures.
  - c. Use of double-hung sash windows with two four-lites is encouraged. Jalousie windows are prohibited. Recessed entrances are encouraged.
  - d. Major architectural features, detailing and materials used in new construction shall be similar to those of the contributing structures found in the district.
  - e. Modern equipment such as solar collectors, air conditioners, etc., shall be concealed from public view.
- (c) Fences within the OPH-D district shall be limited to the following styles and materials:
- (1) All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.
- a. Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative aluminum, brick, or stamped concrete which are compatible with the streetscape design materials.
  - b. No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.

- c. Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.
- (2) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three (3)-feet in height.
- (3) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by the county.
- (4) No fence or wall shall enclose a water meter box or manhole, unless authorized by the county.
- (5) Where not specifically defined in this section, fences and walls shall otherwise comply with Chapter 138, Article X, Division 4.

**Section 138-2108. - Signs.**

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

- (1) In the east sub-district:
  - a. Freestanding signs shall be permitted only as follows:
    - 1. Number. A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage.
    - 2. Area. The total maximum area for any freestanding sign or signs shall be that area calculated according to Section 138-3755 or 50 square feet per sign face, whichever is less.
    - 3. Height. For properties with frontage facade orientation on Alternate U.S. Highway 19, the maximum height for a freestanding sign is 20-feet or the height of the building, whichever is less. For all other freestanding signs the maximum height is 10-feet.
    - 4. Setbacks. Such signs shall be set back as follows:
      - i. Three (3)-feet from any public right-of-way.
      - ii. Additional setbacks may be required when determined appropriate per Chapter 138, Article X, Division 5.
    - 5. 6Flags. Flags containing a corporate name, logo, or other message directing attention to the business on site including any commodity or service for sale on site shall be part of the computation of allowable area for freestanding signs.
  - b. Attached signs shall be permitted only as follows:
    - 1. Area. The maximum total area for all attached signs shall be that area calculated according to the Computation of Dimensions provision in Chapter 138, Article X, Division 5 or 100 square feet, whichever is less.
    - 2. Types of signs permitted. The following attached signs may be permitted, provided the cumulative area of the attached signs does not exceed the maximum area according to subsection (1) b.1, above:
      - i. Wall sign;

- ii. Canopy or awning sign;
  - iii. Permanent window sign;
  - iv. Projecting sign;
  - v. Integral roof sign.
- c. Directory/information signs shall be permitted only as follows:
- 1. Number. A maximum of one sign per street frontage is permitted.
  - 2. Area. The maximum area for a directory/information sign shall be 20 square feet per sign face for any one sign.
  - 3. Setback. Three (3)-feet from any public right-of-way.
- d. Public/semi-public land uses shall comply with the sign provisions for Residential zoning districts as stated in Chapter 138, Article X, Division 5.
- e. Community event signs may be permitted within public rights-of-way provided that they are safely located.
- (2) In the west sub-district, signs shall be permitted pursuant to the residential zoning districts as stated in Chapter 138, Article X, Division 5. Nonresidential uses permitted in the west sub-district are allowed up to one two (2) square-foot sign.

**Sections. 138-2109 - 2149 Reserved**

**DIVISION 3. – FBC, FORM BASED CODE DISTRICT**

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

- (a) Form based code means a land development regulation mechanism that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the district.
- (b) The purpose of the FBC, form based code district is to establish an alternative to existing zoning districts found elsewhere in this Land Development Code in order to promote and conserve traditional neighborhood development patterns; promote and conserve mobility and walkable neighborhoods; and accommodate mixed use development patterns that may be excluded by standard, Euclidian-type zoning districts. The application of the FBC district designation may require a Pinellas County Future Land Use Map designation that supports the use of the FBC district.
- (c) FBC districts in the county are intended to:
  - (1) Identify target areas throughout the County ideal for concentrating urban development with land uses in near proximity to one another, to reduce automobile dependency, and that accommodate the demand for housing, employment, shopping, entertainment and recreation;
  - (2) Promote quality redevelopment that considers and accommodates multiple users, land uses and transportation modes to allow residents more living options and transportation choices;
  - (3) Provide a mix of land uses, including minimum levels of residential density sufficient to support compatible nonresidential land uses, such as but not limited to retail goods and services, professional business and office services, restaurants, and recreation places that are convenient to all intended users;

- (4) Provide greater certainty to developers of property and the public in terms of urban form and neighborhood character to be expected when property is developed; and
  - (5) Establish a process for interpreting and applying land development regulations that gives more clarity to development possibilities and potential outcomes.
- (d) The subject property to be considered for a FBC district shall consist of a minimum 20 acres and include a minimum 10 acres of upland area. The planning director or designee may administratively approve adjustments to this minimum property and/or upland area requirement, on a case-by-case basis, if they determine that such adjustment will not compromise the purpose and intent of this section. Adjustments to this minimum acreage requirement shall be considered unique and shall not set precedent for others.
  - (e) Properties considered for FBC district designation should comprise contiguous areas suitable for cohesive redevelopment and meet the intent of the district as identified in subsection (c) of this section.
  - (f) The preparation of FBC districts per this section is intended to be initiated by county staff; however, property owners and developers of property may petition the county for the creation of a FBC district per this section. The planning director, or designee, will review FBC district requests for consistency with the comprehensive plan and the expressed purpose, intent and requirements as outlined in this section, and will provide a written response thereto.

**Sec. 138-2151. - Adoption process.**

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

**Sec. 138-2152. - Implementation.**

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

Section 138-2153 - 3199 - Reserved.

## ARTICLE IX – SPECIFIC USE STANDARDS

### DIVISION 1. – GENERALLY

#### Section 138-3200. - Purpose

The specific use standards listed for individual land uses in this article are intended to ensure such uses are compatible with zoning districts and the intended surrounding character.

#### Section 138-3201. - Applicability

These specific use standards apply to individual uses and may differ from the development standards established for other uses in the same zoning district. The standards of this article supplement the other requirements of this code. When a dimensional standard for a specific use differs from that of the underlying district, the specific use standards shall apply. The criteria set forth in this Article are eligible to seek flexibility and adjustment pursuant to the variance provisions of Chapter 138, Article II, Division 7.

#### Sections 138-3202 – 3209. Reserved

### DIVISION 2. – RESIDENTIAL USES

#### Section 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 750 square feet. Larger accessory dwelling unit area may be approved subject to a Type 2 review.
    - b. There shall be only one accessory dwelling unit per parcel of ownership.
    - c. Either the primary dwelling or the accessory dwelling shall be owner-occupied.
    - d. All applicable district regulations pertaining to setbacks and lot coverage provisions shall be met.
    - 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.

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

**Section 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 further limited by Policy 1.2.10 of 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 special exception 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 community development planning 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 Planning 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 planning department and adopted by resolution of the Board of County Commissioners.
  - b. The planning 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 planning 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 planning department finds that the AHD proposal meets the definitional criteria AND the applicant seeks a density bonus and/or development standard flexibility, refer to article II, Table 138-77 – Review Type and Approval, of this chapter for the appropriate approval process.

**Section 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 Chapter 429, Part I, Florida Statutes. 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 10 percent of the site area to be reserved and/or improved as common open space.
    - a. This open space area may be combined with other open space requirements of the zoning district.
    - b. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection.
  - (4) The allowable density shall be based on the underlying Future Land Use Map classification.
  - (5) Assisted living facilities may be constructed/ established as a variety of housing types.

**Section 138-3213. - 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 section 419.001, Florida Statutes. 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.

**Section 138-3214. - 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 1/2 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.

**Section 138-3215. - Dwellings**

- (a) *Purpose* - Multifamily, single-family attached, live-work, two-family, and three-family residential dwelling units are intended to be developed, expanded, and maintained to accommodate, enhance or improve the immediate vicinity in terms of scale, orientation, and accessibility.
- (b) *Applicability* - The provisions of this section shall apply to all multifamily, single-family attached, live-work, two-family, and three-family development and expansion.
- (c) *Standards*
  - (1) In the one, two and three-family residential (R-4) and urban residential (R-5) districts the following standards shall apply:
    - a. Multifamily and single-family attached exterior building materials shall complement and be architecturally compatible with other residential structures in the immediate neighborhood.
    - b. Entrances for single-family attached residential units shall be oriented to an adjacent street, alley, open space area, or internal courtyard.
    - c. Multifamily and single-family attached buildings shall not exceed an overall length of 120-feet.
  - (2) In commercial and industrial planned development districts the following standards shall apply:

- a. Residential units shall not be located along the ground floor facades of any building fronting an arterial or collector street.
  - b. Common entrances, reception areas, rental offices, and similar residential accessory uses may occupy the ground floor façade of any building fronting an arterial or collector streets.
- (3) Multifamily development is subject to the following standards:
- a. Multifamily units shall provide a minimum of ten (10) percent of the site area to be reserved and/or improved as common open space.
    - 1. This open space area may be combined with other open space requirements of the zoning district.
    - 2. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection to ensure usability. Enclosed recreation spaces may count toward the minimum requirement.
  - b. At least 50 percent of street facades shall have architectural articulation.
  - c. A six-foot high opaque wall or fence shall be provided along rear and side property lines that abut a single-family attached and/or detached lot. A fence is not required for the portions between the front building façade and an abutting street. A fence is not required for portions that abut an alley.
- (4) Live-Work Units are subject to the following standards:
- a. Live-work units are permitted up to one half of the unit area to be used for retail sales and service, office, and/or educational purposes.
  - b. The non-residential operations shall be conducted in part by at least one occupying resident of the live-work unit.
  - c. Non-residents are permitted to be employed at the live-work unit.

**Sections 138-3216 – 3217 Reserved**

**Section 138-3218. – Home Occupation**

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

- (4) The use may only be carried out by members of a family living therein except as provided below.
- (5) Only members of the family permanently residing on the premises may be engaged in a home occupation. Customers may not conduct business on the premises except as otherwise provided in this section.
- (6) The use shall not create dangerous vapors or fumes, and no use shall be permitted where noise, light, dust, or vibration extends beyond the lot or parcel line of an abutting lot or parcel.
- (7) The space used for home occupations shall represent no more than 20 percent of the total area of the dwelling.
- (8) All activities associated with the home occupation shall be conducted entirely within a dwelling. There shall be no display or other visible evidence, other than as provided in Article X, Division 5, Signs, of this chapter, that would indicate that the dwelling is being utilized for any other use than a dwelling, unless such display or evidence is located inside of the dwelling in such fashion as not to be visible from the street.
- (9) Traditional home based instruction such as, but not limited to, tutoring, music or swimming lessons, where instruction is provided by only one instructor to up to three student[s] per class with no more than ten classes per day between the hours of 9 a.m. and 9 p.m. shall be considered a home occupation. Other instruction or private school may be allowed with Type 1 – Path B approval.

**Section 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 (3)-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 (1)-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.

#### **Section 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 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 materials 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) Properly registered vehicles, kept in working order, such as golf carts, cars, trucks, recreational vehicles, boats, and associated trailers.
  - (2) Mechanical equipment serving the residence such as a HVAC units, pool equipment, solar panels, etc.
  - (3) Refuse and recycling containers
  - (4) Firewood, neatly stacked and organized
  - (5) Fire pits and barbeque grills
  - (6) Outdoor furniture such as umbrellas, seating, tables, art installations, etc.
  - (7) Children’s backyard playgrounds such as tree house, swing sets, jungle gyms, etc.
  - (8) Recreational equipment intended for outdoor use such as kayaks, bicycles, tennis court equipment cabinets, etc.
  - (9) 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 fire wood 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) Commercial vehicles
- (10) Commercial supplies

**Section 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 3 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 6 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% of the enclosed building area.

**Section 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 one million 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 one million 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.

**Sections 138-3223 – 3229 Reserved**

**DIVISION 3. – ACCOMMODATIONS**

**Section 138-3230. - Bed and Breakfast**

- (a) *Purpose* - Bed and breakfast establishments are intended to be building(s) of a residential character other than a hotel, motel, or other transient accommodation which provides daily overnight accommodation and morning meal service to guests in return for payment. In residential districts, bed and breakfast establishment uses are intended to be compatible to the surrounding uses in the neighborhood in terms of scale, appearance, and operation.
- (b) *Applicability* - This section shall apply to bed and breakfast establishment uses.

(c) *Standards*

- (1) In Residential districts the following standards shall apply:
  - a. Buildings shall not exceed an overall length of 120-feet.
  - b. The permitted number of overnight rooms shall be based on the underlying Future Land Use category. In addition, the maximum number of overnight rooms is limited to six for lots under 10,000 square feet and limited to 12 for lots 10,000 square feet or greater. This shall not apply within the Old Palm Harbor Downtown District.
- (2) In the Old Palm Harbor Downtown District the following standards shall apply:
  - a. The permitted number of overnight rooms shall be based on the underlying Future Land Use category. In addition, the maximum number of overnight rooms is 10.
  - b. A sign measuring up to six square feet may be provided to identify the facility location in the east sub-district.
  - c. A sign measuring up to two square feet may be provided to identify the facility location in the west sub-district.
- (3) Food service shall be limited to overnight guests.
- (4) *On-site management* - An owner or manager shall reside on the premises of each Bed and Breakfast.
- (5) *Special functions* - A Bed and breakfast may conduct indoor and outdoor special functions, including, but not limited to, receptions, showers, parties, and weddings.
  - a. Each bed and breakfast which provides special functions shall create a parking plan to accommodate all vehicles for the anticipated number of driving guests at each special function in cases where the anticipated attendance exceeds that which can be accommodated with on-site parking. The parking plan shall be approved as a Type 1 review.
  - b. A bed and breakfast located within a residential zoning district may be permitted to conduct special functions as part of the Type 2 approval.

**Section 138-3231. – Hotel/Motel**

- (a) *Purpose* - Hotels and motels are intended to provide temporary accommodations for tourists, visitors, and business travelers for relatively short periods of time. Hotel and motels are intended to be compatible with the surrounding character in terms of scale, accessibility, and services. Hotels/motels in residential districts should respond to the scale of the neighborhood. Hotels/Motels in Industrial districts should service accommodation needs for nearby employers but are limited in size to protect viable employment land.
- (b) *Applicability* - The provisions of this section shall apply to hotels, motels, and similar uses providing for temporary accommodations.
- (c) *Standards*
  - (1) At least 50 percent of street facades shall have architectural articulation.
  - (2) Accessory uses such as alcohol dispensing lounges, food service, and recreational facilities shall be considered ancillary and generally intended for overnight guests. Uses that are generally intended to serve non-overnight guests shall seek separate land use approval pursuant to *Table 138-355 – Table of Uses for Zoning Districts*.
  - (3) Hotel/motel uses may not be converted to a condominium form of ownership unless the underlying residential density and other applicable code requirements are met.

## Section 138-3232 – Short-Term Vacation Rentals

- (a) *Purpose* – The intent of short-term vacation rentals is to allow for an individual dwelling unit to be rented to an individual or party at a lease term that is less than one month while protecting the immediate vicinity from associated negative impacts relating to traffic, noise, safety, and maintenance. Short-term vacation rentals generally occur in typical residential units and mostly within residential neighborhoods.
- (b) *Applicability* - This section shall apply to short-term vacation rentals consisting of individual dwelling units and the rental periods for said unit is more than three times in a calendar year for periods of 30 days or less. This section is not applicable to hotels/motels and bed and breakfast uses. This section is also not applicable to other residential dwelling units that are rented for periods over one month.
- (c) *Standards*
  - (1) *Maximum occupancy.* Maximum occupancy shall be no more than two persons per bedroom plus two persons in one common area, not to exceed more than ten persons total per unit, whichever is less.
  - (2) *Parking.* A minimum of one off-street parking space shall be provided for every three occupants. Garage spaces count towards minimum requirement if available to the occupant(s). Front lawn parking does not count towards the minimum requirement.
  - (3) *Noise.* Quiet hours are to be observed between 10:00 p.m. and 9:00 a.m. daily or as superseded by any county noise regulation.
  - (4) *Responsible party.* The property owner or designee shall be available in a timely manner to respond to inspections, complaints, or other immediate problems related to the short-term vacation rental property. The duties of the short-term vacation responsible party are to:
    - a. Be available by telephone at the posted phone number to handle any issues arising from the short-term vacation rental use;
    - b. If necessary, be willing and able to come to the short-term vacation rental unit following notification from an occupant, owner, law enforcement, or county official to address issues related to the short-term vacation rental;
    - c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
    - d. Otherwise regularly monitor the short-term vacation rental unit to assure compliance with the requirements of this section.
  - (5) *Posting short-term vacation rental unit information.* On the back of, or next to, the main entrance door or on the refrigerator, there shall be provided as a single page the following information:
    - a. The name, address and phone number of the short-term vacation rental responsible party;
    - b. The maximum occupancy of the unit, per Section 138-3232(c)(1), above;
    - c. The maximum number of vehicles that can be parked at the unit, per section 138-3232(c)(2), above; along with a sketch of the location of the off-street parking spaces;
    - d. Noise standard, per Section 138-3232(c)(3), above;
    - e. The days of trash pickup and recycling; and
    - f. The location of the nearest hospital.

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

### **Section 138-3233 – Recreational Vehicle Park/Campground**

- (a) *Purpose* – Recreational vehicle (RV) parks and campground provide temporary residences to visitors. The purpose of this section is to establish minimum dimensional standards and open space requirements in order to ensure RV parks and campgrounds provide a functioning recreational environment that is not overly dense.
- (b) *Applicability* - The provisions of this section shall apply to recreational vehicle parks, travel trailer parks, and campgrounds. This section does not apply to mobile home parks or other residential uses intended for permanent housing.
- (c) *Standards*
- (1) *Area requirements for RV parks and campgrounds.*
- a. Minimum area: One acre of uplands
  - b. Minimum width: 150-feet
  - c. Minimum depth: 200-feet
- (2) *Recreational vehicle and travel trailer individual site requirements for RV parks and campgrounds.*
- a. Minimum area: 2,500 square feet
  - b. Minimum width: 25-ft
  - c. Maximum density: Ten sites per gross acre (includes cabins)
  - d. Each vehicle/travel trailer site shall be clearly defined by a permanent marker.
  - e. No part of a vehicle or structure which is accessory to the vehicle placed on a vehicle site shall be closer than five (5)-feet to a site line.
- (3) *Recreation and open space requirements for RV parks and campgrounds.*
- a. Not less than ten (10) percent of the gross site area shall be devoted to recreation and open space.
  - b. Recreation areas may include space for community buildings and community use facilities, such as adult recreation and child play areas, swimming pools, clothes washing areas and drying yards, and open space areas.
- (4) *Street requirements for RV parks and campgrounds.* Roadways within an RV park/campground may be private, and the following requirements shall apply:
- a. Internal collector streets shall be 25 feet in width, with a minimum of 20-feet of paved surface.
  - b. Internal minor streets shall have a smooth, hard and dense surface as follows:
    1. One-way traffic: ten (10)-feet in width.
    2. Two-way traffic: 18-feet in width.
- For purpose of this section, a collector street shall be defined as a street designed to facilitate adequate traffic flow from two or more internal minor streets to a dedicated right-of-way. All streets which provide ingress and egress from dedicated public rights-of-way shall be deemed collector streets. All other streets may be classified as internal minor streets.
- (5) *Allowed structures.* RV parks/campgrounds may include a variety of housing, shelter, and structure types to support the intended use. This may include the following:

- a. Recreational vehicles, travel trailers, campers, and similar temporary housing types constructed on a chassis.
  - b. Permanent structures such as cabins, inns, yurts, and other similar temporary housing types.
  - c. Accessory dwelling unit for a grounds keeper, owner, manager, or similar security/maintenance role. Accessory dwelling units associated with RV park/campgrounds are not applicable to the provisions of *Section 138-3210. - Accessory Dwelling Units*
  - d. Other permanent structures commonly associated with RV Parks/Campgrounds.
- (6) Other uses may be allowed in conjunction with the RV parks/campgrounds pursuant to Table 138-355 – Table of Uses for Zoning Districts.

**Sections 138-3234 – 3239 Reserved**

**DIVISION 4. – COMMERCIAL AND OFFICE USES**

**Section 138-3240. – Alcohol Dispensing**

- (a) *Purpose* – The dispensing of alcoholic beverages has the potential to contribute to undesirable impacts on adjacent or nearby properties such as litter, noise, and other disturbances. The purpose and intent of this section is to establish appropriate locational and distance standards that promote public safety and mitigate associated impacts.
- (b) *Applicability* – This section shall apply to the dispensing of alcoholic beverages for both on-premises and off-premises consumption in unincorporated Pinellas County. This section does not apply to restaurants that sell alcohol as a product of their business.
- (c) *Standards.*
  - (1) The dispensing, wholesale storage and distribution of alcoholic beverages by any business establishment shall be allowed pursuant to Table 138-355 – Table of Uses for Zoning Districts.
  - (2) No building or structure entrance or exit (except emergency exits) or associated outdoor service areas in which alcoholic beverages are dispensed for on-premises consumption shall be located within 150-feet of any residential zoning district boundary line.
    - a. Such distance shall be measured along a straight line from the nearest residential zoning district to the closest entrance or exit of the building or structure that dispenses alcohol. In a multi-tenant or multi-user building, such as a shopping center, such distance requirement shall be to the entrance or exit of the unit or portion of the building or structure in which alcoholic beverages are actually dispensed for on-premises consumption.
    - b. The distance requirements of this section shall not apply to residentially zoned property which consists of public right-of-way, water ways, wetlands, or similar lands which cannot be used for actual residential purposes.
    - c. In the case of a building located in an RPD zoning district commercial sales area, such distance shall be measured to the boundary of the nearest property used for residential or accessory residential purposes.
    - d. This standard is not applicable to any mixed-use building that may include residential units.

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

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

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

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

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

building permit, occupancy certificate, or license approval to any such business establishment.

(d) *Exemptions.*

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

**Section 138-3241. – Alcoholic Beverage Production**

- (a) *Purpose* – Due to economies of scale in production, distribution, marketing and advertising, national and super-regional alcoholic beverage producers have dominated the industry for decades. These large-scale production facilities are traditionally assigned to industrial zoning classifications. More recently, local, independent producers have emerged as a competitive market segment within the industry and the resulting increased demand for small production facilities and mixed-use concepts has reshaped certain expectations about the potential impacts of this land-use type when developed on a smaller scale. The purpose of this section is to recognize the emergence of this specialized market segment and establish appropriate standards allowing for the typical range of activities, while mitigating any associated, undesirable impacts.
- (b) *Applicability* – This section shall apply to regional and large-scale breweries, microbreweries, brewpubs, wineries, distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and/or distribution. This section does not apply to temporary or special events authorized by other sections of this chapter.
- (c) *Standards*
  - (1) Alcoholic beverage production accessory to a restaurant.
    - a. Revenue from food sales shall constitute more than 50 percent of the total business revenues. Vendors may be required to provide verification by a certified public accountant of such sales ratio;
    - b. No more than 50 percent of the total gross floor area of the establishment shall be used for the alcoholic beverage production function including, but not

- limited to, the brewhouse or equivalent, boiling and water treatment areas, bottling, canning and kegging lines, milling and storage, fermentation tanks, conditioning tanks and serving tanks;
- c. Where permitted by local ordinance, state and federal law, retail carryout sale of alcohol produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers;
  - d. Keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) may be sold for the following purposes and in the following amounts:
    - 1. An unlimited number of kegs for special events, the primary purpose of which is the exposition of products, which include the participation of at least three such producers;
    - 2. An unlimited number of kegs for local government co-sponsored events where the purpose of the event is not for commercial profit and where the product is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the production facility.
  - e. All outdoor mechanical equipment visible from streets, adjacent residential uses or residential zoning districts shall be screened using architectural features consistent with the principal structure;
  - f. Access and loading bays shall not face toward the primary street;
  - g. Access and loading bays facing an adjacent residential use or residential zoning district shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
  - h. No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
- (2) Alcoholic beverage production, small scale (microbrewery/microwinery/microdistillery).
- a. The facility shall produce no more than 15,000 barrels (465,000 US gallons) of beer and/or cider per year (microbrewery/cidery), 100,000 US gallons of wine and/or mead per year (microwinery/meadery), or 15,000 US gallons of spirits per year (microdistillery);
  - b. In non-industrial zoning districts, this use shall be permitted only in conjunction with a restaurant, tasting room or retail sales and service, and shall be subject to the following standards:
    - 1. No more than 75 percent of the total gross floor space of the establishment shall be used for the alcohol production function including, but not limited to, the brewhouse or equivalent, boiling and water treatment areas, laboratories, bottling, canning and kegging lines, milling and storage, fermentation tanks, conditioning tanks and serving tanks;
    - 2. The façade of any accessory use(s) shall be oriented toward the primary street, and, if located in a shopping center, to the common space where the public can access the use;
    - 3. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s). These connections shall satisfy current ADA requirements.

4. All mechanical equipment visible from streets, adjacent residential uses or residential zoning districts shall be screened using architectural features consistent with the principal structure;
  5. Access and loading bays shall not face toward the primary street;
  6. Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
  7. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain or other similar natural byproduct of the production process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
    - i. Designated on the approved site plan;
    - ii. Permitted within the interior side or rear yard or within the minimum building setbacks;
    - iii. Prohibited within any yard abutting a residential use or residential zoning district;
    - iv. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum six (6)-feet in height.
- (3) Alcoholic beverage production, regional and large-scale.  
 Regional and large-scale alcoholic beverage production facilities are those facilities that produce in any combination more than 15,000 barrels (465,000 US gallons) of beer/cider, 100,000 gallons of wine/mead or 15,000 gallons of spirits per year. Regional and large-scale facilities shall comply with the development standards of the applicable zoning district and applicable general development standards.

**Section 138-3242. - Artisan**

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

- (3) Artisan establishments shall be permitted to teach artisan crafts, skills and techniques. When the use requires a Type 2 or 3 approval, the number of students and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns.
- (4) In the Old Palm Harbor Downtown (OPH-D) district, artisan establishments shall be subject to the following standards:
  - a. Artisan buildings are limited to 7,500 square feet.
  - b. Artisan establishments shall provide a retail storefront when located in that portion of the east sub-district of the OPH-D district located south of Nebraska Avenue, north of Georgia Avenue, east of Alternate U.S. Highway 19, and west of C.R. 1.

**Section 138-3243. – Bank**

- (a) *Purpose* - Banks are intended to provide retail banking services including check cashing, receiving, lending, and safeguarding of money and other valuable items. Banks are intended to be permitted within close proximity of, and accessible to areas of commerce and employment.
- (b) *Applicability* - The provisions in this section shall apply to banks, credit unions, and similar retail banking businesses that are oriented to a customer base that may enter a commercial establishment to conduct transactions. This section does not apply to office oriented businesses that do not regularly receive walk-in customers.
- (c) *Standards*
  - (1) Drive thru facilities may be approved as part of a bank use pursuant to Table 138-355 – Table of Uses for Zoning Districts and in accordance with Section 138-3246.
  - (2) Where banks are permitted as an (A) accessory use in a zoning district, the bank shall only provide retail banking services to employees and/or patrons that relate to another approved use on the site. (Example: a business may have an accessory bank for its employees.)

**Section 138-3244. – Car Wash and Detailing**

- (a) *Purpose* - Car washes and detailing establishments are intended to provide service cleaning for motor vehicles and domestic equipment. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties including noise, particle disbursement and untreated runoff. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
- (b) *Applicability* - This section shall apply to car wash and detailing uses. This section does not apply to temporary car wash activities that occur no more than three consecutive days at the same location.
- (c) *Standards*
  - (1) When within or adjacent to a residential district the following standards shall apply:
    - a. Sound from radios, stereos, or other sound amplification devices shall not be audible from the adjacent residential district. Signs shall be conspicuously posted notifying persons of these prohibitions.
    - b. Car washing and detailing activities shall be limited to the hours from 7:00 a.m. to 9:00 p.m.

- c. Generators shall not be used in conjunction with exterior washing and detailing.
  - d. A six-foot high opaque wall or fence shall be provided along rear and side property lines around the car wash/detailing facility and its associated operations.
- (2) Vacuum stations.
- a. Vacuum stations and related equipment shall comply with the setbacks for the principal structure.
  - b. Outside vacuum stations and related equipment are prohibited along any side of a building abutting a residential district.
- (3) Traffic circulation and vehicle stacking
- a. Drive-lanes and parking spaces shall be clearly delineated.
  - b. A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.
- (4) All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust. No wash-water runoff generated by the carwash facility may be conveyed off site into the Municipal Separate Storm Sewer Systems (MS4). Runoff must be directed to either a recycling system or other water quality treatment facility.

**Section 138-3245. – Reserved**

**Section 138-3246. – Drive-Thru Facility or Use with a Drive-Thru**

- (a) *Purpose* - Drive-thru facilities have become a common amenity for a range of uses. A well designed drive-thru can be convenient for motorists and have minimal impact upon the streetscape and pedestrians. Drive-thru facilities have the potential to generate undesirable impacts for adjacent properties such as odors from vehicle exhaust and noise from engines, car stereos, and menu board speakers. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities while ensuring public safety and mitigating the associated impacts.
- (b) *Applicability* - The provisions of this section shall be applicable to any new or modified drive-thru facility.
- (c) *Standards*
- (1) *Location*. Drive-thru service windows shall be located to take advantage of the first available alternative in the following prioritized list:
- a. Interior side or rear yard when either yard abuts a nonresidential use; OR
  - b. Street facade when the interior side and rear yard abut an existing residential use; OR
  - c. Street facade when abutting a nonresidential use where both the interior side and rear yards are impractical due to the lot's physical constraints or concerns regarding vehicle and pedestrian safety.
- (2) *Minimum stacking requirements*.
- a. Restaurants, retail sales and service and similar commercial uses, shall provide a minimum of five stacking spaces at or behind the menu board.

- b. Banks and similar uses shall provide a minimum of three stacking spaces at or behind the service window/terminal for the drive-thru.
  - c. Drive-thru stacking lanes shall be delineated from other vehicular use areas. Stacking lanes may include part of the drive aisles in a parking area.
  - d. Stacking lanes shall be designed to ensure that waiting vehicles do not extend into the public right-of-way.
- (3) *Old Palm Harbor Downtown District standards.* When located in the Old Palm Harbor Downtown District, drive-thru facilities shall be subject to the following requirements:
- a. Drive-thru facilities may only be allowed as part of bank uses located along Alternate U.S. 19.
  - b. Drive-thru facilities and associated stacking lanes shall be set back 25-feet from existing residential uses.

**Section 138-3247. – Food Carts/Food Trucks**

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

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

**Section 138-3248. – Health Club/Fitness Center**

- (a) *Purpose* - Health clubs and fitness centers are individual establishments with equipment and facilities for exercising and improving physical fitness. Large health clubs/fitness centers should be focused in commercial districts. Health clubs/fitness centers should be accessible in multifamily and office districts in order serve residents and employees but limited in size to protect available land for the intended primary land uses.
- (b) *Applicability* - The provisions of this section shall apply to any individual health club/fitness center. This section does not apply to accessory health/fitness facilities that are a part of another land use and used solely by the employees, residents, and/or patrons of said use. (For example, a private fitness center as part of an apartment community that is reserved solely for residents is not subject to this section.)
- (c) *Standards*
  - (1) In office districts, health clubs/fitness centers shall be less than 20,000 square feet.
  - (2) In the RM district, health clubs/fitness centers shall be less than 10,000 square feet.

## Section 138-3249. – Kennel/Pet Care

- (a) *Purpose* - Kennels and pet care facilities are intended to provide for buying, selling, breeding, grooming, renting, boarding, and/or training of dogs, cats, and other domestic animals. Residential areas should be protected from noise, odor, and other effects that may be caused from these facilities. Kennels should be limited within industrial districts to ensure land is available for other employment-based development.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding kennels and pet care facilities.
- (c) *Standards*
  - (1) The following activities may occur as part of kennels/pet care establishments:
    - a. Dogs, cats, and other domestic animals may be kept for various purposes, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians.
    - b. Dogs, cats, and other domestic animals may be groomed.
    - c. Dogs, cats, and other domestic animals may be available for buying, selling, breeding for sale, letting for hire, boarding or training.
    - d. Dogs may be trained for obedience, hunting, protection, etc.
    - e. Activities described above may be further regulated per Chapter 14, Animals.
  - (2) Animal shows are not permitted as part of a kennel/pet care use.
  - (3) Dogs shall be kept in an enclosed soundproof structure between the hours of 10:00 p.m. and 7:00 a.m.
  - (4) Kennels shall not cause external effects such as increased lighting or glare on nearby properties, or animal-related odors that are readily detectable at any point beyond the property line of the facility.
  - (5) Kennel/pet care facilities may sell, breed for sale, let for hire, board or train other species pursuant to the *Non-Traditional Pets* provisions of this code. This may require a higher type of approval. See sections pertaining to non-traditional pets.
  - (6) Kennel/pet care facilities must have an appropriate system for the disposal of animal waste. Animal waste must not be allowed to collect in areas where it could result in direct discharge into the Municipal Separate Storm Sewer Systems (MS4) or waters of the county.
  - (7) When adjacent to a residential district the following standards shall apply:
    - a. A six-foot high opaque wall or fence shall be provided along rear and side property lines around outside runs and exercise areas.
    - b. Exercise areas shall be at least 50-feet from any residential district. Unsupervised, unattended runs must be located indoors.
    - c. Structures housing dogs shall be setback a minimum of 50-feet any residential district. Structures shall feature sound proofing design features or fixtures.
  - (8) In the residential agriculture district (R-A), new kennels/pet care facilities may be established only on sites of two or more acres in size.
  - (9) In industrial districts, the contiguous industrial district shall be limited to 10 percent of its buildable land area for use as kennel/pet care facilities.

### **Section 138-3250. – Model Dwelling Units and Pre-construction Sales Offices**

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

### **Section 138-3251. – Motor Vehicle Sales**

- (a) *Purpose* - The sale and leasing of motor vehicles may occur in designated districts according to the *Table 138-355 – Table of Uses for Zoning Districts*. Display areas for motor vehicles should occur on portions of a site that support viable commerce but limit negative impacts on adjacent properties and public rights-of-ways.
- (b) *Applicability* - The provisions of this section shall apply to establishments engaged in the sale and/or lease of motor vehicles.
- (c) *Standards*
  - (1) Outdoor motor vehicle display areas are prohibited within the right-of-way and the required buffer/landscape areas.

- (2) The motor vehicle display areas shall occur on paved surface and/or on reinforced grass surfaces.
- (3) Service and repair activities shall be reviewed and approved as part of the *Vehicle Storage, Maintenance and Repair* sections of this code.
- (4) Accessory vehicle washing/detailing facilities shall be located to the side or rear of the primary building. No untreated wash-water runoff generated by the vehicle washing facility may be conveyed offsite into the Municipal Separate Storm Sewer Systems (MS4). This is not applicable to handwashing and/or mobile detailing activities.
- (5) When adjacent to a residential district the following standards shall apply:
  - a. No speaker or amplified announcement device shall be oriented to face an adjacent residential district.
  - b. Accessory vehicle washing/detailing facilities shall be located 30 feet from a residential district.

**Section 138-3252. – Office**

- (a) *Purpose* - Office uses are recognized as vital places for services and employment within the community. Some office uses are appropriate additions in residential, multiple family district when limited in scale. Other service oriented office uses are appropriate in Industrial Districts so long as the overall district is reserved for other employment-oriented users.
- (b) *Applicability* - The provisions of this section shall apply to the development, operation, and/or expanding of office uses.
- (c) *Standards*
  - (1) Office, medical
    - a. In the RM District, the following standards shall apply
      1. Medical offices are limited to 2,500 square feet.
      2. Medical offices are limited to urgent care, emergency service, "free clinics," public health service agency, or similar medical facilities to provide health care service convenient to neighborhoods.
  - (2) Office, veterinary
    - a. When adjacent to a residential district the following standards shall apply:
      1. A six-foot high opaque wall or fence shall be provided along rear and side property lines around outside exercise areas.
      2. Animal exercise areas shall be at least 25-feet from any residential district.
      3. Animals shall not be boarded outdoors.
    - b. In the RM District, veterinary offices are limited to 2,500 square feet.
    - c. Veterinary facilities must have an appropriate system for the disposal of animal waste. Animal waste must not be allowed to collect in areas where it could result in direct discharge into the Municipal Separate Storm Sewer Systems (MS4).

**Section 138-3253. – Outdoor Sales**

- (a) *Purpose* - It is intended to allow outdoors sales to accommodate material that is appropriate to be sold/leased exterior to a building.

- (b) *Applicability* - The provisions of this section shall apply to the permanent business establishments that engage in the sale or lease of merchandise outside of an enclosed structure. The section does not apply to the sale or lease of motor vehicles or merchandise sold under a solid roof structure with at least one exterior wall. The periodic sale of merchandise unrelated to the businesses permanently occupying the site shall follow the provisions of sections pertaining to *Temporary Uses and Structures*.
- (c) *Standards*
  - (1) There shall be a building on the site in order to allow outdoor sales as a permanent use on the property. Outdoor sales areas may only be used by the business occupying the building.
  - (2) Outside sales shall only occur in designated areas specifically approved on the site plan.
  - (3) Outdoor sales shall not occur within any required side or rear yard building setback.
  - (4) The site's minimum parking ratio requirement shall include the areas designated for outdoor sales. Outdoor sales areas shall be considered part of the floor area of the principal use or structure for purposes of computing the required number of parking spaces.
  - (5) Contiguous outside sales areas exceeding 2,000 square feet shall be surrounded with a five foot wide landscape buffer. Breaks in landscaping may be provided to accommodate pedestrian and service access.
  - (6) The following use restrictions shall apply to outdoor sales on sidewalk areas:
    - a. Outdoor sales and display on a public sidewalk shall require approval from the roadway facility owner (i.e. local government or property owners association).
    - b. Sidewalk retail display is prohibited at any time the use in the abutting building is not open for business.
    - c. A minimum of one unobstructed pedestrian path at least five (5)-feet wide shall be maintained through the display area at all times and shall satisfy current ADA requirements.
    - d. An unobstructed passage shall be provided from parking areas and public sidewalks to building entrances equal to the door width. Variances to this requirement shall not be granted.
    - e. A minimum setback of at least four (4)-feet from the curb line shall be provided to maintain adequate space for pedestrian access to motor vehicles.
    - f. Furniture, fixtures and equipment shall not be permanently anchored to the sidewalk nor shall they be attached or affixed to any tree, post, sign or other structure.

**Section 138-3254. – Recreational Vehicle/Boat Sales**

- (a) *Purpose* - The sale and leasing of recreational vehicles and boats may occur in designated districts according to the Table 138-355 – Table of Uses for Zoning Districts. Display areas should occur on portions of a site that support viable commerce but limit negative impacts on adjacent properties and public rights-of-ways.
- (b) *Applicability* - The provisions of this section shall apply to establishments engaged in the sale and/or lease of recreational vehicles or boats.
- (c) *Standards*

- (1) Outdoor display areas are prohibited within the right-of-way and the required buffer/landscape areas.
  - (2) Vertical racks for boat storage shall not exceed district height limits and shall meet district setback requirements for primary structures.
  - (3) The display areas shall occur on paved surface and/or on reinforced grass surfaces.
  - (4) Service and repair activities shall be reviewed and approved as part of the Vehicle Storage, Maintenance and Repair sections of this code.
  - (5) Accessory washing/detailing facilities shall be located to the side or rear of the primary building. No untreated wash-water runoff generated by the washing facility may be conveyed offsite into the Municipal Separate Storm Sewer Systems (MS4). This is not applicable to handwashing and/or mobile detailing activities.
  - (6) Accessory lifts/mechanical equipment shall be located to the rear of the primary structure or vertical storage racks.
  - (7) When adjacent to a residential district the following standards shall apply:
    - a. No speaker or amplified announcement device shall be oriented to face an adjacent residential district.
- (d) Accessory washing/detailing facilities shall be located 30 feet from a Residential district.

**Section 138-3255. - Restaurant**

- (a) *Purpose* - Restaurants are establishments serving or selling food and/or beverages prepared on the premises, which are generally intended for immediate consumption. Restaurants should be limited in various zones to achieve a compatible neighborhood character based on scale, activity, and proportional use of the district.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of restaurants or similar uses serving food and/or beverages. These standards shall not include other specific uses listed in the district table of uses. Establishments serving alcohol shall also be subject to Florida State standards.
- (c) *Standards*
  - (1) Restaurants shall not include other specific uses listed in the district table of uses. (Example: food carts/food trucks are not included as part of restaurants.)
  - (2) Restaurant may be permitted outside dining/ seating areas subject to the following standards:
    - a. Seating areas shall be delineated and designated on an approved site plan.
    - b. Seating areas may only occupy a public sidewalk when a right-of-way permit or equivalent thereof is obtained from the applicable right-of-way owner.
    - c. When located within 100-feet to a residential district, the following standards shall apply:
      1. Table service to the outside dining/seating area shall not be provided between 10:00 pm and 7:00 am.
      2. A six-foot high opaque wall or fence shall be provided along rear and side property lines around the outside dining/seating area.
      3. No amplified outdoor sound equipment may be used between 10:00 pm and 7:00 am.
      4. These standards shall not apply to adjacent mixed-use buildings that include residential units.

- (3) Where restaurants are permitted as an 'accessory' use in a zoning district (A), the restaurant should primarily serve and/or sell prepared food to employees, residents, and/or patrons that relate to another approved use on the site. (Example: an office building may have an accessory restaurant use to sell prepared food items to its employees.)
- (4) For restaurants that allow dogs, the provisions of Section 138-3354, Dog Friendly Dining Program, shall apply.

**Section 138-3256. – Retail Sales and Services**

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

**Section 138-3257. – Studio and Gallery**

- (a) *Purpose* - Studios and galleries are establishments used for the production or teaching of art, writing, dance, theater, or similar endeavors of an artistic or creative nature. Studios and galleries are establishments where artists can create and manufacture art pieces and provide areas for display and sale of such collections. These establishments may also be places to host performing arts.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Studios and Galleries.
- (c) *Standards*
  - (1) Studios and galleries shall be permitted indoor and outdoor work areas for the purposes of creating art pieces and hosting performing art practices. When outdoor work areas abut a residential district, the area shall be screened with a six-foot high opaque wall or fence.
  - (2) Studios and galleries shall be permitted indoor and outdoor display and sales areas for the purposes of exhibiting and selling art collections and directly related merchandise. When outdoor display areas abut a residential district, the area shall be screened with a six-foot high opaque wall or fence.

- (3) Studios and galleries shall be permitted to teach art, writing, dance, theater, or similar endeavors of an artistic or creative nature. When the use requires a Type 2 approval, the number of students and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns.

**Sections 138-3258 – 3259 Reserved**

**DIVISION 5. – INDUSTRIAL, MANUFACTURING, AND WAREHOUSING USES**

**Section 138-3260. – Contractor Yard and Buildings**

- (a) *Purpose* - Contractor yards and associated buildings are 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. Certain standards should be implemented to mitigate impacts onto surrounding communities.
- (b) *Applicability* - The provisions of this section shall apply to a new or expansion of a contractor yard and buildings.
- (c) *Standards*
  - (1) Associated office operations are permitted.
  - (2) Entrance drives must be equipped with track-out prevention measures to minimize the conveyance of sediment to the public stormwater system Municipal Separate Storm Sewer Systems (MS4).
  - (3) When adjacent to a residential district the following standards shall apply:
    - a. No amplified outdoor announcement device shall be oriented to a residential district.
    - b. Accessory vehicle washing/detailing areas shall not be located 30-feet from a Residential district.

**Section 138-3261 – Reserved**

**Section 138-3262. – Fat, Oil, and Grease Facilities**

- (a) *Purpose* - Facilities that are focused on the processing of fat, oil, and grease waste for eventual disposal are vital industries in the urbanized County but have the potential to produce noxious impacts on surrounding properties. Certain development standards can mitigate these impacts when implemented with other State regulations.
- (b) *Applicability* - The provisions of this section shall apply to all new or expanding facilities that are engaged in the processing of fat, oil, and grease (FOG) for ultimate disposal. This section does not apply to on-site storage facilities such as grease traps that are associated with other land use, such as grease traps for restaurants.
- (c) *Standard*
  - (1) All exterior fat, oil, and grease processing activities and material staging shall be conducted behind a six-foot high opaque wall or fence.
  - (2) Accessory vehicle washing/detailing areas shall not be located within 30-feet of a residential district.
  - (3) When reviewing the appropriateness of a new or expanded fat, oil, and grease facility, the process shall consider the following:

- a. The size, intensity, development configuration, and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns; and
  - b. The applicant shall demonstrate how the proposed facility, or expansions thereof, will address the odors associated with the processing activities from being emitted onto adjacent property.
- (4) All fat, oil, and grease facilities shall be equipped with a stormwater containment system that prevents the discharge of contaminated runoff to the public stormwater system (MS4).
  - (5) Biofuel production and sale is permitted and recognized as an Accessory Use.

**Section 138-3263. – Freight Trucking**

- (a) *Purpose* - Freight trucking establishments are used for local pickup, local sorting and terminal operations, line-haul, destination sorting and terminal operations, and local delivery. Given the site intensity of truck traffic, certain development standards can mitigate potential negative impacts to surrounding properties.
- (b) *Applicability* - The provisions of this section shall apply to new and/or expanding freight trucking establishments. This section shall not apply to accessory delivery operations for any other use. This section shall not apply to federal, state, county, and/or local government vehicles and operations.
- (c) *Standards*
  - (1) All loading and unloading shall occur entirely on-site. The public right-of-way may not be used for truck parking.
  - (2) Associated office operations are permitted.
  - (3) The site shall be permitted a customer use area for accessory commercial purposes.
  - (4) No untreated wash-water runoff generated by the vehicle washing facility may be conveyed offsite into the Municipal Separate Storm Sewer Systems (MS4).

**Section 138-3264. – Manufacturing**

- (a) *Purpose* - Manufacturing uses are vital to the local economy in terms of jobs and revenue. Due to the potential impacts on surrounding properties, some manufacturing activities may be limited in scale and intensity in various locations.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding Manufacturing uses as listed in Table 138-355, Table of Uses for Zoning Districts. This section shall not apply to manufacturing activities that are accessory to other land uses.
- (c) *Standards*
  - (1) *Manufacturing - light, assembly and processing - Type A* uses are subject to the following standards:
    - a. No outdoor storage of materials is permitted.
    - b. No outside processing of equipment or materials is permitted.
  - (2) *Manufacturing - light, assembly and processing - Type B* uses are subject to the following standards:
    - a. Outdoor storage of materials is permitted.
    - b. No outside processing of equipment or materials is permitted.
  - (3) *Manufacturing - heavy* uses are subject to the following standards:

- a. Outdoor storage of materials is permitted.
  - b. Outside processing of equipment or materials is permitted.
- (4) Storage yards and exterior storing of materials shall be subject to the *outside storage* section of this code.

**Section 138-3265. – Outdoor Storage, Principal Use**

- (a) *Purpose* - Outdoor storage as a principal use is sometimes necessary to accommodate a business need that is otherwise located on a separate site. Certain standards should be implemented to mitigate negative impacts onto surrounding properties.
- (b) *Applicability* - The provisions of this section shall apply to the outdoor storage of commercial, public, manufacturing, and/or industrial materials as the principal use. The provisions of this section shall not apply to outdoor material that is associated with another on-site use. The outdoor storage, principal use does not include junkyards, salvage yards, waste facilities or similar uses.
- (c) *Standards*
  - (1) *Outdoor storage, principal uses* shall be subject to the following:
    - a. Outdoor storage as a principal use shall not include inoperable vehicles, inoperable appliances, garbage, organic and inorganic waste, or hazardous materials.
    - b. When abutting a residential district all outdoor storage of permitted materials shall occur behind a six-foot high opaque wall or fence.
    - c. Storage of sand, soil, minerals, rock and/or similar materials shall be conducted in a manner that prevents particles from leaving the site by environmental conditions such as wind and rain. The site shall be equipped with track-out prevention measures to minimize the conveyance of sediment into Municipal Separate Storm Sewer Systems (MS4).

**Section 138-3266. – Recycling Center**

- (a) *Purpose* - recycling center establishments that collect, sort, and/or store recyclable materials for ultimate delivery to a processing facility are vital services in the urbanized County. Land use standards shall be applied to ensure compatibility with certain surrounding land uses.
- (b) *Applicability* - The provisions of this section shall apply to new or expansions of a recycling center establishment which collects, sorts, and stores recyclable materials for ultimate delivery to a processing facility. This section shall not apply to recycling and waste receptacles as part of a separate land use proposal.
- (c) *Standards*
  - (1) All outdoor storage, heavy equipment, and processing activities, if permitted, shall occur behind a six (6)-foot high opaque wall/fence and/or landscaping buffer.
  - (2) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high opaque wall or fence shall be provided along rear and side property lines around any outside storage area, processing area, and/or heavy equipment parking lot.
    - b. Accessory vehicle washing/detailing areas shall not be located within 30-feet of a Residential district.

- c. All recycling material processing and storage shall occur under a roof structure.
- (3) In the mixed-use district, all processing and storage activities shall occur within an enclosed structure.

**Section 138-3267. – Salvage Yard**

- (a) *Purpose* - Salvage yards are locations where previously discarded materials can be reclaimed and used for other purposes. Salvage yards provide an important role in sustainability strategies, material reuse, and waste management. Certain development and operation standards should be implemented to mitigate adverse impacts on the surrounding community and natural environment.
- (b) *Applicability* - The provisions of this section shall apply to new or expansions of Salvage Yard uses.
- (c) *Standards*
  - (1) All salvage yards and associated material storage areas shall occur behind an eight-foot high opaque masonry wall. Required screen walls are exempt from setback and height standards that may otherwise be imposed. This standard does not apply to the associated offices, indoor commercial space(s), and associated parking lots.
  - (2) Salvage yards shall be improved, amended and/or maintained to prevent dust and erosion.
  - (3) Accessory washing/detailing areas shall not be located within 30-feet of a Residential district.
  - (4) As part of in the initial review and approval, a management plan shall be prepared to identify site operation methods that will be used to prevent contaminants and pollutants associated to the use.

**Section 138-3268. – Storage, Self/Mini Warehouse**

- (a) *Purpose* - Storage, self/mini warehouse uses are intended for leasing storage space for household goods, business or personal property. They are not intended to be warehousing normally associated with industrial related uses. Land development standards should be implemented to avoid monotonous building planes, limit certain land use activities, and ensure adequate access.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of existing storage, self/mini warehouses.
- (c) *Standards*
  - (1) No unit shall be used for human or animal habitation.
  - (2) No business to be conducted from within storage units.
  - (3) No outdoor storage of materials shall occur with the exception of motor vehicles, boats, trailers, and campers.
  - (4) When abutting a residential district, a six-foot high opaque wall or fence shall be provided along common rear and side property lines around any outside storage area.
  - (5) Outside doorways for individual storage units shall be accessible from an on-site drive aisle and/or service driveway.
  - (6) In commercial, mixed-use, and planned development districts, the following standards shall apply:

- a. At least 50 percent of street-facing facades shall have architectural articulation.
- (7) 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 the storage business, provided that such residential use is limited to one dwelling unit per parcel of land.

**Section 138-3269. – Vehicle Fuel/Gasoline Station**

- (a) *Purpose* - Vehicle refueling stations are facilities that specialize in retail sales of gasoline or other fuel to the general public.
- (b) *Applicability* - The provisions of section shall apply to all retail vehicle refueling stations and the associated components thereof. This section shall not apply to electric charging stations, battery exchange establishments, or similar facilities. This section shall not apply to accessory fuel pump that are a part of industrial uses that does not provide retail fuel sales to the general public.
- (c) *Standards*
  - (1) All fueling pump islands and canopy supports at service stations shall be set back at least 15-feet from a road right-of-way line.
  - (2) Fueling pump islands, fuel storage apparatuses, and canopy elements shall not encroach within any required setbacks.
  - (3) Fueling stations shall be equipped with an underground petroleum separator system to be used to collect runoff associated with the service area. This shall be provided as part of new facilities and tank replacement.
  - (4) New fueling stations shall provide for on-site circulation for fuel dispensing trucks and similar vehicles. Tank refueling and delivery shall not be staged from the public right-of-way.
  - (5) The outdoor vehicle fueling areas shall be designed to include containment of potential and/or accidental fuel spillages.
  - (6) When adjacent to a residential district the following standards shall apply:
    - a. A six-foot high opaque wall or fence shall be provided along rear and side property lines around any fueling mechanisms and/or fueling activity areas.
    - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
    - c. All fueling pump islands, fuel storage apparatus, and canopy elements shall be set back at least 30-feet from any residential district.
  - (7) In neighborhood commercial district (C-1), the following standards shall apply:
    - a. Fueling pumps shall only be permitted when in conjunction with a retail sales and service use.
    - b. Sites shall be limited to four fueling stations.

**Section 138-3270. – Vehicle Storage, Maintenance, and Repair**

- (a) *Purpose* - Vehicle storage, maintenance, and repair are establishments providing service, repair and storage of motor vehicles such as buses, cars, boats, recreational vehicles, trucks or heavy equipment. Specific site development and operational standards can ensure adverse impacts such as noise, odor, and visual clutter are not projected on to adjacent properties.

- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Vehicle Storage, Maintenance and Repair establishments and similar uses. This section shall not apply to private vehicles as part of a residence.
- (c) *Standards*
  - (1) All service and repair activities shall be within fully enclosed buildings.
  - (2) A six-foot high opaque wall/fence shall be provided between any service and repair bays and any abutting residential use.
  - (3) The outdoor storage of parts shall be allowed only in the rear and side yards, and shall be a minimum of five (5) feet from a residential property.
  - (4) The outdoor storage or parking of any disabled, wrecked or partially dismantled vehicle or boat shall not exceed 30 days during any 60-day period.

**Sections 138-3271 – 3279 Reserved**

**DIVISION 6. – ARTS, RECREATION, AND ENTERTAINMENT USES**

**Section 138-3280. – Adult Use Establishment, Adult Use Business**

Adult uses, as defined by county ordinance, shall be located pursuant to such ordinance adopted by the Board of County Commissioners to regulate such uses. These establishments shall further be subject to the provisions of Chapter 42 Consumer Protection Article III – Adult Uses.

**Section 138-3281. – Commercial Recreation**

- (a) *Purpose* - Commercial recreation uses are privately-owned businesses focused on offering amusement and recreation. Commercial recreation uses have the potential to cause adverse impacts on neighboring properties and the immediate vicinity in terms of noise, light, traffic and visual clutter. Development and operation standards should be applied to mitigate negative impacts.
- (b) *Applicability* - The provisions of this section shall apply to new or expansions of commercial recreation uses.
- (c) *Standards*
  - (1) Commercial recreation, Indoor uses are subject to the following:
    - a. All activity areas and facilities shall be located in an enclosed building that includes a roof and exterior walls.
  - (2) Commercial recreation, outdoor uses shall be subject to the following:
    - a. No outdoor activity area or its ancillary uses may encroach the required district setbacks. This does not apply to trails and pathways.
    - b. A six-foot high fence/wall and/or a landscape buffer shall be provided around outdoor activity areas that abut a residential use. The fence/wall and/or buffer is not required for portions used for access and areas required for sight visibility. This standard is not required for passive use areas of the project.
    - c. Outdoor lighting shall be designed such that direct sources of illumination are not visible beyond the property lines. Lights shall be directed away from adjacent residential uses.
    - d. Nets used for driving ranges are exempt from the district height standard.
  - (3) When adjacent to a residential district the following standards shall apply:
    - a. No speaker or amplified announcement device shall be oriented to face the Residential district.

- b. Low and high intensity outdoor activity areas shall be set back at least 50 (fifty) feet from any residential district. Passive outdoor areas are exempt from this standard.

**Section 138-3282. – Golf Course and accessory structures**

- (a) *Purpose* - Land developed and operated as a golf course include tees, fairways, and putting greens, practice greens, and driving ranges. Golf courses may include accessory structures/uses such as clubhouses. It is intended that Golf courses are designed with the principles of the University of Florida IFAS Extension Florida-Friendly Landscaping™ Program in mind, and provide for effective water quality management.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Golf courses and their accessory structures.
- (c) *Standards*
  - (1) Fairways shall include an average of a 50-ft buffer from any roadway and/or residential property. Clusters of two or more trees shall be planted or retained within these required buffers to protect surrounding uses from stray golf balls.
  - (2) Clubhouses may be permitted as an accessory to use a golf course subject to the following standards:
    - a. Accessory uses such as alcohol dispensing lounges, food service, meeting rooms, and pro-shops shall be considered ancillary to golf courses.
    - b. Clubhouses may be approved as part of an active golf course operation.
  - (3) Golf courses shall be designed to respond to and conserve the natural environment to the greatest extent feasible. The following standards shall be applied to golf course design:
    - a. Golf courses should be designed to minimize the need to alter or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.
    - b. Golf course design should provide for creation and/or restoration of native habitat.
    - c. The site plan should protect drainage systems that support retained vegetation.
    - d. Design should protect and restore riparian habitat. The design shall employ the required upland vegetated buffer strips to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the golf course, cart paths, and other developed areas. Upland buffer widths are defined in the landscaping and natural resources chapters of the code.

**Section 138-3283. – Parks and Recreation areas**

- (a) *Purpose* - Parks and recreation areas are areas of public/semi-public recreation that includes varying levels of amenities premised on the resource-based or facility-based designation. Park sizes and their amenities are appropriate at certain locations within the community in terms of scale, intended users, intensity, and accessibility.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Parks and Recreation Areas. This section shall not apply to the following:
  - (1) Private commercial recreation uses that provide areas for amusement in exchange for a fee or payment;

- (2) Common open space areas on the same parcel of another use (example, a courtyard area serving a multifamily building is not subject to this section);
  - (3) Uses within the resource-based recreation (RBR) or facility-based recreation (FBR) zoning districts; and
  - (4) Regional county parks as defined in the Comprehensive Plan.
- (c) *Standards*
- (1) Parks and recreation areas, resource-based uses shall be subject to the following standards:
    - a. Recreational amenities shall be limited to trails, pathways, and gardening plots.
    - b. Sports fields, skate parks, swimming pools/splash pools, vehicle race tracks, playground equipment, concession stands or other similar uses are not permitted.
    - c. Covered shelters and restroom facilities are permitted.
  - (2) Parks and recreation areas, facility-based low intensity uses shall be subject to the following standards:
    - a. Recreational amenities shall be limited to trails, pathways, gardening plots, playgrounds, and sports courts such as tennis and basketball.
    - b. Sports fields, skate parks, swimming pools/splash pools, vehicle race tracks, concession stands or other similar uses are not permitted.
    - c. Covered shelters and restroom facilities are permitted.
    - d. No facility-based recreational element may encroach within the required district setbacks. This shall not apply to trails and pathways.
  - (3) Parks and recreation areas, facility-based high intensity uses shall be subject to the following standards:
    - a. Recreational amenities may include trails, pathways, gardening plots, playgrounds, sports courts, swimming pools/splash pools, skate parks, sports fields, and concession stands. Other similar recreational uses may be permitted subject to the county administrator or designee interpretation.
    - b. Covered shelters and restroom facilities are permitted.
    - c. No facility-based recreational element may encroach within the required district setbacks. This shall not apply to trails and pathways.
    - d. Lights and amplification sources shall be directed away from adjacent residential uses.
  - (4) Water body activity uses such as docks, piers, and marinas may be reviewed and approved pursuant to Table 138-355, Table of Uses for Zoning Districts.

**Section 138-3284. – Shooting Range/Gun Club**

- (a) *Purpose* - Shooting ranges and gun clubs are establishments that provide for the recreational use, training, or practice of firearm use.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of shooting ranges/gun clubs.
- (c) *Standards*
  - (1) Indoor shooting ranges are subject to the following standards:

- a. Indoor shooting ranges and gun clubs may be permitted according the Type of review as identified in Table 138-355, Table of Uses for Zoning Districts, provided that any such uses shall comply with all appropriate local, state, and federal regulations or laws.
  - b. All shooting ranges shall be located in an enclosed structure.
- (2) Outdoor shooting ranges are subject to the following standards:
- a. The minimum lot area shall be ten acres.
  - b. A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least 15-feet high shall be erected and maintained behind all target areas.
  - c. The hours of operation shall be limited to 9:00 a.m. and 7:00 p.m.
  - d. The noise level shall not exceed 63 dBA as measured at the property boundary.
  - e. The discharge of firearms shall be conducted only within areas specifically designated for such use on an approved site plan.
  - f. The perimeter of the shooting range activity, including the firearm discharge area and surrounding berms, shall be enclosed by a fence or wall, a minimum of six (6)-feet in height. Warning signs, of at least one square foot each, shall be attached to the perimeter fence at the frequency of at least one for every 100 lineal feet plus one at each entry gate.
  - g. Development proposals shall include a hazardous waste management plan, prepared by an independent environmental consultant, to assure the protection of groundwater from lead and other contaminants associated with the discharge of firearms.
  - h. Development proposals shall demonstrate compliance with all applicable state regulations and how safety and noise factors have been addressed through the site plan and other special features of the proposed development.
- (3) Shooting ranges/gun clubs are specifically permitted with the following accessory uses and activities:
- a. Meeting rooms and similar accommodations;
  - b. Retail sales of guns, ammunition, and supporting merchandise; but subject to other state and federal regulations; or
  - c. Training and instruction services.

**Section 138-3285. – Theater/Cinemas**

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

- a. Venues are limited to 200 seats.
- b. Theaters and cinemas shall not be located adjacent to residential uses.

**Section 138-3286 - 3289 Reserved**

**DIVISION 7. – EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND INSTITUTIONAL USES**

**Section 138-3290. – Cemeteries**

- (a) *Purpose* – Cemeteries are intended to serve as burial, crematory, and ceremonial uses. There are some accessory uses that are normally associated with cemeteries.
- (b) *Applicability* – The provisions of this section shall apply to new and expansions of cemeteries.
- (c) *Standards*
  - (1) Cemeteries may include ancillary and accessory uses and structures.
  - (2) Graves and/or burial crypts shall be located at least 50 feet from an adjacent parcel.
  - (3) Any accessory crematory shall be located at least 200 feet from of an abutting parcel and shall be buffered from view from adjacent residential lands by fencing or landscaping as deemed appropriate by the reviewing body.
  - (4) If the site exceeds or is equal to three acres in size, the uses shall be designated as Institutional on the County’s Future Land Use Map.

**Section 138-3291. – Congregate Care and Nursing Home Facilities**

- (a) *Purpose* - Congregate care and nursing home facilities provide living environments for individuals that require varying levels of regular assistance, consistent with the criteria in Florida Statutes. Congregate care facilities is a type of housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities. Nursing home facilities provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of congregate care, nursing home facilities and other similar facilities.
- (c) *Standards*
  - (1) In Single-family residential districts, facilities should be architecturally compatible with houses in the immediate neighborhood in terms of materials and fenestration.
  - (2) A designated pedestrian pathway shall be provided between the main building entrance and the nearest adjacent street. This pathway shall satisfy current ADA requirements.
  - (3) Facilities shall be developed with at least ten (10) percent of the site area to be reserved and/or improved as common open space.
    - a. This open space area may be combined with other open space requirements of the zoning district.
    - b. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection.

- (4) New or expanded congregate care and nursing home facilities are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway, as defined by this chapter. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a nursing home has not been abandoned, and the improvements or replacement do not result in additional beds.
- (5) The number of beds may not exceed three times the allowed density of the Future Land Use Map category in which the parcel is located.

**Section 138-3292. – Day Care Facility, Child and/or Adult**

- (a) *Purpose* - Day care facilities provide for care and supervision of youth, elderly, and the impaired. Such use should be allowed in a variety of districts to site facilities in close proximity to residences and places of employment. Specific standards should be applied to ensure that facilities are compatible and complementary to the district in which they are located.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of day care facilities. This section does not apply to *day care, family* facilities or any other separate use listed on the district Table of Uses.
- (c) *Standards*
  - (1) Facilities shall be licensed as required by appropriate governmental agencies.
  - (2) When abutting a residential use, a six-foot high opaque wall or fence shall be provided along rear and side property lines around any outdoor child play area.
  - (3) In Single-family districts, new day care facilities should be architecturally compatible with houses in the immediate neighborhood in terms of materials and fenestration.
  - (4) Child day care centers shall orient all play areas and provide buffering and separation so as to prevent adverse impacts to adjacent properties.

**Section 138-3293. – Government Building or Use**

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

**Section 138-3294. – Hospital**

- (a) *Purpose* - Establishments providing medical, diagnostic, and treatment services including physician, nursing, specialized accommodations, and other health services to in-patients.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of hospitals.
- (c) *Standards*

- (1) New or expansions to hospitals are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a hospital has not been abandoned, and the improvements or replacement do not result in additional beds.
- (2) Hospitals may provide outpatient services, clinics, medical offices and other ancillary uses.

**Section 138-3295. – Meeting Hall and other Community Assembly Facility**

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

**Section 138-3296. – Nursing Home facilities**

See Section 138-3291 Congregate care and nursing home facilities

**Section 138-3297. – Reserved**

**Section 138-3298. – School, Grades Pre-K thru 12**

- (a) *Purpose* - Schools, grades Pre-K thru 12 shall include specific development standards to ensure compatibility with the surrounding neighborhood in which they are located.

- (b) *Applicability* - The provisions of this section shall apply to new and expansions of schools, grades Pre-K thru 12. For the purposes of this section, public schools shall include facilities operated by the Pinellas County School Board and/or operated as a charter school.
- (c) *Standards*
  - (1) Schools Proposed by the school board.
    - a. Nothing within this chapter shall prohibit the Board of County Commissioners from entering into an agreement with the County School Board to establish a procedure for the review of site plans for compliance with the county's land development regulations, Stormwater Manual and consistency with the comprehensive plan. Such a procedure may include, but not be limited to, locational criteria (including the identification of zoning districts in which schools may be located), environmental requirements, safety requirements, health requirements, and the mitigation of off-site impacts and effects on adjacent property. The locational criteria of this chapter shall be superseded by the adoption of such an agreement.
  - (2) Private schools of general or special education in residential districts:
    - a. Specific standards and conditions to be determined during the associated Type of review as identify by the zoning district.
  - (3) New or expansions of public schools shall be reviewed and considered with the following general criteria:
    - a. The proposed location is compatible with present and projected uses of adjacent property.
    - b. The site area of the proposed location is adequate for its intended use based on the state requirements for educational facilities and provides sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses.
    - c. Based on the five-year work program of the School Board and the Pinellas County Comprehensive Plan, there will be adequate public services and facilities to support the public educational facility.
    - d. There are no significant environmental feature that would preclude development of a public educational facility on the site.
    - e. There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by a local government as locally significant historic or archaeological resources.
    - f. The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
    - g. The proposed location is not in conflict with the Pinellas County Stormwater Management Plan and any watershed management plans adopted by Pinellas County, if applicable.
    - h. The proposed location is not in a velocity flood zone or a floodway.
    - i. The proposed location can accommodate the required parking and anticipated queuing of vehicles onsite.

- j. The proposed location lies outside the area regulated by Section 333.03(3), F.S. or as amended, regarding the construction of public educational facilities in the vicinity of an airport.
- (4) The following criteria shall also be used to evaluate whether proposed locations of specific types of schools are consistent with the Pinellas County Comprehensive Plan:
- a. Elementary schools, special education facilities, and alternative education facilities:
    - 1. The proposed location shall have direct access to at least a collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
  - b. Middle schools:
    - 1. The proposed location shall have direct access to at least a collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
    - 2. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.
  - c. High schools:
    - 1. The proposed location shall have direct access to at least a collector road, or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
    - 2. Stadiums, outdoor recreational facilities, and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.
  - d. Vocational -technical schools:
    - 1. The proposed location shall have direct access to at least a collector road, or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
    - 2. Industrial education facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

**Section 138-3299. – Shelter/Transitional Housing**

- (a) *Purpose* – The intent of a shelter is to provide relatively short-term, transitional housing for individuals in need (e.g. homeless shelters). The purpose of this section is to clarify the permitted operational characteristics of shelters.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions to shelters/transitional housing facilities. The provisions of this section shall not apply to dormitories, jails, campgrounds, hotel/motel, or similar use. The provisions of this section shall not apply to emergency shelters for natural disasters (eg. temporary hurricane shelters).
- (c) *Standards*

- (1) The average tenancy of the sleeping areas and rooms should generally be less than one month.
- (2) Shelters may have food preparation facilities.
- (3) Structures may contain open sleeping areas and/or individual sleeping rooms.
- (4) Shared, fully-equipped cooking facilities may be available to residents. Individual rooms may or may not to have full kitchens.

**Sections 138-3300 – 3309 Reserved**

**DIVISION 8. – TRANSPORTATION, COMMUNICATION, AND INFORMATION USES**

**Section 138-3310. – Airports (Air Transportation)**

- (a) *Purpose* - Airports shall include specific development standards to ensure safety and compatibility.
- (b) *Applicability* - The provisions of this section apply to new and expansions of airports.
- (c) *Standards*
  - (1) New or enlarged airports. In addition to all other items required by the pertinent sections of this chapter, applications for enlarging or changing existing airfields or to permit a new airfield shall be accompanied by:
    - a. Proof of compliance with all county, state and federal laws, regulations and requirements.
    - b. Complete plans for all airport facilities, including approach zones, horizontal zones and conical zones.
    - c. A fee sufficient in amount to reimburse the county for all costs of installing and maintaining warning lights or markers upon any existing tree or structure outside of the property of the applicant and which extends into any approach zone, horizontal zone, or conical zone.
    - d. A list of all trees or structures which extend into any approach zone, horizontal zone or conical zone and the dimensions of such trees or structures.
  - (2) Clear space.
    - a. In order to reduce danger from low-flying planes approaching and taking off from the airfield, the end of a runway shall not be closer than the applicable distance as set out in this subsection and as measured within the area drawn by the means provided in subsection (2)(b) of this section.
      1. 750-feet for airstrips.
      2. 1,000-feet for class I airfields.
      3. 2,000-feet for class II or class III airfields.
      4. 2,500-feet for class IV airfields.
    - b. Such distance shall be measured from the end of each runway by extending a line perpendicular to the centerline of the runway  $1\frac{1}{2}$  times the width of the runway in each direction from the centerline and taking the points from each end of such line so drawn; thence extending a line from each of such points away from the centerline at an angle of seven degrees on each side for the distance as required in subsection (1) (b) of this section; an arc shall then be drawn connecting the point at the far end of each seven-degree angle line using the end of the centerline of the runway as the center point for such arc.

- (3) Runways. All runways shall conform in length and width to the Federal Aviation Agency's minimum standards.
- (4) Aprons and ramps.
  - a. Aprons and ramps shall be perpendicular to runways and taxiways.
  - b. Vehicles or aircraft shall not be parked or stored in the area outlined by the directions in subsection (b)(2) of this section, nor within 100-feet of the edge of the runway, whichever distance is greater.
- (5) Construction within the airfield.
  - a. Structures within the airfield shall be constructed of material which will provide not less than two hours' fire-resistant construction according to the standards established by the American Society of Testing Materials or the requirements of the National Fire Protection Association.
  - b. All airports shall be fenced; such fences shall be a minimum of four (4)-feet in height.
  - c. Storage of gasoline shall be underground and in accordance with the requirements of all applicable laws and ordinances.
- (6) Height limitations near airports.
  - a. No existing use, structure or tree may be extended, expanded or enlarged so as to encroach into any portion of the approach zones, horizontal zones or conical zones, nor shall any existing use, structure or tree be permitted to encroach into any of the aforesaid zones.
  - b. Any use, structure or tree existing on January 30, 1990, and which extends into any approach zone, horizontal zone or conical zone of an existing airport shall be considered nonconforming and may not further encroach into any of the aforesaid zones.
  - c. Where any use, structure or tree which shall be in existence on the date on which a proposed airport shall be approved and where such use, structure or tree extends into the approach zones, horizontal zones or conical zones of such an airport, such use, structure or tree shall be considered nonconforming as of the date specified in this section and shall be in no way expanded to further encroach into the aforesaid zones.
- (7) *Airport hazards* (Florida Aviation Laws, F.S. § 333.02):
  - a. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared that:
    1. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;
    2. It is therefore necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented; and
    3. This should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.
  - b. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or

marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.

- (8) Other hazards.
  - a. Uses within two miles of any airfield runway shall conform to the performance standards established in Division 14 of this section.
  - b. No electrical use or operation shall be permitted that interferes with instrument control or landing operations of planes or of radar, radio or ground control approach systems for such airport.
- (9) Uses at the St. Petersburg-Clearwater International Airport and in the surrounding area shall be regulated and restricted pursuant to Chapter 142, Article II.
- (10) Additional standards
  - a. The minimum building site areas for each primary use and its customary accessory use shall be a minimum of five acres of land with a minimum width of 200-feet and a minimum depth of 200-feet.
  - b. No structure within this area shall exceed 45-feet in height.

#### **Section 138-3311. – Docks and Piers**

- (a) The construction, expansion, and/or repair to docks and piers shall comply with the requirements of Chapter 58, Article XV, Division 3. Docks and Similar Structures.

#### **Section 138-3312. – Marina**

- (a) *Purpose* - Marinas are intended to provide services and facilities to serve the boating community. Marinas should be subject to specific development standards to ensure land use compatibility, natural resource protection, and public safety.
- (b) *Applicability* - The provisions of this section apply to new and expansions of marinas.
- (c) *Standards*
  - (1) *Comprehensive plan compliance:* Site plans for marinas shall not be approved unless such plans are in substantial compliance with the policies of the coastal management element of the county's adopted Comprehensive Plan.
  - (2) *Use standards:*
    - a. Marinas are generally limited to the following activities: 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 fuel, oil, bait, tackle and marine supplies, restaurants or such other customary use commonly found at a retail marina.
    - b. Boat building, major repair operations and/or shipping port activities shall not be allowed as part of a Marina.
    - c. Other uses may be allowed pursuant to Table 138-355 – Table of Uses for Zoning Districts.
  - (3) *Operational standards:* Marinas shall be subject to the following site development and operational standards:
    - a. The proposed marina location shall contain adequate water depth to accommodate the proposed boat use.
    - b. The proposed marina location shall contain adequate flushing of the basin to prevent stagnation and water quality deterioration.

- c. The marina shall not result in adverse impact on archaeological or historic sites as defined by the state and local comprehensive plans.
  - d. The proposed marina shall possess reasonable access to a large navigable water body and/or prime boater destination points.
  - e. The marina shall contain sufficient upland area to accommodate required ancillary uses including, but not limited to utilities, parking, restrooms, dry storage, and similar uses.
  - f. New marinas shall provide safe environmental management of litter, fuel, sewage, chemicals, and stormwater runoff based on the best management practices established by the Florida Clean Marina Program or current equivalent thereof.
  - g. The proposed marina project shall include and maintain a hurricane plan.
- (4) Design standards: The following design standards shall be applied to new and expansions of marinas:
- a. Marina related uses may be set back zero feet from the water's edge.
  - b. Marinas shall address vehicle parking and loading requirements.
- (5) Permitting Standards: The following permitting standards shall apply to new and expansion of marinas:
- a. When the marina use requires a Type 2 or 3 approval, the size, intensity, development configuration, and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns. Due to the variety of uses and associated impacts, specific standards shall be determined during this review
  - b. Where docks, seawalls, launching ramps, etc. are proposed and would require permits from the county Water and Navigation Control Authority, the land use request and the water and navigation application shall be reviewed simultaneously.
  - c. Minor modifications to an existing marina, resulting in no more than a ten percent increase in the number of boat storage spaces on the upland area of the site or a ten percent increase in the size of the building footprint and/or parking area, may be approved as a Type 1 review through the site plan review process, provided all other permitting criteria and conditions are met.
  - d. Marinas shall not be constructed or expanded in areas determined by the Florida Department of Environmental Protection or other governmental wildlife agency, to be critical to the survival of the West Indian Manatee. Minor repairs of existing marinas are exempt from this limitation.

**Section 138-3313. – Communication towers and antennas outside of County rights-of-way**

- (a) *Purpose* - Construction of towers and antennas should be designed in a manner to minimize the visual impacts of towers on the landscape and to ensure public safety. It is the intent of this section to encourage and allow communication equipment to be collocated on to an existing tower or structure. It shall be the intent of this chapter to allow for the reasonable expansion of technology in keeping with the 1996 Federal Telecommunications Act while providing reasonable regulation of communication towers and antennas to ensure that the county landscape is not adversely affected by the proliferation of tall towers.
- (b) *Applicability* - The provisions of this section shall apply to the following uses and structures outside of the County's rights-of-way:

- a. *Transmitting stations, remote radio and television uses and structures.* This shall not apply to broadcast studios or office.
- b. *Wireless communication antennae, towers, and associated structures.*

(c) *Standards –*

The following provisions shall apply:

- (1) Freestanding communication towers and antennas shall be subject to the following height standards:
  - a. Communication towers and antennas may be erected to a maximum of 20-feet above the height limits of the zoning district in which they are located.
  - b. Communication towers which are designed to be camouflaged may be erected to a maximum of 75-feet or the maximum height described above, whichever is greater. Camouflage may include towers to be designed to resemble trees, palms, flag poles, and other similar feature.
  - c. The heights of these structures or appurtenances thereto shall in no case exceed the height limitations prescribed by the Federal Aviation Agency within the flight approach zone patterns of airports.
- (2) Freestanding communication towers shall be subject to following setback standards:
  - a. All towers and supporting equipment shall meet district setback requirements.
  - b. New towers shall be set back from abutting residential property lines a distance equal to the height of the tower.
  - c. These setback restrictions do not apply to communication equipment attached to utility poles or similar feature in the public right-of-way.
  - d. These setback restrictions may be reduced for self-collapsing tower designs, subject to a Type 2 approval. The applicant shall demonstrate that the reduced setbacks will not create a safety hazard.
- (3) Antennas and supporting mechanical equipment may be installed on or attached to buildings, light poles, other existing towers, water towers, or other existing structures in any zoning district. Such antennas shall add no more than 20-feet in height above the existing structure and shall be a neutral color similar to that of the supporting structure.
- (4) Supporting equipment buildings shall be compatible with the architecture of the neighborhood in which located.
- (5) Towers and supporting structures shall be a neutral, non-glare color or finish so as to reduce visual obtrusiveness (except as may otherwise be required by the Federal Aviation Authority).
- (6) Any tower or antenna which is not operated for a period of 180 days or more shall be considered abandoned and subject to the following standards:
  - a. Upon written notification by the county, the owner shall remove the tower or antenna within 60 days. Failure to do so shall constitute a violation of this code.
  - b. Upon such written notification any previously granted variance or special exception shall terminate.
  - c. Abandonment shall not include towers or antennas damaged by forces beyond the control of the operator, where the operator is proceeding in good faith to restore the facility to operational status.

- d. A tower or antenna shall be considered operational so long as an antenna and corresponding electronics, in operational condition, are present, at the facility or undergoing repairs in accordance with the above.
- (7) Towers shall include the following safety features:
  - a. Towers shall be enclosed by security fencing a minimum of six (6)-feet in height.
  - b. Towers shall be equipped with warning lights in accordance with FAA standards regardless of height.
- (8) Towers shall not be used for the placement of advertising or signs other than warning signs or devices.
- (9) Communication towers and antennas may seek flexibility to the standards in this section subject to Type 2 approval. Conditions may be imposed on the structure(s) to ensure compatibility and safety with adjacent properties.

**Section 138-3314. – Heliport and Helistops**

- (a) *Purpose* - Heliports and helistops shall include specific development standards to ensure safety and compatibility with the surrounding neighborhood and any structures they are intended to serve.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of heliports and helistops.
- (c) *Standards*
  - (1) A showing of compliance with airport licensing and zoning, rules of the state department of transportation and applicable FAA licensing
  - (2) A heliport and helistop is a permitted accessory use to a hospital.

**Section 138-3315. – Mass Transit Center**

- (a) *Purpose* - Mass Transit Centers are vital to an efficient public transportation system by providing connections to various lines and endpoints to individual routes. Mass transit centers should be designed to be convenient to pedestrians. Transit centers shall include specific development standards to ensure pedestrian access, safety, and compatibility with the surrounding neighborhood.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Mass Transit Centers. This section shall also be applicable to park-and-ride facilities where users leave private vehicles in a designated lot and board a transit vehicle for commuting. This section shall not apply to individual transit shelters located along a street or located as part of another use (Example: A transit stop located within a shopping center development is not subject to this section).
- (c) *Standards*
  - (1) Mass transit centers should be focused at community nodes and areas of higher density/intensity.
  - (2) A permanent structure shall be provided for use by shelter transit riders. The structure shall include a roof structure and be an adequate size to serve the projected number of transit riders.
  - (3) Transit stops and passenger waiting areas shall be clearly visible from a nearby street to ensure surveillance and site safety.

- (4) ADA compliant pedestrian pathways shall be provided to connect individual transit stops to one another and with public sidewalks along adjacent roadways. Pathways shall be a minimum of 5 (five)-ft in width.
- (5) Park-and-ride lots shall be developed consistent with the parking and landscaping requirements of Article X – Community Design standards.

**Section 138-3316. – Off-shore Tour Vessels and Water Transport**

- (a) *Purpose* - Facilities shall include specific development standards to ensure safety and compatibility to the district and/or natural environment in which they are located.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of off-shore tour vessel and water transport uses. The intent of this section is to regulate docks, boat slips, marinas and related upland facilities that off-shore tour vessels and water transport utilize. Nothing in this section shall be construed to regulate the actual operation of off-shore tour vessels and water transport.
- (c) *Standards*
  - (1) The reviewing body for a new off-shore tour vessel and water transport use shall consider each of the following criteria in determining whether an application should be approved:
    - a. The proposed use shall address and mitigate its possible detrimental effects on surrounding properties including lights, noise, odor, or other nuisance effects.
    - b. The proposed use shall address and mitigate its impact on traffic circulation.
    - c. The proposed use shall demonstrate that there is adequate upland support for the operation, including but not limited to, parking, boarding location, and similar uses.

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

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

**Sections 138-3318 – 3320 Reserved**

**DIVISION 9. – UTILITIES**

**Section 138-3321. – Solar Energy Systems**

- (a) *Purpose* - Solar energy systems are intended to collect and provide solar power to individual buildings and their accessory uses. They are also intended to be small in scale and should be architecturally integrated to and complementary to the structure in which they are attached.
- (b) *Applicability* - The provisions of this section shall apply to all solar energy systems and similar facilities.

(c) *Standards*

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

**Section 138-3322. – Solar Energy Production Facility**

- (a) *Purpose* - The facility and activities are intended to capture solar energy and converts it to electrical energy primarily for sale or consumption off-premises.
- (b) *Applicability* - The provisions of this section shall apply to all solar energy production facilities and similar uses. This section is not intended to include the use of solar energy devices for net metering (producing electrical energy primarily for on-premises consumption).
- (c) *Standards*
  - (1) A solar energy production facility shall comply with district dimensional standards in terms of lot size, height, and setbacks.
  - (2) A solar energy production facility shall be designed and operated to protect public safety, including without limitation, preventing the misdirection of concentrated solar radiation onto nearby properties, public roads or other areas accessible to the public and implementing site design and operating procedures to prevent public access to hazardous areas.
  - (3) A solar energy production facility shall comply with all applicable local, state and federal laws and regulations governing the operation of a solar generation facility.
  - (4) The property owner shall remove a solar energy production facility within one year following a continuous two-year period of non-use.

**Section 138-3323 Reserved**

**Section 138-3324. – Utilities**

- (a) *Purpose* - Utilities provide essential services to all land uses. Utilities are described as Class 1, 2, or 3, in order to separate facilities based on intensity.

- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Utilities, Classes 1, 2, and 3. This section shall not apply to any other separate land uses listed on the district table of uses.
- (c) *Standards*
  - (1) Utilities, Class 1 may include transmission lines; 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.
  - (2) Utilities, Class 2 shall be subject to the following standards:
    - a. Utilities, Class 2 may include 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.
    - b. Portions of pumping stations or similar facilities that extend above ground shall be buffered from off-site view. Buffering methods may include landscaping, fencing, and/or a permanent building.
  - (3) Utilities, Class 3 shall be subject to the following standards:
    - a. Utilities, Class 3 may include production or treatment facilities such as sewage treatment plants, elevated water storage towers, non-accessory ground storage tanks, or similar facilities. Utilities, Class 3 does not include electric power plants, solid waste management, or any other separate land use listed on the district table of uses.
    - b. All treatment operations shall be conducted behind a six-foot high opaque wall or fence.
    - c. Treatment facilities shall be setback at least 100-feet from a residential property.
  - (4) Spillage containment berms shall be provided around lift stations or similar pumping facilities to sufficiently contain accidental discharges.

**Section 138-3325. – Waste Management related uses.**

- (a) *Purpose* - Waste management related uses are vital to the urbanized county to collect garbage, waste, and other discarded material. These uses require a higher type of review to address site development and operational concerns.
- (b) *Applicability* - The provisions of this section shall apply to the following waste management related uses: Bio hazardous or hazardous waste storage and treatment; solid waste management facilities; and solid waste transfer facilities.
- (c) *Standards*
  - (1) The applicant shall demonstrate adequate screening and buffering will occur to protect adjacent uses from incompatible land use activities that are associated with the waste management use.
  - (2) As part of Type 3 approval, the Board of County Commissioners may require annual reporting to the county, in a form acceptable to the county, of the tonnage and types of materials received, and the tonnage and types of materials transferred or recycled, if determined to be applicable by Pinellas County Utilities Solid Waste Operations Department.

- (3) In addition to the provisions of the code, facilities shall comply with all local, state, and federal laws, regulations, orders, consent orders, decrees, permit conditions or judgments.
- (4) Bio hazardous or hazardous waste storage and treatment facilities shall not be located within one-half mile of residentially zoned property.
  - a. Distances shall be measured in a straight line from the outside perimeter of the subject property to the closest point of any residential zoning district, regardless of municipal or county jurisdiction.
  - b. Any variances to these distance requirements shall be in response to a demonstrated hardship and shall be consistent with the purpose and intent of the distance requirements of this section.

**Section 138-3326. – Wind Energy Conservation System (WECS)**

- (a) *Purpose* - 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. For the purposes of this code, small scale WECS shall be defined as those WECS rated 60 kW or less; and medium scale WECS shall be defined as those WECS rated more than 60 kW to 100kW.
- (b) *Applicability* - The provisions of this section shall apply to all wind energy conservation systems or similar facility rated up to 100 kW.
- (c) *Standards*
  - (1) Wind energy conservation systems are subject to the following dimension standards:
    - a. Height
      1. The maximum structure height in residential districts shall be 45-feet as measured from the height above grade of the fixed portion of the tower, excluding the wind turbine blades.
      2. The maximum structure height in non-residential zoning districts shall be 120-feet as measured from the height above grade of the fixed portion of the tower, excluding the wind turbine blades. Additional height may be granted as part of Type 2 or 3 review.
    - b. Setbacks
      1. Freestanding WECS shall be setback at least distance equal to the height of the WECS provided from adjacent property boundaries.
      2. Roof mounted WECS shall not be required to meet additional setbacks, provided in such cases the support tower, excluding the wind turbine, is not more than ten (10)-feet in height as measured from the point on the roof where it is mounted AND does not exceed the maximum height above grade permitted in Subsection (1).a.1. above.
  - (2) Wind energy conservation systems shall provide at least 12-feet of clear area between the turbine blades and the ground. WECS located in a secured, fenced area may be exempt from this standard.
  - (3) Wind energy conservation systems, shall be designed to utilize tubular supports with pointed tops in order to prevent perching or nesting birds.
  - (4) Towers should minimize lattice supports, fixed external ladders, and platforms that could encourage perching or nesting birds.

- (5) Noise produced by Wind energy conservation systems, operations are subject to the standards established in Chapter 58, Article XII of the Pinellas County Code.
- (6) Wind energy conservation systems shall not be artificially lighted or marked except as may be required by other applicable county, state and federal requirements.
- (7) Wind energy conservation systems towers shall be designed to prevent non-authorized climbing as follows:
  - a. Towers shall be designed with no hand or foot holds below 16-feet in height; or
  - b. Access to the tower shall be secured with a fence of other security mechanism.
- (8) Co-location of any other facility including but not limited to cellular communications antennas, advertising signage, television or radio antennas or similar facilities on to a WECS, shall only be permitted if allowed by the district. Co-located facilities shall obtain a separate land use approval.
- (9) Abandoned freestanding WECS shall be removed or demolished either by the owner of the turbine, or by the property owner within 180 days. For the purposes of this section, abandoned shall mean that no operation of the turbine has occurred for a one-year period.
- (10) During the building permit application process, the applicant shall submit the manufacturer's electrical drawings in sufficient detail to allow for a determination that the manner of installation conforms to the currently adopted edition of the National Electrical Code. The applicant shall also submit verification that the system is equipped with manual braking.
- (11) A building permit application for a WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the currently adopted edition of the Florida Building Code and certified by a licensed professional engineer shall also be submitted. A site plan shall be submitted clearly denoting the proposed WECS location on the property including the distances to property boundaries, existing structures on the property, and location of any areas specified above.
- (12) There shall be no restriction on or interference with air safety and air operation, as per Federal Aviation Administration (FAA) requirements. Additionally, the WECS shall comply with all land development requirements regarding historic resources.

**Section 138-3327 – 3329 Reserved**

**DIVISION 10. – AGRICULTURAL USES & ACTIVITIES**

**Section 138-3330. – Agricultural Activities**

- (a) *Purpose* - Agricultural activities include the utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof.
- (b) *Applicability* - The provisions of this section shall apply to agricultural activities. This section shall not apply to stand-alone nurseries/greenhouses operations and community gardens. This section does not apply to minor gardening and animal keeping normally associated with private residences (Example: growing vegetables and keeping chickens on a residential lot is not considered an agricultural activity for the purposes of this section.)
- (c) *Standards*

- (1) Agricultural activities, commercial
  - a. Materials produced on-site may be sold to third-party, off-site sales establishments. (Example: Selling produce to a retail store is permitted as part of a commercial agricultural activity.)
  - b. Accessory retail activities shall be limited to products and materials that relate to an existing agricultural operation on the site. (Example: A grower may sell produce grown onsite.)
  - c. Accessory offices that relate to the agricultural activity may be permitted on-site.
  - d. Worker housing may be permitted as a Type 2 review. Approved worker housing may only remain in operation when in conjunction with an active commercial agricultural activity.
- (2) Agricultural Activities, Personal Use
  - a. No retail sales shall occur on-site.
  - b. Such activities may include adjacent properties under common ownership.
  - c. *Reserved*
- (3) The provisions of Division 12 Animals and Livestock shall also apply.

**Section 138-3331. – Community Gardens**

- (a) *Purpose* - Community gardens are intended to allow for more than one person to grow produce and/or horticultural plants for their personal consumption and enjoyment, and generally on a not-for-profit basis.
- (b) *Applicability* - The provisions of this section shall apply to all Community gardens. This section does not apply to personal gardens that are located on an individual lot in which the user lives or owns.
- (c) *Standards*
  - (1) Community gardens are permitted for a group of unrelated people to grow, cultivate, and harvest plant material. Plant material may include but not limited to food crops, vegetables, flowers, and general landscape aesthetics.
  - (2) No prohibited or invasive species may be planted as part of a Community garden. See Article VIII for prohibited plant material.
  - (3) Any permanent accessory structures shall be subject to the district dimensional standards and comply with county building permit standards.
  - (4) Plant material shall not impede sight visibility for sidewalks, streets, or any other vehicle access lanes.
  - (5) Community gardens may only occur where the property owner(s) provides written consent to the intended users. Where the intended users include the unspecified general public, such consent may be granted to Pinellas County Board of County Commissioners.
  - (6) Animals and livestock are not permitted uses in community gardens but may be allowed subject to the rules and standards of Division 12 - Animals and Livestock.

**Section 138-3332. – Nurseries/Greenhouses**

- (a) *Purpose* - Establishments primarily engaged in the sale of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are either grown on site or elsewhere.

- (b) *Applicability* - The provisions of this section shall apply to nurseries and greenhouses. This section does not apply to personal greenhouses or gardening activities that are located on an individual lot in which the user lives.
- (c) *Standards*
  - (1) Nursery/greenhouse operations, structures, and container plants shall comply with the district setback standards.
  - (2) Plant material, containers, art, and furniture normally associated with nurseries and gardening may be stored and displayed outdoors.
  - (3) Where nurseries/greenhouse retail sales is permitted as an accessory use (A), the following standards shall apply:
    - a. The accessory retail activities shall be limited to materials that relate to an existing personal nursery/greenhouse operation on the site. (Example: A greenhouse owner may sell plants and flowers grown on site.)
    - b. The accessory retail activities shall be limited to on-site sale. Materials shall not be sold to third-party, off-site sales establishments. (Example: Selling plants to a retail store is not permitted.)
    - c. Accessory retail may only occur when an owner-occupied residence is located on the same site as the nursery/greenhouse operation.

**Section 138-3333 – 3339 Reserved**

**DIVISION 11. – OTHER USES**

**Section 138-3340. – Excavation Pits and Quarries, 1,000 or more cubic yards**

- (a) *Purpose* – The purpose of this section is to allow and regulate large excavation and quarry activities.
- (b) *Applicability* – The provisions of this section shall apply to all excavation pits and quarries that involve 1,000 or more cubic yards of fill to be excavated. Excavation pits and quarry activities that involve less than 1,000 cubic yards of material shall be subject to the applicable provisions in Section 138-3341.
- (c) *Standards*
  - (1) Excavations may be permitted pursuant to Table 135-355, Table of Uses for Zoning Districts. Prior to the approval of any excavation, the county site plan review agencies, as required, shall examine a preliminary site plan (a cross-section of the excavation is required) to determine whether the proposed excavation will be detrimental to or interfere with the health, safety or general welfare of the community. The plan, once approved, shall become a condition upon which the excavation is permitted, and any change or addition shall constitute a violation of the zoning ordinance unless such change or addition is examined by the county site plan review agencies according to the same criteria required for original issuance, and approved as a level 2 use.
    - a. No excavations of earth shall be within 150-feet of any road right-of-way line.
    - b. Unfenced excavations of earth shall be no closer than 50-feet to an adjoining lot or parcel. Fenced excavations shall be no closer than 25-feet to an adjoining lot or parcel.
    - c. Depth and slope shall be determined by the County Engineering Department and/or the county water system according to demands for safety from

pollution of the underground watercourses to be determined according to the nature of the particular substrata soil structure.

- d. No excavation shall detract from or interfere with the County's ultimate drainage plans or existing patterns. No excavation may be approved which would pollute the underground watercourse.
- e. A site plan shall be provided pursuant to the requirements limited in Chapter 138, Article II, Division 5. In addition to these requirements, site plans shall depict the proposed on-site truck routes, location of excavation/fill activity, and location of surface water and protected environmental features.

#### **Section 138-3341. – Land Excavation or Fill**

- (a) *Purpose* – The purpose of this section is to recognize but limit land excavation and fill activities that are needed for land management and construction.
- (b) *Applicability* – The provisions of this section shall apply to all land excavation or fill which is five cubic yards or more. This section shall not apply to land excavation and fill activity involving less than five (5) cubic yards. This section shall not apply to class III sanitary landfills and solid waste landfills. This section shall not apply to excavate-fill balanced sites.
- (c) *Standards*
  - (1) *Five cubic yards but less than 1,000 cubic yards.* The following standards shall apply to land excavation or fill which is at least five (5) cubic yards but less than 1,000 cubic yards.
    - a. A zoning clearance shall be required. Prior to issuance of such clearance, a site plan shall be submitted as a Type 1 review.
    - b. A site plan shall be provided pursuant to the requirements limited in Chapter 138, Article II, Division 5. In addition to these requirements, site plans shall depict the proposed on-site truck routes, location of excavation/fill activity, and location of surface water and protected environmental features.
  - (2) *1,000 cubic yards or more.* The following standards shall apply to land excavation or fill which is 1,000 cubic yards or more.
    - a. Land excavation or fill may be permitted pursuant to Table 138-355 – Table of Uses for Zoning District.
    - b. A site plan shall be provided pursuant to the requirements limited in Chapter 138, Article II, Division 5. In addition to these requirements, site plans shall depict the proposed on-site truck routes, location of excavation/fill activity, and location of surface water and protected environmental features.
    - c. The site plan review and analysis shall determine whether the proposed finished grade will be compatible with the surrounding area and ultimate county drainage plan or existing patterns. The plan, once approved, shall become a condition upon which the excavation is permitted.
    - d. On fill areas where seawalls or bulkheads are required, no permits for construction shall be issued until the seawall or bulkhead has been completed, unless otherwise authorized as part of the project's original approval.
    - e. Landfills shall not be permitted within any well-field zone of protection as established by the county's well-field protection program.

## Section 138-3342 – 3349 Reserved

### DIVISION 12. - ANIMALS AND LIVESTOCK

#### Section 138-3350. – Farm Animals.

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

This section shall not apply to the following:

- (1) *Non-traditional* pets covered in Section 138-3352.
  - (2) *Backyard chickens* in urban areas as regulated in Section 138-3351.
- (c) *Standards*
    - (1) Farm animals shall not be maintained, raised or housed within any zoning district except where specifically authorized by this chapter.
    - (2) The keeping and maintaining of farm animals is permitted as part of an approved *Commercial agricultural activity* use pursuant to Table 138-355 – Table of Uses for Zoning Districts.
    - (3) Farm animals shall not be boarded within 100-feet of any residence on an adjacent property.
    - (4) A minimum property size of ½ acre is required to keep and maintain farm animals.
    - (5) Up to three (3) livestock and 10 fowl are permitted per acre of upland area. For this purpose of calculating the allowable number of animals, any fraction below 0.5 shall be rounded down. Any fraction 0.5 or above shall be rounded up.
    - (6) Waste containment and disposal is required, and shall be designed to minimize odor, vermin and insect infestation impacts on adjacent lots. The waste storage area shall be located and constructed in such a manner that minimizes exposure to rain or ponding water. Waste shall only be disposed in a manner allowed by law. Waste storage sites are not allowed within front yard setbacks and shall be subject to the following additional setback requirements:
      - a. 20-feet or greater from any property line.
      - b. 50-feet or greater from any well, lake, pond, wetland, stream or drainage ditch.
    - (7) An applicant may seek special approval to keep, board, and/or possess farm animals or nontraditional pets on any property otherwise restricted by this code, subject to Type 2 approval.

#### Section 138-3351. – Backyard Chickens.

- (a) *Purpose* – The purpose of this section to is allow chickens within some urban residential neighborhoods while limiting the intensity and potential impact on neighboring properties.
- (b) *Applicability* – The provisions of this section shall apply to the keeping of chickens on properties in the R-1 through R-5 and RPD zoning districts.
- (c) *Standards*

- (1) General conditions for the keeping of chickens in the R-1 through R-5 and RPD zoning districts.
  - a. For the purposes of this section of the code, the term "chicken" refers to female chickens only (i.e., hens).
  - b. Up to four chickens may be kept within an occupied single-family property located in the R-1, R-2, R-3, R-4, R-5 and RPD zoning districts. Chickens may be kept within manufactured home subdivisions, but not on duplex, triplex or multifamily properties, or within mobile home/manufactured home parks.
  - c. Chickens must be kept within a coop or fence enclosure.
  - d. Ducks, geese, turkeys, peafowl, adult male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this section of the code.
  - e. Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
  - f. Chickens shall not be slaughtered on premises.
  - g. The coop and enclosure must be screened from the neighbor's view, using an opaque fence and/or a landscape screen.
- (2) Location and requirements for chicken coops and enclosures in the R-1 through R-5 and RPD zoning districts.
  - a. Any chicken coop and fenced enclosure must be located in the rear yard. No coop or enclosure shall be allowed in any front or side yard. (Corner lots shall be excluded from the side setback restriction).
  - b. The coop and enclosure comply with the district setback standards.
  - c. If the coop structure exceeds 100 square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building code.
  - d. The coop shall be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators).
  - f. All stored feed must be kept in a rodent and predator-proof container.
  - g. The coop shall provide a minimum of three square feet per chicken and be of sufficient size to permit free movement of the chickens. The coop may not be taller than six (6)-feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.
- (3) Health, sanitation and nuisance as applied to the keeping of chickens in the R-1 through R-5 and RPD zoning districts.
  - a. Chickens shall be kept within a coop and enclosure. No person shall release or set any chicken free from such coop or enclosure.
  - b. Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
- (4) Enforcement.
  - a. In a public health emergency declared by the Director of the Pinellas County Health Department, including but not limited to an outbreak of Avian Flu or

West Nile virus, the county may require immediate corrective action in accordance with applicable public health regulations and procedures.

- b. No person convicted as a repeat violator of section may be permitted to, or continue to, keep chickens on their premises.

(5) This section applies no restriction on chickens in the A/E, E-1, and R-R zoning districts.

#### **Section 138-3352 – 3353 Reserved**

#### **Section 138-3354. - Dog Friendly Dining Program**

(a) *Purpose* - The purpose and intent of this section is to implement the program established by F.S. § 509.233 by permitting public food service establishments within Pinellas County, Florida, subject to the terms contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.

(b) *Applicability* - Pursuant to F.S. § 509.233, there is hereby created in the County of Pinellas, Florida, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the Pinellas County Dog Friendly Dining Program.

(c) *Standards*

(1) Permit required, submittals:

- a. In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless the public food service establishment possesses a valid permit issued in accordance with this section.
- b. Applications for a permit under this section shall be made to the county administrator, on a form provided for such purpose by the county administrator, and shall include, along with any other such information deemed reasonably necessary by the county administrator in order to implement and enforce the provisions of this section, the following:
  - 1. The name, location, and mailing address of the subject public food service establishment.
  - 2. The name, mailing location, and telephone contact information of the permit applicant.
  - 3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the county administrator. The diagram or plan

shall be accurate and to scale but need not be prepared by a licensed design professional.

4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
5. Written authorization to obtain the permit from the owner of the property on which the public food service establishment is located if the applicant is not the owner.
6. All application materials shall contain the appropriate division issued license number for the subject public food service establishment. Any permit issued to a public food service establishment under this section shall include the appropriate division issued license number of that establishment.

(2) General regulations; cooperation; enforcement.

- a. In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this section are subject to the following requirements:
  1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
  2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
  3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
  4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
  5. Dogs shall not be allowed on chairs, tables, or other furnishings.
  6. All table and chair surfaces shall be cleaned and sanitized between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
  7. Accidents involving dog waste shall be cleaned immediately and the area sanitized. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
  8. At least one sign reminding employees of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as further conditions of the permit by the county administrator, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.
  9. At least one sign reminding patrons of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as further conditions of the permit by the

county administrator, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.

10. At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.
11. Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.
  - b. A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section if such owner wishes to continue to accommodate patrons' dogs.
  - c. Permits shall expire on September 30 of each year. A public food service establishment must obtain a new permit for each fiscal year beginning on October 1 to operate a dog friendly dining program.
  - d. A permit may be revoked if, after notice, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this section. A revocation determination may be appealed to the county administrator within 30 days of the date of the determination.
  - e. In accordance with F.S. § 509.233, the county administrator shall accept, document, and respond to complaints related to the dog friendly dining program within Pinellas County, and shall timely report to the division all such complaints and the county's enforcement response to such complaint. The county administrator shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this section.
  - f. Any public food service establishment that fails to comply with the requirements of this section shall be in violation of this section of the Pinellas County Code and shall be subject to any and all enforcement proceedings pursuant to section 134-8 of the Pinellas County Code and general law.

**Section 138-3355 Reserved**

**DIVISION 13. – TEMPORARY USES AND STRUCTURES**

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

- (a) *Purpose* - The purpose of this section is to establish allowances, standards, and criteria for temporary uses and structures.
- (b) *Applicability* - The provisions of this section shall apply to temporary uses and structures upon a given property.
- (c) *Standards* -
  - (1) Construction offices and construction storage buildings for land under development may be allowed in any district for the purpose of development.
    - a. Authorization for a temporary use and structure shall only be granted after the filing of an acceptable preliminary site plan.
    - b. Any permit for a temporary use or structure shall expire at the end of two (2) years or upon completion of the project for which the temporary use has been authorized, whichever is sooner, and shall be removed or converted to a permitted use upon such expiration. Extensions to the original permit may be granted for a period of one year as a Type 1 review.
  - (2) Other temporary uses such as Christmas tree sales, pumpkin sales, rummage sales, temporary flea markets, carnivals, festivals, and promotional activities may be permitted under the following criteria:
    - a. The uses may be permitted in the residential agriculture district (R-A), office and commercial districts, industrial districts, mixed use districts, special districts, or public/semi-public districts; and may be permitted in other zones when on the site of an existing civic organization (i.e., place of worship, school, fraternal organization or similar activity).
    - b. No parcel shall be occupied by a temporary use for more than 60 days in any calendar year.
    - c. No zoning clearance or permit is required for a temporary use except as noted below. However, the operator of a temporary use must:
      - 1. Obtain written permission from the property owner and have such permission available on site during the operation of the temporary use.
      - 2. Provide adequate off-street parking as required by Chapter 138 Article X, Division 2.
      - 3. Ensure safe and adequate ingress and egress to the property, including safe sight distance for vehicles entering or leaving the property.
      - 4. Ensure that all use areas (i.e. sales, activities) other than parking are located at least 25-feet from a public right-of-way and residential properties.
    - d. The provisions of Section 138-3357 shall be met for any tent erected as part of operations.
    - e. The operator shall obtain permits for any structures to be located on the property or if such use requires electricity or plumbing permits the operator shall obtain such permits prior to operation.

- f. The county administrator or his designee shall have authority to require immediate compliance with the provisions of this section.
  - g. Nothing herein shall relieve an operator of a temporary use from complying with other applicable codes, ordinances, and regulations.
- (3) Garage/yard sales may be permitted under the following criteria:
- a. May be permitted at any residential use.
  - b. Shall be allowed to occur up to four (4) sales per calendar year for each parcel, not to exceed three (3) days per sale; AND
  - c. Shall be allowed to occur two (2) days per calendar year for a neighborhood-wide event.

**Section 138-3357. - Tents.**

- (a) *Purpose* - The purpose of this section is to establish standards for tents that are used for temporary events.
- (b) *Applicability* - This section shall be applicable to event tents. This section shall not apply to personal tents normally associated with camping or private family use.
- (c) *Standards* -
  - (1) Tents may be erected in any zoning district for a period not to exceed 30 days for the purpose of special sales, promotions, entertainment, educational, religious, evangelistic or similar special events, subject to the following:
    - a. The use of the tent shall be limited to an authorized use of the property in the zoning district where located.
    - b. The tent shall comply with all setback requirements.
    - c. Adequate off-street parking shall be provided as required by Article VII, Division 2 of this chapter.
    - d. The applicant shall submit a conceptual plan or drawing illustrating the location of the tent, the floor area and maximum capacity (number of persons) of the tent, the number and location of off-street parking spaces, a traffic circulation plan showing all ingress/egress locations, and the location of any structures and/or trees existing on site. Such plan shall be examined by Development Review Services to determine compliance with this chapter and other applicable codes, ordinances, or regulations. No clearance for a building permit shall be issued until such plan complies with these provisions.
    - e. Temporary tents shall be subject to fire code requirements.

**Section 138-3358 – 3359 Reserved**

**DIVISION 14. - PERFORMANCE STANDARDS**

**Section 138-3360. - General requirements.**

All uses in districts where reference is made to this chapter shall conform to the standards of performance described herein. It is the intent of this division to provide restrictions on properties so as to protect adjacent and nearby properties from noise, pollution, visual and other aesthetic distractions, and other similar undesirable effects.

**Section 138-3361. - Specific requirements.**

- (a) *Noise*. Every use shall be operated so as to comply with Chapter 58, Article XII of the Pinellas County Code.

- (b) *Screening.* Non-residential uses shall provide screening and/or buffering around certain outdoor land use activities that abut residential property for the purpose of mitigating undesirable impacts relating to noise, glare, and visual clutter. Where additional buffering/screening is required in other portions of this code, the stricter standard shall apply. The following screening requirements shall apply:
- (1) This requirement shall apply to the following land use activities that are within 50-ft of residential properties:
    - a. Accommodation uses including hotels/motels and bed and breakfast establishments;
    - b. Commercial agricultural activities;
    - c. Drive-thru facilities;
    - d. Kennels;
    - e. Manufacturing and other industrial processing activities;
    - f. Material and heavy equipment storage;
    - g. Outdoor dining/drinking areas;
    - h. Outdoor sales;
    - i. Service and loading areas;
    - j. Sports fields;
    - k. Vehicle sales;
    - l. Vehicle washing and detailing; and
    - m. Other similar uses as determined by the county administrator or designee.
  - (2) When buffering/screening is required, the non-residential land use activity shall provide one or both of the following:
    - a. A six-foot high opaque fence or wall shall be provided around the applicable land use activity for the portions that abut residential properties;
    - b. A 10-ft wide landscape buffer shall be provided around the applicable land use activity for the portions that abut the residential properties that includes a continuous hedge and a canopy tree every 10-ft;
    - c. Areas of access and sight visibility standards are exempt from providing either of the aforementioned buffering/screening options; or
    - d. Other screening/buffering methods may be allowed provided that the resulting situation meets the buffering intent. This may be approved as part of the site plan review process.
  - (3) All industrial process activities (welding, spray painting, fabrication or manufacture of products, equipment repair and similar processes) that are within 300-ft of residential properties shall be within completely enclosed buildings.
- (c) *Pollution, visible emissions, dust, dirt, odors and fumes.* Every use shall be operated so as to prevent the emission of smoke, dust, fumes or any other pollutant as defined by the State Department of Environmental Protection and Chapter 58, Article IV of the Pinellas County Code, from any source whatsoever in quantity or at a level which is or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property; or unreasonably interfere with the enjoyment of life or property, including outdoor recreation; or in excess of that specified or allowed by any state or county permit. Any operation which emits or can reasonably be expected to emit any pollutant shall obtain an appropriate permit from the Department of Environmental Protection and/or the county.

- (d) *Industrial sewage and waste.* Every use shall be so operated as to prevent the discharge into any stream, lake, or the ground of waste or other matter in amounts which will exceed the maximum standards established by local, federal or state law.
- (e) *Fire and safety hazard.* Each use shall be so operated as to minimize the danger from fire and explosion.
  - (1) All uses which are determined to be of a hazardous nature, using the standards set forth by NFPA (National Fire Protection Association), shall be provided with additional setbacks as determined by the above-mentioned NFPA standards.
  - (2) Such additional setbacks, if any, shall be determined by the County Fire Administrator during review of plans.
- (f) Outdoor Lighting. Refer to Section 138-3509. – Outdoor Lighting.

**Section 138-3362 - 3499 - Reserved.**

## **ARTICLE X – COMMUNITY DESIGN STANDARDS**

### **DIVISION 1. – GENERAL COMMUNITY DESIGN ELEMENTS**

#### **Sec. 138-3500. - Deed restrictions, Covenants, Easements, Other Regulations**

Nothing contained in this chapter shall abrogate or annul any easement, covenant, or other agreement between parties. However, that where this chapter imposes a greater restriction upon the uses of structures, land and water, or requires more open space than is required by other rules or regulations, or by easements, covenants or agreements, recorded deed, plat or otherwise, the provisions of this chapter shall govern.

#### **Sec. 138-3501. - Measurement of Height and Limitations**

- (a) Height shall be measured based on the following provisions; other exemptions of this section may be allowed:
  - (1) For flat roofs, height means the vertical distance from the mean (average) elevation of the existing grade to the height of the finished roof surface.
  - (2) For pitched roofs, height means the vertical distance from the mean (average) elevation of the existing grade to a point representing the midpoint of the peak and eave heights of the main roof structure.
  - (3) Height may be measured from the base flood elevation required by the National Flood Insurance Program when a structure is located in an area of special flood hazard. In these situations, the base flood elevation may be used in lieu of the mean elevation of the existing grade.

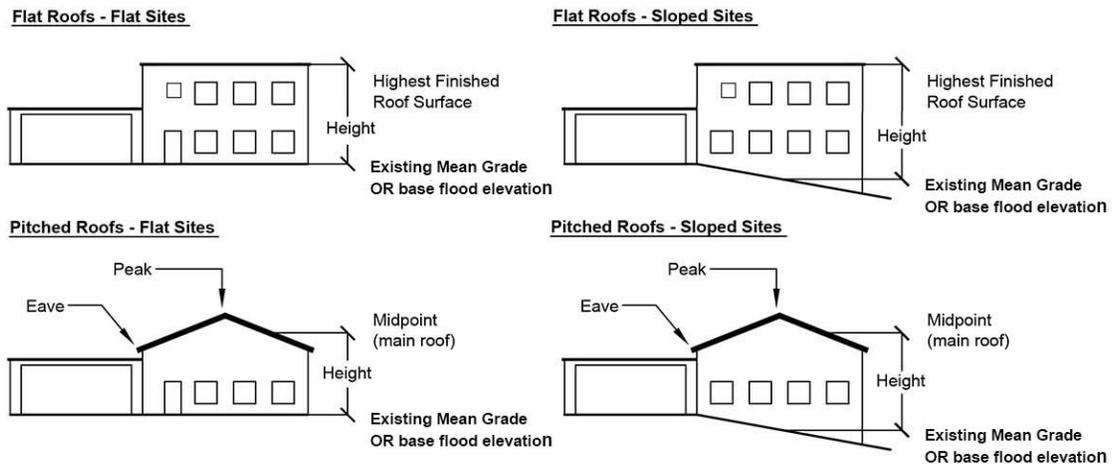


Figure 138-3501.(a)1 – Measurement of Height

- (b) Chimneys, water, fire, radio and television towers, smokestacks, flagpoles and similar structures and their necessary mechanical appurtenances, such as elevator shafts, ventilation equipment, etc., may be erected to a maximum of 20-feet above the height limits established in this chapter;
- (c) Parapet walls constructed on buildings with flat roofs shall be permitted to extend not higher than four (4)-feet over the maximum height specified for the zoning district in which the building is located. Portions of the parapet walls, fences, or other building elements that are intended to screen mechanical equipment or similar features shall be exempt from height limits to the extent that they provide screening.
- (d) The heights of these structures or appurtenances thereto shall in no case exceed the height limitations prescribed by the Federal Aviation Administration within the flight approach zone patterns of airports. Approval by the Federal Aviation Administration of such structure heights shall be required when structures are located within the flight approach zones of airports (see airport zoning regulations).
- (e) These standards shall not apply to signs, billboards or amateur radio antennas protected under F.S. Chapter 125.

**Sec. 138-3502. - Boundary Lines and Survey**

Prior to construction on any lot or parcel, the boundaries of such lot or parcel shall be accurately marked with appropriate markers set by a licensed surveyor. Markers shall thereafter be protected and shall be used by inspectors to determine required setbacks. A survey shall be required with development applications that will result in a new building or structure.

**Sec. 138-3503. - Road Frontage**

- (a) Except as otherwise provided in this chapter, no building shall be built, constructed, enlarged or structurally altered or moved on a lot, tract, or parcel of land which does not abut a publically accessible right-of-way for a distance equal to the minimum lot width required in the zoning district in which the property is located.

- (b) The county administrator or designee may waive the road frontage requirement when one of the following applies:
  - (1) It is impractical to provide adequate roadway frontage.
    - a. It is intended that such waiver may be granted to properties fronting on established private roads or easements where it would be impractical to provide adequate roadway frontage due to the size or configuration of properties or the size or configuration of the road or easement.
    - b. It is specifically not intended that a waiver be granted for new development where normal site development and platting requirements apply or where public road frontage can reasonably be provided
  - (2) On a lot, tract, or parcel of land recorded prior to January 30, 1990, the length of the abutting publicly accessible right-of-way frontage is less than the minimum lot width required per the zoning district in which the property is located. In evaluating a potential waiver of this subsection requirement, the county administrator or designee shall consider the property's ability to accommodate emergency access through established standards as required by the applicable fire department.
  - (3) Prior to such waiver being granted the applicant shall submit proof of a recorded ingress/egress easement for access to the property (such easement shall be reviewed and approved by the county attorney) and shall demonstrate compliance with established standards for emergency access as required by the applicable fire department. Where the curvature of such public right-of-way prevents this requirement from being met, the road frontage required in this section may be reduced as part of a Type 1 review.

**Sec. 138-3504. - Surface Drainage**

- (a) Prior to issuance of a building permit for any structure, the county administrator or designee shall review and make a determination whether the proposal has the potential to significantly change the drainage patterns in and around the property.
  - (1) For any development that requires a site plan, the applicant shall provide a lot/site grading plan as part of the review package.
  - (2) For all other development that requires a building permit but does not require a site plan, the applicant shall provide a lot grading plan and identify methods to address site drainage if the county administrator or designee determines significant drainage patterns may be affected by the proposed development action.
- (b) Such examination shall determine whether the drainage of the lot or parcel is compatible with the county drainage standards established in accordance with the adopted comprehensive plan and Stormwater Manual Levels-of-Service standards.
- (c) Additionally, a stormwater pollution prevention plan and/or an erosion control plan, as appropriate, is required for new construction activities which will include soil disturbance and/or clearing.
- (d) No zoning clearance shall be issued in such instances where the county administrator or designee, finds the plan to be incompatible with established drainage standards.
- (e) Methods used to address surface drainage shall be consistent with the standards contained in the adopted Pinellas County Stormwater Manual.
- (f) Impacts to floodplains shall be addressed in accordance with Chapter 158.

**Sec. 138-3505. - Setback Measurements, Allowances and Restrictions**

- (a) Setbacks shall be measured pursuant to the following standards and situations:
- (1) Setbacks shall be measured by the shortest dimension, running from the property line perpendicular to the structure. No land below the shoreline shall be credited as a part of a required yard or setback.
  - (2) No portion of an alley shall be considered as a part of a required setback.
  - (3) Corner lots and multiple-frontage lots shall be considered to have one front setback from the primary frontage. For setback purposes, the primary frontage shall generally be the frontage designated to bear the address and the principal entrance to the building or the narrower of the two frontages.
    - a. Side setback standards shall apply to all other sides of such a lot or parcel; except
    - b. A rear setback shall apply to the property line that is opposite of the primary frontage.
  - (4) Where right-of-way lines have been previously established by an action of the Board of County Commissioners for the purpose of future roads or widening of existing roads, all street setbacks shall be measured from the proposed right-of-way line.
  - (5) Wing walls shall conform to the normal setback requirements whenever they exceed the allowable fence height.
  - (6) Wherever a side or rear lot line in a commercial or industrial district abuts either a railroad right-of-way, a railroad siding tract, or a railroad easement, the side and rear setback requirements will not apply at the abutting side or rear line. Instead, a zero (0) foot setback for the construction of buildings will be permitted up to the abutting side or rear property line.
  - (7) The portions of a lot that abut an alley shall be considered a rear property line, unless otherwise stated in this code.
  - (8) All decks which exceed one (1)-foot above grade shall be considered as structures for the purpose of setback requirements in order to preclude encroachment and violation of privacy onto neighboring properties.
    - a. This shall not include docks approved by the water and navigation authority.
    - b. Where this situation does not exist, such as lots which abut natural areas or similar areas where there will be no such encroachment or violation of privacy, the county administrator may waive this provision and such deck shall not be considered as a structure for the purpose of meeting setback requirements.
    - c. This provision, however, in no way precludes the application of other provisions such as habitat management requirements, easement restrictions or similar provisions regulating the location of such uses.
- (b) Setbacks standards shall include the following encroachments, allowances, and/or limitations:
- (1) Porches and decks are subject to the applicable district front building setback(s); some districts allow for a separate, reduced front setback for porches and decks. This reduced front setback standard is not applicable to carports and other covered parking structures unless approved as part of a development master plan or equivalent.

- (2) Sills, eaves, cornices, chimneys, flues and similar projections may project into a setback area not more than three (3)-feet and shall not extend over adjacent property.
  - (3) Swimming pools shall have a rear property setback of eight (8)-feet or the minimum rear setback of the district, whichever is less.
  - (4) Swimming pools located on multi-frontage lots, with roadways on the opposite sides of the lot, are permitted a property setback of 15-feet or the minimum front setback of the district, whichever is less.
  - (5) Screen-only enclosures and outdoor kitchens are permitted a side and rear property setback of five (5)-feet or the minimum rear or side setback of the district, whichever is less.
  - (6) All residential structures, and their accessory structures, on waterfront lots or parcels shall be subject to the following setbacks limitations:
    - a. Where no seawall is present, structures shall be set back 25-feet from the mean high water mark in tidal areas or normal high water on lakes;
    - b. Where adequate seawalls or riprap stabilization exist, the setback requirement shall be 15-feet from the seawall or riprap stabilization.
    - c. Swimming pools and screen-only enclosures may be constructed pursuant to subsections (3), (4) and (5) of this section, provided that, certification from an Engineer registered in the state is submitted prior to issuance of a permit, verifying that the proposed structure will not affect the integrity or functioning of the seawall or its deadmen (underground support structures).
  - (7) Arbors and pergolas 100 square feet or less in size are not subject to setback standards provided that site visibility standards are addressed through structure placement/design.
  - (8) Other setback encroachments may be allowed to nonconforming situations pursuant to Chapter 138, Article II, Division 6.
  - (9) Mechanical equipment such as air conditioning units, pool equipment and generators should be placed adjacent to the structure, however a minimum three (3) foot separation shall be required from the property line.
    - a. For noise generating mechanical equipment, this setback encroachment is allowed only when the equipment generates noise that is sixty decibels (60dB) or less.
    - b. For equipment that generates between 60.1dB and 75dB, the applicable side yard setback shall apply.
    - c. Equipment that generates more than 75dB shall maintain a separation of 25 feet from any neighboring residential structure.
  - (10) Outside, unenclosed stairways may extend four (4) feet into any required yard but not closer to any side lot line than a distance of five (5) feet.
- (c) Setbacks standards for sheds apply as follows in residential districts:
- (1) For the purposes of this subsection and standards therein, sheds are described as stand-alone, non-inhabitable structures having 200-square feet or less area AND not having a foundation.
  - (2) Two sheds may be permitted as accessory to a residence. This shall not apply to properties in the R-A, R-E and R-R districts or as part of a bona fide agricultural activity.

- (4) Sheds, 12-feet or less in height, are permitted the following setbacks:
  - a. Three (3) foot side and rear setbacks, OR
  - b. Zero (0) foot side and rear setback within a six (6) foot high opaque fence.
- (5) Sheds over 12-feet tall shall comply with the district setbacks.
- (4) All sheds shall be designed in such a manner so that water runoff from the roof of the structure is not directed onto neighboring properties.
- (5) Sheds shall not be placed in the front yard between the main residence and the abutting street. Applicants may request a waiver to this standard where existing site conditions prevent the shed from being placed in other locations of the property.
- (6) Sheds may be permitted within an exterior side yard with a six (6) foot high opaque fence.
- (d) Setbacks standards shall not supersede or allow easement encroachment. The following shall apply:
  - (1) No portion of any structure shall be located within the area of a recorded public easement unless authorized by the county and/or other easement holder.
  - (2) Easement encroachment may not be authorized as a variance.

**Sec. 138-3506. - Uses over Open Water - Prohibited**

No developed use, except docks, bridges and piers, shall occur over navigable waters, sovereign submerged lands or waters of the county. This limitation shall not apply to decks, piers and similar structures to be constructed over retention ponds and similar water features.

**Sec. 138-3507. - Dumpsters and Trash Enclosures**

- (a) *General Standards.* Dumpsters are subject to the standards in this section.
  - (1) Dumpsters shall meet the minimum setbacks of the zoning district.
  - (2) Dumpsters shall be screened from street view with a solid fence or wall a minimum of six (6)-feet in height.
  - (3) Dumpsters shall be serviceable in that location by a waste hauler vehicle.
  - (4) The property owner shall be responsible for the repair and maintenance to the dumpster and associated enclosure(s). The areas surrounding the dumpster shall be free of garbage, trash, weeds and debris.
  - (5) Dumpster enclosures shall have gates across the full width of the opening when facing a street or right-of-way. The gates must have drop pins to secure them in the open and closed position.
  - (6) Dumpsters shall be subject to the performance standards in Chapter 138, Article IX Division 14 – Performance Standards.
  - (7) Dumpsters shall not cause a sight distance obstruction, per Section 138-3508, for vehicles maneuvering on the adjacent or any nearby street system.
  - (8) Areas surrounding dumpsters shall be landscaped pursuant to Division 3 of this Article.
- (b) *Prohibition for single-family districts.* Dumpsters are prohibited on all parcels zoned R-1, R-2, R-3, R-4 and R-5 with single-family detached dwelling units.
- (c) *Exemptions.* A dumpster which is located on a site on a temporary basis for the purpose of construction being done pursuant to a valid, current permit, trash collection, or cleaning of the site shall be exempt from the requirements of this section.

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

- (a) *General standards.* Sight visibility triangles are designated areas located near streets and/or driveway intersections that shall be free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All property shall maintain sight visibility triangles as described in this section.
- (1) Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or a driveway; and, on all corners of the intersection of an alley and driveway.
  - (2) Within sight visibility triangles, unobstructed sight lines and cross visibility shall be maintained between a height of three (3)-feet and eight (8)-feet.
  - (3) No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.
- (b) *Sight visibility triangle areas.* The required sight visibility triangle area is based on the type of intersection and specified below.
- (1) *Intersection of two (2) streets:* The sight visibility triangle is formed with two (2) sides being 25-feet in length along the abutting street rights-of-way lines (illustrated by the letter "B" on the diagram below), measured from their point of intersection, illustrated by the letter "A" in the diagram below, and the third side being a line connecting the ends of the other two (2) sides, illustrated by the letter "C" in the diagram below.

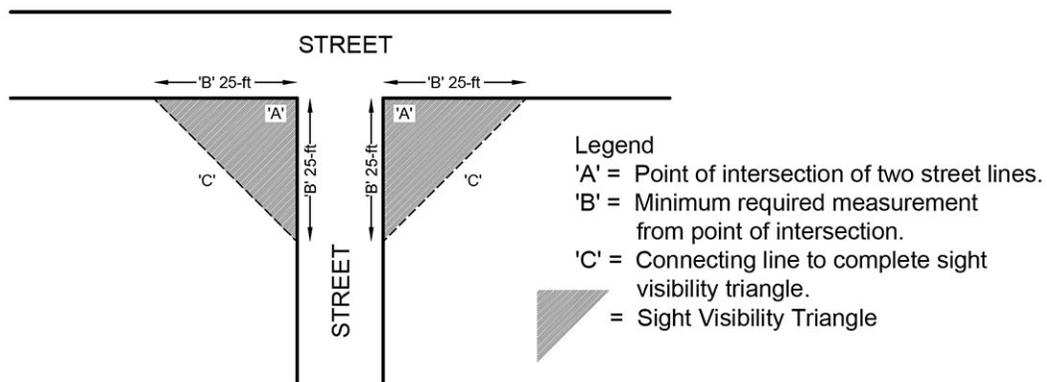


Figure 138-3508.(b)1 – Sight visibility triangle at the intersection of two streets.

- (2) *Intersection of an alley and a street, a street and a driveway, and/or alley and a driveway.* The triangle is formed on both sides of the alley and driveway with two (2) sides of each triangle being ten (10)-feet in length along the abutting street and/or alley rights-of-way lines, measured from their point of intersection, illustrated by the letter "A" on diagram below, and the third side being a line connecting the ends of the other two (2) sides, illustrated by the letter "C" on the diagram below.

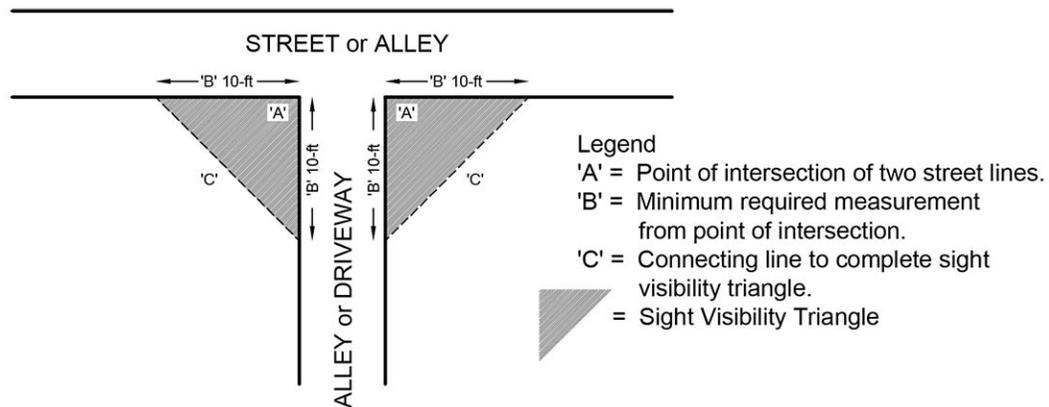


Figure 138-3508.(b)2 – Sight visibility triangle at the intersection of a street and alley or driveway; OR alley and driveway.

- (3) For all of the above cases, in the case of rounded corners and corner chords, the point at which the street/driveway/alley rights-of-way lines would meet, if extended without such rounding, will be used as the point of intersection, as illustrated by the letters "A" and "B" in the diagram below.

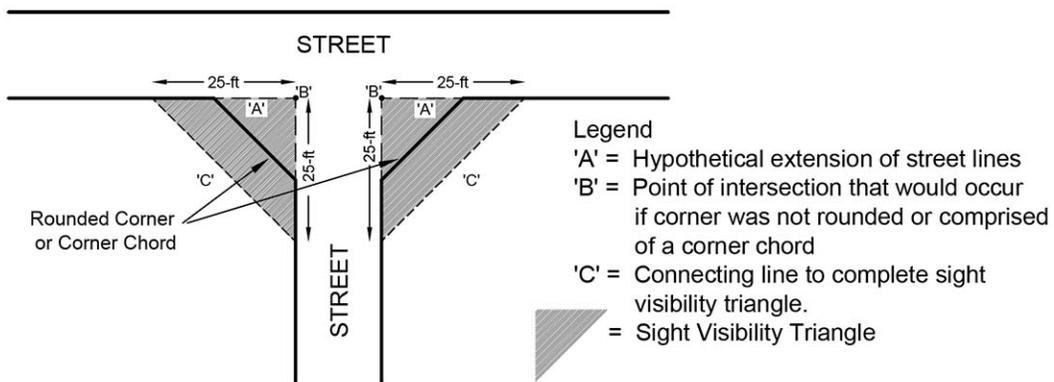


Figure 138-3508.(b)3 – Sight visibility triangle calculation with corner chords.

- (c) **Exemptions.** The following exemptions may apply to sight visibility standards.
- (1) The mixed-use district is exempt from the sight visibility triangle standards, provided that other engineering and design methods are implemented to ensure visibility and safety. This shall be reviewed as part of the site plan review.
  - (2) Transparent fences including chain link, wrought iron, and similar styles may be exempt so long as visibility is maintained through the fence.
  - (3) Governmental signage and governmental sign posts in the right-of-way.
  - (4) Fire hydrants, benches, and traffic control devices in the right-of-way.
  - (5) Utility poles and one utility transmission or control device in the right-of-way.

**Sec. 138-3509. – Outdoor Lighting**

- (a) **General standards.** All outdoor lighting devices shall be installed in conformance with the provisions of this code and the Florida Building Code. The provisions of this section are not applicable to street lighting.

- (1) All outdoor lighting shall be designed and installed to prevent glare and light trespass on abutting property.
  - (2) Outdoor lighting shall include full cut-off lighting fixtures. The term "full cut-off" has and is being used to describe luminaires that have no direct uplight (no light emitted above horizontal)
    - a. Full cut-off fixtures are required for all outdoor walkway, parking lot, canopy and building/wall mounted lighting, and all lighting located within those portions of open-sided parking structures that are above ground.
    - b. Lights that are properly installed in an architectural space (such as under a porch roof or a roof overhang) and that provide the functional equivalent of a full cut-off fixture do not need to include full cut-off fixtures.
- (b) *Maximum outdoor lighting fixture height.* The maximum height of exterior lighting fixtures, whether mounted on poles or walls or by other means, shall be as follows:
- (1) 20-feet in residential districts.
  - (2) 30-feet in all nonresidential districts.
  - (3) Lighting for outdoor sports fields are not subject to these height limitations; site compatibility concerns shall be reviewed as part of the site plan review.
- (c) *Exemptions.* The following are exempt from the requirements of this section:
- (1) *Motion-detecting security lighting.*
  - (2) *Street lights.* Located in public right-of-way and/or along private roadways.
  - (3) *Government facilities.* Outdoor light fixtures on, or in connection with facilities and land owned or operated by the federal, state, and /or local government, and the Pinellas County School Board. However, voluntary compliance with the intent and provisions of this section is encouraged.
  - (4) *Temporary construction and emergency lighting.* Lighting necessary for construction or emergencies, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating the lighting.
  - (5) *Hazard warning lighting.* As required by federal or state regulatory agencies.
  - (6) *Seasonal lighting.* Lighting that is clearly incidental to the use of the property and is customary and commonly associated with any national, local or religious holiday.
  - (7) *Flag lighting.* Up-directed lighting illuminating flags.
  - (8) *Incandescent and fluorescent lighting.* Incandescent lights 150 watts and less per fixture and fluorescent lights 20 watts and less per fixture.

**Secs. 138-3510 – 3599 Reserved**

## **DIVISION 2. – PARKING AND LOADING**

### **Sec. 138-3600. - Purpose and Intent**

This section establishes standards for the amount, location and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas. These regulations are designed to avoid parking shortages, to encourage compact development patterns, to accommodate redevelopment, and to recognize alternative modes of transportation.

### Sec. 138-3601. - General Requirements

- (a) *Required.* Any new use or change of use on a property shall be required to provide parking and loading spaces according to the standards established by this Division.
- (b) *Completion timing.* All required parking areas must be completed and landscaped prior to certificate of occupancy of any building or structure.
- (c) *Calculations for required parking spaces* (motor vehicle and bicycle parking).
  - (1) When computing parking spaces based on floor area, the use areas located inside all building or similar structures shall be included in the required parking calculation. However, interior areas used for motor vehicle parking are not included in the calculation (e.g. garages).
  - (2) The minimum number of required parking spaces is computed based on the primary and accessory uses on site. When there are two or more separate primary uses on a site, the required parking for the site is the sum of the required parking for the individual primary uses.
  - (3) When more than 20 percent of the floor area on a site is in an accessory use, the required parking is calculated separately for the accessory use. (e.g. for a 30,000 square foot building with a 25,000 square foot warehouse and a 5,000 square foot office area, the required parking shall be computed separately for the office and warehouse uses.)
  - (4) When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half shall require a full off-street parking space.
- (d) *Elimination of required parking spaces.* Once an off-street parking or loading space has been provided according to the regulations of this code, such off-street parking or loading space shall not thereafter be reduced, eliminated, or made unusable in any manner except as authorized by this code.
- (e) *Maintenance.* All required parking areas shall be permanently maintained and remain free and clear of litter and debris.

### Sec. 138-3602. – Motor Vehicle Parking

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

- (a) Motor vehicle parking quantity standards:
  - (1) *Parking quantity standards are established for each use:*
    - a. Each use/development shall provide at least the minimum required number of motor vehicle parking stalls.
    - b. In addition, some uses are limited to a maximum number of required parking stalls on the site.
    - c. *Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards* establishes the parking stall quantity minimums and limits for each use.
  - (2) Parking for motor vehicles shall be provided with one of the following standards:
    - a. The use/development shall provide the parking quantities consistent with *Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards*; OR

- b. When the proposed use is not specifically listed, the use/development shall provide the parking quantity for a similar use listed in *Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards*. The similar use(s) shall be determined by the county administrator or designee; OR
  - c. When the use/development is located in a special district and separate parking quantity standards are established therein, the use/development shall provide the parking quantities specified for the special district; OR
  - d. The applicant may prepare a parking study to identify the parking demand for the proposed use/development. The parking shall be based on a pre-determined methodology as determined between the applicant and the county. If the county agrees with the parking study findings, the use/development may provide the parking quantity identified therein. OR
  - e. The use/development may seek flexibility from the parking quantity as a variance or administrative adjustment based on the limits and standards of Chapter 138, Article II, Division 7 – Variances, Waivers, and Administrative Adjustments.
- (3) *Allowed Reductions*. The minimum motor vehicle parking stall quantity for each site may be permitted with the following administrative reductions; whereas, the cumulative of administrative reductions for subsections a. – d. below shall be limited to 30 percent.
- a. Properties located within one-quarter (¼) mile of a regularly-scheduled public transit line, with headways 30 minutes or less during am/pm peak times, may be permitted a 15 percent reduction
  - b. Where healthy trees and/or tree stands exist and are preserved within a proposed parking area, the use/development may be permitted up to a 15 percent reduction.
  - c. Properties located within the mixed-use district may be permitted a 15 percent reduction;
  - d. Properties located within a special district may be permitted the parking reduction allowances listed in Chapter 138, Article VIII.
  - e. A use/development requiring a minimum of 20 motor vehicle parking stalls may participate in a Bicycle Facility Improvement Program (BFIP) by providing on-site bicycle infrastructure to reduce the number of required motor vehicle parking by the following amounts:
    - 1. For each bicycle repair station that is installed by the developer, the development is allowed a reduction of two (2) motor vehicle parking stalls. Each repair station should include a bicycle mount, tools, tire pump, or similar elements.
    - 2. For each covered bicycle station with racks that is installed by the developer, the use/development is allowed a reduction of four (4) motor vehicle parking stalls.
  - f. The use/development is allowed a reduction of five (5) motor vehicle parking stalls for each designated on-site carpool/rideshare stall.

<b>Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards</b>		
<b>LAND USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING RATIO</b>	<b>MAXIMUM MOTOR VEHICLE PARKING RATIO</b>
<b>RESIDENTIAL USES</b>		
Accessory Dwelling Unit	None	None
Assisted Living Facility	0.33 stalls per unit	None
Dwelling, Multifamily	1.5 stall per unit	None
Dwelling, Attached	1.5 stall per unit	None
Dwelling, Detached	2.0 stall per unit	None
Dwelling, Manufactured or Mobile Home	1.5 stall per unit	None
<b>ACCOMMODATIONS</b>		
Bed and Breakfast	1.0 stall per room	None
Hotel	1.0 stall per room	None
Motel	1.0 stall per room	
RV Park/Campground	1.0 stall per campsite	None
<b>COMMERCIAL AND OFFICE USES</b>		
Alcohol Dispensing	3.0 stalls per 1,000-sf	None
Bank	4.0 stalls per 1,000-sf	150% of minimum
Health Club/Fitness Center	5.0 stalls per 1,000-sf	150% of minimum
Office, General	2.5 stalls per 1,000-sf	None
Office, Medical	3.0 stalls per 1,000-sf	None
Office, Veterinary	1.5 stalls per 1,000-sf	None
Restaurant, Quality <sup>(4)</sup>	5.55 stalls per 1,000-sf	150% of minimum
Restaurant, Sit-down <sup>(4)</sup>	10.6 stalls per 1,000-sf	150% of minimum
Restaurant, Fast-food <sup>(4)</sup>	10.0 stalls per 1,000-sf	150% of minimum
Restaurant, Fast-food with Drive Thru <sup>(4)</sup>	8.2 stalls per 1,000-sf	150% of minimum
Retail Sales and Service	4.0 stalls per 1,000-sf	150% of minimum
Shopping Center with a mix of retail, restaurant, and/or office tenants	4.0 stalls per 1,000-sf	150% of minimum
<b>INDUSTRIAL, MANUFACTURING AND WAREHOUSE USES</b>		
Laboratories and Research and Development	2.5 stalls per 1,000-sf	None
Manufacturing	1.0 stall per 1,000-sf	None
Publishing and Printing	3.0 stalls per 1,000-sf	None
Storage, Self / Mini Warehouse	0.2 stall per 1,000-sf	None
Warehouse	0.5 stall per 1,000-sf	None
<b>ARTS, RECREATION AND ENTERTAINMENT</b>		
Commercial Recreation	6.0 stalls per 1,000-sf	None
Golf Courses	9 per golf course hole	None
Museum	1.0 stall per 1,000-sf	None
Park	4.0 stalls per acre	None
Performing Arts Center	0.25 stalls per seat <sup>(2)</sup>	None
Theater/Cinema	0.25 stalls per seat <sup>(2)</sup>	None
<b>EDUCATION, PUBLIC ADMINISTRATION, HEALTHCARE, AND INSTITUTIONAL USES</b>		
Congregate Care Facility	0.33 stalls per unit <sup>(2)</sup>	None

<b>Table 138-3602.a – Motor Vehicle Parking Stall Quantity Standards</b>		
<b>LAND USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING RATIO</b>	<b>MAXIMUM MOTOR VEHICLE PARKING RATIO</b>
Day Care Facility, child and/or adult	3.0 stalls per 1,000-sf	None
Government Use	4.0 stalls per 1,000-sf	None
Hospital	3.5 stalls per bed <sup>(2)</sup>	None
Library	2.5 stalls per 1,000-sf	None
Meeting Halls and other Community Assembly	8.4 stalls per 1,000-sf <sup>(1)</sup>	None
Nursing Home	0.33 stalls per bed <sup>(2)</sup>	None
Place of Worship	8.4 stalls per 1,000-sf <sup>(1)</sup>	None
School, Pre-K – 8	0.2 stalls per student <sup>(2)</sup>	None
School, 9 – 12	0.5 stalls per student <sup>(2)</sup>	None
School, Post-Secondary, University, and/or Colleges	0.5 stalls per student <sup>(2)</sup>	None
Shelter / Short-Term Housing	1.0 stall per 1,000sf	None
<b>TRANSPORTATION AND OTHER USES</b>		
Marina	0.30 stalls per berth	None
<p>General Notes:</p> <ol style="list-style-type: none"> <li>1. The parking ratios for this use shall be based on only portions of the building that are primarily used for patrons and/or customers. Service areas, hallways, kitchens and similar building use areas may be exempt from the building area for the purposes of calculating parking.</li> <li>2. The parking ratio for this use may be based on the total building capacity.</li> <li>3. The use/development shall provide at least the minimum motor vehicle parking ratio but up to the maximum motor vehicle parking ratio.</li> <li>4. For the purposes of determining the motor vehicle parking quantity, the land use may be further defined by the traffic impact fee study (e.g. quality restaurant verses a sit down restaurant)</li> </ol>		

(b) Shared Parking Options:

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

- (1) *Option 1:* Two or more individual uses or owners may share a parking facility if the total minimum number of required spaces conforms to the parking provisions of Section 138-3602.(a) when computed separately for each use or building type; OR
- (2) *Option 2:* The individual uses may share a parking facility with reduced total amount of required parking spaces in accordance with *Table 138-3602.b - Shared Parking Matrix* and the following methodology.
  - a. Determine the minimum parking quantities in accordance with the provisions of Section 138-3602.(a) to get the total minimum parking quantity required;
  - b. Take the total minimum parking quantity required and divide it by the number that intersects with the two applicable, corresponding use functions in Table 138-3602.b.

- (c) Use this number as the required minimum number of motor vehicle parking spaces that shall be provided at any given time. When uses are located on separate lots/parcels from where the parking is located, a legal instrument shall be provided to ensure long term, legal use of the parking facility by the subject users (e.g. parking agreement, easement or the like). The legal instrument must be approved by the county attorney.

Table 138-3602.b – Shared Parking Matrix

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

1	1.1	1.1	1.4	1.3	1.3	1.4	1.2
1.2	1.7	1.7	1.2	1.3	1.3	1.4	1.2
1.4	1.2	1.2	1.2	1.4	1.2	1.3	1.4
1.5	1.2	1.2	1.2	1.2	1.2	1.5	
1.1	1.2	1	1.2	1.1	1.1		
1.2	1.2	1.2	1.2	1.2			
1.2	1	1.2					
1.1	1.1						
1							

(d) Accessible parking for disabled persons:

Motor vehicle parking for persons with disabilities shall be provided in the following manner:

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

TOTAL MOTOR VEHICLE PARKING STALLS IN LOT	REQUIRED NUMBER OF ACCESSIBLE STALLS
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 Plus 1 for each 100 spaces over 1,000

Table 138-3602.c – Minimum Number of Accessible Motor Vehicle Parking Stalls	
TOTAL MOTOR VEHICLE PARKING STALLS IN LOT	REQUIRED NUMBER OF ACCESSIBLE STALLS
General Notes: 1. A minimum of four spaces for the disabled shall be provided at a hospital or physical rehabilitation center.	

- (2) *Size:* Accessible parking stalls for the disabled which are diagonal or perpendicular shall be a minimum of 12-feet wide and 18-feet deep.
- (3) *Access:*
  - a. All accessible stalls for the disabled shall be provided with a curb cut or curb ramp to a pathway, a minimum of 44 inches wide, to provide access to the building served. The stall shall be located so that users will not be compelled to maneuver behind parked vehicles. Two accessible parking spaces may share a common access aisle.
  - b. All accessible stalls shall have an adjacent access aisle measuring at least 60 inches wide. Parking access aisles shall be part of the accessible route to the building or facility entrance.
- (4) *Location:* When considering all the parking on the site, the designated accessible spaces should be located closest to the primary building entrance. If there are multiple entrances or multiple retail stores, the accessible spaces must be dispersed to provide parking at the nearest building entrance.
- (5) *Markings:*
  - a. Accessible parking spaces shall be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "parking by disabled permit only."
  - b. Each such parking space must be prominently outlined in blue paint. The property owner shall be responsible to repaint the stalls as necessary.

(d) *Parking location:*

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

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

(e) *Development Standards for motor vehicle parking:*

This subsection is not applicable where parking for single-family detached, attached, two-family, and three-family units is provided as private driveways.

- (1) Parking shall be provided consistent with the following standards:

- a. Parking may be provided in a motor vehicle parking lot; AND/OR
  - b. Parking may be provided in a motor vehicle parking structure/garage; AND/OR
  - c. Parking may be provided along the abutting street when allowed by the roadway facility owner (i.e. local government, developer, or property owners association) and subject to the following conditions:
    - 1. Only street parking that abuts the site may be counted towards satisfying the minimum parking quantity standard.
    - 2. Certain roadway improvements may be required to accommodate street parking.
    - 3. Due to physical constraints and/or roadway classifications, some roadways may not allow, or be suited for, street parking.
    - 4. Street parking stalls shall remain available to the general public and not be reserved for the sole use of the adjacent businesses.
- (2) Parking stalls and associated aisles are subject to the following design standards.
- a. The minimum dimensional requirements for standard parking stalls and drive aisles are established in the following table; whereas, some additional reductions and allowances are listed the following subsections:

**Table 138-3602.d – Dimensional Requirements for Parking Stalls and Drive Aisles**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
0	8.0'	8.0'	12'	22'	28'	-
20	9.0'	15.9'	11'	23.6'	41'	32.5'
30	9.0'	17.3'	11'	18'	45.6'	37.8'
40	9.0'	19.1'	12'	14'	50.2'	43.3'
45	9.0'	19.8'	13'	12.7'	52.6'	46.2'
50	9.0'	20.4'	14'	11.7'	52.8'	47'
60	9.0'	21'	18'	10.4'	60'	55.5'

70	9.0'	21'	19'	9.6'	61'	57.9'
80	9.0'	20.3'	24'	9.1'	64.3'	62.7'
90	9.0'	18'	24'	9.0'	60'	-
A - Parking angle (degrees)		E - Minimum curb length (feet)				
B - Minimum stall width (feet)		F - Minimum overall distance between curbs (or equivalent)				
C - Minimum stall depth to aisle (feet)		for double row with drive aisle between (feet)				
D - Minimum drive aisle width (feet)		G - Minimum distance between ends of stalls (or equivalent)				
		for double row with drive aisle between				

- b. Parking Stall Standards: Parking for motor vehicles shall meet the following standards:
  - 1. Standard parking stalls are subject to the dimensional standards as listed in Table 138-3602.d.
  - 2. The dimensional standards may be modified as part of a Type 1 Path B administrative adjustment process.
  - 3. Compact stalls:
    - i. Compact stalls shall be at least 8-feet X 16-feet.
    - ii. Compact stalls may be used to satisfy up to 20 percent of the minimum motor vehicle parking quantity for a site.
  - 4. Standard parking stall dimensions may be reduced to allow for 2-ft of vehicular overhang when abutting a landscaping area.
  - 5. Motor vehicle stalls located in a parking lot shall be designed to directly access a drive aisle and/or alley.
  - 6. Motorcycle/scooter stalls:
    - i. Motorcycle/scooter stalls shall be at least 4-feet X 8-feet
    - ii. Motorcycle/scooter stalls may be used to satisfy up to five (5) automobile spaces or five (5) percent of the required parking spaces, whichever is less. Additionally, for every three (3) motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one (1) space.
- c. Parking drive aisle standards: Motor vehicle parking lot drive aisles shall meet the following dimensional standards:
  - 1. Drive aisles are subject to the dimensional standards as listed in Table 138-3602.d.
  - 2. One-way: drive aisles shall be at least 12-feet wide.
  - 3. Two-way: drive aisles shall be at least 24-feet wide.
  - 4. Drive aisles may be reduced to respond to and protect existing trees. Any reductions must result in sound engineering practices for safe vehicle maneuvering.

- 3) Surface Materials:
  - a. Parking lot stalls, driveways and drive aisles shall be constructed of asphalt, concrete, brick, pavers, or other similar material approved by the county.
  - b. The following surface material exemptions may apply:

1. Up to 50 percent of the motor vehicle parking stalls may be of grid pavers, reinforced grass, or other similar material approved by the County, OR
  2. Up to 100 percent of the motor vehicle parking areas for the following and similar uses may be grid pavers, grass, gravel, or other similar material approved by the county:
    - i. Agricultural uses
    - ii. Natural resources and wild life management areas
    - iii. Nurseries / greenhouses
    - iv. Parks and recreation areas
    - v. Places of worship, meeting halls and other community assembly facilities
  3. Non-paved surfaces of parking areas and associated drives shall be stabilized and provided with appropriate dust control.
  - c. All accessible stalls and accessways shall be paved with asphalt, concrete or similar hard-surface material approved by the county. Accessible parking for Disabled persons requirements/standards may not be reduced.
- (4) Access standards:
- a. All motor vehicle parking lots shall be designed to allow vehicles to enter and exit the street in a forward motion. An exception may be allowed in cases where parking is provided abutting an alley.
  - b. A tandem parking arrangement may be allowed only when provided in the following situations:
    1. as part of an associated valet service; and/or
    2. as part of a multi-family development where the set of tandem stalls are assigned to the same unit; and/or
    3. as part of designated employee parking.
  - c. Motor vehicle parking lots shall provide for internal vehicle connections at logical locations between abutting parking lots and adjacent non-residential and multi-family properties. Exceptions to this standard are allowed to protect natural resources, where onerous topographic features exist, and to comply with design restrictions from other governing agencies.
- (5) Stacking requirements for parking lot entrances:
- a. Each parking lot driveway shall provide clear, unobstructed motor vehicle stacking lane distances between the street right-of-way and any motor vehicle parking stalls.
  - b. Stacking distances shall not apply to driveways or portions of the parking lot that access an alley or neighboring parking lot.
  - c. The use/development shall provide the minimum stacking lanes subject to *Table 1381602.e – Minimum Parking Lot Stacking Standards*.

Table 138-3602.e – Minimum Parking Lot Stacking Distances	
TOTAL MOTOR VEHICLE PARKING STALLS IN LOT	MINIMUM STACKING LANE DISTANCE PER DRIVEWAY MEASURED FROM THE ROAD RIGHT-OF-WAY TO A PARKING STALL
1 – 49	25-ft

Table 138-3602.e – Minimum Parking Lot Stacking Distances	
TOTAL MOTOR VEHICLE PARKING STALLS IN LOT	MINIMUM STACKING LANE DISTANCE PER DRIVEWAY MEASURED FROM THE ROAD RIGHT-OF-WAY TO A PARKING STALL
50 – 249	50-ft
250 or more	100-ft

- (6) Design criteria:
  - a. Motor vehicle parking lots shall also be constructed consistent with any zoning district design criteria and any applicable specific use standards that may apply to the proposed use.
  - b. *RESERVED*
- (f) Development standards for residential driveway/garage parking:
  - (1) On-site parking for single-family detached, attached, two-family, and three-Family units may be provided in a driveway, carport, and/or in a garage. Parking provided as parking lots shall be applicable to the standards in subsection (e).
  - (2) Residential private driveways shall be subject to the following development standards:
    - a. Minimum width: 10-feet.
    - b. Maximum width: the portions of the driveway that connect to the public right-of-way shall be subject to the following width limitations:
      - 1. 20-feet for lots less than 80-feet wide.
      - 2. 33 percent of the lot width up to a maximum of 28-feet for lots 80-feet wide or more.
    - c. Minimum depth:
      - 1. Driveways that are used for parking shall provide at least 20-feet of depth as measured from the adjacent street right-of-way.
      - 2. Driveways that have less than 20-feet of depth as measured from the adjacent right-of-way may not be used for motor vehicle parking. To discourage illegal parking, no structure shall be constructed/installed that results in a driveway depth that measures between five (5)-feet and 20-feet from the adjacent street right-of-way.
    - d. Surface Materials:
      - 1. The portion of the driveway located within the right-of-way shall be constructed of materials approved by the county.
      - 2. The portion of the driveway located within the property boundaries shall be constructed of asphalt, concrete, brick, pavers, grid pavers, crushed stone, rock, gravel or other similar material approved by the county. Grass or landscaped strips may be provided outside the wheel support sections of the drive (e.g. ribbon driveways).
- (g) Electric vehicle charging stations
  - (1) An Electric Vehicle Charging Station (EVCS) is an optional site element that provides power supply to electric motor vehicles.
  - (2) Where an EVCS is provided, the adjacent parking shall be reserved for vehicles that can be electrically charged.

**Sec. 138-3603. – Bicycle Parking**

Bicycle parking encourages shoppers, customers, employees, and other visitors to use bicycles by providing a convenient and readily accessible place to park and secure bicycles. Bicycle parking should be placed near main entrance(s) of a building and should be accessible to pedestrians and bicyclists.

- (a) Minimum bicycle parking quantity: Bicycle parking shall be provided with one of the following standards:
  - (1) The use/development shall provide the parking quantities listed in *Table 138-3603.a – Minimum Number of Bicycle Parking*; OR
  - (2) When the proposed use is not specifically listed, the use/development shall provide the parking quantity for a similar use listed in *Table 138-3603.a – Minimum Number of Bicycle Parking*. The similar use(s) shall be determined by the county administrator or designee; OR
  - (3) The use/development may seek flexibility from the bicycle parking quantity as a Variance or Administrative adjustment based on the limits and standards of Chapter 138, Article II, Division 7.

<b>Table 138-3603.a – Minimum Number of Required Bicycle Parking</b>	
<b>LAND USE</b>	<b>MINIMUM BICYCLE PARKING STANDARD (3)</b>
<b>RESIDENTIAL USES</b>	
Accessory Dwelling Unit	None
Multifamily and other similar residential uses	2, or 1 bicycle spaces per 20 units
Single Family Attached	None
Single Family Detached, Two-Family, Three Family and manufactured homes	None
<b>ACCOMMODATIONS</b>	
Hotel/ Motel and similar uses	2, or 1 bicycle spaces per 20 units
RV Park/Campground	2, or 1 bicycle spaces per 20 sites
<b>COMMERCIAL AND OFFICE USES</b>	
Restaurant and similar uses	2, or 1 bicycle spaces per 5,000 of building square-footage
Retail Sales and Service and similar uses	2, or 1 bicycle spaces per 5,000 of building square-footage <sup>(1)</sup>
Office and similar uses	2, or 1 bicycle spaces per 10,000 of building square-footage <sup>(1)</sup>
<b>INDUSTRIAL, MANUFACTURING, AND WAREHOUSING USES</b>	
Industrial, Manufacturing, and similar uses	2, or 1 bicycle spaces per 15,000 of building square-footage
Warehouse and similar uses	2, or 1 bicycle spaces per 40,000 of building square-footage <sup>(1)</sup>
<b>ARTS, RECREATION, AND ENTERTAINMENT USES</b>	
Commercial Recreation, and similar uses	2, or 1 bicycle spaces per 5,000 of building square-footage <sup>(1)</sup>
Museum, Cultural, and similar uses	2, or 1 bicycle spaces per 10,000 of building square-footage <sup>(1)</sup>
Parks, Open Space, and similar uses	4, or 1 per 20 motor vehicle spaces

<b>Table 138-3603.a – Minimum Number of Required Bicycle Parking</b>	
<b>LAND USE</b>	<b>MINIMUM BICYCLE PARKING STANDARD (3)</b>
Theater/Cinema and similar uses	2, or 1 bicycle spaces per 10,000 of building square-footage <sup>(1)</sup>
<b>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND INSTITUTIONAL USES</b>	
Day-Cares	2, or 1 bicycle spaces per 10,000 of building square-footage
Schools, grades K-5	3 per classroom <sup>(2)</sup>
Schools, graded 6-12	5 per classroom <sup>(2)</sup>
Schools, All Others	2, or 1 bicycle spaces per 10,000 of building square-footage
<p>General Notes:</p> <ol style="list-style-type: none"> <li>1. The bicycle parking ratios for this use shall may be based on only portions of the building that are primarily used for patrons and/or customers. Service areas, hallways, kitchens and similar building use areas may be exempt from the building area for the purposes of calculating parking.</li> <li>2. The parking ratio for this use may be based on the total building capacity.</li> <li>3. Wherever this table indicates two numerical standards, the larger resulting quantity shall apply.</li> </ol>	

(b) Development standards for bicycle parking:

(1) Location:

- a. For a building with one main entrance, the bicycle parking shall be within 100-feet of the main entrance to the building.
- b. For a building with more than one main entrance, the bicycle parking shall be distributed along all facades with a main entrance and shall be within 100-feet of at least one main entrance on each facade.
- c. For sites with more than one primary building, the bicycle parking shall be distributed evenly amongst the primary buildings and shall be within 100-feet of a main entrance.

(2) Bicycle parking design (bicycle racks):

- a. Bicycle racks or similar features shall be provided with the primary purpose to allow bicycles to be securely attached to the apparatus. Sign poles, planters, and utility lines shall not be considered bicycle parking racks or used to satisfy the bicycle parking requirement.
- b. Bicycle rack design shall accommodate a high security, U-shaped lock.
- c. Bicycle racks shall be securely anchored to the ground, a building, or a paved surface.
- d. Bicycle racks shall be constructed using decorative, durable finishes that are not damaged by the constant abrasion from bicycles.

**Sec. 138-3604. - Off-street Loading**

Off-street loading is generally required for certain uses and building sizes to allow for the orderly delivery of goods and services to and from the property. Off-street loadings shall be provided and developed consistent with this section.

- (a) Minimum off-street loading quantity: Loading shall be provided for the following uses and associated building areas:

<b>Table 138-3604.a – Minimum Number of Required Off-Street Loading</b>	
<b>LAND USE</b>	<b>MINIMUM NUMBER OF LOADING</b>
Commercial and Institutional Uses	
Buildings between 15,000 to 19,999 sf	1 berth for local delivery trucks
Buildings between 20,000 to 49,999 sf	1 berth for local delivery trucks
Buildings between 50,000 to 99,999 sf	1 berth for semi-trucks
Buildings 100,000 sf and more	2 berths for semi-trucks PLUS 1 berth for each addition 50,000 sf
Office	
Buildings 100,000 sf and more	1 berth for local delivery trucks
Industrial	
Buildings up to 9,999 sf	1 loading space
Buildings between 10,000 to 39,999 sf	1 berth for semi-trucks
Buildings 40,000 sf and more	2 berths for semi-trucks PLUS 1 berth for each addition 50,000 sf

- (b) Development standards for off-street loading:

(1) Loading location(s):

- a. All loading shall occur on-site and may not occur from a public road right-of-way. Exceptions may include private, internal local streets where alternate vehicle access routes are available when loading activity occurs.
- b. In no case shall the use of a loading space or berth hinder the movement of vehicles and pedestrians over a street, alley or sidewalk.

(2) Loading dimensions:

- a. *Loading space*: loading spaces shall be at least 9-feet X 18-feet
- b. *Loading berth for local delivery trucks*: berths shall be at least 10-feet X 25-feet
- c. *Loading berth for semi-trucks*: berths shall be at least 10-feet X 60-feet and shall allow for a 16-foot high clearance.

**Section 138-3605 - 3649 - Reserved.**

**DIVISION 3 – LANDSCAPING, HABITAT PROTECTION, AND WETLAND BUFFERS**

**Section 138-3650 - Purpose and Intent**

The purpose of this division is to preserve the existing natural environment and provide landscape improvements on private properties and public rights-of-way in order to promote a positive urban image, enhance property values, strengthen the fabric of the surrounding community, promote context-sensitive growth that recognizes land use and transportation goals, establish a harmonious relationship between the natural and built environment, and enhance the overall aesthetic quality of development in the county. The landscape regulations are intended to achieve the following objectives:

- Conserve water by preserving existing established and native landscaping, encouraging the use of “Florida-Friendly” and native trees, palms, shrubs, grasses, and

ground covers, and establishing standards for the installation of landscape material and irrigation systems.

- Reduce the visual impact of large building masses, paved surfaces and vehicular use areas.
- Improve the appearance of unincorporated Pinellas County by creating quality urban environments that are sustainable over time.
- Improve environmental quality through the use of Low Impact Development (LID) techniques that will improve water quality, facilitate aquifer recharge and reduce stormwater runoff, and reduce “heat island” effects.
- Increase land values by providing landscaping that will function as a capital asset.
- Provide for safer and more pedestrian-friendly walking environments by forming and framing public spaces with trees which provide distinct edges to sidewalks so that motorists better distinguish between their environment and one shared with people.
- Provide habitats for urban wildlife.
- Protect native plant species and habitats by eliminating invasive exotic species that threaten the ecosystem.

#### **Section 138-3651 - Application of Landscape Regulations and Required Maintenance**

- (a) All new landscaping, tree protection actions, conservation, and plant/tree maintenance shall be provided in accordance to this division. The following exceptions apply:
- (1) When the use/development is located within a special district and separate landscaping and/or conservation standards are established therein, the use/development shall comply with the requirements specified in that district, AND/OR
  - (2) When the use/development is subject to any specific use standard of Chapter 138, Article IX, and additional landscaping and conservation requirements are established, the stricter standard shall apply. AND/OR
  - (3) When the property is in or is experiencing a state of emergency such as flooding, fire, tornado, and/or hurricanes AND the plant material creates a safety hazard.
- (b) *Change in use with no site improvements.* Sites that experience a change in land use (example Retail to Restaurant) shall provide landscaping consistent with the following:
- (1) When the change of use includes a building permit, the site shall be enhanced to include landscaping improvements consistent with the non-conforming provisions of Chapter 138 Article II Division 6. This standard shall require limited landscaping improvements based on a proportional value of the building improvement, AND
  - (2) The site shall be required to demonstrate the property contains the landscaping material consistent with any previously-approved development plans.
    - a. If the existing site has less landscaping material than what was originally approved, the plant material shall be replaced with the same or similar species prior to certificate of occupancy.
    - b. If there is no previously-approved site plan OR the county is unable to produce/locate the previously-approved site plan, this subsection does not apply.
- (c) *Existing development.* Existing development not meeting the requirements contained in this section shall be brought into compliance under one of the following conditions:

- (1) Any portions of the site that are developed/redeveloped shall be constructed to comply with the provision of this Division;
- (2) Other portions of the site shall be enhanced to include proportional landscaping improvements consistent with the non-conforming provisions of Chapter 138, Article II, Division 6 based on building improvements. This standard shall require limited landscaping improvements based on a proportional value of the building improvement;
- (3) The site shall be required to demonstrate the property contains the landscaping material consistent with any previously-approved development plans.
  - a. If the existing site has less landscaping material than what was originally approved, the plant material shall be replaced with the same or similar species prior to certificate of occupancy.
  - b. If there is no previously-approved site plan OR the county is unable to produce/locate the previously-approved site plan, this subsection does not apply.
- (d) *Development.* Any development on a vacant site or complete redevelopment on developed property shall be required to provide landscaping, tree protection, and wetland buffers in accordance with this division. Infill or highly constrained sites may seek the administrative adjustment or variance procedures to modify landscape requirements.
- (e) *Landscaping Installation.* Whenever landscape materials are required by this division, they shall be installed and maintained in accordance with the standards and requirements of this division. All landscaping installed or preserved to meet the requirements of this division shall be maintained in a healthy condition. Installed or preserved landscaping which dies after the development has been completed shall be replaced to meet the requirements of this division within 30 days.
- (f) *Property landscaping, tree and buffer maintenance.* All landscaping, trees, and buffers shall be maintained in good condition by the owner, tenant or their agent, so as to present a healthy, neat and orderly appearance.
 

No mangrove plant or tree shall be removed unless permitted by the county. All trimming and maintenance of mangroves is subject to the requirements of Chapter 403.9321 through 403.9333, Florida Statutes.
- (g) *Variations.* The use/development may seek flexibility from these landscaping, tree protection, and wetland buffer standards as a Variance or Administrative adjustment based on the limits and standards of Chapter 138, Article II, Division 7.

**Section 138-3652 - Reserved**

**Section 138-3653 - Undesirable Trees/Plants**

Due to their characteristics as exotic, invasive, and/or hazardous species, certain tree/plant species are classified as undesirable.

- (a) Undesirable tree/plant list.
  - (1) The County's undesirable tree/plant species table lists species considered undesirable, non-native, problematic, or invasive. The table can be viewed on the Pinellas County Building and Development Review Services webpage.
    - a. These species may be removed from any site subject to a no-fee permit,
    - b. These species shall not be counted towards meeting the minimum landscaping requirements for a site.

- (2) Undesirable trees/plants are further classified as Tier 1 and Tier 2 species.
- a. Tier 1 undesirable trees/plants shall not be planted in Pinellas County, AND existing species shall be removed as part of site development, building renovation and/or new house construction. Properties with existing single-family detached, single-family attached, three-family, and/or two-family dwellings in residential districts RA – R-5 are exempt from this requirement.
  - b. Tier 2 undesirable trees/plants may be planted in Pinellas County AND existing species may remain.

## Section 138-3654 - Tree Protection and Relocation

Existing Florida-native plant material shall be given priority for preservation in site development/redevelopment. Furthermore, existing healthy trees and native palms should be preserved and integrated into site landscape plans. There are no preservation goals for undesirable tree species.

(a) Tree protection requirements.

- (1) *Protected trees.* Existing high-rated, non-invasive trees and native palms shall be protected. Any impacts to protected trees shall include mitigating actions such as replacement or relocation. Protected trees shall include:
  - a. Any existing healthy tree with a diameter breast height (DBH) of four (4) inches or larger, measured at a height of 4.5-feet above the ground shall be considered a protected tree,
  - b. All healthy Sabal/Cabbage Palms six-feet in height or larger, and
  - c. All Buttonwood, Mangroves.
- (2) *Tree rating category:* As part of the permitting process, (i) existing trees with a DBH of four (4) inches or greater AND (ii) existing Sabal/Cabbage Palms six (6)-foot high or greater shall be rated on a scale of 0 through 6 based on *Table 138-3654.a. Tree Rating System*. The tree rating shall be assigned based on the tree/palm condition description listed in the table.
  - a. The tree rating assessment shall occur by the applicable county staff, OR
  - b. The applicant may request that a certified arborist at the applicant's expense, conduct a tree rating assessment. In this option, the county administrator or designee will review the arborist's assessment and make the final determination.
- (3) *Permitted action and requirement:* Existing trees and palms shall be preserved replaced, relocated, and/or removed pursuant the permitted actions and requirements for each tree rating category as listed in *Table 138-3654.a: Tree Rating System*.

**Table 138.3654.a: Tree Rating System**

TREE RATING CATEGORY	TREE/PALM CONDITION DESCRIPTION	PERMITTED ACTION(S) AND REQUIREMENT(S)
0	Undesirable Tree Species. Invasive or Exotic Tree species regardless of health and size	<ul style="list-style-type: none"> <li>▪ See Section 138-3353</li> <li>▪ Minimum lot requirement still applies</li> <li>▪ No tree credit is allowed</li> </ul>
1	Dead/dying; (contains at least 75% deadwood)	<ul style="list-style-type: none"> <li>▪ The tree may be removed subject to permit approval.</li> <li>▪ The tree shall be removed if part of site development/redevelopment</li> <li>▪ Minimum lot requirement still applies</li> <li>▪ No tree credit is allowed</li> </ul>
2	The tree shows staghorn (dieback), mechanical, insect and/or disease damage, and may require major repair, pruning and fertilization.; overall form and branching has been compromised; central leader is not present; severe co-dominance is evident; extreme tip dieback evident; More than 40% deadwood of the total crown area.	<ul style="list-style-type: none"> <li>▪ The tree may be removed subject to permit approval.</li> <li>▪ Minimum lot requirement still applies</li> <li>▪ No tree credit is allowed</li> </ul>
3	Minor insect, disease and/or physiological problems such as decay, saprophytic decays and mistletoe but is treatable; overall form is intact and in good shape, central leader is present; minor tip die back evident; There may be a need for some corrective pruning. Less than 30% deadwood of the total crown area.	<ul style="list-style-type: none"> <li>▪ The tree may be removed subject to permit approval.</li> <li>▪ Tree replacement/mitigation shall occur on an inch-for-inch basis. However, trees located within the planned building footprint are not protected and considered exempt for any replacement/mitigation requirements.</li> <li>▪ A tree credit is allowed on an inch-for-inch basis to be used towards required landscaping</li> </ul>
4	Little or no damage, infestation or disease is evident; Problems are easily treatable; overall form is very good to excellent. Less than 10% dead wood of the total crown area.	<ul style="list-style-type: none"> <li>▪ The tree may be removed if a part of a development/redevelopment plan</li> <li>▪ Tree replacement/mitigation shall occur on an inch-for-inch basis. However, trees located within the planned building footprint are not protected and considered exempt for any replacement/mitigation requirements.</li> <li>▪ A tree credit is allowed on an inch-for-inch basis to be used towards required landscaping</li> </ul>

Table 138.3654.a: Tree Rating System		
TREE RATING CATEGORY	TREE/PALM CONDITION DESCRIPTION	PERMITTED ACTION(S) AND REQUIREMENT(S)
5	No damage, infestation or disease is evident; overall form is excellent. Less than 10% dead wood of the total crown area.	<ul style="list-style-type: none"> <li>▪ The tree may be removed if part of a development/redevelopment plan AND</li> <li>▪ The tree may be removed if it is demonstrated that the site is not reasonably developable without removing the tree</li> <li>▪ Tree replacement/mitigation shall occur on an inch-for-inch basis. However, trees located within the planned building footprint are not protected and considered exempt for any replacement/mitigation requirements.</li> <li>▪ A tree credit is allowed on an inch-for-inch basis to be used towards required landscaping</li> </ul>
6	A historic/specimen tree that includes superior qualities and native to the region. No damage, infestation or disease is evident; overall form is excellent.	<ul style="list-style-type: none"> <li>▪ The tree may be removed if a part of a development/redevelopment plan AND</li> <li>▪ The tree may be removed if it is demonstrated that the site is not reasonably developable without removing the tree.</li> <li>▪ Tree replacement/mitigation shall occur on a two inch-for-inch basis. However, trees located within the planned building footprint are not protected and considered exempt for any replacement/mitigation requirements.</li> <li>▪ A tree credit is allowed on a two inch-for-inch basis to be used towards required landscaping.</li> </ul>

(4) *Tree removal/replacement standards:*

- a. Trees having a 0, 1, or 2 tree rating may be removed and no replacement value is required. However, minimum lot requirement still applies.
- b. Trees having a 3, 4, 5, or 6 tree rating may be removed but the total DBH of the existing tree(s) to be removed shall be replaced with new trees based on the following ratio(s):
  1. 3, 4, and 5 rated trees shall be replaced on an inch-for-inch basis.
  2. 6 rated trees shall be replaced on a two-inch-for-inch basis.
- c. Trees having a 4, 5, or 6 tree rating may be permitted to be removed only if part of site development activity.
- d. Replacement trees shall be provided on the same site as the original tree that was removed. The following alternatives may be allowed:
  1. The applicant may provide a monetary contribution to a formally-adopted tree mitigation fund at a rate established by the Board of County Commissioners.
  2. The tree may be relocated subject to the standards of this section.

- (5) *Tree removal permit*: A tree removal permit is required to remove any existing tree as applicable in this section.
  - (6) *Tree preservation credit standards*: Preserved trees having a 3, 4, or 5 tree rating may be credited towards the required landscaping on an inch-for-inch basis. Trees having a 6 tree rating may be credited at a two-inch for inch basis. This credit shall be calculated based on DBH and applied to the minimum landscaping materials required in Section(s) 138-3658 and/or 138-3659.
- (b) Relocation of existing trees.
- (1) The relocation of existing trees is not required but is an alternative to clearing/removal. The standards of this section shall apply to the relocation of existing trees.
    - a. *Tree removal permit*. Although a tree removal permit is required for tree relocation, the tree removal permit fee may be waived if, in the opinion of the county, appropriate measures are taken to ensure a reasonable chance of survival. Appropriate measures may include the pruning of limbs, root pruning well in advance of relocation, protection of root mass, trunk, branches, and foliage during relocation, relocation to an appropriate planting location, preparation of the new planting pit, and maintenance after completion of the relocation. It is recognized that plant mortality may occur even if such measures are taken.
    - b. *Transplant sites*. Relocated trees may be transplanted onto the same site or onto other sites under the same ownership; onto private sites under different ownership with the approval in writing of the owner of that site; or onto public property with the written consent of the county.
    - c. *Value*. Relocated trees, if transplanted onto the same site, will be counted as existing trees of the same size when determining conformance with the landscape requirements.

**Section 138-3655 – Minimum Plant Material Specifications**

Plant materials which are utilized to satisfy the required landscaping shall comply with the following minimum standards:

- (a) Plant species selection:
  - (1) All new and replacement plantings shall be graded State Department of Agriculture Nursery Grade No. 1 or better, as specified by the State Division of Plant Industry Grades and Standards for Nursery Plants manual published by the Florida Department of Agriculture and Consumer Services.
  - (2) Any plant material used to meet the minimum standards of this division shall be chosen from the county's approval plant as listed in Section 138-3664. Species listed as an undesirable tree in this division cannot be used towards meeting the minimum standards of this division.
  - (3) At least 60 percent of the plant species shall be native varieties.
  - (4) The plant species may be further defined in special districts.
  - (5) In the event of a market shortage, the county administrator or designee may approve a reduction of the required caliper to the largest available Grade No. 1 equivalent plant.
- (b) Plant specification requirements:

- (1) Plants shall meet the minimum specification as listed in *Table 138-3655.a – Plant Specification Requirements* at the time of installation.

<b>Table 138-3655.a - Plant Specification Requirements</b>			
<b>PLANT</b>	<b>SIZE (AT INSTALLATION)</b>	<b>QUALITY</b>	<b>OTHER REQUIREMENTS</b>
Shade Tree	<ul style="list-style-type: none"> <li>▪ 2.0" caliper</li> </ul>	Florida Grades and Standards	<ul style="list-style-type: none"> <li>▪ Species diversity is preferred over monoculture. Shade trees subject to the Minimum Number of Tree Species of this Section.</li> <li>▪ Must be planted a minimum of five feet from any impervious area.</li> </ul>
Accent Tree	<ul style="list-style-type: none"> <li>▪ 1.5" caliper per stem</li> </ul>	Florida Grades and Standards	<ul style="list-style-type: none"> <li>▪ 2 accent trees = 1 shade tree;</li> <li>▪ no more than 25% of required trees may be accent trees.</li> </ul>
Palm Tree	<ul style="list-style-type: none"> <li>▪ 12' clear trunk height</li> <li>▪ Certain palms noted on the approved plant list may be substituted on a 1 for 1 basis with shade tree requirements</li> </ul>	Florida Grades and Standards	<ul style="list-style-type: none"> <li>▪ 25% of required trees may be palm trees.</li> <li>▪ Staggered clusters of 3 palm trees = 1 shade tree, except for specimen palm trees such as: phoenix canariensis (canary island date palm), phoenix dactylifera (edible date palm) and phoenix reclinata (senegal date palm), which count as shade trees on a 1:1 ratio.</li> </ul>
Shrubs	<ul style="list-style-type: none"> <li>▪ Perimeter Hedges 24" - height and 3-gallon</li> <li>▪ Interior Hedges, Foundation Plantings and/or shrubs 15" height 3-gallon</li> </ul>	Florida Grades and Standards	<ul style="list-style-type: none"> <li>▪ Species diversity is preferred over monoculture.</li> <li>▪ Maintained a minimum of 36" in height</li> </ul>
Ornamental Grasses	<ul style="list-style-type: none"> <li>▪ 1-gallon</li> </ul>	Florida Grades and Standards	
Ground Cover/Vines	<ul style="list-style-type: none"> <li>▪ 1-gallon</li> </ul>	Florida Grades and Standards	<ul style="list-style-type: none"> <li>▪ Encouraged in lieu of turf to reduce irrigation needs.</li> </ul>
Turf	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>	Florida Grades and Standards	<ul style="list-style-type: none"> <li>▪ Turf areas are to be consolidated and limited to areas of pedestrian traffic, recreation use and erosion control.</li> </ul>

Table 138-3655.a - Plant Specification Requirements			
PLANT	SIZE (AT INSTALLATION)	QUALITY	OTHER REQUIREMENTS
Mulch	<ul style="list-style-type: none"> <li>▪ 3-inches minimum for organic mulch</li> </ul>	N/A	<ul style="list-style-type: none"> <li>▪ Mulch and similar material must be protected from washing out of the planting bed.</li> </ul>
<p>Notes:</p> <p>(1) All new and replacement plantings shall be graded State Department of Agriculture Nursery Grade No. 1 or better, as specified by the State Division of Plant Industry Grades and Standards for Nursery Plants manual published by the Florida Department of Agriculture and Consumer Services.</p> <p>(2) In the event of a market shortage, the county administrator or designee may at his/her discretion, approve a reduction of the required caliper to the largest available Grade No. 1 equivalent plant.</p>			

(c) Minimum shade tree species

- (1) A minimum variety of shade tree species shall be provided pursuant to *Table 138-3655.b: Minimum Number of Tree Species*.
- (2) Each species shall provide a minimum of ten (10) percent of the total number of trees.

Table 138-3655.b: Minimum Number of Shade Tree Species	
TOTAL NUMBER OF REQUIRED TREES	REQUIRED MINIMUM NUMBER OF TREE SPECIES
1-9	1
10-19	2
20-29	3
30-49	4
50-over	5

## Section 138-3657 - Street Trees

- (a) *Applicability.* The provisions of this section apply to the installation, maintenance, and removal of trees in the public right-of-way.
- (b) *Permit required.* All tree installation and removal within the public right-of-way requires county approval. This may be reviewed as part of the site plan approval process and/or as a Type 1 – Path A (department review) process.
- (c) *Installation requirements.* Street tree installation shall be conducted according to the Greenbook (Standard Specifications for Public Works Construction) recommendations.
- (d) *Maintenance.* Owners of private property are responsible for the maintenance of trees planted in or extending into the abutting rights-of-way. The following situations shall also apply:
  - (1) Where support tree staking and guying is provided at the time of installation, the stakes and guys shall be removed no later than one year after installation to prevent damage to the vegetation.
  - (2) Owners of private property shall not be required to pay to remove and replant any tree that they can prove by substantial competent evidence was fatally damaged by any public utility company.
- (e) *Location and spacing.* In general and where practical, street trees shall be of consistent size, spacing, and like species, in order to achieve a “tree-lined boulevard” appearance.
  - (1) The typical spacing for shade trees shall be between 20-feet and 40-feet on center.
  - (2) Where site conditions render shade trees impractical, accent or palm trees may be allowed at a spacing of not closer than 20-feet on center and not greater than 60-feet on center, with a typical spacing of between 20-feet and 40-feet, except as otherwise approved by the county.
  - (3) Minimum planting areas shall be in accordance with this Division.
- (f) *Tree size and species.* Trees shall comply with Section 138-3655. – *Minimum Plant Material Specifications.*
- (g) *Alternate landscaping location.* Development and redevelopment may satisfy a portion of their tree planting requirement by planting trees in the right-of-way adjacent to the subject property subject to county approval.
  - (1) Street trees shall be installed prior to the issuance of a certificate of occupancy and shall be maintained by the owner.
  - (2) Any street trees that have been removed, has died or do not meet the minimum standards of Florida #1, shall be replaced with trees by the owner.
- (h) *Residential neighborhoods.* Street trees shall be installed along all new local roadways within residential subdivisions and neighborhoods. This shall be reviewed as part of the site plan review process.
- (i) *Streetscape plans.* Street trees shall be installed pursuant to any streetscape plan that has been adopted by the Board of County Commissioners. This includes any streetscape plan that may be a part of a special area plan, development master plan or equivalent thereof. Street trees shall be installed by the abutting property owner or project sponsor at the time of property development/redevelopment.

**Section 138-3658 – Landscaping for Single-Family Detached, Attached, Two-Family, and Three-Family Residential Properties.**

(a) Single-family detached, attached, two-family, and three-family residential properties shall meet the following landscape requirements prior to the issuance of a certificate of occupancy and/or tree permit:

(1) *Minimum trees per lot.* Each developed lot shall have shade or accent trees planted or retained as follows:

a. Trees shall be provided/preserved pursuant to *Table 138-3658.a – Minimum Trees Per lot.*

Table 138-3658.a – Minimum Trees Per Lot	
Lot Size	Minimum Required Trees per lot <sup>(1)</sup>
Less than 3,000 square feet	<ul style="list-style-type: none"> <li>▪ 1 shade or accent tree</li> </ul>
3,001 to 6,000 square feet	<ul style="list-style-type: none"> <li>▪ 2 shade trees or accent trees <sup>(1,2)</sup></li> </ul>
between 6,001 to 9,500 square feet	<ul style="list-style-type: none"> <li>▪ 4 shade trees or accent trees <sup>(1,2)</sup></li> </ul>
between 9,501 to 16,000 square feet	<ul style="list-style-type: none"> <li>▪ 6 shade trees or accent trees <sup>(1,2)</sup></li> </ul>
16,001 square feet or greater	<ul style="list-style-type: none"> <li>▪ 8 shade trees or accent trees, <sup>(1,2)</sup> PLUS</li> <li>▪ One additional tree is required for each 2,000 square feet, or portion thereof, in excess of 16,000 square feet</li> </ul>

*General Notes:*

1. *Shade trees shall be prioritized. Accent trees may only be used and counted towards the minimum trees per lot requirement when adequate planting space and/or light is greatly limited on the lot and would not allow for healthy shade tree growth. Accent trees planted in lieu of required shade trees shall be at a ratio of 2:1.*

2. *Fifty percent (50%) of lot requirement must be shade trees.*

b. Each existing healthy tree with the following dbh measurement can be credited as specified:

1. 4" dbh–10" dbh – 1:1 shade tree credit
2. 10.1" dbh–20" dbh – 2:1 shade tree credit
3. 20.1" dbh–36" dbh – 3:1 shade tree credit
3. Over 36" dbh – 4:1 shade tree credit

(2) *Existing vegetation.* Existing vegetation shall be eligible to meet the requirements of this section. This shall not apply to any species listed as an undesirable tree.

(3) *Other permeable/unimproved areas.* Permeable/unimproved portions of private property including required yards shall be maintained with an herbaceous layer of sod, ground cover plant material, organic mulch, synthetic turf, and/or gravel. Mulch and gravel shall be maintained so that material and sediment does not enter the public storm sewer system.

(4) *Organic mulch.* Organic mulch is a beneficial addition to landscaping in many situations including, but not limited to, providing a surface covering under shrubs, or where groundcover material is maturing. The intention of these regulations is to allow mulch within a landscape while not allowing the entire yard to only be covered in mulch.

- a. *Installation standards.* Where used in lieu of sod or groundcover plant material, organic mulch shall be placed to a minimum depth of 3 inches. The top level of mulch shall not exceed the height of the immediately adjacent ground surface. Mulch shall not be placed directly against a plant stem or tree trunk. Non-organic groundcovers including decorative gravel or crushed stone shall be allowed only in planting areas (e.g., in gardens or hedge areas) and not as a substitute for sod, groundcover or organic mulch.
  - b. *Limits on installation.* Organic mulch may be used without limit underneath shrubs and trees, provided the groundcover, shrubs, trees or a combination thereof are planted and maintained at a cumulative ratio of at least 1 plant or tree, planted per each 50 square feet of organic mulched area. Plants or trees are to be planted within the mulch.
  - c. *Limits on installation in rights-of-way.* Organic mulch may be used in permeable areas of the right-of-way to keep moisture in the soil while other forms of approved groundcover plant material are maturing. Mulch is prohibited within 4 feet of the curb or edge of pavement, if there is no curb. Mulch in the right-of-way must be contained within borders sufficient to prevent flotation of mulch into the roadway. With the exception of permitted driveway or sidewalk materials, the use of shell, rock or other similar hardened non-organic surface materials in the right-of-way is prohibited.
- (5) *Irrigation.* Irrigation systems are not required
- (6) *Mobile home park lots.* Individual lots in mobile home parks shall be required to plant one shade or accent tree. When determining replacement requirements for tree removal from individual lots in mobile home parks, required replacements shall not be required to be replaced on individual lots but shall be replaced into areas maintained by the park as a whole, such as common areas, buffer areas, and areas around retention ponds. Where a mobile home park does not wish to replace a tree, a fee in lieu of replacement shall be required.
- (7) *Sight triangle.* All landscaping shall comply with the provisions of Section 138-3508. – *Sight Visibility Triangles.*
- (b) All required landscape material shall be provided on the subject site. The following alternatives may be allowed:
- (1) The required trees/shrubs may be planted within the abutting right-of-way when allowed by the roadway facility owner (i.e. local government, developer, or property owners association). AND/OR,
  - (2) The applicant may provide a monetary contribution up to 40% of the tree requirement to a formally-adopted tree mitigation fund at a rate established by the Board of County Commissioners AND/OR,
  - (3) The county administrator or designee, may allow applicants to construct and maintain structures with plant material that provide similar shade and vegetation function as a tree. (e.g. arbors with vines, shrubs, or similar plant material.) In this alternative, the amount of required trees may be reduced based on a near equivalent shade/vegetation function of a tree.

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

- (a) *Applicability.* The following standards shall apply to landscaping for non-residential and multi-family uses/developments.

- (1) *Perimeter surface parking lot landscaping.* A perimeter landscaping buffer shall be provided around all vehicular use areas. The required perimeter parking lot landscaping may be combined with other perimeter landscape areas (e.g. buffers along streets and/or abutting a residential use).
  - a. Landscaping areas shall be a minimum of five (5)-feet in width as measured from the edge of the vehicular use area.
  - b. Landscaping areas shall include the following minimum plant material:
    1. Three (3) trees per 100 linear feet.
    2. Continuous plantings of at least three (3)-feet in height. The continuous plantings may consist of shrubs, plants, and/or ornamental grasses. Plant material shall be spaced a maximum of 30 inches on center.
  - c. For buffers that contain overhead utility lines, the requirement for shade trees may be altered to accent trees, and/or Sabal/Cabbage Palms in clusters of three, at a ratio of 2.5 accent/palms for each required shade tree. These trees shall be grouped in clusters of three (3) at a maximum of 12-feet on center.
- (2) *Interior parking lot landscaping.* The interior portions of each parking areas shall be landscaped pursuant to the following:
  - a. *Required landscaped area.* Vehicular use areas with more than ten (10) parking spaces shall provide interior parking landscaping. Terminal and interior islands and divider medians shall be used to comply with required interior parking lot landscaping.
  - b. *Terminal islands.* Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes. Terminal islands shall be provided as follows:
    1. Each terminal island shall measure at least eight (8)-feet in width, measured from the inside of the curb.
    2. Terminal islands shall provide at least 150 square feet in landscaping area.
    3. Within terminal islands, 1 shade tree shall be required for every 150 square feet (or fraction above half thereof) of the interior parking lot landscaping, with a minimum of 1 shade tree required per terminal island.
    4. Terminal islands shall be landscaped with shrubs, accent plants, ornamental grasses and groundcover, excluding turf grass, planted to provide 100 percent coverage within 2 years.
    5. Shrubs, accent plants and ornamental grasses in islands adjacent to parking spaces shall be set back a minimum of 2-feet behind the edge of the planting area to provide for pedestrian access to parked vehicles.
  - c. *Interior islands.* Interior landscaping islands shall be provided within parking areas pursuant to the following:
    1. No more than an average of 24 parking spaces shall be allowed between islands in order to reduce the overall scale of the parking area.
    2. Each interior island shall measure at least eight (8)-feet in width, measured from the inside of the curb. Interior islands less than eight (8)-feet in width shall not be credited towards interior landscaping.

3. Within interior islands, 1 shade tree shall be required for every 150 square feet (or fraction above half thereof), with a minimum of 1 shade tree required per interior island.
- d. *Divider medians.* Parking lots in excess of 250 spaces shall provide landscaped divider medians for a minimum of 50 percent of all abutting rows of parking pursuant to the following:
  1. These divider medians shall be designed to form a continuous landscaped strip between abutting rows of parking areas.
  2. All access drives shall have divider medians.
  3. The minimum width of a divider median shall be four (4)-feet, measured from the inside of the curb.
  4. Three (3) shade trees or six (6) accent trees shall be required for each 100 linear feet of divider median (or fraction thereof).
  5. Shrubs shall be planted in divider medians which separate parking areas from access drives to form continuous plantings the full length of the divider median.
- (3) *Stormwater ponds and water bodies landscaping.* Stormwater ponds and water bodies may be required to be landscaped pursuant to the Pinellas County Stormwater Manual.
- (4) *Landscaping fence/wall for non-residential, subdivision, and multifamily projects.* Fences and walls shall be landscaped pursuant to the following standards:
  - a. Any street-facing fence/wall shall be landscaped with
    1. Continuous plantings, and
    2. Three (3) shade trees or six (6) accent trees for each 100 linear feet along the fence/wall (or fraction thereof).
    3. These requirements may be combined with other perimeter landscaping areas (e.g. perimeter landscaping along a street).
  - b. When a fence/wall is erected within a perimeter landscaping area, any required plant material shall be installed in the following arrangements:
    1. When the fence or wall is located along side or rear property lines, the required plant material *may* be placed on the inside of the fence/wall.
    2. When the fence or wall is located along a street right-of-way the following shall apply.
      - i. Required plant material *may* be placed on the inside of the fence/wall when the fence/wall is 36 inches or less in height.
      - ii. Required plant material *shall* be provided on the right-of-way side of the fence/wall (but not within the right-of-way) when the fence/wall exceeds 36 inches in height.
- (5) *Landscaping adjacent dumpster enclosures.* Dumpster enclosures visible from any street shall be landscaped with plantings. This shall not apply to portions of the enclosure with doors or gates.
- (6) *Landscaping adjacent to mechanical equipment.* Mechanical equipment, such as backflow prevention devices, utility cabinets, and air conditioners, visible from the street excluding alleys shall be landscaped on at least two (2) sides with continuous plantings comprised of shrubs planted no more than 30 inches on center. This

requirement may be waived if the screening will inhibit safety, accessibility and maintenance.

- (7) *Foundation landscaping.* Foundation planting shall be provided along the base of street-facing building facades subject to the following:
- a. Planting areas shall be a minimum of five (5)-feet in width as measured from the building edge and outward.
  - b. Planting areas shall include the following minimum plant material:
    1. Two (2) accent trees per 100 linear feet.
    2. 20 shrubs/plants/ornamental grass per 100 linear feet.
  - c. The following conditions or features are exempt:
    1. alley-facing facades
    2. areas of ingress/egress,
    3. patios and paved courtyards, and/or
    4. similar elements as above.
  - d. Where the foundation landscaping requirements conflict with any applicable buffering standards from Article IX Specific Use Standards AND/OR the Design Criteria for the underlying zoning district, the most restrictive standard shall apply.
  - e. Foundation landscaping may be designed/construction as LID stormwater facilities.
- (8) *Buffer averaging option.* Portions of the minimum required perimeter landscaping/buffers may be reduced up to one-third of the minimum width. However, additional landscaping areas shall be provided in other portions of the site to result in an overall buffer width that exceeds the minimum standard.
- (b) All required landscape material shall be provided on the subject site. The following alternatives may be allowed:
- (1) The required trees/shrubs may be planted within the abutting right-of-way when allowed by the roadway facility owner (i.e. local government, developer, or property owners association), AND/OR,
  - (2) The applicant may provide a monetary contribution to a formally-adopted tree mitigation fund at a rate established by the Board of County Commissioners. AND/OR,
  - (3) The county administrator or designee, may allow applicants to construct and maintain structures with plant material that provide similar shade and vegetation function as a tree (e.g. arbors with vines, shrubs, or similar plant material). In this alternative, the amount of required trees may be reduced based on a near equivalent shade/vegetation function of a tree.

**Section 138-3660 - Reserved**

**Section 138-3661- Reserved**

**Section 138-3662. - Low Impact Development (LID) Landscaping**

Low impact development (LID) is an ecologically-based stormwater management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network. The goal of LID is to sustain a site's pre-development hydrologic regime by using techniques that infiltrate, filter, store, and evaporate stormwater runoff close to its source. Contrary to conventional "pipe-and-pond" conveyance infrastructure that channels runoff elsewhere through pipes,

catchment basins, and curbs and gutters, LID remediates polluted runoff through a network of distributed treatment landscapes. The use of LID shall be implemented in conjunction with the Pinellas County Stormwater Manual.

The toolbox of LID-integrated management practices, including structural and nonstructural designs, is most effective when applied in a treatment train, or series of complementary stormwater management practices and techniques. Typically, LID practices will not completely replace more conventional “bottom-of-the-hill” stormwater management practices, but can be used to complement these practices and to ensure that the entire stormwater management system meets the Pinellas County water resources objectives. LID practices are optional and may be incorporated to landscaping areas.

(a) LID planting zones

Surface grade and ponding area of a bio-retention structure are the first factors to consider when choosing which plants to specify. Stormwater planters and some rain gardens have uniform surface grades. In these designs, ponding will be equal across the structure and all plants will have the same conditions (Zone A). In bio-retention swales and some rain gardens, soil surface is sloped, resulting in differing planting conditions across the structure (Zones A and B). Plants located at the bottom where ponding occurs, will have different requirements than those placed on the sideslopes, which receive runoff, but not ponding. A third planting area may occur outside of Zones A and B, on the upper edges of rain gardens and bioswales (see Figure 138-3662.a). This area is not a functional component of the bio-retention area, and therefore can be treated as a traditional landscape area.

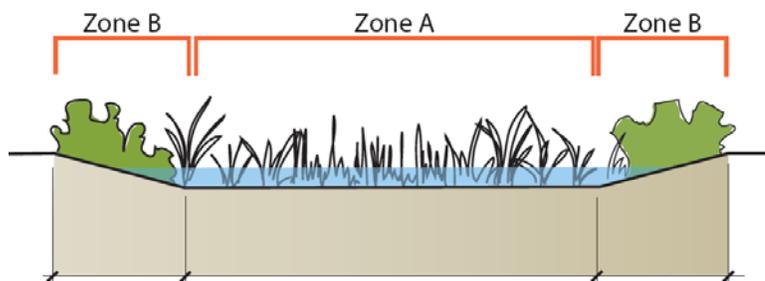


Figure 138-3662.a Planting Zones

(b) LID plant species selection

Once the plant zones are identified (Zone A only or both Zone A and Zone B) for a structure, the plants may be selected. Plant selection should take into account the following factors;

- (1) Tolerance of varied moisture conditions (wet and dry),
- (2) Tolerance of varied soil types and growing conditions,
- (3) Availability in Central Florida plant nurseries,
- (4) Low maintenance requirements,
- (5) Are not invasive weeds,
- (6) Do not have aggressive/invasive root systems, and
- (7) Exhibit an attractive appearance.

When selecting plants, additional site-specific information, such as tolerance to high and low temperatures, coastal conditions and prevailing winds should be considered. In addition, project specific aspects of the design, for example right-of-way vegetation height limits, may further influence selection. Pinellas County Stormwater Management Manual includes acceptable LID options.

#### **Section 138-3663- Reserved**

#### **Section 138-3664 - Approved Plant List**

The following standards apply to all plant material that may be required by this code.

- (a) *Florida-friendly.* The proposed plant material shall be of a Florida-friendly species that are considered to be well adapted to growing in Florida landscapes and the proposed site location.
- (b) *Soils and light.* The proposed plant species shall be considered appropriate for the specific soil and natural lighting conditions at the proposed planting location.
- (c) *Region.* The proposed plant species shall be favorably rated for the Pinellas County region pursuant to the United States Department of Agriculture (USDA).
- (d) *Non-invasive.* The proposed plant species shall not be an invasive variety that is listed in Table 138-3653.a - *Undesirable Trees/Plants*
- (e) *Plant list option.* The proposed plant species may be based on the latest publication of the Florida-Friendly Landscaping™ Guide to Plant Selection & Landscaping Design by the University of Florida Institute of Flood and Agriculture Sciences (UF/IFAS).

#### **Secs. 138-3665 – 3699 – Reserved**

### **DIVISION 4 - FENCES AND WALLS**

#### **Sec. 138-3700. – Purpose and intent**

Fences and walls should be used to define ownership, create privacy, ensure protection, and provide screening. Fences and walls should be designed and sited to ensure their intended purpose while recognizing and responding to the community character and ensuring public safety.

#### **Sec. 138-3701. – Definitions, as used in this section.**

- (a) *Decorative* as applied to walls means that a wall is masonry with a stucco finish; has a finish of natural materials, such as brick, stone, or glass block; or has a finish which is accepted for use in the industry.
- (b) *Decorative* as applied to fences means that a fence is made of PVC fence material, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence.
- (c) *Hedge* means a continuous arrangement of three or more shrubs for the purpose of screening or dividing spaces which are planted and maintained to create an open space less than two feet wide by six feet high between each shrub.
- (d) *Semi-opaque* means and includes fence and wall components which have opacity of 25 percent or less, excluding vertical support posts, for the purpose of maintaining some visibility.

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

- (a) *Residential fences and walls.* In residential districts, walls and fences are subject to the following height limits:
- (1) Within the required side and rear setback area: six feet for a fence or wall of any style.
  - (2) Within the required front setback area:
    - a. Three feet for a fence or wall of any style; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.
    - b. Four feet for a decorative fence or wall; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.
    - c. Six feet for a decorative fence or wall when one of the following conditions apply:
      1. The fence or wall encloses the perimeter of a development adjacent to roads classified as collector streets or arterial roads. In such case:

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

The fence or wall must be reviewed and approved as part of a site plan or as a modification to an approved site plan. This includes the requirement that plans submitted be signed and sealed by a registered professional engineer in the State of Florida, thereby certifying that the fence or wall as proposed will not cause a sight distance obstruction for vehicles maneuvering on the adjacent or any nearby street system. Minimum sight triangle requirements for maintaining adequate sight distance are detailed in the appendix to this section.
      2. The subject property is a corner lot, double frontage lot, or other multiple frontage lot, and the fence will be located within a setback area from the adjacent right-of-way for which the property is not addressed. In such case, the applicant must obtain from the county traffic engineer a written statement of no objection that the fence as proposed will not cause a sight distance obstruction for vehicles maneuvering on the adjacent or any nearby street system. Such statement shall be in accordance with standard safe engineering practices as established by Pinellas County. The applicant for such permit shall provide to Pinellas County detailed information to show that these conditions are met.
- (b) *Rural residential districts (R-A, R-E and R-R).* Split rail fences may be permitted up to six (6) feet within the required front setback area. Such fences shall maintain at least 50% transparency.
- (c) *Nonresidential fences and walls.* In nonresidential districts, walls and fences are subject to the following height limits:

- (1) Within the required side and rear setback area: six feet for a fence or wall of any style, except when required as part of a Type 2 Review (special exception) or (Type 3 Review (conditional use) approval.
- (2) Within the required front setback area:
  - a. Three feet for a fence or wall of any style; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.
  - b. Four feet for a decorative fence or wall; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet.
  - c. Six feet for a decorative fence or wall, provided the applicant satisfies the requirements of Subsection 138-3702(a)(2)c.

**Sec. 138-3703. – Materials and conditions.**

Fences or walls may be constructed of any of the following standard fencing materials: wrought iron, brick, concrete block, plastic, vinyl, chain link, or wood products that are typically pre-fabricated and are commercially available. All fences and walls shall be maintained in good repair and all surfaces thereof shall be kept painted or have similar protective coating where customarily necessary. Any departure from the materials prescribed by this section shall require the approval of the county administrator or his/her designee.

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

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

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

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

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

- (a) From lowest adjacent grade to the uppermost horizontal member or members.
- (b) Wire strands (except certain permitted barbed wire strands described in section 138-3704) may not exceed 18 inches above the minimum height requirement for such wire).
- (c) No post, pilaster, or light with a cross-sectional dimension of 18 inches or less shall be counted toward height except within a front yard setback area. Berms or other mounds above normal grade shall be considered part of the height measurement.
- (d) Fences placed on retaining walls shall include the retaining wall height as part of the overall permitted height unless a minimum separation of three (3) feet is provided between the edge of the retaining wall and fence.

**Sec. 138-3706. – Visibility.**

- (a) *At intersections.* No fence or wall shall be permitted at a corner within 15 feet of the intersection of the right-of-way lines.

- (b) *Sidewalks.* The placement and height of fences and walls shall be guided by the minimum sight triangle requirements for maintaining adequate sight distance as described in section 138-3508 and in the "visibility triangle for sidewalk traffic" diagram in the appendix to this section.

**Sec. 138-3707. – Easements.**

No portion of any concrete, block, or brick wall or similar permanent construction shall be located within the area of platted or recorded public easement unless authorized by the instrument, and/or county administrator or his/her designee.

**Sec. 138-3708. – Appendix to section 138-3702.**

Except where otherwise provided, the illustrations in this appendix are for purpose of interpreting the applications of provisions of section 138-3702. Where found to be in conflict with the specific provisions of the section, the provisions of this section shall prevail.

**Sec. 138-3709. – Minor administrative adjustments to height.**

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

**Secs. 138-3710 – 138-3749 - Reserved**

**DIVISION 5 – SIGNS**

**Sec. 138-3750. – Purpose and Intent**

It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- (a) Enable the identification of places of residence and business.
- (b) Allow for the communication of information necessary for the conduct of commerce.
- (c) Lessen hazardous situations, confusion, and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- (d) Enhance the attractiveness and economic well-being of the county as a place to live, vacation and conduct business.
- (e) Protect the public from the dangers of unsafe signs.
- (f) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- (g) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- (h) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- (i) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

- (j) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- (k) Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
- (l) Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
- (m) Implement the county's comprehensive plan and comply with the minimum requirements established by state law that requires the regulation of signage.

Further, it is the intent of the Board of County Commissioners that protection of First Amendment rights shall be afforded such that any sign, display, or device allowed under this section may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with the size, lighting and spacing requirements of this section.

**Sec. 138-3751. – Definitions**

All words used in this section, except where specifically defined in this subsection, shall carry their customary meaning when not inconsistent with the context in which they are used. The following words set forth in this subsection shall have the meanings as defined in this subsection:

- (a) *Area or surface area of signs* means the square foot area enclosed by a rectangle, parallelogram, triangle, circle, semicircle or other geometric figures, or other architectural design, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle, triangle, circle, parallelogram or other geometric figure, or other architectural design, which encloses the whole group of words or characters.
- (b) *Artwork* means drawings, pictures, symbols, paintings or sculptures which in no way identify a product or business and which are not displayed in conjunction with a commercial, for-profit or nonprofit enterprise.
- (c) *Banners* means any sign of lightweight fabric or similar material that is mounted to a pole, a wall or a building at one or more edges. Flags shall not be considered banners.
- (d) *Beacon* means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.
- (e) *Building official* means the local government official or his designee responsible for the administration, interpretation and enforcement of the building codes of the local government.
- (f) *Bulletin board* means a sign of permanent character, but with removable letters, words, numerals or symbols.
- (g) *Business establishment* means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid occupational license and occupying distinct and separate physical space.
- (h) *Changeable message sign* means a sign or portion of a sign on which message copy is changed manually or mechanically in the field through the utilization of attachable letters, numbers, symbols and other similar characteristics.

- (i) *Double-faced sign* means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.
- (j) *Dwell time* is the minimum duration of a single display on a changeable or electronic changeable message sign. During the dwell time, the message display shall be static, and there shall not be any change of color, flash, fade, rotation, twinkle, twirl, alternate luminance, scroll, show of action or motion, or illusion of action or motion.
- (k) *Electronic changeable message sign (also referred to as digital sign)* means an on-premises or off-premises sign or portion thereof that displays electronic static images, static graphics, static pictures, or non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes, fiber optics, light bulbs, liquid crystal or any other emerging illumination technology within the display area. Electronic changeable messages include computer programmable, microprocessor-controlled electronic displays. Electronic changeable messages include images or messages with these characteristics projected onto buildings or other objects. Electronic changeable message sign shall not include any sign that does not maintain a static image for a minimum dwell time of 60 seconds or such other minimum dwell time that is expressly permitted under this Code.
- (l) *Erect* means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs.
- (m) *Federal-aid primary (FAP)* is a system of highways or portions thereof, which shall include the National Highway System designated as the federal-aid primary highway system by the Florida Department of Transportation and shall also include the federal interstate highways.
- (n) *Flag* means any fabric, banner or bunting containing distinct colors, patterns or symbols, used as a symbol of a government, political subdivision, corporation, business or other entity.
- (o) *Flash* means an entry or exit mode in an electronic changing message with any single frame that repeats two or more times consecutively without change. This does not include official warning signs to the motoring public.
- (p) *Frontage* means the length of the property line for a parcel which runs parallel to, and along, a road right-of-way or street, exclusive of alleyways. "Building frontage" means the single facade constituting the length of the building or that portion of a building occupied by a single office, business, or enterprise abutting a street, parking area, or other means of customer access such as an arcade, mall or walkway.
- (q) *Ground level* means the level of finished grade of a parcel of land, exclusive of any filling, berming, mounding or excavating, solely for the purpose of locating a sign. Ground level on marina docks or floating structures shall be the finish grade of the landward portion of the adjoining parcel.
- (r) *Height* means the vertical distance measured from the ground level nearest the base of the sign to the highest point of the sign.
- (s) *Illuminance* means the amount of light coming from a light fixture that lands on a surface.
- (t) *Legally existing*, for the purpose of describing a sign or sign structure, means that the sign or sign structure was lawfully erected in conformance with all applicable local, state, and

federal laws, has been lawfully maintained and is lawfully operated in compliance with all applicable local, state, and federal laws (including any legal nonconforming signs), or that the sign or sign structure is lawfully operating in accordance with a settlement agreement to which Pinellas County is a party.

- (u) *Local government* means the county government and the municipalities within the county.
- (v) *Luminance* means the amount of light reflected off a surface in a particular direction.
- (w) *Maintenance* means the replacing, repairing or repainting of a portion of a sign structure, periodically changing changeable copy, or renewing copy which has been made unusable by ordinary wear, weather or accident.
- (x) *Message sequencing* means dividing a single thought or message into two or more successive sign displays on a single electronic changeable message sign or multi-vision sign. For example, it shall be considered message sequencing if the second display answers a textual question posed in the first display, continues or completes a sentence started on the first display, or continues or completes a story line started on the prior display.
- (y) *Multitenant building* means a building where more than one business is serviced by a common entrance, and where such businesses may be located above the first story or otherwise be without frontage on a public right-of-way.
- (z) *Multi-vision sign, also known as a tri-vision sign*, means an on-premises or off-premises sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.
- (aa) *Pennant* means any series of small flaglike or streamerlike pieces of cloth, plastic or paper, or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.
- (bb) *Person* means any individual, corporation, association, firm, partnership, and the like, singular or plural.
- (cc) *Physically removed* means, for the purposes of this section, that an off-premises sign shall be deemed removed if the off-premises sign structure is permanently removed to a depth of 12 inches below grade.
- (dd) *Property* means the overall area represented by the outside boundaries of a parcel of land or development.
- (ee) *Sign* means any device, fixture, placard or structure that uses any color, form, graphic, illumination, architectural style or design or writing to advertise, attract attention, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. "Sign" includes sign structure.
  - (1) *A-frame or sandwich sign* means a portable sign which is ordinarily in the shape of an "A" or some variation thereof.
  - (2) *Abandoned signs* means signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location and such circumstances have continued for a period of more than 90 consecutive days.
  - (3) *Animated sign* means any sign composed of moving parts or lights or lighting devices that change color, flash, fade, rotate, twinkle, twirl, alternate luminance, scroll, show

action or motion, create the optical illusion of action or motion or otherwise change the appearance of the sign. Animated signs do not include electronic (digital) changeable message sign or multi-vision sign as defined in this section.

- (4) *Attached signs* means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.
- (5) *Bench signs/bus shelter signs* means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed, and, where authorized by action of the Board of County Commissioners, shall be exempt from the provision of this section as per F.S. § 337.407(2).
- (6) *Canopy (awning) sign* means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- (7) *Exempt signs* means all signs for which permits are not required, but which must, nonetheless, conform to the other terms and conditions of this section.
- (8) *Freestanding sign* means any sign supported by structures or supports that are placed on or anchored in the ground and that are independent of any building or other structure.
- (9) *Nonconforming sign* means any sign that does not conform to the requirements of this section.
- (10) *Off-premises sign* means any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same zone lot where the sign is installed and maintained.
- (11) *On-premises sign* means any sign which identifies a use or business or advertises a product for sale or service to be rendered on the zone lot where the sign is located.
- (12) *Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted from A-frames; menu and sandwich board signs; balloons and other inflatables; and umbrellas used for advertising.
- (13) *Projecting sign* means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- (14) *Roof sign* means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. "Integral roof sign" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. Any integral portion of the roof shall not extend more than five feet above the structural roof.
- (15) *Snipe sign* means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects with the message appearing thereon not applicable to the present use of the premises or structure upon which the sign is located.
- (16) *Temporary sign* shall mean any sign that is not a permanent sign, and shall include a sign formerly or commonly associated with a temporary use or structure, a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction

sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term "temporary sign" shall not include any substitution of message on an existing lawful sign or sign structure.

- (17) *Vehicle sign* means a sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers, that is parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement of products or services or of directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business.
- (18) *Wall sign* means a sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall.
- (19) *Warning sign* means a sign located on property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity, provided such signs do not carry any commercial message or identification.
- (20) *Window sign* means a sign located on a window or within a building or other enclosed structure, which is visible from the exterior through a window or other opening.
- (ff) *Sign face* means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.
- (gg) *Sign structure* means any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.
- (hh) *Street* means a public right-of-way intended for the use of vehicular and pedestrian traffic.
- (ii) *Traditional off-premises sign* means any off-premises sign that is not defined as an electronic changeable message sign.
- (jj) *Zone lot* means a parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such setbacks and other open spaces as are required by the applicable local government zoning regulations. For the purpose of this definition, a shopping center, mall, or other lot or parcel of land which contains a single unit or an integrated group of commercial establishments and is developed, operated, managed and/or owned as a unit shall be considered as a zone lot.

#### **Sec. 138-3752. – General Sign Requirements**

- (a) Permitting process.
  - (1) All signs except those specifically exempted under this section shall require a zoning clearance and permit prior to erection.
  - (2) Applicants for sign permits shall provide the following information:
    - a. Detailed scale drawing of the sign showing all dimensions.

- b. Accurate plot plan drawn to scale showing location of the sign on the site. Such plan shall show location of all uses on the site, including but not limited to structures, parking areas, driveways, green areas, walkways, and roadways.
  - c. Survey of the parcel on which the sign is to be placed (this may be waived for attached signs).
  - d. Statement signed by the permit applicant as to the number and size of existing on-site signs.
  - e. Application for attached signs shall include a floor plan showing dimensions and layout of the building.
  - f. Information as may be required by the county building department.
  - g. Other appropriate information relative to the sign and its location.
  - h. Signs of a height greater than six feet and within ten feet of current or proposed right-of-way lines shall require a letter of no objection from the local electric power company to ensure current and future compliance to applicable codes and to protect the safety of the public.
- (b) *Relationship to other codes.*
- (1) All signs shall comply with applicable building, electrical, and maintenance codes.
  - (2) The maintenance of signs shall be in keeping with the intent of Chapter 22, Division 3 Section 22-231(b)(2) to ensure the public health, safety and welfare is maintained. The owner and/or leaseholder shall be responsible for keeping the area immediately surrounding the sign free from trash and debris as per chapter 58, articles VIII and IX, and shall be responsible for maintaining the signs concerned in good operating conditions and appearance. Failure to comply with Chapter 22, Article V shall constitute cause for revocation of the sign permit and removal of the sign, if the owner and/or leaseholder fail to correct same within ten days after written notice of violation.
- (c) *Nonconforming signs.*
- (1) Except as provided in this section, no nonconforming sign shall be moved, reconstructed, extended, enlarged, or altered, unless changed to conform with this section.
  - (2) Nonconforming signs may be maintained, repaired, or the message of the sign may be changed. If, however, the nonconforming sign is relocated, replaced, or structurally altered at a cost of more than 25 percent of the replacement cost of the sign, the sign must be made to conform to this section. Notwithstanding, such signs must adhere to the nonconforming amortization schedule outlined in section (d).
  - (3) A building or site which is improved or redeveloped at a cost in excess of 50 percent of the assessed value of the existing building or site shall require any nonconforming sign which is located on or is a part of such building or site to conform to this section.
  - (4) Signs that exist on the effective date of this section that were not in conformance with previous regulations are illegal signs and shall conform with this section or be removed within 90 calendar days of the effective date of this section.
  - (5) Notwithstanding any contrary provisions in this section, no nonconforming sign is required to be removed solely by the passage of time if permitted by state or federal law.
- (d) *Removal of nonconforming signs.*

- (1) All legally erected nonconforming signs must be made to conform to the applicable provisions of this section within seven years of the effective date of this section.
  - (2) In the event that a court of competent jurisdiction determines that, as applied to a particular nonconforming sign, the seven-year period for attaining conforming status is not enforceable, then a ten-year period shall apply.
  - (3) In the event that a court of competent jurisdiction determines that, as applied to a particular nonconforming sign, the period for attaining conforming status provided for in Subsections (d)(1) or (d)(2), above, is unenforceable, then the court may determine what additional period of time shall be required and, consistent with subsection (d)(4), that period shall tack on to the otherwise applicable time period.
  - (4) The intent of Subsections (d)(2) or (d)(3), above, is to prevent a successful legal challenge to the application of these removal provisions from requiring the amortization period to begin anew. Therefore, any additional period of time either required by the preceding three-year extension provision of Subsection (d)(2), above, or any court decision that extends the time beyond the ten-year period provided for under Subsection (d)(3), shall tack on to the period of time that has passed since the effective date of this section for purpose of calculating the eventual removal date.
- (e) *Variances.*
- (1) Requests for variances from any provisions of this section shall be processed and authorized pursuant to Chapter 138, Article II, Division 7 – Variances, Waivers and Administrative Adjustments.
  - (2) Variances from the terms of this section may not be contrary to the public interest; but variances may be granted where, owing to special conditions, the literal enforcement of the provisions of this section would result in unnecessary hardship, not to include economic hardship. However, no variance shall be granted unless the criteria of Section 138-231 is met. In addition to these usual criteria for variances to the provisions of this section, any additional signage allowed pursuant to a variance shall be conditioned in such a way that, taking into consideration existing allowable signage in the area, the additional signage does not exacerbate visual clutter, driver distraction, or traffic safety in the area.
  - (3) Variances to the time limit for removal of nonconforming signs.
    - a. Requests for variances of up to three additional years beyond the seven-year period that would otherwise be allowed under Subsection (d)(1), above, may be granted where, owing to the peculiar facts of the structure involved, and based on no single one of the criteria listed below, but rather when, on balance, the private loss suffered by owners of the particular structure is substantial when compared to the public benefit achieved by the consistent application of the amortization period. The specific criteria for determination of a variance to the seven-year removal period shall include the following considerations:
      1. Length of the amortization period in relation to the investment;
      2. A sign owner does not have to be given a period of time necessary to permit him to recoup his investment entirely, but an amortization period should not be so short as to result in a substantial loss of the sign owner's investment;
      3. Initial capital investment;
      4. Investment realization to date;

5. Life expectancy of investment; depreciation schedules;
6. Existence or nonexistence of a lease obligation, as well as a contingency clause permitting termination of the lease;
7. Removal costs directly attributable to the regulatory effects of this section;
8. The depreciation period of the sign structure;
9. Location of the sign structure;
10. What part of the owner's total business is concerned;
11. Monopoly or advantage, if any, resulting from the fact that similar new structures are prohibited in the same area; and
12. The fact that the use is also on public streets since the messages are directed to the passerby.
13. No variance under this subsection shall be granted unless the conditions listed under Chapter 138, Article II, Division 7 – Variances, Waivers and Administrative Adjustments are also satisfied.

(f) *Signs on public lands.* Signs shall not be located on publicly owned land or easements or inside street rights-of-way except signs required or erected by permission of the authorized governmental agency. Such prohibited signs shall include, but not be limited to, handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, bridges and sidewalks. All signs shall be moved by the owner of the sign at no expense to the applicable governmental jurisdiction when the signs are within any public property including existing rights-of-way. Nothing shall prohibit a duly authorized public official from removing a sign from public property.

(g) *Official signs and notices.* Nothing in this section shall be construed to prevent or limit the display of legal notices, warnings, informational, directional, traffic or other such signs which are legally required or necessary for the essential functions of governmental agencies.

(h) *Illumination.*

- (1) The light from any illuminated sign shall be shaded, shielded, or directed from adjoining residential and nonresidential parcels.
- (2) No sign shall have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction.
- (3) No colored lights shall be used at any location or in any manner so as to be confused with, construed as, or interfere with traffic control devices. Similarly, no electronic changeable message sign shall be permitted if it may be confused with, construed as, or interfere with traffic control devices.
- (4) Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(i) *Electronic changeable message signs.* Electronic changeable message signs shall meet the following criteria:

- (1) *Luminance:* Luminance shall be measured in nits. A nit is a metric unit of luminance and is defined as candela per square meter (cd/m<sup>2</sup>); a nit is a unit based on the candela, the modern metric unit of luminous intensity, and the square meter, the modern metric unit of area. Luminance shall not exceed the maximum brightness as set forth below:

- a. *Luminance at night*: Beginning at sunset and continuing until sunrise, the brightness of an electronic changeable message shall not exceed 350 nits.
  - b. *Luminance during daylight hours, beginning at sunrise and continuing until sunset*: During daylight hours, the brightness of an electronic changeable message shall not exceed 5,000 nits.
- (2) *Illuminance*: The illuminance of any electronic changeable message sign display shall not be greater than 0.3 footcandles above ambient light levels at any given time of day or night, as measured using a footcandle meter at a preset distance described in this subsection. To determine compliance with the 0.3 footcandle maximum illuminance, the footcandle measurements for a display shall be taken with the sign switched off and then taken again with the sign displaying all white (maximum sign brightness), and the brightness shall be measured at the pre-set distance perpendicular from the face of a sign. For electronic changeable message signs, the pre-set distance to measure the footcandle impacts vary with the expected viewing distances and the face size of each sign noted below.

The illuminance of any electronic changeable message sign which is less than 288 square feet in area shall be based upon a 100 square-foot display at a distance of 100 feet perpendicular to the display using a footcandle meter. To determine compliance with the 0.3 footcandles maximum illuminance, the footcandle measurements for a display shall be taken with the sign switched off and then taken again with the sign displaying all white (maximum sign brightness), and the brightness shall be measured 100 feet perpendicular from the face of a sign. If the sign face is other than 100 square feet, the measured reading shall be prorated to what an otherwise identical sign of 100 square feet would produce. The prorated, measured footcandle value is then used to compare to the limit of 0.3 footcandles (fc).

Example: For evaluation of a 200 square-foot sign, if the measured illuminance at a distance of 100 feet is 0.5 fc above ambient (i.e., with the sign on and showing an all white display, the reading at 100 feet is 0.5 fc greater than with the sign switched off), then the prorated footcandle value is 0.25 fc and the footcandle value is below the maximum of 0.3 fc.

To determine compliance with the 0.3 footcandle maximum illuminance for any electronic changeable message sign which is equal to or greater than 288 square feet in area, the footcandle measurements for a display shall be taken with the sign switched off and then taken again with the sign displaying all white (maximum sign brightness), and the brightness shall be measured using a footcandle meter at the preset distance described as follows: 150 feet perpendicular from the face of a sign that is equal to 288 square feet in area; 200 feet perpendicular from the face of a sign that is greater than 288 square feet in area but less than or equal to 378 square feet in area; and 250 feet perpendicular from the face of a sign that is greater than 378 square feet in area.

Note: The metric equivalent of footcandles is lux, and a luxmeter (as contrasted with a footcandle meter) is used when illuminance is measured in meters.

- (3) All electronic changeable message signs shall be equipped with appropriate sensors, timers, or other equipment sufficient to maintain compliance with the brightness standards set forth herein, and the same must be set and operated in a manner to ensure that the brightness standards are not exceeded.
- (4) Transition time: The maximum transition time between messages or images on an electronic changeable message sign shall be no more than one-half second. During

transition, there shall not be any change of color, flash, fade, rotation, twinkle, swirl, alternate luminance, scroll, show of action or motion, or illusion of action or motion.

- (5) Sign monitoring and malfunction: Electronic changeable message signs shall be operated with systems and monitoring in place to either turn the display off or show full black as soon as possible in the event of a malfunction.
- (j) *Dwell time.* The minimum amount of time that a message or display on a changeable message sign, an electronic changeable message sign or multi-vision sign remains fixed is one minute, except as otherwise permitted pursuant to Subsection 138-3757(j).
- (k) *Message sequencing.* Message sequencing on an electronic changeable message sign or multi-vision sign is prohibited.
- (l) In connection with the county's issuance of a notice of violation or other process pursuant to which the county seeks to enforce the provisions of this division related to an alleged violation of the luminance, illuminance, message sequencing, or minimum message dwell time standards established in this division, 48 hours shall be deemed a reasonable time period for the owner or operator to cure a first-time alleged violation. Any time period in which the electronic changeable message display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the 48-hour period. Pursuant to Subsection 2-625(b), the fine for a violation of any provision of this Division pertaining to an off-premises electronic changeable message sign shall be not less than \$1,000.00 per day for the first violation, \$2,500.00 per day for the second violation, and \$5,000.00 per day for the third and subsequent violations.

#### **Sec. 138-3753. – Exempt Signs**

The following types of signs are exempt from the permitting process and other provisions in this section, except those relating to construction, illumination, safety, nonconformity, and any other noted requirement (these signs shall not be located within ten feet of a public right-of-way or within 15 feet of the intersection of any road rights-of-way):

- (a) Address number. The address numbers shall be at least three inches in height, in Arabic numerals, and of contrasting color to background and displayed on the front of the establishment.
- (b) Artwork.
- (c) Changeable message on permitted signs.
- (d) Government and public signs, including, but not limited to, community identity and entrance signs, signs for special community events, commemorative and historic signs, and coordinated countywide trail-blazing signs that provide direction to places of interest.
- (e) There shall be a maximum of three noncommercial flags permitted on each zone lot. Flags containing a corporate name or logo or directing attention to a business operated for profit, or to a commodity or service for sale, shall be part of the computation of the allowable area for freestanding signs. Three additional noncommercial flags may be allowed for each additional street frontage and lots or parcels with over 500 feet of street frontage may be permitted three additional flags for each 500 feet of additional frontage.
- (f) Machinery signs. Examples of machinery signs are signs on newspaper machines, vending machines, gasoline pumps and public telephone booths.
- (g) Menu signs for drive-through establishments. There shall be a maximum of two such signs per zone lot or business; no more than one sign per drive-through lane. Sign area may not exceed 40 square feet per sign face.

- (h) On-site directional signs. No individual sign shall exceed four square feet in area per sign face.
- (i) Temporary window signs. Such signs shall be allowed in areas classified as multifamily residential, office, commercial, industrial and public/semipublic. The maximum area of such signs in areas classified as office, commercial, industrial, and public/semipublic shall be 25 percent of windowpane area or 100 square feet, whichever is less. In multifamily residential areas, the area of temporary window signs shall not exceed 25 square feet.
- (j) Warning signs. Such signs shall not exceed six square feet in area per sign face.
- (k) Temporary signs. The criteria required for temporary signs are set forth in *Table 138-3753.a – Temporary Signs Design Standards and Limitations*, below. A temporary sign is unlawful if it does not meet the criteria established for the zoning district category group in which the sign is located.

DISTRICT CATEGORY GROUP	SINGLE FAMILY AND MULTI FAMILY	OFFICE AND COMMERCIAL, AND INDUSTRIAL	PUBLIC/SEMI-PUBLIC, MIXED-USE, AND SPECIAL
Maximum Number of Signs Per Parcel <sup>1</sup>	4	4	4
Maximum Sign Area <sup>2</sup>	6 sf.	32 sf.	16 sf.
Sign Height Maximum for a Freestanding Sign <sup>3</sup>	5 ft.	5 ft.	5 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.	15 ft.
Minimum Sign Setback for Ground Signs <sup>4</sup>	3 ft.	3 ft.	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or as a Permanent Sign) <sup>5</sup>	15 ft.	15 ft.	15 ft.
Aggregate Maximum of Surface Area Allocated for All Sign Messages <sup>6</sup>	48 sf.	256 sf.	128 sf.
<p>General Notes:</p> <p><sup>1</sup> The number of temporary commercial signs per parcel shall be no more than two.</p> <p><sup>2</sup> The square footage limitation is per side for a back-to-back sign. For example, a 6 square foot limitation means that there is a limit of 6 square feet of surface area per side of a back-to-back sign, and an aggregate limit of 12 square feet is allowed if the sign is a back-to-back temporary sign.</p> <p><sup>3</sup> Not applicable to signs displayed on flagpoles</p> <p><sup>4</sup> Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs. And, as set forth in Section 138-3752, all temporary signs are prohibited on public property.</p>			

<sup>5</sup> Not applicable to signs displayed on flagpoles.

<sup>6</sup> There is no limit to the number of separate messages that may appear on the allowable surface(s) of any temporary sign. The aggregate maximum of surface area allowed is subject to the other limitations or circumstances that may reduce the aggregate maximum of surface area that can be allocated.

- (l) Additional temporary sign standards are as follows:
- (1) Prohibition of temporary signs on public property. Other than government signs displaying government speech, temporary signs on public property are prohibited unless otherwise allowed within the LDC or the Code of Ordinances.
  - (2) Duration for display of temporary sign. If a temporary sign pertains to an event, the temporary sign shall be removed within and by no later than three days after the event is concluded. If a temporary sign does not pertain to an event, the temporary sign shall be removed within and by no later than thirty (30) days after being erected.
  - (3) Display of temporary sign requires permission of real property owner. A temporary sign on any parcel shall not be maintained if the placement of the same does not have the permission of the owner of the real property.
  - (4) A temporary sign may not display any lighting and must remain static. A temporary sign may not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
  - (5) A temporary sign may not incorporate fluorescent color or exhibit fluorescence. A temporary sign may not incorporate fluorescent color or exhibit fluorescence.
  - (6) A temporary sign may not obstruct a permanent sign or the vision between pedestrians and vehicles. A temporary sign may not obstruct the view of a permanent sign as viewed from any public road, street or highway or any public sidewalk, and may not obstruct the vision between pedestrians and vehicles using the public right-of-way, including but not restricted to, those meeting site visibility triangle requirements set forth in Section 138-3508.
  - (7) A temporary sign may display multiple messages. A temporary sign may display multiple independent messages on any portion of the sign surface of a temporary sign.
  - (8) A temporary sign is not subject to permitting. A temporary sign does not require a permit from the County.
  - (9) Subsection 138-3753(k) not intended to regulate interior facing signage. The county does not intend that Subsection 138-3453(k) regulate or be applicable to signage located in the interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such location and is not designed to be viewed or seen from adjacent roadways.

#### **Sec. 138-3754. – Prohibited Signs**

The following types of signs are prohibited:

- (a) Abandoned signs.
- (b) Bus shelter signs and bench signs, except when approved by the Board of County Commissioners, pursuant to F.S. § 337.407(2)(a) or as amended. This prohibition shall not be construed to include the identification of a transit company or its route schedule.

- (c) Off-premises signs, except for public/semipublic directional signs, Subsection 138-3753 (m); where specifically provided for elsewhere in this section; and per Subsection 138-3757.
- (d) Pavement markings, except official traffic control markings as permitted by an authorized government agency.
- (e) Pennants, streamers, banners and cold air inflatables.
- (f) Roof signs, except integral roof signs in nonresidential districts.
- (g) Sandwich board signs.
- (h) Signs attached to or painted on piers or seawalls, other than such official regulatory or warning signs as authorized by an appropriate government agency.
- (i) Signs in or upon any river, bay, lake, or other body of water within the limits of the county, unless authorized by an appropriate government agency.
- (j) Signs that are erected upon or protect over public rights-of-way or present a potential traffic or pedestrian hazard. This includes signs which obstruct visibility.
- (k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter, or project three-dimensional images, holographic images or pyrotechnics.
- (l) Signs that have unshielded illuminating devices, other than electronic changeable message sign displays permitted in accordance with Division 5 – Signs.
- (m) Animated signs, multiprism signs and beacon lights, except when required by the Federal Aviation Administration or other governmental agency.
- (n) Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal or device.
- (o) Snipe signs.
- (p) Temporary window signs in single-family residential districts.
- (q) Vehicle signs, as defined in this section, and portable trailer signs.
- (r) Any sign that is not specifically described or enumerated as permitted by this section.

**Sec. 138-3755. – Computation of Dimensions**

- (a) *Computation of total permitted sign area.*
  - (1) The permitted sign area for freestanding signs shall be based upon one square foot for each linear foot of zone lot frontage up to a maximum amount as established in Section 138-3755. A freestanding sign shall be allowed to have an additional eight square feet per sign face, provided that this allowance is used exclusively for the street address number, numbers or number range, depicted in Arabic numerals. The public purpose for the address is to assist the traveling public to locate specific places and to assist public safety and emergency service vehicles to rapidly locate addresses.
  - (2) The permitted sign area for attached signs shall be based upon 1¾ square feet for each linear foot of building frontage up to a maximum amount as established in Section 138-3755.
  - (3) Zone lots fronting two or more streets are allowed the permitted signage for each frontage, but signage cannot be accumulated and used on one street in excess of that allowed for the zone lot based on that one street frontage.

- (b) *Computation of sign area.*
  - (1) The area of a sign shall be computed on the basis of the smallest square, circle, rectangle, or other geometric figure, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any material, color or border trim forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The computation of a sign area does not include any framework, bracing, fence or wall that is reasonably necessary to support the sign.
  - (2) The area of a sign shall be computed on a per sign face basis and all requirements with respect to sign area reference the area of a single face of a sign. A double-faced sign shall be permitted to have the allowed area for a single-faced sign on each of the two faces of the double-faced sign.
- (c) *Computation of sign height.* The height of a freestanding sign shall be computed as the distance from the base of the sign at ground level to the top of any portion of the sign structure. In cases where the ground level, as defined in this section, cannot reasonably be determined, sign height shall be derived on the assumption that the elevation of the ground at the base of the sign is equal to the average elevation at the front property line of the zone lot.

In the case where a freestanding sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the height of the sign shall be measured from the highest point of the overpass or elevated road at the crown of the roadway surface to the top of the sign, such highest point to be determined by the average elevation between the perpendicular extension of the contiguous zone lot lines on which the sign is to be located, as such lot lines intersect the overpass or elevated road (see illustration in appendix). Any sign erector who requests to use this calculation for height determination shall provide to the zoning staff sufficient information in the form of surveys, engineering drawings, official roadway elevation data, or other official documentation to allow accurate determination of roadway heights. No permit shall be issued where insufficient information is provided.
- (d) *Computation of visual clearance and sight triangle.* The visual clearance and sight triangle, to assure adequate sight distance at the intersection of two public roadways and at the intersection of a public roadway and an accessway or driveway, shall follow the criteria of the state department of transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, or criteria otherwise specified by the county traffic engineer.
- (e) *Illustrations in Section 138-3758.* The computation of sign dimensions shall be as set forth in this division and as depicted in the appropriate figure delineating such sign dimensions in Section 138-3758.

**Sec. 138-3756. – Permitted Signs and Standards by Zoning Classifications**

- (a) *Purpose and procedure.* It is the intent of this section to regulate signs consistent with the zoning classification or general type of land usage which establishes the character of the area in which the signs are located.
- (b) *Residential zoning districts.* The following types of signs are permitted in any residential zoning district:
  - (1) Subdivision signs for single-family residential areas shall be permitted only as follows:

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

- b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to Subsections 138-3755 (a) and (b) of this section, or 48 square feet per sign face, whichever is less. An additional 48 square feet may be provided for a bulletin board.
  - c. *Height.* The maximum height for a freestanding sign shall be 12 feet.
  - d. *Setbacks.* Setbacks shall be three feet from any public right-of-way. Side and rear yards shall be as required by the zoning district where the sign is located. Additional setbacks may be required when determined appropriate per Subsection 138-3755 (d).
- (2) Attached signs shall be permitted only as follows:
- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to Subsections 138-3755 (a) and (b) or 48 square feet, whichever is less. An additional 48 square feet may be provided for a bulletin board.
  - b. *Types of signs permitted.* The following attached signs may be permitted, provided the cumulative area of the attached signs does not exceed the maximum area according to Subsection (c)(2)a., above:
    1. Wall sign;
    2. Canopy or awning sign;
    3. Permanent window sign;
    4. Projecting sign; and
    5. Integral roof sign.
- (d) *LO and GO zones.* Within the LO and GO zones, only the following signs shall be permitted:
- (1) Freestanding signs shall be permitted only as follows:
- a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
  - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to Subsections 138-3755 (a) and (b) of this section or 50 square feet per sign face, whichever is less.
  - c. *Height.* The maximum height for a freestanding sign is 20 feet.
  - d. *Setbacks.* Such signs shall be set back as follows:
    1. Three feet from any public right-of-way.
    2. Fifteen feet from side and rear property lines in P-1 zones.
    3. Twenty feet from side and rear property lines in the P-1A zone.
 Additional setbacks may be required when determined appropriate per Subsection 138-3755 (d).
  - e. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on site including any commodity or service for sale on site shall be part of the computation of allowable area for freestanding signs.
- (2) Attached signs shall be permitted only as follows:

- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to Subsections 138-3755 (a) and (b), or 100 square feet, whichever is less.
  - b. *Types of signs permitted.* The following attached signs may be permitted, provided the cumulative area of the attached signs does not exceed the maximum area according to Subsection (d)(2)a, above:
    - 1. Wall sign;
    - 2. Canopy or awning sign;
    - 3. Permanent window sign;
    - 4. Projecting sign;
    - 5. Integral roof sign.
- (3) Directory/information signs shall be permitted only as follows:
- a. *Number.* A maximum of one sign per street frontage is permitted.
  - b. *Area.* The maximum area for a directory/information sign shall be 40 square feet per sign face for any one sign.
  - c. *Setback.* The minimum setback distance for a directory/information sign is 100 feet from any property line.
- (4) Off-premises directional signs for public/semipublic purposes are permitted in accordance with Subsection 138-3753 (m) of this section.
- (5) Public/semipublic land uses shall follow the sign provisions of Subsection (c).
- (e) C-1 zone. Within the C-1 zone, only the following signs shall be permitted:
- (1) Freestanding signs shall be permitted only as follows:
- a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
  - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to Subsections 138-3755 (a) and (b) , or 50 square feet per sign face, whichever is less.
  - c. *Height.* The maximum height for a freestanding sign is 20 feet.
  - d. *Setbacks.* Such freestanding signs shall be set back as follows:
    - 1. Three feet from any public right-of-way.
    - 2. Side and rear yards, 20 percent of the width or depth of the lot up to 20 feet when abutting residential property. No side or rear setback is required when abutting nonresidential property.

Additional setbacks may be required when determined appropriate per Subsection 138-3755 (d).
  - e. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on site including any commodity or service for sale on site shall be part of the computation of allowable area for freestanding signs.
- (2) Attached signs shall be permitted only as follows:

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

Additional setbacks may be required when determined appropriate per Subsection 138-3755 (d).
  - e. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on site including any commodity or service for sale on site shall be part of the computation of allowable area for freestanding signs.
- (2) Attached signs shall be permitted as follows:
- a. *Area.* The maximum total area for all attached signs shall be that area calculated according to Subsections 138-3755 (a) and (b) or 150 square feet, whichever is less.

- b. *Types of signs permitted.* The following attached signs may be permitted, provided the cumulative area of the attached sign does not exceed the maximum area according to subsection (f)(2)a., above:
  - 1. Wall sign;
  - 2. Canopy or awning sign;
  - 3. Permanent window sign;
  - 4. Projecting sign; and
  - 5. Integral roof sign.
- (3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with Subsection 138-3753 (m).
- (4) Public/semipublic land uses shall follow the sign provisions of subsection (c).
- (g) *C-2 and E-2 zones fronting on arterial highways; CP zones.* When fronting on arterial highways in C-2 and E-2 zones and in all CP zones, only the following signs may be permitted:
  - (1) Freestanding signs shall be permitted only as follows:
    - a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign shall be spaced at least 300 feet from the other.
    - b. *Area.* The maximum total area for any freestanding sign or signs shall be that area calculated according to Subsections 138-3755 (a) and (b) or 150 square feet per sign face, whichever is less.
    - c. *Height.* The maximum height for a freestanding sign is 25 feet.
    - d. *Setbacks.* Such signs shall be set back as follows:
      - 1. Three feet from any public right-of-way for any sign up to 75 square feet; ten feet from any public right-of-way for any sign over 75 square feet.
      - 2. Side and rear setbacks shall be required by the zoning district in which the property is located.
    - e. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on site including any commodity or service for sale on site shall be part of the computation of allowable area for freestanding signs.
  - (2) Attached signs shall be permitted only as follows:
    - a. *Area.* The maximum total area for all attached signs shall be that area calculated according to Subsections 138-3755 (a) and (b) or 150 square feet, whichever is less.
    - b. *Types of signs permitted:* The following attached signs may be permitted, provided the cumulative area of the attached sign does not exceed the maximum area according to Subsection (g)(2)a., above:
      - 1. Wall sign;
      - 2. Canopy or awning sign;
      - 3. Permanent window sign;
      - 4. Projecting sign; and
      - 5. Integral roof sign.

- (3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with Section 138-3753 (m).
  - (4) Public/semipublic land uses shall follow the sign provisions of subsection (c) of this section.
- (h) *E-1, I, and IPD zones.* Within the *E-1, I, and IPD zones*, only the following signs shall be permitted:
- (1) Freestanding signs shall be permitted only as follows:
    - a. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage. For parcels with over 500 feet of street frontage on one right-of-way, one additional freestanding sign may be permitted; such additional sign must be spaced at least 300 feet from the other.
    - b. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections Sections 138-3755 (a) and (b) or 75 square feet per sign face, whichever is less.
    - c. *Height.* The maximum height for a freestanding sign is 25 feet.
    - d. *Setbacks.* Such signs shall be set back as follows:
      - 1. Three feet from any public right-of-way.
      - 2. Side and rear setbacks:
        - E-1 zone: Ten feet.
        - I zone: Twenty feet.
        - IPD zone: Ten feet.

Additional setbacks may be required when determined appropriate per Subsection 138-3755 (d).
    - e. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on site, including any commodity or service for sale on site, shall be part of the computation of allowable area for freestanding signs.
  - (2) Attached signs shall be permitted only as follows:
    - a. *Area.* The maximum total area for all attached signs shall be that area calculated according to Subsections 138-3755 (a) and (b) of this section or 150 square feet per sign face, whichever is less.
    - b. *Types of signs permitted:* The following attached signs may be permitted, provided the cumulative area of the attached signs does not exceed the maximum area according to Subsection (h)(2)a., above:
      - 1. Wall sign;
      - 2. Canopy or awning sign;
      - 3. Permanent window sign;
      - 4. Projecting sign; and
      - 5. Integral roof signs.

The maximum area for all display signs shall total no more than 24 square feet per sign face.
  - (3) Off-premises directional signs for public/semipublic purposes are permitted in accordance with Section 138-3753 (m).

- (4) Public/semipublic land uses shall follow the sign provisions of subsection (c) of this section.
- (i) *MXD and FBC zoning districts.* The allowable sign size, style, and type shall be established as part of the development master plan or equivalent process. The sign standards for the C-1 zone may be applied for developed sites in the MXD or FBC that do not have adopted development master plans.

**Sec. 138-3757. – Off-Premises Signs**

Off-premises signs, except as otherwise provided in this section, shall only be located on properties which abut federal-aid primary or interstate highways (FAP) and which are zoned C-2, CP, E-1, E-2, I or IPD, and designated as industrial by the future land use map, and shall comply with the following:

- (a) *Number.* A maximum of one such sign per zone lot is permitted.
- (b) *Lot area.* The sign must be located on a zone lot, the minimum area of which shall be that lot area required in the zoning district in which the sign is to be located.
- (c) *Sign area.* The maximum area for an off-premises sign shall be 672 square feet per sign face. Two such sign faces may be mounted back to back on the same sign structure.
- (d) *Height.* The maximum height of such signs shall be 50 feet from ground level. In the case where the freestanding sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be the greater of either 50 feet from the ground level or 25 feet measured from the highest point of the overpass or elevated road at the crown of the roadway surface to the top of the sign; such highest point to be determined by the average elevation between the perpendicular extension of the contiguous zone lot lines on which the sign is to be located, as such lot lines intersect the overpass or elevated road.
- (e) *Separation requirements.*
  - (1) Off-premises signs shall not be located within a 1,500-foot radius of another such sign on interstate designated roadways (I-275), and shall not be located within a 1,000-foot radius of another such sign on all other federal-aid primary designated roadways. Provided, however, such radial spacing requirements shall be reduced to a 500-foot radius in connection with the conversion of a legally existing off-premises sign to an electronic changeable message sign in accordance with subsection 138-3757(g).
  - (2) On all FAP roadways, off-premises signs that are allowed to have electronic changeable message displays shall not be located within a 2,500 linear feet of another off-premises electronic changeable message sign that is facing the same direction on the same roadway. Such distance shall be measured along the centerline of the abutting roadway. Additionally, the separation requirement for an off-premises sign that has an electronic changeable message display from an off-premises sign that does not have electronic changeable message display shall meet the requirements of subsection (e)(2), above.
  - (3) No off-premises sign shall be placed within 400 feet of residentially zoned property, and any such sign within 400 feet of property subsequently classified residential shall be classified nonconforming and be subject to the nonconforming provisions of this section. In addition, the distance between a digital off-premises sign face and residentially zoned property shall be at least 500 linear feet, which shall be measured perpendicularly from a point on the digital off-premises sign face in a forward

direction. In connection with the conversion of an existing sign face to a digital off-premises sign face, such 400-foot distance shall be reduced to 300 feet if the digital sign face faces away from the residentially zoned property.

- (4) Off-premises signs, erected after July 26, 2011, that are allowed to have an electronic changeable messages display, shall not be located within a 500-foot radius of an intersection or interchange, measured from the nearest roadway edge, that has signalized traffic-control devices at said intersection or interchange.
- (f) *Setbacks.* Off-premises signs shall be set back as follows:
- (1) Fifteen feet from any public right-of-way.
  - (2) The side and rear setbacks of the applicable zoning district shall apply.
- (g) *Off-premises signs with electronic changeable message displays prohibited with limited exceptions.* Other than legally existing off-premises signs which already have an electronic changeable message display, an off-premises sign may not have an electronic message display except as follows:
- (1) Conversion of existing off-premises signs to electronic changeable message display signs. Legally existing off-premises signs without electronic changeable message displays, located on an FAP roadway, may be converted to off-premises signs with electronic changeable message displays in accordance with the requirements of Section 138-3757 except for the restriction that such legally existing off-premises signs be on properties with an industrial future land use designation.
  - (2) Erection of new off-premises signs with electronic changeable message display signs. New off-premises signs may be erected on an FAP roadway with electronic changeable message displays in accordance with the requirements of Section 138-3757.
  - (3) Conversion to electronic changeable message display with a shortened display time, as defined in Section 138-3757(k). An electronic changeable message display sign, located on an FAP roadway, may be converted to operate with a shortened display time in accordance with the requirements of, except for the restriction that such legally existing off-premises signs be on properties with an industrial future land use designation.
- (h) *Other requirements.* Off-premises signs shall conform to the applicable requirements set forth in Section 138-3752.
- (i) *Intergovernmental coordination.* In those locations at, or in proximity to jurisdictional boundaries where inconsistent sign regulations would serve to undermine the purpose and intent of the countywide minimum sign standards, the Board of County Commissioners may enter into an interlocal agreement with the applicable local government to provide for the regulation of signs within such transitional areas.
- (j) *Acceleration of removal of non-FAP off-premises signs located in unincorporated Pinellas County.* As an initiative to accelerate the removal of off-premises signs along non-FAP roadways, (i) legally existing off-premises signs that are located on an FAP roadway and do not have electronic changeable message displays may be converted to off-premises signs with electronic changeable message displays, and (ii) new off-premises signs with electronic changeable message displays may be erected on an FAP roadway, but only under the following conditions and only upon approval of an application for such conversion or new construction.
- (1) The applicant shall submit an application for administrative approval in the forms provided by Pinellas County to ensure compliance with applicable law, including

the provisions of Section 138-3757. In addition, as part of any application to utilize an electronic changeable

- a. Applicant waives all rights to challenge the validity, constitutionality, and enforceability of Section 138-3757(j);
  - b. The removal by applicant of any non-FAP off-premises signs under this Section 138-3757(j) in a given year shall not be counted toward satisfying a one-billboard structure per calendar year removal requirement established for such year under any existing settlement agreement to which applicant and Pinellas County are parties;
  - c. Applicant agrees to furnish, with the application and within 30 days following the end of each calendar year, a written status to Pinellas County that identifies:
    1. Any information required to be included in any annual status report required to be provided by applicant to the county pursuant to the terms of any existing settlement agreement between applicant and Pinellas County, if any; and
    2. Applicant's billboards that are then located within Pinellas County and the square footage of sign face area on each identified billboard.
  - d. The applicant agrees to the provisions on luminance and illuminance standards in Section 138-3757(j)(7).
- (2) Except as provided in subsection (k) below, for each legally existing off-premises sign an applicant seeks to convert into an off-premises sign with one or more changeable electronic message displays, the applicant shall physically remove a minimum of two non-FAP off-premises sign structures for each single electronic changeable message sign face. In addition, the combined square footage of sign face area removed shall total at least four times the square footage of the electronic changeable message sign face for which the application is made. If the computation for the combined square footage of sign face area that is required to be removed exceeds the combined sign face area on the minimum two non-FAP off-premises sign structures that are required to be physically removed, then the applicant shall physically remove in their entirety such additional non-FAP off-premises sign structures that have display face area sufficient to meet or exceed the additional square footage required, i.e., that is sufficient to meet or exceed four times the square footage of the electronic changeable message sign face for which the application is made. The non-FAP off-premises sign structures designated in the application for removal shall not have been specifically identified for removal before the date of July 26, 2011 in a settlement agreement between the applicant (or its predecessor in interest) and Pinellas County. It is further provided that off-premises signs located on property annexed into a municipality shall not be considered removed for purposes of this subsection. The removal by applicant of any non-FAP off-premises signs under this subsection in a given year shall not be counted toward satisfying a one-billboard structure per calendar year removal requirement for such year under any existing settlement agreement to which applicant and Pinellas County are parties.
- (3) Except as provided in subsection (k) below, for each new off-premises sign with one or more changeable message displays an applicant seeks to erect, the applicant shall physically remove a minimum of two non-FAP off-premises sign structures for each single electronic changeable message sign face. In addition, the combined square footage of sign face area removed shall total at least four times the square

footage of the electronic changeable message sign face for which the application is made. If the computation for the combined square footage of sign face area that is required to be removed exceeds the combined sign face area on the minimum two non-FAP off-premises sign structures that are required to be physically removed, then the applicant shall physically remove in their entirety such additional non-FAP off-premises sign structures that have display face area sufficient to meet or exceed the additional square footage required, i.e., that is sufficient to meet or exceed four times the square footage of the electronic changeable message sign face for which the application is made. The non-FAP off-premises sign structures designated in the application for removal shall not have been specifically identified for removal before the date of July 26, 2011 in a settlement agreement between the applicant (or its predecessor in interest) and Pinellas County. It is further provided that off-premises signs located on property annexed into a municipality shall not be considered removed for purposes of this subsection. The removal by applicant of any non-FAP off-premises signs under this subsection in a given year shall not be counted toward satisfying a one-billboard structure per calendar year removal requirement for such year under any existing settlement agreement to which applicant and Pinellas County are parties.

- (4) Exceptions to non-FAP off-premises signs removal requirements:
  - a. An applicant shall not be required to physically remove any off-premises sign structures in conjunction with the relocation of an electronic changeable message display from a legally existing off-premises sign with an electronic changeable message display to an off-premises sign located on an FAP roadway in a location that meets all other requirements of Section 138-3757(g). Upon removal of the electronic changeable message display from the existing sign, the applicant may replace the electronic changeable message display on the existing sign with a traditional billboard face.
  - b. In the event that an applicant has identified a location on an FAP roadway that meets all requirements of Section 138-3757(g) for the conversion of a legally existing off-premises sign to an electronic changeable message sign other than the radial separation requirements established in Section 138-3757(e), an applicant may, as an alternative to the removal of one of the two required non-FAP removals, elect to physically remove one FAP structure in order to comply with the separation requirements. The applicant shall receive the same credit for the removal of such FAP structure as if a non-FAP structure was removed by applicant.
- (5) The minimum dwell time for any off-premises sign with changeable electronic message displays that are converted or erected pursuant to Subsections (3), (4), and (5) above, shall be 60 seconds, except as permitted pursuant to subsection (k) below.
- (6) The right to operate an electronic changeable message off-premises sign shall be subject to the requirements of state law and any federal regulations that apply to FAP roadways. The applicant shall agree to abide by state law and applicable federal regulations in its application submitted pursuant to subsection (j)(1) above.
- (7) The applicant shall agree to abide by the luminance and/or illuminance standards, established at any time by Pinellas County, governing the brightness of an electronic changeable message off-premises sign, when such standard is predicated reasonably upon safety or aesthetics, and shall agree to waive or otherwise forbear the enforcement of any claim to a vested right as a result of any standard that has been or that may be established in the future as to the brightness of a sign, including

an electronic changeable message sign, provided that any such standard maintains the visibility to the traveling public of the electronic sign message during day and nighttime hours. The agreement to abide by the foregoing shall be incorporated into the application for such conversion or erection.

- (k) *Acceleration of removal of non-FAP off-premises signs located in unincorporated Pinellas County; shortened display time.* As an added initiative to the acceleration of the removal of off-premises signs along non-FAP roadways, (i) a legally existing off-premises sign with an electronic changeable message display located on an FAP roadway, which is in place on July 26, 2011, (ii) a legally existing off-premises sign which has been converted to an electronic changeable message display in accordance with subsection (g)(10), or (iii) a new off-premises sign which has been constructed with an electronic changeable message display in accordance with Section 138-3757(j), may be converted to an electronic changeable message display with a minimum 15-second dwell time (shortened display time) under the following conditions and upon the submission and approval of an application for a shortened display time.
- (1) The applicant shall submit an application for administrative approval in the forms provided by Pinellas County to ensure compliance with applicable law, including the provisions of Section 138-3757. In addition, as part of any application to utilize an electronic changeable message display under this subsection, an applicant shall specifically agree to the following:
    - a. Applicant waives all rights to challenge the validity, constitutionality, and enforceability of Section 138-3757(j);
    - b. The removal by applicant of any non-FAP off-premises signs under this subsection (j) in a given year shall not be counted toward satisfying a one-billboard structure per calendar year removal requirement established for such year under any existing settlement agreement to which applicant and Pinellas County are parties;
    - c. Applicant agrees to furnish, with the application and within 30 days following the end of each calendar year, a written status to Pinellas County that identifies:
      1. Any information required to be included in any annual status report required to be provided by applicant to the county pursuant to the terms of any existing settlement agreement between applicant and Pinellas County, if any;
      2. Applicant's billboards that are then located within Pinellas County and the square footage of sign face area on each identified billboard; and
    - d. The applicant agrees to the provisions on luminance and illuminance standards in Section 138-3757(j)(7).
  - (2) For each digital off-premises sign face for which an applicant seeks the shortened display time, the applicant shall physically remove a minimum of two non-FAP off-premises sign structures. In addition, the combined square footage of sign face area removed shall total at least four times the square footage of the electronic changeable message sign face for which the application is made. If the computation for the combined square footage of sign face area that is required to be removed exceeds the combined sign face area on the minimum two non-FAP off-premises sign structures that are required to be physically removed, then the applicant shall physically remove in their entirety such additional non-FAP off-premises sign structures that have display face area sufficient to meet or exceed the additional square footage required, i.e., that is sufficient to meet or exceed four

times the square footage of the electronic changeable message sign face for which the application is made. The non-FAP off-premises sign structures designated in the application for removal shall not have been specifically identified for removal before the date of July 26, 2011 in a settlement agreement between the applicant (or its predecessor in interest) and Pinellas County. The FAP off-premises signs, as well as any additional off-premises signs that may in the future be lawfully erected along the FAP roadways, shall be eligible for obtaining the shortened display time. Off-premises signs located on property annexed into a municipality shall not be considered removed for purposes of this subsection (k)(2). The removal by applicant of any non-FAP off-premises signs under this subsection in a given year shall not be counted toward satisfying a one-billboard structure per calendar year removal requirement for such year under any existing settlement agreement to which applicant and Pinellas County are parties.

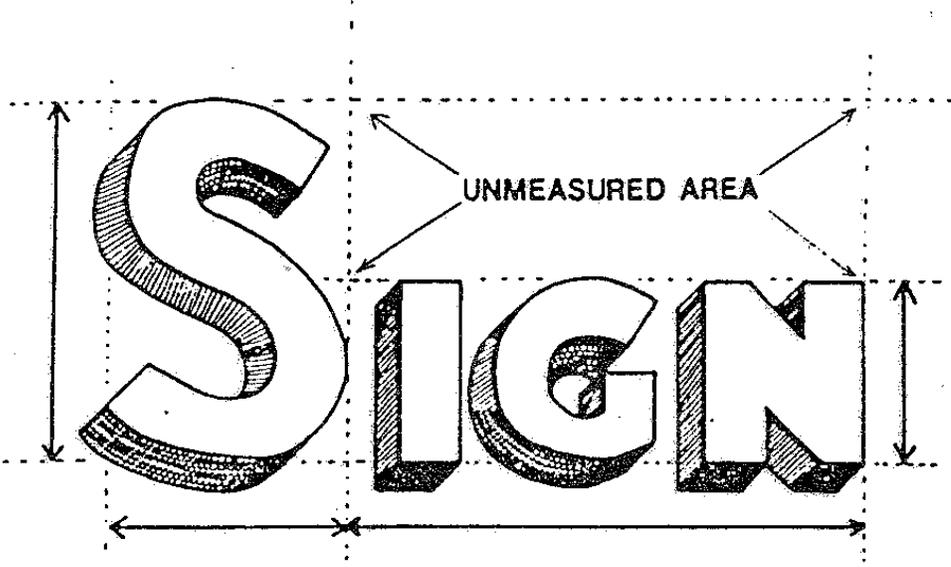
By way of example, an applicant who desires to install an off-premises electronic changeable message sign face with shortened display time, would be required to remove a minimum of four eligible non-FAP off-premises sign structures - a minimum of two eligible non-FAP off-premises sign structures for the installation of a new off-premises electronic changeable message sign face and a minimum of two eligible non-FAP off-premises sign structures for the right to utilize shortened display time on the sign face.

- (3) The right to operate an electronic changeable message off-premises sign for the shortened display time or for any period of time shall be subject to the requirements of state law and any federal regulations that apply to FAP roadways. The applicant shall agree to abide by state law and applicable federal regulations in its application submitted pursuant to Subsection (k)(1), above.
  - (4) The applicant shall agree to abide by the luminance and/or illuminance standards, established at any time by Pinellas County, governing the brightness of a digital off-premises sign, when such standard is predicated reasonably upon safety or aesthetics, and shall agree to waive or otherwise forbear the enforcement of any claim to a vested right as a result of any standard that has been or that may be established in the future as to the brightness of a sign, including a digital sign, provided that any such standard maintains the visibility to the traveling public of the electronic sign message during day and nighttime hours. The agreement to abide by the foregoing shall be incorporated into the application for the attainment of the shortened display time.
- (l) Other than as set forth in Subsections 138-3757(j) and (k) herein, there shall be no new off-premises signs with electronic changeable message displays erected within unincorporated Pinellas County.
  - (m) Any development order, including a building permit or a sign permit, that permits construction of an electronic changeable message display under either subsection Section 138-3757(j) or Section 138-3757(k) shall be deemed a development order of the type described in F.S. § 70.20(12).

#### **Sec. 138-3758. – Illustrations**

Except where otherwise provided, the illustrations in this section are for purposes of interpreting the application of provisions of this division. Where found to be in conflict with specific provisions of this division, the provisions of this division shall prevail.

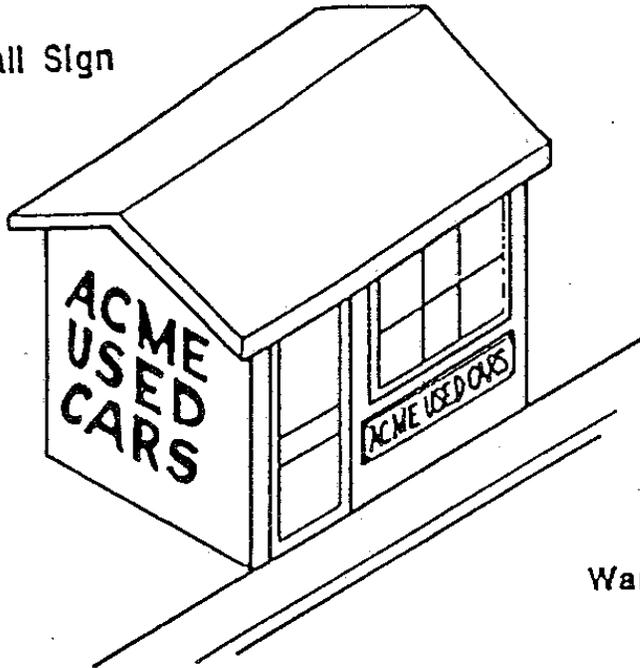
Computation of Area of Individual Signs



Banners



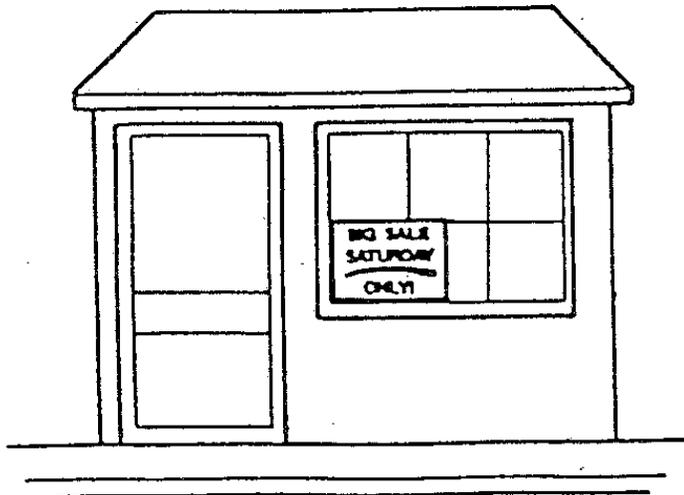
Wall Sign



Warning Sign



Temporary Window Sign



**Section 138-3759 - 3799 - Reserved.**

**DIVISION 6 – DISTRICT DESIGN CRITERIA**

**Sec. 138-3800. – Purpose and Intent**

The general purpose and intent of the district design criteria are to apply additional requirements pertaining to building form, building orientation, pedestrian access, and overall circulation so that districts develop/redevelop in a manner that strengthens their intended character. These criteria are intended to provide a safe, functional, and attractive built environment as experienced by an array of users and transportation modes.

**Sec. 138-3801. – General Requirements**

- (a) *Applicability* – The design provisions of this division shall apply to the following districts unless otherwise specified:
  - (1) Multi-family residential district (RM)
  - (2) Residential planned development district (RPD)
  - (3) All office and commercial districts
  - (4) Industrial planned development district (IPD)
  - (5) Mixed-use district (MXD)
  - (6) All special districts
  - (7) All institutional districts
- (b) Design criteria deviations
  - (1) Specific life/safety standards shall prevail and supersede these design criteria when there is a conflict with other governmental life/safety codes. The county administrator or designee may adjust any design criteria that is in conflict with life/safety standards.
  - (2) All other deviations from the design criteria shall be reviewed as a variance, waiver, and/or administrative adjustment pursuant to the provisions of Chapter 138 Article II Division 7.
- (c) *Project phasing*. Development projects may be phased to incrementally comply with design criteria so long as a site plan or development master plan for the entire site is approved that depicts a build-out design that complies with design criteria and any approved variances.
- (d) *Conflicts with other plans and special districts*.
  - (1) In the event the provision of this division conflict with the requirements in an adopted specific area plan, the specific area plan shall have priority.
  - (2) In the event the provisions of this division conflict with the standards in a special district, the special district standards shall apply.
  - (3) The county administrator or designee shall have the authority to make a code interpretation where it is unclear how standards shall be applied when there is multiple standards.

**Sec. 138-3802. – Street and Parking Design**

- (a) In addition to the provisions of this division, roadway design and block standards shall comply with Chapter 154, Division 2 and parking lots and drive aisles standards shall comply with Chapter 138, Article X, Division 2.

- (b) Streets, drive aisles, and accessways shall be designed as an extension of the surrounding roadway and/or transportation pattern. To the greatest extent practicable, new streets, drive aisles, and accessways shall be integrated into this pattern.
- (c) Streets and drive aisle shall connect to existing roadway/driveways that stub to the subject property. This shall not apply to single-family residential projects.
- (d) Parking lots should be designed to respond to and preserve existing mature trees to the greatest extent possible. Pervious paving and/or pavers may be used for parking surfaces near mature trees to ensure root health and preservation.
- (e) In the mixed-use district, the following parking standard shall apply:
  - (1) Parking areas shall be located behind a front building facade.
  - (2) Passenger loading and unloading areas may be provided between a front building facade and an adjacent street. When a passenger loading and unloading area is provided in this arrangement, one drive aisle may be provided to link vehicles to parking areas.
  - (3) Parking structures should be internal to the site and shall include architectural features/design elements and a facade treatment compatible with the principal structure; or shall be screened with ornamental grillwork, artwork, vertical/facade landscaping, or similar architectural features. Parking structures located along a primary roadway should include ground-floor commercial or employment along a minimum of 50 percent of the roadway frontage.

**Sec. 138-3803. – Pedestrian Connections and Circulation.**

- (a) Where multiple storefronts or multiple buildings exist within the same development, each tenant space shall be connected by an internal sidewalk system that is clearly delineated from the vehicular pavement. The internal sidewalk system shall connect to public sidewalks that abut the site/property.
- (b) An internal pedestrian system shall provide for a connection at logical locations to abutting properties.
  - (1) An internal pedestrian connection is not required to abutting single-family residential lots.
  - (2) Internal pedestrian connections to adjacent properties are not required at locations that:
    - a. Are separated by significant natural features such as wetlands, streams and topography AND/OR
    - b. Are separated by significant man-made features such as canals, stormwater ponds, rail lines, storage yards, and the like.
- (c) All buildings that face a primary roadway/street shall contain an entryway that is oriented to said roadway. The entryway shall include decorative door surrounds, and a porch, portico, arcade and/or stoop. This does not preclude supplemental entrances not facing a roadway.
- (d) At least one designated pedestrian pathway shall be provided across parking lots that exceed 50 total parking spaces. This designated pedestrian pathway shall be a minimum of five (5)-feet in pavement width. The pedestrian pathway shall provide a relatively direct connection between building entrances and all adjacent streets, and shall satisfy current ADA requirements.

- (e) Shopping centers that front a parking field shall provide a pedestrian pathway/sidewalk along the full length of the primary center facade. This pedestrian pathway/sidewalk shall average ten (10)-feet in width.
- (f) Structures and/or landscaping shall be constructed/planted around pedestrian use areas to provide shade and reduce heat island effects.

**Sec. 138-3804. – Building Orientation**

- (a) *Entryways.* Building entryways should be oriented to adjacent roadways/streets to create a direct connection between the building and the public sidewalk system.
- (b) *Building location.* Developments should include buildings that are located close to roadways/streets to establish an urban form that is oriented to pedestrian mobility and provides walkway connections to transit stops, public sidewalks and the surrounding neighborhoods.
- (c) *Building orientation standards for the RM, RPD and MXD districts.* The following standards shall apply to multifamily, mixed-use and nonresidential buildings in these districts:
  - (1) A building or a series of buildings shall occupy a minimum percentage of the site’s primary roadway frontage based on zoning districts. The table below shall establish the minimum building frontage percent for each zoning district and the building siting requirements.

Zoning District	Minimum building to frontage requirement
RM and RPD	50%
MXD	60%

- (2) For buildings used to comply with Subsection (1) above, sixty percent (60%) of the building façade(s) shall be located within 20-ft of the site’s front property line along a street.
  - a. This building location requirement may be administratively adjusted to respond to easements, utilities and other lot restrictions.
  - b. This standard may be adjusted when Subsection (3).a is applied.
- (3) Parking lots are not permitted between the front building façade and the adjacent roadway. The following exceptions apply:
  - a. In the RM and RPD districts, parking lots may be allowed in portions of a lot located along a roadway that is planned to have six or more travel through lanes as identified on the Metropolitan Planning Organization’s (MPO) Long-Range Transportation Plan. In this situation, parking lots are restricted to one (1) drive aisle and two (2) rows of parking stalls between the building and the adjacent street.
  - b. For double frontage lots, this shall only be applicable to the portion of the lot that is intended to be the front yard.
  - c. This shall not apply to alleys.
- (4) The standards of this subsection do not apply to the following:
  - a. Buildings and other structures located internal (set back from the street) to the lot when a separate building is located along the primary roadway/street which independently meets these standards.

- b. For institutional and government uses, portions of the lot's street frontage beyond 600 linear feet.

(d) *Building orientation standards for all office and commercial districts, the industrial planned development district (IPD), all special districts, and all institutional districts.* The following standards shall apply to multifamily, mixed-use, and nonresidential buildings in these districts:

- (1) A building or a series of buildings shall occupy a minimum percentage of the site's primary roadway frontage based on zoning districts. The table below shall establish the minimum building frontage percent for each zoning district and the building siting requirements.

Zoning District	Minimum building to frontage requirement
All office and commercial districts	40%
IPD	30%
All institutional districts	30%
All special districts	40%

- a. For lots located adjacent to two or more roadways, the minimum building frontage standard shall only apply to the adjacent primary roadway.
- b. The primary roadway shall be defined as the road/street which has a higher functional classification as determined by the Pinellas County Comprehensive Plan, has a greater number of Average Annual Daily Trips (AADT) OR, if such information is unavailable, as determined by the county administrator or designee.
- c. As applied to buildings meeting the minimum frontage standard, the following features may be allowed between the building and the adjacent street:
  - 1. Open space and pedestrian amenities
  - 2. Low impact development stormwater management facilities
  - 3. Free-standing architectural elements
  - 4. Driveways and parking lots subject to the provisions of subsection (2) below.
- d. This building frontage requirement may be administratively adjusted to respond to easements, utilities and other lot restrictions.

(2) Parking lots shall be limited in scale for the areas between the front building façade and the adjacent primary roadway. The following standards apply:

- a. Parking lots are restricted to one (1) drive aisle and two (2) rows of parking stalls between the building and the adjacent street.
- b. For multi-frontage lots, this shall only be applicable to the portion of the lot that was originally intended to be the front yard.
- c. This shall not apply to alleys.

(3) The standards of this subsection do not apply to the following:

- a. Buildings and other structures located internal (set back from the street) to the lot when a separate building is located along the primary roadway/street which independently meets these standards.

- b. For institutional and government uses, portions of the lot's street frontage beyond 600 linear feet.
- (e) *Service and loading.* All service areas and loading docks shall be located behind the front facade line of the principal structure they are intended to serve and shall be screened from adjacent roadways and uses. This standard is not intended to be applied to vehicle maintenance and repair garages.

**Sec. 138-3805. – Building Design**

- (a) Building design
  - (1) In the RM, RPD, office, commercial and mixed-use districts, the first floor, street facing building facades shall be constructed with architectural articulation including, but not limited to, fenestration, display windows, natural finishes and/or other architectural features intended to break-up large expansive facades.
    - a. In the RM and RPD Districts, at least 35 percent of linear ground level, street facing façades shall be transparent, meaning glass or other transparent or translucent materials.
    - b. In the office and commercial districts, at least 25 percent of linear ground level, street facing façades shall be transparent, meaning glass or other transparent or translucent materials.
    - c. In the mixed-use district, at least 50 percent of linear ground level, street-facing facades shall be transparent, meaning glass or other transparent or translucent materials.
  - (2) New multi-building developments shall be designed so that individual buildings relate to other structures on site in terms of facade design, entrances/entryways, and pedestrian access.
  - (3) Multi-tenant buildings shall provide shelter elements such as awnings, arcades, and/or shade trees along the majority of its entry façade(s) to protect people from weather elements including sun, wind, and rain.
  - (4) In the mixed-use district, the following building form shall apply.
    - a. The first floor of each multi-story non-residential building should not be less than 12-feet in height measured from the finished first floor surface to the bottom of the second floor.
  - (5) All mechanical equipment and utility functions (e.g. electrical conduits, meters, HVAC equipment) shall be located behind the front facade line of the principal structure. Mechanical equipment that could otherwise be visible from the streets shall be screened with a material that is compatible with the architecture of the principal structure.
- (b) Building Style
  - (1) Renovations, additions and accessory structures shall be designed to be compatible with the architectural style of the structure in which they are a part. Compatibility shall be determined by reviewing building materials, finishes and other significant features.
  - (2) Multi-building developments shall provide a unified architectural theme with standardized building materials, finishes, and color schemes. All buildings on the site shall project a complementary building style and/or architectural theme.