

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 138, ARTICLE IX, DIVISION 3, SECTION 138-3232 OF THE PINELLAS COUNTY CODE OF ORDINANCES; PROVIDING DEFINITIONS; ESTABLISHING A CERTIFICATE OF USE PROGRAM FOR SHORT TERM RENTAL PROPERTIES; PROVIDING FOR INSPECTIONS OF SHORT TERM RENTAL PROPERTIES TO ENSURE CONSISTENCY WITH THE FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION CODE; PROVIDING FOR SHORT TERM RENTAL PROPERTY ADVERTISING REQUIREMENTS; PROVIDING PROVISIONS FOR THE REGULATION OF OCCUPANCY OF SHORT TERM RENTAL PROPERTIES; PROVIDING PARKING REGULATIONS FOR SHORT TERM RENTAL PROPERTIES; PROVIDING FOR PENALTIES FOR NONCOMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

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

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

**WHEREAS**, the purpose of this Ordinance is to amend and update the provisions of Chapter 138 of the Land Development Code; and

**WHEREAS**, the Local Planning Agency held a duly noticed and advertised public hearing on January 8, 2025 as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

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

**WHEREAS**, prior to 2011, Florida's cities and counties regulated short term vacation rentals, also referred to as short term rentals, under the home rule authority granted to them by the Florida Constitution; and

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) (hereafter "Chapter 2011-119") which preempted the local regulation of short term vacation rentals, (also known, identified, and defined herein as "short term rentals"), said properties being defined as transient rentals less than thirty (30) days in duration and commonly located in residential areas; and

**WHEREAS**, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) (hereafter "Chapter 2014-71") which rescinded the preemption of local government regulation of short term rentals, but provided that a local law, ordinance, or regulation adopted after June 1, 2011, may not prohibit short term rentals or regulate the duration or frequency of rental of short term rentals; and

**WHEREAS**, Chapter 2014-71 returned control to local governments to mitigate the effects of short term rentals for the purpose of making them safer, more compatible with their surrounding neighborhoods, and to make rental unit owners accountable for their proper operation; and

**WHEREAS**, as a result of Chapter 2014-71 short term rentals cannot be prohibited and are permitted in all zoning districts; and

**WHEREAS**, single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) to three (3) persons per household on average; and

**WHEREAS**, local governments apply design standards tailored to residential neighborhoods for their roads, driveways, sidewalks, emergency services, planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, and craft regulations for the purpose of assessing infrastructure impacts and corresponding fair and proportionate impact/connection fees; and

**WHEREAS**, full time single-family home residents inherently understand their physical surroundings and inherent risks due to the familiarity arising from daily use; and

**WHEREAS**, short term rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, resident exit routes, pool and home safety features, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

**WHEREAS**, short term rental owners may live elsewhere and not experience the quality of life problems and negative impacts associated with larger, unregulated short term rental units on residential neighborhoods; and

**WHEREAS**, short term rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to their size, excessive occupancy, excessive vehicular traffic and parking and the lack of proper facilities if left unregulated; and

**WHEREAS**, some short term rental owners will make investments in upgrading building safety measures of their rental properties whereas other owners will not make such investments without local requirements and an ongoing inspection/enforcement program; and

**WHEREAS**, short term rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of a typical neighborhood; and

**WHEREAS**, the presence of short term rentals within single-family dwelling units in established residential neighborhoods can create negative impacts, which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

**WHEREAS**, traditional lodging establishments (hotels, motels, and bed and breakfasts) are restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

**WHEREAS**, traditional lodging establishments are governed by more stringent development standards, undergo annual inspections, and have more stringent operational and business requirements; and

**WHEREAS**, traditional lodging establishments are often required to make roadway improvements and/or pay much higher transportation, water, sewer, and other impact fees to offset the infrastructure demands they create; and

**WHEREAS**, permanent residents within residential neighborhoods often establish long-term friendships, social norms and a sense of community which often leads to mutual respect among property owners on an ongoing basis; and

**WHEREAS**, a single-family dwelling home is typically the largest investment a family will make in their lifetime, with the home functioning as the center of the family unit; and

**WHEREAS**, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without excessive intrusion by transient occupants in the neighborhood; and

**WHEREAS**, Pinellas County promotes tourism, including appreciation and enjoyment of the county's abundant preserved natural areas, historic sites, pristine beaches, and walking and bicycling paths that make Pinellas County unique among Florida's coastal counties; and

**WHEREAS**, some municipalities in Pinellas County, and many local jurisdictions in the State of Florida, and across the nation have standards in place to minimize the negative impacts caused by short term rentals; and

**WHEREAS**, current short term rental industry practice is to charge a flat rental fee for the term of the lease, regardless of the transient occupant count, which incentivizes the common practice for lessees of oversized structures used as short term rentals to increase the transient occupant count, spreading the cost burden for the rental term among as many payers as possible; and

**WHEREAS**, the County desires to encourage short term rentals that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

**WHEREAS**, Pinellas County seeks to balance respect for private property rights and incompatibility concerns between the investors/short term rental properties and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development standards; and

**WHEREAS**, while Pinellas County's average family size is 2.93 persons, the County is providing, based on the available bedrooms and common area in a given single family residence, for significantly greater temporary occupancy within a short term rental, subject to a reasonable regulatory framework; and

**WHEREAS**, these regulations are deemed necessary by the Pinellas County Board of County Commissioners to preserve property values and to protect the health, safety, and general welfare of permanent residents, property owners, investors and transient occupants and visitors alike; and

**WHEREAS**, these regulations are being promulgated by the Pinellas County Board of County Commissioners to supplement, but not replace, any existing federal or state law or regulation, or other controls within established residential neighborhoods served by a homeowners' association; and

**WHEREAS**, these regulations do not regulate duration or frequency of short term rentals, but are intended to address the frequent change of many transient occupants housed within a single-family dwelling within an established residential neighborhood; and

**WHEREAS**, the application of minimum life/safety requirements to short term rentals, along with other minimum standards, ensures that transient occupants are provided the same minimum level of protection as is provided for single- and two-family residences utilized as hotels, motels, and dormitories; and

**WHEREAS**, Bedrooms within short term rental units shall be recognized in the same manner as bedrooms within single-family residential homes, with the same requirements as are currently provided within local, state, and federal regulations, as applicable; and

**WHEREAS**, short term rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of single-family and two-family residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, and collecting and remitting various sales taxes to state and local government; and

**WHEREAS**, a short term rental property is a commercial lodging activity; and

**WHEREAS**, some short term rental properties are being used exclusively as rentals by

investors/owners; and

**WHEREAS**, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term rental responsible party, ensures that the private property rights of the short term rental owner are balanced with the needs of the County to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

**WHEREAS**, the County, through its existing regulatory framework, will issue certificates to short term rentals conforming to these standards, which will in turn provide a level playing field amongst all providers of short term rental units; and

**WHEREAS**, this ordinance additionally establishes an enforcement mechanism for those short term rental properties which do not adhere to the standards on an initial or continuing basis, with the overall goal of the short term rental unit program being compliance with the standards and not punitive in its scope.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_20\_\_\_\_, that:

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

#### Chapter 138

#### Sec. 138-3232. Short term rentals.

(a) *Purpose.* The intent of short term 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. Short term rentals generally occur in typical residential units and mostly within residential neighborhoods.

(b) *Applicability.* This section will apply to short term 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.

(c) This section is not applicable to hotels/motels and bed and breakfast uses, or other residential dwelling units that are rented for periods over one month.

(d) *Areas Embraced.* The areas embraced by this chapter will be all lands within the unincorporated area of Pinellas County.

(e) *Definitions.* The following terms as used in this article are defined as set forth hereinafter:

*Bedroom* means a room that can be used for sleeping and that:

- (1) For site-built dwellings, has a minimum of 70 square feet of conditioned space and minimum ceiling height in accordance with the Florida Building Code and complies with the Pinellas County Code Section 22-300 (dwelling space);
- (2) For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
- (3) Is located along an exterior wall;
- (4) Has a closet and a door or an entrance where a door could be reasonably installed;
- (5) Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code;
- (6) A room may not be considered a bedroom if it is used to access another room except a bathroom or closet;
- (7) “Bedroom” does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation, media/video room, or exercise room.

*Inspection* for purposes of the application of this section means an onsite review of the subject property by Pinellas County staff for minimum life/safety requirements in accordance with the Florida Building Code and Florida Fire Prevention Code.

*Occupancy* refers to the number of adults and minors regularly present within the boundary of the property.

*Owner* means the person or entity holding legal title to the short term rental property, as reflected in the Pinellas County Tax Collector’s records.

*Responsible party* means the owner, agent, or any person 18 years of age or older designated by the owner, tasked with responding to requests for inspections, complaints, and other problems relating to or emanating from the short term rental of the transient public lodging establishment. The responsible party must be authorized to act on behalf of the owner to report issues of trespass to law enforcement in relation to occupancy violations under this Section. There will only be one designated responsible party for each short term rental. An owner may retain a private property management company to serve as the designated responsible party.

*Short term rental, short term rental property, and short term vacation rental* means a structure that is a "transient public lodging establishment" as defined herein and in Section 509.013, Florida Statutes, as amended. Should the definition of “transient public

lodging establishment” be amended in the Florida Statutes after the effective date of this ordinance, the statutory definition shall govern.

*Transient public lodging establishment* means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

(f) *Mandatory Short Term Rental Certificate of Use.*

- (1) A valid short term rental certificate of use is required for any short term rental unit to be rented or offered for rent in the county. Failure to maintain a current short term rental certificate of use to operate any short term rental unit is a violation of this section. It is recognized there are agreements for short term vacation rentals in existence at the time of passage of the ordinance enacting this section. Rental agreements entered into prior to the adoption of this section on March 25, 2025 shall be considered vested. Should any issue arise as to whether a rental agreement is vested under this subsection, the owner or responsible party shall provide proof of a vested rental agreement to the satisfaction of the County, including providing electronic data that establishes the date on which the agreement at issue was entered into.
- (2) Any person or entity who operates a short term rental unit will apply for a short term rental certificate of use on a form provided by the county and with the required application fee. An applicant will include all information required by this ordinance in the application. The county will review the application for completeness before processing begins. If the application is incomplete, the applicant will be informed of what material is missing. The applicant will have twenty (20) business days to provide the missing material. If the missing material is not provided, the application will be deemed withdrawn. If the missing material is provided and the application is deemed complete, staff will process the application in the usual course of business.
- (3) A short term rental certificate of use will be valid for a one-year period beginning with its issuance date.
- (4) A short term rental certificate of use must be renewed prior to the end of its term by filing an application for renewal sixty (60) days before the expiration of the certificate. An applicant must include all information required by this ordinance in the application. Upon receipt of an incomplete application, the applicant will have twenty (20) business days to provide all missing materials and information. If a complete application is not received within the allotted timeframe, the application will be deemed withdrawn. Once the application is deemed complete, the administration will process the application in the usual course of business. If a renewal application is filed in a timely manner, the current short term rental certificate of use will remain in effect until the application for a renewal certificate is approved or denied. If an

application for a renewal certificate of use is not filed in a timely manner, the short term rental certificate will expire, and the short term rental unit will not be offered for rent or rented.

- (5) A short term rental certificate of use will be issued by the county if the following conditions have been met:
- a. The application for a short term rental certificate of use is complete, and the applicant has submitted all required documents.
  - b. A short term rental unit will be inspected by Pinellas County Staff before the initial issuance of a short term rental certificate of use, and every two years thereafter as part of the renewal process.
  - c. An inspection of the short term rental unit shows that the short term rental unit meets the minimum life/safety requirements per this Section.
  - d. The applicant has paid all required fees and if any fines or penalties had been previously imposed on the applicant, property, or the short term rental unit, the fines and penalties have been paid or otherwise resolved.
- (6) The short term rental certificate of use application must include all information relevant to review and approval of a certificate, including but not limited to, the following information:

*Property management (if applicable).*

- a. Name.
- b. Address.
- c. Phone.
- d. Local emergency contact and phone with 24-hour availability for receiving notice of violations.
- e. Email address.

*Property Owner.*

- f. Name.
- g. Address.
- h. Phone (Including the land line or mobile number applicable to the property)
- i. Local emergency contact and phone with 24-hour availability for receiving notice of violations.
- j. Email address.

*Short term rental unit address.*



- k. Number and street address, including individual unit numbers or letters for short term rental units with more than one unit.
- l. The name of the short term rental property (e.g., “Mermaid’s Hideaway”).

*Parking.*

- m. A parking plan, to include the number and location of on-site parking spaces, with a drawing of the location of parking spaces if applicable, as attachment.

*Proof of ownership. The following proofs must be submitted:*

- n. Copy of a recorded deed (as an attachment) or a recent profile from property appraiser (as an attachment).
- o. Verification of active status for corporate owners (as an attachment).
- p. Taxpayer Identification Number for owners not U.S. citizens.

*Parcel Identification Number (assigned by the county property appraiser).*

*Property description type.*

- q. Single family
- r. Duplex Unit
- s. Condominium (proof of active condominium association as attachment)
- t. Other – list type

*Occupancy.*

- u. Number of bedrooms.

(7) The property owner or an agent of the property owner must submit an application to the county for each short term rental unit attesting to the following:

- a. That the property owner or agent has an active license from the Department of Business Professional Regulation (DBPR) for use of the property as a public lodging establishment. A copy of the active license will be submitted as part of the application.
- b. That the property owner or agent has an active resale certificate for sales tax issued by the state. A copy of the active certificate will be submitted as part of the application.
- c. That the property owner or agent collects and remits the required tourist development tax pursuant to Chapter 212, Florida Statutes. The property owner or agent will attest to compliance on the application.
- d. That the short term rental property complies with all ordinances of the county.

- (8) Payment of fees will include a certificate of use fee, a portion of which will be non-refundable to initiate and process an application, inspection fee(s), and an annual renewal fee. Any adjustment to these fees may be made by resolution of the Board of County Commissioners.
- (9) The county has the discretion to request any additional information required to demonstrate compliance with all state laws and county ordinances.
- (10) The county may revise the application requirements by resolution.
- (11) Upon receipt of a complete application, the county will schedule an inspection for compliance with the minimum life/safety requirements per this Section. Once the property has passed the applicable inspection(s), the county will issue a short term rental certificate of use to the property owner which certificate will be valid for a period of one year. If the short term rental property fails its inspection, the owner will be given 30 days to bring the property into compliance with the minimum life/safety requirements per this Section and request a re-inspection of the property. An owner may apply for an extension up to sixty (60) additional days if the owner is able to demonstrate efforts toward compliance. Evidence of efforts towards compliance include but are not limited to completion of a building permit filed and in-review.
- (12) A short term rental certificate of use may not be transferred upon change of ownership.
  - a. Certificates of use are non-transferable and non-assignable. The certificate of use when issued will pertain only to the property owner designated on the certificate of use for use at the one (1) specific property identified on the certificate of use.
  - b. A separate certificate of use is required for the same property owner to operate a short term rental at another location.
  - c. A new certificate of use is required if ownership of the short term rental changes from the owner(s) identified on the certificate, including purchase or acquisition of the assets of a legal entity identified as the owner on the certificate of use.
  - d. When a short term rental is sold or ownership is otherwise transferred, the new owner will apply for an initial certificate of use within thirty (30) days from the date of the sale or transfer and will obtain a new initial certificate of use. If the new owner fails to apply for a new certificate of use as provided in this section, any certificate of use previously issued for that short term rental will be null and void on the thirtieth (30) day after such sale or transfer.

- e. An inspection of the short term rental pursuant to the minimum life/safety requirements per this Section is required whenever a new owner applies for an initial certificate of use due to the sale of a short term rental or a change of ownership not involving a sale.
- (13) Failure to complete the application process including a satisfactory inspection, if necessary, within thirty (30) days after the initial inspection to correct any deficiencies identified in the initial inspection, constitutes a violation of this section, and the county will be authorized to deny the application.
  - (14) No property owner or agent for the owner will operate a short term rental unit within the county without a valid short term rental certificate of use. Failure to have a current short term rental certificate will constitute a violation of this section.
  - (15) The property owner must notify the Pinellas County Property Appraiser's Office of the intent to rent the property on a short term rental basis to ensure proper treatment of property tax exemptions and valuation.

(g) *Standards for Short Term Rentals*

- (1) All short term rental units, whether single-family homes, duplexes, condominium units, three- or four-unit complexes, or multiple family complexes, must meet the following minimum life/safety requirements:
  - a. Bedrooms. As defined in 138-3232(c);
  - b. Smoke Alarms and Carbon Monoxide Detectors. Meets the requirements of the Florida Building Code and manufacturers specifications;
  - c. Swimming Pool. Meets the requirements of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
- (2) *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.
- (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) *Parking.* A minimum of one off-street parking space will be provided for every three occupants. The number of parking spaces shall be rounded up to the next whole number. Garage spaces count towards minimum requirement if available to the occupant(s). Front lawn parking does not count towards the minimum requirement.
- (5) *Responsible party.* Responsible party will be available in a reasonable time to respond to inspections, complaints, or other problems related to the short term rental property. The duties of the short term rental responsible party are to:

- a. Be available by telephone at the posted phone number to handle any issues arising from the short term rental use 24 hours a day, seven days a week;
- b. If necessary, be willing and able to come to the short term rental unit following notification from an occupant, owner, law enforcement, or county official to address issues related to the short term rental;
- c. Inquire prior to check-in through a written question in the short term rental reservation application if any guest of a short term rental is a sexual offender or predator as defined in § 775.21, § 943.0435, § 944.607, or § 985.4815. If any guest of a short term rental responds that he or she is a sexual offender or predator as defined in § 775.21, § 943.0435, § 944.607, or § 985.4815, the short term rental responsible party shall immediately notify the Pinellas County Sheriff's Department;
- d. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section;
- e. Otherwise regularly monitor the short term rental unit to assure compliance with the requirements of this section;
- f. An owner of a short term rental may designate an agent to manage the unit on their behalf. The county will provide a form for such purpose which must be completed, notarized, and submitted to the county. The agent must accept the designations on a form provided by the county. The designation of an agent does not relieve the owner of the responsibility to comply with all the state and local statutes and ordinances;
- g. An agent who accepts a designation to act on behalf of a short term rental property owner and is designated as the responsible party is subject to the same compliance standards and applicable penalties; and
- h. A short term rental property owner can withdraw an agent authorization by submitting a new properly executed agent authorization to the county. The county may rely on the latest form it has of the owner's intent.

(6) *Posting short term rental unit information* conspicuously on or near the interior side of the front door of the primary entrance, there will be provided on a single page the following information:

- a. The name, address, and phone number of the short term rental responsible party; The maximum occupancy of the unit, per this section, above;

- b. The maximum number of vehicles that can be parked at the unit, per this section, above; along with a sketch of the location of the off-street parking spaces;
- c. A copy of the Pinellas County Noise ordinance;
- d. The days of trash pickup and recycling;
- e. The location of the nearest hospital;
- f. Afterhours number to short term rental monitoring hotline; and
- g. The following statement, or substantially similar language: *"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."*

(h) *Short Term Rental Units Advertisement Requirement*

- (1) All advertising for short term rental units will state the occupancy limit of the short term rental unit, the maximum parking available on the property, and will include the following statement:

*"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."*

- (2) All advertising for short term rental units will include the state license number of the short term rental and the county certificate of use number.
- (3) Advertisements that do not contain this information or that contain inaccurate information will be deemed a violation of this section and subject to the penalties contained in this section. The short term rental certificate of use number will be included on all advertising, including, but not limited to print and internet-based advertising. For advertisements published in newspapers, the owner or manager of the short term rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the short term rental unit for a more detailed version of rules and regulations of booking a short term rental unit.

(i) *Penalties for violations of this article*

Violations of this article are punishable as provided in Pinellas County Code of Ordinances Chapter 1, Section 1-8.

## **Sec. 138-4058 Specific use standards.**

The specific use standards listed within each use category are intended to ensure such uses are consistent with the overall intent of the LFBC, while also being compatible with the surrounding neighborhoods in which they are located.

(a) *Residential.*

- (1) Single-unit attached dwellings with ground story residential units may fulfill the Doors/Entries Element requirement (per LFBC Division 4) with a shared internal courtyard that provides the direct access to the primary frontage(s), as opposed to individual access from the street to each individual dwelling unit.
- (2) Multi-unit residential developments.
  - a. Ground story residential units may fulfill the Doors/Entries Element requirement (per LFBC Division 4) with a shared internal courtyard that provides direct access to the primary frontage(s), as opposed to individual access from the street to each dwelling unit.
  - b. A minimum of 10 percent of the site area must be reserved and/or improved as usable open space. Required common open space must be usable for parks, recreation, and/or retained for natural resource protection. Rooftop decks, balconies, porches or similar outdoor spaces, including spaces for a nonresidential use for mixed-use developments, may count towards this requirement.
- (3) Accessory dwelling units (ADUs), are intended to provide additional housing that is incidental to a primary dwelling while ensuring that the intended district character is protected. ADUs include, but are not limited to, guest housing, security residence, and/or affordable housing options. ADUs, are subject to the following:
  - a. Accessory dwelling units cannot exceed 750 square feet in area.
  - b. Only one ADU per parcel of ownership is permitted.
  - c. Either the primary dwelling or the ADU must be owner-occupied.
  - d. All applicable district regulations pertaining to setbacks and lot coverage provisions must be met.
  - e. Separate metered utility connections for the ADU may be permitted.
  - f. Mobile homes and recreational vehicles cannot be used as ADUs.
  - g. ADUs must meet the minimum requirements for a dwelling unit in accordance with the Florida Building Code.
- (4) Group living facilities, such as an assisted living facility, group home, or congregate care facilities, provide a living environment where various levels of services are

provided to assist in an individual's daily needs. Group living facilities are subject to the following:

- a. Facilities must be developed with at least 10 percent of the site area to be reserved and/or improved as common open space. Required common open space must be usable for parks, recreation, and/or retained for natural resource protection. Rooftop decks, balconies, porches or similar outdoor spaces may count towards this requirement.
- b. Group living facilities may be constructed/established as a variety of housing types.
- c. Group living facilities are not permitted within a designated Coastal High Hazard Storm Area.

(5) Affordable housing development.

- a. LDC Section 138-3211 applies in its entirety for all Affordable Housing Developments.

(6) Short term rentals (STRs), are intended to allow for an individual dwelling unit to be rented to an individual or party while protecting the immediate vicinity from associated negative impacts relating to traffic, noise, safety, and maintenance. STRs generally occur in residential units and typically within residential neighborhoods. STRs are permitted in all Districts and must comply with the provisions described in LDC Section 138-3232.

(b) *Office.*

(1) Live/Work.

- a. The residential and commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- b. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers; insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations, as determined by the Code Administrator.
- c. The commercial component must not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.
- d. The commercial component is restricted inside the primary building or within an accessory structure on-site. Exterior storage of products, equipment, employee vehicles, or materials related to the commercial use is not permitted.

- e. Traffic generated by on-site customers, vendors, or delivery services for the commercial use cannot generate vehicular traffic in excess of normal residential traffic.
- f. A maximum of 2 business vehicles associated with the commercial use are permitted to be parked on-site. These vehicles are limited to standard sized commercial trucks, vans, or other similar vehicles and may not be parked within the front yard, unless they are on a driveway.
- g. The commercial use must not require increased exterior lighting that would detract from the residential character.
- h. The commercial use cannot generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.
- i. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.

(2) Work/Live.

- a. Residential areas are permitted above, to the side or in back of the commercial component, provided there is internal access between the residential and commercial space.
- b. The external access for the commercial component must be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the commercial component must be located on the ground level.
- c. The commercial component's use must be permitted within the District in which the property is located, per LFBC Div. 6: Table 138-4057.a. Additionally, the following commercial activities are permitted for a work/live unit: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers; insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations, as determined by the Code Administrator.
- d. The work/live unit is required to provide parking in accordance with LFBC Div. 7: Table 138-4091.a.

(c) *Retail.*

- (1) Food/drink establishments, are permitted outside dining/seating areas subject to the following standards:



- a. Seating areas must be delineated and designated on an approved site plan.
- b. Seating areas may only occupy a public sidewalk when a utilization of right-of-way permit or equivalent thereof is obtained from the applicable governing body/authority.
- c. When outdoor seating/dining areas are permitted on the public sidewalk, a minimum 5 foot wide walkway clearance area must be provided.

(2) Vet clinic.

- a. When adjacent to an existing single-unit, detached dwelling or a duplex/semi-detached dwelling the following standards must apply:
  - 1. A six (6) foot high opaque wall or fence must be provided along rear and side property lines around outdoor exercise areas.
  - 2. Animal exercise areas must be at least twenty-five (25) feet from the shared residential property lines.
  - 3. Animals must not be boarded outdoors.
- b. Veterinary facilities must have an appropriate system for the disposal of animal waste. Animal waste is not allowed to collect in areas where it could result in direct discharge into the Municipal Separate Storm Sewer Systems (MS4).

(d) *Automotive.*

(1) Automobile broker.

- a. Automobile sales and storage for the purpose of conducting the automobile brokerage business must take place within a fully enclosed building.
- b. No vehicle may be parked on the premises for the purpose of display, demonstration, rental, or lease.
- c. The outdoor vehicle storage is prohibited.
- d. Building entryways should be oriented towards the street to create a direct connection between the building and the public sidewalk system.

(2) Automobile service/repair uses.

- a. All service and repair activities must be located within fully enclosed buildings.

- b. No vehicle may be parked on the premises for the purpose of vehicular sales.
  - c. Building entryways should be oriented towards the street to create a direct connection between the building and the public sidewalk system.
  - d. The air conditioned space of the building should be located in the Build-to Area. (See LFBC Div. 4: Figure 138-3986.c)
  - e. The outdoor storage of parts and/or vehicles is only allowed in the rear and side yards, must be screened behind a minimum 6 foot high opaque wall or fence that complies with the requirements outlined in LFBC Div. 5: Section 138-4021(a)(9), and must be a minimum of five (5) feet from a residential property.
  - f. The outdoor storage or parking of any disabled, wrecked or partially dismantled vehicle must not exceed 30 days during any 60-day period.
- (3) Automobile sales/rental.
- a. The gross floor area of the enclosed building must be a minimum of 7,000 square feet.
  - b. Vehicle display lots must be located in the side and rear yard of the primary building, except if the site is located along 34th Street N./US 19.
- (4) Fuel station.
- a. All fuel canopies and pumps must be located behind the primary building on the property. This provision does not apply to properties fronting 54th Avenue N between 28th Street and the I-275 interchange right-of-way line.
  - b. All fueling pump islands, fuel storage apparatus, and canopy elements must be set back at least 30-feet from any existing residential use.
- (5) Truck maintenance/fueling. Uses intended to serve multi-axle trucks, such as truck maintenance and fuel stations, are limited to properties located within 2,000 feet of the I-275 interchange (measured from the center of the interchange).
- (6) Drive-thru facilities.
- a. Drive-thru service windows must be located to the rear or side of the primary building on the property. Properties located within 2,000 feet of the center of the I-275 interchange are exempt from this requirement.
  - b. Minimum stacking spaces:
    - 1. Food/Drink Establishments = 5 spaces

2. All Other Facilities = 3 spaces
- c. Stacking lanes must be configured to ensure queuing vehicles do not block driveways, access to parking, pedestrian walkways/crossings, or extend into the public right-of-way.
- d. Stacking lanes adjacent to pedestrian walkways must be screened by landscaping and/or a decorative wall, with a height of 24 to 36 inches.
- e. Drive-thru speakers must be directed away from adjacent residential uses.

(7) Parking structure.

- a. When developed as an accessory use on the ground/1st floor of a building within the Local Trade or Neighborhood Park district, the parking structure must be interior to permitted uses and developed as liner building spaces, effectively screening the ground/1st floor of the parking structure from public frontage viewpoints. (See LFBC Div. 6: Figure 138-4058.a)
- b. Standalone parking structures should be internal to the site and shall include architectural features/design elements and a facadetreatment compatible with the principal structure; or shall be screened with ornamental grillwork, artwork, vertical/facadelandscaping, 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.

(e) *Industrial.*

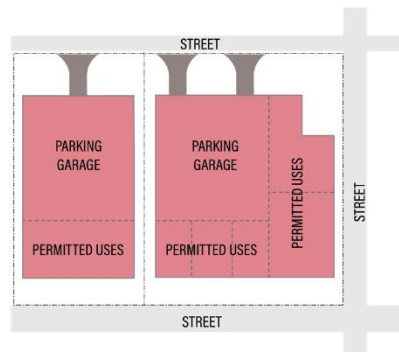
(1) Outdoor storage, principal use. Outdoor storage as a principal use is not permitted within the Neighborhood Park District. Where allowed, the following provisions apply:

- a. Outdoor storage as a principal use shall not include inoperable vehicles, inoperable appliances, garbage, organic and inorganic waste, or hazardous materials.
- b. All outdoor storage of permitted materials must occur behind a minimum 6 foot high opaque wall or fence that complies with the requirements outlined in LFBC Div. 5: Section 138-4021(a)(9).
- 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 must be equipped with track-out prevention measures to minimize the conveyance of sediment into Municipal Separate Storm Sewer Systems (MS4).

(2) Self/mini storage. Self/mini storage uses are intended for leasing storage space for household goods, business or personal property. The following provisions apply:

- a. Individual storage units must be located fully within a building type that is permitted within the applicable District, per LFBC Appendix: Section 138-4120(a), and meets all applicable District Standards established in LFBC Division 4.

Figure 138-4058.a Parking Structure: Accessory Use



- b. Access to the storage units shall be provided from a common entryway(s) to the building.
- c. No unit shall be used for human or animal habitation.
- d. No business can be conducted from within storage units.

(f) *Civil support.*

(1) Cemeteries.

- a. Cemeteries may include ancillary and accessory uses and structures. These structures must meet the Siting Requirements of the respective District in which the cemetery is located.
- b. Graves and/or burial crypts must be located at least 50 feet from an abutting parcel.
- c. Any crematory must be located at least 200 feet from an abutting parcel and must be buffered from view from adjacent residential lands by fencing or landscaping as deemed appropriate by the Code Administrator.

(g) *Civic.*

(1) Recreation/fitness (indoor or outdoor).

- a. No outdoor activity area may encroach into the required District setbacks, with the exception of trails and pathways.
- b. Outdoor activity areas, with the exception of passive outdoor areas, must be set back at least 30 feet from any adjacent residential property.
- c. Outdoor lighting must be designed such that direct sources of illumination are not visible beyond the property lines. Lights must be directed away from adjacent residential uses.

(2) Wireless communications tower. The establishment of any new wireless communications tower must comply with LDC section 138-3313.

**Sec. 138-4091. Minimum parking.**

- (a) *Off-street parking.* The minimum number of off-street vehicle parking spaces is listed in LFBC Div. 7: Table 138-4091.a: Parking Standards, based on land use. A professional parking study may be submitted for consideration by the Code Administrator to allow for a reduced minimum parking requirement.
- (b) *Bicycle parking.* The minimum number of bicycle parking spaces is listed in LFBC Div. 7: Table 138-4091.a: Parking Standards, based on land use. Whenever the table indicates two numerical standards, the larger resulting quantity must apply.

**TABLE 138-4091.a: PARKING STANDARDS**

| USE CATEGORY                      | MIN. VEHICLE SPACES   | MIN. BICYCLE SPACES                                |
|-----------------------------------|---|--|
| <b>RESIDENTIAL</b>                |   |  |
| Single-Unit Residential, Attached | 1.5 per unit  | N/A  |
| Group Living                      | 0.33 per unit   | N/A  |
| Accessory Dwelling Unit (ADU)     | N/A   | N/A  |
| All Other Residential Uses        | 1.5 per unit  | 2, or 1 per 20 units (Multi-Unit Residential Only) |
| <b>LODGING</b>                    |   |  |
| Short Term Rentals                | 1.0 per three occupants   | N/A  |
| All Other Lodging Uses            | 1.0 per room  | 2, or 1 per 20 rooms                               |
| <b>OFFICE</b>                     |   |  |
| Office Building                   | 3.0 per 1,000 sqft of UFA, or 0.75 per Employee, whichever is greater | 2, or 1 per 10,000sqft                             |
| Live/Work                         | 1.0 per unit, plus 1 space per 500 sqft non-residential area          | N/A  |

|                                     |  |  |
|-------------------------------------|--|--|
| Work/Live                           | 1 per unit, plus 2.25 per 1,000 sqft of non-residential area | 2, or 1 per 10,000sqft of non-residential area           |
| <b>RETAIL</b>                       |  |  |
| Food/Drink Establishment            | 5.0 per 1,000 sqft of UFA                                    | 2, or 1 per 5,000 sqft                                   |
| Microbrewery/Winery/Distillery      | 3.0 per 1,000 sqft of UFA                                    | 2, or 1 per 5,000 sqft                                   |
| Medical Clinic                      | 3.0 per 1,000 sqft of UFA                                    | 2, or 1 per 10,000 sqft                                  |
| Vet Clinic (No Outdoor Kennel)      | 3.0 per 1,000 sqft of UFA                                    | 2, or 1 per 10,000 sqft                                  |
| All Other Retail Uses               | 3.0 per 1,000 sqft of UFA                                    | 2, or 1 per 5,000 sqft                                   |
| <b>AUTOMOTIVE</b>                   |  |  |
| Drive-Thru Facility                 | 6.0 per 1,000 sqft of UFA                                    | 2, or 1 per 5,000 sqft                                   |
| All Other Automotive Uses           | 3.0 per 1,000 sqft of UFA                                    | 2, or 1 per 10,000 sqft                                  |
| <b>INDUSTRIAL</b>                   |  |  |
| Warehouse / Storage                 | 0.5 per 1,000 sqft of UFA                                    | 2, or 1 per 40,000sqft                                   |
| Laboratory                          | 2.0 per 1,000 sqft of UFA                                    | 2, or 1 per 15,000 sqft                                  |
| All Other Industrial Uses           | 0.75 per 1,000 sqft of UFA                                   | 2, or 1 per 15,000 sqft                                  |
| <b>CIVIL SUPPORT</b>                |  |  |
| Public Safety Facility              | 4.0 per 1,000 sqft of UFA                                    | 2, or 1 per 10,000 sqft                                  |
| Cemetery                            | 3.0 per 1,000 sqft of UFA (if applicable)                    | 2, or 1 per 10,000 sqft of building area (if applicable) |
| Hospital                            | 2.5 per bed (based on building capacity)                     | 2, or 1 per 15,000 sqft                                  |
| <b>CIVIC</b>                        |  |  |
| Recreation/Fitness (Indoor/Outdoor) | 4.5 per 1,000 sqft of UFA                                    | 2, or 1 per 5,000 sqft                                   |
| Playground                          | N/A  | 2 per acre   |
| Daycare (Adult/Child)               | 2.25 per 1,000 sqft of UFA                                   | 2, or 1 per 10,000 sqft                                  |
| School (Preschool - 12)             | 0.15 per student (based on building capacity)                | 5 per classroom  |
| School (Trade/College)              | 0.5 per student (based on building capacity)                 | 5 per classroom  |
| Library/Museum                      | 2.0 per 1,000 sqft of UFA                                    | 2, or 1 per 5,000 sqft                                   |
| Passenger Terminal                  | N/A  | N/A  |
| Live Theater/Cinema                 | 0.5 per seat   | 2, or 1 per 5,000 sqft                                   |
| Assembly                            | 6.5 per 1,000 sqft of UFA                                    | 2, or 1 per 10,000 sqft                                  |

- (c) *Accessible parking.* The use/development must provide motor vehicle parking quantities as listed in LFBC Div. 7: Table 138-4091.b: Accessible Parking Spaces. The number of accessible spaces must be a part of required parking for the use/development, not in addition to. Marked on-street parking spaces designed and designated as accessible spaces that have an accessible route to the site may be included in the calculations of required accessible spaces. Refer to LFBC Div. 7: Table 138-4093.a for parking stall dimensional standards.

**TABLE 138-4091.b: ACCESSIBLE PARKING SPACES**

| TOTAL SPACES IN LOT | MINIMUM ACCESSIBLE SPACES                |
|---------------------|--|
| Up to 25            | 1  |
| 26 to 50            | 2  |
| 51 to 75            | 3  |
| 76 to 100           | 4  |
| 101 to 150          | 5  |
| 151 to 200          | 6  |
| 201 to 300          | 7  |
| 301 to 400          | 8  |
| 401 to 500          | 9  |
| 501 to 1,000        | 2% of total                              |
| Over 1,000          | 20 plus 1 for each 100 spaces over 1,000 |

**GENERAL NOTES:**

A minimum of 4 accessible spaces for the disabled must be provided at a hospital or physical rehabilitation center.

(d) *Calculations.*

- (1) When computing vehicle/bicycle parking spaces based on usable floor area (UFA), the use areas located inside all building or similar structures must be included in the required parking calculation. UFA excludes any floor area used for incidental service, storage, mechanical equipment rooms, restrooms, motor vehicle parking (e.g. garages) and other similar areas. Where these areas are not yet defined, UFA must be considered to be 85% of the gross floor area (GFA).
- (2) Any activated, usable outdoor spaces, such as outdoor dining areas, greater than 400 square feet in area must be calculated towards the minimum required on-site parking. Activated outdoor spaces located within the Build-to Area does not require any additional parking.
- (3) The minimum of required vehicle/bicycle parking spaces is based on the primary uses on a site. When there are two or more primary uses on a site, the required vehicle/bicycle parking for the site is the sum of the required spaces for each. Accessory uses are exempt from minimum parking requirements.
- (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 requires a full off-street parking space.

**Sec. 138-4553. Specific use standards.**

The specific use standards listed within each use category are intended to ensure such uses are consistent with the overall intent of the DPH FBC, while also being compatible with the surrounding neighborhoods in which they are located.

(a) *Residential.*

- (1) *Single-unit attached and multi-unit residential developments* with ground story residential units may fulfill the doors/entries element requirement with a shared internal courtyard that provides the direct access to the primary frontage(s), as opposed to individual access from the street to each individual dwelling unit.
- (2) *Multi-unit residential developments*, must provide a minimum of ten percent of the site area to be reserved and/or improved as usable open space. Required common open space must be usable for parks, recreation, and/or retained for natural resource protection. Rooftop decks, balconies, porches or similar outdoor spaces may count towards this requirement.
- (3) *Accessory dwelling units (ADUs)*, are intended to provide additional housing that is incidental to a primary dwelling while ensuring that the intended district character is protected. ADUs include, but are not limited to, guest housing, security residence, and/or affordable housing options. ADUs, must be subject to the following:
  - a. Accessory dwelling units cannot exceed 750 square feet in area.
  - b. Only one ADU per parcel of ownership is permitted.
  - c. Either the primary dwelling or the ADU must be owner-occupied.
  - d. All applicable district regulations pertaining to setbacks and lot coverage provisions must be met.
  - e. Separate metered utility connections for the ADU may be permitted.
  - f. Mobile homes and recreational vehicles must not be used as ADUs.
  - g. ADUs must meet the minimum requirements for a dwelling unit in accordance with the Florida Building Code.
- (4) *Group living facilities*, such as an assisted living facility, group home, or congregate care facilities, provide a living environment where various levels of services are provided to assist in an individual's daily needs. Group living facilities are subject to the following:
  - a. Facilities must be developed with at least ten percent of the site area to be reserved and/or improved as common open space. Required common open space must be usable for parks, recreation, and/or retained for natural resource



protection. Rooftop decks, balconies, porches or similar outdoor spaces may count towards this requirement.

- b. Group living facilities may be constructed/established as a variety of housing types.
  - c. Group living facilities are not permitted within a designated coastal high hazard storm area.
- (5) *Short term rentals (STRs)*, are intended to allow for an individual dwelling unit to be rented to an individual or party while protecting the immediate vicinity from associated negative impacts relating to traffic, noise, safety, and maintenance. STRs generally occur in residential units and typically within residential neighborhoods. STRs are permitted in all districts and must comply with the provisions described in LDC section 138-3232.

(b) *Office.*

(1) *Live/work.*

- a. The residential and commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- b. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior, and other designers; hair stylists; home-based office workers; insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations, as determined by the code administrator.
- c. The commercial component must not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.
- d. The commercial component must be restricted inside the primary building or within an accessory structure on-site. There must be no exterior storage of products, equipment, employee vehicles, or materials related to the commercial use.
- e. Traffic generated by on-site customers, vendors, or delivery services for the commercial use must not generate vehicular traffic in excess of normal residential traffic.
- f. A maximum of two business vehicles associated with the commercial use are permitted to be parked on-site. These vehicles are limited to standard sized commercial trucks, vans, or other similar vehicles and may not be parked within the front yard, unless they are on a driveway.

- g. The commercial use must not require increased exterior lighting that would detract from the residential character.
- h. The commercial use cannot generate external noise, odor, glare, vibration, or electrical interference detectable to the normal sensory perception by adjacent neighbors.
- i. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.

(c) *Retail.*

(1) *Food/drink establishments*, are permitted outside dining/seating areas subject to the following standards:

- a. Seating areas must be delineated and designated on an approved site plan.
- b. Seating areas may only occupy a public sidewalk when a utilization of right-of-way permit or equivalent thereof is obtained from the applicable governing body/authority.
- c. When outdoor seating/dining areas are permitted on the public sidewalk, a minimum five-foot wide walkway clearance area must be provided.

(2) *Vet clinic.*

- a. All activities must occur within the building(s).
- b. In the Central 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 is not allowed to collect in areas where it could result in direct discharge into the municipal separate storm sewer systems (MS4).

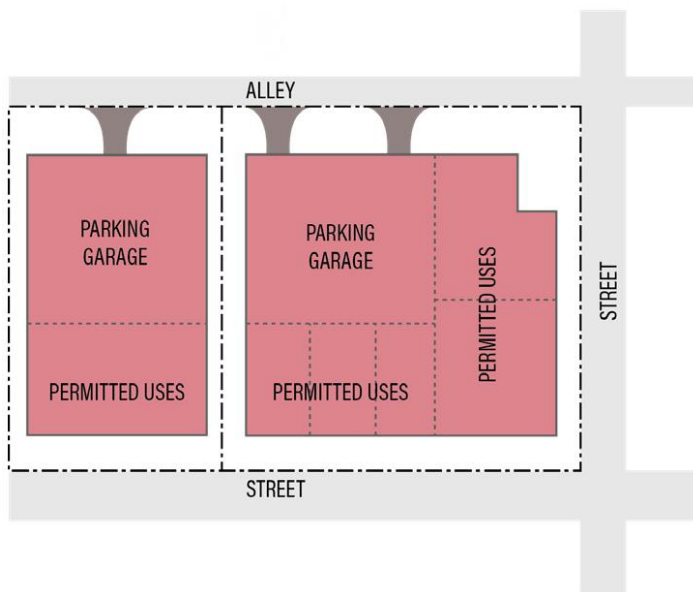
(d) *Automotive dependent.*

(1) *Drive-thru facility (bank only).*

- a. Drive-thru service windows must be located to the rear of the primary building on the property.
- b. Minimum stacking spaces = three spaces (per customer kiosk).

- c. Stacking lanes must be configured to ensure queuing vehicles do not block driveways, access to parking, pedestrian walkways/crossings, or extend into the public right-of-way.
  - d. Stacking lanes adjacent to pedestrian walkways must be screened by landscaping and/or a decorative wall, with a height of 24 to 36 inches.
- (2) *Parking structure.* When developed as an accessory use on the ground/1st floor of a building within the Central District, the parking structure must be interior to permitted uses and developed as liner building spaces, effectively screening the ground/1st floor of the parking structure from public frontage viewpoints. (See DPH FBC Div. 6: Figure 138-4553.a)

**Figure 138-4553.a: Parking Structure: Accessory Use in Central District**



- (e) *Industrial.*
  - (1) *Workshop/artisan.* Ground/1st floor building uses on Florida Avenue and in the Central District must include a retail sales component.
- (f) *Civic.*
  - (1) *Recreation/fitness/civic space (indoor or outdoor).*
    - a. No outdoor activity area may encroach into the required district setbacks, with the exception of trails and pathways.
    - b. Outdoor activity areas, with the exception of passive outdoor areas, must be set back at least 30 feet from any adjacent residential property.

- c. Outdoor lighting must be designed such that direct sources of illumination are not visible beyond the property lines. Lights must be directed away from adjacent residential uses.

**Sec. 138-4601. Minimum parking, generally.**

- (a) *Off-street parking.* The minimum number of off-street vehicle parking spaces is listed in DPH FBC Div. 7: Table 138-4601.b: Parking Standards, based on land use.
- (b) *Bicycle parking.* The minimum number of bicycle parking spaces is listed in DPH FBC Div. 7: Table 138-4601.b: Parking Standards, based on land use. Whenever the table indicates two numerical standards, the larger resulting quantity must apply.
- (c) *Accessible parking.* The use/development must provide motor vehicle parking quantities as listed in DPH FBC Div. 7: Table 138-4601.a: Accessible Parking Standards. The number of accessible spaces must be a part of required parking for the use/development, not in addition to. Marked on-street parking spaces designed and designated as accessible spaces that have an accessible route to the site and are adjacent to the site and directly accessible to a building entrance may be included in the calculation of required accessible spaces. Refer to DPH FBC Div. 7: Table 138-4603.a for parking stall dimensional standards.

| <b>TABLE 138-4601.a: ACCESSIBLE PARKING STANDARDS</b>   |  |
|---|--|
| <b>TOTAL SPACES IN LOT</b>  | <b>MINIMUM ACCESSIBLE VEHICLE SPACES</b> |
| Up to 25  | 1  |
| 26 to 50  | 2  |
| 51 to 75  | 3  |
| 76 to 100   | 4  |
| 101 to 150  | 5  |
| 151 to 200  | 6  |
| 201 to 300  | 7  |
| 301 to 400  | 8  |
| 401 to 500  | 9  |
| 501 to 1,000  | 2% of total                              |
| Over 1,000  | 20 plus 1 for each 100 spaces over 1,000 |
| <p>General Notes:<br/>A minimum of 4 accessible spaces for the disabled must be provided at a hospital or physical rehabilitation center.</p> |  |

| <b>TABLE 138-4601.b: PARKING STANDARDS</b> |                            |                            |
|--|----------------------------|----------------------------|
| <b>USE CATEGORY</b>                        | <b>MIN. VEHICLE SPACES</b> | <b>MIN. BICYCLE SPACES</b> |

| <b>RESIDENTIAL</b>                |  |  |  |
|-----------------------------------|--|--|--|
| Single-Unit Residential, Detached | 1.5 per unit   |  | N/A  |
| Accessory Dwelling Unit (ADU)     | N/A  |  | N/A  |
| Group Living                      | 0.33 per unit  |  | N/A  |
| All Other Residential Uses        | 1.5 per unit   |  | 2, or 1 per 20 units (Multi-Unit Residential Only) |
| <b>LODGING</b>                    |  |  |  |
| Bed & Breakfast                   | 1.0 + 0.5 per room   |  | N/A  |
| Short Term Rentals                | 1.0 per three occupants.                                   |  | N/A  |
| All Other Lodging Uses            | 1.0 per room   |  | 2, or 1 per 20 rooms                               |
| <b>OFFICE</b>                     | <b>WEST DISTRICT</b>                                       | <b>OTHER DISTRICTS</b>   |  |
| Office Building                   | 4.0 per 1,000 sq ft  | 3.0 per 1,000 sq ft or 0.75 per Employee, whichever is greater | 2, or 1 per 10,000 sq ft                           |
| Live/Work                         | 1.0 per unit + 2.0 per 1,000 sq ft of non-residential area | 1.0 per unit + 2.0 per 1,000 sq ft of non-residential area     | 2, or 1 per 10,000 sq ft of non-residential area   |
| <b>RETAIL</b>                     | <b>WEST DISTRICT</b>                                       | <b>OTHER DISTRICTS<sup>1</sup></b>                             |  |
| Food/Drink Establishment          | 7.0 per 1,000 sq ft  | 4.0 per 1,000 sq ft  | 2, or 1 per 5,000 sq ft                            |
| Microbrewery/ Winery/ Distillery  | 7.0 per 1,000 sq ft  | 4.0 per 1,000 sq ft  | 2, or 1 per 5,000 sq ft                            |
| Greenhouse/ Urban Farming         | 1 per 10,000 sq ft   | 1 per 10,000 sq ft   | 2, or 1 per 5,000 sq ft                            |
| Medical Clinic                    | 4.0 per 1,000 sq ft  | 3.0 per 1,000 sq ft  | 2, or 1 per 10,000 sq ft                           |
| Vet Clinic (No Outdoor Kennel)    | 4.0 per 1,000 sq ft  | 3.0 per 1,000 sq ft  | 2, or 1 per 10,000 sq ft                           |
| All Other Retail Uses             | 4.0 per 1,000 sq ft  | 3.0 per 1,000 sq ft  | 2, or 1 per 5,000 sq ft                            |
| <b>AUTOMOTIVE DEPENDENT</b>       |  |  |  |
| Drive-Thru Facility               | 6.0 per 1,000 sq ft  |  | 2, or 1 per 5,000 sq ft                            |
| <b>INDUSTRIAL</b>                 |  |  |  |
| Workshop/Artisan                  | 2.0 per 1,000 sq ft  |  | 2, or 1 per 15,000 sq ft                           |
| Warehouse                         | 0.5 per 1,000 sq ft  |  | 2, or 1 per 40,000 sq ft                           |
| Laboratory                        | 2.0 per 1,000 sq ft  |  | 2, or 1 per 15,000 sq ft                           |
| <b>CIVIL SUPPORT</b>              |  |  |  |

|   |   |                          |
|---|---|--------------------------|
| Public Safety/ Government Facility  | 4.0 per 1,000 sq ft                           | 2, or 1 per 10,000 sq ft |
| <b>CIVIC</b>  |   |                          |
| Recreation/ Fitness (Indoor/ Outdoor)   | 4.5 per 1,000 sq ft                           | 2, or 1 per 5,000 sq ft  |
| Playground  | N/A   | 4 per acre               |
| Daycare (Adult/Child)   | 2.25 per 1,000 sq ft                          | 2, or 1 per 10,000 sq ft |
| School (Preschool—12)   | 0.15 per student (based on building capacity) | 5 per classroom          |
| School (Trade/College)  | 0.5 per student (based on building capacity)  | 5 per classroom          |
| Library/ Museum   | 2.0 per 1,000 sq ft                           | 2, or 1 per 5,000 sq ft  |
| Passenger Terminal  | N/A   | N/A                      |
| Live Theater/ Cinema  | 1.0 per 2 seats                               | 2, or 1 per 5,000 sq ft  |
| Assembly (General or Religious)   | 6.0 per 1,000 sq ft                           | 2, or 1 per 10,000 sq ft |
| Table notes:<br>1. For Central District, see DPH FBC Div. 7: section 138-4602(b) for additional parking allowances. |   |                          |

(d) *Existing parking configuration.* For properties within the Downtown Palm Harbor Activity Center that have existing buildings, as of September 15, 2021, the off-street parking arrangement in existence on that date for each building must continue to be recognized by the county as meeting the minimum parking requirements of the DPH FBC. 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 does 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 must be provided, as required by the DPH FBC, for any increase in building square foot area, or for the increased number of parking spaces required by a change in use.

(e) *Calculations.*

- (1) When computing vehicle/bicycle parking spaces based on usable floor area (UFA), the use areas located inside all building or similar structures must be included in the required parking calculation. UFA excludes any floor area used for incidental service, storage, mechanical equipment rooms, restrooms, motor vehicle parking (e.g., garages) and other similar areas. Where these areas are not yet defined, UFA must be considered to be 85 percent of the gross floor area (GFA).
- (2) The minimum of required vehicle/bicycle parking spaces is based on the primary uses on a site. When there are two or more primary uses on a site, the required vehicle/bicycle parking for the site is the sum of the required spaces for each. Accessory uses are exempt from minimum parking requirements.

- (3) 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 requires a full off-street parking space.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding will not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Inclusion in Code. The provisions of this Ordinance will be included and incorporated in the Pinellas County Land Development Code, as an amendment thereto, and will be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code

SECTION 4. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance will be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance will become effective upon filing of the ordinance with the Department of State.

PCAO 510232

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