

ORDINANCE NO. 21-21

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, AMENDING THE PINELLAS COUNTY LAND DEVELOPMENT CODE; ADDING SECTION 138-2153 TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE TO ADOPT THE DOWNTOWN PALM HARBOR FORM BASED CODE; AMENDING RELATED SECTIONS 138-311, 138-355, 138-3230, 138-3240, 138-3242, 138-3246, 138-3285, 138-3317, 138-3321, ARTICLE VIII OF CHAPTER 138, AND CHAPTER 146 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; RESERVING ARTICLE XI AND ADDING ARTICLE XII - THE DOWNTOWN PALM HARBOR FORM BASED CODE TO CHAPTER 138 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, in 1994, the Pinellas County Board of County Commissioners established the Downtown Palm Harbor Historic District; and

WHEREAS, on December 18, 2001, the Pinellas County Board of County Commissioners adopted the Downtown Historic Palm Harbor Master Plan (Master Plan); and

WHEREAS, after adoption of the Master Plan, the Pinellas County Board of County Commissioners established the Old Palm Harbor-Downtown (OPH-D) Zoning District to implement provisions of the Master Plan; and

WHEREAS, in 2016, the County began a public engagement process to support an update to the Master Plan; and

WHEREAS, upon receiving considerable input from area residents and stakeholders, a set of ten new recommendations were established to guide the update of the Master Plan and implementation thereto; and

WHEREAS, the County has completed a final draft update to the Master Plan, incorporating the ten associated recommendations and expanding the associated Activity Center-Neighborhood (AC-N) Future Land Use Map (FLUM) category designation; and

WHEREAS, the County has developed the Downtown Palm Harbor Form Based Code (DPH-FBC) to serve as the regulatory zoning code to implement the Master Plan and associated AC-N; and

WHEREAS, the DPH-FBC establishes urban form standards intended to guide investment and redevelopment in the Downtown Palm Harbor area in a way that enhances the built environment while being respectful and complimentary to the established historic character; and

WHEREAS, throughout the updated of the Master Plan and development of the new DPH-FBC, the County has sought input from the Palm Harbor community through a series of outreach events, as well as, an online survey; and

WHEREAS, the County engaged various stakeholders, including local developers, architects, civil engineers, land use attorneys, business owners and residents, to gather in-depth feedback on the proposed DPH-FBC; and

WHEREAS, County Departments have reviewed the draft DPH-FBC prior to adoption; and

WHEREAS, there have been presentations to the Palm Harbor community, Local Planning Agency, Development Review Committee, Historic Preservation Board, and Board of County Commissioners; and

WHEREAS, the Pinellas County Historic Preservation Board held a public meeting to review associated proposed amendments to Chapter 146 - Historic Preservation, of the Pinellas County Land Development Code and the proposed DPH-FBC on October 16, 2019, and made a formal recommendation of approval to the adopt the amendments; and

WHEREAS, the Local Planning Agency held a public hearing to review the proposed DPH-FBC on June 10, 2021, found the amendments in compliance with the Pinellas County Comprehensive Plan, and recommended adoption by the Board of County Commissioners.

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

Section 1. Findings.

The above “Whereas” clauses are hereby incorporated as findings.

Section 2. Purpose and Intent.

It is the purpose of the Board of County Commissioners of Pinellas County to establish the standards, regulations and procedures for review and approval of all proposed development of property in unincorporated Pinellas County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the Pinellas County Comprehensive Plan.

In order to foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, and progressive development of the Downtown Palm Harbor area, it is the intent of this Form Based Code that the development process be efficient, in terms of time and expense; effective, in terms of facilitating the desired urban form and scale; and equitable, in terms of consistency with established regulations and procedures, respect for the rights and interests of property owners within this area.

The Board of County Commissioners deems it to be in the best public interest for all development and redevelopment to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

Section 3. The following Chapters, Articles, Divisions, and Sections of the Pinellas County Land Development Code are hereby amended to read as provided for in Exhibit “A” of this Ordinance:

- Section 138-311. - Establishment of Zoning Districts, Table 138-311.
- Section 138-355. - Table of Uses.
- ARTICLE VIII - SPECIAL DISTRICTS of Chapter 138
- Section 138-3230. - Bed and Breakfast.
- Section 138-3240. - Alcohol dispensing.
- Section 138-3242. - Artisan.
- Section 138-3246. - Drive-thru facility or use with a drive-thru.
- Section 138-3285. - Theater/cinemas.
- Section 138-3317. - Parking lots and structures, principal/stand-alone.
- Section 138-3321. - Solar energy systems.
- Chapter 146 - HISTORICAL PRESERVATION

Section 4. Article XI of Chapter 138 of the Pinellas County Land Development Code is hereby added to read as follows:

Article XI. - *Reserved.*

Section 5. Article XII of Chapter 138 of the Pinellas County Land Development Code is hereby added to read as provided for in Exhibit “B” of this Ordinance.

Section 6. Severability

If any Section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgement or decree shall be rendered.

Section 7. Inclusion in Code

The provision of this Ordinance shall be included and incorporated in the Pinellas County Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 8. Filing of Ordinance: Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within 10 (ten) days after enactment by the Board of County Commissioners. Upon filing of the Ordinance with the Department of State, this Ordinance shall become effective September 15, 2021.

**APPROVED AS TO FORM**

By: David S. Sadowsky  
Office of the County Attorney

## **EXHIBIT A**

### **PINELLAS COUNTY LAND DEVELOPMENT CODE**

#### **CHAPTER 138 - ZONING**

**Section 138-311. - Establishment of Zoning Districts, Table 138-311.**

**Section 138-355. - Table of Uses.**

#### **ARTICLE VIII - SPECIAL DISTRICTS**

**Section 138-3230. - Bed and Breakfast.**

**Section 138-3240. - Alcohol dispensing.**

**Section 138-3242. - Artisan.**

**Section 138-3246. - Drive-thru facility or use with a drive-thru.**

**Section 138-3285. - Theater/cinemas.**

**Section 138-3317. - Parking lots and structures, principal/stand-alone.**

**Section 138-3321. - Solar energy systems.**

#### **CHAPTER 146 – HISTORICAL PRESERVATION**

Sec. 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:

<b>Table 138-311 — Zoning Districts for Unincorporated Pinellas County</b>		
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 Commercial 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	FBC	Form Based Code District
	Reserved	
Public/Semi-Public Districts	<i>Institutional Districts</i>	
	LI	Limited Institutional District
	GI	General Institutional District
	<i>Environmental Districts</i>	
	AL	Aquatic Land District
	PC	Preservation/Conservation District
	P-RM	Preservation Resource Management District
	<i>Recreational Districts</i>	
	RBR	Resource-Based Recreation District
	FBR	Facility-Based Recreation District
Overlay Districts	CO	Conditional Overlay

	HPO	Historic Preservation Overlay
	C-T	Transient Accommodation Overlay
	WPO	Wellhead Protection Overlay



















## ARTICLE VIII. - SPECIAL DISTRICTS

### DIVISION 1. - GENERALLY

Secs. 138-2000—138-2089. - Reserved.

Sec. 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.

Secs. 138-2091—138-2149. - Reserved.

### DIVISION 2. -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 ten 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.

Sec. 138-2153. – Establishment of Form Based Code Districts.

- (a) *Reserved.*
- (b) The Downtown Palm Harbor Form Based Code (DPH-FBC) is hereby adopted and placed as Article XII to Chapter 138 of the Pinellas County Land Development Code.

Secs. 138-2154—138-3199. - Reserved.

Sec. 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.
  - (2) Food service shall be limited to overnight guests.
  - (3) On-site management — An owner or manager shall reside on the premises of each bed and breakfast.
  - (4) 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.

Sec. 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) Parking structures shall be subject to the District Design Criteria provisions of Article X Division
    - a. Patron areas shall be delineated and designated on an approved site plan.
    - b. Patron areas may only occupy a public sidewalk when a right-of-way permit or equivalent thereof is obtained from the applicable right-of-way owner.
    - c. When located within 100 feet of a residential zoning district:
      - 1. Outdoor patron areas shall be closed between the hours of 10:00 pm and 8:00 am.
      - 2. No outdoor music or indoor amplified live music is allowed between the hours of 10:00 pm and 8:00 am.
      - 3. A six-foot high opaque wall or fence shall be provided along rear and side property lines around any outdoor patron area.
      - 4. These standards shall not apply to adjacent mixed-used buildings that include residential units, nor to adjacent residentially-zoned property that consists of public right-of-way, water ways, wetlands, or similar areas which cannot be used for actual residential purposes.
  - (3) It is further provided that a building or structure located on a bona fide golf course or country club premises, in which alcoholic beverages are dispensed for consumption by the members and guests thereof only, may be located in any zoning district, but shall be located within the boundaries of the golf course or country club and shall be located not less than 200 feet from any residential structure. The sale of alcoholic beverages from a mobile vehicle, which travels along established cart paths within a bona fide golf course shall be permitted as an ancillary use of the golf course or country club where alcohol sales are permitted within the main clubhouse.
  - (4) The dispensing of alcoholic beverages for on-premises consumption in conjunction with a bona fide restaurant shall be exempt from the distance provisions of this chapter provided sale of alcohol is incidental to food sales (at least 51 percent of sales are food). Vendors may be required to provide verification from a certified public accountant of such sales ratio.
  - (5) Social clubs, veterans', fraternal, benevolent, civic or other organizations described in F.S. § 561.20(7) may dispense alcoholic beverages for on-premises consumption within any zoning district or location provided such location must be approved subject to a Type 2 approval. This subsection shall not apply to those areas which meet the provisions of subsection (c)(2) of this section.
  - (6) The dispensing of alcoholic beverages for on-premises consumption by any business establishment shall not be permitted within 500 feet of the boundary of any tract of land on which a school is located or which has received authority to locate, measured in a straight line,

from the nearest entrance or exit (except emergency exits) of any building or structure dispensing alcohol. In a multi-tenant or multi-user building such as a shopping center, the distance may be measured from the entrance or exit of the unit or portion of the building where alcoholic beverages are dispensed to the boundary of any tract of land on which a school is located or which has received authority to locate.

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

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

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

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

(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 Form-Based Code 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).

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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) Parking structures shall be subject to the District Design Criteria provisions of Article X Division 6 of this chapter.
  - (2) *Reserved.*

Sec. 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) 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.

## **Chapter 146 - HISTORICAL PRESERVATION**

### **Sec. 146-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aggrieved party* means anyone who has a legally recognizable interest which is or may be adversely affected by an action taken by fulfilling the requirements of this chapter.

*Archaeological site* means an individual historic resource recognized for its prehistoric or historic artifacts and features. This also includes archaeological sites recorded and identified in the county historic resource database.

*Archaeologically sensitive area* means a location with high probability of prehistoric archeological site occurrence or properties where buildings and structures of historical importance once stood and have since been buried, demolished or removed.

*Architect or preservation architect* means a person who is licensed by the state department of professional regulation and is certified to practice in the state.

*Balcony* means an elevated platform projecting from the wall of a building and enclosed by a railing or parapet.

*Building* means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

*Building code* means "Florida State Building Code".

*Building of Historical Merit* means a building that is at least 50 years of age; and has been documented to be associated with a significant person, activity or event of historical importance; or possesses architectural features and character indicative of a recognized style, type or period in Pinellas County's history. For buildings recognized in this manner, the issuance of a Certificate of Appropriateness consistent with Section 146-7 (b)(1) shall be required only if demolition of all or part of the historic portion of the building or structure is proposed.

*Building official* means the county building department officer, or his/her designee, designated as the person responsible for administering and enforcing the provisions of the Florida State Building Code.

*Certificate of appropriateness* means a written authorization by the Pinellas County Historic Preservation Board or the county administrator to the owner(s) of a designated property, or any building, structure or site within a designated historic district or landmark on a landmark site allowing a proposed alteration, relocation, or the demolition of a building, structure or site. A certificate of appropriateness is required for any proposed work that will result in the alteration, demolition, relocation, reconstruction, new construction or excavation of a designated landmark on a landmark site or a property in a designated historic district.

*Certified local government* means a government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State of Florida.

*Compatibility* means, when applied to structures, sensitivity of a building design to the existing character of a neighborhood, surrounding blocks, or historic or special area. This is measured by how the design of a building or project relates to the design elements of the surrounding natural/physical and manmade environment. Compatibility measures include but are not limited to the following: building relationship to the street (such as height, facade details, landscaping, activities); the rhythm of spacing between buildings; the use of building materials which match in dimension, color, pattern and finish/texture; and building scale and mass.

*Contributing property* means and includes any building, structure or site which contributes to the overall historic significance of a designated historic district and was present during the period of historic significance and possesses historic integrity reflecting the character of that time or is capable of yielding important information about the historically significant period or independently meets the criteria for designation as a landmark on a landmark site.

*County administrator* means the county administrator for Pinellas County, or his/her designee.

*County housing and community development department or housing and community development department* means Pinellas County Housing and Community Development Department.

*County staff* means the Director of the Pinellas County Housing and Community Development Department or designated staff to review, monitor and administer the provisions of this chapter.

*Demolition* means the complete removal of a building, structure, or portions thereof from a site.

*Demolition by neglect* means the willful abandonment of a building or structure by the owner, resulting in such a state of deterioration that its self-destruction is inevitable, or where demolition of the building or structure to remove a health and safety hazard is a likely result.

*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.

*Designation* means action by the board of county commissioners to approve a historic preservation overlay district, landmark on a landmark site for a parcel or parcels of land or district containing historic resources.

*Designation report* means a written document indicating the basis for the findings of the Pinellas County Historic Preservation Board and the Pinellas County Local Planning Agency, as applicable, concerning the proposed designation of a historic resource with a historic preservation overlay district or landmark on a landmark site pursuant to this chapter.

*Excavation* means ground disturbing activity including filling, digging, removal of vegetation and/or trees, or any other activity that may alter or reveal an archaeological site and may include, but is not limited to, excavating soil for the placement or removal of pilings, posts, footers, power poles, fence posts, large trees or plants, septic tanks, inground water features, ponds, swimming pools, hot tubs, water and sewer lines, drainage ditches, and the extensive grading of the ground surface.

*Exterior* means all outside surfaces of a building or structure visible from a public right-of-way or the street easement of the building or structure.

*Facade* means the face or elevation of a building.

*Florida Master Site File* means an inventory of surveyed historical and archaeological resources compiled by the State of Florida, Division of Historical Resources for Pinellas County.

*Historian* means a person with a master's degree in history or American history or museum studies and two years of experience in conducting historical studies, or graduation from an accredited college or university with a major in American history or museum studies and four years of experience in conducting historical studies, or an equivalent combination of training, education and experience.

*Historic district* means a geographically definable area designated pursuant to this chapter possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history. To qualify as an historic district, an area may contain both contributing and noncontributing properties.

*Historic preservation overlay district* is a zoning district contained in chapter 138 that will be used to designate a historic district in unincorporated areas of the county.

*Historic resource database* means the compilation of Florida Master Site File data gathered on historic and archaeological sites in Pinellas County, Florida, based on the findings of An Archaeological and Historical Survey of the Unincorporated Areas of Pinellas County, Florida (1991), A Historic Resources Survey of Unincorporated Pinellas County, Florida (1993), the Countywide Cultural Resources Study (2008), and any subsequent historic or archaeological survey deemed acceptable by the county administrator.

*Historic resources* means any prehistoric or historic district, site, building, structure, object, or other real or personal property of historical, architectural, or archaeological value that has been surveyed by a historian and submitted to the Florida Master Site File Section of the State of Florida, Division of Historical Resources. Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historic or archaeological value, or any part thereof, relating to the history, government, or culture of the county, the state, or the United States.

*Landmark* means an archaeological or historical site or a structure designated pursuant to the requirements of this chapter. A "landmark" may include the location of significant archaeological features or of a historical event.

*Landmark site* means the land designated pursuant to the requirement of this chapter on which a landmark and related structures, or archaeological features and artifacts are located and the land that provides the grounds, the premises or the setting for the landmark.

*National Register of Historic Places* is a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 U.S.C. 470, or as may be amended, renumbered or replaced, and its implementing regulation, 36 CFR 60, National Register of Historic Places, or as may be amended, renumbered or replaced. Areas listed on the National Register are identified in the county historic resource database.

*Noncontributing property* means and includes any building, structure or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and, therefore, no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period. The exterior appearance of noncontributing properties in a historic district shall be reviewed and regulated using the Certificate of Appropriateness procedure outlined in Sec. 146-7 unless the Pinellas County Board of County Commissioners adopts specific form-based code guidelines, standards or requirements that address said exterior appearance.

*Ordinary maintenance* means work done to repair deterioration, decay or damage to a minor portion of an architectural feature or component of a designated landmark on a landmark site, or a building or structure within a designated historic district, or any part thereof, by restoring the architectural feature or component of the landmark site, building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage using the same materials. Ordinary maintenance does not include chemical or physical treatments, such as sandblasting, that may cause damage to historic materials.

*Outside professional opinion* means an opinion of an individual who practices and/or operates a business in the field of history, architecture, or archaeology, and who is licensed by the state, where appropriate.

*Owner or owners* means those individuals, partnerships, corporations or public agencies holding fee simple title to real property as listed by the county property appraiser's office. "Owner" does not include individuals, partnerships, corporations, or public agencies holding easements or less than a fee simple interest (including leaseholds) in real property.

*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. Porches may be located within any yard, however, 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.

*State master site file* means a compilation of archaeological and historic resources surveyed in the county and recorded with the state bureau of historic preservation, division of historical resources.

*Structure* means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

*Undue economic hardship* means an onerous and excessive financial burden that would be placed upon a property owner by the failure to issue a certificate of appropriateness for demolition, thereby amounting to the taking of the owner's property without just compensation.

*Zoning ordinance* means chapter 138. Such chapter may be referred to in this chapter as the "zoning ordinance."

**Sec. 146-2. - Purpose and intent.**

The purpose of this chapter is to implement goals, objectives and policies in the comprehensive plan by identifying, evaluating, preserving and protecting historic buildings and structures, and historic and archaeological sites and districts, and to promote the health and the cultural, moral, economic, educational, aesthetic and general welfare of the public by:

- (1) Giving the authority, power and duty to the Pinellas County Historic Preservation Board and county administrator to review historic sites, areas, structures and buildings for possible designation as landmarks on landmark sites or historic district(s);
- (2) Establishing procedures whereby the board of county commissioners can designate significant historic resources;
- (3) Protecting designated landmarks on landmark sites or historic district(s) by requiring the issuance of certificates of appropriateness before allowing alterations to those designated historic resources;
- (4) Encouraging historic preservation by creating programs of technical assistance and financial incentives for preservation practices;
- (5) Stabilizing and revitalizing unique older residential and commercial neighborhoods;
- (6) Enhancing the county's attraction to visitors and the ensuing positive impact on the economy as a result of historic preservation activities;
- (7) Creating and promoting cultural and educational programs aimed at fostering a better understanding of the community's heritage;
- (8) Promoting the sensitive use of historic and archaeological sites, resources and districts for the education, pleasure and welfare of the people of the county; and
- (9) Implementing components of the Countywide Historic Preservation Program, as specified in sections 38-141 through 38-146 of the Pinellas County Code.

**Sec. 146-3. - Scope of chapter.**

- (a) This chapter shall govern and be applicable to all property located in the unincorporated areas of the county.

**Sec. 146-4. - Pinellas County Historic Preservation Board.**

- (a) Establishment; composition; terms; quorum.
  - (1) *Establishment.* The Pinellas County Historic Preservation Advisory Board established in Pinellas County Code section 38-146 hereby is renamed to the historic preservation board and shall serve as the board responsible for matters pertaining to historic and archaeological preservation. It is the Pinellas County Board of County Commissioner's intent that this board shall meet the requirements of the state and federal Certified Local Government program.
  - (2) *Composition.* The historic preservation board shall be composed of nine members. Each member of the board of county commissioners shall nominate one member of the historic preservation board, and the board of county commissioners shall jointly nominate two at

large members, with the board of county commissioners appointing the entire nine members. Each person appointed by the board of county commissioners shall be considered a voting member of the historic preservation board. The board of county commissioners shall appoint two alternates to the historic preservation board to serve during the absence of any regular member. The board of county commissioners shall appoint one of its members to the historic preservation board to serve as its chair. The chair shall be an ex-officio, non-voting member of the historic preservation board. The historic preservation board shall be composed of community advocates; municipal representatives; and historic preservation professionals with expertise and/or knowledge in the historic preservation field and shall, to the extent possible, include representation from the following fields: archaeology, preservation architecture, history, architectural history, historical museum studies and preservation planning. The historic preservation board shall include at least two individuals who are not required to have expertise or knowledge in the historic preservation field, and at least four members of the board must have expertise or knowledge in historic preservation. When a new member is appointed by the Pinellas County Board of County Commissioners, the local residency and the professional education and qualifications of the new member should be considered to ensure that the requirements of the certified local government program are met. When necessary, persons serving on the historic preservation board shall attend educational meetings to develop a special interest, experience or knowledge in history, architecture, or related disciplines.

- (3) *Terms.* The term of appointment for the historic preservation board members shall be three years as stated in the Pinellas County Code section 38-146. Each person appointed by the Pinellas County Board of County Commissioners shall be considered a voting member of the historic preservation board. Any vacancy in the membership of the historic preservation board shall be filled for the unexpired portion of the term in the same manner as an appointment for a full term.
- (4) *Quorum.* The presence of at least five voting members of the historic preservation board shall constitute a quorum.

**Sec. 146-5. - Powers and duties of the historic preservation board.**

- (a) In addition to the powers and duties stated in Pinellas County Code section 38-146(c), the historic preservation board shall take action necessary and appropriate to accomplish the purposes of this chapter. These actions may include, but are not limited to:
  - (1) Continuing to survey and inventory historic buildings and areas and archaeological sites and to plan for their preservation;
  - (2) Recommending the designation of historic districts and individual landmarks on landmark sites to the Pinellas County Board of County Commissioners;
  - (3) Nominating and reviewing historic resources for listing on the National Register;
  - (4) Reviewing and acting on certificate of appropriateness applications for alterations, demolitions, relocations, and new construction to designated properties in a historic district, or a landmark on a landmark site;

- (5) Recommending design standards and guidelines for historic districts and individual landmarks on landmark sites to the Pinellas County Board of County Commissioners;
  - (6) Recommending specific design review criteria for special districts or overlay districts containing significant historic properties to the Pinellas County Board of County Commissioners ;
  - (7) Working with and advising the federal, state and municipal governments and other departments or commissions of municipal government;
  - (8) Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;
  - (9) Initiating plans for the preservation and rehabilitation of individual historic buildings; and
  - (10) Undertaking educational programs including the preparation of publications and placing of historic markers and perform any other functions, duties, and responsibilities assigned to it by the Pinellas County Board of County Commissioners or by general or special law.
- (b) The historic preservation board shall conduct at least four public meetings a year to consider historic preservation issues. The historic preservation board shall provide recording minutes of each meeting. The historic preservation board shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.
- (c) The county housing and community development department is designated by the Pinellas County Board of County Commissioners as the staff to the historic preservation board, as specified in section 146-2, and as the department with the general responsibility for the conduct of the countywide historic preservation program. Other county staff members may be asked to assist the historic preservation board by providing technical advice or helping in the administration of this section.
- (d) The historic preservation board shall review all nominations to the National Register of Historic Places located in the unincorporated area and all nominations involving county-owned property located in a municipality, following the regulations of the state historic preservation office. The historic preservation board shall conduct a public meeting to consider a nomination and shall publish and mail notice of the public meeting to interested individuals or organizations. When determined necessary by the historic preservation board, the board shall seek outside professional opinion before evaluating the nomination. The historic preservation board shall forward its recommendation by letter to the state historic preservation officer. When a property owner objects to having their property nominated to the National Register, a notarized written statement must be submitted to the historic preservation board before the nomination is considered. The historic preservation board may then continue its review, forwarding its recommendation to the state historic preservation officer noting owner's objection or it may cease any further review and notify the state historic preservation officer of the property owner's objection to the proposed listing.

**Sec. 146-6. - Local designation of historic resources.**

- (a) *Designation of landmark on a landmark site.*

(1) *Initiation of designation process.* The designation process may be initiated by the owner(s), or their appointed agent(s), or the county housing and community development director with consent of the owner(s) by filing an application for designation in a form provided by the county housing and community development department. The historic resource database shall be used as the initial database when considering the designation of historic resources as a landmark on a landmark site. Each request for designating a landmark shall include a request for the designation of a landmark site.

(2) *Designation review process.*

a. *Pinellas County Historic Preservation Board's review and recommendation.* The historic preservation board shall conduct a public hearing on the proposed designation within 60 days of the submission of a completed application. Notice of the public hearing and notice to the owners shall state clearly the boundaries for the proposed landmark on a landmark site. After evaluating the testimony, survey information and other material presented at the public hearing, the historic preservation board shall make a recommendation on the proposed designation. The historic preservation board may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. County staff shall notify the applicant and the property owner of the historic preservation board's recommendation.

b. *Pinellas County Board of County Commissioners' review and action.* Upon receipt of the findings and recommendation of the historic preservation board, the Pinellas County Board of County Commissioners shall hold a public hearing to consider the designation of an individual landmark on a landmark site. At the board of county commissioners' public hearing, a representative of the historic preservation board may present the board's recommendation. The Pinellas County Board of County Commissioners shall approve, approve with modifications, defer or deny the proposed designation. The Pinellas County Board of County Commissioners may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application after adequate information is made available. County staff shall notify each applicant and property owner of the decision relating to his/her property and shall arrange that the designation of a property as a landmark on a landmark site be recorded in the official zoning map.

(b) *Designation of historic district.*

(1) Development of an application to designate a historic district shall involve owners of property within the proposed historic district and any interested citizens.

(2) Initiation of designation process. The historic preservation overlay district shall be used to designate historic districts in unincorporated areas of the county. The zoning designation process may be initiated by the owners of the property within the proposed district, their appointed agents, or the housing and community development director. Initiation of the zoning designation process shall require the consent of the property owners of at least two-

thirds of the parcels located within the proposed district. The historic resource database shall be consulted when considering the designation of a historic district.

- (3) The procedures for using the historic preservation overlay district shall be those utilized in implementing chapter 138 (zoning), except as they may be modified by provisions within this chapter. In cases where the provisions of chapter 138 and this chapter conflict, the provisions of this chapter shall govern.
- (4) The historic preservation board shall review and make a recommendation on a proposal to apply the historic preservation overlay district using the process in subsection 146-6(a)(2). The historic preservation board recommendation shall be provided to both the local planning agency and the board of county commissioners for their consideration when making decisions on the proposed historic district designation.

(c) *Application requirements for designation.* The application form provided by the county housing and community development department shall require that the applicant provide the following information:

- (1) A written description of the architectural, historical, or archaeological significance of the proposed landmark on a landmark site, or structures in the proposed historic district and specifically addressing and documenting those related points contained in the criteria for designation listed in this chapter;
- (2) A copy of the Florida Master Site File for the subject property;
- (3) Date of construction of the structures on the property;
- (4) Photographs of the property; and
- (5) Legal description and map of the property to be designated as a landmark on a landmark site, or historic district.

On applications for the designation of historic districts, the applicant shall also submit:

- (6) A written description of the boundaries of the district; and
- (7) A list of contributing resources.

The county staff shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

(d) *Designation report.* Prior to the designation of a landmark on a landmark site or a historic district pursuant to this chapter, a designation report shall be prepared by county staff and provided to the historic preservation board, the local planning agency (proposed historic district designation only) and to the Pinellas County Board of County Commissioners with any request for landmark on a landmark site or historic district designation. The designation report shall contain the following information:

- (1) *Landmarks on landmark sites:*
  - a. A physical description of the building, structure or site and its character-defining features, accompanied by photographs.

- b. A statement of the historic, cultural, architectural, archaeological or other significance of the building, structure or site as defined by the criteria for designation established by this chapter.
- c. A description of the existing condition of the building, structure or site including any potential threats or other circumstances that may affect the integrity of the building, structure or site.
- d. A statement of rehabilitative or adaptive use proposals.
- e. A location map, showing relevant zoning and land use information.
- f. Recommendations concerning the eligibility of the building, structure or site for designation pursuant to this chapter and a listing of those features of the building, structure or site which require specific historic preservation treatments.

(2) *Historic districts:*

- a. A physical description of the district, accompanied by photographs of buildings, structures or sites within the district indicating examples of contributing and noncontributing properties within the district. Also, a list of all contributing properties outside the proposed boundaries of the district.
- b. A description of typical architectural styles, character-defining features, and types of buildings, structures or sites within the district.
- c. An identification of all buildings, structures and sites within the district and the proposed classification of each as contributing, or noncontributing, with an explanation of the criteria utilized for the proposed classification.
- d. A statement of the historic, cultural, architectural, archaeological, or other significance of the district as defined by the criteria for designation established by this chapter.
- e. A statement of recommended boundaries for the district and a justification for those boundaries, along with a map showing the recommended boundaries.
- f. A statement of incentives requested, if any, and the specific guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.

(e) *Criteria for designation of a landmark on a landmark site, or historic district.*

- (1) The board of county commissioners shall have the authority to designate historic resources as a landmark on a landmark site or historic district based upon their significance in the county's history, architecture, archaeology or culture and/or for their integrity of location, design, setting, materials, workmanship or association, and because they:
  - a. Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history that have contributed to the pattern of history in the community, the county, southwestern Florida, the state or nation;

- b. Are associated with the lives of persons significant in the county's past;
- c. Embody the distinctive characteristics of a type, period, style or method of construction or are the work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction;
- d. Have yielded, or are likely to yield, information on history or prehistory; or
- e. Are listed or have been determined eligible for listing in the National Register of Historic Places.

(2) A historic resource shall be deemed to have historic or cultural significance if it fulfills one or more of the following criteria:

- a. Is associated with the life or activities of a person of importance in local, state, or national history;
- b. Is the site of a historic event with a significant effect upon the county, state or nation;
- c. Is associated in a significant way with a major historic event;
- d. Is exemplary of the historical, political, cultural, economic, or social trends of the community in history; or
- e. Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the community.

(3) A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:

- a. It portrays the environment in an era of history characterized by one or more distinctive design element or architectural styles;
- b. It embodies the characteristics of an architectural style, period or method of construction;
- c. It is a historic or outstanding work of a prominent architect, designer, or landscape architect; or
- d. It contains elements of design, detail, material, or craftsmanship which are of outstanding quality or which represented, in its time, a significant innovation, adaptation or response to the southwest Florida environment.

(f) *Suspension of activities.* Upon the filing of a designation request, no permits may be issued authorizing building, demolition, relocation or excavation on the subject property until such time as final action by the board of county commissioners has occurred. Any permits issued prior to filing of the designation request may be suspended.

**Sec. 146-7. - Certificates of appropriateness.**

(a) *General requirements.*

- (1) *Prerequisite to issuance of building permit.* No building, moving, demolition, excavation or other development permit shall be issued for a designated landmark on a landmark site, or a property in a designated historic district until a certificate of appropriateness has been issued.
- (2) *Work not requiring a certificate of appropriateness.* A certificate of appropriateness shall not be required for work requiring a building permit and classified as "ordinary maintenance " by this chapter.
- (3) *Work requiring a certificate of appropriateness.* A certificate of appropriateness issued by the county shall be required prior to initiation of any work involving the alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original or historical appearance or integrity of the surface or subsurface materials of a designated landmark on a landmark site, or an applicable property in a designated historic district.
- (4) *Application procedures.*
  - a. An applicant for a certificate of appropriateness shall submit an application outlining proposed work to the county housing and community development department on a form provided by said department. An application for a certificate of appropriateness shall be considered complete when the following is submitted in full :
    1. Documentation of existing conditions such as plans, drawings and description, including pictures;
    2. Summary of proposed work including site plan, floor plans, elevation drawings, and specifications ;
    3. Samples of materials as deemed appropriate by county staff or the historic preservation board to fully describe the proposed appearance, color, texture, materials, or design of architectural components for the affected building(s) or structure(s) or site features including, but not limited to, an outbuilding, wall, courtyard, fence, landscape feature, paving, signage or exterior lighting.;
    4. Individual name of the applicant with contact information; and
    5. Written authorization provided by the property owner.
  - b. When requested by the county staff or the historic preservation board, the applicant shall provide adequate information to visualize the effect of the proposed action on the designated historic resource and on adjacent buildings and streetscapes within a historic district.
- (5) *Review of certificates of appropriateness for exterior alterations and new construction.*
  - a. Review of certificate of appropriateness applications for a landmark on a landmark site, or properties in a historic district shall be the responsibility of either the historic preservation board or county staff as shown in the following reference table:

Certificate of Appropriateness (COA) Reference Table<sup>1</sup>

<i>Type of Construction Activity</i>	<i>Contributing Properties/ Landmark on a Landmark Site</i>	<i>Non-Contributing Properties and Vacant lots</i>
New Addition or New Accessory Structure	HPB	HPB
Carport or Porch Enclosure	HPB	HPB
Deck, Above Ground	HPB	Staff
Demolition/Moving	HPB	Staff
Fence/Wall, Repair	Staff	Staff
Fence/Wall, New	Staff	Staff
Hurricane Shutters	HPB (if permanent)	Staff
Move Structure onto Site	HPB	HPB
Porch Supports/Ornamentation Repair	Staff	Staff
Porch Replacement	HPB	Staff
Porch Repair, with same materials	Staff	Staff
New Primary Structure	HPB	HPB
Roof, Replace/Repair, With same materials/style	Staff	Staff
Roof, Replace, With other materials/style	HPB	Staff
Satellite Dish, Antenna, Solar Collectors, and other utility equipment/service appurtenances	Staff	Staff
Signs, Awnings, Canopies, Repair/replace	Staff	Staff
Signs, Awnings, Canopies, New	Staff	Staff
Stucco/siding/brick/stone/soffit/fascia, Repair With same materials/style	Staff	Staff
Stucco/siding/brick/stone/soffit/fascia, Replace/New	HPB	Staff
Window/Door Replacement With same materials/style	Staff	Staff
Window/Door Replacement With other materials	HPB	Staff

KEY:

HPB = Pinellas County Historic Preservation Board

Staff = County Housing and Community Development Department staff

<sup>1</sup> Certificates of Appropriateness for non-contributing properties and new construction on vacant lots in a historic district shall be reviewed consistent with this reference table unless the Board of County Commissioners has adopted specific form-based code guidelines, standards and/or requirements that address the exterior appearance of buildings under Chapter 138, Pinellas County Code of Ordinances.

- b. The historic preservation board or county staff shall act upon an application for a certificate of appropriateness within 30 days of receipt to determine if the application is complete in accordance with Section 146-7(a)(4). If an application is determined to be incomplete, the applicant shall have 30 days to submit additional required information. Once an application has been determined to be complete the historic preservation board or county staff shall approve, deny, or approve with conditions the certificate of appropriateness within 60 days. In the event that an application, due to unique circumstances, requires the historic preservation board to seek outside technical assistance in order to fairly review an application, the board may make a finding of such and suspend action on an application for up to 60 days. Final action shall be taken by the historic preservation board or county staff no later than 120 days after receipt of the complete application unless a continuance for good cause as outlined in Sec 146-7(a)(5)c below is requested by the applicant.
  - c. Failure of the historic preservation board or county staff to act upon a complete application within the timeline established in paragraph b., above, shall result in the immediate issuance of the certificate of appropriateness applied for, without further action by the historic preservation board or county staff. The applicant may seek in writing a continuance for good cause shown and any continuance shall halt the running of the applicable time period (60 or 120 days) until the applicant advises the county, by written notice, to proceed with review of the application. The time remaining upon receipt of the notice to proceed shall be the time otherwise remaining for review, or 30 days, whichever is greater.
  - d. The historic preservation board shall hold a public meeting to review and consider applications for a certificate of appropriateness. A notice of the meeting and a copy of the certificate of appropriateness application along with the associated staff report will be posted on the Pinellas County website along with a placard with the application number, brief project description, meeting date, and location in front of the applicant's property. Also, a notice of the meeting will be mailed to all owners of property located within 200 feet of the applicant's property.
- (6) *General criteria for evaluating certificates of appropriateness.* The criteria for issuance of a certificate of appropriateness shall be as follows:
- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided
  - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- i. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- j. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(7) *Design criteria for Downtown Palm Harbor Historic District.* The following design criteria apply to contributing properties in the Downtown Palm Harbor Historic District as sited and depicted in the zoning ordinance and zoning atlas.

*a. General design criteria.*

1. The height of new construction on a contributing property shall not exceed more than one (1) story/floor above the existing historic building on site.
2. Additions to existing historic buildings on a contributing property shall be setback at least 10 feet from the façade of the historic building; shall not exceed 50% of the footprint of the historic building; and shall not be built higher than the existing historic building on site.
3. The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings on a contributing property. New buildings shall be built at the edge of the public right-of-way except in cases where the presence of mature trees requires that the building be located back from the street. The orientation of new buildings shall be towards the street and all street-facing elevations

shall be designed with an architectural treatment the same as the façade. Alterations/additions to existing historic buildings shall maintain the front-facing orientation of the façade with the main entrance on the street side of the building.

4. The size, slope, and type of roofs for new construction, and for alterations/additions on a contributing property shall match the appearance of the existing historic building.
5. 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.
6. 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.
7. Fences and walls on contributing properties within the Downtown Palm Harbor Historic District shall be limited to the following styles and materials:
  - a) All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.
    - (1) Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative metal, brick, or stamped concrete which are compatible with the streetscape design materials.
    - (2) No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.
    - (3) Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.
  - b) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three feet in height, except in those instances where a higher fence is required by section 138-4501(a)(5) for screening dumpsters.
  - c) 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.
  - d) No fence or wall shall enclose a water meter box or manhole, unless authorized by the county.

e) Where not specifically changed in this section, fences and walls shall otherwise comply with section 138-4501(a)(8).

8. 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 certificate of appropriateness as cited in subsection (a)(6) of this section shall be followed.
9. On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.

- b. Contributing properties.* Any proposed exterior alteration, demolition, relocation, reconstruction, excavation or new construction associated with a contributing property in the Downtown Palm Harbor Historic District shall comply with the certificate of appropriateness procedures and requirements outlined in this chapter using the general criteria outlined in Sec. 146-7(a)(6) of this chapter along with any additional standards and guidelines adopted by the County specific to this district.
- c. Noncontributing properties.* Any proposed exterior alteration, demolition, relocation, reconstruction, excavation or new construction associated with a noncontributing property in the Downtown Palm Harbor Historic District shall comply with the Development Design Standards for the Downtown Palm Harbor Form-Based Code as outlined in Chapter 138, Article XII.

*(b) Special requirements.*

*(1) Demolition.*

- a. Demolition of a designated landmark on a landmark site, building of historical merit, or a contributing property within a designated historic district may only occur pursuant to an order of the historic preservation board, or an order of a court of competent jurisdiction and pursuant to approval of an application by the owner for a certificate of appropriateness for demolition.
- b. No permit for voluntary demolition of a designated landmark on a landmark site, building of historical merit, or contributing property within a historic district shall be issued to the owner(s) thereof until an application for a certificate of appropriateness has been submitted to the county housing and community development department, and approved pursuant to the procedures in this section.
  1. The historic preservation board shall approve, deny, or approve with conditions the application for a certificate of appropriateness for demolition.
  2. In the event of a denial by the historic preservation board to grant a certificate of appropriateness for demolition, a written order detailing

the board's findings and the public interest to be served by retaining the building or structure shall be prepared.

3. The historic preservation board may grant a certificate of appropriateness for demolition with the condition that a delay of up to six months be implemented specifically allowing for interested parties to seek possible alternatives to demolition. During the demolition delay period, the historic preservation board may take such steps as deemed necessary to preserve the structure concerned, in accordance with the purpose of this chapter. Such steps may include, but shall not be limited to, one or more of the following:
    - i. Consultation with civic groups, public agencies and interested citizens;
    - ii. Recommendations for acquisition of property by public or private bodies or agencies; or
    - iii. Exploration of the possibility of moving the building or other feature.
- c. In addition to the general criteria of subsection (a)(6) of this section, the historic preservation board shall consider the following criteria in evaluating applications for certificates of appropriateness for demolition of designated landmarks on landmark sites or contributing properties within a designated historic district:
1. The building or structure is of such interest or quality that it would reasonably meet national, state or local criteria for additional designation as an historic or architectural landmark.
  2. The building or structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
  3. The building or structure is one of the last remaining examples of its kind in the neighborhood, the county or the region.
  4. The building or structure contributes significantly to the historic character of a designated historic district.
  5. Retention of the building or structure promotes the general welfare of the county by providing an opportunity for the study of local history or prehistory, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.
  6. Whether or not there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding area.
  7. Demolition of the designated building or structure has been ordered by the building official due to unsafe conditions.

8. Whether or not the cause of demolition is due to self-imposed negligence of the property owner and is deemed demolition by neglect as defined in this chapter.
  9. A condition assessment report including, but not limited to, an evaluation of the structural integrity of the building and electrical and plumbing systems, to be prepared, by a licensed architect or engineer serving as a neutral party.
  10. A cost-benefit analysis outlining estimated construction costs prepared by a construction professional and potential economic return projected over at least a ten-year period.
- d. Unless demolition has been ordered by a court of competent jurisdiction, the building official, or a governmental body, a certificate of appropriateness for demolition of a designated landmark on a landmark site or a contributing property in a historic district shall not be issued until there are definite plans for reuse of the property and a building permit or development order for the new construction has been applied for.
  - e. In the event that an undue economic hardship, as defined in this chapter, is claimed by the property owner as a result of the denial of a certificate of appropriateness for demolition, the property owner may file a takings' claim consistent with the provisions of chapter 134, article IV.
- (2) *Moving permits.* The historic preservation board shall use the general criteria of subsection (a)(6) of this section along with the following criteria when evaluating applications for a certificate of appropriateness for the moving of a landmark or a contributing property located within a designated historic district:
- a. The historic character and aesthetic interest the building or structure contributes to its present setting.
  - b. The reasons for the proposed move.
  - c. The proposed new setting and the general environment of the proposed new setting.
  - d. Whether the building or structure can be moved without significant damage to its physical integrity.
  - e. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
  - f. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
- (3) *Archaeological sites.*
- a. A certificate of appropriateness shall be required prior to the issuance of a building permit for excavation activity within a designated landmark on a landmark site or property in a designated historic district containing or likely to contain an archaeological

site. An application for a certificate of appropriateness shall be accompanied by full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites. The requirements outlined in subsection (a)(4) of this section shall apply to all applications and the issuance of all certificates of appropriateness for landmark on a landmark site or property in a designated historic district containing archaeological sites pursuant to this chapter.

- b. In reviewing an application for a certificate of appropriateness for a designated landmark on a landmark site or property in a designated historic district containing an archaeological site, the county administrator may require any or all of the following:
  - 1. Scientific excavation and evaluation of the site by an archaeologist at the owner's expense.
  - 2. An archaeological survey, conducted by an archaeologist as defined in this chapter, containing an analysis of the impact of the proposed activity on the archaeological site.
  - 3. Proposed measures pursuant to subsection (b)(4) of this section.

*(4) Guidelines for protection, mitigation and curation of archaeological resources.*

- a. *Protection.* Measures taken to protect an archaeological site may be either temporary or permanent. When a site is to be protected, it is to be shielded from deterioration, damage, and from artifact collection by other than archaeologists designated by the property owner to assess the significance of the site. Site protection is designed to sustain the existing form and integrity of the site. Protective measures are site specific, but may include (but are not limited to) the following steps and considerations where appropriate:
  - 1. Designing the development site plan to avoid known designated archaeological sites and/or to include them in green-space preservation areas. This design action can often result in the establishment of protective covenants or preservation easements between the county and the property owner, those proposing to develop the property, or any other authorized entities.
  - 2. Satisfactory protection may also be achieved, under appropriate circumstances, by means of fencing, on-site public notices, covering with fill, or paving over buried archaeological resources, stabilization, or a combination of these.
  - 3. Even though basic protective measures have been agreed upon at a development site, care must be taken to avoid indirect impact to an archaeological site as a result of development site preparation and construction activities. Examples of indirect impact are disturbance by the maneuvering of heavy equipment, delivery of construction materials and digging of utility line trenches. Temporary buffers, fencing or other means of site protection may therefore be required during construction and site preparation activities.
- b. *Mitigation.* The term "mitigation" refers to archaeological excavation of that portion of a designated archaeological site which is threatened by an adverse impact and

which cannot be preserved. If feasible, an archaeological site that has been designated as a landmark or landmark site should be preserved and protected from adverse impact. Excavation of significant sites will occur only as a last resort if the development impacts are unavoidable. If it is infeasible to preserve the site, then the owner or applicant shall hire an archaeologist to excavate that portion to be impacted in order to recover and interpret the information which the site contains. The excavation shall be conducted in accordance with archeological procedures outlined in the historic preservation compliance review program of the state division of historical resources. As is the case with test excavations for purposes of site assessment, adhering to these guidelines will provide a consistent level of effort for affected sites in the county and will also be sufficient for state compliance in the event the site is located within a DRI area.

- c. *Curation of artifacts and related materials.* Artifacts (objects made or used by humans) and associated materials (e.g., soil samples, samples for radiocarbon dating, faunal remains, botanical specimens) recovered from archaeological excavation belong to the owner of the property from which they were recovered and should be properly curated.
  1. *Materials recovered from county properties.* The county may either store or display archaeological materials recovered from county properties. In either case, care is to be taken not to lose the information concerning individual artifact provenance and the associated documentation, such as artifact catalogs. Assemblages from a single site should be stored as a unit and should be accessible to qualified researchers. The materials should not be sold, but they may be donated or loaned to appropriate institutions which have suitable curatorial facilities, such as the Heritage Village Museum, other museums, colleges or universities. Whether stored or displayed, the materials should be in a physical environment that prevents deterioration. Special conservation measures may be required in some cases, especially for materials recovered from submerged sites.
  2. *Materials recovered from privately owned properties.* Objects and other materials recovered from privately owned property will remain in the care of the designated archaeologists for the duration of the appropriate analysis. A copy of the archaeological report and findings shall be given to the county housing and community development department. Once analysis has been completed and a report of the investigation has been submitted, the artifacts will be turned over to the property owner. Thus, the private property owner makes disposition of the archaeological materials from his or her property. The private property owner may elect to keep the materials. In that event, the owner should take care to maintain the provenance records of the individual objects and any associated materials, to protect the collections and to store/display them in a physical environment which will prevent deterioration. If artifacts are displayed, they should not be grouped in a manner that renders it impossible to

redetermine their relative location within the archaeological site. Special conservation measures may be necessary in some cases, especially for materials recovered from submerged sites. A private property owner may choose to donate the artifacts to the county, a museum, an educational institution with suitable curatorial facilities, or other appropriate institution. It is also possible to loan the artifacts to a suitable institution for purposes of interpretive display.

**Sec. 146-8. - Maintenance and minor repair provisions.**

- (a) *Ordinary maintenance.* . Nothing in this chapter shall be construed to prevent or discourage the ordinary maintenance of the exterior elements of any landmark on a landmark site or any property within a designated historic district when such maintenance and repair does not involve a change of design, appearance , or material .
- (b) *Enforcement of maintenance and repair provisions.* When the county administrator determines that the exterior of a designated landmark on a landmark site or a contributing property within a designated historic district is endangered by lack of ordinary maintenance and repair, or that other improvements in visual proximity of a designated landmark on a landmark site or historic district are endangered by lack of ordinary maintenance, or are in danger of deterioration to such an extent that it detracts from the desirable character of the designated landmark on a landmark site or historic district, the county administrator may require correction of such deficiencies under the authority and procedures of applicable ordinances, laws and regulations.
- (c) *Unsafe structures.* If the building official determines that any designated landmark on a landmark site or contributing property in a historic district is unsafe pursuant to the provisions of the applicable county ordinances, the appropriate official will immediately notify the county administrator by submitting copies of such findings. Where appropriate and in accordance with applicable ordinances, the county shall encourage repair of the building or structure rather than demolition.
- (d) *Emergency conditions.*
  - (1) For the purpose of remedying an emergency condition determined to be imminently dangerous to life, health, or property, nothing contained in this chapter will prevent the temporary construction, reconstruction, demolition, or other repairs to a designated landmark on a landmark site or a contributing or noncontributing property in a historic district, structural improvement, landscape feature, or archaeological site within a designated historic district.
  - (2) Such temporary construction, reconstruction or demolition must take place pursuant to permission granted by the building official and only such work as is reasonably necessary to correct the emergency conditions may be carried out.
  - (3) The owner of a designated landmark on a landmark site or a contributing property in a historic district damaged by fire or natural calamity will be permitted to immediately stabilize the building or structure and to later rehabilitate it under the procedures required by this chapter. The owner may request a special meeting of the county administrator to consider an application for a certificate of appropriateness to provide for permanent repairs.

- (e) *Demolition by neglect.* If the county administrator finds that a landmark on a landmark site or a contributing property in a historic district, is subject to demolition by neglect, the county administrator may recommend that the owner(s) be issued a citation by the building department for code violations and that penalties be instituted pursuant to this chapter or other ordinances.

**Sec. 146-9. - Incentives.**

- (a) *Tax credits.* The county staff shall encourage and assist in the nomination of eligible income-producing properties to the National Register of Historic Places or as a Landmark in order to make available to those property owners the investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986, the Florida Historic Preservation Property Tax Exemption, and any other federal, state, or local programs.
- (b) *Variance from building code.* Designated landmarks on landmark sites and contributing properties in a designated historic district may be eligible for administrative variances or other forms of relief from applicable building codes as follows:
- (1) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to the technical requirements of the building codes when the proposed work has been approved by a certificate of appropriateness and also by the building official pursuant to the authority granted to such officials by other ordinances or statutes, and further provided that:
    - a. The restored building will be no more hazardous based on considerations of life, fire and sanitation safety than it was in its original condition;
    - b. Plans and specifications are sealed by a state registered architect or engineer, if required by the building official; and
    - c. The building official has required the minimum necessary corrections to be made before use and occupancy which will be in the public interest of health, safety and welfare.
  - (2) Designated landmarks on landmark sites or properties within a designated historic district may be eligible for fee exemption from the building official.
- (c) *Relief, special exceptions to zoning ordinance.* Designated landmarks on landmark sites or properties within a designated historic district may be eligible for zoning relief pursuant to the zoning ordinance. Landmarks on landmark sites and properties within a designated historic district may also be eligible for special exception from the board of adjustment pursuant to the zoning ordinance.

**Sec. 146-10. - Stop work orders.**

Any work conducted contrary to the provisions of this chapter shall be immediately stopped upon notice from the building official or county administrator that the work does not conform to the terms of this chapter. Notice shall be in writing and shall be given to the property owner, his agent, or to the person doing the work. If none of these persons are immediately available on the construction site to receive the required notice, it shall be posted on the property. The notice shall state all conditions under which work may be resumed. In emergencies, the building official shall not be required to furnish written notice of the stop work order.

**Sec. 146-11. - Penalty for violation of chapter.**

Violations of this chapter are punishable as provided in section 134-8. In addition, any violation of this chapter may subject work done either with or without permits issued pursuant to this chapter to review for purposes of stop work orders issued pursuant to section 146-10.

**Sec. 146-12. - Review of decisions.**

*(a) Appeals.*

- (1) *County staff.* Any aggrieved party may file an appeal before the historic preservation board of a final decision made by county staff under this chapter.
- (2) *Historic preservation board.* Any aggrieved party may file an appeal before the board of county commissioners of a final decision made by the historic preservation board under this chapter.
- (3) *Board of county commissioners.* Any challenge to a decision by the board of county commissioners under this chapter is to a court of competent jurisdiction.

*(b) Timing.* An appeal filed pursuant to subsections (a)(1) and (2) above shall not be required to be in any particular form, but shall be filed with the county administrator's office within ten days after receipt of notice of the final decision of the county staff or the historic preservation board. Each such appeal filing, at a minimum, shall be accompanied by a payment in sufficient amount to cover the cost of publishing notice of the required public hearing. The board of county commissioners or the historic preservation board shall schedule and conduct a public hearing on the appeal as soon as practicable, at a convenient place and time.

**Sec. 146-13. - Conflicting provisions.**

If any provision in this chapter is found to be contrary to any other existing county ordinance, code, rule or regulation covering the same subject matter, this chapter shall supersede all other such ordinances, codes, rules or regulations to the extent that this chapter is in conflict therewith. Further, nothing in this chapter is intended to relieve the applicant or the owner from obtaining all other permits otherwise required by law or regulation.

**EXHIBIT B**

**PINELLAS COUNTY LAND DEVELOPMENT CODE**

**CHAPTER 138**

**ARTICLE XII – THE DOWNTOWN PALM HARBOR FORM BASED CODE**

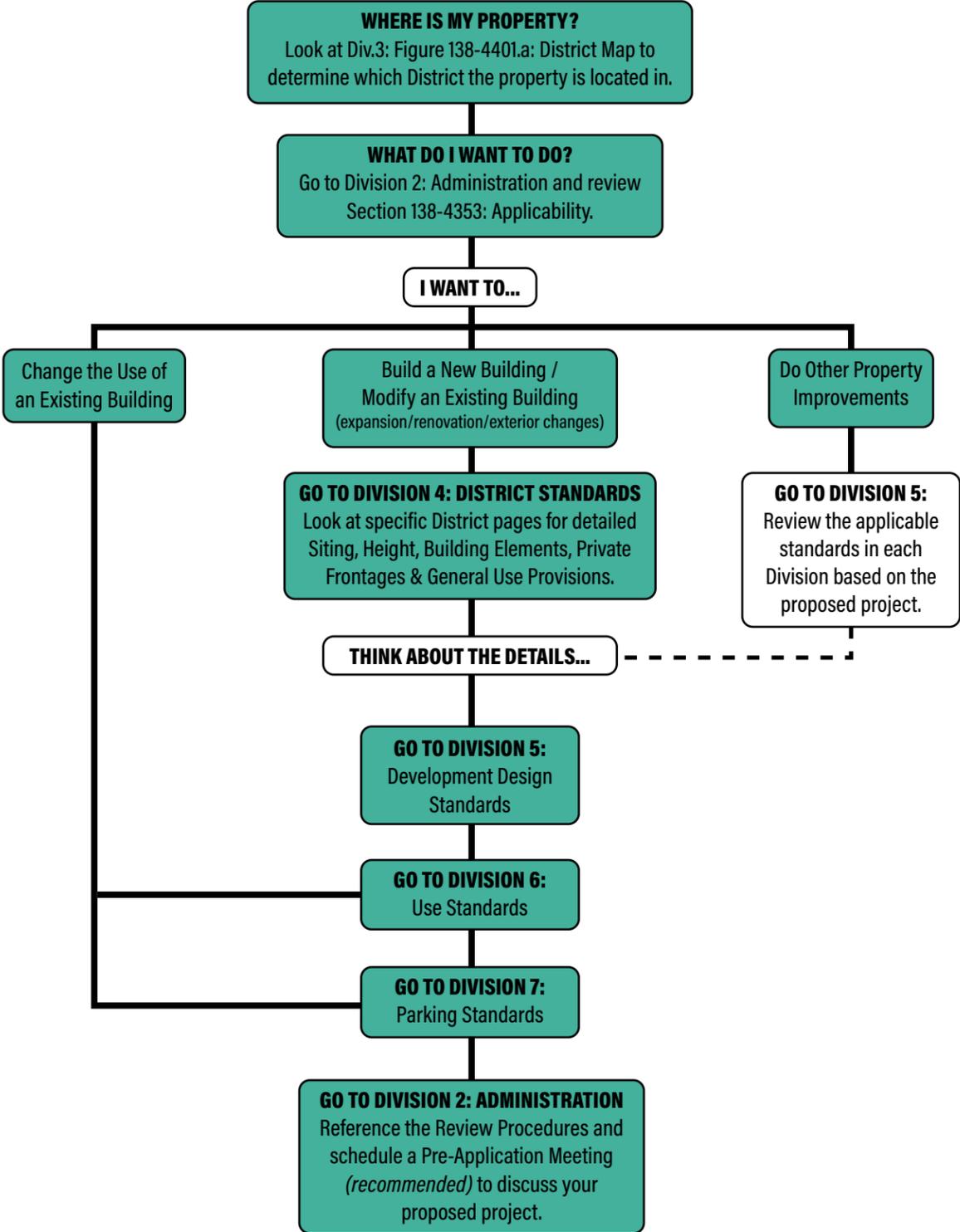


CHAPTER 138, ARTICLE XII

**DOWNTOWN**  
**PALM HARBOR**  
**FORM-BASED CODE**  
**& DISTRICT (DPH-FBC)**

September 2021

# HOW TO USE THIS CODE



**THIS CODE WAS PREPARED BY:**

PINELLAS COUNTY HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT



**SPECIAL THANKS TO:**

- PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS
- PINELLAS COUNTY HISTORIC PRESERVATION BOARD
- PINELLAS COUNTY LOCAL PLANNING AGENCY
- KIMLEY-HORN AND ASSOCIATES, INC.
- PALM HARBOR COMMUNITY

**PORTIONS OF THE DOWNTOWN PALM HARBOR FBC WERE BASED ON METHODOLOGY & DATA PREPARED IN:**

SMARTCODE v9.2 BY DUANY PLATER-ZYBERK & CO.

*This flow chart is intended to serve as a general overview of this Code's review process, but is not a part of this Code. Use and Development within Downtown Palm Harbor is governed by the provisions of this Code.*

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# **DIVISION 1**

## **GENERAL PROVISIONS**

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- SECTION 138-4303 Relationship to Land Development Code
- SECTION 138-4304 Severability
- SECTION 138-4305 Components of this Code
- SECTIONS 138-4306 - 138-4349 Reserved

# DIVISION 1: GENERAL PROVISIONS

## SECTION 138-4300. TITLE

Article XII must be known as the “Downtown Palm Harbor Form-Based Code.” This Article may also be referenced herein as the “DPH FBC.”

## SECTION 138-4301. EFFECTIVE DATE

The effective date of the Downtown Palm Harbor Form-Based Code is \_\_\_\_\_.

## SECTION 138-4302. APPLICATION

- (a) The provisions established within this Form-Based Code shall apply to all development/redevelopment within the Downtown Palm Harbor Neighborhood Activity Center Future Land Use Map designation, which is referred to herein as the Downtown Palm Harbor Form-Based District. Affected parcels are designated on the District Map (*DPH FBC Div. 3: Figure 138-4401.a*). No development shall be undertaken without prior approval and the issuance of the appropriate permit(s) pursuant to the applicable provisions of the DPH FBC, except as provided herein.
- (b) Provisions of the DPH FBC are expressed as “must or shall” when required; “should” when recommended; and “may” when optional. Provisions of the DPH FBC expressed as “typical” describe normal characteristics, but are not limited to those “typical” descriptions as long as the overall intent of the provision is being met.
- (c) Graphic illustrations, illustrative intents, and photographic images used throughout the DPH FBC are intended to graphically portray the regulatory standards and overall intents established within the DPH FBC. These images shall be considered guidelines as opposed to regulatory standards. Where in conflict, numerical metrics shall take precedence over graphics.
- (d) *DPH FBC Div. 5: Section 138-4502: Downtown Palm Harbor Historic Properties*, recognizes the historic significance and architectural character of the Downtown Palm Harbor Historic District. It includes considerations addressing contributing historic properties, buildings of historical merit, and areas of potential archaeological sensitivity.
- (e) Compliance with the DPH FBC is intended to occur over time, as redevelopment and new development occur. These regulations are intended for new development, expansion, renovation and remodeling. Existing structures and uses are allowed to continue and normal repair and maintenance is encouraged. The County also recognizes that some sites may be difficult to develop in compliance with the provisions of the DPH FBC and therefore provides for Waiver and Adjustment, as described in *DPH FBC Div. 2: Section 138-4355*.
- (f) *DPH FBC Division 8: Definitions* contains regulatory language that is integral to the implementation and intent of the DPH FBC. Those terms not defined in *DPH FBC Division 8*, must be accorded their commonly accepted meanings. In the event of conflicts between these definitions and other definitions of the Pinellas County Land Development Code (LDC), those of the DPH FBC shall take precedence.

## SECTION 138-4303. RELATIONSHIP TO LAND DEVELOPMENT CODE (LDC); SECTION 163.3202 (5) (B) (1), FLORIDA STATUTES

- (a) The specific provisions within the DPH FBC supersede those in Chapter 138 of the Land Development Code (LDC). For Contributing Historic Properties as described in *DPH FBC Div. 5: 138-4502*, such properties must refer primarily to *LDC Chapter 146: Historic Properties*. For all other issues not covered by the DPH FBC, the existing LDC or other applicable County, State, or Federal regulating documents continue to apply.
- (b) Pursuant to *section 163.3202(5)(a), Florida Statutes (2021)*, building design elements listed in *section 163.3202(5)(b)(1), Florida Statutes (2021)* and within the DPH FBC, may not be applied to single-family and two-family dwellings located outside of the Downtown Palm Harbor Historic District and in the DPH FBC District.

## SECTION 138-4304. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners that, if any part, article, division, section, subsection, sentence, clause, phrase, or provision of the DPH FBC is held invalid or unconstitutional, such invalidity or unconstitutionality must not be so construed as to render invalid or unconstitutional the remaining provisions of the DPH FBC.

## SECTION 138-4305. COMPONENTS OF THE DPH FBC

The DPH FBC places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The regulatory sections of the DPH FBC are described below:

### (a) DIVISION 2: ADMINISTRATION

Administration describes review processes for development approval within the Downtown Palm Harbor Form-Based District.

### (b) DIVISION 3: DISTRICT MAP

The District Map serves as the principal tool for implementing the DPH FBC. The District Map designates a specific District to every property located within the Downtown Palm Harbor Form-Based District.

### (c) DIVISION 4: DISTRICT STANDARDS

District Standards establish the standards for development/redevelopment of properties within Downtown Palm Harbor, with a focus on building placement, height, and functional elements. The applicable standards for a site are determined by the District in which the site is located, as designated on the District Map.

### (d) DIVISION 5: DEVELOPMENT DESIGN STANDARDS

Development Design Standards establish site, building, landscaping, and signage standards for Downtown Palm Harbor properties. These standards are intended to provide a safe, functional, and attractive built environment and circulation pattern for all users and transportation modes.

(e) **DIVISION 6: USE STANDARDS**

Use Standards describe provisions for specific land uses and designate allowable uses within each District. The Use Standards are intended to be simplistic, while still acknowledging the relationship between neighboring land uses.

(f) **DIVISION 7: PARKING STANDARDS**

Parking Standards establish the amount, type, and design elements for vehicle and bicycle parking. These standards are intended to encourage compact development patterns, accommodate redevelopment, and recognize alternative methods of parking and modes of transportation.

(g) **DIVISION 8: DEFINITIONS**

This section provides a list of terms used throughout the DPH FBC and are integral to the implementation and intent of the DPH FBC. Certain terms are used in very specific ways, often excluding some of the meanings of common usage.

**SECTIONS 138-4306 - 138-4349. - RESERVED**

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# **DIVISION 2**

## **ADMINISTRATION**

- SECTION 138-4350 Authority
- SECTION 138-4351 Review Types
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- SECTION 138-4353 Applicability
- SECTION 138-4354 Nonconforming Situations
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- SECTION 138-4356 Zoning Clearances, Code Interpretations, & Site Plans
- SECTION 138-4357 Enforcement
- SECTIONS 138-4358 - 138-4399 Reserved

# DIVISION 2: ADMINISTRATION

## SECTION 138-4350. AUTHORITY

- (a) The Code Administrator is responsible for administration and enforcement of the DPH FBC.
- (b) The Code Administrator may designate a County staff member to represent the Code Administrator in any function assigned by the DPH FBC. The Code Administrator remains responsible for any final action.

## SECTION 138-4351. REVIEW TYPES

- (a) *DPH FBC Div. 2: Table 138-4351.a: Review Types*, establishes three (3) review types for the purpose of interpreting and applying the provisions of the DPH FBC. These are used in reviewing and recommending, and/or taking final action on land development, land use permits, applications, and other procedures established in the DPH FBC.
- (b) Development, land usage, and/or property modification shall obtain approval through one (1) or more review types as established in *DPH FBC Div. 2: Table 138-4351.a: Review Types*. For Contributing Historic Structures, as designated on the District Map, additional review and approval shall be required per *LDC Chapter 146: Historic Preservation*.

TABLE 138-4351.a: REVIEW TYPES

REVIEW TYPE	REQUEST / APPLICATION	DECISION-MAKING BODY	APPEAL AUTHORITY
<b>Type 1A</b> "Permitted by Right"	Type 1A Uses/Designations [See <i>DPH FBC Div. 6: Table 138-4552.a</i> ] Site Plans Code Interpretations Verification of Nonconforming Situations Administrative Adjustments (up to 10%) Signs Zoning Clearance Letters Change of Use	Department Review	1 <sup>st</sup> Appeal - Board of Adjustments & Appeals (BAA) 2 <sup>nd</sup> Appeal - Circuit Court
<b>Type 1B</b> "Permitted by Warrant"	Type 1B Uses/Designations [See <i>DPH FBC Div. 6: Table 138-4552.a</i> ] Administrative Adjustments (up to 20%) Waivers Alternative Landscape Plans [See <i>DPH FBC Div. 5 Section 138-4504(c)</i> ]	Code Administrator <sup>1</sup>	1 <sup>st</sup> Appeal - Board of Adjustments & Appeals (BAA) 2 <sup>nd</sup> Appeal - Circuit Court
<b>Type 2</b> "Public Hearing Process"	Type 2 Uses/Designations [See <i>DPH FBC Div. 6: Table 138-4552.a</i> ] Variances Alternative Private Frontage Types [See <i>DPH FBC Div. 4: Table 138-4422.a</i> ]	Board of Adjustments & Appeals (BAA)	Circuit Court

<sup>1</sup> For Type 1B reviews, the Code Administrator will coordinate with the appropriate departments before making a final determination.

## SECTION 138-4352. REVIEW PROCEDURES

- (a) Any development, land usage, or property modification in the Downtown Palm Harbor Form-Based District is subject to the review procedures established in this section, with the exception of Contributing Historic Structures, as designated on the District Map.
- (b) Contributing Historic Structures and their associated properties are subject only to *DPH FBC Division 6: Use Standards*, along with the accompanying *DPH FBC Div. 6: Table 138-4552.a: Permitted Land Uses*, of the DPH FBC. Such structures and properties are also and primarily subject to *LDC Chapter 146: Historical Preservation*, which includes a required Certificate of Appropriateness prior to the issuance of development permits. If there is conflict between the DPH FBC and *LDC Chapter 146*, the standards and requirements of *LDC Chapter 146* take precedent.

### (c) TYPE 1A REVIEW

- (1) A Type 1A review is an administrative process to ensure that development projects, land use, and activities comply with the minimum provisions of the DPH FBC. The Type 1A process is intended to be a clear and objective review.
- (2) *DPH FBC Div. 2: Figure 138-4352.a: Type 1A Review Procedure* outlines the general review process for a Type 1A submittal.

### (d) TYPE 1B REVIEW

- (1) A Type 1B review enables the Code Administrator to determine the appropriateness of Type 1B uses/designations, administrative adjustments up to 20%, alternative landscape plans, and waivers based on the overall intent of the provisions within the DPH FBC, and when applicable, the context of the subject property.
- (2) *DPH FBC Div. 2: Figure 138-4352.b: Type 1B Review Procedure* outlines the general review process for a Type 1B submittal.

### (e) TYPE 2 REVIEW

- (1) A Type 2 Review is a public hearing process to ensure that development projects, land usages, and activities comply with the minimum provisions of the DPH FBC and are consistent with the Pinellas County Comprehensive Plan. A Type 2 process requires the Board of Adjustments and Appeals (BAA) to determine the appropriateness of Type 2 uses/designations established within the DPH FBC and variances from the standards of the DPH FBC.
- (2) *DPH FBC Div. 2: Figure 138-4352.c: Type 2 Review Procedure* outlines the general review process for a Type 2 submittal.

### (f) OTHER REQUESTS

- (1) *Re-Districting*: A request to change a property's District designation, must follow the Type 3 Review Procedure as described in *LDC Section 138-83*.
- (2) Other applications and requests within the Downtown Palm Harbor Form-Based District that are not covered within this Section, such as subdivision plat approvals, must follow the applicable review procedures established in *LDC Section 138-77*.

## SECTION 138-4353. APPLICABILITY

### (a) NEW & INFILL DEVELOPMENT

New and infill development includes the construction of a new primary building proposed on a vacant or improved land parcel. The regulations of the DPH FBC, in their entirety, applies to all new and infill development.

Figure 138-4352.a: Type 1A Review Procedure

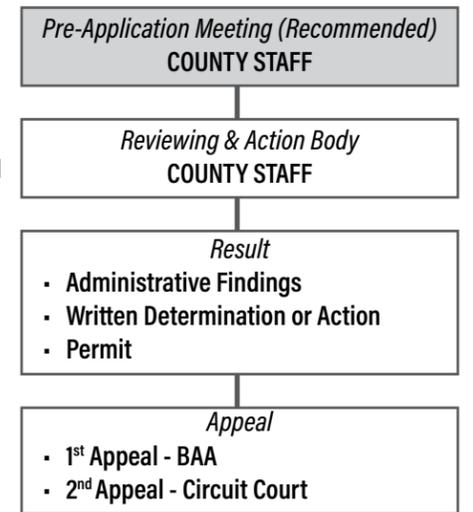


Figure 138-4352.b: Type 1B Review Procedure

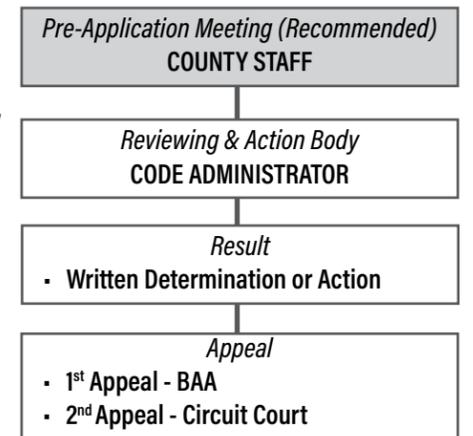


Figure 138-4352.c: Type 2 Review Procedure



(b) **NEW ADDITIONS**

New additions include the expansion of the building footprint or interior floor area of an existing building, such as the conversion of storage to habitable space. They are subject to all applicable provisions of the DPH FBC relative to new additions, including the standards as established in *DPH FBC Div. 5: Section 138-4503: Building Design Standards*. New additions may also be subject to the standards and requirements established for exterior remodels, where appropriate.

(c) **REMODELS**

- (1) *Exterior:* Exterior remodels include substantial changes to the exterior appearance of an existing building. They are subject to all applicable provisions of the DPH FBC relative to exterior remodels, including the standards as established in *DPH FBC Div. 5: Section 138-4503: Building Design Standards*. Exterior remodels may also be subject to the standards and requirements established for new additions, where appropriate.
- (2) *Interior:* These regulations do not apply to interior remodeling of existing buildings.

(d) **EXTERIOR RENOVATIONS**

Exterior renovations include like-kind repair or replacement of an architectural feature or element in a manner that does not alter or modify the exterior appearance of the building, as determined by the Code Administrator. A building in the District extant before the adoption of the DPH FBC may retain its existing exterior appearance and continue to serve its useful and functional life as achieved through routine maintenance.

(e) **CHANGE OF USE**

- (1) When the proposed use type falls within a different land use category or the proposed use requires 25% or more parking spaces than are existing on site, the change in use shall comply with *DPH FBC Div. 6: Table 138-4552.a: Permitted Land Uses* and the minimum parking standards established in *DPH FBC Division 7*.
- (2) Any proposed site features associated with the land use change must comply with all applicable standards within the DPH FBC.
- (3) All other applicable codes or requirements, such as Florida Building Code requirements for a change of occupancy type or required impact fees, associated with the proposed use continue to apply.

(f) **EXCEPTIONS**

- (1) *Existing Building Permits & Development Orders.* The provisions of the DPH FBC do not affect development for which has been issued a building permit or development order on or before the effective date of the DPH FBC, provided that such building permit or development order was lawfully issued and remains in full force and effect. If the building permit or development order expires, any further development on that site must occur only in conformance with the applicable regulations of the DPH FBC.
- (2) *Existing Buildings & Uses.* Existing buildings and uses that do not conform to the

provisions of the DPH FBC may continue as they are. However, if a non-permitted use ceases (according to *DPH FBC Div. 2: Section 138-4354: Nonconforming Uses & Structures*) the use cannot be reestablished.

- (3) *Repair & Maintenance.* Normal repair and maintenance may be performed on existing buildings without requiring compliance with the DPH FBC. [For example, repairing a broken window would not require compliance with the Building Design Standards.]
- (4) *Development Order Applications.*
  - a. Any development order application that was submitted prior to the effective date of the DPH FBC, has 6 months from the effective date to receive approval under the provisions of the *LDC (Chapters 138, 154, etc.)*.
  - b. Development order applications submitted within 3 months after the effective date of the DPH FBC may be processed under the former zoning classification, and all provisions of the LDC.
  - c. For either of the above situations, the construction/building permits must be kept active in accordance with the Florida Building Code.

**SECTION 138-4354. NONCONFORMING SITUATIONS**

(a) **NONCONFORMING USES & STRUCTURES**

- (1) Nonconforming uses and structures are:
  - a. Those legally created/established prior to the effective date of the DPH FBC, or
  - b. Caused by the adoption and amendment of the Pinellas County Comprehensive Plan, Downtown Palm Harbor Form-Based Code and associated District Map, Pinellas County Code, and/or State Statutes that make a previously conforming use or structure nonconforming.
- (2) *Continuation of Nonconformities.* Legal nonconforming uses and structures are permitted to continue with normal repair and maintenance. This must 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 in this Section.
- (3) *Change of Ownership.* Change of management, ownership, or tenancy of a nonconforming use or structure does not affect its nonconforming status; provided such uses, intensity does not increase, as determined by the Code Administrator.
- (4) *Loss of Nonconforming Status.*
  - a. *Nonconforming Uses.* When a nonconforming use of land or structure has been intentionally discontinued for 1 year or longer, its future use must conform to the uses permitted in the District in which the site is located.

- b. *Nonconforming Structures.* Nonconforming status terminates if a nonconforming structure is damaged or destroyed as a result of an accident, fire, flood, hurricane, or other act of nature; except as follows:
    1. *50% of Less.* If the cost of repairing/replacing a damaged structure is equal to 50% of less of the appraised value prior to damage (per the Pinellas County Property Appraiser), the structure may be restored to the same footprint (including pre-existing, nonconforming setbacks).
    2. *Exceeds 50%.*
      - i. If the cost of repairing or replacing the damaged portion of the structure exceeds 50% of the appraised value prior to the damage (per the Pinellas County Property Appraiser), the structure must be restored in full compliance with the DPH FBC.
      - ii. If a nonconforming structure is destroyed/damaged in excess of 50% of the appraised value within 5 years of the effective date of the DPH FBC, it may be restored through a Type 2 Review Procedure, per [LDC Section 138-208\(b\)](#) and [DPH-FBC Div. 2: Table 138-4351.a](#). After 5 years of the effective date of the DPH FBC this provision will no longer apply.
    3. *Residential Exemptions.* An involuntarily damaged or destroyed nonconforming single-or-multi-unit dwelling(s) may be reconstructed or replaced with a new structure with the same number of dwelling units prior to the damage. However, the new structure must conform to the development standards of the DPH FBC and all other current building and fire codes.
- (5) *Maintenance & Repair.* A nonconforming structure may be maintained and repaired subject to the following:
- a. Any physical change to the structure cannot increase the degree of nonconformity unless otherwise permitted by the DPH FBC.
  - b. Any nonconforming structure or portion thereof declared to be unsafe, by the County Administrator or designee, may be restored to a safe condition. However, if the structure is deemed deteriorated, repairs must occur in accordance to the respective District Standards ([DPH FBC Division 4](#)).
  - c. All interior, utility, accessibility, and/or life-safety alterations and repairs are permitted.
- (6) *Illegal Uses & Structures.* Nothing in this Section must 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 must be discontinued, and any such illegal structure must be removed or brought to compliance with the DPH FBC
- (7) *Modification & Expansion.*
- a. Nonconforming structures may be expanded in a manner that conforms to the District Standards and other applicable sections of the DPH FBC and does not increase the degree of nonconformance.

- b. If an existing structure became nonconforming with the adoption of the DPH FBC, it may be expanded in a manner that does not meet the applicable provisions of the DPH FBC through a Type 2 Review Procedure, per [LDC Section 138-208\(b\)](#) and [DPH FBC Div. 2: Table 138-4351.a](#).

**(b) NONCONFORMING SIGNS**

Any sign, lawfully established prior to the effective date of the DPH FBC that no longer meets the development standards is deemed a legal nonconforming sign. For the purposes of this Section, a sign includes the sign face and any supports, poles, frames, or other associated lighting, electrical, mechanical, and structural features. The continuation of legal nonconforming signs must be consistent with the following:

- (1) *Increases in Nonconformity.* No nonconforming sign can be enlarged or altered in terms of face area, height, or any other aspect that increases the degree of nonconformity.
- (2) *Alterations.* Any nonconforming sign that is intentionally altered, moved, or replaced must comply with [DPH FBC Div. 5: Section 138-4505](#). Nonconforming signs that are required to be altered due to government action or damaged resulting from fire, flood, or other natural disaster, or a third party act may be restored to their nonconforming condition. Nonconforming signs that are temporarily removed for painting or other maintenance retain their legal nonconforming status, so long as the sign is replaced within a period of 60 days from the date of its removal.
- (3) *Sign Faces & Messages.* Sign faces and/or messages on a nonconforming sign may be altered, replaced, repainted, and repaired provided that the degree of nonconformity is not increased.

**(c) ADAPTIVE REUSE PROJECTS**

The purpose of this Section is to foster the renovation and reuse of structures that have significant historical, architectural or cultural value to Downtown Palm Harbor. This Section recognizes that many existing structures located within the Districts, as established by the DPH FBC, will not conform to all the standards and guidelines in the DPH FBC. The following development standards apply to adaptive reuse projects:

- (1) *Applicability.*
  - a. The provisions of this section apply to the redevelopment and reuse of buildings that pre-date 1980, and have qualities of significance and integrity through either a significant contribution to history, association with significant persons, or embody distinctive characteristics.
  - b. To be considered an adaptive reuse project, the existing total building floor area and building height can only be increased up to 20%.
- (2) *Siting Regulations.*
  - a. Building siting standards do not apply to existing buildings associated with an adaptive reuse project, but do apply to any building additions.

- b. *Side/Rear Setback.* For building additions/expansions, the minimum side/rear setback for an adaptive reuse project may be equal to the existing building setback, or equal to the side/rear setback for the District in which the site is located, whichever is less.
  - c. *Parking Setback.* There are no additional requirements for the use of an existing dedicated parking area. New parking areas must meet the requirements of the District in which the site is located.
- (3) *Off-Street Parking.*
- a. If a change of use results in more off-street parking spaces being required than already exists, no additional parking spaces are required.
  - b. If a change in use results in fewer off-street spaces being required than already exists, then only the number of spaces necessary to fulfill the requirements need to be maintained.
  - c. Existing parking in excess of the limits set forth in *DPH FBC Div. 7: Parking Standards* may remain and be used for on-site parking purposes for other property owners, subject to an agreement between the property owners.
- (4) *Loading Spaces.* When utilizing an existing loading space, the provisions of *DPH FBC Div. 7: Section 138-4604* do not apply.
- (5) *Building Features.* Facades must maintain the architectural integrity of an existing building. If a building facade is replaced or significantly modified it must satisfy the requirements set forth in *DPH FBC Div. 2: Section 138-4353*.

**SECTION 138-4355. VARIANCES, WAIVERS, & ADMINISTRATIVE ADJUSTMENTS**

The provisions set forth in the DPH FBC apply to a diverse area. The County recognizes some sites may be difficult to develop in compliance with these regulations. The variance, waivers, and adjustments review processes provide a mechanism for these regulations to be modified to relieve a property owner who, because of property characteristics beyond their control, is unable to meet a requirement. These reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the DPH FBC.

**(a) GENERAL**

- (1) A variance, waiver, or adjustment cannot be granted to the following:
  - a. Density and intensity limitations of the Pinellas County Comprehensive Plan.
  - b. Land usage restrictions of the Pinellas County Comprehensive Plan.
  - c. Review and procedural requirements of the DPH FBC.
  - d. State and federal rules, regulations, and standards.
- (2) *Required Information.* The following is required to be submitted for these requests:
  - a. A proposed site development diagram (concept plan) drawn to scale.

- b. A survey and/or current aerial photograph of the subject site and adjustment properties, including information identifying all existing easements and encumbrances.
- c. A written explanation and justification of the requested variance, waiver, and/or administrative adjustment.
- d. A written response for each of the criteria for granting variances, waivers and/or adjustments as listed in this Section.
- e. Other supplemental information as required by the Code Administrator or designee.

- (3) *Initiation of Construction.* A variance, waiver, or administrative adjustment issued under these provisions automatically expire within 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 within those 2 years; the granting of any variance, waiver, and/or administrative adjustment must not be deemed as automatic approval for any such permit or site plan required.
- (4) *Extensions.* The Code Administrator 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.

**(b) VARIANCES**

- (1) A variance is a request to lessen or remove certain dimensional standards of the DPH FBC for a particular property or structure.
- (2) *Review Procedure.* A variance from the DPH FBC must be processed as a Type 2 Review, which is in a public hearing setting by the Board of Adjustments and Appeals (BAA). All variances are subject to the criteria established in *DPH FBC Div. 2: Table 138-4355.a: Variance, Waivers, & Administrative Adjustments Criteria*.

**(c) WAIVERS**

- (1) A waiver is an approved elimination of a particular technical standard(s) 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) Subject to the criteria established in *DPH FBC Div. 2: Table 138-4355.a: Variances, Waivers, & Adjustments Criteria*, the approval authority may grant the following waivers to the DPH FBC:
  - a. Site access standards and requirements may be waived to respond to site constraints and/or respond to existing development conditions.
  - b. 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. Compensatory pedestrian improvements are required within the same District where a sidewalk waiver is granted.

- c. 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.
- d. Other similar technical standards as determined by the Code Administrator in coordination with the appropriate department(s). However, waivers pertaining to ADA standards are not permitted.

(3) *Review Procedure.* Waivers are processed as a Type 1B Review.

**(d) ADMINISTRATIVE ADJUSTMENTS**

- (1) An administrative adjustment is an approved adjustment or reduction to certain dimensional standards and/or technical requirements of the DPH FBC based on a site constraint, and/or the ability to meet the intent by other means. Administrative Adjustments may have some impact on a neighboring property.
- (2) Subject to the criteria established in *DPH FBC Div. 2: Table 4355.a: Variance, Waivers, & Adjustments Criteria*, the standards of the DPH FBC may be adjusted up to 20 percent.
- (3) *Review Procedure.* Administrative adjustments are processed as a Type 1A Review for up to 10 percent and Type 1B for up to 20 percent adjustments.

**(e) CRITERIA**

The reviewing body must determine the following criteria described in *DPH FBC Div. 2: Table 138-4355.a: Variance, Waivers, & Adjustments Criteria*, have been satisfied in order to authorize such approval.

**TABLE 138-4355.a: VARIANCES, WAIVERS, & ADMINISTRATIVE ADJUSTMENTS CRITERIA**

CRITERIA	VARIANCE	WAIVER	ADJUSTMENT
(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 the DPH FBC 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 District under the terms of this section. The hardship must 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 DPH FBC.</i> That the granting of the request will be in harmony with the general intent, purpose, and spirit of the DPH FBC.	<b>X</b>	<b>X</b>	<b>X</b>
(e) <i>Consistency with the Comprehensive Plan.</i> That the granting of the request is consistent with the intent of the standard, results in better urban design for the neighborhood as a whole, and does not impede or burden existing or future development on adjacent properties.	<b>X</b>		
(f) <i>Detriment to Public Welfare.</i> That the granting of the request respects the historic fabric of Downtown Palm Harbor and is consistent with the <i>Downtown Palm Harbor Design Guidelines</i> .	<b>X</b>		

**SECTION 138-4356. ZONING CLEARANCES, CODE INTERPRETATIONS, & SITE PLANS**

**(a) ZONING CLEARANCE**

- (1) A Zoning Clearance determines if an application is in conformance with the provisions of the DPH FBC or as permitted by special approval. It is required and must 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.
- (2) A Zoning Clearance shall be determined by the Code Administrator.
  - a. The issuance of a Zoning Clearance does not exempt an applicant from complying with all laws properly affecting the use of development of land.
  - b. This clearance is required regardless of any other provision of this Section.
  - c. Failure to obtain such clearance may be deemed a violation of this Section.
- (3) *Issuance & Conditions.*
  - a. Zoning Clearances are determined as part of the Type 1A and Type 1B Review. The resulting determination may require that the applicant make site modifications and/or secure the required review type approval for the requested outcome.
  - b. The Code Administrator or designee may request additional information pertaining to the project in order to conduct a thorough review and ensure full compliance with the DPH FBC.

**(b) DPH FBC INTERPRETATION**

- (1) Any member of the public may request a code interpretation of any provision in the DPH FBC, upon filing a written request.
- (2) A DPH FBC interpretation is intended for cases and situations where the standards and requirements are not clear and/or there is opportunity for interpretation.
- (3) *Issuance & Conditions.*
  - a. DPH FBC interpretations must be issued by the Code Administrator as a part of a Type 1A Review.
  - b. Requests for DPH FBC interpretations must include:
    - 1. A legal description, address, and/or parcel identification of the property for which the request is made.
    - 2. A description of the requested interpretation as it relates to a development, review process, and/or use of land.
    - 3. A conceptual plan or drawing illustrating the request when applicable. Plans must be drawn to scale and show the property boundaries, proposed improvements, and connections to streets.

- c. The Code Administrator must review the relevant DPH FBC sections and the Comprehensive Plan in reaching a determination. The code interpretation must not be used to circumvent adopted policy or code requirement.
- (4) *Fees.* Fees for DPH FBC Interpretations shall be established by the Board of County Commissioners. A schedule of fees is available in the designated county department.

**(c) SITE PLANS**

- (1) *Applicability.* Site plans are required for the following:
- a. As required per *DPH FBC Div. 5: Section 138-4503: Building Design Standards.*
  - b. All development that requires new or revised stormwater management facilities.
  - c. All new roadways and streets.
- (2) *Requirements.*
- a. Site plans must demonstrate full compliance with the provisions of the DPH FBC and any condition imposed by a decision-making authority for the use.
  - b. A site plan must be provided as a site plan set, per County procedures.
  - c. Site plan elements must be prepared by:
    - 1. Surveys and property descriptions shall be prepared by a professional surveyor and mapper licensed in the State of Florida.
    - 2. Development plans, grading plans, utility plans and similar plans must be prepared by an appropriate professional licensed to conduct work in the State of Florida.
  - d. After receiving site plan approval, the applicant must submit updated copies of the site plan, containing all data and information required as follows:
    - 1. Final site plans, development designs, reports, or similar items that reflect the written approval.
    - 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 as amended.
- (3) *Time Limits.*
- a. A site plan approval is only valid for a period of 12 months, unless construction of the project commences within 12 months of such approval and continues in good faith.

- b. The Code Administrator 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 Code Administrator's discretion, the site plan must be updated to incorporate applicable development standards that have been changed since the original approval.

- (4) *Fees.* Fees for site plan review shall be established by the Board of County Commissions. A schedule of fees is available in the designated County Department.

**SECTION 138-4357. ENFORCEMENT PROCEDURES**

Enforcement of the DPH FBC must comply with the provisions in *LDC Section 138-54.*

**SECTIONS 138-4358 - 138-4399. - RESERVED**

# **DIVISION 3**

## **DISTRICT MAP**

SECTION 138-4400 Intent

SECTION 138-4401 Districts

SECTIONS 138-4402 - 138-4419 Reserved

# DIVISION 3: DISTRICT MAP

## SECTION 138-4400. INTENT

- (a) The District Map serves as the principal tool for implementing the DPH FBC.
- (b) The District Map establishes four Districts that have been assigned to each property within the Downtown Palm Harbor Neighborhood Activity Center Future Land Use Map designation.

## SECTION 138-4401. DISTRICTS

There are four Districts within Downtown Palm Harbor, see the District Map (*DPH FBC Div. 3: Figure 138-4401.a*). Development and redevelopment must comply with the standards and overall intent established for each District.

### (a) CENTRAL DISTRICT (DPH-1)

The 'Central District' serves as the core of the downtown area, promoting a mix of uses that encourage day-and night-time activity. Development within this District is characterized by street-oriented buildings with uses that encourage pedestrian activity. Comfortable pedestrian movement is supported by on-street parking, wide sidewalks, enhanced crosswalks, pedestrian amenities and cohesive wayfinding to help promote a dynamic public realm.

### (b) WEST DISTRICT (DPH-2)

The 'West District' serves to connect the waterfront recreation amenities to the Pinellas Trail and the downtown central business district with a mixture of residential housing and neighborhood-supportive uses.

### (c) NEIGHBORHOOD DISTRICT (DPH-3)

The 'Neighborhood District' is predominately residential in appearance, but multi-use in function and serves to transition between the Central District and the primarily single-family residential areas outside of the Downtown Palm Harbor Activity Center. This District supports a mix of small to medium building types that allow more definition between public and private areas, as well as, small-scaled neighborhood and civic uses. District standards along Alternate U.S. 19 support the placement of community-scaled commercial uses.

### (d) BOULEVARD DISTRICT (DPH-4)

The 'Boulevard District', fronting along Omaha Street, is predominantly residential in function and serves as a transition between the downtown core to the west, and the primarily single-family residential area to the east. This District supports a mix of residential types, as well as, office uses that fit in with the mostly residential character of the District.

## SECTIONS 138-4402 - 138-4419. - RESERVED

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# DOWNTOWN PALM HARBOR DISTRICT MAP

-  CENTRAL DISTRICT (DPH-1)
-  WEST DISTRICT (DPH-2)
-  NEIGHBORHOOD DISTRICT (DPH-3)
-  BOULEVARD DISTRICT (DPH-4)
-  DISTRICT MAP BOUNDARY
-  CONTRIBUTING HISTORIC STRUCTURE
-  BUILDING OF HISTORICAL MERIT
-  HISTORIC DISTRICT



\*Figure 138-4401.a serves only as an illustrative representation of the District Map and is not regulatory. See the official Pinellas County Zoning Atlas to determine a site's District designation.

# **DIVISION 4**

## **DISTRICT STANDARDS**

- SECTION 138-4420 Intent
- SECTION 138-4421 General Provisions
- SECTION 138-4422 Private Frontage Standards
- SECTION 138-4423 Districts
  - SECTION 138-4424 Central District (DPH-1)
  - SECTION 138-4425 West District (DPH-2)
  - SECTION 138-4426 Neighborhood District (DPH-3)
  - SECTION 138-4427 Boulevard District (DPH-4)
- SECTIONS 138-4428 - 138-4499 Reserved

# DIVISION 4: DISTRICT STANDARDS

## SECTION 138-4420. INTENT

- The District Standards are intended to shape the physical and functional character of the street-space of the Downtown Palm Harbor Form-Based District, with the goal of creating an active, pedestrian-friendly public realm. The form and function standards for building frontages not only frame the street-space, but also allow for greater flexibility behind the building's facade. The District Standards are intended to aim for minimal regulation necessary to achieve this goal.
- The District Map identifies the various Districts for all properties located within the DPH FBC.
- The District Standards establish the standards for development and redevelopment of properties, with a focus on building placement, height, and functional elements, such as fenestration (windows and doors), porches, and stoops.

## SECTION 138-4421. GENERAL PROVISIONS

The following provisions apply to all Districts, unless otherwise specified within the DPH FBC:

### (a) LOTS WITH MULTIPLE STREET FRONTAGES

- For corner and through lots (multiple-frontage lots), each public street (not including alleys) must be treated as a front for the determination of setbacks. (See *DPH FBC Div. 4: Figure 138-4421.a*)
- For multiple frontage lots, the primary frontage is the street frontage with the highest classified street type.
- Structures may not extend beyond the minimum front setback requirement along any secondary frontage. The maximum setback must be met along any secondary frontage either by a structure, fence/wall, hedge row, or of a similar treatment.

### (b) BUILDING SIZE

The maximum floor area ratio (FAR) for each District is 1.5 as established in the Downtown Palm Harbor Master Plan.

### (c) NEIGHBORHOOD MANNERS

- Height.** When a non-residential or multi-unit residential lot shares a property line with an existing single-unit, detached residential lot, the maximum height of the non-residential structure must not exceed the permitted by right height of the residential property's District. This limitation only applies to the portions of the non-residential structure within 20 feet of the shared property line. (See *DPH FBC Div. 4: Figure 138-4421.b*)
- Setback.** When a nonresidential or multi-unit residential lot shares a property line with an existing single-unit detached lot, a minimum 5 foot building setback is required from the shared property line(s).

Figure 138-4421.a: Lot Types

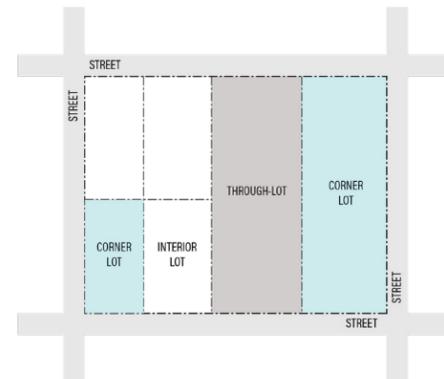
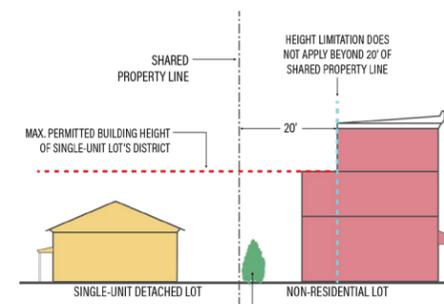


Figure 138-4421.b: Neighborhood Manners



- Residential Buffer.** A buffer, meeting the requirements of *DPH FBC Div. 5: Section 138-4504(d)*, must be provided along any shared rear or side property line of a non-residential or multi-unit residential lot and a single-unit, detached residential lot. A buffer is not required between the building facade and an abutting street or any portions that abut an alley. The buffer must be provided entirely on the non-residential property at the time of development/redevelopment. (See *DPH FBC Div. 4: Figure 138-4421.b*)

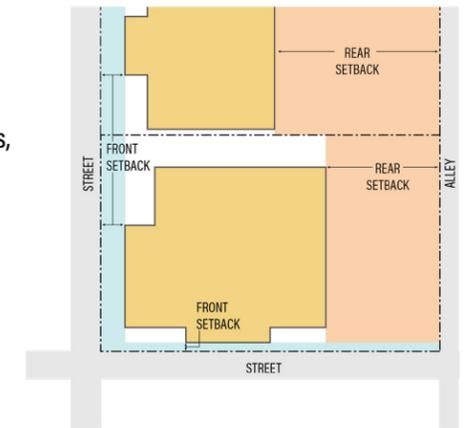
### (d) SITING

- The area between the minimum and maximum front setback, is considered the Build-to Zone. The minimum Building Frontage requirement (as established for each District) must be met entirely within the Build-to Zone along a site's frontage(s). (See *DPH FBC Div. 4: Figure 138-4421.c*)
- Setbacks are measured by the shortest dimension, running from the property line to the nearest wall of a structure. (See *DPH FBC Div. 4: Figure 138-4421.d*)
- Parking Setback Line requirements apply to all public street frontages. All parking must be located at/behind the parking setback line (as established for each District), except for the following situations:
  - When parking is provided below grade or on-street; or
  - When surface parking is masked by a building wall or streetscreen that is a minimum of 3.5 feet in height. Breaks in the streetscreen may be permitted to allow for pedestrian and vehicular access.
- No part of any building may project beyond a designated minimum setback, except for the following encroachments, allowances, and/or limitations:
  - Porches and decks are subject to the applicable District front building setback(s).
  - Overhanging eaves, awning, bay windows, stoops, steps, cornices, chimneys, accessible ramps, or other similar minor appurtenances may project into a required setback no more than three (3) feet and must not extend over adjacent property.
  - Swimming pools, as measured from the water's edge must either have a side/rear setback of eight (8) feet or the minimum side/rear setback of the District in which the property is located, whichever is less.
  - Screen-only enclosures and outdoor kitchens are permitted a side and rear setback of five (5) feet or the minimum side or rear setback of the District in which the property is located, whichever is less.
  - Arbors and pergolas, 100 square feet or less in size, are not subject to setback standards provided that intersection sight visibility standards, per *DPH FBC Div. 5: Section 138-4501(b)(5)* are addressed through structure placement/design. Columns as part of such structures must be reviewed for visibility issues on a case-by-case basis. Such requests must be reviewed for approval by the County Engineer.

Figure 138-4421.c: Build-to Zone



Figure 138-4421.d: Setback Measurement



- f. Mechanical equipment such as air conditioning units, pool equipment and generators must not exceed 75 DB and should be placed adjacent to the structure, however a minimum three (3) foot separation is required from the property line.
- g. Outside, unenclosed stairways must have a minimum side/rear setback of five (5) feet or the minimum side/rear setback of the District in which the property is located, whichever is less.

(5) Setback standards cannot supersede or allow easement encroachment. The following shall apply:

- a. No portion of any structure can be located within the area of a recorded public easement, unless authorized by the county and/or other easement holder.
- b. Easement encroachment can not be authorized as a variance.

(6) Any encroachments into the right of way must be removable (e.g. awnings, benches, tables and chairs, cafe seating etc.) and require a right of way utilization permit.

**(e) HEIGHT**

(1) The height of all buildings is measured in stories, with not to exceed maximum heights measured in feet from the existing grade, unless otherwise stated within the DPH FBC. (See *DPH FBC Div. 4: Figure 138-4421.e*)

(2) Height is measured based on the following provisions; other exemptions of this section may be allowed:

- a. For flat roofs, height means the vertical distance from the mean (average) elevation of the existing grade to the height of the finished roof structure.
- b. For pitched roofs, height means the vertical distance from the mean (average) elevation of the existing grade to the eave of the roof.
- c. *Base Flood Elevation.* When a structure is in an area of special flood hazard, height is measured from the base flood elevation (BFE) including two (2) feet of additional freeboard, as required by local ordinance, based on the following:

1. When the existing grade is two (2) feet or less than the BFE (See *DPH FBC Div. 4: Figure 138-4421.f*), the finished floor elevation of the lowest habitable story of the building must be raised to at least the minimum required height, by utilizing the following options:
  - i. *Option 1: Raised Site.* Fill may be used to raise the building site up to a four (4)-foot maximum height as measured from the existing grade (See *DPH FBC Div. 4: Figure 138-4421.h*). Along frontages where a public sidewalk is present or required, a retaining wall must be used where the site is raised.

Figure 138-4421.e: Height Measurement Flat & Sloped Sites



Figure 138-4421.f: BFE Less than or Equal to 2'

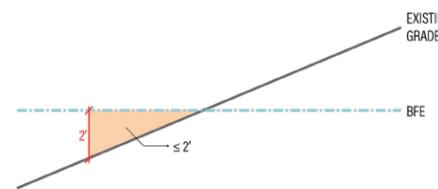
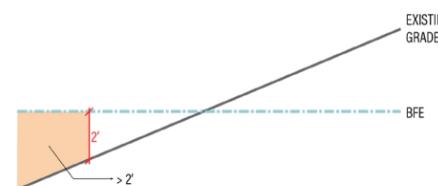


Figure 138-4421.g: BFE Greater than 2'



- ii. *Option 2: Raised Base.* A foundation wall may be used to raise the base of the ground (finished) floor up to a maximum of five (5) feet above the existing grade (See *DPH FBC Div. 4: Figure 138-4421.i*) (Note that buildings containing ground floor residential uses already require a minimum 2-foot raised ground floor elevation. See Height Tables in District Standards).
- iii. *Option 1 & 2 Combined:* A combination of Options 1 and 2 may be used to achieve at least the minimum required elevation. (Note that buildings containing ground floor residential uses already require a minimum 2-foot raised ground floor elevation. (See Height Tables in District Standards).

2. When the existing grade is greater than two (2) feet below the BFE (See *DPH FBC Div. 4: Figure 138-4421.g*), the finished floor elevation of the lowest habitable story of the building must be raised to at least the minimum height by utilizing the following options:

- i. *Option 1: Raised Base.* A foundation wall may be used to raise the base of the ground (finished) floor up to a maximum of five (5) feet above the existing grade. (See *DPH FBC Div. 4: Figure 138-4421.i*) (Note buildings containing ground floor residential uses already require a minimum 2-foot minimum raised ground floor elevation. See Height Tables in District Standards).
- ii. *Option 2: Sub-Story.* A sub-story may be used to raise the finished, habitable building space at or above the required elevation. (See *DPH FBC Div. 4: Figure 138-4421.j*) A minimum clearance height of eight (8) and maximum of twelve (12) feet, as measured from the ground floor elevation, is permitted. A sub-story may be used as uninhabitable space for vehicular parking, cold storage and similar uses, subject to standards and requirements of the Pinellas County Building Code.
- iii. *Option 1 & 2 Combined.* A combination of Options 1 and 2 may be used to achieve at least the minimum required elevation. (Note buildings containing ground floor residential uses already require a minimum 2-foot raised ground floor elevation. (See Height Tables in District Standards).

- (3) 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 the DPH FBC.
- (4) Parapet walls constructed on buildings with flat roofs are permitted to extend four (4) feet over the maximum height specified for the District in which the building is located.
- (5) Ground/Upper story clearance is measured from the finished floor elevation to the ceiling of each story.

Figure 138-4421.h: Raised Site



Figure 138-4421.i: Raised Base



Figure 138-4421.j: Sub-Story



- (6) One-story structures, except for single-unit, detached structures, must have a minimum ground story clearance of 14 feet. For multi-story structures the minimum ground story clearances are addressed in [DPH FBC Div. 4: Section 138-4424 - 138-4427](#).
- (7) Where sidewalks are covered (awnings, arcade, etc.), a minimum interior clearance height of 10 feet is required.
- (8) Building heights do not include rooftop gardens, patios, or similar functions without permanent structural covers or elements.

**(f) ELEMENTS**

- (1) Fenestration (facade transparency) is measured by the area of all doors and windows of a particular story level, divided by the total facade area of that story level. The total facade area is calculated by the height between finished floors multiplied by the width of the facade. (See [DPH FBC Div. 4: Figure 138-4421.k](#))
- (2) Doors, whether opaque or transparent, may be counted towards the minimum fenestration requirement.
- (3) Mullions, muntins, window and door frames may be counted towards the minimum fenestration requirement.
- (4) Sub-stories, when included per [DPH FBC Div. 4: Section 138-4421\(e\)\(2\)c](#), must be exempt from those requirements.

**SECTION 138-4422. PRIVATE FRONTAGE STANDARDS**

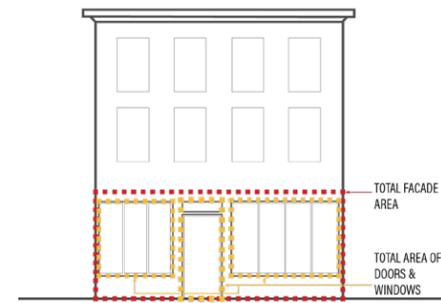
Frontage types provide the standards of how a building individually shapes and frames the overall streetscape. These frontage types comprise the area between the building facades and the front property lines. For multiple-frontage lots, the Private Frontage requirement is only applicable to the primary frontage(s). Allowable private frontage types are identified for each District.

**(a) PRIVATE FRONTAGE OBJECTIVES**

Frontages must be designed and maintained to achieve the following objectives:

- (1) Support the intended physical environment of each District designation.
- (2) Support active and continuous pedestrian-oriented environments of each District designation.
- (3) Provide a physical transition between the public right-of-way and each building that shapes the public realm for each District designation.

Figure 138-4421.k: Fenestration



**(b) PERMITTED PRIVATE FRONTAGE TYPES**

The Permitted Private Frontages Table ([DPH FBC Div. 4: Table 138-4422.a](#)) identifies the permitted frontage types for each District designation. Along a lot's primary frontage(s), all buildings must comply with the private frontage types established in this section of the code. If a building utilizes more than one private frontage type, all types must be permitted, as shown in [DPH FBC Div. 4: Table 138-4422.a: Permitted Private Frontage Types](#). Frontage types not identified as permitted may be permitted under a Type 2 review and approval process as described in [DPH FBC Div. 2: Section 138-4352\(c\)](#).

**SECTION 138-4423. DISTRICTS**

[DPH FBC Div. 4: Sections 138-4424 - 138-4427](#) detail the siting, height, and elements standards; permitted private frontages; and permitted land use categories for each District established by the DPH FBC.

TABLE 138-4422.a: PERMITTED PRIVATE FRONTAGE TYPES

			CENTRAL (DPH-1)	WEST (DPH-2)	NEIGHBORHOOD (DPH-3)	BOULEVARD (DPH-4)
<b>COMMON YARD</b>	<p>Facade is setback from the property line creating a front yard that is visually continuous with adjacent yards, supporting a common landscape.</p>					●
<b>PORCH &amp; FENCE</b>	<p>Facade is setback from property line with an attached porch. A fence (optional) at the property line maintains street spatial definition.</p>			●	●	●
<b>DOORYARD</b>	<p>Facade is setback from property line by an elevated landing to buffer residential uses from sidewalks and streets.</p>			●	●	●
<b>COURTYARD</b>	<p>A portion of the facade is at or near the property line with central portion(s) set back. This frontage type is permitted to be in conjunction with other frontage types. A central courtyard is recommended for residential use.</p>		● (Streets other than Florida Avenue)	●	●	●
<b>STOOP</b>	<p>Facade is close to the property line and the first story is elevated. Entrances are typically stairs or landings. This type is recommended for ground-floor residential.</p>		● (Streets other than Florida Avenue)	●	●	●
<b>SHOPFRONT</b>	<p>Facade is near the property line with entrances at sidewalk grade, typically with awnings. Facade can sit back slightly from the property line to allow for an activated public space, such as outdoor seating. This type is conventionally for retail use.</p>		●	●	●	
<b>GALLERY</b>	<p>Facade is near the property line and includes an attached cantilevered roof overlapping the sidewalk, that is no less than 10' wide. Facade can sit back slightly from the property line to allow for an activated public space, such as outdoor seating.</p>		●	●		

TABLE 138-4422.a: PERMITTED PRIVATE FRONTAGE TYPES (CONTINUED)

		LOT R.O.W.	LOT R.O.W.	CENTRAL (DPH-1)	WEST (DPH-2)	NEIGHBORHOOD (DPH-3)	BOULEVARD (DPH-4)
<b>RAISED SITE</b>	Refer to DPH FBC Div. 4: Section 138-4421(e)(2)c.1 & 2			● (When permitted per DPH FBC Div.4: Section 138-4421(e)(2)c)	● (When permitted per DPH FBC Div.4: Section 138-4421(e)(2)c)		
<b>RAISED BASE</b>	Refer to DPH FBC Div. 4: Section 138-4421(e)(2)c.1 & 2			● (When permitted per DPH FBC Div.4: Section 138-4421(e)(2)c)	● (When permitted per DPH FBC Div.4: Section 138-4421(e)(2)c)		
<b>SUB-STORY</b>	Refer to DPH FBC Div. 4: Section 138-4421(e)(2)c.1 & 2			● (When permitted per DPH FBC Div.4: Section 138-4421(e)(2)c)	● (When permitted per DPH FBC Div.4: Section 138-4421(e)(2)c)		

# CENTRAL DISTRICT (DPH-1)

## (a) INTENT

The 'Central District' serves as the core of the downtown area, promoting a mix of uses that encourage day- and night-time activity. Development within this District is characterized by street-oriented buildings with uses that encourage pedestrian activity. Comfortable pedestrian movement is supported by on-street parking, wide sidewalks, enhanced crosswalks, pedestrian amenities and cohesive wayfinding to help promote a dynamic public realm.

## (b) SITING

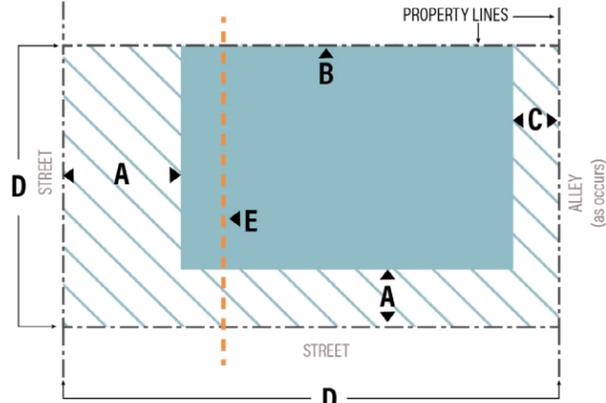


TABLE 138-4424.a

REQUIREMENT	MIN.	MAX.
<b>A</b> Front Setback Florida Avenue Georgia Avenue	5 ft 0 ft <sup>1</sup> 0 ft <sup>1</sup>	20 ft 15 ft 20 ft
<b>B</b> Side Setback	-	-
<b>C</b> Rear Setback <sup>2</sup>	5 ft	-
<b>D</b> Building Frontage <sup>3</sup> Florida Avenue	50% 70%	-
<b>E</b> Surface Parking Setback <sup>4</sup>	20 ft	-

TABLE NOTES:

- For front setbacks of less than 5 feet an evaluation of potential utility, infrastructure, and maintenance impacts will be conducted during the site plan review process for approval. Approval will be necessary from the County Engineer for front setbacks of less than 5 feet along with an alternative frontage landscape plan prepared by a licensed Landscape Architect and approved by the code administrator, per *DPH FBC Div. 5: Section 138-4504 (c)*.
- When an alley is present, the minimum rear setback is 15 feet, measured from the centerline of the alley.
- A request for an administrative adjustment to the minimum building frontage requirement may be submitted and reviewed per *DPH FBC Div. 2: Section 138-4355 (d)*. If granted, continuation of the façade wall at a minimum height of 8' and a maximum height not to exceed the ground floor elevation height shall be used in lieu of the length of façade reduced through the adjustment. Landscaping, or a similar treatment, is required along the remaining frontage that is not required to be occupied by a structure.
- Refer to *DPH FBC Div. 4: Section 138-4421(d)(3)* for parking setback standards and exceptions.

## (c) HEIGHT

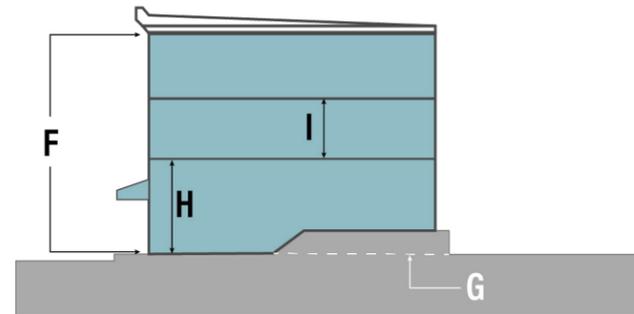


TABLE 138-4424.b<sup>1</sup>

REQUIREMENT	MIN.	MAX.
<b>F</b> Building Height <sup>2,3</sup>	1 story	3 stories
<b>G</b> Ground Floor Elevation (Residential Uses)	2 ft	-
<b>H</b> Ground Story Clearance Single Story Buildings	12 ft 14 ft	22 ft 22 ft
<b>I</b> Upper Story Clearance	9 ft	12 ft

TABLE NOTES:

- Properties in areas of special flood hazard are exempt from meeting the requirements of G. and H. in *DPH FBC Div. 4: Table 138-4424.b* and must be subject to the additional height provisions of *DPH FBC Div. 4: Section 138-4421(e)(2)c*.
- For the purposes of calculating maximum permitted building height in stories, a Sub-Story must be considered a Story. Sub-Stories may be permitted per the provisions of *DPH FBC Div. 4: Section 138-4421(e)(2)c*.
- Buildings cannot exceed a maximum height of 45 feet.

## (d) ELEMENTS

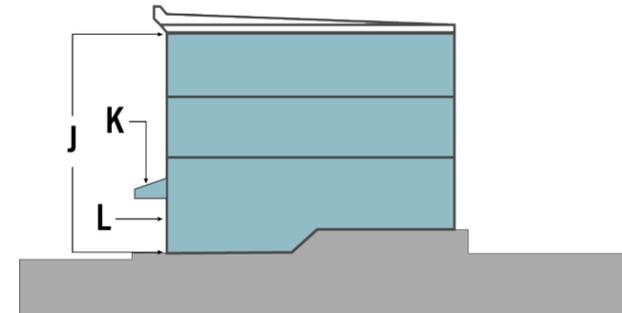


TABLE 138-4424.c

REQUIREMENT 1					
		MIN.	MAX.		
<b>J</b> Fenestration	Ground Story	Nonresidential	40%	80%	
		Residential	30%	80%	
	Upper Story(ies)	Any Use	20%	80%	
<b>K</b> Building Projections	If provided, awnings must project from the building facade a minimum of 3 ft. and must maintain a minimum 10 ft. clearance over any sidewalk.				
<b>L</b> Doors/Entries (Ground Floor)	A minimum of one functioning entry door per storefront/residential unit must have direct access to the primary frontage(s). A shared courtyard may serve as the primary frontage access.				

TABLE NOTES:

- Sub-Stories, when included per *DPH FBC Div. 4: Section 138-4421(e)(2)c*, are exempt from these requirements.

## (e) PRIVATE FRONTAGE TYPES

TABLE 138-4424.d

FRONTAGE TYPES (REFER TO DPH FBC DIV. 4: TABLE 138-4422.a)	
Common Yard	Not Permitted
Porch & Fence	Not Permitted
Dooryard	Not Permitted
Courtyard	Permitted (Except Florida Ave.)
Stoop	Permitted (Except Florida Ave.)
Shopfront	Permitted
Gallery	Permitted
Raised Site	When Permitted per DPH FBC Div. 4: Section 138-4421(e)(2)c
Raised Base	When Permitted per DPH FBC Div. 4: Section 138-4421(e)(2)c
Sub-Story	When Permitted per DPH FBC Div. 4: Section 138-4421(e)(2)c

## (f) GENERAL USE CATEGORIES<sup>1</sup>

- Residential<sup>2</sup>
- Lodging
- Office
- Retail
- Automotive Dependent<sup>2</sup>
- Industrial<sup>2</sup>
- Civil Support<sup>2</sup>
- Civic

- Refer to *DPH FBC Div. 6: Table 138-4552.a: Permitted Use Table* for a full list of permitted uses within each use category listed.
- Uses within this category are typically limited.

# WEST DISTRICT (DPH-2)

## (a) INTENT

The 'West District' serves to connect the waterfront recreation amenities to the Pinellas Trail and the downtown central business district with a mixture of residential housing and limited neighborhood-supportive retail and office-type uses.

## (b) SITING

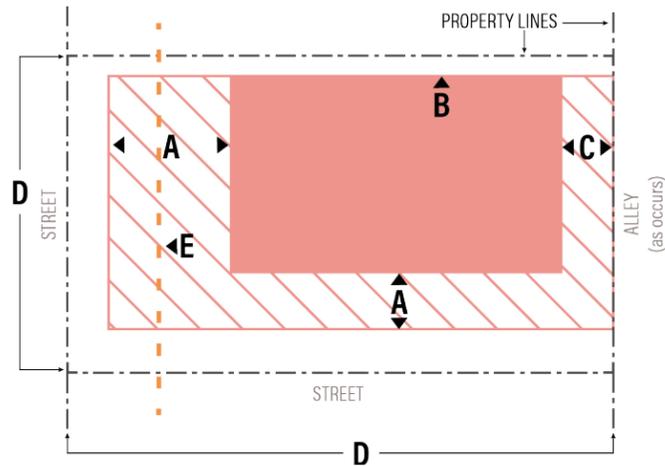


TABLE 138-4425.a

REQUIREMENT	MIN.	MAX.
<b>A</b> Front Setback (Generally) Florida Avenue	10 ft 5 ft	25 ft 20 ft
<b>B</b> Side Setback	5 ft	-
<b>C</b> Rear Setback <sup>1</sup>	10 ft	-
<b>D</b> Building Frontage (Generally) Florida Avenue	50% 60%	-
<b>E</b> Surface Parking Setback <sup>2</sup>	10 ft	-

TABLE NOTES:

- When an alley is present, the minimum rear setback is 15 feet, measured from the centerline of the alley.
- Refer to *DPH FBC Div. 4: Section 138-4421(d)(3)* for parking setback standards and exceptions.

## (c) HEIGHT

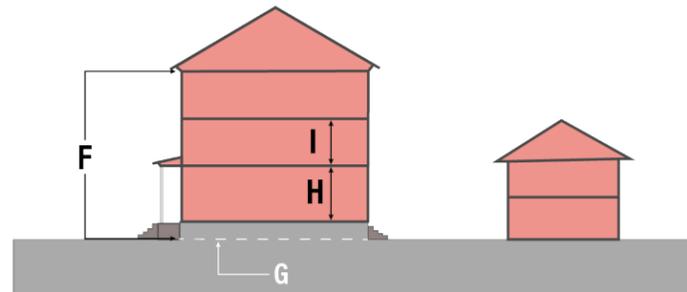


TABLE 138-4425.b<sup>1</sup>

REQUIREMENT	MIN.	MAX.
<b>F</b> Building Height <sup>2,3</sup>	1 story	3 stories
<b>G</b> Ground Floor Elevation (Residential Uses)	2 ft	-
<b>H</b> Ground Story Clearance Florida Avenue Single Story Building	- 12 ft 14 ft	16 ft 18 ft 22 ft
<b>I</b> Upper Story Clearance	-	12 ft

TABLE NOTES:

- Properties in areas of special flood hazard are exempt from meeting the requirements of G. and H. in *DPH FBC Div. 4: Table 138-4425.b* and must be subject to the additional height provisions of *DPH FBC Div. 4: Section 138-4421(e)(2)c*.
- For the purposes of calculating maximum permitted building height in stories, a Sub-Story must be considered a Story. Sub-Stories may be permitted per the provisions of *DPH FBC Div. 4: Section 138-4421(e)(2)c*.
- Buildings cannot exceed a maximum height of 40 feet. Properties with Alt. 19 frontage are permitted a maximum height of 45 feet.

## (d) ELEMENTS

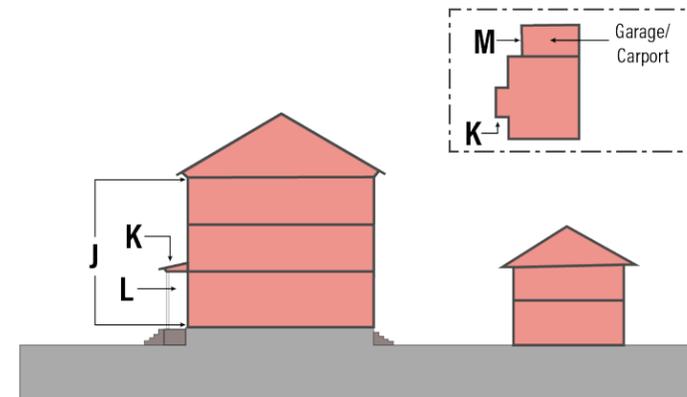


TABLE 138-4425.c

REQUIREMENT <sup>1</sup>				
		MIN.	MAX.	
Florida Avenue				
<b>J</b> Fenestration	Ground Story	Nonresidential	30%	80%
		Residential	20%	80%
	Upper Story(ies)	Any Use	20%	80%
All Other Streets				
<b>K</b> Building Projections	Ground Story	Any Use	20%	80%
	Upper Story(ies)	Any Use	20%	80%
<b>L</b> Doors/Entries (Ground Floor)	A front porch/stoop/overhang must be provided for any ground story residential unit entry. This front projection must have a width not less than 25% of the front facade width.			
<b>M</b> Garage/Carport Setback	A minimum of one functioning entry door per storefront/residential unit must have direct access to the primary frontage(s). A shared courtyard may serve as the primary frontage access.			
	Garages/carports where the vehicle entry faces a public street must be setback a minimum of 10 feet from the front facade of the primary structure.			

TABLE NOTES:

- Sub-Stories, when included per *DPH FBC Div. 4: Section 138-4421(e)(2)c*, are exempt from these requirements.

## (e) PRIVATE FRONTAGE TYPES

TABLE 138-4425.d

FRONTAGE TYPES (REFER TO DPH FBC DIV. 4: TABLE 138-4422.a)	
Common Yard	Not Permitted
Porch & Fence	Permitted
Dooryard	Permitted
Courtyard	Permitted
Stoop	Permitted
Shopfront	Permitted
Gallery	Permitted
Raised Site	When Permitted per DPH FBC Div. 4: Section 138-4421(e)(2)c
Raised Base	When Permitted per DPH FBC Div. 4: Section 138-4421(e)(2)c
Sub-Story	When Permitted per DPH FBC Div. 4: Section 138-4421(e)(2)c

## (f) GENERAL USE CATEGORIES<sup>1</sup>

- Residential
- Lodging<sup>2</sup>
- Office
- Retail<sup>2</sup>
- Automotive Dependent<sup>2</sup>
- Industrial<sup>2</sup>
- Civil Support
- Civic

- Refer to *DPH FBC Div. 6: Table 138-4552.a: Permitted Use Table* for full list of permitted uses within each use category listed.
- Uses within this category are typically limited.

# NEIGHBORHOOD DISTRICT (DPH-3)

## (a) INTENT

The 'Neighborhood District' is predominately residential in appearance, but multi-use in function and serves to transition between the Central District and the primarily single-family residential areas outside of the Downtown Palm Harbor Activity Center. This District supports a mix of small to medium building types that allow more definition between public and private areas, as well as, small-scaled neighborhood and civic uses. District standards along Alternate U.S. 19 support the placement of community-scaled commercial uses.

## (b) SITING

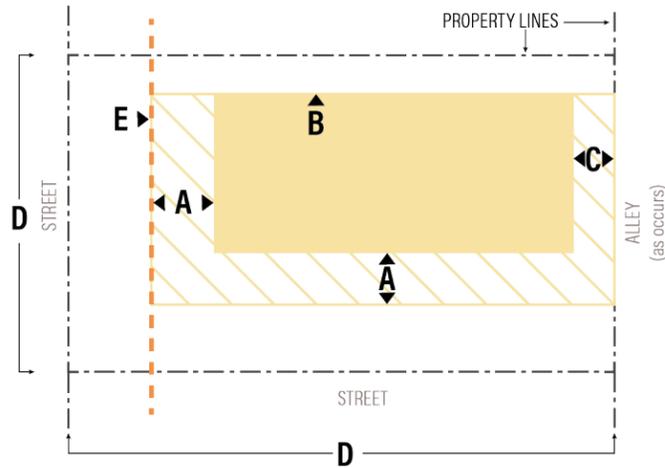


TABLE 138-4426.a

REQUIREMENT	MIN.	MAX.
<b>A</b> Front Setback	10 ft	25 ft
<b>B</b> Side Setback	5 ft	-
<b>C</b> Rear Setback <sup>1</sup>	10 ft	-
<b>D</b> Building Frontage	50%	-
<b>E</b> Surface Parking Setback <sup>2</sup>	10 ft	-

TABLE NOTES:

- When an alley is present, the minimum rear setback is 15 feet, measured from the centerline of the alley.
- Refer to *DPH FBC Div. 4: Section 138-4421(d)(3)* for parking setback standards and exceptions.

## (c) HEIGHT

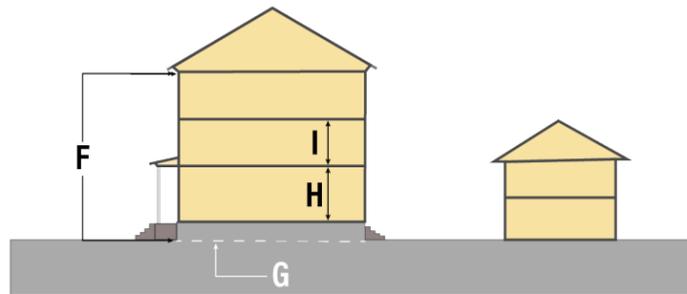


TABLE 138-4426.b

REQUIREMENT	MIN.	MAX.
<b>F</b> Building Height <sup>1</sup>	1 story	3 stories
<b>G</b> Ground Floor Elevation (Residential Uses)	2 ft	-
<b>H</b> Ground Story Clearance	-	16 ft
<b>I</b> Upper Story Clearance	-	12 ft

TABLE NOTES:

- Buildings cannot exceed a maximum height of 40 feet. Properties with Alt. U.S. 19 frontage are permitted a maximum height of 45 feet.

## (d) ELEMENTS

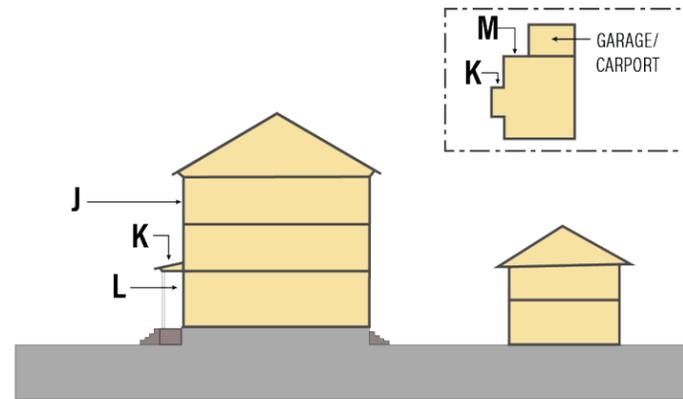


TABLE 138-4426.c

REQUIREMENT			
		MIN.	MAX.
<b>J</b> Fenestration	All Stories	20%	70%
<b>K</b> Building Projections	A front porch/stoop/overhang must be provided for any ground story residential unit entry. This front projection must have a width not less than 25% of the front facade width.		
<b>L</b> Doors/Entries (Ground Floor)	A minimum of one functioning entry door per storefront/residential unit must have direct access to the primary frontage(s).		
<b>M</b> Garage/Carport Setback	Garages/carports where the vehicle entry faces a public street must be setback a minimum of 10 feet from the front facade of the primary structure.		

## (e) PRIVATE FRONTAGE TYPES

TABLE 138-4426.d

FRONTAGE TYPES (REFER TO DPH FBC DIV. 4: TABLE 138-4422.a)	
Common Yard	Not Permitted
Porch & Fence	Permitted
Dooryard	Permitted
Courtyard	Permitted
Stoop	Permitted
Shopfront	Permitted
Gallery	Not Permitted
Raised Site	Not Permitted
Raised Base	Not Permitted
Sub-Story	Not Permitted

## (f) GENERAL USE CATEGORIES<sup>1</sup>

- Residential
- Lodging<sup>2</sup>
- Office
- Retail<sup>2</sup>
- Automotive Dependent
- Industrial<sup>2</sup>
- Civil Support<sup>2</sup>
- Civic<sup>2</sup>

1. Refer to *DPH FBC Div. 6: Table 138-4552.a: Permitted Use Table* for full list of permitted uses within each use category listed.

2. Uses within this category are typically limited.

# BOULEVARD DISTRICT (DPH-4)

## (a) INTENT

The 'Boulevard District', fronting along Omaha Street, is predominantly residential in function and serves as a transition between the downtown core to the west, and the primarily single-family residential area to the east. This District supports a mix of residential types, as well as, office uses that fit in with the mostly residential character of the District.

## (b) SITING

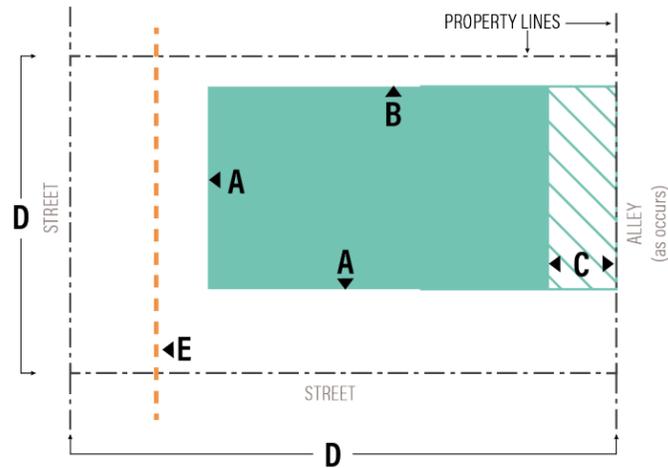


TABLE 138-4427.a

REQUIREMENT	MIN.	MAX.
<b>A</b> Front Setback	15 ft	-
<b>B</b> Side Setback	5 ft	-
<b>C</b> Rear Setback <sup>1</sup>	15 ft	-
<b>D</b> Building Frontage	50%	-
<b>E</b> Surface Parking Setback <sup>2</sup>	10 ft	-

TABLE NOTES:

- When an alley is present, the minimum rear setback is 15 feet, measured from the centerline of the alley.
- Refer to *DPH FBC Div. 4: Section 138-4421(d)(3)* for parking setback standards and exceptions.

## (c) HEIGHT

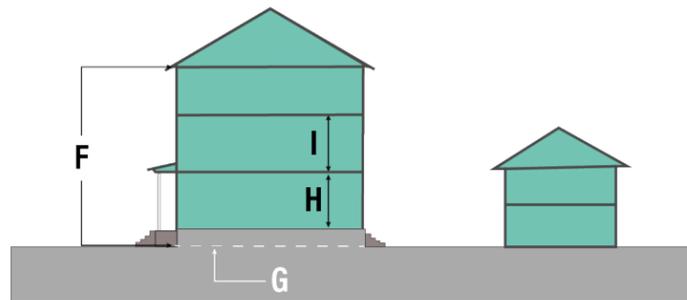


TABLE 138-4427.b

REQUIREMENT	MIN.	MAX.
<b>F</b> Building Height <sup>1</sup>	1 story	3 stories
<b>G</b> Ground Floor Elevation (Residential Uses)	2 ft	-
<b>H</b> Ground Story Clearance	-	14 ft
<b>I</b> Upper Story Clearance	-	14 ft

TABLE NOTES:

- Buildings cannot exceed a maximum height of 40 feet.

## (d) ELEMENTS

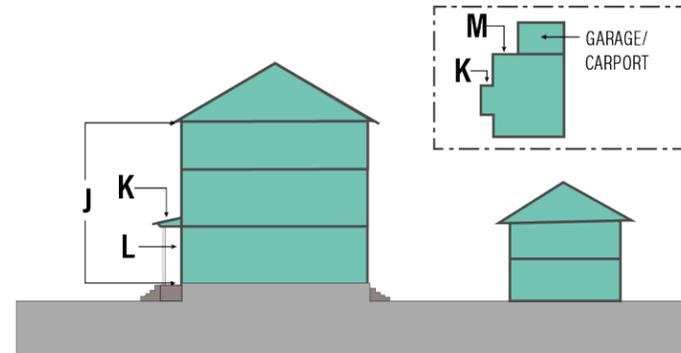


TABLE 138-4427.c

REQUIREMENT			
		MIN.	MAX.
<b>J</b> Fenestration	All Stories	15%	70%
	<b>K</b> Building Projections	A front porch/stoop/overhang must be provided for any ground story residential unit entry. This front projection must have a width not less than 25% of the front facade width.	
<b>L</b> Doors/Entries (Ground Floor)	A minimum of one functioning entry door per storefront/residential unit must have direct access to the primary frontage(s).		
<b>M</b> Garage/Carport Setback	Garages/carports where the vehicle entry faces a public street must be setback a minimum of 10 feet from the front facade of the primary structure.		

## (e) PRIVATE FRONTAGE TYPES

TABLE 138-4427.d

FRONTAGE TYPES (REFER TO DPH FBC DIV. 4: TABLE 138-4422.a)	
Common Yard	Permitted
Porch & Fence	Permitted
Dooryard	Permitted
Courtyard	Permitted
Stoop	Permitted
Shopfront	Not Permitted
Gallery	Not Permitted
Raised Site	Not Permitted
Raised Base	Not Permitted
Sub-Story	Not Permitted

## (f) GENERAL USE CATEGORIES<sup>1</sup>

- Residential
- Lodging<sup>2</sup>
- Office
- Retail<sup>2</sup>
- Civic<sup>2</sup>

1. Refer to *DPH FBC Div. 6: Table 138-4552.a: Permitted Use Table* for full list of permitted uses within each use category listed.

2. Uses within this category are typically limited.

# **DIVISION 5**

## **DEVELOPMENT DESIGN STANDARDS**

- SECTION 138-4500 Intent
- SECTION 138-4501 Site Design Standards
- SECTION 138-4502 Downtown Palm Harbor Historic Properties
- SECTION 138-4503 Building Design Standards
- SECTION 138-4504 Landscape Design Standards
- SECTION 138-4505 Sign Design Standards
- SECTIONS 138-4506 - 138-4549 Reserved

# DIVISION 5: DEVELOPMENT DESIGN STANDARDS

## 138-4500. INTENT

- (a) The Development Design Standards establish site, building, landscaping, and signage standards for the development/redevelopment of properties.
- (b) These standards are intended to preserve and enhance the existing development pattern and historic architectural character consistent with the Downtown Palm Harbor Historic District as designated under [Chapter 146, Pinellas County Code](#).
- (c) The Development Design Standards are further intended to provide a safe, functional, and attractive built environment and circulation pattern that fosters a walkable, pedestrian-focused downtown and neighborhood atmosphere accommodating all users and transportation modes.

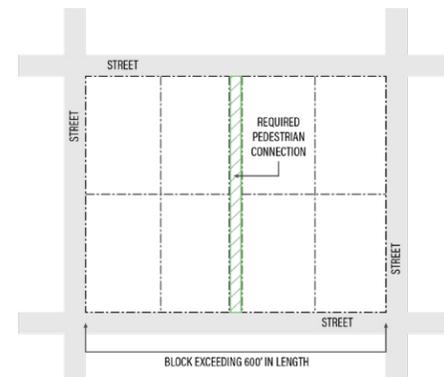
## SECTION 138-4501. SITE DESIGN STANDARDS

The following Site Design Standards apply to all new development and the redevelopment of properties within Downtown Palm Harbor.

### (a) GENERAL

- (1) **Existing Street Preservation.** The vacation of public streets and alleys is discouraged in order to preserve the existing street network and the integrity of the 1888 Sutherland Subdivision.
- (2) **New Streets.** New public streets must align with and follow the existing gridded street network wherever possible. Cul-de-sacs must be avoided.
- (3) **Blocks & Lots.**
  - a. All lots must front on at least one public street.
  - b. All lots and/or contiguous lots that are situated between 2 parallel public streets are considered a block. No new block created through land assembly can have a length greater than 600 feet without providing pedestrian through-access to another public street, pedestrian pathway, or public space/facility. The required pedestrian connection must be located within the public right-of-way or within a dedicated easement and must be a minimum of 10 feet in width. (See [DPH FBC Div. 4: Figure 138-4501.a](#))
- (4) **Outdoor Pedestrian Areas.** Structures, landscaping, and/or other methods are encouraged to be provided around outdoor pedestrian use areas, such as outdoor dining areas, to provide shade and reduce heat island effect.
- (5) **Dumpster Enclosure.** All dumpsters, recycling, and other similar containers must be screened from view of all public streets and adjacent properties. The screening must be a fence/wall that is a minimum of 6 feet in height and 100% opaque. The fence/wall must be constructed of wood (at least 1.5" in thickness), masonry, or of a similar material. Chain link fence with or without interwoven plastic strips or other similar fencing is not permitted.

Figure 138-4501.a: Block Length



### (6) Stormwater Management.

- a. **Regional Drainage.** Certain properties are located within Downtown Palm Harbor's regional drainage area as depicted on [DPH FBC Div. 5: Figure 138-4501.b: Regional Drainage Area Map](#).
- b. All development must comply with the Pinellas County Stormwater Manual.
- c. Traditional stormwater facilities, such as dry/wet retention/detention ponds are discouraged to be located in front of the primary building on the property. These types of facilities are preferred to be located to the rear and side of buildings. Stormwater detention and retention ponds must be integrated landscape features, rather than single-purpose flood control and stormwater management ponds.

### (7) Floodplain Management.

All development located within any flood hazard area must comply with [LDC Chapter 158](#) for floodplain management.

### (8) Fence/Wall Standards.

- a. **Height.** The maximum height for any fence/wall located within the front yard is 3 feet and 6 feet in any side or rear yard. Pool enclosures must meet minimum height requirements per the Florida Building Code.
- b. **Location.** Fences may be constructed up to the property lines, except when there is a sight visibility conflict per [DPH FBC Div. 5: Section 138-4501\(b\)\(5\)](#).
- c. **Material.**
  - 1. Fences/walls facing a public street must be constructed of decorative materials, such as wood or aluminum pickets, wrought iron, brick, or of a similar material.
  - 2. Rear or interior side yard fences/walls must be constructed of wrought iron, brick, wood, or aluminum. Structural elements of the fence/wall, such as posts and rails, must face inward to the subject property.
  - 3. Materials such as, or similar to, barbed wire, electric, razor, or chicken wire and chain link fencing are prohibited.

### (9) Non-residential Outdoor Storage of Materials.

Materials associated with non-residential uses that are stored outdoors are required to be located to the rear/side of the primary structure and screened per [DPH FBC Div. 5: Section 138-4504\(d\)](#), from any public street and/or when located within 50 feet of residential properties.

# DOWNTOWN PALM HARBOR REGIONAL DRAINAGE AREA MAP\*

 REGIONAL DRAINAGE AREA BOUNDARY

 FORM-BASED CODE DISTRICT BOUNDRY

\* Area permitted for 100% imperviousness and not requiring treatment or attenuation.



Note: This map is a graphic depiction of the Regional Drainage Area. Please contact Pinellas County Public Works for official Drainage Map.

(b) ACCESS

(1) Pedestrian Access.

- a. Where public sidewalks are required along a roadway, per *LDC Table 154-121.a*, but do not exist along a property's frontage(s), they must be constructed within the public right of way and/or within an easement dedicated at the time of site development/redevelopment. The width of the new sidewalk must be consistent with the existing network in which it connects, or the widths listed in the *Table 138-4501.a: Sidewalk Width Requirements*, whichever is greater. Where sidewalks currently exist, but do not meet the standard identified in the table below, they must be expanded within the public right of way and/or within an easement dedicated at the time of development/redevelopment. Where, due to environmental or other physical constraints, the sidewalk cannot be constructed to meet the required standard, the Code Administrator, in coordination with Public Works, can approve alternative designs as long as the intent of the DPH FBC is met.

TABLE 138-4501.A:SIDEWALK WIDTH REQUIREMENTS				
Street Name	Central District (Width in feet)	West District (width in feet)	Neighborhood District (width in feet)	Boulevard District (width in feet)
Indiana Ave	n/a	n/a	6	n/a
Nebraska Ave	8	5	n/a	8
Florida Ave	8	6	n/a	6
Georgia Ave	8	5	n/a	6
Michigan Ave	6	5	6	6
Alternate 19 (between North Boundary and Georgia Ave) <sup>1</sup>	10	8	8	n/a
Alternate 19 (between Georgia Ave and Michigan Ave) <sup>1</sup>	10	8	8	n/a
11th St	8	n/a	8	n/a
12th St	6	n/a	6	n/a
Omaha Circle	6	n/a	6	n/a
Omaha St	8	n/a	8	8
9th Street	6	6	n/a	n/a
TABLE NOTES: <sup>1</sup> Sidewalk requirements along Alternate 19 must be coordinated with and approved by the FDOT.				

- b. Pedestrian walkways must be provided from public sidewalks to building entries, parking areas, and to connect to walkways on adjacent properties in order to create a continuous pedestrian network.
- c. Any pedestrian walkway that crosses a parking or vehicular area, including

nonresidential driveways, must be clearly delineated with striping, contrasting pavement materials, textured or raised pavement, or of a similar treatment.

- d. Where properties are adjacent to existing or future trails or an existing transit stop (as identified in the Pinellas County Comprehensive Plan, Long Range Transportation Plan, and/or Capital Improvement Plan), pedestrian and/or bicycle connections must be incorporated into the development/redevelopment project.

(2) Primary Vehicular Access.

- a. In the Central District:
  - i. Vehicular access is required to be provided from the alleys identified in the Improved Alley Map which is available from the Building and Development Review Services Department.
  - ii. If an expansion, new development, or redevelopment in the Central District requires more than five (5) off-site parking spaces per the requirements of *DPH FBC Div. 7 Table 138-4601.b* and *138-4602(b)*, the developer/applicant will be required to upgrade the existing alley (for the entire block) to meet the design standards identified in the Transportation Design Manual.
- b. In all other districts, if vehicular access is available to a public alley that has been improved to Pinellas County Engineering standards, vehicular access must be provided from such alley.
- c. When improved alley access is not available, vehicular access must be provided from the lowest classified street type.
- d. Cross access easements are encouraged in order to provide access between adjacent properties. These easements are permitted to provide primary access to a property and must be recorded in official records.

(3) Access & Drive Consolidation.

- a. Wherever possible, existing and proposed curb cuts and driveways must be consolidated and located in a way to minimize pedestrian conflicts with vehicular movement. Adjacent properties are encouraged to share drive access to further minimize curb cuts.
- b. If a property gains vehicular access from an existing shared driveway, access must continue to be shared or further consolidated in the event of redevelopment.

(4) New Curb Cuts & Driveways.

- a. New curb cuts and driveways must be aligned with existing or planned entrances on the opposite side of the street, where possible.
- b. No access point from a property to a public street can exceed 24 feet in total width.

(5) Intersection Sight Visibility. To ensure clear visibility and safety, all vehicular

access drives must comply with the sight visibility standards set forth in [LDC Section 138-3508](#). However, these standards may be modified, with County Engineer approval, to meet the overall intent of the DPH FBC and its Districts as a compact, urban built environment, while still maintaining public safety.

## SECTION 138-4502. DOWNTOWN PALM HARBOR HISTORIC PROPERTIES

The historic significance and architectural character established in the creation of the Downtown Palm Harbor Historic District must continue to be recognized and must be used as the source and inspiration for site and building improvements as outlined in these development design standards. Historic properties within Downtown Palm Harbor must be considered as follows:

### (a) CONTRIBUTING HISTORIC PROPERTY

Existing historic buildings, structures and sites in the Downtown Palm Harbor Historic District designated as a 'Contributing Property' as per [LDC Chapter 146](#) and as depicted on the Downtown Palm Harbor District Map, Figure 138-4401.a, retain this status and are not subject to the requirements or procedures outlined in the DPH FBC, with the exception of [DPH FBC Division 6: Use Standards](#). Certificate of Appropriateness requirements and procedures as outlined in [LDC Chapter 146](#) remain in effect. New primary and accessory buildings constructed on a "Contributing Property" that will share the same land parcel must conform to standards and requirements set forth in [LDC Chapter 146](#). For the purposes of implementing this section, the phrase "Contributing Historic Property" and "Contributing Historic Structure" is synonymous with the definition of 'Contributing Property' as defined in [LDC Chapter 146](#).

### (b) BUILDING OF HISTORICAL MERIT

A building or structure in the DPH-FBC identified as a "Building of Historical Merit" as depicted on the Downtown Palm Harbor District Map, Figure 138-4401.a, must comply with Certificate of Appropriateness requirements and procedures as outlined in [LDC Chapter 146](#), only in the event that demolition of all or part of the historic portion of the building or structure is proposed. Otherwise, said building, structure, and any other new construction are subject to the requirements and procedures outlined in the DPH-FBC.

It is the intent that buildings of historical merit eventually be designated by the Board of County Commissioners as contributing properties consistent with [LDC Chapter 146](#). As of the date of adoption of the DPH FBC, the properties identified as buildings of historical merit are:

- (1) 816 11th Street
- (2) 875 12th Street
- (3) 909 Florida Avenue
- (4) 1106 Michigan Avenue
- (5) 1112 Michigan Avenue

### (c) ARCHEOLOGICALLY SENSITIVE AREAS

Properties in Downtown Palm Harbor where buildings and structures of historical importance once stood and have since been buried, demolished or removed must be

further evaluated for archeological sensitivity. When a project is proposed that involves substantial earth disturbing activity, such as may be associated with demolition, redevelopment, new construction, or the installation of utilities or a pool, the completion of an archeological survey may be requested prior to the start of any other project work. The intent is to document and record significant features and deposits prior to destruction using established archeological best practices and procedures with report made to the Pinellas County Historic Preservation Board.

## SECTION 138-4503. BUILDING DESIGN STANDARDS

The following Building Design Standards apply to all buildings and structures located within the Downtown Palm Harbor Form-Based District, except for historic buildings on contributing properties as depicted on the Downtown Palm Harbor District Map, Figure 138-4401.a, whereby the issuance of a Certificate of Appropriateness consistent with [LDC Chapter 146](#) is required. Applicants must also refer to any guidelines adopted by the County identifying appropriate architectural treatments for exterior remodel, renovations, additions, and new development & infill building projects.

### (a) EXTERIOR RENOVATION

Any building in the District extant before the adoption of the DPH FBC may retain its existing exterior appearance and continue to serve its useful and functional life as achieved through routine maintenance.

- (1) An exterior renovation is defined as the like-kind repair or replacement of an architectural feature or element in a manner that does not alter or modify the exterior appearance of the building.
- (2) Exterior architectural features and elements to be considered as part of the review of proposed work for exterior renovations include roof materials, wall treatments, windows, doors, foundation treatments, trim-work, ornamentation, and other attached appurtenances.

### (b) EXTERIOR REMODEL

When substantial changes are proposed to the exterior appearance of an existing building, these improvements must be consistent with the overall historic character of the District and must conform to the building design standards and intent set forth herein.

- (1) An exterior remodel includes the coverage, removal, replacement or addition of any architectural feature or element in a manner that substantially alters or modifies the exterior appearance of the building. The expansion of the footprint or floor area of an existing building is not considered as an exterior remodel.
- (2) Exterior architectural features and elements to be considered as part of the review of proposed work for exterior remodels include roof materials, wall treatments, windows, doors, foundation treatments, trim-work, ornamentation, and other attached appurtenances.
- (3) Additional information may be requested of the applicant beyond what is required for routine permits requested by Pinellas County in order to make a final determination of project compliance with the standards and requirements set forth herein.

- (4) The design intent for an exterior remodel must be compatible with one of the following:
  - a. The existing architectural character and features of the building;
  - b. Historic buildings on Contributing properties;
  - c. Buildings of historical merit; or
  - d. Buildings that have existed in the past during the period of significance (1888-1945) for this historic district.

**(c) NEW ADDITION**

When expansion of the building footprint or interior floor area of an existing building is proposed, the exterior appearance of the addition must be consistent with the architectural character and features of the building in which it is part, unless an exterior remodel is also proposed.

- (1) An existing building proposed to be raised above its current base floor elevation must also conform to the requirements of this subsection.
- (2) Exterior architectural features and elements to be considered as part of the review of proposed work for new additions include height, placement, setbacks, roof form, wall treatments, windows, doors, foundation treatments, trim-work, ornamentation, and other attached appurtenances.
- (3) The following information must be submitted by the applicant for the proposed project:
  - a. A site plan showing the entire footprint of the existing building and placement of the proposed new addition, with required setbacks depicted;
  - b. Existing floor plan and applicable building elevation drawings;
  - c. Proposed floor plan and applicable building elevation drawings;
  - d. Windows and doors schedule;
  - e. Materials description;
  - f. Visual representation of the appearance of architectural elements, features and materials such as product cutsheets and samples; and
  - g. Any additional information determined necessary to complete the review.
- (4) The design intent for a new addition is that it is subordinate to the existing structure in height, placement and massing.

**(d) NEW & INFILL DEVELOPMENT**

When new construction is proposed on a vacant or improved land parcel, the exterior appearance of the structure(s) must be consistent with the overall historic character of the District and conform to the building design standards and intent set forth herein.

- (1) Plans, drawings and specifications for proposed new and infill development must be reviewed to determine compatibility with contributing historic properties; guidelines prepared by the County; and the standards established in this subsection.
- (2) The following information must be submitted by the applicant for the proposed project:
  - a. A site plan showing the footprint of the proposed building(s) with required setbacks depicted and existing buildings on the subject and contiguous land parcels;
  - b. Proposed floor plans and drawings for all building elevations;
  - c. Windows and doors schedule;
  - d. Materials description;
  - e. Visual representation of the appearance of architectural elements, features and materials such as product cutsheets and samples; and
  - f. Any additional information as may be needed to complete the review.
- (3) The design intent for a new and infill building must include:
  - a. Similarity with adjacent buildings in scale and massing;
  - b. Compatibility with the architectural character and features of contributing historic properties, buildings of historical merit, or buildings that have existed in the past during the period of significance for this historic district; and
  - c. Conformance to one of the following building forms, as depicted in [DPH FBC Div. 5: Section 138-4503\(g\)](#):
    1. Front-parapet form (Central District Only) with:
      - i. Recessed or flush storefront; and
      - ii. 1-story gallery, 2-story gallery, canopy or awning on the facade.
    2. Front-gable form (Central District Only) with:
      - i. Recessed or flush storefront entrances; and
      - ii. 1-story gallery, 2-story gallery, canopy, or awning on the facade.
    3. Front-gable & tower or side-gable & tower form (Central and Boulevard Districts) with:
      - i. Recessed entrance in tower base; or
      - ii. 1-story gallery or 2-story gallery on the facade.
    4. Cross-gable form (all Districts) with:
      - i. Recessed entrance; or

- ii. Integrated or projecting gallery or full-width porch on the facade.
- 5. Clipped-gable form (Boulevard, Neighborhood and West Districts) with:
  - i. Projecting partial-width or wraparound porch.
- 6. Pyramidal-hipped form (Boulevard, Neighborhood and West Districts) with:
  - i. Integrated or projecting wraparound porch; or
  - ii. Integrated or projecting full-width porch on the facade.
- 7. Gable-on-hip form (all Districts) with:
  - i. Recessed entrance on the facade; or
  - ii. Integrated or projecting full-width porch on the facade.
- 8. Front-gable or side-gable form (Boulevard, Neighborhood, and West Districts) with:
  - i. Projecting gable entrance porch; or
  - ii. Integrated or projecting full-width porch on the facade.
- 9. Infill buildings in the West District may be constructed with a first-floor height raised above the ground surface in order to comply with building code requirements for the Special Flood Hazard Area (See also *DPH FBC Div. 4: Section 138-4421(e)*).

**(e) ACCESSORY BUILDINGS**

- (1) An accessory building is defined in *DPH FBC Division 8: Definitions*.
- (2) Exterior architectural features and elements to be considered as part of the review of proposed work for components of an accessory building visible from a street must include roof type, wall treatment, and materials.
- (3) The design intent for components of an accessory building visible from a street is to be compatible with the architectural character and features of the primary building on the property.
- (4) Additional information may be requested of the applicant beyond what is required for routine permits requested by Pinellas County in order to make a final determination of project compliance with the standards and requirements set forth herein.

**(f) MECHANICAL EQUIPMENT & UTILITIES**

- (1) All mechanical equipment and utility functions (e.g. electrical conduits, meters, HVAC equipment, etc.) must be located a minimum of 10 feet behind the facade of the primary structure where possible.
- (2) Mechanical equipment that could otherwise be visible from a street must be screened with a material that is compatible with the architecture of the primary structure.

**(g) EXAMPLES OF BUILDING FORMS**

TABLE 138-4503.a: BUILDING FORM EXAMPLES

BUILDING FORM	ILLUSTRATIVE EXAMPLES	BUILDING FORM	ILLUSTRATIVE EXAMPLES
<b>FRONT-PARAPET</b> ...form with recessed storefront entrance and 2-story gallery. DPH-1		<b>CROSS-GABLE</b> ...form with recessed entrance and no porch. DPH-1 DPH-2 DPH-3 DPH-4	
<b>FRONT-PARAPET</b> ...form with recessed storefront entrance and no gallery. DPH-1		<b>CLIPPED-GABLE</b> ...form with projecting partial-width porch. DPH-2 DPH-3 DPH-4	
<b>FRONT-GABLE</b> ...form with recessed storefront entrance and 1-story gallery. DPH-1		<b>PYRAMIDAL-HIPPED</b> ...form with wraparound porch. DPH-2 DPH-3 DPH-4	
<b>FRONT-GABLE</b> ...form with flush storefront entrance and awning. DPH-1		<b>GABLE-ON-HIP</b> ...form with integrated wraparound porch. DPH-1 DPH-2 DPH-3 DPH-4	
<b>FRONT-GABLE &amp; TOWER</b> ...form with recessed entrance. DPH-1 DPH-4		<b>SIDE-GABLE</b> ...form with projecting gable entrance porch. DPH-1 DPH-2 DPH-3 DPH-4	
<b>SIDE-GABLE &amp; TOWER</b> ...form with 2-story gallery. DPH-1 DPH-4			

The typical features in *DPH FBC Div. 5: Table 138-4503.a: Building Form Examples* are intended to generally describe the range in scale and components of each building form and type and are for illustrative purposes. *DPH FBC Div. 5: Table 138-4503.a* provides an overview of the allowed Building Forms and identifies which District each is permitted.

(h) **APPEAL OF CODE ADMINISTRATOR DETERMINATION**

1. At the discretion of the Code Administrator, if an applicant submits a design that does not conform to the standards outlined in *DPH FBC Div. 5: Section 138-4503: Building Design Standards*, the building forms as described in *DPH FBC Div. 5: Table 138-4503.a: Building Form Examples*, or associated design guidelines adopted by the Board of County Commissioners, the application may be presented to the Historic Preservation Board for a review and final determination of the building design's appropriateness and area compatibility.
2. Any challenge to a decision by the historic preservation board under this Code is to a court of competent jurisdiction.

**SECTION 138-4504. LANDSCAPE DESIGN STANDARDS**

(a) **INTENT**

The intent of this Section is to ensure that appropriate landscaping occurs with development and redevelopment, recognizing the need for flexibility to accommodate unique situations and challenges of urban development. Where specimen trees exist on a site proposed for development, deference shall be given to preserving such trees as integral elements of the overall development. It is also recognized that in the most urban development types buildings may take precedence over tree preservation, other landscaping choices may be preferable to traditional street trees, and that landscaping trees are utilitarian in nature and therefore may need to be replaced more frequently.

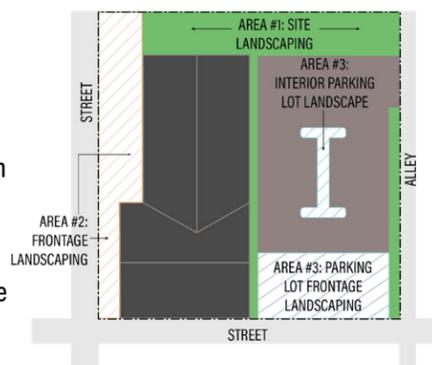
(b) **LANDSCAPE AREAS**

Landscaping is required within the three (3) areas described below (See *DPH FBC Div. 5: Figure 138-4504.a*). Landscape material may be planted anywhere within each of the landscape areas, as long as the minimum required amount is met within each area. All required plant material must comply with *DPH FBC Div. 5: Table 138-4504.b: Minimum Plant Specification Requirements* and *DPH FBC Div. 5: Table 138-4504.a* establishes acceptable species of shade trees, accent trees, and palm trees that may be utilized to meet minimum landscaping requirements of this section.

When units or measurements determining the minimum amount of required landscaping results in a fractional amount, then such fraction equal to or greater than one-half must be rounded up to the next whole number.

- (1) **Area #1 - Site Trees.** A minimum of 1 shade tree must be planted for every 1,500 square feet of lot area, up to 50% of the total lot area (excluding any wetlands), in all Districts. In the event of site constraints, up to 25% of the required shade trees may be replaced by accent or palm trees subject to approval by the Code Administrator. The amount and type will be determined during the site plan review process. When planned site improvements or existing site constraints make required planting too difficult, the applicant shall contribute to the county tree bank as described in LDC Chapter 166-57, at the discretion of the Code Administrator.

Figure 138-4504.a: Landscape Areas



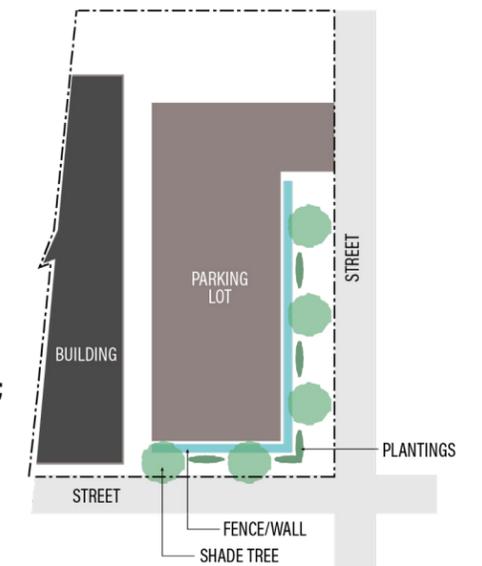
(2) **Area #2 - Frontage Landscaping.**

- a. **Requirement.** A minimum of 1 accent tree and 10 shrubs/plants/ornamental grasses must be planted per 50 linear feet along the site's frontage(s). This standard applies to all non-residential and multi-unit residential uses. Planting areas must be a minimum of 5 feet in width. Alternatively, trees may be permitted within appropriately sized tree wells, at the discretion of the Code Administrator. When planned site improvements or existing site constraints make required planting too difficult, the applicant shall contribute to the County tree bank as described in *LDC Chapter 166-57* at the discretion of the Code Administrator.
- b. **Exceptions.** Frontage landscaping is not required along portions of the site where the structure(s) sits closer than 5 feet to the front property line(s), however alternative use of fixed or movable planters, vines, greenery, etc. are encouraged to soften building facades.
- c. **Allowances.** Parking lot frontage landscaping, as described in *DPH FBC Div. 6: Section 138-4504(B)(3)(a)* below, can satisfy the frontage landscaping requirements if the overall intent of this sub-section is met, as determined by the Code Administrator.

(3) **Area #3 - Parking Lot Landscaping.**

- a. **Parking Lot Frontage Landscaping.** Any parking areas adjacent to or visible from a public street (excluding alleys) must be screened by one of the following methods (See *DPH FBC Div. 5: Figure 138-4504.b*):
  1. In the Central District a continuous, semi-opaque/opaque wall that compliments the building's design and style and is between 3-4 feet in height; or,
  2. A hedge row meeting the 'buffer plantings' standards established in *DPH FBC Div. 5: Table 138-4504.b*; or
  3. A combination of shade trees and shrubs that are evenly distributed along the parking lot frontage. Trees must not exceed 35 feet on center; or,
  4. Other methods may be allowed provided that the resulting situation adequately screens the parking area, as determined by the Code Administrator.
- b. **Interior Parking Lot Landscaping.** Interior landscape islands must be provided within parking lots consisting of more than 20 parking spaces.
  1. Landscape islands with a surface area equal to 5% of the entire parking surface area must be provided.
  2. All required landscaped islands must be a minimum of 350 square feet in area, and must have a minimum of one (1) shade tree per island. Appropriately sized tree wells shall be provided in lieu of islands, as determined by the Code Administrator.

Figure 138-4504.b: Parking Lot Frontage Landscaping



**(c) ALTERNATIVE LANDSCAPING PLANS**

An alternative landscape plan, prepared by a licensed Landscape Architect, may be submitted for consideration as a Type 1B review in lieu of the minimum standards of this section. Evaluation and approval must be based upon meeting the overall intent of this section, as well as the intent of the District where it is proposed.

**(d) EXISTING TREE PRESERVATION**

- (1) Existing non-invasive trees and native palms must be protected or replaced, when determined to be healthy by the applicable County staff or a certified arborist. Any impacts to protected trees must include mitigating actions such as replacement or relocation. Protected trees may count towards the minimum landscaping requirements, as stated in [DPH FBC Div. 5: Section 138-4504\(a\)](#). Protected trees must include:
  - a. Any existing healthy tree with a diameter breast height (DBH) of 4 inches or larger, measured at a height of 4.5 feet above the ground (undesirable tree species are exempt);
  - b. All healthy Sabal/Cabbage Palms 6 feet in height or larger;
  - c. All Buttonwood;
  - d. All Mangroves.
- (2) The tree removal/replacement standards established in [LDC Section 138-3654\(a\) \(2 through 5\) and Table 138-3654a](#) apply.
- (3) When replanting or relocation is not possible due to planned site improvements, as an alternative, the applicant shall contribute to the County tree bank as described in [LDC Chapter 166-57](#), or by integrating existing character defining/specimen trees into the proposed development, such alternative may be reviewed and approved at the discretion of the Code Administrator in consultation with Development Review Services Environmental staff.

**(e) STREET TREES**

The planting and removal of street trees shall be as regulated in [LDC Section 138-3657](#).

**(f) BUFFERS**

When buffering is required, per the DPH FBC, the property that triggers the requirement shall provide one of the following methods along the shared property line. Ingress/egress drives are permitted to intersect the buffer area.

- (1) A fence or wall per [DPH FBC Div. 5: Section 138-4501\(a\)\(8\)](#).
- (2) A 10 foot wide landscape buffer yard that contains continuous plantings meeting the "Buffer Plantings" standards of [DPH FBC Div. 5: Table 138-4504.a: Minimum Plant Specification Requirements](#); or
- (3) Other screening/buffering methods, including a combination of the above options, may be allowed, as determined by the Code Administrator.

**TABLE 138-4504.a: ACCEPTABLE TREE SPECIES**

TREE SHAPE	ACCEPTABLE SPECIES
	<ul style="list-style-type: none"> <li>• Cabbage Palm (<i>Sabal palmetto</i>)</li> <li>• Florida Royal Palm (<i>Roystonea elata</i>)</li> <li>• Paurotis Palm (<i>Acoelorrhaphe wrightii</i>)</li> <li>• Sargent's Palm, Buccaneer Palm (<i>Pseudophoenix sargentii</i>)</li> </ul>
FLORIDA GRADES & STANDARDS <sup>1</sup> : PALM	
	<ul style="list-style-type: none"> <li>• Dahoon Holly (<i>Ilex cassine</i>)</li> <li>• Fringe Tree (<i>Chionanthus virginicus</i>)</li> <li>• Jamaica Caper (<i>Capparis cynophallophora</i>)</li> <li>• Live Oak var. highrise (<i>Quercus virginiana</i> var. <i>highrise</i>)</li> <li>• Magnolia Sweet-Bay (<i>Magnolia virginiana</i>)</li> </ul>
FLORIDA GRADES & STANDARDS <sup>1</sup> : TYPE 2, TYPE 3	
	<ul style="list-style-type: none"> <li>• Black Ironwood (<i>Krugiodendron ferreum</i>)</li> <li>• Buttonwood (<i>Conocarpus erectus</i>)</li> <li>• Gumbo Limbo (<i>Bursera simaruba</i>)</li> <li>• Live Oak (<i>Quercus virginiana</i>)</li> <li>• Mahogany (<i>Swietenia mahagoni</i>)</li> </ul>
FLORIDA GRADES & STANDARDS <sup>1</sup> : TYPE 1, TYPE 3	
	<ul style="list-style-type: none"> <li>• Bald Cypress (<i>Taxodium distichum</i>)</li> <li>• East Palatka Holly (<i>Ilex attenuata</i>)</li> <li>• Pond Cypress (<i>Taxodium ascendens</i>)</li> <li>• Southern Cedar (<i>Juniperus silicicola</i>)</li> <li>• Yaupon Holly (<i>Ilex vomitoria</i>)</li> </ul>
FLORIDA GRADES & STANDARDS <sup>1</sup> : TYPE 2	
	<ul style="list-style-type: none"> <li>• Buttonwood (<i>Conocarpus erectus</i>)</li> <li>• Florida Elm (<i>Ulmus americana</i> var. <i>floridana</i>)</li> <li>• Hog-plum (<i>Ximenia americana</i>)</li> <li>• Lancewood (<i>Ocotea coriacea</i>)</li> <li>• Live Oak (<i>Quercus virginiana</i>)</li> <li>• Paradise Tree (<i>Simarouba glauca</i>)</li> </ul>
FLORIDA GRADES & STANDARDS <sup>1</sup> : TYPE 1, TYPE 3	
	<ul style="list-style-type: none"> <li>• Slash Pine (<i>Pinus elliottii</i>)</li> <li>• South Florida Slash Pine (<i>Pinus Elliottii</i> var. <i>densa</i>)</li> <li>• Longleaf Pine (<i>Pinus palustris</i>)</li> </ul>
FLORIDA GRADES & STANDARDS <sup>1</sup> : TYPE 2	

**TABLE NOTES:**

1. The DPH-FBC tree shapes broadly match the specified Florida Grades and Standards classification. Accent trees of each shape are typically classified as Type 3 in the Florida Grades and Standards.

**TABLE 138-4504.b: MINIMUM PLANT SPECIFICATION REQUIREMENTS**

PLANT	SIZE (AT INSTALLATION)	ADDITIONAL STANDARDS
Shade Tree	2.0" Caliper	<ul style="list-style-type: none"> <li>Species diversity is preferred over monoculture.</li> <li>Must be planted a minimum of 5 feet from any impervious area, unless located within a tree well.</li> </ul>
Accent Tree	1.5" Caliper per Stem and 8' in Height	<ul style="list-style-type: none"> <li>No more than 25% of required trees may be accent or palm trees.</li> </ul>
Palm Tree	12' Clear Trunk Height	<ul style="list-style-type: none"> <li>No more than 25% of required trees may be accent or palm trees.</li> </ul>
Shrubs	3-Gallon and 15" in Height	<ul style="list-style-type: none"> <li>Species diversity is preferred over monoculture.</li> <li>Maintained at a minimum of 36" in height.</li> </ul>
Ornamental Grasses	1-Gallon	N/A
Buffer Plantings	Min. 24" in Height	<ul style="list-style-type: none"> <li>Shrubs must be planted a maximum of 24" on center and maintained so as to form a continuous, unbroken, solid visual screen.</li> <li>Plantings must be at least 48" in height within a maximum of 2 years of planting.</li> <li>Mature plantings must be maintained at a minimum of 6 feet with foliage to the ground.</li> </ul>

**TABLE NOTES:**  
1. In the event of a market shortage, the Code Administrator may approve a reduction of required caliper to the largest available Grade No. 1 equivalent plant.

**(g) PLANT SPECIFICATIONS**

- Size.* All required plant material must meet the minimum size specifications at the time of planting, as specified in [DPH FBC Div. 5: Table 138-4504.b: Minimum Plant Specification Requirements](#).
- Undesirable Species.* The undesired plant species list, as established in [LDC Section 138-3653](#), apply.
- Approved Plant List.* The approved plant list, as established in [LDC Section 138-3664](#), apply.

**SECTION 138-4505. SIGN DESIGN STANDARDS**

The following Sign Design Standards apply to all signage for all Districts within Downtown Palm Harbor.

**(a) PERMITTED SIGNS**

[DPH FBC Div. 5: Table 138-4505.a: Permitted Signs Table](#) identifies the allowable sign types and requirements for each District designation.

**TABLE 138-4505.a: PERMITTED SIGNS TABLE**

SIGN TYPE & REQUIREMENT	DISTRICTS						ADDITIONAL STANDARDS	
	CENTRAL (DPH-1)		WEST (DPH-2)	NEIGHBORHOOD (DPH-3)		BOULEVARD (DPH-4)		
	ALT 19	OTHER		ALT 19	OTHER			
<b>Freestanding Signs</b> (Review Type)	1A	1A	1B	1A	-	1A	Central (Alt 19): Only applies to Alt 19 frontages; West: Florida Ave - Between Alt 19 and 9th St. only; Boulevard: Omaha Street only.	
Maximum Number (Per Public Street Frontage)	1	1	1	1	-	1	West and Boulevard: 1 sign per lot, regardless of multiple frontages.	
Maximum Area (Square Feet Per Sign Face)	40	20	15	40	-	20		
Maximum Height (Feet)	15	6	6	15	-	6		
<b>Attached Signs</b> (Review Type)	1A	1A	1A	1A	1A	1A	Attached signs include all wall, canopy, awning, projecting, permanent window, integral roof, and similar signs.	
Maximum Total Area for all Attached Signs (Whichever is Less)	Building Frontage (Square Feet per Linear Foot)		2	2	1.5	2	1.5	1.5
	Sign Area (Square Feet)		75	50	25	75	25	25
<b>Sandwich Boards</b> (Review Type)	1A	1A	1A	1A	-	-	Must be located within 10 feet of a main entrance.	
Maximum Number (Per Tenant)	1	1	1	1	-	-		
Maximum Area (Square Feet Per Sign Face)	8	8	8	8	-	-		
Maximum Height (Feet)	3.5	3.5	3.5	3.5	-	-		
<b>Temporary Signs</b> - Temporary signs are permitted within all Districts and are not subject to permitting as long as the signs meet the provisions listed below. Temporary signs are permitted to be displayed for a maximum of 30 calendar days at a time.								
Maximum Number (Per Lot)	2	2	2	2	2	2		
Maximum Area (Square Feet per Sign)	32	16	16	16	16	16		
Maximum Height (Feet)	5	5	5	5	5	5		

(b) **GENERAL PROVISIONS**

- (1) *Sign Style.* Signage must be scaled and designed for a pedestrian-oriented area and not for high speed automobile traffic.
- (2) *Sign Setback.* The leading edge of a sign must be setback from any public right-of-way a minimum of 3 feet for any sign equal to or less than 75 square feet in area. No freestanding sign must be placed closer than 5 feet to any side or rear property line.
- (3) *Sign Measurement.*
  - a. *Area.*
    1. The area of a sign is the smallest square, circle, rectangle, or other geometric figure, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material, color forming and integral part 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 bracing, fence or wall that is reasonably necessary to support the sign. (See *DPH FBC Div. 5: Figure 138-4505.a*)
    2. The area of a sign is 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 is permitted to have the allowed area for a single-faced sign on each of the two faces.
  - b. *Height.* The height of a freestanding sign must be the vertical distance from the base of the sign at ground level to the highest point of the sign structure. In cases where the ground level cannot reasonably be determined, sign height must 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. (See *DPH FBC Div. 5: Figure 138-4505.b*)
- (4) *Sign Illumination.*
  - a. The light from any externally lit illuminated sign must be shaded, shielded, or directed away from adjoining parcels.
  - b. No sign can have blinking, flashing, fluttering or colored lights that could be confused with, construed as, or interfere with traffic control devices or emergency vehicles.
  - c. Neither the direct nor the reflected light from primary light sources must create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (5) *Electronic Changeable Message Signs.* Electronic changeable message signs are prohibited.

Figure 138-4505.a: Sign Area Measurement

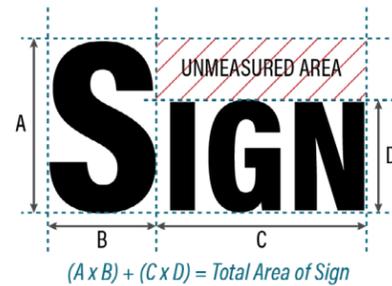
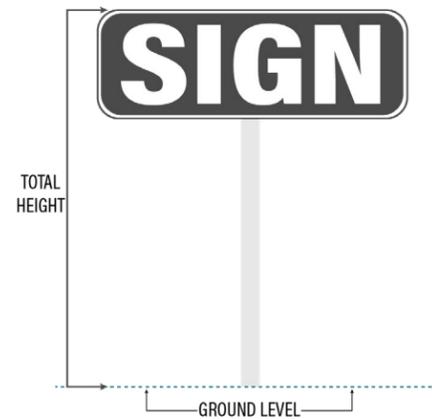


Figure 138-4505.b: Sign Height Measurement



- (6) *Sign Location.* Signs cannot be located on a property that is separate and distinct from the commercial establishment, product, merchandise, service or entertainment to which they are intended to draw attention. In no instance must this be interpreted as prohibiting a non-commercial message from being displayed on any property.

(c) **EXEMPT SIGNS**

The following types of signs are exempt from the permitting process and other provisions within this section, except relating to construction, illumination, and safety:

- (1) Address Numbers.
- (2) Artwork, which includes 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.
- (3) Government and public signs, including by 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 a place of interest.
- (4) A maximum of 3 noncommercial flags are permitted on each lot.
- (5) On-site directional signs. No individual sign can exceed 4 square feet in area.

**SECTIONS 138-4506 - 138-4549. - RESERVED**

# **DIVISION 6**

## **USE STANDARDS**

SECTION 138-4550 Intent

SECTION 138-4551 Permitted Uses

SECTION 138-4552 Use Determination

SECTION 138-4553 Specific Use Standards

SECTION 138-4554 Use Definitions

SECTIONS 138-4555 - 138-4599 Reserved

# DIVISION 6: USE STANDARDS

## SECTION 138-4550. INTENT

- (a) The Use Standards are intended to describe provisions for specific land uses. These standards are further intended to be simplistic, while still acknowledging the relationship between neighboring land uses.
- (b) Allowable land uses are identified for each District, as described in *DPH FBC Div. 6: Table 138-4552.a: Permitted Land Uses*.

## SECTION 138-4551. PERMITTED USES

Land use categories have been established in order to sort land uses based on similar characteristics, such as type and amount of activity, type of customers or residents, how goods and services are delivered, site conditions, and impact on surrounding areas. The categories include the following: Residential, Lodging, Office, Retail, Automotive Dependent, Industrial, Civil Support and Civic.

### (a) PRIMARY USES

- (1) A lot may contain more than one primary use.
- (2) Permitted primary uses are listed in the Permitted Land Uses Table (*DPH FBC Div. 6: Table 138-4552.a*) organized by District.

### (b) ACCESSORY USES

Accessory uses are allowed in conjunction with a permitted primary use, if the accessory use:

- (1) Is subordinate to and services the primary use;
- (2) Is subordinate in area, extent, and/or purpose to the primary use;
- (3) Contributes to the comfort, convenience or necessities of the users or occupants of the primary use; and
- (4) Is located on the same lot as the primary use, provided such use is in keeping with the purpose and intent of the district in which it is located.

### (c) TEMPORARY USES

Temporary uses established in combination or separately independent of any permanent use, are permitted in any District, provided that the proposed use is a permitted use. Temporary uses are not permitted within the Neighborhood or Boulevard Districts unless the use will be located on the site of a non-residential establishment. All temporary uses are subject to the following standards:

- (1) No parcel can be occupied by a temporary use for more than 60 days in any calendar year.
- (2) No zoning clearance is required for a temporary use, unless a structure will be located on the property.
- (3) Nothing herein relieves an operator of a temporary use from complying with other applicable codes, ordinances, and regulations; such as electricity or plumbing permits.

## SECTION 138-4552. USE DETERMINATION

### (a) USE TYPES

- (1) *Type 1A Uses*. Land uses designated as "1A" in *DPH FBC Div. 6: Table 138-4552.a*, are uses that are permitted by right. Type 1A uses follow a Type 1A review procedure, per *DPH FBC Div. 2: Section 138-4352(c)*.
- (2) *Type 1B Uses*. Land uses designated as "1B" in *DPH FBC Div. 6: Table 138-4552.a*, are uses that are permitted by warrant. Type 1B uses follow a Type 1B review procedure, per *DPH FBC Div. 2: Section 138-4352(d)*, which requires Code Administrator approval. When reviewing a Type 1B use, the Code Administrator must consider the following criteria:
  - a. The potential impact on surrounding properties.
  - b. The overall intent of the District in which the use will be located.
- (3) *Type 2 Uses*. Land uses designated "2" in *DPH FBC Div. 6: Table 138-4552.a*, are uses that require a public hearing approval through the Type 2 review procedure, per *DPH FBC Div. 2: Section 138-4352(e)* and *LDC Section 138-240*. In order to authorize a Type 2 use, the reviewing body must determine satisfaction of the following criteria:
  - a. The proposed use is consistent with the Pinellas County Comprehensive Plan and with the intent of the applicable DPH FBC District.
  - b. There is adequate separation of the proposed use and nearby uses by screening devices, buffers, 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 property or nearby properties.
  - f. All provisions of the DPH FBC will be met, unless varied by the authorized reviewing body.
- (4) *Additional Safeguards*. In approving a Type 1B or 2 use, the authorized reviewing body may require additional safeguards to protect the surrounding area, such as entry/exit points, buffering, additional setbacks, or capacity of use.

### (b) UNLISTED USES

If a proposed use is not listed in *DPH FBC Div. 6: Table 138-4552.a*, but is similar in character and function to another listed use, the Code Administrator may treat the proposed use under that use's category. If a proposed use is not listed and is not similar to any other listed use, the use is prohibited. When determining if a proposed use is similar to another listed use, the Code Administrator must consider the following criteria:

- (1) The characteristics of the proposed use in comparison to other permitted uses and the potential impact on surrounding properties.
- (2) The overall intent of the District in which it is located.

TABLE 138-4552.a: PERMITTED LAND USES

USE CATEGORY	DISTRICTS														ADDITIONAL STANDARDS (DPH FBC Div. 6: Section 138-4553)
	CENTRAL (DPH-1)				WEST (DPH-2)				NEIGHBOHOOD (DPH-3)				BOULEVARD (DPH-4)		
	FLORIDA AVENUE		OTHER STREETS		FLORIDA AVENUE		OTHER STREETS		ALT 19		OTHER STREETS		G	U	
	G	U	G	U	G	U	G	U	G	U	G	U	G	U	
<b>RESIDENTIAL</b>															
Single-Unit Residential, Attached					1A	1A	1A	1A	1B	1B	1A	1A	1A	1A	Y
Single-Unit Residential, Detached					1B	1B	1A	1A			1A	1A	1A	1A	
Duplex/Semi-Detached Unit					1B	1B	1A	1A	1B	1B	1A	1A	1A	1A	
Multi-Unit Residential		1A	1B	1A	1B	1B	2	2	1A	1A	2	2	1B	1B	Y
Accessory Dwelling Unit (ADU)		1B	1B	1A	1A	1A	1A	1A	1B	1B	1A	1A	1A	1A	Y
Group Living		1B		1B	2	1B	2	2	2	2	2	2	2	2	Y
Short-Term Vacation Rentals	See DPH FBC Div. 6: Section 138-4553(b)(1)														Y
<b>LODGING</b>															
Bed & Breakfast	1B	1A	1A	1A	1B	1A	2	2	2	2	2	2	2	2	
Hotel		1A	1B	1A	2	2			2	2					
<b>OFFICE</b>															
Office Building		1A	1A	1A	1A	1A	2	2	1A	1A			2	2	
Live/Work		1B	1B	1B	1B	1B	2	2	1B	1B	2	2	1B	1B	
<b>RETAIL</b>															
Retail Building	1A	1A	1A	1A	1B	1B			1B	1B					
Food/Drink Establishment (<20 Seats)	1A	1A	1A	1A	1B	1B			1B	1B	1B	1B			Y
Food/Drink Establishment (>20 Seats)	1A	1A	1A	1A	2	2			1B	1B	2	2			Y
Grocery / Market	1A	1A	1A	1A	1B	1B			1A	1A	2	2			
Microbrewery/Winery/Distillery	1A	1A	1A	1A	1B	1B			1B	1B	2	2			
Greenhouse/Urban Farming			2	2	1A	1A	1A	1A	1A	1A	1A	1A	1A	1A	
Medical Clinic		1B	1B	1B	2	2			1B	1B					
Vet Clinic		1A	1A	1A	1A	1A	2	2	1A	1A					Y

G = Ground / 1st Floor of Building U = Upper Stories (2nd Floor or Above) of Building  
 1A = Permitted By Right/Type 1A Review 1B = Permitted By Warrant/Type 1B Review 2 = Permitted By Warrant/Type 2 Review a = Accessory Use Blank = Not Permitted

TABLE 138-4552.a: PERMITTED LAND USES (CONTINUED)

USE CATEGORY	DISTRICTS														ADDITIONAL STANDARDS (DPH FBC Div. 6: Section 138-4553)
	CENTRAL (DPH-1)				WEST (DPH-2)				NEIGHBOHOOD (DPH-3)				BOULEVARD (DPH-4)		
	FLORIDA AVENUE		OTHER STREETS		FLORIDA AVENUE		OTHER STREETS		ALT 19		OTHER STREETS		G	U	
	G	U	G	U	G	U	G	U	G	U	G	U	G	U	
<b>AUTOMOTIVE DEPENDENT</b>															
Drive-Thru Facility (Bank Only)							2	2	2	2			2	2	Y
Parking, Structure	a	1A	a	1A	2	1B			1B	1B	2	2			Y
Parking, Surface Lot			1B	1B	1B	1B	1B	1B	1A	1A	1B	1B			
<b>INDUSTRIAL</b>															
Workshop/Artisan	1B	1A	1A	1A	1A	1A	2	2	1A	1A					Y
Warehouse									a	a					
Laboratory		1B		1B	2	2			2	2					
<b>CIVIL SUPPORT</b>															
Public Safety / Government Facility			2	2	1B	1B	2	2	2	2					
<b>CIVIC</b>															
Recreation/Fitness, Indoor	1A	1A	1A	1A	1A	1A	2	2	1A	1A					Y
Recreation/Civic Space, Outdoor			1B	1B	1B	1B	2	2			1B	1B	2	2	Y
Playground	a	a	1B	1B	1B	1B	1A	1A			1A	1A	1B	1B	
Daycare (Adult/Child)		1A	2	1A	1B	1A	1B	1B	1B	1A	1B	1B	1B	1B	
School (Preschool - 12)				1B	2	2	2	2	2	2	2	2	2	2	
School (Trade/College)		1A	2	1A	1B	1B			1B	1B					
Library/Museum	1A	1A	1A	1A	1A	1A	1B	1B	1A	1A	1B	1B	1B	1B	
Passenger Terminal	1B	1B	1B	1B	1B	1B			1B	1B			1B	1B	
Live Theater/Cinema	1A	1A	1A	1A	1A	1A			1B	1B					
Assembly		1A	2	1A	1B	1A	2	2	1B	1B	2	2	2	2	

G = Ground / 1st Floor of Building U = Upper Stories (2nd Floor or Above) of Building  
 1A = Permitted By Right/Type 1A Review 1B = Permitted By Warrant/Type 1B Review 2 = Permitted By Warrant/Type 2 Review a = Accessory Use Blank = Not Permitted

SECTION 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 10 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 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) *Short Term Vacation Rentals (STVRs)*, 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. STVRs generally occur in residential units and typically within residential neighborhoods. STVRs are permitted in all Districts and are not subject to permitting as long as they 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 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.

**(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. 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 = 3 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*)

(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.

**SECTION 138-4554. USE DEFINITIONS**

(a) **RESIDENTIAL**

- (1) *Accessory Dwelling Unit.* 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."
- (2) *Duplex/Semi-Detached Unit.* A building that contains two dwelling units on a lot that shares a portion of common walls or common floor/ceiling.
- (3) *Group Living (includes Assisted Living Facilities, Group Homes, Congregate Care Facilities).* Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.
- (4) *Multi-Unit Residential.* Three or more dwelling units, attached to each other by a stacking arrangement and with common vertical and horizontal walls, where primary access to those units is shared.
- (5) *Short-Term Vacation Rentals.* An individual dwelling unit that is rented to an individual or party more than 3 times per calendar year for a lease term that is no more than 30 consecutive days.
- (6) *Single-Unit Residential, Attached.* A dwelling unit on a single lot or on multiple lots with zero lot lines, attached to one or more single-unit dwellings by a common vertical wall, where individual primary access is provided to each unit.
- (7) *Single-Unit Residential, Detached.* A dwelling unit in a single structure, on a single lot, not attached to any other dwelling (with the exception of an accessory dwelling unit) by any means.

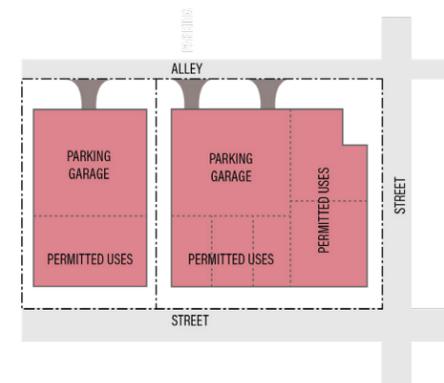
(b) **LODGING**

- (1) *Bed and Breakfast.* A residential 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.
- (2) *Hotel.* 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.

(c) **OFFICE**

- (1) *Live/Work.* A structure or portion of a structure combining residential living space with an integrated workspace intended to be used by one of the residents.

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



- (2) *Office Building.* A building or group of buildings utilized for typical office uses, such as administrative, executive, professional, research, doctor, dental, or other similar entities.

**(d) RETAIL**

- (1) *Food/Drink Establishment.* An establishment serving food and/or beverages prepared on the premises, which are generally intended for immediate consumption.
- (2) *Greenhouse/Urban Farming.* A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants that is used for urban farming, which is the growing, processing, and distribution of food and other products.
- (3) *Grocery/Market.* Retailers of food and grocery supplies. May include flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.
- (4) *Medical Clinic.* A facility engaged in the examination, diagnosis, and treatment of medical related conditions. Medical clinics can offer urgent/immediate care services, but do not include overnight facilities for patients.
- (5) *Microbrewery/Winery/Distillery.* A facility used for the production and packaging of malt beverages, wine, and/or spirits for the distribution, retail, or wholesale, on or off-premise, with a capacity of not more than 15,000 barrels of beer/cider; 100,000 gallons of wine; or 15,000 gallons of spirits per year. The development may include other uses such as a restaurant, tasting room, or live entertainment.
- (6) *Retail Building.* A building or group of buildings in which business activities customarily provide retail convenience goods and the sale of merchandise to end users.
- (7) *Vet Clinic.* A place designed or prepared to provide medical attention to or care for dogs, cats, and other pets in return for compensation, but do not contain any outdoor kennels for boarding animal containment.

**(e) AUTOMOTIVE DEPENDENT**

- (1) *Drive-Thru Facility (Bank Only).* A bank that is designed to enable customers in standing vehicles to transact business with persons inside of the principal building.
- (2) *Parking.* Surface or structured parking areas that are a primary use on a lot or parcel.

**(f) INDUSTRIAL**

- (1) *Laboratory.* A place providing the opportunity for experimentation, observation, or practice in a field of study.

- (2) *Warehouse.* Establishments that ship, store, 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.
- (3) *Workshop/Artisan.* Establishments that typically produce high-quality or distinctive products generally in small quantities, usually by hand or using traditional methods. Examples include, but are not limited to, glass blowing, jewelry making, woodworking, baking and traditional food product making.

**(g) CIVIL SUPPORT**

- (1) *Public Safety.* Facilities that provide government services, safety and emergency services, such as police stations, fire departments, or ambulance stations.

**(h) CIVIC**

- (1) *Assembly.* Facilities that provide shelter for public gathering and communal activities, including places of worship, or other assembly structures, including community halls, reception halls, wedding halls and other similar facilities that provide a gathering place for community functions.
- (2) *Day Care (Adult/Child).* Any children's center, day nursery, nursery school, kindergarten, or family day care home as defined by Florida law.
- (3) *Library/Museum.* A civic building utilized for the reading, referencing, or lending of literary and artistic materials and/or devoted to the acquisition, conservation, study exhibition, and educational interpretation of objects having scientific, historical, or artistic value.
- (4) *Live Theater/Cinema.* A building, room, or outdoor structure used for the presentation of live plays, films, or other dramatic performances and/or an establishment used for showing movies or motion pictures.
- (5) *Passenger Terminal.* Premises used by an establishment for the boarding or discharge of people being transported by bus, train, or boat. This does not include individual transit shelters, such as a typical bus stop.
- (6) *Playground.* An open space, generally less than 1 acre, designed and equipped for the play of children. A playground is usually fenced and may include an open shelter.
- (7) *Recreation/Fitness (Indoor).* Privately owned indoor facilities focused on offering amusement, recreation, personal instruction, and/or equipment or facilities for exercising and improving physical fitness; such as schools of dance, gymnastics, martial arts, athletic courts, skating rinks, batting cages, or other similar indoor activities and establishments.

- (8) *Recreation/Fitness/Civic Space (Outdoor)*. Privately owned outdoor facilities focused on offering amusement, recreation, personal instruction, and/or equipment or facilities for exercising, public gathering and/or improving physical fitness; such as outdoor swimming pools, skateboard parks, arenas, plazas, parks or other similar activities and establishments.
- (9) *School (PreK-12)*. An institution for pre-kindergarten, kindergarten, elementary, middle, and high school education.
- (10) *School (Trade/College)*. An institution of higher education and/or for vocational or professional training for trades. Trade/Colleges also include related facilities, such as classroom buildings, libraries, laboratories, dormitories, administration, and dining halls that are incorporated into a unified campus.
- (11) *Government Facility*. Offices and other facilities such as city halls, courts, and similar buildings and structures used for administrative, legislative and judicial governmental functions.

**SECTIONS 138-4555 - 138-4599. - RESERVED**

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# **DIVISION 7**

## **PARKING STANDARDS**

- SECTION 138-4600 Intent
- SECTION 138-4601 Minimum Parking, Generally
- SECTION 138-4602 Parking Reductions
- SECTION 138-4603 Specific Parking Standards
- SECTION 138-4604 Off-Street Loading
- SECTIONS 138-4605 - 138-4629 Reserved

# DIVISION 7: PARKING STANDARDS

## SECTION 138-4600. INTENT

- (a) The Parking Standards establish the amount, type, and design elements for vehicle and bicycle parking, as well as off-street loading areas.
- (b) These standards are intended to encourage compact development patterns, to accommodate redevelopment, and recognize existing public on-and off-street parking available in the area. These standards are also intended to recognize alternative methods of parking and modes of transportation that in turn can reduce the need for vehicular parking.

## SECTION 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.

**TABLE 138-4601.a: ACCESSIBLE PARKING STANDARDS**

TOTAL SPACES IN LOT	MINIMUM ACCESSIBLE VEHICLE 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.

**TABLE 138-4601.b: PARKING STANDARDS**

USE CATEGORY	MIN. VEHICLE SPACES	MIN. BICYCLE SPACES
<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 Vacation Rentals	Subject to applicable Residential Parking Requirements.	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 sqft	3.0 per 1,000 sqft or 0.75 per Employee, whichever is greater
Live/Work	1.0 per unit + 2.0 per 1,000 sqft of non-residential area	1.0 per unit + 2.0 per 1,000 sqft of non-residential area
		2, or 1 per 10,000sqft
<b>RETAIL</b>		
	<b>WEST DISTRICT</b>	<b>OTHER DISTRICTS<sup>1</sup></b>
Food/Drink Establishment	7.0 per 1,000 sqft	4.0 per 1,000 sqft
Microbrewery/Winery/Distillery	7.0 per 1,000 sqft	4.0 per 1,000 sqft
Greenhouse/Urban Farming	1 per 10,000 sqft	1 per 10,000 sqft
Medical Clinic	4.0 per 1,000 sqft	3.0 per 1,000 sqft
Vet Clinic (No Outdoor Kennel)	4.0 per 1,000 sqft	3.0 per 1,000 sqft
All Other Retail Uses	4.0 per 1,000 sqft	3.0 per 1,000 sqft
		2, or 1 per 5,000 sqft
<b>AUTOMOTIVE DEPENDENT</b>		
Drive-Thru Facility	6.0 per 1,000 sqft	2, or 1 per 5,000 sqft
<b>INDUSTRIAL</b>		
Workshop/Artsian	2.0 per 1,000 sqft	2, or 1 per 15,000 sqft
Warehouse	0.5 per 1,000 sqft	2, or 1 per 40,000sqft
Laboratory	2.0 per 1,000 sqft	2, or 1 per 15,000 sqft
<b>CIVIL SUPPORT</b>		
Public Safety/Government Facility	4.0 per 1,000 sqft	2, or 1 per 10,000 sqft
<b>CIVIC</b>		
Recreation/Fitness (Indoor/Outdoor)	4.5 per 1,000 sqft	2, or 1 per 5,000 sqft
Playground	N/A	4 per acre
Daycare (Adult/Child)	2.25 per 1,000 sqft	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	2.0per 1,000 sqft	2, or 1 per 5,000 sqft
Passenger Terminal	N/A	N/A
Live Theater/Cinema	1.0 per 2 seats	2, or 1 per 5,000 sqft
Assembly (General or Religious)	6.0 per 1,000 sqft	2, or 1 per 10,000 sqft

**TABLE NOTES:**

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 \_\_\_\_\_, 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% 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 138-4602. PARKING REDUCTIONS**

**(a) MIXED-USE SHARED PARKING**

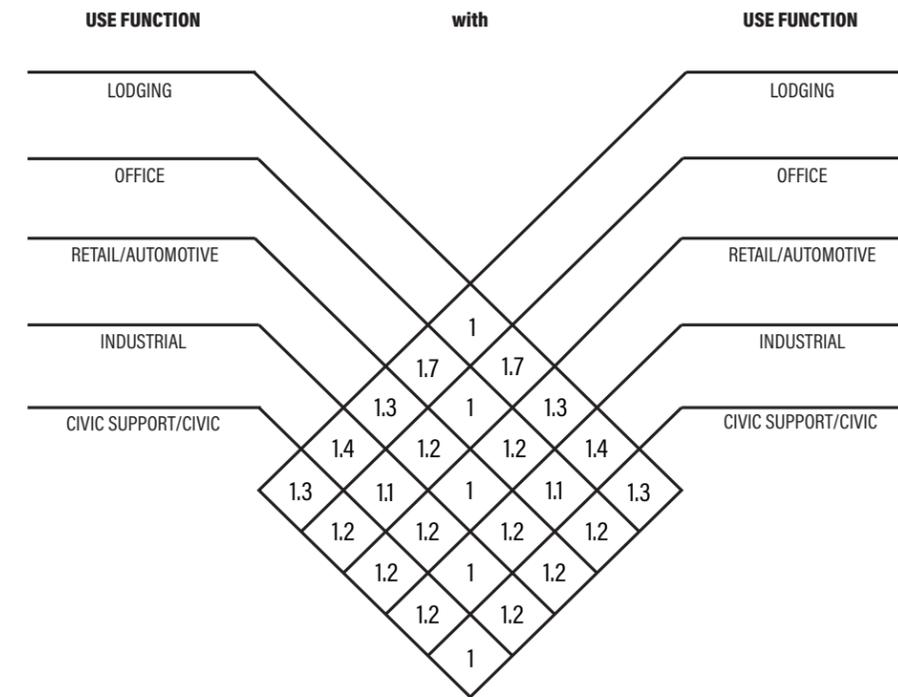
When any parking area is used for two or more uses, the minimum total number of required off-street parking spaces is permitted a reduced total amount of required parking spaces based on the following methodology:

- (1) Determine the minimum parking quantities, per use, in accordance with *DPH FBC Div. 7: Table 138-4601.b: Parking Standards* to get the total minimum parking quantity required.
- (2) Take the total minimum parking quantity required and divide it by the number that intersects with the two applicable, corresponding use functions in *DPH FBC Div. 7: Table 138-4602.a: Shared Parking Matrix*.
- (3) Use this number as the required minimum number of motor vehicle parking spaces that is required to be provided at any given time. (See *DPH FBC Div. 7: Table 138-4602.b* for an example of a mixed-use shared parking calculation scenario). When uses are located on separate lots/parcels from where the

parking is located, a legal instrument must 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.

- (4) If there are more than 2 primary uses on site, the 2 uses with the highest parking requirement must be used when calculating the mixed-use shared parking reduction.

**TABLE 138-4602.a: SHARED PARKING MATRIX**



**TABLE 138-4602.b: MIXED-USE SHARED PARKING EXAMPLE**

	USE	AREA/DWELLING UNITS	CODE REQUIREMENT	TOTAL SPACES REQUIRED PER USE
1	Retail	2,000 sqft.	3 spaces per 1,000 sqft.	6
2	Office	3,000 sqft.	3 spaces per 1,000 sqft	9
<b>Mixed-Use Shared Parking Equation:</b> <i>(Use 1 Required Parking Spaces ÷ Matrix Ratio) + (Use 2 Required Parking Spaces ÷ Ratio) = Reduced Total Parking</i>				
	USE	REQUIRED SPACES	MATRIX RATIO	TOTAL SPACES REQUIRED BOTH USES
1	Retail	6	1.2	12.5 Spaces
2	Office	9	1.2	

(b) **CENTRAL DISTRICT**

- (1) *Intent.* It is intended to provide safe and efficient parking in the Central District while recognizing the unique conditions in Downtown Palm Harbor. The combination of a walkable, pedestrian-scaled, mixed-use downtown within close proximity to residents, the proximity and accessibility of the Pinellas Trail for convenient travel by walking and bicycling, plentiful wide sidewalks and ease of access to businesses, and the availability of public on-street and off-street parking throughout the downtown allow for a reduced off-street parking requirement for comparable uses in conventional zoning districts.
- (2) *Minimum Parking - Retail.* The minimum number of off-street vehicle parking spaces as listed in *DPH FBC Div. 7: Table 138-4601.b: Parking Standards*, applies to the Central District with the following exceptions for Retail:
  - a. Retail (buildings with one retail tenant space)
    1. First 2,000 sqft = 0.0 spaces
    2. Over 2,000 sqft = 2.0 spaces per 1,000 sqft
  - b. Retail (buildings with two or more retail tenant spaces)
    1. First 4,000 sqft. = 0.0 spaces
    2. Over 4,000 sqft = 2.0 spaces per 1,000 sqft
  - c. Outdoor Seating (specific to a Food/Drink Establishment)
    1. First 400 sqft = 0.0 spaces
    2. Over 400 sqft = 4.0 per 1,000 sqft
  - d. Outdoor Display (specific to Retail Uses)
    1. First 400 sqft = 0.0 spaces
    2. Over 400 sqft = 4.0 per 1,000 sqft
    3. Includes outdoor work, display, and sales for retail goods, wares and merchandise, where permitted.
- (3) *Public Parking Bank - Retail.*
  - a. *Purpose and Intent.* A Public Parking Bank has been established as a tracking mechanism to facilitate and account for the granting of parking space reductions for Retail uses in the Central District, per *DPH FBC Div. 7: Section 138-4602(b)(2)*, without compromising the overall parking supply through the application of the minimum retail parking requirements.
  - b. *Parking Utilization Study.* The Public Parking Bank tracks the supply of surplus public parking spaces typically available in the downtown area during an average peak-hour parking demand time frame, as documented in the 2017-2018 parking utilization study conducted by Pinellas County.

- c. *Retail Market Demand Study.* The number of parking space reductions available in the Public Parking Bank is far less than the number of spaces that would typically be demanded from additional retail in the Downtown Palm Harbor Central District through Year 2030, as determined by the 2018 Retail Market Demand Study. The Study concluded that the area could support approximately 50,000 square feet of (mostly smaller-scale) additional retail through the Year 2030. This would equate to a corresponding need for approximately 200 additional parking spaces.
- d. *Tracking Reductions.* As Central District Retail use parking space reductions are granted per *DPH FBC Div. 7: Section 138-4602(b)(2)*, the County will track such spaces by reducing the overall number of surplus spaces in the Public Parking Bank.
- e. *Future Reevaluation.* When the Bank is reduced to 20% of the initial total number of spaces, the County will reevaluate Retail use parking reduction provisions within the Central District to determine the need for additional regulations on the supply of parking.

(c) **ALL DISTRICTS**

The minimum vehicle parking space quantity required for each site may be permitted a reduced parking amount with the utilization of one or more of the following (cannot exceed a total of 75% reduction in the West District):

- (1) *On-Street and/or Public Parking.* Properties, with the exception of residential properties, are permitted to count 20% of any standard size private spaces located within 600 feet toward meeting the minimum number of required parking spaces subject to a written agreement assuring the continued availability of the spaces.
- (2) *Rideshare/Dropoff Space.* For each designated on-site rideshare/drop-off space that is provided, a reduction of 3 vehicle parking spaces is permitted.
- (3) *Valet Parking.* For sites with designated on-site valet parking service provided, a reduction of 3 vehicular parking spaces is permitted.
- (4) *Tree Preservation.* 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 20% reduction.

**SECTION 138-4603. SPECIFIC PARKING STANDARDS**

(a) **ON-STREET PARKING**

On-street parking may be provided along the abutting street(s) when permissible and approved by the roadway facility owner (i.e. local government, developer, or property owners) and subject to the following:

- (1) Street parking spaces must remain available to the general public.
- (2) Certain roadway improvements may be required to accommodate street parking.

- (3) Due to physical constraints or roadway classifications, some roadways may not be suited for street parking.

**(b) OFF-STREET PARKING**

(1) *Location.*

- a. All off-street parking areas must be located at or behind any required parking setback line, as established in *DPH FBC Part 4: District Standards*, except for residential driveways.
- b. All or portions of the required off-street vehicle parking may be provided on a separate site located generally within 600 feet. The off-site location must be either under the same ownership or officially allowed to be used by a lease agreement or other legal instruments. The off-site location must be readily accessible by walking, transit, and/or shuttle service.
- c. The required number of accessible parking spaces must be provided on-site or as designated on-street spaces that are adjacent to the site and directly accessible to a building entrance.

- (2) *Size.* The minimum dimensional requirements for parking spaces and drive aisles are listed in *DPH FBC Div. 7: Table 138-4603.a: Dimensional Requirements*. (Also see *DPH FBC Div. 7: Figure 138-4603.a*)

(3) *Construction Requirements.*

- a. *Surface Material.*
  - 1. Permeable surfaces approved by the County, such as grid pavers, grass, gravel, or crushed shell, are encouraged for surface parking lots.
  - 2. Non-paved surfaces of parking areas and associated drives must be stabilized and provided with appropriate dust control.
  - 3. All accessible parking spaces and accessways must be paved with asphalt, concrete or similar hard-surface material approved by the County.
- b. *Side/Rear Setback.* All parking spaces and driveways adjacent to single-unit residential properties must maintain a minimum setback of 5 feet from all side and rear property lines. A setback is not required along alleys or for shared parking lots with cross access between separate properties.
- c. *Wheel Stops.* Parking lots should be designed to avoid the use of wheel stops. All landscape areas and pedestrian walkways which are perpendicular to parked vehicles must be protected with boundary controls and curb placement to prevent vehicle overhang. Structural bollards, not less than 3 feet in height, may be placed in the center of parking stalls as an alternate to wheel stops.

**(c) RESIDENTIAL PARKING**

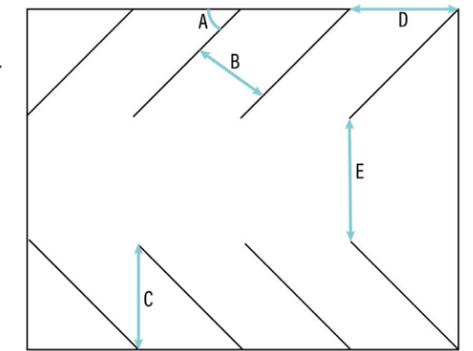
(1) *Tandem Parking.*

- a. Tandem parking is permitted to be used for single-unit residential and multi-unit residential projects.
- b. For multi-unit projects, up to 75% of the total off-street parking spaces provided may incorporate tandem parking. A tandem space must be assigned to only one dwelling unit.

(2) *Residential Driveway/Garage Parking.* When permitted to access a public street, a residential driveway must comply with the following:

- a. The portions of the driveway that connect to the public right-of-way may not exceed 20 feet in width.

Figure 138-4603.a: Parking Stall Measurement



A = Parking Stall Angle  
 B = Minimum Stall Width  
 C = Minimum Stall Depth to Aisle  
 D = Minimum Curb Length  
 E = Minimum Drive Aisle Width

**TABLE 138-4603.a: DIMENSIONAL REQUIREMENTS**

Parking Space Type	Min. Stall Width	Min. Depth to Aisle	Min. Curb Length	Min. Drive Aisle Width
0° (Parallel)	9 ft	9 ft	23 ft	12 ft
20°	9 ft	15.9 ft	23.6 ft	11 ft
30°	9 ft	17.3 ft	18 ft	11 ft
40°	9 ft	19.1 ft	14 ft	12 ft
45°	9 ft	19.8 ft	12.7 ft	13 ft
50°	9 ft	20.4 ft	11.7 ft	12 ft
60°	9 ft	21 ft	10.4 ft	18 ft
70°	9 ft	21 ft	9.6 ft	19 ft
80°	9 ft	20.3 ft	9.1 ft	24 ft
90°	9 ft	18 ft	9 ft	24 ft
Compact Space <sup>1</sup>	8 ft	16 ft	9 ft	Refer to Stall Angle Requirement Above
Tandem Space	9 ft	34 ft	9 ft	

TABLE NOTES:

- 1. Compact spaces may be used to satisfy up to 20 percent of the minimum required spaces for a site.
  - b. Driveways that are used for parking must provide at least 20 feet of depth, as measured from the adjacent street right-of-way, to prevent vehicles overhanging public sidewalks and/or streets.
  - c. The portion of the driveway located within the right-of-way must be constructed of materials approved by the County.

**(d) ACCESSIBLE PARKING**

- (1) *Minimum Size (Diagonal or Perpendicular Spaces).* 12 feet wide x 18 feet deep
- (2) *Access.*
  - a. All accessible spaces for the disabled must 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 must be located so that users will not be compelled to maneuver behind parking vehicles. Two accessible parking spaces may share a common access aisle.
  - b. All accessible spaces must have an adjacent access aisle measuring at least 60 inches wide. Parking access aisles must be part of the accessible route to the building or facility entrance.
- (3) *Location.* When considering all of 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.
- (4) *Surface Materials and Markings.*
  - a. All accessible spaces and accessways must be paved with asphalt, concrete or similar hard-surface material approved by the County.
  - b. Accessible parking spaces must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "parking by disable permit only."
  - c. Each such parking space must be prominently outlined in blue paint. The property owner must be responsible to repaint the spaces as necessary.

**(e) BICYCLE PARKING**

- (1) *Location.*
  - a. Bicycle parking must be within 100 feet of a main entrance to the building.
  - b. For sites with more than one primary building, the bicycle parking must be distributed evenly amongst the primary buildings and must be within 100 feet of a main entrance.
- (2) *Bicycle Rack Design.*
  - a. Bicycle racks or similar features must be provided with the primary purpose to allow bicycles to be securely attached to the apparatus. Sign poles, planters, and utility lines must not be considered bicycle parking racks or used to satisfy the bicycle parking requirement.
  - b. Bicycle rack design must accommodate a high security, U-shaped lock.
  - c. Bicycle racks must be securely anchored to the ground, a building, or a paved surface.
  - d. Bicycle racks must be constructed using decorative, durable finishes that are not damaged by the constant abrasion from bicycles.

**SECTION 138-4604. OFF-STREET LOADING**

**(a) GENERAL**

- (1) No loading facilities are required.
- (2) Where provided, loading facilities must be located to the rear or side of buildings and screened from view of any public street or space.
- (3) In no case must the use of any loading space hinder the movement of vehicles and pedestrians over a street, alley, or sidewalk.

**SECTIONS 138-4605 - 138-4629. - RESERVED**

# **DIVISION 8**

## **DEFINITIONS**

SECTION 138-4630 Definitions and Rules of Construction

SECTIONS 138-4631 - 138-4699 Reserved

# DIVISION 8: DEFINITIONS

## SECTION 138-4630. DEFINITIONS AND RULES OF CONSTRUCTION

The terms and definitions expressed below must be applicable to this Article.

### A

**Accessory Dwelling Unit (ADU).** An independently functioning dwelling unit which is accessory to the primary 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.** The term applied to a building, structure, or use which:

1. Is subordinate to and serves a primary building or primary use;
2. Is subordinate in area, extent, and purpose to the primary building or primary use served;
3. Contributes to the comfort, convenience or necessities of the users or occupants of the primary building or primary use; and
4. Is located on the same lot as the primary building or primary use and is in keeping with the purpose and intent of the District in which it is located.

**Activated Public Space.** An area located within the street-space that provides a place for active public interaction and activity, such as outdoor dining areas, plazas, or civic greens.

**Adaptive Reuse.** The renovation and reuse of pre-existing structures (such as a warehouse or residential home) for new purposes.

**Alleys.** A route that provides service access behind/along-side individual properties; alleys provide very short access between the property and a higher classified roadway. Alleys also serve as a service route for utilities, parking, and trash collection

**Alternative Energy Facility.** Public/private facilities that provide energy services that are alternative to fossil fuels, such as hydroelectric, wind, geothermal, or solar power.

**Appurtenance.** A minor element of a larger structure, such as a bay window, stairs, or light post.

**Architecturally Compatible.** Being constructed and/or designed to be complimentary to the architectural style and materials of a building.

**Arterial Street.** A route providing service to an urban area that is relatively continuous and of higher traffic volume, long average trip length, and high mobility importance.

**Artwork.** 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.

**Assembly Use.** Facilities that provide shelter for public gathering and communal activities, including places of worship, or other assembly structures, including community halls, reception halls, wedding halls, and other similar facilities that provide a gathering place for community functions.

**Attached.** A building that is structurally connected to another building by a foundation, wall, or roof line.

**Automobile Sales/Rental.** Any building and premises which displays, demonstrates, sells, rents, or leases automobiles, motorcycles, pickup trucks, or other similar vehicles which includes a showroom enclosed within a building and open display area.

**Automobile Service/Repair.** Any modification, reconditioning, restructuring, rebuilding, or routine service of a motor vehicle or a motor vehicle component.

**Awning.** A roof-like covering, usually made of canvas or metal, and often adjustable, placed over a sidewalk, windows, or doors to provide protection from sun and rain.

### B

**Balcony.** An exterior platform attached to the upper floors of the building facade.

**Bed and Breakfast.** A residential 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 service 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.

**Block.** An increment of land comprised of lots, alleys, and tracts bounded and not traversed by streets (pedestrian pathways are permitted).

**Buffer.** A strip of land, a fence/wall, and/or area or landscaping between one land use and another design and intended to separate those uses.

**Building.** Any structure having a roof supported by columns or walls designed or built for the support, shelter, or protection of persons, animals or property of any kind. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as separate buildings and/or uses.

**Build-to Area.** The area between the designated minimum and maximum front setback requirements of a property, in which the minimum Building Frontage requirement must be met entirely.

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

**Building Frontage.** The length of the facade of a building along the front property line(s) located within the Build-to Area.

**Building Projection.** Any element that extends beyond the front facade of a building, such as a porch, stoop, or awning.

### C

**Cemetery.** 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, as defined by Florida Law.

**Clearance.** The area between the finished floor and the ceiling of each story.

**Code Administrator.** The Director of Building and Development Review Services.

**Collector Street.** A route providing service which is of relatively moderate traffic volume and trip length. Collector roadways also collect and distribute traffic between local and arterial roads and serve as a linkage between land access and mobility needs.

**Common Lot Lines.** Lot lines shared by adjacent private lots.

**Corner Lot.** A lot that fronts on two or more streets and is located at the intersection of those streets.

**Courtyard.** A central portion of a building's facade that is set back, creating an open area typically utilized as a common entrance to multiple business/residences and/or shared open space.

## D

**Daycare (Adult/Child).** Any children's center, day nursery, nursery school, kindergarten, or family day care home as defined by Florida law.

**Detached.** A building that has no structural connection with another structure.

**Deterioration.** A structure which has been damaged or destroyed in excess of 50 percent or more of its appraised valuation for tax purposes.

**Development Standards.** Regulations provided by this Code that provide specific conditions for the development/redevelopment and use of buildings and property. Development standards may also be referred to as development requirements or development regulations.

**District Map.** The implementing site plan for the development/redevelopment of the Downtown Palm Harbor Form-Based District that assigns a District designation to each property. Each designation then provides specific information for the disposition of buildings on a site and how it relates to the adjacent street-spaces, the overall district, and surrounding neighborhoods.

**Drive-Thru Facility.** An establishment, such as a bank, designed to enable customers in parked vehicles to transact business with persons inside of the primary building.

**Duplex/Semi-Detached Unit.** A building that contains two dwelling units on a lot that shares a portion of common walls or common floor/ceiling.

**Dwelling Unit.** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit, and having permanently installed sleeping, cooking, and sanitary facilities.

## E

**Easement.** A grant by a property owner to specific persons, the general public, corporations, utilities, or others for the purpose of providing services or access to and/or across the property.

**Eave.** The part of a roof that meets or overhangs the walls of a building.

## F

**Facade.** The building elevation facing a street. Building walls facing private interior courts, common lot lines, alleys, and common drives are not facades.

**Fence.** Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

**Fence, Decorative.** A fence that 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.

**Fenestration (Facade Transparency).** Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). Fenestration is the measure of glass area (including mullions and similar window frame elements) and/or open area.

**Floor Area Ratio (FAR).** A ratio of square footage of gross building floor area to square footage of land area.

**Food/Drink Establishment.** An establishment serving food and/or beverages prepared on the premises, which are generally intended for immediate consumption.

**Form-Based Code.** A set of land development regulation 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 code. A form-based code is a regulation, not a mere guideline.

**Foundation.** The supporting member of a wall or structure.

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

**Frontage.** The location where a lot or other parcel abuts a street.

**Front Setback.** The horizontal distance between a structure's facade wall and the adjacent street right-of-way.

**Front Yard.** The horizontal space between the nearest wall of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from the wall to the front lot line.

**Fuel Station.** A structure, building, or premise or any portion thereof where a flammable fluid is stored, housed, and sold for supply to motor vehicles; and does not include any accessory motor vehicle servicing.

## G

**Greenhouse/Urban Farming.** A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants that is used for urban

farming, which is the growing, processing, and distribution of food and other products.

**Government Facility.** Offices and other facilities such as city halls, courts, and similar buildings and structures used for administration, legislative and judicial governmental functions.

**Green Infrastructure.** Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. Green Infrastructure systems include, but are not limited to, rain gardens, bio-swales, vegetable swales, or porous pavement.

**Grocery/Market.** Retailers of food and grocery supplies, sometimes also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

**Ground Floor Elevation.** The elevation of the ground level of a structure above the adjacent finished grade.

**Group Living.** Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Group living includes assisted living facilities (ALFs), group homes, and congregate care facilities.

**Gross Floor Area.** The total square footage of all areas within a structure.

## H

**Hedge Row.** A continuous arrangement of shrubs for the purpose of screening or dividing spaces which are planted and maintained to create an open space or provide a buffer.

**Height, Building.** Generally, the vertical distance measured up to the eave of the roof on a building from the adjacent grade level.

**Historic Buildings, Structures, and Sites.** Buildings, structures, and sites designated as a "Contributing Property" as per Chapter 146 of the Pinellas County Land Development Code.

**Home Occupation.** 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 purposes and must not change the residential character thereof.

**Hospital.** An establishment, typically operating 24 hours a day, providing medical, diagnostic, and treatment services including physician, nursing, specialized accommodations, emergency medical services, and other health services to in-patients.

**Hotel.** 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.

## I

**Impervious Surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant or prevents infiltration by stormwater. It includes surfaces such as compacted sand, limerock, or clay as well as conventionally surfaced streets, sidewalks,

parking lots, and other similar surfaces.

**Infill.** The development of vacant parcels/lots within previously built areas. These areas are already served by public infrastructure, such as transportation, water, wastewater, and other utilities.

**Inn.** A structure, with no more than 15 sleeping rooms, providing temporary short-term lodging accommodations. Individual rooms must not contain any kitchen facilities, and must be accessed through a central internal lobby, foyer, or office.

## J

## K

**Kennel.** Any property where 5 or more dogs, cats, or other similar animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, treated, or groomed for commercial purposes.

## L

**Laboratory.** A place providing the opportunity for experimentation, observation, or practice in a field of study.

**Library/Museum.** A civic building utilized for the reading, referencing, or lending of literary and artistic materials and/or devoted to the acquisition, conservation, study exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

**Live Theater/Cinema.** A building, room, or outdoor structure used for the presentation of live plays, films, or other dramatic performances and/or an establishment used for showing movies or motion pictures.

**Live/Work.** A structure or portion of a structure combining residential living space with an integrated workspace intended to be used by one of the residents.

**Local Street.** A route providing service which is of relatively low traffic volume, short average trip length, and high land access for abutting properties. Local roadways are further classified as major or minor.

**Local Street, Major.** Major locals provide basic access in higher density residential neighborhoods and commercial and industrial areas.

**Local Street, Minor.** Minor locals provide basic access in lower density residential neighborhoods and commercial and industrial areas.

**Lot.** An area of land designated on a recorded plat as an individual tract.

**Lot, Corner.** A lot that fronts on two or more streets and is located at the intersection of two or more streets.

**Lot, Through.** A lot that fronts on two or more streets, but not at the immediate intersection of those streets.

**Lot, Multi-Frontage.** A lot with more than one public street frontage, such as a corner or

through lot.

**Lot Coverage.** The portion of any lot occupied by permanent structures and hard, impervious surfaces. Lot coverage does not include permeable surfaces, such as crushed shell, gravel, or grass pavers.

## M

**Manufacturing/Production, Heavy.** A use engaged in the base processing and manufacturing of materials or products predominately from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Manufacturing/Production, Light.** Establishments engaged in the manufacturing, compounding, processing, packaging, storage, assembly, production, and/or treatment of finished or semi-finished products from previously prepared materials. Fabrication, assembly, processing, finishing work, or packaging, employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat or vibration; and with no outside storage of materials or finished goods.

**Medical Clinic.** A facility engaged in the examination, diagnosis, and treatment of medical related conditions. Medical clinics can offer urgent/immediate care services, but do not include overnight facilities for patients.

**Microbrewery/Winery/Distillery.** A facility used for the production and packaging of malt beverages, wine, and/or spirits for the distribution, retail, or wholesale on or off-premise, with a capacity of not more than 15,000 barrels of beer/cider; 100,000 gallons of wine; or 15,000 gallons of spirits per year. The development could include other uses such as a restaurant, tasting room, or live entertainment.

**Mixed-Use.** A combination of uses on a single property.

**Multi-Frontage Lot.** A lot with more than one public street frontage, such as a corner or through lot.

**Multi-Unit Residential.** Three or more dwelling units, attached to each other by a stacking arrangement and with common vertical and horizontal walls, where primary access to those units is shared.

**Multi-Use Path.** A form of infrastructure that supports multiple recreation and transportation opportunities for pedestrians, bicyclists, wheelchair users, joggers, and other non-motorized users. Multi-use paths are physically separated from motor vehicular traffic with an open space or barrier and are either within the public right-of-way or an independent right-of-way. Multi-use paths may also be referred to as trails, shared use paths, or other similar terms.

**Mural.** Artwork that is executed directly on a wall of a building and are not displayed in conjunction with a commercial, for-profit or nonprofit enterprise.

## N

**Neighborhood Grocery/Market.** A smaller-scaled facility specializing in the retail sales of food, typically specializing in fresh produce and/or meat products. A neighborhood grocery/market is distinguished from a grocery store/market in that they typically do not include accessory flower shops, pharmacies, bakeries, branch banks, etc.

**Non-Conforming.** A use, structure, lot or parcel, or combination thereof, that 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 this code.

**Non-Contributing Buildings, Structures, and Sites.** Buildings, structures, and sites not designated as a "Contributing Property" as per Chapter 146 of the Pinellas County Land Development Code.

## O

**Office Building.** A building or group of buildings utilized for typical office uses, such as administrative, executive, professional, research, doctor, dental, or other similar entities.

## P

**Parcel.** Any individual tract of land under unified ownership.

**Parking, Compact Space.** A parking space dimensionally sized to accommodate a compact motor vehicle.

**Parking, Rideshare/Drop-Off Space.** A designated area and/or parking space(s) solely dedicated for pickup and drop-off of customers and employees.

**Parking, Tandem Space.** A single parking space designed to accommodate two motor vehicles parked back to back of one another.

**Parking, Use.** Surface or structured parking areas that are a primary use on a lot or parcel.

**Parking Setback Line.** The minimum setback for all on-site parking, as established for each District. No vehicles are permitted to be parked in front of the parking setback line on-site.

**Passenger Terminal.** Premises used by an establishment for the boarding or discharge of people being transported by bus, train, or boat. This does not include individual transit shelters, such as a typical bus stop.

**Pedestrian-Oriented.** Designed and scaled in a way to accommodate and increase the comfort and safety of pedestrians.

**Pervious.** A surface material that allows water to pass through.

**Playground.** An open space, generally less than 1 acre, designed and equipped for the play of children. A playground is usually fenced and may include an open shelter.

**Porch.** 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 yard, the porch typically provides a primary access into the structure. When provided 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.

**Primary.** The most dominant use, building, or structure on a lot or parcel.

**Primary Frontage.** The street frontage of a lot with the highest Street Type Classification.

**Public Realm.** The public realm comprises the streets, sidewalks, squares, parks, green spaces and other outdoor places that require no key to access them and are available for everyone to use and enjoy.

**Public Safety, Use.** Facilities that provide safety and emergency services, such as police stations, fire departments, or ambulance stations.

## Q

## R

**Rear/Side Yard.** The horizontal space between the nearest wall of a building to the rear or side property line.

**Recreation/Fitness (Indoor).** Privately owned indoor facilities focused on offering amusement, recreation, personal instruction, and/or equipment or facilities for exercising and improving physical fitness; such as schools or dance, gymnastics, martial arts, athletic courts, skating rinks, batting cages, or other similar indoor activities and establishments.

**Recreation/Fitness (Outdoor).** Privately owned outdoor facilities focused on offering amusement, recreation, personal instruction, and/or equipment or facilities for exercising and improving physical fitness; such as outdoor swimming pools, skateboard parks, arenas, or other similar activities and establishments.

**Redevelopment.** Includes the reconstruction, conversion, structural alteration, relocation or enlargement of an existing building on a previously developed property.

**Retail Building.** A building or group of buildings in which business activities customarily provide retail convenience goods and the sale of merchandise to end users.

**Right-of-Way (ROW).** Land in which the state, a county, or a municipality owns the fee or has an easement devoted to or required for a transportation facility or other public use.

## S

**School, Pre-K - 12.** An institution for pre-kindergarten, kindergarten, elementary, middle, and high school education.

**School, Trade/College.** An institution of higher education and/or for vocational or professional training for trades. Trade/Colleges also include related facilities, such as classroom buildings, libraries, laboratories, dormitories, administration, and dining halls that are incorporated into a unified campus.

**Secondary Frontage.** Any street frontage adjacent to a lot/parcel other than the primary

frontage.

**Setback.** 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.

**Setback, Front.** The horizontal distance between a structure's facade wall and the adjacent street right-of-way.

**Setback, Side/Rear.** The horizontal distance between a structure's walls and a rear or side property line.

**Shade Tree.** Typically a deciduous tree, but also may include coniferous trees with spreading canopies such as pine species native to Florida.

**Short-Term Vacation Rental.** An individual dwelling unit that is rented to an individual or party more than 3 times per calendar year for a lease term that is no more than 30 consecutive days.

**Shrub.** A woody plant that is smaller than a tree and has several main stems arising at or near the ground.

**Side/Rear Yard.** The horizontal space between the nearest wall of a building to the rear or side property line.

**Sign.** 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 communication information of any kind to the public. "Sign" includes the sign structure.

**Sign, Attached.** Any sign attached to, on, or supported by any part of a building (e.g. walls, integral roof, awning, windows, projecting or canopy) which encloses or covers usable space.

**Sign, Electronic Changeable Message.** A sign or portion of a sign 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 metric 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 must 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.

**Sign, Freestanding.** 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.

**Sign, Projecting.** 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.

**Sign, Sandwich Board.** A portable sign which is ordinarily in the shape of an "A" or some variation thereof.

**Sign, Temporary.** Any sign that is not a permanent sign and must 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" must not include any substitution of message on an existing lawful sign or sign structure.

**Sign Structure.** Any structure which is design specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition must include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

**Single-Unit Residential, Attached.** A dwelling unit on a single lot or on multiple lots with zero lot lines, attached to one or more single-unit dwellings by a common vertical wall, where individual access is provided to each unit.

**Single-Unit Residential, Detached.** A dwelling unit in a single structure, on a single lot, not attached to any other dwelling by any means.

**Stacking Space.** The parking spaces within a drive-thru queue to accommodate waiting vehicles.

**Stoop.** An entry platform on the facade of a building. Stoops may be roofed but are not enclosed.

**Stormwater.** Any surface runoff and drainage of water from land surfaces, including the surfaces of buildings and other hardened surfaces on the land, but does not include any industrial or commercial process water, sediment or contaminants introduced into water as a result of activities conducted on the site.

**Story.** That portion of a building (both habitable space and parking areas) included between the surface of any floor and the surface of the floor next above it, or if there is not floor above, the space between the floor and ceiling above it.

**Street.** A public or private way intended for the use of vehicular and pedestrian traffic.

**Street-Space.** All space between fronting buildings (streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, quadrangles, parks) - including any transit service operator passenger platform - but not garage entries or alleys.

**Streetscreen.** A freestanding opaque/semi-opaque wall built along the frontage line, or coplanar with the facade, it may mask a parking lot from the street, provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

**Street Tree.** A planted tree that is an element of the street-space.

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

**Structure.** Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground. Such term includes a movable structure, which it is located on land, which can be used for housing, business, commercial, agriculture, or office purposes, either temporarily or permanently, including all caging designed to contain livestock. This definition must 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.

## T

**Temporary.** Established for a limited and fixed period of time with the intent to discontinue upon the expiration of the time period.

**Through Lot.** A lot that fronts on two or more streets, but not at the immediate intersection of those streets.

**Tree.** A woody plant with an expected mature height of 16 feet or more and possessing either a single trunk or multiple trunks. Trees are often described in subcategories by common attributes and the functions they serve, such as: accent tree or shade tree.

**Tree, Accent.** An understory tree planted primarily for its aesthetic value and as a landscape focal point, as opposed to its function of shading or screening even though it may perform all three functions.

**Tree, Shade.** Typically a deciduous tree, but also may include coniferous trees with spreading canopies such as pine species native to Florida.

**Truck Maintenance/Fueling.** A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

## U

**Urban Arterial Street.** A route providing service to an urban area that is relatively continuous and of higher traffic volume. Urban arterials are characterized by slower traffic speeds with pedestrian infrastructure, such as sidewalks and multimodal paths.

**Urban Housing.** Housing types typically found in urban areas, including, but not limited to upper story apartments, townhomes, rowhouses, mid-rise apartments, and multiplex buildings.

**Usable Floor Area (UFA).** All usable areas located within a structure, excluding any floor area used for incidental service, storage, mechanical equipment rooms, restrooms, parking areas (such as garages) and other similar areas. Where these areas have not yet been designated, UFA must be considered to be 85% of the gross floor area.

**Use, Accessory.** The term applied to a use that:

1. Is subordinate to and serves a primary use;
2. Is subordinate in area, extent, and purpose to the primary use served;
3. Contributes to the comfort, convenience or necessities of the users or occupants of the primary use; and
4. Is located on the same lot as the primary use, provided such use is in keeping with the purpose and intent of the District in which it is located.

**Use, Primary.** The most dominant use on a lot or parcel.

**Use, Temporary.** A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Utility Plant/Substation.** A building, structure, or property used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

## V

**Vet Clinic.** A place designed or prepared to provide medical attention to or care for dogs, cats, and other pets in return for compensation, but do not contain any outdoor kennels for boarding animal containment.

## W

**Wall, Decorative.** A wall that is made of 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 of use in the industry.

**Warehouse.** Establishments that ship, store, 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.

**Warrant.** A ruling made by the Code Administrator that is not consistent with a specific provision of the DPH FBC, but is justified by the overall intent of the DPH FBC.

**Workshop/Arts.** Establishments that typically produce high-quality or distinctive products generally in small quantities, usually by hand or using traditional methods. Examples include, but are not limited to, glass blowing, jewelry making, woodworking, baking and traditional food product making.

## X

## Y

**Yard, Front.** The horizontal space between the nearest wall of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that wall to the front lot line.

**Yard, Side/Rear.** The horizontal space between the nearest wall of a building to the rear or side property line.

## Z

**SECTIONS 138-4631 - 138-4699. - RESERVED**



**DPH FBC**

