



## **Land Development Code Update Workgroup**

### **AGENDA**

**Thursday, January 16, 2014**

**1:00 PM – 3:00 PM**

**Pinellas County Planning & Development Services**

**310 Court Street, Clearwater, Florida 33756 ~ (727) 464-8200**

**Conference Room – 1<sup>st</sup> Floor**

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- 1. Call to Order**
- 2. Review December 19<sup>th</sup> meeting summary**
- 3. Follow-up items from last meeting**
- 4. Continue discussion of the table of uses matrix**
- 5. Discuss supplemental standards for specific uses**
- 6. Confirm next meeting date**

**Pinellas County Land Development Code Update Workgroup  
December 19, 2013 Meeting Summary**

**Pinellas County Land Development Code Update Workgroup**  
**Thursday, December 19, 2013 Meeting Results**

**Agenda Item #1: Call to order**

- The meeting officially started at 1:15 pm
- Those present included members of the public: Steve Englehardt, Mathew Poling, Tom Shelly, Robert Pergolizzi, Jim White, Deborah Martohue, Jake Stowers, Jim Millspaugh, and Michael Hendry; County staff: Marcella Faucette, Liz Freeman, Marcel Mohseni, David Sadowsky, Gordon Beardslee, Rick MacAulay, Cindy Margiotta, John Cueva, Al Navaroli, Ryan Brinson, and Glenn Bailey; consultant: Ryan Givens.

**Agenda Item #2: Review October 2 meeting summary**

- The workgroup agreed that the summary accurately reflects the previous meeting.

**Agenda Item #3: Review and discuss changes from last meeting**

- Ryan Givens covered proposed changes based on discussions from the last meeting.

**Development Review Committee**

- Ryan began by discussing the changes that occurred since last meeting and asked if there were any follow-up or outstanding questions that needed clarification.
- Mr. Englehardt asked if variances associated with Level 2 or 3 uses could obtain approvals at the staff level. Ryan mentioned that approvals for Level 2 or 3 can only be granted by the corresponding review board (LPA for Level 2, BCC for Level 3).
- Mathew Poling questioned if the site plan should be approved before the use does. Ms. Martohue, suggested that Section 138-177-Powers (a) *site plan approvals*, be rephrased to read that all site plans relating to Level 2 and 3 uses are also approved by the committee, after the use has received approvals by the corresponding review board (LPA for Level 2, BCC for Level 3).
- Ryan mentioned that staff will rephrase Section 138-177-Powers and will bring back the revisions next meeting for the group's consideration.
- Ryan also mentioned that the title for the LPA would be changed to the Community Development Board; however the name and there responsibilities are not finalized and could possibly change in the near future.

## **Zoning Districts**

### **Residential Districts**

- Overall, Ryan explained that the majority of the proposed changes to the Residential Districts were minor and the section is almost done.
- Tables and text referencing the Local Planning Agency was changed to the Community Development Board.
- Regarding Section 138-396(c) on page 36, Mr. Pergolizzi questioned if staff would consider future planned roadway widths in the methodology criteria and also wanted to know why certain sections of 113<sup>th</sup>, Belcher, and Starkey Road were not listed as exempted roadways since they are roadways in the unincorporated that are arterials with six-lanes. The group agreed that future right-of-way and planned road improvements should be taken into consideration. Ryan suggested that this be modified to reference all existing or planned projects scheduled in the Comprehensive Plan (i.e. Transportation Element) should be exempt from the building orientation standard.
- The discussion on the Residential Districts was then finalized with Ryan stating that the group can also revisit the future right-of-way consideration in more detail in the Procedures Section of the Code when the time comes.

### **Office, Commercial, Industrial and Mixed-Use Districts**

- Ryan covered the changes from last meeting regarding Section 138-750 (on page 17 and 19) regarding internal pedestrian/vehicle connections and the new language ‘at logical locations’. Ryan explained that the new language puts the onus on the applicant and provides flexibility to staff in determining case by case if a variance should be granted to these standards. The workgroup agreed that the new language was appropriate.
- Similar to the Residential Districts, tables and text referencing the Local Planning Agency was changed to the Community Development Board.
- The discussion on the non-residential districts was then finalized.

## **Agenda Item #4: Table of Uses/Definitions**

- With the remaining time, Ryan covered the Table of Uses Matrix. Ryan mentioned that the Matrix reflects the discussed changes from previous meeting and that the light grey faded uses have been consolidated into another use while the ones in red were modified.
  - Ms. Martohue suggested that the dwelling types such as condominiums, townhomes, apartments and villas be removed from the Dwelling, Multi-family use definition. Also, she suggested that in the Multi-family definition that a distinction

should be made that the building configuration should be stacked, having common horizontal and vertical walls.

- Ms. Martohue also suggested that the Alcohol Dispensing On-Premise Consumption should not be a Level 1 use in the RPD. Ryan and Glen mentioned that her concerns will be handled in the supplemental use section since the intent is for clubhouses and restaurants. Staff and the workgroup agreed that the definition should not be modified and that the Level 1 would remain. Ryan also pointed out that Golf Course and accessory structures should be a Level 1 use in the RPD and not a Level 2. The workgroup agreed with his suggestion.
- It was agreed that Car Wash and Detailing remain a Level 1 use in RPD and the supplemental use standards would mitigate any residential impacts.
- It was also agreed that Drive Thru Facilities or Uses with a Drive Thru should be a Level 1 use (not a 2) in the CR and IPD Districts.
- Glenn suggested removing the columns dealing with OPH-D, AL, PC, PRM, RBR, and FBR Districts from the Matrix, for consolidation purposes.
- John mentioned that Nursery/Greenhouse, Retail use in A-E should be Wholesale not Retail. John mentioned that under the current code that Nursery/Greenhouse, Wholesale is a conditional use and that Retail could impact the character of these low density residential areas. A decision was not made on whether the Level should change from a 3 to a 2, and will be revisited at a future meeting.
- Cindy Margiotta mentioned concerns over large box retail (80,000 sq. ft over) being allowed in M-1 and M-2 and the impacts this could cause to remaining developable industrial lands. Gordon said that he wanted to further the discussion in the near future.
- Ryan mentioned that the Retail Sales and Service uses were broken out into four categories by building sizes and that the intent is not to limit a building foot print but for individual tenant spaces. The question was raised about a mall and the mixed of tenants and Ryan agreed that this would need to be looked at in more detail at a later time.
- Mathew Poling mentioned that for Retail Sales and Service uses less than 5,000 sq. ft and for 5,000 to 19,000 sq. ft, that those uses should be a level 1 in the RPD District not a Level 2.
- Mathew also mentioned that Retail Sales and Service uses 80,000 or greater should not be allowed in C-1 and that Retail Sales and Service uses 20,000 to 79,999 sq. ft. should be a Level 2, not a Level 1.
- Staff will revisit the School definitions (Public and Private) and level of review, since there is already established School Sitting Criteria and a process that is in place.

**Agenda Item #5: Confirm next meeting**

- Meeting date and time was not confirmed and an email would be sent out to poll the group.
- Proposed topics of discussion at the next meeting will be (1) continued discussion of the table of uses/definitions, and (2) begin to look at specific use standards.
- The meeting adjourned at 3:00 pm.

**Chapter 138 – Proposed DRC and  
Residential District changes ONLY  
DRAFT 1-8-2014**

## CHAPTER 138 – ZONING

### ARTICLE II. ADMINISTRATION AND ENFORCEMENT

#### DIVISION 2. DEVELOPMENT REVIEW COMMITTEE

##### Sec. 138-177. – Powers.

- (a) *Site plan approvals.* The committee shall have the authority to grant site plan approvals as set forth in division 5 of this article. ~~This power is limited to Level 1 uses.~~
- (b) *Minor Variances.* The committee shall have the authority to grant minor variances concurrently with site plan approvals as set forth in section 138-55.
- (c) *Design Criteria Variances.* The committee shall have the authority to grant variances to design criteria as set forth in chapter 138. ~~This power is limited to Level 1 uses.~~
- (d) *Time extensions.* The committee shall have the authority to grant time extensions to ~~Level 4~~ site plans, minor variances, and design criteria variances as set forth in subsection 138-55.
- (e) *Development master plans.* The committee shall have the authority to grant development master plan approvals as set forth in chapter 138. The committee may approve the overall development master plan design and Level 1 uses.
- (f) *Adoption of procedural rules.* The committee shall have the authority to adopt rules of procedure.
- (g) *Other authority.* The committee shall have authority to review and decide on such other matters as provided by this code or as may be assigned by the board of county commissioners from time to time.

##### Sec. 138-178. – Criteria for granting approvals.

- (a) *Site plans.* The criteria for granting site plan approval are that the site plan meets the requirements of this code and the comprehensive plan.
- (b) *Minor Variances.* The committee may grant minor variances as defined and limited in section 138-55. Minor variances are subject to the criteria for granting of variances of section 138-58.
- (c) *Design criteria variances.* Design criteria variances are subject to the criteria for granting of variances of section 138-58.
- (d) *Time extensions.* The criterion for granting a time extension to a ~~Level 4~~ site plan, minor variance, and/or design criteria variance is that the applicant has shown good cause for the extension.
- (e) *Development master plans.* The criterion for granting development master plan approval is that the development master plan or modification thereof meets the requirements of the applicable zoning district.

## ARTICLE IV. – RESIDENTIAL AND AGRICULTURAL DISTRICTS

### Sec. 138-396. – RM and RPD Districts – Residential Design Criteria

#### (b) Building Orientation and Design

- (1) Buildings should be located adjacent to roadways/streets to establish an urban form that is oriented to the pedestrian and provides walkway connections to transit stops, public sidewalks and the surrounding neighborhood.
  - a. Buildings shall occupy 50 percent of the site's street frontage(s).
  - b. Where a building is used to meet the minimum street frontage requirement, the following features may be developed/installed between a building and a primary roadway/street:
    1. Low Impact Development (LID) stormwater systems
    2. Open Space areas
    3. Pedestrian amenities
    4. Free-standing architectural elements
    5. Driveways
  - c. This standard does not apply to:
    1. Buildings located internal (set back from the street) to the development when a separate building(s) is located along the primary roadway/street which independently meets the standard.
    2. Single-family residential uses
    3. ~~Portions of the site located along the following roadways:~~
      - i. ~~US 19 and its service roads~~
      - ii. ~~Ulmerton Road~~
      - iii. ~~Gandy Boulevard~~
      - iv. ~~SR 580, east of US 19~~
      - v. ~~Curlew Road, east of US 19~~
      - vi. ~~Tampa Road, east of US 19~~
      - vii. ~~East Lake Road~~
      - viii. ~~Keystone Road west of East Lake Road~~
    3. Portions of the site located along a roadway that has six or more travel through lanes or is planned to have six or more travel through lanes as identified by the Metropolitan Planning Organization's Long-Range Transportation Plan.

(e) Parking Lots and Parking Structures

(1) Parking lot location shall be as follows:

a. Parking lots shall not be located between a front building façade and the primary roadway/street, ~~with the exception of developments located along the following roadways:~~

- ~~1. US 19 and its service roads~~
- ~~2. Ulmerton Road~~
- ~~3. Gandy Boulevard~~
- ~~4. SR 580, east of US 19~~
- ~~5. Curlew Road, east of US 19~~
- ~~6. Tampa Road, east of US 19~~
- ~~7. East Lake Road~~
- ~~8. Keystone Road west of East Lake Road~~

An exception is applied to portions of the site located along a roadway that has six or more travel through lanes or is planned to have six or more travel through lanes as identified by the Metropolitan Planning Organization's Long-Range Transportation Plan.

**ZONING DISTRICT MATRIX  
TABLE OF PERMITTED USES  
DRAFT 1-9-2014**

DUNELAS COUNTY QUALITY COMMUNITIES CODE  
TABLE OF PERMITTED USES (DRAFT 2014-01-09)

LEGEND: 1 = Administrative/Development Review Committee Review; 2 = Community Development Board Review; 3 = Board of County Commissioners Review; A = Accessory; Blank = use not allowed

Use	A-E: Agricultural/Estate Residential District	E-1: Estate Residential District	R-R: Rural Residential District	R-1: Single-family Residential District (9,500 sq. ft.)	R-2: Single-family Residential District (7,500 sq. ft.)	R-3: Single-family Residential District (6,000 sq. ft.)	RMH: Residential Mobile/Manufactured Home District	R-4: One, Two and Three-family Residential District	R-5: Single-Family Urban Residential District	RM: Residential, Multiple Family District	RPD: Residential Planned Development District	LO: Limited Office District	GO: General Professional Office District	C-1: Neighborhood Commercial District	C-2: General Retail Commercial and Limited Services District	CP: Commercial Parkway District	CR: Commercial Recreation District	M-1: Light Manufacturing and Industry District	M-2: Heavy Manufacturing and Industry District	WD: Warehouse District	IPD: Industrial Planned Development	MXD: Mixed-Use District	L: Limited Institutional District	PSP: Public/Semipublic District	Supplemental Use Standards (refer to specific Code section)	Definition			
<b>RESIDENTIAL USES</b>																													
Accessory Artist in Residence	A	A								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	Dwelling space that is accessory to a museum, gallery, art production facility or other art facility where an artist resides for a short period of time as a result of a relationship with the art facility involving a special exhibition, project oversight, educational endeavors, etc. No more than 10% of the gross floor area of any art facility shall be utilized for this use. This is not a dwelling unit, but an accessory use to assist with the artistic endeavor.		
Accessory Dwelling Unit	A	A	A	A	A	A		A	A	A	A														A	Y	A dwelling unit which is either detached or is a portion of space within a single-family dwelling which is intended to provide increased affordable housing opportunity pursuant to the county's affordable housing incentives plan adopted by the board of county commissioners (Resolution 94-60). It is intended that these be clearly accessory and incidental to the primary use of the property (single-family house).		
Accessory Dwelling Unit, Owner/Manager	A	A										A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	No more than one on-premises dwelling unit for occupancy by the owner, lessor, manager, watchman, or custodian in connection with the operation of any permitted or permissible use.		
Affordable Housing Development (AHD)	3	3	3	3	3	3	3	3	3	2	2			2	1	1				2	2	2	2	1		Y	A single-family detached housing development in which at least 20 percent of the units are affordable to households at 80 percent of median family income, or a multifamily development in which at least 20 percent of the units are affordable to households at 60 percent of median family income. See also definition of "affordable" in Section 134-2-1.		
Assisted Living Facility	2	2	2	2	2	2	2	2	2	2	2			2	1	1									1	Y	A licensed establishment providing 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. (See Chapter 429 F.S.)		
Community Residential Home, Category 1: 1 to 6 residents	1	1	1	1	1	1		1	1	1	1			2	2	1									1	Y	A dwelling unit licensed as a community residential home (See Chapter 419, F.S.), which provides a home for six (6) or fewer unrelated residents (as defined in Chapter 419, F.S.) who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.		
Community Residential Home, Category 2: 7 to 14 residents	2	2	2					2	2	1	1			2	2	1									2	Y	A dwelling unit licensed as a community residential home (See Chapter 419, F.S.), which provides a living environment for seven (7) to fourteen (14) unrelated residents (as defined in Chapter 419, F.S.) who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.		
Community Residential Home, Category 3: more than 14 residents	2	2						2	2	2	2			2	2	1									2	Y	A dwelling unit licensed as a community residential home (See Chapter 419, F.S.), which provides a living environment for more than 14 unrelated residents (as defined in Chapter 419, F.S.) who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.		
Dormitory	A/2	A/2						A/2	A/1	A/1			A	A/2	A/2	A/2	A/2	A/2	A/2	A/2	A/2	A/2	A/1	A	A	Y	A building or group of buildings designed to provide sleeping accommodations, but not individual cooking facilities, for unrelated persons who are registered students at a post secondary school on a seasonal or year-round basis, and is managed by the institution at which the students are registered.		
Dwelling, Live/Work	1	1	1	2	2	2	2	1	1	1	1			1	1	1		1	1	2	1	1				Y	An establishment that includes a dwelling unit and an area for nonresidential use by the residents. The nonresidential use must meet the requirements of the zoning district. The uses shall have shared connections and amenities. The nonresidential use may have employees.		
Dwelling, Multifamily and their customary accessory uses									2	1	1			2	2	1										2	1	Y	<a href="#">Four or more dwelling units, attached to each other by a stacking arrangement and with common vertical and horizontal walls.</a>
Dwelling, Single-family Attached (Townhouse) and their customary accessory uses								1	1	1	1			2	2	2									2	1	Y	A dwelling unit on a single lot or parcel attached to one or more one-family dwellings by a common vertical wall.	
Dwelling, Single-family Detached and their customary accessory uses	1	1	1	1	1	1	1	1	1	2	1					2									1		Y	A dwelling unit in a single structure, on a single lot, not attached to any other dwelling by any means.	
Dwelling, Single-family Zero Lot Line and their customary accessory uses				1	1	1		1	1	1	1					2									1		Y	A dwelling unit, on a lot, with a side setback reduced to zero.	
Dwelling, Three-family and their customary accessory uses								1	1	1	1			2	2	2									2	1	Y	Three dwelling units attached to each other by common vertical walls, or by stacking.	
Dwelling, Two-family and their customary accessory uses								1	1	1	1					2									1		Y	Two dwelling units attached by a common vertical wall, or by stacking.	
Marina																										1	3	Y	Need definition.
Mobile Home and their customary accessory uses							1																				Y	A dwelling unit constructed in a factory before June 15, 1976, or constructed after June 15, 1976 in compliance with the federal Manufactured Home Construction and Safety Standards (the HUD code) for manufactured homes. Mobile homes are not self-propelled.	
Mobile Home Park and their customary accessory uses							1																				Y	A place set aside and offered by a person or public body for the parking or accommodation of six or more mobile homes utilized for sleeping or eating for either direct or indirect remuneration to the owner, lessor or operator of such place.	
Mobile Home Subdivision and their customary accessory uses							1																				Y	A platted residential subdivision in which the dwelling units consist of mobile homes and accessory residential structures.	
Modern Manufactured Home	1	1	1	1	1	1	1	1	1	2	1														1		Y	A structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility after June 15, 1976, in one or more sections, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site. Also known as a "HUD-Code Home." This definition does not include recreational vehicle, mobile home or modular home.	
Storage, accessory										1	1															2		Y	Need definition.
<b>ACCOMMODATIONS</b>																													
Bed and Breakfast	2	2	2	2	2	2	2	2	2	2	1			1	1	1	1	3								2	1	Y	A building of a residential character other than a hotel, motel or other transient accommodation which provides daily overnight accommodation and morning meal service to transients in return for payment.

TABLE OF PERMITTED USES (DRAFT 2014-01-09)

LEGEND: 1 = Administrative/Development Review Committee Review; 2 = Community Development Board Review; 3 = Board of County Commissioners Review; A = Accessory; Blank = use not allowed

Use	A-E: Agricultural/Estate Residential District	E-1: Estate Residential District	R-R: Rural Residential District	R-1: Single-family Residential District (9,500 sq. ft.)	R-2: Single-family Residential District (7,500 sq. ft.)	R-3: Single-family Residential District (6,000 sq. ft.)	RMH: Residential Mobile/Manufactured Home District	R-4: One, Two and Three-family Residential District	R-5: Single-Family Urban Residential District	RM: Residential, Multiple Family District	RPD: Residential Planned Development District	LO: Limited Office District	GO: General Professional Office District	C-1: Neighborhood Commercial District	C-2: General Retail Commercial and Limited Services District	CP: Commercial Parkway District	CR: Commercial Recreation District	M-1: Light Manufacturing and Industry District	M-2: Heavy Manufacturing and Industry District	WD: Warehouse District	IPD: Industrial Planned Development	MXD: Mixed-use District	LI: Limited Institutional District	PSP: Public/Semipublic District	Supplemental Use Standards (refer to specific Code section)	Definition
Hotel / Motel										2	1			2	1	1	1	3			2	1			Y	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. (Source: Polk County)
Motel										2	1			2	1	1	1	3			2	1			Y	A structure containing sleeping accommodations in which transient guests are lodged for short stays consistent with F.S. 509.013(4)(a). These shall not be used for permanent housing and shall be licensed as motels by the Florida Department of Business Regulation or its successor agency.
<b>COMMERCIAL and OFFICE USES</b>																										
Alcohol - Wholesale Storage and Distribution															2	2		1	1	1	1					The wholesaling, storage and distribution of alcoholic beverages from an enclosed building.
Alcohol Dispensing - On-Premise Consumption										1			1	1	1	1	1			2	2	1			Y	An establishment used primarily for the serving of alcoholic beverages to the general public and where food or package alcoholic beverages may be served or sold only as accessory to the primary use such as bars, taverns, and lounges (Source: Polk County)
Alcohol Dispensing - Off-Premise Consumption										1			1	1	1	1	1			2	2	2	1			The retail sale of alcohol beverages not consumed on-site such as liquor stores or in conjunction with another retail use.
Bank										1	1	1	1	1	1	1		2	2	2	2	1			Y	Establishments providing financial services including check cashing, receiving, lending, and safeguarding of money and other valuable items.
Car Wash and Detailing										1			2	1	1		1	1	1	2	2				Y	Establishments providing full- or self-service washing and detailing for motor vehicles and domestic equipment. Retail sale of automotive products is permitted as an accessory use.
Catering Service / Food Service Contractor										2			2	1	1	2	1	1	1	1	1					Establishments providing prearranged on- or off-site meal preparation and delivery services for off-site consumption at a lawful principal use. This term shall not include Restaurants which may perform these activities.
Convenience Store with Fuel Pumps										2			1	1	1		2	2	2	2	2				Y	Establishments providing retail sale of groceries for off-premises consumption or both groceries and fuel. This use does not include an establishment that is primarily a restaurant, or motor vehicle service and repair or a business that has more than 10,000 square feet of retail floor space.
Convenience Store without Fuel Pumps	3									2	2		1	1	1	1	1	1	1	1	1				Y	
Dispensing Alcohol: Off-premise consumption										1			1	1	1	1	1			2	2	1			Y see Dispensing Alcohol	The dispensing of alcoholic beverages for off-premise consumption
Dispensing Alcohol: On-premise consumption										1			1	1	1	1	1			2	2	1			Y see Dispensing Alcohol	The dispensing of alcoholic beverages for on-premise consumption
Drive-Thru Facility or Use with a Drive-Thru										2	1	1	2	1	1	1	1	1	1	2	2	1	1		Y	An accessory use to a lawful business establishment, such as a fast food restaurant, designed to enable customers in parked vehicles to transact business with persons inside of the principal building, subject to the applicable use restrictions set forth in this Chapter.
Food Carts / Food Trucks										2	2	2	1	1	1	2	2	2	2	2	2	1	1	1	Y	A food truck is defined as a "licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately-owned lot where food items are sold to the general public". (Source: City of Raleigh)
Drug Store (fits under Retail Sales and Service)														4	4	4					3	4				Establishments providing retail sale of prescription or nonprescription drugs, as well as medical, healthcare and other personal products. Uses involving drive-thru facilities shall be subject to the applicable use restrictions.
Health Club/Fitness Center										2	1	2	2	1	1	1	1	2		2	1	1			Y	Establishments offering memberships to the general public for the use of exercise equipment, rooms, classes, and related services.
Home Occupation	A	A	A	A	A	A	A	A	A	A	A			A	A	A					A	A			Y	An accessory use in a residential area consisting of an occupation or activity performed entirely within a dwelling or authorized accessory structure. The home occupation is to be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
Kennel/Pet Care Indoor	3														1	1		2	2	2	1	2			Y	An establishment where domestic animals are bred, boarded, sold or treated for profit or public service, and housed indoors. This includes personal service functions for pets.
Kennel/Pet Care Outdoor	3																	2	2	2	2				Y	An establishment where domestic animals are bred, boarded, sold or treated for profit or public service, and housed outdoors. This includes personal service functions for pets.
Model Dwelling Units and Pre-construction Sales Offices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Y	A temporary office used to sell real estate in the associated development.
Motor Vehicle Sales															1	1		3	3	2	2	2			Y	Establishments engaged in selling and/or leasing of motor vehicles (included automobiles, boats, motorcycles, and similar vehicles)
Motor Vehicle Service and Repair															1	1		1	2	1	2	2			Y	Establishments providing service and repair of light-duty motor vehicles, boats and/or watercraft. Retail sale of gasoline or other fuel, car washes, and restaurants/cafes are permitted as accessory uses.
Nursery / Greenhouse, Retail	3	3									1			2	1	1		2	2	2	2	1				Establishments primarily engaged in retail sales of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell product grown on-site as long as more than 50% of inventory is not grown on site.
Office, General											1	1	1	1	1	1		1	1	1	1	1			Y	Establishments where persons conduct business or carry on stated occupations. The term includes administrative, business and professional offices (including mental health counseling or treatment), radio and television studios, and governmental offices. The term does not include medical or dental offices.
Office, Medical										2	1	1	1	1	1	1		2	2	2	1	1	1		Y	Establishments where persons perform routine medical or dental examinations, treatments and procedures as outpatient services.
Office, Temporary Labor (Day Labor)														2	1	1		1	1	1	1	2			Y	Establishments where prospective employees gather to seek temporary construction or industrial labor positions, or similar positions of temporary employment.

PINELLAS COUNTY QUALITY COMMUNITIES CODE

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Office, Veterinary										2	1	1	1	1	1	1		2	2	1	1	1			Y	Facility used by veterinarians to treat and examine animals, including accessory indoor boarding of animals. No outdoor kennels or animal runs are allowed.		
<del>Outdoor Sales, Accessory Use</del> (handle in the supplemental standards section of Retail Sales and Services)															A	A				A		A				N	<del>Areas of private property outside of completely enclosed buildings used to display goods for sale to the general public accessory to a lawful retail sales and service use.</del>	
<del>Outdoor Sales, Accessory Use Garden Oriented</del> (handle in the supplemental standards section of Retail Sales and Services)															A	A				A		A				Y	<del>Areas of private property outside of completely enclosed buildings used to display garden oriented goods for sale to the general public accessory to a lawful retail sales and service use.</del>	
Outdoor Sales, Permanent														2	1	1		2	2	1	2	2				Y	Establishments selling goods and/or garden material where the majority of the sales and display area exists outside of a completely enclosed building.	
Outdoor Sales, Garden Oriented														2	1	1		2	2	1	2	2				Y	Establishments selling primarily garden oriented goods where the majority of the sales and display area exists outside a completely enclosed building.	
<del>Outdoor Storage, Accessory, Commercial</del> (handle in the supplemental standards section of Retail Sales and Services)														A	A	A	2			A		A				N	<del>Areas of private property where materials and equipment are stored outside of a completely enclosed building in the same place for more than 24 hours, and where the outdoor storage use is accessory to a lawful principal commercial use. (See Use Specific Development Standards)</del>	
Pharmacy												1	A	A	1	1	1		2	2	2	2	1					Establishments providing retail sale of prescription or non-prescription drugs only.
Restaurant											1	A	A	1	1	1	1	2/A	A	A	2/A	1	2/A	2/A		Y	Establishments serving or selling food prepared on the premises, or beverages, which are generally intended for immediate on- or off-site consumption.	
Restaurant: Accessory Outdoor Area											A				A	A					3	A				Y	An unenclosed outdoor area for eating, drinking and socializing that is an accessory use to a 'Restaurant: Indoor,' but not a 'Sidewalk Café.' See also Dispensing Alcohol: On-premise Consumption.	
Retail Sales and Service - Less than 5,000 sf										2	2	1	2	2	1	1	1	1	1	1	1	1	1	1		Y	Establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the Table of Uses. Square footage limitation is based on individual tenant spaces. (Source Clearwater and Model Codes)	
Retail Sales and Service - 5,000 to 19,999 sf											2	1	3	3	1	1	1	2	A	A	1	2	1			Y	Establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the Table of Uses. Square footage limitation is based on individual tenant spaces. (Source Clearwater and Model Codes)	
Retail Sales and Service - 20,000 to 79,999 sf															1	1		A	A	1	2	1				Y	Establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the Table of Uses. Square footage limitation is based on individual tenant spaces. (Source Clearwater and Model Codes)	
Retail Sales and Service - 80,000 sf or greater															2	1	1		3	3	1	A	2			Y	Establishments operating in an enclosed building involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Does not include activities listed as separate and specific uses in the Table of Uses. Square footage limitation is based on individual tenant spaces. (Source Clearwater and Model Codes)	
Service and Repair														1	1	1	2	2	2	1	1	1				Y	Establishments for servicing, repairing, or installing tangible personal property or providing personal services including, but not limited to, the following: self service laundromat, dry cleaning operations, catering, services and repair of radios, televisions, computers and related equipment, and sound reproduction systems; locksmith shops; and small appliance service or repair shops.	
Service, Fleet-Based																		1	1	1	1							Establishments using one or more light commercial or fleet vehicles to provide primarily off-site/mobile services including, but not limited to, pest control, cable television, plumbing, irrigation, electrical, air conditioning, lawn care, mobile detailing, tree service, locksmith, taxi, and limousine services.
Service, Office											1	1	1	1	1	1	1	1	1	1	1	1	1			Y	Establishments providing support services for the operational needs of office uses including, but not limited to, shipping, facsimile transmission, copying and printing services, and the sale or rental of office supplies, equipment or furniture or combination thereof. The term does not include temporary labor offices. Any assembly, sale of merchandise, or conveyance of a product in support of an office support use shall be accessory, incidental, and secondary to such use.	
Service, Personal											1	A	A	1	1	1	1	1	1	1	1	1	1			Y	Establishments providing individual and personal service functions including, but not limited to, functions such as hair and beauty care facilities, nail and tanning salons, day spas, licensed massage establishments, dry cleaning and laundry service (collection and distribution only), shoe shine and repair, dressmaking, tailoring and garment repair shops. The term shall not include tattoo parlors or body piercing studios. Any assembly, sale of merchandise, or conveyance of a product in support of a personal service use shall be accessory, incidental, and secondary to such use.	
Sidewalk Café											1	A	A	1	1	1					2	1				Y	A use located on a sidewalk which is associated with a business establishment that serves or sells food including beverages. Sidewalk cafes are characterized by table and chairs and are neither enclosed or permanent in nature; with food a beverage preparation occurring inside the structure housing the associated principal use and brought to or carried by the customer to the sidewalk café.	
Studio and Gallery										2	1	1	1	1	1	1	2	2	2	2	2	2	1			Y	Establishments used for the production or teaching of art, writing, dance, theater, or similar endeavors of an artistic or creative nature, or sports and recreational endeavors such as martial arts and displaying works of art for retail sale.	
INDUSTRIAL, MANUFACTURING and WAREHOUSING USES																												
Battery Exchange Stations													1	1	1	1	1	1	1	1	1	1	1	1			A fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.	



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Club, Community Service and Fraternal	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	2	2	2	1	1	1	1		Any not-for-profit organization whose primary purpose is to provide a service which benefits the general public, such as labor and political organizations, business associations and professional membership organizations, and civic and not for profit clubs whose primary function is to provide social and humanitarian services to the community (i.e., Women's Club, League of Women Voters, Garden Club, Junior League, Jaycees, Kiwanis, Masons, Rotary Club, Shriners and others of a similar nature).
Commercial Recreation, Indoor	3										2			2	1	1	1	2	2	1	2	2	3	3	Y	Privately owned commercial facilities offering indoor athletic courts, swimming pools, skating rinks, skateboard or bicycle racing facilities, waterslides, batting and archery facilities, bowling alleys, amusement parks, entertainment venues including dance halls, and amusement facilities containing games or amusement devices.
Commercial Recreation, Outdoor	3										2	A	A		2	2	1	2	2	2	2	2	3	3	Y	Privately owned Commercial facilities offering outdoor athletic courts, swimming pools, skating rinks, skateboard or bicycle racing facilities, waterslides, golf driving ranges, batting and archery facilities, amusement parks, entertainment venues, and amusement facilities containing games or amusement devices.
Facility Based Recreation	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	2	3	3	3	2	2	2	2	Y	Publicly owned lands officially designated for facility based recreational uses, which usually require a built facility such as a playfield, court, horse stable, swimming pool, etc. to accommodate them. Uses may include softball, baseball, football, tennis, basketball, soccer, playgrounds, fitness activities, pool swimming, equestrian activities, spray parks/splash parks, skating, skate parks, bicycling/BMX facilities, community centers/social activities such as dance, recreational classes, special events, etc. These activities are not natural resource dependent, however all uses allowed in the RBR district are also allowed in the FBR district.
Golf Course and accessory structures	2	2	2	2	2	2	2	2	2	2	2	1				1					2	2	2	2	Y	Land developed and operated as a golf course including tees, fairways, and putting greens, clubhouses, practice greens, and driving ranges.
Movie Theater/Cinema											2			1	1	1	2				2	1	2	2		Establishments used for the showing of motion pictures. For the purpose of this definition, drive-in motion picture theaters are prohibited and adult theaters are regulated as adult uses.
Movie Theater/Cinema, Drive-In														2	2	2				2	2					An outdoor movie theater where patrons view movies or another form of entertainment on a screen or stage from their vehicles. Does not include adult theaters regulated as adult uses.
Museum/Cultural Facility													2	1	1	1	1				2	1	1	1		Establishments for the preservation and public exhibition of objects and places of historical, cultural, or educational value, including historical sites, zoos, and similar uses.
Natural Resources and Wildlife Management Uses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Activities related to the protection, enhancement and interpretation of natural resources.
Parks and Recreation areas - Passive	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Park - area of land set aside for public use with few or no buildings maintained for recreational and/or ornamental purposes. Playground - outdoor area provided for children to play on, especially at a school or park. Such a facility is typified by the placement of various pieces of equipment such as swings and slides. Passive - Outdoor leisure activities that are low vehicle trip generators, and have a low potential for nuisance to adjacent properties due to noise, light, glare, or odor. Examples, include, but are not limited to parks, walking, jogging, hiking, and bicycle paths/trails. (Source: Polk County FL)
Parks and Recreation areas - Active High Intensity	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	Y	Active High Intensity - Areas for public and private active outdoor recreational activities that may have higher trip generations than low intensity uses, or have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples of such uses include, but are not limited to, golf driving ranges, motor-cross tracks, rodeo venues, and stadiums seating in excess of 500 people. (Source: Polk County FL)
Parks and Recreation areas - Active Low Intensity	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Active Low Intensity - Areas for public and private passive outdoor recreational activities. Typical uses include, but are not limited to, parks, playgrounds, and walking, jogging, hiking, and bicycle paths/trails. (Source: Polk County FL)
Performing Arts Venue											2	2	2	1	1	1	1				2	1	1	1		Establishments used for the enactment of live performances. Dinner theaters are regulated as restaurants and adult theaters are regulated as adult uses.
Recreation Use, Accessory to Residential Use	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		Accessory not for profit private facilities, including swimming pools, athletic courts, playgrounds, clubhouses, etc. exclusively for the benefit of residents and their guests in adjoining areas.
Resource Based Recreation	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Publicly owned lands officially designated for resource based recreational use by the general public. Uses may include picnicking/picnic shelters, low-impact camping and accessory uses, environmental education, wildlife viewing/observation decks and towers, horseback riding on trails, fishing/fishing piers, hiking on trails, boardwalks, saltwater beach activities including bath houses, boating/boat ramps, canoeing and kayaking/canoe and kayak launch areas, playgrounds, historical/cultural interpretation and activities, bike riding, dog parks, non-organized field sports, community gardens, concessions, restrooms, special events that are not facility dependent, maintenance activities and facilities, accessory dwellings, and natural resource management activities, including surface water management facilities.
Shooting Range/Gun Club - indoor	2														1	1	1	2	2	1	1	2	2	2	Y	Enclosed firing range with targets for rifle or handgun practice.
<b>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE and INSTITUTIONAL USES</b>																										
Birth Center											2		1	1	1	1					2	1	1	1		Establishments with no more than six beds providing inpatient and outpatient services related to prenatal, labor, delivery, postpartum and other related medical care, under the guidance and supervision of active practitioners of obstetrics, as licensed by the State of Florida.
Cemetery	2	2	3	3	3	3	3	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	Y	Land used or intended to be used for the permanent interment of human 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. (Florida Statutes, s. 497.005) This type of use is not permitted on individual residential lots.
Cemetery, Accessory to a House of Worship	2	2	3	3	3	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	Y See Cemetery	A cemetery which is located on the same premises as a lawful House of Worship with a site area less than that of the primary use.
Congregate care facility									2	2	2										3	2			Y	a type of housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities. (Source: Dictionary.com)

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Correctional Facilities																				3	3		3	3		Building, use or structure, owned or occupied by a federal, state or local government agency, for the purposes of long and short-term and/or permanent housing for persons who are serving terms of imprisonment for violations of criminal laws and/or who are participating in work release programs and/or who have previously served and completed terms of imprisonment for violations of criminal laws.	
Crematorium																			1	1	2	2		2	2	✗	Establishments offering cremation of cadavers. "Cremation" includes any mechanical or thermal process whereby a dead body is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby remains are pulverized, burned, recremented, or otherwise further reduced in size or quantity. (Florida Statutes, s. 497.005)
Day Care Center, adult	2	2	2	2	2	2	2	2	2	2	2		1	1	1	1	2				2	1	1	1	Y	As defined by Florida law, an establishment which provides through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. (See Chapter 429 F.S.)	
Day Care Facility, child and/or adult	2	2	2	2	2	2	2	2	2	2	2	1 \ 2	1 \ 2	1 \ 2	1	1	2	2	2	2	2	1	1	1	Y	Any children's center, day nursery, nursery school, kindergarten, or family day care home as defined by Florida law and any children's day care center or child foster home for more than five foster children in a residential or mixed use zoning district which holds a business tax receipt and certificate of occupancy for the premises. This category includes a children's day care center which is any place that provides care for five or more children unrelated to the operator on a daily or less frequent basis, but not as a place of residence. This definition does not include any center under the jurisdiction of the state board of education or any nonpublic academic school for children first grade or above (see Chapter 61-2681, Laws of Florida, as amended). (See Use Specific Development Standards) Limit Size in some districts Up to 10,000 sf and 10,000	
Day Care, Family	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		An occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age: (a) A maximum of four children from birth to 12 months of age. (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children. (c) A maximum of six preschool children if all are older than 12 months of age. (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age. Source: Florida Statutes
Environmental Education Facilities	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1		Structures or uses of land for environmental education purposes on public lands.
Funeral Home / Mortuary	3	3											1	1	1	1					2	2					Establishments primarily engaged in preparing human cadavers for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation, selling caskets and related merchandise), includes accessory cremation services.
Government Building or Use	3	3	3	3	3	3		3	3	3	3		1	1	1	1	1	2	2	2	2	1	1	1	Y	Offices and other facilities such as city halls, courts, and similar buildings and structures used for administrative, legislative and judicial governmental functions. This does not include correctional facilities or schools.	
Hospital	3													2	1	1					2	2	2	1	Y	Establishments providing medical, diagnostic, and treatment services including physician, nursing, specialized accommodations, and other health services to inpatients. Hospitals may also provide outpatient services as an accessory use.	
Library	3	3	3	3	3	3	3	3	3	3	2	2	2	1	1	1	2	2	2	2	2	1	1	1		Establishments that acquire, research, store, preserve and otherwise maintain collections of books, journals, newspapers, audiovisual recordings, photographs, maps, historic documents, and similar materials for information, research, education, or recreation needs of users.	
Medical Clinic	3	3									2	2	2	1	1	1	2	2	2	2	2	1	1	1	Y		
Meeting Hall and other Community Assembly Facility	2	2	2	2	2	2	2	2	2	2	1	2	2	1 \ 2	1	1	1	2	2	2	2	1	1	1	Y	Establishments that provide shelter for public gatherings and communal activities, or other assembly structures, including community halls, reception halls, wedding halls, and similar structures that provide a gathering place for community functions. This does not include government offices, or club, community service and fraternal uses. Limited in size in some districts.	
Nursing Home	3	3						3	3	2	2			2	1	1					3	1	1	1	Y	An establishment that provides, for a period exceeding 24-hours, nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.	
Place of Worship	2	2	2	2	2	2	2	2	2	2	2		1 \ 2	1 \ 2	1	1	2				2	1	1	1	Y	A site used primarily or exclusively for religious worship and related activities. (See Use Specific Development Standards) Limited in size in some districts	
Probation / Parole Correction Office														2	1	1					2	1		1		A government or non-governmental office use which supervises, case manages, oversees or regulates persons who come to the office who are under court ordered supervision from the federal or state (including county) court system. These uses shall not be considered an "office" or "governmental use."	
School, grades Pre-K thru 8	2	2	2	2	2	2	2	2	2	2	2		1	1	1	1	2				2	1	1	1	Y	Elementary schools, special education facilities, alternative education facilities, and middle schools operated by a private or private entity.	
School, grades 9 thru 12	2	2	2	2	2	2	2	2	2	2	2		1	1	1	1	2	3	3	3	2	1	1	1	Y	High schools operated by a private or private entity. (Note: private trade schools are classified under School, All Others) Anything to add?	
School, Public, grades Pre-K thru 8 (Governmental)	1	1	1	1	1	1	1	1	1	1	1		1	1	1	1	2				2	1	1	1	Y	Elementary schools, special education facilities, alternative education facilities, middle schools, and area vocational-technical schools operated by the Pinellas County School District. This definition shall include charter schools. Anything to add?	
School, Public, grades 9 thru 12 (Governmental)	1	1	1	1	1	1	1	1	1	1	1		1	1	1	1	2	3	3	3	2	1	1	1	Y	High schools operated by the Pinellas County School District. Anything to add?	
School, Post-Secondary	3										2	2	1	1	1	1	2	2	2	2	2	1	1	1		Junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training.	



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Utilities, Class I	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Transmission lines, whether subterranean or overhead; including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; effluent disposal systems; cable television and telephone transmission lines; or similar utility lines. (Source Polk County Code)
Utilities, Class II	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, and other similar utilities. (Source Polk County Code)
Utilities, Class III	3	3	3	3	3	3	3	3	3	3	3	2	2	2	2	2	2	2	1	2	1	2	2	2	Y	Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non accessory ground storage tanks, or similar facilities. This definition does not include electric power plants and lime stabilization facilities. (Source Polk County Code)
Water Recapture Systems	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Water and Wastewater Support Facilities	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Need definition.
Water and Wastewater Treatment and Storage Facilities																		3	3	3	3		3	3	Y	Need definition.
Wind Energy Conservation System (WECS), Medium Scale	3	3	3											3	3	3	3	1	1	1	2	3	3	3		An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill or wind turbine. Medium Scale WECS are those WECS rated 61 kW to 100 kW. (Source: Hillsborough County)
Wind Energy Conservation System (WECS), Small Scale	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	Y	An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill or wind turbine. Small Scale WECS are those WECS rated 60 kW or less. (Source: Hillsborough County)
<b>AGRICULTURAL USES</b>																										
Agricultural Activities, Commercial Use (need to re-visit)	1	2	2																						Y	Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land (Source: Polk County and Various Model Codes)
Agricultural Activities, Personal Use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	Includes utilization of land to raise, harvest, or sell crops; feed, breed, and manage livestock, poultry, honeybees, or their produce; dairy products; or any other agricultural or horticultural activity that is for personal use. (Source: Polk County and Various Model Codes)
Community Gardens	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	An activity on property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment, for the consumption and enjoyment of friends and relatives and/or donation to a not-for-profit organization, generally on a not-for-profit basis.
Nursery / Greenhouse, Wholesale	2	3	3											2	2	2	2	1	1	1	1					Establishments primarily engaged in wholesale sales of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are either grown on site or elsewhere.
Urban Agriculture (need to re-visit)																										
<b>OTHER USES</b>																										
Excavation Pits and Quarries, in excess of 1,000 cubic yards	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	2	2	2	2	3	3	3	Y	The removal of 1,000 cubic yards or more of earth material for purposes other than that incidental to and on the site of construction authorized by site plan approval. This shall include land balancing other than that incidental to and on the site of construction authorized by site plan approval.
Land Fills of More than 1,000 Cubic Yards	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	Y	An addition of 1,000 cubic yards or more of earth, topsoil, sand, gravel, or rock to any lot or parcel other than that incidental to and on the site of construction authorized by site plan approval. This shall include land balancing other than that incidental to and on the site of construction authorized by site plan approval. This shall not include any solid waste landfills.
Land Fills or Excavations of Less than 1,000 Cubic Yards	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Y	Any landfill or excavation which is more than five cubic yards but less than 1,000 cubic yards.

**Chapter 138 – Article VII Specific Use Standards  
DRAFT 1-9-2014**

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# CHAPTER 138 – ZONING

## ARTICLE VII – SPECIFIC USE STANDARDS

### DIVISION 1. – GENERALLY

#### Sec. 138-1200. - Purpose

The Specific Use Standards listed for individual land uses in Article VII are intended to be developed and implemented to ensure such uses are compatible with zoning districts and the intended surrounding character.

#### Sec. 138-1201. - Applicability

These Specific Use Standards apply to individual uses and may differ from the development standards established for other uses in the same zoning district. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a specific use differs from that of the underlying district, the specific use standards shall apply.

### DIVISION 2. – RESIDENTIAL USES

#### Sec. 138-1210. - Accessory Dwelling Units

- (a) *Purpose* - Accessory dwelling units are intended to provide additional housing that is incidental to a primary use while ensuring that the intended district character is protected. Accessory dwelling units are intended to provide guest housing, security residence, and/or affordable housing options.
- (b) *Applicability* - The provisions of this section shall apply to the establishment of a new accessory dwelling unit and expansion of any existing accessory dwelling unit.
- (c) *Standards*
  - (1) In Residential Districts, accessory apartments, garage apartments, and guest houses may be permitted as accessory uses to single-family detached homes in all residential districts subject to the applicable district regulations and the following requirements:
    - a. No more than one accessory apartment, garage apartment, or guest house may be permitted on any single-family residential lot or parcel.
    - b. An accessory dwelling use shall be subordinate to the principal use as to location, height, square footage, and building coverage.
    - c. Mobile homes shall not be permitted to be used as guest houses.
    - d. Accessory dwelling uses shall be permitted subject to a Level 1 Review.
  - (2) In Nonresidential Districts, one accessory dwelling unit for an owner or employee (i.e., a caretaker, night watchman, guard, manager, etc.) may be permitted as an accessory use to a commercial or industrial activity, provided that such residential use is limited to one dwelling unit per parcel of land. Such a dwelling unit shall not cause the maximum lot coverage to be exceeded.
  - (3) Accessory dwelling units are exempt from district density limitations.

#### Sec. 138-1211. - Affordable Housing Development (AHD)

- (a) *Purpose* - The purpose and intent of this section is to provide a permitting procedure for the construction of affordable housing in keeping with the affordable housing incentive plan (Resolution 94-60) adopted by the board of county commissioners pursuant to the state housing initiatives partnership (SHIP) program pursuant to F.S. § 420.9072. This section

will describe procedure and criteria for the certification of affordable housing developments (AHD's), describe the package of incentives which may be made available to developers of AHDs and provide a review process for the approval of AHDs. This section may also provide reference to other county ordinances and regulations effecting the development of AHDs.

- (b) *Applicability* - The specific use standards shall be applicable the development, expansion, and operation of AHDs.
- (c) *Incentives* - The following incentives may be made available to encourage the provision of affordable housing:
  - (1) *Expedited permit processing.* The county administrator shall provide a review process which gives AHDs priority in the permit review process. A two-week turn-around time shall be the desired goal for the processing of a site plan for such development. To assist in achieving this goal a pre-application meeting will be required between the applicant and county site plan review staff. The development review administrator will serve as an ombudsman to assist the applicant in achieving an expeditious review.
  - (2) *Impact and other review fees may be waived or paid by the county.* The county administrator is authorized to waive all fees for affordable housing units, except where "bond covenants" (i.e. on water, sewer connection fees) or other legal constrains prevent such waiving. Subsidies for payment of fees may be provided in the form of deferred payment or low interest loans. The department of community development shall administer a program to assist the applicant subject to available funds.
  - (3) A density bonus of up to 50 percent above the normal density permitted. Bonus shall be subject to compatibility with the surrounding natural and physical environment, site constrains, concurrency management requirements and shall be in keeping with the purpose and intent of this chapter. Density bonuses shall obtain Level 3 approval in Single-Family Zoning Districts and Level 2 approval is all other districts where AHDs are allowed.
  - (4) Parking requirements may be reduced where it can be shown that such reduction will be compatible with the surrounding neighborhood and not cause an adverse impact to the neighborhood. Parking reductions shall obtain Level 3 approval in Single-Family Zoning Districts and Level 2 approval is all other districts where AHDs are allowed.
  - (5) Setback requirements may be reduced up to 25 percent provided such reductions are not permitted for structures along the periphery of the AHD. Setback reductions along the periphery and/or interior setback reduction in excess of 25% shall obtain Level 3 approval in Single-Family Zoning Districts and Level 2 approval is all other districts where AHDs are allowed.
  - (6) Zero lot line configurations will be permitted in all single-family residential districts as follows:
    - a. Zero lot line configuration when not located on the periphery of the AHD may be permitted provided no setback is required on one side of the lot and the setback on the opposite side is double on one side of the lot and the setback on the opposite side is double the normal requirement of the district in which the AHD is located.

- b. Zero lot line configuration proposed on the periphery of an AHD where located in a single-family residential district may be permitted according to Level 3 approval.
- (7) *Street design.* Modifications in street layout and design may be permitted subject to site constraints, type and intensity of development, and compatibility with surrounding development. The county public works director or his designee may recommend such modifications as deemed appropriate to achieve the intent of this section. However, such recommendation will be in keeping with standard, safe engineering practice and construction standards generally shall not be modified.
  - (8) *Donation of publicly owned land.* County ordinance 88-47 currently permits donations of escheated property to nonprofit organization. Using state or federal housing funds, the county may also make deferred payment or low-interest loans to both nonprofits and for-profits for the purchase of property when the use meets the requirements of the funding source.
  - (9) Accessory units will be permitted in all areas permitting single-family homes, as accessory uses, subject to the Specific Use Standards for accessory dwelling units.
  - (10) *Identifying qualified buyers or renters.* Existing sources will be identified and made available to AHDs to provide assistance in locating a qualified pool of home buyers and renters for the affordable units. The department of community development will make this information available.
  - (11) *Affordable housing development.* Up to ten units per acre shall be permitted in commercial zoning districts provided all development standards of the zoning district are adhered to. Where residential development is provided as upper floors above commercial uses, the allowable floor area permitted for the commercial use shall not be reduced. (This provision shall not become effective until appropriate amendments to the county's comprehensive plan become effective.)
- (d) *Procedure for obtaining approval of affordable housing developments.*
    - (1) The applicant's first step in obtaining approval for an affordable housing development will be to schedule a meeting with the department of community development to determine if the AHD proposal meets the definitional criteria of affordable housing. Such criteria shall be contained in a manual prepared by the department of community development and adopted by resolution of the board of county commissioners. If the department of community development determines that the AHD proposal meets these criteria and the applicant is not requesting a density bonus, reduced parking, setback reductions for structures along the perimeter of the AHD, or zero lot line configurations along the perimeter of the project, the department of community development will assist the applicant in seeking fee waiver, subsidies, expedited plan review and other incentives available to promote the construction of affordable housing.
    - (2) Where the department of community development finds that the AHD proposal meets the definitional criteria AND the applicant seeks density bonus, and/or development standard flexibility, the project shall obtain Level 3 approval in Single-Family Zoning Districts and Level 2 approval in all other districts where AHDs are allowed. The county administrator is directed to waive the fee for these applications and to insure that the request is scheduled for the first available public hearing provided required notice of public hearing can be given.

- (e) Affordable housing developments, that are not being requested in conjunction with an application for a change in land use and/or zoning, or a conditional use, where a density bonus, reduction of required parking, reduction of setback requirements, or zero lot line configurations along the perimeter of the development in single-family districts are requested,
- (1) A residential density bonus may be granted up to 50 percent of the existing allowable density as an incentive to provide increased opportunity for affordable housing. Any such bonus shall only be granted in a manner which does not negatively impact the surrounding neighborhood or the natural environment. To achieve this incentive in single-family districts the board is authorized to permit a reduction in the required lot size by up to 30 percent. However, lot sizes should be controlled on periphery lots adjacent to single-family districts to maintain neighborhood compatibility. Periphery lots may be reduced in size no more than ten percent of the existing required lot size. No density bonus shall be granted when such development does not comply with the county's concurrency management ordinance.
  - (2) Setback reductions may be granted when the applicant can demonstrate such reductions would provide cost savings (i.e. reduced front setbacks thereby reducing paving, concrete and walkways, and the length of water and sewer connections.) Setback reductions should not be considered on the periphery of the development except in such a manner that provides compatibility with neighboring properties.
  - (3) Parking requirements may be reduced when it can be shown that such reductions will not adversely impact the neighborhood and that the type of development does not need the number of parking spaces normally required by this chapter.
  - (4) Zero lot line configurations may be approved in all single-family districts. No zero lot line setback may be approved when it abuts adjacent property which is not a part of the AHD. Zero lot line configurations shall provide no setback on one side of the lot and double the side yard setback requirement of the district on the other unless reduced in accordance with provision subsection (b) above. Lot size requirements of this chapter may be reduced up to 30 percent of the minimum size required for the district in which located.

**Sec. 138-1212. - Assisted Living Facility**

- (a) *Purpose* - Assisted Living Facilities (ALF) are residential communities where a person lives in an apartment-like setting where various levels of services are provided to assist in their daily needs. ALFs shall be developed and operated in a manner that is compatible with the surrounding neighborhood and connected to nearby services. It is intended to create a living environment that is easily accessible for pedestrians and persons with impaired mobility.
- (b) *Applicability* - The provisions of this section are applicable to all new, existing, and expanding Assisted Living Facilities.
- (c) *Standards*
- (1) In Single-Family Districts, parking lots shall not be located between front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site. This shall not apply to residential driveways commonly associated with single-family homes.
  - (2) A designated pedestrian pathway shall be provided between the main building entrance the nearest adjacent street.

- (3) Facilities shall be developed with at least 15 percent of the site area to be reserved and/or improved as common open space.
  - a. This open space area may be combined with other open space requirements of the zoning district.
  - b. Common open space areas may be planned as outdoor recreation, tree grove reserves, play grounds, turf play fields, swimming pools, or any other similar amenity. Heavily landscaped and/or non-accessible areas shall not be counted toward the required common open space.

**Sec. 138-1213. - Community Residential Home**

- (a) *Purpose* - Community Residential Homes shall provide for safe housing for those who require their service while ensuring compatibility to the surrounding neighborhood. Community Residential Homes should closely resemble a typical residential unit as oppose to a commercial or institutional building.
- (b) *Applicability* - The specific use standards shall apply to all new, existing, and expanding Community Residential Homes and their accessory structures.
- (c) *Standards*
  - (1) Community Residential Homes shall not be located within the following distances from other Community Residential Homes: 1,000 feet for Category 1 and 1,200 feet for Category 2 and 3 homes.
  - (2) The following development standards shall apply to Community Residential Homes within residential zoning districts:
    - a. A six-foot high, non-opaque fence shall be provided along the side and rear properties lines abutting a Single-Family Residential Zoning District. Areas of access and sight visibility standards are except from the fencing requirements.
    - b. Parking lots shall not be located between front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site. This shall not apply to residential driveways commonly associated with single-family homes.

**Sec. 138-1214. - Dormitory**

- (a) *Purpose* - Dormitories are intended to provide sleeping accommodations for unrelated persons who are registered students and/or employees of an educational institution on a seasonal or year-round basis. Dormitories are managed by the institution at which the students are registered. Dormitories should closely resemble typical multifamily structures when located within or adjacent to residential neighborhoods.
- (b) *Applicability* - The provisions of this section are applicable to all dormitory development, expansion, and operation.
- (c) *Standards*
  - (1) Dormitories shall be associated to an educational institution. Residents shall be either employed or enrolled in the associated educational institution.
  - (2) Dormitories may be located on a separate lot or parcel from the educational institutional they serve.
  - (3) Individual dormitory units shall not have full kitchens. Shared, fully-equipped cooking facilities may be available to a grouping of units.
  - (4) In Residential Districts, parking lots shall not be located between the building façade and the adjacent street.

**Sec. 138-1215. - Dwellings**

- (a) *Purpose* - Multifamily, single-family attached, and three-family residential dwelling units are intended to be developed, expanded, and maintained to fit in to the immediate vicinity in terms of scale, orientation, accessibility, and aesthetics.
- (b) *Applicability* - The provisions of this section are applicable to all multifamily, single-family attached, and three-family development and expansion.
- (c) *Standards*
  - (1) In the One, Two and Three-Family Residential (R-4) and Single-Family Residential Urban (R-5) districts the following standards shall apply:
    - a. Parking lots with stalls and drive aisles shall not be located between the front building façade and an adjacent street. This shall not apply to individual residential driveways or parking pads typical of single-family uses.
    - b. Entrances for Single-Family Attached residential units shall be oriented to an adjacent street, alley, open space area, or internal courtyard.
    - c. Multifamily and Single-Family Attached buildings shall not exceed an overall length of 120-feet.
  - (2) In Commercial and Industrial Districts the following standards shall apply:
    - a. Residential units shall not be located along the ground floor of any building fronting an arterial or collector street.
    - b. Common entrances, reception areas, rental offices, and similar residential accessory uses may occupy up to 30 percent of the ground floor for a building fronting an arterial or collector streets.
  - (3) Multifamily development and is subject to the following standards:
    - a. Multifamily shall be developed with at least 15 percent of the site area to be reserved and/or improved as common open space.
      - 1. This open space area may be combined with other open space requirements of the zoning district.
      - 2. Common open space areas may be planned as outdoor recreation, tree grove reserves, play grounds, turf play fields, swimming pools, or any other similar amenity. Heavily landscaped and/or non-accessible areas shall not be counted toward the required common open space.
    - b. At least 50 percent of street facades shall have fenestration. Entry doors shall count as fenestration. Garage doors are not fenestration on street facing facades
    - c. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines that abut a Single-Family Residential District. A fence is not required for the portions between the front building façade and an abutting street. A fence is not required for portions that abut an alley.

Sec. 138-1216-1218 Reserved

**Sec. 138-1219. - Modern Manufactured Home**

- (a) *Purpose* - It is the intent of this section to encourage the provision of affordable housing in a general residential environment by permitting the use of residential design manufactured housing ("RDMH"), as defined in this section, in residential districts in which similar dwellings constructed on the site are permitted, subject to the requirements and procedures set forth in this section to assure similarity in exterior appearance between such residential designed manufactured housing and dwellings which have been

constructed under these and other lawful regulations on adjacent lots in the same district. Manufactured homes approved as RDMH, either individually or by specific model, shall be permitted in residential districts in which similar residential occupancy is permitted, subject to requirements and limitations applying generally to such residential use in the districts, including minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as described in this chapter.

- (b) *Applicability* - The standards in this section shall be applicable to all new, replacement, or modified Modern Manufactured Home.
- (c) Procedures for approval. Approval of residential design manufactured housing (RDMH) shall be authorized by the county administrator or his designee.
  - (1) Applications for approval of manufactured homes as RDMH shall be submitted to the county administrator or his designee in such form as may reasonably be required to make determinations. In particular, in addition to such information as is generally required for permits and as is necessary for administrative purposes, such applications shall include all information necessary to make determinations as to conformity with the standards in this section, including photographs of all sides of the RDMH, exterior dimensions, roof pitch, roof materials, exterior finish, and other information necessary to make determinations.
  - (2) Actions by the county administrator or his designee; time limitations on determinations. Within seven days of receipt of the application and all required supporting materials, the county administrator or his designee shall make the determination as to conformity with the standards in this section, and shall notify the applicant of the approval, conditional approval or denial of the application. Conditional approval shall be granted only where the conditions and reasons therefor are stated in writing and agreed to by the applicant, and such conditions shall be binding upon the applicant. In the case of disapproval, the reasons therefor shall be stated in writing.
- (d) Standards for determination of similarity in exterior appearance. The following standards shall be used in determinations of similarity in appearance between residential design manufactured homes (RDMH), with foundations approved as provided in this subsection, and compatible in appearance with site-built housing which has been constructed in adjacent or nearby locations.
  - (1) Minimum dimension of main body. Minimum dimension of the main body of the RDMH shall not be less than 20 feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.
  - (2) Minimum roof pitch; minimum roof overhang; roofing materials. Minimum pitch of the main roof shall be not less than three feet of rise for each 12 feet of horizontal run and minimum roof overhang shall be one foot. In cases where site-built housing generally has been constructed in adjacent or nearby locations with lesser roof pitches and/or roof overhangs of less than one foot, then the RDMH may have less roof pitch and overhang, similar to the site-built houses. In general, any roofing material other than a built-up composition roof may be used which is generally used for site-built houses in adjacent or nearby locations.
  - (3) Exterior finish; light reflection. Only material for exterior finish which is generally acceptable for site-built housing which has been constructed in adjacent or nearby locations may be used, provided, however, that reflection for such

exterior shall not be greater than from siding coated with clean white gloss exterior enamel.

- (4) Approved foundations required in residential districts. No RDMH shall be placed or occupied for residential use on a site in a residential district until such foundation plans have been submitted to and approved by the county administrator or his designee as to the appearance and durability of the proposed foundation and being acceptably similar or compatible in appearance to foundations of residences built on adjacent or nearby sites. All homes shall be placed on permanent foundations.
- (5) Site orientation of the manufactured home. RDMHs shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site-built housing which has been constructed in adjacent or nearby locations.
- (6) Garages, carports in residential neighborhoods where adjacent to nearby site-built homes which include garages and/or carports. A RDMH shall be required to be provided with a garage and/or carport compatible with the RDMH and the site-built garages and/or carports constructed in adjacent or nearby locations.
- (7) Compatibility with nearby site-built housing. RDMHs shall be compared to site-built housing in the neighborhood within the same zoning district. Approval for a RDMH shall not be granted unless it is found that the RDMH is substantially similar in size, siding, material, roof pitch, roof material, foundation and general appearance to site-built housing which may be permitted by the zoning and/or building code in the neighborhood in the same zoning district.

### **DIVISION 3. – ACCOMMODATIONS**

#### **Sec. 138-1230. - Bed and Breakfast**

- (a) *Purpose* - Bed and Breakfast establishments are intended to be building of a residential character other than a hotel, motel, or other transient accommodation which provides daily overnight accommodation and morning meal service to guest in return for payment. In Residential Districts, Bed and breakfast 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 uses.
- (c) *Standards*
  - (1) In Residential districts the following standards shall apply:
    - a. Parking lots with stalls and drive aisles shall not be located between the front building façade and an adjacent street. This shall not apply to individual residential driveways or parking pads typical of single-family uses.
    - b. Buildings shall not exceed an overall length of 120 feet.
    - c. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines that abut a Single-Family Residential District. A fence is not required for the portions between the front building façade and an abutting street. A fence is not required for the portions between the front building façade and an abutting street. A fence is not required for portions that abut an alley.
    - d. The maximum number of overnight retail units is six units for sites under 10,000 square feet and 12 units for sites 10,000 square feet or greater.
  - (2) Food service shall only be provided 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 with anticipated attendance of more driving guests than can be accommodated with on-site parking. The parking plan shall be approved as a Level 1 review.
  - b. A Bed and Breakfast located within a Residential zoning district may only conduct special functions subject to the following requirements:
    - 1. *Outdoor activity hours.* Special functions conducted outdoors, and outdoor activities related to special functions, are prohibited after 10:00 p.m. on Sunday through Thursday nights, except evenings before national holidays, and are prohibited after 11:00 p.m. on Friday or Saturday nights and the evenings before national holidays.
    - 2. *Frequency.* No more than one outdoor special function shall occur at any Bed and Breakfast in any calendar month. There shall be no limit to the number of indoor special functions.
  - c. *Noise.* At an outdoor special function there shall be no amplified sound. At an indoor special function, there shall be no amplified sound plainly audible from inside any off-premises residential use.

**Sec. 138-1231. – Hotel/Motel**

- (a) *Purpose* - Hotels and motels are intended to provide temporary accommodations for tourists, visitors, and business travelers for relatively short periods of time. Hotel and motels are intended to be compatible with the surrounding character in terms of scale, accessibility, and services. Hotels/Motels in Residential districts should respond to the scale of the neighborhood. Hotels/Motels in Industrial districts should service accommodation needs for nearby employers but limited in size to protect viable employment land.
- (b) *Applicability* - The provisions of this section are applicable to hotels, motels, and similar uses providing for temporary accommodations.
- (c) *Standards*
  - (1) In Residential districts the following standards shall apply:
    - a. Parking lots with stalls and drive aisles shall not be located between the front building façade and an adjacent street.
    - b. Buildings shall not exceed an overall length of 200-feet.
  - (2) In Industrial districts the following standards shall apply:
    - a. New Hotels/Motels may be established when other office, research, industrial, and/or manufacturing uses are established within contiguous the Industrial District.
    - b. Any contiguous Industrial district shall be limited to 20 percent of its buildable land area to be used for Hotel/Motel uses.
  - (3) At least 50 percent of street facades shall have fenestration. Entry doors shall count as fenestration. Garage doors are not fenestration on street facing facades.
  - (4) Accessory uses such as alcohol dispensing lounges, food service, and recreational facilities shall be considered ancillary and only provided to overnight guests. Uses

that serve non-overnight guests shall seek separate land use approval pursuant to the district table of uses.

- (5) A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines that abut a Residential District. A fence is not required for the portions between the front building façade and an abutting street. A fence is not required for portions that abut an alley.

#### **DIVISION 4. – COMMERCIAL AND OFFICE USES**

##### **Sec. 138-1240. – Alcohol Dispensing**

- (a) *Definitions.* As used in this section:

*Alcoholic beverages* means any beer, wine, or liquor as defined by the state beverage law.

*Business establishment* means and includes any place of business, whether or not licensed under the state beverage law, of any vendor, club, organization, corporation, firm, person, partnership or similar entity which dispenses alcoholic beverages. This shall include any establishment commonly known as a bottle club which may permit persons to carry alcoholic beverages onto the premises of such establishment with the knowledge, actual or implied, that such beverages will be consumed thereon.

*Dispense* or *dispensing* means the storing, handling, preparation, distribution, serving, sale, or gift of any alcoholic beverage. For the purpose of this definition, permitting or allowing any person to carry alcoholic beverages onto the premises of a business establishment with such beverages to be consumed thereon shall be deemed as dispensing such beverages.

*State beverage law* means F.S. chs. 561, 562, 563, 564 and 565, including subsequent amendments or successors thereto.

- (b) *Dispensing for off-premises consumption.* The dispensing of alcoholic beverages for off-premises consumption only by any business establishment shall be permitted only in zoning districts classified by this chapter as C-1, C-2, C-3, CP, M-1, or IPD. Such sales shall also be permitted within any authorized commercial building located in an RPD district. The wholesale storage and distribution only of alcoholic beverages shall be permitted in zoning districts C-3, M-1, M-2, and IPD.

- (c) *Dispensing for on-premises consumption; distance required from residential zoning districts.*

- (1) The dispensing of alcoholic beverages by any business establishment for on-premises consumption shall be permitted only within the following zoning districts: C-1, C-2, C-3, CP, M-1 and IPD. Such sales shall also be permitted within any authorized commercial building located in an RPD district.

- (2) No building or structure in which alcoholic beverages are sold, dispensed or consumed under this subsection shall be located within 150 feet of any residential zoning district boundary line. In the case of a building located in an RPD commercial sales area, such distance shall be measured to the boundary of the nearest property used for residential or accessory residential purposes. Such distance shall be measured along a straight line from the nearest residential zoning district to the closest portion of the building or structure; except that, in a multi-tenant or multi-user building, such as a shopping center, such distance requirement shall be measured from any residential district, boundary along a straight line to the unit or portion of the building or structure in which alcoholic

beverages are actually sold, dispensed or consumed under this subsection. The distance requirements of this section shall not apply to residentially zoned property which consists of public right-of-way, water ways, wetlands, or similar lands which cannot be used for actual residential purposes.

- (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 sale in food). Vendors may be required to provide verification from a certified public accountant of such sales ratio.
- (d) *Dispensing for on-premises consumption by social clubs, or veterans, fraternal, benevolent, civic or other organization described in F.S. § 561.20(7).* 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 is approved by the board of county commissioners as a conditional use pursuant to article II, division 8 of this chapter. This subsection shall not apply to those areas which meet the provisions of subsection (c) of this section.
  - (e) *Prohibition of dispensing near churches or schools.* The dispensing of alcoholic beverages by any business establishment shall not be permitted from any building or structure within 500 feet, measured in a straight line, from the nearest point of any building or structure (in a multi-tenant or multi-user building such as a shopping center, the distance may be measured from the unit or portion of the building where alcoholic beverages are sold, dispensed, or consumed) to the boundary of any tract of land on which a church or school is located or which has received authority to locate. If the church or school property contains wetlands, waterways, or similar geographic features that would not permit the physical use of the property for church or school use such as buildings, parking, worship areas, playgrounds or other traditional church or school usage, the distance requirement shall include the wetland, waterway, or similar area and the measurement shall taken from the area of the church or school site that would physically allow such traditional church or school use. This subsection shall not be retroactive; and the subsequent erection of a church or 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 (at least 51 percent of sales shall be in food). Vendors may be required to provide verification by a certified public accountant of such sales ratio.
  - (f) *Uniform closing hours.* The provisions of Laws of Fla. ch. 63-1790, as amended (compiled in [ch. 6](#), art. 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.

(g) *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 (f) of this section, under the following conditions:
  - a. Sale or dispensing shall be for a maximum of three days only during any six-month period. This condition shall not apply to the number of annual fundraising and special events held in the Downtown Palm Harbor Historic District provided the events have received street closure approval from the Pinellas County Public Works Department and have received a waiver from [section 6-47\(b\)](#) of the Pinellas County Code by the board of county commissioners.
  - 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 the department of development review services detailing the conditions required under this section and [section 6-30\(e\)](#).

**Sec. 138-1241. - Bank**

- (a) *Purpose* - Banks are intended to provide financial services including check cashing, receiving, lending, and safeguarding of money and other valuable items. Banks are intended to be permitted within close proximity and accessible to areas of commerce and employment.
- (b) *Applicability* - The provisions in this section are applicable to banks, credit unions, and similar financial related businesses that are oriented to a customer base that may enter a commercial establishment to conduct transactions. This section does not apply to office oriented businesses that do not regularly receive walk-in customers.
- (c) *Standards*
  - (1) In Residential districts the following standards shall apply:
    - a. New parking lots with stalls and drive aisles shall not be located between the front building façade and an adjacent street.
    - b. New stand-alone bank buildings shall not exceed an overall length of 100-feet.
  - (2) In Industrial districts the following standards shall apply:
    - a. New banks may be established when other office, research, and/or manufacturing uses are established in contiguous Industrial District.
    - b. Any contiguous Industrial district shall be limited to 10 percent of its buildable land area to be used for solely bank uses.

### **Sec. 138-1242. – Car Wash and Detailing**

- (a) *Purpose* - Car Washes and Detailing establishments are intended to provide service cleaning for motor vehicles and domestic equipment. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties including noise and particle disbursement. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
- (b) *Applicability* - This section shall apply to car wash and detailing uses. This section does not apply to temporary car wash activities that occur on not more than three consecutive days at the same location.
- (c) *Standards*
  - (1) Buffer Requirements
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around the car wash/detailing facility and its associated operations. A fence is not required for the portions of the site occupied by other uses.
    - b. A landscaped buffer at least five feet in width shall be provided along the interior of the required non-opaque wall or fence.
  - (2) Vacuum stations.
    - a. Vacuum stations and related equipment shall comply with the setbacks for the principal structure.
    - b. Outside vacuum stations and related equipment are prohibited along any side of a building abutting a Residential District.
  - (3) Traffic Circulation and Vehicle Stacking
    - a. Drive-lanes and parking spaces shall be clearly delineated.
    - b. A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.
  - (4) All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust.
  - (5) When within or adjacent to a Residential district the following standards shall apply:
    - a. No radios, stereos, or other sound amplification devices shall be played when any of the motor vehicles doors or windows are open. Sound from radios, stereos, or other sound amplification devices shall not be audible from anywhere off the site. Signs shall be conspicuously posted notifying persons of these prohibitions.
    - b. Car washing and detailing shall not occur between the hours of 8:00 p.m. and 8:00 a.m.

### **Sec. 138-1243. – Drive-Thru Facility or Use with a Drive-Thru**

- (a) *Purpose* - Drive-thru facilities have become a common amenity for a specific 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 window 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 pneumatic tube for the drive-thru.
    - c. Drive-through stacking lanes shall be delineated from other vehicular use areas by means of a landscaped divider median. Stacking lanes may include part of the drive aisles in a parking area.
    - d. Stacking lanes shall be designed to ensure that waiting vehicles to not extend into the public right-of-way.
  - (3) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around the drive-thru facility and its associated operations.
    - b. No drive-through speaker shall be oriented to face a Residential district.
    - c. Drive-through services shall be prohibited between the hours of 12:00 a.m. and 6:00 a.m. weekdays and between 1:00 a.m. and 6:00 a.m. on Saturday and Sunday. This prohibition shall apply to any drive-through facility operating after the effective date of this code, except those facilities that were, on that date, and continue to be, operating during the prohibited hours.

**Sec. 138-1244. – Food Carts/Food Trucks**

- (a) *Purpose* - It is the intend to allow Food Carts/Food Trucks to occupy a site as temporary, non-permanent structures for the purpose of preparing and selling prepared food, beverages, and consumables. Food cart/food truck units provide most of their service to walk-up customers. A temporary outdoor dining area is typically provided for customer use. It's intended that these temporary uses are sited in an orderly manner and are reasonably secured to ensure public safety and welfare.
- (b) *Applicability* - The provisions of this section are applicable to food carts, trucks, or similar non-permanent structures that provide food, beverage, and other consumables at a temporary site and location lasting more than three consecutive days. This section does not apply to mobile structures that conduct sales at multiple locations on any given day and/or within the public right-of-way.
- (c) *Standards*

- (1) Food Cart/Food Truck units are intended to be temporary in nature. Food Cart/Food Truck units shall remain in a condition that allow for easy mobility to be removed from the site.
- (2) Food Carts/Food Trucks require a temporary permit. Permits may be renewed annually.
- (3) Food Cart/Food Truck units shall not exceed 26-ft in length.
- (4) Food Carts/Food Truck units shall not have any internal floor space available to customers.
- (5) As a concern for public safety, food carts/food truck units and their associated materials (e.g. tents, fuel sources, cables, awning and the like) shall be moved to secured locations during the period that a hurricane warning is in effect. During the time of a hurricane warning, units shall not be left parked and/or unanchored in open parking lots or open fields.
- (6) Accessory structures such as tents and awnings shall be securely anchored to the ground or adjacent structure.
- (7) Permanent structures associated with the Food Carts/Food Trucks require a building permit.
- (8) Due to their temporary nature and walk-up customer base, there are no parking requirements for food cart/food truck units.
- (9) Siting Requirements - Food Carts/Food Truck units shall be positioned on a site pursuant to the following standards:
  - a. Food Carts/Food Truck units shall be on a paved surface such as but not limited to concrete, asphalt, pavers, and/or reinforced grass.
  - b. Food Carts/Food Trucks and their accessory structures and materials shall be prohibited 25 feet from driveway entrances.
  - c. Food Carts/Food Truck units shall not occupy pedestrian walkways or required landscape areas.
  - d. Carts shall not occupy or block parking stalls needed to meet the minimum automobile parking requirement for another use located on the site.
  - e. Where multiple Food Carts/Flood Truck units are located on a single parcel, the units shall be co-located and positioned in a cluster arrangement in one area of the site.
  - f. Food Carts/Flood Trucks shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items. These items shall be screened with temporary fencing and/or potted plant material.

**Sec. 138-1245. – Health Club/Fitness Center**

- (a) *Purpose* - Health Clubs and Fitness Centers are individual establishments with equipment and facilities for exercising and improving physical fitness. Large Health Clubs/Fitness Centers should be focused in Commercial districts. Health Clubs/Fitness Centers should be accessible in Multifamily and employment districts in order serve residents and employees but limited in size to protect available land for the intended primary land uses.
- (b) *Applicability* - The provisions of this section shall be applicable to any individual health club/fitness center. This section does not apply to accessory health/fitness facilities that are a part of another land use and used solely by the employees, residents, and/or patrons of said use. (Example, a private fitness center as part of an apartment community that is reserved solely for residents)

(c) *Standards*

- (1) In Office and Industrial districts the following standards shall apply:
  - a. Health clubs/fitness centers shall be less than 20,000 square feet.
  - b. Any contiguous Office or Industrial district shall be limited to 10 percent of its buildable land area to be used for health clubs/fitness centers.
- (2) In the Residential Multiple Family district, the following standards shall apply:
  - a. Health clubs/fitness centers shall be less than 10,000 square feet.
  - b. Any contiguous RM district shall be limited to 10 percent of its buildable land area to be used for health clubs/fitness center.

**Sec. 138-1246. – Home Occupation**

(a) *Purpose* - Technological advances allow many types of business to be conducted outside of a traditional business setting. The purpose of this section is to recognize the need for home-based businesses/offices and establish standards for operation.

(b) *Applicability* - The provisions of this section shall apply to all Home Occupations.

(c) *Standards*

- (1) The Home Occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and is not to change the residential character thereof.
- (2) A home occupation may include such uses, when operated in strict accordance with the provisions of this section as follows: Phone sales, mailing service, accountant, engineer, architect, dressmaker, artist, handicrafts, consultant or similar profession. The precedent list is meant to be illustrative only and is not all inclusive. Home occupations specifically prohibited would include auto and/or equipment repair, or any similar type of use which is not compatible with the residential neighborhood.
- (3) No materials or stock in the trade are to be sold on the premises or stored outside the dwelling.
- (4) The use may only be carried on by members of a family living therein except as provided below.
- (5) Up to two persons may be engaged in a home occupation other than members of the family permanently residing on the premises providing parking is available on site in a driveway or other standard parking area. Customers may not conduct business on the premises except as otherwise provided in this section.
- (6) The use shall not create dangerous vapors or fumes, and no use shall be permitted where noise, light, dust, or vibration extends beyond the lot or parcel line of an abutting lot or parcel.
- (7) The rooms used for home occupations shall represent no more than 20 percent of the total area of the dwelling.
- (6) All activities associated with the home occupation shall be conducted entirely within a dwelling. There shall be no display or other visible evidence other than as provided in this section that would indicate that the dwelling is being utilized for any other use than a dwelling, unless such display or evidence is located inside of the dwelling in such fashion as not to be visible from the street.
- (7) Traditional home based instruction such as but not limited to tutoring and music or swimming lessons where instruction is provided by only one instructor to only three student[s] per class with no more than ten classes per day between the hours of 9

a.m. and 9 p.m. shall be considered a home occupation. Other instruction or private school may be allowed with Level 2 approval.

**Sec. 138-1247. – Kennel/Pet Care**

- (a) *Purpose* - Kennels and Pet Care facilities are intended to provide for buying, selling, breeding, renting, boarding, and/or training of dogs, cats, and other domestic animals. Residential areas should be protected from noise, odor, and other effects that may be caused from these facilities. Kennels should be limited within Industrial districts to ensure land is available for other employment-based development.
- (b) *Applicability* - The provisions of this section are applicable to new and expanding Kennels and Pet Care Facilities.
- (c) *Standards*
  - (1) The following activities may occur as part of Kennels/Pet Care establishments:
    - a. Dogs, cats, and other domestic animals may be kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians.
    - b. Dogs, cats, and other domestic animals may be sold to commercial outlets or may be sold for research or experimental purposes.
    - c. Dogs, cats, and other domestic animals may be available for buying, selling, breeding for sale, letting for hire, boarding or training.
    - d. Dogs may be trained for obedience, hunting, protection, etc. (if the address is different from the office address).
  - (2) Animal shows are not permitted as part of a Kennel/Pet Care use.
  - (3) Dogs shall be kept in an enclosed soundproof structure between the hours of 10:00 p.m. and 7:00 a.m.
  - (4) Kennels shall not cause external effects such as increased lighting or glare on nearby properties, or animal-related odors that are readily detectable at any point beyond the property line of the facility.
  - (5) Kennel/Pet Care facilities may sell, breed for sale, let for hire, board or train other species pursuant to the *Non-Traditional Pets* provisions of Code. This may require a higher level of approval. See Sections pertaining to Non-Traditional Pets.
  - (6) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around outside runs and exercise areas.
    - b. Runs and exercise areas shall be at least 50-feet from any Residential District.
    - c. Structures housing dogs shall be setback a minimum of fifty (50) feet any Residential District.
  - (7) In the Agricultural/Estate Residential District, the following standards shall apply:
    - a. New Kennels/Pet Care facilities may be established on sites of at least two acres in size.
  - (8) In Industrial Districts, the following standards shall apply:
    - a. New Kennels/Pet Care facilities may be established on sites of at least two acres in size.
    - b. Any contiguous Industrial district shall be limited to 10 percent of its buildable land area to be used for Kennel/Pet Care facilities.

**Sec. 138-1248. – Model Dwelling Units and Pre-construction Sales Offices**

- (a) *Purpose* - Model dwelling units are intended to showcase future residences and/or units that are available for purchase or lease within the development. Pre-construction Sales Offices are intended to host the real estate transaction for homes, units, and/or properties available within the development. These uses are intended to be allowed on a temporary basis and solely for the sales and marketing of the units within the development.
- (b) *Applicability* - The provisions of this section are applicable to Model Dwelling Units, Pre-Construction, and their associated elements.
- (c) *Standards*
  - (1) Model dwelling units may be allowed as an accessory use in any district for the purpose of development and marketing the development, project, or subdivision in which such uses are to be located.
  - (2) Authorization for a temporary use and structure shall only be granted after the filing of an acceptable preliminary site plan. This may be approved as part of a Level 1 review for the development in which the model dwelling units and/or pre-construction sales office is located.
  - (3) A maximum of four model dwelling units may be permitted within development.
  - (4) The model dwelling unit shall meet all district requirements for lot and yard dimensions.
  - (5) The sales office, if not in a model dwelling unit, shall not exceed 750 square feet and is an accessory use on the same property. It shall only be used by the developer and shall only be used in connection with the development in which located.
  - (6) Model dwelling units and signs shall not be illuminated after 9:30 p.m. and shall not be used for any business activity after 10:00 p.m.
  - (7) At least five off-street parking spaces shall be provided contiguous to the model dwelling unit or groupings thereof and shall be maintained so long as the model dwelling use is used for the sale of homes in the development.
  - (8) Model dwelling units shall not be used as a means to sell similar homes for a period longer than two years. The DRC may grant an extension for a period not to exceed an additional two years from the date the certificate of occupancy for the model dwelling unit was issued.
  - (9) These regulations shall not apply a home displayed as a model dwelling unit for less than three months, where no accessory office is erected.

**Sec. 138-1249. – Motor Vehicle Sales**

- (a) *Purpose* - The sale and leasing of motor vehicles shall occur in designated districts. Display areas should occur on portions of a site that support viable commerce but limit negative impacts on adjacent properties and the public rights-of-way.
- (b) *Applicability* - The provisions of this section shall apply to establishments engaged in the sale and/or lease of motor vehicles.
- (c) *Standards*
  - (1) Outdoor vehicle display areas are prohibited within the right-of-way and the required setbacks.
  - (2) The majority of vehicle display areas shall occur on paved surface. Up to 50 percent of the display area may occur on reinforced grass surfaces.

- (3) Service and repair activities shall be reviewed and approved as part of the *Vehicle Storage, Maintenance and Repair* sections of this Code.
- (4) Accessory vehicle washing/detailing areas shall be located to the side or rear of the primary building.
- (5) When adjacent to a Residential district the following standards shall apply:
  - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around the outdoor display areas.
  - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
  - c. Accessory vehicle washing/detailing areas shall be located 30 feet from a Residential district.

**Sec. 138-1251. – Office**

- (a) *Purpose* - Office uses are recognized as vital places for services and employment within the community. Some office uses are appropriate additions in Residential, Multiple Family District when limited in scale. Other service oriented offices uses are appropriate in Industrial Districts so long the overall is reserved for other employment-oriented users.
- (b) *Applicability* - The provisions of this section shall apply to the development, operation, and/or expanding of Office uses.
- (c) *Standards*
  - (1) Office, Medical
    - a. In the Residential, Multiple Family District, the following standards shall apply
      - 1. Medical offices are limited to 2,500 square feet.
      - 2. Medical offices are limited to urgent care, emergency service, "free clinics," public health service agency, or similar medical facilities to provide health care service convenient to neighborhoods.
  - (2) Office, Veterinary
    - a. When adjacent to a Residential district the following standards shall apply:
      - 1. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around outside runs and exercise areas.
      - 2. Runs and exercise areas shall be at least 25-feet from any Residential District.
      - 3. Animals shall not be boarded outdoors.
    - b. In the Residential, Multiple Family District, Veterinary Offices are limited to 2,500 square feet.
    - c. In Industrial Districts, the contiguous Industrial district shall be limited to 10 percent of its buildable land area to be used for Veterinary Offices.

**Sec. 138-1252. – Outdoor Sales**

- (a) *Purpose* - It is intended to allow Outdoors Sales to accommodate material that is appropriate to be sold/leased exterior to a building.
- (b) *Applicability* - The provisions of this section shall apply to the permanent business establishments that engage in the sale or lease of merchandise outside of an enclosed structure. The section does not apply to the sale or lease of motor vehicles or merchandise sold under a solid roof structure with at least one exterior wall. The periodic sale of merchandise unrelated to the businesses permanently occupying the site shall follow the provisions of sections pertaining to *Temporary Uses and Structures*.

(c) *Standards*

- (1) There shall be a building on the site in order to allow Outdoor sales are a permanent use on the property. Outdoor sales areas may only be used by the business occupying the building.
- (2) Outside sales shall only occur in designated areas specifically approved on the site plan.
- (3) Outdoor sales shall not occur within any required setback.
- (4) Merchandise and display fixtures within an outdoor sales area shall not exceed five feet in height unless the fence or wall is allowed to be higher than six feet, then this height limit shall be one foot less than the allowed height of the fences or wall.
- (5) The site's minimum parking ratio requirement shall include the areas designated for Outdoor sales. Outdoor sales areas shall be considered part of the floor area of the principal use or structure for purposes of computing the required number of parking spaces.
- (6) Contagious outside sales areas exceeding 2,000 square feet, shall be surrounded with a five foot wide landscape buffer. Breaks in landscaping may be provided to accommodate pedestrian and service access.
- (7) The following use restrictions shall apply to Outdoor Sales on sidewalk areas:
  - a. Outdoor sales and display on a public sidewalk shall require approval from the facility owner.
  - b. Sidewalk retail display is prohibited at any time the use in the abutting building is not open for business.
  - c. A minimum of one unobstructed pedestrian path at least four feet wide shall be maintained through the display area at all times.
  - d. An unobstructed passage shall be provided from parking areas and public sidewalks to building entrances equal to the door width. Variances to this requirement shall not be granted.
  - e. A minimum setback of at least four feet from the curb line shall be provided to maintain adequate space for pedestrian access to motor vehicles.
  - f. Furniture, fixtures and equipment shall not be permanently anchored to the sidewalk nor shall they be attached or affixed to any tree, post, sign or other structure.
  - g. Sidewalk retail display areas shall not exceed 100 square feet for all outdoor display areas.

**Sec. 138-1253. - Restaurant**

- (a) *Purpose* - Restaurants are establishments serving or selling food and/or beverages prepared on the premises, which are generally intended for immediate consumption. Restaurants should be limited in various zones to achieve a compatible neighborhood character based on scale, activity, and proportional use of the district.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Restaurants or similar uses services food and/or beverages. These standards shall not include other specific uses listed in the district table of uses. Establishments servicing alcohol may be subject to the section pertaining to Alcohol Dispensing.
- (c) *Standards*
  - (1) Restaurants are establishments serving or selling food and/or beverages prepared on the premises, which are generally intended for immediate consumption.

Restaurants shall not include other specific uses listed in the district table of uses. (example: Food Carts are not included as part of Restaurants)

- (2) Restaurant may be permitted outside dining/ seating areas subject to the following standards:
  - a. Areas shall be delineated and designated on an approved site plan. This shall not apply to outside dining/seating areas associated with an existing restaurant.
  - b. Areas may only occupy a public sidewalk when a right-of-way permit or equivalent thereof is obtained from the applicable right-of-way owner.
  - c. When located within 100-feet to a Residential District, the following standards shall apply:
    1. The outside dining/seating area shall not be used between 10:00 pm and 7:00 am.
    2. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around the outside dining/seating area.
    3. No amplified sound equipment may be used.
- (3) Where Restaurants are permitted as (A) Accessory use in a Zoning District, the restaurant shall only serve and/or sell prepared food to employees, residents, and/or patrons that relate to another approved use on the site. (example: an office building may have an accessory restaurant use to sell prepared food items to its employees.)

**Sec. 138-1255. – Retail Sales and Service**

- (a) *Purpose* - Retail Sales and Services should be permitted in various zoning districts based on the gross square footage of individual business establishments in order to achieve a compatible neighborhood character based on scale, intensity, and massing.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding Retail Sales and Service uses. These standards shall not apply to other specific uses listed in the district table of uses.
- (c) *Standards*
  - (1) Retail Sales and Service shall include business activity within an enclosed building involving the sale or lease of goods, products, materials, or services directly to the consumer. Retail Sales and Services shall not include other specific uses listed in the district table of uses. (example: Motor Vehicle Sales, Restaurants, Outdoor sales, and Medical Offices are not included as part of Retail Sales and Service)
  - (2) The Retail Sales and Service square-footage categories listed in the district table of uses refer to the gross sizes of individual business establishments and their ancillary indoor use areas such as hallways, restrooms, and storage. For the purposes of regulating Retail Sales and Service square-footage categories, *Outdoor Sales* areas shall not be considered a part of the gross size.
  - (3) Where Retail Sales and Service is permitted as (A) Accessory use in a Zoning District, the Retail Sales and Service may only be provided to sell, lease, and provide services that relate to another approved use on the site. (example: a manufacturer may have a retail area to sell the products that are manufactured on site.)

**Sec. 138-1256. – Studio and Gallery**

- (a) *Purpose* - Studios and Galleries are establishments used for the production or teaching of art, writing, dance, theater, or similar endeavors of an artistic or creative nature. Studios

and Galleries are establishments where artists can create and manufacture art pieces and provide areas for display and purchase of such collections. These establishments may also be places to host performing arts

- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Studios and Galleries.
- (c) *Standards*
  - (1) Studios and Galleries shall be permitted indoor and outdoor work areas for the purposes of creating art pieces and hosting performing art practices. When outdoor work areas abut a Residential District, the area shall be enclosed shall be screened with a six-foot high, non-opaque wall or fence.
  - (2) Studios and Galleries shall be permitted indoor and outdoor display and sales areas for the purposes of exhibiting and selling art collections and directly related merchandise. When outdoor display areas abut a Residential District, the area shall be enclosed shall be screened with a six-foot high, non-opaque wall or fence.
  - (3) Studios and Galleries shall be permitted to teach art, writing, dance, theater, or similar endeavors of an artistic or creative nature. When the use requires a Level 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.

## **DIVISION 5. – INDUSTRIAL, MANUFACTURING, AND WAREHOUSE USES**

### **Sec. 138-1260. – Contractors Yard and Building**

- (a) *Purpose* - Contractor Yards and their Buildings are involved in construction of new buildings, additions, alterations, reconstruction, installation, repairs, demolition, blasting, test drilling, landfilling, leveling, dredging, earthmoving, excavating, land drainage, and other land preparation and development. Certain standards should be implemented to mitigate impacts onto surrounding community.
- (b) *Applicability* - The provisions of this section shall apply to a new or expansion of a Contractors Yard and Building.
- (c) *Standards*
  - (1) All outside production activity, manufacturing, and material staging that is subject of the contracting business shall occur behind a six-foot high, non-opaque wall or fence. This standard shall not apply to site development activity of the subject property.
  - (2) Storage yards and exterior storing of materials shall be subject to the Outside Storage section of this Code.
  - (3) Overnight storage/parking of heavy earthmoving equipment shall occur behind a six-foot high, non-opaque wall or fence.
  - (4) Associated office operations are permitted.
  - (5) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around any outside storage area of materials and/or heavy equipment.
    - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
    - c. Accessory vehicle washing/detailing areas shall be located 30 feet from a Residential district.

**Sec. 138-1261. – Electric Vehicle Charging Station**

- (a) *Purpose* - Electric Vehicle Charging Stations (EVCS) are optional site elements that provide power supply to electric motor vehicles. EVCS should be allowed in all developed areas of the County. Where EVCS are provided, adjacent parking should be reserved for vehicles that benefit from the facility.
- (b) *Applicability* - The provisions of this section shall apply to new and replacement Electric Vehicle Charging stations and similar facilities.
- (c) *Standards*
  - (1) Electric Vehicle Charging Stations may be permitted as an accessory use in all zoning districts.
  - (2) Electric Vehicle Charging Stations shall be installed adjacent to a designated parking stall or parking pad. For areas other than Single-Family residential lots, signage shall be installed to reserve said parking for vehicles that accept electric charging as a power source for propulsion.

**Sec. 138-1262. – Fat, Oil, and Grease Facilities**

- (a) *Purpose* - Facilities that are focused on the processing of fat, oil, and grease waste for eventual disposal are vital industries in the urbanized County but have the potential to produce noxious impacts on surrounding properties. Certain development standards can mitigate these impacts when implemented with other State regulations.
- (b) *Applicability* - The provisions of this section shall be applicable to all new or expanding facilities that are engaged in the processing of Fat, Oil, and Grease for ultimate disposal. This section is not applicable to on-site storage facilities such as grease traps that are associated with another land use.
- (c) *Standard*
  - (1) All exterior Fat, Oil, and Grease processing activities and material staging shall be conducted behind a six-foot high, non-opaque wall or fence.
  - (2) Overnight storage/parking of heavy equipment relating to the facility shall occur behind a six-foot high, non-opaque wall or fence.
  - (3) Accessory vehicle washing/detailing areas shall be located 30 feet from a Residential district.
  - (4) When the use requires a Level 2 or 3 approval, the size, intensity, development configuration, and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns.

**Sec. 138-1263. – Freight Trucking**

- (a) *Purpose* - Freight trucking establishments are used for local pickup, local sorting and terminal operations, line-haul, destination sorting and terminal operations, and local delivery. Given the site intensity of truck traffic, certain development standards can mitigate potential negative impacts to surrounding properties.
- (b) *Applicability* - The provisions of this section shall be applicable to new and/or expanding Freight Trucking establishments. This section shall not apply to accessory delivery opportunity for any other use. This section shall not apply to United States Post Offices.
- (c) *Standards*
  - (1) All loading and unloading shall occur entirely on-site. The public right-of-way may not be used for truck parking.

- (2) Overnight storage/parking of heavy equipment relating to the facility shall occur behind a six-foot high, non-opaque wall or fence.
- (4) The site shall be permitted a customer use area for accessory commercial purposes.
- (3) When adjacent to a Residential district the following standards shall apply:
  - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around loading areas.
  - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
  - c. Accessory vehicle washing/detailing areas shall be located 30 feet from a Residential district.

**Sec. 138-1264. – Manufacturing**

- (a) *Purpose* - Manufacturing uses are vital to the local economy in terms of jobs and revenue. Due to potential impact on surrounding properties, some Manufacturing activities may be limited in scale and intensity in various locations.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding Manufacturing uses as listed in the district table of uses. This section shall not apply to manufacturing activities that are accessory to other land uses.
- (c) *Standards*
  - (1) *Manufacturing - Light, Assembly and Processing - Type A* uses are subject to the following standards:
    - a. No outdoor storage of materials is permitted.
    - b. No outside processing of equipment or materials is permitted.
  - (2) *Manufacturing - Light, Assembly and Processing - Type B* uses are subject to the following standards:
    - a. Outdoor storage of materials is permitted.
    - b. No outside processing of equipment or materials is permitted.
  - (3) *Manufacturing - Heavy* uses are subject to the following standards:
    - a. Outdoor storage of materials is permitted.
    - b. Outside processing of equipment or materials is permitted.
  - (4) All outdoor storage, and processing activities, if permitted, shall occur behind a six-foot high, non-opaque wall or fence.
  - (5) Storage yards and exterior storing of materials shall be subject to the *Outside Storage* section of this Code.
  - (6) Overnight storage/parking of heavy equipment shall occur behind a six-foot high, non-opaque wall or fence.
  - (7) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around any outside storage area, outdoor assembly area, and/or heavy equipment parking lot.
    - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
    - c. Accessory vehicle washing/detailing areas shall be located 30 feet from a Residential district.

**Sec. 138-1265. – Outdoor Storage**

- (a) *Purpose* - Outdoor storage of material is sometime necessary to accommodate a commercial need. Certain standards should be implemented to mitigate negative impacts onto surrounding properties.
- (b) *Applicability* - The provisions of this section are applicable to the Outdoor Storage of commercial, public, and/or industrial materials. This section is not applicable to operable person vehicles, furniture, and materials associated with residential property. Unspecified material shall be interpreted by the Zoning Administrator to be applicable to this section.
- (c) *Standards*
  - (1) *Outdoor Storage, Accessory Industrial* uses shall be subject to the following:
    - a. Outdoor storage shall not be allowed if prohibited for the use in other sections of this code (example, Outdoor Storage is prohibited as of Manufacturing - Light, Assembly and Processing - Type A uses)
    - b. All outdoor storage of permitted materials shall occur behind a six-foot high, non-opaque wall or fence.
    - c. Only products and materials that are used by principle industrial use may be stockpiled in the outside storage areas.
  - (2) *Outdoor Storage, Principle* uses shall be subject to the following:
    - a. Outdoor storage as a principal use shall not include inoperable vehicles, inoperable appliances, garbage, organic and inorganic waste, hazardous materials, or animals.
    - b. All outdoor storage of permitted materials shall occur behind a six-foot high, non-opaque wall or fence.
    - c. Storage of sand, soil, minerals, rock and/or similar materials shall be conducted in a manner that prevents particles from leaving the site by environmental conditions such as wind and rain.
- ~~(2) *Outdoor Storage, Principal Use* - In addition to the general standards (section 138-269), the board should consider each of the following criteria in determining whether an application for this conditional use should be approved:
  - a. ~~Light manufacturing and assembly for purpose of this section shall mean a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products.~~
  - b. ~~There shall be no exterior storage or processing of equipment or materials of any kind.~~
  - c. ~~The use shall be operated in manner so as not to create adverse impacts in terms of noise, solid waste, traffic generation and air quality emissions. Such impacts shall be no more intense that those which could be reasonably attributed to uses permitted by right in the same zoning district.~~
  - d. ~~Hours of operation may be limited to those which are similar to other business which are located in the general vicinity in the same zoning district.~~
  - e. ~~Parking, loading and service to the use shall be operated in a manner so as not to adversely affect neighboring properties.~~~~

**Sec. 138-1266. – Recycling Center**

- (a) *Purpose* - Recycle Center establishments that collect, sort, and/or store recyclable materials for ultimate delivery to a processing facility are vital services in the urbanized County. Land use standards shall be applied to ensure compatibility with certain surrounding land uses.
- (b) *Applicability* - The provisions of this section are applicable to new or expansions of a Recycle Center establishment which collects, sorts, and stores recyclable materials for ultimate delivery to a processing facility. This section shall not apply to recycling and waste receptacles as part of a separate land use.
- (c) *Standards*
  - (1) All outdoor storage, and processing activities, if permitted, shall occur behind a six-foot high, non-opaque wall or fence.
  - (2) Overnight storage/parking of heavy equipment shall occur behind a six-foot high, non-opaque wall or fence.
  - (3) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around any outside storage area, processing area, and/or heavy equipment parking lot.
    - b. Accessory vehicle washing/detailing areas shall be located 30 feet from a Residential district.
  - (4) In the Mixed-use District, all processing and storage activities shall occur indoors.

**Sec. 138-1267. – Salvage Yard**

- (a) *Purpose* - Salvage Yards are locations where previously discarded materials can be reclaimed and used for other purposes. Salvage yards provide an important role in sustainability strategies, material reuse, and waste manages. Certain development and operation standards should be implemented to mitigate adverse impacts on the surrounding community and natural environment.
- (b) *Applicability* - The provisions of this section are applicable to new or expansions of Salvage Yard uses.
- (c) *Standards*
  - (1) All salvage yards and associated material storage areas shall occur behind an eight-foot high, non-opaque masonry wall. This standard does not apply to the associated offices, indoor commercial space(s), and associated parking lots.
  - (2) Salvage yards shall be improved, amended and/or maintained to prevent dust and erosion.
  - (3) No speaker or amplified announcement device shall be oriented to face a Residential district.
  - (4) Accessory washing/detailing areas shall be located 30 feet from a Residential district.
  - (5) As part of in the initial review and approval, a management plan shall be prepared to identify site operation methods that will be used to prevent contaminants and pollutants associated to the use from leaching into the soil.

**Sec. 138-1268. – Storage, Self/Mini Warehouse**

- (a) *Purpose* - Storage, Self/Mini Warehouse uses are intended for leasing storage space for household goods, business or personal property. They are not intended to be

warehousing normally associated with industrial related uses. Land developments standards should be implemented to avoid monotonous building planes, limit certain land use activities, and ensure adequate access.

- (b) *Applicability* - The provisions of this are applicable to new and expansions of Store, Self/Mini Warehouses.
- (c) *Standards*:
  - (1) Storage units shall be used for storage of household goods and items only.
  - (2) No business to be conducted from within storage units.
  - (3) No outdoor storage of materials shall occur with the exception of motor vehicles.
  - (4) A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around any outside storage area.
  - (5) Outside doorways for individual storage units shall be accessible from an on-site drive aisle and/or service driveway.
  - (6) In Commercial, Mixed-Use and Planned Development Districts, the following standards shall apply:
    - a. At least 50 percent of street facades shall have fenestration. Entry doors shall count as fenestration. Garage doors are not fenestration on street facing facades.
    - b. Garage doors for individual storage units shall not be oriented to an adjacent street unless a six-foot high non-opaque wall is located between two entities.

**Sec. 138-1270. – Vehicle Refueling Station**

- (a) *Purpose* - Vehicle Refueling Stations are facilities that specialize in retail sales of gasoline or fuel to the general public. These facilities are necessary for personal transportation fueling but should be assigned development standards to protect the scale of certain zoning districts and mitigate negative impacts onto adjacent properties.
- (b) *Applicability* - This section shall apply to all vehicle refueling stations and the associated components thereof. This section shall not apply to electric charging stations, battery exchange establishments, or similar facilities.
- (c) *Standards*
  - (1) All fueling pump islands and canopy supports at service stations shall be set back at least 15 feet from a road right-of-way line.
  - (2) Fueling pump islands, fuel storage apprentices, and canopy elements shall not encroach within any required setbacks.
  - (3) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around any fueling mechanisms and/or fueling activity areas.
    - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
    - c. All fueling pump islands, fuel storage apprentices, and canopy elements shall be set back at least 30 feet from any Residential District.
  - (4) In Neighborhood Commercial Districts, the following standards shall apply:
    - a. Fueling pumps shall only be permitted when in conjunction with a Retail Sales and Service Use.

- b. Sites shall be limited to four fuel pumps.

**Sec. 138-1271. – Vehicle Storage, Maintenance and Repair**

- (a) *Purpose* - Vehicle Storage, Maintenance and Repair are establishments providing service, repair and storage of motor vehicles such as buses, cars, trucks or heavy equipment. Specific site development and operational standards can ensure adverse impacts such as noise, odor, and visual clutter are not projected on to adjacent properties.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Vehicle Storage, Maintenance and Repair establishments and similar uses.
- (c) *Standards*
  - 1. All service and repair activities shall be within fully enclosed buildings.
  - 2. Repair bays shall not face any arterial street, but may face a collector or local street, a rear or side lot line or an alley.
  - 3. Service and repair bays facing an abutting a residential use or property in a residential zoning district shall have overhead doors closed at all times, except during the movement of vehicles or boats.
  - 4. The outdoor storage of parts shall be allowed only in the rear and side yards, and shall be a minimum of ten feet from a residential zoning district. Outdoor storage shall comply with the outdoor storage section.
  - 5. The temporary storage of an operable and licensed vehicle or boat waiting to be serviced that day shall be allowed in any approved parking space. The temporary storage of vehicles or boats at night shall be within the building or within an outdoor storage area that is screened from view and landscaped as required by the landscaping and irrigation section.
  - 6. The outdoor storage or parking of any disabled, wrecked or partially dismantled vehicle or boat shall not exceed ten days during any 30-day period.

**DIVISION 6. – ARTS, RECREATION, AND ENTERTAINMENT USES**

**Sec. 138-1280. – Adult Use Establishment, Adult Use Business**

- (a) *Standards* - Adult uses, as defined by county ordinance, shall be located pursuant to such ordinance adopted by the board of county commissioners to regulate such uses.

**Sec. 138-1281. – Commercial Recreation**

- (a) *Purpose* - Commercial Recreation uses are privately-owned businesses focused on offering amusement and recreation. Commercial Recreation use have the potential to cause adverse impacts on neighboring properties and the immediate vicinity in terms of noise, light, traffic and visual clutter. Development and operation standards should be applied to mitigate negative impacts.
- (b) *Applicability* - The provisions of this section shall apply to new or expansions of Commercial Recreation uses.
- (c) *Standards*
  - (1) Commercial Recreation, Indoor uses are subject to the following standards:
    - a. All activity areas and facilities occur in an enclosed building that includes a roof and exterior walls.
    - b. No outdoor activity areas are permitted.
  - (2) Commercial Recreation, Outdoor uses shall be subject to the following:

- a. No outdoor activity area or its ancillary uses may encroach the required district setbacks.
  - b. A six-foot high, non-opaque wall or fence shall be provided around outdoor activity areas. The wall or fence is not required for portions used for access and areas required for sight visibility.
  - c. Outdoor lighting shall be designed such that direct sources of illumination are not visible beyond the property lines. Lights shall be directed away from adjacent residential uses.
  - d. Outdoor speakers and sound amplification shall not be permitted for uses adjacent to residential uses.
- (3) When adjacent to a Residential district the following standards shall apply:
- a. No speaker or amplified announcement device shall be oriented to face a Residential district.
  - b. Outdoor activity areas and the ancillary uses shall be set back at least 100 feet from any Residential District.

**Sec. 138-1282. – Golf Course and accessory structures**

- (a) *RESERVED*

**Sec. 138-1283. – Parks and Recreation areas**

- (a) *Purpose* - Parks and Recreation are areas of public and/or private outdoor recreation that includes varying levels of amenities based the passive or active designation. Parks sizes and their amenities are appropriate at certain locations within the community in terms of scale, intended users, intensity, and accessibility.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Parks and Recreation Areas. This shall not be applicable to commercial recreation uses that provide areas for amusement in exchange for a fee or payment. This section shall not apply to common open space areas on the same parcel of another use (example, a courtyard area serving a multifamily building is not subject to this section).
- (c) *Standards*
  - (1) Parks and Recreation Areas, Passive Uses shall be subject to the following standards:
    - a. Recreational amenities shall be limited to trails, pathways, and gardening plots.
    - b. Sports fields, vehicle race tracks, playground equipment, and concession stands are not permitted.
    - c. Covered shelters and restroom facilities are permitted.
  - (2) Parks and Recreation Areas, Active Low Intensity Uses shall be subject to the following standards:
    - a. Recreational amenities shall be limited to trails, pathways, gardening plots, playgrounds, and sports courts such as tennis and basketball.
    - b. Sports fields, vehicle race tracks, and concession stands are not permitted.
    - c. Covered shelters and restroom facilities are permitted.
    - d. No active recreational element may encroach within the required district setbacks. This shall not apply to trails and pathways.
  - (3) Parks and Recreation Areas, Active High Intensity Uses shall be subject to the following standards:

- a. Recreational amenities may include trails, pathways, gardening plots, playgrounds, sports courts, sports fields and concession stands. Other similar recreational uses may be permitted subject to the Zoning Administrator interpretation.
- b. Covered shelters and restroom facilities are permitted.
- c. No active recreational element may encroach within the required district setbacks. This shall not apply to trails and pathways.
- d. Active recreational elements shall be designed such that direct sources of illumination are not visible beyond the property lines. Lights shall be directed away from adjacent residential uses.

**Sec. 138-1284. – Shooting Range/Gun Club**

- (a) *Purpose* - Shooting Ranges and Gun Clubs are establishments that provide for the recreational use, training, or practice of firearm use.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Shooting Ranges/Gun Clubs.
- (c) *Standards*
  - (1) Indoor shooting ranges and gun clubs may be permitted according the level of review as identified in the district table of uses provided that any such uses shall comply with all appropriate local, state, and federal regulations or laws
  - (2) All shooting ranges shall be located in an enclosed structure.
  - (3) Shooting Ranges/Gun Clubs are specifically permitted the following accessory uses and activities:
    - a. meeting rooms and similar accommodations.
    - b. retail sales of guns, ammunition, and supporting merchandise; but subject to other state and federal regulations.
    - c. training and instruction services related

**DIVISION 7. – EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND INSTITUTIONAL USES**

**Sec. 138-1291. – Congregate care and Nursing Home facilities**

- (a) *Purpose* - Congregate Care and Nursing Home Facilities provide living environments for individuals that require varying levels of regular assistance.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Congregate Care and Nursing Home Facilities.
- (c) *Standards*
  - (1) In Single-Family Districts, Parking lots shall not be located between front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site. This shall not apply to residential driveways commonly associated with single-family homes.
  - (2) A designated pedestrian pathway shall be provided between the main building entrance the nearest adjacent street.
  - (3) Facilities shall be developed with at least 15 percent of the site area to be reserved and/or improved as common open space.
    - a. This open space area may be combined with other open space requirements of the zoning district.

- b. Common open space areas may be planned as outdoor recreation, tree grove reserves, play grounds, turf play fields, swimming pools, or any other similar amenity. Heavily landscaped and/or non-accessible areas shall not be counted toward the required common open space.
- (4) Nursing home uses shall be subject to the following additional standards:
- a. Number of beds may not exceed three times the allowed density of the zoning district in which the parcel is located (unless otherwise specified).
  - b. New or expanded nursing homes are prohibited within the coastal storm area, the area inundated by a category 2 hurricane or a floodway as defined by this chapter. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a nursing home has not been abandoned, and the improvements or replacement do not result in additional beds.

**Sec. 138-1293. – Day Care Facility, child and/or adult**

- (a) *Purpose* - Day Care Facilities provide for care and supervision of youth, elderly, and the physically impaired. Such use should be allowed in a variety of districts to site facilities in close proximity to residences and places of employment. Specific standards should be applied to ensure that facilities are compatible and complementary to the district in which they are located.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Day Care Facilities.
- (c) *Standards*
  - (1) Facilities shall be licensed as required by appropriate governmental agencies.
  - (2) A child day care facilities shall encompass gross land area equal to or greater than 500 square feet per child enrolled in the facility.
  - (3) When abutting a residential use, a six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around any outdoor child play area.
  - (4) In Single-Family Districts, the following standards shall apply:
    - a. Parking lots shall not be located between front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site. This shall not apply to residential driveways commonly associated with single-family homes.
    - b. The exterior appearance shall closely resemble a typical residential structure in terms of scale, color, and materials.

**Sec. 138-1294. – Government Building or Use**

- (a) *Purpose* - Government Buildings and Uses include offices and other facilities used for administrative, legislative and judicial governmental functions. These uses are focused in commercial and institutional areas but certain public need warrants establishment in other areas.
- (b) *Applicability* - The provisions of this section shall apply to new and expanding Government Building or Use. These standards shall not apply to other specific uses listed in the district table of uses (examples include but not limited to Utilities, Schools, Public Housing, Parks and Recreation, and Libraries).
- (c) *Standards*
  - (1) Due to the variety of uses and associated impacts, specific standards shall be determined during review.

- (2) In residential districts the following standards shall apply:
  - 1. Government uses shall be limited to low intensity offices or neighborhood services.
  - 2. No exterior storage of machinery or equipment shall be permitted.
  - 3. Parking lots shall not be located between front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site.
- (4) When the use requires a Level 2 or 3 approval, the size, intensity, development configuration, and hours of operation may be limited as a condition of approval in order to address neighborhood compatibility concerns.

**Sec. 138-1295. – Hospital**

- (a) *Purpose* - INSERT
- (b) *Applicability* - The provisions of this section are applicable to new and expansions of Hospitals.
- (c) *Standards*
  - (1) New or expanded hospitals are prohibited within the coastal storm area, the area inundated by a category 2 hurricane, or a floodway. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a hospital has not been abandoned, and the improvements or replacement do not result in additional beds.
  - (2) *Reserved*

**Sec. 138-1296. – Meeting Hall and other Community Assembly Facility**

- (a) *Purpose* - Facilities provide shelter for public gatherings and communal activities, or other assembly structures, including community halls, reception halls, wedding halls, and similar. This does not include government offices, or club, community service and fraternal uses. Limited in size in some districts...
- (b) *Applicability* - INSERT
- (c) *Standards* - INSERT

**Sec. 138-1298. – Place of Worship**

- (a) *Purpose* - Facilities provide traditional church and worship functions along with incidental ancillary uses only. Such facilities may include but are not limited to sanctuary, temple or similar place of worship, accessory uses for church classrooms, meeting rooms or similar assembly rooms, parsonage and other similar functions which are incidental and ancillary to the use of the site as a church or place of worship.
- (b) *Applicability* - The provisions of this section shall be applicable to new and expansions of Places of Worship.
- (c) *Standards*
  - (1) In the General Professional Office and Neighborhood Commercial Districts, the following standards shall apply:
    - 1. Places of Worship less than 20,000 square feet shall be permitted as a Level 1 review.
    - 2. Places of Worship 20,000 square feet and larger shall secure Level 2 approval.
  - (2) In Residential Districts, the following standards shall apply:

1. Parking lots shall not be located between front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site.
  2. At least 50 percent of street facades shall have fenestration. Entry doors shall count as fenestration. Garage doors are not fenestration on street facing facades.
- (3) When adjacent to a Residential district the following standards shall apply:
- a. No speaker or amplified announcement device shall be oriented to face a Residential district.
  - b. Active recreational areas such as sports fields and playgrounds shall be set back at least 50 feet from any Residential District.
  - c. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around outdoor active recreational areas and parking fields.
- (4) Accessory uses such as retail shops, food service facilities, and day care, may be permitted when only available to employees, members, and/or parishioners of the Place of Worship. This shall not include Cemeteries. Uses that serve outside customers and the general public shall seek separate land use approval pursuant to the district table of uses.

**Sec. 138-1299. – School, grades Pre-K thru 12**

- (a) *Purpose* - Schools, grades Pre-K thru 12 shall include specific development standards to ensure compatibility with the surrounding neighborhood in which they are located.
- (b) *Applicability* - The provisions of this section apply to new and expansions of Schools, grades Pre-K thru 12.
- (c) *Standards*
  - (1) Schools Proposed by the school board.
    - a. Nothing within this chapter shall prohibit the board of county commissioners from entering into an agreement with the county school board pursuant to F.S. § 235.193(9) to establish a procedure for the review of site plans for compliance with the county's land development regulations and consistency with the comprehensive plan. Such a procedure may include, but not be limited to, locational criteria (including the identification of zoning districts in which schools may be located), environmental requirements, safety requirements, health requirements, and the mitigation of off-site impacts and effects on adjacent property. The locational criteria of this chapter shall be superseded by the adoption of such an agreement.
  - (2) Private schools of general or special education in residential districts:
    - a. Specific standards and conditions to be determined during the associated level of review as identify by the zoning district.

**DIVISION 8. – TRANSPORTATION, COMMUNICATION, AND INFORMATION USES**

**Sec. 138-1310. – Airports (Air Transportation)**

- (a) *Purpose* - Airports shall include specific development standards to ensure safety and compatibility.
- (b) *Applicability* - The provisions of this section apply to new and expansions of Airports.
- (c) *Standards*

- (1) New or enlarged airports. In addition to all other items required by the pertinent sections of this chapter, applications for enlarging or changing existing airfields or to permit a new airfield shall be accompanied by:
  - a. Proof of compliance with all county, state and federal laws, regulations and requirements.
  - b. Complete plans for all airport facilities, including approach zones, horizontal zones and conical zones.
  - c. A fee sufficient in amount to reimburse the county for all costs of installing and maintaining warning lights or markers upon any existing tree or structure outside of the property of the applicant and which extends into any approach zone, horizontal zone, or conical zone.
  - d. A list of all trees or structures which extend into any approach zone, horizontal zone or conical zone and the dimensions of such trees or structures.
- (2) Clear space.
  - a. In order to reduce danger from low-flying planes approaching and taking off from the airfield, the end of a runway shall not be closer than the applicable distance as set out in this subsection and as measured within the area drawn by the means provided in subsection (b)(2) of this section.
    1. Seven hundred fifty feet for airstrips.
    2. One thousand feet for class I airfields.
    3. Two thousand feet for class II or class III airfields.
    4. Twenty-five hundred feet for class IV airfields.
  - b. Such distance shall be measured from the end of each runway by extending a line perpendicular to the centerline of such runway  $1\frac{1}{2}$  times the width of the runway in each direction from the centerline and taking the points from each end of such line so drawn; thence extending a line from each of such points away from the centerline at an angle of seven degrees on each side for the distance as required in subsection (b)(1) of this section; an arc shall then be drawn connecting the point at the far end of each seven-degree angle line using the end of the centerline of the runway as the center point for such arc.
- (3) Runways. All runways shall conform in length and width to the Federal Aviation Agency's minimum standards.
- (4) Aprons and ramps.
  - a. Aprons and ramps shall be perpendicular to runways and taxiways.
  - b. Vehicles or aircraft shall not be parked or stored in the area outlined by the directions in subsection (b)(2) of this section, nor within 100 feet of the edge of the runway, whichever distance is greater.
- (5) Construction within the airfield.
  - a. Structures within the airfield shall be constructed of material which will provide not less than two hours' fire-resistant construction according to the standards established by the American Society of Testing Materials or the requirements of the National Fire Protection Association.
  - b. All airports shall be fenced; such fences shall be a minimum of four feet in height.
  - c. Storage of gasoline shall be underground and in accordance with the requirements of all applicable laws and ordinances.

- (6) Height limitations near airports.
  - a. No existing use, structure or tree may be extended, expanded or enlarged so as to encroach into any portion of the approach zones, horizontal zones or conical zones, nor shall any existing use, structure or tree be permitted to encroach into any of the aforesaid zones.
  - b. Any use, structure or tree existing on January 30, 1990, and which extends into any approach zone, horizontal zone or conical zone of an existing airport shall be considered nonconforming and may not further encroach into any of the aforesaid zones.
  - c. Where any use, structure or tree which shall be in existence on the date on which a proposed airport shall be approved and where such use, structure or tree extends into the approach zones, horizontal zones or conical zones of such an airport, such use, structure or tree shall be considered nonconforming as of the date specified in subsection (f)(2) of this section and shall be in no way expanded to further encroach into the aforesaid zones.
- (7) *Airport hazards* (Florida Aviation Laws, F.S. § 333.02):
  - a. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared that:
    - 1. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;
    - 2. It is therefore necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented; and
    - 3. This should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.
  - b. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.
- (8) Other hazards.
  - a. Uses within two miles of any airfield runway shall conform to the performance standards established in this section.
  - b. No electrical use or operation shall be permitted that interferes with instrument control or landing operations of planes or of radar, radio or ground control approach systems for such airport.
- (9) Uses at the St. Petersburg-Clearwater International Airport and in the surrounding area shall be regulated and restricted pursuant to chapter 142, article II.
- (10) Additional Standards
  - a. The minimum building site areas for each primary use and its customary accessory use shall be a minimum of five acres of land with a minimum width of 200 feet and a minimum depth of 200 feet.
  - b. No structure within this area shall exceed 45 feet in height.

- c. The maximum area of a lot or parcel to be covered by structures shall be ten percent of the area of the lot or parcel.
- d. The following front, side and rear yards shall be required:
  - 1. Front yard shall be a minimum of 50 feet in depth measured from a right-of-way line to the front of the structure, taxi area, or parking area.
  - 2. Side and rear yards shall be a minimum of 25 feet to any structure, taxi area, or parking area.

**Sec. 138-1311. – Docks and Piers**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards* - INSERT

**Sec. 138-1312. – Commercial Marina**

- (a) *Purpose* - Airports shall include specific development standards to ensure safety and compatibility.
- (b) *Applicability* - The provisions of this section apply to new and expansions of Commercial Marinas.
- (c) *Standards*
  - (1) Site plans for marinas shall not be approved unless such plans are in substantial compliance with policies 4.1.2, 4.1.3, 4.1.4, and 4.1.5 coastal management element of the county's adopted comprehensive plan. For the purpose of this section, marinas and other water dependent uses shall include any facility adjacent to and utilizing a body of water and providing any of the following: boat storage and launching, docking, building, repair, maintenance and outfitting of watercraft that requires access to water, or any similar water dependent use.
  - (2) For purpose of this section a "commercial marina" is defined as a facility, adjacent to and utilizing a body of water which may provide only the following: boat storage and launching, docking, minor repair and maintenance of water craft such as washing, polishing, engine tune up, oil change, lubrication, minor outfitting, retail sale of fuel, oil, bait, tackle and marine supplies or such other customary use commonly found at a retail marina.
    - a. Prior to approval the reviewing body of the use shall be assured that:
      - 1. The use meets all zoning standards.
      - 2. The use will comply with applicable noise standards of the county code.
      - 3. The use shall not general excessive vehicular traffic in the neighborhood.
      - 4. The use shall be compatible with the surrounding area and shall be utilized for recreational and pleasure craft and/or fishing vessels only with no boat building, major repair operations or shipping port activities included.
      - 5. The use shall be adequately buffered from adjacent properties.
      - 6. Water ways will be protected from material adverse impacts on navigation, transportation, recreation and other public purposes.
      - 7. Water flows and tidal currents in the surrounding waters will be protected from material adverse impacts.

8. Material adverse impacts on erosion control, storm drainage, shoaling of channels and water quality shall not occur.
  9. Recreational advantages and natural beauty shall be protected.
  10. Material adverse impacts on wildlife, marine life and natural resources including beaches and shores shall not occur.
  11. Health, safety and welfare of the general public is considered.
  12. The use will be consistent with adopted state plans (i.e. manatee protection, swim plans) county and county's comprehensive plan and other adopted resource management plans or other county ordinances and regulations.
  13. A hurricane plan is filed and that such plan is acceptable to the county emergency management department.
- b. The burden shall be on the applicant to demonstrate compliance with these standards.
  - c. Where docks, seawalls, launching ramps, etc. are proposed and would require permits from the county water and navigation control authority, the conditional use request and the water and navigation application shall be reviewed simultaneously. The county administrator shall cause all public hearings required for each, if required, to be scheduled at the same time to permit the county commission to review the overall proposed development.
  - d. Minor modifications to an existing marina, resulting in no more than a ten percent increase in the number of boat storage spaces on the upland area of the site or a ten percent increase in the size of the building footprint and/or parking area, may be reviewed and approved by the county administrator through the site plan review process, provided all other permitting criteria and conditions are addressed.

**Sec. 138-1313. – Communication towers and antennas**

- (a) *Purpose* - It shall be the intent of this chapter to allow for the reasonable expansion of technology in keeping with the 1996 Federal Telecommunications Act while providing reasonable regulation of communication towers and antennas to ensure that the county landscape is not adversely affected by the proliferation of tall towers.
- (b) *Applicability* - The provisions of this section shall apply to the following uses and structures:
  - Transmitting Stations, remote Radio and Television uses and structures. This shall not apply to broadcast studios of office.
  - Wireless Communication Antennae, Towers, and associated structures.
- (c) *Standards* - Construction of antennas and towers in accordance with the preceding provisions shall be the desired method in the county in order to minimize the visual impacts of towers on the landscape. Proposals to erect towers in another manner (except those specifically exempted from this Code) may be permitted by the board of adjustment. Toward this end the following provisions shall apply:
  - (1) Communication towers may be erected in any commercial or industrial district as a permitted use subject to the height provisions of the code.
  - (2) Communication towers which are camouflaged to look like trees or palms which are common to the county may be erected in any zone subject to a height limitation of 75 feet.
  - (3) Antennas and supporting mechanical equipment may be installed on or attached to buildings, light poles, other existing towers, water towers, or other existing

structures in any zoning district. Such antennas shall add no more than 20 feet in height above the existing structure and shall be a neutral color similar to that of the supporting structure.

- (4) Supporting equipment buildings may be located on the site of camouflaged towers provided they do not exceed 500 sq. ft. in size. Such buildings shall be compatible with the architecture of the neighborhood in which located.
- (5) Towers and supporting structures shall be a neutral nonglare color or finish so as to reduce visual obtrusiveness (except as may otherwise be required by the Federal Aviation Authority).
- (6) Any tower or antenna which is not operated for a period of 90 days or more shall be considered abandoned. Upon written notification by the county, the owner shall remove same within 60 days. Failure to do so shall constitute a violation of this code. Upon such written notification any previously granted variance or special exception shall terminate. Abandonment shall not include towers or antennas damaged by forces beyond the control of the operator, where the operator is proceeding in good faith to restore the facility to operational status. A tower or antenna shall be considered operational so long as an antenna and corresponding electronics, in operational condition, are present, at the facility or undergoing repairs in accordance with the above.
- (7) All towers and supporting equipment including guys shall meet normal setback requirement except that towers shall be set back from residential property lines a distance equal to the height of the tower.
- (8) Towers shall be enclosed by security fencing a minimum of six feet in height.
- (9) Towers shall not be used for the placement of advertising or signs other than warning signs or devices.
- (10) Towers shall be set back from residential property lines a distance equal to the height of the tower.
- (11) Towers shall be equipped with warning lights in accordance with FAA standards regardless of height.

#### **Sec. 138-1313. – Heliport and Helistops**

- (a) *Purpose* - Heliports and Helistops shall include specific development standards to ensure safety and compatibility with the surrounding neighborhood and any structures they are intended to serve.
- (b) *Applicability* - The provisions of this section apply to new and expansions of Heliports and Helistops.
- (c) *Standards*
  - (1) The minimum touchdown area shall be 100 feet in length and width.
  - (2) The minimum primary surface area shall be 300 feet in length and width.
  - (3) A showing of compliance with airport licensing and zoning, rules of the state department of transportation.

#### **Sec. 138-1315. – Mass Transit Center**

- (a) *Purpose* - Mass Transit Centers are vital to an efficient public transportation system by providing connections to various lines and endpoints to individual routes. Mass Transit Centers should be designed to be convenient to pedestrians. Transit Centers shall include specific development standards to ensure pedestrian access, safety, and compatibility with the surrounding neighborhood.

- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Mass Transit Centers. This section shall not apply to individual transit shelters located along a street or located as part of another use (example. A transit stop located within a shopping center development is not subject to this section).
- (c) *Standards*
  - (1) Mass Transit Centers should be focused at community nodes and areas of higher density/intensity.
  - (2) A permanent structure shall be provided to shelter transit riders. The structure shall include a roof structure and be an adequate size to serve the projected transit riders.
  - (3) Transit stops and passenger waiting areas shall be clearly visible from a nearby street to ensure surveillance and site safety.
  - (4) A designated pedestrian pathway and/or system shall be provided to interconnect individual transit stops and provided connections to public sidewalks along adjacent roadways.
  - (5) When adjacent to a Single-Family Residential district the following standards shall apply:
    - a. No speaker or amplified announcement device shall be oriented to face residential lots.
    - b. A six-foot high, non-opaque wall or fence shall be provided along rear and side property lines around on-site transit stops and bus parking areas. This shall not apply to transit stops and bus parking areas along public streets.

**Sec. 138-1316. – Off-shore Tour Vessels and Water Transport**

- (a) *Purpose* - Facilities shall include specific development standards to ensure safety and compatibility to the district and/or natural environment in which they are located.
- (b) *Applicability* - The provisions of this section apply to new and expansions of Off-shore Tour Vessel and Water Transport uses.
- (c) *Standards*
  - (1) Off-shore tour vessels may be approved as a conditional use at any location where marinas are specifically permitted. In addition to the general standards contained in code, the reviewing body for the use shall consider each of the following criteria in determining whether an application should be approved:
    - a. Possible detrimental effects on surrounding properties including lights, noise, odor, or other nuisance effects.
    - b. Effects on the navigability of the waterway and the impact on vessels currently using the waterway.
    - c. Impact on traffic circulation.
    - d. Ability to provide parking at a rate of one space per three rated passenger plus one for each employee.
    - e. Within the Anclote River such vessels shall not be moored within 1500 feet of another such vessel (said distance to be measured from the center of the submerged mooring area of the vessels).

## **DIVISION 9. – UTILITIES**

### **Sec. 138-1321. – Solar Energy Systems**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards* - INSERT

### **Sec. 138-1322. – Solar Energy Production Facility**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards* - INSERT

### **Sec. 138-1325. – Utilities**

- (a) *Purpose* - Utilities provide essential services to all land uses. Utilities are described as Class 1, 2, or 3 in order separate facilities based on intensity.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Utilities, Classes 1, 2, and 3. This section shall not apply to any other separate land use listed on the district table of uses.
- (c) *Standards*
  - (1) Utilities, Class 1 shall be subject to the following standards:
    - a. Utilities, Class 1 may include transmission lines; electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; effluent disposal systems; cable television and telephone transmission lines; or similar utility lines.
  - (2) Utilities, Class 2 shall be subject to the following standards:
    - a. Utilities, Class 2 may include booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, and other similar utilities.
    - b. Portions of pumping stations or similar facilities that extend above ground shall be buffered with from off-site view. Buffering methods may include landscaping, fencing, and/or a permanent building.
  - (3) Utilities, Class 3
    - a. Utilities, Class 3 may include production or treatment facilities such as sewage treatment plants, elevated water storage towers, non-accessory ground storage tanks, or similar facilities. Utilities, Class 3 does not include electric power plants, solid waste management, or any other separate land use listed on the district table of uses.
    - b. All treatment operations shall be conducted behind a six-foot high, non-opaque wall or fence.
    - c. Treatment facilities shall be setback at least 100 feet from a Residential district.

**Sec. 138-1323. – Waste Management related uses.**

- (a) *Purpose* - Waste Management related uses are vital to the urbanized county address to address garbage, waste, and other discarded material. These uses require a higher level of review to address site development and operational concerns.
- (b) *Applicability* - The provisions of this section shall apply to the following waste management related uses:
  - Bio Hazardous or Hazardous Waste Storage and Treatment
  - Solid Waste Management and Disposal Facilities
  - Solid Waste Transfer Facilities
- (c) *Standards*
  - (1) Bio Hazardous or Hazardous Waste Storage and Treatment shall be subject to the following standards:
    - a. In addition to the provisions of the Code, facilities shall comply with all local, state, and federal laws, regulations, orders, consent orders, decrees, permit conditions or judgments.
    - b. As part of Level 3 approval, the board may require annual reporting to the county, in a form acceptable to the county, of the tonnage and types of materials received, and the tonnage and types of materials transferred or recycled, if determined to be applicable by Pinellas County Utilities Solid Waste Operations Department.
    - c. At processing and material storage shall be conducted behind a six-foot, non-opaque wall or fence.
  - (2) Solid Waste Management and Disposal Facilities shall be subject to the following standards:
    - a. In addition to the provisions of the Code, facilities shall comply with all local, state, and federal laws, regulations, orders, consent orders, decrees, permit conditions or judgments.
    - b. As part of Level 3 approval, the board may require annual reporting to the county, in a form acceptable to the county, of the tonnage and types of materials received, and the tonnage and types of materials transferred or recycled, if determined to be applicable by Pinellas County Utilities Solid Waste Operations Department.
  - (3) Solid Waste Transfer Facilities shall be subject to the following standards:
    - a. At processing and material storage shall be conducted behind a six-foot, non-opaque wall or fence.
    - b. In addition to the provisions of the Code, facilities shall comply with all local, state, and federal laws, regulations, orders, consent orders, decrees, permit conditions or judgments.

**Sec. 138-1326. – Wind Energy Conservation System (WECS), Small Scale**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards*

## **DIVISION 10. – AGRICULTURAL USES & ACTIVITIES**

### **Sec. 138-1330. – Agricultural Activities, Commercial Use**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards*
  - (1) Agricultural Activities, Commercial Use - INSERT
  - (2) Agricultural Activities, Personal Use - INSERT

### **Sec. 138-1331. – Community Gardens**

- (a) *Purpose* - An activity on property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment, for the consumptions and enjoyment of friends and relatives and/or donation to a not-for-profit organization, generally on a not-for-profit basis.
- (b) *Applicability* - INSERT
- (c) *Standards*
  - (1) Community Gardens are permitted for a group of unrelated people to grow, cultivate, and harvest plant material. Plant material may include but not limited to food crops, flowers, and general landscape aesthetics.
  - (2) No prohibited or invasive species may be planted as part of a Community Garden.
  - (3) Any permanent accessory structures shall be subject to the district dimensional standards and comply with County building permit standards.
  - (4) Plant material shall not impede sight visibility for sidewalks, streets, or any other vehicle access lanes.
  - (5) Community Gardens may only occur where the property owner(s) provides written consent to the intended users. Where the intended users include the unspecified general public, such consent may be granted to Pinellas County Board of County Commissioners.
  - (6) Animals and Livestock are not permitted uses in Community Gardens but may be allowed subject to the rules and standards of Division 12 - Animals and Livestock.

## **DIVISION 11. – OTHER USES**

### **Sec. 138-1340. – Excavation Pits and Quarries, in excess of 1,000 cubic yards**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards*
  - (1) Excavations may be permitted as a special exception in any location in the unincorporated area of the county, provided such location and excavation shall have been specifically approved by the board of adjustment. Prior to the approval of any excavation, the county site plan review agencies, as required, shall examine a. preliminary site plan (a cross-section of the excavation is required) to determine whether the proposed excavation will be detrimental to or interfere with the health, safety or general welfare. The plan, once approved, shall become a condition upon which the excavation is permitted, and any change or addition shall constitute a violation of the zoning ordinance unless such change or addition

is examined by the county site plan review agencies according to the same criteria required for original issuance, and approved by the board of adjustment.

- a. No excavations of earth shall be within 150 feet of any road right-of-way line.
- b. Unfenced excavations of earth shall be no closer than 50 feet to an adjoining lot or parcel. Fenced excavations shall be no closer than 25 feet to an adjoining lot or parcel.
- c. Depth and slope shall be determined by the county engineering department and/or the county water system according to demands for safety from pollution of the underground watercourses to be determined according to the nature of the particular substrata soil structure.
- d. No excavation shall detract from or interfere with the county's ultimate drainage plans or existing patterns. No excavation may be approved which would pollute the underground watercourse.
- e. All plans for proposed excavation shall be required to bear the seal and signature of an engineer registered and licensed by the state and shall show a positive outfall of overflow into the county drainage system.

**Sec. 138-131. – Land Fills or Excavation**

(a) *Purpose* - INSERT

(b) *Applicability* - INSERT

(c) *Standards*

- (1) A zoning clearance shall be required for any landfill or excavation which is more than five cubic yards but less than 1,000 cubic yards. Prior to issuance of such clearance, a plan shall be submitted to and approved by the zoning division, the water department, the engineering department and the department of environmental management. Such plan shall show the following:
  - a. Legal description and boundaries of the property.
  - b. Location of all trees of four inches diameter breast height (dbh) or larger on the site.
  - c. Location of proposed excavation or fill.
  - d. Existing and proposed topography, including surface water areas.
  - e. All plans shall be scale drawings.
- (2) No zoning clearance is required for fills or excavations of less than five cubic yards; however, no fill or excavation, regardless of size, shall detract from or interfere with the county's ultimate drainage plans or adversely affect drainage on adjacent properties. Where such interference or detraction appears possible, a zoning clearance pursuant to this subsection may be required. Tree removal permits are required for all fills and or excavations.

**DIVISION 12. - ANIMALS AND LIVESTOCK**

**Sec. 138-1351. - Chickens.**

(a) *Purpose* - INSERT

(b) *Applicability* - INSERT

(c) *Standards*

- (1) General conditions for the keeping of chickens in the R-1 through R-5 zoning districts.

- a. For the purposes of this section of the Code, the term "chicken" refers to female chickens only (i.e., hens).
  - b. Up to four chickens may be kept within an occupied single-family property located in the R-1, R-2, R-3, R-4, and R-5 zoning districts. Chickens may be kept within manufactured home subdivisions, but not on duplex, triplex or multifamily properties, or within mobile home/manufactured home parks.
  - c. Chickens must be kept within the coop or enclosure at all times.
  - d. Ducks, geese, turkeys, peafowl, adult male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this section of the Code.
  - e. Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
  - f. Chickens shall not be slaughtered on premises.
  - g. The coop and enclosure must be screened from the neighbor's view, using an opaque fence and/or a landscape screen.
- (2) Location and requirements for chicken coops and enclosures in the R-1 through R-5 zoning districts.
- a. Any chicken coop and fenced enclosure must be located in the rear yard. No coop or enclosure shall be allowed in any front or side yard. (Corner lots shall be excluded from the side setback restriction).
  - b. The coop and enclosure comply with the district setback standards.
  - c. If the coop structure exceeds 100 square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building Code.
  - d. The coop shall be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators).
  - f. All stored feed must be kept in a rodent and predator-proof container.
  - g. The coop shall provide a minimum of three square feet per chicken and be of sufficient size to permit free movement of the chickens. The coop may not be taller than six feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.
- (3) Health, sanitation and nuisance as applied to the keeping of chickens in the R-1 through R-5 zoning districts.
- a. Chickens shall be kept within a coop and enclosure. No person shall release or set any chicken free from such coop or enclosure.
  - b. Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
- (4) Enforcement.
- a. In a public health emergency declared by the Director of the Pinellas County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, the county may require immediate corrective action in accordance with applicable public health regulations and procedures.

- b. No person convicted as a repeat violator of section may be permitted to, or continue to, keep chickens on their premises.

(5) This section applies no restriction on Chickens in the A/E and E-1 zoning districts.

**Sec. 138-1352. - Livestock.**

- (a) *Purpose* - INSERT
- (b) *Applicability* - INSERT
- (c) *Standards*
  - (1) No livestock shall be maintained, raised or housed within any zoning district except where specifically authorized by this chapter.

**Sec. 138-1353. – Non-Traditional Pets**

- (a) *Purpose* - There are some situations where an individual desires to keep or possess an animal species that is restricted by Code. There should be an opportunity for said individual to pursue special approval to keep such animal where appropriate, safe, and adequate site conditions exist.
- (b) *Applicability* - This section shall be applicable to individuals that wish to request approval to keep an animal species that is otherwise prohibited by Code.
- (c) *Standards*
  - (1) An applicant may seek approval to keep, board, and/or possess any animal otherwise restricted by this Code, subject to Level 2 review.
  - (2) State and federal restrictions on certain species shall supersede any County approval.
  - (3) The approval of the Non-Traditional Pet shall be assigned to a specific individual AND to an exact parcel of land for habitation.

**DIVISION 13. – TEMPORARY USES AND STRUCTURES**

**Sec. 138-1356. - Temporary uses and structures.**

- (a) *Purpose* - The purpose of this section is to establish allowances, standards, and criteria for temporary uses.
- (b) *Applicability* - The provisions of this section shall apply to temporary uses upon a given property.
- (c) *Standards* -
  - (1) Construction offices and construction storage buildings for land under development may be allowed in any district for the purpose of development.
    - a. Authorization for a temporary use and structure shall only be granted after the filing of an acceptable preliminary site plan.
    - b. Any permit for a temporary use or structure shall expire at the end of two years or upon completion of the project for which the temporary use has been authorized, whichever is sooner, and shall be removed or converted to a permitted use upon such expiration. Extensions to the original permit may be granted for a period of one year as a Level 1 review.
  - (2) Other temporary uses such as Christmas tree sales, pumpkin sales, rummage sales, temporary flea markets, carnivals, festivals, and promotional activities may be permitted under the following criteria:

- a. May be permitted in commercial, industrial or agricultural zones; may be permitted in other zones if on the site of an existing civic organization (i.e., church, Boy Scouts, school, fraternal organization or similar activity).
- b. No parcel shall be occupied by a temporary use for more than 90 days in any calendar year.
- c. No zoning clearance or permit is required for a temporary use except as noted below. However, the operator of a temporary use must:
  - 1. Obtain written permission from the property owner and have such permission available on site during the operation of the temporary use.
  - 2. Provide safe and adequate off-street parking (no parking or sales area shall be within a public right-of-way).
  - 3. Insure safe and adequate ingress and egress to the property, including safe site [sight] distance for vehicles entering or leaving the property.
  - 4. Insure that all use areas (i.e. sales, activities) other than parking is [are] located at least 25 feet from a public right-of-way and residential properties.
- d. The provisions of section 138-1357 shall be met for any tent.
- e. The operator shall obtain permits for any structures to be located on the property or if such use requires electricity or plumbing permits the operator shall obtain such permits prior to operation.
- f. The county administrator or his designee shall have authority to require immediate compliance with the provisions of this section.
- g. Nothing herein shall relieve an operator of a temporary use from complying with other applicable codes, ordinances, and regulations.

**Sec. 138-1357. - Tents.**

- (a) *Purpose* - The purpose of this section is to establish standards for tents that are used for temporary events.
- (b) *Applicability* - This section shall be applicable to event tents. This section shall not apply to personal tents normally associated with camping or private family use.
- (c) *Standards* -
  - (1) Tents may be erected in any zoning district for a period not to exceed 30 days for the purpose of special sales, promotions, entertainment, educational, religious, evangelistic or similar special events, subject to the following:
    - a. The use of the tent shall be limited to an authorized use of the property in the zoning district where located.
    - b. The tent shall comply with all setback requirements.
    - c. Adequate off-street parking shall be provided as required by article VII, division 2 of this chapter.
    - d. The applicant shall submit a detailed plot plan showing the location of the tent, the floor area and maximum capacity (number of persons) of the tent, the number and location of off-street parking spaces, a traffic circulation plan showing all ingress/egress locations, and the location of any structures and/or trees existing on site. Such plan shall be examined by the zoning division, the environmental management department, and the engineering department to determine compliance with this chapter and other applicable codes, ordinances, or regulations. No clearance for a building permit shall be issued until such plan complies with these provisions.

## **DIVISION 14. - PERFORMANCE STANDARDS**

### **Sec. 138-1360. - General requirements.**

All uses in districts where reference is made to this division shall conform to the standards of performance described herein. It is the intent of this division to provide restrictions on properties so as to protect adjacent and nearby properties from noise, pollution, visual and other aesthetic distractions, and other similar undesirable effects.

### **Sec. 138-1361. - Specific requirements.**

- (a) *Noise.* Every use shall be operated so as to comply with chapter 58, article XII of the Pinellas County Code.
- (b) *Screening.* When located within 300 feet of a residential district, all industrial processes (welding, spray painting, fabrication or manufacture of products, equipment repair and similar processes) shall be within completely enclosed buildings (see section 138-1). When located within 300 feet of a residential district, all storage areas, except storage of passenger vehicles, shall be effectively screened from view by a solid fence or wall a minimum of six feet in height. When directly abutting a residential district, all nonresidential uses of land shall be screened along such abutting property line by a solid fence or wall a minimum of six feet high in accordance with the provisions of section 138-1336; and no storage, except storage of passenger vehicles, shall be permitted within 20 feet of any residentially zoned property.
- (c) *Pollution, visible emissions, dust, dirt, odors and fumes.* Every use shall be operated so as to prevent the emission of smoke, dust, fumes or any other pollutant as defined by the state department of environmental protection and chapter 58, article IV of the Pinellas County Code, from any source whatsoever in quantity or at a level which is or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property; or unreasonably interfere with the enjoyment of life or property, including outdoor recreation; or in excess of that specified or allowed by any state or county permit. Any operation which emits or can reasonably be expected to emit any pollutant shall obtain an appropriate permit from the department of environmental protection and/or the county.
- (d) *Industrial sewage and waste.* Every use shall be so operated as to prevent the discharge into any stream, lake, or the ground of waste or other matter in amounts which will exceed the maximum standards established by local, federal or state law.
- (e) *Fire and safety hazard.* Each use shall be so operated as to minimize the danger from fire and explosion.
  - (1) All uses which are determined to be of a hazardous nature, using the standards set forth by NFPA (National Fire Protection Association), shall be provided with additional setbacks as determined by the above-mentioned NFPA standards.
  - (2) Such additional setbacks, if any, shall be determined by the county fire administrator during review of plans.