



## **Land Development Code Update Workgroup**

### **AGENDA**

**Thursday, April 17, 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**

---

- 1. Call to Order**
- 2. Review March 20<sup>th</sup> meeting summary**
- 3. Finish the discussion on specific use standards**
- 4. Begin discussion on the framework for landscaping and habitat management standards**
- 5. Confirm next meeting date**

**Pinellas County Land Development Code Update Workgroup**

**March 20, 2014 Meeting Summary**

**Pinellas County Land Development Code Update Workgroup**  
**Thursday, March 20, 2014 Meeting Results**

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

- The meeting officially started at 1:10 pm
- Those present included: Steve Englehardt, Robert Pergolizzi, Deborah Martohue, Jim Millspaugh, and Michael Hendry; County staff: Marcella Faucette, Liz Freeman, David Sadowsky, Chris Wert, Gordon Beardslee, Rick MacAulay, Cindy Margiotta, John Cueva, Blake Lyon, Ryan Brinson, and Glenn Bailey; consultant: Ryan Givens.

**Agenda Item #2: Introductions**

The workgroup was introduced to the recently hired County staff members Blake Lyon (Development Review Services Division Manager) and Chris Wert (Development Review Services Senior Engineer). Brief introductions from all in attendance followed.

**Agenda Item #3: Review January meeting summary**

- After a minor correction was noted on page 2 by Ms. Martohue concerning a misinterpreted statement, the Workgroup agreed with the correction and that the summary accurately reflects the previous meeting.

**Agenda Item #4: Discuss proposed RPD Development Master Plan changes**

- Glenn Bailey covered proposed changes that apply to Section C- Existing Development Master Plans. Glenn mentioned that the changes are based on a recent real-world case example County staff has encountered. The changes provide additional clarifications regarding unallocated Master Plan density/intensity and promote greater flexibility for Master Plan amendment requests while safeguarding against the potential for compatibility issues with surrounding properties. The Workgroup agreed that the proposed changes are appropriate.

**Agenda Item #5: Continue Discussion of the specific use standards**

- Ryan Givens began by discussing the changes that occurred since the last meeting, dealing with Section 138-1210, Accessory Dwelling Units through Section 138-1215, Dwellings.
- Liz Freeman mentioned that **Section 138-1211- Affordable Housing Development (AHD)** may change in the future once our Community Development Department staff reviews and comments on it.
- The Workgroup discussed **Section 138-1212 Assisted Living Facility:**

- Mr. Pergolizzi asked if the required buffer areas could count as part of the required 15% “common open space” standard. Blake Lyon mentioned that the intent behind this requirement is to have functional and usable areas for recreation and social interaction, and that using the Buffer Areas that are often remnant unusable areas would not meet the objective for this standard. Liz mentioned that the term “common open space” needs to be defined and that the distinction needs to be clarified between buffer areas vs. “common open space” areas. Gordon mentioned that the group should consider the same language that was used in the Zoning District Section. Liz also asked if Ryan Givens could at the next meeting explain what the intent was behind adding tree grove reserves to the “common open space” example. Ryan Brinson also mentioned that the prohibition/restriction for new or expanded assisted living facilities within the Coastal Storm Area (CSA) should be added. The Workgroup agreed that the changes to this section be discussed at the next meeting.
- The Workgroup **discussed Section 138-1213 Community Residential Home:**
  - John Cueva mentioned that the State distance spacing requirement for Community Residential Homes (1, 2, and 3) is 1,000 feet and that the present Code and the requirements proposed for Residential Homes (2, and 3) is 1,200 feet. Ryan Givens will look into the State’s distance requirement and will follow-up at the next meeting. Liz mentioned that it might be a benefit to citing the corresponding Florida Statute Section as a reference.
- The Workgroup discussed **Section 138-1214 Dormitory** and didn’t have any comments.
- The Workgroup discussed **Section 138-1215 Dwellings:**
  - Mr. Englehardt mentioned that under (3b.); architectural articulation needs to be defined, since it replaced the term fenestration.
- The Workgroup discussed **Section 138-12198 Home Occupation** and didn’t have any comments.
- The Workgroup discussed **Section 138-1219 Modern Manufactured Home:**
  - Rick MacAulay wanted to make sure that the term Modern Manufactured Home has been defined elsewhere in the Code. Ryan Givens said that the term will be defined in the Glossary. Liz mentioned that it’s a State defined definition.
- The Workgroup discussed **Section 138-1230 Bed and Breakfast:**
  - Liz questioned (1d) if the term “site” means the “buildable lot area”. Ryan Givens mentioned that he will change the term “site” to “lot” for clarification and said that the Bed and Breakfast standards are based on of St. Pete’s Code.
- The Workgroup discussed **Section 138-1231 Hotel/Motel:**
  - The Workgroup agreed that the (2b) standard would need to be revisited at the next meeting.

- The Workgroup agreed that the words ‘only’ and ‘predominately’ be removed from (4). The section should read as follows: *Accessory uses such as alcohol dispensing lounges, food service, and recreational facilities shall be considered ancillary and generally intended only for overnight guests. Uses that are predominately intended to serve non-overnight guests shall seek separate land use approval pursuant to the district table of uses.*
- The Workgroup discussed **Section 138-1240 Alcohol Dispensing** and agreed that the residential distance provisions in (d)(2) should not pertain to the Mixed Use District.
- The Workgroup discussed **Section 138-1241 Alcohol Beverage Production.**
  - Glenn Bailey mentioned that this newly drafted section is based on the City of St. Petersburg’s Code and was modified to meet our unincorporated needs and broadened to include not just breweries, but other types of alcoholic beverage production such as wineries, distilleries, cideries, meaderies, etc. Glenn mentioned that Alcoholic Beverage Production will be added to the Table of Uses matrix.
- The Workgroup discussed **Section 138-1242 Banks:**
  - After discussing a few different accessory use scenarios, the Workgroup agreed with the Section and felt comfortable that standalone banks are not permitted in most of the Industrial Districts. As discussed last meeting, banks will be accessory in M-1, M-2 and WD, and a Level 2 use in IPD.
- The Workgroup discussed **Section 138-1243 Car Washes and Detailing** and didn’t have any comments.
- The Workgroup discussed **Section 138-1244 Drive-Thru Facility or Use with a Drive Thru:**
  - Ms. Martohue wanted to make sure that if a hardship was demonstrated certain standards could be administratively waived. The Workgroup agreed that the current wording allows for such flexibility (since it is phrased ‘should’ and not ‘shall’).
- The Workgroup discussed **Section 138-1245 Food Carts/Food Trucks:**
  - Ms. Martohue pointed out that there was a spelling error on page 25 (9e and f) ~~Food Carts/Food Trucks~~ should be Food Carts/Food Trucks. Staff explained that these standards would not apply for temporary special events (for which a temporary use permit would be required). The Workgroup agreed that this section is groundbreaking and that future changes may be needed once the regulations are put into practice.
- The Workgroup discussed **Section 138-1246 Health Club/Fitness Center.**
  - The workgroup questioned whether standalone dance and martial art studios would be considered a health/fitness club, or are they more commercial in nature? They are presently included within the definition of Studio and Gallery. Staff will come back with a recommendation.

- The Workgroup discussed **Section 138-1247 Kennel/Pet Care** and didn't have any comments.
- The Workgroup discussed **Section 138-1248 Model Dwelling Units and Pre-construction Sales Offices** and didn't have any comments.
- The Workgroup discussed **Section 138-1249 Motor Vehicle Sales** and didn't have any comments.
- The Workgroup discussed **Section 138-1251 Office:**
  - Ms. Martohue asked if the abbreviation of MS4 (which stands for Municipal Separate Storm Sewer Systems) could be spelled out instead of using the abbreviation. Ryan said that he would make that change universally throughout the Code since this is not a familiar term.
  - John Cueva mentioned that under (2a.2) Veterinary Office, *Runs* should be removed. *Exercise areas* are okay. The Workgroup agreed with the suggestion.
- The Workgroup discussed **Section 138-1252 Outdoor Sales:**
  - Ms. Martohue recommended that under (7a) the facility owner should be changed to governmental agency (since the facility owner could be the State, County, or City). The Workgroup agreed with the suggestion.
  - Liz Freeman suggested that for (7c) a reference to ADA standards should be included. The Workgroup agreed with the suggestion.
  - The Workgroup agreed that (7g) should be removed.
- The Workgroup discussed **Section 138-1253 Restaurant:**
  - Ms. Martohue recommended the addition of "food trucks" next to food carts in (c1). The Workgroup agreed with the suggestion
  - Gordon mentioned that for outdoor eating areas we need to consider parking standards. Ryan Givens said that this would be considered in the Parking section of the Code in the near future
- The Workgroup discussed **Section 138-1255 Retail Sales and Service:**
  - The Workgroup agreed that the term *may only* in (c3) be changed to *should primarily*.
- The Workgroup discussed **Section 138-1256 Studio and Gallery** and didn't have any comments.
- Ryan Givens will research and provide recommendations on how to treat and define the following uses: dance pilates/yoga, martial arts studios, training and/or boxing facilities.

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

- Meeting date and time was confirmed for April 17, 2014 from 1:00-3:00.
- The meeting adjourned at 3:00 pm.

**Proposed Specific Use Standards  
Chapter 138 Article VII  
(04-04-14 DRAFT Version)**

# Contents

<b>CHAPTER 138 – ZONING .....</b>	<b>5</b>
<b>Article VII – Specific Use Standards .....</b>	<b>5</b>
<b>DIVISION 1. – GENERALLY .....</b>	<b>5</b>
Sec. 138-1200. - Purpose .....	5
Sec. 138-1201. - Applicability .....	5
<b>DIVISION 2. – Residential uses .....</b>	<b>5</b>
Sec. 138-1210. - Accessory Dwelling Units.....	5
Sec. 138-1211. - Affordable Housing Development (AHD) .....	6
Sec. 138-1212. - Assisted Living Facility .....	7
Sec. 138-1213. - Community Residential Home .....	8
Sec. 138-1214. - Dormitory .....	9
Sec. 138-1215. - Dwellings .....	9
Sec. 138-1218. – Home Occupation .....	10
Sec. 138-1219. - Modern Manufactured Home .....	11
<b>DIVISION 3. – Accommodatlons .....</b>	<b>13</b>
Sec. 138-1230. - Bed and Breakfast.....	13
Sec. 138-1231. – Hotel/Motel.....	14
<b>DIVISION 4. – Commercial and Office Uses.....</b>	<b>14</b>
Sec. 138-1240. – Alcohol Dispensing .....	14
Sec. 138-1241. – Alcoholic Beverage Production .....	17
Sec. 138-1242. - Bank.....	19
Sec. 138-1243. – Car Wash and Detailing.....	19
Sec. 138-1244. – Drive-Thru Facility or Use with a Drive-Thru .....	20
Sec. 138-1245. – Food Carts/Food Trucks.....	21
Sec. 138-1246. – Health Club/Fitness Center.....	22
Sec. 138-1247. – Kennel/Pet Care .....	22



Sec. 138-1248. – Model Dwelling Units and Pre-construction Sales Offices .....	23
Sec. 138-1249. – Motor Vehicle Sales.....	24
Sec. 138-1251. – Office .....	25
Sec. 138-1252. – Outdoor Sales.....	25
Sec. 138-1253. - Restaurant .....	26
Sec. 138-1255. – Retail Sales and Service .....	27
Sec. 138-1256. – Studio and Gallery.....	28
<b>DIVISION 5. – Industrial, Manufacturing, and Warehouse Uses .....</b>	<b>28</b>
Sec. 138-1260. – Contractors Yard and Building.....	28
Sec. 138-1261. – Electric Vehicle Charging Station.....	29
<b>Sec. 138-1262. – Fat, Oil, and Grease Facilities .....</b>	<b>29</b>
Sec. 138-1263. – Freight Trucking .....	30
Sec. 138-1264. – Manufacturing .....	30
Sec. 138-1265. – Outdoor Storage .....	31
Sec. 138-1266. – Recycling Center.....	32
Sec. 138-1267. – Salvage Yard .....	33
Sec. 138-1268. – Storage, Self/Mini Warehouse .....	33
Sec. 138-1270. – Vehicle Refueling Station .....	34
Sec. 138-1271. – Vehicle Storage, Maintenance and Repair .....	34
<b>DIVISION 6. – Arts, Recreation, and Entertainment Uses .....</b>	<b>35</b>
Sec. 138-1280. – Adult Use Establishment, Adult Use Business .....	35
Sec. 138-1281. – Commercial Recreation.....	35
Sec. 138-1282. – Golf Course and accessory structures.....	36
Sec. 138-1283. – Parks and Recreation areas .....	37
Sec. 138-1284. – Shooting Range/Gun Club .....	38
<b>DIVISION 7. – Education, Public Administration, Health Care, and Institutional Uses .....</b>	<b>38</b>
Sec. 138-1291. – Congregate care and Nursing Home facilities .....	38
Sec. 138-1293. – Day Care Facility, child and/or adult .....	39

Sec. 138-1294. – Government Building or Use .....	40
<b>Sec. 138-1295. – Hospital</b> .....	40
<b>Sec. 138-1296. – Meeting Hall and other Community Assembly Facility</b> .....	40
Sec. 138-1298. – Place of Worship .....	41
<b>Sec. 138-1299. – School, grades Pre-K thru 12</b> .....	42
<b>DIVISION 8. – Transportation, Communication, and Information Uses .....</b>	<b>42</b>
Sec. 138-1310. – Airports (Air Transportation) .....	42
<b>Sec. 138-1311. – Docks and Piers</b> .....	44
Sec. 138-1312. – Commercial Marina .....	44
Sec. 138-1313. – Communication towers and antennas .....	46
Sec. 138-1313. – Heliport and Helistops .....	47
Sec. 138-1315. – Mass Transit Center .....	47
Sec. 138-1316. – Off-shore Tour Vessels and Water Transport .....	48
<b>DIVISION 9. – Utilities .....</b>	<b>48</b>
Sec. 138-1321. – Solar Energy Systems .....	48
Sec. 138-1322. – Solar Energy Production Facility .....	49
Sec. 138-1325. – Utilities .....	49
Sec. 138-1323. – Waste Management related uses .....	50
Sec. 138-1326. – Wind Energy Conservation System (WECS), Small Scale .....	51
<b>DIVISION 10. – Agricultural Uses &amp; Activities .....</b>	<b>53</b>
Sec. 138-1330. – Agricultural Activities, <del>Commercial Use</del> .....	53
Sec. 138-1331. – Community Gardens .....	53
Sec. 138-1332. – Nurseries/Greenhouses .....	54
<b>DIVISION 11. – Other Uses .....</b>	<b>55</b>
Sec. 138-1340. – Excavation Pits and Quarries, in excess of 1,000 cubic yards .....	55
Sec. 138-1310. – <del>Land Fills or Excavation</del> Land Excavation or Fill .....	55
<b>Division 12. - Animals and Livestock .....</b>	<b>56</b>
Sec. 138-1351. - Chickens. ....	56

Sec. 138-1352. - Dog Friendly Dining Program .....	57
<b>Sec. 138-13523. - Livestock.</b> .....	60
Sec. 138-13534. – Non-Traditional Pets .....	60
<b>DIVISION 13. – Temporary Uses and Structures .....</b>	<b>60</b>
Sec. 138-1356. - Temporary uses and structures. ....	60
Sec. 138-1357. - Tents. ....	61
<b>Division 14. - Performance Standards.....</b>	<b>62</b>
Sec. 138-1360. - General requirements. ....	62
Sec. 138-1361. - Specific requirements. ....	62

# 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. The criteria set forth in this Article are eligible to seek flexibility and adjustment pursuant to the variance provisions of this Code.

### 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 any 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. Units are limited to 750 square feet.
    - c. Mobile homes and recreational vehicles shall not be permitted to be used as accessory dwelling units.
    - d. Separate utility meters from the principal use shall be allowed.
    - e. Accessory dwelling uses shall be permitted subject to a Level 1 Review.
    - f. One of the units on the property shall be owner-occupied.
  - (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 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 (AHDs), 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) *Standards*
  - (1) *Development Standards*
    - a. 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.
    - b. Affordable housing development in Commercial Districts may be permitted up to ten units per acre.
    - c. A designated pedestrian pathway shall be provided between main building entrances and the nearest adjacent street. A pathway shall also be provided to any adjacent transit stop.
  - (2) *Incentives* - The following incentives may be made available to encourage the provision of affordable housing:
    - a. Affordable Housing Developments may be granted density bonuses and development standard flexibility.
      - 1. A density bonus of up to 50 percent above the Underlying Future Land Use Map Classification limit may be permitted. Bonuses may be granted when it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and building character.
      - 2. Lot sizes may be reduced below the district minimum standard when a density bonus is granted to the AHD and it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and character.
      - 3. Setback requirements may be reduced when it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and building character.
      - 4. On-site parking requirements may be reduced to match the projected parking demand for the development. It shall be demonstrated that a reduction will not cause an adverse impact to the surrounding neighborhoods.
    - b. *An expedited site plan review process may be provided for Affordable Housing Developments.* The county administrator shall provide for a two-week site plan review process. This expedited site plan review shall be independent and subsequent to any Level 2 or 3 review for the Affordable Housing Development land use as specified in the district Table of Uses. A

pre-application meeting may be required between the applicant and County site plan review staff.

- c. *Impact and other review fees may be waived or paid by the County for Affordable Housing Developments.* 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 constraints prevent such waiving. Subsidies for payment of fees may be provided in the form of deferred payment or low interest loans. The Community Development Department shall administer a program to assist the applicant subject to available funds.
  - d. *Donation of publicly owned land.* County ordinance 88-47 currently permits donations of escheated property to nonprofit organizations. Using state or federal housing funds, the county may also make deferred payments or low-interest loans to both nonprofits and for-profits for the purchase of property when the use meets the requirements of the funding source.
  - e. 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 Community Development Department will make this information available.
- (3) Procedure for obtaining approval of Affordable Housing Developments.
- a. The Community Development Department shall determine if the proposed Affordable Housing Development meets the definitional criteria of affordable housing. Such criteria shall be contained in a manual prepared by the Community Development Department and adopted by resolution of the Board of County Commissioners.
  - b. The Community Development Department will assist the applicant in seeking fee waiver, subsidies, expedited plan review, and other incentives available to promote the construction of affordable housing if:
    - 1. The Community Development Department determines that the AHD proposal meets these criteria AND
    - 2. The applicant is not requesting a density bonus and/or development standard flexibility.
  - c. Where the Community Development Department finds that the AHD proposal meets the definitional criteria AND the applicant seeks a density bonus and/or development standard flexibility, the following standards apply:
    - 1. The project shall obtain Level 3 approval in Single-Family, R-4, and R-5 Zoning Districts
    - 2. The project shall obtain Level 2 approval in all other districts where AHDs are allowed.
    - 3. 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.

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

- (a) *Purpose* - Assisted Living Facilities (ALFs) 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 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 and 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 areas, swimming pools, or any other similar amenity. Heavily landscaped and/or non-accessible areas shall not be counted toward the required common open space.~~ Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection. Areas used to satisfy the common open space requirement shall be a minimum of 15-ft in width to ensure usability.
- (4) New or expanded Congregate Care and Nursing Home Facilities are prohibited within the coastal storm area, the area inundated by a category 2 hurricane or a floodway as defined by this chapter. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a nursing home has not been abandoned, and the improvements or replacement do not result in additional beds.

#### **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 opposed to a commercial or institutional building. Community Residential Homes are provided in three categories based on the number of residents:

- > Category 1: 1 to 6 residents
- > Category 2: 7 to 14 residents

(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, 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 exempt from the fencing requirements.

- b. Parking lots shall not be located between front building facades and adjacent streets. This shall not apply to other buildings located internal to the site. This shall not apply to residential driveways commonly associated with single-family homes.
- c. New or expanded Community Residential 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 Community Residential Home has not been abandoned, and the improvements or replacement do not result in additional beds.

#### **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 and/or religious institution on a seasonal or year-round basis. Dormitories are managed by the institution at which the students/employees are associated. Dormitories should closely resemble typical multifamily structures when located within or adjacent to residential neighborhoods.
- (b) *Applicability* - The provisions of this section are applicable to all dormitory development, expansion, and operation.
- (c) *Standards*
  - (1) Dormitories shall be associated with or accessory to an educational or religious institution. Residents shall be either employed or enrolled in the associated educational and/or religious institution.
  - (2) Dormitories may be located on a separate lot or parcel from the educational/religious institutional they serve. Dormitories should be located within the general vicinity, typically within 1/2 mile, of the institution in which they are associated.
  - (3) Individual dormitory units shall not have full kitchens. Shared, fully-equipped cooking facilities may be available to a grouping of units.
  - (4) 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, and accessibility.
- (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, two-family, and/or three-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 Planned Development Districts the following standards shall apply:
  - a. Residential units shall not be located along the ground floor facades of any building fronting an arterial or collector street.
  - b. Common entrances, reception areas, rental offices, and similar residential accessory uses may occupy up to 30 percent of the ground floor façade of any building fronting an arterial or collector streets.
- (3) Multifamily development 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.~~
    - 2. Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection. Areas used to satisfy the common open space requirement shall be a minimum of 15-ft in width to ensure usability.
  - b. At least 50 percent of street facades shall have architectural articulation.
  - c. A six-foot high, opaque wall or fence shall be provided along rear and side property lines that abut a Single-Family 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. 138-1216-1217 Reserved

#### **Sec. 138-1218. – 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. The home occupation business shall not detract from the residential neighborhood character.
  - (2) A home occupation may include such uses, when operated in strict accordance with the provisions of this section, as follows: Phone sales, mailing service, accountant, engineer, architect, dressmaker, artist, handicrafts, consultant or similar profession. The precedent list is meant to be illustrative only and is not all inclusive.

- (3) Home occupations specifically prohibited would include auto repair, motor and applicant repair, and any similar type of use which is not compatible with the residential neighborhood. No materials or stock in the trade are to be sold on the premises or stored outside the dwelling.
- (4) The use may only be carried 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. 138-1219. - Modern Manufactured Home**

- (a) *Purpose* - Modern Manufactured Homes (MMH) are structures built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities. MMHs are fabricated in an offsite manufacturing facility after June 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. MMHs are designed to be transported for installation or assembly at the building site. Modern Manufactured Homes should be planned, sited, and maintained in a manner to ensure compatibility with the surrounding neighborhood in terms of scale, orientation, and building character.
- (b) *Applicability* - The standards in this section shall be applicable to all new, replacement, or modified Modern Manufactured Homes. This section does not apply to recreational vehicles, mobile homes, or modular homes.
- (c) *Procedures for approval* - Approval of Modern Manufactured Homes shall be authorized by the county administrator or his designee.
  - (1) An application for a Modern Manufactured Home shall be submitted to the county administrator or his/her designee. Such applications shall include all information necessary to make determinations as to conformity with the standards in this section, including photographs of all sides of the Modern Manufactured Home, exterior dimensions, roof pitch, roof materials, exterior finish, and other information necessary to make determinations.
  - (2) Within 14 days of receipt of the application and all required supporting materials, the county administrator or his/her designee shall approval, approve with

conditions, or deny the application for a Modern Manufactured Home. Conditional approval shall be granted only where the conditions and reasons therefor are stated in writing and agreed to by the applicant, and such conditions shall be binding upon the applicant. In the case of denial, the reasons therefor shall be stated in writing.

- (d) Standards for determination of similarity in exterior appearance. The following standards shall be used to determine Modern Manufactured Home compatibility with the surrounding neighborhood.
- (1) *Minimum dimension of main body.* Minimum dimension of the main body of the Modern Manufactured Home shall not be less than 20 feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.
  - (2) *Minimum roof pitch; minimum roof overhang; roofing materials.* Minimum pitch of the main roof shall be not less than three feet of rise for each 12 feet of horizontal run and minimum roof overhang shall be one foot. In cases where site-built housing generally has been constructed in adjacent or nearby locations with lesser roof pitches and/or roof overhangs of less than one foot, then the Modern Manufactured Home may have less roof pitch and overhang, similar to the site-built houses. In general, any roofing material 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 Modern Manufactured Home shall be placed or occupied for residential use on a site in a residential district until such foundation plans have been submitted to and approved by the county administrator or his/her designee 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.* Modern Manufactured Homes 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 required.* A Modern Manufactured Home shall be required to provide a garage and/or carport where adjacent to site-built homes which include garages and/or carports.
  - (7) *Compatibility with nearby site-built housing.* Modern Manufactured Homes shall be compatible with site-built housing in the neighborhood within the same zoning district. Approval for a Modern Manufactured Home shall not be granted unless it is found that the dwelling is substantially similar in size, siding, material, roof pitch, roof material, foundation and general appearance to site-built housing which may be permitted by the zoning and/or building code in the neighborhood in the same zoning district.

## DIVISION 3. – ACCOMMODATIONS

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

- (a) *Purpose* - Bed and Breakfast establishments are intended to be building(s) of a residential character other than a hotel, motel, or other transient accommodation which provides daily overnight accommodation and morning meal service to 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, two-family, and/or three-family uses.
    - b. Buildings shall not exceed an overall length of 120 feet.
    - c. A six-foot high, 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 permitted number of overnight rooms shall be based on the underlying Future Land Use category. In addition, the maximum number of overnight rooms is limited to six for sites lots under 10,000 square feet and limited to 12 for sites lots 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 the contiguous 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)(2)~~ At least 50 percent of street facades shall have architectural articulation.
  - ~~(4)(3)~~ Accessory uses such as alcohol dispensing lounges, food service, and recreational facilities shall be considered ancillary and generally intended for overnight guests. Uses that are generally intended to serve non-overnight guests shall seek separate land use approval pursuant to the district table of uses.
  - ~~(5)(4)~~ A six-foot high, 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) *Purpose* – The dispensing of alcoholic beverages has the potential to contribute to undesirable impacts on adjacent or nearby properties such as litter, noise, and other disturbances. The purpose and intent of this section is to establish appropriate locational and distance standards that promote public safety and mitigate associated impacts.
- (b) *Applicability* – This section shall apply to the dispensing of alcoholic beverages for both on-premises and off-premises consumption in unincorporated Pinellas County. This section does not apply to restaurants that sell alcohol as a product of their business.
- (c) *Definitions.* As used in this section:  
  
*Alcoholic beverages* mean 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 Florida Statutes chapters 561, 562, 563, 564 and 565, including subsequent amendments or successors thereto.

(d) Standards.

- (1) The dispensing, wholesale storage and distribution of alcoholic beverages by any business establishment shall be allowed pursuant to the district table of uses
- (2) No building or structure in which alcoholic beverages are dispensed for on-premises consumption shall be located within 150 feet of any residential zoning district boundary line.
  - a. Such distance shall be measured along a straight line from the nearest residential zoning district to the closest 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 dispensed for on-premises consumption.
  - b. The distance requirements of this section shall not apply to residentially zoned property which consists of public right-of-way, water ways, wetlands, or similar lands which cannot be used for actual residential purposes.
  - c. In the case of a building located in an RPD zoning district commercial sales area, such distance shall be measured to the boundary of the nearest property used for residential or accessory residential purposes.
  - d. This standard is not applicable to any mixed-use building that may include residential units.
- (3) It is further provided that a building or structure located on a bona fide golf course or country club premises, in which alcoholic beverages are dispensed for consumption by the members and guests thereof only, may be located in any zoning district, but shall be located within the boundaries of the golf course or country club and shall be located not less than 200 feet from any residential structure. The sale of alcoholic beverages from a mobile vehicle, which travels along established cart paths within a bona fide golf course shall be permitted as an ancillary use of the golf course or country club where alcohol sales are permitted within the main clubhouse.
- (4) The dispensing of alcoholic beverages for on-premises consumption in conjunction with a bona fide restaurant shall be exempt from the distance provisions of this chapter provided sale of alcohol is incidental to food sales (at least 51 percent of sales are food). Vendors may be required to provide verification from a certified public accountant of such a sales ratio.

- (5) Social clubs, veterans', fraternal, benevolent, civic or other organizations described in F.S. § 561.20(7) may dispense alcoholic beverages for on-premises consumption within any zoning district or location provided such location is approved by the board of county commissioners as a Level 3 use pursuant to article II, division 8 of this chapter. This subsection shall not apply to those areas which meet the provisions of subsection (d) (2) of this section.
  - (6) 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 are food). Vendors may be required to provide verification by a certified public accountant of such sales ratio.
  - (7) The provisions of Laws of Florida chapter 63-1790, as amended (compiled in chapter 6, article II), relating to uniform closing hours and other restrictions, apply to all business establishments as defined in this section, and the reasonable evidence of any violation thereof shall constitute grounds for the revocation or suspension by the board of county commissioners of any zoning or use approval, building permit, occupancy certificate, or license approval to any such business establishment.
- (e) *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 (d)(7) of this section, under the following conditions:
    - a. Sale or dispensing shall be for a maximum of three days only during any six-month period. This condition shall not apply to the number of annual fundraising and special events held in the Downtown Palm Harbor Historic District provided the events have received street closure approval from the Pinellas County Department of Environment and Infrastructure, 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 planning and development services detailing the conditions required under this section and section 6-30(e).

#### **Sec. 138-1241. – Alcoholic Beverage Production**

- (a) *Purpose* – Due to economies of scale in production, distribution, marketing and advertising, national and super-regional alcoholic beverage producers have dominated the industry for decades. These large-scale production facilities are traditionally assigned to industrial zoning classifications. More recently, local, independent producers have emerged as a competitive market segment within the industry and the resulting increased demand for small production facilities and mixed-use concepts has reshaped certain expectations about the potential impacts of this land-use type when developed on a smaller scale. The purpose of this section is to recognize the emergence of this specialized market segment and establish appropriate standards allowing for the typical range of activities, while mitigating any associated, undesirable impacts.
- (b) *Applicability* – This section shall apply to regional and large-scale breweries, microbreweries, brewpubs, wineries, distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and/or distribution. This section does not apply to temporary or special events authorized by other sections of this chapter.
- (c) *Standards*
  - (1) Alcoholic Beverage Production accessory to a Restaurant.
    - a. Revenue from food sales shall constitute more than 50 percent of the total business revenues. Vendors may be required to provide verification by a certified public accountant of such sales ratio;
    - b. No more than 50 percent of the total gross floor area of the establishment shall be used for the alcoholic beverage production function including, but not limited to, the brewhouse or equivalent, boiling and water treatment areas, bottling, canning and kegging lines, milling and storage, fermentation tanks, conditioning tanks and serving tanks;
    - c. Where permitted by local ordinance, state and federal law, retail carryout sale of alcohol produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers;
    - d. Keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) may be sold for the following purposes and in the following amounts:
      1. An unlimited number of kegs for special events, the primary purpose of which is the exposition of products, which include the participation of at least three such producers;
      2. An unlimited number of kegs for local government co-sponsored events where the purpose of the event is not for commercial profit and



where the product is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the production facility.

- e. All mechanical equipment visible from streets, adjacent residential uses or residential zoning districts shall be screened using architectural features consistent with the principal structure;
- f. Access and loading bays shall not face toward the primary street;
- g. Access and loading bays facing an adjacent residential use or residential zoning district shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
- h. No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

(2) Alcoholic Beverage Production, Small Scale.

- a. The facility shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of alcoholic beverages per year;
- b. In non-industrial zoning districts, this use shall be permitted only in conjunction with a restaurant, tasting room or retail sales and service, and shall be subject to the following standards:
  - 1. No more than 75 percent of the total gross floor space of the establishment shall be used for the alcohol production function including, but not limited to, the brewhouse or equivalent, boiling and water treatment areas, laboratories, bottling, canning and kegging lines, milling and storage, fermentation tanks, conditioning tanks and serving tanks;
  - 2. The façade of any accessory use(s) shall be oriented toward the primary street, and, if located in a shopping center, to the common space where the public can access the use;
  - 3. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).
  - 4. All mechanical equipment visible from streets, adjacent residential uses or residential zoning districts shall be screened using architectural features consistent with the principal structure;
  - 5. Access and loading bays shall not face toward the primary street;
  - 6. Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
  - 7. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain or other similar natural byproduct of the production process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
    - i. Designated on the approved site plan;
    - ii. Permitted within the interior side or rear yard or within the minimum building setbacks;
    - iii. Prohibited within any yard abutting a residential use or residential zoning district;

- iv. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum six feet in height.
- (3) Alcoholic Beverage Production, Regional and Large-Scale.

Regional and large-scale alcoholic beverage production facilities are those facilities that produce more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of alcoholic products per year. Regional and large-scale facilities shall comply with the development standards of the applicable zoning district and applicable general development standards.

#### **Sec. 138-1242. - Bank**

- (a) *Purpose* - Banks are intended to provide retail banking services including check cashing, receiving, lending, and safeguarding of money and other valuable items. Banks are intended to be permitted within close proximity and accessible to areas of commerce and employment.
- (b) *Applicability* - The provisions in this section are applicable to banks, credit unions, and similar retail banking businesses that are oriented to a customer base that may enter a commercial establishment to conduct transactions. This section does not apply to office oriented businesses that do not regularly receive walk-in customers.
- (c) *Standards*
  - (1) In Residential Planned Development districts, new parking lots with stalls and drive aisles shall not be located between the front building façade and an adjacent street.
  - (2) Where Banks are permitted as an (A) Accessory use in a Zoning District, the bank shall only provide retail banking services to employees and/or patrons that relate to another approved use on the site. (example: ~~an office building~~ a business may have an accessory bank for its employees.)

#### **Sec. 138-1243. – Car Wash and Detailing**

- (a) *Purpose* - Car Washes and Detailing establishments are intended to provide service cleaning for motor vehicles and domestic equipment. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties including noise, particle disbursement and untreated runoff. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
- (b) *Applicability* - This section shall apply to car wash and detailing uses. This section does not apply to temporary car wash activities that occur no more than three consecutive days at the same location.
- (c) *Standards*
  - (1) Buffer Requirements
    - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around the car wash/detailing facility and its associated operations. 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 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. No water runoff generated by the carwash facility may be conveyed off site into the Municipal Separate Storm Sewer Systems (MS4) ~~MS4 (right-of-way or stormwater conveyance system)~~. Runoff must be directed to either a recycling system or other containment system that does not allow discharge to any on site stormwater facility.
- (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.
  - c. Generators shall not be used in conjunction with exterior washing and detailing.

**Sec. 138-1244. – 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 service window/terminal for the drive-thru.
  - c. Drive-through stacking lanes shall be delineated from other vehicular use areas. Stacking lanes may include part of the drive aisles in a parking area.
  - d. Stacking lanes shall be designed to ensure that waiting vehicles ~~to~~ do 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, opaque wall or fence shall be provided along rear and side property lines around the drive-thru facility and its associated operations.
  - b. Drive thru speakers should not be oriented to face a Residential District.

### **Sec. 138-1245. – 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 but may be approved at a specific location for long lengths of time. Food Cart/Food Truck units shall remain in a condition that allow for easy mobility to be removed from the site.
  - (2) Food Carts/Food Trucks uses require approval pursuant to the district Table of Uses.
  - (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) Sites with more than one Food Cart/Food Truck shall provide adequate customer and employee parking pursuant to the parking standards of this Code.

- (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 and be subject to sight triangle standards.
  - 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/Food Truck units are located on a single parcel, the units shall be co-located and positioned in a cluster arrangement in one area of the site.
  - f. Food Carts/Food Trucks shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items. These items shall be screened with temporary fencing and/or potted plant material.

#### **Sec. 138-1246. – 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 is not subject to this section.)
- (c) *Standards*
- (1) ~~In Office and Industrial districts the following standards shall apply:~~ Health Clubs/Fitness Centers shall be less than 20,000 square feet.
- ~~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 for use as health clubs/fitness centers.~~
- (2) ~~In the Residential Multiple Family district, the following standards shall apply:~~ Health Clubs/Fitness Centers shall be less than 10,000 square feet.
- ~~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 for use as health clubs/fitness centers.~~

#### **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.

(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) Kennel/Pet Care facilities must have an appropriate system for the disposal of animal waste. Animal waste must not be allowed to collect in areas where it could result in direct discharge into the ~~MS4~~ Municipal Separate Storm Sewer Systems (MS4).

(7) When adjacent to a Residential district the following standards shall apply:

- a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around outside runs and exercise areas.
- b. Exercise areas shall be at least 50-feet from any Residential District. Unsupervised, unattended runs must be located indoors.
- c. Structures housing dogs shall be setback a minimum of fifty (50) feet any Residential District. Structures shall include sound proofing.

(8) In the Agricultural/Estate Residential District, new Kennels/Pet Care facilities may be established on sites of at least two acres in size.

(9) In Industrial Districts, ~~the following standards shall apply~~ any contiguous Industrial district (M-1, M-2, or WD) shall be limited to 10 percent of its buildable land area for use as Kennel/Pet Care facilities.

~~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 for use as 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 displaying and marketing the development, project, or subdivision in which such uses are to be located.
  - (2) Authorization for a temporary use and structure shall only be granted after the filing of an approved site plan. This may be approved as part of a 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 each development.
  - (4) The model dwelling unit shall meet all district requirements for lot and yard dimensions.
  - (5) The sales office, if not in a model dwelling unit, shall not exceed 750 square feet and is an accessory use on the same property. It shall only be used by the developer and shall only be used in connection with the development in which located.
  - (6) Model dwelling units and signs shall not be illuminated after 9:30 p.m. and shall not be used for any business activity after 10:00 p.m.
  - (7) Model dwelling units shall not be occupied as a personal residence until such time the commercial operations cease and the land in which it is located is platted.
  - (8) Model dwelling units shall not be used as a means to sell similar homes for a period longer than two years. The 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 buffer/landscape areas.
  - (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. No untreated runoff generated by the vehicle washing facility may be conveyed offsite into the ~~MS4 (right of way or stormwater conveyance system).~~ Municipal Separate Storm Sewer Systems (MS4).
- (5) When adjacent to a Residential district the following standards shall apply:
  - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around 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~~ RM District, the following standards shall apply
      1. Medical offices are limited to 2,500 square feet.
      2. Medical offices are limited to urgent care, emergency service, "free clinics," public health service agency, or similar medical facilities to provide health care service convenient to neighborhoods.
  - (2) Office, Veterinary
    - a. When adjacent to a Residential district the following standards shall apply:
      1. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around outside 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 for use as Veterinary Offices.~~
    - ~~d.c.~~ Veterinary facilities must have an appropriate system for the disposal of animal waste. Animal waste must not be allowed to collect in areas where it could result in direct discharge into the ~~MS4~~ Municipal Separate Storm Sewer Systems (MS4).

#### **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) Contiguous outside sales areas exceeding 2,000 square feet, shall be surrounded with a five foot wide landscape buffer. Breaks in landscaping may be provided to accommodate pedestrian and service access.
  - (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 roadway facility owner (i.e local government or property owners association).
    - b. Sidewalk retail display is prohibited at any time the use in the abutting building is not open for business.
    - c. A minimum of one unobstructed pedestrian path at least ~~four~~ five feet wide shall be maintained through the display area at all times. Sidewalks shall maintain ADA standards.
    - 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 serving food and/or beverages. These standards shall not include other specific uses listed in the district table of uses. Establishments serving alcohol ~~may be subject to the section pertaining to Alcohol Dispensing~~ shall be subject to State standards.
- (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/Food Trucks 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 that was legal established and in operation at the time of this code adoption.
    - 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, 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.
      4. These standards shall not apply to adjacent mixed-use buildings that include residential units.
  - (3) Where Restaurants are permitted as (A) Accessory use in a Zoning District, the restaurant ~~shall only~~ should primarily serve and/or sell prepared food to employees, residents, and/or patrons that relate to another approved use on the site. (example: an office building may have an accessory restaurant use to sell prepared food items to its employees.)

#### **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 an (A) Accessory use in a zoning district, the Retail Sales and Service ~~may only be permitted to~~ should primarily sell, lease, and provide goods and services that relate to another approved use on the site. (example: a manufacturer may have a retail area to sell the products that are manufactured on site.)

#### **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 screened with a six-foot high, opaque wall or fence.
  - (2) Studios and Galleries shall be permitted indoor and outdoor display and sales areas for the purposes of exhibiting and selling art collections and directly related merchandise. When outdoor display areas abut a Residential District, the area shall be screened with a six-foot high, opaque wall or fence.
  - (3) Studios and Galleries shall be permitted to teach art, writing, dance, theater, or similar endeavors of an artistic or creative nature. When the use requires a 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, 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, opaque wall or fence.
- (4) Associated office operations are permitted.
- (5) Entrance drives must be equipped with track-out prevention measures to minimum the conveyance of sediment to the public stormwater system Municipal Separate Storm Sewer Systems (MS4).
- ~~(5)~~(6) When adjacent to a Residential district the following standards shall apply:
  - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around any 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 (FOG) 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, opaque wall or fence.
  - (2) Overnight storage/parking of heavy equipment relating to the facility shall occur behind a six-foot high, 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.
- (5) All Fat, Oil, and Grease facilities shall be equipped with a stormwater containment system that prevents the discharge of contaminated runoff to the public stormwater system (MS4).

#### **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~~ federal, state, county, and/or local government vehicles and operations.
- (c) *Standards*
  - (1) All loading and unloading shall occur entirely on-site. The public right-of-way may not be used for truck parking.
  - (2) Overnight storage/parking of heavy equipment relating to the facility shall occur behind a six-foot high, opaque wall or fence.
  - (3) The site shall be permitted a customer use area for accessory commercial purposes.
  - (4) No untreated runoff generated by the vehicle washing facility may be conveyed offsite into the Municipal Separate Storm Sewer Systems (MS4).
  - (5) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around 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, 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, opaque wall or fence.
- (7) When adjacent to a Residential district the following standards shall apply:
  - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around 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 sometimes necessary to accommodate a ~~commercial~~ business 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, manufacturing, and/or industrial materials of the principal use. This section is not applicable to operable personal vehicles, furniture, and materials associated with residential property. This section does not apply to plant material and containers commonly associated with Nurseries and Greenhouses. Unspecified material ~~shall~~ may 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, 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)~~ (1) *Outdoor Storage, Principle Principal* uses shall be subject to the following:
    - a. Outdoor storage as a principal use shall not include inoperable vehicles, inoperable appliances, garbage, organic and inorganic waste, hazardous materials, or animals.
    - b. All outdoor storage of permitted materials shall occur behind a six-foot high, opaque wall or fence.
    - c. Storage of sand, soil, minerals, rock and/or similar materials shall be conducted in a manner that prevents particles from leaving the site by

environmental conditions such as wind and rain. The site shall be equipped with track-out prevention measures to minimize the conveyance of sediment into Municipal Separate Storm Sewer Systems (MS4).

- ~~(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 than 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, opaque wall or fence. Outdoor storage and/or processing activities shall include protective measures to restrict birds and other animals from accessing the area.
  - (2) Overnight storage/parking of heavy equipment shall occur behind a six-foot high, opaque wall or fence.
  - (3) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around any outside storage area, processing area, and/or heavy equipment parking lot.
    - b. Accessory vehicle washing/detailing areas shall 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 management. Certain development and operation standards should be implemented to mitigate adverse impacts on the surrounding community and natural environment.
- (b) *Applicability* - The provisions of this section 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, opaque masonry wall. Required screen walls are exempt from from setback standards. 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 office, 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 existing Storage, Self/Mini Warehouses.
- (c) *Standards:*
  - (1) Storage units shall be used for storage of household and office 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, 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 architectural articulation. ~~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 opaque wall is located between the 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 retail vehicle refueling stations and the associated components thereof. This section shall not apply to electric charging stations, battery exchange establishments, or similar facilities. This section shall not apply to accessory fuel pump that are a part of industrial uses that does not provide retail fuel sales to the general public.
- (c) *Standards*
  - (1) All fueling pump islands and canopy supports at service stations shall be set back at least 15 feet from a road right-of-way line.
  - (2) Fueling pump islands, fuel storage ~~apparatuses~~ apparatuses, and canopy elements shall not encroach within any required setbacks.
  - (3) Fueling stations shall be equipped with an underground petroleum separator system to be used to collect runoff associated with the service area. This shall be provide as part of new facilities and tank replacement.
  - (4) New fueling stations shall provide for on-site circulation for fuel dispensing trucks and similar vehicles. Tank refueling and delivery shall not occur from the public right-of-way.
  - ~~(3)~~(5) When adjacent to a Residential district the following standards shall apply:
    - a. A six-foot high, opaque wall or fence shall be provided along rear and side property lines around any fueling mechanisms and/or fueling activity areas.
    - b. No speaker or amplified announcement device shall be oriented to face a Residential district.
    - c. All fueling pump islands, fuel storage ~~apparatuses~~ apparatus, and canopy elements shall be set back at least 30 feet from any Residential District.
  - ~~(4)~~(6) 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~~ or 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~~ 30 days during any ~~30~~60-day period.
7. Vehicles requiring maintenance shall not be stored within the public right-of-way.

## **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 uses have the potential to cause adverse impacts on neighboring properties and the immediate vicinity in terms of noise, light, traffic and visual clutter. Development and operation standards should be applied to mitigate negative impacts.
- (b) *Applicability* - The provisions of this section shall apply to new or expansions of Commercial Recreation uses.
- (c) *Standards*
- (1) Commercial Recreation, Indoor uses are subject to the following 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, 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. This standard is not required for passive use areas of the project.
    - c. Outdoor lighting shall be designed such that direct sources of illumination are not visible beyond the property lines. Lights shall be directed away from adjacent residential uses.
    - ~~d. Outdoor speakers and sound amplification shall not be permitted for uses adjacent to residential uses.~~

- d. Nets used for driving ranges may be exempt from the district height standard.
- (3) When adjacent to a Residential District the following standards shall apply:
  - a. No speaker or amplified announcement device shall be oriented to face a Residential district.
  - b. Low and high intensity outdoor activity areas and the ancillary uses shall be set back at least 100 50-feet from any Residential District. Passive outdoor areas are exempt from this standard.

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

- (a) *Purpose* - Land developed and operated as a golf course including tees, fairways, and putting greens, practice greens, and driving ranges. Golf Courses sometimes include accessory structures and uses such as clubhouses. Its is intended to ensure water quality for Golf Course runoff.
- (b) *Applicability* - The provisions of this section are applicable to new and expansions of Golf Courses and their accessory structures.
- (c) *Standards*
  - (1) Fairways shall include a 50-ft buffer from any roadway and/or residential property. Clusters of trees shall be planted within these required buffers to protect surrounding uses from stray golf balls.
  - (2) Clubhouses may be permitted as an accessory to use a Golf Course subject to the following standards:
    - a. Accessory uses such as alcohol dispensing lounges, food service, meeting rooms, and pro-shops shall be considered ancillary and only provided to Golf Course patrons. Uses that serve non-Golf Course patrons shall seek separate land use approval pursuant to the district table of uses.
    - b. Clubhouses may only remain in operation when in conjunction with an active Golf Course.
  - (3) Golf Courses shall be designed to respond to and conserve the natural environment to the greatest extent possible. The following standards shall be applied to Golf Course design:
    - a. Golf Courses should be designed to minimize the need to alter or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.
    - b. Golf Course design should provide for creation and/or restoration of native habitat.
    - c. The site plan should protect drainage systems that support retained vegetation.
    - d. Design should protect and restore riparian habitat. The design should employ vegetated buffer strips of sufficient width to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the golf course, cart paths, and other developed areas.
  - (4) Golf Courses shall be designed and managed to limit excessive use of chemicals, pesticides, and fertilizers for fairways and landscaped areas. The following standards should be applied to Golf Course design:
    - a. Turf areas should be of sufficient size to accommodate the use, but should allow for existing or enhanced vegetation to remain between fairways.
    - b. Drainage design and buffers should be utilized to minimize any adverse impacts of runoff.

- c. Drought, pest, and disease resistant grass species should be used.
  - d. Natural buffer areas should minimize the use of fertilizers, pesticides, and herbicides.
- (5) Golf Courses shall be designed and managed to limit excessive water use for fairways and landscaped areas. The following standards should be applied to Golf Course design:
- a. Turf grass species and landscaping should be selected which are drought-resistant or -tolerant.
  - b. State-of-the-art irrigation systems with site meteorological monitoring capability should be used to minimize water use.
  - c. Irrigation systems shall connect to reclaimed water sources when available to the site.
  - d. Golf Course design shall utilize rain water harvesting methods as a portion of the irrigation system. This may include cisterns, drainage ponds, and/or site grading methods to allow natural rainfall to irrigate landscape areas.

#### **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~~ premised on the ~~passive~~ resource-based or ~~active~~ facility-based designation. Park sizes and their amenities are appropriate at certain locations within the community in terms of scale, intended users, intensity, and accessibility.
- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Parks and Recreation Areas. This shall not be applicable to private 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)-, nor shall it apply to uses within the Resource-Based Recreation (RBR) or Facility-Based Recreation (FBR) zoning districts.
- (c) *Standards*
  - (1) Parks and Recreation Areas, ~~Passive~~ Resource-Based Uses shall be subject to the following standards:
    - a. Recreational amenities shall be limited to trails, pathways, and gardening plots.
    - b. Sports fields, skate parks, swimming pools/splash pools, vehicle race tracks, playground equipment, ~~and~~ concession stands or other similar uses are not permitted.
    - c. Covered shelters and restroom facilities are permitted.
  - (2) Parks and Recreation Areas, ~~Active~~ Facility-Based Low Intensity Uses shall be subject to the following standards:
    - a. Recreational amenities shall be limited to trails, pathways, gardening plots, playgrounds, and sports courts such as tennis and basketball.
    - b. Sports fields, skate parks, swimming pools/splash pools, vehicle race tracks, ~~and~~ concession stands or other similar uses are not permitted.
    - c. Covered shelters and restroom facilities are permitted.
    - d. No ~~active~~ facility-based recreational element may encroach within the required district setbacks. This shall not apply to trails and pathways.

- (3) Parks and Recreation Areas, ~~Active~~ Facility-Based High Intensity Uses shall be subject to the following standards:
  - a. Recreational amenities may include trails, pathways, gardening plots, playgrounds, sports courts, swimming pools/splash pools, skate parks, sports fields, and concession stands. Other similar recreational uses may be permitted subject to the Zoning Administrator interpretation.
  - b. Covered shelters and restroom facilities are permitted.
  - c. No ~~active~~ facility-based recreational element may encroach within the required district setbacks. This shall not apply to trails and pathways.
  - d. Active Facility-based 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.
- (4) Other water body activity uses such as docks, piers, and marinas may be reviewed and approved pursuant to the district Table of 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.
  - > **Congregate Care** facilities is a type of housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities.
  - > **Nursing Home** facilities 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.

- (b) *Applicability* - The provisions of this section shall apply to new and expansions of Congregate Care, Nursing Home Facilities and other similar facilities.
- (c) *Standards*
- (1) In Single-Family 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 and 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 areas, swimming pools, or any other similar amenity. Heavily landscaped and/or non-accessible areas shall not be counted toward the required common open space.~~ Required common open space shall be usable for parks, recreation, and/or retained for natural resource protection. Areas used to satisfy the common open space requirement shall be a minimum of 15-ft in width to ensure usability.
  - (4) New or expanded Congregate Care and Nursing Home Facilities are prohibited within the coastal storm area, the area inundated by a category 2 hurricane or a floodway as defined by this chapter. This restriction does not preclude substantial improvements or the replacement of an existing facility as long as its use as a nursing home has not been abandoned, and the improvements or replacement do not result in additional beds.
  - (5) For nursing home uses, the number of beds may not exceed three times the allowed density of the zoning district in which the parcel is located.

**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. This section is not applicable to Day Care, Family facilities or any other separate use listed on the district Table of Uses.
- (c) *Standards*
- (1) Facilities shall be licensed as required by appropriate governmental agencies.
  - (2) 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, 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 scale and appearance shall closely resemble a typical residential structure characteristic of the immediate vicinity. ~~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:
    - a. Government uses shall be limited to low intensity offices or neighborhood services.
    - b. No exterior storage of machinery or equipment shall be permitted.
    - c. 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.
  - (3) 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* - Establishments providing medical, diagnostic, and treatment services including physician, nursing, specialized accommodations, and other health services to inpatients.
- (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) Hospitals may provide outpatient services as an accessory use.

#### **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 - The provisions of this section shall apply to new or modifications to Meeting Halls and other Community Assembly Facilities. This section does not include government uses.

(c) Standards

(1) In Residential 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 parcel.

b. Reserved

(2) Reserved

### **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:

a. Places of Worship less than 20,000 square feet shall be permitted as a Level 1 review.

b. Places of Worship 20,000 square feet and larger shall secure Level 2 approval.

(2) In Residential Districts, the following standards shall apply:

a. Parking lots shall not be located between new front building facades and adjacent streets. This shall not to apply to other buildings located internal to the site.

b. At least 50 percent of street facades shall have ~~fenestration~~ architectural articulation. ~~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, 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~~ Commercial Marinas 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 of the 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:~~

a. Approval of a Commercial Marina shall be subject to the following standards:

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~~ generate 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~~ resources 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 met~~.
- e. New Commercial Marinas shall provide safe environmental management of litter, fuel, sewage, chemicals, and stormwater runoff based on the best management practices established by the Florida Clean Marina Program or current equivalent thereof.

### **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~~ or office.
  - > Wireless Communication Antennae, Towers, and associated structures.
- (c) *Standards* - Construction of antennas and towers in accordance with the ~~preceding following~~ 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~~ Development Review Committee. 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.~~
  - (2) Communication towers which are designed to be camouflaged may be erected in any zone subject to a height limitation of 75-feet. Camouflage may include towers to be designed to resemble trees, palms, flag poles, and other similar feature.
  - (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 provide 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, 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.~~
    - d. Within the Anclote River waterway 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).
    - e. New off-shore Tour Vessels and Water Transport shall demonstrate there is adequate upland support for the operation, including but not limited to, parking, boarding location, and similar uses.

### **DIVISION 9. – UTILITIES**

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

- (a) *Purpose* - Solar Energy Systems are intended to collect and provide solar power to individual buildings and their accessory uses. They are also intended to be small in scale

and should be architecturally integrated to and complementary to the structure in which they are attached.

(b) Applicability - The provisions of this section shall apply to all Solar Energy Systems and similar facilities.

(c) Standards

(1) Solar energy systems shall be an allowed accessory use.

(2) The system shall comply with district lot size and setbacks.

(3) Ground mounted solar panels in Residential Zoning districts are limited to a maximum height of 14 feet.

(4) Roof-mounted solar energy systems shall be installed in a location that is least visible from streets, where technically feasible. Tilt-mounted solar panels should be installed parallel to the roofline to minimize their visual impact.

(5) Reflection angles from solar collection surfaces shall be oriented away from neighboring windows. If glare from reflective surfaces reflects onto neighboring windows or creates a safety concern for vehicles in a street, then the use of a non-reflective surface or screening may be required to mitigate glare.

(6) Solar Energy Systems may be affixed to the any building on the site including but not limited to: the principal structure, accessory buildings, and/or carports.

(7) Excess energy generated from the Solar Energy System may be sold and/or added to the power grid.

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

(a) Purpose - The facility and activities are intended to capture solar energy and converts it to electrical energy primarily for sale or consumption off-premises.

(b) Applicability - The provisions of this section shall apply to all Solar Energy Production Facilities and similar uses. This section is not intended to include the use of solar energy devices for net metering (producing electrical energy primarily for on-premises consumption).

(c) Standards

(1) A Solar Generation Station shall comply with district dimensional standards in terms of lot size, height, and setbacks.

(2) A Solar Generation Station shall be designed and operated to protect public safety, including without limitation, preventing the misdirection of concentrated solar radiation onto nearby properties, public roads or other areas accessible to the public and implementing site design and operating procedures to prevent public access to hazardous areas.

(3) A Solar Generation Station shall comply with all applicable local, state and federal laws and regulations governing the operation of a solar generation facility.

(4) The property owner shall remove a Solar Generation Station within one year following a continuous two-year period of non-use.

#### **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 shall be subject to the following standards:
    - a. Utilities, Class 3 may include production or treatment facilities such as sewage treatment plants, elevated water storage towers, non-accessory ground storage tanks, or similar facilities. Utilities, Class 3 does not include electric power plants, solid waste management, or any other separate land use listed on the district table of uses.
    - b. All treatment operations shall be conducted behind a six-foot high, opaque wall or fence.
    - c. Treatment facilities shall be setback at least 100 feet from a Residential district.
  - (4) Spillage containment berms shall be provided around lift stations or similar pumping facilities to sufficiently contain accidental discharges.

**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) All processing and material storage shall be conducted behind a six-foot, opaque wall or fence.
  - (2) 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, opaque wall or fence.~~
- (3) 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.
- (4) Solid Waste Transfer Facilities shall be subject to the following standards:
  - a. At processing and material storage shall be conducted behind a six-foot, 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 - An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill or wind turbine. For the purposes of this Quality Communities Code, Small Scale WECS shall be defined as those WECS rated 60 kW or less.
- (b) Applicability - The provisions of this section shall apply to all Wind Energy Conservation Systems or similar facility rated 60 kW or less.
- (c) Standards
  - (1) Wind Energy Conservation Systems, Small Scale are subject to the following height standards:
    - a. The maximum structure height in Residential Districts shall be 45 feet as measured from the height above grade of the fixed portion of the tower, excluding the wind turbine blades.
    - b. The maximum structure height in non-residential zoning districts shall be 120 feet as measured from the height above grade of the fixed portion of the tower, excluding the wind turbine blades.
    - c. Wind Energy Conservation Systems, Small Scale shall provide at least 12-feet of clear area between the turbine blades and the ground. WECS located in a secured, fenced area may be exempt from this standard.
  - (2) Wind Energy Conservation Systems, Small Scale shall comply with district setbacks standards. The following exceptions shall apply:

- a. Freestanding WECS shall be setback at least distance equal to the height of the WECS provided from adjacent property boundaries.
  - b. Roof mounted WECS shall not be required to meet additional setbacks, provided in such cases the support tower, excluding the wind turbine, is not more than ten feet in height as measured from the point on the roof where it is mounted AND does not exceed the maximum height above grade permitted in Subsection (1) above.
- (3) Wind Energy Conservation Systems, Small Scale shall not be located in or near any documented locations of listed species, specifically nesting pairs of bald eagles or wading bird colonies. Acceptable distances from such natural resources shall be determined by either the Florida Fish and Wildlife Conservation Commission or the United States Wildlife Service.
  - (4) Wind Energy Conservation Systems, Small Scale shall be designed to utilize tubular supports with pointed tops in order to prevent perching or nesting birds. Towers should not include lattice supports, fixed external ladders, and platforms.
  - (5) Noise produced by Wind Energy Conservation Systems, Small Scale operations are subject to the standards established in Chapter 58, Article XII of the Pinellas County Code.
  - (6) Wind Energy Conservation Systems, Small Scale shall not be artificially lighted or marked except as may be required by other applicable county, state and federal requirements.
  - (7) Wind Energy Conservation Systems, Small Scale towers shall be designed to prevent non-authorized climbing:
    - a. Towers shall be designed with no hand or foot holds below 16 feet in height;  
OR
    - b. Access to the tower shall be secured with a fence of other security mechanism.
  - (8) Co-location of any other facility including but not limited to cellular communications antennas, advertising signage, television or radio antennas or similar facilities on to a WECS, shall only be permitted if allowed by the district. Co-located facilities shall obtain a separate land use approval.
  - (9) Abandoned freestanding WECS shall be removed or demolished either by the owner of the turbine, or by the property owner. For the purposes of this section, abandoned shall mean that no operation of the turbine has occurred for a one-year period.
  - (10) During the building permit application process, the applicant shall submit the manufacturer's electrical drawings in sufficient detail to allow for a determination that the manner of installation conforms to the currently adopted edition of the National Electrical Code. The applicant shall also submit verification that the system is equipped with manual braking.
  - (11) Building permit applications for WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the currently adopted edition of the Florida Building Code and certified by a licensed professional engineer shall also be submitted. A site plan shall be submitted clearly denoting the proposed WECS location on the property including the distances to property boundaries, existing structures on the property, and location of any areas specified above.

- (12) There shall be no restriction on or interference with air safety and air operation, as per Federal Aviation Administration (FAA) requirements. Additionally, WECS shall comply with all land development requirements regarding Historic Resources.

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

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

- (a) Purpose - Agricultural Activities include the utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof.
- (b) Applicability - The provisions of this section shall apply to Agricultural Activities. This section does not apply to stand-alone Nurseries/Greenhouses operations and Community Gardens. This section does not apply to minor gardening and animal keeping normally associated with private residences (example: Growing vegetables and keeping chickens on a residential lot is not considered an Agricultural Activity for the purposes of this section.)
- (c) Standards
- (1) Agricultural Activities, Commercial
- a. Materials produced on-site may be sold to third-party, off-site sales establishments. (example: Selling produce to a retail store is permitted as part of a Commercial Agricultural Activity.)
- b. Accessory retail activities shall be limited to products and materials that relate to an existing Agricultural operation on the site. (example: A grower may sell produce grown on site .)
- c. Accessory offices that relate to the agricultural activity may be permitted on-site.
- d. Worker housing may be permitted as a Level 2 review. Approved Worker Housing may only remain in operation when in conjunction with an active Commercial Agricultural activity.
- (2) Agricultural Activities, Personal Use
- a. The provisions of Division 12 Animals and Livestock shall apply.
- b. No retail sales shall occur on-site.
- b. ~~Accessory retail sales may be permitted subject to the following standards:~~
1. ~~The accessory retail activities shall be limited to products and materials that relate to an existing Agricultural Activities on the site. (example: A grower may sell produce grown on site .)~~
2. ~~The accessory retail activities shall be limited to on-site sale. Materials shall not be sold to third-party, off-site sales establishments. (example: Selling produce to a retail store is not permitted.)~~
3. ~~Accessory retail may only occur in Residential Districts when an owner-occupied residence is located on the same site as the agricultural operation.~~

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

- (a) Purpose - An activity on property where Community Gardens are intended to allow for more than one person to grow 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, and generally on a not-for-profit basis.~~

- (b) Applicability - The provisions of this section are applicable to all Community Gardens. This section does not apply to personal gardens that are located on an individual lot in which the users live.
- (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. See Article VIII for prohibited plant material.
  - (3) Any permanent accessory structures shall be subject to the district dimensional standards and comply with County building permit standards.
  - (4) Plant material shall not impede sight visibility for sidewalks, streets, or any other vehicle access lanes.
  - (5) Community Gardens may only occur where the property owner(s) provides written consent to the intended users. Where the intended users include the unspecified general public, such consent may be granted to Pinellas County Board of County Commissioners.
  - (6) Animals and Livestock are not permitted uses in Community Gardens but may be allowed subject to the rules and standards of Division 12 - Animals and Livestock.

#### **Sec. 138-1332. – Nurseries/Greenhouses**

- (a) Purpose - Establishments primarily engaged in the sale of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are either grown on site or elsewhere.
- (b) Applicability - The provisions of this section are applicable to Nurseries and Greenhouses. This section does not apply to personal greenhouses or gardening activities that are located on an individual lot in which the users live.
- (c) Standards
  - (1) Nursery/Greenhouse operations, structures, and container plants shall comply with the district setback standards.
  - (2) Plant material, containers, art, and furniture normally associated with nurseries and gardening may be stored and displayed outdoors.
  - (3) Where Nurseries/Greenhouse Retail Sales is permitted as an (A) Accessory use, the following standards shall apply:
    - a. The accessory retail activities shall be limited to materials that relate to an existing personal Nursery/Greenhouse operation on the site. (example: A greenhouse owner may sell plants and flowers grown on site.)
    - b. The accessory retail activities shall be limited to on-site sale. Materials shall not be sold to third-party, off-site sales establishments. (example: Selling plants to a retail store is not permitted.)
    - c. Accessory retail may only occur when an owner-occupied residence is located on the same site as the Nursery/Greenhouse operation.

## **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 pursuant to the district Table of Uses.~~ 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. 138-1310. – ~~Land Fills or Excavation~~ Land Excavation or Fill**

(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~~ a coop or fence.
  - 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, E-1, and R-R zoning districts.

**Sec. 138-1352. - Dog Friendly Dining Program**

- (a) Purpose - The purpose and intent of this section is to implement the program established by F.S. § 509.233 by permitting public food service establishments within Pinellas County, Florida, subject to the terms contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.
- (b) Applicability - Pursuant to F.S. § 509.233, there is hereby created in the County of Pinellas, Florida, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the Pinellas County Dog Friendly Dining Program.
- (c) Standards
  - (1) Permit required, submittals:
    - a. In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless the public food service establishment possesses a valid permit issued in accordance with this section.
    - b. Applications for a permit under this section shall be made to the county administrator, on a form provided for such purpose by the county administrator, and shall include, along with any other such information deemed reasonably necessary by the county administrator in order to implement and enforce the provisions of this section, the following:



1. The name, location, and mailing address of the subject public food service establishment.
2. The name, mailing location, and telephone contact information of the permit applicant.
3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the county administrator. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
5. Written authorization to obtain the permit from the owner of the property on which the public food service establishment is located if the applicant is not the owner.
6. All application materials shall contain the appropriate division issued license number for the subject public food service establishment. Any permit issued to a public food service establishment under this section shall include the appropriate division issued license number of that establishment.

(2) General regulations; cooperation; enforcement.

- a. In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this section are subject to the following requirements:
  1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
  2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
  3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
  4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
  5. Dogs shall not be allowed on chairs, tables, or other furnishings.
  6. All table and chair surfaces shall be cleaned and sanitized between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

7. Accidents involving dog waste shall be cleaned immediately and the area sanitized. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
8. At least one sign reminding employees of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as further conditions of the permit by the county administrator, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.
9. At least one sign reminding patrons of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as further conditions of the permit by the county administrator, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.
10. At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.
11. Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.
- b. A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section if such owner wishes to continue to accommodate patrons' dogs.
- c. Permits shall expire on September 30 of each year. A public food service establishment must obtain a new permit for each fiscal year beginning on October 1 to operate a dog friendly dining program.
- d. A permit may be revoked if, after notice, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this section under subsection (6). A revocation determination may be appealed to the county administrator within 30 days of the date of the determination.

- e. In accordance with F.S. § 509.233, the county administrator shall accept, document, and respond to complaints related to the dog friendly dining program within Pinellas County, and shall timely report to the division all such complaints and the county's enforcement response to such complaint. The county administrator shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this section.
- f. Any public food service establishment that fails to comply with the requirements of this section shall be in violation of this section of the Pinellas County Code and shall be subject to any and all enforcement proceedings pursuant to section 134-8 of the Pinellas County Code and general law.

#### **Sec. 138-13523. - 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. 138-13534. – 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~~ restricted 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~~ 60 days in any calendar year.
  - c. No zoning clearance or permit is required for a temporary use except as noted below. However, the operator of a temporary use must:
    1. Obtain written permission from the property owner and have such permission available on site during the operation of the temporary use.
    2. Provide 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.
- (3) Garage/yard sales may be permitted under the following criteria:
- a. May be permitted at any residential use.
  - b. Shall be allowed to occur up to 10 times per year for each parcel.

#### **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~~ Development Review Services to determine compliance with this chapter and other applicable codes, ordinances, or regulations. No clearance for a building permit shall be issued until such plan complies with these provisions.

## **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 or use, 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 or use, 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.