



BOARD OF COUNTY COMMISSIONERS

DATE: October 21, 2014

AGENDA ITEM NO. 16

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature:

Subject:

Request for Authority to Advertise Proposed Amendments to Chapter 138 of the Pinellas County Land Development Code, Article V, Division 12, the Old Palm Harbor-Downtown Zoning District, and Article VII, Division 3, Alcoholic Beverages.

Department:

Planning & Development Services

Staff Member Responsible:

Jake Stowers, Interim Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) AUTHORIZE A PUBLIC HEARING TO BE HELD ON DECEMBER 16, 2014 TO CONSIDER AND RECEIVE PUBLIC COMMENT ON THE PROPOSED AMENDMENTS TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE.

Summary Explanation/Background:

The proposed Ordinance to amend the Old Palm Harbor-Downtown (OPH-D) zoning district involves the addition of two types of permitted uses within the district – *Artisan Establishments* and *Alcoholic Beverage Production Facilities*. Currently, the OPH-D district allows certain retail businesses and commercial uses; however, the existing Code language expressly prohibits the 'manufacture or processing of products'. This prohibition can be interpreted to include the production of alcohol, as well as traditional artisan craft making. At the appropriate scale, such uses are often well suited to small downtown districts. The County has recently received inquiries from individuals expressing interest in establishing breweries and wineries in the district. The proposed language defines the newly proposed uses and sets standards for their establishment and operation to address things such as scale and compatibility. Other proposed changes to the OPH-D district include the allowance of outdoor displays and/or sales, clarifying height restrictions for new construction, and other minor clean-up items that are necessary to maintain internal Code consistency. Staff met with Downtown Palm Harbor Merchants Association to discuss the proposed changes and have incorporated their feedback. The proposed Ordinance also includes amendments to the Alcoholic Beverages section of the Code to specifically allow the dispensing of alcohol within the OPH-D and Commercial Recreation (CR) zoning districts.

Importantly, the OPH-D district regulations must remain consistent with the Downtown Historic Palm Harbor Master Plan. Similar amendments to the Master Plan's list of permitted uses are therefore required. Changes to the Master Plan will go through the public review process as a separate item.

At this time, staff is seeking authority from the Board to advertise the public hearings required to adopt the Ordinance amending the Land Development Code. If authorized, the Local Planning Agency (LPA) will review the Ordinance at a public hearing and make a recommendation to the Board. That hearing is planned for November 13, 2014, prior to the first Board hearing on December 16, 2014. The second Board hearing for final action is anticipated for February 2015, which will coincide with the timeline amending the Downtown Historic Palm Harbor Master Plan.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Proposed Ordinance (strikethrough/underline version and clean version)

OLD PALM HARBOR-DOWNTOWN ZONING DISTRICT

STRIKE-THROUGH/UNDERLINE VERSION

ORDINANCE NO. 15-___

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE ZONING PROVISIONS OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, CHAPTER 138, ARTICLE V, DIVISION 12, THE OLD PALM HARBOR-DOWNTOWN ZONING DISTRICT; AMENDING SECTION 138-1006, DEFINITION, PURPOSE AND INTENT OF DISTRICT; AMENDING SECTION 138-1007, APPLICABILITY AND NONCONFORMITIES; AMENDING SECTION 138-1008, PERMITTED USES; AMENDING SECTION 138-1009, FIRST FLOOR USES; AMENDING SECTION 138-1010, PROPERTY DEVELOPMENT REGULATIONS; AMENDING SECTION 138-1011, OFF-STREET PARKING; AMENDING SECTION 138-1013, DESIGN CRITERIA; AMENDING ARTICLE VII, DIVISION 3, SECTION 138-1332, ALCOHOLIC BEVERAGES; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County and the community of Palm Harbor have worked together since the early 1990s to protect the historical integrity of Downtown Palm Harbor; and

WHEREAS, in 1994, the Pinellas County Board of County Commissioners established the Downtown Palm Harbor Historic District to support the community's efforts to recognize and protect the unique heritage of this unincorporated area of north Pinellas County; and

WHEREAS, local residents, property and business owners, County staff, and members of the Old Palm Harbor Main Street Program worked with a consultant team over several months to develop a draft Downtown Palm Harbor Master Plan in the Fall of 2000; and

WHEREAS, the local community, the Old Palm Harbor Main Street Program, and County staff refined the Master Plan after the Fall of 2000, and the final Downtown Historic Palm Harbor Master Plan was adopted by the Board of County Commissioners on December 18, 2001; and

WHEREAS, implementation of the Master Plan required amendments to Pinellas County Land Development Code to establish a zoning district that would allow a compatible development pattern based upon the historic lot pattern and existing urban design features; and

WHEREAS, the Pinellas County Board of County Commissioners adopted the Old Palm Harbor-Downtown (OPH-D) Zoning District in May 2002; and

WHEREAS, the OPH-D Zoning District establishes a list of permitted uses for properties located within the District; and

WHEREAS, County staff has recently received inquiries from individuals expressing interest in establishing certain uses not currently permitted in the OPH-D Zoning District; and

WHEREAS, County staff has developed proposed amendments to the OPH-D Zoning District that would allow for additional permitted uses in response to these inquiries; and

WHEREAS, County staff has identified other needed amendments to the OPH-D Zoning District and the Alcoholic Beverages section of the Code that are necessary to ensure internal Code consistency; and

WHEREAS, the County Planning Department met with the Downtown Palm Harbor Merchants Association on September 10, 2014 to notify property and business owners and receive their input on proposed changes to the OPH-D Zoning District; and

WHEREAS, the Pinellas County Local Planning Agency (LPA) held a public hearing to receive public comment on the proposed changes to the Land Development Code, and the recommendation from the LPA has been received and considered.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida, in regular meeting duly assembled on this ____ day of _____, 2015, that the Land Development Code of Pinellas County is amended as follows:

SECTION 1. Section 138-1006 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1006. Definition, Purpose and Intent of District

The Old Palm Harbor-Downtown (OPH-D) District will provide a set of regulations that recognize, maintain and encourage the special character, uses and history of Downtown Old Palm Harbor and its historic district. The area will include a mixture of retail, lodging, residential, office and service uses. The OPH-D district is intended to assist in implementing the Downtown Historic Palm Harbor Master Plan adopted by the board of county commissioners by Ordinance No. 01-85 on December 18, 2001, and as it may be amended from time-to-time. Only those properties located within the master plan study area as adopted, or as it may be amended by the board, are eligible for designation with this district. The OPH-D district incorporates design and dimensional regulations that maximize the pedestrian experience and that recognize the existing character of Old Palm Harbor and its historic buildings.

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

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

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

SECTION 2. Section 138-1007 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1007. Applicability and Nonconformities

- (a) The OPH-D district zoning and design criteria will provide for the regulation and restriction of uses, structures, lots and parcels, or combinations thereof, which were lawfully established prior to the adoption of the ordinance from which this section derives.
- (1) All new uses, development, alteration, demolition, relocation, reconstruction and excavation within the OPH-D district shall be subject to the requirements of this division.
- (2) All new development, alteration, demolition, relocation, reconstruction, and excavation within the OPH-D district shall be subject to the requirements and procedures of section 146-7 for certificates of appropriateness. The design criteria for issuance of a certificate of appropriateness in the OPH-D district shall be as stated in section 138-1013.
- (b) Sections 138-201 through 138-208 213, regarding nonconformities, shall apply to the OPH-D district.
- (c) In cases where an individual lot or parcel has a building site area smaller than the requirements of the district:
- (1) Individual lots of record that were legally platted as of the date of adoption of the ordinance from which this section derives and no less than 25 feet in width may be developed.
- (2) No new lots less than 50 feet in width shall be created.
- (d) Section 138-1009, first floor uses, shall be made compliant according to the criteria of sections 138-201 through 138-208 213, regarding nonconforming uses.
- (e) Communication towers and antennas as defined in the Pinellas County Code, section 138-1347, must comply with the height requirements in the OPH-D Zoning District and in the Downtown Palm Harbor Historic District and be camouflaged and consistent with the architectural character of the Downtown Palm Harbor Historic District.

SECTION 3. Section 138-1008 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1008. Permitted Uses

The following uses are permitted individually or in combination within the OPH-D district sub-districts.

Permitted Use	Allowable Sub-District
<i>Commercial and Public/Semi-Public Uses:</i>	
Retail business or commercial use that does not involve the manufacture or processing of products (e.g. grocery, convenience shopping, drugstore, hardware, sundries)	East sub-district

Permitted Use	Allowable Sub-District
Medical and Dental Offices	East sub-district
Professional, scientific, and technical services (e.g. attorneys, accounting, engineering, architecture, real estate, stockbrokers, advertising, interior design, surveying and mapping, consulting services, scientific research, financial investment advice, software publishing, insurance)	Both sub-districts
Personal services (e.g. barbershops, beauty parlors, shoe repair, framing shop, personal and household goods repair and maintenance)	East sub-district
Eating and drinking establishments (indoor/outdoor)	East sub-district
Veterinary clinic (no kennel/all enclosed)	East sub-district
Studios and galleries (e.g. artist, photographer, musician)	Both sub-districts
Medical clinic provided it can be carried out in a manner compatible with the definition of this district	East sub-district
School (public or private)	East sub-district
Churches	East sub-district
Day care center ⁽¹⁾	Both sub-districts
Parks and related uses	Both sub-districts
Bank facilities	East sub-district
Bank drive-through facilities ⁽²⁾	East sub-district
Parking lots or structures (stand-alone) ⁽³⁾	East sub-district
Government and community buildings and uses ⁽⁴⁾	East sub-district
Theatres ⁽⁵⁾	East sub-district
<u>Artisan Establishments</u> ⁽⁶⁾	<u>East sub-district</u>
<u>Alcoholic Beverage Production Facilities</u> ⁽⁷⁾	<u>East sub-district</u>
<i>Residential and Lodging Uses:</i>	
Single-family dwellings	West sub-district
Duplex and triplex dwellings	Both sub-districts

Permitted Use	Allowable Sub-District
Multiple family dwellings	Both sub-districts
Home occupations	Both sub-districts
Accessory dwelling units	Both sub-districts
Bed and breakfast ⁽⁶⁸⁾	Both sub-districts

Notes to permitted uses:

Outdoor display and/or sales of retail goods, wares and merchandise are permitted in the East Sub-district, provided such activities are accessory to the primary use of the subject property and do not occur within public rights-of-way. Only the business or entity occupying the principal use or structure may be permitted to sell merchandise in outdoor display areas. Areas so utilized must be permitted and depicted on a County-approved site plan. When abutting a residential use, such areas shall be screened with a six-foot high opaque wall or fence, consistent with subsection 138-1013(c). The height of displayed merchandise shall not exceed the height of any wall or fence used for screening purposes.

The following additional standards apply to specific permitted uses:

- (1) Day care centers shall be subject to the following requirements:
 - a. Provide a gross land area of 500 square feet per child (does not apply to adult day care).
 - b. Orient all children's play areas and provide buffering and separation, as deemed appropriate by the director of development review services, so as to prevent adverse impacts to adjacent properties (does not apply to adult day care).
 - c. Facilities to be licensed as required by appropriate governmental agencies.
 - d. Parking required at one space per employee plus one space per each ten students or clients.
- (2) Bank drive-through facilities shall be subject to the following requirements:
 - a. Shall be set back 25 feet from existing residential uses including stacking lanes.
 - b. Shall only be considered for bank facilities located along Alternate U.S. 19.
- (3) Parking lots or structures (stand-alone): In addition to all other applicable requirements, parking lots shall comply with sections 138-1011 and 138-1012.
 - a. Not permitted on Florida Avenue.
- (4) Government and community uses and buildings: Pursuant to section 138-270 (6).
- (5) Theatres shall be subject to the following requirements:
 - a. Limited in size to 200 seats.
 - b. Shall not be located adjacent to existing residential uses.

(6) Artisan establishments are intended to produce high-quality or distinctive products generally in small quantities. The production is usually by hand or traditional methods. Examples include, but are not limited to, glass blowing, jewelry making, woodworking, baking and traditional food product making. Artisan establishments shall be subject to the following:

- a. Building space used for artisan establishments shall not exceed a floor area of 7,500 square feet.
- b. Artisan establishments are permitted accessory outdoor work areas for purposes of creating art pieces and hosting demonstrations of artisan practices. Areas so utilized must be permitted and depicted on a County-approved site plan. When outdoor work areas abut a residential use, the area shall be screened with a six-foot high, opaque wall or fence, consistent with the standards of subsection 138-1013(c).
- c. Artisan establishments are permitted to teach artisan crafts, skills and techniques.
- d. When located in the area of the OPH-D district described in section 138-1009, artisan establishments shall provide a retail storefront.
- e. Artisan establishments shall strictly adhere to the performance standards required by Article VII, Division 4 of this Chapter.

(7) Alcoholic beverage production facilities include microbreweries, brewpubs, wineries, distilleries, cideries, meaderies, and other producers of alcoholic beverages for sale and distribution. Alcoholic beverage production facilities in the OPH-D district shall be subject to the following requirements:

- a. The facility shall produce no more than 20,000 barrels (620,000 US gallons) of beer and/or cider per year (microbrewery/cidery), 100,000 US gallons of wine and/or mead per year (winery/ meadery), or 15,000 US gallons of spirits per year (distillery).
- b. This use shall be permitted only in conjunction with a restaurant, tasting room or retail sales.
- c. 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.
- d. All outdoor mechanical equipment shall be concealed from public streets (excluding alleys) and adjacent residential uses.
- e. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers.

(68) Bed and breakfast shall be subject to the following requirements:

- a. Offers transient accommodations to lodgers in ten or fewer guest rooms for rent.
- b. A maximum six-square-foot sign may be provided to identify the facility location in the east sub-district.

- c. A maximum two-square-foot sign may be provided to identify the facility location in the west sub-district.

SECTION 4. Section 138-1009 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1009. First Floor Uses

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

(1) The allowable uses from section 138-1008 are:

- (a) Retail businesses.
- (b) Personal service establishments (e.g. personal and household goods repair and maintenance, personal care services such as barber shops, beauty salons, shoe repair, framing shops).
- (c) Medical and dental offices.
- (d) Eating and drinking establishments (indoor and/or outdoor).
- (e) Food markets.
- (f) Studios and galleries (artists, photographer, etc.).
- (g) Bank facilities (no drive-through facilities).
- (h) Bed and breakfast.
- (i) Professional, scientific, and technical services (e.g. attorneys, accounting, engineering, architecture, real estate, stockbrokers, advertising, interior design, surveying and mapping, consulting services, scientific research, financial investment advice, software publishing, insurance).
- (j) Artisan establishments.
- (k) Alcoholic beverage production facilities.

(2) The criteria for compliance with this section are described in section 138-1007.

SECTION 5. Section 138-1010 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1010. Property Development Regulations

- (a) *Maximum building height.* No structure in the OPH-D district shall exceed 30 feet in height (measured to the lowest portion of the eaves).
- (b) *Minimum building site area requirements.* The minimum building site area requirements in the OPH-D district are as follows:
 - (1) Area: 4,500 square feet.

(2) Width: 50 feet.

(3) Depth: 90 feet.

(4) Lots less than 50 feet in width that are lawfully existing as of the date of adoption of this ordinance may be developed pursuant to the conditions outlined in section 138-1007.

(c) *Maximum lot development.*

Maximum Lot Development	Sub-District	
	East	West
Floor Area Ratio (F.A.R.) ⁽¹⁾	0.40 maximum ⁽²⁾	0.30 maximum ⁽³⁾
Residential Density	10 units per gross acre	10 units per gross acre
Impervious Surface Ratio	0.85 maximum	0.75 maximum

Notes to the maximum lot development:

- (1) Floor area used as a dwelling unit shall not be included in calculating floor area and are exempt from F.A.R. limitations.
- (2) The maximum F.A.R. for properties where first floor uses are restricted per section 138-1010-1009 is 0.60.
- (3) Professional, scientific, and technical service uses, galleries, and studios shall not exceed an FAR of 0.30 or 1,500 square feet, per lot, whichever is less. These nonresidential uses shall only be permitted within an existing residential structure that has been converted for these types of uses. Any structural changes, modifications, or enlargements to existing residential structures shall retain the residential character of the building.

(d) *Setback requirements.* The following setbacks shall be required:

	Setbacks				
	Front	Side	Rear	Abutting Residential	Corner
East sub-district, abutting Florida Avenue east of Alt-19; and the property at 1205 Omaha Circle Minimum: Maximum:	0 ft. 15 ft.	0 ft. -----	0 ft. -----	7.5 ft. -----	0 ft. -----
East sub-district, not abutting Florida Avenue east of Alt-19 Minimum: Maximum:	10 ft. 20 ft.	0 ft. -----	0 ft. -----	7.5 ft. -----	5 ft. -----
West sub-district Minimum:	10 ft.	7.5 ft.	15 ft.	-----	10 ft.

Notes to the setback requirements:

- (1) The maximum setback on the east side of Omaha Circle/College Hill Drive, between Nebraska Avenue and Georgia Avenue, shall be 30 feet to accommodate the historic

perpendicular parking pattern that was incorporated into the Downtown Historic Palm Harbor Master Plan adopted on December 18, 2002.

SECTION 6. Section 138-1011 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1011. Off-Street Parking

This section provides for safe and efficient parking while recognizing the unique conditions in Palm Harbor. Some internal capture of vehicle trips results from the mixture of uses and the bicycle traffic from the Fred Marquis Pinellas Trail. This combined with the public street parking improvements allows a reduced off-street parking requirement for comparable uses in conventional zoning districts.

- (1) There shall be provided at the time of the erection of any structure, or at the time any structure is enlarged or increased in capacity, a minimum number of off-street parking spaces.
- (2) In the east sub-district, the minimum number of off-street parking spaces provided shall be equal to the following:
 - a. For retail uses, personal services, studios and galleries, ~~and eating and/or drinking establishments, artisan establishments, and alcoholic beverage production facilities,~~ the minimum number of off-street spaces provided shall be equal to 2.1 parking spaces per 1,000 square feet of gross floor area. Outdoor work areas and outdoor display and/or sales of retail goods, wares and merchandise that are equal to or less than 400 square feet in area are not included when calculating the required number of minimum off-street parking spaces.
 - b. For medical and veterinary clinics, medical and dental offices, and other office uses, the minimum number of off-street spaces provided shall be equal to four parking spaces per 1,000 square feet of gross floor area. A rate reduction of 0.2 parking space for every one public parking space located within a radius of 500 feet from the center of the parcel or parcels where the improvement will be located shall be applied towards meeting the off-street parking requirements. The county may request a survey be provided locating the center of the parcel or parcels where the improvement will be located for the purpose of determining the 500-foot radius. Only those public parking spaces completely located (both the entire width and length of the space) within the 500-foot radius can be counted toward the parking rate reduction. Calculation of this reduction shall not include on-street public parking spaces located along Florida Avenue, Michigan Avenue, and Nebraska Avenue. Regardless of the resulting rate reduction, a minimum of two off-street parking spaces shall be provided.
 - c. For other nonresidential uses, the minimum number of off-street parking spaces provided shall be equal to 45 percent of the minimum number of off-street parking spaces required in section 138-1302, with a minimum of two spaces.
- (3) For nonresidential uses in the west sub-district: the minimum number of off-street spaces provided shall be equal to four-fifths the minimum number of off-street automobile parking spaces required in section 138-1302, with a minimum of two spaces.

- (4) Off-street parking for nonresidential uses in the west sub-district shall not be located in the front or corner setback areas.
- (5) Any outdoor seating area shall be included when calculating the required number of minimum off-street parking spaces, except that no off-street parking shall be required for an outdoor seating area that allows up to 24 seats and is equal to or less than 400 square feet in area. An outdoor seating area shall be accessory to an eating and/or drinking establishment with indoor dining.
- (6) Alleys may be used for access to off-street parking spaces.
- (7) Parking spaces for nonresidential uses may be provided on a separate lot or parcel not more than 500 feet from the primary parcel to be served as measured along the most direct pedestrian route.
- (8) Bed and breakfast in the east sub-district: one off-street parking space for every two guest rooms plus one space. Bed and breakfast in the west sub-district: one off-street parking space for every guest room plus two spaces. Parking shall be provided in a manner that is compatible with the surrounding area.
- (9) Single-family dwellings: two off-street parking spaces per dwelling unit.
- (10) For all other residential uses: one off-street parking space per efficiency unit and one and one-half off-street parking spaces per dwelling unit with one or more bedrooms.
- (11) Where not specifically changed in this section, parking requirements shall otherwise comply with article VII, division 2 of chapter 138.
- (12) Off-street parking shall not be located on the Florida Avenue frontage east of Alternate U.S. Highway 19.
- (13) Shared parking: parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to approval by the county administrator or his/her designee, and must meet the following conditions:
 - a. The applicant must demonstrate to the county administrator's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.
 - b. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking spaces reasonably anticipated to be available during differing hours of operation. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 25 percent.
 - c. Parking facilities designed for joint use should not be located further than 500 feet from any structure or use served, measured along the most direct pedestrian route.
 - d. A written agreement shall be drawn to the satisfaction of the county attorney and executed by all parties concerned assuring the continued availability of the number of parking spaces designated for joint use.

- (14) For properties within this district that have existing buildings, as of May 21, 2002, the off-street parking arrangement in existence on that date for each building shall continue to be recognized by the county as meeting the minimum parking requirements of the OPH-D district. Such existing building square foot area may be renovated and redeveloped even if it involves the demolition and subsequent reconstruction of a similar size to the existing building square foot area without providing any additional off-street parking spaces. However, this recognition of existing parking arrangements shall not apply to additional building square footage or to a change in use that increases the required number of off-street parking spaces. Parking shall be provided, as required by this section, for any increase in building square foot area, or for the increased number of parking spaces required by a change in use.

SECTION 7. Section 138-1013 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1013. Design Criteria

- (a) All new development, alteration, demolition, relocation, reconstruction, and excavation within the Old Palm Harbor - Downtown (OPH-D) District shall be subject to the criteria for historic properties set forth in chapter 146 and reiterated below. Those properties that are also located within the Downtown Palm Harbor Historic District shall continue to be subject to the provisions of chapter 146, the Historical Preservation Code.
- (b) The following design criteria apply to the OPH-D district. Downtown Old Palm Harbor is the historic commercial center for one of the oldest communities in Pinellas County. There are several contributing buildings within the OPH-D district. The historical "contributing" buildings located in the OPH-D district do not fall into any specific architectural style but are instead considered a part of the "folk" architectural tradition. For this reason, design criteria cannot be based upon specific, stylistic elements but instead must be based upon the connecting elements and characteristics that are present in the district. These characteristics include: the relationship between the shape, size and height of the buildings, the front-facing orientation of the buildings and the lack of setbacks from the main street, the major roof types; window/door design and placement; and minimal ornamentation and architectural detailing. Minor connecting elements in the district include shutters, porches, and fences.
- (1) *General design criteria.*
- a. The scale (height/width ratio) of new construction, or of alterations/additions to existing structures, shall be similar to that of the contributing structures in the district.
 - b. New buildings or alterations/additions to existing structures shall not be built higher than the existing buildings in the district on the date the Downtown Palm Harbor Historic District was established (August 16, 1994). The height of new construction, or of alterations/additions to existing structures, shall not exceed 30 feet in height when measured at the eave of the structure.
 - c. The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings. The orientation of new buildings, and of

alterations/additions to existing buildings, shall maintain front-facing facades with the main entrance on the street side of the building.

- d. The size, slope, and type of roofs for new construction, or for alterations/additions to contributing structures, shall be similar to those of the contributing structures.
- e. Shutters shall be in character with the style and period of the building. Replacement shutters shall be similar to the original in size, configuration, and style, and shall fit the window openings, not to overlap on the surface of the wall.
- f. Porch additions shall have a roof type that is either similar to the existing roof or that is in character with the style and period of the building.
- g. Historically, building, trim, and roof colors have not been a major defining component of the district. Choice of colors should complement and enhance the character of the district. For new construction and noncontributing structures, specific color choice is left to the discretion of the property owner. For contributing structures, the general criteria for evaluating certificates of appropriateness as cited in subsection 146-7(a)(6) of the historic preservation code shall be followed.
- h. On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.

(2) *Contributing structures.*

- a. If windows and doors in contributing structures are determined to be unrepairable, they shall be replaced with new windows and/or doors matching the size, spacing, and materials of the originals.
- b. Porches and porch features that are in good condition or repairable, and which are in character with the style and period of the building, shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.

(3) *Noncontributing structures.*

- a. Where possible and appropriate, alterations and additions to noncontributing structures shall be similar to the major features, details and materials found in the contributing structures. Alterations and additions shall not introduce false historical architectural features not found in the district.
- b. Where possible and appropriate, when renovating an existing noncontributing structure, new or replacement windows and/or doors shall be similar to the size, spacing, materials and general rhythm of the windows and doors found in the contributing structures.

(4) *New construction.*

- a. The roof types of new buildings shall conform to the roof types of the contributing structures in the district. Gable, pyramidal (hip), and flat roofs with parapets are found in the contributing structures. Use of a roof type that is not present in the contributing structures, and which can be seen from the street is prohibited. Alternative roof styles can be used if they are concealed by a parapet and are not visible from the street.

- b. Proportions, configurations, and placement of windows and doors in new buildings shall be similar to the size, spacing, materials and general rhythm of the window/door fenestration found in the contributing structures.
 - c. Use of double-hung sash windows with two four-lites is encouraged. Jalousie windows are prohibited. Recessed entrances are encouraged.
 - d. Major architectural features, detailing and materials used in new construction shall be similar to those of the contributing structures found in the district.
 - e. Modern equipment such as solar collectors, air conditioners, etc. shall be concealed from public view.
- (c) Fences within the OPH-D district shall be limited to the following styles and materials:
- (1) All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.
 - a. Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative metal, brick, or stamped concrete which are compatible with the streetscape design materials.
 - b. No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.
 - c. Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.
 - (2) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three feet in height, except in those instances where a higher fence is required by section 138-1286 for screening dumpsters.
 - (3) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by Pinellas County.
 - (4) No fence or wall shall enclose a water meter box or manhole, unless authorized by Pinellas County.
 - (5) Where not specifically changed in this section, fences and walls shall otherwise comply with section 138-1336.

SECTION 8. Section 138-1332 (b) and (c) (1) of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1332. Alcoholic Beverages

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

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

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

SECTION 9. Severability

If any Section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 10. Inclusion in the Code

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

SECTION 11. Filing of Ordinance; Effective Date

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

OLD PALM HARBOR-DOWNTOWN ZONING DISTRICT

CLEAN VERSION

ORDINANCE NO. 15-__

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE ZONING PROVISIONS OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, CHAPTER 138, ARTICLE V, DIVISION 12, THE OLD PALM HARBOR-DOWNTOWN ZONING DISTRICT; AMENDING SECTION 138-1006, DEFINITION, PURPOSE AND INTENT OF DISTRICT; AMENDING SECTION 138-1007, APPLICABILITY AND NONCONFORMITIES; AMENDING SECTION 138-1008, PERMITTED USES; AMENDING SECTION 138-1009, FIRST FLOOR USES; AMENDING SECTION 138-1010, PROPERTY DEVELOPMENT REGULATIONS; AMENDING SECTION 138-1011, OFF-STREET PARKING; AMENDING SECTION 138-1013, DESIGN CRITERIA; AMENDING ARTICLE VII, DIVISION 3, SECTION 138-1332, ALCOHOLIC BEVERAGES; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County and the community of Palm Harbor have worked together since the early 1990s to protect the historical integrity of Downtown Palm Harbor; and

WHEREAS, in 1994, the Pinellas County Board of County Commissioners established the Downtown Palm Harbor Historic District to support the community's efforts to recognize and protect the unique heritage of this unincorporated area of north Pinellas County; and

WHEREAS, local residents, property and business owners, County staff, and members of the Old Palm Harbor Main Street Program worked with a consultant team over several months to develop a draft Downtown Palm Harbor Master Plan in the Fall of 2000; and

WHEREAS, the local community, the Old Palm Harbor Main Street Program, and County staff refined the Master Plan after the Fall of 2000, and the final Downtown Historic Palm Harbor Master Plan was adopted by the Board of County Commissioners on December 18, 2001; and

WHEREAS, implementation of the Master Plan required amendments to Pinellas County Land Development Code to establish a zoning district that would allow a compatible development pattern based upon the historic lot pattern and existing urban design features; and

WHEREAS, the Pinellas County Board of County Commissioners adopted the Old Palm Harbor-Downtown (OPH-D) Zoning District in May 2002; and

WHEREAS, the OPH-D Zoning District establishes a list of permitted uses for properties located within the District; and

WHEREAS, County staff has recently received inquiries from individuals expressing interest in establishing certain uses not currently permitted in the OPH-D Zoning District; and

WHEREAS, County staff has developed proposed amendments to the OPH-D Zoning District that would allow for additional permitted uses in response to these inquiries; and

WHEREAS, County staff has identified other needed amendments to the OPH-D Zoning District and the Alcoholic Beverages section of the Code that are necessary to ensure internal Code consistency; and

WHEREAS, the County Planning Department met with the Downtown Palm Harbor Merchants Association on September 10, 2014 to notify property and business owners and receive their input on proposed changes to the OPH-D Zoning District; and

WHEREAS, the Pinellas County Local Planning Agency (LPA) held a public hearing to receive public comment on the proposed changes to the Land Development Code, and the recommendation from the LPA has been received and considered.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida, in regular meeting duly assembled on this ____ day of _____, 2015, that the Land Development Code of Pinellas County is amended as follows:

SECTION 1. Section 138-1006 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1006. Definition, Purpose and Intent of District

The Old Palm Harbor-Downtown (OPH-D) District will provide a set of regulations that recognize, maintain and encourage the special character, uses and history of Downtown Old Palm Harbor and its historic district. The area will include a mixture of retail, lodging, residential, office and service uses. The OPH-D district is intended to assist in implementing the Downtown Historic Palm Harbor Master Plan adopted by the board of county commissioners by Ordinance No. 01-85 on December 18, 2001, and as it may be amended from time-to-time. Only those properties located within the master plan study area as adopted, or as it may be amended by the board, are eligible for designation with this district. The OPH-D district incorporates design and dimensional regulations that maximize the pedestrian experience and that recognize the existing character of Old Palm Harbor and its historic buildings.

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

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

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

SECTION 2. Section 138-1007 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1007. Applicability and Nonconformities

- (a) The OPH-D district zoning and design criteria will provide for the regulation and restriction of uses, structures, lots and parcels, or combinations thereof, which were lawfully established prior to the adoption of the ordinance from which this section derives.
 - (1) All new uses, development, alteration, demolition, relocation, reconstruction and excavation within the OPH-D district shall be subject to the requirements of this division.
 - (2) All new development, alteration, demolition, relocation, reconstruction, and excavation within the OPH-D district shall be subject to the requirements and procedures of section 146-7 for certificates of appropriateness. The design criteria for issuance of a certificate of appropriateness in the OPH-D district shall be as stated in section 138-1013.
- (b) Sections 138-201 through 138-213, regarding nonconformities, shall apply to the OPH-D district.
- (c) In cases where an individual lot or parcel has a building site area smaller than the requirements of the district:
 - (1) Individual lots of record that were legally platted as of the date of adoption of the ordinance from which this section derives and no less than 25 feet in width may be developed.
 - (2) No new lots less than 50 feet in width shall be created.
- (d) Section 138-1009, first floor uses, shall be made compliant according to the criteria of sections 138-201 through 138-213, regarding nonconforming uses.
- (e) Communication towers and antennas as defined in the Pinellas County Code, section 138-1347, must comply with the height requirements in the OPH-D Zoning District and in the Downtown Palm Harbor Historic District and be camouflaged and consistent with the architectural character of the Downtown Palm Harbor Historic District.

SECTION 3. Section 138-1008 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1008. Permitted Uses

The following uses are permitted individually or in combination within the OPH-D district sub-districts.

Permitted Use	Allowable Sub-District
<i>Commercial and Public/Semi-Public Uses:</i>	
Retail business or commercial use (e.g. grocery, convenience shopping, drugstore, hardware, sundries)	East sub-district

Permitted Use	Allowable Sub-District
Medical and Dental Offices	East sub-district
Professional, scientific, and technical services (e.g. attorneys, accounting, engineering, architecture, real estate, stockbrokers, advertising, interior design, surveying and mapping, consulting services, scientific research, financial investment advice, software publishing, insurance)	Both sub-districts
Personal services (e.g. barbershops, beauty parlors, shoe repair, framing shop, personal and household goods repair and maintenance)	East sub-district
Eating and drinking establishments (indoor/outdoor)	East sub-district
Veterinary clinic (no kennel/all enclosed)	East sub-district
Studios and galleries (e.g. artist, photographer, musician)	Both sub-districts
Medical clinic provided it can be carried out in a manner compatible with the definition of this district	East sub-district
School (public or private)	East sub-district
Churches	East sub-district
Day care center ⁽¹⁾	Both sub-districts
Parks and related uses	Both sub-districts
Bank facilities	East sub-district
Bank drive-through facilities ⁽²⁾	East sub-district
Parking lots or structures (stand-alone) ⁽³⁾	East sub-district
Government and community buildings and uses ⁽⁴⁾	East sub-district
Theatres ⁽⁵⁾	East sub-district
Artisan Establishments ⁽⁶⁾	East sub-district
Alcoholic Beverage Production Facilities ⁽⁷⁾	East sub-district
<i>Residential and Lodging Uses:</i>	
Single-family dwellings	West sub-district
Duplex and triplex dwellings	Both sub-districts

Permitted Use	Allowable Sub-District
Multiple family dwellings	Both sub-districts
Home occupations	Both sub-districts
Accessory dwelling units	Both sub-districts
Bed and breakfast ⁽⁸⁾	Both sub-districts

Notes to permitted uses:

Outdoor display and/or sales of retail goods, wares and merchandise are permitted in the East Sub-district, provided such activities are accessory to the primary use of the subject property and do not occur within public rights-of-way. Only the business or entity occupying the principal use or structure may be permitted to sell merchandise in outdoor display areas. Areas so utilized must be permitted and depicted on a County-approved site plan. When abutting a residential use, such areas shall be screened with a six-foot high opaque wall or fence, consistent with subsection 138-1013(c). The height of displayed merchandise shall not exceed the height of any wall or fence used for screening purposes.

The following additional standards apply to specific permitted uses:

- (1) Day care centers shall be subject to the following requirements:
 - a. Provide a gross land area of 500 square feet per child (does not apply to adult day care).
 - b. Orient all children's play areas and provide buffering and separation, as deemed appropriate by the director of development review services, so as to prevent adverse impacts to adjacent properties (does not apply to adult day care).
 - c. Facilities to be licensed as required by appropriate governmental agencies.
 - d. Parking required at one space per employee plus one space per each ten students or clients.
- (2) Bank drive-through facilities shall be subject to the following requirements:
 - a. Shall be set back 25 feet from existing residential uses including stacking lanes.
 - b. Shall only be considered for bank facilities located along Alternate U.S. 19.
- (3) Parking lots or structures (stand-alone): In addition to all other applicable requirements, parking lots shall comply with sections 138-1011 and 138-1012.
 - a. Not permitted on Florida Avenue.
- (4) Government and community uses and buildings: Pursuant to section 138-270 (6).
- (5) Theatres shall be subject to the following requirements:
 - a. Limited in size to 200 seats.
 - b. Shall not be located adjacent to existing residential uses.

- (6) Artisan establishments are intended to produce high-quality or distinctive products generally in small quantities. The production is usually by hand or traditional methods. Examples include, but are not limited to, glass blowing, jewelry making, woodworking, baking and traditional food product making. Artisan establishments shall be subject to the following:
- a. Building space used for artisan establishments shall not exceed a floor area of 7,500 square feet.
 - b. Artisan establishments are permitted accessory outdoor work areas for purposes of creating art pieces and hosting demonstrations of artisan practices. Areas so utilized must be permitted and depicted on a County-approved site plan. When outdoor work areas abut a residential use, the area shall be screened with a six-foot high, opaque wall or fence, consistent with the standards of subsection 138-1013(c).
 - c. Artisan establishments are permitted to teach artisan crafts, skills and techniques.
 - d. When located in the area of the OPH-D district described in section 138-1009, artisan establishments shall provide a retail storefront.
 - e. Artisan establishments shall strictly adhere to the performance standards required by Article VII, Division 4 of this Chapter.
- (7) Alcoholic beverage production facilities include microbreweries, brewpubs, wineries, distilleries, cideries, meaderies, and other producers of alcoholic beverages for sale and distribution. Alcoholic beverage production facilities in the OPH-D district shall be subject to the following requirements:
- a. The facility shall produce no more than 20,000 barrels (620,000 US gallons) of beer and/or cider per year (microbrewery/cidery), 100,000 US gallons of wine and/or mead per year (winery/ meadery), or 15,000 US gallons of spirits per year (distillery).
 - b. This use shall be permitted only in conjunction with a restaurant, tasting room or retail sales.
 - c. 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.
 - d. All outdoor mechanical equipment shall be concealed from public streets (excluding alleys) and adjacent residential uses.
 - e. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers.
- (8) Bed and breakfast shall be subject to the following requirements:
- a. Offers transient accommodations to lodgers in ten or fewer guest rooms for rent.
 - b. A maximum six-square-foot sign may be provided to identify the facility location in the east sub-district.

- c. A maximum two-square-foot sign may be provided to identify the facility location in the west sub-district.

SECTION 4. Section 138-1009 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1009. First Floor Uses

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

(1) The allowable uses from section 138-1008 are:

- (a) Retail businesses.
- (b) Personal service establishments (e.g. personal and household goods repair and maintenance, personal care services such as barber shops, beauty salons, shoe repair, framing shops).
- (c) Medical and dental offices.
- (d) Eating and drinking establishments (indoor and/or outdoor).
- (e) Food markets.
- (f) Studios and galleries (artists, photographer, etc.).
- (g) Bank facilities (no drive-through facilities).
- (h) Bed and breakfast.
- (i) Professional, scientific, and technical services (e.g. attorneys, accounting, engineering, architecture, real estate, stockbrokers, advertising, interior design, surveying and mapping, consulting services, scientific research, financial investment advice, software publishing, insurance).
- (j) Artisan establishments.
- (k) Alcoholic beverage production facilities.

(2) The criteria for compliance with this section are described in section 138-1007.

SECTION 5. Section 138-1010 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1010. Property Development Regulations

- (a) *Maximum building height.* No structure in the OPH-D district shall exceed 30 feet in height (measured to the lowest portion of the eaves).
- (b) *Minimum building site area requirements.* The minimum building site area requirements in the OPH-D district are as follows:
 - (1) Area: 4,500 square feet.

(2) Width: 50 feet.

(3) Depth: 90 feet.

(4) Lots less than 50 feet in width that are lawfully existing as of the date of adoption of this ordinance may be developed pursuant to the conditions outlined in section 138-1007.

(c) *Maximum lot development.*

Maximum Lot Development	Sub-District	
	East	West
Floor Area Ratio (F.A.R.) ⁽¹⁾	0.40 maximum ⁽²⁾	0.30 maximum ⁽³⁾
Residential Density	10 units per gross acre	10 units per gross acre
Impervious Surface Ratio	0.85 maximum	0.75 maximum

Notes to the maximum lot development:

- (1) Floor area used as a dwelling unit shall not be included in calculating floor area and are exempt from F.A.R. limitations.
- (2) The maximum F.A.R. for properties where first floor uses are restricted per section 138-1009 is 0.60.
- (3) Professional, scientific, and technical service uses, galleries, and studios shall not exceed an FAR of 0.30 or 1,500 square feet, per lot, whichever is less. These nonresidential uses shall only be permitted within an existing residential structure that has been converted for these types of uses. Any structural changes, modifications, or enlargements to existing residential structures shall retain the residential character of the building.

(d) *Setback requirements.* The following setbacks shall be required:

	Setbacks				
	Front	Side	Rear	Abutting Residential	Corner
East sub-district, abutting Florida Avenue east of Alt-19; and the property at 1205 Omaha Circle Minimum: Maximum:	0 ft. 15 ft.	0 ft. -----	0 ft. -----	7.5 ft. -----	0 ft. -----
East sub-district, not abutting Florida Avenue east of Alt-19 Minimum: Maximum:	10 ft. 20 ft.	0 ft. -----	0 ft. -----	7.5 ft. -----	5 ft. -----
West sub-district Minimum:	10 ft.	7.5 ft.	15 ft.	-----	10 ft.

Notes to the setback requirements:

- (1) The maximum setback on the east side of Omaha Circle/College Hill Drive, between Nebraska Avenue and Georgia Avenue, shall be 30 feet to accommodate the historic

perpendicular parking pattern that was incorporated into the Downtown Historic Palm Harbor Master Plan adopted on December 18, 2002.

SECTION 6. Section 138-1011 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1011. Off-Street Parking

This section provides for safe and efficient parking while recognizing the unique conditions in Palm Harbor. Some internal capture of vehicle trips results from the mixture of uses and the bicycle traffic from the Fred Marquis Pinellas Trail. This combined with the public street parking improvements allows a reduced off-street parking requirement for comparable uses in conventional zoning districts.

- (1) There shall be provided at the time of the erection of any structure, or at the time any structure is enlarged or increased in capacity, a minimum number of off-street parking spaces.
- (2) In the east sub-district, the minimum number of off-street parking spaces provided shall be equal to the following:
 - a. For retail uses, personal services, studios and galleries, eating and/or drinking establishments, artisan establishments, and alcoholic beverage production facilities, the minimum number of off-street spaces provided shall be equal to 2.1 parking spaces per 1,000 square feet of gross floor area. Outdoor work areas and outdoor display and/or sales of retail goods, wares and merchandise that are equal to or less than 400 square feet in area are not included when calculating the required number of minimum off-street parking spaces.
 - b. For medical and veterinary clinics, medical and dental offices, and other office uses, the minimum number of off-street spaces provided shall be equal to four parking spaces per 1,000 square feet of gross floor area. A rate reduction of 0.2 parking space for every one public parking space located within a radius of 500 feet from the center of the parcel or parcels where the improvement will be located shall be applied towards meeting the off-street parking requirements. The county may request a survey be provided locating the center of the parcel or parcels where the improvement will be located for the purpose of determining the 500-foot radius. Only those public parking spaces completely located (both the entire width and length of the space) within the 500-foot radius can be counted toward the parking rate reduction. Calculation of this reduction shall not include on-street public parking spaces located along Florida Avenue, Michigan Avenue, and Nebraska Avenue. Regardless of the resulting rate reduction, a minimum of two off-street parking spaces shall be provided.
 - c. For other nonresidential uses, the minimum number of off-street parking spaces provided shall be equal to 45 percent of the minimum number of off-street parking spaces required in section 138-1302, with a minimum of two spaces.
- (3) For nonresidential uses in the west sub-district: the minimum number of off-street spaces provided shall be equal to four-fifths the minimum number of off-street automobile parking spaces required in section 138-1302, with a minimum of two spaces.

- (4) Off-street parking for nonresidential uses in the west sub-district shall not be located in the front or corner setback areas.
- (5) Any outdoor seating area shall be included when calculating the required number of minimum off-street parking spaces, except that no off-street parking shall be required for an outdoor seating area that allows up to 24 seats and is equal to or less than 400 square feet in area. An outdoor seating area shall be accessory to an eating and/or drinking establishment with indoor dining.
- (6) Alleys may be used for access to off-street parking spaces.
- (7) Parking spaces for nonresidential uses may be provided on a separate lot or parcel not more than 500 feet from the primary parcel to be served as measured along the most direct pedestrian route.
- (8) Bed and breakfast in the east sub-district: one off-street parking space for every two guest rooms plus one space. Bed and breakfast in the west sub-district: one off-street parking space for every guest room plus two spaces. Parking shall be provided in a manner that is compatible with the surrounding area.
- (9) Single-family dwellings: two off-street parking spaces per dwelling unit.
- (10) For all other residential uses: one off-street parking space per efficiency unit and one and one-half off-street parking spaces per dwelling unit with one or more bedrooms.
- (11) Where not specifically changed in this section, parking requirements shall otherwise comply with article VII, division 2 of chapter 138.
- (12) Off-street parking shall not be located on the Florida Avenue frontage east of Alternate U.S. Highway 19.
- (13) Shared parking: parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to approval by the county administrator or his/her designee, and must meet the following conditions:
 - a. The applicant must demonstrate to the county administrator's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.
 - b. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking spaces reasonably anticipated to be available during differing hours of operation. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 25 percent.
 - c. Parking facilities designed for joint use should not be located further than 500 feet from any structure or use served, measured along the most direct pedestrian route.
 - d. A written agreement shall be drawn to the satisfaction of the county attorney and executed by all parties concerned assuring the continued availability of the number of parking spaces designated for joint use.

- (14) For properties within this district that have existing buildings, as of May 21, 2002, the off-street parking arrangement in existence on that date for each building shall continue to be recognized by the county as meeting the minimum parking requirements of the OPH-D district. Such existing building square foot area may be renovated and redeveloped even if it involves the demolition and subsequent reconstruction of a similar size to the existing building square foot area without providing any additional off-street parking spaces. However, this recognition of existing parking arrangements shall not apply to additional building square footage or to a change in use that increases the required number of off-street parking spaces. Parking shall be provided, as required by this section, for any increase in building square foot area, or for the increased number of parking spaces required by a change in use.

SECTION 7. Section 138-1013 of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1013. Design Criteria

- (a) All new development, alteration, demolition, relocation, reconstruction, and excavation within the Old Palm Harbor - Downtown (OPH-D) District shall be subject to the criteria for historic properties set forth in chapter 146 and reiterated below. Those properties that are also located within the Downtown Palm Harbor Historic District shall continue to be subject to the provisions of chapter 146, the Historical Preservation Code.
- (b) The following design criteria apply to the OPH-D district. Downtown Old Palm Harbor is the historic commercial center for one of the oldest communities in Pinellas County. There are several contributing buildings within the OPH-D district. The historical "contributing" buildings located in the OPH-D district do not fall into any specific architectural style but are instead considered a part of the "folk" architectural tradition. For this reason, design criteria cannot be based upon specific, stylistic elements but instead must be based upon the connecting elements and characteristics that are present in the district. These characteristics include: the relationship between the shape, size and height of the buildings, the front-facing orientation of the buildings and the lack of setbacks from the main street, the major roof types; window/door design and placement; and minimal ornamentation and architectural detailing. Minor connecting elements in the district include shutters, porches, and fences.
- (1) *General design criteria.*
- a. The scale (height/width ratio) of new construction, or of alterations/additions to existing structures, shall be similar to that of the contributing structures in the district.
 - b. New buildings or alterations/additions to existing structures shall not be built higher than the existing buildings in the district on the date the Downtown Palm Harbor Historic District was established (August 16, 1994). The height of new construction, or of alterations/additions to existing structures, shall not exceed 30 feet in height when measured at the eave of the structure.
 - c. The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings. The orientation of new buildings, and of

alterations/additions to existing buildings, shall maintain front-facing facades with the main entrance on the street side of the building.

- d. The size, slope, and type of roofs for new construction, or for alterations/additions to contributing structures, shall be similar to those of the contributing structures.
- e. Shutters shall be in character with the style and period of the building. Replacement shutters shall be similar to the original in size, configuration, and style, and shall fit the window openings, not to overlap on the surface of the wall.
- f. Porch additions shall have a roof type that is either similar to the existing roof or that is in character with the style and period of the building.
- g. Historically, building, trim, and roof colors have not been a major defining component of the district. Choice of colors should complement and enhance the character of the district. For new construction and noncontributing structures, specific color choice is left to the discretion of the property owner. For contributing structures, the general criteria for evaluating certificates of appropriateness as cited in subsection 146-7(a)(6) of the historic preservation code shall be followed.
- h. On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.

(2) *Contributing structures.*

- a. If windows and doors in contributing structures are determined to be unrepairable, they shall be replaced with new windows and/or doors matching the size, spacing, and materials of the originals.
- b. Porches and porch features that are in good condition or repairable, and which are in character with the style and period of the building, shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.

(3) *Noncontributing structures.*

- a. Where possible and appropriate, alterations and additions to noncontributing structures shall be similar to the major features, details and materials found in the contributing structures. Alterations and additions shall not introduce false historical architectural features not found in the district.
- b. Where possible and appropriate, when renovating an existing noncontributing structure, new or replacement windows and/or doors shall be similar to the size, spacing, materials and general rhythm of the windows and doors found in the contributing structures.

(4) *New construction.*

- a. The roof types of new buildings shall conform to the roof types of the contributing structures in the district. Gable, pyramidal (hip), and flat roofs with parapets are found in the contributing structures. Use of a roof type that is not present in the contributing structures, and which can be seen from the street is prohibited. Alternative roof styles can be used if they are concealed by a parapet and are not visible from the street.

- b. Proportions, configurations, and placement of windows and doors in new buildings shall be similar to the size, spacing, materials and general rhythm of the window/door fenestration found in the contributing structures.
 - c. Use of double-hung sash windows with two four-lites is encouraged. Jalousie windows are prohibited. Recessed entrances are encouraged.
 - d. Major architectural features, detailing and materials used in new construction shall be similar to those of the contributing structures found in the district.
 - e. Modern equipment such as solar collectors, air conditioners, etc. shall be concealed from public view.
- (c) Fences within the OPH-D district shall be limited to the following styles and materials:
- (1) All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.
 - a. Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative metal, brick, or stamped concrete which are compatible with the streetscape design materials.
 - b. No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.
 - c. Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.
 - (2) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three feet in height, except in those instances where a higher fence is required by section 138-1286 for screening dumpsters.
 - (3) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by Pinellas County.
 - (4) No fence or wall shall enclose a water meter box or manhole, unless authorized by Pinellas County.
 - (5) Where not specifically changed in this section, fences and walls shall otherwise comply with section 138-1336.

SECTION 8. Section 138-1332 (b) and (c) (1) of the Pinellas County Land Development Code is amended to read as follows:

Sec. 138-1332. Alcoholic Beverages

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

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

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

SECTION 9. Severability

If any Section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

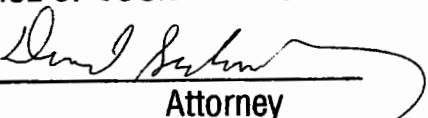
SECTION 10. Inclusion in the Code

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

SECTION 11. Filing of Ordinance; Effective Date

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

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney