

NONCONFORMING USES IN UNINCORPORATED PINELLAS COUNTY

Nonconforming uses are those uses that were lawfully established according to the rules and regulations in force at the time of their establishment, but would be prohibited, restricted, or further regulated under the terms of Pinellas County's current Comprehensive Plan and Land Development Code. Owners of properties with nonconforming uses may apply for an official verified nonconforming use determination from the County using a process established by Resolution 90-439. Under that process, the applicant pays a fee to have their request reviewed by the County Zoning Manager, County Attorney's Office and County Code Enforcement. The applicant must provide three notarized affidavits attesting to the existence of the alleged nonconforming use. If approved, the applicant is granted the right to continue to operate their nonconforming use. As of March 2012, there have been 178 nonconforming use applications processed by Pinellas County since the program began in the early 1990s.

This report summarizes additional potential nonconforming uses that have not utilized the County's verification process. This information was compiled via a detailed query of the County's Geographic Information System (GIS), which yielded a list of cases where the existing land use found on a particular property is not allowed under the Future Land Use Map (FLUM) category covering the location. Each of the cases on the list was then individually examined to verify that the use on the property is not permitted by the property's FLUM designation. Overall, the examination of potential nonconforming uses in unincorporated Pinellas County yielded 360 suspected cases where the existing use does not conform to the respective property's FLUM designation. Of the total 360 cases, 228 are residential existing uses, 76 are commercial, 18 are industrial, 17 are public/semi-public, 16 are mobile home, and five are office uses (see **Table 1**). The majority of the cases have existed for many years. Each type of nonconforming existing land use is examined in more detail in the following paragraphs. It should be noted that this study did not evaluate those cases where the FLUM category and zoning district of any particular property are inconsistent. That is a separate issue which, on a case-by-case basis, may or may not involve nonconforming uses. Also, the GIS query only examined the use on each property, not the number of dwelling units. Therefore, the number of properties that are potentially nonconforming based on density alone was not quantified.

TABLE 1

POTENTIAL NONCONFORMING USES IN UNINCORPORATED PINELLAS COUNTY THAT HAVE NOT BEEN OFFICIALLY VERIFIED, BY TYPE OF EXISTING LAND USE

Type of Nonconforming Existing Land Use Number of Cases

Residential	228
Commercial	76
Industrial	18
Public/Semi-Public	17
Mobile Home	16
Office	5
Total	360

Source: Pinellas County Planning Department, 2010.

The foregoing was excerpted from a report generated by Pinellas County staff in 2012, and shows that there are 360 properties in Pinellas County out of the thousands of properties that exist which do not conform to the land-use or building codes governing them.

In a great many instances these properties were built prior to creation of the codes which they now violate. Should fire, hurricane, or some other event impact these buildings, current codes prohibit their reconstruction as they were prior to their being destroyed.

The intent of this amendment is that the building be eligible for reconstruction in its prior form or use, should that be what the owner desires. An example of this is a duplex which is destroyed, and the current codes allow only for construction of single-family homes.

While this has not been a frequent occurrence, we are aware of one instance where a veteran's home was destroyed, and he was not permitted to rebuild it as it was prior to the destruction.

Without some sort of revision, this may be viewed as a violation of the property owner's property rights, which realtors are always in favor of protecting.