

ORDINANCE NO. 15-__

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 138, THE ZONING REGULATIONS, OF THE LAND DEVELOPMENT CODE; BY AMENDING ARTICLE 1, SECTION 138-1, DEFINITIONS AND RULES OF CONSTRUCTION; BY AMENDING ARTICLE II, SECTION 138-240, USES WHICH MAY BE AUTHORIZED; BY AMENDING ARTICLE III, SECTION 138-311, ESTABLISHMENT OF DISTRICTS, TO ADD THE R-5, URBAN RESIDENTIAL DISTRICT; BY AMENDING ARTICLE IV, DIVISION I, SECTION 138-351, TO ADD RESIDENTIAL INFILL DEVELOPMENT; BY AMENDING ARTICLE IV, TO ADD DIVISION 13, SECTIONS 138-711 THROUGH SECTION 138-716, R-5, URBAN RESIDENTIAL DISTRICT; BY AMENDING ARTICLE VI, SPECIAL DISTRICTS, DIVISION 4, SECTION 138-1102, PERMITTED USES, PSP, PUBLIC/SEMI-PUBLIC DISTRICT AND DIVISION 7, SECTION 138-1192, PERMITTED USES, IL, INSTITUTIONAL LIMITED DISTRICT REGARDING CONGREGATE CARE FACILITIES AND THE MAXIMUM NUMBER OF BEDS; BY AMENDING ARTICLE VI, SPECIAL DISTRICTS, TO ADD DIVISION 13 – FBC, FORM-BASED CODE DISTRICT, SECTIONS 138-1270 THROUGH 138-1272; BY AMENDING ARTICLE VI, SPECIAL DISTRICTS, TO ADD DIVISION 14, SECTIONS 138-1273 THROUGH 138-1275, CO, CONDITIONAL ZONING OVERLAY DISTRICT; BY AMENDING ARTICLE VII, SUPPLEMENTAL REGULATIONS, DIVISION 1, GENERALLY, SECTION 138-1279, ROAD FRONTAGE, REGARDING ADEQUATE ROAD FRONTAGE; BY AMENDING ARTICLE VII, SUPPLEMENTAL REGULATIONS, DIVISION 2, SECTION 138-1302, OFF-STREET PARKING AND LOADING REGARDING PARKING REQUIREMENTS FOR CONGREGATE CARE FACILITIES; BY AMENDING ARTICLE VII, SUPPLEMENTAL REGULATIONS, DIVISION 3, SPECIAL PROVISIONS FOR SPECIAL USES, SECTION 138-1332, ALCOHOLIC BEVERAGES, REGARDING CERTAIN PROHIBITIONS AND DISTANCE MEASUREMENTS; BY AMENDING ARTICLE VII, SUPPLEMENTAL REGULATIONS, DIVISION 3, SPECIAL PROVISIONS FOR SPECIAL USES, SECTION 138-1336, FENCES AND WALLS TO CLARIFY PURPOSE, REQUIREMENTS AND ADJUSTMENTS; AND AMENDING CHAPTER 154, THE SITE DEVELOPMENT AND PLATTING REGULATIONS, BY AMENDING ARTICLE 1, IN GENERAL, SECTION 154-1, DEFINITIONS, AND SECTION 154-3, AREAS EMBRACED; BY AMENDING SECTION 154-10(C)(16)B BY MODIFYING THE TITLE OF DIRECTOR OF PUBLIC WORKS OPERATIONS; BY AMENDING ARTICLE III, ROADS, SECTION 154-103, MINIMUM ELEVATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163, Part II, Florida Statutes, establishes the Community Planning Act (formerly Local Government Comprehensive Planning and Development Act); and

WHEREAS, Pinellas County adopted its Comprehensive Plan on August 8, 1989, and has amended and maintained the Plan since that time, with significant amendments and updates having been made to the entire Plan most recently in 2008; and

WHEREAS, Section 163.3202, Florida Statutes requires that land development regulations be required to implement the provisions of the adopted comprehensive plan and encourages innovative approaches to development regulations; and

WHEREAS, following adoption of the Comprehensive Plan in 1989, new land development regulations, appropriate at the time to a developing county, were put in place; and

WHEREAS, since that time, Pinellas County has largely built-out, with little vacant land remaining, necessitating new and innovative approaches to managing the challenges and maximizing the opportunities associated with redevelopment; and

WHEREAS, the economic vitality and sustainability of Pinellas County requires efficient regulations and processes that can support and incentivize quality redevelopment today and into the future; and

WHEREAS, while Pinellas County is working on a comprehensive over-haul of its land development code to better align its regulations with these current and future challenges; however, there are certain changes that can be acted on now in order to facilitate certain improvements in regulations and processes; and

WHEREAS, several of the changes proposed at this time are the result of input and advice from a stakeholder group comprised of County staff, attorneys, developers and interested citizens; and

WHEREAS, the findings and recommendations of the Local Planning Agency have been considered.

NOW THEREFORE BE IT ORDAINED, on this _____ day of _____, 2015, by the Board of County Commissioners of Pinellas County, Florida, that:

SECTION 1. PURPOSE AND INTENT

The purpose of this ordinance is to make certain minor changes to the land development code that will allow greater flexibility for redevelopment and infill development of properties situated in constrained and urban contexts; provide more flexibility and administrative discretion to particular code requirements where relief is commonly granted through the issuance of waivers and variances; clarify terms used and defined and reconcile inconsistencies in language and interpretation; and improve the organization, language and readability of the code.

SECTION 2: THE DEFINITIONS OF “ACCESSORY DWELLING UNIT” AND “CONGREGATE CARE FACILITY” AS PROVIDED BY SECTION 138-1 OF THE PINELLAS COUNTY CODE ARE AMENDED TO READ AS FOLLOWS:

Sec. 138-1. – Definitions and rules of construction.

Accessory dwelling unit means a dwelling unit which is either detached or is a portion of space within a single-family dwelling which is intended to provide increased affordable housing opportunity pursuant to the county's affordable housing incentives plan adopted by the board of county commissioners (Resolution 94-60). It is intended that these be clearly accessory and incidental to the primary use of the property (single-family house) and toward that end the following conditions shall apply:

- (1) The unit shall not exceed 750 square feet or 50 percent of the living area of the primary structure, whichever is less.
- (2) There shall be only one such unit per parcel of ownership.
- (3) Either the primary dwelling or the accessory dwelling shall be owner-occupied.
- (4) All applicable district regulations pertaining to setbacks and lot coverage shall be met.
- (5) No separate metered utility connection for the accessory dwelling unit shall be permitted.
- (6) Mobile homes and recreational vehicles shall not be permitted to be used as accessory dwelling units.

Congregate care facility means a residential facility which may be comprised of individual dwelling units with or without kitchen facilities and designed to be occupied by 21 or more residents along with resident supervisors. These facilities may offer central dining, personal and therapeutic care, and other facilities necessary to meet the special living needs of the residents. These include adult congregate living facilities and similar retirement or life care facilities. These facilities where required shall be licensed by the appropriate state licensing entity or be operated pursuant to

state law as a continuing care facility and shall not be located within 1,000 feet of any other such facility or any group living home (see section 138-1283).

Group living home:

- (1) *Group living home, category I.* A residential facility designed to be occupied by no more than ten individuals along with a maximum of two full-time supervisors or houseparents. Group homes with six or fewer residents are not included in this definition. These facilities shall provide a physical appearance and a style of life which makes them compatible with other dwellings existing in the neighborhood. Included are foster care facilities, congregate living facilities, displaced youth and adult shelters, care of the developmentally disabled (as defined by state and federal law), and similar family group living facilities. Such facilities, when required, shall be licensed by the appropriate state licensing entity and shall not be located within 1,000 feet of any group living home or congregate care facility (see section 138-1283).
- (2) *Group living home, category II.* A residential facility designed to be occupied by no more than 14 individuals along with a maximum of two full-time supervisors or houseparents. Group homes with six or fewer residents are not included in this definition. These facilities shall provide a physical appearance and a style of life which makes them compatible with other dwellings existing in the neighborhood. Included are foster care facilities, congregate living facilities, displaced youth and adult shelters, care of the developmentally disabled (as defined by state and federal law), and similar family group living facilities. Such facilities, when required, shall be licensed by the appropriate state licensing entity and shall not be located within 1,000 feet of any group living home or congregate care facility (see section 138-1283).
- (3) *Group living home, category III.* Similar to category I and II group living home but may be occupied by no more than 20 individuals along with a maximum of two resident supervisors or houseparents. Additionally, these facilities may offer a higher level of personal and therapeutic care and may include mental health care, spouse abuse care, offender halfway houses, and similar care facilities. These shall, when required, be licensed by the appropriate state licensing entity and shall not be located within 1,000 feet of any group living home or congregate care facility (see section 138-1283).

SECTION 3: THE SPECIAL EXCEPTION USE OF “GROUP LIVING HOMES AND CONGREGATE CARE FACILITIES” AS PROVIDED IN SECTION 138-240(13) OF THE PINELLAS COUNTY CODE ARE AMENDED TO READ AS FOLLOWS:

Sec. 138-240. - Uses which may be authorized.

Unless otherwise permitted by this chapter, the following uses may be allowed as special exceptions in any zoning district unless prohibited by the zoning district or as otherwise indicated within this section:

- (13) Group living homes and/or congregate care facilities, when authorized in the specific zoning district, shall comply with the following standards:

- a. Shall not be located within 1,000 feet of another such facility (see section 138-1283).
- b. The capacity of a congregate care facility shall be limited to a maximum of three beds per each unit of permitted density, by the applicable future land use map classification. For the purpose of this section, a bed shall mean the same as a resident or occupant.
- c. These homes shall be designed, maintained, and operated so as to be compatible with the neighborhood and should provide a style of life which is substantially similar to that of natural families living in the neighborhood. The board of adjustment shall closely scrutinize all structures and additions to or enclosures of all structures to ensure such compatibility.
- d. These facilities, when required, shall be licensed by the appropriate state licensing entity. The granting of a special exception shall not be deemed effective until such license has been issued.
- e. New or expanded group living homes and/or congregate care 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 as defined in section 170-101 or the replacement of an existing facility as long as its use as a group living home and/or congregate care facility has not been abandoned, and the improvements or replacement do not result in additional beds.

SECTION 4: SECTION 138-311, ESTABLISHMENT OF DISTRICTS, OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-311. - Establishment of districts.

In order to classify, regulate and restrict the uses of land, water and structures, in accordance with the provisions of this chapter in the unincorporated areas of the county, such territory is hereby divided into zoning districts which are set out as follows:

Zoning Districts

A-E	Agricultural estate residential district (two acre minimum)
E-1	Estate residential district (¾ acre minimum)
R-R	Rural residential district (16,000 sq. ft. minimum)
R-1	Single-family residential district (9,500 sq. ft. minimum)
R-2	Single-family residential district (7,500 sq. ft. minimum)
R-3	Single-family residential district (6,000 sq. ft. minimum)
R-4	One-, two-, or three-family residential district
R-5	Urban residential district

R-6	Residential mobile home parks and subdivisions district
RM	Residential, multiple-family district
RPD	Residential planned development district
PRR	Planned residential resort district
P-1	General professional office district
P-1A	Limited office district
C-1	Neighborhood commercial district
C-2	General retail commercial and limited services district
C-3	Commercial, wholesale, warehousing, and industrial support district
CR	Commercial recreation district
CP	Commercial parkway district
IPD	Industrial planned development district
M-1	Light manufacturing and industry district
M-2	Heavy manufacturing and industry district
AL	Aquatic lands district
PC	Preservation/conservation district
PSP	Public/semipublic district
WPD	Wellhead protection overlay district
—	Historic preservation overlay district
IL	Institutional limited district
—	Archaeological preservation overlay district
OPH-D	Old Palm Harbor-downtown district
P-RM	Preservation-resource management district
C-T	Transient accommodation overlay district
RBR	Resource-based recreation district
FBR	Facility-based recreation district

SECTION 5: SECTION 138-351, RESIDENTIAL INFILL DEVELOPMENT, OF THE PINELLAS COUNTY CODE IS ADDED TO READ AS FOLLOWS:

Sec. 138-351. - Residential Infill Development.

This section may be applied to all residential districts as a goal to create compatible and harmonious infill development and redevelopment in established residential neighborhoods. The setback and height requirements of residential districts may be

administratively adjusted to allow development and redevelopment to occur in concert with abutting properties. In cases where properties exist in established residential neighborhoods, development of said properties may occur to be compatible with abutting lots in terms of setbacks and height adjustments.

- (a) The proposed infill development may conform to any standards required by valid recorded plats, deed restriction or approved valid site plans, to the extent provided by law. OR
- (b) Where such documentation is not available, the setbacks of the proposed infill units shall be based upon the average setbacks of abutting units. [Example: if a proposed infill lot abuts two single-family homes with front setbacks of 10 feet and 20 feet, the proposed unit may be constructed with a minimum 15 feet front setback]. This standard shall be applied to the primary structure; accessory structures may not be used in determining the average setback.
- (c) When a primary structure is constructed using a reduced setback afforded by this section, the structural height shall be limited by the average stories/levels of the primary structures on the abutting properties, rounded to the highest story/level. In this case, a structure that utilizes the reduced setback shall be limited to such average stories/levels and may not necessarily be permitted the full building height of the district. In no case shall building height exceed the maximum for the district. This standard is intended to achieve compatible infill development.
- (d) The property owner may pursue the development flexibility afforded in this section by providing proper documentation to the applicable County reviewing department. Proper documentation may include official surveys, development plans, blueprints or other documentation as may be approved by the county administrator or designee.

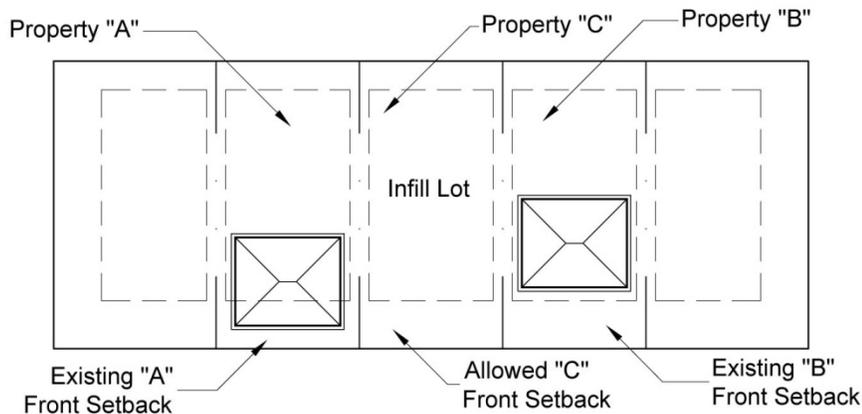


Figure 138-399.(d). 1 – Residential Infill Standards:

Property “C” (infill lot) may be permitted a reduced front structural setback based on the average existing front setbacks of adjacent properties “A” and “B”. The average setback of the adjacent properties shall be calculated as follows:

(Existing Front Setback “A” + Existing Front Setback “B”) / 2 = Allowed Front Setback “C”

SECTION 6: SECTIONS 138-711 TO 138-716 ARE ADDED TO THE PINELLAS COUNTY CODE TO READ AS FOLLOWS:

Division 13. – R-5, Urban Residential District

Sec. 138-711. – Definition, purpose and intent of district

The R-5, Urban Residential District provides for areas where the development of small-lot, detached single-family, two-family and three-family dwellings and townhouses are appropriate. The district is intended to allow compact, urban-style dwelling units typically comprised of smaller living spaces on smaller lots.

The R-5 district should be located in or near urbanized areas where sufficient transportation facilities and urban infrastructure are readily available. The district is also intended for properties in and around established urban residential neighborhoods that are planned to accommodate infill redevelopment. The district facilitates compact infill redevelopment by allowing housing types with small lots and minor structural setbacks. This district shall include all areas indicated on the zoning atlas maps as R-5.

R-5 residential neighborhoods should be developed around and incorporate common open space areas such as parks and courtyards.

Sec. 138-712. – Permitted uses.

Within any R-5 district, the following uses shall be permitted:

- (1) Single-family dwellings;
- (2) Duplex dwellings;
- (3) Triplex dwellings;
- (4) Townhouses; or
- (5) Similar-type dwelling units as listed above; and
- (6) Customary accessory uses when accessory to permitted uses, including but not limited to:
 - a. Home occupations (see section 138-1335).
 - b. Accessory dwelling unit (see definition in section 138.1 (b)).

Sec. 138-713. – Special exceptions.

- (a) Upon application to the board of adjustment and favorable action thereon, pursuant to article II, division 7 of this chapter, the following uses may be permitted in the R-5 district:
 - (1) Day care center.
 - (2) Group living home, category I.
 - (3) See section 138-240 for other special exceptions which may be permitted in this district.
- (b) Nonresidential uses approved by special exception shall be subject to floor area ratio and impervious surface ratio requirements per section 138-715.

Sec. 138-714 – Conditional uses.

- (a) Upon application to and favorable action by the board of county commissioners, pursuant to article II, division 8 of this chapter, the following conditional uses may be permitted in the R-5 district:
 - (1) Utility substations.
 - (2) Government buildings and public uses.
- (b) Nonresidential uses approved by conditional use shall be subject to floor area ratio and impervious surface ratio requirements per section 138-715.

Sec. 138-715. – Property Development Regulations.

R-5 – Property Development Regulations Table									
Max. Density ¹	Max. FAR ^{1,2}	Max. ISR	Max. Building Height (ft)	Min. Lot ³			Min. Setbacks ^{4,5}		
				Area	Width (ft)	Depth (ft)	Front	Side	Rear
Future Land Use and Quality Communities Element, Comprehensive Plan	Future Land Use and Quality Communities Element, Comprehensive Plan	.85	45 (see also section 138-1277)	Single-Family Detached					
				3,000 sf	N/A	N/A	10-ft	0/5-ft	5-ft
				Single-Family Attached (two-family dwelling, three-family dwelling, townhouse)					
				N/A	N/A	N/A	8-ft	0/5-ft	5-ft
All Other Uses and Building Types									
N/A	N/A	N/A	15-ft	5-ft	10-ft				

1. Density and Intensity limitations are governed by the underlying Future Land Use Map (FLUM) category as part of the Pinellas County Comprehensive Plan.

2. Floor Area Ratio (FAR) is applicable to non-residential and mixed-use structures only.
3. Lot standards are only applicable where units are built on individual lots.
4. See also section 138-1281.
5. Interior attached units 0-feet, attached end units 5-feet. For units not located in individual platted lots, buildings must provide a 10-foot separation from an adjacent structure. Zero Lot Line detached units shall provide a 0-foot setback on one side and a 10-foot side setback on the opposite side property line.

Sec. 138-716. – Additional Requirements and Clarifications.

- (a) Each residential building may include up to six individual dwelling units.
- (b) Lots that abut an improved alley shall provide parking in the rear of the dwelling and/or within rear-loaded garages.
- (c) Entrances for residential units shall be oriented to an adjacent street, alley, open space area, or internal courtyard.
- (d) A garage vehicle door/opening located on a street-facing facade shall be limited to 55 percent of the facade width in which it is located. This standard shall not be applicable to garages served by alleys.
- (e) All street-facing garage vehicle doors/openings should be set back behind the primary home door and/or porch structure.

SECTION 7: SECTION 138-1102 OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-1102. - Permitted uses.

Within any PSP, public/semipublic district, only the following uses shall be permitted:

- (1) Any use permitted in the IL, institutional limited district.
- (2) Colleges, universities, and high schools.
- (3) Museums, performing arts centers, convention centers, cultural centers and similar uses.
- (4) Congregate care facilities; maximum density shall be three beds per each unit of permitted density. Refer to section 138-1282 for restrictions on the location or expansion of nursing homes.
- (5) Hospitals. Refer to section 138-1282 for restrictions on the location or expansion of hospitals.
- (6) Medical clinics.
- (7) Parks, playgrounds or similar recreation complex.

- (8) Governmental facilities which are characterized as low intensity or primarily office uses such as a city hall, courthouse, post office, public safety facility, library, government office and similar public service and government oriented uses.

SECTION 8: SECTION 138-1192 OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-1192. - Permitted uses.

Within any IL district, only the following uses shall be permitted:

- (1) Churches, synagogues, houses of worship and their traditional accessory uses and functions which are incidental and ancillary to the use of the site as a church or place of worship.
- (2) Public or private elementary or middle schools.
- (3) Libraries.
- (4) Congregate care facilities; maximum density shall be three beds per each unit of permitted density. Refer to section 138-1282 for restrictions on the location or expansion of nursing homes.
- (5) Day care centers.
- (6) Facilities for fraternal or civic organizations.
- (7) Such other uses that would be similar to those listed in this section and which would be in keeping with the intent and purpose of the IL district.

SECTION 9: SECTIONS 138-1270 TO 138-1275 ARE ADDED TO THE PINELLAS COUNTY CODE TO READ AS FOLLOWS:

Division 13 – FBC, Form Based Code District

Sec. 138-1270. – Definition, purpose and intent of district.

- (1) *Form based code* means a land development regulation mechanism that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the district.
- (2) The purpose of the FBC, form based code district is to establish an alternative to existing zoning districts found elsewhere in this Land Development Code in order to promote and conserve traditional neighborhood development patterns; promote and conserve mobility and walkable neighborhoods; and accommodate mixed use development patterns that may be excluded by standard, Euclidian-type zoning districts. The application of the FBC district designation may require a Pinellas County Future Land Use Map designation that supports the use of the FBC district.
- (3) FBC districts in the County are intended to:

- (a) Identify target areas throughout the County ideal for concentrating urban development with land uses in near proximity to one another, to reduce automobile dependency, and that accommodate the demand for housing, employment, shopping, entertainment and recreation;
 - (b) Promote quality redevelopment that considers and accommodates multiple users, land uses and transportation modes to allow residents more living options and transportation choices;
 - (c) Provide a mix of land uses, including minimum levels of residential density sufficient to support compatible non-residential land uses, such as but not limited to retail goods and services, professional business and office services, restaurants, and recreation places that are convenient to all intended users;
 - (d) Provide greater certainty to developers of property and the public in terms of urban form and neighborhood character to be expected when property is developed; and
 - (e) Establish a process for interpreting and applying land development regulations that gives more clarity to development possibilities and potential outcomes.
- (4) The subject property to be considered for a FBC district shall consist of a minimum 30 acres and include a minimum 20 acres of upland area. The Planning Director or designee may administratively approve adjustments to this minimum property and/or upland area requirement, on a case-by-case basis, if they determine that such adjustment will not compromise the purpose and intent of this Section. Adjustments to this minimum acreage requirement shall be considered unique and shall not set precedent for others.
- (5) Properties considered for FBC district designation should comprise contiguous areas suitable for cohesive redevelopment and meet the intent of the district as identified in Sec. 138-1270 (3).
- (6) The preparation of FBC districts per this section is intended to be initiated by County staff; however, property owners and developers of property may petition the County for the creation of a FBC district per this section. The Planning Director, or designee, will review FBC district requests for consistency with the Comprehensive Plan and the expressed purpose, intent and requirements as outlined in this section, and will provide a written response thereto.

Sec. 138-1271. – Adoption Process.

- (1) The FBC district and regulating plan shall be adopted by ordinance and the official zoning atlas shall be amended to reflect the FBC district.
- (2) Each FBC district designation shall include a form based regulating plan based on the following:

- (a) The expressed purpose and intent of Sec. 138-1270; and
 - (b) The use of urban design standards and practices generally accepted by professional planning organizations, such as, but not limited to, the American Planning Association, the Congress of the New Urbanism, the Form Based Codes Institute, Urban Land Institute and Transect-Based plans such as the SmartCode™ and Neighborhood Conservation Code.
- (3) *Interpretation* – Where additional clarity or interpretation is needed in order to apply this section of the code to an area or a specific project, the decision rendered shall be by the Planning Director, or designee. The interpretation should be documented in a written statement which demonstrates how the interpretation is consistent with the purpose and intent of the district.
- (4) Each Form Based Code district (including the associated regulating plan) shall be adopted by ordinance to the Zoning Chapter of the Land Development Code or as a separate Appendix to the Land Development Code.

Sec. 138-1272. – Implementation.

- (1) Each FBC district regulating plan must adhere to all applicable local, state, and federal regulations.
- (2) *Conflicting provisions* – Should conflicts between the FBC district and other zoning or zoning-related provisions be discovered, the FBC district shall take precedence, unless such conflicts are found to negatively impact the health, safety or welfare of the County.

Division 14 – CO, Conditional Zoning Overlay District

Sec. 138-1273. – Definition, purpose and intent.

The purpose of a CO, Conditional Zoning Overlay District is to provide for the conditional and limited approval of infill development and redevelopment in defined areas to ensure compatibility with surrounding uses and consistency with the Comprehensive Plan and this Code.

Sec. 138-1274. – Development regulations generally.

The development regulations imposed by a CO are more restrictive than the regulations otherwise applicable to the property under this Code. Development of property subject to the application of a CO shall be pursuant to its underlying zoning district, as limited by the regulations imposed by the CO. Each ordinance applying a CO shall define the land area which it covers along with the specific regulations imposed. The property specific development regulations shall be made a part of the zoning atlas and noted on each property to which they apply. Conditional Overlays shall be indicated on the zoning atlas by an overlay pattern or shading, as deemed appropriate.

Sec. 138-1275. – Limitation on permitted development regulations.

Development regulations imposed by a Conditional Overlay shall be limited to those which:

- (a) Prohibit permitted uses, special exceptions and conditional uses as well as accessory uses otherwise authorized in the underlying zoning district;
- (b) Decrease the number of dwelling units or density that may be constructed on the subject property;
- (c) Increase minimum lot area, minimum lot width or minimum lot depth requirements;
- (d) Decrease maximum floor area ratio (FAR);
- (e) Decrease maximum height;
- (f) Increase minimum yard and setback requirements; or
- (g) Decrease maximum building or impervious coverage.

SECTION 10: SECTION 138-1279 OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-1279. - Road frontage.

(a) Except as otherwise provided in this chapter, no building shall be built, constructed, enlarged or structurally altered or moved on a lot, tract, or parcel of land which does not abut a publicly accessible right-of-way for a distance equal to the minimum lot width required in the zoning district in which the property is located. The county administrator or designee may waive the road frontage requirement when one of the following applies:

(1) It is impractical to provide adequate roadway frontage.

(a) It is intended that such waiver may be granted to properties fronting on established private roads or easements where owing to the size or configuration of properties or the size or configuration of the road or easement it would be impractical to provide adequate roadway frontage. Prior to such waiver being granted the applicant shall submit proof of a recorded ingress/egress easement for access to the property (such easement shall be reviewed and approved by the county attorney) and shall demonstrate compliance with established standards for emergency access as required by the applicable fire department.

(b) It is also intended that a waiver may be granted for infill and redevelopment properties where roadway frontage constraints exist due to existing property configurations and the inability to combine with or connect to adjacent properties.

(2) On a lot, tract, or parcel of land recorded prior to January 30, 1990, the length of the abutting publicly accessible right-of-way frontage is less than the minimum lot width required per the zoning district in which the property is located. In evaluating a potential waiver of this subsection requirement, the county

administrator or designee shall consider the property's ability to accommodate emergency access through established standards as required by the applicable fire department. A waiver will not be granted in instances where there are adjacent properties under same ownership that can be combined to meet this section requirement.

(b) Where the curvature of such publicly accessible right-of-way prevents this requirement from being met, the road frontage required in this section may be reduced up to 36 percent.

SECTION 11: SECTION 138-1302(1) OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-1302. - Specific requirements.

There shall be provided at the time of the erection of any main structure, or at the time any main structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, a minimum number of off-street automobile parking spaces in accordance with the following:

(1) *Residential uses:*

- a. Single-family dwellings: Two spaces per unit.
- b. Multifamily dwellings: One and one-half spaces per unit.
- c. Congregate care facilities and dormitories: One space per three beds. This requirement may be reduced by the board of county commissioners or the board of adjustment provided the applicant can demonstrate that such a reduction is justified.

SECTION 12: SECTION 138-1332(e) OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-1332. - Alcoholic beverages.

(e) *Prohibition of dispensing near schools.* The dispensing of alcoholic beverages by any business establishment shall not be permitted from any building or structure within 500 feet, measured in a straight line, from the nearest point of any building or structure (in a multi-tenant or multi-user building such as a shopping center, the distance may be measured from the unit or portion of the building where alcoholic beverages are sold, dispensed, or consumed) to the boundary of any tract of land on which a public or private elementary school, middle school, or secondary school is located or which has received authority to locate. If the school property contains wetlands, waterways, or similar geographic features that would not permit the physical use of the property for school use such as buildings, parking, playgrounds or other traditional school usage, the distance requirement shall include the wetland, waterway, or similar area and the measurement shall be taken from the area of the school site that would physically allow such traditional school use. This subsection shall not be retroactive; and the subsequent erection of a school within the distance of a legally authorized business establishment shall not be cause for the revocation or suspension of any permit, certificate, or license, or cause for denial of any permit or certificate thereafter requested for that use. The dispensing of alcoholic beverages for on-premises consumption within a bona fide restaurant shall be exempt from this provision

provided the sale of alcohol is incidental to food sales (at least 51 percent of sales shall be in food). Vendors may be required to provide verification by a certified public accountant of such sales ratio.

SECTION 13: SECTION 138-1336 OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 138-1336. – Fences and Walls.

(a) Purpose and Intent.

Fences and Walls should be used to define ownership, create privacy, ensure protection, and provide screening. Fences and walls should be designed and sited to ensure their intended purpose while recognizing and responding to the community character and ensuring public safety.

(b) Definitions.

As used in this section:

Decorative as applied to walls means that a wall is masonry with a stucco finish; has a finish of natural materials, such as brick, stone, or glass block; or has a finish which is accepted for use in the industry.

Decorative as applied to fences means that a fence is made of PVC fence material, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence.

Hedge means a continuous arrangement of three or more shrubs for the purpose of screening or dividing spaces which are planted and maintained to create an open space less than two feet wide by six feet high between each shrub.

Semi-opaque means and includes fence and wall components which have opacity of 25 percent or less, excluding vertical support posts, for the purpose of maintaining some visibility.

(c) General Requirements.

- (1) *Residential fences and walls.* In residential districts, walls and fences are subject to the following height limits:
 - a. Within the required side and rear setback area – six feet for a fence or wall of any style
 - b. Within the required front setback area –
 1. Three feet for a fence or wall of any style; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet
 2. Four feet for a decorative fence or wall; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet
 3. Six feet for a decorative fence or wall when one of the following conditions apply:
 - i. The fence or wall encloses the perimeter of a development adjacent to roads classified as collector streets or arterial

roads. In such case:

It must be located at least two feet from the right-of-way and shall be landscaped with two trees for each 100 lineal feet and hedge material planted, in keeping with the intent of chapter 166, article II. Trees should be planted as least five feet in distance from the wall to allow adequate room for growth. Hedges within sight triangles must be maintained at no more than three feet above pavement. The fence or wall must be reviewed and approved as part of a site plan or as a modification to an approved site plan. This includes the requirement that plans submitted be signed and sealed by a registered professional engineer in the State of Florida, thereby certifying that the fence or wall as proposed will not cause a sight distance obstruction for vehicles maneuvering on the adjacent or any nearby street system. Minimum sight triangle requirements for maintaining adequate sight distance are detailed in the appendix to this section.

- ii. The subject property is a corner lot, double frontage lot, or other multiple frontage lot, and the fence will be located within a setback area from the adjacent right-of-way for which the property is not addressed. In such case, the applicant must obtain from the County traffic engineer a written statement of no objection that the fence as proposed will not cause a sight distance obstruction for vehicles maneuvering on the adjacent or any nearby street system. Such statement shall be in accordance with standard safe engineering practices as established by Pinellas County. The applicant for such permit shall provide to Pinellas County detailed information to show that these conditions are met.

- (2) *Commercial/industrial fences and walls.* In commercial and industrial districts, walls and fences are subject to the following height limits:
 - a. Within the required side and rear setback area – six feet for a fence or wall of any style, except when required as part of a special exception or conditional use approval.
 - b. Within the required front setback area –
 - 1. Three feet for a fence or wall of any style; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet
 - 2. Four feet for a decorative fence or wall; additional height may be added for semi-opaque decorative toppers, the complete fence or wall shall not exceed a total height of five feet
 - 3. Six feet for a decorative fence or wall, provided the applicant satisfies the requirements of subsection 138-1336(c)(1)b.3.

(d) Materials and conditions.

Fences or walls may be constructed of any of the following standard fencing materials: wrought iron, brick, concrete block, plastic, vinyl, chain link, or wood products that are typically pre-fabricated and are commercially available. All fences and walls shall be maintained in good repair and all surfaces thereof shall be kept painted or have similar protective coating where customarily necessary. Any departure from the materials prescribed by this section shall require the approval of the county administrator or his/her designee.

(e) Barbed wire or electrical strands.

Barbed wire or electrical strands or similar type of fencing, when permitted, shall be no greater than six feet in height. The use of such type of fencing is permitted only as follows:

- (1) Barbed wire may be used on security fences in commercial or industrial districts.
- (2) Barbed wire may be used as part of agricultural activities.
- (3) Barbed wire or electrical strands or similar type of fencing may be used when specifically authorized in conjunction with a conditional use or special exception.

(f) Measurement of height.

The maximum height of fences or walls shall be measured as follows:

- (1) From normal grade to the uppermost horizontal member or members.
- (2) Wire strands (except certain permitted barbed wire strands described in subsection (e) of this section) may not exceed 18 inches above the minimum height requirement for such wire).
- (3) No post, pilaster, or light with a cross-sectional dimension of 18 inches or less shall be counted toward height except within a front yard setback area. Berms or other mounds above normal grade shall be considered part of the height measurement.

(g) Visibility.

- (1) *At intersections.* No fence or wall shall be permitted at a corner within 15 feet of the intersection of the right-of-way lines.
- (2) *Sidewalks.* The placement and height of fences and walls shall be guided by the minimum sight triangle requirements for maintaining adequate sight distance as described in the 'visibility triangle for sidewalk traffic' diagram in the appendix to this section.

(h) Easements.

No portion of any concrete, block, or brick wall or similar permanent construction shall be located within the area of recorded easement unless authorized by the easement owner, and/or county administrator or his/her designee.

(i) Appendix to 138-1336(c).

Except where otherwise provided, the illustrations in this appendix are for purpose of interpreting the applications of provisions of subsection (c) of this section.

Where found to be in conflict with the specific provisions of the section, the provisions of this section shall prevail.

(j) Minor administrative adjustments to height.

The county administrator or his/her designee may administratively approve minor adjustments to fence or wall heights when they have determined that the shape of the property or elevation and slope disparities prohibit adequate screening and/or sufficient enclosure under the permitted height standards of this section. Such adjustment shall not result in a fence or wall exceeding a maximum height of eight feet, as measured in subsection 138-1336(f).

SECTION 14: THE DEFINITIONS OF “COUNTY ENGINEER”, “ELEVATION” AND “VARIANCE” AS PROVIDED BY SECTION 154-1 OF THE PINELLAS COUNTY CODE ARE AMENDED TO READ AS FOLLOWS:

Sec. 154-1. - Definitions.

County engineer or *director* means the County Administrator if certified and licensed as a Professional Engineer in the State of Florida, or his or her authorized designee(s), certified and licensed as a Professional Engineer in the State of Florida.

Elevation means the vertical distance of a point above the established 1929 National Geodetic Vertical Datum (NGVD) or the established North American Vertical Datum of 1988 (NAVD 88), expressed in feet above mean sea level (MSL).

Variance means a grant of relief to a person or entity from the requirements of this chapter, which permits construction in a manner otherwise limited or prohibited by this chapter where specific enforcement would result in inequitable hardship.

SECTION 15: THE DEFINITION OF “WAIVER” IS ADDED TO SECTION 154-1 OF THE PINELLAS COUNTY CODE TO READ AS FOLLOWS:

Sec. 154-1. - Definitions.

Waiver means a grant of relief, in the form of no longer requiring the person or entity to meet the requirements of this chapter, which permits construction in a manner otherwise limited or prohibited by this chapter where specific enforcement would result in inequitable hardship.

SECTION 16: SECTION 154-3 OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 154-3. - Areas embraced.

The areas embraced by this chapter shall be all lands within the unincorporated area of the county and properties of countywide importance as defined in Article VII of Chapter 170 of the Pinellas County Land Development Code.

SECTION 17: SECTION 154-103 OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 154-103. - Minimum elevation.

The minimum edge of pavement elevation for road construction is five feet above mean sea level (NAVD), or the lowest edge of pavement shall be above the 25-year storm event as indicated in the stormwater management plan, whichever is the more stringent.

SECTION 18: SECTION 154-10(c)(16)b OF THE PINELLAS COUNTY CODE IS AMENDED TO READ AS FOLLOWS:

- b. The use of conflict boxes must be approved by the director. If approved, they must be constructed per subsections (c)(15)a or (c)(16)a of this section. The lowest portion of the conflict cannot be lower than the top one-third of the proposed storm sewer pipe.

SECTION 19: APPLICABILITY

For the purposes of jurisdictional applicability, this ordinance shall apply in unincorporated Pinellas County. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date as stated in Section 22 of this ordinance.

SECTION 20: INCLUSION INTO THE CODE OF ORDINANCES

It is the intent of the Pinellas County Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Pinellas County Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 21: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or degree shall be rendered.

SECTION 22: 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 the filing of the Ordinance with the Department of State.

APPROVED AS TO FORM:

(Attorney)