

ARTICLE V. COMMERCIAL AND INDUSTRIAL, MULTIUSE DISTRICTS

DIVISION 1. GENERALLY

Secs. 138-711--138-740. Reserved.

DIVISION 2. P-1, GENERAL PROFESSIONAL OFFICE DISTRICT

Sec. 138-741. Definition, purpose and intent of district.

The purpose of the P-1, general professional office district is to permit general professional office buildings of high character and attractive surroundings in areas where such uses are appropriate. It is intended that the P-1 district be located in areas where high intensity uses would not be appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly single-family residential in character. This district shall include those areas indicated on the zoning atlas maps as SV and P-1. Adoption of this chapter will not change these classification designations, but will make this division applicable to them.

(Ord. No. 90-1, § 1(301.1), 1-30-90)

Sec. 138-742. Permitted uses.

The following uses are permitted in the P-1 district:

- (1) Offices for professional services such as physicians, attorneys, accountants, engineers, architects, real estate, stockbrokers or other similar service or any other type of office where the service of the office does not involve the transfer of a commercial product at the office site. The incidental dispensing of medicines or medical supplies is permitted from a doctor's office or clinic.
- (2) Medical clinics provided they can be carried on in a manner compatible with the definition of this district.
- (3) Veterinarian's office which provides outpatient veterinary care with no boarding facilities except as may be required for treatment of sick or injured household pets and when entirely enclosed within a building.
- (4) Research centers and laboratory.

- (5) Studios for an artist, photographer, sculptor, musician or similar activities for the purpose of teaching or artistic instruction only.
- (6) Lunch stands or snack bars within and accessory to an office building to serve the building's users.
- (7) School, public or private.
- (8) Office service/office support use. Such use shall not exceed a maximum floor area of 5,000 square feet; and no combination of such uses in any single multi-tenant building or, in the alternative, in any group of buildings that are integral to and function as part of a unified project, shall exceed ten percent of the total floor area of said buildings.
- (9) Funeral homes.
- (10) Banking facilities.
- (11) Accessory dwellings (see section 138-1337).
- (12) Day care center.
- (13) Churches when on parcels of five acres or less.
- (14) Recreation facilities, within office parks of five acres or more, provided the park contains a minimum of 75,000 square feet of developed office space. Such facilities are intended to primarily serve the users of the office park and shall be internal to the site. Such uses shall be indoor facilities and may include but shall not be limited to racquetball or handball courts, spas, swimming pools and exercise rooms. Such structures shall be at least 50 feet from the adjacent residential property lines.
- (15) Such other uses that would be similar to those listed in this section and which would be consistent with the definition of this district.
- (16) Bed and breakfast facility with a maximum of ten guest rooms.

(Ord. No. 90-1, § 1(301.2), 1-30-90; Ord. No. 95-28, § 9, 4-18-95; Ord. No. 00-67, §§ 13, 14, 8-29-00)

Sec. 138-743. Special exceptions.

Section 138-240 contains special exceptions which may be permitted in the P-1 district, upon application to the board of adjustment and favorable action thereon, pursuant to article II, division 7 of this chapter.

(Ord. No. 90-1, § 1(301.3), 1-30-90)

Sec. 138-744. Conditional uses.

Upon application to and favorable action by the board of county commissioners, pursuant to article II, division 8 of this chapter, heliports or helistops use may be permitted as conditional uses.

(Ord. No. 90-1, § 1(301.4), 1-30-90)

Sec. 138-745. Property development regulations.

(a) *Maximum height.* No structure in the P-1 district shall exceed 75 feet in height (see also section 138-1277). When located within 50 feet of any residentially zoned property, no structure shall exceed 35 feet in height.

(b) *Minimum building site area requirements.* The minimum building site area requirements in the P-1 district are as follows:

- (1) Area: Six thousand square feet.
- (2) Width: Sixty feet (see section 138-1279).
- (3) Depth: Eighty feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of lot coverage.* In the P-1 district, the maximum area of lot coverage allowed by all structures is expressed in terms of floor area ratio (FAR) and shall be .40 of the lot or parcel. To determine the maximum floor area of a structure, multiply the appropriate FAR by the gross lot area. FAR is exclusive of covered parking and open court spaces. The impervious surface ratio (ISR) shall not exceed .75.

(d) *Setback requirements* (see also section 138-1281). In the P-1 district, the following minimum setbacks shall be required:

- (1) Front: Twenty-five feet measured from any right-of-way line to a structure.
- (2) Side: Fifteen feet.
- (3) Rear: Fifteen feet.

(e) *Special requirements and restrictions.* The purpose of the P-1 district is stated in section 138-741; in keeping with this definition, the following restrictions shall apply:

- (1) No retail sales, display or storage of merchandise is permitted except when in conjunction with and completely incidental to a permitted use such as the dispensing of medicines, medical supplies, optical products, etc., from a doctor's office or clinic. Accessory lunch stands or snack bars may be permitted within office buildings to serve the users of the building.
- (2) No machinery or merchandise may be stored except the storage of equipment and products associated with research or laboratory facilities or that which is customarily incidental to a permitted use on site.
- (3) Performance standards: See article VII, division 4 of this chapter.
- (4) Compatibility with the comprehensive land use plan: The P-1 district may be utilized within areas classified by the comprehensive land use plan as follows:

- a. Residential/office general.

- b. Residential/office/retail.
- c. Commercial neighborhood.
- d. Commercial general.

(Ord. No. 90-1, § 1(301.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 95-28, § 10, 4-18-95)

Secs. 138-746--138-775. Reserved.

DIVISION 3. P-1A, LIMITED OFFICE DISTRICT

Sec. 138-776. Definition, purpose and intent of district.

The purpose of the P-1A, limited office district is to permit areas for the development of very low intensity office uses which may be compatible with neighboring land uses. This district may serve as a step-down in transition between a high intensity activity area (such as a major traffic corridor) and a low density neighborhood in areas where more intense uses may not be appropriate. This district shall include those areas indicated on the zoning atlas as P-1A.

(Ord. No. 90-1, § 1(301A.1), 1-30-90)

Sec. 138-777. Permitted uses.

The following uses are permitted in the P-1A district:

- (1) Offices for professional services such as physicians, attorneys, accountants, engineers, architects, real estate, stockbrokers or other similar service or any other type of office where the service of the office does not involve the transfer of a commercial product at the office site. The incidental dispensing of medicines or medical supplies is permitted from a doctor's office or clinic.
- (2) Medical clinics provided they can be carried on in a manner compatible with the definition of this district. This shall include a veterinarian's office which provides outpatient veterinary care with no boarding facilities except as may be required for treatment of sick or injured household pets and when entirely enclosed within a building.
- (3) Studio for an artist, photographer, sculptor, musician or similar activities for the purpose of teaching or artistic instruction only.
- (4) Lunch stands or snack bars within and accessory to an office building to serve the building's users.
- (5) Funeral homes.

- (6) Banking facilities (no drive-in facilities).
- (7) Accessory dwellings (see section 138-1337).
- (8) Such other uses that would be similar to those listed in this section and which would be consistent with the definition of this district.
- (9) Bed and breakfast facility with a maximum of ten guest rooms.
- (10) Office service/office support use. Such use shall not exceed a maximum floor area of 3,600 square feet; and no combination of such uses in any single multi-tenant building or, in the alternative, in any group of buildings that are integral to and function as part of a unified project, shall exceed ten percent of the total floor area of said buildings

(Ord. No. 90-1, § 1(301A.2), 1-30-90; Ord. No. 95-28, § 11, 4-18-95; Ord. No. 00-67, § 15, 8-29-00)

Sec. 138-778. Special exceptions.

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 P-1A district:

- (1) Day care center.
- (2) Church.
- (3) See section 138-240 for other special exceptions which may be permitted in this district.

(Ord. No. 90-1, § 1(301A.3), 1-30-90)

Sec. 138-779. Property development regulations.

- (a) *Maximum height.* No structure in the P-1A district shall exceed 35 feet in height; except that, when abutting any single-family residential area, no structure may exceed one story (20 feet) in height.
- (b) *Minimum building site area requirements.* The minimum building site area requirements in the P-1A district are as follows:
 - (1) Area: Six thousand square feet.
 - (2) Width: Sixty feet (see section 138-1279).
 - (3) Depth: Eighty feet.

See section 138-209 for lots or parcels of substandard dimensions.

- (c) *Maximum area of land coverage.* In the P-1A district, the maximum area of lot or parcel coverage (exclusive of covered parking) shall be a floor area ratio of 0.20. The inclusion of covered parking shall not cause total lot coverage by structures to exceed

50 percent. All uses within this district shall maintain a minimum of 25 percent of the total area of the lot or parcel in permeable open space.

(d) *Setback requirements* (see also section 138-1281). In the P-1A district, the following minimum setbacks shall be required:

- (1) Front: Twenty-five feet, measured from any right-of-way line to the structure.
- (2) Side and rear: Twenty feet.

(e) *Special requirements*. The purpose of the P-1A district is stated in section 138-776; in keeping with this definition, the following restrictions shall apply:

- (1) No retail sales, display or storage of merchandise is permitted except when in conjunction with and completely incidental to a permitted use such as the dispensing of medicines, medical supplies, optical products, etc., from a doctor's office or clinic. Accessory lunch stands or snack bars may be permitted within office buildings to serve the users of the building.
- (2) No machinery or merchandise may be stored except that which is customarily incidental to a permitted use on the site.
- (3) Performance standards: See article VII, division 4 of this chapter.
- (4) Compatibility with the comprehensive land use plan: The P-1A district may be utilized within areas classified by the comprehensive land use plan as follows:
 - a. Residential/office limited.
 - b. Residential/office general.
 - c. Residential/office/retail.
 - d. Commercial neighborhood.
 - e. Commercial general.

(Ord. No. 90-1, § 1(301A.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

Secs. 138-780--138-800. Reserved.

DIVISION 4. C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 138-801. Definition, purpose and intent of district.

The C-1, neighborhood commercial district provides areas for commercial development such as compact shopping areas located in the neighborhood which they serve. The location of such areas is intended to conveniently supply the immediate needs of the neighborhood where the types of services rendered and the commodities sold are those which are needed daily and purchased at frequent intervals. This

district shall include those areas indicated on the zoning atlas maps as C-1, NB and LB. Adoption of this chapter will not change these classification designations, but will make this division applicable to them.

(Ord. No. 90-1, § 1(302.1), 1-30-90)

Sec. 138-802. Permitted uses.

Within any C-1, neighborhood commercial district, only the following uses shall be permitted:

- (1) Any retail business or commercial use which does not involve the manufacture or processing of products, provided the use serves the immediate needs of the neighborhood, such as grocery, convenience shopping, including sale of gasoline from pumps (see section 138-1333), drug, sundry, hardware or similar type business; but this section shall not permit the retail sale or display of vehicles, boats, mobile homes, model houses, or other outdoor sales use.
- (2) Personal service establishments, including but not limited to barbershops, beauty parlors, medical and dental clinics, small restaurants (50 seats or less, and with no drive-in or drive-through facilities), professional and other offices, laundry pickup stations, laundry and cleaning stores, shoe repair, tailoring, watch and clock repair and locksmith shops.
- (3) Any use described as a permitted use in a P-1 zoning district.
- (4) Such other uses that would be similar to those listed in this section and which would be consistent with the definition of this district.
- (5) Bed and breakfast facility with a maximum of ten guest rooms.

(Ord. No. 90-1, § 1(302.2), 1-30-90; Ord. No. 95-28, § 12, 4-18-95)

Sec. 138-803. Special exceptions.

Section 138-240 contains special exceptions which may be permitted in the C-1 district, upon application to the board of adjustment and favorable action thereon, pursuant to article II, division 7 of this chapter.

(Ord. No. 90-1, § 1(302.3), 1-30-90)

Sec. 138-804. Conditional uses.

Upon application to and favorable action by the board of county commissioners, pursuant to article II, division 8 of this chapter, heliports or helistops may be permitted as conditional uses in the C-1 district.

(Ord. No. 90-1, § 1(302.4), 1-30-90)

Sec. 138-805. Property development regulations.

- (a) *Maximum height* (see also section 138-1277). No structure in the C-1 district shall exceed 35 feet in height.
- (b) *Minimum building site area requirements*. The minimum building site area requirements in the C-1 district are as follows:
 - (1) Area: Six thousand square feet.
 - (2) Width: Sixty feet (see section 138-1279).
 - (3) Depth: Eighty feet.

See section 138-209 for lots or parcels of substandard dimensions.

- (c) *Maximum area of land coverage*. In the C-1 district, the maximum area of allowable coverage of a lot or parcel by structures, expressed in terms of floor area ratio, shall be 30 percent of the area of the lot or parcel. The impervious surface ratio shall not exceed 0.80.
- (d) *Setback requirements* (see also section 138-1281). In the C-1 district, the following minimum setbacks shall be provided:
 - (1) Front: Twenty-five feet, measured from any right-of-way line to the structure.
 - (2) Side or rear (interior lot or parcel): None required for commercial uses or structures; except that, when the side or rear of a lot abuts a residential district, there shall be a side or rear yard provided of a minimum of 20 percent of the lot width or depth, respectively, but this section shall not require more than 20 feet.
- (e) *Special requirements*. The following special requirements apply in the C-1 district:
 - (1) Performance standards: See article VII, division 4 of this chapter.
 - (2) This district does not permit the storage of commercial vehicles as defined by section 122-37 of the Pinellas County Code.
 - (3) Compatibility with the comprehensive land use plan: The C-1 district may be utilized in areas classified by the comprehensive land use plan as follows:
 - a. Commercial neighborhood.
 - b. Commercial general.

(Ord. No. 90-1, § 1(302.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

Secs. 138-806--138-830. Reserved.

DIVISION 5. C-2, GENERAL RETAIL COMMERCIAL AND LIMITED SERVICES DISTRICT

Sec. 138-831. Definition, purpose and intent of district.

The C-2, general retail commercial and limited services district provides an area for the retailing of certain commodities, the furnishing of several limited services and certain selected trade shops, with related commercial activities conveniently located in a community of several neighborhoods. It is intended that this district shall serve a considerably greater population than the C-1 district and offer certain specialized services in addition to all other retail sales outlets for consumer products. This district shall include those areas indicated on the zoning atlas maps as C-2, SC and B. Adoption of this chapter will not change these classification designations, but will make this division applicable to them.

(Ord. No. 90-1, § 1(303.1), 1-30-90)

Sec. 138-832. Permitted uses.

Within any C-2, general retail commercial and limited services district, only the following uses shall be permitted:

- (1) Any use permitted in the P-1 or C-1 district.
- (2) Any other retail sales outlet for products (except heavy equipment) sold directly to the consumer. This may include outlets for home improvement products which may include but are not limited to lumber, hardware, paint, electrical, and plumbing supplies, provided that all sales and storage areas for these types of products are screened from view by a fence or wall a minimum of six feet in height. All sales areas except as noted in this subsection shall be indoor locations.
- (3) Outdoor displays of products sold at retail which by their nature or size dictates that the operation be outdoors. Such uses may include but not be limited to the following: Retail sales, display and rental of vehicles, boats and mobile homes (no heavy equipment), plant nurseries and sale of landscape materials, swimming pools and spas and similar uses. Such uses, when abutting residential districts, shall be screened from view from the residential district with an opaque six-foot high fence or wall in compliance with section 138-1377(b). These uses shall also be in strict accord with the provisions of article VII, division 4. It is not the intent of this subsection to permit unrestricted outdoor sales, and the provisions of this subsection shall apply only to those types of uses listed herein. The sale, storage, or display of all products not normally found or used outdoors shall be conducted from indoor locations only.
- (4) Hotels and motels with a maximum density of 40 units per acre when located in the commercial general land use designation; or 30 units per acre when located in residential/office/retail land use designation; these shall be licensed as such by the state (see definitions, section 138-1).
- (5) Veterinary hospitals and kennels when entirely confined within a building.
- (6) Bowling alleys, skating rinks, indoor theaters or other similar indoor amusement and recreational facilities.
- (7) Automobile repairs when conducted within a completely enclosed building, provided such uses conform to all applicable codes, ordinances and regulations of the county.
- (8) Repair and sales of household appliances.

- (9) Service stations (see section 138-1333).
- (10) Detached accessory storage buildings, provided the building does not exceed 50 percent of the area of the primary building.
- (11) Wholesale/distribution facilities when located in completely enclosed buildings. All truck loading and receiving shall be oriented away from adjacent residential areas.
- (12) Display model houses, provided they are removed or converted to nonresidential use when the retail sales effort is terminated.
- (13) Radio and television transmitting stations (see section 138-1277 for height restrictions).
- (14) Hospitals and clinics. Hospitals shall not be permitted in coastal high hazard areas or hurricane evacuation zones level A, or floodways as designated by chapter 170, article III.
- (15) Radio and telephone transmitting stations.
- (16) Government buildings and public uses consistent with the definition of this district.
- (17) Nursing homes. Maximum density shall be 50 beds per acre, except that, when located in areas designated as residential/office/retail by the comprehensive land use plan, density shall be 25 beds per acre. Nursing homes shall not be located in coastal high hazard areas or hurricane evacuation zones level A, or floodways designated by chapter 170, article III.
- (18) Mini-storage warehousing when in accordance with the following:
 - a. Maximum lot or parcel coverage by structures shall be a floor area ratio of 0.50. When located in areas designated as residential/office/retail by the comprehensive plan, a floor area ratio of 0.20 shall apply.
 - b. Maximum building height for all storage units shall be 12 feet.
 - c. Exterior storage is not permitted.
 - d. Facilities shall be used for dead storage only and shall not be used for assembly, processing, fabrication, repair, business or sales, practice rooms, meeting rooms, or living units. The storage of explosives or highly flammable material is prohibited. Garage sales and/or flea market activities are also expressly prohibited.
- (19) Reserved.
- (20) Personal/business services uses.
- (21) Congregate care facilities with a maximum of 50 beds per gross acre. When located in areas designated by the comprehensive plan as residential/office/retail, the maximum density shall be 30 beds per gross acre. These facilities shall not be located in the coastal high hazard areas, hurricane evacuation level A or flood ways designated by chapter 170 article III of this code.
- (22) Such other uses that would be similar to those listed in this section and which would be consistent with the definition of this district.

(Ord. No. 90-1, § 1(303.2), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 97-57, § 17, 7-28-97; Ord. No. 01-58, § 1, 8-7-01)

Sec. 138-833. Special exceptions.

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 C-2 district:

- (1) Concrete mixing and dispensing facilities (see section 138-240(11)).
- (2) See section 138-240 for other special exceptions which may be permitted in this district.

(Ord. No. 90-1, § 1(303.3), 1-30-90; Ord. No. 97-57, § 18, 7-28-97)

Sec. 138-834. Conditional uses.

Upon application to and upon favorable action by the board of county commissioners, pursuant to article II, division 8 of this chapter, the following uses may be permitted:

- (1) Heliports and helistops.
- (2) Light manufacturing and assembly (Class A).
- (3) Commercial marinas (see section 138-270(13)).

(Ord. No. 90-1, § 1(303.4), 1-30-90; Ord. No. 98-6, § 4, 1-6-98; Ord. No. 01-58, § 2, 8-7-01)

Sec. 138-835. Property development regulations.

(a) *Maximum height* (see also section 138-1277). No structure in the C-2 district shall exceed 50 feet in height. When located within 50 feet of any residential property, no structure shall exceed 35 feet.

(b) *Minimum building site area requirements*. The minimum building site area requirements in the C-2 district are as follows:

- (1) Area: Ten thousand square feet.
- (2) Width: Eighty feet (see section 138-1279).
- (3) Depth: One hundred feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of land coverage*. The maximum area of land coverage shall be expressed in terms of floor area ratio. The following floor area ratios shall apply in the C-2 district unless otherwise provided:

TABLE INSET:

Use	Maximum FAR
Commercial general uses (except mini-storage)	0.35
Hotel and motel	0.40

When located in areas identified by the comprehensive land use plan as residential/office/retail, the following floor area ratios shall apply:

TABLE INSET:

Use	FAR
Commercial general	0.20
Office	0.30

No use shall exceed a maximum impervious surface ratio of 0.90, or 0.75 when located in the residential/office/retail land use plan area.

- (d) *Setback requirements* (see also section 138-1281). In the C-2 district, the following minimum setbacks shall be provided:
- (1) Front: Twenty-five feet, measured from any right-of-way line to the structure.
 - (2) Side or rear (interior lot or parcel): None required for commercial uses or structures; except when the side or rear of a lot abuts a residential district, there shall be a side or rear yard provided of a minimum of 20 percent of the lot width or depth, respectively, but this section shall not require more than 20 feet.
- (e) *Special requirements*. The following special requirements apply in the C-2 district:
- (1) Performance standards: See article VII, division 4 of this chapter.
 - (2) Commercial vehicles may be stored on site within this district when utilized in conjunction with a permitted use. This shall not include the use or storage of heavy equipment or semitractors/trailers.
 - (3) Compatibility with the comprehensive land use plan: The C-2 district may be utilized in areas classified by the comprehensive land use plan as follows:
 - a. Residential/office/retail.
 - b. Commercial general.

(Ord. No. 90-1, § 1(303.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

Secs. 138-836--138-855. Reserved.

DIVISION 6. **C-3, COMMERCIAL, WHOLESALE, WAREHOUSING, AND INDUSTRIAL SUPPORT DISTRICT**

Sec. 138-856. Definition, purpose and intent of district.

The **C-3**, commercial, wholesale, warehousing and industrial support district will provide areas for general services, wholesale distribution, storage and light fabrication. These areas should be conveniently located to arterial highways and transportation facilities. This district is intended as a distribution center for products sold, serviced, stored and warehoused for retail or wholesale sales to a consumer, jobber, sales outlet or wholesaler. Such districts shall be so located in the community as to minimize the flow of heavy trucking routes through residential areas. These areas may also provide support services to adjacent or nearby industrial areas.

(Ord. No. 90-1, § 1(304.1), 1-30-90)

Sec. 138-857. Permitted uses.

Within any **C-3**, commercial, wholesale, warehousing and industrial support district, only the following uses shall be permitted:

- (1) Bakeries, wholesale.
- (2) Automobile repairs.
- (3) Cold storage and frozen food lockers.
- (4) Contractor's storage and equipment areas (see section 138-1377(b)).
- (5) Dry cleaning, dyeing and laundry plants.
- (6) Wholesaling/distributing.
- (7) Wholesaling of building materials, including lumber, cement and plaster; feed and fuel; also including mill work and storage when conducted within a building or an area enclosed within a solid wall a minimum of six feet high.
- (8) Repair, maintenance facilities, and storage terminals for automobiles, buses, cabs, trucks or heavy equipment. Specific prohibition: No property within the **C-3** district shall be used for the storage of garbage vehicles and/or containers (see section 138-1377(b)).
- (9) Laboratories for testing materials, chemical analysis.
- (10) Production and assembly of scientific, optical and electronic equipment.
- (11) Professional offices.
- (12) Meat storage, cutting and distribution, but not butchering.
- (13) Service operations such as, but not limited to: Milk bottling and distribution plants and ice cream production, printing, bookbinding, lithography and publishing plants, motion picture studios and offices.

(14) Wholesale storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases, provided they meet the requirements of all applicable laws and ordinances, the county building code and the front setbacks established for structures as contained in this chapter. All property line setbacks shall be measured from the nearest outer shell of container.

(15) Storage warehouses.

(16) Marinas, full service. The following conditions shall apply:

a. The site shall contain sufficient upland area to accommodate all needed utilities and support facilities such as off-street parking, restrooms, dry storage, etc.

b. All applications for marinas shall be accompanied by a hurricane plan which shall be filed with the county department of civil emergency services.

c. All water and navigation permits shall be obtained prior to site plan approval where required.

d. No marina shall be approved or expanded in areas determined by the state department of environmental protection to be critical to the survival of the West Indian manatee.

e. See also section 138-1342.

(17) Solid waste management facilities which are operated from within completely enclosed buildings. Prior to zoning clearance or site plan approval, applicants will be required to provide a statement of intent to comply with the waste stream reporting requirements as may be required by the county if determined to be applicable by Pinellas County Utilities Solid Waste Operations Department.

(18) Such other uses that would be similar to those listed in this section and which would be consistent with the definition of this district.

(Ord. No. 90-1, § 1(304.2), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 93-88, § 1, 10-19-93; Ord. No. 97-79, § 1, 9-30-97; Ord. No. 06-53, § 10, 6-20-06)

Sec. 138-858. Special exceptions.

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 **C-3** district:

(1) Concrete mixing and dispensing facilities (see section 138-240(11)).

(2) See section 138-240 for other special exceptions which may be permitted in this district.

(Ord. No. 90-1, § 1(304.3), 1-30-90)

Sec. 138-859. Conditional uses.

Upon due 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 C-3 district:

- (1) Heliports or helistops.
- (2) Drive-in theaters.
- (3) Hazardous waste storage and transfer facilities.

(Ord. No. 90-1, § 1(304.4), 1-30-90)

Sec. 138-860. Property development regulations.

(a) *Maximum height.* No structure in the C-3 district shall exceed 75 feet in height unless otherwise provided in this chapter (see also section 138-1277). Within 50 feet of any residentially zoned land, no structure shall exceed 35 feet in height.

(b) *Minimum building site area requirements.* The minimum building site area requirements in the C-3 district are as follows:

- (1) Area: Twelve thousand square feet.
- (2) Width: Eighty feet (see section 138-1279).
- (3) Depth: One hundred feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of land coverage.* The maximum area of land coverage shall be expressed in terms of floor area ratio (FAR). The maximum FAR in the C-3 district shall be 0.50; the impervious surface ratio shall not exceed 0.85.

(d) *Setback requirements* (see also section 138-1281). In the C-3 district, the following minimum setbacks shall be provided:

- (1) Front: Twenty-five feet, measured from any right-of-way line to the structure.
- (2) Side or rear: None required for structures; except that, when the side or rear of a lot abuts a residential district, there shall be a side or rear setback provided of a minimum of 20 percent of the lot width or depth respectively, but this section shall not require more than 20 feet.

(e) *Special requirements.* The following special requirements apply in the C-3 district:

- (1) Performance standards: See article VII, division 4 of this chapter.
- (2) Compatibility with the comprehensive land use plan: The C-3 district may be utilized in areas classified by the comprehensive land use plan as follows:
 - a. Commercial general.
 - b. Industrial limited.

c. Industrial general.

(Ord. No. 90-1, § 1(304.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

Secs. 138-861--138-885. Reserved.

DIVISION 7. CR, COMMERCIAL RECREATION DISTRICT

Sec. 138-886. Definition, purpose and intent of district.

The CR, commercial recreation district will provide certain areas in the county situated to provide certain uses of land for commercial outdoor recreation purposes. Location of this classification within the county is intended primarily to be on or near major highways where the public can stop while en route to some more distant destination, or located at or near a scenic, historic, or outdoor recreation area where the public is attracted. This district shall include those areas on the zoning atlas maps designated as CR.

(Ord. No. 90-1, § 1(305.1), 1-30-90)

Sec. 138-887. Permitted uses.

Within any CR, commercial recreation district, only the following uses shall be permitted:

- (1) Travel trailer parks (ten sites per gross acre maximum).
- (2) Outdoor recreation facilities limited to:
 - a. Campgrounds (may include cabins at up to ten per acre).
 - b. Golf courses, driving ranges, miniature golf.
 - c. Riding stables.
 - d. Private parks and playgrounds.
 - e. Fishing camps.
 - f. Tennis facilities.
 - g. Swimming pools.
 - h. Playing fields for baseball, football, soccer and similar recreation.
 - i. Other similar recreation facilities.

(3) Accessory dwellings (see section 138-1337).

(Ord. No. 90-1, § 1(305.2), 1-30-90; Ord. No. 95-28, § 13, 4-18-95; Ord. No. 01-58, § 5, 8-7-01)

Sec. 138-888. Special exceptions.

Section 138-240 contains special exceptions which may be permitted in the CR, commercial recreation district, upon application to the board of adjustment and favorable action thereon, pursuant to article II, division 7 of this chapter.

(Ord. No. 90-1, § 1(305.3), 1-30-90)

Sec. 138-889. Property development regulations.

(a) *Maximum height.* No structure in the CR, commercial recreation district shall exceed 50 feet in height, unless otherwise provided in this chapter (see also section 138-1277).

(b) *Minimum building site area requirements.* The minimum building site area requirements in the CR, commercial recreation district are as follows:

- (1) Area: One acre of upland.
- (2) Width: One hundred fifty feet (see section 138-1279).
- (3) Depth: Two hundred feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of land coverage.* The maximum area of allowable coverage of a lot or parcel by structures or recreation vehicles shall be expressed in terms of floor area ratio and shall not exceed 35 percent of the area of the lot or parcel, and the impervious surface ratio (ISR) shall not exceed .75.

(d) *Setback requirements* (see also section 138-1281). In the CR, commercial recreation district, the following minimum setbacks shall be provided:

- (1) Front: Thirty-five feet, measured from any right-of-way line to the structure.
- (2) Side or rear: Twenty feet.

(e) *Special requirements.* The following special requirements apply in the CR, commercial recreation district:

- (1) Area requirements for travel trailer parks and campgrounds:
 - a. Area: One acre of uplands.
 - b. Width: One hundred fifty feet.

- c. Depth: Two hundred feet.
- (2) Vehicle site requirements for travel trailer parks and campgrounds:
- a. Area: Two thousand five hundred square feet.
 - b. Width: Twenty-five feet.
 - c. Density: Ten sites per gross acre (includes cabins).
 - d. Each vehicle site shall be clearly defined by a permanent marker.
 - e. No part of a vehicle or structure which is accessory to the vehicle placed on a vehicle site shall be closer than five feet to a site line. On perimeter lots, the setback requirements of subsection (d) of this section shall prevail.
- (3) Recreation and open space requirements for travel trailer parks and campgrounds:
- a. Not less than ten percent of the gross site area shall be devoted to recreation and open space.
 - b. Recreation areas may include space for community buildings and community use facilities, such as adult recreation and child play areas, swimming pools, clothes washing areas and drying yards and open space areas.
- (4) Street requirements for travel trailer parks and campgrounds: Roadways within a travel park may be private, but the following requirements shall apply:
- a. Internal collector streets shall be 25 feet in width, with a minimum of 20 feet of paved surface, in accordance with standards established by the public works and engineering department.
 - b. Internal minor streets shall have a smooth, hard and dense surface as follows:
 - 1. One-way traffic, ten feet in width.
 - 2. Two-way traffic, 18 feet in width.

For purpose of this section, a collector street shall be defined as a street designed to facilitate adequate traffic flow from two or more internal minor streets to a dedicated right-of-way. All streets which provide ingress and egress from dedicated public rights-of-way shall be deemed collector streets. All other streets may be internal minor streets. Except as provided herein, design and construction of streets or roads, sidewalks, utilities and drainage installations shall be in compliance with the site development regulations, the county utilities system, and other state and local laws. The county administrator may require a state registered engineer to provide a statement of such compliance prior to the issuance of a certificate of occupancy.

- (5) Compatibility with the comprehensive land use plan: The CR, commercial recreation district may be utilized in areas classified by the comprehensive land use plan as follows:
- a. Any residential category permitting a density of ten units per acre (not including high density) or more with a temporary tourist facilities overlay;
 - b. Any commercial general or residential/office/retail category;
 - c. Commercial recreation.

(Ord. No. 90-1, § 1(305.5), 1-30-90; Ord. No. 90-55, § 1, 7-24-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 95-28, § 14, 4-18-95)

Sec. 138-890. Conditional uses.

Upon application to and upon favorable action by the board of county commissioners, pursuant to article II, division 8 of this chapter, the following uses may be permitted:

- (1) Commercial marinas.

(Ord. No. 01-58, § 6, 8-7-01)

Secs. 138-891--138-910. Reserved.

DIVISION 8. CP, COMMERCIAL PARKWAY DISTRICT

Sec. 138-911. Definition, purpose and intent of district.

(a) The CP, commercial parkway district shall include those areas indicated on the zoning atlas maps as CP, CP-1, CP-2 and P-C. Adoption of this chapter will not change this classification designation, but will make this division applicable to it. Those areas indicated as CP, CP-1 and/or P-C shall be designated as CP-1. Those areas designated as CP-2 shall remain designated as CP-2 until otherwise changed by law. This district is stratified into two integrally linked highway oriented segments, the characteristics of which vary only by the intensity of use allowed in each. These subclassifications are denoted as:

- (1) CP-1: Includes those areas fronting on major arterial highways where established land use planning criteria would indicate this district could be located.
- (2) CP-2: Includes those areas located at major arterial highway intersections, where established land use planning criteria indicate that more intense uses of land as permitted in this division are appropriate.

(b) The purpose of establishing the CP, commercial parkway district is to allow for a variety of uses along the arterial roadways and to require that development occur in such a manner as to protect the interest, health, safety and welfare of the general public. Toward that end, the following statements of intent are applicable:

- (1) Minimize development in the CP-1 classification to a level of intensity having lower traffic generation rates than normally found in a general business area.
- (2) Allow development in the CP-2 classification to a level of intensity more equivalent to a general business category.
- (3) Minimize points of access which interrupt the smooth and safe flow of traffic, by encouraging the provision of service roads, common curb and median cuts, acceleration/deceleration lanes and/or interconnected parking facilities between

properties under individual ownership.

- (4) Provide adequate structural setbacks.
- (5) Promote an aesthetic appearance to and from the roadway.

(Ord. No. 90-1, § 1(306.1), 1-30-90)

Sec. 138-912. Permitted uses.

The following uses are permitted in the CP, commercial parkway district:

- (1) Single-family and multifamily dwellings up to ten units per acre. These are subject to compliance with section 138-645(c), (d), (e)(6), (e)(7), (e)(8) and (e)(9), as would be applicable to the specific type of residential use, except that, where the provisions of this division are more stringent, the provisions of this division shall prevail. Residential uses shall not be permitted in areas designated general commercial by the comprehensive land use plan.
- (2) Professional offices, neighborhood commercial uses and general commercial uses, and those uses permitted within a P-1, C-1, or C-2 district, except as provided in this section.
- (3) Outdoor displays of products sold at retail which by their nature or size dictates that the operation be outdoors. Such uses may include but not be limited to the following: plant nurseries and sale of landscape materials, swimming pools and spas and similar uses. Such uses, when abutting residential districts, shall be screened from view from the residential district with an opaque six-foot high fence or wall in compliance with section 138-1377(b). These uses shall also be in strict accord with the provisions of article VII, division 4 of this chapter. It is not the intent of this section to permit unrestricted outdoor sales, and the provisions of this section shall apply only to those types of uses listed in this section. The sale, storage, or display of all other products not normally found or used outdoors shall be conducted from indoor locations only.
- (4) Miniwarehouses in accordance with the following:
 - a. Maximum building height for all storage units shall be 12 feet.
 - b. Exterior storage is not permitted.
 - c. Facilities shall be used for dead storage only and shall not be used for assembly processing, fabrication, repair, business or sales, practice rooms, meeting rooms or living units. The storage of explosives or highly flammable material is prohibited. Garage sales or flea market activities are also prohibited.
- (5) Hotels or motels (maximum density of 30 units per acre).
- (6) Congregate care facilities with a maximum density of 30 beds per gross acre. These facilities shall not be located within coastal high hazard areas, hurricane evacuation level A, or floodways, as designated by chapter 170, article III of this code.

(Ord. No. 90-1, § 1(306.2), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 97-57, § 19, 7-28-97)

Sec. 138-913. Special exceptions.

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:

- (1) Concrete mixing facilities (see section 138-240(11)).
- (2) See section 138-240 for other special exceptions which may be permitted in this district.

(Ord. No. 90-1, § 1(306.3), 1-30-90; Ord. No. 97-57, § 20, 7-28-97)

Sec. 138-914. Conditional uses.

Upon application to and upon favorable action by the board of county commissioners, pursuant to article II, division 8 of this chapter, the following uses may be permitted:

- (1) Heliports and helistops.
- (2) Light manufacturing and assembly (Class A).
- (3) Commercial marinas.

(Ord. No. 90-1, § 1(306.4), 1-30-90; Ord. No. 98-6, § 5, 1-6-98; Ord. No. 01-58, § 4, 8-7-01)

Sec. 138-915. Property development regulations.

(a) *Maximum height* (see also section 138-1277). The maximum height of structures in the CP, commercial parkway district shall be as follows:

- (1) CP-1: Thirty-five feet.
- (2) CP-2: Fifty feet.

(b) *Minimum building site area requirements*. The minimum building site area requirements in the CP, commercial parkway district are as follows:

- (1) Minimum lot size: One acre.
- (2) Minimum width: One hundred fifty feet (see section 138-1279).
- (3) Minimum depth: Two hundred feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of lot coverage*. The maximum area of lot coverage (exclusive of residential uses) allowed by all structures is

expressed in terms of floor area ratio (FAR) and varies among the permitted uses. Floor area ratio is the square footage of total floor area for each square foot of land area. To determine the maximum floor area of a structure, multiply the appropriate FAR by the gross lot area. FAR is exclusive of covered parking, walkways, and open court spaces. The maximum area of lot coverage in the CP, commercial parkway district shall be as follows:

TABLE INSET:

Permitted uses		CP-1 FAR	CP-2 FAR
(1)	Residential (maximum 40 percent lot coverage).....	N/A	N/A
(2)	Commercial and restaurant.....	.20	.30
(3)	Hotel, motel, office, institutional, research facilities and mini-warehouse.....	.30	.40

(d) *Setback requirements* (see also section 138-1281). In CP, commercial parkway districts, the following minimum setbacks shall be required:

(1) Front: Fifty feet measured from any arterial road right-of-way line as established by the sector right-of-way requirements and traffic corridor plan to the front of the structure. The first 30 feet of this area, measured from the right-of-way, shall remain in permeable open space and may be used for planting, screening, fencing, etc., but in no case shall be used for parking or display of merchandise. Where a parcel or tract of land has multiple frontage involving minor roadways, the required front setback shall be a minimum of 25 feet in depth measured from the right-of-way line of the minor roadway.

(2) Side and rear: Twenty-five feet.

(e) *Special requirements*. The following special requirements apply in the CP, commercial parkway district:

(1) Maximum density: The maximum density for residential uses shall be ten dwelling units per acre.

(2) Open space requirements: All uses of properties within the CP district shall maintain a minimum of 25 percent of the total area of the lot or parcel in permeable open space.

(3) Performance standards: See article VII, division 4 of this chapter.

(4) Lots or parcels of substandard dimensions: When an individual lot or parcel has an area smaller than the requirements of the district in which it is located, but was a lot or parcel of record on February 22, 1977, the permitted uses of the zone district will be allowed to the person who then held title or beneficial interest in the lot, provided all requirements, other than building site area, are maintained. This exception will not inure to the benefit of any persons acquiring title or any beneficial interest in the lot subsequent to February 22, 1977. This subsection shall not apply where two or more lots or parcels adjoin in such a fashion that, should they be considered as one lot or parcel, such single lot or parcel would meet all minimum requirements as to area and dimension, provided that all the area so considered is in the same ownership. (See section 138-209 for other lots

or parcels of substandard dimensions.)

(5) Compatibility with the comprehensive land use plan: The CP district may be utilized in areas classified by the comprehensive land use plan as follows:

- a. Commercial general.
- b. Residential/office/retail.

(6) Commercial vehicles may be stored on site within this district when utilized in conjunction with a permitted use. This shall not include the use or storage of heavy equipment or semitractors/trailers.

(Ord. No. 90-1, § 1(306.5), 1-30-90; Ord. No. 92-8, 2-18-92; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 98-6, §§ 6, 7, 1-6-98)

Secs. 138-916--138-940. Reserved.

DIVISION 9. IPD, INDUSTRIAL PLANNED DEVELOPMENT DISTRICT

Sec. 138-941. Definition, purpose and intent of district.

The IPD, industrial planned development district will provide areas exclusively for and conducive to the development of highly specialized and technological industries, industrial support facilities, research and experimental institutions, administrative facilities and commercial uses, all of which are within a planned industrial park. It is intended that these parks be created to produce a campus-like setting; to be aesthetically pleasing and not obnoxious or offensive to the surrounding area. These should also provide maximum protection for the specialized uses against odor, fumes, smoke, gas, dust, noise, vibration, and similar objectionable hazards. It is further intended that this district be located in keeping with established planning and zoning practices so as to be readily accessible to major transportation facilities and other municipal services and to provide compatibility between the uses both internal and external to the site so that these uses may be established and operated in keeping with the purpose and intent of the district. This district shall include those areas indicated on the zoning atlas maps as IPD.

(Ord. No. 90-1, § 1(307.1), 1-30-90)

Sec. 138-942. Permitted uses.

The following uses are permitted in the IPD district:

- (1) Specialized and technological industrial activities which are not offensive or obnoxious by reason of emission of odor, fumes, dust, smoke, gas, noise, or vibration and which are conducted within enclosed buildings and provide no outdoor storage of materials or finished products.

(2) Administrative and executive offices as part of the overall development plan. The areas within the industrial planned development devoted to such use shall not exceed 25 percent of the total permitted floor area of the site. It is further intended that such uses shall be incidental to and in conjunction with the total site design.

(3) Commercial uses as a part of the overall development plan. The areas within the industrial planned development devoted to such use shall not exceed ten acres except when located within an approved development of regional impact in which the commercial area shall not exceed 25 percent of the total permitted floor area of the industrial planned development site.

(4) Billboards (see section 138-1334(b)).

(5) Accessory dwellings (see section 138-1337).

(Ord. No. 90-1, § 1(307.2), 1-30-90; Ord. No. 96-41, § 1, 4-30-96)

Sec. 138-943. Special exceptions.

Section 138-240 contains other special exceptions which may be permitted in the IPD district, upon application to the board of adjustment and favorable action thereon, pursuant to article II, division 7 of this chapter.

(Ord. No. 90-1, § 1(307.3), 1-30-90)

Sec. 138-944. Conditional uses.

Upon application to the board of county commissioners and favorable action thereon, pursuant to article II, division 8 of this chapter, heliports and helistops may be permitted as conditional uses in the IPD district.

(Ord. No. 90-1, § 1(307.4), 1-30-90)

Sec. 138-945. Property development regulations.

(a) *Maximum height.* No structure in the IPD district shall exceed 75 feet in height, except as otherwise provided in this chapter (see section 138-1277). When located within 50 feet of any residentially zoned property, no structure shall exceed 35 feet in height.

(b) *Minimum building site area requirements.* The minimum district area for the IPD district shall be 50 acres. This area may be platted into lots a minimum of 20,000 square feet. These lots shall be at least 100 feet wide (see section 138-1279) at the front building setback line and a minimum of 200 feet in depth. See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of land coverage.* The maximum area of allowable coverage of a lot or parcel by structures in the IPD district shall be expressed in terms of floor area ratio and shall not exceed 50 percent. Development shall not exceed an impervious surface ratio of 0.85.

- (d) *Setback requirements.* In the IPD district, the following minimum setbacks shall be required (see also section 138-1281):
- (1) Front: Fifty feet from any arterial highway as shown on the sector right-of-way requirements and traffic corridor plan and 25 feet from any minor street measured from any right-of-way line to a structure.
 - (2) Side and rear: Ten feet.
- (e) *Special requirements.* The following special requirements apply in the IPD district.
- (1) Performance standards: See article VII, division 4 of this chapter.
 - (2) Outdoor storage is prohibited and all uses shall be conducted within enclosed buildings or structures.
 - (3) The IPD district shall have a minimum of 100 feet of frontage on an arterial street as shown on the sector right-of-way requirements and traffic corridor plan.
 - (4) All requests for rezoning to the IPD district shall be accompanied by an overall development plan which shall include the following:
 - a. Those items required in subsections 138-178(a)(1) and (a)(2).
 - b. Identification of the major street or drive system throughout the project.
 - (5) Compatibility with the comprehensive land use plan: The IPD district may be utilized in areas classified by the comprehensive land use plan as follows:
 - a. Industrial limited.
 - b. Industrial general.

(Ord. No. 90-1, § 1(307.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

Secs. 138-946--138-970. Reserved.

DIVISION 10. M-1, LIGHT MANUFACTURING AND INDUSTRY DISTRICT

Sec. 138-971. Definition, purpose and intent of district.

The M-1, light manufacturing and industry district will provide areas for light manufacturing, industry, industrial support facilities, and certain public service functions. It is intended that this district will provide low intensity general industrial development which will have minimal impact on the surrounding areas. This district differs from the next lower industrial district (IPD) in that a more broad range of uses including certain outdoor storage and activity is permitted. This district shall include those areas indicated on the zoning atlas maps as M-1A, M-1 and LI. Adoption of this chapter will not change these classification designations but will make this division applicable to them.

(Ord. No. 90-1, § 1(308.1), 1-30-90)

Sec. 138-972. Permitted uses.

The following uses are permitted in the M-1 district:

- (1) Light industrial activities, including but not limited to:
 - a. Light manufacturing and industry, except concrete and asphalt products and processing of fiberglass products (these operations are permitted in the M-2 district).
 - b. Food processing.
 - c. Ice plants.
 - d. Machine shops.
 - e. Bottling plants.
 - f. Tobacco processing.
 - g. Heavy equipment repair.
 - h. Shops, offices and storage for contractors.
 - i. Storage of products manufactured on site (see article VII, division 4).
 - j. Wholesale bakeries.
 - k. Lumberyards, including truss plants and similar operations.
 - l. Solid waste management facilities which are operated from within completely enclosed buildings. Prior to zoning clearance or site plan approval, applicants will be required to provide a statement of intent to comply with the waste stream reporting requirements as may be required by the County if determined to be applicable by Pinellas County Utilities Solid Waste Operations Department.
- (2) Business services as defined by this article may include but not be limited to printing, engineering and architectural services, blueprint and reproduction services, cabinet shops, equipment repair, technical training facilities, account services, catalog order processing facilities, insurance claims and account processing centers, airline reservations centers and other such services that would be in keeping with the purpose and intent of this district.
- (3) Carpet cleaning plants.
- (4) Retail commercial uses shall be allowed only as accessory uses, located on the parcel to which such use is accessory, and shall not exceed 25 percent of the floor area of the principal use to which it is accessory.
- (5) Wholesaling, distributing and warehousing.

- (6) Research and development centers.
- (7) Wholesale storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases, provided the use meets the requirements of all applicable laws and ordinances, the county building code, and the aboveground containers meet front setbacks required in this division. (All setbacks shall be measured from the outer shell of the container.)
- (8) Crematoriums.
- (9) Dairying, including maintaining and raising of cattle, milk bottling and processing.
- (10) Government buildings.
- (11) Marinas, full service; the following conditions shall apply: The site shall contain sufficient upland areas to accommodate all needed utilities and support facilities such as off-street parking, restrooms, dry storage, etc. (see also section 138-1342).
- (12) Navigation safety devices and structures.
- (13) Professional offices.
- (14) Public or private utility rights-of-way or substations.
- (15) Radio and television transmitting stations.
- (16) Recreation areas such as parks, tennis and basketball courts, jogging trails, picnic areas and similar outdoor recreation facilities shall be semipassive in nature and are permitted in this district to provide location for breaks, lunches and recreational opportunities for persons working and doing business within the surrounding industrial area.
- (17) Accessory dwellings (see section 138-1337).
- (18) Such other uses that would be similar to those listed in this section and which would be consistent with the definition of this district.

(Ord. No. 90-1, § 1(308.2), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 93-88, § 1, 10-19-93; Ord. No. 96-41, § 1, 4-30-96; Ord. No. 97-79, § 2, 9-30-97; Ord. No. 98-97, § 6, 11-17-98; Ord. No. 06-53, § 10, 6-20-06)

Sec. 138-973. Special exceptions.

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 M-1 district:

- (1) Outdoor gun clubs (see section 138-240(9)).
- (2) Restaurants (see section 138-240(12)).
- (3) The storage of garbage collection vehicles or containers.
- (4) See section 138-240 for other special exceptions which may be permitted in this district.

(Ord. No. 90-1, § 1(308.3), 1-30-90)

Sec. 138-974. Conditional uses.

Upon application to the board of county commissioners and favorable action thereon, pursuant to article II, division 8 of this chapter, the following conditional uses may be permitted in the M-1 district:

- (1) Airports or airstrips.
- (2) Heliports or helistops.
- (3) Repealed.
- (4) Solid waste management facility (outdoor).
- (5) Off-site biohazardous or hazardous waste storage and/or treatment facilities. In order to protect property values, alleviate real and perceived health concerns and reduce the probability of entry of unauthorized persons, these facilities shall not be located within one-half mile of residentially zoned property. For purposes of this restriction, the following definitions shall apply:
 - a. *Biohazardous waste* shall be as defined in Rule 17-712.200(2), Florida Administrative Code.
 - b. *Hazardous waste* shall be as defined in F.S. § 403.703(23) and as that definition is further defined in Rule 17-775.200(5), Florida Administrative Code.
 - c. *Off-site* means any site which is not a part of the facility where biohazardous or hazardous waste is generated.
 - d. *Storage* means the holding of biohazardous or hazardous waste in a place other than at the generating facility, for a temporary period at the end of which the waste is treated or stored elsewhere.
 - e. *Treatment* means any process, including steam sterilization, chemical sterilization or incineration, which changes the character or composition of biohazardous or hazardous waste to render it nonbiohazardous or nonhazardous.

Distances shall be measured in a straight line from the outside perimeter of the subject property to the closest point of any residential zoning district, regardless of municipal or county jurisdiction. The one-half mile distance provided in this section shall, if it is determined to be unconstitutional, be read in decreasing segments of 500 feet until reaching such distance as is constitutional, with respect to each use. Any variances to these distance requirements shall be in response to a demonstrated hardship and shall be consistent with the purpose and intent of the distance requirements of this section. If such variance is requested, notice of such request shall be provided by regular U.S. mail to all residential property owners as listed by the county property appraiser's office within one-half mile of such site.

(6) Hotels and motels with a maximum density of 40 units per acre within permanent structures, pursuant to the acreage thresholds in the Additional Standards section of the Future Land Use Map Category, Descriptions, and Rules of the Pinellas County Comprehensive Plan; these shall be licensed as such by the state (see definitions, section 138-1).

(Ord. No. 90-1, § 1(308.4), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 93-88, § 1, 10-19-93; Ord. No. 97-57, § 22, 7-28-97; Ord. No.

09-35, § 1, 6-16-09)

Sec. 138-975. Property development regulations.

(a) *Maximum height.* No structure in the M-1 district shall exceed 75 feet (see section 138-1277), or 35 feet when located within 50 feet of any residential zoned property.

(b) *Minimum building site area requirements.* The minimum building site area requirements in the M-1 district are as follows:

- (1) Area: Twelve thousand square feet.
- (2) Width: Eighty feet (see section 138-1279).
- (3) Depth: One hundred feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum land coverage by structures.* In the M-1 district, the maximum floor area ratio shall not exceed 0.60 with a maximum of 50 percent lot coverage, and a maximum impervious surface ratio of 0.85.

(d) *Setback requirements* (see also section 138-1281). In the M-1 district, the following minimum setbacks shall be required:

- (1) Front: Twenty-five feet.
- (2) Side: Ten feet.
- (3) Rear: Ten feet.

(e) *Special requirements.*

- (1) Performance standards: See article VII, division 4 of this chapter.
- (2) Compatibility with the comprehensive land use plan: The M-1 district may be utilized in areas classified by the comprehensive land use plan as industrial limited or industrial general.

(Ord. No. 90-1, § 1(308.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

Secs. 138-976--138-1000. Reserved.

DIVISION 11. M-2, HEAVY MANUFACTURING AND INDUSTRY DISTRICT

Sec. 138-1001. Definition, purpose and intent of district.

The M-2, heavy manufacturing and industry district is intended to permit general manufacturing and industry. It is further intended that this district will be less restrictive than the M-1 district so as to provide a wider variety of industrial uses. This district shall include those areas indicated on the zoning atlas maps as HI and M-2. Adoption of this chapter will change these classification designations, but will make this division applicable to them.

(Ord. No. 90-1, § 1(309.1), 1-30-90)

Sec. 138-1002. Permitted uses.

The following uses are permitted in the M-2 district:

- (1) Any use permitted in the M-1 district.
- (2) Concrete product manufacture.
- (3) Asphalt product manufacture.
- (4) Processing of fiberglass products, subject to performance standards (see article VII, division 4 of this chapter).
- (5) Any industrial use similar to those listed in this section.

(Ord. No. 90-1, § 1(309.2), 1-30-90)

Sec. 138-1003. Special exceptions.

Upon application to the board of adjustment and favorable action thereon, pursuant to article II, division 7, the following uses may be permitted in the M-2 district:

- (1) Outdoor gun clubs (see section 138-240(9)).
- (2) The storage of garbage collection vehicles or containers.
- (3) See section 138-240 for other special exceptions which may be permitted in this district.

(Ord. No. 90-1, § 1(309.3), 1-30-90; Ord. No. 95-28, § 15, 4-18-95)

Sec. 138-1004. Conditional uses.

Upon application to the board of county commissioners and favorable action thereon, pursuant to article II, division 8 of this chapter, the following uses may be permitted in the M-2 district:

- (1) Junkyards and vehicle salvage.

- (2) Airports and airstrips.
- (3) Heliports and helistops.
- (4) Off-site biohazardous or hazardous waste storage and/or treatment facilities. In order to protect property values, alleviate real and perceived health concerns and reduce the probability of entry of unauthorized persons, these facilities shall not be located within one-half mile of residentially zoned property. For purposes of this restriction, the following definitions shall apply:
 - a. *Biohazardous waste* shall be as defined in rule 17-712.200(2), Florida Administrative Code.
 - b. *Hazardous waste* shall be as defined in F.S. § 403.703(23) and as that definition is further defined in rule 17-775.200(5), Florida Administrative Code.
 - c. *Off-site* means any site which is not a part of the facility where biohazardous or hazardous waste is generated.
 - d. *Storage* means the holding of biohazardous or hazardous waste in a place other than at the generating facility, for a temporary period at the end of which the waste is treated or stored elsewhere.
 - e. *Treatment* means any process, including steam sterilization, chemical sterilization or incineration, which changes the character or composition of biohazardous or hazardous waste to render it nonbiohazardous or nonhazardous.

Distances shall be measured in a straight line from the outside perimeter of the subject property to the closest point of any residential zoning district, regardless of municipal or county jurisdiction. The one-half-mile distance provided in this section shall, if it is determined to be unconstitutional, be read in decreasing segments of 500 feet until reaching such distance as is constitutional, with respect to each use. Any variances to these distance requirements shall be in response to a demonstrated hardship and shall be consistent with the purpose and intent of the distance requirements of this section. If such variance is requested, notice of such request shall be provided by regular U.S. mail to all residential property owners as listed by the county property appraiser's office within one-half mile of such site.

- (5) Solid waste management facility (outdoor).

(Ord. No. 90-1, § 1(309.4), 1-30-90; Ord. No. 92-66, § 1, 10-27-92; Ord. No. 93-88, § 1, 10-19-93)

Sec. 138-1005. Property development regulations.

- (a) *Maximum height.* No structure in the M-2 district shall exceed 100 feet in height except as provided for in section 138-1277.
- (b) *Minimum building site area requirements.* The minimum building site area requirements in the M-2 district are as follows:
 - (1) Area: Twenty-five thousand square feet.
 - (2) Width: One hundred feet (see section 138-1279).
 - (3) Depth: Two hundred feet.

See section 138-209 for lots or parcels of substandard dimensions.

(c) *Maximum area of land coverage.* In the M-2 district, the maximum floor area ratio shall not exceed 0.70 with a maximum lot coverage of 50 percent and a maximum impervious surface ratio of 0.95. Development shall not exceed an impervious surface ratio of 0.95.

(d) *Setback requirements* (see also section 138-1281). In the M-2 district, the following minimum setbacks shall be required:

- (1) Front: Twenty-five feet, measured from any right-of-way line to the structure.
- (2) Side: Twenty feet.
- (3) Rear: Twenty feet.

(e) *Special requirements.* The following special requirements apply in the M-2 district:

- (1) Performance standards: See article VII, division 4 of this chapter.
- (2) Compatibility with the comprehensive land use plan: The M-2 district may be utilized in areas classified by the comprehensive land use plan as industrial general.

(Ord. No. 90-1, § 1(309.5), 1-30-90; Ord. No. 92-66, § 1, 10-27-92)

DIVISION 12. OPH-D, OLD PALM HARBOR-DOWNTOWN DISTRICT

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. 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.

(Ord. No. 02-42, § 3, 5-21-02)

Sec. 138-1007. Applicability and nonconformities.

(a) The OPH-D district zoning and design guidelines 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 division 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 146-5 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.

(3) A Downtown Palm Harbor Review Committee is established in section 138-1015 to enable the local community to review and make recommendations to county staff on applications for certificates of appropriateness within the OPH-D district.

(b) Sections 138-201 through 138-208, 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 division 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, 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.

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 04-72, § 1, 10-19-04)

Sec. 138-1008. Permitted uses.

The following uses are permitted individually or in combination within the OPH-D district sub-districts subject to the standards in this

Code.

TABLE INSET:

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
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 advise, 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
<i>Residential and Lodging Uses:</i>	
Single-family dwellings	West sub-district
Duplex and triplex dwellings	Both sub-districts
Multiple family dwellings	Both sub-districts
Home occupations	Both sub-districts
Accessory dwelling units	Both sub-districts
Bed and breakfast (6)	Both sub-districts

Notes to permitted uses:

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) 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.

(Ord. No. 02-42, § 3, 5-21-02)

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 advise, software publishing, insurance).

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

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 04-72, § 2, 10-19-04)

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.*

TABLE INSET:

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 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:

TABLE INSET:

	<i>Setbacks</i>				
	Front	Side	Rear	Abutting Residential	Corner
East sub-district, abutting Florida Avenue east of Alt. 19; and the property at 1205 Omaha Cir. 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.

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 04-72, § 3, 10-19-04)

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 on-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) For nonresidential uses in that portion of the east sub-district south of Nebraska Avenue, east of Alternate U.S. Highway 19, north of Michigan Avenue, and west of C.R.1: The minimum number of spaces provided on-site shall be equal to 55 percent of the minimum number of off-street automobile parking spaces required in section 138-1302, with a minimum of two spaces.

(3) For nonresidential uses in the east sub-district north of Nebraska Avenue or west of Alternate U.S. Highway 19: The minimum number of off-street parking spaces shall be equal to four-fifths of the minimum number of off-street parking spaces required in section 138-1302, with a minimum of two spaces. Designated on-street parking directly fronting a lot shall count toward fulfilling the parking requirement for that lot.

(4) For nonresidential uses in the west sub-district: The minimum number of spaces provided on-site 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.

(5) Off-street parking for nonresidential uses in the west sub-district shall not be located in the front or corner setback areas.

(6) Any outdoor dining use shall be included when calculating the required number of minimum off-street parking spaces.

(7) Alleys may be used for access to off-street parking spaces.

(8) 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.

(9) 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.

(10) Single-family dwellings: Two off-street parking spaces per dwelling unit.

(11) For all other residential uses: One off-street parking space per efficiency unit and 1.5 off-street parking spaces per dwelling unit with one or more bedrooms.

(12) Where not specifically changed in this section, parking requirements shall otherwise comply with article VII, division 2 of chapter 138.

(13) Off-street parking shall not be located on the Florida Avenue frontage east of Alternate U.S. Highway 19.

(14) 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.

(15) 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.

(Ord. No. 02-42, § 3, 5-21-02)

Sec. 138-1012. Landscaping for vehicular use (parking) areas.

In addition to the requirements of section 166-55 of the land development code, parking lots or vehicular use areas shall comply with the following.

- (1) Parking areas with three spaces or less are exempt per section 166-55.
- (2) Parking areas using alley access and not visible from the street are exempt from this section.
- (3) Parking or vehicular use areas shall be designed to complement the streetscape design plan.
 - a. Where appropriate, the site design shall coordinate with and connect with the streetscape on the public right-of-way.

b. Plant materials and species shall be selected from the following list:

TABLE INSET:

Botanical Name	Common Name
Palms:	
<i>Sabal palmetto</i>	Cabbage Palm
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm (Needs ample water)
Trees:	

<i>Cornus florida</i>	Dogwood
<i>Ilex cassine</i>	Dahoon Holly
<i>Ilex opaca</i>	American Holly
<i>Ilex x attenuata 'East Palatka'</i>	East Palatka Holly
<i>Ilex x attenuata 'Savannah'</i>	Savannah Holly
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Quercus laurifolia</i>	Laurel Oak
<i>Quercus virginiana</i>	Live Oak
<i>Ulmus alata</i>	Winged Elm
Accents:	
<i>Cercis canadensis</i>	Redbud
<i>Crinum spp.</i>	Spider Lily*
<i>Phoenix roebelenii</i>	Pygmy Date Palm
<i>Prunus angustifolia</i>	Chickasaw Plum
<i>Zamia floridana</i>	Coontie
Shrubs:	
<i>Forestiera segregata</i>	Florida Privet
<i>Ilex cornuta 'burfordii'</i>	Chinese Holly
<i>Ilex cornuta 'rotunda'</i>	Round Chinese Holly
<i>Ilex vomitoria 'schillings'</i>	Dwarf Yaupon Holly
<i>Illicium parviflorum</i>	Anise
<i>Rhaphiolepis indica</i>	Indian Hawthorn
<i>Viburnum obovatum</i>	Walter's Viburnum
<i>Viburnum odoratissimum</i>	Sweet Viburnum
<i>Viburnum suspensum</i>	Sandankwa Viburnum

Ground Covers:	
<i>Juniperus spp.</i>	Juniper
<i>Liriope muscari 'evrgrn gnt'</i>	Evergreen Giant
<i>Ophiopogon japonicus</i>	Mondo Grass
<i>Stachytarpheta jamaicensis</i>	Trailing Porterweed
<i>Zamia floridana</i>	Coontie
<i>Zamia furfuracea</i>	Cardboard Palm
<i>Trachelospermum asiaticum minima</i>	Minima Jasmine
Ornamental Grasses:	
<i>Miscanthus sinensis</i>	Miscanthus
<i>Muhlenbergia capillaris</i>	Muhly Grass
<i>Pennisetum setaceum</i>	Fountain Grass
<i>Pennisetum setaceum 'rubrum'</i>	Red Fountain Grass
<i>Tripsacum floridana</i>	Dwarf Fakahatchee Grass
Ornamentals:	
<i>Lantana species</i>	Sterile subspecies or varieties such as 'Gold Mound'
<i>Lantana montevidensis</i>	
<i>Pentas lanceolata</i>	Pentas*
<i>Plumbago 'Imperial Blue'</i>	Plumbago
Annuals	Annuals

* cold sensitive

c. Hardscape, paving and construction materials shall match or complement the streetscape materials within the right-of-way.

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 04-72, § 4, 10-19-04)

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 the 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. 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 146-5(a)(5) 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 where possible, materials of the originals. The use of materials other than the original materials shall be considered by the Downtown Palm Harbor Review Committee (DPHRC) and Pinellas County on a case-by-case basis.
- 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 aluminum, 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.
- (3) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by the county.
- (4) No fence or wall shall enclose a water meter box or manhole, unless authorized by the county.
- (5) Where not specifically changed in this section, fences and walls shall otherwise comply with section 138-1336.

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 09-31, § 1, 5-19-09)

Sec. 138-1014. Signs.

Except as modified herein, signs shall be subject to the regulations outlined in section 138-1334. Nonconforming signs shall be made compliant under the provisions of subsection 138-1334(b)(3), "nonconforming signs". Signs and standards in the OPH-D district shall be permitted as follows:

- (1) In the east sub-district:
 - a. Freestanding signs shall be permitted only as follows:
 1. *Number.* A maximum of one sign per zone lot is permitted. One additional sign may be permitted for each additional street frontage.
 2. *Area.* The total maximum area for any freestanding sign or signs shall be that area calculated according to subsections (e)(1) and (e)(2) of section 138-1334 or 50 square feet per sign face, whichever is less.
 3. *Height.* For properties with frontage facade orientation on Alternate U.S. Highway 19, the maximum height for a freestanding sign is 20 feet or the height of the building, whichever is less. For all other freestanding signs the maximum height is ten feet.
 4. *Setbacks.* Such signs shall be set back as follows:
 - i. Three feet from any public right-of-way.
 - ii. Additional setbacks may be required when determined appropriate per subsection (e)(4) of section 138-1334.
 5. *Time and temperature signs.* Such signs are only permitted on sites fronting and oriented to Alternate U.S. Highway 19. The maximum area for the time and temperature portion only shall be 20 square feet per sign face.
 6. *Flags.* Flags containing a corporate name, logo, or other message directing attention to the business on site including any commodity or service for sale on site shall be part of the computation of allowable area for

freestanding signs.

b. Attached signs shall be permitted only as follows:

1. *Area.* The maximum total area for all attached signs shall be that area calculated according to subsections (e)(1) and (e)(2) of section 138-1334, or 100 square feet, whichever is less.

2. *Types of signs permitted.* The following attached signs may be permitted, provided the cumulative area of the attached signs does not exceed the maximum area according to subsection (1)b.1., above:

- i. Wall sign;
- ii. Canopy or awning sign;
- iii. Permanent window sign;
- iv. Projecting sign;
- v. Integral roof sign.

3. *Time and temperature signs.* Such signs are only permitted on sites fronting and oriented to Alternate U.S. Highway 19. The maximum area for the time and temperature portion only shall be 20 square feet per sign face.

c. Directory/information signs shall be permitted only as follows:

1. *Number.* A maximum of one sign per street frontage is permitted.

2. *Area.* The maximum area for a directory/information sign shall be 20 square feet per sign face for any one sign.

3. *Setback.* Three feet from any public right-of-way.

d. Public/semi-public land uses shall comply with the sign provisions of subsection 138-1334(f)(2)b.

e. Community event signs may be permitted within public rights-of-way provided that they are safely located.

(2) In the west sub-district, signs shall be permitted pursuant to section 138-1334(f)(2)b. Nonresidential uses permitted in the west sub-district are allowed up to one two-square-foot sign.

(Ord. No. 02-42, § 3, 5-21-02)

Sec. 138-1015. Downtown Palm Harbor Review Committee--Organization, powers, and duties.

The following is the name, structural organization and powers and duties of the Downtown Palm Harbor Review Committee.

(1) *Powers and duties of the Downtown Palm Harbor Review Committee.* The duties of the committee include reviewing applications for certificates of appropriateness (COAs) per section 146-5 and making nonbinding recommendations

concerning them to county staff.

(2) *Organization of the Downtown Palm Harbor Review Committee.*

a. *Number and qualifications of members.*

1. Membership of the committee shall be composed of nine members. Five members shall be owners of property within the OPH-D district and one member each shall be appointed by the Palm Harbor Historical Society and the Downtown Palm Harbor Merchant's Association. Two members shall both own residential property and reside within the surrounding community. Each Pinellas County Commissioner whose district includes the OPH-D district shall recommend one of these two members to the full county commission for appointment to the committee. For purposes of this section, the surrounding community is defined as the area included within the following boundaries:

On the west: Sutherland Bayou.

On the north: Kansas Avenue extended.

On the east: 17th Street extended.

On the south: Pennsylvania Avenue/Virginia Avenue from the mouth of Channel A at Sutherland Bayou to the intersection of Virginia Avenue and Channel A (residential properties on the south side of these streets are included), then following Channel A to its intersection with 17th Street extended.

2. Election of property owners. Property owners within the OPH-D zoning district shall hold an election every two years in November to elect five members to the Downtown Palm Harbor Review Committee.

3. Each member of the committee shall have one vote.

4. Committee members shall be prohibited from voting on their own applications.

5. The term of office for each of the nine committee members shall be two years.

b. *Officers.*

1. A minimum of three officers of the committee shall be elected on an annual basis. It shall be the responsibility of the officers to notify county staff of their names and addresses.

2. Committee officer's duties shall include:

i. Making COA applications available for inspection by committee members before the committee meetings (if necessary).

ii. Preparing official committee recommendations.

iii. Publishing proper public notice of committee meetings.

vi. Keeping minutes of committee meetings.

v. Holding annual elections.

- vi. Maintaining an up-to-date mailing list of all committee members and providing this to county staff.
 - vii. Other duties as needed.
- c. *Meeting requirements.*
1. Meetings shall be convened as necessary to review applications for certificates of appropriateness.
 2. A minimum of one meeting per year shall be held in order to elect committee members and officers. The electorate for selecting five of the nine members shall consist of owners of real property in the OPH-D district. Meeting times and locations shall be advertised and/or posted in a public location at least three days before the meeting, so that they will be available to the public. Meetings will be open to the public, and the public may comment on any items before the committee.
- d. *Voting and other decision/report procedures.*
1. At least five members (one of which must be an officer) must be present to have a quorum. If a quorum is not present, a committee recommendation is not possible. However, individual member recommendations can be submitted to county staff.
 2. The certificate of appropriateness (COA) applicant cannot vote on his/her own application.
- e. *Committee compensation.* Committee positions are volunteer positions with no monetary compensation.
- (3) *County staff responsibilities.*
- a. The Pinellas County Planning Department will maintain an informational mail-out on the OPH-D district. This will be updated (as necessary) and mailed to property owners in the OPH-D district on an annual basis.
 - b. The Pinellas County Planning Department will notify committee members of meeting dates and times once they have been determined by the committee officer(s).
 - c. The Pinellas County Planning Department will provide assistance as requested and approved by the county administrator.

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 04-72, § 5, 10-19-04)

Sec. 138-1016. Same--Procedures for review.

- (a) Once an application for a COA is submitted to the county, county staff will notify committee officer(s) designated by the committee for such notice.
- (b) Committee officer(s) will determine a suitable time and date for the committee to meet. The officer(s) will contact the applicant and choose a date and time that they will be able to attend.
- (c) The officer(s) will then notify county staff of the date/time of the meeting so that they may mail notices of the meeting to committee members.

(d) The committee shall have two weeks from the time they are notified by county staff of the COA application to meet and prepare a recommendation. The two weeks' time for review and comment may be extended if such an extension is agreed to by county staff and the applicant or by county staff and the committee.

(e) One written recommendation representing the majority opinion of the committee will be prepared by the committee officer(s) for presentation to county staff. Dissenting opinions (if any) may also be presented by individual committee members if desired.

(f) Nothing herein precludes the committee from adopting additional procedures to accomplish the foregoing duties as long as they are not in conflict with the provisions herein and state and federal law.

(Ord. No. 02-42, § 3, 5-21-02; Ord. No. 04-72, § 5, 10-19-04)

Secs. 138-1017--138-1030. Reserved.