

**Section 18-1507. ACCESSORY USE AND SUPPLEMENTARY DISTRICT REGULATIONS.**

**Section 18-1507.1. ACCESSORY USE REGULATIONS.** The following regulations shall apply to all accessory uses and structures incidental to any permitted or conditional use. (Ord. 1438 - 9.27.84)

(A) **ZONING OF ACCESSORY STRUCTURES.** All accessory uses to a principal use shall be located in a zoning district that permits the principal use. (Ord. 1438 - 9.27.84)

(B) **CONSTRUCTION TIMING.** No accessory building shall be constructed upon a lot or parcel until construction of the principal building has commenced. (Ord. 1438 - 9.27.84)

(C) **LOCATION OF ACCESSORY STRUCTURES.** Structures shall be located on the same lot or parcel as the principal building to which it is accessory. (Ord. 1438 - 9.27.84)

(D) **ATTACHED ACCESSORY STRUCTURES.** When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the setback requirements of the principal building to which it is attached. (Ord. 1438 - 9.27.84)

(E) **LIMITATION ON USE.** Nonresidential accessory buildings shall be used by only the employees of the owner, lessee, or tenant of the premises. (Ord. 1438 - 9.27.84)

(F) **ACCESSORY STRUCTURES NOT TO BE RENTED OR INHABITED.** Residential accessory uses such as garages, greenhouses, or workshops shall not be rented or inhabited. (Ord. 1438 - 9.27.84)

(G) **ACCESSORY TENTS, AWNINGS, AND CABANAS.** Accessory tents, awnings, and cabanas, including all canvas and similar coverings, painted surfaces, and their support or anchoring systems, must be well maintained in good repair consistent with the manufacturer's product design specifications at all times. (Ord. 2491 - 07.09.98)

**Section 18-1507.2. ACCESSORY STRUCTURES NOT PERMITTED IN REQUIRED SETBACKS OR YARDS.**

(A) Accessory structures shall not be permitted in any required front, secondary front, side, or rear yard setback, other than as provided below. (Ord.1438-9.27.84;Ord.2439 - 09.11.97)

(B) Within the "F", "RE", "RR", "R-1", "R-2", "R-3", "R-4", "R-5", "R-6", "R-7", "T-1" or "T-2" Districts, utility sheds shall be permitted within the side and rear yard setbacks providing that the following regulations are adhered to: (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97; Ord. 2491 - 07.09.98)

1. Utility sheds shall be no larger than ten (10) feet by ten (10) feet, and shall be no more than ten (10) feet in height. (Note: When making the determination regarding size of the unit, only the dimensions of the accessory structure are to be considered, not the square footage of the overall unit.) (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97; Ord. 2491 - 07.09.98)
2. No more than two (2) utility sheds shall be permitted on any residential lot. The two utility sheds shall be separated by a minimum of ten (10) feet. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97; Ord. 2491 - 07.09.98)

For purposes of this Section, two (2) utility sheds shall be considered one (1) utility shed and need not be separated by a minimum of ten (10) feet if the two (2) utility sheds are placed abutting each other and the combined dimensions do not exceed the ten (10) feet by ten (10) feet dimension set forth in Subsection 1 above. (Ord. 2439 - 09.11.97)

3. The utility shed(s) shall not be located on any easement, unless the applicant can establish to the satisfaction of the City Engineer and all interested utility agencies that the placement thereof within such easement will not interfere with the utilization and maintenance of the easement. (Ord. 1438-9.27.84; Ord. 2439 - 09.11.97; Ord. 2491 - 07.09.98)

(C) Within the "ROR", "GO", "B-1", "MXD", "MXD-1" and "MXD-2" zoning districts, utility sheds are permitted subject to the same regulations outlined in Section (B) above, provided the principal use of the property is residential in nature. Should the use be nonresidential in nature, then required zoning district setbacks shall be maintained. (Ord. 2439 - 09.11.97)

**Section 18-1507.3. TYPES OF ACCESSORY USES IN MULTIFAMILY DEVELOPMENTS.**

Accessory uses in multifamily developments may include, but shall not be limited to, private laundry facilities, clubhouse, and other recreational facilities for the convenience of the residents. (Ord. 1438 - 9.27.84)

**Section 18-1507.4. SWIMMING POOLS.** Any swimming pool operated by a fraternal, social, or civic organization, a residential homeowners association, a multifamily development, commercial development, or by the resident of a single family dwelling shall be considered as an accessory use and shall exist in conjunction with the principal use on the same lot, subject to the setback regulations stated herein. The following regulations shall apply to in-ground and above-ground swimming pools and spas, which are hereinafter referred to as "pools", unless otherwise identified. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)

(A) **SETBACKS.**

1. On an interior lot, pools are permitted in any rear or side yard, provided that in no case shall the water's edge be located closer than:
  - (a) Eight (8) feet from the rear property line.
  - (b) Five (5) feet from the side property line.
2. On a corner or multiple fronted lot, a pool must maintain required zoning district setbacks from any abutting right-of-way.
3. Pools shall be allowed in any front yard provided that the minimum front yard setback for a structure is maintained.
4. An in-ground pool shall maintain a five (5) feet setback between any structure and the water's edge of the pool, or "foot for foot" if over five (5) feet deep. As an alternative to meeting the minimum setback requirement between the in-ground pool and any structure, engineered plans, sealed by a registered engineer of the State of Florida, may be submitted to the City, said plans to contain a certificate that the proposed lesser setback will not structurally affect the abutting structure, pool or deck, and will not create a safety issue for the occupants due to the proximity of the pool to ingress/egress openings on the abutting structure.

An above-ground pool is not required to maintain a minimum setback between the water's edge and a structure.

5. Pool decks, at ground level or less than six (6) inches above finished grade as measured at the structure adjacent to the location of the deck, shall maintain a minimum setback of two (2) feet from all property lines. Decks that exceed the six (6) inch height limitation must meet required zoning district setbacks for structures, except as provided in Section 18-1507, Permitted Obstructions in Required Yards.
6. Pool equipment, including but not limited to the pool pump and filter, shall maintain required zoning district setbacks.
7. Screened enclosures/cages for pools are permitted to be located within five (5) feet of the rear and side property lines. On a corner or multiple fronted lot, screened enclosures shall maintain the required zoning district setbacks for the front yard and secondary front yard.
8. No pool, screened enclosure/cage, pool deck or pool equipment may be located within any public or private easement.
9. Setbacks/clearances from electrical conductor lines shall meet the applicable requirements of the National Electric Code.

(Ord. 1319 - 10.11.83; Ord. No. 1438 - 9.27.84; Ord. 2439 - 09.11.97)

(B) REQUIRED FENCING.

1. Every pool shall be enclosed completely by a solid wood, masonry or chain link fence, screened enclosure/cage, or other structure constructed or installed so as to obstruct access thereto by persons other than the owners or occupants of the premises on which said swimming pool is located. Exception: When a property line traverses a body of water, a fence is not required within the land area displaced by the water. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)
2. The fence, screened enclosure/cage, or other structure obstructing access shall not be less than six (6) feet in height from finished grade, and all gates opening through such fence, screened enclosure/cage or other structure shall be securely closed and latched at all times. (Ord. 2439 - 09.11.97)
3. Above-Ground Pool Fence Kits: The fence shall be a minimum of six (6) feet from finished grade of the surrounding yard, and shall contain either a gate that can be secured or a swing up safety ladder that completely obstructs the entrance to the pool. (Ord. 2439 - 09.11.97)

(Ord. 1319 - 10.11.83; Ord. 1438 - 9.27.84)

4. Building permits for pools that require either fencing or screened enclosure/cage shall be issued simultaneously. As an alternative, a notarized letter shall be submitted to the Building Development Division certifying that the proposed pool area is completely enclosed by a fence or other enclosure meeting Code requirements. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)



**Section 18-1507.5. REGULATIONS FOR GARAGE SALES**

(A) Garage sales, including but not limited to patio sales, porch sales, yard sales, carport sales, flea markets or rummage sales, may be conducted in residential areas of the City, subject to meeting the following conditions: (Ord 1319 - 10.11.83; Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)

1. All such sales shall be limited in time to daylight hours. (Ord. 1438 - 9.27.84)
2. Sales lasting more than one (1) day shall be held only on consecutive days, each sale not to exceed three (3) consecutive days. Goods shall not be on public display except during the hours of the sale. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)
3. All such sales shall be restricted to not more than two (2) such sales per address during any one calendar year. (Ord. 1438 - 9.27.84)
4. Two temporary signs, not more than four (4) square feet, shall be permitted indicating where the sale is to be conducted. No sign shall be exhibited except during the authorized hours of the sale. No signs shall be affixed to utility poles, trees or posts within the City rights-of-way or be placed on public property in violation of the City's Sign Ordinance. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)

(B) When any City Code Enforcement Specialist, or City Agent, observes a garage sale in progress, the Code Enforcement Specialist or City Agent shall cause a written authorization to be made setting forth the full name and address of the persons conducting the sale and the dates of the sale. (Ord. 1438 - 9.27.84; Ord. 2439 - 09.11.97)

**Section 18-1507.6. SATELLITE ANTENNAS.**

(A) GENERAL REGULATIONS. The following regulations shall apply to the placement of satellite antennas within all zoning districts:(Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88)

1. A City building permit and all other necessary permits shall be required prior to construction and/or installation for all satellite antennas with a diameter greater than 39.37 inches for residential, multifamily, mixed use and public/semipublic zoning districts or a diameter greater than 78.74 inches for commercial or industrial zoning districts. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
2. Satellite antennas shall meet all required zoning district setbacks. Rotatable antennas must meet the setback requirements from all lot lines regardless of the antenna direction. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
3. The satellite antenna shall be installed and maintained in compliance with the applicable requirements of the Building Code, National Electrical Code and the manufacturer's specifications. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
4. A pole-mounted satellite antenna may only be mounted on a single pole. The pole portion of the satellite antenna assembly must be fixed to the principal structure on the lot or parcel. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

5. The maximum installed height of satellite antennas shall be as follows: (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88)
  - (a) Ground-mounted satellite antennas shall not exceed fifteen (15) feet in height, including base, pedestal, or other mounting device. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88)
  - (b) Roof-mounted satellite antennas shall not exceed twelve (12) feet in height above the main ridge of the roof in residential, public/semipublic and mixed use zoning districts or fifteen (15) feet in height above the main ridge of the roof in commercial and industrial zoning districts, including base, pedestal, or other mounting devices; provided, however, that the combined height of the satellite antenna assembly on which the same is located shall not exceed twelve (12) feet above the maximum building height of the zoning district in which it is located. In considering the location of the roof-mounted antenna, the antenna shall, where practical, be hidden from view. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
  - (c) Pole-mounted satellite antennas shall not exceed the maximum building height of the zoning district in which it is located; provided, however, that no satellite antenna shall exceed twelve (12) feet in height above the main ridge of the roof, whichever is lower. (Ord. 2439 - 09.11.97)
6. No signage of any type is permitted on a satellite antenna. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
7. All satellite antennas shall be supported from a fixed location (non-portable). (Ord. 1751 - 3.24.88)

**(B) RESIDENTIAL, PUBLIC/SEMI-PUBLIC AND MIXED USE ZONING DISTRICT REGULATIONS.** (Ord. 2439 - 09.11.97)

1. Following regulations shall apply to the placement of satellite antennas within the "F", "RE", "RR", "R-1", "R-2", "R-3", "R-4", "R-5", "R-6", "T-1", "T-2", "ROR", "P", "R-7", "MXD", "MXD-1", "MXD-2" and "TC" Zoning Districts, and within the "GO" and "B-1" Zoning Districts when developed with residential uses: (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
  - (a) Ground-mounted and pole-mounted satellite antennas shall be located as follows: (Ord. 2439 - 09.11.97)
    - (1) Interior Lots: A satellite antenna shall only be allowed within the buildable area of the rear and side yards and shall meet zoning district setbacks. (Ord. 2439 - 09.11.97)
    - (2) Corner Lots: A satellite antenna shall only be allowed within the buildable area of the secondary front yard and side yards and shall meet zoning district setbacks. (Ord. 2439 - 09.11.97)
    - (3) Double Frontage/Multiple Frontage Lots: A satellite antenna shall only be allowed within the buildable area of the secondary front

yard, side yards, and what would serve as a rear yard in keeping with the prevailing yard pattern of surrounding development, and shall meet zoning district setbacks. (Ord. 2439 - 09.11.97)

(Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

- (b) No ground-mounted, pole-mounted, or roof-mounted satellite antenna shall exceed twelve (12) feet in diameter. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
- (c) There shall be no more than one satellite antenna per lot or parcel; however, if the principal dwelling is a duplex or multifamily dwelling, each dwelling unit may have a roof-mounted satellite antenna if the antenna has a diameter less than 39.37 inches. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

(C) COMMERCIAL ZONING DISTRICT REGULATIONS. The following regulations shall apply to the placement of satellite antennas within the "GO", "CN", "B-1" and "CH" Zoning Districts, when developed with non-residential uses: (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

1. Ground-mounted and pole-mounted satellite antennas shall be located as follows: (Ord. 2439 - 09.11.97)
  - (a) Interior Lots: A satellite antenna shall only be allowed within the buildable area of the rear and side yards and shall meet zoning district setbacks. (Ord. 2439 - 09.11.97)
  - (b) Corner Lots: A satellite antenna shall only be allowed within the buildable area of the secondary front yard and side yards and shall meet zoning district setbacks. (Ord. 2439 - 09.11.97)
  - (c) Double Frontage/Multiple Frontage Lots: A satellite antenna shall only be allowed within the buildable area of the secondary front yard, side yards, and what would serve as a rear yard in keeping with the prevailing yard pattern of surrounding development, and shall meet zoning district setbacks. (Ord. 2439 - 09.11.97)
2. No ground-mounted satellite antenna shall exceed twelve (12) feet in diameter. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88)
3. There shall be no more than one satellite antenna per lot or parcel, except that roof-mounted antennas that are less than 78.74 inches in diameter are permitted for each business. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
4. The restrictions in subparagraphs 1 through 3 above shall not apply to a properly licensed and permitted telecommunications business. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

(D) INDUSTRIAL ZONING DISTRICT REGULATIONS. Within the "M-1" and "IH" Zoning Districts, satellite antennas are permitted anywhere on a lot within the buildable area for a principal structure. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

(E) PLANNED UNIT DEVELOPMENT REGULATIONS. Residential, commercial and industrial planned unit developments may impose such additional regulations as deemed appropriate. In no case, however, shall such regulations be less stringent than those imposed within

this Section for similar developments. (Ord. 1516 - 8.8.85; Ord. 1751 - 3.24.88)

**Section 18-1507.7. COMMUNICATION TOWER.**

(A) **NEW COMMUNICATION TOWER.**

1. All applicants for new towers shall investigate the possibility of shared use of available space on existing towers prior to requesting conditional use approval for a new tower. Documentation of the applicant's efforts to obtain shared space on existing towers shall be submitted as part of any application for approval. The availability of shared space may be considered by the City in the evaluation of any application for approval. Evidence submitted to demonstrate that no existing structure or tower can accommodate the applicant's proposed antenna must establish one or more of the following: (Ord. 2417 - 2.13.97)
  - (a) No existing towers or structures are located within the geographic area required to meet the applicant's coverage requirements. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
  - (b) No existing towers or structures have sufficient height to meet the applicant's engineering requirements. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
  - (c) No existing towers or structures have sufficient structural strength to support the applicant's proposed antenna and related equipment. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
  - (d) The applicant's proposed antenna would cause electromagnetic interference with or would be interfered with by other antennas if placed on any existing tower or structure. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
  - (e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure for a time period of 25 years exceeds the cost of developing a new tower. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
  - (f) There are other bonafide limiting factors that render existing towers and structures incapable of meeting the applicant's engineering requirements. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
2. All applicants for new towers shall investigate City property for available space on an existing support structure or as a location for a new tower or other support structure. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
3. Prior to the request for City approval, the applicant shall notify, by registered mail, return receipt requested, all other cellular and personal communication services providers doing business in Pinellas County, Florida, of the proposed tower and solicit firms for co-location. The notice shall advise the other cellular and personal communication services that they have 30 days to respond to the letter. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
4. The owner/operator of any proposed tower shall enter into an agreement with the City which requires that the owner/operator of the proposed tower will honor all reasonably and technically feasible requests for shared use of the tower. Each year the owner/operator shall notify the City of Pinellas Park of the extent

of the tower's use and identify all users on the tower. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)

5. The tower shall not be used for advertising purposes and shall not contain any signage. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
6. Whenever the use of a communication tower has been discontinued for a period of twelve (12) consecutive months, such use shall be void as a Conditional Use. In the event that public and/or private utilities serving the facility have been discontinued for a period of twelve (12) consecutive months, and/or no business license for the use has been issued during the past twelve (12) consecutive months, then the use of the tower shall be deemed to have been discontinued during such period. Such tower shall be dismantled and removed within 60 days from the date of notice of abandonment or discontinuance by the City Manager. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)

Determination of the date of abandonment/ discontinuance shall be made by the City Manager or a designee who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the active use of the tower. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)

7. All applications shall include a description of the geographic service area of each antenna to be placed on the tower. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)

(B) EXISTING COMMUNICATION TOWER.

1. An existing communication tower may be increased in height through a staff only conditional use site approval, provided that: (Ord. 2417 - 2.13.97)
  - (a) The communication tower's increase in height does not exceed the existing tower height by 20 feet for each additional user with a maximum height not to exceed 160 feet; (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
  - (b) Conditional use regulations for communication towers are complied with. (Ord. 2417 - 2.13.97; Ord. 2439 - 09.11.97)
2. Regulations for discontinuance shall apply to existing towers. (Ord. 2417 - 2.13.97)

(C) REPLACEMENT TOWER.

An existing communication tower may be replaced with another communication tower under the following circumstances: (Ord. 2417 - 2.13.97)

1. The replacement tower is located on the same lot as the tower that is being replaced; (Ord. 2417 - 2.13.97)
2. The old tower and support facilities are to be removed within ninety days of the completion of the replacement tower and the installation of the support facilities; (Ord. 2417 - 2.13.97)
3. The communication tower's increase in height does not exceed the existing tower height; provided, however, that the tower height may be increased by 20

feet for each actual additional user; increments of 20 feet in height will be allowed for each actual user, not to exceed a maximum tower height of 160 feet; (Ord. 2417 - 2.13.97)

4. Conditional use regulations for communication towers are complied with, except that staff only review is required. (Ord. 2417 - 2.13.97; Ord. 2499 - 08.11.98)
5. The replacement tower must be of the same type, e.g. monopole to monopole, guyed to guyed, and lattice to lattice. (Ord. 2499 - 08.11.98)

Regulations for discontinuance shall apply to replacement towers.

**Section 18-1507.8. ANTENNA.**

**(A) GENERAL REGULATIONS.**

1. Except as otherwise provided in this Section, antennas, as defined in Section 18-1502, shall not be permitted within the front yard of the following zoning districts: "F", "RE", "RR", "R-1", "R-2", "R-3", "R-4", "R-5", "R-6", "T-1", "T-2", "ROR", "CN", "GO", "B-1", "RPUD", "CPUD", "R-7", "MXD", "MXD-1", "MXD-2", and "TC". (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
2. Permits shall be required prior to construction and/or installation for antennas and assemblies which exceed twelve feet above the main ridge of the roof or antennas and assemblies in excess of the height limitation of the zoning district. (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
3. Antennas shall meet all required zoning district setbacks. (Ord. 1751 - 3.24.88)
4. The antenna shall be installed and maintained in compliance with the applicable requirements of the Building Code, National Electrical Code, the manufacturer's specifications and FCC where applicable. (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
5. No advertising shall be affixed to any part of the antenna or supporting structure. (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

**(B) CITIZEN BAND AND AMATEUR RADIOS.** Poles, master towers and antennas used in the operation of Citizen Band and Amateur Radios licensed by the Federal Communication Commission shall be governed by the following additional requirements: (Ord. 1751 - 3.24.88)

1. The maximum height for a citizen band or amateur radio antenna is seventy-five (75) feet. (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
2. Antennas shall meet all manufacturer's specifications. The mast or tower shall be of non-combustible and non-corrosive hardware. (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
3. Guy wires, support anchor structures and a maximum of one wire antenna are permitted within the front yard in all zoning districts. All guy wires and support anchor structures within a front yard must be located on the side property line and the guy wire and wire antenna must be elevated at least ten (10) feet above grade. Guy wires and wire antenna within a front yard may be anchored to a tree located on the property instead of a support anchor structure located on the side property line provided that the required elevation is maintained. (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)

4. No antenna towers are permitted in the front yards of the following Zoning Districts: "F", "RE", "RR", "R-1", "R-2", "R-3", "R-4", "T-1", "T-2", "R-5", "R-6", "ROR", "CN", "GO", "B-1", "R-7", "MXD", "MXD-1", "MXD-2", "TC", "RPUD", and "CPUD". (Ord. 1751 - 3.24.88; Ord. 2439 - 09.11.97)
5. Guy wires, support anchor structures and wire antennas may be located within the required setbacks in all Zoning Districts. (Ord. 1751 - 3.24.88)
6. The following graphics are a visual example of these requirements: (Ord. 1751 - 3.24.88)

(C) COMMERCIAL BROADCASTING AND RECEIVING STATIONS. Commercial broadcasting and receiving stations will be required to meet the minimum requirements of the Zoning Ordinance as well as any Federal requirements. (Ord. 1751 - 3.24.88)

(D) WIRELESS COMMUNICATION ANTENNAS.

1. Antennas which are integrated into buildings, signs, church steeples, bell towers, water towers, electric transmission tower structures, or other similar structures, may be located within any district where the supporting structure is an approved "Permitted" or "Conditional" Use, so long as the antenna does not exceed 10 feet in height above the supporting structure. However, if the antenna is centered on a flat roof which is equal to or exceeds 30 feet in height, then the antenna, including the support, may be up to 15 feet above the roof. (Ord. 2417 - 2.13.97)
2. Wireless communication antennas located in any right-of-way or utility easement will be subject to all review and permit regulations as identified in Article 9 of the Land Development Code and Chapter 14 "Right-of-Way Utilization and Commercial Utilities". (Ord. 2417 - 2.13.97)
3. All antennas shall be painted or otherwise constructed to match the antenna support structure, or hidden from view, where practical. (Ord. 2417 - 2.13.97)
4. Additions of wireless communication antennas to support structures not requiring any variances shall not require any Conditional Use approval. (Ord. 2417 - 2.13.97)
5. Antennas may be attached to existing light poles, power poles, telephone poles, and other like poles, as long as the antenna and assembly does not exceed 10 feet above the height of the pole and the pole is at the same height as other poles in the same vicinity providing the same function. (Ord. 2417 - 2.13.97)
6. If the supporting structure to which the antenna is affixed is removed for any reason by or at the direction of the City, the antenna owner shall remove and relocate the antenna at such owner's expense. (Ord. 2417 - 2.13.97)
7. An occupational license is required for every person or entity which is renting

space on a supporting structure within the City for one or more wireless communication antennas. (Ord. 2417 - 2.13.97)

8. The installation of antennas and supporting equipment will require a permit from the City's Building Development Division. (Ord. 2417 - 2.13.97)

**Section 18-1507.9. FENCES, WALLS AND HEDGES.**

**(A) GENERAL REGULATIONS.**

1. These regulations shall apply to all fences, walls and hedges, unless otherwise specified in Section 18-1509, Conditional Uses. (Ord. 1437 - 9.27.84)
2. Fences and walls enclosing any permitted or conditional use shall comply with the building permit procedures of the City of Pinellas Park. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
3. No fence, wall or hedge shall be permitted within any City, State or County right-of-way. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

4. **VISIBILITY TRIANGLE.**

- (a) The purpose is to maintain sight lines and cross visibility for motorists. (Ord. 1437 - 9.27.84; Ord. 1773 - 2.25.88)
- (b) The visibility triangle must be maintained free from obstructions such as: landscape materials; walls; solid fences; similar devices or motor vehicles. (Ord. 1437 - 9.27.84; Ord. 1773 - 2.25.88; Ord. 2439 - 09.11.97)
- (c) Those properties abutting County roads, State Roads or U.S. Highways are subject to the visibility regulations of the appropriate regulating agency. (Ord. 1773 - 2.25.88; Ord. 2439 - 09.11.97)

5. **DANGEROUS MATERIALS.**

- (a) Walls, fences or similar structures shall not contain any substance such as broken glass, spikes, nails, or similar materials designed to inflict pain or injury to any person or animal, except as provided in this Section. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (b) Electric fences are only permitted in the "F" Farm and "RE" Residential Estates Districts. (See Section 18-1507.9(B)5 below). (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

6. **UTILITY EASEMENTS.**

- (a) Fences and hedges are not permitted in utility easements except by conditional approval from the Public Works Department that the fence or hedge will not affect existing or proposed utilities. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (b) Any damage to City-owned utilities caused by the installation of a fence, wall or landscaping by a property owner or their agent shall be repaired

by the City at the expense of the property owner. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

7. Fences facing public rights-of-way shall be placed with the smooth (finished) side facing the exterior of the lot. The side without the horizontal supports is considered the smooth (finished) side. (Ord. 1165 - 7.8.82; Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
8. All fences and walls will be well maintained and in good repair at all times. (Ord. 2439 - 09.11.97)
9. Chain link fences with any form of shielding inserts (plastic, wood, fiberglass or metal) shall not be considered as a solid fence or wall. Variance to allow such shielding inserts shall not be permitted under any circumstance. (Ord. 2439 - 09.11.97)
10. Fence or wall posts/columns may exceed the maximum height permitted for a fence or wall by no more than one (1) foot, provided that said posts/columns are separated by a minimum of seven (7) feet. (Exception: Fence sections abutting a gate or the structure. (Ord. 2439 - 09.11.97)

(Ord. 2491 - 7.9.98)

(B) RESIDENTIAL AND PUBLIC/SEMI-PUBLIC ZONING DISTRICTS.

1. Fences or walls may be erected, planted, or maintained along or adjacent to a lot line to a height not exceeding six (6) feet in the required side and rear yard setbacks. (Ord. 1320 - 10.11.83; Ord. 1359 - 3.8.84; Ord. 1437 - 9.27.84; Ord. 1773 - 2.25.88; Ord. 2439 - 09.11.97)
2. The maximum height of fences, walls or hedges shall not exceed four (4) feet in height within the required front yard setback. (Ord. 2439 - 09.11.97)
3. Farm "F" District - Fences, walls, and hedges may be up to six (6) feet in height in the required front yard setback. Fences and walls may be up to six (6) feet in height in other required yards. The visibility triangle must be maintained. (Ord. 1320 - 10.11.83; Ord. 1359 - 3.8.84; Ord. 1437 - 9.27.84; Ord. 1773 - 2.25.88; Ord. 2439 - 09.11.97)
4. For corner lots, a six (6) feet high fence or wall is permitted on the property line of the secondary front yard, provided the required front yard setback and the visibility triangle are maintained. (Ord. 1320 - 10.11.83; Ord. 1359 - 3.8.84; Ord. 1437 - 9.27.84; Ord. 1773 - 2.25.88; Ord. 2439 - 09.11.97)
5. Electrified fences or walls are only permitted in the "F" and "RE" Districts. When abutting a residential, mixed use or public/semipublic district other than "F" and "RE", such fences or walls shall only be permitted on electric insulators located inside a fence or wall, at least four (4) feet in height and being a minimum of twelve (12) inches below the top of the fence or wall. (Ord. 1437 - 9.27.84; Ord. 1773 - 2.25.88; Ord. 2439 - 09.11.97)

(C) COMMERCIAL AND MIXED USE ZONING DISTRICTS. (ORD. 2439 - 09.11.97)

1. Fences or walls may be erected, planted, or maintained along or adjacent to a lot line to a height not exceeding six (6) feet in the required side and rear yard setbacks, except as hereinafter provided. (Ord. 1196 - 9.9.82; Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
2. Only a four (4) feet high fence, wall or hedge shall be permitted within the front yard setback. No fences or walls shall be permitted in the front yard setback within the "MXD", "MXD-1", "MXD-2", and "TC" Districts. (Ord. 1196 - 9.9.82; Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
3. For corner lots, a six (6) feet high fence or wall is permitted on the property line of the secondary front yard, provided the required front yard setback and visibility triangle are maintained. (Ord. 1196 - 9.9.82; Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
4. Fences or walls in the "CH" District may be topped with barbed wire of not more than three (3) strands, provided the lower strand of wire is not less than six and one-half (6 ½) feet above grade. Further, such wire shall not overhang adjacent property or right-of-way. (Ord. 1196 - 9.9.82; Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

(D) INDUSTRIAL ZONING DISTRICTS. (Ord. 2439 - 09.11.97)

1. Fences or walls shall be no higher than eight (8) feet and are permitted in all required yards provided the visibility triangle is maintained. (Ord. 1196 - 9.9.82; Ord. 1437 - 9.27.8; Ord. 2439 - 09.11.97)
2. Fences may be topped with barbed wire of not more than three (3) strands, provided the lower strand of wire is not less than six and one-half (6-1/2)feet above grade. Further, such wire shall not overhang adjacent property or right-of-way. (Ord. 1196 - 9.9.82; Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

**Section 18-1507.10. OUTDOOR STORAGE.**

(A) RESIDENTIAL, MIXED USE, PUBLIC/SEMI-PUBLIC ZONING DISTRICTS.

1. There shall be no outdoor storage of household appliances, discarded furniture, household wares, building materials, lawn maintenance equipment, automobile parts or junk in any residential, mixed use, or public/semipublic zoning district. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
2. For purposes of this Section, outdoor storage shall mean the keeping of any of the items referred in Item 1 above in any area other than in a completely enclosed structure for more than 24 hours. It is not the intent nor the purpose of this Section to prohibit outdoor storage of construction material when kept on site for a permitted, active construction project. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
3. The temporary outdoor storage in the front yard of material for garbage pick-up or material pick-up by a social service agency (e.g. Goodwill) shall be permitted provided such temporary outdoor storage shall not exceed 24 hours. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
4. For purposes of this Section, junk shall mean worn-out, scrapped, partially dismantled, discarded, inoperative, or unusable objects or materials, including but not limited to vehicles, boats or parts thereof, or other items of junk, such as

scrap materials or refuse. (Ord. 1784 - 5.26.88)

(B) “GO” ZONING DISTRICT. There shall be no outdoor storage (as defined within Section 18-1502 of this Code) within the “GO” Zoning District. Exception: Should the use of the property be only residential in nature, the outdoor storage restrictions outlined in Section (A) above for Residential Zoning Districts shall apply. (Ord. 2439 - 09.11.97)

(C) “B-1” ZONING DISTRICT.

1. There shall be no outdoor storage (as defined within Section 18-1502 of this Code) within the required front yard or secondary front yard setback of properties zoned “B-1” (General Commercial). (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
2. Authorized outdoor storage areas shall only be utilized as an accessory use to the principal use of the site and shall be limited to not more than thirty (30) percent of the subject lot or parcel. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
3. Authorized outdoor storage areas shall be completely enclosed by a solid six (6) feet high wall, which shall be painted. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)

A waiver to the requirement for a solid wall may upon written request be considered by City Council. In determining whether or not to grant a request to allow a solid fence, City Council shall consider the following criteria: use of abutting properties, right-of-way classifications, extent of existing solid fencing within the surrounding area, fence material proposed and length of proposed fence/wall. (Ord. 2439 - 09.11.97)

4. Items stored within authorized outdoor storage areas shall not exceed the height of the fence or wall and shall not be visible from abutting public rights-of-way or mixed use, public/semipublic or residentially zoned properties. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
5. All doors or gates accessing authorized outdoor storage areas shall remain closed when not in use. (Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
6. Should the use of the property be only residential in nature, the outdoor storage restrictions outlined in Section (A) above for Residential Zoning Districts shall apply. (Ord. 2439 - 09.11.97)

(D) “CH” ZONING DISTRICT.

1. There shall be no outdoor storage (as defined in Section 18-1502 of this Code) within the required front yard or secondary front yard setback of properties zoned “CH” (Heavy Commercial). (Ord. 2439 - 09.11.97)
2. Authorized outdoor storage areas shall only be utilized as an accessory use to the principal use of the site and shall be limited to not more than thirty-five (35) percent of the subject lot or parcel. (Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
3. Authorized outdoor storage areas shall be completely enclosed by a six (6) feet high solid wall, which shall be painted. (Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)

A waiver to the requirement for a solid wall may upon written request be considered by City Council. In determining whether or not to grant a request to allow a solid fence, City Council shall consider the following criteria: use of abutting properties, right-of-way classifications, extent of existing solid fencing within the surrounding area, fence material proposed and length of proposed fence/wall. (Ord. 2439 - 09.11.97)

4. Items stored within authorized outdoor storage areas shall not be visible from abutting public rights-of-way or mixed use, public/semi-public or residentially zoned properties. (Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
5. All doors or gates accessing said authorized outdoor storage areas shall remain closed when not in use. (Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)

(E) **INDUSTRIAL ZONING DISTRICTS.** (Ord. 2439 - 09.11.97)

1. Outdoor storage areas or areas of industrial activity shall be shielded from view from any public right-of-way or from any residential, mixed use or public/semi-public zoned districts by solid walls at least six (6) feet in height, which shall be painted. Other sides of the property on which outdoor storage exists shall be fenced with a six (6) feet high fence. Said fence need not be solid. Access from public rights-of-way shall be only through solid gates which shall be closed except when not in use. (Ord. 1437-9.27.84; Ord. 1784-5.26.88; Ord. 2439 - 09.11.97)
2. No outdoor storage area shall be permitted within the required front yard or secondary front yard setback in any industrial zoning district. (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)
3. A waiver to the requirement for a solid wall may be considered by City Council. City Council may attach conditions to any approval. In determining whether or not grant a request to allow a solid fence, alternative shielding device or an exception from this Section, City Council shall consider the following criteria: use of abutting properties, right-of-way classifications, extent of existing solid fencing within the surrounding area, fence or alternative shielding device materials proposed, length of proposed fence/wall and type of materials being stored. (Ord. 2439 - 09.11.97)

(F) **OUTDOOR STORAGE OF INDUSTRIAL BY-PRODUCTS OR SIMILAR TYPE MATERIAL.** In order to prevent the contamination of the environment, maintain the visual aesthetics of the community, and enhance the health, safety, and welfare of the community at large, outdoor storage of any industrial by-products (as defined in Section 18-1502) or any similar type material shall be permitted only in an industrial zoning district and shall be subject all performance standards of the Federal Environmental Protection Agency (EPA), the Florida Department of Environmental Protection (DEP) and the Florida Department of Transportation (FDOT). (Ord. 1437 - 9.27.84; Ord. 1784 - 5.26.88; Ord. 2439 - 09.11.97)

**Section 18-1507.11. REGULATIONS FOR HOME OCCUPATIONS.**

- (A) The home occupation is to be clearly incidental and secondary to the use of the dwelling for dwelling purposes and is not to change the residential nature thereof. (Ord. 1437

- 9.27.84)

- (B) No more than twenty-five (25) percent of the floor area of the dwelling unit may be used for the home occupation. (Ord. 1437 - 9.27.84)
- (C) No goods, wares, or merchandise shall be sold (wholesale and/or retail) on the premises. This does not preclude taking orders for sales by phone, mail or electronically, or the provision of sales or services off-site. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (D) No customer contact shall take place on the premises, with the exception of those operating a "Child Care Center, Type I", which is exempted by Florida Statute. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (E) All materials, equipment and merchandise must be stored inside the home or garage. (Ord. 1437 - 9.27.84)
- (F) The home occupation shall be conducted entirely within the dwelling unit, which shall include an attached garage, and only members of the household permanently living in the dwelling unit shall be employed in such occupation. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (G) There shall be no group instruction, assembly, or activity permitted. (Ord. 1437 - 9.27.84)
- (H) The breeding and selling of animals shall not be permitted. (Ord. 1437 - 9.27.84)
- (I) No mechanical equipment shall be used for such occupation except that which is customary for purely household and hobby purposes. Permitted equipment shall include, but not be limited to, ceramic kiln, woodworking tools, commercial sewing machines, and lawn equipment. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (J) Such occupation shall not create any unusual effects, including noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises, or causes fluctuations in line voltage. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (K) There shall be no exterior evidence of the home occupation except as provided by Article 6, "Signs". (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (L) No equipment or commercial vehicle shall be stored or parked on the premises except as provided for in Section 18-1507 "Vehicle Restrictions" and provided it is used exclusively by a permanent resident of the premises. Only two vehicles, identifiable by signage for the home occupation, shall be permitted to be stored or parked on the premises. (Ord. 1437 - 9.27.84; Ord. 2271 - 08.23.94; Ord. 2439 - 09.11.97)
- (M) Delivery to the dwelling unit of supplies and materials used in the operation shall be limited to the U.S. mail or other parcel delivery services customarily serving residential areas. A permanent resident of the premises may make deliveries to outside customers provided that the provisions of Section 18-1507 "Vehicle Restrictions" are met. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

- (N) Permission to establish an "address of convenience" for the purpose of receiving and sending of mail, maintaining records and phone communications in a zoning district that permits a residential use for a business not permitted in that zoning district, does not confer any rights of the holder of such an occupational license to conduct business either as a home occupation, or as a bona fide business at that residential address. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

**Section 18-1507.12. REGULATIONS FOR THE SALE, DISPENSING AND CONSUMPTION OF ALCOHOLIC BEVERAGES.**

- (A) Establishments dealing in alcoholic beverages, as defined in Section 4-109(A) of the Code of Ordinances, shall only be permitted in those areas zoned "ROR", "CN", "GO", "B-1", "CH", "M-1", "IH", "MXD", "MXD-1", "MXD-2", or "TC", and (except as to "CN") only if: (Ord. 1437 - 9.27.84; Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)

1. The property on which the proposed establishment is to be located fronts on an arterial or collector street; and (Ord. 2116 - 3.12.92)
2. All of the property fronting on both sides of the street in the block on which the proposed establishment is to be located is zoned under one of the above-mentioned zoning classifications. Provided, however, where the block which faces on the street on which the proposed establishment is to be located is longer than 500 feet, an applicant may apply to City Council for a waiver of this requirement. Such written request for waiver shall be filed with the City Manager or designee. (Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)

In determining whether to waive this requirement, City Council shall consider the following criteria: Character of the immediately surrounding development; size, configuration and natural features of the land to be developed; and nature of the proposed development. Decisions of the City Council may be appealed to the Circuit Court within thirty (30) days from the date of said decision, for review by certiorari and not de novo. (Ord. 2116 - 3.12.92)

In the "CN" Neighborhood Commercial Zoning District, the sale of alcoholic beverages is restricted to the sale of beer and wine for off-premises consumption only. No dispensing or on-premise consumption is allowed in the "CN" Neighborhood Commercial Zoning District. (Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)

Notwithstanding the above, taverns and lounges shall not be permitted in any areas zoned "ROR", "CN", "M-1" or "IH." Further, notwithstanding the above, taverns and lounges shall not be permitted in any areas zoned "GO", "B-1" or "CH" unless conditional use approval is obtained pursuant to and in accordance with the provisions of Section 18-1509.6 nor shall taverns and lounges be permitted in areas zoned "MXD", "MXD-1", "MXD-2" or "TC" unless the Community Redevelopment Agency determines taverns and lounges to be an "Other Use", pursuant to the provisions in Section 18-1712(B)2. (Ord. 1437 - 9.27.84; Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)

- (B) There shall be at least 700 square feet of space within the licensed premises in an establishment that sells alcoholic beverages for off-premises consumption. All other establishments dealing in alcoholic beverages shall have at least 1,500 square feet of space within the licensed premises. (Ord. 1437 - 9.27.84; Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)
- (C) The property line abutting a residential zoning district shall be screened by a permanent,

painted masonry wall not less than six (6) feet in height nor more than eight (8) feet in height, in accordance with Section 18-1507 entitled "Fences, Walls, and Hedges", and must be sufficient to screen out excessive sound and view to the abutting residential area. When said establishment is located within a shopping center, the wall required by this Section need not be erected, unless otherwise required. An applicant may apply to City Council for a waiver of the requirement for a masonry wall as required in this Section. Such request for a waiver shall be filed with the City Manager or designee. (Ord. 1437 - 9.27.84; Ord. 2116 - 3.12.92; Ord. 2215 - 9.23.93; Ord. 2439 - 09.11.97)

In determining whether to waive the requirement for a masonry wall, City Council shall consider the following criteria: compatibility of the use with the abutting residential zoning district, adequacy of setbacks, buffering and screening in controlling the adverse effects of noise, lights and other nuisances; the location and nature of the applicant's building; character of the immediately surrounding development; size, configuration and natural features of the land to be developed; and nature of the proposed development. (Ord. 2215 - 9.23.93; Ord. 2439 - 09.11.97)

City Council may require the property owner to install additional buffering or place additional restrictions on the property as a condition of the waiver approval. (Ord. 2215 - 9.23.93; Ord. 2439 - 09.11.97)

- (D) All mechanical equipment and refrigeration units shall be placed in a location so that they will exhaust away from any abutting or functionally abutting residential zoning district. (Ord. 1437 - 9.27.84; Ord. 2116 - 3.12.92)
- (E) The sale, dispensing or consumption of alcoholic beverages shall be, where applicable, subject to Chapter 4, "Alcoholic Beverages", Section 16-110 "Nudity - Regulation of Commercial Exploitation Of" and Section 16-112, "Live Nude or Semi-Nude Entertainment in Establishments Dealing in Alcoholic Beverages", of the Code of Ordinances and Section 18-1509.6 "List of Conditional Uses", of the Land Development Code. (Ord. 2116 - 3.12.92)
- (F) The sale of alcoholic beverages for on-premise consumption in conjunction with a restaurant (with or without a drive-in/drive-thru) or an outdoor cafe which does not hold a current and valid special license under Florida Statutes shall be subject to the following: (Ord. 2116 - 3.21.92; Ord. 2439 - 09.11.97)
  - 1. The sale, dispensing or consumption of alcoholic beverages shall only be incidental to the principal use, which shall be the sale of food for consumption on the premises. For purposes of this paragraph, the sale of alcoholic beverages shall be considered the principal use where the restaurant or outdoor cafe derives fifty percent (50%) or more of its gross revenue from the sale of alcoholic beverages; (Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)
  - 2. At the request of the City Manager or designee, the records of the business shall be made available for examination to determine whether the sale, dispensing or consumption of alcoholic beverages is incidental to the principal use of the sale of food for consumption on the premises. Failure to provide such records upon request shall be grounds for imposition of appropriate fines, revocation of the occupational license, and/or any other enforcement afforded by law or this Code of Ordinances; and (Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)
  - 3. Alcoholic beverages shall not be sold, dispensed or consumed unless the

restaurant or outdoor cafe has a kitchen or other area where the majority of the food products offered for sale are prepared that is open and operating. The kitchen or other area where food is prepared for consumption shall be operated in accordance with appropriate State, County and City regulations. (Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)

- (G) **EXCEPTIONS.** Unless otherwise required, the following establishments dealing in alcoholic beverages, as defined in Section 4-109(A) of the Code of Ordinances, shall be exempt from provisions of this Section: (Ord. 2116 - 3.12.92; Ord. 2439 - 09.11.97)
1. An establishment which sells beer or malt beverages containing alcohol of 0.5 percent (0.5%) or more by volume only for consumption off the premises and which does not otherwise sell or dispense alcoholic beverages, or allow on-premise consumption of alcoholic beverages, shall not be subject to the provisions of this Section. (Ord. 2116 - 3.12.92)
  2. Hotels, motels and restaurants which hold a current and valid special license under Florida Statutes shall be entitled to engage in the sale, dispensing or consumption of alcoholic beverages, but only to the extent permitted by said special license. (Ord. 2116 - 3.12.92)
  3. Package stores as defined in Section 18-1502.2. (Ord. 2116 - 3.12.92)

**Section 18-1507.13. TEMPORARY USES.** (Ord. 2439 - 09.11.97)

- (A) **PURPOSE.** Temporary use permits are administrative regulations intended to provide orderly and effective management of temporary land uses which may or may not be permitted in the zoning district where the proposed use is located. Such uses are found to be necessary and desirable for limited periods of time while they might not be in keeping with the intent and purpose of the Zoning Code if allowed on a long-term basis. These provisions allow administrative review of these special types of land uses and offer a method of limiting them to their individual specifications. These provisions are designed to allow certain reasonable temporary uses while minimizing adverse impact upon the public health, safety and welfare. (Ord. 2439 - 09.11.97)

(B) **ADMINISTRATION.**

1. Application and fee for a temporary use permit shall be made to the Building Development Division and shall contain the following information:
  - (a) A detailed plot plan of the property to be used, rented or leased for the temporary use, including all information necessary to portray the property. (Ord. 2439 - 09.11.97)
  - (b) A description of the proposed temporary use. ( Ord. 2439 - 09.11.97)
  - (c) Sufficient information and assurances to determine the suitability of the proposed use, including all information required for the particular temporary use set forth below. (Ord. 2439 - 09.11.97)
2. Application for a temporary use permit for all uses shall be filed at least 30 days prior to the date(s) for which the permit is requested. A lesser time period may be approved by the Building Development Division Director or designee. (Ord. 2439 - 09.11.97)
3. Upon application and after review by the City, the Building Development Division

Director may issue a temporary use permit. (Ord. 2439 - 09.11.97)

4. At the discretion of the Zoning Division Director, a temporary use permit may be submitted to City Council for review and approval, based on the nature of the use, proposed location, surrounding uses, hours or days proposed or other appropriate factors. (Ord. 2439 - 09.11.97)
5. In issuing a temporary use permit, conditions of approval may be attached to such issuance, including, but not limited to, dates of operation, hours of operation, location, parking and circulation, traffic access, sanitary facilities, trash removal within three (3) days, traffic and/or crowd control, permanent on-site safety requirements and any other conditions as will protect the health, safety, and welfare of the public and which will protect surrounding properties from any adverse effects of the activity. (Ord. 2439 - 09.11.97)
6. Denial of the permit shall be in writing and provided to the applicant within 15 working days of receipt of a complete application. Reasons for the denial shall be included. (Ord. 2439 - 09.11.97)
7. The applicant for a temporary use permit may appeal to City Council any denial decision or any such condition placed on the approval. Such appeal shall be filed with the Zoning Division within sixty (60) days of the date of such staff decision. A fee of \$25.00 shall be paid by the applicant at the time of filing of the appeal. Such appeal shall specify the grounds therefor. (Ord. 2439 - 09.11.97)
8. Any person or persons aggrieved by any decision of City Council may appeal to the Circuit Court within thirty (30) days from the date of said decision, for review by certiorari, not de novo, and shall be restricted to the record before the City Council. (Ord. 2439 - 09.11.97)
9. The City Manager or designee, upon finding that the terms of any temporary use permit are being violated, may revoke the permit and order the immediate cessation of the use activity. The holder of the permit may appeal that revocation in accordance with the appeal procedure in Subsection 7 above and said revocation shall be stayed pending the appeal. (Ord. 2439 - 09.11.97)

(C) AUTHORIZED TEMPORARY USES. The following temporary uses are hereby authorized:

1. CONSTRUCTION OFFICES, CONSTRUCTION STORAGE BUILDINGS, AND CONSTRUCTION STAGING YARDS. (Ord. 2439 - 09.11.97)
  - (a) Such uses shall be located within the lot or subdivision involved in the construction project, or immediately adjacent thereto, but not upon public easements or public property. This restriction shall not apply to such uses in conjunction with Federal, State, County, or local government construction projects for rights-of-way, drainage and utility installations. (Ord. 2439 - 09.11.97)

- (b) As an exception to Subsection (B)3 above, the City Manager or designee shall upon receipt of a written request review and approve, approve with conditions or deny such use(s) for a Federal, State, County or local government construction project for rights-of-way, drainage or utility installations when being located within or abutting a residential zoning district. Factors to be reviewed are: location of the use(s) in relation to surrounding residential uses, access to the site and hours and days of operation. (Ord. 2439 - 09.11.97)
- (c) Building permits shall be obtained for such uses. (Ord. 2439 - 09.11.97)
- (d) Temporary buildings for construction purposes are permitted for a period not to exceed the duration of such construction while an active building permit is in effect. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- (e) The use of outdoor privies is allowed. (Ord. 2439 - 09.11.97)

2. MODEL HOMES AND TEMPORARY REAL ESTATE SALES OFFICES.

- (a) In a residential development for new dwellings (single family detached, single family attached, duplex, multifamily, mobile or manufactured home), developers or their agents may operate a model home(s) and one (1) temporary real estate sales office (which such temporary real estate sales office may be in the model home, but if not in the model home, it shall be less than 750 square feet in area). (Ord. 2439 - 09.11.97)
- (b) The temporary real estate sales office shall not be used except for the purpose of developing and marketing the property or subdivision in which such office is located. (Ord. 2439 - 09.11.97)
- (c) The temporary real estate sales office not in a model home shall not be used as an office for more than 18 months, after which time such office shall immediately be removed. (Ord. 2439 - 09.11.97)
- (d) Model homes and temporary real estate sales offices shall not be used for any business activity later than 9:00 p.m. (Ord. 2439 - 09.11.97)

3. CHRISTMAS TREE OR PUMPKIN SALES.

- (a) Temporary Christmas tree or pumpkin sales may be permitted in any commercial, mixed use, or industrial zoning district where retail sales is allowed. Temporary Christmas tree or pumpkin sales may be permitted in other zoning districts if located on the site of an existing civic organization (ie, church, Boy Scouts, school, fraternal organization or similar activity). (Ord. 2439 - 09.11.97)
- (b) The dates of operation shall be for a maximum 45 days period only, with provision for a one-time only, 15 day extension by the Zoning Division. (Ord. 2439 - 09.11.97)
- (c) The applicant shall submit a written statement of permission from the property owner to conduct such use during the time period and in the location requested. (Ord. 2439 - 09.11.97)

- (d) The applicant shall provide a detailed plot plan showing the sales area, any temporary structures which may be proposed and off-street parking and traffic circulation areas. (Ord. 2439 - 09.11.97)
  - (e) Such use shall not encroach into any required parking space, driveway or drive aisle necessary for the operation of existing businesses, or within required landscaped areas. (Ord. 2439 - 09.11.97)
  - (f) Adequate on-site sanitary facilities shall be provided, as determined by the Building Development Division. The use of outdoor privies is allowed. (Ord. 2439 - 09.11.97)
  - (g) Adequate off-street parking shall be provided, with a minimum of three (3) spaces, as determined by the Zoning Director. (Ord. 2439 - 09.11.97)
  - (h) One (1) recreational vehicle may be allowed for security purposes only. (Ord. 2439 - 09.11.97)
4. TENTS. Tents erected in any Zoning District for the purpose of special promotions, entertainment, educational, religious, evangelistic or similar special events, shall be subject to the following requirements. Tents shall not be acceptable as a permanent structure. (Ord. 2439 - 09.11.97)
- (a) The use of the tent shall be limited to an authorized use of the property in the zoning district where located or as provided by this Section. (Ord. 2439 - 09.11.97)
  - (b) The applicant shall submit a written statement of permission from the property owner to conduct such use during the time period and in the location requested. (Ord. 2439 - 09.11.97)
  - (c) The tent shall comply with all setback requirements. (Ord. 2439 - 09.11.97)
  - (d) Adequate off-street parking shall be provided, as determined by the Zoning Director. (Ord. 2439 - 09.11.97)
  - (e) Adequate on-site sanitary facilities shall be provided, as determined by the Building Development Division. The use of outdoor privies is allowed. (Ord. 2439 - 09.11.97)
  - (f) The applicant shall submit a detailed plot plan showing the location of the tent and all other proposed activities, any other temporary structures or vehicles, off-street parking areas and location of sanitary facilities. Such plan shall be reviewed by the Zoning and Building Development Divisions for compliance with all applicable Code requirements. (Ord. 2439 - 09.11.97)
  - (g) A tent permit shall be obtained from the Building Development Division. (Ord. 2439 - 09.11.97)
5. CARNIVAL, CIRCUS OR COMMUNITY SPECIAL EVENT.
- (a) A temporary use permit may be issued for a carnival, circus, or a community special event of public interest, including but not limited to, outdoor concerts, auctions, automobile, bicycle or foot races, or other events as approved by the Zoning Division. (Ord. 2439 - 09.11.97)

- (b) A temporary use permit may be issued for a time period for a maximum of twenty (20) days. (Ord. 2439 - 09.11.97)
- (c) The applicant shall submit a written statement of permission from the property owner to conduct such use during the time period and in the location requested. (Ord. 2439 - 09.11.97)
- (d) The applicant shall submit a detailed plot plan showing the location of all proposed activities, any tents or other temporary structures or vehicles, off-street parking areas, and location of sanitary facilities. (Ord. 2439 - 09.11.97)
- (e) Adequate off-street parking shall be provided, as determined by the Zoning Director. (Ord. 2439 - 09.11.97)
- (f) Adequate sanitary facilities shall be provided. (Ord. 2439 - 09.11.97)
- (g) The applicant shall provide the anticipated number of persons to attend such use. (Ord. 2439 - 09.11.97)
- (h) Adequate crowd control shall be provided, as approved by the Police Department. (Ord. 2439 - 09.11.97)
- (i) The applicant shall submit all other information as determined necessary by the City. (Ord. 2439 - 09.11.97)

6. NEW OR USED CAR, BOAT OR RECREATIONAL VEHICLE PROMOTIONAL SALES.

- (a) Promotional sales of new or used cars, boats or recreational vehicles on lots or parcels not part of their established business may be issued a temporary use permit for no more than ten (10) consecutive days in any two (2) month period. All applicable Land Development Code requirements shall be met for any lot or parcel where such promotional sales are desired more often than allowed herein. (Ord. 2439 - 09.11.97)
- (b) Such temporary, promotional sales shall only occur on lots or parcels where such permanent use is allowed under the zoning district for the subject lot or parcel. (Ord. 2439 - 09.11.97)
- (c) Such use, if located on the same lot or parcel of other existing businesses, shall not encroach into any required parking space, driveway or drive aisle necessary for the operation of the existing businesses, or within required landscaped areas. (Ord. 2439 - 09.11.97)
- (d) No temporary use permit shall be issued for a lot or parcel for the time period of Thanksgiving through January 1 where other existing businesses are in operation. (Ord. 2439 - 09.11.97)
- (e) The applicant shall submit a written statement of permission from the property owner to conduct such use during the time period and in the location requested. (Ord. 2439 - 09.11.97)
- (f) The applicant shall submit a detailed plot plan showing the location of all proposed activities, any tents or other temporary structures or sales area, off-street parking areas and location of sanitary facilities. (Ord. 2439 - 09.11.97)

- (g) Adequate on-site sanitary facilities shall be provided, as determined by the Building Development Division. The use of outdoor privies is allowed. (Ord. 2439 - 09.11.97)
- (h) No existing streetscape, perimeter or interior greenspace area shall be used for display. (Ord. 2439 - 09.11.97)
- (i) No portion of the display or parking areas shall be on publicly owned property or rights-of-way. (Ord. 2439 - 09.11.97)
- (j) No loudspeaker or public address system shall be allowed. (Ord. 2439 - 09.11.97)
- (k) Adequate off-street parking shall be provided, as determined by the Zoning Director. (Ord. 2439 - 09.11.97)

7. ROADSIDE VENDORS.

- (a) A roadside vendor and all items displayed or for sale shall be located on a lot or parcel and shall not be located on publicly owned property or rights-of-way. (Ord. 2439 - 09.11.97)
- (b) The applicant shall submit a written statement of permission from the property owner to conduct such use in the location requested. (Ord. 2439 - 09.11.97)
- (c) The applicant shall provide a detailed plot plan showing the display or sales area, any temporary structures which may be proposed, parking areas, and existing buildings and landscaping on-site. (Ord. 2439 - 09.11.97)
- (d) Off-street parking shall be provided at the rate of one parking space for each 200 square feet of display and sales area, or fraction thereof, with a minimum of three (3) parking spaces provided for the roadside vendor. (Ord. 2439 - 09.11.97)
- (e) No required off-street parking space, driveway, drive aisle, loading space or required streetscape, perimeter or interior greenspace for either the business presently located on the lot or parcel or for the roadside vendor shall be utilized for such display or sale. (Ord. 2439 - 09.11.97)
- (f) Any temporary structures or carts shall be removed daily. No permanent structures shall be allowed. (Ord. 2439 - 09.11.97)
- (g) Adequate permanent on-site sanitary facilities shall be provided, as determined by the Building Development Division. The use of outdoor privies shall not be allowed. (Ord. 2439 - 09.11.97)
- (h) No food or drink may be displayed or sold except in accordance with the standards and prior written approval of the Pinellas County Health Department. (Ord. 2439 - 09.11.97)
- (i) All requirements of the Sign Code shall be met. (Ord. 2439 - 09.11.97)

- (j) All occupational license requirements shall be complied with. (Ord. 2439 - 09.11.97)
- (k) Hours of operation shall be between 7:00 a.m. to 9:00 p.m. (Ord. 2439 - 09.11.97)
- (l) No temporary structure or cart, or items displayed or for sale, shall be located within the visibility triangle. (Ord. 2439 - 09.11.97)
- (m) The maximum timeframe a lot or parcel may be issued temporary use permits for the same or different roadside vendors shall be ninety (90) days combined within any calendar year. (Ord. 2439 - 09.11.97)

**Section 18-1507.14. VEHICLE RESTRICTIONS.**

**(A) RESIDENTIAL ZONING DISTRICTS.**

**1. COMMERCIAL VEHICLES.**

- (a) No person, firm, corporation, or other entity, or any agent thereof, shall cause or permit a commercial vehicle or commercial agricultural implements to be stored, maintained, or parked in a residential zoning district, except that storage, maintenance, or parking of commercial vehicles related to agriculture and commercial agricultural implements shall be permitted in the "F" and "RE" Districts. (Ord. 1377 - 5.10.84; Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)
- (b) A commercial vehicle is any vehicle defined as a "vehicle, commercial" in Section 18-1502 of this Code and specifically includes step-up vans, heavy trucks, trailers, semitrailers, truck-tractors, tractor-trailers combinations as defined in Chapter 320, Florida Statutes, moving vans, trucks, delivery trucks, box trucks, dump

trucks, service vehicles, tow trucks, wreckers, buses, cranes, draglines, earthmovers, bulldozers, backhoes, trenches or similar vehicles. The term also includes school buses (when located within a residential zoning district where the principal use of the property is residential), a recreational vehicle converted from a commercial vehicle and any vehicles used as a platform for a derrick, hoist, crane, compressor, tank(s), ladder racks, or similar equipment or as a means of transporting or storing a commercial vehicle. (Ord. 2439 - 09.11.97)

The following vehicles are specifically excluded from this definition and shall not be deemed commercial vehicles: (i) unaltered automobiles, (ii) station wagons, (iii) passenger vans and (iv) pickup trucks, including those with toppers and campers. (Ord. 1377 - 5.10.84; Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)

- (c) It is not the intent nor the purpose of this Section to prohibit commercial vehicles as described herein from residential zoning districts when actually engaged in a business activity which requires their presence in

a residential zoning district for a temporary time and for a specific purpose (e.g. lot mowing, residential relocation, construction, etc.). (Ord. 2439 - 09.11.97)

- (d) Commercial vehicles, as defined above, which have either been lawfully parked or lawfully stored at their existing locations within Residential Zoning Districts may continue to be parked or stored at said location for a period of ninety (90) days from the effective date of this Ordinance. Thereafter, the storage and or parking of commercial vehicles will no longer be permitted. (Ord. 2439 - 09.11.97)

2. RECREATIONAL VEHICLES, BOATS, BOAT TRAILERS WITH OR WITHOUT A BOAT(S) AND UTILITY TRAILERS. Any recreational vehicle, boat, boat trailer, or utility trailer may be parked or stored in any residential zoning district, subject to the following conditions: (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)

- (a) Only one of the above vehicles shall be permitted within the front yard or secondary front yard of an individual lot; provided, however, that if an inoperable automobile is lawfully parked or stored within the front yard or secondary front yard of an individual lot, then none of the above vehicles may also be parked or stored in such front yard or secondary front yard. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
- (b) The vehicle title holder must be a permanent resident of the dwelling unit at which the vehicle is parked or stored. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)
- (c) A current registration decal shall be displayed in a prominent place on the vehicle as required by Florida Statutes. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)

(All boats that require registration when afloat shall have a current Florida boat registration decal). (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)

- (d) Boats not placed on a trailer must be stored in a safe condition through the use of jacks, cradles, or similar devices. In no case shall drums, barrels, concrete blocks, lumber, or similar devices be utilized for the storage of boats. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)
- (e) In all cases where a recreational vehicle, boat, boat trailer with or without a boat(s), or utility trailer is stored, any grass located under such vehicle shall be trimmed to the same height as the remainder of the yard. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)
- (f) The repair and/or construction of a recreational vehicle, boat, boat trailer, or utility trailer shall be prohibited in any residential zoning district. This restriction shall not apply to the normal maintenance associated with the keeping of such vehicles. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
- (g) All other applicable code provisions must be complied with. (Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94)

3. INOPERABLE AUTOMOBILES (WEIGHING NO MORE THAN 6,000 POUNDS). Any inoperable automobile may be parked or stored in any residential zoning district, subject to the following conditions: (Ord. 1377 - 5.10.84; Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
- (a) Inoperable automobiles and associated equipment may be parked or stored in an enclosed garage. (Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
  - (b) One inoperable automobile is permitted within the front yard or secondary front yard of an individual lot when it is in a fully enclosed operable trailer or on an operable trailer and completely covered with a commercial, custom type cover or other similar material designed specifically for automobiles. The cover must be maintained in good condition. An inoperable automobile shall not be permitted in the front yard or secondary front yard when a recreational vehicle, boat, boat trailer with or without a boat(s), or utility trailer is parked or stored in the front yard or secondary front yard. (Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
  - (c) Any inoperable automobile stored in the side or rear of a lot must be in a fully enclosed operable trailer or on an operable trailer and completely covered with a commercial, custom type cover or other similar material designed specifically for automobiles. (Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
  - (d) In all cases, any grass located under the trailer shall be trimmed to the same height as the remainder of the yard. (Ord. 2270 - 8.23.94)
  - (e) All other applicable code provisions must be complied with. (Ord. 2270 - 8.23.94)
4. PARKING ON THE RIGHT-OF-WAY PROHIBITED. No commercial vehicles, recreational vehicles, boats, boat trailers, or utility trailer shall be stored or parked between the hours of 7:00 p.m. and 7:00 a.m. upon any public right-of-way in a residential zoning district. (Ord. 1377 - 5.10.84; Ord. 1449 - 12.4.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97 )

(B) COMMERCIAL AND MIXED USE ZONING DISTRICTS.

- 1. Storage and/or parking of commercial construction equipment, such as bulldozers, tandem dump trucks, single axle dump trucks, scraper pans, graders, cranes, front-end loaders, backhoes, road rollers and scaffolding, including forms, is prohibited, except as hereinafter provided. (Ord. 1437 - 9.27.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97 )
- 2. Storage and/or parking of semi-tractor trailers, or combination thereof, is prohibited, except as provided in Item 4 below. (Ord. 2439 - 09.11.97)
- 3. A commercial vehicle stored in a commercial or mixed use zoning district must be either owned or leased by the business establishment which is located on the property upon which the vehicle is parked or stored. (Ord. 2439 - 09.11.97)
- 4. When the principal use of property located within the "R-6", "GO", "B-1", "ROR",

"MXD", "MXD-1" and "MXD-2" is residential in nature, the vehicle restrictions outlined above for Residential Zoning Districts shall apply. Exception: When a property used for residential purposes, and located within the Community Redevelopment District (CRD) land use designation, was purchased prior to the effective date of this ordinance with the intent of storing the property owner's semi-tractor cab at said residence, the said semi-tractor cab may continue to be stored at its existing location. However, should the storage of said semi-tractor cab be discontinued for a period of six (6) months, such use shall not be re-established. (Ord. 2439 - 09.11.97)

5. It is not the intent nor the purpose of this Section to prohibit commercial vehicles as described herein from commercial or mixed use zoning districts when actually engaged in a business activity which requires their presence for a temporary time and for a specific purpose (e.g. delivery of goods or services or on-site construction projects). (Ord. 2439 - 09.11.97)
6. Vehicles that are wrecked, dismantled, partially dismantled, or inoperative shall be stored within an enclosed building, or as provided in Section 18-1507 "Outdoor Storage". (Ord. 1437 - 9.27.84; Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)

(C) INDUSTRIAL ZONING DISTRICTS.

1. Vehicles that are wrecked, dismantled or inoperative shall be stored either within an enclosed building or as provided for in Section 18-1507 "Outdoor Storage". (Ord. 2439 - 09.11.97)

(D) PUBLIC/SEMI-PUBLIC ZONING DISTRICTS.

1. Parcels with a Land Use Plan Map designation of Transportation/Utility (T/U) shall follow the rules for Industrial Zoning Districts. (Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
2. Parcels with a Land Use Plan Map designation of Preservation (P) or Recreation/Open Space (R/OS) shall follow the vehicle restriction rules for Residential Zoning Districts. (Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)
3. Parcels with a Land Use Plan Map designation of Institutional (I) shall follow the vehicle restriction rules for Commercial and Mixed Use Zoning Districts. (Ord. 2270 - 8.23.94; Ord. 2439 - 09.11.97)

**Section 18-1507.15. OUTDOOR DISPLAY AND SALES OF GOODS AND MERCHANDISE.**

The outdoor display and sales of goods and merchandise for permanent, on-site businesses shall be allowed under the following conditions. This Section shall apply to all existing or future businesses that have outdoor display and sales area(s) upon the effective date of this Ordinance.

This Section shall not apply to the outdoor display and sales at approved establishments of new and used cars, motorcycles, trucks, utility trailers, recreational vehicles or mobile homes or approved rental establishments of like vehicles, or the outdoor display and sales in approved locations of pools or retail plant nurseries. (Ord. 2439 - 09.11.97; Ord. 2526 - 10.22.98)

- (A) The outdoor display and sale of goods and merchandise for retail businesses displaying merchandise that is for sale also within the building shall be conducted on the same lot as the retail business and in close proximity to the building. The outdoor display and sales area shall not exceed fifteen percent (15%) of the gross floor area of the business. (Ord. 2439 - 09.11.97; Ord. 2526 - 10.22.98)

A waiver to this square footage limitation shall upon written request from an authorized representative of the business be considered by City Council for locations outside of the City's Redevelopment Area or by the Community Redevelopment Agency for locations within the City's Redevelopment Area. In determining whether or not to grant a larger outdoor display and sales area, City Council or the Community Redevelopment Agency shall consider the following criteria: use of abutting properties, location of the outdoor display and sales area, configuration of the parcel and the outdoor display and sales area and items to be generally displayed. In granting approval of a larger outdoor display and sales area, City Council or the Community Redevelopment Agency may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the waiver is granted, shall be deemed a violation of this Article and punishable as provided by this Article. (Ord. 2526 - 10.22.98)

- (B) The applicant shall submit to the Building Development Division a detailed plot plan for review of the proposed outdoor display and sales area. The applicant shall pay a review fee as set forth in Section 18-1505.13. The plan shall show the location and size of the outdoor display and sales area, any temporary structures which may be proposed, parking areas, existing building(s) (including location of egress doors and sidewalks to and around the building), the gross floor area of the building or unit of the retail business, drainage system and landscaped areas. (Ord. 2439 - 09.11.97; Ord. 2526 - 10.22.98)
- (C) No portion of the outdoor display and sales area shall be on publicly owned property or rights-of-way. (Ord. 2439 - 09.11.97)
- (D) No required off-street parking space, driveway, drive aisle, loading space, streetscape or perimeter landscape buffer or interior greenspace shall be utilized for such outdoor display and sales area, nor shall any portion encroach into the visibility triangles. (Ord. 2439 - 09.11.97; Ord. 2526 - 10.22.98)
- (E) No portion of the outdoor display and sales area shall block any required means of egress nor shall it block any access route on any sidewalk. (Ord. 2439 - 09.11.97)
- (F) Any proposed tent shall meet the provisions under Section 18-1507.13, Temporary Uses. (Ord. 2439 - 09.11.97; Ord. 2526 - 10.22.98)
- (G) Goods and merchandise, except items that are not subject to deterioration by weather (such as potting soil, mulch, swings, swimming pools or other like items as determined by the Zoning Director), displayed outdoors shall be moved indoors or to an approved outdoor storage area daily. (Ord. 2439 - 09.11.97; Ord. 2526 - 10.22.98)

**Section 18-1507.16. MEASUREMENTS OF YARD SETBACKS ON LOTS ADJACENT TO RIGHTS-OF-WAY OF INSUFFICIENT WIDTH.**

(A) In any case where a proposed or existing zoning lot abuts a planned or existing right-of-way which does not yet have the full right-of-way width dedicated as presented in the Article 1, Subdivision Code or as required by the governmental agency having jurisdiction over the right-of-way, the yard setbacks for such properties for all improvements, including but not limited to buildings, structures, signs, landscaping, drainage ponds, and buffers, shall be measured from the ultimate right-of-way lines which satisfy the requirements of Article 1, Subdivision Code, or the requirement of the governmental agency having jurisdiction over the right-of-way. (Ord. 1437 - 9.27.84, Ord. 2085 - 07.25.91; Ord. 2439 - 09.11.97)

(B) An applicant may request a waiver of the right-of-way width requirement by making written application for a waiver to the City Council. The City Council shall grant or deny the

application based on the following factors: (Ord. 2439 - 09.11.97)

1. The impact that the applicant's proposal would have on the existing and proposed right-of-way in the area;
2. The location of the applicant's property;
3. Traffic patterns in the area;
4. The character and age of the neighborhood and;
5. Any other factor that is relevant and material to the waiver request.

In granting such waivers, the City Council shall find that such waiver will not be contrary to the public interest and may prescribe appropriate conditions and safeguards. A violation of such conditions and safeguards shall be deemed a violation of this Article. (Ord. 1437 - 9.27.84, Ord. 2085 - 7.25.91; Ord. 2439 - 09.11.97)

**Section 18-1507.17. SPECIAL YARD SETBACKS TO APPLY IN ALL ZONING DISTRICTS FOR ADDITIONS TO BUILDINGS IN EXISTENCE AT THE TIME OF ADOPTION OF THIS ORDINANCE.** Any additions directly connected and being made a part of a building in existence on a zoning lot at the time of the adoption of this Ordinance, may add to such building in a manner which will maintain the yard setback requirements in effect at the time such building was originally constructed and as evident at the time of application for such addition, except that no such additions shall encroach upon the "visibility triangle" as defined by this Ordinance. (Ord. 1437 - 9.27.84)

**Section 18-1507.18. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.** Obstructions shall be permitted in any required yard as specified hereinafter; however, in no case shall any obstruction interfere with the visibility triangle as defined in Section 18-1502, or be located within a public or private easement or right-of-way, except as hereinafter provided. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

(A) **ALL YARDS.** (limited to a maximum projection of three (3) feet into any required setback, unless otherwise stated below.) (Ord. 2439 - 09.11.97)

- Arbors and trellises may project over a required yard to within five (5) feet of the property line. (Ord. 2439 - 09.11.97)
- Awnings and canopies
- Chimneys, attached to the dwelling (Ord. 2439 - 09.11.97)
- Flag poles and garden ornaments
- Steps which are necessary to provide access to the first floor of a permitted building, or for access to a zoning lot from a street or alley. (Ord. 1437 - 9.27.84)
- Overhanging eaves or cornices (may project into an easement). (Ord. 2439 - 09.11.97)
- Decks or patios, less than six (6) inches above grade and open to the sky, may project to within two (2) feet the property line. (Ord. 2439 - 09.11.97)
- Handicapped ramps, including vertical guard rails, meeting the requirements of the Florida Accessibility Code for Building Construction, may project over the required yard. (Ord. 2439 - 09.11.97)
- Recreation and children's playground equipment, excluding skateboard ramps,

may project over the required yard. (Ord. 2439 - 09.11.97)

(B) FRONT YARDS. (limited to a maximum projection of three (3) feet into any required front yard setback, unless otherwise stated below). (Ord. 1437 - 9.27.84)

- One-story bay windows (Ord. 1437 - 9.27.84)
- Second story balconies may project not more than five (5) feet over the required yard. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- Decks more than six (6) inches above grade and open to the sky may project not more than five (5) feet over the required yard. (Ord. 2439 - 09.11.97)

(C) SIDE YARDS. (limited to a projection of three (3) feet into any required side yard setback, unless otherwise stated below). (Ord. 1437 - 9.27.84)

- Second story balconies (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- Decks more than six (6) inches above grade and open to the sky. (Ord. 2439 - 09.11.97)

(D) REAR YARDS AND SECONDARY FRONT YARDS. (limited to a maximum projection of three (3) feet into any required rear or secondary front yard setback, unless otherwise stated below) (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)

- Second story balconies may project not more than five (5) feet over the required yard. (Ord. 1437 - 9.27.84; Ord. 2439 - 09.11.97)
- One-story bay windows (Ord. 1437 - 9.27.84)
- Decks more than six (6) inches above grade and open to the sky may project not more than five (5) feet over the required yard. (Ord. 2439 - 09.11.97)

**Section 18-1507.19. MINIMUM BUILDING SEPARATION.** (Ord. 2439 - 09.11.97)

(A) When a lot or parcel is developed with multifamily dwellings or like uses, as determined by the Zoning Director, or with a mixed use development, the minimum distance between principal buildings shall be fifteen (15) feet. This distance shall be measured between the two closest building lines. (Ord. 1347 - 1.12.84; Ord. 1437 - 9.27.84; Ord. 1712 - 8.13.87; Ord. 2439 - 09.11.97)

(B) In addition to the requirements listed in Subsection (A) above, if adjacent principal buildings on the same zoning lot are not the same height, the requirement for the tallest building shall govern and shall be as follows: (Ord. 2439 - 09.11.97)

1. Fifteen (15) feet setback for buildings up to and including fifteen (15) feet in height. (Ord. 2439 - 09.11.97)
2. Twenty (20) feet setback for buildings greater than fifteen (15) feet in height and up to and including twenty-five (25) feet in height. (Ord. 2439 - 09.11.97)
3. Twenty-five (25) feet setback for buildings greater than twenty-five (25) feet in height and up to and including thirty-five (35) feet in height. (Ord. 2439 - 09.11.97)
4. Twenty-five (25) feet plus one (1) foot for each one (1) foot of building height

above thirty-five (35) feet. (Ord. 2439 - 09.11.97)

(Ord. 1347 - 1.12.84; Ord. 1437 - 9.27.84; Ord. 1712 - 8.13.87; Ord. 2439 - 09.11.97)

- (C) Roofs, breezeways, and similar features are not considered to structurally connect buildings. (Ord. 1347 - 1.12.84; Ord. 1437 - 9.27.84; Ord. 1712 - 8.13.87; Ord. 2439 - 09.11.97)

**Section 18-1507.20. MASTER STORMWATER RETENTION/DETENTION PONDS, CREDITING AGAINST MAXIMUM LOT COVERAGE (INDUSTRIAL ZONING DISTRICTS).** In order to encourage master stormwater retention/detention ponds which provide stormwater management for public streets, in areas zoned and properly utilized for industrial purposes, the maximum lot coverage of a lot in an industrial subdivision may be increased to eighty-five percent (85%), subject to the following restrictions: (Ord. 2439 - 09.11.97)

- (A) When calculating the increase in lot coverage over the maximum lot coverage of 75%, the total amount of existing impervious surfaces of the other lots within such subdivision must be considered. This aggregate total cannot exceed the maximum impervious area used in the original design of the retention/detention pond. (Ord. 2439 - 09.11.97)
- (B) When the master stormwater retention/detention pond traverses individual lots under different ownerships, the applicant requesting the increase in maximum lot coverage must enter into an agreement in a form acceptable to the City Attorney with one or more of the lot owners to allow the applicant to use a percentage of the other lot owner's open space. The agreement shall be submitted to the City Zoning Division to be recorded in the Public Records of Pinellas County, Florida. (Ord. 2439 - 09.11.97)
- (C) When a master stormwater retention/detention pond is credited against maximum lot coverage, the pond shall be landscaped with canopy or intermediate trees, one (1) per seventy-five feet of shoreline, based on the applicant's proportionate share of the pond. Existing approved trees will be credited to meet the intent of this Section. (Ord. 2439 - 09.11.97)

(Ord. 1783 - 4.28.88; Ord. 2439 - 09.11.97)

**Section 18-1507.21. COMMUNITY RESIDENTIAL HOMES.**

(A) Homes of six or fewer residents which otherwise meet the definition of a Community Residential Home shall be deemed a single-family unit and a non-commercial, residential use. Homes of six (6) or fewer residents which otherwise meet the definition of a Community Residential Home shall be permitted uses in all zoning districts permitting single-family, duplex or multi-family uses, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six (6) or fewer residents. The sponsoring agency or HRS shall notify the Zoning Division of the existence of such licensed home at the time that each home is occupied. (Ord. 2178 - 11.24.92)

(B) When a site for a Community Residential Home for seven (7) to fourteen (14) residents has been selected by a sponsoring agency in an area zoned for multi-family residential uses, the sponsoring agency shall notify the Zoning Director in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of HRS indicating the need for and the licensing status of the proposed Community Residential Home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the residents in the home. The district administrator of HRS shall also provide to the Zoning Director the most recently published data compiled that identifies all Community Residential Homes in the district in which the proposed site is to be located. The Zoning Director shall review the notification of the sponsoring agency in accordance with the Zoning Ordinance of

Pinellas Park. (Ord. 2178 - 11.24.92)

1. Pursuant to such review, the Zoning Director may:
  - (a) Determine that the siting of the Community Residential Home is in accordance with the Zoning Ordinance and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected. (Ord. 2178 - 11.24.92)
  - (b) If the Zoning Director fails to respond to the request within sixty (60) days, the sponsoring agency may establish the home at the site selected. (Ord. 2178 - 11.24.92)
  - (c) Deny the siting of the home. (Ord. 2178 - 11.24.92)
2. The Zoning Director may deny the siting of a Community Residential Home if the siting of the home at the site selected: (Ord. 2178- 11.24.92)
  - (a) Does not otherwise conform to existing zoning regulations applicable to other multi-family uses in the area. (Ord. 2178- 11.24.92)
  - (b) Does not meet applicable licensing criteria established and determined by HRS, including requirements that the home be located to assure the safe care and supervision of all residents in the home. (Ord. 2178 - 11.24.92)
  - (c) Would result in such concentration of Community Residential Homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing Community Residential Home in a zoning district allowing multi-family zoning uses shall be an over concentration of such homes that substantially alters the nature and character of the area and/or a home that is abutting or functionally abutting a single-family zoning district alters the nature and character of the area. (Ord. 2178 - 11.24.92)

(C) When a site for a Community Residential Home for more than fourteen (14) residents has been selected by a sponsoring agency in an area zoned for multi-family residential uses, such use shall require Conditional Use review and approval and shall meet the special requirements specified in Section 18-1509.6. (Ord. 2178 - 11.24.92)

(D) All distance requirements in this Section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home. (Ord. 2178 - 11.24.92)

(E) All variances to the requirements of this Chapter shall be decided by the Board of Adjustment. (Ord. 2178 - 11.24.92)

(F) HRS shall not issue a license to a sponsoring agency for operating of a Community Residential Home if the sponsoring agency does not notify the Zoning Director of its intention to establish a program, as required by Section (B) above. A license issued without compliance with the provisions of this Section shall be considered null and void, and continued operation of the home may be enjoined. (Ord. 2178 - 11.24.92)

(G) A dwelling unit housing a Community Residential Home established pursuant to this

Section shall be subject to the same local laws and Ordinances applicable to other non-commercial residential family units in the zoning district in which it is established. (Ord. 2178 - 11.24.92)

(H) Nothing in this Section shall be deemed to affect the authority of any Community Residential Home lawfully established prior to the effective date of this Ordinance to continue to operate. (Ord. 2178 - 11.24.92)

(I) Nothing in this Section shall permit persons to occupy a Community Residential Home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others. (Ord. 2178 - 11.24.92)

(J) Adult Congregate Living Facilities, Group Homes, Family Group Homes and Foster Homes (for adults) legally approved prior to October 1, 1989, which do not meet the requirements of Community Residential Homes, shall be considered legally nonconforming (grandfathered) Community Residential Homes and shall be subject to all applicable regulations for nonconforming uses. (Ord. 2178 - 11.24.92)

### **Section 18-1507.22. TRANSFER OF DEVELOPMENT RIGHTS.**

(A) PURPOSE. It is the purpose of this Section to establish a procedure and guidelines by which the Community Redevelopment Agency may authorize the transfer of development rights consistent with the public health, safety and welfare within the Community Redevelopment District (CRD) Land Use Plan Map category. (Ord. 2433 - 06.26.97)

(B) APPLICABILITY. This Section shall apply to properties within the Community Redevelopment District (CRD) Land Use Plan Map category which are to be developed utilizing a transfer of development right. The transfer of development rights shall only apply to density, residential equivalent, floor area ratio and maximum lot coverage. The merit of any proposed transfer of development rights as provided in this Section shall be judged by the Community Redevelopment Agency. A request for a transfer of development rights in any one or more of the following categories shall be subject to the provisions of this Section: (Ord. 2433 - 06.26.97)

- (1) A transfer of development rights across a public street right-of-way or ingress/egress (access) easement which is identified on the official City street atlas; (Ord. 2433 - 06.26.97)
- (2) A transfer of development rights across a zoning district boundary line; or (Ord. 2433 - 06.26.97)
- (3) A transfer of development rights to a noncontiguous parcel under the same ownership. (Ord. 2433 - 06.26.97)

(C) ELIGIBILITY. The owner of a property identified in any one or a combination of the following categories, except one to be developed with one single family detached dwelling, shall be eligible to request a transfer of development rights as follows: (Ord. 2433 - 06.26.97)

- (1) Property in a single location under one ownership, otherwise contiguous; (Ord. 2433 - 06.26.97)
- (2) Property in a single location under one ownership, otherwise contiguous and divided only by a zoning district boundary line; or (Ord. 2433 - 06.26.97)
- (3) Properties not in a single location or contiguous, yet under the same ownership. (Ord. 2433 - 06.26.97)

(D) PROCEDURE. Any proposed transfer of development rights, as identified in subsection (B) above, shall be processed as follows: (Ord. 2433 - 06.26.97)

- (1) Only the Community Redevelopment Agency may authorize the transfer of development rights consistent with the guidelines of this Section. (Ord. 2433 - 06.26.97)
- (2) A request for a transfer of development rights shall be submitted to the Zoning Division with such information as determined by the Zoning Director to evaluate the request and a fee. A request shall not be considered until public notice has been given of the public hearings by the Design Review Board and Community Redevelopment Agency. The provisions of Section 18-1504.4(B)3(a) (e.g. public notice in newspaper, letter to surrounding property owners of both the sending site and receiving site and sign posting) shall apply. The Community Redevelopment Agency, after review by the Design Review Board, may approve, approve with conditions, or deny the transfer consistent with the review guidelines of this Section. (Ord. 2433 - 06.26.97; Ord. 2491 - 07.09.98)
- (3) Any action by the Community Redevelopment Agency to approve the requested transfer shall be so noted on the approved site plan and building permit, as applicable, together with any conditions. (Ord. 2433 - 06.26.97)
- (4) Any property owner who has had such transfer authorized by the Community Redevelopment Agency shall record a covenant, unity of title or other appropriate legal instrument with the Clerk of the Circuit Court so as to constitute a public record, setting forth the details and the conditions of any transfer of development rights. (Ord. 2433 - 06.26.97)

(E) GUIDELINES FOR REVIEW. In reviewing any request for transfer of development rights, the Community Redevelopment Agency shall take into account the following: (Ord. 2433 - 06.26.97)

- (1) The unique limitations and conditions characterizing and affecting the property from which and to which the development rights are proposed to be transferred. Such unique limitations and conditions may include, but are not limited to, characteristics of the property such as: lot size, location, configuration and access; physical characteristics such as topography, soils, vegetative cover, environmental sensitivity, wildlife habitat and water bodies; and regulatory measures and restraints as they relate to the characteristics of the property and its ability to be used in a reasonable manner. (Ord. 2433 - 06.26.97)
- (2) The ramifications to the receiving site as a result of the transfer relative to open space, building bulk, height and setbacks, as well as related site improvements, such as parking, recreation and service areas. The Community Redevelopment Agency shall evaluate and make findings of fact as to the extent of any variances and/or waivers from any applicable standard that is necessitated by such transfer, the acceptability or unacceptability of such variance and/or waiver as it relates to the site plan in question and the reasons therefor. (Ord. 2433 - 06.26.97)
- (3) The public interest and benefit, if any, as such interest and benefit may be affected by the proposed transfer. Such public interest and benefit may include, but is not limited to: preservation or enhancement of significant environmental features, open space, recreational opportunities, community appearance, aesthetics, views, traffic flow or control; beneficial relationship to adjoining uses, specific target neighborhood or redevelopment objectives, resource and energy

conservation; and requirements for public services and utilities. (Ord. 2433 - 06.26.97)

The Community Redevelopment Agency shall not approve any transfer of development rights where a finding has been made by the Agency that such transfer would be detrimental to the public interest based on safety, economic, environmental, recreational or community appearance considerations, and the Community Redevelopment Agency shall not approve any transfer of development rights to a noncontiguous property which would establish a use that is not consistent with the applicable zoning district. (Ord. 2433 - 06.26.97)

(F) DENSITY/INTENSITY. The density/intensity (i.e.; density, residential equivalent, floor area ratio and/or maximum lot coverage) of the overall total site (both the sending site and receiving site combined) as approved by the Community Redevelopment Agency in authorizing the transfer, shall be consistent with density/intensity standards of the applicable zoning districts and the Community Redevelopment District (CRD) Land Use Plan Map category. (Ord. 2433 - 06.26.97)

### **Section 18-1507.23. DUMPSTERS.**

The purpose of these provisions is to prescribe standards for dumpsters for the enhancement and improvement of the visual environment. All new site development shall provide facilities for dumpsters. This section shall not apply to single family detached and duplex dwellings, except at the owner's/developer's option to provide such dumpsters, wherein the following regulations shall apply. These provisions shall also apply to sites under redevelopment. (Ord. 2439 - 09.11.97)

#### (A) LOCATION.

1. All dumpsters shall be located on the lot or parcel the dumpster(s) serves. (Ord. 2439 - 09.11.97)
2. No dumpster shall be located within any right-of-way, access easement, or visibility triangle. (Ord. 2439 - 09.11.97)
3. All dumpsters and their enclosures shall be set back a minimum of five feet from any property line, unless a buffer of greater dimension is required elsewhere in this Code, in which case the dumpsters shall not encroach into the buffer. (Ord. 2439 - 09.11.97)
4. All dumpsters shall be located for ease of direct pickup by the collection vehicle, as determined by the Zoning Director. Such factors shall be used, but not limited, in this determination: abutting uses, direction of traffic flow, width of drive aisles, location of dumpsters in relation to driveway(s), size of collection vehicle, size of dumpsters, physical constraints of the site, and the existence of overhead electric or communication lines or overhead tree limbs. (Ord. 2439 - 09.11.97)
5. The Zoning Director may allow the use of dumpsters on rollers. In such case, the rolling dumpsters does not have to comply with Subsection (A)4 above, but shall be located so as to have clear, unobstructed access from its enclosure to the collection vehicle. (Ord. 2439 - 09.11.97)

#### (B) STANDARDS.

1. All dumpsters shall be located on a concrete pad of adequate thickness and size. (Ord. 2439 - 09.11.97)
2. All dumpsters shall be screened from view from public rights-of-way and from abutting or functionally abutting residential or mixed use zoning districts by a six feet (6') high opaque enclosure of wood, masonry or other suitable materials. The use of chain link fencing with any form of shielding inserts (plastic, wood, fiberglass or metal) shall not be allowed. (Ord. 2439 - 09.11.97)

The Zoning Director may waive this screening requirement when there is an intervening building or structure that provides an equal or greater measure of screening or when buffering requirements of this Code require a solid, six feet (6') high wall or fence along a property line. (Ord. 2439 - 09.11.97)

3. Gates shall be required for the dumpster enclosure and shall be solid. The use of chain link with metal shielding inserts shall only be allowed in the commercial and industrial zoning districts. The Zoning Director may waive the requirement for solid gates if, by the direction or angle of the dumpster enclosure, the dumpster will not be viewed from any public right-of-way or from any abutting or functionally abutting residential or mixed use zoning district. Gates shall have a minimum opening width of ten feet, unless a rolling dumpster has been approved in Subsection (A)5 above. (Ord. 2439 - 09.11.97)
4. It shall be the property owner's responsibility to repair and maintain dumpsters in accordance with the requirements of this Section. (Ord. 2439 - 09.11.97)

(C) SITES UNDER REDEVELOPMENT.

Any lot or parcel that has a dumpster(s) that does not meet the standards of this Section shall be brought into compliance with all requirements of this Section with the issuance of a building permit for any non-maintenance construction, excluding interior construction, or the issuance of an engineering permit. (Ord. 2439 - 09.11.97)

In meeting this requirement, a violation of another Code requirement cannot be created. (Ord. 2439 - 09.11.97)

(D) ALTERNATIVE PRACTICE.

The use of individual garbage cans may be allowed by the Zoning Director when it can be demonstrated there is no need for a dumpster. This shall be handled and approved on a case-by-case basis. Should individual garbage cans be allowed, the cans shall be kept in a location approved by the Zoning Director. The can location shall be screened by a minimum 42" high solid fence or wall when the approved location will be visible from a public right-of-way or from an abutting or functionally abutting residential or mixed use zoning district. (Ord. 2439 - 09.11.97)

Any change from individual garbage cans to a dumpster shall be submitted and reviewed as an amendment to the approved site plan and the dumpster shall meet the requirements of this Section. (Ord. 2439 - 09.11.97)

(E) WAIVERS.

1. In any case where the strict application of the requirements of this Section present an undue hardship, City Council may waive one or more of the requirements imposed under said Section. (Ord. 2439 - 09.11.97)
2. In determining whether such requirements shall be waived, City Council shall consider the following criteria: character of the immediately surrounding development; size, configuration, and natural features of the land to be developed; adequacy of off-site improvements; traffic impacts; and nature of the proposed development. (Ord. 2439 - 09.11.97)
3. Decisions of the City Council may be appealed to the Circuit Court within thirty days from the date of said decision, for review by certiorari, not de novo. Such appeal to the Circuit Court shall be restricted to the record before the City Council. (Ord. 2439 - 09.11.97)