

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
June 11, 2012–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication.
4. Approval of Minutes.
 - A. **A. RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 14, 2012 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for May 2012.
 - C. Planning Board Monthly Outlook for June 2012.
5. Public Hearings.
 - A. Article 13 - Requirements for Piers on Pensacola Beach
That the Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13, "Piers, Basins and Marinas"
 - B. Moratorium of Rezoning in AIPD Areas
That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider an Ordinance placing a moratorium on rezoning applications in specified areas adjacent to local military airfields.
 - C. LDC Ordinance - Article 2 and 6 - Community Redevelopment Agency and Overlay Districts
That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) amending Article 2 "Administration," to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District; and amending Article 6 "Zoning Districts," to delete the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District; and

create the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amend the Scenic Highway Overlay District by simply relocating it within the Ordinance for clarity purposes.

6. Action/Discussion/Info Items.

A. Discussion - Floodplain Ordinance

Briefing for the Planning Board addressing the proposed updates to the existing Floodplain Ordinance in order to satisfy the guidance and requirements from FEMA, the National Flood Insurance Program, Florida Division of Emergency Management and the 2010 Florida Building Code, presented by Juan Lemos, Senior Planner, Planning & Zoning.

B. Discussion - Comprehensive Plan Text Amendment and Scriveners Errors

Comprehensive Plan Text Amendment - OSP FLU 5

Adding "generally" to three separate paragraphs of FLU 5 in the Sector Plan (text addition).

Comprehensive Plan Text Amendment - OBJ FLU 5

Scriveners Error - Replacing an incorrect reference to a separate guideline that was misprinted.

Comprehensive Plan Text Amendment - MU PB

Scriveners Error - Removing a reference number that was not part of the originally adopted EAR based amendment.

7. Public Forum.

8. Director's Review.

9. County Attorney's Report.

10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, July 9, 2012 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

12. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 06/11/2012

Information

Agenda Item:

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 14, 2012 Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for May 2012.
- C. Planning Board Monthly Outlook for June 2012.
-

Attachments

Quasi-Judicial Hearing Resume'
Regular Meeting Resume'
Monthly Action Follow Up Report
Six Month Outlook

DRAFT

RESUME' OF THE ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
MAY 14, 2012
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
(8:32 A.M. - 10:30 A.M.)
(11:10 A.M. - 12:30 P.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
David Woodward
Dorothy Davis
Robert V. Goodloe
Alvin Wingate
Patty Hightower, School Board (non-voting)
Bruce Stitt, Navy (non-voting)

Absent: Karen Sindel

Staff Present: Stephen West, Assistant County Attorney
Lloyd Kerr, Director, Development Services
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Urban Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 8:32 a.m. Recessed at 10:30 a.m. to discuss Small Scale Amendment, SSA-2012-01, Highway 97A. Quasi-judicial meeting reconvened at 11:10 a.m. to consider rezoning case Z-2012-10, Highway 97A.
2. Invocation and pledge were given by Mr. Wingate.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by David Woodward, Seconded by Tim Tate
Motion to waive the reading of the legal advertisement.

Vote: 6 - 0 Approved - Unanimously

4. Quasi-judicial Process Explanation.

Motion by Robert V. Goodloe, Seconded by David Woodward
Motion to accept the rezoning package as submitted.

Vote: 6 - 0 Approved - Unanimously

5. Public Hearings.

A. Z-2012-08

Address: 200 Becks Lake Rd
From: VAG-1, Villages
Agricultural District
To: ID-2, General
Industrial (noncumulative)
Speakers: Buddy Page, Agent

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Tate and Mr. Wingate acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Ms. Sindel arrived at 8:45 a.m.

Motion by Tim Tate, Seconded by Robert V. Goodloe
Motion to accept Buddy Page as an expert witness.

Vote: 6 - 0 Approved - Unanimously

Motion by Dorothy Davis, Seconded by Tim Tate
Motion to accept revised findings from staff and approve rezoning from VAG-1 to ID-1.

Vote: 7 - 0 Approved - Unanimously

B. Z-2012-09

Address: 2006 Border St
From: R-5, Urban Residential/Limited
Office District, (cumulative)
High Density and ID-1, Light
Industrial District (cumulative)
(no residential uses allowed)

To: ID-2, General Industrial District
(noncumulative)
Speakers: Buddy Page, Agent
David Forte, CRA
Ronald Stewart

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Goodloe and Mr. Wingate acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Robert V. Goodloe, Seconded by Karen Sindel
Motion to accept findings of fact and deny rezoning case
Z-2012-09.

Vote: 7 - 0 Approved - Unanimously

C. Z-2012-10
Address: Highway 97A
From: VAG-1, Village Agricultural
District
To: ID-2, Industrial, General
Industrial District
(noncumulative)
Speakers: Neal Bjorklund, Agent
Doug Bailey, P.E.
Mayor Freddie McCall
Bennie Barnes, Bill Ganey

Mr. Tate disclosed that he received a telephone call from Ray Walker, but did not discuss the case with Mr. Walker.

No other planning board member acknowledged any ex parte communication regarding this item.

No planning board member acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by David Woodward, Seconded by Tim Tate
Motion to accept Doug Bailey of HMR Engineering as an expert
witness in the field of Engineering.

Vote: 7 - 0 Approved - Unanimously

Motion by Tim Tate, Seconded by David Woodward

Motion to recommend approval of Case Z-2012-10 from VAG-1, Village Agricultural to ID-2, Industrial. Criterion 1, submit that this is consistent with the Comprehensive Plan subject to the passage of SSA-2012-01 by the Board of County Commissioners changing the Future Land Use of this parcel from Agricultural to Industrial. Criterion 2, submit that the rezoning promotes the most desirable use of land as well as, the appropriate location and density of development. The rezoning provides for compatibility between agricultural and industrial uses and it protects the industrial uses from undue congestion. Criterion 3, submit that the agricultural intent and intensity of the surrounding uses is similar to the intent and intensity of the proposed uses. Criterion 4 and 5, we accept staff's finding of fact. Criterion 6, the proposed amendment would result in a logical and orderly pattern making use of the existing railroad and siting and existing piping infrastructure and is similar to existing uses in close proximity.

Vote: 7 - 0 Approved - Unanimously

D. Z-2012-11

Address: 11 Eden Lane

From: V-4, Villages Multifamily
Residential District

To: VR-2, Villages Rural
Residential District

Speakers: Carol Simpson, Agent
Edna Francis

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Wingate acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Tim Tate, Seconded by Dorothy Davis

Motion to approve rezoning case Z-2012-11 from V-4 to VR-2 and accept staff findings of fact.

Vote: 7 - 0 Approved - Unanimously

6. Meeting adjourned at 12:30 p.m.

DRAFT

RESUME' OF THE ESCAMBIA COUNTY PLANNING BOARD
REGULAR MEETING
MAY 14, 2012
CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
(10:30 A.M. - 11:10 A.M.)
(12:30 P.M. - 1:40 P.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
David Woodward
Dorothy Davis
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (non-voting)
Bruce Stitt, Navy (non-voting)

Staff Present: Stephen West, Assistant County Attorney
Lloyd Kerr, Director, Development Services
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Urban Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 10:30 a.m. to discuss Small Scale Amendment, SSA-2012-01, Highway 97A and recessed at 11:10 a.m. Meeting was reconvened at 12:30 p.m. with Mr. Wingate absent. Mr. Tate left the meeting at 1:12 p.m.
2. Proof of Publication.
3. Approval of Minutes.

Motion by Robert V. Goodloe, Seconded by Tim Tate
Motion to approve Meeting Resume' Minutes of the April 9,
2012 Planning Board Meeting.

Vote: 7 - 0 Approved - Unanimously

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 9, 2012 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for April 2012.

C. Planning Board Six Month Outlook for May 2012.

4. Public Hearings.

A. Comprehensive Plan - Small Scale Amendment 2012-01
That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2012-01; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map designation.

Motion by Tim Tate, Seconded by David Woodward
Motion to recommend adoption to the Board of County Commissioners (BCC) of Small Scale Amendment, SSA-2012-01; amending Part II of the Escambia County Code of Ordinances, the Escambia County Comprehensive Plan, as amended; amending the future land use map designation.

Vote: 7 - 0 Approved - Unanimously

B. LDC Ordinance - Article 3 Definitions - Criteria for Local Roadways
That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider and Ordinance amending Article 3, Definitions to define street collector, and to add criteria for local roadways.

Motion by Tim Tate, Seconded by Karen Sindel
Motion to recommend approval to the Board of County Commissioners.

Vote: 6 - 0 Approved - Unanimously

C. Moratorium of Rezoning in AIPD Areas
That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider an Ordinance placing a moratorium on rezoning applications in specified areas adjacent to local military airfields.

Motion by David Woodward, Seconded by Dorothy Davis
Motion to table until maps are provided by staff.

Vote: 6 - 0 Approved - Unanimously

- D. LDC Ordinance - Article 13 - Floodplain Management SRIA
That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Floodplain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction prepared by the Santa Rosa Island Authority.

Motion by Tim Tate, Seconded by Karen Sindel
Motion to recommend approval of this ordinance with the following changes. Line 21: Cross bracing means an industry accepted form of diagonal timber bracing used on foundations under coastal homes, move that up under 13.20.05 Definitions. Line 27: Pool equipment means any electrically powered equipment (pool pumps and accessories) servicing the pool, excluding pool heaters, move that up under 13.20.05 Definitions. Recommend we make those changes and forward to the BCC for approval.

Vote: 6 - 0 Approved - Unanimously

- E. LDC Ordinance - Article 2 and 6 - Community Redevelopment Agency and Overlay Districts
That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) amending Article 2 "Administration," to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District; and amending Article 6 "Zoning Districts," to delete the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District; and create the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amend the Scenic Highway Overlay District by simply relocating it within the Ordinance for clarity purposes.

Motion by David Woodward, Seconded by Robert V. Goodloe
Motion to table until CRA meets with the LDC Advisory Committee to coordinate changes to the LDC.

Vote: 5 - 0 Approved - Unanimously

5. Action/Discussion/Info Items.
 - A. Request for Planning Board interpretation to clarify if an oil transfer station is similar to the allowable uses in ID-2.

Motion by Tim Tate, Seconded by David Woodward
Move that it is similar to the uses therein.

Vote: 6 - 0 Approved - Unanimously
 - B. Escambia County Comprehensive Plan Implementation Annual Report Year 2010/2011
That the Planning Board review and recommend approval of the Fiscal Year 2010/2011 CPIC Annual Report to The Board of County Commissioners (BCC).

Motion by Robert V. Goodloe, Seconded by Dorothy Davis
Motion to recommend approval to the Board of County Commissioners.

Vote: 5 - 0 Approved - Unanimously
6. Public Forum.
7. Director's Review.
8. County Attorney's Report.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, June 11, 2012 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.
10. Announcements/Communications.
11. Meeting was adjourned at 1:40 p.m.



T. Lloyd Kerr, AICP, Director
Development Services

MEMORANDUM

TO: Planning Board

FROM: Denise Halstead
Planning & Zoning Division

DATE: June 1, 2012

RE: Monthly Action Follow-Up Report for May 2012

Following is a status report of Planning Board (PB) Agenda Items for the Month of **May**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

PROJECTS, PLANS, & PROGRAMS

1. Perdido Key Master Plan

01/12/12 BCC directed staff to send out a Request for Letters of Interest

COMMITTEES & WORKING GROUP MEETINGS

None

COMPREHENSIVE PLAN AMENDMENTS

1. Comprehensive Plan Text Amendment - Ordinance amending the 2030 Escambia County Comprehensive Plan to remove all references to Florida Rule 9J-5; to remove all references to Department of Community Affairs and replace with Florida Department of Economic Opportunity (FDEO); to remove all references to Florida Statute 163.3101 and replace with Florida Statute 163.3161.

01/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.

03/01/12 BCC approved transmittal to DEO

05/17/12 BCC adopted

2. Comprehensive Plan – Small Scale Amendment SSA-2012-01 amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map designation.

05/14/12 PB recommended adoption to the BCC
05/17/12 BCC adopted

LAND DEVELOPMENT CODE ORDINANCES

1. Alcohol Zoning District C-2NA

02/13/12 PB recommended approval of the ordinance establishing the C-2NA zoning district
05/03/12 BCC meeting (1st of 2)
06/28/12 BCC meeting (2nd of 2)

2. Article 2 Administration Application for Rezoning

02/13/12 PB recommended approval of the ordinance
05/03/12 BCC approved ordinance

3. Article 3 Local Criteria for Local Roads

05/14/12 PB recommended approval of the ordinance
07/12/12 BCC meeting

3. Article 13 Flood Plain Revision - SRIA

05/14/12 PB recommended approval of the ordinance
07/12/12 BCC meeting

REZONING CASES

1. Rezoning Case Z-2012-01

01/09/12 PB recommended approval of rezoning of western portion in AIPD-2 to AMU-2; eastern portion within AIPD-1 to remain R-R, Rural Residential.
02/02/12 BCC remanded the case back to the PB for review
03/12/12 PB recommended denial of rezoning
05/03/12 Denied by BCC

2. Rezoning Case Z-2012-02

03/12/12 PB recommended denial of rezoning
03/22/12 Withdrawn by applicant

3. Rezoning Case Z-2012-03

03/12/12 PB recommended approval of rezoning
05/03/12 BCC approved

4. Rezoning Case Z-2012-04

04/09/12 PB recommended approval of rezoning
05/03/12 BCC approved

5. Rezoning Case Z-2012-05

04/09/12 PB recommended approval of rezoning
05/03/12 Denied by BCC

6. Rezoning Case Z-2012-06

04/09/12 PB recommended approval of rezoning
05/03/12 BCC approved

7. Rezoning Case Z-2012-07

04/09/12 PB recommended approval of rezoning
05/03/12 BCC approved

8. Rezoning Case Z-2012-08

05/14/12 PB recommended approval of rezoning
06/28/12 BCC Meeting

9. Rezoning Case Z-2012-09

05/14/12 PB recommended denial of rezoning
06/28/12 BCC Meeting

10. Rezoning Case Z-2012-10

05/14/12 PB recommended approval of rezoning
05/17/12 BCC approved

11. Rezoning Case Z-2012-11

05/14/12 PB recommended approval of rezoning
06/28/12 BCC Meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR JUNE 2012

(Revised 06/01/12)

A.H. = Adoption Hearing T.H. = Transmittal Hearing P.H. = Public Hearing

* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Meeting Date	LDC Changes Public Hearing	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Monday, June 11, 2012	<ul style="list-style-type: none"> • Boat Lift-SRIA • Moratorium of Rezoning in AIPD Areas • CRA Overlay 			<ul style="list-style-type: none"> • FEMA Floodplain Ordinance Revision • Comp Plan Text Amendment OSP FLU 5, OBJ FLU 5 Scriveners Error, MU PB Scriveners Error
Monday, July 9, 2012		<ul style="list-style-type: none"> • SSA-2012-02 	<ul style="list-style-type: none"> • Z-2012-12 • Z-2012-13 • Z-2012-14 	<ul style="list-style-type: none"> • PSFE Update
Monday, August 13, 2012				
Monday, September 10, 2012				
Monday, October 8, 2012				
Monday, November 5, 2012				
Monday, December 10, 2012				

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. A.

Meeting Date: 06/11/2012

Issue: Article 13 - Requirements for Piers on Pensacola Beach

From: Paolo Ghio, SRIA thru Lloyd Kerr, AICP

Organization: Development Services

Information

RECOMMENDATION:

That the Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13, "Piers, Basins and Marinas"

BACKGROUND:

At the April 11, 2012 Santa Rosa Island Regular Board meeting, Article 13, Section 13.12 c. n. was reviewed, staff expressed concerns and recommended the minor change to allow a more practical guideline for new residential construction of boat lifts. The SRIA Board approved the recommendation and has forwarded it on to the Planning Board for review.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Santa Rosa Island Authority, Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Legal Sign Off and Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: SRIA Boat Lift Ordinance- Article 13

Date: 05/14/12

Date requested back by: 05/21/12

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by 

Date Received: May 14, 2012

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

I made minor changes to the punctuation, formatting and citations.

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ORDINANCE NUMBER 2012-

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 13, SECTION 13.12.C.1.n., INCREASING THE MAXIMUM HEIGHT FOR SUPPORTING PILES FOR BOAT LIFTS FROM SEVEN FEET TO TWELVE FEET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS land under the jurisdiction of the Santa Rosa Island Authority is unique to Escambia County, the State of Florida and the United States of America. All property within this jurisdiction is owned by Escambia County and the Santa Rosa Island Authority is charged with the stewardship of the Island to protect the public interest of the citizens of Escambia County; and,

WHEREAS this unique requirement for stewardship of public property requires that the Santa Rosa Island Authority take great care in its protection of this asset. The Santa Rosa Island Authority is also responsible for ensuring that all construction, development and redevelopment on the Island is consistent with applicable local, state and federal regulations including but not limited to construction of a dock, pier or any other structure or activity which is to be located on a tidal area; and,

WHEREAS Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 13, Section 13.12.C.1.n. requires that boat lifts may be approved adjacent to piers if the supporting pilings for the boatlift does not extend more than seven feet above the high water mark; and,

WHEREAS it has been the experience of the Santa Rosa Island Authority Environmental and Developmental Services Department as well as marine contractors operating on the Island that pilings extending up to seven feet above the high water mark generally only extend vertically up two feet from the dock itself, which presents not only a tripping hazard on the dock but also an engineering and safety hazard because the boatlift cannot be engineered to allow the boat to be raised parallel to the dock for safe boarding; and,

WHEREAS the above outlined safety and engineering hazards can be eliminated by extending the pilings for the boatlift from seven feet above the high water mark to twelve feet above the high water mark; and,

1 **WHEREAS** the Santa Rosa Island Authority unanimously recommended to the
2 Board of County Commissioners on April 11, 2012 to amend Part III of the Escambia
3 County Code of Ordinances, the Land Development Code of Escambia County, Article
4 13, Section 13.12.C.1.n., to increase the maximize allowable height for supporting piles
5 for boat lifts from seven feet above the high water mark to twelve feet above the high
6 water mark; and,
7

8 **WHEREAS** the Board of County Commissioners believes that the amendment to
9 Part III of the Escambia County Code of Ordinances, the Land Development Code of
10 Escambia County, Article 13, Section 13.12.C.1.n., as recommended by the Santa Rosa
11 Island Authority and the Escambia County Planning Board will eliminate safety and
12 engineering hazards relating to the construction of boat lifts on the Island.
13

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
15 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**
16

17 **Section 1.** The findings as outlined in the WHEREAS clauses above are hereby
18 adopted.
19

20 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
21 Code of Escambia County, Article 13, Section 13.12.C.1.n., is hereby amended as
22 follows (words underlined are additions and words ~~stricken~~ are deletions):
23

24 **13.12.C.1.** *Requirements for piers to be constructed on Pensacola Beach.*

- 25 n. Structures above the decks of piers are not allowed; however, boatlifts may
26 be approved adjacent to piers if the supporting piles for the boatlift do not
27 extend more than ~~seven feet~~ **twelve feet** above mean high water. Plans
28 and applications must be accompanied by letters from the adjoining
29 lessees stating that they have reviewed the plans and either do or do not
30 object to the proposed construction. Existing structures that were
31 previously approved by the SRIA may remain as long as they are properly
32 maintained. If these structures are destroyed, they may not be rebuilt.

33
34 **Section 3. Severability.**
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36 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
37 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
38 affect the validity of the remaining portions of this Ordinance.
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1 **Section 4. Inclusion in Code.**

2
3 It is the intention of the Board of County Commissioners that the provisions of this
4 Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections,
5 subsections and other provisions of this Ordinance may be renumbered or re-lettered
6 and the word "ordinance" may be changed to "section," "article," or such other
7 appropriate word or phrase in order to accomplish such intentions.
8

9 **Section 5. Effective Date.**

10
11 This Ordinance shall become effective upon filing with the Department of State.
12

13 **DONE AND ENACTED** this _____ day of _____, 2012.
14

15
16 **BOARD OF COUNTY COMMISSIONERS**
17 **OF ESCAMBIA COUNTY, FLORIDA**

18
19 **By:** _____
20 **Wilson B. Robertson, Chairman**

21
22 **ATTEST: ERNIE LEE MAGAHA**
23 **Clerk of the Circuit Court**

24
25 **By:** _____
26 **Deputy Clerk**

27 **(SEAL)**

28
29 **ENACTED:**

30
31 **FILED WITH THE DEPARTMENT OF STATE:**

32
33 **EFFECTIVE DATE:**
34
35



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. B.

Meeting Date: 06/11/2012

Issue: Moratorium of Rezonings in AIPD Areas

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider an Ordinance placing a moratorium on rezoning applications in specified areas adjacent to local military airfields.

BACKGROUND:

The Navy has recently published an updated AICUZ study for Naval Air Station (NAS) Pensacola and Navy Outlying Landing Field (NOLF) Saufley that revises the noise contours and Accident Potential Zone (APZ) configurations in the areas adjacent to those airfields and as a result of the modifications to the APZs and noise contours, changes in zoning under the existing provisions of the Escambia County Land Development Code, which are based on previous APZs and noise contours, may permit encroachment of incompatible land uses in the vicinity of NAS Pensacola and NOLF Saufley. The County is in the process of evaluating the recent revisions to the AICUZ study and developing a process to accommodate the changes to the APZs and noise contours in its Land Development Code, which is expected to be completed within six (6) months.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

Map Exhibit A

1 Development Code, which are based on previous APZs and noise contours, may permit
2 encroachment of incompatible land uses in the vicinity of NAS Pensacola and NOLF
3 Saufley; and
4

5 **WHEREAS**, the Board of County Commissioners has a responsibility to balance
6 private property rights as well as prevent the encroachment of incompatible development
7 that may jeopardize the mission of NAS Pensacola and NOLF Saufley; and
8

9 **WHEREAS**, the County is in the process of evaluating the recent revisions to the
10 AICUZ study and developing a process to accommodate the changes to the APZs and
11 noise contours in its Land Development Code, which is expected to be completed within six
12 (6) months; and
13

14 **WHEREAS**, authority for the Board of County Commissioners to adopt this
15 ordinance includes, but is not limited to, Article VIII, Section 1(f), Constitution of the State
16 of Florida, and Section 125.01(1)(g), Florida Statutes; and
17

18 **WHEREAS**, on _____ 2012, a legal advertisement was published in
19 a newspaper of general circulation in the County notifying the public of this proposed
20 ordinance and of the public hearing to be held in the Board of County Commissioners'
21 Chambers at least seven days after the advertisement; and
22

23 **WHEREAS**, on _____ 2012, a second legal advertisement was
24 published in the same newspaper notifying the public of the second public hearing to be
25 held at least five days after the second advertisement; and
26

27 **WHEREAS**, two public hearings were held pursuant to the published notices
28 described above at which the parties in interest and all others had the opportunity to be
29 and were, in fact, heard regarding the potential negative impact of incompatible
30 development on the mission of NAS Pensacola and NOLF Saufley, as well as testimony
31 and evidence from property owners and prospective purchasers on the hardship resulting
32 from a moratorium.
33

34 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
35 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**
36

37
38 **Section 1. DECLARATION OF MORATORIUM; EXEMPTIONS.**
39

40 1.1. The above recitations are hereby adopted and incorporated by reference as
41 the factual basis that necessitates this action.

PB: 6-11-12

Re: Moratorium of Rezonings in AIPD Areas

Draft Ordinance 1A

Page 2

1
2 1.2. The Board of County Commissioners hereby declares that processing of
3 rezoning applications in the specified portions (red hatched areas) of the
4 lands adjacent to the boundary of NAS Pensacola and NOLF Saufley, shown
5 on the attached Exhibit A, shall temporarily cease immediately upon the
6 effective date of this ordinance.

7
8 1.3. The moratorium imposed by this ordinance shall not apply to rezoning
9 applications submitted prior to _____.

10
11 **Section 2. DURATION OF MORATORIUM.**

12
13 The moratorium imposed by this ordinance shall automatically expire no later
14 than _____ 2012, unless prior to such expiration
15 the Board of County Commissioners, after holding a public hearing, finds and
16 determines that it is necessary to extend the moratorium for a limited and
17 specified additional time period or upon the adoption of any necessary text or
18 map amendments to the Land Development Code to prevent further
19 encroachment of incompatible development in the designated areas
20 described in attached Exhibit A, whichever occurs first.

21
22 **Section 3. ALLEVIATION OF HARDSHIP.**

23
24 3.1. The Board of County Commissioners may authorize exceptions to the
25 moratorium imposed by this ordinance when it finds, based upon substantial
26 competent evidence presented to it, that deferral of action on a rezoning
27 application for the duration of the moratorium would impose extraordinary
28 hardship on a landowner or developer.

29
30 3.2. A request for an exception based upon extraordinary hardship shall be filed
31 with the County Administrator or designee, by the landowner, or the
32 developer with the consent of the landowner, and shall include a recitation of
33 the specific facts that are alleged to support the claim of extraordinary
34 hardship, and shall contain such other information as the County
35 Administrator shall prescribe as necessary for the Board of County
36 Commissioners to be fully informed with respect to the application. A copy of
37 the application shall promptly be forwarded to the Commanding Officer of
38 NAS Pensacola.

39
40 3.3. A public hearing on any request for an exception for extraordinary hardship
41 shall be held by the Board of County Commissioners at the first regular

1 meeting of the Board of County Commissioners after the expiration of the
2 period for publication of notice of the request for an exception.

3
4 3.4. Notice of the filing of a request for an exception, and the date, time, and
5 place of the hearing thereon shall be published once at least ten (10) days
6 prior to the hearing in a newspaper of general circulation in Escambia
7 County, Florida.

8
9 3.5. In reviewing an application for an exception based upon a claim of
10 extraordinary hardship, the Board of County Commissioners shall consider
11 the following criteria:

12
13 a. The extent to which the applicant has, prior to
14 _____ 2012, made a substantial expenditure
15 of money or resources in reliance on the availability of the current
16 rezoning process.

17
18 b. Whether the applicant, prior to _____ 2012, has
19 contractual commitments in reliance on the availability of the current
20 rezoning process.

21
22 c. Whether the applicant, prior to _____
23 2012, has in reliance on the availability of the current rezoning
24 process incurred financial obligations to a lending institution that,
25 despite a thorough review of alternative solutions, the applicant
26 cannot meet unless development proceeds.

27
28 d. Whether the moratorium will expose the applicant to substantial
29 monetary liability to third persons; or would leave the applicant
30 completely unable, after a thorough review of alternative solutions, to
31 earn a reasonable investment backed expectation on the property.

32
33 3.6. The Board of County Commissioners shall consider the following non-
34 exclusive factors under the criteria set forth in subsection 3.5 above:

35
36 a. The history of the property;

37 b. The history of any development on the property;

38 c. The history of the property's Future Land Use Map classification;

39 d. The history of the property's zoning;

40 e. Any change in development when property ownership changed; and

41 f. The present size and use of the property.

1
2 3.7 At the conclusion of the public hearings and after reviewing the evidence and
3 testimony placed before it, the Board of County Commissioners shall act
4 upon the request either to approve, deny or approve in part or deny in part
5 the request.
6

7 **Section 4. SEVERABILITY.**

8
9 If any section, sentence, clause or phase of this ordinance is held to be
10 invalid or unconstitutional by any court of competent jurisdiction, then the
11 holding shall in no way affect the validity of the remaining portions of this
12 ordinance.
13

14 **Section 5. EFFECTIVE DATE.**

15
16 The ordinance shall become effective upon filing with the Department of
17 State.
18

19 **DONE AND ENACTED** this _____ day of _____, 2012.
20

21
22 **BOARD OF COUNTY COMMISSIONERS**
23 **ESCAMBIA COUNTY, FLORIDA**
24

25 **By:** _____
26 **Wilson B. Robertson, Chairman**
27

28 **ATTEST: ERNIE LEE MAGAHA**
29 **CLERK OF THE CIRCUIT COURT**
30

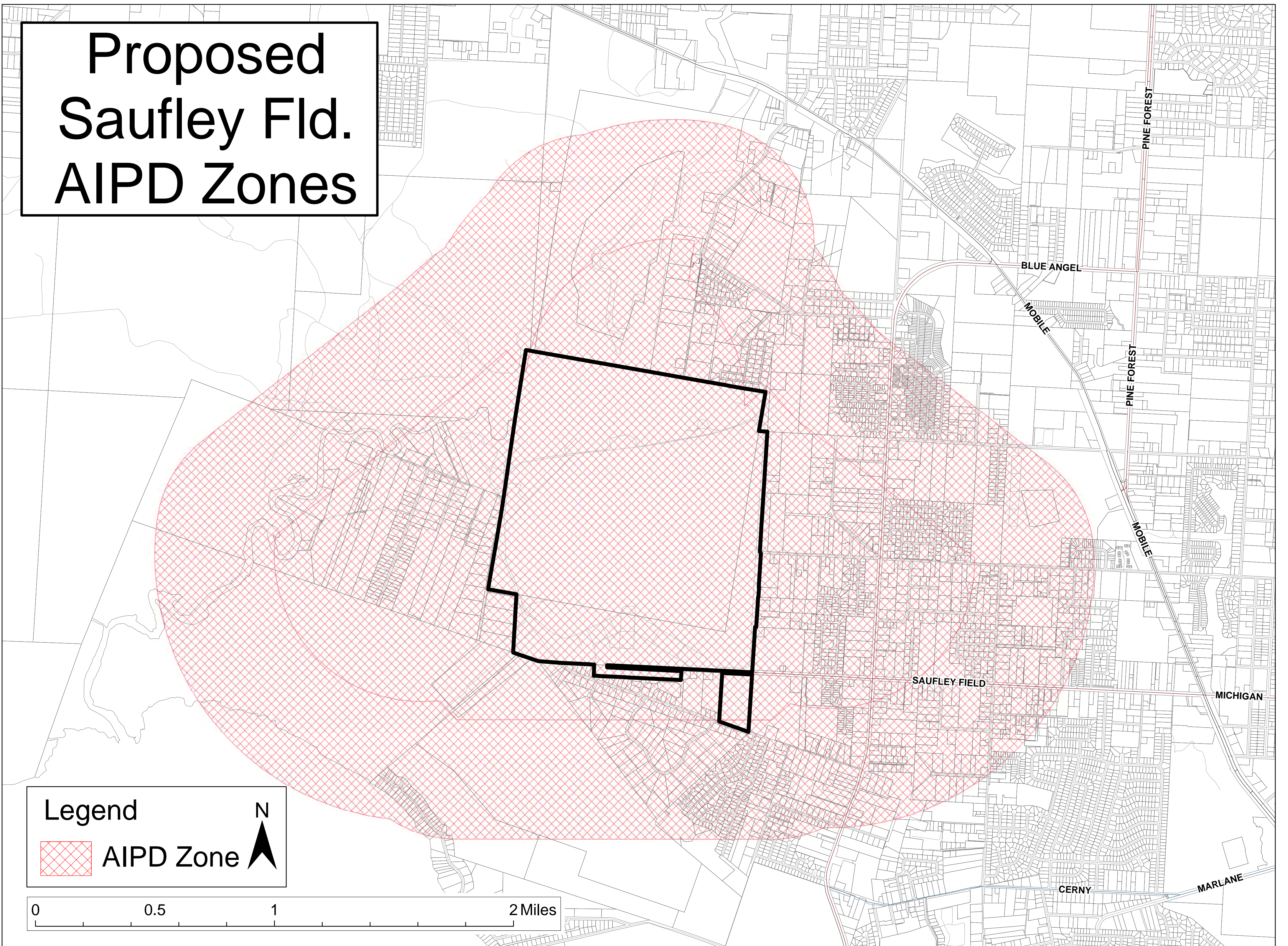
31 **By:** _____
32 **Deputy Clerk**
33

34
35 **ENACTED:**

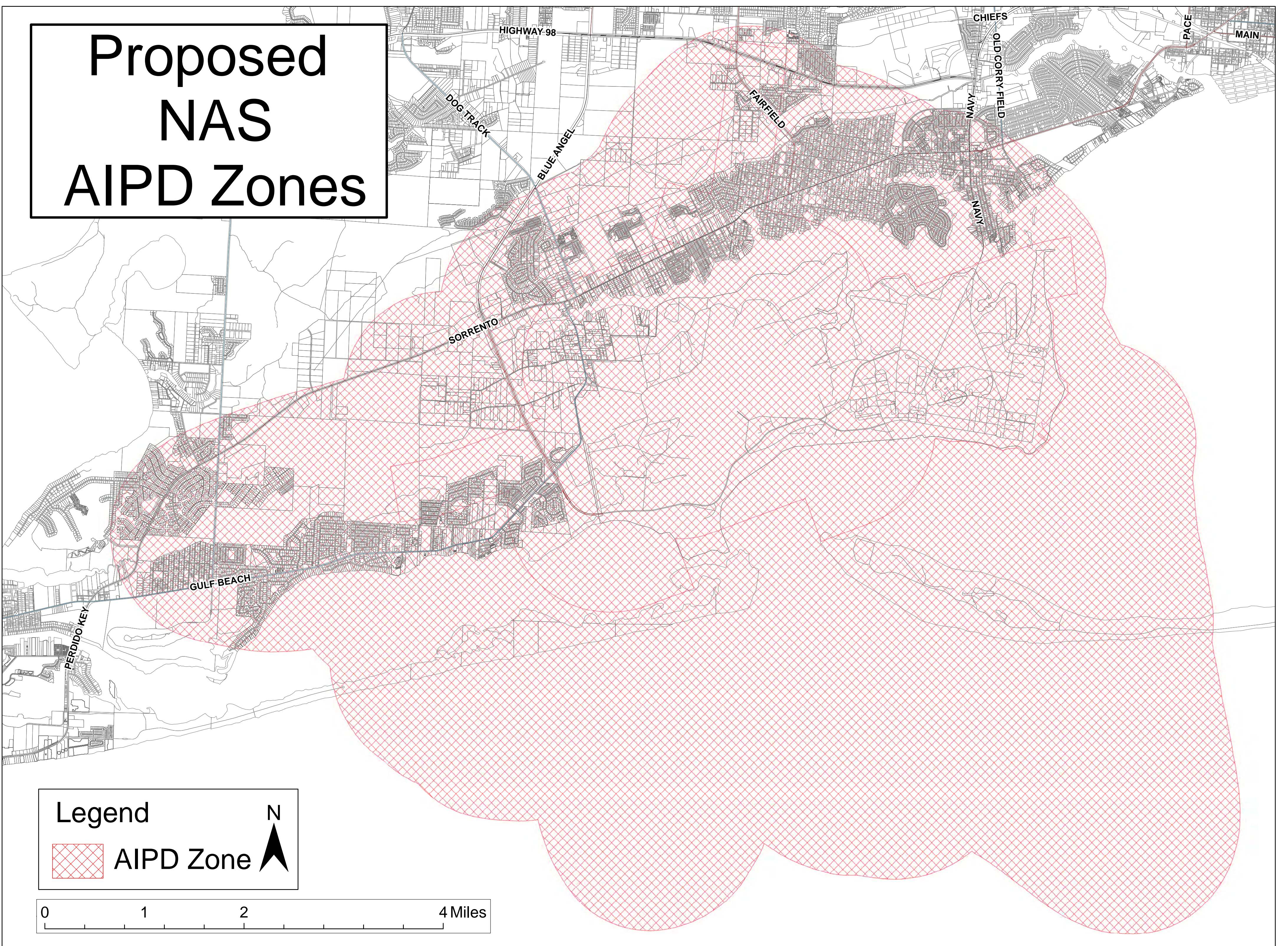
36
37 **FILED WITH THE DEPARTMENT OF STATE:**

38
39 **EFFECTIVE:**
40

Proposed Saufley Fld. AIPD Zones



Proposed NAS AIPD Zones





BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

5. C.

Meeting Date: 06/11/2012

Issue: LDC Ordinance - Article 2 and 6 - Community Redevelopment Agency and Overlay Districts

Organization: Development Services

Information

RECOMMENDATION:

That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) amending Article 2 "Administration," to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District; and amending Article 6 "Zoning Districts," to delete the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District; and create the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amend the Scenic Highway Overlay District by simply relocating it within the Ordinance for clarity purposes.

BACKGROUND:

It has become apparent to County Community Redevelopment Agency staff that the County needs to amend the language of the Overlay Districts for clarity purposes and to bring the Ordinance up-to-date as several performance standards, permitted uses, prohibited uses, and/or conditional uses are either no longer necessary for regulation or simply need to be updated. Staff has developed the proposed Ordinance to help guide future development and redevelopment of properties within the Community Redevelopment Districts by addressing the issues that have become evident during the implementation process.

BUDGETARY IMPACT:

The performance standards detailed in the Ordinance will help revitalize the areas located within the Community Redevelopment Districts, which in turn will create incremental increases in the ad valorem tax base generated from the Overlay Districts.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached ordinance was reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any suggested legal comments are attached herein with the respective ordinance to which they pertain.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to appropriate staff and interested citizens. The proposed Ordinance was prepared in cooperation with the Community & Environment Department, the County Attorney's Office and interested citizens. The Community & Environment Department will ensure proper advertisement.

Attachments

LDC Article 6 Ordinance

Legal Review and Comment

ORDINANCE NUMBER 2012 - _____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 2, "ADMINISTRATION," CREATING SECTION 2.14.00, TO INCLUDE LANGUAGE DEFINING THE COMMUNITY REDEVELOPMENT AGENCY, AND TO INCLUDE GENERAL STANDARDS FOR THE COMMUNITY REDEVELOPMENT DISTRICTS; AMENDING ARTICLE 6, "ZONING DISTRICTS," SECTION 6.07.00, TO DELETE THE RA-1(OL) BARRANCAS REDEVELOPMENT OVERLAY DISTRICT, THE C-3(OL) WARRINGTON COMMERCIAL OVERLAY DISTRICT, AND THE C-4(OL) BROWNSVILLE-MOBILE HIGHWAY AND "T" STREET COMMERCIAL OVERLAY DISTRICT, AND CREATE THE WARRINGTON, BARRANCAS, BROWNSVILLE, ENGLEWOOD AND PALAFOX OVERLAY DISTRICTS; AND TO AMEND THE SCENIC HIGHWAY OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of this Ordinance is to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District;

WHEREAS, this Ordinance deletes the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street commercial overlay district; and,

WHEREAS, this Ordinance creates the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amends the Scenic Highway Overlay District by simply relocating within the Ordinance for clarity purposes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances (1999) the Land Development Code of Escambia County, Article 2, "Administration" Section 2.14.00 is hereby created as follows:

2.14.00. Community Redevelopment Agency.

This article implements the goals, objectives and policies set forth in the Comprehensive Plan related to community redevelopment in Escambia County.

DRAFT

1 2.14.01. Legislative intent for the Community Redevelopment Agency. The Escambia
2 County Community Redevelopment Agency (CRA) refers to the public entity created
3 by the Board of County Commissioners through the 1995 Community Redevelopment
4 Strategy and functions within the County government. The strategy was developed in
5 response to the State of Florida's Community Redevelopment Act enacted in 1969
6 (Chapter 163, Part III, Florida Statutes).

7
8 The Florida Legislature amended the Community Redevelopment Act on July 1, 1977,
9 to allow governments to use tax increment financing (TIF) funding as a tool for
10 redevelopment. The BCC has adopted individual TIF funds for each designated
11 Palafox, Englewood, Brownsville, Warrington, Barrancas community redevelopment
12 districts to utilize the revenues from the sale of tax increment bonds for specific
13 projects aimed at redeveloping areas defined as eligible under the community
14 redevelopment regulations.

15
16 2.14.02 Implementation of CRA Plans and Overlay Districts. The CRA and all other
17 County divisions shall implement the recommendations of the Palafox, Englewood,
18 Brownsville, Warrington, Barrancas and Cantonment Redevelopment Plans, in which
19 the plans drive the enhancement efforts for each individual community redevelopment
20 district. These plans provide guidance enhancing the district's quality of life,
21 encouraging private sector reinvestment, promoting sound economic development
22 principles and providing recommendations for public sector enhancement
23 opportunities such as capital improvement projects. The CRA shall determine
24 compliance with the overlay regulations particularly as it pertains to the uses as well
25 as the site and building requirements, and determine whether exceptions to the
26 overlay district standards may be granted.

27
28 2.14.03 Spot zoning. For the purposes of carrying out the mission of the Community
29 Redevelopment Agency, spot zoning is defined as the rezoning of a lot or parcel of land
30 that will create an isolated zoning district that is incompatible with the adjacent and
31 nearby zoning districts. Surrounding uses, whether conforming or non-conforming may
32 not be taken into consideration for the rezoning rationale.

33
34 2.14.04 Nonconforming uses. A nonconforming use shall not be extended, expanded,
35 enlarged, or increased in intensity. Such prohibited activities apply to non-complying
36 buildings, structures or dwellings.

37
38 Where the cessation of the nonconforming use is involuntary or the result of acts of God,
39 the nonconforming use may be replaced if construction efforts to replace the building,
40 structure or dwelling are underway within six months of the occurrence. An extension to
41 the time period may be granted by the CRA manager, or designee, if the landowner
42 proves a cessation of use was due to circumstances beyond control and that the
43 landowner exerted a continuing good faith effort to put the building, structure or dwelling
44 to use during the prescribed period.

45
46 2.14.05 Reconstruction of nonconforming uses. Any reconstruction undertaken to
47 nonconforming uses approved for replacement by the CRA manager, or designee, must
48 conform to all applicable laws, rules and regulations governing building and construction,
49 and all applicable performance standards.

1
2 **Section 2.** Part III of the Escambia County Code of Ordinances (1999) the Land
3 Development Code of Escambia County, Article 6, "Zoning Districts", Section 6.07.00 is
4 hereby amended as follows:

5
6 **6.07.00. Overlay districts (general).**

7
8 ~~*Intent and purpose of district.* This special overlay section is intended to provide an~~
9 ~~enhanced level of protection for land areas which provide primary access (gateways) to~~
10 ~~(1) major military installations, (2) redevelopment area commercial corridors, and (3) the~~
11 ~~unique scenic vista and environmental resources of the county. An overlay district is a~~
12 ~~professionally accepted planning tool for establishing development restrictions on land~~
13 ~~within a defined geographic area or characterized by specific physical features or site~~
14 ~~conditions. Overlay districts are typically superimposed over one or more underlying~~
15 ~~conventional zoning districts in order to address areas of community interest that warrant~~
16 ~~special consideration such as historic preservation, area enhancement, or protection of a~~
17 ~~particular resource(s); however, overlay districts may also be used as stand-alone~~
18 ~~regulations to manage development in desired areas of the community.~~

19
20 ~~*6.07.01. C-3(OL) Warrington commercial overlay district.*~~

21 ~~*A. Intent and purpose of district.* This special performance district is intended to~~
22 ~~provide an enhanced level of protection for land uses in those commercial~~
23 ~~corridors which (1) are located within the Warrington Redevelopment Area, and~~
24 ~~(2) provide primary access (gateways) to the two major military installations.~~
25 ~~This is an overlay district and the regulations herein expand upon the existing~~
26 ~~C-1 and/or C-2 zoning district regulations otherwise imposed on individual~~
27 ~~parcels within the commercial corridor.~~

28
29 ~~*B. Applicability.* This overlay district applies to all C-1 or C-2 zoned properties~~
30 ~~indicated on the zoning map as C-3OL. A generalized map of the C-4(OL)~~
31 ~~District is depicted in Figure 1; however, it is not the official zoning map and~~
32 ~~should be used only for preliminary determination of the application of the~~
33 ~~overlay zone.~~

34 ~~*C-3(OL) Warrington Commercial Overlay District*~~

35 ~~*C. Relationship to underlying zoning.* All of the use listings and site design~~
36 ~~requirements of the underlying C-1 and C-2 commercial districts shall continue~~
37 ~~to apply. This C-3(OL) district adds one prohibited use and adds to the list of~~
38 ~~uses that shall require conditional use review and approval by the board of~~
39 ~~adjustment. The conditional use review shall require a finding of fact on both~~
40 ~~those performance standards listed in section 2.05.03 of this Code and the~~
41 ~~additional performance standards listed in F., G., and H. below.~~

42
43 ~~*D. Prohibited uses.* Portable food vendors.~~

1 ~~E. Use requiring special conditional use review.~~

- 2
- 3 1. Convenience stores.
- 4 2. Retail sale of alcohol for off-premises consumption.
- 5 3. Bars and nightclubs.
- 6 4. Tattoo parlors.
- 7 5. Pawn shops and check-cashing services.
- 8 6. Commercial amusement arcades, including billiard parlors and game
- 9 machine arcades.
- 10 7. Automotive uses (including car sales, automobile rental agencies, car
- 11 washes, auto repair facilities, tire sales, etc.).
- 12 8. Truck, utility trailer, and RV rental service or facility.

13

14 ~~F. Performance standards.~~

- 15
- 16 1. ~~Building and sign design.~~ The choice of building materials, colors and
- 17 building signage shall be compatible with the intent of this district and
- 18 shall not have an adverse visual impact on surrounding properties of the
- 19 two nearby Navy installations.
- 20
- 21 2. ~~Color and materials.~~ Colors shall be compatible with the general
- 22 pattern existing on the commercial corridors within the Warrington area.

23

24 ~~G. Conditional use performance standards.~~ The department of growth

25 management urban design planner or community redevelopment agency

26 redevelopment specialist shall provide a staff assessment for the board of

27 adjustment (BOA) based upon the following criteria, and the BOA shall make

28 findings of fact relative to the following conditional use standards in addition to

29 those in F.1. above and article 2 of this Code:

30

31

32 1. ~~Distance.~~ At least 500 feet shall separate any two uses of the same

33 kind or, for automotive uses, of a similar kind as listed in E. above. For

34 example, a car wash shall be separated from any other car wash by a

35 distance of at least 500 feet. This shall be measured from the closest

36 point of the building facade of the use.

37

38 2. ~~Freestanding on-premises signs.~~ There shall be only one such sign

39 per parcel and it shall not exceed 100 square feet per sign face and 25

40 feet in height; in the case of multiuse parcels, the sign shall not exceed

41 200 square feet. The sign face shall have colors, materials and lighting

42 that are compatible with the general pattern existing on the commercial

43 corridors within the Warrington area.

44

1 3. *Management plan.* The applicant shall submit a management plan
2 that addresses the following:

3
4 a. Proposed hours of operations.

5
6 b. Other similar properties managed by the applicant, now or in
7 the past.

8
9 c. Explanation of any franchise agreement.

10
11 H. *C-2 performance standards.* Any project within this overlay district which is
12 zoned C-2 General Commercial shall be subject to the following special design
13 standards.

14
15 1. *Landscaping.* For developments subject to section 7.01.00 a
16 minimum ten-foot wide landscaped strip shall be required on all roadway
17 frontages, and shall contain one tree and ten shrubs for every 35 linear
18 feet of frontage. Preservation of existing plant communities within the
19 required landscaped areas can be used to satisfy this requirement.
20 Buffers required adjacent to residential districts shall include a minimum
21 of two trees and 15 shrubs for every 35 linear feet of required buffer
22 area.

23
24 2. *Vehicular use areas.* Areas other than public rights-of-way, designed
25 to be used for parking, storage of vehicles for rent or sales, or
26 movement of vehicular traffic, shall be separated by a five-foot
27 landscaped strip from any boundary of the property on which the
28 vehicular use area is located. This landscaped strip shall consist of
29 shrubs or ground covers with a minimum mature height of 24 inches and
30 a maximum height of 30 inches. Plant material shall be spaced 18
31 inches to 24 inches apart, depending on their mature size.

32
33 3. *Parking lots.* Interior parking areas shall have one landscape island
34 containing at least one tree and shrubs or ground covers as per the
35 above specifications, for every eight continuous spaces.

36
37 4. *Irrigation system.*

38
39 a. An irrigation system shall be installed for all landscaped areas
40 of the site.

41
42 b. All irrigation materials used shall be ASTM approved.

43
44 c. All irrigation systems shall include rain sensors.

1
2 ~~5. Existing development. Notwithstanding section 7.00.01.B., any C-2~~
3 ~~change of use that applies for approval within this overlay district must~~
4 ~~meet the above standards as well as those of section 7.01.05.~~
5

6 ~~6.07.02. Scenic highway overlay district.~~

7 ~~A. Intent, boundaries and purpose of the district. This district is intended to~~
8 ~~protect the unique scenic vista and environmental resources of the Scenic~~
9 ~~Highway Corridor and adjacent Escambia Bay shoreline. This is an overlay~~
10 ~~district and the regulations herein expand upon existing R-1, R-2, R-3, R-6, C-1,~~
11 ~~and/or ID-1 zoning district regulations otherwise imposed on individual parcels~~
12 ~~within the corridor. The district overlays all parcels adjacent to the Pensacola~~
13 ~~Scenic Bluffs Highway corridor on the west side of the highway and all of the~~
14 ~~property between the Pensacola Scenic Bluffs Highway and the Escambia Bay~~
15 ~~on the east side of the highway, for approximately five miles from the city limit~~
16 ~~of Pensacola along Scenic Highway continuing along Highway 90 to the bridge~~
17 ~~over the Escambia River at the Santa Rosa County line. A generalized map of~~
18 ~~the Scenic Highway Overlay district is depicted in Figure 2; however, it is not~~
19 ~~the official zoning map and should be used only for preliminary determination of~~
20 ~~the application of the overlay zone. The purpose of the district is to alleviate~~
21 ~~harmful effects of on-site generated erosion and runoff caused by clearing~~
22 ~~natural vegetation and changing existing contours of the land, and to ensure the~~
23 ~~preservation of the bluffs, wetland areas and scenic views along the bay and~~
24 ~~assure continued public access to the views along the corridor. Views are an~~
25 ~~amenity and human appreciation of views is reflected in both private property~~
26 ~~values and the overall general welfare of the community.~~
27

28 ~~B. Permitted uses. See underlay zoning districts.~~
29

30 ~~C. Lot coverage. Maximum area land coverage by all structures, parking areas,~~
31 ~~driveways and all other impervious surfaces shall not exceed 50 percent of the~~
32 ~~gross site area.~~
33

34 ~~D. Setback. All structures shall be located a minimum of 50 feet from the Scenic~~
35 ~~Highway right-of-way unless precluded by lot configuration or topography.~~
36

37 ~~E. Building separation. The minimum distance between structures shall be 15~~
38 ~~feet and there shall be at least 100 feet between a multifamily structure~~
39 ~~(including hotels and motels) and single-family dwellings.~~
40

41 ~~F. Pedestrian-bicycle. The intent of the corridor management plan is to provide~~
42 ~~a multiuse path on the east side of Scenic Highway the full length of the corridor~~
43 ~~at the maximum distance possible from the roadway pavement, within the right-~~
44 ~~of-way. During the site review process the staff will work with the applicant to~~
45 ~~maximize the innovative integration of a path extension, into the project, outside~~

1 of the right-of-way on public property or on easements donated by private
2 property owners.

3
4 ~~G. *Building heights.* Buildings between the Scenic Highway and Escambia Bay~~
5 ~~shall have a maximum height of 35 feet as measured at the average finished~~
6 ~~grade elevation of the lot above mean sea level (MSL). Nonresidential uses can~~
7 ~~exceed the height limit only with conditional use approval by the board of~~
8 ~~adjustment. In addition to the other conditional use criteria, the requested height~~
9 ~~must be found not to interfere with the scenic attractiveness of the location as~~
10 ~~viewed from any plausible direction. In addition, for structures over 35 feet in~~
11 ~~height, for every two feet in height over 35 feet, there shall be an additional one~~
12 ~~foot of front and side setback at the ground level.~~

13
14 ~~H. *Tree protection.*~~

15
16 ~~1. A canopy road tree protection zone is hereby established for all land~~
17 ~~within 20 feet of the right of way of Scenic Highway and Highway 90 to~~
18 ~~the Santa Rosa County line. No person or agency shall cut, remove,~~
19 ~~trim or in any way damage any tree in any canopy tree protection zone~~
20 ~~without a permit. Except in unique cases, such pruning shall not remove~~
21 ~~more than 30 percent of the existing tree material. Utility companies are~~
22 ~~not permitted to prune more than 30 percent of the existing tree canopy.~~

23
24 ~~2. Heritage Oak trees shall be prescribed.~~

25
26 ~~3. Clearing of natural vegetation within the corridor shall require a land~~
27 ~~disturbing permit and is generally prohibited except for the minimum~~
28 ~~area needed for construction of allowable structures or view~~
29 ~~enhancement.~~

30
31 ~~I. *Landscaping.*~~

32
33 ~~1. For developments subject to section 7.01.00, a minimum ten-foot~~
34 ~~wide landscaped strip shall be required along the Scenic Highway~~
35 ~~frontage, and shall contain one tree for every 35 linear feet of frontage.~~
36 ~~The trees shall be tall enough so that a six-foot view shed exists at~~
37 ~~planting. Preservation of existing plant communities within the required~~
38 ~~landscaped areas can be used to satisfy this requirement.~~

39
40 ~~2. Orientation of commercial buildings shall be away from residential~~
41 ~~development within or adjacent to the district. Layout of parking and~~
42 ~~service areas, access, landscaping, yards, courts, walls, signs, lighting~~
43 ~~and control of noise and other potentially adverse influences shall be~~
44 ~~such as to promote protection of such residential development, and will~~
45 ~~include adequate buffering.~~

1
2 ~~J. *Fences.* See section 7.04.00. No fence may be solid. No chain link fence~~
3 ~~shall be located between Scenic Highway and the principal building. Any other~~
4 ~~type of fence in this area shall not exceed three feet. Where single-story~~
5 ~~structures are higher than the roadbed, there should be no wall, fence, structure~~
6 ~~or plant material located between the front building line and the roadbed that~~
7 ~~will obstruct the view from automobiles on the scenic route.~~

8
9 ~~K. *Structure location.* Whether a conditional use or site planning review, all~~
10 ~~structures will be reviewed to assure conformance with the following criteria:~~

11
12 ~~1. The location shall afford maximum views of the bay from the street~~
13 ~~right-of-way.~~

14
15 ~~2. The location shall minimize impact on the natural bluff and plant~~
16 ~~material (other than pruning to enhance views).~~

17
18 ~~3. Provide underground utilities.~~

19
20 ~~6.07.03. *C-4(OL) Brownsville-Mobile Highway and "T" Street commercial overlay*~~
21 ~~*district.*~~

22 ~~A. *Intent and purpose of district.* This special performance district is intended to~~
23 ~~provide an enhanced level of protection to the prime commercial corridor of the~~
24 ~~Brownsville Redevelopment Area thereby furthering the objectives of the~~
25 ~~redevelopment plan. This is an overlay and the regulations herein expand upon~~
26 ~~existing R-6, C-1 and/or C-2 zoning district regulations otherwise imposed on~~
27 ~~individual parcels within the commercial corridor.~~

28
29 ~~B. *Applicability.* This overlay district applies to all R-6, C-1, C-2, or ID-1 zoned~~
30 ~~properties along the Mobile Highway corridor approximately between "W" Street~~
31 ~~and Seaton Lane and to all C-2 zoned properties along the "T" Street corridor~~
32 ~~bounded on the north by Fairfield Drive, on the east by "S" Street, on the south~~
33 ~~by Blount Street, and on the west by "V" Street indicated on the "Exhibit 1: C-~~
34 ~~4(OL) zoning map" and incorporated by reference herein. A generalized map of~~
35 ~~the C-4(OL) District is depicted in Figure 3; however, it is not the official zoning~~
36 ~~map and should be used only for preliminary determination of the application of~~
37 ~~the overlay zone.~~

38
39 ~~C. *Relationship to underlying zoning.* All of the use listings and site design~~
40 ~~requirements of the underlying R-6, C-1, C-2, and ID-1 commercial or industrial~~
41 ~~districts shall continue to apply. This C-4(OL) district adds one prohibited use~~
42 ~~and adds to the list of uses that shall require conditional use review and~~
43 ~~approval by the Board of Adjustment. The conditional use review shall require a~~

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1 finding of fact on both those performance standards listed in section 2.05.03 of
2 the Code and the additional performance standards listed in F. and G. below.

3
4 ~~D. Prohibited uses. Off-premises [signs].~~

5
6 ~~E. Uses requiring special conditional use review.~~

7
8 1. ~~Convenience stores.~~

9
10 2. ~~Retail sale of alcohol for off-premises consumption.~~

11
12 3. ~~Bars and nightclubs.~~

13
14 4. ~~Pawn shops and check-cashing services.~~

15
16 5. ~~Commercial amusement arcades, including billiard parlors and game
17 machine arcades.~~

18
19 6. ~~Automotive uses (including used car sales, automobile rental
20 agencies, car washes, auto repair facilities, tire sales, etc.).~~

21
22 7. ~~Truck, utility trailer, and RV rental service or facility.~~

23
24 8. ~~Portable food vendors.~~

25
26 9. ~~Any new building that is more than 15 percent taller than any
27 building on an adjacent parcel.~~

28
29 10. ~~Tattoo parlors.~~

30
31 11. ~~Welding shops located in C-1 zoning districts prior to March 1, 2004.~~

32
33 ~~F. Performance standards.~~

34
35 1. ~~Building and sign design. The choice of building materials, colors and
36 building signage shall be compatible with the intent of this district.
37 Buildings shall incorporate "human scale" design. Such design is
38 proportioned to reflect pedestrian scale and movement, and to
39 encourage interest at the street level.~~

40
41 a. ~~Orientation. Wherever feasible, buildings shall be "street-
42 oriented" to create a desirable pedestrian environment between
43 the building and the street. Street orientation should include~~

entrances, storefronts, and display windows facing Mobile Highway, Cervantes Street, or "T" Street. If the rear of the building any of these streets, the rear of the building must have a pseudo-storefront.

b. *Color and materials.* Colors shall be compatible with the general pattern existing on the Mobile Highway and "T" Street commercial corridors.

c. *Setback.* New construction shall be setback from Mobile Highway, Cervantes Street, or "T" Street a distance similar to adjacent buildings unless customer parking is provided adjacent to any of these streets in support of Crime Prevention Through Environmental Design (CPTED).

G. *Conditional use performance standards.* The department of growth management urban design planner or community redevelopment agency redevelopment specialist shall provide a staff assessment for the board of adjustment (BOA) based upon the following criteria, and the BOA shall make findings of fact relative to the following conditional use standards in addition to those in F.1.a., b., and c. cited above and article 2 of this Code:

1. *Distance.* At least 500 feet shall separate any two uses of the same kind or, for automotive uses, of a similar kind as listed in E. above. For example, a car wash shall be separated from any other car wash by a distance of least 500 feet. This shall be measured from the closest point on the building facade of the use.

2. *Freestanding on premises signs.* There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 25 feet in height; in the case of multiuse parcels, the sign shall not exceed 200 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing on the Mobile Highway and "T" Street commercial corridors.

3. *Management plan.* The applicant shall submit a management plan that addresses the following:

a. Proposed hours of operations.

b. Other similar properties managed by the applicant, now or in the past.

c. Explanation of any franchise agreement.

1 *6.07.04. RA-1(OL) Barrancas Redevelopment Area Overlay District.*

2
3 *A. Intent and purpose of the district.* This district is intended to provide an
4 enhanced level of protection for land uses, which are located in the Barrancas
5 Redevelopment Area, and to protect the unique environmental resources of
6 Bayou Chico. This is an overlay district and the regulations herein expand upon
7 the existing R-1, R-2, R-3, R-4, R-6, C-1, and WMU underlying districts
8 otherwise imposed on individual parcels within the Redevelopment Area. The
9 purpose of this district is to (1) alleviate the harmful effects of industrial
10 pollutants entering and degrading the quality of Bayou Chico and (2) enhance
11 the character of the area, which has been changed by the realignment of
12 Barrancas Avenue, through appropriate land use controls.

13
14 *B. Applicability.* This overlay district applies to all R-1, R-2, R-3, R-4, R-6, C-1,
15 and WMU zoned properties indicated on "Exhibit 1, RA-1(OL) Barrancas
16 Redevelopment Area Overlay District" zoning map, which is incorporated by
17 reference herein and is reflected in the official zoning maps. A generalized map
18 of the RA-1(OL) District is depicted in Figure 4 attached to Ordinance No. 2006-
19 _____; however, it is not the official zoning map and should be used
20 only for preliminary determination of the application of the overlay zone.

21
22 *C. Relationship to underlying zoning.* All of the use listings and site design
23 requirements of the underlying R-1, R-2, R-3, R-4, R-6, C-1 and WMU districts
24 shall continue to apply unless modified by the following:

25
26 *D. Permitted uses.*

- 27
28 1. Antique shops allowed in R-6 and C-1 underlying zoning districts.
29
30 2. Bed and breakfast inns, as licensed under F.S. ch. 509, allowed in R-
31 4, R-6, C-1, and WMU underlying zoning districts.
32
33 3. Multifamily residential developments, allowed in R-4, R-6, C-1, and
34 WMU underlying zoning districts, consisting of three (3) or more
35 attached units are required to be condominium developments pursuant
36 to the Condominium Act, F.S. ch. 718. This does not apply to single-
37 family attached homes such as duplexes, townhomes, or rowhouses.

38
39 *E. Conditional uses.*

- 40
41 1. Private clubs and lodges.
42
43 2. Automobile repair shops, including indoor repair and restoration (not
44 including painting) for ignition, fuel, brake and suspension systems or
45 similar uses and sale of related products necessary for automobile

1 repair, gross floor area not to exceed 6,000 square feet. Outside repair
2 and/or storage and automotive painting is prohibited.

3
4 *F. Prohibited uses.*

5
6 1. Automobile service stations that include the sale of gasoline. Outside
7 repair and/or storage and automotive painting is prohibited.

8
9 2. Boarding and lodging houses, or other similar uses.

10
11 3. Commercial boat storage, except in the underlying WMU district.

12
13 4. Commercial RV Storage.

14
15 5. Campgrounds.

16
17 6. Carnival-type amusements and amusement arcades.

18
19 7. Fortune tellers, palm readers, psychics, etc.

20
21 8. Mini-warehouses.

22
23 9. Mobile homes and manufactured homes.

24
25 10. Off-premises signs, billboards and other sign structures erected,
26 located and maintained as provided for in article 8 of this Code.

27
28 11. Pawn shops.

29
30 12. Used clothing deposit box.

31
32 13. Wholesale and/or distribution warehousing except in WMU
33 underlying zoning district.

34
35 *G. Site and building requirements.*

36
37 1. *Building height.* Except for properties within the WMU zoning district,
38 no building or structure shall exceed 45 feet in height as defined in
39 section 3.00.01 of this Code. Height for buildings with pitched roofs shall
40 be measured to the bottom of the eaves. If a lower height is specified in
41 an underlying zoning district, the lower height shall prevail.
42

1 2. ~~Building design.~~

2
3 a. ~~The choice of building materials and colors shall be~~
4 ~~compatible with the intent of this district and shall not have an~~
5 ~~adverse visual impact on surrounding properties.~~

6
7 b. ~~For R-3 and R-4 zoning districts buildings shall be "street-~~
8 ~~oriented" to create a desirable pedestrian environment between~~
9 ~~the building and the street. Street orientation is defined as~~
10 ~~having a clear and visible orientation to the street. Street~~
11 ~~orientation should include:~~

12
13 (1) ~~Garages. For residential uses, there shall be no front~~
14 ~~facing garages unless they are setback an additional ten~~
15 ~~feet from the primary front facade and do not exceed 25~~
16 ~~percent of the street facing building facade. If the lot~~
17 ~~width is forty feet or less, the 25 percent requirement~~
18 ~~shall not apply. All other garages must face the side or~~
19 ~~rear of the parcel.~~

20
21 (2) ~~Front entry. The front facade shall include the primary~~
22 ~~entry door, be street facing, and include a porch or stoop.~~

23
24 (a) ~~Front porches. Front porches shall be a~~
25 ~~minimum six feet deep and ten feet wide. The~~
26 ~~scale of the front porch should be in scale with the~~
27 ~~primary facade.~~

28
29 (b) ~~Stoops. Stoops provide connections to~~
30 ~~building entrances or porches where residential~~
31 ~~buildings are elevated above grade. Stoops shall~~
32 ~~be a minimum of five feet wide.~~

33
34 (3) ~~Off-street parking. All off-street parking shall be~~
35 ~~located in the rear of the building that faces the public~~
36 ~~street or within a garage. For single-family detached~~
37 ~~housing, off street parking can be located in a carport,~~
38 ~~driveway or garage.~~

39
40 c. ~~For R-6 and C-1 zoning districts buildings shall be "street-~~
41 ~~oriented" to create a desirable pedestrian environment between~~
42 ~~the building and the street. Street orientation is defined as~~
43 ~~having a clear and visible orientation to the street. Street~~
44 ~~orientation should include:~~

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1 (1) Front and side setback lines should be consistent with
2 adjacent structures. Rear setbacks shall be as required
3 by the underlying zoning district. Where setback lines are
4 not clearly established, buildings shall be built to within
5 ten (10) feet of property lines.
6

7 (2) Buildings shall be oriented so that the principal facade
8 is parallel or nearly parallel to the streets they face. On
9 corner sites, buildings shall occupy the corner.
10

11 (3) Walkways that lead to front doors, separate from the
12 driveway are encouraged.
13

14 (4) Entrances shall be well lit, visible from the street and
15 easily accessible.
16

17 (5) Off-street parking.
18

19 (a) For residential uses, all off-street parking shall
20 be located in the rear of the building that faces the
21 public street or within a garage. For single-family
22 detached housing, off-street parking can be
23 located in a carport, driveway or garage. There
24 shall be no front-facing garages unless they are
25 setback an additional ten feet from the primary
26 front facade and do not exceed 25 percent of the
27 street-facing building facade. If the lot width is
28 forty feet or less, the 25 percent requirement shall
29 not apply.
30

31 (b) For commercial uses, off-street parking areas
32 shall be located on the side or rear of the building
33 unless a shared central parking facility is
34 developed through an easement or common
35 ownership among contiguous properties.
36 Curbcuts shall be limited to one 20-foot access
37 point for a shared central parking facility. Linear
38 buildings or landscaping shall be used to screen
39 parking from the street.
40

41 (c) Walkways shall be included in off-street
42 parking areas.
43

44 (6) Buildings shall incorporate "human scale" design.
45 That is, designed in proportions to reflect human
46 pedestrian scale and movement, and to encourage

1 interest at the street level. "Human scale" is best
2 achieved when the street-to-building height ratio is 1:2
3 and does not exceed 1:3. (e.g. if the street is 24 feet
4 wide, building height should not exceed 72 feet)

5
6 ~~(7) All service and loading areas shall be entirely
7 screened from view.~~

8
9 ~~(8) Sidewalk sales and/or tent sales with temporary
10 displays shall be permitted immediately adjacent to the
11 business for no more than fourteen days in any one
12 calendar year provided that all required permits are
13 obtained and a traffic management and parking plan are
14 presented to, and approved by, the traffic engineering
15 department prior to events.~~

16
17 ~~(9) Outdoor dining. Outdoor dining and seating shall be
18 permitted. Dining areas shall be properly designated and
19 appropriately separated from public walkways and streets
20 using attractive materials such as railings, opaque
21 wrought iron fences, landscaping, or other suitable
22 material. Designated outdoor dining areas adjacent to
23 public right-of-way shall allow a minimum unobstructed
24 sidewalk of six feet along the public right-of-way.~~

25
26 ~~3. Landscaping.~~

27
28 ~~a. See section 7.01.00 of this Code.~~

29
30 ~~b. It is the proposed intent of this ordinance to encourage water
31 conservation through proper plant selection, installation and
32 maintenance practices. All commercial and industrial projects
33 shall submit a landscape plan as part of the development review
34 criteria. The plan will include plant species proposed, location of
35 all plant material, including areas proposed for sod, areas of
36 natural vegetation to be protected, and an irrigation plan. Native
37 plant species are required. Sabal palm is considered a native
38 plant species.~~

39
40 ~~4. Buffers and screening of outdoor storage. See section 7.01.06 of this
41 Code except the following revisions shall be applied to the RA-1(OL)
42 Barrancas Redevelopment Area Overlay District.~~

43
44 ~~a. Section 7.01.06.D.2. Type. Only fencing (may or may not be
45 opaque) or walls made of concrete or stucco may supplement~~

1 buffers. Specifically, old garage doors and pieces of tin do not
2 qualify for fencing or wall materials; and

3
4 b. Section 7.01.06.E. *Screening of outdoor storage*. Opaque
5 fencing shall mean chain link fence with slats, privacy wooden
6 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco
7 wall may also be used to screen outdoor storage.

8
9 5. *Natural features*. Natural features shall be protected and integrated
10 into site design/development where possible. The applicant shall
11 demonstrate how the development protects and incorporates existing
12 vegetation.

13
14 6. *Crime prevention through environmental design*. Crime Prevention
15 Through Environmental Design (CPTED) principles shall be used when
16 designing any element within the RA-1(OL) District, including but not
17 limited to site design, buildings, street design, signs, landscaping and
18 parking. The following CPTED guidelines should be considered when
19 designing any element within the RA-1 (OL) District.

20
21 a. *Territoriality*. All building entrances, parking areas, pathways
22 and other elements should incorporate appropriate features that
23 express ownership. The use of these features shall not conflict
24 with the need for natural surveillance.

25
26 b. *Natural surveillance*. The site layout, building and landscape
27 design shall promote the principles of natural surveillance.
28 Physical features and activities should be oriented and designed
29 in ways that maximize the ability to see throughout the site.

30
31 c. *Activity support*. The site layout and building design should
32 encourage legitimate activity in public spaces.

33
34 d. *Access control*. To discourage crime, entrances and exits
35 should be located and designed in a manner that incorporates
36 natural surveillance techniques and area control measures.

37
38 7. *Signs*.

39
40 a. See article 8 of this Code.

41
42 b. The choice of building signage shall be compatible with the
43 intent of this district and shall not have an adverse visual impact
44 on surrounding properties.

1 ~~c. Free-standing on-premises signs shall be "human scaled".~~
2 ~~There shall be only one such sign per parcel and it shall not~~
3 ~~exceed 100 square feet per sign face and 12 feet in height; in~~
4 ~~the case of multi-use parcels, the sign shall not exceed 299~~
5 ~~square feet. The sign face shall have colors, materials and~~
6 ~~lighting that are compatible with the general pattern existing in~~
7 ~~the Barrancas Redevelopment Area Overlay District.~~
8 ~~Freestanding signs shall be limited to monument signs. Attached~~
9 ~~signs or shingles may be permitted for individual businesses in a~~
10 ~~multi-use building. Such signs shall not exceed 20 square feet~~
11 ~~per sign face.~~

12
13 ~~d. Billboards or pole signs are not permitted in this overlay~~
14 ~~district.~~

15
16 ~~8. *Locational criteria.* See section 7.20.02 of this Code.~~

17
18 6.07.01. Warrington Overlay District.

19
20 A. *The intent and purpose.* The Warrington Overlay District is intended to provide
21 an enhanced level of protection for land uses and provide primary access
22 (gateways) to the two major military installations located within the Warrington
23 Community Redevelopment District. This is a zoning overlay district and the
24 regulations herein expand upon the existing zoning district regulations otherwise
25 imposed on individual parcels within the Warrington Community Redevelopment
26 District.

27
28 B. *Applicability.* This zoning overlay district applies to all zoned properties located
29 in the Warrington Community Redevelopment District.

30
31 C. *Relationship to underlying zoning.* All of the use listings and site design
32 requirements of the underlying zoning districts shall continue to apply unless
33 modified by the following:

34
35 D. *Permitted uses.* Mixed-use developments, defined as where non-residential
36 and residential uses occupy the same building. The non-residential use(s) shall
37 contain the first or bottom floor and the residential use(s) contain the second or
38 upper floor(s).

39
40 E. *Prohibited uses.*

41
42 1. Portable food vendors.

43
44 2. Mobile homes and manufactured homes.

45
46 3. Mobile home/manufactured home parks.
47

1 F. Uses requiring management plan submittal. The following uses shall require
2 submission of a management plan to the CRA prior to development approval.
3 Amendments to the management plan shall have approval of the CRA manager
4 or his/her designee.

5
6 1. Convenience stores.

7
8 2. Tattoo Parlors.

9
10 3. Retail sale of alcohol for off-premises consumption.

11
12 4. Bars and nightclubs.

13
14 5. Pawn shops and check cashing services.

15
16 6. Commercial amusement arcades, including billiard parlors and game
17 machine arcades.

18
19 7. Automotive uses (including car sales, automobile rental agencies, car
20 washes, auto repair facilities, tire sales, etc.).

21
22 8. Truck, utility trailer, and RV rental service or facility.

23
24 G. Management plan. The applicant shall submit a management plan that
25 addresses the following:

26
27 1. Proposed hours of operations.

28
29 2. Other similar properties managed by the applicant, if applicable.

30
31 3. Explanation of any franchise agreement.

32
33 H. Rezoning. The following rezoning requests shall be prohibited:

34
35 1. Rezoning of C-1 properties to a more intense zoning district if located
36 on an arterial roadway.

37
38 2. Rezoning where the result would create a spot zoning. (See LDC
39 Section 2.14.03 for definition of spot zoning.)

40
41 I. Non-residential site and building requirements.

42
43 1. Building height. New buildings, additions and redeveloped buildings
44 shall complement the existing pattern of building heights. Buildings in the
45 overlay district may not exceed 45 feet in height.

46
47 2. Building design.

1 a. Setbacks. New construction must maintain the existing
2 alignment of facades along the street front. Exceptions may be
3 granted if the setback is pedestrian oriented and contributes to the
4 quality and character of the streetscape.

5
6 b. Facades. A building more than 80 feet in width shall be divided
7 into increments by incorporation of one of the following
8 techniques, but not limited to:

9
10 (1). Divisions or breaks in materials

11
12 (2). Bay windows or the like

13
14 (3). Building setbacks

15
16 c. Rear façade. A minimum of 15 feet of the building's rear façade
17 facing a public right of way, parking area, or open space shall
18 consist of transparent materials. Reflective glass is prohibited as a
19 transparent material.

20
21 d. Materials and detailing. New buildings and structures, additions
22 and renovations shall be constructed to be long lasting and use
23 materials and detailing that maintain the distinct character and
24 harmony of the Warrington Community Redevelopment District.
25 Aluminum vinyl or metal material siding is prohibited on the
26 facades of buildings adjacent to public right of ways and/or
27 motorist view.

28
29 e. Awnings. Awnings are encouraged to enhance the character of
30 Warrington while providing sun protection for display windows,
31 shelter for pedestrians, and a sign panel for businesses.

32
33 3. Accessory Structures. All accessory structures shall be located in the
34 rear or side area and be a minimum of 5 feet inside the property
35 boundary. All accessory structures shall meet the County landscaping,
36 buffering, and screening requirements and shall be built entirely of the
37 same materials, color, and style of the primary façade if visible to the
38 public from any road, driveway, right-of-way, or similar.

39
40 4. Natural features. Natural features shall be protected and integrated into
41 site design/development where possible. The applicant shall demonstrate
42 how the development protects and incorporates existing vegetation.

43
44 5. Crime prevention through environmental design. Crime Prevention
45 Through Environmental Design (CPTED) principles shall be used when
46 designing any element within the district, including but not limited to site
47 design, buildings, street design, signs, landscaping and parking. The
48 following CPTED guidelines shall be considered when designing any
49 element within the district.

1
2 a. Territoriality. All building entrances, parking areas, pathways
3 and other elements should incorporate appropriate features that
4 express ownership. The use of these features shall not conflict
5 with the need for natural surveillance.

6
7 b. Natural surveillance. The site layout, building and landscape
8 design shall promote the principles of natural surveillance.
9 Physical features and activities should be oriented and designed
10 in ways that maximize the ability to see throughout the site.

11
12 c. Activity support. The site layout and building design should
13 encourage legitimate activity in public spaces.

14
15 d. Access control. To discourage crime, entrances and exits
16 should be located and designed in a manner that incorporates
17 natural surveillance techniques and area control measures.

18 6. Signs.

19
20
21 a. See Article 8.

22
23 b. The choice of building signage shall be compatible with the
24 intent of this district and shall not have an adverse visual impact
25 on surrounding properties.

26
27 c. Free-standing on-premises signs shall be "human scaled".
28 There shall be only one such sign per parcel and it shall not
29 exceed 100 square feet per sign face and 12 feet in height; in the
30 case of multi-use parcels, the sign shall not exceed 299 square
31 feet. The sign face shall have colors, materials and lighting that
32 are compatible with the general pattern existing in the Barrancas
33 Redevelopment Area Overlay District. Freestanding signs shall be
34 limited to monument signs. Attached signs or shingles may be
35 permitted for individual businesses in a multi-use building. Such
36 signs shall not exceed 20 square feet per sign face.

37
38 d. Signs cannot block or obstruct design details, windows, or
39 cornices of the building upon which they are placed.

40
41 7. Lighting. Lighting in the overlay district should serve to illuminate
42 facades entrances and signage to provide an adequate level of personal
43 safety while enhancing the aesthetic appeal of the buildings. Building and
44 signage lighting must be indirect, with the light source(s) hidden from
45 direct pedestrian and motorist view.

46
47 8. Parking. Parking in the overlay district must adequately serve the
48 users without detracting from the compact design that makes it a
49 successful commercial center.

1
2 9. Off-street parking. Off-street parking must be located in the rear. If the
3 lot orientation cannot accommodate for adequate rear parking, parking on
4 the side would then be permitted.

5
6 10. Landscaping.

7
8 a. See Section 7.01.00.

9
10 b. It is the proposed intent of this ordinance to encourage water
11 conservation through proper plant selection, installation and
12 maintenance practices. All commercial and industrial projects shall
13 submit a landscape plan as part of the development review
14 criteria. The plan will include plant species proposed, location of
15 all plant material, including areas proposed for sod, areas of
16 natural vegetation to be protected, and an irrigation plan. Native
17 plant species are required.

18
19 11. Buffers and screening of outdoor storage. The screening of outside
20 storage must use the same materials, color, and/or style as the primary
21 building in order to be architecturally compatible with the primary building
22 and the building it is adjacent to. All outside storage must be screened
23 from public view. If the outside storage area is separate from the building
24 it serves the following shall apply:

25
26 a. Section 7.01.06.D.2.Type. Only fencing (may or may not be
27 opaque) or walls made of concrete or stucco may supplement
28 buffers. Specifically, old garage doors and pieces of tin do not
29 qualify for fencing or wall materials; and

30
31 b. Section 7.01.06.E.Screening of outdoor storage. Opaque
32 fencing shall mean chain link fence with slats, privacy wooden
33 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco
34 wall may also be used to screen outdoor storage.

35
36 12. Exceptions. Financial hardship alone is not a basis to grant an
37 exception; however, it is recognized that there may be circumstances that
38 require a departure from the requirements in this overlay district in order
39 to be feasible. Possible grounds to be considered for granting exceptions
40 to the ordinance include, but not limited to:

41
42 a. Safety

43
44 b. Unique site or building characteristics

45
46 c. Standards would have a detrimental effect on the use of the
47 property

48
49 d. Public benefit

1
2 J. C-2 performance standards. Any project within this overlay district that is
3 zoned C-2 General Commercial shall be subject to the following design
4 standards.

5
6 1. Landscaping. For developments subject to section 7.01.00 a minimum
7 ten-foot wide landscaped strip shall be required on all roadway frontages,
8 and shall contain one tree and ten shrubs for every 35 linear feet of
9 frontage. Preservation of existing plant communities within the required
10 landscaped areas can be used to satisfy this requirement. Buffers
11 required adjacent to residential districts shall include a minimum of two
12 trees and 15 shrubs for every 35 linear feet of required buffer area.

13
14 2. Vehicular use areas. Areas other than public rights-of-way, designed to
15 be used for parking, storage of vehicles for rent or sales, or movement of
16 vehicular traffic, shall be separated by a five-foot landscaped strip from
17 any boundary of the property on which the vehicular use area is located.
18 This landscaped strip shall consist of shrubs or ground covers with a
19 minimum mature height of 24 inches and a maximum height of 30 inches.
20 Plant material shall be spaced 18 inches to 24 inches apart, depending
21 on their mature size.

22
23 3. Parking lots. Interior parking areas shall have one landscape island
24 containing at least one tree and shrubs or ground covers as per the
25 above specifications, for every eight contiguous spaces.

26
27 4. Irrigation system.

28
29 a. An irrigation system shall be installed for all landscaped areas
30 of the site.

31
32 b. All irrigation materials used shall be ASTM approved.

33
34 c. All irrigation systems shall include rain sensors.

35
36 5. Existing development. Notwithstanding Section 7.00.01.B, any C-2
37 change of use that applies for approval within this zoning overlay district
38 must meet the above standards as well as those of Section 7.01.05.

39
40 **GRAPHIC LINK: Warrington Overlay District**

41
42 **6.07.02. Barrancas Overlay District**

43
44 A. Intent and purpose of the district. The Barrancas Overlay District is intended to
45 provide an enhanced level of protection for land uses that are located in the
46 Barrancas Community Redevelopment District, and to protect the unique
47 environmental resources of Bayou Chico. This is a zoning overlay district and the
48 regulations herein expand upon the existing zoning district's regulations
49 otherwise imposed on individual parcels within the Barrancas Community

1 Redevelopment District. The purpose of this district is to alleviate the harmful
2 effects of industrial pollutants entering and degrading the quality of Bayou Chico
3 and enhance the character of the area, which has been changed by the
4 realignment of Barrancas Avenue, through appropriate land use controls.

5
6 B. *Applicability.* This zoning overlay district applies to all existing zoning districts
7 located in the Barrancas Community Redevelopment District.

8
9 C. *Relationship to underlying zoning.* All of the use listings and site design
10 requirements of the underlying zoning districts shall continue to apply unless
11 modified by the following:

12
13 D. *Permitted uses.*

14
15 1. Antique shops allowed in R-6 and C-1 underlying zoning districts.

16
17 2. Bed and breakfast inns, as licensed under F.S. Ch. 509, allowed in R-
18 4, R-6, C-1, and WMU underlying zoning districts.

19
20 3. Multifamily residential developments, allowed in R-4, R-6, C-1, and
21 WMU underlying zoning districts, consisting of three (3) or more attached
22 units are required to be condominium developments pursuant to the
23 Condominium Act, F.S. Ch. 718. This does not apply to single-family
24 attached homes such as duplexes, townhomes, or row houses.

25
26 4. Mixed-use developments, defined as where non-residential and
27 residential uses occupy the same building. The non-residential use(s)
28 shall contain the first or bottom floor and the residential use(s) contain the
29 second or upper floor(s).

30
31 E. *Uses requiring management plan submittal.* The following uses shall require
32 submission of a management plan to the CRA prior to development approval.
33 Amendments to the management plan shall have approval of the CRA manager
34 or his/her designee.

35
36 1. Private clubs and lodges.

37
38 2. Automobile repair shops, including indoor repair and restoration (not
39 including painting) for ignition, fuel, brake and suspension systems or
40 similar uses and sale of related products necessary for automobile repair,
41 gross floor area not to exceed 6,000 square feet. Outside repair and/or
42 storage and automotive painting is prohibited.

43
44 F. *Management plan.* The applicant shall submit a management plan that
45 addresses the following:

46
47 1. Proposed hours of operations.

48
49 2. Other similar properties managed by the applicant, if applicable.

1
2 3. Explanation of any franchise agreement.

3
4 G. Prohibited uses.

5
6 1. Automobile service stations that include the sale of gasoline. Outside
7 repair and/or storage and automotive painting is prohibited.

8
9 2. Boarding and lodging houses, or other similar uses.

10
11 3. Commercial boat storage, except in the underlying WMU district.

12
13 4. Commercial RV Storage.

14
15 5. Campgrounds.

16
17 6. Carnival-type amusements and amusement arcades.

18
19 7. Fortune tellers, palm readers, psychics, etc.

20
21 8. Mini-warehouses.

22
23 9. Mobile homes and manufactured homes.

24
25 10. Mobile home/manufactured home parks.

26
27 11. Off-premises signs, billboards and other sign structures erected,
28 located and maintained as provided for in Article 8 of this Code.

29
30 12. Pawn shops.

31
32 13. Used clothing deposit box.

33
34 14. Wholesale and/or distribution warehousing except in WMU underlying
35 zoning district.

36
37 H. Rezoning. Rezoning where the result would create a spot zoning shall be
38 prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

39
40 I. Site and building requirements.

41
42 1. Building height. Except for properties within the WMU zoning district,
43 no building or structure shall exceed 45 feet in height as defined in
44 Section 3.02.00. Height for buildings with pitched roofs shall be measured
45 to the bottom of the eaves. If a lower height is specified in an underlying
46 zoning district, the lower height shall prevail.

47
48 2. Building design.

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1 a. The choice of building materials and colors shall be compatible
2 with the intent of this district and shall not have an adverse visual
3 impact on surrounding properties.

4
5 b. For R-3 and R-4 zoning districts buildings shall be "street-
6 oriented" to create a desirable pedestrian environment between
7 the building and the street. Street orientation is defined as having
8 a clear and visible orientation to the street. Street orientation
9 should include:

10
11 (1) Garages. For residential uses, there shall be no front
12 facing garages unless they are setback an additional ten
13 feet from the primary front facade and do not exceed 25
14 percent of the street facing building facade. If the lot width
15 is forty feet or less, the 25 percent requirement shall not
16 apply. All other garages must face the side or rear of the
17 parcel.

18
19 (2) Front entry. The front facade shall include the primary
20 entry door, be street facing, and include a porch or stoop.

21
22 (a) Front porches. Front porches shall be a
23 minimum six feet deep and ten feet wide. The scale
24 of the front porch should be in scale with the
25 primary facade.

26
27 (b) Stoops. Stoops provide connections to building
28 entrances or porches where residential buildings
29 are elevated above grade. Stoops shall be a
30 minimum of five feet wide.

31
32 (3) Off-street parking. All off-street parking shall be located
33 in the rear of the building that faces the public street or
34 within a garage. For single-family detached residential
35 dwelling, off street parking can be located in a carport,
36 driveway or garage.

37
38 c. For R-6 and C-1 zoning districts buildings shall be "street-
39 oriented" to create a desirable pedestrian environment between
40 the building and the street. Street orientation is defined as having
41 a clear and visible orientation to the street. Street orientation
42 should include:

43
44 (1) Front and side setback lines should be consistent with
45 adjacent structures. Rear setbacks shall be as required by
46 the underlying zoning district. Where setback lines are not
47 clearly established, buildings shall be built to within ten
48 (10) feet of property lines.

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1 (2) Buildings shall be oriented so that the principal facade
2 is parallel or nearly parallel to the streets they face. On
3 corner sites, buildings shall occupy the corner.

4
5 (3) Walkways that lead to front doors, separate from the
6 driveway, are encouraged.

7
8 (4) Entrances shall be well lit, visible from the street and
9 easily accessible.

10
11 (5) Off-street parking.

12
13 (a) For residential uses, all off-street parking shall
14 be located in the rear of the building that faces the
15 public street or within a garage. For single-family
16 detached housing, off street parking can be located
17 in a carport, driveway or garage. There shall be no
18 front facing garages unless they are setback an
19 additional ten feet from the primary front facade
20 and do not exceed 25 percent of the street facing
21 building facade. If the lot width is forty feet or less,
22 the 25 percent requirement shall not apply.

23
24 (b) For commercial uses, off-street parking areas
25 shall be located on the side or rear of the building
26 unless a shared central parking facility is developed
27 through an easement or common ownership among
28 contiguous properties. Curb cuts shall be limited to
29 one 20-foot access point for a shared central
30 parking facility. Liner buildings or landscaping shall
31 be used to screen parking from the street.

32
33 (c) Walkways shall be included in off-street parking
34 areas.

35
36 (6) Buildings shall incorporate "human scale" design. That
37 is, designed in proportions to reflect human pedestrian
38 scale and movement, and to encourage interest at the
39 street level. "Human scale" is best achieved when the
40 street-to-building height ratio is 1:2 and does not exceed
41 1:3. (e.g. if the street is 24 feet wide, building height should
42 not exceed 72 feet)

43
44 (7) All service and loading areas shall be entirely screened
45 from view.

46
47 (8) Sidewalk sales and/or tent sales with temporary
48 displays shall be permitted immediately adjacent to the
49 business for no more than fourteen days in any one

1 calendar year provided that all required permits are
2 obtained and a traffic management and parking plan are
3 presented to, and approved by, the traffic engineering
4 department prior to events.

5
6 (9) Outdoor dining. Outdoor dining and seating shall be
7 permitted. Dining areas shall be properly designated and
8 appropriately separated from public walkways and streets
9 using attractive materials such as railings, opaque wrought
10 iron fences, landscaping, or other suitable material.
11 Designated outdoor dining areas adjacent to public right-
12 of-way shall allow a minimum unobstructed sidewalk of six
13 feet along the public right-of-way.

14
15 3. Accessory Structures. All accessory structures shall be located in the
16 rear or side area and be a minimum of 5 feet inside the property
17 boundary. All accessory structures shall meet the County landscaping,
18 buffering, and screening requirements and shall be built entirely of the
19 same materials, color, and style of the primary façade if visible to the
20 public from any road, driveway, right-of-way, or similar.

21
22 4. Landscaping.

23
24 a. See Section 7.01.00.

25
26 b. It is the proposed intent of this ordinance to encourage water
27 conservation through proper plant selection, installation and
28 maintenance practices. All commercial and industrial projects shall
29 submit a landscape plan as part of the development review
30 criteria. The plan will include plant species proposed, location of
31 all plant material, including areas proposed for sod, areas of
32 natural vegetation to be protected, and an irrigation plan. Native
33 plant species are required. Sabal palm is considered a native
34 plant species.

35
36 5. Buffers and screening of outdoor storage. See section 7.01.06 of this
37 Code except the following revisions shall be applied to the Barrancas
38 Redevelopment Area Overlay District.

39
40 a. Section 7.01.06.D.2. Type. Only fencing (may or may not be
41 opaque) or walls made of concrete or stucco may supplement
42 buffers. Specifically, old garage doors and pieces of tin do not
43 qualify for fencing or wall materials; and

44
45 b. Section 7.01.06.E. Screening of outdoor storage. Opaque
46 fencing shall mean chain link fence with slats, privacy wooden
47 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco
48 wall may also be used to screen outdoor storage.

1 6. Natural features. Natural features shall be protected and integrated into
2 site design/development where possible. The applicant shall demonstrate
3 how the development protects and incorporates existing vegetation.
4

5 7. Crime prevention through environmental design. Crime Prevention
6 Through Environmental Design (CPTED) principles shall be used when
7 designing any element within the district, including but not limited to site
8 design, buildings, street design, signs, landscaping and parking. The
9 following CPTED guidelines shall be considered when designing any
10 element within the district.
11

12 a. Territoriality. All building entrances, parking areas, pathways
13 and other elements should incorporate appropriate features that
14 express ownership. The use of these features shall not conflict
15 with the need for natural surveillance.
16

17 b. Natural surveillance. The site layout, building and landscape
18 design shall promote the principles of natural surveillance.
19 Physical features and activities should be oriented and designed
20 in ways that maximize the ability to see throughout the site.
21

22 c. Activity support. The site layout and building design should
23 encourage legitimate activity in public spaces.
24

25 d. Access control. To discourage crime, entrances and exits
26 should be located and designed in a manner that incorporates
27 natural surveillance techniques and area control measures.
28

29 8. Signs.

30
31 a. See Article 8.
32

33 b. The choice of building signage shall be compatible with the
34 intent of this district and shall not have an adverse visual impact
35 on surrounding properties.
36

37 c. Free-standing on-premises signs shall be "human scaled".
38 There shall be only one such sign per parcel and it shall not
39 exceed 100 square feet per sign face and 12 feet in height; in the
40 case of multi-use parcels, the sign shall not exceed 299 square
41 feet. The sign face shall have colors, materials and lighting that
42 are compatible with the general pattern existing in the Barrancas
43 Redevelopment Area Overlay District. Freestanding signs shall be
44 limited to monument signs. Attached signs or shingles may be
45 permitted for individual businesses in a multi-use building. Such
46 signs shall not exceed 20 square feet per sign face.
47

48 d. Billboards or pole signs are not permitted in this overlay district.
49

1 9. Locational criteria. See Section 7.20.02.

2
3 10. Exceptions. Financial hardship alone is not a basis to grant an
4 exception; however, it is recognized that there may be circumstances that
5 require a departure from the requirements in this overlay district in order
6 to be feasible. Possible grounds to be considered for granting exceptions
7 to the ordinance include, but not limited to:

8
9 a. Safety

10
11 b. Unique site or building characteristics

12
13 c. Standards would have a detrimental effect on the use of the
14 property

15
16 d. Public benefit

17
18 **GRAPHIC LINK: Barrancas Overlay District**

19
20 6.07.03. Brownsville Overlay District

21
22 A. Intent and purpose of district. The Brownsville Overlay District is intended to
23 provide an enhanced level of protection to the unique and historic character of
24 the Brownsville Community Redevelopment District thereby furthering the
25 objectives of the Brownsville Community Redevelopment Plan. This is a zoning
26 overlay and the regulations herein expand upon the existing zoning district
27 regulations otherwise imposed on individual parcels within the district.

28
29 B. Applicability. This zoning overlay district applies to all zoned properties within
30 the Brownsville Community Redevelopment District.

31
32 C. Relationship to underlying zoning. All of the use listings and site design
33 requirements of the underlying zoning districts shall continue to apply. This
34 district adds to the list of prohibited uses and the list of conditional uses shall
35 require conditional use review and approval by the Board of Adjustment. The
36 conditional use review shall require a finding of fact on both those performance
37 standards listed in section 2.05.03 of the Code and the additional performance
38 standards listed in F. and G. below.

39
40 D. Permitted uses. Mixed-use developments, defined as where non-residential
41 and residential uses occupy the same building. The non-residential use(s) shall
42 contain the first or bottom floor and the residential use(s) contain the second or
43 upper floor(s).

44
45 E. Prohibited uses.

46
47 1. Off-premises signs.

1 2. Mobile homes and manufactured homes.

2
3 3. Mobile home/manufactured home parks.

4
5 F. Uses requiring management plan submittal. The following uses shall require
6 submission of a management plan to the CRA prior to development approval.
7 Amendments to the management plan shall have approval of the CRA manager
8 or his/her designee.

9
10 1. Retail sale of alcohol for off-premises consumption.

11
12 2. Bars and nightclubs.

13
14 3. Pawn shops and check cashing services.

15
16 4. Commercial amusement arcades, including billiard parlors and game
17 machine arcades.

18
19 5. Automotive uses (including car sales, automobile rental agencies, car
20 washes, auto repair facilities, tire sales, etc.).

21
22 6. Truck, utility trailer, and RV rental service or facility.

23
24 7. Portable food vendors.

25
26 8. Any new building that is more than 15 percent taller than any building
27 on an adjacent parcel.

28
29 9. Tattoo parlors.

30
31 10. Welding shops located in C-1 zoning districts.

32
33 G. Management plan. The applicant shall submit a management plan that
34 addresses the following:

35
36 1. Proposed hours of operations.

37
38 2. Other similar properties managed by the applicant, if applicable.

39
40 3. Explanation of any franchise agreement.

41
42 H. Rezoning. Rezoning where the result would create a spot zoning shall be
43 prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

44
45 I. Non-residential site and building requirements.

46
47 1. Building height. New buildings, additions and redeveloped buildings
48 shall complement the existing pattern of building heights. Buildings in the
49 overlay district may not exceed 45 feet in height.

1
2 2. Building design.
3

4 a. Setbacks. New construction shall be setback from Mobile
5 Highway and Cervantes Street a distance similar to adjacent
6 buildings unless customer parking is provided adjacent to any of
7 these streets in support of Crime Prevention through
8 Environmental Design (CPTED). Exceptions may be granted if the
9 setback is pedestrian oriented and contributes to the quality and
10 character of the streetscape.

11
12 b. Facades. A building more than 80 feet in width shall be divided
13 into increments by incorporation of one of the following
14 techniques, but not limited to:

15
16 (1). Divisions or breaks in materials

17
18 (2). Bay windows or the like

19
20 (3). Building setbacks

21
22 c. Rear façade. A minimum of 15 feet of the building's rear façade
23 facing a public right of way, parking area, or open space shall
24 consist of transparent materials. Reflective glass is prohibited as a
25 transparent material.

26
27 d. Materials and detailing. New buildings and structures, additions
28 and renovations shall be constructed to be long lasting and use
29 materials and detailing that maintain the distinct character and
30 harmony of the Brownsville Community Redevelopment District.
31 Aluminum vinyl or metal material siding is prohibited on the
32 facades of buildings adjacent to public right of ways.

33
34 3. Accessory Structures. All accessory structures shall be located in the
35 rear or side area and be a minimum of 5 feet inside the property
36 boundary. All accessory structures shall meet the County landscaping,
37 buffering, and screening requirements and shall be built entirely of the
38 same materials, color, and style of the primary façade if visible to the
39 public from any road, driveway, right-of-way, or similar.

40
41 4. Natural features. Natural features shall be protected and integrated into
42 site design/development where possible. The applicant shall demonstrate
43 how the development protects and incorporates existing vegetation.

44
45 5. Crime prevention through environmental design. Crime Prevention
46 Through Environmental Design (CPTED) principles shall be used when
47 designing any element within the district, including but not limited to site
48 design, buildings, street design, signs, landscaping and parking. The

1 following CPTED guidelines shall be considered when designing any
2 element within the district.

3
4 a. *Territoriality.* All building entrances, parking areas, pathways
5 and other elements should incorporate appropriate features that
6 express ownership. The use of these features shall not conflict
7 with the need for natural surveillance.

8
9 b. *Natural surveillance.* The site layout, building and landscape
10 design shall promote the principles of natural surveillance.
11 Physical features and activities should be oriented and designed
12 in ways that maximize the ability to see throughout the site.

13
14 c. *Activity support.* The site layout and building design should
15 encourage legitimate activity in public spaces.

16
17 d. *Access control.* To discourage crime, entrances and exits
18 should be located and designed in a manner that incorporates
19 natural surveillance techniques and area control measures.

20 21 6. *Signs.*

22
23 a. See Article 8.

24
25 b. The choice of building signage shall be compatible with the
26 intent of this district and shall not have an adverse visual impact
27 on surrounding properties.

28
29 c. Free-standing on-premises signs shall be "human scaled".
30 There shall be only one such sign per parcel and it shall not
31 exceed 100 square feet per sign face and 12 feet in height; in the
32 case of multi-use parcels, the sign shall not exceed 299 square
33 feet. The sign face shall have colors, materials and lighting that
34 are compatible with the general pattern existing in the Barrancas
35 Redevelopment Area Overlay District. Freestanding signs shall be
36 limited to monument signs. Attached signs or shingles may be
37 permitted for individual businesses in a multi-use building. Such
38 signs shall not exceed 20 square feet per sign face.

39
40 d. Signs cannot block or obstruct design details, windows, or
41 cornices of the building upon which they are placed.

42
43 7. *Lighting.* Lighting in the overlay district should serve to illuminate
44 facades entrances and signage to provide an adequate level of personal
45 safety while enhancing the aesthetic appeal of the buildings. Building and
46 signage lighting must be indirect, with the light source(s) hidden from
47 direct pedestrian and motorist view.
48

1 8. Parking. Parking in the overlay district must adequately serve the
2 users without detracting from the compact design that makes it a
3 successful commercial center
4

5 9. Off-street parking. Off-street parking must be located in the rear. If the
6 lot orientation cannot accommodate for adequate rear parking, parking on
7 the side would then be permitted.
8

9 10. Landscaping.

10
11 a. See Section 7.01.00.

12
13 b. It is the proposed intent of this ordinance to encourage water
14 conservation through proper plant selection, installation and
15 maintenance practices. All commercial and industrial projects shall
16 submit a landscape plan as part of the development review
17 criteria. The plan will include plant species proposed, location of
18 all plant material, including areas proposed for sod, areas of
19 natural vegetation to be protected, and an irrigation plan. Native
20 plant species are required.
21

22 11. Buffers and screening of outdoor storage. The screening of outside
23 storage must use the same materials, color, and/or style as the primary
24 building in order to be architecturally compatible with the primary building
25 and the building it is adjacent to. All outside storage must be screened
26 from public view. If the outside storage area is separate from the building
27 it serves the following shall apply:
28

29 a. Section 7.01.06.D.2. Type. Only fencing (may or may not be
30 opaque) or walls made of concrete or stucco may supplement
31 buffers. Specifically, old garage doors and pieces of tin do not
32 qualify for fencing or wall materials; and
33

34 b. Section 7.01.06.E. Screening of outdoor storage. Opaque
35 fencing shall mean chain link fence with slats, privacy wooden
36 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco
37 wall may also be used to screen outdoor storage.
38

39 12. Exceptions. Financial hardship alone is not a basis to grant an
40 exception; however, it is recognized that there may be circumstances that
41 require a departure from the requirements in this overlay district in order
42 to be feasible. Possible grounds to be considered for granting exceptions
43 to the ordinance include, but not limited to:
44

45 a. Safety

46
47 b. Unique site or building characteristics
48

1 c. Standards would have a detrimental effect on the use of the
2 property

3
4 d. Public benefit

5
6 **GRAPHIC LINK: Brownsville Overlay District**

7
8 6.07.04. Englewood Overlay District

9
10 A. Intent and purpose of district. The Englewood Overlay District is intended to
11 provide an enhanced level of protection to the unique and historic character of
12 the Englewood Community Redevelopment District thereby furthering the
13 objectives of the Englewood Community Redevelopment Plan. This is a zoning
14 overlay and the regulations herein expand upon the existing zoning district
15 regulations otherwise imposed on individual parcels within the district.

16
17 B. Applicability. This zoning overlay district applies to all zoned properties within
18 the Englewood Community Redevelopment District.

19
20 C. Relationship to underlying zoning. All of the use listings and site design
21 requirements of the underlying zoning districts shall continue to apply. This
22 district adds to the list of prohibited uses and the list of conditional uses shall
23 require conditional use review and approval by the Board of Adjustment. The
24 conditional use review shall require a finding of fact on both those performance
25 standards listed in section 2.05.03 of the Code and the additional performance
26 standards listed in F. and G. below.

27
28 D. Permitted uses. Mixed-use developments, defined as where non-residential
29 and residential uses occupy the same building. The non-residential use(s) shall
30 contain the first or bottom floor and the residential use(s) contain the second or
31 upper floor(s).

32
33 E. Prohibited uses.

34
35 1. Off-premises signs.

36
37 2. Mobile homes and manufactured homes.

38
39 3. Mobile home/manufactured home parks.

40
41 F. Uses requiring management plan submittal. The following uses shall require
42 submission of a management plan to the CRA prior to development approval.
43 Amendments to the management plan shall have approval of the CRA manager
44 or his/her designee.

45
46 1. Retail sale of alcohol for off-premises consumption.

47
48 2. Bars and nightclubs.

1
2 3. Pawn shops and check cashing services.

3
4 4. Commercial amusement arcades, including billiard parlors and game
5 machine arcades.

6
7 5. Automotive uses (including car sales, automobile rental agencies, car
8 washes, auto repair facilities, tire sales, etc.).

9
10 6. Truck, utility trailer, and RV rental service or facility.

11
12 7. Portable food vendors.

13
14 8. Any new building that is more than 15 percent taller than any building
15 on an adjacent parcel.

16
17 9. Tattoo parlors.

18
19 10. Welding shops located in C-1 zoning districts.

20
21 G. Management plan. The applicant shall submit a management plan that
22 addresses the following:

23
24 1. Proposed hours of operations.

25
26 2. Other similar properties managed by the applicant, if applicable.

27
28 3. Explanation of any franchise agreement.

29
30 H. Rezoning. Rezoning where the result would create a spot zoning shall be
31 prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

32
33 I. Non-residential site and building requirements.

34
35 1. Building height. New buildings, additions and redeveloped buildings
36 shall complement the existing pattern of building heights. Buildings in the
37 overlay district may not exceed 45 feet in height.

38
39 2. Building design.

40
41 a. Setbacks. New construction shall be setback from a distance
42 similar to adjacent buildings unless customer parking is provided
43 adjacent to any of these streets in support of Crime Prevention
44 through Environmental Design (CPTED). Exceptions may be
45 granted if the setback is pedestrian oriented and contributes to the
46 quality and character of the streetscape.
47

1 b. Facades. A building more than 80 feet in width shall be divided
2 into increments by incorporation of one of the following
3 techniques, but not limited to:

4
5 (1). Divisions or breaks in materials

6
7 (2). Bay windows or the like

8
9 (3). Building setbacks

10
11 c. Rear façade. A minimum of 15 feet of the buildings rear façade
12 facing a public right of way, parking area, or open space shall
13 consist of transparent materials. Reflective glass is prohibited as a
14 transparent material.

15
16 d. Materials and detailing. New buildings and structures, additions
17 and renovations shall be constructed to be long lasting and use
18 materials and detailing that maintain the distinct character and
19 harmony of the Englewood Community Redevelopment District.
20 Aluminum vinyl or metal material siding is prohibited on the
21 facades of buildings adjacent to public right of ways.

22
23 3. Accessory Structures. All accessory structures shall be located in the
24 rear or side area and be a minimum of 5 feet inside the property
25 boundary. All accessory structures shall meet the County landscaping,
26 buffering, and screening requirements and shall be built entirely of the
27 same materials, color, and style of the primary façade if visible to the
28 public from any road, driveway, right-of-way, or similar.

29
30 4. Natural features. Natural features shall be protected and integrated into
31 site design/development where possible. The applicant shall demonstrate
32 how the development protects and incorporates existing vegetation.

33
34 5. Crime prevention through environmental design. Crime Prevention
35 Through Environmental Design (CPTED) principles shall be used when
36 designing any element within the district, including but not limited to site
37 design, buildings, street design, signs, landscaping and parking. The
38 following CPTED guidelines shall be considered when designing any
39 element within the district.

40
41 a. Territoriality. All building entrances, parking areas, pathways
42 and other elements should incorporate appropriate features that
43 express ownership. The use of these features shall not conflict
44 with the need for natural surveillance.

45
46 b. Natural surveillance. The site layout, building and landscape
47 design shall promote the principles of natural surveillance.
48 Physical features and activities should be oriented and designed
49 in ways that maximize the ability to see throughout the site.

1
2 c. Activity support. The site layout and building design should
3 encourage legitimate activity in public spaces.

4
5 d. Access control. To discourage crime, entrances and exits
6 should be located and designed in a manner that incorporates
7 natural surveillance techniques and area control measures.

8
9 6. Signs.

10
11 a. See Article 8.

12
13 b. The choice of building signage shall be compatible with the
14 intent of this district and shall not have an adverse visual impact
15 on surrounding properties.

16
17 c. Free-standing on-premises signs shall be "human scaled".
18 There shall be only one such sign per parcel and it shall not
19 exceed 100 square feet per sign face and 12 feet in height; in the
20 case of multi-use parcels, the sign shall not exceed 299 square
21 feet. The sign face shall have colors, materials and lighting that
22 are compatible with the general pattern existing in the Englewood
23 Redevelopment Area Overlay District. Freestanding signs shall be
24 limited to monument signs. Attached signs or shingles may be
25 permitted for individual businesses in a multi-use building. Such
26 signs shall not exceed 20 square feet per sign face.

27
28 d. Signs cannot block or obstruct design details, windows, or
29 cornices of the building upon which they are placed.

30
31 7. Lighting. Lighting in the overlay district should serve to illuminate
32 facades entrances and signage to provide an adequate level of personal
33 safety while enhancing the aesthetic appeal of the buildings. Building and
34 signage lighting must be indirect, with the light source(s) hidden from
35 direct pedestrian and motorist view.

36
37 8. Parking. Parking in the overlay district must adequately serve the
38 users without detracting from the compact design that makes it a
39 successful commercial center

40
41 9. Off-street parking. Off-street parking must be located in the rear. If the
42 lot orientation cannot accommodate for adequate rear parking, parking on
43 the side would then be permitted.

44
45 10. Landscaping.

46
47 a. See Section 7.01.00.

1 b. It is the proposed intent of this ordinance to encourage water
2 conservation through proper plant selection, installation and
3 maintenance practices. All commercial and industrial projects shall
4 submit a landscape plan as part of the development review
5 criteria. The plan will include plant species proposed, location of
6 all plant material, including areas proposed for sod, areas of
7 natural vegetation to be protected, and an irrigation plan. Native
8 plant species are required.
9

10 11. *Buffers and screening of outdoor storage.* The screening of outside
11 storage must use the same materials, color, and/or style as the primary
12 building in order to be architecturally compatible with the primary building
13 and the building it is adjacent to. All outside storage must be screened
14 from public view. If the outside storage area is separate from the building
15 it serves the following shall apply:
16

17 a. Section 7.01.06.D.2. *Type.* Only fencing (may or may not be
18 opaque) or walls made of concrete or stucco may supplement
19 buffers. Specifically, old garage doors and pieces of tin do not
20 qualify for fencing or wall materials; and
21

22 b. Section 7.01.06.E. *Screening of outdoor storage.* Opaque
23 fencing shall mean chain link fence with slats, privacy wooden
24 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco
25 wall may also be used to screen outdoor storage.
26

27 12. *Exceptions.* Financial hardship alone is not a basis to grant an
28 exception; however, it is recognized that there may be circumstances that
29 require a departure from the requirements in this overlay district in order
30 to be feasible. Possible grounds to be considered for granting exceptions
31 to the ordinance include, but not limited to:
32

33 a. Safety
34

35 b. Unique site or building characteristics
36

37 c. Standards would have a detrimental effect on the use of the
38 property
39

40 d. Public benefit
41

42 **GRAPHIC LINK: Englewood Overlay District**

43

44 **6.07.05. Palafox Overlay District**

45

46 *A. Intent and purpose of district.* The Palafox Overlay District is intended to
47 provide an enhanced level of protection to the mixed use character of the Palafox
48 Community Redevelopment District thereby furthering the objectives of the

1 Palafox Community Redevelopment Plan. The Palafox Overlay District is rather
2 diverse with the amount of commercially and industrially zoned properties
3 blended with isolated neighborhood-type residentially zoned properties. This is a
4 zoning overlay and the regulations herein expand upon the existing zoning
5 district regulations otherwise imposed on individual parcels within the district.
6

7 B. *Applicability.* This zoning overlay district applies to all zoned properties within
8 the Palafox Community Redevelopment District.
9

10 C. *Relationship to underlying zoning.* All of the use listings and site design
11 requirements of the underlying zoning districts shall continue to apply. This
12 district adds to the list of prohibited uses and the list of conditional uses that shall
13 require conditional use review and approval by the Board of Adjustment. The
14 conditional use review shall require a finding of fact on both those performance
15 standards listed in section 2.05.03 of the Code and the additional performance
16 standards listed in F. and G. below.
17

18 D. *Permitted uses.* Mixed-use developments, defined as where non-residential
19 and residential uses occupy the same building. The non-residential use(s) shall
20 contain the first or bottom floor and the residential use(s) contain the second or
21 upper floor(s).
22

23 E. *Prohibited uses.*
24

- 25 1. Mobile homes and manufactured homes.
- 26
- 27 2. Mobile home/manufactured home parks.
- 28

29 F. *Uses requiring management plan submittal.* The following uses shall submit a
30 management plan to the CRA prior to development approval. Amendments to the
31 management plan shall have approval of the CRA manager or his/her designee.
32

- 33 1. Retail sale of alcohol for off-premises consumption.
- 34
- 35 2. Bars and nightclubs.
- 36
- 37 3. Pawn shops and check cashing services.
- 38
- 39 4. Commercial amusement arcades, including billiard parlors and game
40 machine arcades.
- 41
- 42 5. Automotive uses (including car sales, automobile rental agencies, car
43 washes, auto repair facilities, tire sales, etc.).
- 44
- 45 6. Truck, utility trailer, and RV rental service or facility.
- 46
- 47 7. Portable food vendors.
- 48

1 8. Any new building that is more than 15 percent taller than any building
2 on an adjacent parcel.

3
4 9. Welding shops located in C-1 zoning districts.

5
6 G. Management plan. The applicant shall submit a management plan that
7 addresses the following:

8
9 1. Proposed hours of operations.

10
11 2. Other similar properties managed by the applicant, if applicable.

12
13 3. Explanation of any franchise agreement.

14
15 H. Rezoning. Rezoning where the result would create a spot zoning shall be
16 prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

17
18 I. Non-residential site and building requirements.

19
20 1. Building height. New buildings, additions and redeveloped buildings
21 shall complement the existing pattern of building heights. Buildings in the
22 overlay district may not exceed 45 feet in height.

23
24 2. Building design.

25
26 a. Setbacks. New construction shall be setback from a distance
27 similar to adjacent buildings unless customer parking is provided
28 adjacent to any of these streets in support of Crime Prevention
29 through Environmental Design (CPTED). Exceptions may be
30 granted if the setback is pedestrian oriented and contributes to the
31 quality and character of the streetscape.

32
33 b. Facades. A building more than 80 feet in width shall be divided
34 into increments by incorporation of one of the following
35 techniques, but not limited to:

36
37 (1). Divisions or breaks in materials

38
39 (2). Bay windows or the like

40
41 (3). Building setbacks

42
43 c. Rear façade. A minimum of 15 feet of the buildings rear façade
44 facing a public right of way, parking area, or open space shall
45 consist of transparent materials. Reflective glass is prohibited as a
46 transparent material.

47
48 d. Materials and detailing. New buildings and structures, additions
49 and renovations shall be constructed to be long lasting and use

1 materials and detailing that maintain the distinct character and
2 harmony of the Palafox Community Redevelopment District.
3 Aluminum vinyl or metal material siding is prohibited on the
4 facades of buildings adjacent to public right of ways.
5

6 3. Accessory Structures. All accessory structures shall be located in the
7 rear or side area and be a minimum of 5 feet inside the property
8 boundary. All accessory structures shall meet the County landscaping,
9 buffering, and screening requirements and shall be built entirely of the
10 same materials, color, and style of the primary façade if visible to the
11 public from any road, driveway, right-of-way, or similar.
12

13 4. Natural features. Natural features shall be protected and integrated into
14 site design/development where possible. The applicant shall demonstrate
15 how the development protects and incorporates existing vegetation.
16

17 5. Crime prevention through environmental design. Crime Prevention
18 Through Environmental Design (CPTED) principles shall be used when
19 designing any element within the district, including but not limited to site
20 design, buildings, street design, signs, landscaping and parking. The
21 following CPTED guidelines shall be considered when designing any
22 element within the district.
23

24 a. Territoriality. All building entrances, parking areas, pathways
25 and other elements should incorporate appropriate features that
26 express ownership. The use of these features shall not conflict
27 with the need for natural surveillance.
28

29 b. Natural surveillance. The site layout, building and landscape
30 design shall promote the principles of natural surveillance.
31 Physical features and activities should be oriented and designed
32 in ways that maximize the ability to see throughout the site.
33

34 c. Activity support. The site layout and building design should
35 encourage legitimate activity in public spaces.
36

37 d. Access control. To discourage crime, entrances and exits
38 should be located and designed in a manner that incorporates
39 natural surveillance techniques and area control measures.
40

41 6. Signs.

42
43 a. See Article 8.
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45 b. The choice of building signage shall be compatible with the
46 intent of this district and shall not have an adverse visual impact
47 on surrounding properties.
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6 are compatible with the general pattern existing in the Palafox
7 Redevelopment Area Overlay District. Freestanding signs shall be
8 limited to monument signs. Attached signs or shingles may be
9 permitted for individual businesses in a multi-use building. Such
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31 a. See Section 7.01.00.

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37 criteria. The plan will include plant species proposed, location of
38 all plant material, including areas proposed for sod, areas of
39 natural vegetation to be protected, and an irrigation plan. Native
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44 building in order to be architecturally compatible with the primary building
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46 from public view. If the outside storage area is separate from the building
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3 buffers. Specifically, old garage doors and pieces of tin do not
4 qualify for fencing or wall materials; and

5
6 b. Section 7.01.06.E. Screening of outdoor storage. Opaque
7 fencing shall mean chain link fence with slats, privacy wooden
8 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco
9 wall may also be used to screen outdoor storage.

10
11 12. Exceptions. Financial hardship alone is not a basis to grant an
12 exception; however, it is recognized that there may be circumstances that
13 require a departure from the requirements in this overlay district in order
14 to be feasible. Possible grounds to be considered for granting exceptions
15 to the ordinance include, but not limited to:

16
17 a. Safety

18
19 b. Unique site or building characteristics

20
21 c. Standards would have a detrimental effect on the use of the
22 property

23
24 d. Public benefit

25
26 **GRAPHIC LINK: Palafox Overlay District**

27
28 **6.07.026. Scenic Highway Overlay District.**

29
30 A. Intent, boundaries and purpose of the district. This district is intended to
31 protect the unique scenic vista and environmental resources of the Scenic
32 Highway Corridor and adjacent Escambia Bay shoreline. This is an overlay
33 district and the regulations herein expand upon existing R-1, R-2, R-3, R-6, C-1,
34 and/or ID-1 zoning district regulations otherwise imposed on individual parcels
35 within the corridor. The district overlays all parcels adjacent to the Pensacola
36 Scenic Bluffs Highway corridor on the west side of the highway and all of the
37 property between the Pensacola Scenic Bluffs Highway and the Escambia Bay
38 on the east side of the highway, for approximately five miles from the city limit of
39 Pensacola along Scenic Highway continuing along Highway 90 to the bridge over
40 the Escambia River at the Santa Rosa County line. A generalized map of the
41 Scenic Highway Overlay district is depicted in Figure 2; however, it is not the
42 official zoning map and should be used only for preliminary determination of the
43 application of the overlay zone. The purpose of the district is to alleviate harmful
44 effects of on-site generated erosion and runoff caused by clearing natural
45 vegetation and changing existing contours of the land, and to ensure the
46 preservation of the bluffs, wetland areas and scenic views along the bay and
47 assure continued public access to the views along the corridor. Views are an
48 amenity and human appreciation of views is reflected in both private property
49 values and the overall general welfare of the community.

1
2 **GRAPHIC LINK: Scenic Highway Overlay District**
3

4 B. Permitted uses. See underlay zoning districts.
5

6 C. Lot coverage. Maximum area land coverage by all structures, parking areas,
7 driveways and all other impervious surfaces shall not exceed 50 percent of the
8 gross site area.
9

10 D. Setback. All structures shall be located a minimum of 50 feet from the Scenic
11 Highway right-of-way unless precluded by lot configuration or topography.
12

13 E. Building separation. The minimum distance between structures shall be 15
14 feet and there shall be at least 100 feet between a multifamily structure (including
15 hotels and motels) and single-family dwellings.
16

17 F. Pedestrian-bicycle. The intent of the corridor management plan is to provide a
18 multiuse path or the east side of Scenic Highway the full length of the corridor at
19 the maximum distance possible from the roadway pavement, within the right-of-
20 way. During the site review process the staff will work with the applicant to
21 maximize the innovative integration of a path extension, into the project, outside
22 of the right-of-way on public property or on easements donated by private
23 property owners.
24

25 G. Building heights. Buildings between the Scenic Highway and Escambia Bay
26 shall have a maximum height of 35 feet as measured at the average finished
27 grade elevation of the lot above mean sea level (MSL). Nonresidential uses can
28 exceed the height limit only with conditional use approval by the board of
29 adjustment. In addition to the other conditional use criteria, the requested height
30 must be found not to interfere with the scenic attractiveness of the location as
31 viewed from any plausible direction. In addition, for structures over 35 feet in
32 height, for every two feet in height over 35 feet, there shall be an additional one
33 foot of front and side setback at the ground level.
34

35 H. Tree protection.
36

37 1. A canopy road tree protection zone is hereby established for all land
38 within 20 feet of the right of way of Scenic Highway and Highway 90 to
39 the Santa Rosa County line. No person or agency shall cut, remove, trim
40 or in any way damage any tree in any canopy tree protection zone without
41 a permit. Except in unique cases, such pruning shall not remove more
42 than 30 percent of the existing tree material. Utility companies are not
43 permitted to prune more than 30 percent of the existing tree canopy.
44

45 2. Heritage Oak trees shall be prescribed.
46

47 3. Clearing of natural vegetation within the corridor shall require a land
48 disturbing permit and is generally prohibited except for the minimum area
49 needed for construction of allowable structures or view enhancement.

1
2 I. Landscaping.
3

4 1. For developments subject to section 7.01.00, a minimum ten-foot wide
5 landscaped strip shall be required along the Scenic Highway frontage,
6 and shall contain one tree for every 35 linear feet of frontage. The trees
7 shall be tall enough so that a six-foot view shed exists at planting.
8 Preservation of existing plant communities within the required landscaped
9 areas can be used to satisfy this requirement.

10
11 2. Orientation of commercial buildings shall be away from residential
12 development within or adjacent to the district. Layout of parking and
13 service areas, access, landscaping, yards, courts, walls, signs, lighting
14 and control of noise and other potentially adverse influences shall be
15 such as to promote protection of such residential development, and will
16 include adequate buffering.

17
18 J. Fences. See section 7.04.00. No fence may be solid. No chain link fence shall
19 be located between Scenic Highway and the principal building. Any other type of
20 fence in this area shall not exceed three feet. Where single story structures are
21 higher than the roadbed, there should be no wall, fence, structure or plant
22 material located between the front building line and the roadbed that will obstruct
23 the view from automobiles on the scenic route.

24
25 K. Structure location. Whether a conditional use or site planning review, all
26 structures will be reviewed to assure conformance with the following criteria:
27

28 1. The location shall afford maximum views of the bay from the street
29 right-of-way.

30
31 2. The location shall minimize impact on the natural bluff and plant
32 material (other than pruning to enhance views).

33
34 3. Provide underground utilities.
35

36
37 **INTENTIONALLY LEFT BLANK**
38
39
40
41
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44
45
46
47
48
49

DRAFT

1 **Section 2. Severability.**

2
3 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
4 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
5 affect the validity of the remaining portions of this Ordinance.

6
7 **Section 3. Inclusion in Code.**

8
9 It is the intention of the Board of County Commissioners that the provisions of this
10 Ordinance shall be codified as required by 125.68, Fla. Stat. (2010); and that the
11 sections, subsections and other provisions of this Ordinance may be renumbered or
12 relettered and the word "ordinance" may be changed to "section," "article," or such other
13 appropriate word or phrase in order to accomplish such intentions.

14
15 **Section 4. Effective Date.**

16
17 This Ordinance shall become effective upon filing with the Department of State.

18
19 **DONE AND ENACTED** this _____ day of _____, 2012.

20
21 **BOARD OF COUNTY COMMISSIONERS**
22 **OF ESCAMBA COUNTY, FLORIDA**

23
24 **By:** _____
25 **Wilson B. Robertson, Chairman**

26
27 **ATTEST: ERNIE LEE MAGAHA**
28 **Clerk of the Circuit Court**

29
30 **By:** _____
31 **Deputy Clerk**

32
33 **(SEAL)**

34
35 **ENACTED:**

36
37 **FILED WITH THE DEPARTMENT OF STATE:**

38
39 **EFFECTIVE DATE:**

40
41
42 H:\Community & Environment Bureau\Divisions\Community Redevelopment Agency\Projects\LDC Ordinances\Art. 6
43 Community Redevelopment Ordinance Draft 3A

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Art. 2 & 6 'Comm. Red. and Overlay Districts' LDC Ordinance Draft 3A

Date: 04/17/2012

Date requested back by: 04/18/2012

Requested by: David Forte

Phone Number: 595-3595



(LEGAL USE ONLY)

Legal Review by *[Signature]*

Date Received: *April 18, 2012*

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

Subject to recommendations and comments in my memo to Eva Peterson dated April 13, 2012.



**ESCAMBIA
COUNTY**

INTER-OFFICE MEMORANDUM

TO: Eva A. Peterson, Division Manager, CRA
FROM: Stephen G. West, Assistant County Attorney
DATE: April 13, 2012
RE: Community Redevelopment Ordinance

I have reviewed the draft of the Community Redevelopment Ordinance and offer the following:

General comments: The ordinance could be much shorter. The majority of the provisions are common throughout the overlay districts. Rather than repeating these provisions for each overlay district, I recommend that they be consolidated into a single section that could be entitled, for example, "General provisions applicable to all overlay districts."

Specific comments: The following specific comments are organized by page and line number:

1. Page 1-Title. The title does not adequately reflect the contents of the ordinance. Specifically, the existing and proposed Scenic Highway Overlay District is not mentioned nor is the creation of the proposed Barrancus Overlay District.
2. Page 1, line 11. Change "AMEND" to "DELETE".
3. Page 1, lines 25-31. Update the whereas clauses to address the comments above.
4. Page 2, line 16. Change "districts" to "district's."
5. Page 2, lines 23-27. Article 3, LDC, already contains a definition of spot zoning, and the proposed definition conflicts with it. Accordingly, the proposed definition should be deleted and any changes made instead in Article 3.
6. Page 2, lines 29-42. Article 9, LDC, already contains provisions regarding modifications to nonconforming uses and noncomplying structures, and the proposed provisions conflict with it. Accordingly, these provisions should be deleted and any changes made instead in Article 9.

7. Page 17, line 20. Insert "Community" before "Redevelopment District."
8. Page 17, lines 30-31. Revise for clarity.
9. Page 17, line 37. Add a period (.) at the end of the line.
10. Page 18, lines 18-23. Reformat and replace "a.," "b.," and "c.," with "1.," "2.," and "3.," consistent with other subsections.
11. Page 18, lines 25-31. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
12. Page 18, lines 42-44. Identify who may grant the referenced exceptions.
13. Page 19, line 7. Change the "buildings" to "building's."
14. Page 21, lines 31-32. Identify who may grant the referenced exceptions.
15. Page 22, line 17. Consider changing "continuous" to "contiguous."
16. Page 22, lines 28-30. Revise for clarity.
17. Page 22, line 37. Change "uses, which" to "uses that."
18. Page 22, line 40. Change "districts" to "district's."
19. Page 22, line 48. Insert "District" at the end of the sentence.
20. Page 23, lines 19-20. Revise for clarity.
21. Page 23, line 22. Change "submit" to "require submission of."
22. Page 23, lines 37-42. Reformat and replace "a.," "b.," and "c.," with "1.," "2.," and "3.," consistent with other subsections.
23. Page 24, lines 28-29. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
24. Page 24, line 35. Change "3.00.01" to "3.02.00."
25. Page 25, lines 42-43. Revise for clarity.
26. Page 25, line 46. Insert a comma (,) after "driveway."
27. Page 28, lines 44-48. Identify who may grant the referenced exceptions.

28. Page 29, lines 33-34. Revise for clarity.
29. Page 30, lines 26-31. Reformat and replace “a.,” “b.,” and “c.,” with “1.,” “2.,” and “3.,” consistent with other subsections.
30. Page 30, lines 33-34. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
31. Page 30, line 48. Identify who may grant the referenced exceptions.
32. Page 31, line 14. Change “buildings” to “building’s.”
33. Page 33, lines 33-34. Identify who may grant the referenced exceptions.
34. Page 35, lines 13-18. Reformat and replace “a.,” “b.,” and “c.,” with “1.,” “2.,” and “3.,” consistent with other subsections.
35. Page 35, lines 20-21. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
36. Page 34, lines 34-36. Identify who may grant the referenced exceptions.
37. Page 38, lines 14-18. Identify who may grant the referenced exceptions.
38. Page 39, lines 43-43. Reformat and replace “a.,” “b.,” and “c.,” with “1.,” “2.,” and “3.,” consistent with other subsections.
39. Page 40, lines 1-2. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
40. Page 40, lines 15-17. Identify who may grant the referenced exceptions.
41. Page 42, lines 46-48. Identify who may grant the referenced exceptions.
42. Page 43, line 34. Change “assure” to “ensure.”
43. Page 44, line 32. Revise item number 2 for clarity and format item number 3 as a separate subsection.
44. Page 44, lines 41-42. Revise for clarity.
45. Page 46, line 10. Insert the middle initial “B.” in Commissioner Robertson’s name.

SGW :bj

cc: Lloyd Kerr, Director, Development Services



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. A.

Meeting Date: 06/11/2012

Information

Agenda Item:

Briefing for the Planning Board addressing the proposed updates to the existing Floodplain Ordinance in order to satisfy the guidance and requirements from FEMA, the National Flood Insurance Program, Florida Division of Emergency Management and the 2010 Florida Building Code, presented by Juan Lemos, Senior Planner, Planning & Zoning.

Attachments

Floodplain Ordinance Revision

1
2 Note: This *REVISED* version includes inland flood hazard areas (zones shown on FIRMs that
3 start with the "A") and coastal high hazard areas (zones that start with letter "V"). It does not
4 include any "higher standards."

5 **Please make any and all changes using <track changes> to facilitate DEM's review. See**
6 **the Instructions and Notes for contact email and phone for Technical Support.**
7

8
9 **ORDINANCE NO. XX-XX**
10

11 **AN ORDINANCE BY THE Board of County Commissioners AMENDING THE Escambia**
12 **County CODE OF ORDINANCES TO REPEAL Article 10, Floodplain; TO ADOPT A NEW**
13 **Article 10, Floodplain Management; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE**
14 **A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR**
15 **DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT**
16 **LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE;**
17 **PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE**
18 **DATE.**
19

20
21 **WHEREAS**, the Legislature of the State of Florida has, in {**Chapter 125 – County**
22 **Government or Chapter 166 – Municipalities**}, Florida Statutes, conferred upon local
23 governments the authority to adopt regulations designed to promote the public health, safety,
24 and general welfare of its citizenry; and
25

26 **WHEREAS**, the Federal Emergency Management Agency has identified special flood
27 hazard areas within the boundaries of Escambia County and such areas may be subject to
28 periodic inundation which may result in loss of life and property, health and safety hazards,
29 disruption of commerce and governmental services, extraordinary public expenditures for flood
30 protection and relief, and impairment of the tax base, all of which adversely affect the public
31 health, safety and general welfare, and
32

33 **WHEREAS**, the Escambia County was accepted for participation in the National Flood
34 Insurance Program on 23 February 1996 and the Board of County Commissioners desires to
35 continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60,
36 necessary for such participation; and
37

38 **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to
39 provide a mechanism for the uniform adoption, updating, amendment, interpretation and
40 enforcement of a state building code, called the *Florida Building Code*; and
41

42 **WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local administrative
43 amendments to the *Florida Building Code* to implement the National Flood Insurance Program;
44 and
45

46 **WHEREAS**, the Board of County Commissioners has determined that it is in the
47 public interest to adopt the proposed floodplain management regulations that are coordinated
48 with the *Florida Building Code*.
49

50
51 **NOW, THEREFORE, BE IT ORDAINED** by the {Board of County Commissioners of

52 | **{Escambia County}** that the following floodplain management regulations, and the following
53 | local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

54 |
55 | **SECTION 1. RECITALS.**

56 |
57 | The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

58 |
59 | **SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s)
60 | and regulation(s):** (Ord. No. 2006-4, § 2, 1-5-2006; Ord. No. 2006-71, § 1,
61 | 9-7-2006) **{insert citation to existing flood damage reduction regulations that will be
62 | replaced by these regulations and citation(s) to other ordinances that have flood
63 | provisions, such as subdivision regulations that also will be replaced by these
64 | regulations}.**

65 |
66 | **Article 10. Floodplain Management**

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68 | **CHAPTER 1 ADMINISTRATION**

69 |
70 | **SECTION 101 GENERAL**

71 |
72 | **101.1 Title.** These regulations shall be known as the *Floodplain Management Ordinance* of
73 | **{Escambia County}**, hereinafter referred to as “this ordinance.”

74 |
75 | **101.2 Scope.** The provisions of this ordinance shall apply to all development that is wholly within
76 | or partially within any flood hazard area, including but not limited to the subdivision of land; filling,
77 | grading, and other site improvements and utility installations; construction, alteration, remodeling,
78 | enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures,
79 | and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement
80 | of manufactured homes and manufactured buildings; installation or replacement of tanks; placement
81 | of recreational vehicles; installation of swimming pools; and any other development.

82 |
83 | **101.3 Intent.** The purposes of this ordinance and the flood load and flood resistant construction
84 | requirements of the *Florida Building Code* are to establish minimum requirements to safeguard
85 | the public health, safety, and general welfare and to minimize public and private losses due to
86 | flooding through regulation of development in flood hazard areas to:

- 87 | 1. Minimize unnecessary disruption of commerce, access and public service during times
88 | of flooding;
- 89 | 2. Require the use of appropriate construction practices in order to prevent or minimize
90 | future flood damage;
- 91 | 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage
92 | of equipment or materials, and other development which may increase flood damage or
93 | erosion potential;
- 94 | 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize
95 | the impact of development on the natural and beneficial functions of the floodplain;
- 96 | 5. Minimize damage to public and private facilities and utilities;
- 97 | 6. Help maintain a stable tax base by providing for the sound use and development of flood
98 | hazard areas;

- 99 7. Minimize the need for future expenditure of public funds for flood control projects and
 100 response to and recovery from flood events; and
- 101 8. Meet the requirements of the National Flood Insurance Program for community
 102 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

103
 104 **101.4 Coordination with the Florida Building Code.** This ordinance is intended to be
 105 administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE
 106 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
 107

108 **101.5 Warning.** The degree of flood protection required by this ordinance and the *Florida Building*
 109 *Code*, as amended by this community, is considered the minimum reasonable for regulatory
 110 purposes and is based on scientific and engineering considerations. Larger floods can and will
 111 occur. Flood heights may be increased by man-made or natural causes. This ordinance does not
 112 imply that land outside of mapped special flood hazard areas, or that uses permitted within such
 113 flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base
 114 flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps
 115 and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be
 116 revised by the Federal Emergency Management Agency, requiring this community to revise these
 117 regulations to remain eligible for participation in the National Flood Insurance Program. No
 118 guaranty of vested use, existing use, or future use is implied or expressed by compliance with
 119 this ordinance.
 120

121 **101.6 Disclaimer of Liability.** This ordinance shall not create liability on the part of **Board of**
 122 **County Commissioners** of **Escambia County** or by any officer or employee thereof for any
 123 flood damage that results from reliance on this ordinance or any administrative decision lawfully
 124 made thereunder.
 125

126 **SECTION 102 APPLICABILITY**
 127

128 **102.1 General.** Where there is a conflict between a general requirement and a specific
 129 requirement, the specific requirement shall be applicable.
 130

131 **102.2 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard
 132 areas within the **Escambia County**, as established in Section 102.3 of this ordinance.
 133

134 **102.3 Basis for establishing flood hazard areas.** The Flood Insurance Study for **Escambia**
 135 **County**, **Florida and Incorporated Areas**, dated **September 29, 2006**, and all
 136 subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps
 137 (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference
 138 as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard
 139 areas. Studies and maps that establish flood hazard areas are on file at the **Escambia County**
 140 **Development Services Division, 3355 West Park Place, Pensacola, Florida 32505**.
 141

142 **102.3.1 Submission of additional data to establish flood hazard areas.** To establish flood
 143 hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the
 144 Floodplain Administrator may require submission of additional data. Where field surveyed
 145 topography prepared by a Florida licensed professional surveyor or digital topography accepted
 146 by the community indicates that ground elevations:
 147

1. Are below the closest applicable base flood elevation, even in areas not delineated as a

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148 special flood hazard area on a FIRM, the area shall be considered as flood hazard area
149 and subject to the requirements of this ordinance and, as applicable, the requirements
150 of the *Florida Building Code*.
151 2. Are above the closest applicable base flood elevation, the area shall be regulated as
152 special flood hazard area unless the applicant obtains a Letter of Map Change that
153 removes the area from the special flood hazard area.

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154
155 **102.4 Other laws.** The provisions of this ordinance shall not be deemed to nullify any
156 provisions of local, state or federal law.

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157
158 **102.5 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect
159 for management of development in flood hazard areas. However, it is not intended to repeal or
160 abrogate any existing ordinances including but not limited to land development regulations,
161 zoning ordinances, or stormwater management regulations. In the event of a conflict between
162 this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall
163 not impair any deed restriction, covenant or easement, but any land that is subject to such
164 interests shall also be governed by this ordinance.

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165
166 **102.6 Interpretation.** In the interpretation and application of this ordinance, all provisions shall
167 be:

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- 168 1. Considered as minimum requirements;
- 169 2. Liberal construed in favor of the governing body; and
- 170 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

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171 **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

172
173
174 **103.1 Designation.** The **County Administrator** is designated as the Floodplain Administrator.
175 The Floodplain Administrator may delegate performance of certain duties to other employees.

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176
177 **103.2 General.** The Floodplain Administrator is authorized and directed to administer and
178 enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to
179 render interpretations of this ordinance consistent with the intent and purpose of this ordinance
180 and may establish policies and procedures in order to clarify the application of its provisions.
181 Such interpretations, policies, and procedures shall not have the effect of waiving requirements
182 specifically provided in this ordinance without the granting of a variance pursuant to Section 107
183 of this ordinance.

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184
185 **103.3 Applications and permits.** The Floodplain Administrator, in coordination with other
186 pertinent offices of the community, shall:

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- 187 1. Review applications and plans to determine whether proposed new development will be
188 located in flood hazard areas;
- 189 2. Review applications for modification of any existing development in flood hazard areas
190 for compliance with the requirements of this ordinance;
- 191 3. Interpret flood hazard area boundaries where such interpretation is necessary to
192 determine the exact location of boundaries; a person contesting the determination shall
193 have the opportunity to appeal the interpretation;
- 194 4. Provide available flood elevation and flood hazard information;

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- 195 5. Determine whether additional flood hazard data shall be obtained from other sources or
196 ~~shall be developed by an applicant;~~
- 197 6. ~~Review applications to determine whether proposed development will be reasonably~~
198 ~~safe from flooding;~~
- 199 7. ~~Issue floodplain development permits or approvals for development other than buildings~~
200 ~~and structures that are subject to the *Florida Building Code*, including buildings,~~
201 ~~structures and facilities exempt from the *Florida Building Code*, when compliance with~~
202 ~~this ordinance is demonstrated, or disapprove the same in the event of noncompliance;~~
203 ~~and~~
- 204 8. ~~Coordinate with and provide comments to the Building Official to assure that~~
205 ~~applications, plan reviews, and inspections for buildings and structures in flood hazard~~
206 ~~areas comply with the applicable provisions of this ordinance.~~

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208 **103.4 Determinations for existing buildings and structures.** For applications for building
209 permits to improve buildings and structures, including alterations, movement, enlargement,
210 replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial
211 improvements, repairs of substantial damage, and any other improvement of or work on such
212 buildings and structures, the Floodplain Administrator, in coordination with the Building Official,
213 shall:

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- 214 1. ~~Estimate the market value, or require the applicant to obtain an appraisal of the market~~
215 ~~value prepared by a qualified independent appraiser, of the building or structure before~~
216 ~~the start of construction of the proposed work; in the case of repair, the market value of~~
217 ~~the building or structure shall be the market value before the damage occurred and~~
218 ~~before any repairs are made;~~
- 219 2. ~~Compare the cost to perform the improvement, the cost to repair a damaged building to~~
220 ~~its pre-damaged condition, or the combined costs of improvements and repairs, if~~
221 ~~applicable, to the market value of the building or structure;~~
- 222 3. ~~Determine and document whether the proposed work constitutes substantial~~
223 ~~improvement or repair of substantial damage; and~~
- 224 4. ~~Notify the applicant if it is determined that the work constitutes substantial improvement~~
225 ~~or repair of substantial damage and that compliance with the flood resistant construction~~
226 ~~requirements of the *Florida Building Code* and this ordinance is required.~~

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228 **103.5 Modifications of the strict application of the requirements of the *Florida Building***
229 ***Code.*** The Floodplain Administrator shall review requests submitted to the Building Official that
230 seek approval to modify the strict application of the flood load and flood resistant construction
231 requirements of the *Florida Building Code* to determine whether such requests require the
232 granting of a variance pursuant to Section 107 of this ordinance.

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234 **103.6 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local
235 agencies for the issuance of all necessary notices or orders to ensure compliance with this
236 ordinance.

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238 **103.7 Inspections.** The Floodplain Administrator shall make the required inspections as
239 specified in Section 106 of this ordinance for development that is not subject to the *Florida*
240 *Building Code*, including buildings, structures and facilities exempt from the *Florida Building*

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241 | Code. The Floodplain Administrator shall inspect flood hazard areas to determine if
242 | development is undertaken without issuance of a permit.

243 |
244 | **103.8 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have
245 | other duties, including but not limited to:

- 246 | 1. Establish, in coordination with the Building Official, procedures for administering and
247 | documenting determinations of substantial improvement and substantial damage made
248 | pursuant to Section 103.4 of this ordinance;
- 249 | 2. Require that applicants proposing alteration of a watercourse notify adjacent
250 | communities and the Florida Division of Emergency Management, State Floodplain
251 | Management Office, and submit copies of such notifications to the Federal Emergency
252 | Management Agency (FEMA);
- 253 | 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support
254 | permit applications to submit to FEMA the data and information necessary to maintain
255 | the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,
256 | flood hazard area boundaries, or floodway designations; such submissions shall be
257 | made within 6 months of such data becoming available;
- 258 | 4. Review required design certifications and documentation of elevations specified by this
259 | ordinance and the *Florida Building Code* and this ordinance to determine that such
260 | certifications and documentations are complete;
- 261 | 5. Notify the Federal Emergency Management Agency when the corporate boundaries of
262 | **Escambia County** are modified; and
- 263 | 6. Advise applicants for new buildings and structures, including substantial improvements,
264 | that are located in any unit of the Coastal Barrier Resources System established by the
265 | Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement
266 | Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such
267 | construction; areas subject to this limitation are identified on Flood Insurance Rate Maps
268 | as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

269 |
270 | **103.9 Floodplain management records.** Regardless of any limitation on the period required
271 | for retention of public records, the Floodplain Administrator shall maintain and permanently keep
272 | and make available for public inspection all records that are necessary for the administration of
273 | this ordinance and the flood resistant construction requirements of the *Florida Building Code*,
274 | including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and
275 | denial of permits; determinations of whether proposed work constitutes substantial improvement
276 | or repair of substantial damage; required design certifications and documentation of elevations
277 | specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities,
278 | FEMA, and the state related to alterations of watercourses; assurances that the flood carrying
279 | capacity of altered watercourses will be maintained; documentation related to appeals and
280 | variances, including justification for issuance or denial; and records of enforcement actions
281 | taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida*
282 | *Building Code*. These records shall be available for public inspection at **Escambia County**
283 | **Development Services**.

284 | SECTION 104 PERMITS

287 | **104.1 Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who
288 | intends to undertake any development activity within the scope of this ordinance, including

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289 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within
290 or partially within any flood hazard area shall first make application to the Floodplain
291 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and
292 approval(s). No such permit or approval shall be issued until compliance with the requirements of
293 this ordinance and all other applicable codes and regulations has been satisfied.

294
295 **104.2 Floodplain development permits or approvals.** Floodplain development permits or
296 approvals shall be issued pursuant to this ordinance for any development activities not subject to the
297 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt
298 from the *Florida Building Code*. Depending on the nature and extent of proposed development
299 that includes a building or structure, the Floodplain Administrator may determine that a floodplain
300 development permit or approval is required in addition to a building permit.

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301
302 **104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*.**
303 Pursuant to the requirements of federal regulation for participation in the National Flood
304 Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or
305 approvals shall be required for the following buildings, structures and facilities that are exempt
306 from the *Florida Building Code* and any further exemptions provided by law, which are subject to
307 the requirements of this ordinance:

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- 308 1. Railroads and ancillary facilities associated with the railroad.
- 309 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- 310 3. Temporary buildings or sheds used exclusively for construction purposes.
- 311 4. Mobile or modular structures used as temporary offices.
- 312 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which
313 are directly involved in the generation, transmission, or distribution of electricity.
- 314 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
315 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
316 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,
317 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 318 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and
319 assembled on site or preassembled and delivered on site and have walls, roofs, and a
320 floor constructed of granite, marble, or reinforced concrete.
- 321 8. Temporary housing provided by the Department of Corrections to any prisoner in the
322 state correctional system.
- 323 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida*
324 *Building Code* if such structures are located in flood hazard areas established on Flood
325 Insurance Rate Maps

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326
327 **104.3 Application for a permit or approval.** To obtain a floodplain development permit or
328 approval the applicant shall first file an application in writing on a form furnished by the
329 community. The information provided shall:

- 330 1. Identify and describe the development to be covered by the permit or approval.
- 331 2. Describe the land on which the proposed development is to be conducted by legal
332 description, street address or similar description that will readily identify and definitively
333 locate the site.

- 334 3. Indicate the use and occupancy for which the proposed development is intended.
335 4. Be accompanied by a site plan or construction documents as specified in Section 105 of
336 this ordinance.
337 5. State the valuation of the proposed work.
338 6. Be signed by the applicant or the applicant's authorized agent.
339 7. Give such other data and information as required by the Floodplain Administrator.

340
341 **104.4 Validity of permit or approval.** The issuance of a floodplain development permit or
342 approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any
343 violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community.
344 The issuance of permits based on submitted applications, construction documents, and
345 information shall not prevent the Floodplain Administrator from requiring the correction of errors
346 and omissions.

347
348 **104.5 Expiration.** A floodplain development permit or approval shall become invalid unless the
349 work authorized by such permit is commenced within 180 days after its issuance, or if the work
350 authorized is suspended or abandoned for a period of 180 days after the work commences.
351 Extensions for periods of not more than 180 days each shall be requested in writing and
352 justifiable cause shall be demonstrated.

353
354 **104.6 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or
355 revoke a floodplain development permit or approval if the permit was issued in error, on the
356 basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any
357 other ordinance, regulation or requirement of this community.
358

359 **104.7 Other permits required.** Floodplain development permits and building permits shall
360 include a condition that all other applicable state or federal permits be obtained before
361 commencement of the permitted development, including but not limited to the following:

- 362 1. The West Florida Water Management District; section 373.036, F.S.
363 2. Florida Department of Health for onsite sewage treatment and disposal systems; section
364 381.0065, F.S. and Chapter 64E-6, F.A.C.
365 3. Florida Department of Environmental Protection for construction, reconstruction,
366 changes, or physical activities for shore protection or other activities seaward of the
367 coastal construction control line; section 161.141, F.S.
368 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal
369 Permit; section 161.055, F.S.
370 5. Florida Department of Environmental Protection for activities that affect wetlands and
371 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section
372 404 of the Clean Water Act.
373

374 SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

375
376
377 **105.1 Information for development in flood hazard areas.** The site plan or construction
378 documents for any development subject to the requirements of this ordinance shall be drawn to
379 scale and shall include, as applicable to the proposed development:

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- 380 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood
 381 elevation(s), and ground elevations if necessary for review of the proposed
 382 development.
- 383 2. Where flood hazard areas, base flood elevations, or floodway data are not included on
 384 the FIRM or in the Flood Insurance Study, they shall be established in accordance with
 385 Section 105.2 of this ordinance.
- 386 3. Where the parcel on which the proposed development will take place will have more
 387 than 50 lots or is larger than 5 acres and the base flood elevations are not included on
 388 the FIRM or in the Flood Insurance Study, such elevations shall be established in
 389 accordance with Section 105.2(1) or (2) of this ordinance.
- 390 4. Location of the proposed activity and proposed structures, and locations of existing
 391 buildings and structures; in coastal high hazard areas, new buildings shall be located
 392 landward of the reach of mean high tide.
- 393 5. Location, extent, amount, and proposed final grades of any filling, grading, or
 394 excavation.
- 395 6. Where the placement of fill is proposed, the amount, type, and source of fill material;
 396 compaction specifications; a description of the intended purpose of the fill areas; and
 397 evidence that the proposed fill areas are the minimum necessary to achieve the intended
 398 purpose.
- 399 7. Delineation of the Coastal Construction Control Line or notation that the site is seaward
 400 of the coastal construction control line, if applicable.
- 401 8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such
 402 alteration is approved by the Florida Department of Environmental Protection.
- 403 9. Existing and proposed alignment of any proposed alteration of a watercourse.

404
 405 The Floodplain Administrator is authorized to waive the submission of site plans, construction
 406 documents, and other data that are required by this ordinance but that are not required to be
 407 prepared by a registered design professional if it is found that the nature of the proposed
 408 development is such that the review of such submissions is not necessary to ascertain
 409 compliance with this ordinance.

410
 411 **105.2 Information in flood hazard areas without base flood elevations (approximate Zone**

412 **A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have
 413 not been provided, the Floodplain Administrator shall:

- 414 1. Obtain, review, and provide to applicants base flood elevation and floodway data
 415 available from a federal or state agency or other source or require the applicant to
 416 obtain and use base flood elevation and floodway data available from a federal or state
 417 agency or other source; or
- 418 2. Require the applicant to develop base flood elevation data prepared in accordance with
 419 currently accepted engineering practices; or
- 420 3. Where base flood elevation data are not available from another source, the base flood
 421 elevation is two (2) feet plus < three (3)>(freeboard) feet above the highest adjacent
 422 grade at the location of the development, provided there is no evidence indicating flood
 423 depths have been or may be greater than two (2) feet

424 4. Where the base flood elevation data are to be used to support a Letter of Map Change
425 from FEMA, advise the applicant that the analyses shall be prepared by a Florida
426 licensed engineer in a format required by FEMA, and that it shall be the responsibility of
427 the applicant to satisfy the submittal requirements and pay the processing fees.

428
429 **105.3 Additional analyses and certifications.** As applicable to the location and nature of the
430 proposed development activity, and in addition to the requirements of this section, the applicant
431 shall have the following analyses signed and sealed by a Florida licensed engineer for
432 submission with the site plan and construction documents:

433 1. For development activities proposed to be located in a regulatory floodway, a floodway
434 encroachment analysis that demonstrates that the encroachment of the proposed
435 development will not cause any increase in base flood elevations; where the applicant
436 proposes to undertake development activities that do increase base flood elevations, the
437 applicant shall submit such analysis to FEMA as specified in Section 105.4 of this
438 ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA,
439 with the site plan and construction documents.

440 2. For development activities proposed to be located in a riverine flood hazard area for
441 which base flood elevations are included in the Flood Insurance Study or on the FIRM
442 and floodways have not been designated, a floodway encroachment analysis which
443 demonstrates that the cumulative effect of the proposed development, when combined
444 with all other existing and anticipated flood hazard area encroachments, will not increase
445 the base flood elevation more than one (1) foot at any point within the community. This
446 requirement does not apply in isolated flood hazard areas not connected to a riverine
447 flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

448 3. For alteration of a watercourse, an engineering analysis prepared in accordance with
449 standard engineering practices which demonstrates that the flood-carrying capacity of
450 the altered or relocated portion of the watercourse will not be decreased, and
451 certification that the altered watercourse shall be maintained in a manner which
452 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to
453 FEMA as specified in Section 105.4 of this ordinance.

454 4. For activities that propose to alter sand dunes or mangrove stands in coastal high
455 hazard areas (Zone V), an engineering analysis that demonstrates that the proposed
456 alteration will not increase the potential for flood damage.

457
458 **105.4 Submission of additional data.** When additional hydrologic, hydraulic or other
459 engineering data, studies, and additional analyses are submitted to support an application, the
460 applicant has the right to seek a Letter of Map Change from FEMA to change the base flood
461 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on
462 FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared
463 by a Florida licensed engineer in a format required by FEMA. Submittal requirements and
464 processing fees shall be the responsibility of the applicant.

465
466

SECTION 106 INSPECTIONS

467
468
469 **106.1 General.** Development for which a floodplain development permit or approval is required
470 shall be subject to inspection.

471
472 **106.1.1 Development other than buildings and structures.** The Floodplain Administrator

473 shall inspect all development to determine compliance with the requirements of this ordinance
474 and the conditions of issued floodplain development permits or approvals.

475
476 **106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*.** The
477 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida*
478 *Building Code* to determine compliance with the requirements of this ordinance and the
479 conditions of issued floodplain development permits or approvals.

480
481 **106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*,**
482 **lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to
483 further vertical construction, the owner of a building, structure or facility exempt from the *Florida*
484 *Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- 485 1. If a design flood elevation was used to determine the required elevation of the lowest
486 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
487 licensed professional surveyor; or
- 488 2. If the elevation used to determine the required elevation of the lowest floor was
489 determined in accordance with Section 105.2(3) of this ordinance, the documentation of
490 height of the lowest floor above highest adjacent grade, prepared by the owner or the
491 owner's authorized agent.

492
493 **106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final**
494 **inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit
495 to the Floodplain Administrator a final certification of elevation of the lowest floor or final
496 documentation of the height of the lowest floor above the highest adjacent grade; such
497 certifications and documentations shall be prepared as specified in Section 106.1.3 of this
498 ordinance.

499
500 **106.1.3 Manufactured homes.** The {**Floodplain Administrator or Building Official**} shall
501 inspect manufactured homes that are installed or replaced in flood hazard areas to determine
502 compliance with the requirements of this ordinance and the conditions of the issued permit.
503 Upon placement of a manufactured home, certification of the elevation of the lowest floor shall
504 be submitted to the {**Floodplain Administrator or Building Official**}.

505 SECTION 107 VARIANCES AND APPEALS

506
507
508 | **107.1 General.** The **Escambia County Board of Adjustments (BOA)** shall hear and decide on
509 requests for appeals and requests for variances from the strict application of this ordinance.
510 | Pursuant to section 553.73(5), F.S., the **BOA** shall hear and decide on requests for appeals and
511 requests for variances from the strict application of the flood resistant construction requirements
512 of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building*
513 *Code, Building*.

514
515 | **107.2 Appeals.** The **BOA** shall hear and decide appeals when it is alleged there is an error in
516 any requirement, decision, or determination made by the Floodplain Administrator in the
517 administration and enforcement of this ordinance. Any person aggrieved by the decision of
518 **{body designated to hear variances}** may appeal such decision to the Circuit Court, as
519 provided by Florida Statutes.

520
521 **107.3 Limitations on authority to grant variances.** The BOA shall base its decisions on
522 variances on technical justifications submitted by applicants, the considerations for issuance in

523 Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this
524 ordinance, and the comments and recommendations of the Floodplain Administrator and the
525 Building Official. The BOA has the right to attach such conditions as it deems necessary to
526 further the purposes and objectives of this ordinance.

527
528 **107.3.1 Restrictions in floodways.** A variance shall not be issued for any proposed
529 development in a floodway if any increase in base flood elevations would result, as evidenced
530 by the applicable analyses and certifications required in Section 105.3 of this ordinance.

531
532 **107.4 Historic buildings.** A variance is authorized to be issued for the repair, improvement, or
533 rehabilitation of a historic building that is determined eligible for the exception to the flood
534 resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11
535 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation
536 will not preclude the building's continued designation as a historic building and the variance is
537 the minimum necessary to preserve the historic character and design of the building. If the
538 proposed work precludes the building's continued designation as a historic building, a variance
539 shall not be granted and the building and any repair, improvement, and rehabilitation shall be
540 subject to the requirements of the *Florida Building Code*.

541
542 **107.5 Functionally dependent uses.** A variance is authorized to be issued for the construction
543 or substantial improvement necessary for the conduct of a functionally dependent use, as
544 defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is
545 the minimum necessary considering the flood hazard, and all due consideration has been given
546 to use of methods and materials that minimize flood damage during occurrence of the base
547 flood.

548
549 **107.6 Considerations for issuance of variances.** In reviewing requests for variances, the
550 **{body designated to hear variances}** shall consider all technical evaluations, all relevant
551 factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the
552 following:

- 553 1. The danger that materials and debris may be swept onto other lands resulting in further
554 injury or damage;
- 555 2. The danger to life and property due to flooding or erosion damage;
- 556 3. The susceptibility of the proposed development, including contents, to flood damage and
557 the effect of such damage on current and future owners;
- 558 4. The importance of the services provided by the proposed development to the
559 community;
- 560 5. The availability of alternate locations for the proposed development that are subject to
561 lower risk of flooding or erosion;
- 562 6. The compatibility of the proposed development with existing and anticipated
563 development;
- 564 7. The relationship of the proposed development to the comprehensive plan and floodplain
565 management program for the area;
- 566 8. The safety of access to the property in times of flooding for ordinary and emergency
567 vehicles;

- 568 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport
569 of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 570 10. The costs of providing governmental services during and after flood conditions including
571 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and
572 water systems, streets and bridges.

573 **107.7 Conditions for issuance of variances.** Variances shall be issued only upon:
574

- 575 1. Submission by the applicant, of a showing of good and sufficient cause that the unique
576 characteristics of the size, configuration, or topography of the site limit compliance with
577 any provision of this ordinance or the required elevation standards;
- 578 2. Determination by the BOA that:
- 579 a. Failure to grant the variance would result in exceptional hardship due to the
580 physical characteristics of the land that render the lot undevelopable; increased
581 costs to satisfy the requirements or inconvenience do not constitute hardship;
- 582 b. The granting of a variance will not result in increased flood heights, additional
583 threats to public safety, extraordinary public expense, nor create nuisances,
584 cause fraud on or victimization of the public or conflict with existing local laws
585 and ordinances; and
- 586 c. The variance is the minimum necessary, considering the flood hazard, to afford
587 relief;
- 588 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be
589 recorded in the Office of the Clerk of the Court in such a manner that it appears in the
590 chain of title of the affected parcel of land; and
- 591 4. If the request is for a variance to allow construction of the lowest floor of a new building,
592 or substantial improvement of a building, below the required elevation, a copy in the
593 record of a written notice from the Floodplain Administrator to the applicant for the
594 variance, specifying the difference between the base flood elevation and the proposed
595 elevation of the lowest floor, stating that the cost of federal flood insurance will be
596 commensurate with the increased risk resulting from the reduced floor elevation and
597 stating that construction below the base flood elevation increases risks to life and
598 property.

599
600 **SECTION 108 VIOLATIONS**
601

602 **108.1 Violations.** Any development that is not within the scope of the *Florida Building Code* but
603 that is regulated by this ordinance that is performed without an issued permit, that is in conflict
604 with an issued permit, or that does not fully comply with this ordinance, shall be deemed a
605 violation of this ordinance. A building or structure without the documentation of elevation of the
606 lowest floor, other required design certifications, or other evidence of compliance required by
607 this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that
608 documentation is provided.
609

610 **108.2 Authority.** For development that is not within the scope of the *Florida Building Code* but
611 that is regulated by this ordinance and that is determined to be a violation, the Floodplain
612 Administrator is authorized to serve notices of violation or stop work orders to owners of the
613 property involved, to the owner's agent, or to the person or persons performing the work.
614

615 **108.3 Unlawful continuance.** Any person who shall continue any work after having been
616 served with a notice of violation or a stop work order, except such work as that person is
617 directed to perform to remove or remedy a violation or unsafe condition, shall be subject to
618 penalties as prescribed by law {or insert specific reference to state or local law}.

619 CHAPTER 2 DEFINITIONS

620 SECTION 201 GENERAL

621
622
623
624 **201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the
625 purposes of this ordinance, have the meanings shown in this section.

626
627 **201.2 Terms defined in the *Florida Building Code*.** Where terms are not defined in this
628 ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings
629 ascribed to them in that code.

630
631 **201.3 Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such
632 terms shall have ordinarily accepted meanings such as the context implies.

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633 SECTION 202 DEFINITIONS

634
635
636 **Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel
637 alignment, channelization, or change in cross-sectional area of the channel or the channel
638 capacity, or any other form of modification which may alter, impede, retard or change the
639 direction and/or velocity of the riverine flow of water during conditions of the base flood.

640
641 **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision
642 of this ordinance or a request for a variance.

643
644 <Area of shallow flooding. A designated AO or AH Zone on the community's flood insurance
645 rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel
646 does not exist, where the path of flooding is unpredictable and indeterminate, and where
647 velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.>

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648
649 <Area of special flood hazard. The land within a flood plain subject to a one percent or greater
650 chance of flooding in any given year, designated as zones A, AE, AO, AH or VE.>

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651
652 **ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the
653 *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil
654 Engineers, Reston, VA.

655
656 **Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given
657 year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the
658 "100-year flood" or the "1-percent-annual chance flood."

659
660 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the
661 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
662 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section
663 1612.2.]

664
665 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.

666 [Also defined in FBC, B, Section 1612.2.]

667

668 Breakaway wall. A wall that is not part of the structural support of the building and is intended
669 through its design and construction to collapse under specific lateral loading forces without
670 causing damage to the elevated portion of the building or the supporting foundation system.

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671

672 **Coastal construction control line.** The line established by the State of Florida pursuant to
673 section 161.053, F.S., and recorded in the official records of the community, which defines that
674 portion of the beach-dune system subject to severe fluctuations based on a 100-year storm
675 surge, storm waves or other predictable weather conditions.

676

677 **Coastal high hazard area.** A special flood hazard area extending from offshore to the inland
678 limit of a primary frontal dune along an open coast and any other area subject to high velocity
679 wave action from storms or seismic sources. Coastal high hazard areas are also referred to as
680 "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on
681 Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC,B defines and
682 uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the
683 term "coastal high hazard areas."]

684

685 Cross-Bracing. Bracing often used to stiffen pile foundations and/or to improve comfort and
686 reduce sway in elevated buildings. In V zones cross bracing is not permitted except:
687 above BFE and perpendicular to the shoreline on a structure that has no breakaway walls.
688 Cross-bracing may not be used as part of the structural calculations to meet the required design
689 criteria.

690

691 Datum. A reference surface used to ensure that all elevation records are properly related. The
692 current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is
693 expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

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694

695 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in
696 FBC, B, Section 1612.2.]

- 697 1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
698 2. Area designated as a flood hazard area on the community's flood hazard map, or
699 otherwise legally designated.

700

701 **Design flood elevation.** The elevation of the "design flood," including wave height, relative to
702 the datum specified on the community's legally designated flood hazard map. In areas
703 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing
704 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard
705 map, plus (3) three feet freeboard. In areas designated as Zone AO where the depth number is
706 not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also
707 defined in FBC, B, Section 1612.2.], plus (3) three feet freeboard.

708

709 **Development.** Any man-made change to improved or unimproved real estate, including but not
710 limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
711 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling
712 operations or any other land disturbing activities.

713

714 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other
715 development into a flood hazard area which may impede or alter the flow capacity of riverine

716 flood hazard areas.

717

718 *Elevated building. A nonbasement building built to have the lowest floor elevated above the*
719 *ground level by foundation walls, posts, piers, columns, pilings, or shear walls.*

720

721 **Existing building and existing structure.** Any buildings and structures for which the “start of
722 construction” commenced before September 30, 1977. [Also defined in FBC, B, Section
723 1612.2.]

724

725 **Existing manufactured home park or subdivision.** A manufactured home park or subdivision
726 for which the construction of facilities for servicing the lots on which the manufactured homes
727 are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
728 and either final site grading or the pouring of concrete pads) is completed before September
729 30, 1977.

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731 **Expansion to an existing manufactured home park or subdivision.** The preparation of
732 additional sites by the construction of facilities for servicing the lots on which the manufactured
733 homes are to be affixed (including the installation of utilities, the construction of streets, and
734 either final site grading or the pouring of concrete pads).

735

736 **Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to
737 carrying out other functions, administers the National Flood Insurance Program.

738

739 **Flood or flooding.** A general and temporary condition of partial or complete inundation of
740 normally dry land from: [Also defined in FBC, B, Section 1612.2.]

741

1. The overflow of inland or tidal waters.

742

2. The unusual and rapid accumulation or runoff of surface waters from any source.

743

744 **Flood damage-resistant materials.** Any construction material capable of withstanding direct
745 and prolonged contact with floodwaters without sustaining any damage that requires more than
746 cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

747

748 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section
749 1612.2.]

750

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any
751 year.

752

2. The area designated as a flood hazard area on the community’s flood hazard map, or
753 otherwise legally designated.

754

755 **Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal
756 Emergency Management Agency has delineated both special flood hazard areas and the risk
757 premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

758

759 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency
760 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and
761 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting
762 technical data. [Also defined in FBC, B, Section 1612.2.]

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764 **Floodplain Administrator.** The office or position designated and charged with the
765 administration and enforcement of this ordinance (may be referred to as the Floodplain
766 Manager).

767
768 **Floodplain development permit or approval.** An official document or certificate issued by the
769 community, or other evidence of approval or concurrence, which authorizes performance of
770 specific development activities that are located in flood hazard areas and that are determined to
771 be compliant with this ordinance.

772
773 Floodplain management regulations. This article and other zoning ordinances, subdivision
774 regulations, building codes, health regulations, special purpose ordinances (such as floodplain
775 ordinance, grading ordinance, and erosion control ordinance), and other applications of police
776 power which control development in floodprone areas. The term describes federal, State of
777 Florida, or local regulations in any combination thereof, which provide standards for preventing
778 and reducing flood loss and damage.

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779
780 Floodproofing. Any combination of structural and nonstructural additions, changes, or
781 adjustments to structures, which reduce or eliminate flood damage to real estate or improved
782 real property, water and sanitary facilities, structures and their contents.

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783
784 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas
785 that must be reserved in order to discharge the base flood without cumulatively increasing the
786 water surface elevation more than a designated height. [Also defined in FBC, B, Section
787 1612.2.]

788
789 **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed
790 encroachment into a floodway is expected to have on the floodway boundaries and base flood
791 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using
792 standard engineering methods and models.

793
794 **Florida Building Code.** The family of codes adopted by the Florida Building Commission,
795 including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building*
796 *Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing;*
797 *Florida Building Code, Fuel Gas.*

798
799 Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood
800 level for purposes of floodplain management. Freeboard tends to compensate for many
801 unknown factors, such as wave action, bridge openings and hydrologic effect of urbanization of
802 the watershed that could contribute to flood heights greater than the height calculated for a
803 selected frequency flood and floodway conditions. Escambia County has a (3) feet freeboard in
804 addition to the existing Base Flood Elevation.

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806 Free of obstruction. A condition in which the flow of velocity water and wave action beneath the
807 lowest horizontal structural member of the lowest floor of an elevated building during a base
808 flood event is unimpeded.

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810 **Functionally dependent use.** A use which cannot perform its intended purpose unless it is
811 located or carried out in close proximity to water, including only docking facilities, port facilities
812 that are necessary for the loading and unloading of cargo or passengers, and ship building and
813 ship repair facilities; the term does not include long-term storage or related manufacturing
814 facilities.

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Hardship/unique hardship. A hardship results if due to circumstances involving the parcel's size, location, configuration or geotechnical condition, the strict application of this article:
A. Renders the parcel unusable; or
B. Denies the owner of the same development rights commonly enjoyed by similarly situated property owners who are in compliance with the ordinance.
C. A hardship may not result through the fault of the owner, e.g. such as by building without a permit.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest adjacent grade. The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately adjacent to the structure.

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867 **Lowest floor.** The floor of the lowest enclosed area of a building or structure, including
868 basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle
869 parking, building access or limited storage provided that such enclosure is not built so as to
870 render the structure in violation of the *Florida Building Code* or ASCE 24. [Also defined in FBC,
871 B, Section 1612.2.]
872

873 **Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet
874 or more in width and greater than four hundred (400) square feet, and which is built on a
875 permanent, integral chassis and is designed for use with or without a permanent foundation
876 when attached to the required utilities. The term "manufactured home" does not include a
877 "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]
878

879 **Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided
880 into two or more manufactured home lots for rent or sale.
881

882 **Market value.** The price at which a property will change hands between a willing buyer and a
883 willing seller, neither party being under compulsion to buy or sell and both having reasonable
884 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of
885 buildings and structures, excluding the land and other improvements on the parcel. Market
886 value may be established by a qualified independent appraiser, Actual Cash Value
887 (replacement cost depreciated for age and quality of construction), or tax assessment value
888 adjusted to approximate market value by a factor provided by the Property Appraiser.
889

890 **Mean sea level (MSL).** The average height of the surface of the gulf for all stages of the tide. It
891 is used as a reference for establishing various elevations, within the floodplain. For purposes of
892 this article, the North American Vertical Datum (NAVD) of 1988 shall be referenced.
893

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894 **New construction.** For the purposes of administration of this ordinance and the flood resistant
895 construction requirements of the *Florida Building Code*, structures for which the "start of
896 construction" commenced on or after September 30, 1977 and includes any subsequent
897 improvements to such structures.
898

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899 **New manufactured home park or subdivision.** A manufactured home park or subdivision for
900 which the construction of facilities for servicing the lots on which the manufactured homes are to
901 be affixed (including at a minimum, the installation of utilities, the construction of streets, and
902 either final site grading or the pouring of concrete pads) is completed on or after September 30,
903 1977.
904

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905 **North American Vertical Datum (NAVD) of 1988.** A vertical control used as a reference for
906 establishing varying elevations within the floodplain.
907

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908 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and
909 which is built on a single chassis and is designed to provide seasonal or temporary living
910 quarters when connected to utilities necessary for operation of installed fixtures and appliances.
911 [Defined in 15C-1.0101, F.A.C.]
912

913 **Public nuisance.** Anything which is injurious to the safety or health of the entire community, or a
914 neighborhood; and anything that unlawfully obstructs the free passage or use, in the customary
915 manner, of any navigable lake, river, bay, stream, canal, or basin.
916

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917 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in section 320.01(b),
918 F.S.)

- 919 1. Built on a single chassis;
- 920 2. Four hundred (400) square feet or less when measured at the largest horizontal
921 projection;
- 922 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
- 923 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
924 for recreational, camping, travel, or seasonal use.

925
926 Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas
927 that must be reserved in order to discharge the base flood without cumulatively increasing the
928 water surface elevation more than one foot.

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929
930 Remedy a deficiency or violation. To bring the regulation, procedure, or structure or other
931 development into compliance with State of Florida, federal or local floodplain management
932 regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the
933 impacts may be reduced include protecting the structure or other affected development from
934 flood damages, implementing the enforcement provisions of this ordinance or otherwise
935 deterring future similar violations, or reducing federal financial exposure with regard to the
936 structure or other development.

937
938 Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc..

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939
940 **Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the
941 beach.

942
943 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of
944 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,
945 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

946
947 **Start of construction.** The date of issuance for new construction and substantial improvements
948 to existing structures, provided the actual start of construction, repair, reconstruction,
949 rehabilitation, addition, placement, or other improvement is within 180 days of the date of the
950 issuance. The actual start of construction means either the first placement of permanent
951 construction of a building (including a manufactured home) on a site, such as the pouring of slab
952 or footings, the installation of piles, the construction of columns.

953 Permanent construction does not include land preparation (such as clearing, grading, or
954 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or
955 foundations, the erection of temporary forms or the installation of accessory buildings such as
956 garages or sheds not occupied as dwelling units or not part of the main buildings. For a
957 substantial improvement, the actual "start of construction" means the first alteration of any wall,
958 ceiling, floor or other structural part of a building, whether or not that alteration affects the
959 external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

960
961 Storm cellar. A place below grade used to accommodate occupants of the structure and
962 emergency supplies as a means of temporary shelter against severe tornadoes or similar
963 windstorm activity.

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964
965 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the

966 cost of restoring the building or structure to its before-damaged condition would equal or exceed
967 50 percent of the market value of the building or structure before the damage occurred. [Also
968 defined in FBC, B Section 1612.2.]

969 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other
970 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
971 market value of the building or structure before the improvement or repair is started. If the
972 structure has incurred "substantial damage," any repairs are considered substantial
973 improvement regardless of the actual repair work performed. The term does not, however,
974 include either: [Also defined in FBC, B, Section 1612.2.]
975

- 976 1. Any project for improvement of a building required to correct existing health, sanitary, or
977 safety code violations identified by the building official and that are the minimum
978 necessary to assure safe living conditions.
- 979 2. Any alteration of a historic structure provided the alteration will not preclude the
980 structure's continued designation as a historic structure and the alteration is approved by
981 variance issued pursuant to Section 107 of this ordinance.
982

983 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant
984 construction requirements of the *Florida Building Code*, which permits construction in a manner
985 that would not otherwise be permitted by this ordinance or the *Florida Building Code*. A quasi-
986 judicial remedy for hardship administered by the board of adjustment in accordance with the
987 procedures contained in this article. See section 10.02.04.

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988 **Violation.** The failure of a structure or other development to be fully compliant with the
989 requirements of this article. A structure or other development without the elevation certificate,
990 other certifications, or other evidence of compliance required in this article is presumed to be in
991 violation until such time as that documentation is provided.

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992 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or
993 over which water flows at least periodically.

994 **Water surface elevation.** The height, in relation to the North American Vertical Datum (NAVD) of
995 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine
996 areas.

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1000 CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

1001 SECTION 301 BUILDINGS AND STRUCTURES

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1002 **301.1 Design and construction of buildings, structures and facilities exempt from the**
1003 **Florida Building Code.** Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and
1004 facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair
1005 of substantial damage of such buildings, structures and facilities, shall be designed and constructed
1006 in accordance with the flood load and flood resistant construction requirements of ASCE 24.
1007 Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall
1008 comply with the requirements of Section 307 of this ordinance.
1009

1010 **301.2 Buildings and structures seaward of the coastal construction control line.** If
1011 extending, in whole or in part, seaward of the coastal construction control line and also located,
1012 in whole or in part, in a flood hazard area:
1013

- 1016 1. Buildings and structures shall be designed and constructed to comply with the more
 1017 restrictive applicable requirements of the *Florida Building Code, Building* Section 3109
 1018 and Section 1612 or *Florida Building Code, Residential* Section R322.
- 1019 2. Minor structures and non-habitable major structures as defined in section 161.54, F.S.,
 1020 shall be designed and constructed to comply with the intent and applicable provisions of
 1021 this ordinance and ASCE 24.

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1022
 1023 **SECTION 302 SUBDIVISIONS**

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1024
 1025 **302.1 Minimum requirements.** Subdivision proposals, including proposals for manufactured
 1026 home parks and subdivisions, shall be reviewed to determine that:

- 1027 1. Such proposals are consistent with the need to minimize flood damage and will be
 1028 reasonably safe from flooding;
- 1029 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
 1030 systems are located and constructed to minimize or eliminate flood damage; and
- 1031 3. Adequate drainage is provided to reduce exposure to flood hazards.

1032
 1033 **302.2 Subdivision plats.** Where any portion of proposed subdivisions, including manufactured
 1034 home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- 1035 1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design
 1036 flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
- 1037 2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood
 1038 elevations are not included on the FIRM, the base flood elevations determined in
 1039 accordance with Section 105.2(1) or (2) of this ordinance; and
- 1040 3. Compliance with the site improvement and utilities requirements of Section 303 of this
 1041 ordinance.

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1042
 1043 **SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

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1044
 1045 **303.1 Minimum requirements.** All proposed new development shall be reviewed to determine
 1046 that:

- 1047 1. Such proposals are consistent with the need to minimize flood damage and will be
 1048 reasonably safe from flooding;
- 1049 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
 1050 systems are located and constructed to minimize or eliminate flood damage; and
- 1051 3. Adequate drainage is provided to reduce exposure to flood hazards.

1052
 1053 **303.2 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private
 1054 sewage treatment plants (including all pumping stations and collector systems), and on-site
 1055 waste disposal systems shall be designed in accordance with the standards for onsite sewage
 1056 treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize
 1057 or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood
 1058 waters, and impairment of the facilities and systems.

1059
 1060 **303.3 Water supply facilities.** All new and replacement water supply facilities shall be
 1061 designed in accordance with the water well construction standards in Chapter 62-532.500,

1062 F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the
1063 systems.

1064
1065 **303.4 Limitations on sites in regulatory floodways.** No development, including but not limited
1066 to site improvements, and land disturbing activity involving fill or regrading, shall be authorized
1067 in the regulatory floodway unless the floodway encroachment analysis required in Section
1068 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing
1069 activity will not result in any increase in the base flood elevation.

1070
1071 **303.5 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be
1072 designed to be stable under conditions of flooding including rapid rise and rapid drawdown of
1073 floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In
1074 addition to these requirements, if intended to support buildings and structures (Zone A only), fill
1075 shall comply with the requirements of the *Florida Building Code*.

1076
1077 **303.6 Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard
1078 areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is
1079 approved by the Florida Department of Environmental Protection and only if the engineering
1080 analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed
1081 alteration will not increase the potential for flood damage. Construction or restoration of dunes
1082 under or around elevated buildings and structures shall comply with Section 307.8 of this
1083 ordinance.

1084 **SECTION 304 MANUFACTURED HOMES**

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1086
1087 **304.1 General.** All manufactured homes installed in flood hazard areas shall be installed by an
1088 installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the
1089 requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

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1090
1091 **304.2 Foundations.** All new manufactured homes and replacement manufactured homes
1092 installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

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1093 1. In flood hazards areas (Zone A) other than coastal high hazard areas, are designed in
1094 accordance with the foundation requirements of the *Florida Building Code, Residential*
1095 Section R322.2 and this ordinance.

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1096 2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation
1097 requirements of the *Florida Building Code, Residential* Section R322.3 and this
1098 ordinance.

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1099 **304.3 Anchoring.** All new manufactured homes and replacement manufactured homes shall
1100 be installed using methods and practices which minimize flood damage and shall be securely
1101 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral
1102 movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame
1103 ties to ground anchors. This anchoring requirement is in addition to applicable state and local
1104 anchoring requirements for wind resistance.

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1106 **304.4 Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall
1107 comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

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1108
1109 **304.4.1 General elevation requirement.** Unless subject to the requirements of Section 304.4.2
1110 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved

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1111 on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new
1112 manufactured home park or subdivision; (c) in an expansion to an existing manufactured home
1113 park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a
1114 manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated
1115 such that the bottom of the frame is at or above the elevation required, as applicable to the flood
1116 hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section
1117 R322.3 (Zone V), **plus (3) three feet freeboard**.

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1119 **304.4.2 Elevation requirement for certain existing manufactured home parks and**
1120 **subdivisions.** Manufactured homes that are not subject to Section 304.4.1 of this ordinance,
1121 including manufactured homes that are placed, replaced, or substantially improved on sites
1122 located in an existing manufactured home park or subdivision, unless on a site where
1123 substantial damage as result of flooding has occurred, shall be elevated such that either the:

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- 1124 1. Bottom of the frame of the manufactured home is at or above the elevation required, as
1125 applicable to the flood hazard area, in the *Florida Building Code, Residential* Section
1126 R322.2 (Zone A) or Section R322.3 (Zone V); or
- 1127 2. Bottom of the frame is supported by reinforced piers or other foundation elements of at
1128 least equivalent strength that are not less than 36 inches in height above grade, **plus (3)**
1129 **three feet freeboard**

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1131 **304.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with
1132 the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed
1133 areas, as applicable to the flood hazard area.

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1135 **304.6 Utility equipment.** Utility equipment that serves manufactured homes, including electric,
1136 heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall
1137 comply with the requirements of the *Florida Building Code, Residential* Section R322, as
1138 applicable to the flood hazard area.

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1140 **SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS**

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1141 **305.1 Temporary placement.** Recreational vehicles and park trailers placed temporarily
1142 in flood hazard areas shall be fully licensed and ready for highway use, which means the
1143 recreational vehicle or park model is on wheels or jacking system, is attached to the site only by
1144 quick-disconnect type utilities and security devices, and has no permanent attachments such as
1145 additions, rooms, stairs, decks and porches.

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1148 **305.2 Permanent placement.** Recreational vehicles and park trailers that do not meet the
1149 limitations in Section 305.1 of this ordinance for temporary placement shall meet the
1150 requirements of Section 304 of this ordinance for manufactured homes.

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1152 **SECTION 306 TANKS**

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1154 **306.1 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to
1155 prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
1156 loads during conditions of the design flood, including the effects of buoyancy assuming the tank
1157 is empty.

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1158 **306.2 Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation
1159 requirements of Section 306.3 of this ordinance shall:

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1160 1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas,
1161 provided the tanks are anchored or otherwise designed and constructed to prevent
1162 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
1163 loads during conditions of the design flood, including the effects of buoyancy assuming
1164 the tank is empty and the effects of flood-borne debris.

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1165 2. Not be permitted in coastal high hazard areas (Zone V).

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1166
1167 **306.3 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be
1168 attached to and elevated to or above the design flood elevation on a supporting structure that is
1169 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.
1170 Tank-supporting structures shall meet the foundation requirements of the applicable flood
1171 hazard area.

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1173 **306.4 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

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1174 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow
1175 of floodwater or outflow of the contents of the tanks during conditions of the design flood;
1176 and

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1177 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic
1178 loads, including the effects of buoyancy, during conditions of the design flood.

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1180 **SECTION 307 OTHER DEVELOPMENT**

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1181 **307.1 General requirements for other development.** All development, including man-made
1182 changes to improved or unimproved real estate for which specific provisions are not specified in
1183 this ordinance or the *Florida Building Code*, shall:

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1184 1. Be located and constructed to minimize flood damage;

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1185 2. Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;

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1186 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic
1187 loads, including the effects of buoyancy, during conditions of the design flood;

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1188 4. Be constructed of flood damage-resistant materials; and

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1189 5. Have mechanical, plumbing, and electrical systems above the design flood elevation,
1190 except that minimum electric service required to address life safety and electric code
1191 requirements is permitted below the design flood elevation provided it conforms to the
1192 provisions of the electrical part of building code for wet locations.

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1193
1194
1195 **307.2 Fences in regulated floodways.** Fences in regulated floodways that have the potential
1196 to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet
1197 the limitations of Section 303.4 of this ordinance.

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1198
1199 **307.3 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls
1200 and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet
1201 the limitations of Section 303.4 of this ordinance.

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1202
1203 **307.4 Roads and watercourse crossings in regulated floodways.** Roads and watercourse
1204 crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles
1205 or pedestrians to travel from one side of a watercourse to the other side, that encroach into
1206 regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a

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1207 | watercourse that is part of a road or watercourse crossing shall meet the requirements of
1208 | Section 105.3.3(3) of this ordinance.

1210 | **307.5 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways,**
1211 | **patios and similar nonstructural uses in coastal high hazard areas (Zone V).** In coastal
1212 | high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks,
1213 | walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings
1214 | and structures provided the concrete slabs are designed and constructed to be:

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- 1215 | 1. **Structurally independent of the foundation system of the building or structure;**
- 1216 | 2. **Fragible and not reinforced, so as to minimize debris during flooding that is capable of**
1217 | **causing significant damage to any structure; and**
- 1218 | 3. **Have a maximum slab thickness of not more than four (4) inches.**

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1220 | **307.6 Decks and patios in coastal high hazard areas (Zone V).** In addition to the
1221 | requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall
1222 | be located, designed, and constructed in compliance with the following:

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1223 | 1. **A deck that is structurally attached to a building or structure shall have the bottom of the**
1224 | **lowest horizontal structural member at or above the design flood elevation and any**
1225 | **supporting members that extend below the design flood elevation shall comply with the**
1226 | **foundation requirements that apply to the building or structure, which shall be designed**
1227 | **to accommodate any increased loads resulting from the attached deck.**

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1228 | 2. **A deck or patio that is located below the design flood elevation shall be structurally**
1229 | **independent from buildings or structures and their foundation systems, and shall be**
1230 | **designed and constructed either to remain intact and in place during design flood**
1231 | **conditions or to break apart into small pieces to minimize debris during flooding that is**
1232 | **capable of causing structural damage to the building or structure or to adjacent buildings**
1233 | **and structures.**

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1234 | 3. **A deck or patio that has a vertical thickness of more than twelve (12) inches or that is**
1235 | **constructed with more than the minimum amount of fill necessary for site drainage shall**
1236 | **not be approved unless an analysis prepared by a qualified registered design**
1237 | **professional demonstrates no harmful diversion of floodwaters or wave runup and wave**
1238 | **reflection that would increase damage to the building or structure or to adjacent elevated**
1239 | **buildings and structures.**

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1240 | 4. **A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at**
1241 | **natural grade or on nonstructural fill material that is similar to and compatible with local**
1242 | **soils and is the minimum amount necessary for site drainage may be approved without**
1243 | **requiring analysis of the impact on diversion of floodwaters or wave runup and wave**
1244 | **reflection.**

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1246 | **307.7 Other development in coastal high hazard areas (Zone V).** In coastal high hazard
1247 | areas, development activities other than buildings and structures shall be permitted only if also
1248 | authorized by the appropriate state or local authority; if located outside the footprint of, and not
1249 | structurally attached to, buildings and structures; and if analyses prepared by qualified
1250 | registered design professionals demonstrate no harmful diversion of floodwaters or wave runup
1251 | and wave reflection that would increase damage to adjacent buildings and structures. Such
1252 | other development activities include but are not limited to:

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- 1253 | 1. **Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;**

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1254 2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed
1255 and constructed to fail under flood conditions less than the design flood or otherwise
1256 function to avoid obstruction of floodwaters; and

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1257 3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled
1258 systems or mound systems.

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1259 4. A pool adjacent to an elevated V zone building may be constructed at grade or elevated
1260 so that the lowest horizontal structural member supporting the pool is at or above BFE. A
1261 Florida registered design professional must certify that such structure will not be subject
1262 to breaking up or floating out of the ground and affecting the pilings and columns of the
1263 supporting system of the surrounding buildings. The certified professional must also
1264 verify that the pool and accessory equipment will not divert waves an increase potential
1265 damage to any nearby buildings. All pool equipment must be strapped down or elevated
1266 above BFE to prevent flotation.

1267 **307.8 Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas:

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1268 1. Minor grading and the placement of minor quantities of nonstructural fill shall be
1269 permitted for landscaping and for drainage purposes under and around buildings.

1270 2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units
1271 horizontal shall be permitted only if an analysis prepared by a qualified registered design
1272 professional demonstrates no harmful diversion of floodwaters or wave runup and wave
1273 reflection that would increase damage to adjacent elevated buildings and structures.

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1274 3. Where authorized by the Florida Department of Environmental Protection or applicable
1275 local approval, sand dune construction and restoration of sand dunes under or around
1276 elevated buildings are permitted without additional engineering analysis or certification of
1277 the diversion of floodwater or wave runup and wave reflection if the scale and location of
1278 the dune work is consistent with local beach-dune morphology and the vertical clearance
1279 is maintained between the top of the sand dune and the lowest horizontal structural
1280 member of the building.

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SECTION 3. The {current insert citation, if any}, is hereby amended by the following administrative amendments to the *Florida Building Code, Building*.

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Sec. 104.10.1, Florida Building Code, Building

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Add a new Sec. 104.10.1 as follows: *[See instructions before including this provision]*

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104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

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Add a new Sec. 107.6.1 as follows:

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107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

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Sec. 117, Florida Building Code, Building

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Add a new Sec. 117 as follows:

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117 VARIANCES IN FLOOD HAZARD AREAS

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117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

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SECTION 4. FISCAL IMPACT STATEMENT.

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1353 | In terms of design, plan application review, construction and inspection of buildings and
1354 | structures, the cost impact as an overall average is negligible in regard to the local technical
1355 | amendments because all development has been subject to the requirements of the local
1356 | floodplain management ordinance adopted for participation in the National Flood Insurance
1357 | Program. In terms of lower potential for flood damage, there will be continued savings and
1358 | benefits to consumers.

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1359 | **SECTION 5. APPLICABILITY.**

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1360 | For the purposes of jurisdictional applicability, this ordinance shall apply in **Escambia County**.
1361 | This ordinance shall apply to all applications for development, including building permit
1362 | applications and subdivision proposals, submitted on or after **{insert date}**.

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1363 | **SECTION 6. REPEALER.**

1364 | Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of
1365 | any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and
1366 | regulation(s): **{insert citation to existing flood damage reduction regulations that will be**
1367 | **replaced by these regulations and citation(s) to other ordinances that have flood**
1368 | **provisions, such as subdivision regulations that also will be replaced by these**
1369 | **regulations}**.

1370 | **SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.**

1371 | It is the intent of the **Board of County Commssioners** that the provisions of this ordinance
1372 | shall become and be made a part of the **Escambia County** Code of Ordinances, and that the
1373 | sections of this ordinance may be renumbered or relettered and the word "ordinance" may be
1374 | changed to "section," "article," "regulation," or such other appropriate word or phrase in order to
1375 | accomplish such intentions.

1376 | **SECTION 8. SEVERABILITY.**

1377 | If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,
1378 | declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity
1379 | of the ordinance as a whole, or any part thereof, other than the part so declared.

1380 | **SECTION 9. EFFECTIVE DATE.**

1381 | This ordinance shall take effect on **{insert date}**.

1382 | **PASSED** on first reading **{insert date}**.

1383 | **PASSED and ADOPTED** in regular session, with a quorum present and voting, by the
1384 | **{governing body}**, upon second and final ready this **{insert date}**.

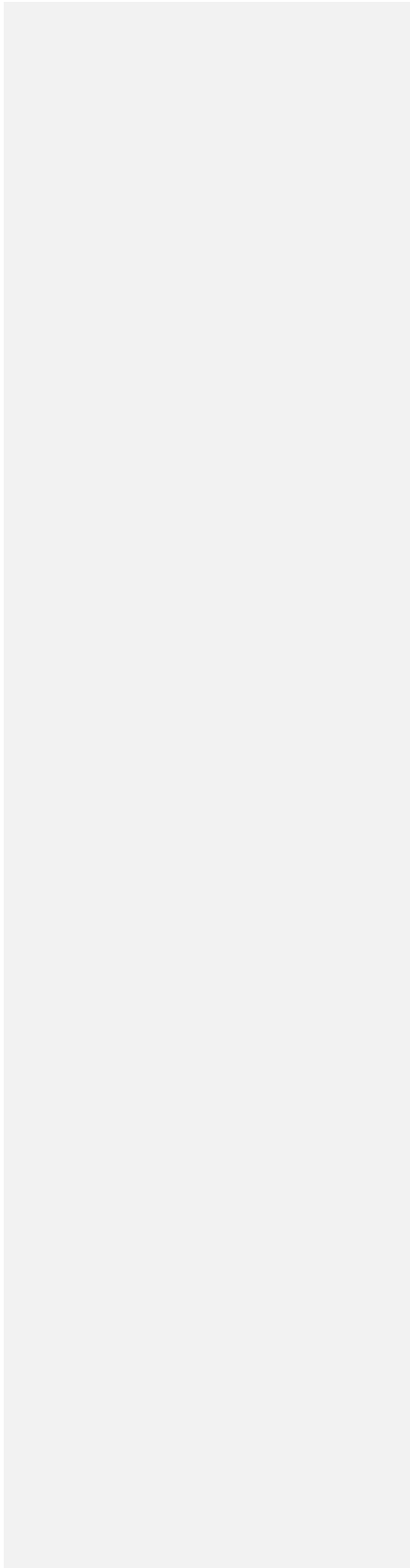
1385 | **{Governing body}**

1386 | _____
1387 | **{Chief Elected Officer}**

1388 | **ATTEST:**

1389 | _____
1390 | **{Manager/Clerk}**

1404
1405 **APPROVED AS TO FORM:**
1406
1407
1408 _____
1409 **{Attorney}**
1410





BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. B.

Meeting Date: 06/11/2012

Information

Agenda Item:

Comprehensive Plan Text Amendment - OSP FLU 5

Adding "generally" to three separate paragraphs of FLU 5 in the Sector Plan (text addition).

Comprehensive Plan Text Amendment - OBJ FLU 5

Scritveners Error - Replacing an incorrect reference to a separate guideline that was misprinted.

Comprehensive Plan Text Amendment - MU PB

Scritveners Error - Removing a reference number that was not part of the originally adopted EAR based amendment.

Attachments

Comp Plan Text Amendment - OSP FLU 5

Comp Plan Text Amendment - OBJ FLU 5 - Scritveners Error

Comp Plan Text Amendment - MU PB - Scritveners Error

1 FLU 5.5.2 The OSP shall contain a mixture of residential neighborhoods that vary in
2 regards to dwelling unit type and density. The location of these neighborhoods shall be
3 generally consistent with the conceptual long-term build-out overlay. The intent of these
4 neighborhoods is to provide a variety of housing options and within close proximity to
5 schools and parks as well as retail, service, and employment opportunities. The location
6 and design of new neighborhoods shall be such that they ensure the continued
7 protection of natural resources and existing neighborhoods, promote a strong sense of
8 community, and provide access to nearby recreational opportunities.
9

10 **A. Traditional/Urban Neighborhoods**

11 Traditional/Urban Neighborhoods are intended to be high density, compact
12 communities adjacent to centralized retail and service opportunities. Traditional
13 Urban Neighborhoods shall be designed in a manner that creates a strong sense
14 of place through the layout of the streets, arrangements of open space,
15 appearance of streetscapes and linkage of neighborhoods to supporting
16 services. To allow the efficient use of land and infrastructure, increase walkability
17 and support existing and future transit systems, Traditional/Urban Neighborhoods
18 shall be located **generally** within ½ mile of Town, Village or Neighborhood
19 centers and contain a variety of housing types ranging on average from 5 to 25
20 dwelling units per gross acre. Individual sites may have density greater than 25
21 units per gross acre provided the average density stays within the 5 to 25
22 dwelling units range.
23

24 **B. New Suburban Neighborhoods**

25 Residential development **generally** greater than ½ mile from Town, Village or
26 Neighborhood centers shall be in the form of New Suburban Neighborhoods.
27 These neighborhoods are intended to be medium density communities
28 comprised of a highly interconnected transportation system including pedestrian,
29 bicycle, and automobile networks. A variety of housing types ranging from 3 to
30 10 dwelling units per gross acre shall be permitted.
31

32 **C. Conservation Neighborhoods**

33 Residential neighborhoods **generally** greater than 1/2 mile from Town, Village or
34 Neighborhood centers with a density less than 2.5 dwelling units per gross acre
35 shall only be permitted as Conservation Neighborhoods. Conservation
36 Neighborhoods are intended to replace typical suburban neighborhoods with a
37 more efficient and environmentally protective development pattern. Conservation
38 Neighborhoods shall be low density, clustered communities with a distinct “edge”
39 consisting of interconnected open space. This open space shall serve to protect
40 and preserve areas of significant natural resources and wildlife habitat while
41 offering passive recreational opportunities to residents. Conservation
42 Neighborhoods shall be required to preserve a minimum of 50% open space.
43 Open space shall be preserved in perpetuity through a conservation easement.
44

OBJ FLU 5.6 Specific Area Plans

(Reference to this paragraph caused the scrivener's error found in page 54 of the Comprehensive Plan, Line 2, paragraph IV. below)

II. Conceptual DSAP

The Conceptual DSAP shall be presented to the public at an information workshop. This workshop is to be advertised in a manner consistent with Chapter 4, Public Participation. In addition, each property owner in the DSAP and each property owner within 1,000 feet of the boundary of the DSAP must be notified of the workshop. Substantial compliance with the provisions of this policy regarding the various methods for providing notice shall be sufficient to constitute notice to all affected parties. Comments from the public must be documented and included in a report to Escambia County.

IV. Final DSAP and Report

Refinements to the Preliminary DSAP documents, based on the informational workshop described in ~~IV~~ II, shall be prepared. The resulting Final DSAP shall be submitted to Escambia County for review and approval by the Planning Board and Board of County Commissioners. DSAP's prepared by an individual property owner or other venture must be presented through the County planning staff to the Board of County Commissioners. The DSAP will not be effective until approved by the Escambia County Board of County Commissioners.

As a result of a scrivener’s error in the Comprehensive Plan

OBJ FLU 1.3 Future Land Use Map Designations Designate land uses on the FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.

POLICIES FLU 1.3.1 Future Land Use Categories. General descriptions, range of allowable uses and residential densities and non-residential intensities for all future land use categories in Escambia County are outlined in Table 1.

<p>Mixed-Use Pensacola Beach (MU-PB)</p>	<p>Intended for a complementary mix of uses on the developable lands at Pensacola Beach and is designed to accommodate and encourage innovative land development types and arrangements. Residential development in the MU-PB FLUM category shall be limited to 4,128 dwelling units and 726 lodging units.</p>	<p>The location and distribution of uses shall generally follow the distribution of uses included in the 1988 Pensacola Beach Land Utilization Plan, which is included in Chapter 1 of the Foundation Document and Chapter 85-409, Laws of Florida. Other allowable uses include public utilities and facilities, religious and educational facilities and medical facilities. Note: Laws of Florida, Chapter 85-409, prohibits residential or commercial development of a specified parcel within this category. Further, provisions within the Land Utilization Plan provide that environmental studies be completed prior to approving any development or use of the specified parcel.</p>	<p>Mix of uses shall be approx. 35% residential, 15% commercial/tourism (resort) and 50% open space/recreation.</p> <p>Also, densities may be increased, decreased or transferred on any particular parcel to provide protection to important natural resources, accommodate the provision of adequate and functional open space and the provision of a complimentary mix of recreation uses within the Pensacola Beach Community. Site specific densities and uses will be further defined by the lease agreements for individual parcels, the 1985 Bond Validation Compromise and Settlement, and Special Acts of the legislature regarding land use, ownership and development on Pensacola Beach. However, development thresholds established by this Policy shall not be exceeded unless this Comprehensive Plan has been amended and such amendment provides for increased development thresholds.</p>
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