

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
October 6, 2015–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication and Waive the Reading of the Legal Advertisement.
3. Approval of Minutes.
 - A. A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the September 1, 2015 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for September 2015.
 - C. Planning Board 6-Month Outlook for October 2015.
4. Public Hearings.
 - A. A Public Hearing to Review an LDC Ordinance Amending Chapter 3 Zoning Regulations, Remove Minimum Lot Size
 - B. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Building Height & Chapter 6 Definitions
 - C. A Public Hearing to Review an Ordinance Concerning Chapter 4, Article 7, Accessory Uses and Structures

D. A Public Hearing Concerning the Review of an LDC Ordinance Chapter 3 Zoning Reg, Alcohol Breweries, Distilleries, and Wineries & Chapter 6 Definitions

5. Action/Discussion/Info Items.

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 **Tuesday, November 3, 2015 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. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

3. A.

Meeting Date: 10/06/2015

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the September 1, 2015 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for September 2015.

C. Planning Board 6-Month Outlook for October 2015.

Attachments

9-1-15 Quasi-Judicial Mtg Resume Minutes

9-1-15 Regular PB Mtg Resume Minutes

September Monthly Action Follow-Up

October Six Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING September 1, 2015

**CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:31 A.M. – 9:18 A.M.)
(9:26 A.M. – 10:33 A.M.)
(10:45 A.M. – 10:46 A.M.)**

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Rodger Lowery
Alvin Wingate
Stephanie Oram, Navy (Non voting)
Timothy Pyle
Bob Cordes
Reid Rushing

Absent: Patty Hightower, School Board (non-voting)

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Division Manager, Planning & Zoning
Griffin Vickery, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
John Fisher, Senior Urban Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Karen Bohon, Sr. Office Assistant
Kayla Meador, Sr Office Assistant
Kerra Smith, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag was given by Alvin Wingate.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Reid Rushing, Seconded by Alvin Wingate
Motion was made to accept the proof of publication and to waive the reading of the legal advertisement.

Vote: 7 - 0 Approved

4. Quasi-judicial Process Explanation.

- A. Case #: Z-2015-12
Applicant: Kerry Anne Schultz Agent for
The Busbee Limited
Partnership and Murphy J.
Jacob Trust
Address: 9600 BLK Tower Ridge Road
Property Size: 78.72 (+/-) acres
From: RMU, Rural Mixed-use district
(two du/acre)
To: LDMU, Low Density
Mixed-use district (seven
du/acre)

Alvin Wingate acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Timothy Pyle

The applicant asked to change their original rezoning request from RMU to LDMU to the new request of RMU to LDR and accept staff findings.

Motion was made to recommend approval from RMU to LDR and accept Staff Findings of Fact on all six criteria.

Vote: 7 - 0 Approved

- B. Case #: Z-2015-13
Applicant: J. Dan Gilmore, Agent for Exit 3 Investments, LLC
Address: Detailed Specific Area Plan
Property Size: 1400 (+/-) acres
From: **Agricultural district (Agr)**, density of one dwelling unit per acres and **Rural Mixed-use district (RMU)**, density of two dwelling units per acre
To: **Low Density Residential district (LDR)**, Detailed Specific Area Plan Land Use Conservation Neighborhood with a maximum density of 3 dwelling units per net acre.
Medium Density Residential district (MDR), Detailed Specific Area Plan Land Use Suburban Garden with a maximum density of 10 dwelling units per acre.

High Density Residential district (HDR), Detailed Specific Area Plan Land Use Traditional Garden with a maximum density of 10 dwelling units per acre.

High Density Residential district (HDR), Detailed Specific Area Plan Land Use Traditional Village with a maximum density of 20 dwelling units per acre.

High Density Mixed-use district (HDMU), Detailed Specific Area Plan Land Use Neighborhood Center, with a maximum gross floor area of 15,000 square feet.

Commercial district (Com), Detailed Specific Area Plan Land Use Village Center, with a maximum gross floor area of 200,000 square feet.

No planning board member acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to accept map Juan Lemos created as Exhibit A.

Vote: 7 - 0 Approved

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to accept Fred Thompson as expert in land surveying and design.

Vote: 7 - 0 Approved

Motion by Tim Tate, Seconded by Bob Cordes

Motion was made to accept Staff Findings of Fact and recommend approval to the BCC.

Vote: 7 - 0 Approved

5. Public Hearings.

6. Adjournment.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD September 1, 2015

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(10:46 A.M. – 12:37 P.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Rodger Lowery
Alvin Wingate
Stephanie Oram, Navy (Non voting)
Timothy Pyle
Bob Cordes
Reid Rushing

Absent: Patty Hightower, School Board (non-voting)

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Division Manager, Planning & Zoning
Griffin Vickery, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
John Fisher, Senior Urban Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Kerra Smith, Assistant County Attorney

1. Call to Order.
2. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to accept the proof of publication and to waive the reading of the legal advertisement.

Vote: 7 - 0 Approved

3. Approval of Resume Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the August 4, 2015 Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for August 2015.
- C. Planning Board 6-Month Outlook for September 2015.

Motion by Timothy Pyle, Seconded by Rodger Lowery

Motion was made to approve the minutes from the August 4, 2015 Planning Board Meeting.

Vote: 7 - 0 Approved

4. Public Hearings.

- A. A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 15 "Capital Improvement Element", Objective CIE 1.2 A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 15, "Capital Improvement Element", Objective CIE 1.2 "Five-Year Schedule".

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Comprehensive Plan Chapter 15, "Capital Improvement Element", Objective CIE 1.2 "Five-Year Schedule".

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to accept and recommend approval to the BCC.

Vote: 7 - 0 Approved

- B. A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 3 Community Redevelopment A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Article 3, Section 3-3.2

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Article 3, Section 3-3.2 "Community Redevelopment", to modify the authority to grant exceptions to the overlay district standards.

Motion by Reid Rushing, Seconded by Tim Tate

Motion was made to recommend approval to the BCC.

Vote: 7 - 0 Approved

- C. A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 3, Zoning Regulations, LDR-PBA A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Zoning Regulations, LDR-PB

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC Chapter 3, Section 3-5.2, LDR-PB, "Site and Building Requirements".

Motion by Bob Cordes, Seconded by Rodger Lowery

Motion was made to recommend approval to the BCC.

Vote: 7 - 0 Approved

- D. A Public Hearing Concerning the Review of an LDC Ordinance Chapter 4, SRIA Floodplain Management A Public Hearing Concerning the Review of an Ordinance Amending Chapter 4, SRIA Floodplain Management

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 4, Article 3, Floodplain management on Pensacola Beach.

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to accept with changes made to the Ordinance on page 3, line 31 and recommend approval to the BCC.

Vote: 7 - 0 Approved

- E. SSA-2015-06 A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map A Public Hearing Concerning the Review of an Ordinance Amending the Future Land Use Map

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Future Land Use Map.

Motion by Reid Rushing, Seconded by Timothy Pyle

Motion was made to recommend approval to the BCC.

Vote: 7 - 0 Approved

- F. A Public Hearing Concerning the Review of an LDC Ordinance, Chapter 3 Zoning Regulations A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Zoning Regulations

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Zoning Regulations, to create Section 3-1.8 "Density and Uses Savings Clause"

to allow residential density and land uses permitted under previous zoning districts to be reinstated under specified conditions.

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to recommend approval with changes on page 2, line 7; changing "or record" to "listed", and forward to the BCC.

Vote: 7 - 0 Approved

5. Action/Discussion/Info Items.

Standards for Motorized Recreation Vehicles

Motion by Timothy Pyle, Seconded by Tim Tate

Motion was made to research sizing of property with this type of activity and articulate time when the PB will look at the issue of standards for motorized recreation vehicles.

Vote: 7 - 0 Approved

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 **Tuesday, October 6, 2015 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. Adjournment.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**



DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
PENSACOLA, FLORIDA 32505
PHONE: 850-595-3475
FAX: 850-595-3481
www.myescambia.com

Memorandum

TO: Planning Board
FROM: Karen Bohon, Board Clerk
DATE: September 21, 2015
RE: Monthly Action Follow-Up Report for September 2015.

The following is a status report of Planning Board (PB) agenda items for the prior month of **September**. 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

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

• **Text Amendments:**

CPA-2015-07

Five-Year Schedule
09-01-15 PB recommended approval
10-08-15 First of two public hearings before the BCC

• **Map Amendments:**

LSA-2015-01

9600 Blk Tower Ridge Road
04-07-15 PB recommended approval
05-07-15 BCC approved for transmittal to DEO
08-06-15 BCC Adopted

SSA-2015-04

North Beverly Parkway
07-07-15 PB recommended approval
07-23-15 BCC Approved

SSA-2015-05

South Beverly Parkway
07-07-15 PB recommended approval
07-23-15 BCC Approved

SSA-2015-06

Saufley Field

09-01-15 PB recommended approval

10-08-15 BCC meeting

LAND DEVELOPMENT CODE ORDINANCES

Minimum Lot Size Ordinance, Chapter 3 changes

07-07-15 PB recommended approval with changes

08-06-15 First of two public hearings before the BCC

08-20-15 BCC Approved

Zoning Requirements Ordinance, Chapter 2 changes

08-04-15 PB recommended approval with changes

09-03-15 BCC Approved

CRA Overlay Ordinance, Chapter 3 changes

09-01-15 PB recommended approval

10-08-15 BCC meeting

SRIA Setback, Chapter 3 changes

09-01-15 PB recommended approval

10-08-15 BCC meeting

SRIA Flood Plain Management, Chapter 4 changes

09-01-15 PB recommended approval

10-08-15 BCC meeting

Density & Uses Savings Clause, Chapter 3 changes

09-01-15 PB recommended approval

09-24-15 BCC meeting

REZONING CASES

1. Rezoning Case Z-2015-11

06-02-15 PB recommended approval

07-07-15 BCC approved

2. Rezoning Case Z-2015-12

06-02-15 PB recommended approval

07-07-15 BCC sent back to PB

09-01-15 PB recommended approval with changes

10-08-15 BCC meeting

3. Rezoning Case Z-2015-14

06-02-15 PB recommended approval

09-03-15 BCC Approved

4. Rezoning Case Z-2015-13

09-01-15 PB recommended approval

10-08-15 BCC meeting

Miscellaneous Items

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR OCTOBER 2015

(Revised 09/21/15)

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 and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Tuesday, October 6, 2015	<ul style="list-style-type: none"> • Accessory Uses & Structures • Height Ord. • Microbreweries • Remove Min Lot Size 		<ul style="list-style-type: none"> • Z-2015-15 • Z-2015-16 • Z-2015-17 • Z-2015-18 	<ul style="list-style-type: none"> • PK Charrette (Oct 5-9th)
Tuesday, November 3, 2015	<ul style="list-style-type: none"> • Temporary Uses & Structures 	<ul style="list-style-type: none"> • MU-PB error in comp plan 		<ul style="list-style-type: none"> • Limited AG uses in MU-S (comp plan amendment) • Group Living definition and permitted uses
Tuesday, December 1, 2015				
Tuesday, January 5, 2016				
Tuesday, February 2, 2016				
Tuesday, March 1, 2016				

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

4. A.

Meeting Date: 10/06/2015

Issue: A Public Hearing to Review an LDC Ordinance Amending Chapter 3 Zoning Regulations, Remove Minimum Lot Size

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Section 3-2.5

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Zoning Regulations. In the Low Density Residential district (LDR), remove the one acre minimum lot size for new subdivisions previously zoned V-1 zoning prior to the adoption of the Land Development Code.

BACKGROUND:

On August 20, 2015, the BCC adopted an Ordinance creating a minimum lot size of one acre for parcels previously zoned V-1. The BCC finds that maintaining this requirement could have adverse impacts on economic development within Escambia County.

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 Kerra Smith, 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

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Removal of 1 acre min lot size

Date: 09/09/15

Date requested back by: 09/11/15

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: 9/9/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

1 (6) **Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
2 maximum semi-impervious and impervious cover) for all uses.

3 (7) **Structure setbacks.** For all principal structures, minimum setbacks are:

4 a. **Front and rear.** Twenty-five feet in the front and rear.

5 b. **Sides.** On each side, five feet or 10 percent of the lot width at the front building
6 line, whichever is greater, but not required to exceed 15 feet.

7 (8) **Other requirements.**

8 a. **Horse shelters.** Stables or other structures for sheltering horses or other
9 domesticated *equines* shall be at least 50 feet from any property line and at
10 least 130 feet from any dwelling on the property of another landowner.

11 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
12 regulations and standards.

13
14 **Section 2. Severability.**

15
16 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
17 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
18 affect the validity of the remaining portions of this Ordinance.

19
20 **Section 3. Inclusion in Code.**

21
22 It is the intention of the Board of County Commissioners that the provisions of this
23 ordinance shall be codified as required by Section 125.68, Florida Statutes, and that the
24 sections, subsections and other provisions of this ordinance may be renumbered or re-
25 lettered and the word "ordinance" may be changed to "section," "article," or such other
26 appropriate word or phrase in order to accomplish such intentions.

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Section 4. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2015.

**BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

By: _____
Steven Barry, Chairman

**ATTEST: Pam Childers
Clerk of the Circuit Court**

By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. B.

Meeting Date: 10/06/2015

Issue: A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Building Height & Chapter 6 Definitions

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Building Height & Chapter 6 Definitions

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Article 2, "Mainland Districts," and Chapter 6, "Definitions," to clarify the measurement of building height.

BACKGROUND:

The Land Development Code (LDC) adopted April 16, 2015 did not clearly compensate for the zoning district height limits of buildings within flood hazard areas where higher elevations are required to accommodate base flood elevations and freeboard.

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 Kerra Smith, 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

Legal Review

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Height measurement

Date: ~~09/02/2015~~ 9/14/15 KAS

Date requested back by: 09/15/2015

Requested by: Griffin Vickery; Drew Holmen KAS

Phone Number: 595-3471



(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: 9/14/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

1 **Sec. 3-2.5 Low Density Residential district (LDR).**

2 **(d) Site and building requirements.** The following site and building requirements
3 apply to uses within the LDR district:

4 **(1) Density.** A maximum density of four dwelling units per acre.

5 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.

6 **(3) Structure height.** A maximum structure height of 45 feet. See height definition.
7 ~~above highest adjacent grade unless otherwise prescribed by use.~~

8 **(4) Lot area.** No minimum lot area unless prescribed by use.

9 **(5) Lot width.** A minimum lot width of 20 feet at the street right-of-way for cul-de-
10 sac lots and 50 feet for all other lots, and a minimum width of 70 feet at the front
11 building line for all lots.

12 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
13 maximum semi-impervious and impervious cover) for all uses.

14 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:

15 **a. Front and rear.** Twenty-five feet in the front and rear.

16 **b. Sides.** On each side, five feet or 10 percent of the lot width at the front
17 building line, whichever is greater, but not required to exceed 15 feet.

18 **(8) Other requirements.**

19 **a. Horse shelters.** Stables or other structures for sheltering horses or other
20 domesticated *equines* shall be at least 50 feet from any property line and at
21 least 130 feet from any dwelling on the property of another landowner.

22 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
23 regulations and standards.

24
25 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
26 Code of Escambia County, Chapter 3, Article 2, Section 3-2.6 “Low Density Mixed-use
27 district (LDMU),” Section (d), “Site and building requirements” is hereby amended as
28 follows (words underlined are additions and words ~~stricken~~ are deletions):

29 **Sec. 3-2.6 Low Density Mixed-use district (LDMU).**

30 **(d) Site and building requirements.** The following site and building requirements
31 apply to uses within the LDMU district:

32 **(1) Density.** A maximum density of seven dwelling units per acre regardless of the
33 future land use category.

34 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land
35 use category and 2.0 within MU-U.

- 1 **(3) Structure height.** A maximum structure height of 45 feet. See height definition.
2 ~~above highest adjacent grade unless otherwise prescribed by use.~~
- 3 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 4 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
5 20 feet at the street right-of-way, the following minimum lot widths are required:
- 6 **a. Single-family detached.** Forty feet at both the street right-of-way and front
7 building line for single-family detached dwellings.
- 8 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
9 building line for two-family dwellings.
- 10 **c. Multi-family and other.** One hundred feet at the front building line for multi-
11 family dwellings and townhouse groups. No minimum lot width required by
12 zoning for other uses.
- 13 **(6) Lot coverage.** Minimum pervious lot coverage of 25 percent (75 percent
14 maximum semi-impervious and impervious cover) for all uses.
- 15 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 16 **a. Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 17 **b. Sides.** Ten feet on each side of a group of attached townhouses. On each
18 side of all other structures, five feet or 10 percent of the lot width at the front
19 building line, whichever is greater, but not required to exceed 15 feet.
- 20 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
21 regulations and standards.
- 22

23 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development
24 Code of Escambia County, Chapter 3, Article 2, Section 3-2.7 “Medium Density
25 Residential district (MDR),” Section (d), “Site and building requirements” is hereby
26 amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

27 **Sec. 3-2.7 Medium Density Residential district (MDR).**

28 **(d) Site and building requirements.** The following site and building requirements
29 apply to uses within the MDR district:

- 30 **(1) Density.** A maximum density of 10 dwelling units per acre regardless of the
31 future land use category.
- 32 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land
33 use category and 2.0 within MU-U.
- 34 **(3) Structure height.** A maximum structure height of 45 feet. See height definition.
35 ~~above highest adjacent grade unless otherwise prescribed by use.~~
- 36 **(4) Lot area.** No minimum lot area unless prescribed by use.

1 (5) **Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
2 20 feet at the street right-of-way, the following minimum lot widths are required:

3 a. **Single-family detached.** Fifty feet at both the street right-of-way and front
4 building line for single-family detached dwellings.

5 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
6 building line for two-family dwellings.

7 c. **Multi-family and other.** One hundred feet at the front building line for
8 townhouse groups and boarding or rooming houses. No minimum lot width
9 required by zoning for other uses.

10 (6) **Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
11 maximum semi-impervious and impervious cover) for all uses.

12 (7) **Structure setbacks.** For all principal structures, minimum setbacks are:

13 a. **Front and rear.** Twenty feet in the front and rear.

14 b. **Sides.** Ten feet on each side of a group of attached townhouses. On each
15 side of all other structures, five feet or 10 percent of the lot width at the front
16 building line, whichever is greater, but not required to exceed 15 feet.

17 (8) **Other requirements.**

18 a. **Stables.** Stables shall be at least 50 feet from any property line and at least
19 130 feet from any residential dwelling on the property of another landowner.

20 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
21 regulations and standards.

22
23 **Section 4.** Part III of the Escambia County Code of Ordinances, the Land Development
24 Code of Escambia County, Chapter 3, Article 2, Section 3-2.14 "Conservation district
25 (Con)," Section (d), "Site and building requirements" is hereby amended as follows
26 (words underlined are additions and words ~~stricken~~ are deletions):

27 **Sec. 3-2.14 Conservation district (Con).**

28 (d) **Site and building requirements.** The following site and building requirements
29 apply to uses within the Conservation district:

30 (1) **Density.** Dwelling unit density limited to vested development.

31 (2) **Floor area ratio.** A maximum floor area ratio of 0.5 for all uses.

32 (3) **Structure height.** A maximum structure height of 45 feet. See height definition.
33 ~~above highest adjacent grade unless otherwise prescribed by use.~~

34 (4) **Lot area.** No minimum lot area unless prescribed by use.

35 (5) **Lot width.** No minimum lot width required by zoning.

1 (6) **Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent
2 maximum semi-impervious and impervious cover) for all uses.

3 (7) **Structure setbacks.** For all principal structures, minimum setbacks are:

4 a. **Front and rear.** Twenty-five feet in front and rear.

5 b. **Sides.** On each side, five feet or 10 percent of the lot width at the front
6 building line, whichever is greater, but not required to exceed 15 feet.

7 (8) **Other requirements.**

8 a. **Horse shelters.** Stables or other structures for sheltering horses or other
9 domesticated *equines* shall be at least 50 feet from any property line and at
10 least 130 feet from any dwelling on the property of another landowner.

11 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
12 regulations and standards.

13
14 **Section 5.** Part III of the Escambia County Code of Ordinances, the Land Development
15 Code of Escambia County, Chapter 6, Section 6-0.3 “Terms defined,” subsection “H,” is
16 hereby amended as follows (words underlined are additions and words ~~stricken~~ are
17 deletions):

18
19 **Sec. 6-0.3 Terms defined.**

20 - H -

21 **Habitable floor.** A floor usable for living, working, sleeping, eating, cooking, or recreation,
22 or any combination thereof. A floor usable only for storage purposes is not a habitable floor.

23 **Hardware store.** A retail establishment primarily selling basic hardware lines, such as tools,
24 fasteners, plumbing and electrical supplies, paint, housewares, household appliances, and
25 garden supplies.

26 **Hazardous material.** A poison, corrosive agent, flammable substance, explosive,
27 radioactive chemical, or any other material that can endanger human or animal health or
28 well-being if handled improperly.

29 **Hazardous waste.** Solid waste, or a combination of solid wastes, which because of its
30 quantity, concentration, or physical, chemical, or infectious characteristics may cause or
31 significantly contribute to an increase in mortality or an increase in serious irreversible or
32 incapacitating reversible illness, or may pose a substantial present or potential hazard to
33 human health or the environment when improperly transported, disposed of, stored, treated,
34 or otherwise managed. The term “hazardous waste” does not include human remains that
35 are disposed of by persons licensed under Florida Statutes.

36 **Height.** The overall vertical dimension of a structure or object as measured from the
37 highest adjacent grade, unless an alternative applicable reference surface or elevation is
38 specifically prescribed ~~required~~ by the LDC, such as ~~highest adjacent grade,~~ base flood
39 elevation plus freeboard, airport or airfield elevation, or mean high water. ~~to mean roof~~
40 height or top of structure.

1 , **Mean Roof.** The average of the roof eave height and the height to the highest point on the
2 roof surface, except that eave height shall be used for roof angle of less than or equal to ten
3 degrees (0.18 rad).

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

6 **Historic/cultural resource.** Any prehistoric or historic district, site, building, object, or other
7 real or personal property of historical, architectural, or archaeological value, and folk life
8 resources. These properties or resources may include monuments, memorials, Indian
9 habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships,
10 engineering works, treasure trove, artifacts, or other objects with intrinsic historical or
11 archaeological value, or any part thereof, relating to the history, government, and culture of
12 the state.

13 **Historic building or structure.** A building or other structure that is any of the following:
14 Individually listed in the National Register of Historic Places maintained by the U.S.
15 Department of the Interior.

16 1. A contributing property in a National Register of Historic Places listed district.
17 2. Designated as historic property under an official municipal, county, special district, or
18 state designation, law, ordinance or resolution either individually or as a contributing
19 property in a district.

20 3. Determined eligible by the Florida State Historic Preservation Officer for listing in the
21 National Register of Historic places, either individually or as a contributing property in a
22 district.

23 **Historic sign.** Any sign officially designated historic by the appropriate federal, state or
24 local historic entity or otherwise considered to be a local landmark by the board of
25 adjustment.

26 **Holiday decorations.** Temporary signs and decorations, clearly incidental to, and
27 customarily and commonly associated with, any national, local or religious holiday.

28 **Home-based business.** An activity carried out for the purpose of monetary gain by one or
29 more residents of a single-family dwelling and conducted as an accessory use within the
30 dwelling or its accessory structures at a greater scale or intensity than a home occupation
31 according to the requirements of the LDC for such uses.

32 **Homeless shelter.** A non-residential facility providing temporary housing and assistance on
33 a nonprofit basis to indigent, needy, homeless, or transient persons. Assistance provided
34 may include food, counseling, vocational training, and religious instruction.

35 **Home occupation.** An activity carried out for the purpose of monetary gain by one or more
36 residents of a dwelling unit and conducted as an accessory use within the dwelling unit or
37 its accessory structures according to the requirements of the LDC for such uses.

38 **Hospice facility.** A state licensed facility operated by a hospice to provide a continuum of
39 palliative and supportive care for terminally ill patients. Hospice facilities do not include long
40 term care facilities, hospitals or other facilities licensed under other state statutes.

41 **Hospital.** An establishment that offers services more intensive than those required for
42 room, board, personal services, and general nursing care; offers facilities and beds for use
43 beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury,
44 deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at
45 least clinical laboratory services, diagnostic X-ray services, and treatment facilities for
46 medical treatment as required by the state. The term "hospital" excludes medical clinics that
47 only provide diagnostic and outpatient care.

1 **Hotel.** A public lodging establishment which contains sleeping room accommodations for 25
2 or more guests, has an interior lobby with specified hours of operation, offers daily or
3 weekly rates, provides primary access to units from the building interior, provides customary
4 lodging services such as daily room cleaning and linen changes, and is recognized by the
5 hospitality industry as a hotel. Full service hotels may provide meeting rooms, restaurants
6 and lounges, entertainment, personal services, swimming pools, retail shops, and other
7 facilities and services incidental and subordinate to the principal public lodging use. Resort
8 hotels catering to the tourist and vacation industry often provide a wider variety of
9 recreational amenities. Extended stay hotels catering to guests who need lodging for at
10 least five nights offer more apartment-like accommodations and amenities.

11 **Household.** One or more individuals occupying a dwelling unit as a single housekeeping
12 unit, with common access to and use of all areas for living, sleeping, eating, cooking and
13 sanitation within the unit. A household does not include any society, club, fraternity, sorority,
14 team, or similar association of individuals; or individuals in a group living arrangement; or
15 any occupancy other than of a dwelling unit.

16 **Household living.** Residential occupancy of a dwelling unit by a household on a monthly or
17 longer basis. Household living includes household occupancy of all forms of dwellings and
18 households that provide special services, treatment, or supervision such as community
19 residential homes, family foster homes, and adult family-care homes. Household living does
20 not include any group living arrangement, any occupancy other than of a dwelling unit, or
21 any public lodging.

22 **Hunting club.** An area of land reserved for public or private hunting of wildlife and
23 accessory structures in support of those activities.

24 **Hunting preserve.** An area of land where captive-raised native and non-native game
25 animals are released and hunted as authorized by state regulations.

26
27 **Section 6. Severability.**

28
29 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
30 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
31 affect the validity of the remaining portions of this Ordinance.
32

33
34 **Section 7. Inclusion in Code.**

35
36 It is the intention of the Board of County Commissioners that the provisions of this
37 Ordinance shall be codified as required by F.S. § 125.68 (2015); and that the sections,
38 subsections and other provisions of this Ordinance may be renumbered or re-lettered
39 and the word "ordinance" may be changed to "section," "chapter," or such other
40 appropriate word or phrase in order to accomplish such intentions.
41

42
43
44
45 **INTENTIONALLY LEFT BLANK**
46

1 **Section 8. Effective Date.**

2
3 This Ordinance shall become effective upon filing with the Department of State.

4
5 **DONE AND ENACTED** this _____ day of _____, 2015.

6
7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF ESCAMBIA COUNTY, FLORIDA**

9
10 **By:** _____
11 **Steven Barry, Chairman**

12
13 **ATTEST: PAM CHILDERS**
14 **Clerk of the Circuit Court**

15
16 **By:** _____
17 **Deputy Clerk**

18 **(SEAL)**

19
20 **ENACTED:**

21
22 **FILED WITH THE DEPARTMENT OF STATE:**

23
24 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. C.

Meeting Date: 10/06/2015

Issue: A Public Hearing to Review an Ordinance Concerning Chapter 4, Article 7, Accessory Uses and Structures

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 4, Article 7, Accessory Uses and Structures

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 4, Accessory Uses and Structures.

BACKGROUND:

The Land Development Code adopted on April 16, 2015, did not clearly provide for accessory dwelling units and sufficiently identify exceptions to the location of certain accessory structures.

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 Kerra Smith, 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

Legal Review

Draft Ordinance

From: [Kerra A. Smith](#)
To: [Allyson Cain](#)
Cc: [Shawn S. Hunter](#); [Griffin L Vickery](#); [Shawn S. Hunter](#)
Subject: RE: Title block for Accessory Uses/structures
Date: Friday, September 11, 2015 12:51:57 PM

I have reviewed the changes proposed to the ordinance. Based upon the modifications being made, I think the following title is appropriate:

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 4, SECTION 4-7.3, "ACCESSORY USES AND STRUCTURES," TO CLARIFY GENERAL USE CONDITIONS AND DESIGN STANDARDS, ESTABLISH LOCATION CRITERIA FOR CERTAIN ACCESSORY USES AND STRUCTURES, AND PROVIDE FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Feel free to contact me if you have concerns. Thanks.

KS

Kerra A. Smith
Assistant County Attorney
Escambia County Attorney's Office
221 Palafox Place, Suite 430
Pensacola, FL 32502
Telephone: (850) 595-4970
Fax: (850) 595-4979

From: Allyson Cain
Sent: Friday, September 11, 2015 10:22 AM
To: Kerra A. Smith
Cc: Shawn S. Hunter
Subject: Title block for Accessory Uses/structures

Kerra,

Griff wanted me to send you the revised title that he did. He did not have time to finish updating the "track changes" which he will do Monday. Please review the title for the Ad. It does not have to go out until Tuesday, next week.

Thank you

*Allyson Cain, Planner II
Development Services Department*

Escambia County is striving to maintain a high level of Customer Service and we would love to hear about your experience with us. Please complete the attached customer service survey and fax it to 595-3481.

<http://www.zoomerang.com/Survey/WEB22G5ZBFPMTB>



Please consider the environment before printing this e-mail. Think Green.

- 1 **b. Time.** The time devoted to the use in relation to the principal use. For
2 example, a seasonal activity may be accessory in relation to a year-round
3 primary use, but a year-round use would not be subordinate to a seasonal
4 primary use.
- 5 **c. Intensity.** The relative intensity of the use and the resulting impacts on the
6 land and neighboring properties.
- 7 **d. Employees.** The number of employees assigned to a use. However, an
8 accessory use need not always have fewer employees than the principal use.

9 **(2) Customarily incidental.** An accessory use shall be customarily incidental to the
10 principal use, having demonstrate that it has commonly, habitually, and by long
11 practice been established as reasonably associated with the primary that use. A
12 rare association of uses does not qualify as customary, but the uses need not be
13 joined in a majority of the instances of the principal use. ~~In addition to being~~
14 ~~subordinate~~ Additionally, an incidental use must have a reasonable relationship to
15 the principal use; being clearly associated, attendant, or connected. A use is
16 customarily incidental when it is so necessary or so commonly to be expected in
17 connection with the principal use that it cannot be reasonably supposed that the
18 LDC intended to prevent it.

19 **(3) Establishment.** Unless otherwise specifically allowed by the provisions of the
20 LDC, accessory uses and structures may only be established concurrently with
21 or following the lawful establishment of a validating principal use or structure.

22 ~~**(4) Structures.** Accessory structures shall be detached from principal structures~~
23 ~~and may be limited in location or size.~~

24 ~~**(a) Locations.** Accessory structures are limited to side and rear yards except as~~
25 ~~allowed by the following or other LDC provisions:~~

26 ~~**1. On large lots.** Accessory buildings, including accessory dwelling units,~~
27 ~~on lots ten acres in size or larger may be located within front yards if not~~
28 ~~less than 60 feet from the front lot line.~~

29 ~~**2. On waterfront lots.** Accessory buildings may be located in the front~~
30 ~~yards of waterfront lots if not less than 60 feet from the front lot line and~~
31 ~~granted conditional use approval by the Board of Adjustment (BOA).~~

32 ~~**3. Encroachment by gas pumps.** Pumps and pump islands for retail fuel~~
33 ~~sales may be located within required front yards if they are not less than~~
34 ~~20 feet from any street right of way.~~

35 ~~**4. Encroachment by septic systems.** Whenever lots are to be served by~~
36 ~~on-site sewage treatment and disposal systems (e.g., septic tank and~~
37 ~~drain field), the systems may be located in any required yard as necessary~~
38 ~~to obtain sufficient open space, provided the system is no closer than five~~
39 ~~feet to any lot line.~~

40 ~~**(b) Structures on Santa Rosa Island**~~

1 ~~(1) In cases which involve the Coastal Construction Control Line (CCCL), a permit~~
2 ~~must first be obtained from the Florida Department of Environmental Protection,~~
3 ~~Bureau of Beaches and Coastal Systems, prior to issuance of SRIA development~~
4 ~~approval.~~

5 ~~(2) No swimming pools or gazebo type structures may extend seawards of the~~
6 ~~state's 1975 CCCL or 50 feet landward of the crest of the primary dune line;~~
7 ~~whichever is the most restrictive.~~

8 ~~(3) No temporary structures are allowed without approval of the SRIA board.~~
9 ~~Requests for approval to construct additional storage space may be submitted~~
10 ~~providing the construction is attached to the dwelling, and meets building code~~
11 ~~requirements. Detached structures are allowed only in conformance with the~~
12 ~~following guidelines for detached/accessory structures. Detached/accessory~~
13 ~~structures are discouraged; however, requests may be considered by the SRIA~~
14 ~~board if the following standards are met:~~

15 ~~a. The design of the detached/accessory structure must be compatible with the~~
16 ~~design of the residence.~~

17 ~~b. The structure must comply with current FEMA construction guidelines.~~

18 ~~c. All applicable building code and development code requirements must be~~
19 ~~followed.~~

20 ~~d. The detached/accessory structure shall be constructed within established~~
21 ~~building setback lines.~~

22 ~~e. The maximum area for detached elevated decks shall be 200 square feet.~~
23 ~~The maximum height shall be 35 feet. In no case may these structures~~
24 ~~exceed the height of the residence.~~

25 ~~f. Detached/accessory structures on waterfront lots shall be considered on an~~
26 ~~individual basis.* In no case may these structures extend further seaward~~
27 ~~than the adjoining residences.~~

28 ~~g. The wall of a detached/accessory structure shall be no closer than six feet to~~
29 ~~the wall of the main structure. No part of a detached/accessory structure shall~~
30 ~~be closer than four feet to any part of the main structure.~~

31 ~~h. An open covered walkway no more than six feet wide may connect the main~~
32 ~~structure to the detached/accessory structure.~~

33 ~~*Examples of detached/accessory structures: . (Subsequent to November~~
34 ~~1984 provisions of SRIA.) Private garages, storage buildings, children's~~
35 ~~playhouses, private swimming pools, bathhouses or cabanas, tennis courts,~~
36 ~~noncommercial greenhouses, uncovered decks, screened enclosures.~~

37 ~~(4) When submitting plans for proposed shoreline or near shoreline projects, such~~
38 ~~as, retainer walls, seawalls, piers, bulkheads, groins, jetties, etc., a recent survey~~
39 ~~must be included to show relation of proposed project to property lines, structure,~~

1 approximate mean high water line, vegetation line if any, and such structures on
2 adjacent properties.

3 ~~(5) Subsequent to August 9, 1990 provisions of the SRIA. Prior approval by SRIA~~
4 ~~staff is required for installation of a satellite dish. Satellite dishes may not be~~
5 ~~installed on the street side of the dwelling.~~

6 **(4) Location.** An accessory use or structure shall be located on the same lot as the
7 principal use or structure. Accessory structures are limited to locations within
8 side and rear yards, except as specifically allowed by LDC provisions, including
9 the following:

10 **a. Large residential lots.** Accessory structures, including an accessory
11 dwelling unit, on a lot ten acres in size or larger may be located within the
12 front yard of the principal dwelling if the structures are at least 60 feet from
13 the front lot line.

14 **b. Waterfront lots.** Accessory structures may be located in the front yard of a
15 waterfront lot if the structures are at least 60 feet from the front lot line and
16 granted conditional use approval by the Board of Adjustment (BOA).

17 **c. Signs and fences.** Signs and fences as accessory structures may be
18 located within a front yard if in compliance with the sign and fence standards
19 prescribed in Chapter 5.

20 **d. Fuel pumps.** Pumps and pump islands for retail fuel sales may be located
21 within the front yard of a conforming non-residential use if the pumps and
22 islands are at least 20 feet from any street right-of-way.

23 **e. Sewage systems.** The underground components of an on-site sewage
24 treatment and disposal system (e.g., septic tank and drain field) may be
25 located within a front yard as necessary to obtain sufficient open space if the
26 components are at least five feet from any lot line.

27 **f. Deposit boxes.** Deposit boxes for the donation of used items to charitable
28 organizations may be located within the front yard of a conforming
29 non-residential use if the total area coverage by the boxes is limited to 100
30 square feet and they are placed in compliance with the sight visibility and sign
31 standards prescribed in Chapter 5.

32 **g. Automated vending.** Automated vending structures may be located within
33 the front yard of a conforming non-residential use if the vending structures are
34 at least 20 feet from any street right-of-way and in compliance with the sight
35 visibility and sign standards prescribed in Chapter 5. Such structures shall
36 also be freestanding, self-contained, and unattended; have separately
37 metered utilities; and be limited to on-demand self-service commercial
38 activities such as the retail sale of ice or the provision of banking services.

39 ~~(e)(5) **Size in relation to single-family dwellings.** In addition to limits imposed~~
40 ~~by the site and building requirements of the applicable zoning district, accessory~~
41 ~~dwelling units and other s~~Structures accessory to a principal single-family

1 dwellings, including accessory dwelling units, are subject to the following size
2 limits, excluding accessory structures on farms or within agricultural zoning, ~~or~~
3 docks and piers:

4 **(1)a. Less than two acres.** On lots smaller than two acres, no individual
5 accessory structure may exceed 50 percent of the gross floor area of the
6 principal dwelling.

7 **(2)b. Two to five acres.** On lots two acres to five acres, no individual
8 accessory structure may exceed 75 percent of the size of the gross floor area
9 of the principal dwelling.

10 **c. Greater than five acres.** On lots larger than five acres, no individual
11 accessory structure may exceed the size of the principal dwelling.

12 Structures larger than the limits established here shall require variance approval
13 from the BOA.

14 **(6) Structures on Pensacola Beach.** Residential accessory structures on
15 Pensacola Beach, except for signs and fences, require the approval of the SRIA
16 Board. Such private structures include garages, storage buildings, playhouses,
17 swimming pools, cabanas, uncovered decks, and screened enclosures.
18 Approval of these accessory structures is entirely at the discretion of the SRIA
19 and shall require compliance with the following:

20 **a.** The design of the structure is compatible with the design of the residence.

21 **b.** If on a waterfront lot, the structure does not extend further seaward than
22 residences on adjoining lots.

23 **c.** If the structure is a detached elevated deck, it is no greater than 200 square
24 feet in area and does not exceed 35 feet in height or the height of the
25 residence, whichever height is less.

26 **d.** No variance to established structure setback lines is necessary.

27 **e.** No wall of the structure is closer than six feet to any wall of the residence, and
28 no part of the structure is closer than four feet to any part of the residence.

29 **f.** If the structure includes a walkway cover between the residence and the
30 structure, the cover is no more than six feet wide.

31 **g.** If the structure is a swimming pool or gazebo type structure, it does not
32 extend seaward of the state's 1975 Coastal Construction Control Line or a
33 line 50 feet landward of the crest of the primary dune line, whichever setback
34 from the shoreline is more restrictive.

35 **h.** The structure complies with all other LDC and Florida Building Code
36 requirements.

37 **(b) Specific uses and structures.**

38 **(1) Accessory dwelling units.** Accessory dwelling units are allowed on the lots of
39 single-family dwellings, but a second dwelling unit on a lot is not subject to the

1 limitations of accessory structures if the lot area and applicable zoning district
2 would otherwise allow the additional dwelling. Accessory dwelling units shall
3 comply with the following conditions:

- 4 a. The applicable zoning is a mainland district, but is not Industrial (Ind),
5 Recreation (Rec), Conservation (Con), or Public (Pub).
- 6 b. The principal dwelling and accessory dwelling unit are the only dwellings on
7 the lot and the lot provides the minimum area required by the applicable
8 zoning.
- 9 c. The resulting residential density on the lot may exceed the gross density limit
10 of the applicable zoning, but complies with all other applicable density limits
11 (e.g., airfield environs).
- 12 d. The form of accessory dwelling (e.g., manufactured home) is an allowed use
13 of the applicable zoning.
- 14 e. The accessory dwelling complies with the setbacks applicable to the principal
15 dwelling unless otherwise allowed by the LDC.

16 **(d)(2) Carports.** All carports, attached or detached, are allowed as accessory
17 structures regardless of their construction material, but shall comply with the
18 following conditions:

19 **(1)a.** The structure setbacks of the applicable zoning district are not exceeded,
20 except that a carport may encroach into the required front yard provided it is
21 not less than ten feet from the front property line.

22 **(2)b.** The carport is not prohibited by private deed restrictions.

23 **(3)c.** Minor site development approval is obtained for the structure and it
24 complies with applicable building codes.

25 **(4)d.** A building permit is obtained for the structure unless it is a portable carport
26 covering less than 400 square feet.

27 **(5)e.** The structure is not attached to a mobile home.

28 **(e)(3) Chickens and single-family dwellings** The ownership, possession, and
29 raising of live chickens (*Gallus gallus domesticus*) is an allowed accessory use
30 for any single-family dwelling principal use, except on Perdido Key and Santa
31 Rosa Island, regardless of any prohibition of farm animals or minimum lot area
32 for farm animals established by the applicable zoning district. However, such
33 keeping of chickens shall comply with the following standards:

34 **(1)a. Limit by lot area.** No more than eight chickens shall be kept on any lot
35 that is one quarter acre or less in size.

36 **(2)b. Roosters.** No rooster shall be kept less than 100 yards from any
37 inhabited residence other than the dwelling of the person keeping the rooster.

38 **(3)c. Security.** Chickens may roam freely in the fenced rear yard of the
39 principal dwelling from sunrise to sunset. During all other times the chickens

1 shall be kept in secure coops, pens or enclosures that prevent access by
2 predators.

3 **(4)d. Enclosure setbacks.** All chicken pens, coops, or enclosures shall be a
4 minimum of 10 feet from rear and side property lines, and a minimum of 20 feet
5 from any residence located on an adjacent lot.

6 **(4) Columbaria.** Columbaria are allowed as accessory uses to places of worship.

7 **~~(f)~~(5) Docks and piers.** As an exception to the establishment of a principal use
8 or structure for any accessory use or structure, docks and piers may be permitted
9 as accessory structures on lots exclusively for single-family dwellings regardless
10 of the establishment of any dwellings on the lots.

11 **~~(g)~~(6) Family day care or foster homes.** A family day care home or family
12 foster home is allowed as an accessory use wherever the host dwelling unit is
13 allowed unless prohibited by the applicable zoning district.

14 **~~(h)~~(7) Home occupations and home-based businesses.** Home occupations
15 and home-based businesses are limited to the residents of a dwelling unit other
16 than a manufactured (mobile) home, and allowed only as an accessory use to
17 the residential use. A home occupation, or employment at home, is allowed
18 wherever the host dwelling unit is allowed, but shall generally be unnoticeable to
19 adjoining land uses. A home-based business, which is at a greater scale or
20 intensity than a home occupation, is limited to the rural zoning districts (Agr, RR,
21 RMU) and only allowed if impacts to adjoining land uses are minimal. Home
22 occupations and home-based businesses shall comply with each of the following
23 requirements:

24 **~~(1)~~a. Licenses.** All required business, professional, or occupational licenses
25 are obtained prior to commencement of the occupation or business and are
26 maintained for the duration of the activity.

27 **~~(2)~~b. Exterior evidence.** For home occupations, there is no evidence visible
28 from outside of the dwelling or accessory building that any part of a building is
29 utilized for an occupation. For home-based businesses, any evidence visible
30 from outside of the dwelling or accessory building that any part of a building is
31 utilized for a business is minimal. Such exterior evidence includes any
32 storage, display, or signage associated with the occupation or business.
33 Signage is limited for both uses according to the signage provisions of
34 Chapter 5.

35 **~~(3)~~c. Off-site impacts.** Occupations or business activities shall not create
36 nuisances or adverse off-site impacts, including but not limited to noise,
37 vibration, smoke, dust or other particulates, odors, heat, light or glare, or
38 electromagnetic interference. In a residential neighborhood, no activities are
39 allowed to alter the character of the neighborhood.

40 **~~(4)~~d. Structural alterations.** No structural alterations are made that would be
41 inconsistent with the use of the dwelling exclusively as a residence or that

1 would not customarily be associated with dwellings or their accessory
2 buildings.

3 **(5)e. Employees.** Employment in a home occupation is limited to residents of
4 the dwelling unit unless the applicable zoning district allows BOA conditional
5 use approval of non-resident employees. Employment in a home-based
6 business may include no more than two non-resident employees.

7 **(6)f. Customers.** No customers shall visit the house ~~nor~~ and there shall
8 ~~there~~not be any other additional traffic or an increase in demand for parking
9 due to trucks or other service vehicles coming to the house.

10 **(7)g. Motor vehicles.** The manufacture or repair of motor vehicles or other
11 transportation equipment is prohibited.

12 **(4)(8) Small wind energy systems.** For the purposes of this section, a small
13 wind energy system is an accessory use consisting of a wind turbine, structural
14 support, and associated control or conversion electronics design to supply some
15 of the on-site electrical power demands of a home, farm, or small business. A
16 small wind energy system is allowed only if constructed and operated in
17 compliance with each of the following requirements:

18 **(1)a. System Height.** The height of the system is the minimum necessary to
19 reliably provide the required power.

20 **(2)b. Prohibited use.** To protect the unique scenic view, the system is not
21 installed within the Scenic Highway Overlay District.

22 **(3)c. Airport and military review.** If the installation of the system or additional
23 turbines is within the Pensacola International Airport Planning District
24 (PNSPD) or any military Airfield Influence Planning District (AIPD), the
25 applicant has notified and obtained a response from the respective
26 airport/airfield authority. If the authority has objections to the installation, the
27 Planning Official shall consider them in any final determination and may
28 impose approval conditions on the installation to address the objections.

29 **(4)d. Setback.** The center of the system tower base is no closer to any part of a
30 dwelling outside of the system installation parcel than the total height of the
31 system. Additionally, no part of the system structure, including any guy wires
32 or anchors, is closer than five feet to the property boundary of the installation
33 parcel.

34 **(5)e. Appearance.**

35 **a.1. Design and Location.** Towers are designed and located to
36 minimize visual impacts. Colors and surface treatment of system
37 components minimize visual distraction.

38 **b.2. Signs.** Signs on system components are limited to the
39 manufacturer's or installer's identification and appropriate warnings.

1 **c.3. _____ Lighting.** System structures are not lighted except to the extent
2 required by the Federal Aviation Administration or other applicable
3 authority.

4 **(j)(9) _____ Swimming pools and pool enclosures.** Screened enclosures for
5 swimming pools may be erected no closer than five feet from the rear or side
6 property line. No pool enclosure shall be allowed on any easement unless
7 authorized by the grantee of the easement through an encroachment agreement.

8
9 **Section 2. Severability.**

10
11 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
12 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
13 affect the validity of the remaining portions of this Ordinance.

14
15 **Section 3. Inclusion in Code.**

16
17 It is the intention of the Board of County Commissioners that the provisions of this
18 Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections,
19 subsections and other provisions of this Ordinance may be renumbered or re-lettered
20 and the word “ordinance” may be changed to “section,” “chapter,” or such other
21 appropriate word or phrase in order to accomplish such intentions.

22
23
24 **INTENTIONALLY LEFT BLANK**
25

1 **Section 4. Effective Date.**

2
3 This Ordinance shall become effective upon filing with the Department of State.

4
5 **DONE AND ENACTED** this _____ day of _____, 2015.

6
7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF ESCAMBA COUNTY, FLORIDA**

9
10 **By:** _____
11 **Steven Barry, Chairman**

12
13 **ATTEST: PAM CHILDERS**
14 **Clerk of the Circuit Court**

15
16 **By:** _____
17 **Deputy Clerk**

18 **(SEAL)**

19
20 **ENACTED:**

21
22 **FILED WITH THE DEPARTMENT OF STATE:**

23
24 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. D.

Meeting Date: 10/06/2015

Issue: A Public Hearing Concerning the Review of an LDC Ordinance Chapter 3 Zoning Reg, Alcohol Breweries, Distilleries, and Wineries & Chapter 6 Definitions

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapters 3, Commercial district (Com), and Heavy Commercial and Light Industrial District (HC/LI), to authorize alcohol breweries, distilleries and wineries under certain circumstances; and Amending Chapter 6, Definitions to Define Brewpub, Microbrewery, Microdistillery and Microwinery.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3 Zoning Districts and Chapter 6 Definitions.

BACKGROUND:

These proposed changes are being made to add a new use type that is currently not in any zoning district, also to define the terms what a Brewpub, Microbrewery, Microdistillery, Microdistillery and Microwinery are.

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 Kerra Smith, 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

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ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3, SECTION 3-2.10 “COMMERCIAL DISTRICT (COM),” AND SECTION 3-2.11 “HEAVY COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT (HC/LI),” TO AUTHORIZE ALCOHOL BREWERIES, DISTILLERIES AND WINERIES UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 6, SECTION 6-0.3 “TERMS DEFINED” TO DEFINE “BREW PUB,” “MICROBREWERY,” “MICRODISTILLERY,” AND “MICROWINERY;” PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners desires to preserve the county as a desirable community in which to live, vacation and do business; and

WHEREAS, the Escambia County Board of County Commissioners finds that adding permitted and conditional uses for alcohol production in the Commercial and Heavy Commercial and Light Industrial zoning districts is consistent with the intent of these zoning districts and Chapter 3 of the Land Development Code; and

WHEREAS, the Escambia County Board of County Commissioners further finds that adding these permitted and conditional uses and their corresponding definitions promotes the efficient regulation of land use;

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, the Land Development Code of Escambia County, Chapter 3, Article 2, Section 3-2.10 “Commercial district (COM),” is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

Sec. 3-2.10 Commercial district (Com).

(a) Purpose. The Commercial (Com) district establishes appropriate areas and land use regulations for general commercial activities, especially the retailing of commodities and services. The primary intent of the district is to allow more diverse and intense commercial uses than the neighborhood commercial allowed within the mixed-use districts. To maintain compatibility with surrounding uses, all commercial operations within the Commercial district are limited to the confines of buildings and not allowed to produce undesirable effects on surrounding property. To retain adequate area for commercial activities, new and expanded residential development within the district is limited, consistent with the Commercial (C) future land use category.

1 **(b) Permitted uses.** Permitted uses within the Commercial district are limited to the following:

2 **(1) Residential.** The following residential uses are allowed throughout the district, but if within
3 the Commercial (C) future land use category they are permitted only if part of a
4 predominantly commercial development:

- 5 a. Group living, excluding dormitories, fraternity and sorority houses, and residential
6 facilities providing substance abuse treatment, post-incarceration reentry, or similar
7 services.
- 8 b. Manufactured (mobile) homes, including new or expanded manufactured home parks or
9 subdivisions.
- 10 c. Single-family dwellings (other than manufactured homes), detached or attached,
11 including townhouses and zero lot line subdivisions.
- 12 d. Two-family and multi-family dwellings.

13 See also conditional uses in this district.

14 **(2) Retail sales.** Retail sales, including sales of alcoholic beverages and automotive fuels, but
15 excluding motor vehicle sales and permanent outdoor storage. See also conditional uses in
16 this district.

17 **(3) Retail services.** The following retail services, excluding permanent outdoor storage:

- 18 a. Car washes, automatic or manual, full service or self-serve.
- 19 b. Child care facilities.
- 20 c. Hotels, motels and all other public lodging, including boarding and rooming houses.
- 21 d. Personal services, including those of beauty shops, health clubs, pet groomers, dry
22 cleaners and tattoo parlors.
- 23 e. Professional services, including those of realtors, bankers, accountants, engineers,
24 architects, dentists, physicians, and attorneys.
- 25 f. Repair services, including appliance repair, furniture refinishing and upholstery, watch
26 and jewelry repair, small engine and motor services, but excluding major motor vehicle
27 or boat service or repair, and outdoor work.
- 28 g. Restaurants, including on-premises consumption of alcoholic beverages and drive-in
29 and drive-through service. The parcel boundary of any restaurant with drive-in or drive-
30 through service shall be at least 200 feet from any LDR or MDR zoning district unless
31 separated by a 50-foot or wider street right-of-way.
- 32 h. Brewpubs, excluding distribution for off-site sales of alcohol. The parcel boundary of any
33 brewpub with drive-in or drive-through services shall be the same as that required for
34 restaurants with these services.

35 See also conditional uses in this district.

36 **(4) Public and civic.**

- 37 a. Broadcast stations with satellite dishes and antennas, including towers.
- 38 b. Cemeteries, including family cemeteries.

- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
 - d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
 - e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
 - f. Foster care facilities.
 - g. Funeral establishments.
 - h. Hospitals.
 - i. Offices for government agencies or public utilities.
 - j. Places of worship.
 - k. Public utility structures, including telecommunications towers, but excluding any industrial uses.
 - l. Warehousing or maintenance facilities for government agencies or for public utilities.
- See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- b. Indoor recreation or entertainment facilities, including movie theaters, bowling alleys, skating rinks, arcade amusement centers, bingo facilities and shooting ranges, but excluding bars, nightclubs or adult entertainment facilities.
- c. Marinas, private and commercial.
- d. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

(6) Industrial and related.

- a. Printing, binding, lithography and publishing.
- b. Wholesale warehousing with gross floor area 10,000 sq.ft. or less per lot.

See also conditional uses in this district.

(7) Agricultural and related.

- a. Agricultural food production primarily for personal consumption by the producer, but no farm animals.
- b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.
- c. Veterinary clinics.

See also conditional uses in this district.

(8) Other uses.

- a. Billboard structures.

- b. Outdoor storage if minor and customarily incidental to the allowed principal use, and if in the rear yard, covered, and screened from off-site view, unless otherwise noted.
- c. Parking garages and lots, commercial.
- d. Self-storage facilities, excluding vehicle rental.

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the Commercial district:

(1) Residential.

- a. Group living not among the permitted uses of the district.
- b. Home occupations with non-resident employees.

(2) Retail sales.

- a. Boat sales, new and used.
- b. Automobile sales, used autos only, excluding parcels fronting on any of the following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic Highway (SR 10A and US 90).
Additionally, the parcel shall be no larger than one acre and provided with a permanent fence, wall, or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of way other than through approved site access.
- c. Automobile rental limited to the same restrictions as used automobile sales.
- d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs), and recreational vehicle sales, rental, or service limited to the same restrictions as used automobile sales.

(3) Retail services. Service and repair of motor vehicles, small scale (gross floor area 6000 sq. ft. or less per lot), excluding painting and body work and outdoor work and storage.

- a. Brewpub with distribution for off-site sales. The parcel boundary of any brewpub with drive-in or drive-through services shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.

(4) Public and civic.

- a. Cemeteries, including family cemeteries.
- b. Clubs, civic and fraternal.
- c. Cinerators.
- d. Homeless shelters.

(5) Recreation and entertainment.

- a. Bars, microbreweries, microdistilleries, microwineries, and nightclubs.

- 1 **b.** Golf courses, tennis centers, swimming pools and similar active outdoor recreational
2 facilities, including associated country clubs.
- 3 **c.** Parks with permanent restrooms or outdoor event lighting.
- 4 **(6) Industrial and related.** Borrow pits and reclamation activities 20 acres minimum and
5 (subject to local permit and development review requirements per Escambia County Code
6 of Ordinances, Part I, Chapter 42, article VIII, and land use and regulations in Part III, the
7 Land Development Code, chapter 4. *Borrow pits are prohibited on land zoned GMD prior
8 to the adoption of the Commercial (Com) zoning.
- 9 **(7) Agricultural and related.** Horses or other domesticated *equines* kept on site, and stables
10 for such animals, only as a private residential accessory with a minimum lot area of two
11 acres and a maximum of one animal per acre.
- 12 **(8) Other uses.**
- 13 **a.** Outdoor sales not among the permitted uses of the district.
- 14 **b.** Outdoor storage not among the permitted uses of the district, including outdoor storage
15 of trailered boats and operable recreational vehicles, but no repair, overhaul, or salvage
16 activities. All such storage shall be screened from residential uses and maintained to
17 avoid nuisance conditions.
- 18 **c.** Self-storage facilities, including vehicle rental as an accessory use.
- 19 **d.** Structures of permitted uses exceeding the district structure height limit.
- 20 **(d) Site and building requirements.** The following site and building requirements apply to uses
21 within the Commercial district:
- 22 **(1) Density.** A maximum of 25 dwelling units per acre throughout the district. Lodging unit
23 density not limited by zoning.
- 24 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C) future land
25 use category and 2.0 within Mixed-Use Urban (MU-U).
- 26 **(3) Structure height.** A maximum structure height of 150 feet above adjacent grade.
- 27 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 28 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of 20 feet at
29 the street right-of-way, the following minimum lot widths are required:
- 30 **a. Single-family detached.** Forty feet at both the street right-of-way and the front building
31 line for single-family detached dwellings.
- 32 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front building line for
33 two-family dwellings.
- 34 **c. Multi-family and other.** One hundred feet at the front building line for multi-family
35 dwellings, boarding or rooming houses, or townhouse groups. No minimum lot width
36 required by zoning for other uses.
- 37 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent maximum semi-
38 impervious and impervious cover) for all uses.

1 **(7) Structure setback.** For all principal structures, minimum setbacks are:

2 a. **Front and rear.** Fifteen feet in both front and rear.

3 b. **Sides.** Ten feet on each side, including any group of attached townhouses. For
4 structures exceeding 35 feet above highest adjacent grade, an additional two feet for
5 each additional 10 feet in height.

6 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development regulations
7 and standards.

8 **(e) Location criteria.** All new non-residential uses proposed within the Commercial district that
9 are not part of a planned unit development or not identified as exempt by the district shall be
10 on parcels that satisfy at least one of the following location criteria:

11 **(1) Proximity to intersection.** Along an arterial or collector street and within one-quarter mile
12 of its intersection with an arterial street.

13 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a one-
14 quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an
15 apartment complex, military base, college campus, hospital, shopping mall or similar
16 generator.

17 **(3) Infill development.** Along an arterial or collector street, in an area where already
18 established non-residential uses are otherwise consistent with the Commercial district, and
19 where the new use would constitute infill development of similar intensity as the conforming
20 development on surrounding parcels. Additionally, the location would promote compact
21 development and not contribute to or promote strip commercial development.

22 **(4) Site design.** Along an arterial or collector street, no more than one-half mile from its
23 intersection with an arterial or collector street, not abutting a single-family residential zoning
24 district (RR, LDR or MDR), and all of the following site design conditions:

25 a. Any intrusion into a recorded subdivision is limited to a corner lot.

26 b. A system of service roads or shared access is provided to the maximum extent made
27 feasible by lot area, shape, ownership patterns, and site and street characteristics.

28 c. Adverse impacts to any adjoining residential uses are minimized by placing the more
29 intensive elements of the use, such as solid waste dumpsters and truck
30 loading/unloading areas, furthest from the residential uses.

31 **(5) Documented compatibility.** A compatibility analysis prepared by the applicant provides
32 competent substantial evidence of unique circumstances regarding the potential uses of
33 parcel that were not anticipated by the alternative criteria, and the proposed use, or rezoning
34 as applicable, will be able to achieve long-term compatibility with existing and potential uses.
35 Additionally, the following conditions exist:

36
37 a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or
38 industrial zoning assigned by the county.

1 b. If the parcel is within a county redevelopment district, the use will be consistent with the
2 district’s adopted redevelopment plan, as reviewed and recommended by the
3 Community Redevelopment Agency (CRA).

4 **(f) Rezoning to Commercial.** Commercial zoning may be established only within the Mixed-Use
5 Urban (MU-U) or Commercial (C) future land use categories. The district is appropriate to
6 provide transitions between areas zoned or used as high density mixed-use and areas zoned
7 or used as heavy commercial or industrial. Rezoning to Commercial is subject to the same
8 location criteria as any new non-residential use proposed within the Commercial district.

9
10 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development Code of
11 Escambia County, Chapter 3, Article 2, Section 3-2.11 “Heavy Commercial and Light Industrial
12 District (HCLI),” is hereby amended as follows (words underlined are additions and words ~~stricken~~
13 are deletions):

14 **Sec. 3-2.11 Heavy Commercial and Light Industrial district (HC/LI).**

15 **(a) Purpose.** The Heavy Commercial and Light Industrial (HC/LI) district establishes appropriate
16 areas and land use regulations for a complementary mix of industrial uses with a broad range
17 of commercial activities. The primary intent of the district is to allow light manufacturing, large-
18 scale wholesale and retail uses, major services, and other more intense uses than allowed in
19 the Commercial district. The variety and intensity of non-residential uses within the HC/LI
20 district is limited by their compatibility with surrounding uses. All commercial and industrial
21 operations are limited to the confines of buildings and not allowed to produce undesirable
22 effects on other property. To retain adequate area for commercial and industrial activities,
23 other uses within the district are limited.

24 **(b) Permitted uses.** Permitted uses within the HC/LI district are limited to the following:

25 **(1) Residential.** Any residential uses if outside of the Industrial (I) future land use category
26 and part of a predominantly commercial development, excluding new or expanded
27 manufactured (mobile) home parks and subdivisions. See also conditional uses in this
28 district.

29 **(2) Retail sales.** Retail sales, including sales of alcoholic beverages, sales of automotive
30 fuels, and sales of new and used automobiles, motorcycles, boats, and manufactured
31 (mobile) homes.

32 **(3) Retail services.**

- 33 a. Car washes, automatic or manual, full service or self-serve.
- 34 b. Child care facilities.
- 35 c. Hotels, motels and all other public lodging, including boarding and rooming houses.
- 36 d. Personal services, including those of beauty shops, health clubs, pet groomers, dry
37 cleaners and tattoo parlors.
- 38 e. Professional services, including those of realtors, bankers, accountants, engineers,
39 architects, dentists, physicians, and attorneys.

- f. Rental of automobiles, trucks, utility trailers and recreational vehicles.
- g. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, and major motor vehicle and boat service and repair, but excluding outdoor work or storage.
- h. Restaurants, including on-premises consumption of alcoholic beverages and drive-in and drive-through service. The parcel boundary of any restaurant with drive-in or drive-through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.
- i. Taxi and limousine services.
- j. Brewpubs. The parcel boundary of any brewpub with drive-in or drive-through services shall be the same as that required for restaurants with these services.

See also conditional uses in this district.

(4) Public and civic.

- a. Broadcast stations with satellite dishes and antennas, including towers.
- b. Cemeteries, including family cemeteries.
- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- f. Funeral establishments.
- g. Homeless shelters.
- h. Hospitals.
- i. Offices for government agencies or public utilities.
- j. Places of worship.
- k. Public utility structures, including telecommunications towers, but excluding industrial uses not otherwise permitted.

See also conditional uses in this district.

(Ord. No. 2015-24, § 1, 7-7-15)

(5) Recreation and entertainment.

- a. Commercial entertainment facilities, indoor or outdoor, including movie theatres, amusement parks, and stadiums, but excluding motorsports facilities. Carnival-type amusements shall be at least 500 feet from any residential district. Mircobreweries, microdistilleries, microwineries, Bbars, nightclubs, and adult entertainment are prohibited in areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI zoning.
- b. Commercial recreation facilities, passive or active, including those for walking, hiking, bicycling, camping, recreational vehicles, swimming, skateboarding, bowling, court games, field sports, and golf, but excluding of f-highway vehicle uses and outdoor

1 shooting ranges. Campgrounds and recreational vehicle parks require a minimum lot
2 area of five acres.

3 c. Marinas, private and commercial.

4 d. Parks, with or without permanent restrooms or outdoor event lighting.

5 See also conditional uses in this district.

6 **(6) Industrial and related.**

7 a. Light industrial uses, including research and development, printing and binding,
8 distribution and wholesale warehousing, and manufacturing, all completely within the
9 confines of buildings and without adverse off-site impacts.

10 b. Marinas, industrial.

11 See also conditional uses in this district.

12
13 **(7) Agricultural and related.**

14 a. Food produced primarily for personal consumption by the producer, but no farm
15 animals.

16 b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.

17 c. Veterinary clinics, excluding outside kennels.

18 See also conditional uses in this district.

19 **(8) Other uses.**

20 a. Billboards structures, excluding areas zoned ID-CP, GBD, or GID prior to adoption of
21 HC/LI zoning.

22 b. Building or construction trades shops and warehouses, including on-site outside
23 storage.

24 c. Bus leasing and rental facilities.

25 d. Deposit boxes for donation of used items when placed as an accessory structure on the
26 site of a charitable organization.

27 e. Outdoor adjacent display of plants by garden shops and nurseries.

28 f. Outdoor sales.

29 g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair,
30 overhaul or salvage activities.

31 h. Parking garages and lots, commercial.

32 i. Sales and outdoor display of prefabricated storage sheds.

33 j. Self-storage facilities, including vehicle rental as an accessory use.

34 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the BOA, or
35 the BCC as noted, may conditionally allow the following uses within the HC/LI district:

1 **(1) Residential.** Caretaker residences not among the permitted uses of the district and for
2 permitted non-residential uses.

3 **a. Retail services.** Restaurants not among the permitted uses of the district.

4 **b. Public and civic.** Cinerators.

5 **c. Recreation and entertainment.**

6 **a.** Motorsports facilities on lots 20 acres or larger.

7 **b.** Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.

8 **c.** Shooting ranges, outdoor.

9 **d. Industrial and related.**

10 **(a)** Asphalt and concrete batch plants if within the Industrial (I) future land use category and
11 within areas zoned GID prior to adoption of HC/LI zoning.

12 **(b)** Borrow pits and reclamation activities 20 acres minimum and (subject to local permit
13 and development review requirements per Escambia County Code of Ordinances, Part
14 I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development
15 Code, chapter 4.) *Borrow pits are prohibited on land zoned GBD, GID, and WMU prior
16 to the adoption of the HC/LI zoning.

17 **(c)** Salvage yards not otherwise requiring approval as solid waste processing facilities.

18 **(d)** Solid waste processing facilities, including solid waste collection points, solid waste
19 transfer facilities, materials recovery facilities, recovered materials processing facilities,
20 recycling facilities and operations, resource recovery facilities and operations, and
21 volume reduction plants.

22 The conditional use determination for any of these solid waste facilities shall be made
23 by the BCC in lieu of any hearing before the BOA. The applicant shall submit a site
24 boundary survey, development plan, description of anticipated operations, and evidence
25 that establishes each of the following conditions in addition to those prescribed in
26 Chapter 2:

- 27
- 28 **1.** Trucks have access to and from the site from adequately wide collector or arterial
29 streets and do not use local residential streets.
 - 30 **2.** The scale, intensity, and operation of the use will not generate unreasonable noise,
31 traffic, objectionable odors, dust, or other potential nuisances or hazards to
32 contiguous properties.
 - 33 **3.** The processing of materials will be completely within enclosed buildings unless
34 otherwise approved by the BCC.
 - 35 **4.** The plan includes appropriate practices to protect adjacent land and resources,
36 minimize erosion, and treat stormwater; landscaping and buffering for adjacent uses;
37 hours of operation; methods to comply with maximum permissible noise levels;
38 means of access control to prevent illegal dumping; and plans for materials storage

39 **e. Agricultural and related.** Kennels or animal shelters not interior to veterinary clinics.

1 **f. Other uses.**

- 2 1. Structures of permitted uses exceeding the district structure height limit.
3 2. Heliports.

4 **(d) Site and building requirements.** The following site and building requirements apply to uses
5 within the HC/LI district:

- 6 **(1) Density.** Dwelling unit density limited to vested residential development. Lodging unit
7 density not limited by zoning.
- 8 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C) and
9 Industrial (I) future land use categories, and 2.0 within Mixed-Use Urban (MU-U).
- 10 **(3) Structure height.** A maximum structure height of 150 feet above highest adjacent grade.
- 11 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 12 **(5) Lot width.** No minimum lot width required by zoning.
- 13 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent maximum semi-
14 impervious and impervious cover) for all uses. A maximum 75 percent of lot area occupied
15 by principal and accessory buildings on lots of non-residential uses.
- 16 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 17 **a. Front and rear.** Fifteen feet in both front and rear.
- 18 **b. Sides.** Ten feet on each side, including any group of attached townhouses. For
19 structures exceeding 35 feet above highest adjacent grade, an additional two feet for
20 each additional 10 feet in height.
- 21 **(8) Other requirements.**
- 22 **a. Access.** For any industrial use south of Well Line Road, site access shall be provided
23 by curb cuts on an arterial or collector street. Alternatively, a private or public street
24 may link the site to an arterial or collector, provided that the private or public street does
25 not traverse a residential subdivision or predominantly residential neighborhood
26 between the site and the arterial or collector street.
- 27 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development regulations
28 and standards.

29 **(e) Location criteria.** All new non-residential uses proposed within the HC/LI district that are not
30 part of a planned unit development or not identified as exempt by district regulations shall be
31 on parcels that satisfy at least one of the following location criteria:

- 32 **(1) Proximity to intersection.** Along an arterial street and within one-quarter mile of its
33 intersection with an arterial street.
- 34 **(2) Site design.** Along an arterial street, no more than one-half mile from its intersection with
35 an arterial street, and all of the following site design conditions:
- 36 **a.** Not abutting a RR, LDR or MDR zoning district
- 37 **b.** Any intrusion into a recorded residential subdivision is limited to a corner lot

- c. A system of service roads or shared access is provided to the maximum extent feasible given the lot area, lot shape, ownership patterns, and site and street characteristics.
- d. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use, such as solid waste dumpsters and truck loading/unloading areas, furthest from the residential uses.
- e. Location in an area where already established non-residential uses are otherwise consistent with the HC/LI, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

(3) Documented compatibility. A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria, and the proposed use will be able to achieve long-term compatibility with existing and potential uses. Additionally, the following conditions exist:

- a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or industrial zoning assigned by the county.
- b. If the parcel is within a county redevelopment district, the use will be consistent with the district's adopted redevelopment plan, as reviewed and recommended by the Community Redevelopment Agency (CRA).

(f) Rezoning to HC/LI.

(1) Generally. Heavy Commercial and Light Industrial zoning may be established only within the Mixed-Use Urban (MU-U), Commercial (C), or Industrial (I) future land use categories. The district is appropriate to provide transitions between areas zoned or used for commercial and areas zoned or used for industrial. The district is suitable for areas able to receive bulk deliveries by truck in locations served by major transportation networks and able to avoid undesirable effects on nearby property and residential uses. Rezoning to HC/LI is subject to the same location criteria as any non-residential use proposed within the HC/LI district.

(2) HC/LI-NA designation. Any applicant for rezoning to the HC/LI zoning district may request a HC/LI-NA designation prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses on the rezoned property. The request shall be in the form of a notarized affidavit that acknowledges this use restriction and affirms that it is a voluntary request. Once approved according to the rezoning process of Chapter 2, the HC/LI-NA zoning designation and its prohibitions shall apply to the property, regardless of ownership, unless the parcel is rezoned.

Section 3. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 6, Section 6-0.3 "Terms defined," subsections "B" and "M," is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

1 **Sec. 6-0.3 Terms defined.**

2 **- B -**

3 **Banner sign.** Any sign with characters, letters, illustrations or ornamentation applied to cloth, paper,
4 flexible plastic or fabric of any kind that is not permanently attached to a solid backing of wood, plastic,
5 metal, masonry, or similar rigid material. Maximum size allowed is 60 square feet.

6 **Bar.** An establishment or part of an establishment whose primary activity is the sale or dispensing of
7 alcoholic beverages by the drink to be consumed on the premises, but where food or packaged liquors
8 may also be sold or served. The term "bar" includes tavern, cocktail lounge, nightclub, and bottle club.

9 **Base flood.** A flood having a one-percent chance of being equaled or exceeded in any given year.
10 The base flood is commonly referred to as the 100-year flood, the one-percent annual chance flood, or
11 the regulatory flood.

12 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the National
13 Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on
14 the Flood Insurance Rate Map (FIRM).

15 **Batch plant.** An industrial facility which produces or processes asphalt or concrete, or asphalt or
16 concrete products, for use in construction. Batch plants include facilities and areas for the stockpiling
17 of bulk materials used in production, or of finished products, but not the retail sale of those products.

18 **Beach.** The area of unconsolidated geologic material that extends landward from the mean low
19 waterline to the place where there is a marked change in physiographic form or material, or to the line
20 of permanent vegetation, or to the waterward toe of the primary dune, whichever is most waterward
21 when not coterminous. The term "beach" is limited to gulf, bay, sound, and estuarine shorelines.

22 **Bed and breakfast inn.** A family home structure with no more than 15 sleeping rooms which has
23 been modified to serve as a transient public lodging establishment, which provides accommodations
24 and only morning meal service to overnight guests, which is typically the residence of the owner, and
25 which is recognized as a bed and breakfast inn by the hospitality industry.

26 **Billboard.** See "Off-premises sign."

27 **Bingo facility.** A facility where participants engage in lawful games of bingo in compliance with Florida
28 Statutes and any county ordinances that define or regulate such games and facilities.

29 **Board of Adjustment (BOA).** The administrative board appointed by the Board of County
30 Commissioners to conduct quasi-judicial public hearings for LDC compliance review of applications
31 asserting special conditions or circumstances as prescribed in the LDC; to make findings based on the
32 evidence presented at those hearings; and to approve, approve with conditions, or deny the
33 applications.

34 **Board of County Commissioners (BCC).** The legislative body of the unincorporated area of
35 Escambia County, Florida.

36 **Boarding house or rooming house.** A public lodging establishment which provides rooms to guests
37 by prearrangement for definite periods, but not open to overnight guests and not considered any other
38 type of public lodging defined by the LDC. A boarding house provides meals and rooms, as
39 distinguished from a rooming house that provides only rooms.

40 **Boardwalk.** An elevated pedestrian walkway typically constructed over or along a waterfront, beach,
41 or environmentally sensitive land, but not extending past the mean high water line.

42 **Bond.** Any form of security, such as a cash deposit, surety bond, or instrument of credit, in an amount
43 and form satisfactory to the Board of County Commissioners.

44 **Borrow pit.** A site or parcel of property where soils, clays, gravel or other natural deposits on or in the
45 earth are removed, or have been removed, for use by the property owner or another entity, typically
46 with no processing except for screening to remove debris. A borrow pit may also be referred to as a
47 mining site or a mineral or resource excavation or extraction site.

1 **Brewpub.** A restaurant that brews beer primarily for sale and consumption on-site at the restaurant as
2 **a secondary use. A brewpub may also sell beer “to go” or distribute to off-site accounts.**

3 **Bridge.** A structure, including supports, erected over a depression or an obstruction such as water or
4 a highway or railway; having a track or roadway for carrying traffic or other moving loads; and having
5 an opening, measured along the center of the roadway, of more than 20 feet between under copings
6 of abutments, spring lines of arches, or extreme ends of openings of multiple boxes or pipes (culverts)
7 where the clear distance between contiguous openings is less than half of the interior width or
8 diameter of the smallest of such contiguous openings.

9 **Broadcast station.** A facility for over-the-air, cable, or satellite transmission of radio or television
10 programs to the public and which may include studios, offices, and related broadcast equipment.

11 **Buffer.** A designated area with natural or manmade features functioning to minimize or eliminate
12 adverse impacts on adjoining land uses, including environmentally sensitive lands.

13 **Buildable area.** The portion of a lot, exclusive of required yards, setbacks, buffers, open space, or
14 other regulatory limits, within which a structure may be placed.

15 **Building.** Any structure having a roof supported by columns or walls.

16 **Building coverage.** The total horizontal area measured within the outside of the exterior walls or
17 columns of the ground floor of all principal and accessory buildings.

18 **Building line.** The innermost edge of any required yard or setback.

19 **Building Official.** The representative of the county appointed by the Board of County Commissioners
20 to administer applicable building codes.

21 **Building permit.** A document issued by the Building Official authorizing the erection, construction,
22 reconstruction, restoration, alteration, repair, conversion, or maintenance of any building or other
23 structure in compliance with applicable building codes.

24 **Bulk storage.** Large capacity storage, as in warehouses, silos, and tanks, for massed quantities
25 typically not divided into parts or packaged in separate units.

26 **Bulletin board/directory sign.** A sign which identifies an institution or organization on the premises of
27 which it is located and which contains the name of the institution or organization or the names of
28 individuals connected with it, and general announcements of events or activities occurring at the
29 institution or similar messages.

30 **Bus leasing/rental facility.** A facility for the transient parking, storing, repairs, servicing, leasing,
31 and/or rental of passenger buses or motor coaches.

32 **Business.** Any commercial endeavor engaged in the production, purchase, sale, lease, or exchange
33 of goods, wares, or merchandise or the provisions of services. LDC 6: 8

34 **Business day.** Any calendar day, not including Saturdays, Sundays, or legal holidays observed by the
35 county, on which the offices of Escambia County are open for regular business. A business day may
36 also be referred to as a work day or working day.

37 **-M -**

38 **Manufactured building.** A closed structure, building assembly, or system of subassemblies which
39 may include structural, electrical, plumbing, heating, ventilating, or other service systems
40 manufactured for installation or erection, with or without other specified components, as a finished
41 building or as part of a finished building. Manufactured buildings include residential, commercial,
42 institutional, storage or industrial structures constructed according to state standards, but do not
43 include manufactured (mobile) homes.

44 **Manufactured (mobile) home.** A complete, factory-built, single-family dwelling constructed in
45 conformance with federal *Manufactured Housing Construction and Safety Standards* (the HUD Code)
46 and transportable in one or more sections on a permanent chassis for site installation with or without a
47 permanent foundation. The term “mobile home” refers to any manufactured home built prior to June

1 15, 1976 when the HUD Code became effective. Manufactured homes do not include manufactured
2 buildings, modular homes or recreational vehicles.

3 **Manufactured (mobile) home park.** A multi-family residential use of an individually owned parcel of
4 land within which lots or spaces are offered for rent or lease for the placement of five or more
5 manufactured (mobile) homes. For the purposes of floodplain management, the term “manufactured
6 home park” may apply to as few as two manufactured home lots for rent on a parcel.

7 **Manufactured (mobile) home subdivision.** A residential subdivision of individually owned lots
8 created according to the provisions of the LDC for the exclusive use of manufactured (mobile) homes.
9 For the purposes of floodplain management, the term “manufactured home subdivision” may apply to
10 division into as few as two manufactured home lots.

11 **Manufacturing.** The mechanical or chemical transformation of materials or substances into new
12 products, including the assembling of component parts, and the blending of materials, such as
13 lubricating oils, plastics, resins, or liquors.

14 **Marina.** A facility for the mooring, berthing, storing, or securing of watercraft, and which may include
15 other services such as sales of boat supplies and fuel, boat repair and rental, and other uses
16 incidental to the primary use. A marina may be classified as one of the following:

17 *Commercial marina.* A public use marina which may include upland marina support facilities for the
18 servicing or repairing of watercraft, but does not include the activities of industrial marinas.

19 *Industrial marina.* A marina which provides slips or moorings for major work on watercraft, such as
20 construction or rebuilding of boats, installations of new bottoms, substantial structural additions, or
21 alterations.

22 *Private marina.* A marina that is an amenity to a private residential development, such as a subdivision
23 or multifamily dwelling, and not for public use.

24 **Market value.** The price at which a property will change hands between a willing buyer and a willing
25 seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of
26 relevant facts. For the purposes of the LDC, market value is limited to the value of buildings and other
27 structures, excluding the land and other improvements on the parcel. Market value may be as
28 established by a qualified independent appraiser, “actual cash value” (replacement cost depreciated
29 for age and quality of construction), or tax assessment value adjusted to approximate market value by
30 a factor provided by the Property Appraiser.

31 **Marquee.** A permanent roofed structure attached to and supported by a building, and projecting into
32 public right-of-way, typically above an entrance to provide protection from the elements.

33 **Materials recovery facility (MRF).** A solid waste management facility that provides for the extraction
34 from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any
35 combination of such materials.

36 **Mausoleum.** A building or other structure that is substantially exposed above the ground and used for
37 the entombment of human remains.

38 **Mean high water (MHW).** The average height of the high waters over a 19-year period; or for shorter
39 periods of observation, the average height of the high waters after corrections are applied to eliminate
40 known variations and to reduce the result to the equivalent of a mean 19-year value.

41 **Mean sea level (MSL).** The average height of the surface of the Gulf of Mexico for all stages of the
42 tide, or the mean between high and low tides as established by the North American Vertical Datum
43 (NAVD) of 1988.

44 **Medical clinic or office.** A facility, other than a hospital, providing medical diagnostic and treatment
45 services to patients not requiring an overnight stay. Such clinics and offices commonly have laboratory
46 facilities and include doctor’s offices, diagnostic centers, treatment centers, rehabilitation centers, and
47 establishments providing surgical and psychiatric services and emergency treatment.

48 **Medical services.** Professional services concerning human health maintenance and the diagnosis
49 and treatment of disease, injury, pain, and other adverse health conditions. Medical services include

1 the principal services provided by hospitals, clinics, doctor's offices, diagnostic facilities, medical
2 laboratories, blood donation centers, and other human health care facilities.

3 **Metes and bounds.** A system of describing and identifying land by distances or measures (metes)
4 and bearings or direction (bounds) from an identifiable point of reference, such as a monument or
5 other marker or the corner of intersecting roads.

6 **Mircobrewery.** A brewery that produces less than 10,000 kegs of beer per year. Microbreweries sell
7 to the public by one or more of the following methods: the traditional three-tier system (brewer to
8 wholesaler to retailer to consumer); the two-tier system brewer acting as wholesaler to retailer to
9 consumer); and directly to the consumer through carry-outs or on-site taproom. A Microbrewery must
10 possess the appropriate license from the State of Florida.

11 **Microdistillery.** A facility in which beer, wine or other alcoholic beverages are brewed, fermented, or
12 distilled for distribution and consumption. Tasting rooms for the consumption of on-site produced beer,
13 wine, or distilled products are permitted on the premises and possess the appropriate license from the
14 State of Florida.

15 **Microwinery.** A small wine producer that does not have its own vineyard, and instead sources its
16 grape production from outside suppliers. Microwineries produce wine for sale on or off-site and serve
17 wine on premises which possess the appropriate license from the State of Florida.

18 **Mineral extraction.** Extraction of minerals from the earth, including rock, gravel, sand, clay, oil, and
19 gas, and any overlying materials extracted for the purpose of reaching underlying minerals. The term
20 includes all associated clearing, grading, construction, processing, transportation, and reclamation on
21 the extraction property.

22 **Mini-warehouse.** See "Self-storage facility."

23 **Mitigation.** Methods used to alleviate, lessen, or compensate for adverse impacts.

24 **Mixed-use development.** The development of a tract of land or structure with a variety of
25 complementary and integrated uses, including residential, office, retail, entertainment, recreation, and
26 manufacturing, typically in a compact urban form.

27 **Mobile home.** See "Manufactured (mobile) home."

28 **Mobile vending unit.** A motorized or non-motorized portable structure used to store, prepare, or
29 serve food or beverages to the public, or to store, distribute, or sell merchandise, goods, or wares to
30 the public.

31 **Model home.** A dwelling unit temporarily used for display purposes as an example of the homes
32 available or to be available for sale in a specific subdivision or offered by a specific builder.

33 **Modular home.** A dwelling constructed on site in compliance with the *Florida Building Code* and
34 composed of components substantially assembled in a manufacturing plant and transported to the
35 building site for final assembly on a permanent foundation. A modular home may also be referred to as
36 a manufactured residential building.

37 **Motel.** A public lodging establishment which offers at least six rental units and daily or weekly rates;
38 has a central office on the property with specified hours of operation; provides each rental unit with a
39 bathroom or connecting bathroom, an exit to the outside, and off-street parking; and is recognized as a
40 motel by the hospitality industry. Motels may provide facilities and services incidental and subordinate
41 to the principal public lodging use.

42 **Motorsports facility.** A closed-course speedway or racetrack designed and intended for motor
43 vehicle competition, exhibitions of speed, or other forms of entertainment involving the use of motor
44 vehicles, including motorcycles. For these purposes, a closed course is a prescribed and defined route
45 of travel that is not available at any time for vehicular access by the general public and is closed to all
46 motor vehicles other than those of participants.

1 **Motor vehicle.** Any self-propelled vehicle not operated upon rails or a guideway and designed
2 primarily for the transportation of persons or property along public streets. Motor vehicles include
3 automobiles, vans, motorcycles, buses, trucks, and recreational vehicles, but do not include bicycles,
4 motorized scooters, mopeds, or farm and construction equipment.

5 **Motor vehicle service and repair, major.** General repair, rebuilding or reconditioning of motor
6 vehicles, engines, or trailers, including body work, frame work, welding, and painting.

7 **Motor vehicle service and repair, minor.** The repair, servicing or replacement of any part of an
8 automobile, van, light truck (gross vehicle weight rating no more than 8500 lbs), motorcycle,
9 recreational vehicle or other consumer vehicle that does not require the removal of the engine, engine
10 head or pan, transmission, or differential, and does not include painting and body work. Minor services
11 and repairs include cooling, electrical, fuel and exhaust systems; suspensions, brakes, wheels and
12 tires; oil and lubrication; and upholstery, trim and accessories.

13 **Moving or animated sign.** Any sign or part of a sign which changes physical position by any
14 movement or rotation.

15 **Multi-faced sign.** A sign composed of sections which rotate to display a series of advertisements,
16 each advertisement being displayed for at least five seconds continuously without movement and the
17 movement of the sections between displays being not more than two seconds.

18 **Multi-tenant development.** Any shopping center, office complex, business park or other non-
19 residential development in which two or more occupancies abut each other or share common parking
20 facilities or driveways or are otherwise related on a development parcel.

21 **Mural.** A painting or other graphic art displayed on the facade of a building generally for the purposes
22 of decoration or artistic expression.

23 24 **Section 4. Severability.**

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

28 29 **Section 5. Inclusion in Code.**

30
31 It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall
32 be codified as required by F.S. § 125.68 (2015); and that the sections, subsections and other
33 provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
34 changed to "section," "chapter," or such other appropriate word or phrase in order to accomplish
35 such intentions.

36
37
38 **INTENTIONALLY LEFT BLANK**

1 **Section 6. Effective Date.**

2
3 This Ordinance shall become effective upon filing with the Department of State.

4
5 **DONE AND ENACTED** this _____ day of _____, 2015.

6
7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF ESCAMBIA COUNTY, FLORIDA**

9
10 **By:** _____

11 **Steven Barry, Chairman**

12
13 **ATTEST: PAM CHILDERS**
14 **Clerk of the Circuit Court**

15
16 **By:** _____

17 **Deputy Clerk**

18 **(SEAL)**

19
20 **ENACTED:**

21
22 **FILED WITH THE DEPARTMENT OF STATE:**

23
24 **EFFECTIVE DATE:**