

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
July 22, 2014–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Land Development Code.
 - A. LDC- Chapter 2 Q&A.
 - B. Land Development Code Review Chapter 3 Continued.
3. Information for August 5, 2014 Workshop.
4. Public Forum.
5. Scheduling of Future Meetings.

The next Planning Board Workshop is scheduled for **Tuesday, August 5, 2014 at 8:35 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

6. Announcements/Communications.
7. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board Workshop
Meeting Date: 07/22/2014

2. A.

Agenda Item:
LDC- Chapter 2 Q&A.

Attachments

Chp 2 Compliance

Working Copy

Chapter 2 DEVELOPMENT AND COMPLIANCE REVIEW

Article 1 General Provisions

- Sec. 2-1.1 Purpose of chapter.
- Sec. 2-1.2 Purpose of article.
- Sec. 2-1.3 General compliance review provisions.
- Sec. 2-1.4 General provisions of compliance review.

Article 2 Verifications and Confirmations

- Sec. 2-2.1 Purpose of article.
- Sec. 2-2.2 Permitted land use.
- Sec. 2-2.3 Lot conformance.
- Sec. 2-2.4 Street names and addresses.
- Sec. 2-2.5 Alcoholic beverage zoning.
- Sec. 2-2.6 Land Development Code (LDC) interpretation.
- Sec. 2-2.7 Use compatibility.

Article 3 Land Disturbance Activities

- Sec. 2-3.1 Purpose of article.
- Sec. 2-3.2 General land disturbance.
- Sec. 2-3.3 Pre-construction site work.
- Sec. 2-3.4 Construction in county right-of-way.
- Sec. 2-3.5 Residential driveways.
- Sec. 2-3.6 Removal of protected trees.
- Sec. 2-3.7 Sand and aggregate on barrier islands.

Article 4 Site Development

- Sec. 2-4.1 Purpose of article.
- Sec. 2-4.2 Site development review.
- Sec. 2-4.3 Minor site development.
- Sec. 2-4.4 Major site development.

1	Article 5	Subdivision
2	Sec. 2-5.1	Purpose of article.
3	Sec. 2-5.2	Subdivision review and platting.
4	Sec. 2-5.3	Minor subdivisions.
5	Sec. 2-5.4	Master plans.
6	Sec. 2-5.5	Preliminary plats and construction plans.
7	Sec. 2-5.6	Final plats.
8	Sec. 2-5.7	Plat vacation.
9		
10	Article 6	Special Conditions and Circumstances
11	Sec. 2-6.1	Purpose of article.
12	Sec. 2-6.2	Review by quasi-judicial hearing.
13	Sec. 2-6.3	Variance of LDC standards
14	Sec. 2-6.4	Conditional uses.
15	Sec. 2-6.5	Extensions of review, approval, and use periods.
16	Sec. 2-6.6	Medical hardship temporary use of manufactured homes.
17	Sec. 2-6.7	Vested rights.
18	Sec. 2-6.8	Planned Unit Developments
19	Sec. 2-6.9	Statutory development agreements..
20		
21	Article 7	LDC and Comprehensive Plan Amendment
22	Sec. 2-7.1	Purpose of article.
23	Sec. 2-7.2	LDC zoning map and text amendments.
24	Sec. 2-7.3	Comprehensive Plan Future Land Use and text amendments.
25		
26		
27	Article 8	Manual and Procedures
28		
29	Sec. 2-8.1	Purpose of article
30	Sec. 2-8.2	General
31	Sect. 2-8.3	Criteria for inclusion
32		
33		

1 **Article 1 General Provisions**

2 **Sec. 2-1.1 Purpose of chapter.**

3 This chapter is to establish county review requirements necessary to effectively
4 document compliance with the Land Development Code (LDC) and authorize the use
5 and development of land accordingly. The administrative authorities described in
6 Chapter 1 evaluate LDC compliance of land uses and development activities. More
7 specifically, this chapter is intended to: [2.01.00]

- 8 (1) Identify county and applicant responsibilities in LDC development and
9 compliance review.
- 10 (2) Provide public notice requirements.
- 11 (3) Establish criteria for the evaluation of variances, conditional uses, vested rights,
12 LDC and Comprehensive Plan amendments, and other discretionary review
13 processes.
- 14 (4) Provide a mechanism for appeals of county land use and development decisions.

15 **Sec. 2-1.2 Purpose of article.**

16 This article establishes general provisions that broadly apply to all LDC development
17 and compliance review within the chapter. The compliance review applicable to specific
18 land uses and development activities is prescribed in the remaining articles of this
19 chapter.

20 **Sec. 2-1.3 General compliance review provisions.**

21 **(a) Prior county approval required.** No land use or development activity regulated by
22 the LDC is allowed prior to obtaining all applicable county approvals according to the
23 provisions of the LDC. No county administrative authority may approve uses,
24 activities, or other actions that do not comply fully with the requirements of the LDC.
25 Additionally, any time the LDC or other regulations require authorizations by the
26 Planning Board, Board of Adjustment (BOA), Board of County Commissioners
27 (BCC), or other local authorities prior to final county approval of an application, those
28 authorizations shall be evidenced in advance of final approval and not deferred in a
29 condition of that approval. [2.02.00, 2.02.02, 4.01.00]

30

31 **(b) Non-county approvals.**

32 **(1) General.** State, federal, and other non-county entities, including homeowners
33 associations, may also regulate, govern, or otherwise influence the use or
34 development of land. It is solely the responsibility of each landowner, regardless
35 of LDC compliance review, to determine whether other agencies or entities have
36 jurisdiction or responsibilities in the use of their property or activities upon it and
37 to adequately communicate with them. Although the county may approve a land
38 use application, that approval does not constitute, advocate, or assure approval

1 by any other entity, nor does the approval of another entity relieve a person of
2 the need to obtain appropriate county approval. [2.02.03 and 7.15.16.]

3 **(2) State and federal permits.** As prescribed by Florida Statutes, the county may
4 not require as a condition of a development permit that an applicant obtain a
5 permit or approval from any state or federal agency unless the agency has
6 issued a final agency action that denies the federal or state permit before the
7 county action on the local development permit.

8 **(c) Applicable review.** The Planning Official shall confirm the correct processes and
9 direct applicants to the appropriate reviews prescribed by the LDC.

10 **(d) Concurrent review.** To assist applicants in coordinating and expediting all county
11 review, land uses and development activities shall be reviewed for compliance with
12 other applicable county land development regulations during LDC compliance
13 review. Those other regulations include accessibility requirements, fire safety
14 regulations, and applicable health and safety policies.

15 **(e) Single-family lots.** Any existing lot of record may have a single-family dwelling
16 permitted on it regardless of how the lot was created, the condition or legal status of
17 the access, or the minimum lot area or width required by the applicable zoning
18 district. [4.01.02.C, 4.01.03.C, 6.04.08]

19 **(f) Comprehensive Plan limits.** No permit may be issued for any development if it
20 would cause any requirement in the Comprehensive Plan to be violated. [4.01.02.F]

21 **(g) Authority to determine LDC meaning.** The Planning Official shall, upon request or
22 initiative, review the meaning and intent of LDC provisions as applied by county
23 review personnel and, with due regard to the stated purposes and requirements of
24 the LDC, clarify or revise that meaning as needed. Where additional technical or
25 specialized knowledge is necessary to make an accurate interpretation, the Planning
26 Official shall rely on the recommendations of those personnel having such
27 knowledge. The final decision of the Planning Official will be recorded and posted
28 for informational purposes.

29 **(h) Building code compliance.** Although the LDC establishes setback, height, floor
30 area ratio, and other land use regulations for structures and prescribes development
31 standards for the sites they occupy, the review and approval of construction plans
32 for structures shall be according to Part I, Escambia County building code. The
33 construction, erection, alteration, modification, repair, equipment, use and
34 occupancy, location, maintenance, removal, and demolition of any building,
35 structure, or facility or any appurtenances connected to such buildings, structures, or
36 facilities shall be in compliance with the Florida Building Code. Site development
37 plan approval is required to confirm LDC compliance, but separate review and
38 approval is required to confirm building code compliance. [2.02.00, 4.03.05 & 06]

39 **(i) Split jurisdiction.** When a land use or development activity is proposed within the
40 jurisdictional boundaries of the county and another governing body, such as the City
41 of Pensacola, Santa Rosa Island Authority (SRIA), and Town of Century, an
42 application for the use or activity must be submitted as required by both jurisdictions.
43 Each governing body has exclusive jurisdiction to approve the use or activity within

1 its boundaries unless the governing bodies having the jurisdictions agree that
2 application to and compliance review by only one is mutually acceptable.

3 **Sec. 2-1.4 General provisions of compliance review.**

4 **(a) General.** The LDC establishes compliance review provisions to authorize land uses
5 and development activities that comply with applicable LDC requirements. The
6 procedures vary with the complexity of issues evaluated, but each requires: (1) an
7 application for county approval, (2) an opportunity for public participation, (3) an
8 evaluation of LDC compliance, (4) a final compliance determination, and (5) an
9 opportunity to appeal that determination. The general requirements established in
10 this section shall be combined with the specific requirements prescribed in the
11 remaining articles of this chapter to obtain compliance review appropriate for the
12 uses or activities proposed.

13 **(b) Application.** The applicant requesting approval of a land use or development
14 activity regulated by the LDC shall initiate the appropriate compliance review action
15 prescribed in this chapter by submission of a complete application for review
16 according to the adopted procedures for the application. Those procedures and all
17 necessary application forms, checklists, and schedules shall be available to the
18 public by the reviewing authority. Guidance to assist applicants in meeting
19 application requirements shall also be provided and obtained from the appropriate
20 governing body. [2.02.01, 2.05.01, 2.08.02.C, 2.13.02.A, 4.02.02, 4.02.04.B,
21 4.02.05.A, 4.06.04.A, 7.15.09]

22 **1) Pre-application inquiries.** Prior to application for compliance review approval,
23 representatives of the reviewing authority will be available to discuss with
24 applicants any of the processes, regulations, and standards related to
25 development objectives. Anyone unfamiliar with LDC requirements is strongly
26 encouraged to consult the LDC and make sufficient inquiries to the county before
27 submitting an application in order to avoid delays or penalties. As identified in
28 this chapter, a meeting with review personnel is required for certain development
29 review activities but are encouraged for all.

30 Applicants for any land use or development activity on Pensacola Beach property
31 for which a pre-application meeting is not required shall consult with staff of the
32 SRIA to review for any lease conditions that may affect the proposed use or
33 activity.

34 **2) Authority to apply.** The applicant for compliance review shall be the owner of
35 the subject land or be appropriately authorized by the landowner to submit an
36 application. Where a proposed use or activity involves multiple parcels, common
37 ownership or similar unified authorization shall be documented. For Pensacola
38 Beach leaseholds the applicant shall be the lessee or authorized by the same.
39 Authority to apply may be confirmed through public records or other means
40 established and appropriate for the specific approval requested. For all
41 applications it remains solely the responsibility of the applicant to obtain valid
42 authorization of the landowner. [2.13.02.A.2, 4.06.04.A]

1 **3) Fees.** Where authorized by the BCC, payment of fees shall be required at the
2 time of application or at the time the requested approval or other service is
3 provided, according to the adopted procedures of the reviewing authorities.

4 [2.13.02.A.3, 2.09.05, 2.11.02, 4.06.04.B, 4.02.09, 6.04.15, 7.15.10]

5 **(c) Final determination.** The final determination on an application typically follows the
6 applicant’s final response to review comments or the conclusion of any required
7 public hearing testimony. The time necessary for an application to conclude with a
8 final determination varies with the reviewing authority and compliance review.

9 [2.13.02]

10 **(1) Approval.** Confirmation that a requested land use or development activity
11 complies with all applicable LDC provisions is the issuance of a written document
12 of final approval. At a minimum, the document shall identify the subject site, the
13 action approved, the approving authority, the date and period of approval, and
14 any site-specific conditions of the approval. Approval authorizes the applicant,
15 subject to the continuing obligation of the approval terms and conditions, to
16 commence the proposed use or activity. Use or activity other than that approved,
17 or failure to comply with approval terms and conditions is a violation of the LDC
18 and is subject to enforcement and the penalties prescribed. [4.06.13]

19 **(2) Approval conditions.** The LDC establishes both general and specific conditions
20 of approval and may authorize other reasonable conditions considered
21 necessary to address impacts of approvals and carry out the purposes of the
22 LDC. After final county approval, no new conditions can be imposed and no
23 existing conditions can be removed except by the established appeal provisions.
24 Additionally, except as required by Florida Statutes for requested zoning changes
25 necessary to properly enact a proposed comprehensive plan amendment, no use
26 or activity may be approved conditional to a proposed change in either the future
27 land use category or zoning district. The following conditions apply to all
28 approvals: [2.13.02.F.3.c]

29 **a. Substantial conformance.** The implementation of an approval shall
30 be in substantial conformance with the terms and conditions of the
31 approval.

32 **b. Compliance inspections.** All approved development is subject to
33 county inspections for compliance with the conditions of its approval,
34 including any approved plan. All engineering designs shall require “as
35 built” certification by a Florida registered professional engineer prior to
36 final inspection.

37 **c. Other approvals.** All applicable state and federal permits shall be
38 obtained before commencement of the approved development.

39 **(3) Denial.** For each application denied by the reviewing authority, the county shall
40 inform the applicant in writing of the basis of the denial. Unless modified or
41 overturned on appeal, a denial closes the original application. Any subsequent
42 review for approval requires a new application and may incur a waiting period as

1 set by department rules and procedures prior to any reapplication for
2 substantially the same requested approval.

3 **(4) Risk in proceeding.** The decisions of approving authorities in the LDC
4 compliance review are final unless overturned through a valid appeal process.
5 The county shall issue authorizations for uses and activities according to the
6 decisions of these authorities. The applicant, bears all risk in proceeding with an
7 approved use or activity while the approval remains subject to appeal. [2.04.02]

8 **(5) Modification of approvals.** It is unlawful to modify, amend, or otherwise deviate
9 from an approval without first obtaining written authorization from the approving
10 authority. Unless specifically established in the LDC or provided through a
11 successful appeal, modification of an approval including its terms and conditions
12 requires a new application for review. Approved uses or activities modified
13 without authorization are subject to the penalties and increased fees specified by
14 the BCC. No certificate of occupancy or similar acceptance of site conditions by
15 the county shall be issued for any unauthorized land use or development activity.
16 Modifications to approvals may be requested by the applicant as prescribed in
17 this chapter, but requests for modifications to certified engineering designs shall
18 only be accepted from the engineer of record and require approval by the County
19 Engineer. [2.13.02.F]

20 **(d) Appeal.** Any LDC compliance review applicant, or other aggrieved party as defined
21 by Florida law, may appeal the decision of an administrative official or board in their
22 administration of the LDC as prescribed in this chapter. Decisions subject to appeal
23 include formal interpretations of LDC provisions by the Planning Official and the final
24 approvals, conditions of approval, or denials of development applications. However,
25 recommendations of administrative officials or boards in any matter are not subject
26 to appeal. Avenues of appeal are as follows: [2.13.02.F, 13.18.00]

27 **(1) County officials.** A decision of a county official in his administration of the LDC
28 may be appealed by application to the Board of Adjustment (BOA) for review
29 within 15 days after the date of the official's decision according to the provisions
30 for appeal of administrative decisions as prescribed in Article 6. Appeal of
31 decisions made by the Building Official in his administration of the building code
32 shall be according to the provisions of the Escambia County Code of Ordinances,
33 Part I.

34 **(2) Board of Adjustment.** If the final determination of the BOA is denial, no new
35 application for the same use on the same parcel can be accepted for review until
36 at least 180 days from the date of the denial. [2.05.07] A final determination of
37 the BOA may be appealed by petitioning the circuit court for judicial review within
38 30 days after the date of the board's decision, and providing a copy of the petition
39 to the clerk of the board. Appeal is limited to an applicant or to an adversely
40 affected person who appeared before the BOA in the quasi-judicial hearing and
41 asserted a position on the merits of the application. [2.04.01.C, 2.05.07.A]

42 **(3) Santa Rosa Island Authority.** The BCC may review and veto within thirty (30)
43 days any substantive action taken by the SRIA involving changes in land use or

1 the making or amending of commercial or developmental leases pursuant to Ch.
2 79-457, Laws of Florida.”

3 **(4) Planning Board.** The recommendations of the Planning Board are not subject
4 to appeal since they are the local planning agency’s advice to the BCC.

5 **(5) Board of County Commissioners.** A BCC decision may be appealed by
6 petitioning the circuit court for judicial review within 30 days after the date of the
7 board’s decision. [2.05.07.A]

8

1 **Article 2 Verifications and Confirmations**

2 **Sec. 2-2.1 Purpose of article.**

3 This article establishes the review criteria necessary to verify or confirm lot
4 conformance, name streets and assign addresses, confirm alcoholic beverage zoning
5 compliance, confirm statutory vesting, interpret LDC meaning, and confirm land use
6 compatibility. These verification and confirmation procedures are defined by the
7 general provisions of Article 1 and the specific provisions of this article. They provide
8 necessary documentation for the processes that grant such authorizations.

9 **Sec. 2-2.2 Permitted land use.**

10 **(a) General.** Verification of permitted land use is required to authorize any use or
11 development of land regulated by the LDC. The procedure to verify land use is
12 established to document the site-specific conformance of existing uses or potential
13 new uses. Verification does not grant authorization to proceed with a land use or
14 development activity, but is only a measure of the potential for a use or activity under
15 the provisions of the LDC.

16
17 **(b) Verification of allowable or permitted uses.** Application for permitted land use
18 verification shall be submitted for review to the Planning Official. The applicant shall
19 provide the required information.

20 **Sec. 2-2.3 Lot conformance.**

21 **(a) General.** Verification of lot conformance is required to authorize the use and
22 development of existing lots when they cannot be verified as valid lots of record.
23 The provisions to verify conformance are established to document that an individual
24 lot created and conveyed without prior documented compliance review and
25 authorization is, nevertheless, a physically conforming lot. This provision is not a
26 substitute for proper LDC compliance review and approval of the subdivision of land,
27 and it is not an alternative means to create or establish a lot of record. Lot
28 conformance verification is limited to lots that are used solely as the homestead of
29 the owner-applicant who is not the owner of the parent parcel from which the lot was
30 divided.

31 **(b) Verification for lot conformance.** Application for lot conformance verification shall
32 be submitted for review to the Planning Official.

33 **Sec. 2-2.4 Street names and addresses.**

34 Street naming and address assignment is required to authorize the use and
35 development of land. The application shall be submitted for review to the county
36 Geographic Information System (GIS) office. The assigning of street names and
37 addresses is to provide and document proper site identification necessary for the
38 approval of land use applications and the subsequent provision of emergency
39 response, postal delivery, utility connection, and other essential services. The
40 verification or assignment of an address or the approval of a street name neither

1 provides nor assures any land use or development activity approval, vested right, or
2 capacity allocation.

3 **Sec. 2-2.5 Alcoholic beverage zoning.**

4 Confirmation of alcoholic beverage zoning compliance is required by the State of Florida
5 for licensing the sale or on-premise consumption of alcoholic beverages. Application for
6 alcoholic beverage zoning compliance confirmation shall be submitted for review to the
7 Planning Official. Any subsequently licensed sales shall comply with relevant provisions
8 of the Escambia County Code of Ordinances. [7.14.00]

9 **Sec. 2-2.6 LDC interpretation.**

10 **(a) General.** The Planning Official shall review and interpret any provisions of this
11 Code for purposes of clarification or determination of meaning and intent. If
12 questions should arise regarding the meaning, intent, or interpretation of any
13 provisions, a review for interpretation can be requested by the applicant per the
14 procedures set forth by the department. Interpretations or determinations made
15 by the Planning Official shall be subject to review by the Board of Adjustment as
16 an administrative appeal.

17 **(b) Interpretation process.**

18 **Application.** Application for interpretation of a LDC provision shall be submitted
19 for review to the Planning Official. The applicant shall provide any authorized
20 fees and the information required by the adopted interpretation procedures. That
21 information shall include the following:

22 **a. Conditions.** A description of the specific conditions to which the
23 interpretation will apply.

24 **b. Prior meaning.** The meaning of the provision previously provided by
25 authorized county review personnel.

26 **c. Insufficiency or error.** A description of how the prior meaning provided is
27 thought to be insufficient or in error.

28 **Sec. 2-2.7 Compatibility.**

29 **(a) General.** To confirm that proposed land uses and development activities are
30 compatible with adjacent uses or conditions, a review for compatibility is required for
31 rezoning and may be necessary for certain types developments specified herein

32 **(b) Confirmation for compatibility.** Application for land use compatibility confirmation
33 shall be submitted for review to the Planning Official.

34 **Article 3 Land Disturbance Activities**

35 **Sec. 2-3.1 Purpose of this article.**

36 This article establishes the review necessary to confirm LDC compliance and authorize
37 site-specific land disturbance activities that are not evaluated separately by the other
38 review procedures of this chapter. These land disturbance reviews are defined by the

1 general provisions of Article 1 and the specific provisions of this article. They provide
2 appropriate evaluations of activities that have the potential for producing adverse off-site
3 impacts, especially regarding storm water, if not properly planned and managed. This
4 article includes review for demolition of structures, work in county rights-of-way, removal
5 of protected trees, and sand and aggregate use on barrier islands. Borrow pits and
6 other site development, not limited to land disturbance activity, require compliance
7 review according to the provisions of Article 4. [2.13.02, 4.06.00]

8
9 **Sec. 2-3.2 General land disturbance.**

10 **(a) General.** A general land disturbance permit is required prior to beginning any
11 activity involving the clearing, cutting, excavating, filling, or grading of land, or any
12 other activity that alters land topography or vegetative cover and is not authorized by
13 the other land disturbance permits of this article. The purpose for authorizing
14 general land disturbance is to assure that such activities, especially those with the
15 potential to significantly change stormwater surface runoff patterns, comply with the
16 stormwater management standards found in Chapter 5 of the LDC and in the
17 Engineering Design Standards Manual (EDSM). Such activities must not result in
18 adverse impacts on adjoining properties, surface waters, environmentally sensitive
19 lands, roadways, or drainage systems.

20 **(b) Permit for land disturbance.** Application for a general land disturbance permit
21 shall be submitted for compliance review to the Planning Official.

22 **Sec. 2-3.3 Pre-construction site work.**

23 **(a) General.** If no building permit is required or a building permit has not been issued, a
24 pre-construction site work permit is required to begin any land disturbance activity,
25 except for single-family and two-family developments.

26 **(b) Permit for pre-construction site work.** Application for a pre-construction site work
27 permit shall be submitted for compliance review to the Building Official.

28 **Sec. 2-3.4 Construction in county right-of-way.**

29 Unless construction in a county right-of-way is authorized by a residential driveway
30 permit or other county approval, a county right-of-way work permit is required prior to
31 disturbing the paved portion, or any area beneath the paved portion, of any county
32 right-of-way; or prior to installing underground facilities in a county right-of-way; or
33 prior to work, other than maintenance, on a driveway connection within a county
34 right-of-way. A permit is not required for work or improvements included within
35 approved subdivision infrastructure construction plans or site development plans, or
36 for any exempt activities identified by the procedure for making road cuts, within
37 *Local Public Improvements*, Escambia County Code of Ordinances.

38 **Sec. 2-3.5 Residential driveways.**

39 A residential driveway permit is required prior to construction of any driveway
40 connection from the lot of a single-family or two-family dwelling to any county street,

1 paved or unpaved, unless the connection is to a street with curb and gutter and is
2 constructed during the valid period of the building permit for the dwelling. A
3 driveway permit is also required prior to any work, other than maintenance, on an
4 existing residential driveway connection to a county street. Application for a
5 residential driveway permit shall be submitted for compliance review to the Planning
6 Officials.

7 **Sec. 2-3.6 Removal of protected trees.**

8 A tree removal permit is required prior to removing or otherwise causing unnatural
9 decline by irreparable injury to any protected tree unless that activity is authorized
10 through site development or other compliance review provisions of this chapter. The
11 process to authorize the removal of a protected tree is established in the ESM.

12
13 **Sec. 2-3.7 Sand and aggregate on barrier islands. [12.05.01.A, 12.05.06]**

14 A sand and aggregate use permit is required prior to placement on Santa Rosa Island
15 or Perdido Key of any sand, aggregate, or other construction or landscaping materials
16 regulated by the LDC, regardless of any other land disturbance permits issued or other
17 approvals granted through the LDC compliance review. The process to authorize the
18 placement of these regulated materials is established in the EDSM to prevent the
19 importation, use, and relocation of red clay and other prohibited materials that tend to
20 discolor, darken, or stain the natural white sands of those barrier islands.

21
22 **Article 4 Site Development**

23
24 **Sec. 2-4.1 Purpose of article.**

25 This article establishes the provisions necessary to confirm LDC compliance and
26 authorize forms of site-specific development that propose more than land disturbance
27 activities but do not include the subdivision of land. These site development review
28 provisions are defined by the general provisions of Article 1 and the specific provisions
29 of this article. They evaluate a wide range of land uses and development activities. This
30 article includes major and minor review provisions for the establishment or change of
31 uses and for the construction of structures and supporting infrastructure, whether
32 principal or accessory, residential or non-residential, permanent or temporary. Site
33 development plan approval is not a permit to construct any structure that is regulated by
34 the Florida Building Code. [2.13.02, 4.06.00] If all the applicable regulations
35 concerning the proposed project for a major or minor development are met, a
36 Development Order shall be issued, with or without conditions, by the approving
37 authority which shall be a continuing obligation to comply with the specifications of the
38 plan and the terms and conditions of that approval.

39
40 **Sec. 2-4.2 Site development review.**

41 **(a) Approval required.** Any site development regulated by the LDC requires county
42 review and approval of a major or minor site development plan, according to the
43 provisions of this article, unless the development is evaluated by other compliance

1 review provisions of this chapter or is specifically identified in the LDC as exempt
2 from these processes. And, if site development is anticipated to occur in phases
3 beyond the valid period of an individual site plan approval, review and approval of a
4 master plan is advisable to secure certain development conditions prior to the
5 separate review and approval of multiple phase plans. A representative from the
6 Escambia County Area Transit (ECAT) will review the site development plan if
7 applicable.

8 **(b) Timing of building plan review.** Although it may be advisable, it is not necessary
9 for an applicant to delay the building construction plan compliance review until the
10 site development plan is reviewed and approved. Once the building code
11 compliance review begins, the applicant bears all risk in the possibility of a
12 modification to the building construction plans required by a modification in the site
13 development plans and the expense for review of revised and resubmitted
14 construction plans.

15 **(c) Documentation by site plan.** Site development compliance review requires the
16 submission of a site plan to provide standardized documentation of compliance with
17 county land development regulations. The form and content of a site plan shall be
18 appropriate to the documentation necessary for the proposed site changes. Once
19 approved, the site plan also documents how completed site changes comply with
20 approved changes. The wide range of site plan content identified in this section is an
21 indication of the types of documentation that may be required for compliance review.
22 In general, as much information as is reasonably necessary to document LDC
23 compliance shall be required on a site development plan, increasing with the
24 complexity of site uses and improvements to be evaluated. The minimum
25 information required for any specific compliance review process shall be according
26 to the adopted procedures.

27
28 **(1) Existing conditions.** The compliance review of a land use or development
29 activity must consider what is already on and around the site and any
30 jurisdictional constraints. A site development plan shall document existing
31 conditions that will likely affect or be affected by the use or activity, even
32 conditions for which no change is anticipated. .

33 **(2) Proposed changes.** A site development plan shall document the temporary or
34 permanent construction or placement of site improvements and other proposed
35 changes to existing conditions. For a development constructed in phases, the
36 plan shall document the sufficiency of each phase to comply with the LDC,
37 without regard to uncompleted changes of the remaining phases.

38 **(3) Supporting information.** The effective documentation of existing conditions
39 and proposed changes typically requires other supporting site information, along
40 with a supporting checklist.

41 **Sec. 2-4.3 Minor site development.**

42 **(a) General.** Minor site plan approval is required to authorize those land uses or
43 development activities categorized as a “minor site development” in this section.

1 The process to approve a minor site development evaluates uses and activities that
2 typically produce fewer and/or less complex LDC compliance conditions than major
3 development. As a result, compliance usually requires less documentation and
4 fewer resources to confirm. Minor review primarily verifies that the use is permitted,
5 the lot conforms, structures are appropriately placed, site access is adequate, public
6 facilities are provided, and no adverse off-site impacts are created.

7 **(b) Categories of minor development.** Minor site development is limited to the
8 following categories:

9 **(1) Single-family and two-family residential.** Residential site development is a
10 combination of single-family and two-family dwellings that results in no more than
11 four dwelling units on a lot. The category includes all uses and structures
12 customarily accessory to such dwellings, including fences, enclosures, swimming
13 pools, carports, and portable storage containers, and the conversion of a non-
14 residential building to a one- or two-family dwelling. [4.06.01]

15 **(2) Non-residential change of use.** Change of use in which the site development
16 changes any non-residential use of a non-residential structure or site to another
17 non-residential use, provided that any additional trip generation is minor and
18 modifications are limited to those of the minor non-residential and minor multi-
19 family category in this section. For these purposes, minor trip generation
20 corresponds to a less than a 25 percent increase in the minimum parking
21 required by the applicable unmodified base parking ratios in Chapter 5 and the
22 ED SM. [4.06.02.C]

23 **(3) Temporary non-residential.** Temporary establishment of a non-residential use
24 or structure including portable storage containers, portable shelters, mobile
25 vending units, amusement structures, temporary constructions, sales offices, and
26 other temporary uses and structures prescribed in Chapter 4. [4.06.02.E]

27 **(4) Minor non-residential and multi-family.** Minor additions and modifications and
28 accessory uses and structures for existing non-residential or multi-family
29 development if the net increase in site impervious cover from all sources is less
30 than 1000 square feet. Repeated additions of impervious surface constructed
31 since the adoption of the LDC shall be combined for the application of this limit.
32 Accessory uses include fences and signs.

33 **(c) Approval process.**

34 Checklists provided by the appropriate department will give the applicant quick
35 and ready access to the requirements of this article.

36 **Sec. 2-4.4 Major site development.**

37 **(a) General.** Major site plan approval is required to authorize those land uses or
38 development activities categorized as a “major site development” in this section.
39 The process to approve a major site development evaluates uses and activities that
40 typically produce greater or more complex LDC compliance conditions than minor
41 development.

1 **(b) Categories of major review.** Major site development is limited to the following
2 categories:

3 **(1) Multi-family residential.** Residential site development in which there are five or
4 more dwelling units in any combination on a lot. This category includes uses and
5 structures customarily accessory to multi-family developments, such as fences,
6 swimming pools, carports, mail kiosks, maintenance sheds, and clubhouses
7 when they are not eligible for review as minor site developments. The
8 conversion of a non-residential building into a multi-family dwelling is included in
9 this category.

10 **(2) Residential change of use.** Change of use in which the site development
11 changes any residential use of a structure to any non-residential use, in whole or
12 part. This category applies to any principal or accessory residential structure but
13 does not apply to home occupations or home-based businesses as defined by
14 the LDC.

15 **(3) Major non-residential.** New principal and accessory uses and structures not
16 reviewed by any other non-residential review category.

17 **(4) Master plans.** Master plans for phased site development are intended to
18 provide the developer with confirmation that the development is properly planned
19 according to the regulations and standards of the LDC. The Master Plan ensures
20 integration with the surrounding land uses and development and the sufficiency
21 of the supporting infrastructure at the completion of each phase.

22 **(5) PUDs.** Planned Unit Development (PUD) submitted under the PUD provisions of
23 Article 6.

24 If all the applicable regulations concerning the proposed project for a PUD are
25 met, a Development Order shall be issued, with or without conditions, by the
26 approving authority that shall be a continuing obligation to comply with the
27 specifications of the plan and the terms and conditions of that approval.

28 **(c) Approval process.**

29 Checklists provided by the appropriate department will give the applicant quick
30 and ready access to the requirements of this article.

31

1 **Article 5 Subdivision**

2 **Sec. 2-5.1 Purpose of article.**

3 This article establishes the review provisions to confirm LDC compliance and authorizes
4 the subdivision of land. These subdivision review requirements are defined by the
5 general provisions of Article 1 and the specific provisions of this article. They evaluate
6 subdivisions to avoid the creation of lots with unnecessary constraints on their
7 subsequent development, including inadequate access, buildable areas, potable water
8 supply, sewage disposal, and fire protection. More specifically, this article includes
9 review processes for minor subdivisions, master plans, preliminary plats, infrastructure
10 construction plans, final recorded plats, and plat vacation. Subsequent development on
11 individual lots created by a subdivision is evaluated and authorized through the
12 applicable compliance review processes established in other articles of this chapter.

13 **Sec. 2-5.2 Subdivision review and platting.**

14 **(a) Approval required.** The division of a parcel of land into three or more lots requires
15 county review and approval, unless the subdivision is specifically identified in the
16 LDC as exempt. Prior to recording any final plat, review and approval of a
17 preliminary plat with an infrastructure construction plan is required if infrastructure
18 improvements are proposed. If subdivision construction and platting are to occur in
19 phases, review and approval of a master plan are required prior to a separate review
20 and approval of the individual phases. [4.02.04, 4.06.01] [4.01.00, 4.02.01]

21 **(b) Exemptions from subdivision review.** Exemptions from the subdivision
22 compliance review of this article accommodate limited special conditions in the
23 division of land.

24 **(1) Boundary line changes.** Conveyances of land that are executed to increase
25 the size of adjoining parcels or resolve boundary line disputes and do not create
26 additional parcels separate and apart from the existing parcels are not subject to
27 the review unless proposed through a subdivision replat. [4.01.03.F]

28 **(2) Family conveyance.** The subdivision of land for family conveyance does not
29 need approval through the review of this article. [4.01.02.E, 4.01.03.D]

30 **(3) Individual conforming lot.** An individual lot verified as a conforming lot does
31 not need approval through the subdivision review of this article.

32 **(c) Replatting land.** The proposed replatting of all or part of the land of a recorded plat
33 shall follow the same review process as the initial subdivision platting. [4.05.00.A]

34 **Sec. 2-5.3 Minor subdivisions.** [4.01.05]

35 **(a) General.** Minor subdivision approval is a limited option for the subdivision of land
36 where the final plat is not recorded in the public records of the county and is not
37 subject to the platting requirements of Florida statutes. One of the requirements is
38 that the supporting infrastructure is already in place. A minor subdivision shall fulfill
39 all of the following criteria:

1 (1) **Number of lots.** If any subdivision lots are less than four acres on an existing
2 public or private street, the maximum number of lots that can be created is five.

3 (2) **Existing street frontage.** All subdivision lots front on an existing public or
4 private street, paved or unpaved, providing the minimum right-of-way prescribed
5 in Chapter 5.

6 (3) **No new streets.** No new street or any extension of an existing street is
7 proposed or required.

8 (4) **No dedications.** There is no dedication of public improvements. This does not
9 preclude such acquisitions as an additional right-of-way for an existing street to
10 provide the minimum width prescribed by the LDC.

11 (5) **Lot grading plans.** A lot grading plan is required for each lot however a
12 stormwater management plan may not be required.

13 (6) **Effective period.** Approved minor subdivisions shall be effective and remain
14 valid for period of 1 year from the date of approval. The minor subdivision plat
15 shall expire and be void if each of the newly created lots are not recorded by
16 deed or other legal instrument in the official records of Escambia County within
17 the valid period of approval.

18 **(b) Approval process.**

19 Checklists provided by the appropriate department will give the applicant quick
20 and ready access to the requirements of this article.

21 **Sec. 2-5.4 Master plans.**

22 (a) **General.** Master plans approval is required for any phased subdivision of land. A
23 master plan is intended to provide the developer with confirmation that the
24 subdivision is properly planned according to the regulations and standards of the
25 LDC. The Master Plan ensures integration with the surrounding land uses and
26 development and the sufficiency of the supporting infrastructure at the completion of
27 each phase Master Plan approval vests the approved land uses and density, but it
28 does not reserve development standards, guarantee buildable density, nor assure
29 approval of any implementing plats or construction plans. Each implementing phase
30 requires submission of a preliminary plat, construction plan, and final plat.

31 **(b) Approval process.**

32 Checklists provided by the appropriate department will give the applicant quick and
33 ready access to the requirements of this article.

34
35 **Sec. 2-5.5 Preliminary plats and construction plans.**

36 (a) **General.** Preliminary plat and construction plan approval is required to map the
37 proposed subdivision of land and document the design of infrastructure to
38 adequately serve the created lots. The requirements to approve a preliminary plat
39 with its construction plan ensure that both the division of land and provision of
40 services are consistent with the land use regulations and design standards of the

1 LDC. Infrastructure capacities will be allocated upon final development plan
2 approval. The approval allows the construction of the subdivision infrastructure to
3 proceed, but it does not allow development on the individual subdivision lots prior to
4 the recording of a final plat, except for temporary uses as specifically provided in
5 Chapter 4.

6 **(b) Approval process.**

7 Checklists provided by the appropriate department will give the applicant quick
8 and ready access to the requirements of this article.

9 **Sec.2-5.6 Final plats.**

10 **(a) General.** Final plat approval is required to map the proposed subdivision of land in
11 compliance with the platting requirements of Florida Statutes, so that, upon its
12 recording, all land shown on the plat that is a part of the subdivision is identified and
13 may be conveyed by reference to the plat, including the dedication of rights-of-way
14 and easements. The approval of a final plat allows the recording of the plat in the
15 public records when its content and form are consistent with state and county
16 requirements and with any applicable conditions of its approved preliminary plat and
17 infrastructure construction plan.

18 **(b) Approval process**

19 Checklists provided by the appropriate department will give the applicant quick
20 and ready access to the requirements of this article.

21 **Sec. 2-5.7 Plat vacation.**

22 **(a) General.** Plat vacation approval is required to vacate a subdivision plat in whole
23 or part after the plat has been recorded in the public records of the county. The
24 approval to vacate a final plat accommodates a replat or a return to acreage for
25 the subject land, according to Chapter 177, Florida Statutes.

26 **(b) Application for the final plat.** An application shall be submitted for compliance
27 review to the office of the Planning Official. For subdivisions requiring preliminary
28 plat and construction plan approval, applications shall be submitted within two
29 years from the date of that approval, or otherwise allowed by an approved
30 extension.

31 **(c) Approval process.**

32 Checklists provided by the appropriate department will give the applicant quick
33 and ready access to the requirements of this article.

34

1 **Article 6 Special Conditions and Circumstances**

2 **Sec. 2-6.1 Purpose of article.**

3 This article establishes the review provisions necessary to consider and authorize
4 limited development alternatives under conditions and circumstances not evaluated by
5 the other provisions of this chapter.

6 **Sec. 2-6.2 Review by quasi-judicial hearing.**

7 **General.** Many of the processes established in this article require a compliance
8 review through a quasi-judicial public hearing to evaluate the presence and
9 significance of special conditions or circumstances. Quasi-judicial hearings are
10 required for final determinations on the following applications: appeals of
11 administrative decisions, variances, conditional uses, substantial hardship variances
12 and other reviews as prescribed within this article.

13 **Sec. 2-6.3 Variance of LDC standards. [2.05.03, 6.08.00, 8.07.06, 11.01.03]**

14 **(a) General.** An applicant may request a variance to specified provisions of the LDC. A
15 variance authorizes site use in a manner that is not otherwise allowed by the
16 dimensional or physical requirements of the LDC, but a variance cannot authorize
17 uses that are prohibited by zoning or remedy general hardship conditions that
18 extend to other sites.

19 Minor variances of 20% or less that are of mutual benefit to the public and the
20 applicant are evaluated by the Planning Official All other variances shall be
21 evaluated as substantial hardships through quasi-judicial public hearing review by
22 the Board of Adjustment (BOA) or by the SRIA for Pensacola Beach properties. .

23 **Limits on variances.** Variances are available and may be granted only for the
24 LDC standards that specifically provide the option and only as allowed by the
25 provisions of the LDC. No variances are available to any provisions of chapters
26 1, 2, or 6. Additionally, variances cannot be granted to any provisions that
27 establish the allowable uses or densities in a zoning district or to any conditions
28 of approval imposed by an approving authority.

29 **(b) General variance conditions.** All variances shall satisfy the following conditions:

30 **(1)** Special conditions and circumstances exist which are peculiar to the land,
31 structure or building and which are not applicable to other lands, structures or
32 buildings in the same zoning district.

33 **(2)** The special conditions and circumstances do not result from the actions of the
34 applicant.

35 **(3)** Granting the variance requested will not confer on the applicant any special
36 privilege that is denied by this land development code to other lands, buildings or
37 structures in the same zoning district.

38 **(4)** Strict application of the provisions of the land development code would deprive
39 the applicant of rights commonly enjoyed by other properties in the same zoning

1 district under the terms of the land development code and would create an
2 unnecessary and undue hardship on the applicant.

3 **(5)** The variance granted is the minimum variance that will make possible the
4 reasonable use of the land, building or structure.

5 **(6)** The granting of the variance will be consistent with the general intent and
6 purpose of the land development code and that such variance will not be
7 injurious to the area or otherwise detrimental to the public welfare.

8 **(c) Substantial hardship variance provisions.** An applicant may request a
9 substantial hardship variance providing limited relief for a hardship arising from
10 conditions peculiar to a specific property. The process to approve a substantial
11 hardship variance is established here for the BOA and SRIA to consider whether
12 there is a deficiency in real property that creates a substantial undue hardship for the
13 property owner by preventing development of the property in compliance with a LDC
14 standard and whether a requested adjustment in the standard should compensate
15 for that deficiency.

16 **(1) Application.** An application for substantial hardship variance approval shall be
17 submitted for compliance review to the clerk of the reviewing board within the
18 deadline stated in the application. A pre-application meeting with staff is
19 recommended.

20 **(2) Public participation.** Prior to any hearing to consider a substantial hardship
21 variance, the clerk of the reviewing board shall provide adequate public notice.

22 **(3) Compliance review.** The BOA or SRIA shall conduct a quasi-judicial public
23 hearing as noticed to consider the requested substantial hardship variance
24 according to the provisions of this article. The applicant must establish the
25 presence of the following:

26 **a. Exceptional conditions.** There are exceptional conditions or circumstances
27 that are unique to the land in question, not ordinarily found on other lands in
28 the vicinity and not a result of the owner's intentional action. Unique
29 conditions or circumstances include exceptional narrowness, shallowness,
30 shape, or topographic conditions of the land or the presence of
31 environmentally sensitive lands in or around the land. **[2.05.02.B]**

32 **b. Substantial hardship.** Under the unique land conditions or circumstances
33 prompting the variance request, the strict application of LDC standards
34 causes an exceptional practical difficulty or undue physical hardship to the
35 owner that effectively prohibits a permissible principal use or denies rights
36 and privileges legally enjoyed by owners of other properties in the vicinity or
37 within the same zoning district.

38 **(4) Final determination.**

39 **a. Action of board.** If the reviewing board finds from the established record of
40 the hearing that there is a compelling demonstration by the applicant of
41 competent substantial evidence proving the required conditions, the board

1 shall grant a variance. However, a variance may only be granted to the
2 extent supported by the evidence presented.

3 **b. Period of valid approval.** If not otherwise reduced as a condition of
4 approval, a variance is valid for two years from the date of approval. If within
5 that period the variance is not part of an approved site development
6 application or one continuing in good faith as determined by the Planning
7 Official and no application for its extension has been submitted according to
8 the provisions of this article, the variance approval expires and is void. Once
9 the variance is part of an approved site development plan, however, the
10 variance will remain valid through the approved plan. [2.05.01.D]

11 **c. Other conditions of approval.** In granting a variance, the reviewing board
12 shall have the authority to attach any conditions directly related to the
13 variance as the board may find necessary for satisfaction of the variance
14 conditions and preservation of the intent of the subject standard. [MO 107.3]

15 **Sec. 2-6.4 Conditional uses.**

16 **(a) General.** The LDC may conditionally allow other uses in addition to the permitted
17 uses within each zoning district. Conditional use approval allows a use by review
18 where it is not otherwise permitted by right, but it cannot authorize uses that are
19 prohibited. The Board of Adjustment (BOA), or the SRIA for Pensacola Beach
20 properties, shall conduct a quasi-judicial public hearing to determine whether
21 conditional use approval or denial is appropriate. [2.05.03, 6.08.00, 8.07.06,
22 11.01.03]

23 **(b) Limits on conditional uses.** Conditional uses are subject to the following
24 limitations:

25 **(1) Availability.** Conditional uses are available and may be granted only to land for
26 which that option is specifically provided by the applicable zoning district or other
27 provisions of the LDC. [2.05.03]

28 **(2) Invalid reasons.** Nonconforming, unapproved, or unlawful uses, structures, or
29 conditions are not considered special conditions or other valid reasons for
30 granting any conditional use.

31 **(3) Site specific.** A conditional use can only be granted based on a site-specific
32 review of an individual lot of record or development parcel. Conditional uses are
33 not available to subdivisions or other groups of individually developed lots.

34 **(4) Multiple uses.** If more than one conditional use is proposed, the conditions shall
35 be addressed for each use.

36 **(c) Conditional use provisions.**

37 **(1) Application.** Application for conditional use approval shall be submitted for
38 compliance review to the clerk of the reviewing board within the time period
39 stated in the application. A pre-application meeting with staff for the board is
40 recommended. [2.05.01.A, 2.05.03.A]

1 **(2) Public participation.** Prior to any hearing to consider a conditional use, the
2 clerk of the reviewing board shall provide adequate public notice.

3 **(3) Final determination.**

4 **a. Action of board.** If the board finds from the applicant has provided
5 competent substantial evidence proving the required conditions, the board
6 shall grant a conditional use but only to the extent supported by the evidence
7 provided.

8 **b. Period of valid approval.** A conditional use approval is valid for a period of
9 four years from the date of approval. If within that period the conditional use
10 is not part of an approved site development application or one continuing in
11 good faith review as determined by the Planning Official, the conditional use
12 approval expires and is void. No extension of the initial approval is available.
13 However, once the conditional use is part of an approved site development
14 plan, the conditional use approval will remain valid through the approved plan.
15 **[2.05.01.D]**

16 **c. Other conditions of approval.** In granting a conditional use, the reviewing
17 board shall have the authority to attach any conditions directly related to the
18 use as the board may find necessary for satisfaction of the conditional use
19 conditions and preservation of the intent of the applicable zoning district.
20 Such conditions include setbacks, height, impervious cover, total floor area,
21 building orientation, screening, buffering, site signage and lighting, and hours
22 of operation.

23 **Sec. 2-6.5 Extensions of review, approval, and use periods.**

24 **(a) General.** The LDC requires good faith efforts in adhering to its established periods,
25 but extension of an eligible LDC time limit may be requested according to the
26 provisions of this section whereby a landowner asserts that the limit does not
27 anticipate legitimate delays in compliance. No applicant is automatically entitled to
28 any extension. Short-term (6 month) extensions are evaluated by the Planning
29 Official, and longer extensions (one year) shall be evaluated through a quasi-judicial
30 public hearing review by the BOA. These extension processes allow additional time
31 for concluding the compliance review, developing an approved use, and continuing
32 or reestablishing some uses.

33 **(b) Limits on extensions.** Extensions to LDC periods are subject to the following
34 limitations:

35 **(1) Availability.** Extensions are available and may be granted only for LDC periods
36 that specifically provide that option, only if a complete application for the
37 extension was submitted prior to the expiration of the period for which the
38 extension is requested, and only as otherwise allowed by the provisions of the
39 LDC.

40 **(2) Approving authority.** Extensions to any period not required by the LDC but
41 imposed as a condition of approval by an approving authority cannot be granted
42 by another approving authority.

1 **(3) Individual and multiple limits.** An extension can only be granted based on a
2 specific review of an individual period. If an extension of more than one period is
3 requested, the extension criteria shall be evaluated for each limit.

4
5 **Sec. 2-6.6 Medical hardship temporary use of manufactured homes.**

6 **(a) General.** Temporary placement of a manufactured (mobile) home or park trailer
7 may be requested according to the provisions of this section when a landowner
8 asserts that existing medical conditions require in-home care and an accessory
9 dwelling to reasonably provide it. The manufactured home or park trailer may be
10 placed within any mainland zoning district to remedy a medical hardship according
11 to the temporary use provisions of Chapter 4, regardless of the density limits of the
12 applicable zoning. The requirements to grant the temporary use of a manufactured
13 home or park trailer as an accessory dwelling to provide in-home medical care is
14 considered by the BOA in a quasi-judicial hearing. [2.05.06, 6.04.10]

15 **(b) Medical hardship temporary use**

16 **(1) Application.** An application for approval of the medical hardship temporary use
17 of a manufactured home or park trailer shall be submitted for compliance review
18 to the clerk of the BOA within the time frame provided in the application. A pre-
19 application meeting with staff for the board is recommended. The applicant shall
20 provide any authorized fees and the information required by the medical hardship
21 temporary use procedures. Information shall include a general site plan showing
22 the proposed location of the manufactured home in relation to other site
23 improvements and conditions and other documentation satisfying the medical
24 hardship temporary use conditions established in this section. [2.05.01.A,
25 2.05.06, 2.05.06.G]

26 **(2) Public participation.** Prior to any hearing to consider the medical hardship
27 temporary use of a manufactured home or park trailer, the clerk of the BOA shall
28 provide public notice.

29 **(3) Compliance review.** The BOA shall conduct a quasi-judicial public hearing as
30 noticed to consider the requested medical hardship temporary use of a
31 manufactured home or park trailer according to the provisions of this article. The
32 applicant has the burden of presenting competent substantial evidence to the
33 board that establishes each of the following conditions: [2.05.06]

34 **a. Certified need.** A Florida-licensed physician certifies in writing the medical
35 need, specifying the extent of the need for in-home medical care and the
36 approximate length of time for such in-home medical care. [2.05.06.A]

37 **b. Minimum necessary.** Conditions and circumstances make it difficult or
38 impossible for the recipient and provider of medical care to reside in the same
39 dwelling and the temporary accessory dwelling is the minimum necessary to
40 provide relief of that medical hardship. [2.05.06.I]

- 1 **c. Adequate public services.** The manufactured home or park trailer will have
2 adequate water, sewer, solid waste removal, and electric services available.
3 **[2.05.06.F]**
- 4 **d. Compatibility.** The temporary use will not produce adverse impacts on the
5 uses of surrounding properties. **[2.05.06.J]**
- 6 **e. Standard conditions.** The temporary use can comply with the applicable
7 standards of Chapter 4.

8
9 **(4) Final determination.**

- 10 **a. Action of board.** If the BOA determines from the established record of the
11 hearing that there is a demonstration by the applicant of competent
12 substantial evidence proving the required conditions, the board shall grant the
13 temporary use of a manufactured home or park trailer.
- 14 **b. Period of valid approval.** Approval of the medical hardship temporary use
15 of a manufactured home or park trailer is valid for a period of one year from
16 the date of approval. If within that period the temporary use is not part of an
17 approved site development application or one continuing on good-faith review
18 as determined by the Planning Official, the temporary use approval is void.
19 Once the temporary use is part of an approved site development plan, the
20 use approval will remain valid through the approved plan.
- 21 **c. Period of use.** The medical hardship temporary use of a manufactured
22 home or park trailer is initially limited to two years from the date the certificate
23 of occupancy for the home is issued. An extension to the period of use may
24 be granted for a continuing medical need according to the extension
25 provisions of this article. The temporary placement and use of the
26 manufactured home or park trailer is void when the medical hardship ends
27 regardless of any extensions granted.
- 28 **d. Other conditions of approval.** In granting temporary use of a manufactured
29 home or park trailer, the BOA shall have the authority to attach any conditions
30 directly related to the use as the board may find necessary for protection of
31 the general public, satisfaction of the temporary use criteria, and preservation
32 of the intent of the applicable zoning district. These conditions are in addition
33 to any use-specific standards prescribed by Chapter 4 for the temporary
34 placement of a manufactured home or park trailer.

35 **Sec. 2-6.7 Vested rights.**

- 36 **(a) General.** It is the intent of this section to provide a mechanism for the granting of an
37 equitable vested right according to the provisions of this section when a landowner
38 asserts that sufficient development activity, once lawful under applicable land use
39 regulations but now contrary to their terms, has occurred so that the landowner is
40 entitled to a development right. **[2.11.01, 2.11.06.A.1]**
- 41 **(b) Application.** Application for vested rights approval shall be submitted to the clerk of
42 the Planning Board no later than 12 months following any act or omission on the part

1 of the county that the landowner discovers and asserts as the basis for a vested
2 right, or no later than 12 months following written county notification to the
3 landowner of the need to apply for a determination, whichever occurs sooner.
4

5 **(c) Public Participation.** Prior to any hearing to consider a vested right, the clerk of the
6 Planning Board shall provide public notice.
7

8 **(d) Compliance review.** The Planning Board shall conduct a quasi-judicial public
9 hearing to consider the requested vested right according to the provisions of this
10 article. The Planning Board shall make a recommendation to the BCC for vested
11 right approval, approval with conditions, or denial based on the hearing record of
12 evidence.
13

14 **(e) Criteria for vested rights determination.** An owner shall be entitled to a
15 determination of vested rights only if through substantial competent evidence it can
16 be established that the proposed use of the property meets the concurrency
17 provisions of **Article 5** and in addition one of the following criteria has been met:
18

19 **(1)** The proposed use was authorized pursuant to a county development order, or
20 equivalent, issued on or before the effective date of this Code, or a pertinent
21 amendment thereto, and the development has commenced and is continuing in
22 good faith. In a claim based upon this criterion, the owner must produce evidence
23 of actions and accomplishments that substantiate timely and lawful progression
24 towards the completion of the intentions and plans documented in the original
25 order, or equivalent. In a claim based upon this criterion, the right to which the
26 owner may be vested is a continuation of the original order, or equivalent.
27

28 **(2)** The owner is determined to have acquired rights due to good faith reliance on an
29 act of commission or omission of the county, which has caused the owner to
30 make such a substantial change in position or to incur such extensive obligations
31 and expenses that it would be highly inequitable and unjust to destroy the rights
32 acquired. In a claim based upon this criterion, the owner must document, and the
33 county must verify, the obligations and expenses that are in jeopardy. The owner
34 must produce evidence of actions and accomplishments that substantiate timely
35 and lawful progression towards the completion of the intentions and plans that
36 have been jeopardized. Evidence that demonstrates such activity has not
37 progressed in such a manner may be sufficient to negate a finding of good faith
38 on the part of the owner and therefore invalidate the claim to vested rights.
39

40 **(f) Limitation on vested rights.** A determination of vested rights shall expire and be
41 null and void unless construction of improvements, if any, are commenced pursuant
42 to a development order within 18 months after the issuance of the determination of
43 vested rights.
44
45

1 **Sec. 2-6.8 Planned Unit Developments.**

2 **(a) General.** Planned unit development (PUD) is an optional and supplemental
3 compliance review process for the subdivision of land. It allows flexibility in LDC
4 requirements to encourage greater creativity in land use planning and design for the
5 mutual benefit of developers and the public. The intent of the PUD is to obtain
6 benefits not anticipated by the strict application of zoning district regulations and
7 subdivision standards, and not available by other variance processes. For the
8 private gain of greater design flexibility, developers are required to provide greater
9 public benefits through permanently preserved common open space, infrastructure
10 improvements, accommodation of environmental and aesthetic features, and other
11 permanent site improvements and amenities benefiting public health, safety and
12 welfare. Proposed PUD is evaluated first through a quasi-judicial public hearing by
13 the Planning Board and then by the Board of County Commissioners (BCC[6.06.06])

14 **(a) Limits on PUD.** Planned unit development can be used to mix land uses, provide
15 broader housing choices, and allow more compact development through specific
16 height, area, yard, size and use requirements that are different in any or all respects
17 from those required by the applicable zoning district, or subdivision design standards
18 different from those prescribed in Chapter 5. Planned unit development is allowed
19 for subdivision within any zoning district or future land use category, but it is subject
20 to the following limitations:

21 **(1) Land uses.** Land uses may vary from the specific uses allowed by the
22 applicable zoning district, but they shall comply with the range of allowed uses
23 within the applicable future land use category.

24 **(2) Density.** The number of dwelling units shall not exceed the density allowed by
25 the applicable future land use category or zoning district.

26 **(3) Other processes.** The PUD process supplements but does not replace other
27 applicable compliance review processes of the LDC, including those for approval
28 of preliminary plats, construction plans, and final plats.

29 **(4) Standards.** The PUD process shall not modify any level of service standards for
30 adequate public facilities or standards for accessibility, life safety, or health.

31 **(b) Application.** An application for PUD approval shall be submitted to the clerk of the
32 Planning Board within the time frame provided in the application. A pre-application
33 meeting with staff is recommended.

34 **(c) Public participation.** Prior to any hearing to consider a PUD, the clerk of the
35 Planning Board shall provide public notice.

36 **(d) Compliance review.** The Planning Board shall conduct a quasi-judicial public
37 hearing as noticed to consider whether conditions warrant the proposed
38 modifications and make recommendations regarding the proposal to the BCC for
39 consideration and action.. [6.06.06]

40 **(e) Criteria for PUD approval.** The applicant has the burden of presenting competent
41 substantial evidence to the board that establishes each of the following conditions
42 for the PUD:

1 **(1) Creative Planning.** Uses and structures are arranged in a manner that
2 demonstrates creative concepts of land use planning throughout the
3 development area. Residential uses include a complementary and sustainable
4 mix of dwelling unit types or mix with non-residential uses.

5 **(2) Natural amenities.** Clustering, setbacks, easements and other methods are
6 utilized to preserve to the greatest extent practicable the natural amenities and
7 characteristics of the land, including open space, topography, natural vegetation,
8 groundwater recharge, waterways, and scenic views. Deficiencies in natural
9 amenities are supplemented through landscaping and other enhancements

10 **(3) Desirable environment.** A more desirable environment in which to live or work
11 is created than would be possible through the strict application of the minimum
12 requirements of the LDC. Common open space area is within reasonable walking
13 distance of all dwelling units in the development.

14 **(4) Mobility.** Internal circulation systems promote both pedestrian and vehicular
15 mobility, especially between residential areas and local public open space,
16 schools, retail sales and services, and employment. Sidewalks are located on at
17 least one side of every street to support safe pedestrian mobility within the
18 development and appropriate access to surrounding uses.

19 **(5) Efficient land use.** An efficient use of land results in smaller networks of streets
20 and utilities. If street rights-of-way are proposed to be less than standard width,
21 easements will provide adequate space to install and maintain utilities.

22 **(6) Compatibility.** The development is compatible with surrounding areas and
23 provides stable conditions and character to maintain long-term compatibility.

24 **Sec. 2-6.9 Statutory development agreements.**

25 At the request of an applicant or the county, a voluntary development agreement may
26 be entered into that would vest certain conditions agreed to by both parties according to
27 the requirements of Florida Statutes. The Planning Board shall conduct the first of two
28 public hearings required by law. The BCC shall conduct the second public hearing, with
29 final adoption of the development agreement requiring a majority vote of the BCC.

30 [4.02.02, 5.12.04]

31

32

33

1 **Article 7 LDC and Comprehensive Plan Amendments**

2 **Sec. 2-7.1 Purpose of article.**

3 This article establishes the review necessary to consider and authorize both map and
4 text amendments to the Land Development Code (LDC) and Comprehensive Plan.
5 These LDC and Comprehensive Plan amendment reviews are defined by the general
6 provisions of Article 1 and the specific provisions of this article. The reviews are
7 predominantly discretionary and provide opportunities to modify county land
8 development goals, objectives, policies, and regulations within the limits prescribed by
9 Florida Statutes. This article includes review for amendment of the LDC zoning map
10 (rezoning), the Comprehensive Plan future land use map (FLUM), and text amendments
11 to the provisions of both the LDC and Comprehensive Plan.

12 **Sec. 2-7.2 LDC zoning map and text amendments.**

13 **(a) General.** All provisions of the LDC are established, modified, or repealed by
14 ordinance of the Board of County Commissioners (BCC). Zoning map and text
15 amendments may be proposed by the county or others according to the ordinance
16 enactment procedures prescribed by Florida Statutes and the provisions of this
17 section. Since any LDC amendment is a change to implementing the land use
18 regulations of the county and can modify the requirements for subsequent
19 authorizations of land uses and development activities, significant opportunities for
20 public participation are provided. These map and text amendment processes are
21 established for the county to authorize appropriate changes to its land development
22 regulations. [2.08.00, 2.08.03]

23 **(b) Zoning map amendment (Rezoning application)**

24 **(1) Application.** An application for a rezoning shall be submitted to the clerk of the
25 Planning Board at least 30 business days prior to the scheduled board meeting.
26 A pre-application meeting of the applicant with the staff for the board is
27 recommended to discuss the process and review county and applicant
28 responsibilities.

29 **(2) Public participation.** The clerk of the Planning Board shall ensure that
30 adequate public notice is consistent with Florida Statutes and the
31 Comprehensive Plan provided.

32 **(3) Compliance review.** The Planning Board shall conduct a quasi-judicial public
33 hearing ~~as noticed~~ to consider the requested rezoning according to the
34 provisions of this article. At the conclusion of the hearing, based on the record of
35 evidence, the Planning Board shall submit a recommendation to the BCC for
36 rezoning approval, denial, or if possible and acceptable to the applicant, approval
37 of a district with less intensive uses than the requested zoning. [2.08.02.C.4]

38 **(4) Approval conditions.** The applicant has the burden of presenting competent
39 substantial evidence to the Planning Board that establishes each of the following
40 conditions: [2.08.02.D.6 & 7]

- 1 a. **Consistent with Comprehensive Plan.** The proposed rezoning is
2 consistent with the goals, objectives, and policies of the Comprehensive Plan
3 and not in conflict with any of its provisions. [2.08.02.D.6.a, and 7]
4 b. **Consistent with LDC.** The proposed rezoning is consistent with the stated
5 purposes and intent of the LDC and not in conflict with any of its provisions.
6 [2.08.02.D.6.b, and 7]
7 c. **Compatibility.** All land uses, development activities, and conditions allowed
8 by the proposed zoning are compatible with the surrounding conforming uses,
9 activities and conditions and able to coexist in relative proximity to them in a
10 stable fashion over time such that no use, activity, or condition negatively
11 impacts another. The appropriateness of the rezoning is not limited to any
12 specific use that may be proposed but is evident for all permitted uses of the
13 requested zoning. This condition shall not apply to compatibility with
14 nonconforming or unapproved uses, activities, or conditions. [2.08.02.D.6.c]
15 d. **Changed conditions.** The area to which the proposed rezoning would apply
16 has changed, or is changing, to such a degree that it is in the public interest
17 to encourage new uses, density, or intensity in the area through rezoning.
18 [2.08.02.D.6.d]
19 e. **Development patterns.** The proposed rezoning would contribute to or result
20 in a logical and orderly development pattern. [2.08.02.D.6.f]
21 f. **Effect on natural environment.** The proposed rezoning would not increase
22 the probability of any significant adverse impacts on the natural environment.
23 [2.08.02.D.6.e]

24 (5) **Board Action.** The reviewing board shall recommend approval of the rezoning
25 request to the BCC, unless the reviewing board determines that maintaining the
26 current zoning designations shall prevent the following:

- 27 a. **Urban sprawl.** The rezoning would not likely create or contribute to an urban
28 sprawl pattern of development more than the current zoning. [2.08.02.D.7.a]
29
30 b. **Isolated district.** The proposed rezoning would not create or contribute to an
31 isolated zoning district that is neither related to the adjacent and nearby
32 zoning districts nor an appropriate transition between them. [2.08.02.D.7.b]
33
34 c. **Intrusion of non-residential uses.** The proposed rezoning would not allow
35 an intrusion of commercial or industrial uses into a platted residential
36 subdivision or other established residential area more than the current zoning.
37 [2.08.02.D.7.c]
38 d. **Nuisance-based impacts.** The land uses, development activities and
39 conditions allowed by the proposed rezoning would not likely adversely
40 impact the character of existing development or quality of life in the general
41 area or neighborhood by creating excessive traffic, noise, lights, vibration,
42 fumes, odors, dust, physical activities, or other detrimental effects or
43 nuisances more than the types of uses, activities and conditions permitted by
44 the current zoning. [2.08.02.D.7.e]
45

1 **(6) Final determination.** The BCC at its scheduled hearing shall adopt, modify, or
2 reject the recommended order of the Planning Board or SRIA or return the
3 rezoning case to the board with instructions for additional facts or clarification.
4 The staff of the recommending board shall inform the board of all formal actions
5 taken by the BCC on the rezoning request. [2.08.02.E.3]

6 **(7) Appeals.** Actions by the BCC adopting, rejecting, or modifying the
7 recommended rezoning of the reviewing board are final. Any party seeking
8 judicial review of the final determination shall do so according to the general
9 provisions of Article 1. Additionally, written notice of the filing of any such petition
10 for judicial review shall be promptly provided by the petitioner through the county
11 to each owner of real property with any portion within a 500-foot radius of the
12 rezoning subject property. [2.08.02.F.1]

13 **(c) LDC Text amendment provisions.**

14 Changes to the text of the LDC set policy and are legislative in nature. The
15 requirements to approve a text amendment are established for the Planning Board
16 to make recommendations to the BCC regarding whether requested changes to LDC
17 text are necessary and appropriate and for the BCC to consider and act on those
18 recommendations. The text amendment process does not amend the content of
19 zoning district maps, technical standards, and other maps or documents adopted by
20 reference within the LDC. [2.08.04]

21 **(1) Application.** Where a text amendment is requested by petition to the Planning
22 Board, application shall be submitted for compliance review to the clerk of the
23 Planning Board at least 30 business days prior to the scheduled board meeting.
24 A pre-application meeting of the petitioner with staff for the board is
25 recommended to discuss the process and review county and petitioner
26 responsibilities.

27 **(2) Public participation.** Prior to any meeting to consider a text amendment, the
28 clerk of the Planning Board shall ensure public notice consistent with Florida
29 Statutes and the Comprehensive Plan.

30 **(3) Compliance review.** The Planning Board shall consider a requested text
31 amendment during the noticed meeting of the board and determine any
32 subsequent action. If the text is to be evaluated as an amending ordinance, the
33 board shall conduct a public hearing. At the conclusion of the hearing the
34 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
35 with modification, or rejection of the amendment.

36 **a. Planning Official's evaluation.** For any amending ordinance, or as may be
37 requested by the Planning Board for any other text amendment proposal, the
38 Planning Official shall review and evaluate the proposal according to the
39 required amendment conditions. The evaluation shall be provided to the
40 Planning Board for consideration with the proposed text amendment.

41 **b. Recommendation to BCC.** For any amending ordinance, the clerk of the
42 Planning Board shall forward the board's recommendation to the BCC for
43 consideration in a public hearing at the next available scheduled meeting of

1 the BCC. The clerk of the Planning Board shall ensure public notice of the
2 BCC hearing consistent with Florida Statutes and the notice required for
3 hearings of the Planning Board.

4 **(4) Final determination.** The BCC shall consider the amending ordinance at a
5 public hearing as noticed and adopt, modify, or reject the recommendation of the
6 Planning Board. At its discretion, the BCC may return the amending ordinance to
7 the board with instructions for modifications. If the amending ordinance is
8 returned for modifications, the Planning Board shall hold another public hearing
9 for the purpose of considering any revisions. The hearing shall be at a
10 scheduled meeting of the Planning Board, with public notice the same as that
11 provided for the initial hearing. Within the time requested by the BCC, the
12 Planning Board shall resubmit the amending ordinance with any revisions it may
13 propose for BCC consideration. The clerk of the Planning Board shall again
14 ensure proper public notice of the hearing at the next available scheduled
15 meeting of the BCC. In the hearing, the BCC shall again consider the amending
16 ordinance for adoption, modification, or rejection.

17 **(c) Consistency with Comprehensive Plan.** A challenge by a substantially affected
18 person of any land development regulation within the LDC on the basis that it is
19 inconsistent with the Comprehensive Plan shall be made according to the
20 administrative review provisions of Florida Statutes.

21 **Sec. 2-7.3 Comprehensive Plan future land use and text amendments.**

22 **(a) General.** All provisions of the Comprehensive Plan are established, modified, or
23 repealed by ordinance of the Board of County Commissioners (BCC). Future land
24 use map (FLUM) and text amendments may be proposed by the county or others
25 according to ordinance enactment and plan amendment procedures prescribed by
26 Florida Statutes and the provisions of this section. Since any Comprehensive Plan
27 amendment is a change in the foundational growth management plan guiding county
28 economic growth, land development, resource protection, and the provision of public
29 services and facilities, significant opportunities for public participation are provided.
30 **[2.09.00]**

31 **(b) Applicant expenses and responsibilities.** Any person requesting consideration of
32 an amendment to the Comprehensive Plan shall be responsible for all costs and
33 supporting information associated with preparation of the request -that may be
34 required by the county or the state. **[2.09.05]**

35 **(c) State review.** A Comprehensive Plan amendment adopted by the BCC shall follow
36 the applicable state statute. An amendment qualifies as -a small scale if it is less
37 than ten acres in size or a large scale if it is greater than ten acres in size.

38 **(d) Amendment requirements.** Amendments to both the text and the future land use
39 map of the Comprehensive Plan are legislative in nature and set policy. The
40 Planning Board makes final recommendations to the BCC regarding amendments to
41 the Comprehensive Plan for consideration and approval.

42 **(5) Application.** An application for a Comprehensive Plan amendment approval
43 shall be submitted for compliance review to the clerk of the Planning Board at

1 least 30 business days prior to the scheduled board meeting. A pre-application
2 meeting of the applicant with staff for the board is recommended to discuss the
3 process and review county and applicant responsibilities.

4 **(6) Public participation.** Prior to any hearing to consider a **e**Comprehensive **p**Plan
5 amendment, the clerk of the Planning Board shall ensure public notice consistent
6 with Florida Statutes.

7 **(7) Compliance review.** The Planning Board shall consider a requested
8 Comprehensive Plan amendment during the noticed meeting of the board and
9 determine any subsequent actions. At the conclusion of the hearing, the
10 Planning Board shall make a recommendation to the BCC for adoption, adoption
11 with modification, or rejection.

12 **a. General amendment conditions.** All amendments to the Comprehensive
13 Plan shall demonstrate the following general conditions, providing when an
14 amendment is imposed by a state or federal requirement, it need only
15 demonstrate the conditions to the greatest extent practicable under that
16 requirement:

17 **1. Need and benefit.** There is an identified land use need particular to the
18 scope and function of the Comprehensive Plan for which an amendment is
19 clearly warranted.

20 **2. Professional practices.** The proposed amendment applies
21 contemporary planning principles, engineering standards, and other
22 professional practices to provide an effective and efficient remedy for the
23 identified land use problem or need.

24 **b. FLUM amendment conditions.** In addition to the general amendment
25 conditions, a future land use map amendment shall be based upon analyses
26 by Florida Statute.

27 **c. Comprehensive Plan text amendment.** A Comprehensive Plan text
28 amendment shall demonstrate any applicable governing regulations.

29 **d. Planning Official's report.** For any amending ordinance, or as may be
30 requested by the Planning Board for any other amendment proposal, the
31 Planning Official shall review and evaluate the proposal according to the
32 required amendment conditions. The evaluation shall be provided to the
33 Planning Board for consideration with the proposed text amendment.

34 **e. Recommendation to BCC.** For any amending ordinance, the clerk of the
35 Planning Board shall forward the board's recommendation to the BCC for
36 consideration in a public hearing at the next available scheduled meeting of
37 the BCC. The clerk of the Planning Board shall ensure public notice of all
38 BCC hearings regarding the amendment consistent with Florida Statutes and
39 the notice required for hearings of the Planning Board.

40
41 **(4) Final determination.** The procedure for obtaining a final determination for a
42 proposed Comprehensive Plan amendment shall be as follows:

- 1 **a. Initial action of BCC.** The BCC shall consider the amending ordinance at its
2 noticed public hearing and accept, modify, or reject the recommendation of
3 the Planning Board. The initial hearing of the BCC shall be for transmittal if
4 the amendment is following the expedited state review or state coordinated
5 review process. If the amendment qualifies as small in scale, the initial
6 hearing shall be the adoption hearing for the ordinance.
- 7 **b. Initial transmittal.** As approved by the BCC at the initial public hearing, and
8 as prescribed for the expedited state review and state coordinated review
9 processes, the county shall transmit the amendment and appropriate
10 supporting data and analysis to state and other reviewing agencies for
11 comment.
- 12 **c. Response of BCC.** After county receipt of reviewing agency comments, the
13 BCC shall hold a second public hearing within the time prescribed by statute
14 to consider adoption of the ordinance. At the hearing, the BCC shall adopt,
15 modify, or reject the amending ordinance. Failure to hold a second hearing in
16 a timely manner shall be considered withdrawal of the amendment.
- 17 **d. Adoption transmittal.** As approved by the BCC at a public hearing, and as
18 prescribed by the applicable state review process, the county shall transmit
19 the adopted amendment and appropriate supporting data and analysis to
20 state and any other reviewing agencies that provided timely comment. An
21 adopted amendment becomes effective 31 days after adoption unless
22 subjected to a timely challenge; it does not become effective until the state
23 issues a final order determining compliance.
- 24 **e. Landowner dispute resolution.** If the county denies a landowner's request
25 for an amendment to the Comprehensive Plan that is applicable to the
26 owner's land, the county must afford the owner an opportunity for informal
27 mediation or other alternative dispute resolution. The costs of the mediation
28 or other alternative dispute resolution shall be borne equally by the county
29 and the owner. If the owner requests mediation, the time for bringing a
30 judicial action is tolled until the completion of the mediation or 120 days,
31 whichever is earlier.

1 **Article 8 Manual and Procedures**

2 **Sec. 2-8.1 Purpose of article.**

3 The County has established and adopted procedures, standards and guidelines to work
4 in conjunction with the LDC in the form of supplemental manuals. The intent and
5 purpose of this section is to provide procedures and general standards for use in the
6 development and management of the supplemental manuals.

7 The supplemental manuals, which are to be used during review of development activity
8 and other applications requiring County review, will provide detailed site-specific
9 regulations and technical requirements. All applications for development approval shall
10 comply with these applicable procedures standards provided in the supplemental
11 manuals as related to the LDC and as may be required by other federal, state, or local
12 regulations.

13 Decisions regarding the application of design and environmental standards are the
14 responsibility of the Engineering or Environmental Official (or his or her designee).

15
16 **Sec. 2-8.2 General.**

17 The LDC support documents will be known collectively as the Land Development
18 Manual (LDM) and will be located in the LDC as an attachment. The County has
19 established the following documents to be used to supplement the LDC and be provided
20 as part of the LDM:

- 21 Engineering Design Standards Manual (EDSM)
- 22 Environmental Standards Manual (ESM)

23
24
25
26 These manuals outline the steps and processes or standards to be followed at each
27 stage of the development process. By providing submittal checklists, standard notes,
28 sheet layout specifications, and technical specifications, these manuals are intended to
29 be used in conjunction with the LDC and cover detailed aspects of development
30 planning, design, and construction.

31
32 **Sec. 2-8.3 Criteria for Inclusion.**

33 These manuals are not intended to replace the LDC but are meant to allow for flexibility,
34 streamlining, and efficiency within the site plan review process. The information
35 provided in the manuals, including checklists, applications, technical guidelines, and
36 standards, must meet one of the following criteria to qualify for inclusion:

- 37
- 38 a. Provides specific and general design requirements
- 39 b. Provides process configurations, general equipment/material
- 40 requirements, or subjective design choices
- 41 c. Provides design criteria that, in all cases, meet or exceed
- 42 mandatory regulatory or industry design requirements

- 1
2 d. Provides background information related to a design requirement or
3 guideline
4 e. Provides a sample calculation
5 f. Details specific information (application form title, application
6 submittal timelines, documentation requirements, etc.) regarding
7 development applications
8

9 **Sec. 2-8.4 Engineering Design Standards Manual.**

10 The Engineering Design Standards Manual (EDSM) establishes the standards meant to
11 provide minimum technical guidelines and standards for the design and construction of
12 any facilities located within Escambia County. The County Engineer shall be
13 responsible for the administration, oversight, and development of the manual. In
14 addition to the County Engineer, an Engineering Professional Advisory Committee shall
15 review and revise the manual. Details regarding the committee's structure and
16 responsibilities have been provided in the EDSM.
17

18 **Sec. 2-8.5 Environmental Standards Manual.**

19 The Environmental Standards Manual (ESM) establishes the standards meant to
20 provide minimum environmental guidelines and standards for the design and
21 construction of any facilities located within Escambia County. The Environmental
22 Director shall be responsible for the administration, oversight, and development of the
23 manual. In addition to the Director, an Environmental Professional Advisory Committee
24 shall review and revise the manual. Details regarding the committee's structure and
25 responsibilities have been provided in the ESM.
26

27 **Sec. 2-8.6 Amendments or changes ESM and EDSM.**

28 On occasion, it becomes necessary to clarify or correct specific terms, requirements,
29 and standards within the ESM and EDSM. When it is determined that the changes are
30 only minor in nature, the following minor corrections and changes shall be authorized by
31 the County Engineer or Environmental Director or his or her designee. The minor
32 changes are as follows:

- 33
 - Change to clarify definitions and concepts
 - 34 • Modifications to technical specifications and engineering standards or
35 requirements based on local, state, and federal guidelines or prevailing
36 professional standards
 - 37 • Endorsement of new technology and techniques
38

39 The manuals will be reviewed annually and updated accordingly based on new
40 standards, technology, or procedural changes by the PAC. Furthermore, additions,
41 deletions, or revisions to Design Standards may be made by the County
42 Engineer/Environmental Manager or designee as necessary when required for
43 compliance with mandatory regional, state, or federal regulations. By meeting the
44 above criteria in section 2-8.3, the information, requirements, and guidelines provided in
45 the manual do not require formal board action (including but not limited to the BCC,
46 BOA, or Planning Board).



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board Workshop

2. B.

Meeting Date: 07/22/2014

Agenda Item:

Land Development Code Review Chapter 3 Continued.

Attachments

Ch 3 Zoning Regulations Draft

Working Copy

Chapter 3 ZONING REGULATIONS

Article 1 General Provisions

- Sec. 3-1.1 Purpose of chapter.
- Sec. 3-1.2 Purpose of article.
- Sec. 3-1.3 Zoning and future land use.
- Sec. 3-1.4 Allowed uses.
- Sec. 3-1.5 Site and building requirements.
- Sec. 3-1.6 Compatibility.

Article 2 Mainland Districts

- Sec. 3-2.1 Purpose of article.
- Sec. 3-2.2 Agricultural (Agr).
- Sec. 3-2.3 Rural Residential (RR).
- Sec. 3-2.4 Rural Mixed Use (RMU).
- Sec. 3-2.5 Low Density Residential (LDR).
- Sec. 3-2.6 Low Density Mixed Use (LDMU).
- Sec. 3-2.7 Medium Density Residential (MDR).
- Sec. 3-2.8 High Density Residential (HDR).
- Sec. 3-2.9 High Density Mixed Use (HDMU).
- Sec. 3-2.10 Commercial (Com).
- Sec. 3-2.11 Heavy Commercial and Light Industrial (HC/LI).
- Sec. 3-2.12 Industrial (Ind).
- Sec. 3-2.13 Recreation (Rec).
- Sec. 3-2.14 Conservation (Con).

Article 3 Overlay Districts

- Sec. 3-3.1 Purpose of article.
- Sec. 3-3.2 Community redevelopment.
- Sec. 3-3.3 Barrancas Overlay (Barr-OL).
- Sec. 3-3.4 Brownsville Overlay (Brn-OL).
- Sec. 3-3.5 Englewood Overlay (Eng-OL).
- Sec. 3-3.6 Palafox Overlay (Pfox-OL).
- Sec. 3-3.7 Scenic Highway Overlay (SH-OL).
- Sec. 3-3.8 Warrington Overlay (Warr-OL).

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Article 4 Perdido Key Districts

- Sec. 3-4.1 Low Density Residential (R1-PK).
- Sec. 3-4.2 Medium Density Residential (R-2PK).
- Sec. 3-4.3 High Density Residential (R-3PK).
- Sec. 3-4.4 Commercial (C-1PK).
- Sec. 3-4.5 Commercial Core (CCPK).
- Sec. 3-4.6 Commercial Gateway (CGPK).
- Sec. 3-4.7 Planned Resort (PRPK).
- Sec. 3-4.8 Outdoor Recreational (S-1PK).

Article 5 Pensacola Beach Districts

- Sec. 3-5.1 Building Height.
- Sec. 3-5.2 Low Density Residential (LDR-PB).
- Sec. 3-5.3 Medium Density Residential (MDR-PB).
- Sec. 3-5.4 Medium Density Residential and Commercial (MDR/C-PB).
- Sec. 3-5.5 High Density Residential (HDR-PB).
- Sec. 3-5.6 High Density Residential and Commercial (HDR/C-PB).
- Sec. 3-5.7 General Retail (GR-PB).
- Sec. 3-5.8 Recreation Retail (Rec/R-PB).
- Sec. 3-5.9 Commercial Hotel (CH-PB).
- Sec. 3-5.10 Preservation (PR-PB).
- Sec. 3-5.11 Conservation and Recreation (Con/Rec-PB)
- Sec. 3-5.12 Government and Civic (G/C-PB).

1 **Article 1 General Provisions**

2 **Sec. 3-1.1 Purpose of chapter.**

3 This chapter establishes county zoning districts necessary to implement the distribution
4 and extent of land uses prescribed by the future land use categories and related policies
5 of the Comprehensive Plan. Regulations for each district specify the allowable uses of
6 land and structures, the density and intensity of those uses, and other standards that
7 define what portion of any parcel a structure or use may occupy. Special purpose
8 overlay zoning districts further specify allowable uses and other requirements in areas
9 of unique character or condition. Compliance with the provisions of this chapter is
10 evaluated by the administrative authorities described in Chapter 1 according to the
11 compliance review processes prescribed in Chapter 2. More specifically, this chapter is
12 intended to: [FLU 1.1.2, FLU 1.1.4][6.00.00]

- 13 (1) Provide for the orderly and efficient distribution of agricultural, residential,
14 commercial, mixed-use, industrial, recreational, conservation, and other land
15 uses to meet the physical, social, civic, security, economic, and other needs of
16 present and future populations.
- 17 (2) Promote sustainable land development that minimizes sprawl, avoids the under
18 utilization of land capable of sustaining higher densities or intensities, and
19 maximizes the use of public investments in facilities and services through urban
20 infill and redevelopment
- 21 (3) Promote the economic stability of existing land uses that are consistent with the
22 Comprehensive Plan, protecting them from intrusions by incompatible land uses
23 and ensuring that new development is compatible in character and size.
- 24 (4) Preserve the character and quality of residential and rural neighborhoods.
- 25 (5) Promote both mixed-use buildings and mixed-use neighborhoods, where
26 residential and business uses may overlap to the enhancement and benefit of
27 both.
- 28 (6) Balance individual property rights with the interests of the community to create a
29 healthy, safe and orderly living environment. [4.01.01.J]

30 **Sec. 3-1.2 Purpose of article.**

31 This article establishes general provisions that apply to all zoning district regulations
32 within the chapter. The regulations applicable to specific zoning districts are prescribed
33 in the remaining articles of this chapter.

34 **Sec. 3-1.3 Zoning and future land use.**

35 (a) **General.** Together the future land use (FLU) categories of the Comprehensive Plan
36 and zoning districts of the Land Development Code (LDC) form the primary location-
37 specific land use regulations of the county. Within each FLU, one or more zoning
38 districts implement and further refine the distribution and extent of allowable land
39 uses. The identification or classification of a use or activity as allowed by the

1 applicable future land use category and zoning district does not constitute the
2 required approval to carry out that use or activity. Consistency with FLU and zoning
3 only indicates that, upon appropriate review and approval for compliance with the
4 provisions of the LDC, the use or activity may be established, reestablished or
5 expanded.

6 **(b) Official maps.** The areas of the county subject to each future land use category
7 established within the Comprehensive Plan are recorded on the *Official Future Land*
8 *Use Map of Escambia County*. Similarly, the areas of each zoning district
9 established in this chapter are recorded on the *Official Zoning Map of Escambia*
10 *County*. The zoning map is adopted and incorporated here by reference and
11 declared to be part of the LDC. The information shown on the map has the same
12 force and effect as the text of the LDC. Both official maps are represented and
13 maintained digitally in the county's "Geographic Information System" (GIS) and shall
14 be accessible to the public via the county's website, www.myescambia.com.

15 [\[6.02.00\]](#)

16 **(c) Boundary determinations.** If uncertainty exists regarding the boundary of any FLU
17 or zoning district, the boundary shall be determined by the Planning Official
18 according to the following provisions: [\[2.07.02.A.2, 6.02.01\]](#)

19 **(1) Natural features.** If the ordinance establishing the boundary reflects a clear
20 intent to follow a particular natural feature such as a ridgeline, stream, or
21 shoreline, the boundary shall be understood to follow the feature as it actually
22 exists. If the feature should move as a result of natural processes such as
23 erosion or accretion, the boundary shall be understood as moving with that
24 feature.

25 **(2) Manmade features.** If the boundary is shown on the official map as
26 approximately following a right-of-way, parcel line, section line, or other readily
27 identified manmade feature, it shall be understood to coincide with that feature.

28 **(3) Parallel or extension.** If the boundary is shown on the official map as
29 approximately parallel to or an apparent extension of a natural or manmade
30 feature, it shall be understood respectively as being actually parallel to or an
31 extension of that feature.

32 **(4) Metes and bounds.** If a boundary splits an existing lot or parcel, any metes and
33 bounds description used for the establishment of the boundary shall be used to
34 determine its location.

35 **(5) Scaling.** If the specific location of the boundary cannot be determined from any
36 of the preceding provisions, it shall be determined by scaling the mapped
37 boundary's distance from other features shown on the map.

38 **(d) Split parcels.** The adopted zoning districts and FLU are parcel-based, but their
39 boundaries are not prohibited from dividing a parcel. For parcels split by these
40 boundaries, including overlay districts, only that portion of a parcel within a district or
41 category is subject to its requirements. However, where a zoning district boundary
42 divides a parcel that is one acre or less in size and not part of a platted residential
43 subdivision, the zoning district of the larger portion may be applied to the entire

1 parcel if requested by the parcel owner and consistent with the applicable FLU
2 category, and if the parcel complies with the location criteria of the requested zoning.
3 Rezoning according to the zoning map amendment process of Chapter 2 is
4 otherwise required to apply a single district to a split-zoned parcel. [6.02.01.D,
5 11.02,01.B.4]

6 **(e) Land with no designations.** No zoning is adopted for military bases, state college
7 and university campuses, and other such lands for which the regulations of the LDC
8 are not intended. Public rights-of-way have no designated zoning or future land use.
9 Where officially vacated right-of-way is added to abutting parcels, the future land use
10 categories and zoning districts applicable to the abutting parcels shall apply to their
11 additions at the time of the vacation approval, with no further action required by the
12 county.

13 Land that otherwise has no adopted zoning, and is not within an area determined by
14 the county to be excluded from zoning, shall have zoning established by the zoning
15 map amendment process in Chapter 2. If the land also has no approved future land
16 use category, one shall be adopted according to the process prescribed for such
17 amendments prior to, or concurrently with, BCC approval of the zoning. [6.01.02,
18 6.01.03, 6.02.01.C]

19 **(f) Map amendment.** Changes to the boundaries of adopted FLU categories or zoning
20 districts, whether owner initiated or county initiated, are amendments to the official
21 county maps and are authorized only through the processes prescribed in Chapter 2
22 for such amendments.

23 **(g) Future land use designations.** The FLU categories established within the
24 Comprehensive Plan and referenced in the LDC are designated by the following
25 abbreviations and names:

26	AG	Agriculture
27	RC	Rural Community
28	MU-S	Mixed Use Suburban
29	MU-U	Mixed Use Urban
30	C	Commercial
31	I	Industrial
32	P	Public
33	REC	Recreation
34	CON	Conservation
35	MU-PK	Mixed Use Perdido Key
36	MU-PB	Mixed Use Pensacola Beach

37 **(h) Zoning district designations.** The zoning districts established within this chapter
38 are designated by the following groups, abbreviations and names:

39 **(1) Residential.** The purposes of the following districts are primary residential:

40	RR	Rural Residential
41	LDR	Low Density Residential
42	MDR	Medium Density Residential
43	HDR	High Density Residential

- 1 LDR-PK Low Density Residential - Perdido Key
- 2 MDR-PK Medium Density Residential - Perdido Key
- 3 HDR-PK High Density Residential - Perdido Key
- 4 LDR-PB Low Density Residential - Pensacola Beach
- 5 MDR-PB Medium Density Residential - Pensacola Beach
- 6 HDR-PB High Density Residential - Pensacola Beach

7 **(2) Non-residential.** The purposes of the following districts are primarily mixed use
 8 and non-residential.

9 **a. Mixed use districts are:**

- 10 RMU Rural Mixed Use
- 11 LDMU Low Density Mixed Use
- 12 HDMU High Density Mixed Use
- 13 MDR/C-PB Medium Density Residential & Commercial - Pensacola
14 Beach
- 15 HDR/C-PB High Density Residential & Commercial - Pensacola Beach

16 **b. Commercial and industrial districts are:**

- 17 Com Commercial
- 18 Com-PK Commercial - Perdido Key
- 19 CC-PK Commercial Core - Perdido Key
- 20 CG-PK Commercial Gateway - Perdido Key
- 21 GR-PB General Retail - Pensacola Beach
- 22 Rec/R-PB Recreation Retail - Pensacola Beach
- 23 CH-PB Commercial Hotel - Pensacola Beach
- 24 HC/LI Heavy Commercial and Light Industrial
- 25 Ind Industrial

26 **c. Other non-residential districts are:**

- 27 Agr Agricultural
- 28 Rec Recreation
- 29 Con Conservation
- 30 PR-PK Planned Resort - Perdido Key
- 31 Rec-PK Outdoor Recreational - Perdido Key
- 32 PR-PB Preservation - Pensacola Beach
- 33 Con/Rec-PB Conservation and Recreation - Pensacola Beach
- 34 G/C-PB Government and Civic - Pensacola Beach

35 **(i) Consistency.** The zoning of a parcel shall be consistent with the applicable future
 36 land use category by either directly implementing the provisions of the FLU or
 37 otherwise not being in conflict with its intent, allowable uses, density or intensity. All
 38 Perdido Key districts (Article 4) are consistent with the MU-PK category and all
 39 Pensacola Beach districts (Article 5) are consistent with the MU-PB category.
 40 Mainland districts (Article 2) are consistent with FLU categories as summarized in
 41 the following table:
 42

ZONING DISTRICT Specific distribution and extent of uses	FUTURE LAND USE (FLU) CATEGORY General distribution and extent of uses								
	AG max 1du/20ac max 0.25 FAR	RC max 2du/ac max 0.25 FAR	MU-S min 2du/ac max 10du/ac max 1.0 FAR	MU-U min 3.5du/ac max 25du/ac max 2.0 FAR	C Limited res max 25du/ac max 1.0 FAR	I No res allowed max 1.0 FAR	P No res allowed	REC No res allowed max 0.5 FAR	CON No res allowed
Agr max 1du/20ac	Yes	Yes	No, min density	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
RR max 1du/4ac	No, max density	Yes	No, min density	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
RMU max 2du/ac	No, max density	Yes	No, min density	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
LDR max 4du/ac	No, max density	No, max density	Yes	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
LDMU max 7du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
MDR max 10du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDR max 20du/ac	No, max density	No, max density	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU FLU-limited max 25du/ac	No, max density	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com FLU-limited max 25du/ac	No, max density	No, max density	No, max density	Yes	Yes	No, res use	No, uses	No, uses	No, uses
HC/LI FLU-restricted max 25du/ac	No, uses	No, uses	No, uses	Yes	Yes	Yes	No, uses	No, uses	No, uses
Ind No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	No, uses	No, uses	No, uses
Rec No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	No, uses
Con No res allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

1 For every combination of zoning district and FLU category represented by the table,
2 "Yes" indicates the zoning is consistent with the FLU. "No" indicates zoning
3 inconsistency with the FLU, primarily for the reason noted.

4

5

1 **Sec. 3-1.4 Allowed uses.**

2 **(a) General.** The uses of land and structures are limited to those identified within the
3 applicable zoning district as “permitted uses” or “conditional uses,” and to their valid
4 accessory uses, unless other uses are secured through applicable vesting and
5 nonconformance provisions of the LDC. Uses not identified or secured are
6 prohibited, and the conducting of any prohibited use is a violation of the LDC
7 punishable as provided by law and ordinance. The burden is on the landowner, not
8 the county, to show that a use is allowed. Even when allowed, uses are subject to
9 the general development standards of Chapter 5 and the use and location
10 regulations established in Chapter 4. [6.04.01]

11 **(b) Conditional uses.** A conditional use within a zoning district indicates that the use
12 may be appropriate for some locations in that district. The appropriateness of the
13 use is determined through discretionary county review of an applicant’s
14 demonstration that specific conditions will assure compatibility with surrounding
15 uses. Conditions applicable to all conditional uses are established in in Chapter 2.
16 Additional conditions applicable to a specific use may be established by the LDC
17 where the conditional use is established.

18 **(c) Accessory uses and structures.** Uses and structures accessory to permitted uses
19 and approved conditional uses are allowed as prescribed in Chapter 4 unless
20 otherwise prohibited by the applicable zoning district. Where more than one zoning
21 district applies to a parcel an accessory use or structure may not be established in
22 one zoning district to serve a primary use in the other district if the principal use is
23 not allowed in the zoning district in which the accessory use is located.

24 **(d) Single-family dwellings.** A single-family dwelling as the principal use for an
25 existing lot of record is a conforming use regardless of the zoning district or future
26 land use category. A building permit may be issued for such a dwelling on any
27 nonconforming lot of record if the dwelling complies with all other applicable
28 regulations. [6.04.08]

29 **(e) Mix of uses.** The identification of multiple permitted or conditionally permitted uses
30 within a zoning district allows any mix of those uses within an individual
31 development, parcel, or building, regardless of any designation or other
32 characterization of the district as “mixed use” , unless clearly indicated otherwise in
33 the LDC. A mix of uses generally may not modify the development standards and
34 regulations applicable to any individual use within the mix.

35 **(f) Classifying uses.** Classifying a particular land use is the discretionary process of
36 determining whether the use is one already identified in the LDC as allowed by right
37 (permitted use) or by special approval (conditional use).

38 **(1) Information.** The Planning Official, or Board of Adjustment (BOA) shall obtain
39 the information necessary to accurately classify a use. At a minimum, the
40 applicant shall describe in writing the nature of the use and the county shall
41 utilize public records, site investigations and other reliable sources of information
42 including the *Land-Based Classification Standards* of the American Planning

1 Association or the *North American Industry Classification System* (NAICS) of the
2 U.S. Department of Commerce.

3 **(2) Rules for classification.** Classifying a use is not specific to any individual site,
4 project or applicant, but shall be appropriate and valid for all occasions of the
5 use. Use classification shall be guided by Chapter 1 provisions for interpreting
6 the LDC and the following rules:

- 7 a. If a use is defined in the LDC, that definition shall be applied to the
8 classification.
- 9 b. The reviewing authority shall not read an implied prohibition of a particular
10 use into a classification.
- 11 c. Classification is limited to giving meaning to the use classifications already
12 allowed within the applicable zoning district. No policy determinations shall
13 be made on what types of uses are appropriate within the district.
- 14 d. When the use regulations are ambiguous, the purpose and intent of the
15 zoning district and the nature of the uses allowed within it shall be considered.
- 16 e. Classification is not based on the proximity of the proposed use to other uses.
- 17 f. The use or activity determines the classification, not property ownership,
18 persons carrying out the use or activity, or other illegitimate reasons.
- 19 g. Generally, the function rather than the form of a structure is relevant to its
20 classification.

21 **(3) Determinations.** All classifications determined by the Planning Official shall be
22 recorded to ensure consistency with the future classification. A use not
23 determined to be one specifically identified in the LDC as permitted or
24 conditionally permitted may be referred to the Planning Board for determination.

25 **(g) Temporary uses and structures.** Temporary uses and structures are allowed as
26 prescribed by the supplemental use regulations of Chapter 4 unless otherwise
27 modified or prohibited by the applicable zoning district.

28 **(h) Outdoor storage.** Outdoor storage is allowed as prescribed by the supplemental
29 use regulations of Chapter 4 unless modified or prohibited by the applicable zoning
30 district.

31 **(i) Subdivision.** The subdivision of land to accommodate the permitted uses or
32 approved conditional uses of the applicable zoning district is allowed as prescribed
33 by the standards of Chapter 5 unless prohibited by the district.

34 **Sec. 3-1.5 Site and building requirements.**

35 **(a) General.** Each zoning district establishes site and building requirements that define
36 the physical limits of development within district parcels. Additional limits may be
37 imposed by the general development standards of Chapter 5 and the use and
38 location regulations established in Chapter 4.

1 **(b) Modifications.** Variances to the strict application of site and building requirements
2 may only be granted according to the applicable variance criteria and compliance
3 review prescribed in Chapter 2 if the variances maintain the stated purposes of the
4 applicable zoning district and are not otherwise excluded by provisions of the LDC.

5 **(c) Street frontage.** For the application of site and building requirements and other
6 LDC provisions to any lot with no street frontage the Planning Official shall
7 determine a front lot line in consideration of lot orientation, access, and other
8 relevant conditions. The Planning Official shall determine the appropriate rear lot
9 line for any lot with multiple street frontages.

10 **(d) Density.** The number of dwelling or lodging units allowed within a parcel is
11 determined by the product of the total development parcel area and the maximum
12 density allowed by the applicable zoning district. When the calculated number of
13 allowable units for a parcel results in a fraction greater than or equal to 0.5 units,
14 rounding to the next whole number is permitted to allow a maximum of one
15 additional unit. [2.10.01.F]

16 **(e) Lot width and area.** All new lots shall provide the minimum frontage (typically width
17 at right-of-way) and area required by the applicable zoning. Parcels created for
18 public utilities or preserved for recreation, conservation or open space only need
19 frontage sufficient for the limited use. Any lot of record that contains less width or
20 area than required by the applicable zoning district may be used for any use allowed
21 within that district if the use complies with all other applicable regulations, including
22 buffering and use-specific minimum lot area. [2.10.01.D, 6.04.08]

23 **(f) Lot coverage.** The maximum amount of impervious and semi-impervious coverage
24 allowed for any lot is established by the minimum percent pervious lot coverage
25 required by the applicable zoning district. The amount allowed remains subject to
26 other limitations of the LDC and any approved stormwater management plan for the
27 lot.

28 **(g) Setbacks and yards.** The minimum setbacks and yards for structures are those
29 required by the applicable zoning district or as otherwise may be stipulated in Santa
30 Rosa Island Authority (SRIA) lease agreements for lands on Pensacola Beach.

31 **(1) Nonconformance.** For a structure that is nonconforming with regard to any
32 zoning required setback, a structural alteration, enlargement or extension to it
33 that creates no greater encroachment by distance into the substandard setback
34 is not considered an increase in nonconformance and does not require a
35 variance.

36 **(2) Accessory structures.** Accessory structures shall be limited to side and rear
37 yards except where specifically allowed as encroachments. They shall be no
38 closer than five feet to any rear or interior side lot line, and any accessory
39 dwelling shall be limited to the setbacks required for the principal dwelling.
40 [2.10.07.A]

41 **(3) Distance between dwellings.** Where the applicable zoning district allows more
42 than one dwelling on a single lot, the minimum horizontal distance between such
43 dwellings shall not be less than twice the side yard distance required by the

1 district, and the minimum distance between any structures shall not be less than
2 the minimum required by the Florida Building Code. [2.10.01.C, 2.10.07.E]

3 **(4) Encroachments by building features.** Every part of a required yard shall be
4 open from its lowest point to the sky, unobstructed except for the ordinary
5 projection of sills, belt courses, cornices, buttresses, awnings, eaves, and similar
6 building features. No such projection shall extend more than 24 inches into any
7 yard, except roof overhangs, awnings, outside stairways and balconies which
8 may extend up to 48 inches into any yard provided the yard is otherwise at least
9 ten feet deep. [2.10.01.A & B]

10 **(5) Encroachment of porch or terrace.** An open, unenclosed and uncovered
11 paved terrace or a covered porch may extend into the required front yard for a
12 distance of not more than ten feet. [2.10.03.C]

13 **(h) Structure heights.** The maximum structure heights allowed by the applicable
14 zoning district are modified by the following:

15 **(1) Agricultural structures.** Structures such as cotton gins, granaries, silos, and
16 windmills associated with permitted agricultural uses may exceed the height
17 limits prescribed by zoning if they are not in conflict with any height regulations
18 established for airports or airfields. [2.10.02.A]

19 **(2) Rooftop structures.** The structure height limits prescribed by zoning do not
20 apply to belfries, chimneys, church spires, cooling towers, elevator bulkheads,
21 flag poles, television reception antennae, roof-mounted tanks, mechanical
22 equipment rooms, or similar rooftop structures that comply with all of the
23 following conditions:

- 24 a. They do not separately or in combination with other rooftop structures exceed
25 ten percent of the horizontal roof area.
- 26 b. They do not exceed applicable airport or airfield height restrictions.
- 27 c. They do not exceed otherwise applicable height limitations by more than 15
28 feet or 10 percent of actual building height, whichever is greater.

29 **Sec. 3-1.6 Compatibility.**

30 **(a) General.** Zoning districts establish and maintain the necessary balance between
31 the needs and interests of different land uses, allowing neighboring uses to coexist
32 successfully in a stable fashion over time, protecting the investments in each.
33 Although zoning generally separates incompatible development, inclusion as a
34 permitted use within a district does not alone ensure compatibility with other district
35 uses.

36 **(b) Location criteria.** Location criteria are established within some zoning districts to
37 promote compatibility among uses, especially new non-residential uses in relation to
38 existing residential uses. Most criteria are designed to create smooth transitions of
39 use intensity, from large-scale concentrations of general commercial uses near
40 major street intersections to small-scale dispersed neighborhood commercial uses in
41 proximity to residential areas. Such transitions prevent the adverse impacts of

1 continuous strip commercial development along major streets and avoid negative or
2 blighting influences of some commercial uses on adjacent residential
3 neighborhoods.

4 **(1) Intersection distance.** Any distance from a street intersection that is required
5 by location criteria shall be measured along the street right-of-way that forms the
6 frontage of the subject parcel to the nearest point of intersection with the other
7 street right-of-way. A proposed use or rezoning of a parcel will comply with the
8 required distance where at least 75 percent of the parcel frontage is within the
9 required distance. [7.20.03.A]

10 **(2) Local streets as collectors.** For the purposes of location criteria, and only on a
11 case-by-case basis, certain local streets not classified by the Florida Department
12 of Transportation as collector streets may be designated by the County Engineer
13 as collectors if all of the following minimum conditions exist:

- 14 a. Twenty-two foot width of pavement (two lanes).
- 15 b. Six foot shoulders on each side when no curb is present.
- 16 c. Signalized intersection on or at the termini of the segment designated for
17 traffic concurrency.
- 18 d. Connection to a collector or arterial street.
- 19 e. Average Annual Daily Traffic at least 1500 vehicles.

20 **(c) Other measures.** In addition to the location criteria of the zoning districts,
21 landscaping, buffering, and screening may be required to protect lower intensity
22 uses from more intensive uses, such as residential from commercial or commercial
23 from industrial. Buffers may also be required to provide protection to natural
24 resources from intrusive activities and negative impacts of development such as
25 trespass, pets, vehicles, noise, lights, and stormwater. [FLU 1.1.9] [CON 1.3.8]

26

1 **Article 2 Mainland Districts**

2 **Sec. 3-2.1 Purpose of article.**

3 This article establishes the zoning districts that apply to all areas of the county under the
4 jurisdiction of the BCC, except Perdido Key and Santa Rosa Island. Each district
5 establishes its own permitted land uses, conditional uses, basic site and building
6 requirements, and other provisions consistent with the stated purposes of the district.
7 District provisions are subject to all other applicable provisions of the LDC and may be
8 modified by the requirements of overlay districts as prescribed in Article 3.

9 **Sec. 3-2.2 Agricultural district (Agr).** [VAG-1 (100%)]

10 **(a) Purpose.** The Agricultural (Agr) district establishes appropriate areas and land use
11 regulations for the routine agricultural production of plants and animals, and such
12 related uses as silviculture and aquaculture. The primary intent of the district is to
13 avoid the loss of prime farmland to other uses, its division into smaller parcels of
14 multiple owners, and other obstacles to maintaining or assembling sufficient
15 agricultural acreage for efficient large-scale farming. Other than agricultural
16 production, non-residential uses within the Agricultural district are generally limited to
17 rural community uses that directly support agriculture, and to public facilities and
18 services necessary for the basic health, safety, and welfare of a rural population.
19 The absence of urban or suburban infrastructure is intentional. Consistent with rural
20 land use and limited infrastructure, residential uses within the district are largely self-
21 sustaining. Single-family dwellings are allowed at a very low density sufficient for
22 the needs of the district’s farm-based population. [6.05.01.A, 6.05.22.A.1]

23 **(b) Permitted uses.** Permitted uses within the Agricultural district are limited to the
24 following:

25 **(1) Residential.**

- 26 a. Manufactured (mobile) homes, but no new or expanded manufactured home
27 parks or subdivisions.
- 28 b. Single-family dwellings (other than manufactured homes), detached only.
29 Maximum single family lot area within any proposed subdivision of 100 acres
30 or more of prime farmland shall be one and one half acres.

31 See also “conditional uses.” in this district

32 **(2) Retail sales.** No retail sales except as permitted “agriculture and related” uses.

33 **(3) Retail services.** No retail services except as permitted “agricultural and related”
34 uses. See also “conditional uses.” in this district

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

- 36 a. Cemeteries. [added]
- 37 b. Clubs, civic or fraternal.
- 38 c. Educational facilities, including preschools, K-12, colleges and vocational
39 schools.

1 d. Emergency service facilities, including law enforcement, fire fighting, and
2 medical assistance.

3 e. Places of worship.

4 f. Public utility structures 150 feet or less in height, including
5 telecommunications towers.

6 See also “conditional uses.” in this district

7 **(5) Recreation and entertainment.**

8 a. Campgrounds and recreational vehicle parks on lots five acres or larger.

9 b. Golf courses, tennis centers, swimming pools and similar active outdoor
10 recreational facilities, including associated country clubs..

11 c. Hunting clubs and preserves.

12 d. Marinas, private only.[added]

13 e. Off-highway motor vehicle commercial recreation facilities on lots 20 acres or
14 larger.

15 f. Parks without permanent restrooms or outdoor event lighting.[added]

16 g. Passive recreational uses, including hiking and bicycling. [added]

17 h. Shooting ranges.

18 See also “conditional uses.” in this district

19 **(6) Industrial and related.** No industrial or related uses except as permitted
20 “agricultural and related” uses. See also “conditional uses.” in this district

21 **(7) Agricultural and related.**

22 a. Agriculture, including raising livestock, storing harvested crops, and
23 cultivation of nursery plants. A minimum of two acres for keeping any farm
24 animal on site and a maximum of one horse or other domesticated *equine* per
25 acre.

26 b. Agricultural processing, minor only.

27 c. Agricultural research or training facilities.

28 d. Aquaculture, marine or freshwater.

29 e. Farm equipment and supply stores.

30 f. Kennels and animal shelters on lots two acres or larger.

31 g. Produce display and sales of fruit, vegetables, and similar agricultural
32 products. All structures for such uses are limited to non-residential farm
33 buildings.

34 h. Silviculture.

35 i. Stables, public or private, on lots two acres or larger.

1 j. Veterinary clinics. A minimum two acres for boarding animals.

2 **(8) Other uses.**

3 a. Airports, private only, including crop dusting services.

4 b. Borrow pit reclamation with site-specific BCC approval, excluding any landfill
5 use.

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

8 **(1) Residential.** Nursing homes.

9 **(2) Retail services.**

10 a. Bed and breakfast inns.[added]

11 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
12 and emergency treatment.

13 **(3) Public and civic.**

14 a. Community service facilities, including auditoriums, libraries, museums, and
15 neighborhood centers.[added]

16 b. Correctional facilities, including adult and juvenile detention centers, jails and
17 prisons.[added]

18 c. Hospitals.

19 d. Offices for government or public utilities.

20 e. Public utility structures greater than 150 feet in height, including
21 telecommunications towers, but excluding any industrial uses.

22 f. Warehousing or maintenance facilities for government or public utilities.

23 **(4) Recreation and entertainment.**

24 a. Canoe, kayak, and float rental facilities.[added]

25 b. Parks with permanent restrooms or outdoor event lighting.[added]

26 c. Zoos and animal parks.[added]

27 **(5) Industrial and related.**

28 a. Borrow pits with site-specific BCC approval and excluding any landfill
29 reclamation use.

30 b. Mineral extraction, including oil and gas.

31 c. Power plants.

32 d. Salvage yards, including the handling of metals, paper, tires, bottles and
33 cans, motor vehicles, and appliances.

34 e. Solid waste collection points and transfer facilities, excluding any hazardous
35 waste storage.

1 f. Wastewater treatment plants.

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

4 **(1) Density.** A maximum of one dwelling unit per 20 acres.

5 **(2) Floor area ratio.** A maximum floor area ratio of 0.25 for all uses.

6 **(3) Structure height.** No structure height limit by zoning. See specific use.

7 **(4) Lot area.** Lot area as may be prescribed by use.

8 **(5) Lot width.** A minimum lot width of 100 feet at the street right-of-way for all lots.

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

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

12 a. **Front and rear.** Forty feet in the front and rear.

13 b. **Sides.** On each side, five feet or ten percent of the lot width at the front
14 building line, whichever is greater, but need not exceed 15 feet.

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

17 **(e) Location criteria.** The following location criteria apply to uses within the Agricultural
18 district:

19 **(1) Prime farmland.** All new or expanded uses shall be located to avoid the loss of
20 prime farmland. Where such loss cannot be avoided, it shall be limited to five
21 acres or 10 percent of the development parcel area, whichever is greater.

22 **(2) Non-residential uses.** All non-residential uses shall be located to avoid
23 nuisance, hazard and other adverse impacts to surrounding residential uses.
24 Additionally, retail sales, retail service, and industrial uses shall be located along
25 collector or arterial streets.

26 **(f) Rezoning to Agr.** Agricultural zoning may be established only within the Agriculture
27 and Rural Community FLU categories. The district is suitable for prime farmland,
28 agriculturally used or assessed areas, large tracts of open space, woodlands or
29 fields, but not for areas with central sewer or highly developed street networks. The
30 district provides transitions between areas zoned or used for conservation or outdoor
31 recreation and areas zoned or used for more intense uses.

32 **Sec. 3-2.3 Rural Residential district (RR).** [VAG-2 (53%), VR-1 (47%)]

33 **(a) Purpose.** The Rural Residential (RR) district establishes appropriate areas and
34 land use regulations for low density residential uses and compatible non-residential
35 uses characteristic of rural land development. The primary intent of the district
36 provides for residential development at greater density than the Agricultural district
37 on soils least valuable for agricultural production, but continue to support small-scale
38 farming on more productive district lands. The absence of urban and suburban

1 infrastructure is intentional. Consistent with rural land use and limited infrastructure,
2 residential uses within the RR district are largely self-sustaining and generally limited
3 to detached single-family dwellings on large lots. Clustering of smaller residential
4 lots may occur where needed to protect prime farmland from nonagricultural use.
5 The district allows public facilities and services necessary for the basic health, safety
6 and welfare of a rural population, and other non-residential uses that are compatible
7 with agricultural community character. [6.05.22.A.2, 6.05.23A]

8 **(b) Permitted uses.** Permitted uses within the RR district are limited to the following:

9 **(1) Residential.**

- 10 a. Manufactured (mobile) homes, on lots four acres or larger, or on lots a
11 minimum of one acre if clustered to avoid prime farmland. No new or
12 expanded manufactured home parks or subdivisions.
- 13 b. Single-family dwellings (other than manufactured homes), detached only, on
14 lots four acres or larger, or lots a minimum of one acre if clustered to avoid
15 prime farmland.

16 See also “conditional uses.” in this district

17 **(2) Retail sales.** No retail sales except permitted “agriculture and related” uses.

18 **(3) Retail services.** Bed and breakfast inns and permitted “agricultural and related”
19 uses. See also “conditional uses.”

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

- 21 a. Cemeteries.[added]
- 22 b. Clubs, civic or fraternal.
- 23 c. Educational facilities, K-12 only, and on lots one acre or larger.[limited]
- 24 d. Emergency service facilities, including law enforcement, fire fighting, and
25 medical assistance.
- 26 e. Places of worship on lots one acre or larger.
- 27 f. Public utility structures 150 feet or less in height, excluding
28 telecommunications towers.

29 See also “conditional uses.”

30 **(5) Recreation and entertainment.**

- 31 a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- 32 b. Golf courses, tennis centers, swimming pools and similar active outdoor
33 recreational facilities, including associated country clubs..
- 34 c. Marinas, private.[added]
- 35 d. Parks without permanent restrooms or outdoor event lighting.[added]
- 36 e. Passive recreational uses.[added]

37 See also “conditional uses.” in this district

1 **(6) Industrial and related.** No industrial or related uses except as permitted
2 “agricultural and related” uses. See also “conditional uses.” in this district

3 **(7) Agricultural and related.**

- 4 a. Agriculture, including raising livestock, storing harvested crops, and
5 cultivation of nursery plants. A minimum of two acres for keeping any farm
6 animal on site and a maximum of one horse or other domesticated *equine* per
7 acre.
- 8 b. Aquaculture, marine or freshwater.
- 9 c. Farm equipment and supply stores.
- 10 d. Kennels and animal shelters on lots two acres or larger.
- 11 e. Produce display and sales of fruit, vegetables, and similar agricultural
12 products. All structures for such use limited to non-residential farm buildings.
- 13 f. Silviculture.
- 14 g. Stables, public or private, on lots two acres or larger.
- 15 h. Veterinary clinics. A minimum of two acres for boarding animals.

16 **(8) Other uses.** Borrow pit reclamation with site-specific BCC approval, excluding
17 any landfill use.

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

20 **(1) Residential.**

- 21 a. Manufactured (mobile) home parks on land zoned VR-1 prior to adoption of
22 RR zoning.
- 23 b. Nursing homes.
- 24 c. Two-family dwellings (duplex) and multi-family dwellings up to four units per
25 dwelling (triplex and quadruplex) on land zoned VR-1 prior to adoption of RR
26 zoning.

27 **(2) Retail services.** Medical clinics, including those providing out-patient surgery,
28 rehabilitation, and emergency treatment.

29 **(3) Public and civic.**

- 30 a. Community service facilities, including auditoriums, libraries, museums, and
31 neighborhood centers. **[added]**
- 32 b. Educational facilities on lots one acre or larger not among the “permitted
33 uses.”
- 34 c. Hospitals.
- 35 d. Offices for government or public utilities.
- 36 e. Public utility structures greater than 150 feet in height, and
37 telecommunications towers of any height, excluding any industrial uses.

1 f. Warehousing or maintenance facilities for government or public utilities.

2 **(4) Recreation and entertainment.**

3 a. Hunting clubs and preserves.

4 b. Off-highway motor vehicle commercial recreation facilities on lots 20 acres or
5 larger.

6 c. Parks with permanent restrooms or outdoor event lighting.

7 d. Shooting ranges.

8 **(5) Industrial and related.**

9 a. Borrow pits with site-specific BCC approval and excluding any landfill
10 reclamation use

11 b. Mineral extraction, including oil and gas..

12 c. Power plants.

13 d. Salvage yards, including the handling of metals, paper, tires, bottles and
14 cans, motor vehicles, and appliances.

15 e. Solid waste collection points and transfer facilities, excluding any hazardous
16 waste storage.

17 f. Wastewater treatment plants.

18 **(6) Other uses.** Airports, private only, including crop dusting facilities.[added]

19 **(d) Site and building requirements.** The following site and building requirements
20 apply to uses within the RR district:

21 **(1) Density.** A maximum of one dwelling unit per four acres.

22 **(2) Floor area ratio.** A maximum floor area ratio of 0.25 for all uses.

23 **(3) Structure height.** Structure height limit as may be prescribed by use.

24 **(4) Lot area.** Lot area as may be prescribed by use.

25 **(5) Lot width.** A minimum lot width of 40 feet at the street right-of-way for cul-de-
26 sac lots and 80 feet at the right-of-way for all other lots, and a minimum width of
27 100 feet at the front building line for all lots.

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

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

31 a. **Front and rear.** Forty feet in the front and rear.

32 b. **Sides.** On each side, five feet or ten percent of the lot width at the front
33 building line, whichever is greater, but need not exceed 15 feet.

34 **(8) Other requirements.**

1 **a. Farm animal shelters.** Stables or other structures for sheltering farm
2 animals shall be no less than 50 feet from any property line and no less than
3 130 feet from any residential dwelling on adjacent property.

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

6 **(e) Location criteria.** The following location criteria apply to uses within the RR district:

7 **(1) Prime farmland.** All new or expanded residential or non residential uses shall
8 be located to avoid the loss of prime farmland. Where such loss cannot be
9 avoided, it shall be limited to five acres or 10 percent of the development parcel
10 area, whichever is greater.

11 **(2) Non-residential uses.** All non-residential uses shall be located to avoid
12 nuisance, hazard and other adverse impacts to surrounding residential uses.
13 Additionally, retail sales, retail services, and industrial uses shall be located along
14 collector or arterial streets.

15 **(f) Rezoning to RR.** Rural Residential zoning may be established only within the Rural
16 Community FLU. There the district is suitable for rural areas not used to support
17 large farming operations due to economic viability, soil productivity, surrounding
18 development, or similar constraints. The district is appropriate to provide transitions
19 between areas zoned or used for agriculture, conservation or outdoor recreation and
20 areas zoned or used for rural mixed use or low density residential.

21 **Sec. 3-2.4 Rural Mixed Use district (RMU).** [AG (14%), RR (48%), VR-2 (38%), VR-3
22 (<1%)]

23 **(a) Purpose.** The purpose of the Rural Mixed Use (RMU) district is to establish
24 appropriate areas and land use regulations for a mix of low density residential uses
25 and compatible non-residential uses within areas that have historically developed as
26 rural or semi-rural communities. The primary intent of the district is to sustain such
27 communities by allowing greater residential density, smaller residential lots, and a
28 more diverse mix of non-residential uses than the Agricultural or Rural Residential
29 districts, but continue to support the preservation of agriculturally productive lands.
30 The RMU district allows public facilities and services necessary for the health, safety
31 and welfare of the rural mixed use community, and other non-residential uses that
32 are compact, traditionally neighborhood supportive, and compatible with rural
33 community character. District communities are often anchored by arterial and
34 collector roads, but they are not characterized by urban or suburban infrastructure.
35 Consistent with existing rural communities and limited infrastructure, residential uses
36 are generally limited to detached single-family dwellings. [6.05.23]

37 **(b) Permitted uses.** Permitted uses within the RMU district are limited to the following:

38 **(1) Residential.**

39 **a.** Manufactured (mobile) homes, but no new or expanded manufactured home
40 parks or subdivisions.

- 1 a. Single-family dwellings (other than manufactured homes), detached only, on
2 lots one half acre or larger.

3 See also “conditional uses.” in this district

4 **(2) Retail sales.** The following small-scale (gross floor area 6000 sq.ft. or less per
5 lot) retail sales with no outdoor storage:

- 6 a. Automotive fuel sales.[added]
7 b. Drugstores.[added]
8 c. Grocery or food stores, including bakeries and butcher shops whose products
9 are prepared and sold on the premises, and convenience stores.[added]
10 d. Hardware stores.[added]

11 See also permitted “agricultural and related” uses and “conditional uses.”

12 **(3) Retail services.** The following small scale (gross floor area 6000 sq.ft. or less
13 per lot) retail services with no outdoor work or storage. [added]

- 14 a. Bed and breakfast inns.[added]
15 b. Personal services, including beauty shops, health clubs, pet groomers, dry
16 cleaners and tattoo parlors.[added]
17 c. Professional services, including those provided by realtors, bankers,
18 accountants, engineers, architects, dentists, physicians, and
19 attorneys.[added]
20 d. Repair services, including motor vehicle repair, appliance repair, furniture
21 refinishing and upholstery, watch and jewelry repair, and small engine and
22 motor services.[added]
23 e. Restaurants, excluding on-premises consumption of alcoholic beverages and
24 drive-in or drive-through service.[added]

25 See also permitted “agricultural and related” uses and “conditional uses.”

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

- 27 a. Cemeteries.[added]
28 b. Community service facilities, including auditoriums, libraries, museums, and
29 neighborhood centers.[added]
30 c. Clubs, civic or fraternal.
31 d. Educational facilities, including preschools, K-12, colleges and vocational
32 schools, on lots one acre or larger.
33 e. Emergency service facilities, including law enforcement, fire fighting, and
34 medical assistance.
35 f. Offices for government or public utilities, small scale (gross floor area 6000
36 sq.ft. or less per lot).
37 g. Places of worship on lots one acre or larger.

1 h. Public utility structures 150 feet or less in height, excluding
2 telecommunications towers.

3 See also, “conditional uses.”

4 **(5) Recreation and entertainment.**

5 a. Campgrounds and recreational vehicle parks on lots five acres or larger.

6 b. Golf courses, tennis centers, swimming pools and similar active outdoor
7 recreational facilities, including associated country clubs.

8 c. Marinas, private only.[added]

9 d. Parks, with or without permanent restrooms or outdoor event lighting.[added]

10 See also “conditional uses.” in this district

11 **(6) Industrial and related.** No industrial or related uses. See “conditional uses.”

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

13 a. Agriculture, including raising livestock, storing harvested crops, and
14 cultivation of nursery plants. A minimum of two acres for keeping any farm
15 animal on site and a maximum of one horse or other domesticated *equine* per
16 acre.

17 b. Agricultural research or training facilities.

18 c. Aquaculture, marine or freshwater.

19 d. Farm equipment and supply stores.

20 e. Produce display and sales of fruit, vegetables and similar agricultural
21 products.

22 f. Silviculture.

23 g. Stables, public or private, on lots two acres or larger.

24 h. Veterinary clinics, excluding outside kennels.

25 See also “conditional uses.” in this district

26 **(8) Other uses.**

27 a. Airports, private only, including crop dusting facilities.

28 b. Borrow pit reclamation with site-specific BCC approval and excluding any
29 landfill use.

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

32 **(1) Residential.**

33 a. Manufactured (mobile) home parks.

34 b. Nursing homes.

35 c. Two-family dwellings (duplex).

1 **(2) Retail sales.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales
2 not among the “permitted uses,” including outdoor display of merchandise, but
3 excluding sales of liquor or motor vehicles.

4 **(3) Retail services.**

- 5 a. Boarding or rooming houses.[added]
- 6 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
7 and emergency treatment.

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

- 9 a. Hospitals.
- 10 b. Offices for government or public utilities larger than those among the
11 “permitted uses.”
- 12 c. Public utility structures greater than 150 feet in height, and
13 telecommunications towers of any height, but excluding any industrial uses.
- 14 d. Warehousing or maintenance facilities for government or public utilities.

15 **(5) Recreation and entertainment.**

- 16 a. Hunting clubs and preserves.
- 17 b. Shooting ranges.

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

- 19 a. Borrow pits with site-specific BCC approval and excluding any landfill
20 reclamation use
- 21 b. Mineral extraction, including oil and gas.
- 22 c. Power plants.
- 23 d. Salvage yards, including the handling of metals, paper, tires, bottles and
24 cans, motor vehicles, and appliances.
- 25 e. Solid waste collection points and transfer facilities, but excluding any
26 hazardous waste storage.
- 27 f. Wastewater treatment plants.

28 **(7) Agricultural and related.**

- 29 a. Exotic animals, keeping or breeding.
- 30 b. Kennels not interior to veterinary clinics.

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

33 **(1) Density.** A maximum of two dwelling units per acre.

34 **(2) Floor area ratio.** A maximum floor area ratio of 0.25 for all uses.

35 **(3) Structure height.** Structure height limit as may be prescribed by zoning use.

- 1 **(4) Lot area.** Lot area as may be prescribed by use.
- 2 **(5) Lot width.** A minimum lot width of 40 feet at the street right-of-way for cul-de-
3 sac lots and 80 feet at the right-of-way for all other lots, and a minimum width of
4 100 feet at the front building line for all lots.
- 5 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
6 maximum semi-impervious and impervious cover) for all uses.
- 7 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 8 **a. Front and rear.** Forty feet in the front and rear.
- 9 **b. Sides.** On each side, five feet or ten percent of the lot width at the front
10 building line, whichever is greater, but need not exceed 15 feet.
- 11 **(8) Other requirements.**
- 12 **a. Farm animal shelters.** Stables or other structures for sheltering farm
13 animals shall be no less than 50 feet from any property line and no less than
14 130 feet from any residential dwelling on the property of another landowner.
- 15 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
16 regulations and standards.
- 17 **(e) Location criteria.** The following location criteria apply to uses within the RMU
18 district:
- 19 **(1) Prime farmland.** All new or expanded uses shall be located to avoid the loss of
20 prime farmland. Where such loss cannot be avoided, it shall be limited to five
21 acres or 10 percent of the development parcel area, whichever is greater.
- 22 **(2) Non-residential uses.** All new non-residential uses shall be located to avoid
23 nuisance, hazard and other adverse impacts to surrounding residential uses.
24 Additionally, non-residential uses that are not part of a predominantly residential
25 development or a planned unit development, or are not specifically identified as
26 exempt by district regulations, shall be on parcels that comply with at least one of
27 the following location criteria:
- 28 **a. Proximity to intersection.** Along an arterial or collector street, and within
29 200 feet of an intersection with another arterial or collector.
- 30 **b. Proximity to traffic generator.** Along an arterial or collector street and
31 within a one-quarter mile radius of an individual traffic generator of more than
32 600 daily trips, such as an apartment complex, military base, college campus,
33 hospital, shopping mall, or industrial plant.
- 34 **c. Infill development.** Along an arterial or collector street, in an area where
35 already established non-residential uses are otherwise consistent with the
36 RMU district, and where the new use would constitute infill development of
37 similar intensity as the conforming development on surrounding parcels.
38 Additionally, the location would promote compact development and not
39 contribute to or promote strip commercial development.

1 **d. Site design.** Along an arterial street at the intersection with a local street that
2 serves to connect the arterial street to another arterial, and all of the following
3 site design conditions:

- 4 1. Any Intrusion into a recorded residential subdivision is limited to a corner
5 lot.
- 6 2. Access and stormwater management is shared with adjoining uses or
7 properties to the extent practicable.
- 8 3. Adverse impacts to any adjoining residential uses are minimized by
9 placing the more intensive elements of the use (solid waste dumpsters,
10 truck loading/unloading areas, drive-thru facilities, etc.) furthest from the
11 residential uses.

12 **e. Documented compatibility.** A compatibility analysis prepared by the
13 applicant provides competent substantial evidence of unique circumstances
14 regarding the parcel or use that were not anticipated by the alternative
15 location criteria, and the proposed use will be able to achieve long-term
16 compatibility with existing and potential uses. Additionally, the parcel has not
17 been rezoned by the landowner from mixed use, commercial, or industrial
18 zoning assigned by the county.

19 **(f) Rezoning to RMU.** Rural Mixed Use zoning may be established only within the
20 Rural Community future land use category. There the district is suitable for
21 recognized rural communities, especially those developed around intersections of
22 higher classification streets and in areas that are generally not agriculturally
23 productive. Rezoning to RMU shall reinforce the value of existing rural communities
24 in serving surrounding areas and minimizing the need to travel long distances for
25 basic necessities. Additionally, rezoning to RMU is subject to the same location
26 criteria as any new non-residential use proposed within the RMU district.

27 **Sec. 3-2.5 Low Density Residential district (LDR).** [R-1 (27%), V-1 (11%), V-2 (6%),
28 V-2A (1%), V-5 (9%), SDD private or non-conservation lands (44%)]

29 **(a) Purpose.** The Low Density Residential (LDR) district establishes appropriate areas
30 and land use regulations for residential uses at low densities within suburban areas.
31 The primary intent of the district is to provide for large-lot suburban type residential
32 neighborhood development that blends aspects of rural openness with the benefits
33 of urban street connectivity, and at greater density than the Rural Residential district.
34 Residential uses within the LDR district are predominantly detached single-family
35 dwellings. Consistent with suburban development patterns and infrastructure, they
36 are subject to a minimum density. Clustering dwellings on smaller residential lots
37 may occur where needed to protect prime farmland from non-agricultural use or to
38 conserve and protect environmentally sensitive areas. The district allows non-
39 residential uses that are compatible with suburban residential neighborhoods and
40 the natural resources of the area. No minimum lot size is required for new
41 subdivisions with the exception of V-1, which has a minimum lot size of one acre.
42 (Ord 2014-08)[6.05.05, 6.05.21, 6.05.24]

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

2 **(1) Residential.**

- 3 a. Manufactured (mobile) homes only within existing manufactured home parks
4 or subdivisions, or on land zoned SDD prior to adoption of LDR zoning. No
5 new or expanded manufactured home parks or subdivisions. [to
6 accommodate SDD]
- 7 b. Single-family dwellings (other than manufactured homes), detached and only
8 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
9 two acres or larger. Attached single-family dwellings and zero lot line
10 subdivision only on land zoned V-5 or SDD prior to adoption of LDR zoning.
- 11 c. Two-family dwellings and multi-family dwellings up to four units per dwelling
12 (triplex and quadruplex) only on land zoned V-5 or SDD prior to adoption of
13 LDR zoning. [to accommodate V-5 and SDD]

14 See also “conditional uses.” in this district

15 **(2) Retail sales.** No retail sales.

16 **(3) Retail services.** No retail services.

17 **(4) Public and civic.** Public utility structures not exceeding the district structure
18 height limit, excluding telecommunications towers. See also “conditional uses.”
19 in this district

20 **(5) Recreation and entertainment.**

- 21 a. Marinas, private only.
- 22 b. Parks without permanent restrooms or outdoor event lighting.[added]

23 See also “conditional uses.” in this district

24 **(6) Industrial and related.** No industrial or related uses.

25 **(7) Agricultural and related.** On land notzoned SDD prior to adoption of LDR
26 zoning, agricultural production and storage is limited to food primarily for
27 personal consumption by the producer. The following additional agricultural uses
28 are allowed on lands zoned SDD prior to LDR zoning: [to accommodate SDD]

- 29 a. Agriculture, but no farm animals except horses and other domesticated
30 *equines* kept on site accessory to a private residential use, and stables for
31 such animals, with a minimum lot area of two acres and a maximum of one
32 animal per acre.
- 33 b. Aquaculture, marine or freshwater.
- 34 c. Produce display and sales of fruit, vegetables and similar agricultural
35 products.
- 36 d. Silviculture.

37 See also “conditional uses.” in this district

- 1 **(8) Other uses.** Borrow pit reclamation with site-specific BCC approval, but no
2 landfill use.
- 3 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
4 the BOA may conditionally allow the following uses within the LDR district:
- 5 **(1) Residential.**
- 6 a. Accessory dwellings on lots less than two acres.
7 b. Home occupations with non-resident employees.
- 8 **a. Public and civic.**
- 9 a. Clubs, civic and fraternal.
10 b. Educational facilities, excluding preschools or kindergartens independent of
11 other elementary grades.
12 c. Emergency service facilities, including law enforcement, fire fighting, and
13 medical assistance.
14 d. Offices for government or public utilities, small scale (gross floor area 6000
15 sq.ft. or less per lot).
16 e. Places of worship.
17 f. Public utility structures exceeding the district structure height limit, excluding
18 telecommunications towers.
- 19 **(2) Recreation and entertainment.**
- 20 a. Golf courses, tennis centers, swimming pools and similar active outdoor
21 recreational facilities, including associated country clubs..
22 b. Parks with permanent restrooms or outdoor event lighting.[added]
- 23 **(3) Agricultural and related.** Horses and other domesticated *equines* kept on site
24 as a private residential accessory not among the “permitted uses” or for public
25 riding on land zoned SDD prior to adoption of LDR zoning t, and stables for such
26 animals. A minimum lot area of two acres if accessory to a private residential
27 use and a minimum 10 acres if for public riding, with a maximum of one such
28 animal per acre for either use.
- 29 **(d) Site and building requirements.** The following site and building requirements
30 apply to uses within the LDR district:
- 31 **(1) Density.** A minimum of two dwelling units per acre within the MU-S future land
32 use category and a maximum of four dwelling units per acre.
33 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
34 **(3) Structure height.** A maximum structure height of 45 feet above highest
35 adjacent grade. See also specific uses. [R-1, V-1, V-2, V-2A, V-5]
36 **(4) Lot area.** Lot area as may be prescribed by use.

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

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

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

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

8 b. **Sides.** On each side, five feet or ten percent of the lot width at the front
9 building line, whichever is greater, but need not exceed 15 feet.

10 (8) **Other requirements.**

11 a. **Horse shelters.** Stables or other structures for sheltering horses or other
12 domesticated *equines* shall be no less than 50 feet from any property line and
13 no less than 130 feet from any residential dwelling on the property of another
14 landowner.

15 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
16 regulations and standards.

17 (e) **Location criteria.** All non-residential uses within the LDR district shall be located to
18 avoid nuisance, hazard and other adverse impacts to surrounding residential uses.

19 (f) **Rezoning to LDR.** Low Density Residential zoning may be established only within
20 the Mixed Use Suburban future land use category. There the district is suitable for
21 suburban areas with or without central water and sewer. The district is appropriate
22 to provide transitions between areas zoned or used for rural residential or rural
23 mixed use and areas zoned or used for low medium mixed use or medium density
24 residential or medium density mixed use.

25 **Sec. 3-2.6 Low Density Mixed Use district (LDMU).** [VM-1 (61%), VM-2 (37%), AMU-
26 1 (1%), AMU-2 (1%)]

27 (a) **Purpose.** The purpose of the Low Density Mixed Use (LDMU) district is to establish
28 appropriate areas and land use regulations for a complementary mix of low density
29 residential uses and compatible non-residential uses within mostly suburban areas.
30 The primary intent of the district is to provide for a mix of neighborhood-scale retail
31 sales, services and professional offices with greater dwelling unit density and
32 diversity than the Low Density Residential district. Additionally, the LDMU district is
33 intended to rely on a pattern of well-connected streets and provide for the separation
34 of suburban uses from more dense and intense urban uses. Residential uses within
35 the district include most forms of single-family, two-family and multi-family dwellings.
36 Consistent with suburban development patterns and infrastructure, they are subject
37 to a minimum density.

38 (b) **Permitted uses.** Permitted uses within the LDMU district are limited to the
39 following:

40 (1) **Residential.**

- 1 a. Manufactured (mobile) homes within manufactured home parks or
- 2 subdivisions, and including new or expanded manufactured home parks and
- 3 subdivisions.
- 4 b. Single-family dwellings (other than manufactured homes), attached or
- 5 detached, and including zero lot line subdivisions.
- 6 c. Two-family dwellings (duplex) and multi-family dwellings up to four units per
- 7 building (triplex and quadruplex).

8 See also “conditional uses.” in this district

9 **(2) Retail sales.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail

10 sales, or retail sales within a neighborhood retail center no greater than 35,000

11 square feet per lot and containing a mix of retail sales and services, but

12 excluding permanent outdoor storage and sales of alcoholic beverages,

13 **automotive fuels** and motor vehicles. See “conditional uses.”

14 **(3) Retail services.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail

15 services, or retail services within a neighborhood retail center no greater than

16 35,000 square feet per lot and containing a mix of retail sales and services.

17 Retail sales are limited to the following with no outdoor work or storage:

- 18 a. Bed and breakfast inns.
- 19 b. Personal services, including beauty shops, health clubs, pet groomers, dry
- 20 cleaners, and tattoo parlors.
- 21 c. Professional services, including those provided by realtors, bankers,
- 22 accountants, engineers, architects, dentists, physicians, and attorneys.
- 23 d. Repair services, including appliance repair, furniture refinishing and
- 24 upholstery, watch and jewelry repair, small engine and motor services, but
- 25 excluding major motor vehicle or boat service or repair.
- 26 e. Restaurants.

27 See also “conditional uses.” in this district

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

- 29 a. Educational facilities, including preschools, K-12, colleges and vocational
- 30 schools.
- 31 b. Emergency service facilities, including law enforcement, fire fighting, and
- 32 medical assistance.
- 33 c. Offices for government or public utilities, small scale (gross floor area 6000
- 34 sq.ft. or less per lot).
- 35 d. Places of worship.
- 36 e. Public utility structures not exceeding the district structure height limit,
- 37 excluding telecommunications towers.

38 See also “conditional uses.” in this district

1 **(5) Recreation and entertainment.** Parks without permanent restrooms or outdoor
2 event lighting.

3 **(6) Industrial and related.** No industrial or related uses.

4 **(7) Agricultural and related.** Agricultural production limited to food primarily for
5 personal consumption by the producer, but no farm animals.

6 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.

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

9 **(1) Residential.**

10 a. Group living, including nursing homes, assisted living facilities, retirement
11 homes, and residential facilities providing substance abuse treatment and
12 post-incarceration reentry.

13 b. Manufactured (mobile) homes outside manufactured home parks or
14 subdivisions.

15 **(2) Retail sales.** Retail sales not among the “permitted uses” and with gross floor
16 area 30,000 square feet or less excluding sales of motor vehicles.

17 **(3) Retail services.** Retail services not among the “permitted uses” and with gross
18 floor area 30,000 square feet or less per lot excluding outdoor work:

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

20 a. Clubs, civic and fraternal.

21 b. Community service facilities, including auditoriums, libraries, museums, and
22 neighborhood centers.

23 c. Offices for government or public utilities, with gross floor area greater than
24 6000 square feet.

25 d. Public utility structures exceeding the district structure height limit, but
26 excluding telecommunications towers.

27 e. Warehousing or maintenance facilities for government or public utilities.

28 **(5) Recreation and entertainment.**

29 a. Golf courses, tennis centers, swimming pools and similar active outdoor
30 recreational facilities, including associated country clubs.

31 b. Parks with permanent restrooms or outdoor event lighting. [added]

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

34 **(1) Density.** A minimum of two dwelling units per acre within the Mixed Use
35 Suburban (MU-S) future land use category and 3.5 dwelling units per acre within
36 Mixed Use Urban (MU-U), and a maximum seven dwelling units per acre
37 regardless of the future land use category.

- 1 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land
2 use category and 2.0 within MU-U.
- 3 **(3) Structure height.** A maximum structure height of 45 feet above highest
4 adjacent grade.
- 5 **(4) Lot area.** Lot area as may be prescribed by use.
- 6 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
7 20 feet at the street right-of-way, the following minimum lot widths are required:
- 8 a. **Single-family detached.** Forty feet at both the street right-of-way and front
9 building line for single-family detached dwellings.
- 10 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
11 building line for two-family dwellings.
- 12 c. **Townhouses.** One hundred feet at the front building line for townhouse
13 groups.
- 14 **(6) Lot coverage.** Minimum pervious lot coverage of 25 percent (75 percent
15 maximum semi-impervious and impervious cover) for all uses.
- 16 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 17 a. **Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 18 b. **Sides.** On each side, five feet or ten percent of the lot width at the front
19 building line, whichever is greater, but need not exceed 15 feet. For
20 townhouse groups, ten feet at each end unit.
- 21 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
22 regulations and standards.
- 23 **(e) Location criteria.** All new non-residential uses proposed within the LDMU district
24 that are not part of a predominantly residential development or a planned unit
25 development, or are not identified as exempt by district regulations, shall be on
26 parcels that satisfy at least one of the following location criteria: **[7.20.04]**
- 27 **(1) Proximity to intersection.** Along an arterial or collector street, and within 200
28 feet of an intersection with another arterial or collector.
- 29 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a
30 one-quarter mile radius of an individual traffic generator of more than 600 daily
31 trips, such as an apartment complex **[approx 90 units]**, military base, college
32 campus, hospital, or shopping mall **[approx 160,000 sq.ft. GLA]**.
- 33 **(3) Infill development.** Along an arterial or collector street, in an area where
34 already established non-residential uses are otherwise consistent with the LDMU
35 district, and where the new use would constitute infill development of similar
36 intensity as the conforming development on surrounding parcels. Additionally,
37 the location would promote compact development and not contribute to or
38 promote strip commercial development.

1 **(4) Site design.** Along an arterial street and at the intersection with a local street
2 that serves to connect the arterial street to another arterial, and all of the
3 following site design conditions:

- 4 a. Any intrusion into a recorded residential subdivision is limited to a corner lot
- 5 b. Access and stormwater management is shared with adjoining uses or
6 properties to the extent practicable.
- 7 c. Adverse impacts to any adjoining residential uses are minimized by placing
8 the more intensive elements of the use (solid waste dumpsters, truck
9 loading/unloading areas, drive-thru facilities, etc.) furthest from the residential
10 uses.

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

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

21 **(f) Rezoning to LDMU.** Low Density Mixed Use zoning may be established only within
22 the Mixed Use Suburban and Mixed Use Urban future land use categories. There
23 the district is suitable for suburban or urban areas with central water and sewer and
24 developed street networks. The district is appropriate to provide transitions between
25 areas zoned or used for low or medium density residential and areas zoned or used
26 for high density mixed use. Additionally, rezoning to LDMU is subject to the same
27 location criteria as any new non-residential use proposed within the LDMU district.

28 **Sec. 3-2.7 Medium Density Residential district (MDR).** [R-2 (69%), R-3 (21%), V-3
29 (8%), V-4 (2%)]

30 **(a) Purpose.** The purpose of the Medium Density Residential (MDR) district is to
31 establish appropriate areas and land use regulations for residential uses at medium
32 densities within suburban or urban areas. The primary intent of the district is to
33 provide for residential neighborhood development in an efficient urban pattern of
34 well-connected streets and at greater dwelling unit density than the Low Density
35 Residential district. Residential uses within the MDR district are limited to single-
36 family and two-family dwellings. Consistent with suburban and urban development
37 patterns and infrastructure, they are subject to a minimum density. The district
38 allows non-residential uses that are compatible with suburban and urban residential
39 neighborhoods.

40 **(b) Permitted uses.** Permitted uses within the MDR district are limited to the following:

41 **(1) Residential.**

- 1 a. Manufactured (mobile) homes only within manufactured home parks or
- 2 subdivisions. No new or expanded manufactured home parks. New or
- 3 expanded manufactured home subdivisions only on land zoned V-4 prior to
- 4 adoption of MDR zoning.
- 5 b. Single-family dwellings (other than manufactured homes), detached and only
- 6 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
- 7 one acre or larger. Attached single-family dwellings and zero lot line
- 8 subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.
- 9 c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR
- 10 zoning, and multi-family dwellings up to four units per dwelling (quadruplex)
- 11 only on land zoned V-4 prior to adoption of MDR zoning.

12 See also “conditional uses.” in this district

13 **(2) Retail sales.** No retail sales.

14 **(3) Retail services.** No retail services. See “conditional uses.”

15 **(4) Public and civic.** Public utility structures not exceeding the district structure

16 height limit, excluding telecommunications towers. See also “conditional uses.”

17 in this district

18 **(5) Recreation and entertainment.**

19 a. Marinas, private.

20 b. Parks without permanent restrooms or outdoor event lighting.

21 See also “conditional uses.” in this district

22 **(6) Industrial and related.** No industrial or related uses.

23 **(7) Agricultural and related.** Agricultural production limited to food primarily for

24 personal consumption by the producer, but no farm animals. See also

25 “conditional uses.” in this district

26 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.

27 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,

28 the BOA may conditionally allow the following uses within the MDR district:

29 **(1) Residential.**

30 a. Accessory dwellings on lots less than one acre.

31 b. Group living, including nursing homes, assisted living facilities, and retirement

32 homes, but excluding residential facilities providing substance abuse

33 treatment, post-incarceration reentry, or similar services.

34 c. Home occupations with non-resident employees.

35 d. Townhouses not among the “permitted uses.”

36 **(2) Retail services.** Boarding and rooming houses.

37 **(3) Public and civic.**

- 1 a. Clubs, civic and fraternal.
- 2 b. Educational facilities, excluding preschools or kindergartens independent of
- 3 other elementary grades.
- 4 c. Emergency service facilities, including law enforcement, fire fighting, and
- 5 medical assistance.
- 6 d. Offices for government or public utilities, small scale (gross floor area 6000
- 7 sq.ft. or less per lot).
- 8 e. Places of worship.
- 9 f. Public utility structures exceeding the district structure height limit, excluding
- 10 telecommunications towers.

11 **(4) Recreation and entertainment.**

- 12 a. Golf courses, tennis centers, swimming pools and similar active outdoor
- 13 recreational facilities, including associated country clubs..
- 14 b. Parks with permanent restrooms or outdoor event lighting.

15 **(5) Agricultural and related.** Horses or other domesticated equines kept on site

16 only as a private residential accessory, and stables for such animals. Minimum

17 lot area of two acres and a maximum of one such animal per acre.

18 **(d) Site and building requirements.** The following site and building requirements

19 apply to uses within the MDR district:

20 **(1) Density.** A minimum of two dwelling units per acre within the Mixed Use

21 Suburban (MU-S) future land use category and 3.5 dwelling units per acre within

22 Mixed Use Urban (MU-U), and maximum ten dwelling units per acre regardless

23 of the future land use category.

24 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land

25 use category and 2.0 within MU-U.

26 **(3) Structure height.** A maximum structure height of 45 feet above highest

27 adjacent grade.

28 **(4) Lot area.** Lot area as may be prescribed by use.

29 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of

30 20 feet at the street right-of-way, the following minimum lot widths are required:

31 a. **Single-family detached.** Fifty feet at both the street right-of-way and front

32 building line for single-family detached dwellings.

33 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front

34 building line for two-family dwellings.

35 c. **Townhouse and other.** One hundred feet at the front building line for

36 townhouse groups and boarding or lodging houses.

37 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent

38 maximum semi-impervious and impervious cover) for all uses.

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

2 **a. Front and rear.** In the front and rear, 20 feet.

3 **b. Sides.** On each side, five feet or ten percent of the lot width at the front
4 building line, whichever is greater, but need not exceed 15 feet. For
5 townhouse groups, ten feet at each end unit.

6 **(8) Other requirements.**

7 **a. Stables.** Stables shall be no less than 50 feet from any property line and no
8 less than 130 feet from any residential dwelling on the property of another
9 landowner.

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

12 **(e) Location criteria.** All non-residential uses within the MDR district shall be located
13 to avoid nuisance, hazard and other adverse impacts to surrounding residential
14 uses.

15 **(f) Rezoning to MDR.** Medium Density Residential zoning may be established only
16 within the Mixed Use Suburban and Mixed Use Urban future land use categories.
17 The district is suitable for suburban or urban areas with central water and sewer and
18 developed street networks. The district is appropriate to provide transitions between
19 areas zoned or used for low density residential and areas zoned or used for high
20 density residential or mixed use.

21 **Sec. 3-2.8 High Density Residential district (HDR). [R-4 (100%)]**

22 **(a) Purpose.** The High Density Residential (HDR) district establishes appropriate areas
23 and land use regulations for residential uses at high densities within urban areas.
24 The primary intent of the district is to provide for residential neighborhood
25 development in an efficient urban pattern of well-connected streets and at greater
26 dwelling unit density and diversity than the Medium Density Residential district.
27 Residential uses within the HDR district include most forms of single-family, two-
28 family and multi-family dwellings. Consistent with urban development patterns and
29 infrastructure, they are subject to a minimum density. Non-residential uses within
30 the district are limited to those that are compatible with urban residential
31 neighborhoods.

32 **(b) Permitted uses.** Permitted uses within the HDR district are limited to the following:

33 **(1) Residential.**

34 **a.** Group living, including nursing homes, assisted living facilities, and retirement
35 homes, but excluding dormitories, fraternity and sorority houses, and
36 residential facilities providing substance abuse treatment, post-incarceration
37 reentry, or similar services.

38 **b.** Manufactured (mobile) homes only within manufactured home parks or
39 subdivisions. No new or expanded manufactured home parks subdivisions.

1 c. Single-family dwellings (other than manufactured homes), attached or
2 detached, including townhouses and zero lot line subdivisions.

3 d. Two-family and multi-family dwellings.

4 See also “conditional uses.” in this district

5 **(2) Retail sales.** No retail sales. See also “conditional uses.” in this district

6 **(3) Retail services.**

7 a. Boarding and rooming houses.

8 b. Child care facilities.

9 See also “conditional uses.” in this district

10 **(4) Public and civic.** Public utility structures not exceeding the district structure
11 height limit, excluding telecommunications towers.

12 See also “conditional uses.” in this district

13 **(5) Recreation and entertainment.**

14 a. Marina, private.

15 b. Parks without permanent restrooms or outdoor event lighting.

16 See also “conditional uses.” in this district

17 **(6) Industrial and related.** No industrial or related uses.

18 **(7) Agricultural and related.** Agricultural production limited to food primarily for
19 personal consumption by the producer, but no farm animals. See also
20 “conditional uses.” in this district

21 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.

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

24 **(1) Residential.**

25 a. Dormitories.

26 b. Fraternity or sorority houses.

27 c. Home occupations with non-resident employees.

28 **(2) Retail sales.** Retail sales only within a predominantly residential multi-story
29 building.

30 **(3) Retail services.** Retail services only within a predominantly residential multi-
31 story building.

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

33 a. Clubs, civic and fraternal.

34 b. Educational facilities, excluding preschools or kindergartens independent of
35 other elementary grades.

- 1 c. Emergency service facilities, including law enforcement, fire fighting, and
- 2 medical assistance.
- 3 d. Hospitals.
- 4 e. Offices for government or public utilities, small scale (gross floor area 6000
- 5 sq.ft. or less per lot).
- 6 f. Places of worship.
- 7 g. Public utility structures exceeding the district structure height limit, excluding
- 8 telecommunications towers.

9 **(5) Recreation and entertainment.**

- 10 a. Golf courses, tennis centers, swimming pools and similar active outdoor
- 11 recreational facilities, including associated country clubs..
- 12 b. Parks with permanent restrooms or outdoor event lighting.

13 **(6) Agricultural and related.** Horses or other domesticated *equines* kept on site

14 only as a private residential accessory, and stables for such animals. A minimum

15 lot area of two acres and a maximum of one such animal per acre.

16 **(d) Site and building requirements.** The following site and building requirements

17 apply to uses within the HDR district:

18 **(1) Density.** A minimum 3.5 dwelling units per acre and a maximum 20 dwelling

19 units per acre.

20 **(2) Floor area ratio.** A maximum floor area ratio of 2.0 for all uses.

21 **(3) Structure height.** A maximum structure height of 120 feet above highest

22 adjacent grade. [proposed new height limit from 95 feet]

23 **(4) Lot area.** Lot area as may be prescribed by use.

24 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of

25 20 feet at the street right-of-way, the following minimum lot widths are required:

26 a. **Single-family detached.** Forty feet at both the street right-of-way and front

27 building line for single-family detached dwellings.

28 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front

29 building line for two-family dwellings.

30 c. **Multi-family and other.** One hundred feet at the front building line for multi-

31 family dwellings, boarding or lodging houses, and townhouse groups.

32 **(6) Lot coverage.** Minimum pervious lot coverage of 20 percent (80 percent

33 maximum semi-impervious and impervious cover) for all uses.

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

35 a. **Front.** In the front, 20 feet.

36 b. **Rear.** In the rear, 15 feet.

1 **c. Sides.** On each side, ten feet or ten percent of the lot width at the front
2 building line, whichever is less, but no less than five feet. For those
3 structures exceeding three stories, minimum side setbacks increase an
4 additional two feet for each additional story or additional ten feet in height, but
5 need not exceed 15 feet. For townhouse groups, ten feet at each end unit.

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

8 **(e) Location criteria.** All non-residential uses within the HDR district shall be located to
9 avoid nuisance, hazard and other adverse impacts to surrounding residential uses.

10 **(f) Rezoning to HDR.** High Density Residential zoning may be established only within
11 the Mixed Use Urban future land use category. The district is suitable for urban
12 areas with central water and sewer and developed street networks. The district is
13 appropriate to provide transitions between areas zoned or used for medium density
14 residential and areas zoned or used for high density mixed use or commercial.

15 **Sec. 3-2.9 High Density Mixed Use district (HDMU). [R-5 (56%), R-6 (44%)]**

16 **(a) Purpose.** The High Density Mixed Use (HDMU) district i establishes appropriate
17 areas and land use regulations for a complimentary mix of high density residential
18 uses and compatible non-residential uses within urban areas. The primary intent of
19 the district is to provide for a mix of neighborhood retail sales, services and
20 professional offices with greater dwelling unit density and diversity than the Low
21 Density Mixed Use district. Additionally, the HDMU district is intended to rely on
22 urban street connectivity and encourage vertical mixes of commercial and residential
23 uses within the same building to accommodate a physical pattern of development
24 characteristic of village main streets and older neighborhood commercial areas.
25 Residential uses within the district include all forms of single-family, two-family and
26 multi-family dwellings. Consistent with urban development patterns and
27 infrastructure, they are subject to a minimum density.

28 **(b) Permitted uses.** Permitted uses within the HDMU district are limited to the
29 following:

30 **(1) Residential.** The following residential uses are allowed throughout the district,
31 but if within a Commercial future land use category they are permitted only if part
32 of a predominantly commercial development. The restriction, however, does not
33 apply to a single-family dwelling as the principal use on an existing lot of record.

34 **a.** Group living, including nursing homes, assisted living facilities, and retirement
35 homes, but excluding dormitories, fraternity and sorority houses, and
36 residential facilities providing substance abuse treatment, post-incarceration
37 reentry or similar services.

38 **b.** Manufactured (mobile) homes, including manufactured home subdivisions,
39 but excluding new or expanded manufactured home parks.

40 **c.** Single-family dwellings (other than manufactured homes), detached or
41 attached, including townhouses and zero lot line subdivisions.

1 d. Two-family and multi-family dwellings.

2 See also “conditional uses.” in this district

3 **(2) Retail sales.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail
4 sales, including sales of beer and wine, but excluding sales of automotive fuels,
5 motor vehicles and liquor, and excluding permanent outdoor display or sales.
6 See also “conditional uses.” in this district

7 **(3) Retail services.** The following small-scale (gross floor area 6000 sq.ft. or less
8 per lot) retail services, excluding outdoor work or permanent outdoor storage:

9 a. Bed and breakfast inns.

10 b. Boarding and rooming houses.

11 c. Child care facilities.

12 d. Personal services, including beauty shops, health clubs, pet groomers, dry
13 cleaners and tattoo parlors.

14 e. Professional services, including those provided by realtors, bankers,
15 accountants, engineers, architects, dentists, physicians, and attorneys.

16 f. Repair services, including appliance repair, furniture refinishing and
17 upholstery, watch and jewelry repair, small engine and motor services, but
18 excluding major motor vehicle or boat service or repair.

19 g. Restaurants, excluding on-premises consumption of alcoholic beverages and
20 drive-in or drive-through service.

21 See also “conditional uses.” in this district

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

23 a. Preschools and kindergartens.

24 b. Emergency service facilities, including law enforcement, fire fighting, and
25 medical assistance.

26 c. Foster care facilities.

27 d. Places of worship.

28 e. Public utility structures not exceeding the district structure height limit,
29 excluding telecommunications towers.

30 See also “conditional uses.” in this district

31 **(5) Recreation and entertainment.**

32 a. Marinas, private only.

33 b. Parks without permanent restrooms or outdoor event lighting.

34 See also “conditional uses.” in this district

35 **(6) Industrial and related.** No industrial or related uses.

1 **(7) Agricultural and related.** Agricultural production limited to food primarily for
2 personal consumption by the producer, but no farm animals.

3 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.

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

6 **(1) Residential.**

7 a. Dormitories.

8 b. Fraternity and sorority houses.

9 c. Manufactured (mobile) home parks.

10 **(2) Retail sales.** Medium-scale (gross floor area 35,000 sq. ft. or less per lot, but
11 greater than 6000 sq.ft.) retail sales, including sales of beer and wine and
12 automotive fuels, but excluding sales of motor vehicles and liquor, and excluding
13 permanent outdoor display or sales of merchandise.

14 **(3) Retail services.**

15 a. Medium-scale (gross floor area 35,000 sq. ft. or less per lot, but greater than
16 6000 sq.ft.) retail services, excluding motor vehicle service and repair.

17 b. Restaurants with drive-in or drive-through service.

18 c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle
19 service and repair, excluding painting or body work and outdoor work.

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

21 a. Broadcast stations with satellite dishes and antennas, but no towers.

22 b. Cemeteries.

23 c. Clubs, civic and fraternal.

24 d. Community service facilities, including auditoriums, libraries, museums, and
25 neighborhood centers.

26 e. Crematoriums.

27 f. Educational facilities not among the “permitted uses.”

28 g. Hospitals.

29 h. Offices for government or public utilities.

30 i. Public utility structures exceeding the district structure height limit, but
31 excluding telecommunications towers.

32 j. Warehousing or maintenance facilities for government or public utilities.

33 **(5) Recreation and entertainment.**

34 a. Amusement arcade centers and bingo facilities.

- 1 **b.** Golf courses, tennis centers, swimming pools and similar active outdoor
2 recreational facilities, including associated country clubs..
- 3 **c.** Parks with permanent restrooms or outdoor event lighting.
- 4 **(6) Agricultural and related.**
- 5 **a.** Horses or other domesticated equines kept on site, and stables for such
6 animals, only as a private residential accessory with a minimum lot area of
7 two acres and a maximum of one such animal per acre.
- 8 **b.** Veterinary clinics.
- 9 **(d) Other uses.**
- 10 **a.** Mini-warehouses with a maximum lot area of one acre outdoor storage limited
11 to operable motor vehicles and boats, and no vehicle rental.
- 12 **b.** Structures of permitted uses exceeding the district structure height limit,
13 excluding telecommunications towers.
- 14 **(e) Site and building requirements.** The following site and building requirements
15 apply to uses within the HDMU district:
- 16 **(1) Density.** A minimum of 3.5 dwelling units per acre and a maximum of 25
17 dwelling units per acre.
- 18 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial future
19 land use category and 2.0 within Mixed Use Urban (MU-U).
- 20 **(3) Structure height.** A maximum structure height of 150 feet above highest
21 adjacent grade, except as may be approved as a conditional use. [proposed new
22 height limit from 120]
- 23 **(4) Lot area.** Lot area as may be prescribed by use.
- 24 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
25 20 feet at the street right-of-way, the following minimum lot widths are required:
- 26 **a. Single-family detached.** Forty feet at both the street right-of-way and the
27 front building line for single-family detached dwellings.
- 28 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
29 building line for two-family dwellings.
- 30 **c. Multi-family and other.** One hundred feet at the front building line for multi-
31 family dwellings, boarding or lodging houses, or townhouse groups. No
32 minimum lot width required by zoning for other uses.
- 33 **(6) Lot coverage.** Minimum pervious lot coverage of 20 percent (80 percent
34 maximum semi-impervious and impervious cover) for all uses.
- 35 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 36 **a. Front.** In the front, 20 feet.
- 37 **b. Rear.** In the rear, 15 feet.

1 **c. Sides.** On each side, ten feet or ten percent of the lot width at the front
2 building line, whichever is less, but no less than five feet. For those
3 structures exceeding three stories, minimum side setbacks increase an
4 additional two feet for each additional story or additional ten feet in height, but
5 need not exceed 15 feet. For townhouse groups, ten feet at each end unit.

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

8 **(f) Location criteria.** All new non-residential uses proposed within the HDMU district
9 that are not part of a predominantly residential development or a planned unit
10 development, or are not identified as exempt by district regulations, shall be on
11 parcels that satisfy at least one of the following location criteria: **[7.20.04]**

12 **(1) Proximity to intersection.** Along an arterial or collector street, and within 200
13 feet of an intersection with another arterial or collector.

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

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

24 **(4) Site design.** Along an arterial street and at the intersection with a local street
25 that serves to connect the arterial street to another arterial, , and all of the
26 following site design conditions:

27 **a.** Any intrusion into a recorded residential subdivision is limited to a corner lot

28 **b.** Access and stormwater management is shared with adjoining uses or
29 properties to the extent practicable.

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

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

39 **a.** The parcel has not been rezoned by the landowner from the mixed use,
40 commercial, or industrial zoning assigned by the county.

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

4 **(g) Rezoning to HDMU.** High Density Mixed Use zoning may be established only
5 within the Mixed Use Urban or Commercial future land use categories. The district
6 is suitable for areas where the intermixing of uses has been the custom, where
7 future uses are uncertain, and some redevelopment is probable. The district is
8 appropriate to provide transitions between areas zoned or used for medium or high
9 density residential and areas zoned or used for commercial. Additionally, rezoning
10 to HDMU is subject to the same location criteria as any new non-residential use
11 proposed within the HDMU district.

12 **Sec. 3-2.10 Commercial district (Com).** [C-1 (98%), GMD (2%)]

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

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

25 **(1) Residential.** The following residential uses are allowed throughout the district,
26 but if within a Commercial future land use category they are permitted only if part
27 of a predominantly commercial development. The restriction, however, does not
28 apply to a single-family dwelling as the principal use on an existing lot of record:

29 **a.** Group living, including nursing homes, assisted living facilities, and retirement
30 homes, but excluding dormitories, fraternity or sorority houses, or residential
31 facilities providing substance abuse treatment, post-incarceration reentry, or
32 similar services.

33 **b.** Manufactured (mobile) homes, and including new or expanded manufactured
34 home parks or subdivisions.

35 **c.** Single-family dwellings (other than manufactured homes), detached or
36 attached, including townhouses and zero lot line subdivisions.

37 **d.** Two-family and multi-family dwellings.

38 See also “conditional uses.” in this district

39 **(2) Retail sales.** Retail sales, including sales of alcoholic beverages and automotive
40 fuels, but excluding motor vehicle sales and permanent outdoor storage. See
41 also “conditional uses.” in this district

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

- 3 a. Car washes, automatic or manual, full service or self-serve.
- 4 b. Child care facilities.
- 5 c. Hotels, motels and all other public lodging, including boarding and rooming
6 houses.
- 7 d. Personal services, including beauty shops, health clubs, pet groomers, dry
8 cleaners and tattoo parlors.
- 9 e. Professional services, including those provided by realtors, bankers,
10 accountants, engineers, architects, dentists, physicians, and attorneys.
- 11 f. Repair services, including appliance repair, furniture refinishing and
12 upholstery, watch and jewelry repair, small engine and motor services, but
13 excluding major motor vehicle or boat service or repair, and outdoor work.
- 14 g. Restaurants, including on-premises consumption of alcoholic beverages and
15 drive-in and drive-through service. However, the parcel boundary of any
16 restaurant with drive-in or drive-through service shall be at least 200 from any
17 LDR or MDR zoning district unless separated by a 60-foot or wider street
18 right-of-way.

19 See also “conditional uses.” in this district

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

- 21 a. Community service facilities, including auditoriums, libraries, museums, and
22 neighborhood centers.
- 23 b. Educational facilities, including preschools, K-12, colleges, and vocational
24 schools.
- 25 c. Emergency service facilities, including law enforcement, fire fighting, and
26 medical assistance.
- 27 d. Foster care facilities.
- 28 e. Funeral homes.
- 29 f. Hospitals.
- 30 g. Offices for government or public utilities.
- 31 h. Places of worship.
- 32 i. Public utility structures not exceeding the district structure height limit,
33 including telecommunications towers, but excluding any industrial uses.
- 34 j. Warehousing or maintenance facilities for government or for public utilities.

35 See also “conditional uses.” in this district

36 **(5) Recreation and entertainment.**

- 37 a. Campgrounds and recreational vehicle parks on lots five acres or larger.

1 **b.** Indoor recreation or entertainment facilities, including movie theaters, bowling
2 alleys, skating rinks, arcade amusement centers, bingo facilities and shooting
3 ranges, but excluding bars, nightclubs or adult entertainment facilities.

4 **c.** Marinas, private and commercial.

5 **d.** Parks without permanent restrooms or outdoor event lighting.

6 See also “conditional uses.” in this district

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

8 **a.** Printing, binding, lithography and publishing.

9 **b.** Wholesale warehousing with gross floor area no greater than 10,000 sq.ft. per
10 lot.

11 See also “conditional uses.” in this district

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

13 **a.** Agricultural food production primarily for personal consumption by the
14 producer, but no farm animals.

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

17 **c.** Veterinary clinics.

18 See also “conditional uses.” in this district

19 **(8) Other uses.**

20 **a.** Billboard sign structures. See Chapter 5.

21 **b.** Borrow pit reclamation, only with site-specific BCC approval.

22 **c.** Mini-warehouses, excluding vehicle rental.

23 **d.** Outdoor storage if minor and customarily incidental to the permitted or
24 approved conditional uses of the district, and if in the rear yard, covered and
25 screened from off-site view, unless otherwise noted. See Article 4.

26 **e.** Parking garages and lots, commercial.

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

29 **(1) Residential.**

30 **a.** Group living not among the “permitted uses.”

31 **b.** Home occupations with non-resident employees.

32 **(2) Retail sales.**

33 **a.** Boat sales, new and used.

34 **b.** Automobile sales, used only, excluding parcels fronting on any of the
35 following “gateway” streets: Sorrento Road/Gulf Beach Highway/Barrancas

1 Avenue (SR 292); Blue Angel Parkway (SR 173); Pine Forest Road, south
2 from Interstate 10 to SR 173; Navy Boulevard (SR 295 and US 98); and
3 Scenic Highway (SR 10A and US 90). Additionally, the parcel shall be no
4 larger than one acre and provided with a permanent fence, wall or other
5 structural barrier of sufficient height and mass along all road frontage to
6 prevent encroachment into the right-of way other than through approved site
7 access.

- 8 c. Automobile rental limited to the same restrictions as used automobile sales.
- 9 d. Truck, utility trailer, and recreational vehicle sales, rental or service limited to
10 the same restrictions as used automobile sales.

11 **(3) Retail services.**

- 12 a. Restaurants not among the “permitted uses.”
- 13 b. Service and repair of motor vehicles, only if small scale (gross floor area
14 6000 sq.ft.or less per lot), but no painting or body work and no outdoor work
15 or storage.

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

- 17 a. Broadcast stations with satellite dishes and antennas, but no towers.
- 18 b. Cemeteries.
- 19 c. Clubs, civic and fraternal.
- 20 d. Crematoriums

21 **(5) Recreation and entertainment.**

- 22 a. Bars and nightclubs.
- 23 b. Golf courses, tennis centers, swimming pools and similar active outdoor
24 recreational facilities, including associated country clubs..
- 25 c. Parks with permanent restrooms or outdoor event lighting.

26 **(6) Industrial and related.** Borrow pits, new or expanded, only with site-specific
27 BCC approval.

28 **(7) Agricultural and related.** Horses or other domesticated equines kept on site,
29 and stables for such animals, only as a private residential accessory with a
30 minimum lot area of two acres and a maximum of one such animal per acre.

31
32 **(8) Other uses.**

- 33 a. Buildings and other structures of permitted uses proposing to exceed the
34 district structure height limit.
- 35 b. Mini-warehouses, with vehicle rental as an accessory use.
- 36 c. Outdoor sales not among the “permitted uses.” **[what limitations?]**

1 d. Outdoor storage not among the permitted uses, including outdoor storage of
2 trailered boats and operable recreational vehicles, but no repair, overhaul or
3 salvage activities. All such storage shall be screened from residential uses
4 and maintained to avoid nuisance conditions.

5 **(d) Site and building requirements.** The following site and building requirements apply
6 to uses within the Commercial district:

7 **(1) Density.** A minimum of 3.5 dwelling units per acre within the Mixed Use Urban
8 (MU-U) future land use category and a maximum of 25 dwelling units per acre
9 throughout the district. No maximum lodging unit density imposed by zoning.

10 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial future
11 land use category and 2.0 within Mixed Use Urban (MU-U).

12 **(3) Structure height.** A maximum structure height of 150 feet above adjacent
13 grade, except as may be approved as a conditional use. [proposed new height
14 limit from 120]

15 **(4) Lot area.** Lot area as may be prescribed by use.

16 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
17 20 feet at the street right-of-way, the following minimum lot widths are required:

18 a. **Single-family detached.** Forty feet at both the street right-of-way and the
19 front building line for single-family detached dwellings.

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

22 c. **Multi-family and other.** One hundred feet at the front building line for multi-
23 family dwellings, boarding or lodging houses, or townhouse groups. No
24 minimum lot width required by zoning for other uses.

25 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
26 maximum semi-impervious and impervious cover) for all uses.

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

28 a. **Front and rear.** In both front and rear, 15 feet.

29 b. **Sides.** For each side, ten feet, increasing an additional two feet for each
30 additional ten feet in height above the first 35 feet of the structure as
31 measured from highest adjacent grade. For ten feet for end units of
32 townhouse groups

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

35 **(e) Location criteria.** All new non-residential uses proposed within the Commercial
36 district that are not part of a planned unit development or not identified as exempt by
37 the district shall be on parcels that satisfy at least one of the following location
38 criteria: [7.20.05]

- 1 **(1) Proximity to intersection.** Along an arterial or collector street, and within one-
2 quarter mile of its intersection with an arterial street.
- 3 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a
4 one-quarter mile radius of an individual traffic generator of more than 600 daily
5 trips, such as an apartment complex, military base, college campus, hospital,
6 shopping mall or similar generator.
- 7 **(3) Infill development.** Along an arterial or collector street, in an area where
8 already established non-residential uses are otherwise consistent with the
9 Commercial district, and where the new use would constitute infill development of
10 similar intensity as the conforming development on surrounding parcels.
11 Additionally, the location would promote compact development and not contribute
12 to or promote strip commercial development.
- 13 **(4) Site design.** Along an arterial or collector street, no more than one-half mile
14 from its intersection with an arterial or collector street, not abutting a single-family
15 residential zoning district (RR, LDR or MDR), and all of the following site design
16 conditions:
- 17 a. Any intrusion into a recorded subdivision is limited to a corner lot.
- 18 b. A system of service roads or shared access is provided to the maximum
19 extent made feasible by lot area, shape, ownership patterns, and site and
20 street characteristics.
- 21 c. Adverse impacts to any adjoining residential uses are minimized by placing
22 the more intensive elements of the use, such as solid waste dumpsters and
23 truck loading/unloading areas, furthest from the residential uses.
- 24 a. **Documented compatibility.** A compatibility analysis prepared by the
25 compliance review applicant provides competent substantial evidence of unique
26 circumstances regarding the potential uses of parcel that were not anticipated by
27 the alternative criteria, and the proposed use, or rezoning as applicable, will be
28 able to achieve long-term compatibility with existing and potential uses.
29 Additionally, the following conditions exist:
- 30 a. The parcel has not been rezoned by the landowner from the mixed use,
31 commercial, or industrial zoning assigned by the county.
- 32 b. If the parcel is within a county redevelopment district, the use will be
33 consistent with the district's adopted redevelopment plan, as reviewed and
34 recommended by the Community Redevelopment Agency (CRA).
- 35 **(f) Rezoning to Commercial.** Commercial zoning may be established only within the
36 Mixed Use Urban or Commercial future land use categories. The district is
37 appropriate to provide transitions between areas zoned or used as high density
38 mixed use and areas zoned or used as heavy commercial or industrial. Rezoning to
39 Commercial is subject to the same location criteria as any new non-residential use
40 proposed within the Commercial district.

1 **Sec. 3-2.11 Heavy Commercial and Light Industrial district (HC/LI).** [C-2 (55%), ID-
2 CP (7%), ID-1 (28%), GBD (7%), GID (3%)]

3 **(a) Purpose.** The purpose of the Heavy Commercial and Light Industrial (HC/LI) district
4 is to establish appropriate areas and land use regulations for a complementary mix
5 of industrial uses with a broad range of commercial activities. The primary intent of
6 the district is to allow light manufacturing, large-scale wholesale and retail uses,
7 major services, and other more intense uses than allowed in the Commercial district.
8 The variety and intensity of non-residential uses within the HC/LI district is limited by
9 their compatibility with surrounding uses. All commercial and industrial operations
10 are limited to the confines of buildings and not allowed to produce undesirable
11 effects on other property. To retain adequate area for commercial and industrial
12 activities, other uses within the district are limited.

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

14 **(1) Residential.** All residential use are allowed, including manufactured (mobile)
15 home subdivisions and parks, but only outside of the Industrial future land use
16 category and only if part of a predominantly commercial development. These
17 restrictions, however, do not apply to a single-family dwelling as the principal use
18 on an existing lot of record. See also “conditional uses.” in this district

19 **(2) Retail sales.** Retail sales, including sales of alcoholic beverages, sales of
20 automotive fuels, and sales of new and used automobiles, motorcycles, boats,
21 and mobile homes.

22 **(3) Retail services.**

23 a. Car washes, automatic or manual, full service or self-serve.

24 b. Child care facilities.

25 c. Hotels, motels and all other public lodging, including boarding and rooming
26 houses.

27 d. Personal services, including beauty shops, health clubs, pet groomers, dry
28 cleaners and tattoo parlors.

29 e. Professional services, including those provided by realtors, bankers,
30 accountants, engineers, architects, dentists, physicians, and attorneys.

31 f. Rental of automobiles, trucks, utility trailers and recreational vehicles.

32 g. Repair services, including appliance repair, furniture refinishing and
33 upholstery, watch and jewelry repair, small engine and motor services, and
34 major motor vehicle and boat service and repair, but excluding outdoor work
35 or storage.

36 h. Restaurants, including on-premises consumption of alcoholic beverages and
37 drive-in and drive-through service. However, the parcel boundary of any
38 restaurant with drive-in or drive-through service shall be at least 200 from any
39 LDR or MDR zoning district unless separated by a 60-foot or wider street
40 right-of-way.

1 i. Taxi and limousine services.

2 See also “conditional uses.” in this district

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

4 a. Broadcast stations with satellite dishes and antennas, including towers up to
5 the district structure height limit.

6 b. Community service facilities, including auditoriums, libraries, museums, and
7 neighborhood centers.

8 c. Educational facilities, including preschools, K-12, colleges, and vocational
9 schools.

10 d. Emergency service facilities, including law enforcement, fire fighting, and
11 medical assistance.

12 e. Funeral homes.

13 f. Hospitals.

14 g. Places of worship.

15 h. Public utility structures not exceeding the district structure height limit,
16 including telecommunications towers, but no industrial uses not otherwise
17 permitted.

18 See also “conditional uses.” in this district

19 **(5) Recreation and entertainment.**

20 a. Commercial entertainment facilities, indoor or outdoor, including movie
21 theatres, amusement parks, and stadiums, but excluding off-highway motor
22 vehicle uses. Carnival-type amusements shall be no less than 500 feet from
23 any residential district. Additionally, bars, nightclubs and adult entertainment
24 are prohibited in areas with the zoning designation HC/LI-NA or areas
25 formerly within the ID-CP or ID-1 prior to adoption of HC/LI zoning. See also
26 supplemental use regulations in Chapter 4.

27 b. Commercial recreation facilities, passive or active, including those for walking,
28 hiking, bicycling, camping, recreational vehicles, swimming, skateboarding,
29 bowling, court games, field sports, and golf, but excluding outdoor shooting
30 ranges. A minimum lot area of five acres for campgrounds or recreational
31 vehicle parks.

32 c. Marinas, private and commercial.

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

34 See also “conditional uses.” in this district

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

36 a. Borrow pits, new or expanded, only with site-specific BCC approval.

1 **b.** Light industrial uses, including research and development, printing and
2 binding, distribution and wholesale warehousing, and manufacturing, all
3 completely within the confines of buildings and without adverse off-site
4 impacts.

5 **c.** Marinas, industrial.

6 See also “conditional uses.” in this district

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

8 **1.** Food produced primarily for personal consumption by the producer, but no
9 farm animals.

10 **2.** Nurseries and garden centers, including adjoining outdoor storage or display
11 of plants.

12 **3.** Veterinary clinics, but no outside kennels.

13 See also “conditional uses.” in this district

14 **(8) Other uses.**

15 **a.** Billboards sign structures. See Chapter 5.

16 **b.** Borrow pit reclamation, only with site-specific BCC approval.

17 **c.** Building or construction trades shops and warehouses, including on-site
18 outside storage.

19 **d.** Bus leasing and rental facilities.

20 **e.** Deposit boxes for donation of used items when placed as an accessory
21 structure on the site of a charitable organization.

22 **f.** Mini-warehouses, including vehicle rental as an accessory use.

23 **g.** Outdoor adjacent display of plants by garden shops and nurseries.

24 **h.** Outdoor sales. [any limitations?]

25 **i.** Outdoor storage of trailered boats and operable recreational vehicles, but no
26 repair, overhaul or salvage activities.

27 **j.** Parking garages and commercial parking lots.

28 **k.** Sales and outdoor display of prefabricated storage sheds.

29 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
30 the BOA may conditionally allow the following uses within the HC/LI district:

31 **(1) Residential.** Caretaker residences for permitted non-residential uses.

32 **(2) Retail services.** Restaurants not among the “permitted uses.” [added for
33 consistency with C-1]

34 **(3) Public and civic.** Correctional facilities.

35 **(4) Recreation and entertainment.**

- 1 a. Off-highway motor vehicle commercial entertainment and recreation.
- 2 b. Shooting ranges, outdoor.
- 3 **(5) Industrial and related.**
- 4 a. Asphalt and concrete batch plants if within the Industrial future land use
- 5 category and within areas zoned GID prior to adoption of HC/LI zoning.
- 6 b. Salvage yards, including the handling of metals, paper, tires, bottles and
- 7 cans, motor vehicles, and appliances.
- 8 c. Solid waste collection points and transfer facilities, but no hazardous waste
- 9 storage.
- 10 **(6) Agricultural and related.** Kennels or animal shelters not interior to veterinary
- 11 clinics.
- 12 **(7) Other uses.**
- 13 a. Buildings and other structures of permitted uses proposing to exceed the
- 14 district structure height limit.
- 15 b. Heliports.
- 16 **(d) Site and building requirements.** The following site and building requirements apply
- 17 to uses within the HC/LI district:
- 18 **(1) Density.** No dwelling unit density established by zoning, but each lot of record
- 19 vested for a single-family dwelling as the principal use. No maximum lodging unit
- 20 density imposed by zoning.
- 21 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C)
- 22 and Industrial (Industrial) future land use categories and 2.0 within Mixed Use
- 23 Urban (MU-U).
- 24 **(3) Structure height.** A maximum structure height of 150 feet above highest
- 25 adjacent grade, except as may be approved as a conditional use. [proposed new
- 26 height limit from 120]
- 27 **(4) Lot area.** Lot area as may be prescribed by use.
- 28 **(5) Lot width.** No minimum lot width required by zoning.
- 29 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
- 30 maximum semi-impervious and impervious cover) for all uses. A maximum of 75
- 31 percent of lot area occupied by principal and accessory buildings on lots of non-
- 32 residential uses.
- 33 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 34 a. **Front and rear.** In both front and rear, 15 feet.
- 35 b. **Sides.** For each side, ten feet, increasing an additional two feet for each
- 36 additional ten feet in height above the first 35 feet of the structure as
- 37 measured from highest adjacent grade.

1 **(8) Other requirements.**

- 2 **a. Access.** For any industrial use south of Well Line Road, site access shall be
3 provided by curb cuts on an arterial or collector street. Alternatively, a private
4 or public street may link the site to an arterial or collector, provided that the
5 private or public street does not traverse a residential subdivision or
6 predominantly residential neighborhood between the site and the arterial or
7 collector street. [6.05.18.F]
- 8 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
9 regulations and standards.

10 **(e) Location criteria.** All new non-residential uses proposed within the HC/LI district
11 that are not part of a planned unit development or not identified as exempt by district
12 regulations shall be on parcels that satisfy at least one of the following location
13 criteria: [7.20.06]

14 **(1) Proximity to intersection.** Along an arterial street, and within one-quarter mile
15 of its intersection with an arterial street.

16 **(2) Site design.** Along an arterial street, no more than one-half mile from its
17 intersection with an arterial street, and all of the following site design conditions:

- 18 **a.** Not abutting a RR, LDR or MDR zoning district
- 19 **b.** Any intrusion into a recorded residential subdivision is limited to a corner lot
- 20 **c.** A system of service roads or shared access is provided to the maximum
21 extent feasible given the lot area, lot shape, ownership patterns, and site and
22 street characteristics.
- 23 **d.** Adverse impacts to any adjoining residential uses are minimized by placing
24 the more intensive elements of the use, such as solid waste dumpsters and
25 truck loading/unloading areas, furthest from the residential uses.
- 26 **e.** Location in an area where already established non-residential uses are
27 otherwise consistent with the HC/LI, and where the new use would constitute
28 infill development of similar intensity as the conforming development on
29 surrounding parcels. Additionally, the location would promote compact
30 development and not contribute to or promote strip commercial development.

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

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

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

4 **(f) Rezoning to HC/LI.**

5 **(1) General.** Heavy Commercial and Light Industrial zoning may be established only
6 within the Mixed Use Urban, Commercial, or Industrial future land use categories.
7 The district is appropriate to provide transitions between areas zoned or used for
8 commercial and areas zoned or used for industrial. Rezoning to HC/LI shall
9 consider the ability of the site to receive bulk deliveries by truck in locations
10 served by major transportation networks and the need to avoid undesirable
11 effects on nearby property and residential uses. Additionally, rezoning to HC/LI
12 is subject to the same location criteria as any new non-residential use proposed
13 within the HC/LI district.

14 **(2) HC/LI-NA designation.** Any applicant for rezoning to the HC/LI zoning district
15 may request a HC/LI-NA designation prohibiting the subsequent establishment of
16 any bars, nightclubs, or adult entertainment uses on the rezoned property. The
17 request shall be in the form of a notarized affidavit that acknowledges this use
18 restriction and affirms that it is a voluntary request. Once approved in
19 conformance with the rezoning provisions of Chapter 2, the HC/LI-NA zoning
20 designation and its prohibitions shall apply to the property, regardless of
21 ownership, unless and until the parcel is rezoned.

22 **Sec. 3-2.12 Industrial district (Ind). [ID-2 (100%)]**

23 **(a) Purpose.** The Industrial (Ind) district establishes appropriate areas and land use
24 regulations for a broad range of industrial uses. The primary intent of the district is
25 to accommodate general assembly, outdoor storage, warehousing and distribution,
26 major repair and services, manufacturing, salvage and other such uses and activities
27 that contribute to a diverse economic base but cannot satisfy the compatibility
28 requirements and higher performance standards of other districts. The Industrial
29 district is also intended to provide appropriate locations and standards that minimize
30 dangers to populations and the environment from heavy industrial activities, and to
31 preserve industrial lands for the continuation and expansion of industrial production.
32 To ensure the preservation of adequate areas for industrial activities, other uses
33 within the district are limited. With few exceptions, new or expanded residential
34 development is prohibited.

35 **(b) Permitted uses.** Permitted uses within the Industrial district are limited to the
36 following:

37 **(1) Residential.** No new residential uses, including accessory dwelling units, except
38 a single-family dwelling (including manufactured homes) allowed as the principal
39 use on any lot of record and caretaker residences for permitted non-residential
40 uses.

41 **(2) Retail sales.** No retail sales except as permitted “industrial and related” uses.

- 1 **(3) Retail services.** No retail services except as permitted “industrial and related”
2 uses.
- 3 **(4) Public and civic.**
- 4 a. Emergency service facilities, including law enforcement, fire fighting, and
5 medical assistance.
- 6 b. Public utility structures not exceeding the district structure height limit,
7 including telecommunications towers.
- 8 **(5) Recreation and entertainment.** No recreation or entertainment uses.
- 9 **(6) Industrial and related.**
- 10 a. Bulk storage.
- 11 b. Industrial uses, light and heavy, including research and development, printing
12 and binding, distribution and wholesale warehousing, processing of raw
13 materials, manufacturing of finished and semi-finished products, salvage
14 yards, solid waste transfer facilities, landfills, concrete and asphalt batch
15 plants, power plants, and mineral extraction, but new or expanded borrow pits
16 only with site-specific BCC approval.
- 17 c. Solid waste collection points.
- 18 **(7) Agricultural and related.** No agricultural or related uses except as permitted
19 “industrial and related” uses.
- 20 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.
- 21 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
22 the BOA may conditionally allow a permitted use of the Industrial district to exceed
23 the district structure height limit.
- 24 **(d) Site and building requirements.** The following site and building requirements apply
25 to uses within the Industrial district:
- 26 **(1) Density.** No dwelling unit or lodging unit density established by zoning, but each
27 lot of record vested for a single-family dwelling as the principal use.
- 28 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
- 29 **(3) Structure height.** A maximum structure height of 150 feet above highest
30 adjacent grade, except as may be approved as a conditional use.
- 31 **(4) Lot area.** Lot area as may be prescribed by use.
- 32 **(5) Lot width.** A minimum lot width of 100 feet at the street right-of-way.
- 33 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
34 maximum semi-impervious and impervious cover) for all uses. A maximum of 75
35 percent of lot area occupied by principal and accessory buildings.
- 36 **(7) Structure setbacks.** For all principal structures, minimum setbacks of 25 feet in
37 both front and rear, and 15 feet on the sides.

1 **(8) Other requirements.**

2 **a. Access.** For any industrial use south of Well Line Road, site access shall be
3 provided by curb cuts on an arterial or collector street. Alternatively, a private
4 or public street may link the site to an arterial or collector, provided that the
5 private or public street does not traverse a residential subdivision or
6 predominantly residential neighborhood between the site and the arterial or
7 collector street. [6.05.19.G]

8 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
9 regulations and standards.

10 **(e) Location criteria.** All new industrial uses proposed within the Industrial district that
11 are not part of a planned unit development shall be on parcels that satisfy all of the
12 following location criteria: [7.20.07]

13 **(a)** Located so that the negative impacts of the uses on the functions of natural
14 systems are avoided if possible, and minimized when unavoidable.

15 **(b)** Accessible to essential public facilities and services at the levels of service
16 adopted in the Comprehensive Plan.

17 **(c)** Located on parcels of land large enough to adequately support the type of
18 industrial development proposed and minimize any adverse impacts upon
19 surrounding properties through effective buffering so that the proposed use is
20 compatible with surrounding uses. [6.05.19.D.2]

21 **(f) Rezoning to Ind.** Industrial zoning may be established only within the Industrial (I)
22 future land use category. The district shall be located where conflicts with other
23 uses can be minimized through orderly zoning transitions and effective buffering,
24 and where sufficient access to transportation and other public facilities is available.
25 Additionally, rezoning to Industrial is subject to the same location criteria as any new
26 industrial use proposed within the Industrial district.

27 **Sec. 3-2.13 Recreation district (Rec).** [S-1 (100%)]

28 **(a) Purpose.** The Recreation (Rec) district establishes appropriate areas and land use
29 regulations for outdoor recreational uses and open space. The primary intent of the
30 district is to preserve and maintain parcels of land necessary or used for a system of
31 public and private parks providing both active and passive recreational activities and
32 amenities. Indoor recreation facilities are allowed within the Recreational district if
33 customarily incidental to the principal outdoor uses. Non-recreational uses are
34 severely limited to ensure the preservation of district lands and provision of
35 adequate areas for public recreation. With few exceptions, new or expanded
36 residential development is prohibited.

37 **(b) Permitted uses.** Permitted uses within the Recreation district are limited to the
38 following:

39 **(1) Residential.** No new residential uses, including accessory dwelling units, except
40 a single-family dwelling (including manufactured homes) allowed as the principal

1 use on any lot of record and caretaker residences for permitted non-residential
2 uses. excluding home-based businesses

3 **(2) Retail sales.** Retail sales customarily incidental to permitted recreational uses.

4 **(3) Retail services.** Retail services customarily incidental to permitted recreational
5 uses.

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

7 a. Bird and wildlife sanctuaries.

8 b. Parks and greenbelt areas.

9 c. Public utility structures, including telecommunication towers.

10 See also “conditional uses.” in this district

11 **(5) Recreation and entertainment.**

12 a. Recreation facilities, outdoor, passive or active.

13 b. Marinas, commercial only.

14 c. Parks, with or without permanent restrooms or outdoor event lighting.

15 See also “conditional uses.” in this district

16 **(6) Industrial and related.** No industrial or related uses.

17 **(7) Agricultural and related.** No agricultural or related uses.

18 **(8) Other uses.** Borrow pit reclamation only with site-specific BCC approval.

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

21 **(2) Public and civic.** Emergency service facilities, including law enforcement, fire
22 fighting, and medical assistance.

23 **(3) Recreation and entertainment.** Outdoor shooting ranges.

24 **(d) Site and building requirements.** The following site and building requirements apply
25 to uses within the Recreation district:

26 **(1) Density.** No dwelling unit or lodging unit density established by zoning, but each
27 lot of record vested for a single-family dwelling as the principal use.

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

29 **(3) Structure height.** No maximum structure height imposed by zoning.

30 **(4) Lot area.** Lot area as may be prescribed by use.

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

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

34 **(7) Structure setbacks.** No minimum setbacks required by zoning.

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

3 **(e) Location criteria.** No location criteria are established by the Recreation district.

4 **(f) Rezoning to Recreation.** Recreation zoning may be established within all future
5 land use categories except Industrial and Conservation.

6 **Sec. 3-2.14 Conservation district (Con).** [SDD public or conservation land (100%)]

7 **(a) Purpose.** The Conservation (Con) district establishes appropriate areas and land
8 use regulations for the conservation of important natural resources. The primary
9 intent of the district is to conserve wetlands, marshes, watersheds, coastal dunes,
10 wildlife habitats and other environmentally sensitive lands, but allow for passive
11 recreational opportunities and amenities consistent with the Conservation future land
12 use category. Non-conservation uses are severely limited to ensure the
13 conservation of district resources and provision of appropriate areas for public
14 recreation. Non-residential uses within the Conservation district are limited to
15 activities that will have minimal impacts and where the educational benefits of the
16 uses are determined to outweigh those impacts. With few exceptions, new or
17 expanded residential development is prohibited.

18 **(b) Permitted uses.** Permitted uses within the Conservation district are limited to the
19 following:

20 **(1) Residential.** No new residential uses, including accessory dwelling units, except
21 a single-family dwelling (including manufactured homes) allowed as the principal
22 use on any lot of record and caretaker residences for permitted non-residential
23 uses.

24 **(2) Retail sales.** No retail sales.

25 **(3) Retail services.** No retail services.

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

27 a. Bird and wildlife sanctuaries.

28 b. Educational use of natural amenities for public benefit.

29 c. Parks and trails for passive recreation only.

30 d. Preservation and conservation lands.

31 See also “conditional uses.” in this district

32 **(5) Recreation and entertainment.** Only passive recreation and entertainment
33 uses.

34 **(6) Industrial and related.** No industrial or related uses.

35 **(7) Agricultural and related.** See “conditional uses.”

36 **(8) Other uses.** Borrow pit reclamation with site-specific BCC approval.

- 1 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
2 the BOA may conditionally allow the following uses within the Conservation district:
- 3 **(1) Public and civic.** Public utility structures, including telecommunication towers.
- 4 **(2) Agricultural and related.** The keeping of horses or other domesticated *equines*
5 on site, and stables for such animals, only for public riding. See “lot size.”
- 6 **(d) Site and building requirements.** The following site and building requirements
7 apply to uses within the Conservation district:
- 8 **(1) Density.** No dwelling unit or lodging unit density established by zoning, but each
9 lot of record vested for a single-family dwelling as the principal use.
- 10 **(2) Floor area ratio.** A maximum floor area ratio of 0.5 for all uses.
- 11 **(3) Structure height.** No maximum structure height imposed by zoning.
- 12 **(4) Lot area.** Lot area as may be prescribed by use.
- 13 **(5) Lot width.** No minimum lot width is required by zoning.
- 14 **(6) Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent
15 maximum semi-impervious and impervious cover) for all uses.
- 16 **(7) Structure setbacks.** No minimum setbacks required by zoning.
- 17 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
18 regulations and standards.
- 19 **(e) Location criteria.** No location criteria established by the Conservation district.
- 20 **(f) Rezoning to Conservation.** Conservation zoning may be established within all
21 future land use categories. The district is suitable for all lands that have natural
22 limitations to development due to sensitive environmental character, both publically
23 owned conservation lands and private lands subject to similarly restrictive
24 conservation easements.

1 **Article 3 Overlay districts.**

2 **Sec. 3-3.1 Purpose of article.**

3 The purpose of this article is to establish overlay zoning districts that apply to areas of
4 the county for which specific aesthetic, historic preservation, resource protection,
5 redevelopment or other public concerns have been formally identified by the BCC.
6 Overlays establish supplemental requirements to address issues not sufficiently
7 addressed by underlying zoning. The allowable uses, site and building requirements,
8 and other conditions of the underlying zoning may be modified by the provisions of the
9 overlay districts to achieve the stated purposes of the overlays. However, unless
10 modified by an overlay, all provisions of the underlying zoning apply.

11 **Sec. 3-3.2 Community redevelopment.**

12 **(d) General.** The BCC has designated community redevelopment areas and adopted
13 area plans to reduce identified slum and blighted conditions within certain areas of
14 the county. The redevelopment plans provide guidance to enhance quality of life,
15 encourage private sector reinvestment, and promote sound economic development
16 principles. Additionally, they provide recommendations for capital improvement
17 projects and other public sector enhancement opportunities. Redevelopment
18 overlay zoning districts are established in this section to support these plans through
19 land use regulations.

20 **(e) Community Redevelopment Agency (CRA).** As part of the redevelopment
21 strategy for the designated redevelopment areas, the BCC created the Community
22 Redevelopment Agency (CRA) and authorized the use of tax increment financing
23 (TIF) as a tool for redevelopment. Within the LDC compliance review processes the
24 CRA determines compliance with the redevelopment overlay district regulations,
25 particularly regarding land use and site and building requirements.

26 In evaluating compliance, the CRA recognizes that there may be circumstances
27 requiring a departure from some overlay requirements, and may grant them
28 accordingly. Although financial hardship alone is not a basis to grant an exception,
29 the CRA may consider the following when requested to grant exceptions to overlay
30 zoning district requirements:

- 31 **(1)** Individual and public safety.
- 32 **(2)** Unique site conditions or building characteristics.
- 33 **(3)** Adverse effects of standards on the use of the property.
- 34 **(4)** Public benefit.

35 **(f) Crime prevention through design.** When designing any element within a
36 redevelopment overlay district, including site layout, buildings, streets, signs,
37 landscaping and parking, Crime Prevention Through Environmental Design
38 (CPTED) principles shall be used. The following CPTED guidelines shall be
39 evaluated by the CRA for designs within the district:

1 **(1) Territorial reinforcement.** All building entrances, parking areas, pathways and
2 other elements should incorporate appropriate features that create or extend a
3 "sphere of influence," express ownership, and clearly distinguish private areas
4 from public ones.

5 **(2) Natural surveillance.** The site layout, building and landscape design should
6 promote the ability to "see and be seen." Physical features and activities should
7 be oriented and designed in ways that maximize the ability to see throughout the
8 site.

9 **(3) Activity support.** The site layout and building design should encourage
10 legitimate activity in public spaces.

11 **(4) Access control.** Walkways, fences, lighting, signage and landscape should be
12 located and designed to clearly guide people and vehicles to and from the proper
13 entrances, directing the flow of people while decreasing the opportunity for crime.

14 **Sec. 3-3.3 Barrancas Overlay (Barr-OL).** [6.07.04, RA-1(OL)]

15 **(a) Purpose.** The purpose of the Barrancas Overlay (Barr-OL) district is to support the
16 BCC-adopted Barrancas Redevelopment Area through specific land use regulations.
17 The regulations are intended to further the objectives of the area's redevelopment
18 plan, especially its protection of the unique natural resources of Bayou Chico. To
19 protect and conserve such resources along and adjacent to the bayou, as well as to
20 nurture water-dependent and water-related uses that do not cause water quality
21 degradation or prevent the beneficial restoration of environmental quality in the
22 bayou, the overlay district includes limitations that specifically apply within a
23 waterfront mixed use area. Land use controls established by the entire overlay
24 district work to enhance the character of an area changed by the realignment of
25 Barrancas Avenue and to alleviate the harmful effects of industrial pollutants on
26 surface waters.

27 **(b) Permitted uses.** The permitted uses of underlying zoning districts are modified
28 within the Barr-OL district as follows: [6.07.02.D]

29 **(1) Multi-family dwellings.** All new or modified multi-family dwellings shall be in
30 condominium form of ownership. Single-family attached dwellings are not
31 affected. [6.07.02.D.3]

32 **(2) Mixed-use.** For any mix of permitted residential and non-residential uses within
33 the same building, the non-residential uses shall occupy the first or bottom floor
34 and the residential uses shall occupy the second or upper floors. [6.07.02.D.4]

35 **(c) Conditional uses.** The Barr-OL district does not modify the conditional uses of any
36 underlying zoning districts.

37 **(d) Prohibited uses.** Except as noted, the following uses are prohibited in the Barr-OL
38 district regardless of their status in any underlying zoning district:

39 **(1)** Automotive fuel sales.

40 **(2)** Automotive outdoor repair or storage, including painting and bodywork.

- 1 **(3)** Boarding or lodging houses.
- 2 **(4)** Campgrounds or recreational vehicle parks.
- 3 **(5)** Carnival type amusements and amusement arcades.
- 4 **(6)** Commercial outdoor storage of boats, except within the WMU area.
- 5 **(7)** Commercial outdoor storage of recreational vehicles.
- 6 **(8)** Fortune tellers, palm readers, psychics, and similar personal services.
- 7 **(9)** Manufactured (mobile) homes. The construction of modular homes is not
- 8 prohibited.
- 9 **(10)** Manufactured (mobile home subdivisions or parks.
- 10 **(11)** Mini-warehouses.
- 11 **(12)** Pawn shops and check cashing services.
- 12 **(13)** Used clothing deposit boxes.
- 13 **(14)** Wholesale or distribution warehouses, except within the WMU area.

14 **(e) Site and building requirements.** The following site and building requirements
15 apply in the Barr-OL district:

16 **(1) Structure height.** Except for properties within the WMU area, no structure shall
17 exceed 45 feet in height. Any lower height required by the underlying zoning
18 district shall govern.

19 **(2) Materials and colors.** The choice of building materials and colors shall be
20 compatible with the intent of the overlay district and shall not have an adverse
21 visual impact on surrounding properties. Accessory structures shall use the
22 same materials, color, and/or style of the primary façade if visible from a public
23 way.

24 **(3) If within MDR[R-2 & R-3] and HDR[R-4] zoning.** Residential buildings within
25 Medium Density Residential (MDR) and High Density Residential (HDR) zoning
26 districts shall have a clear and visible orientation to the street to create a
27 desirable pedestrian environment between the building and the street. Street
28 orientation shall include the following:

29 **a. Front entry.** The front facade shall include the primary entry door, be street
30 facing, and include a porch or stoop. Front porches shall be a minimum six
31 feet deep, ten feet wide and in scale with the primary facade. Stoops shall be
32 a minimum of five feet wide and provide connection to entrances or porches
33 where buildings are elevated above grade.

34 **b. Garages.** For residential uses, there shall be no front-facing garages unless
35 they are set back an additional eight feet from the primary front facade and do
36 not exceed 25 percent of the front-facing building facade. If the lot width is
37 forty feet or less, the 25 percent maximum does not apply.

1 **c. Off-street parking.** All off-street parking shall be located to the rear of the
2 building that faces the public street or within a garage. For single-family
3 detached residential dwellings, off street parking may be located in a carport,
4 driveway, or garage.

5 **(4) If within HDMU[R-5 & R-6] and Commercial[C-1] zoning.** Buildings within High
6 Density Mixed Use (HDMU) or Commercial zoning districts shall have a clear and
7 visible orientation to the street to create a desirable pedestrian environment
8 between the building and the street. Street orientation shall include:

9 **a. Setbacks.** Front and side setbacks consistent with adjacent structures as
10 allowed by zoning. Rear setbacks shall be as required by the underlying
11 zoning district. Where setback patterns are not clearly established, buildings
12 shall be built to within ten (10) feet of property lines.

13 **b. Building orientation.** Buildings oriented so that the principal facades are
14 parallel or nearly parallel to the streets they face. On corner sites, buildings
15 shall occupy the corner.

16 **c. Walkways.** Walkways that lead to front doors, separate from the driveway
17 where practical.

18 **d. Entrances.** Well lit entrances visible from the street and easily accessible.

19 **e. Residential parking.** For residential uses, all off-street parking located in the
20 rear of the building that faces the public street or within a garage. For single-
21 family detached housing, off street parking may be located in a carport,
22 driveway, or garage. There shall be no front facing garages unless they are
23 setback an additional eight feet from the primary front facade and do not
24 exceed 25 percent of the street facing building facade. If the lot width is forty
25 feet or less, the 25 percent maximum does not apply.

26 **f. Non-residential parking.** For non-residential uses, off-street parking areas
27 shall be located on the side or rear of the building unless a shared central
28 parking facility is developed through an easement or common ownership
29 among contiguous properties. Curb cuts shall be limited to one 20-foot wide
30 access for a shared central parking facility. Liner buildings or landscaping
31 shall be used to screen parking from the street. Walkways shall be included
32 in off-street parking areas.

33 **g. Scale.** Buildings shall be designed in proportions to reflect human pedestrian
34 scale and movement, and to encourage interest at the street level. Such
35 scale is best achieved when the ratio of street width to building height is
36 between 1:2 and 1:3. Along a 24-foot wide street, building height would
37 ideally be 48 to 72 feet.

38 **h. Loading areas.** All service and loading areas shall be entirely screened from
39 off-site view.

40 **i. Outdoor dining.** Outdoor dining areas shall be properly designated and
41 appropriately separated from public walkways and streets using attractive
42 materials such as railings, wrought iron fences, landscaping, or other suitable

1 material. Dining area adjacent to a public right-of-way shall allow a minimum
2 unobstructed sidewalk of six feet along the right-of-way.

3 **(5) Natural features.** Natural features shall be protected and integrated into site
4 design and development where possible. The applicant shall demonstrate how
5 the development protects and incorporates existing vegetation.

6 **(6) Landscaping.** Water conservation is encouraged through proper landscape
7 plant selection, installation and maintenance practices. Native plant species are
8 required. All non-residential development applications shall include a landscape
9 plan as part of compliance review. The plan shall include the areas of natural
10 vegetation to be protected, location and species of all plants to be installed, and
11 an irrigation plan.

12 **(7) Fence and wall materials.** Only fences constructed of legitimate fencing
13 materials, or walls made of masonry, concrete or stucco may supplement buffers.
14 Specifically, garage doors and sheets of roofing material do not qualify as fencing
15 or wall materials. Opaque fencing shall mean chain link fence with slats, privacy
16 wooden fence, or privacy PVC/vinyl fence. A concrete or stucco wall may be
17 used where an opaque fence is required to screen outdoor storage.

18 **(8) Signs.**

19 a. Billboards and pole signs are prohibited.

20 b. The choice of site signage shall be compatible with the intent of the district
21 and shall not have an adverse visual impact on surrounding properties.

22 c. Free-standing **on-premises signs** [this term is being eliminated with the
23 **proposal of content neutral sign provisions for the LDC**] shall be "human
24 scaled" and limited to monument signs. There shall be only one such sign
25 per parcel and it shall not exceed 100 square feet per sign face and 12 feet in
26 height, except in the case of multi-tenant parcels where the sign may be up to
27 300 square feet. The sign face shall have colors, materials and lighting that
28 are compatible with the general pattern existing in the overlay district. Wall or
29 projecting signs may be permitted for individual businesses in a multi-tenant
30 building. Such signs shall not exceed 20 square feet per sign face.

31 **(9) Sidewalk and tent sales.** Sidewalk sales and tent sales may be permitted
32 within the overlay for no more than fourteen days in any one calendar year,
33 provided that they are conducted immediately adjacent to the business, all
34 required permits are obtained, and the business has made all arrangements
35 necessary to keep public rights-of-way unobstructed.

36 **[WMU has been eliminated as a zoning district but not revised for incorporation**
37 **into the overlay]**

38 **(f) Waterfront Mixed Use (WMU) area.** To take advantage of the deep water
39 characteristics of Bayou Chico and preserve commercial and recreational waterfront,
40 a waterfront mixed use (WMU) area is established within the overlay. The intent of
41 the area is to promote more sensitive and consistent shoreline development; protect
42 natural resources within and around the bayou; preserve and encourage water-

1 dependant and water-related support uses that do not degrade those resources or
2 prevent their restoration; and encourage residential uses along and around the
3 waterfront. [6.05.33]

4 **(1) Area defined.** The waterfront mixed use area generally includes all land
5 bounded on the north and east by the waters of Bayou Chico, and on the south
6 and west by Olde Barrancas Avenue, Weis Lane, and Lakewood Road extending
7 northwest from Weis Lane. The area extends from the east line of Lot 10, Block
8 3 of Lakewood subdivision (PB 2, P 30-E) to the east line of lots 5 and E of Brent
9 Island subdivision (PB 4, P 78), but excludes the following areas: the area
10 bounded by Lakewood Road, Audusson Avenue, and Browns Lane; Millwood
11 Terrace subdivision (PB 12, P 22); and the area of a 13-lot development (Marina
12 Villas, LLC) on the west side of Mahogany Mill Road and contiguous with the
13 north side of Millwood Terrace. As part of the overlay, the waterfront mixed use
14 area is officially described within the Geographical Information System (GIS) of
15 the county.

16 **(2) Permitted uses.** The following uses are permitted within the WMU area if
17 consistent with proper design, construction, and operation that prevent adverse
18 off-site impacts, regardless of the underlying zoning districts:

19 **a. Water-dependent uses:**

- 20 1. Boat maintenance and repair yards that comply with the best management
21 practices of the Florida Clean Boatyard Program of the Florida
22 Department of Environmental Protection (FDEP).
- 23 2. Expansion of existing bulk product facilities and terminal facilities (as
24 defined in Florida Statutes) if the expansion is no closer than 300 feet to
25 any residential use and provides additional noise and visual buffering from
26 adjacent parcels and public rights-of-way.
- 27 3. Commercial boat storage.
- 28 4. Commercial marine transport and excursion services, including ferries,
29 captained charter services, sport fishing and water taxis.
- 30 5. Harbor and marine supplies and services, chandleries, and ship supply
31 such as fueling of vessels.
- 32 6. Marinas, particularly those berthing tugboats, fireboats, pilot boats and
33 similar services, that comply with the best management practices of the
34 Florida *Clean Marina* Program of the FDEP.
- 35 7. Public landings.
- 36 8. Marine research, education, and laboratory facilities.
- 37 9. Seafood packaging, loading, and distribution for retail sales.

38 **b. Water-related support uses:**

- 39 1. Cabinet and carpentry shops and accessory retail sales of only those
40 products that are produced on the premises.

- 1 2. Fabrication of marine-related goods.
- 2 3. Fabrication, storage and repair of fishing equipment.
- 3 4. Marine products wholesaling, distribution and retailing.
- 4 5. Marine repair services and machine shops.
- 5 6. Professional, business and general offices associated with marine-
- 6 dependent or marine-related uses.
- 7 **c. Other uses.**
- 8 1. Bars and nightclubs.
- 9 2. Hotels and motels.
- 10 3. Bed and breakfast inns.
- 11 4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian
- 12 spaces, including pedestrian and bicycle facilities.
- 13 5. Museums and art galleries.
- 14 6. Parking lots.
- 15 7. Professional, business, and general offices.
- 16 8. Restaurants.
- 17 9. Retail and service establishments, including craft and specialty shops.
- 18 10. Single-family and multifamily residential.
- 19 11. Wholesale or distribution warehousing.

20 **(3) Prohibited uses.**

- 21 a. New bulk product facilities or terminal facilities, as defined in Florida Statutes
- 22 (Chapter 376).
- 23 b. Facilities for marine pollution control, oil spill cleanup, and servicing of marine
- 24 sanitation devices.
- 25 c. Open storage facilities for any bulk solid or semi-solid material that is a toxic
- 26 or hazardous substance or nutrient, or that becomes one when left to stand or
- 27 when exposed to water. The "toxic or hazardous substance" does not include
- 28 petroleum and petroleum related products regulated by the Florida Pollutant
- 29 Discharge Prevention and Control Act.
- 30 d. Sewage treatment plants.
- 31 e. Storage facilities for toxic or hazardous substances or nutrients (i.e., elements
- 32 or compounds essential as raw material for organic growth and development,
- 33 such as carbon, nitrogen and phosphorus).

34 **(4) Site and building requirements.** The following site and building requirements

35 apply to uses within the WMU area:

- 36 a. **Density.** A maximum of 25 dwelling units per acre.

- 1 **b. Structure height.** A maximum structure height of 100 feet. Heights for
2 buildings with pitched roofs shall be measured to the bottom of the eaves. In
3 addition:
- 4 **c. Setbacks.** Front and side setback lines should be consistent with adjacent
5 structures. Front porches, stoops and balconies that extend beyond the
6 primary building plane may encroach to within five feet of the property line.
7 Where setback lines are not clearly established, buildings shall be built to
8 within ten feet of property lines. Steps leading up to the front porch or stop
9 may encroach further, but in no event shall steps extend beyond the property
10 line or on to public sidewalks. There shall be minimum side setback of ten
11 feet on each side which shall be increased by five feet on each side for each
12 story (floor) above the third story or for each ten feet in height above the first
13 35 feet of the structure as measured from the finished grade.
- 14 **d. Screening.** All service and loading areas shall be entirely screened from
15 view.
- 16 **e. Docks.** In an effort to improve water and sediment quality and to protect the
17 marine environment, it is recommended that all new docks, bulkheads and
18 seawalls constructed of treated wood products after the adoption of this
19 ordinance be built using treated wood products registered for marine use by
20 the U.S. Environmental Protection Agency or the Florida Department of
21 Agriculture and Consumer Services. Other recommended materials include
22 concrete, coated steel, recycled plastic, PVC, vinyl, and fiberglass.
- 23 **f. Garages.** For residential uses, there shall be no front facing garages unless
24 they are setback an additional ten feet from the primary front facade and do
25 not exceed 25 percent of the street facing building facade. If the lot width is
26 40 feet or less, the 25 percent requirement shall not apply. All other garages
27 must face the side or rear of the parcel.
- 28 **g. Front entry.** Buildings shall be oriented so that the principal facade is
29 parallel or nearly parallel to the streets they face. On corner sites, buildings
30 shall occupy the corner.
- 31 **h. Walkways.** Walkways that lead to front doors, separate from the driveway
32 are encouraged.
- 33 1. "Mixed use" shall be defined to include two or more residential and non-
34 residential uses. Work/live spaces are encouraged. Non-residential uses
35 are encouraged on first and second floors. Parking structures are not
36 considered a separate use.
- 37 2. Parking structures and nonliving areas may comprise the first two floors of
38 a mixed use structure. Entrance to parking structures shall be from the
39 side or rear of the building or buildings. Street facades shall consist of liner
40 buildings or shall be properly screened so as to provide the appearance of
41 being an occupied use, i.e. articulated building fronts, windows, etc.

- 1 i. Buildings and structures are street oriented and consistent with the
2 requirements of the overlay district.

3 **(5) Performance standards.** The goal of this district also is to improve the visual
4 aesthetics of the area. In addition to other controls contained in this section, the
5 following items are focused on achieving the redevelopment goals for the area:

- 6 a. All work and operations shall be conducted within buildings except temporary
7 outside storage may be allowed if adequately buffered and screened from
8 adjacent uses. All waste material shall be stored while on the property in a
9 screened enclosure.
- 10 b. No process shall emit an offensive odor detectable beyond the lot or parcel.
11 Where odors are produced and provisions for eradication within a building are
12 provided, the burden of successful elimination of the odors shall rest on the
13 occupant of the premises.
- 14 c. Operations creating excessive noise, vibration, dust, smoke or fumes, which
15 are a nuisance to persons off of the lot or parcel, are not permitted.
- 16 d. Operations creating glare shall be shielded so that the glare cannot be seen
17 from off the lot or parcel.
- 18 e. **Shoreline protection.** Where there exists a high likelihood of success and
19 effectiveness, natural vegetated erosion control solutions shall be
20 implemented. County evaluation of shoreline protection shall consider
21 bathymetry, wave climate, sediment quality, and adjacent and surrounding
22 shorelines.

23 c. **Septic tanks.** If septic tanks are permitted they shall be located at least 100
24 feet from the mean high water line (MHWL) of the bayou. See utilities in Chapter 5.**Sec.**
25 **3-3.4 Brownsville Overlay (Brn-OL).** [6.07.03, C-4(OL)]

26 **(a) Purpose.** The purpose of the Brownsville Overlay (Brn-OL) district is to support the
27 adopted Brownsville Community Redevelopment Area through specific land use
28 regulations. The regulations are intended to further the objectives of the area's
29 redevelopment plan, especially its support of existing commercial corridors and
30 protection of the unique and historic character of the Brownsville community. Land
31 use controls established by the overlay work to enhance the character of an area
32 undergoing revitalization.

33 **(b) Permitted uses.** Within the Brn-OL district, for any mix of permitted residential and
34 non-residential uses within the same building, the non-residential uses shall occupy
35 the first or bottom floor and the residential uses shall occupy the second or upper
36 floors.

37 **(c) Conditional uses.** The Brn-OL district does not modify the conditional uses of any
38 underlying zoning districts.

39 **(d) Prohibited uses.** The following uses are prohibited in the Brn-OL district regardless
40 of their status in any underlying zoning district:

1 (1) **Off-premises signs.** [this term is being eliminated with the proposal of content
2 neutral sign provisions for the LDC]

3 (2) Manufactured (mobile) homes, and manufactured home subdivisions and parks.
4 The construction of modular homes is not prohibited.

5 (e) **Non-residential site and building requirements.** The following non-residential
6 site and building requirements apply within the Brn-OL district

7 (1) **Structure height.** New or redeveloped buildings, or building additions, shall
8 complement the existing pattern of building heights. No structure shall exceed
9 45 feet in height and any lower height required by the underlying zoning district
10 shall govern.

11 (2) **Materials and detailing.** New structures, additions and renovations shall be
12 constructed to be long-lasting and use materials and detailing that maintain the
13 distinct character and harmony of the redevelopment district. Vinyl or metal
14 siding is prohibited on the primary facades of buildings adjacent to public rights-
15 of-way. All accessory structures shall use the same materials, color, and/or style
16 of the primary façade if visible from a public way.

17 (3) **Setbacks.** New construction along Mobile Highway or Cervantes Street shall be
18 set back a distance similar to that of adjacent buildings unless customer parking
19 is provided adjacent to the street in support of CPTED principles. Exceptions
20 may be granted if the setback is pedestrian oriented and contributes to the
21 quality and character of the streetscape.

22 (4) **Facades.**

23 a. **Front facades.** Front building facades more than 80 feet in width shall be
24 divided into increments by changes in materials, bay windows, wall offsets, or
25 similar methods.

26 b. **Rear façade.** A minimum of 15 feet of a building's rear façade facing a public
27 right of way, parking area, or open space shall consist of transparent
28 materials, not including reflective glass.

29 (5) **Natural features.** Natural features shall be protected and integrated into site
30 design and development where possible. The applicant shall demonstrate how
31 the development protects and incorporates existing vegetation.

32 (6) **Landscaping.** Water conservation is encouraged through proper landscape
33 plant selection, installation and maintenance practices. Native plant species are
34 required. All non-residential development applications shall include a landscape
35 plan as part of compliance review. The plan shall include the areas of natural
36 vegetation to be protected, location and species of all plants to be installed, and
37 an irrigation plan

38 (7) **Signs.**

39 a. The choice of site signage shall be compatible with the intent of the district
40 and shall not have an adverse visual impact on surrounding properties.

- 1 b. Free-standing **on-premises signs** shall be "human scaled" and limited to
2 monument signs. There shall be only one such sign per parcel and it shall
3 not exceed 100 square feet per sign face and 12 feet in height, except in the
4 case of multi-tenant parcels the sign may be up to 300 square feet. The sign
5 face shall have colors, materials and lighting that are compatible with the
6 general pattern existing in the overlay district. Attached signs or shingles may
7 be permitted for individual businesses in a multi-use building. Such signs
8 shall not exceed 20 square feet per sign face.
- 9 c. Signs cannot block or obstruct design details, windows, or cornices of the
10 building upon which they are placed.

11 **(8) Lighting.** Lighting in the overlay district should serve to illuminate facades,
12 entrances and signage to provide an adequate level of personal safety while
13 enhancing the aesthetic appeal of the buildings. Building and signage lighting
14 must be indirect, with the light source hidden from direct pedestrian and motorist
15 view.

16 **(9) Parking.** Parking in the overlay district must adequately serve the users without
17 detracting from the compact design that makes it a successful commercial
18 center. Off-street parking must be located in the rear. If the lot orientation
19 cannot accommodate adequate rear parking, parking on the side may be
20 permitted.

21 **(10) Buffers and screening of outdoor storage.** All outside storage must be
22 screened from public view. The screening must use the same materials, color,
23 and/or style as the primary building for architectural compatibility with the
24 primary building and the building it is adjacent to. If the outside storage area is
25 separate from the building it serves the following shall apply:

- 26 a. **Type.** Only fences constructed of legitimate fencing materials (may or may
27 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
28 Specifically, garage doors and sheets of roofing material do not qualify for
29 fencing or wall materials.
- 30 b. **Screening of outdoor storage.** Opaque fencing shall mean chain link fence
31 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
32 concrete or stucco wall may also be used to screen outdoor storage.

33 **Sec. 3-3.5 Englewood Overlay (Eng-OL).**

34 **2. Purpose.** The purpose of the Englewood Overlay (Eng-OL) district is to support the
35 adopted Englewood Community Redevelopment Area through specific land use
36 regulations. The regulations are intended to further the objectives of the area's
37 redevelopment plan, especially its support of existing commercial areas and
38 protection of the unique and historic character of the Englewood neighborhood.
39 Land use controls established by the overlay work to enhance the character of an
40 area undergoing revitalization.

41 **3. Permitted uses.** Within the Eng-OL district, for any mix of permitted residential and
42 non-residential uses within the same building, the non-residential uses shall occupy

1 the first or bottom floor and the residential uses shall occupy the second or upper
2 floors.

3 **4. Conditional uses.** The Eng-OL district does not modify the conditional uses of any
4 underlying zoning districts.

5 **5. Prohibited uses.** The following uses are prohibited in the Eng-OL district
6 regardless of their status in any underlying zoning district:

7 **(1) Off-premises signs.**

8 **(2) Manufactured (mobile) homes, and manufactured home subdivisions and parks.**
9 The construction of modular homes is not prohibited.

10 **6. Non-residential site and building requirements.** The following non-residential
11 site and building requirements apply within the Eng-OL district

12 **(1) Structure height.** New or redeveloped buildings, or building additions, shall
13 complement the existing pattern of building heights. No structure shall exceed
14 45 feet in height and any lower height required by the underlying zoning district
15 shall govern.

16 **(2) Materials and detailing.** New structures, additions and renovations shall be
17 constructed to be long-lasting and use materials and detailing that maintain the
18 distinct character and harmony of the Brownsville Community Redevelopment
19 District. Vinyl or metal siding is prohibited on the primary facades of buildings
20 adjacent to public rights-of-way. All accessory structures shall use the same
21 materials, color, and/or style of the primary façade if visible from a public way.

22 **(3) Setbacks.** New construction shall be set back a distance similar to that of
23 adjacent buildings unless customer parking is provided adjacent to the street in
24 support of CPTED principles. Exceptions may be granted if the setback is
25 pedestrian oriented and contributes to the quality and character of the
26 streetscape.

27 **(4) Facades.**

28 **a. Front facades.** A front building facade more than 80 feet in width shall be
29 divided into increments by changes in materials, bay windows, wall offsets, or
30 similar methods.

31 **b. Rear façades.** A minimum of 15 feet of a building's rear façade facing a
32 public right of way, parking area, or open space shall consist of transparent
33 materials, not including reflective glass.

34 **(5) Natural features.** Natural features shall be protected and integrated into site
35 design and development where possible. The applicant shall demonstrate how
36 the development protects and incorporates existing vegetation.

37 **(6) Landscaping.** Water conservation is encouraged through proper landscape
38 plant selection, installation and maintenance practices. Native plant species are
39 required. All non-residential development applications shall include a landscape
40 plan as part of compliance review. The plan shall include the areas of natural

1 vegetation to be protected, location and species of all plants to be installed, and
2 an irrigation plan

3 **(7) Signs.**

4 a. The choice of site signage shall be compatible with the intent of the district
5 and shall not have an adverse visual impact on surrounding properties.

6 b. Free-standing **on-premises signs** shall be "human scaled" and limited to
7 monument signs. There shall be only one such sign per parcel and it shall
8 not exceed 100 square feet per sign face and 12 feet in height, except in the
9 case of multi-tenant parcels the sign may be up to 300 square feet. The sign
10 face shall have colors, materials and lighting that are compatible with the
11 general pattern existing in the overlay district. Attached signs or shingles may
12 be permitted for individual businesses in a multi-use building. Such signs
13 shall not exceed 20 square feet per sign face.

14 c. Signs cannot block or obstruct design details, windows, or cornices of the
15 building upon which they are placed.

16 **(8) Lighting.** Lighting in the overlay district should serve to illuminate facades,
17 entrances and signage to provide an adequate level of personal safety while
18 enhancing the aesthetic appeal of the buildings. Building and signage lighting
19 must be indirect, with the light source hidden from direct pedestrian and motorist
20 view.

21 **(9) Parking.** Parking in the overlay district must adequately serve the users without
22 detracting from the compact design that makes it a successful commercial
23 center. Off-street parking must be located in the rear. If the lot orientation
24 cannot accommodate adequate rear parking, parking on the side may be
25 permitted.

26 **(10) Buffers and screening of outdoor storage.** All outside storage must be
27 screened from public view. The screening must use the same materials, color,
28 and/or style as the primary building for architectural compatibility with the primary
29 building and the building it is adjacent to. If the outside storage area is separate
30 from the building it serves the following shall apply:

31 a. **Type.** Only fences constructed of legitimate fencing materials (may or may
32 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
33 Specifically, garage doors and sheets of roofing material do not qualify for
34 fencing or wall materials.

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

38 **Sec. 3-3.6 Palafox Overlay (Pfox-OL).**

39 a. **Purpose.** The purpose of the Palafox Overlay (Pfox-OL) district is to support the
40 adopted Palafox Community Redevelopment Area through specific land use
41 regulations. The regulations are intended to further the objectives of the area's

1 redevelopment plan, especially its support of a mix of commercial, industrial and
2 residential uses within the Palafox area. Land use controls established by the
3 overlay work to enhance the character of an area undergoing revitalization.

4 **b. Permitted uses.** Within the Pfox-OL district, for any mix of permitted residential
5 and non-residential uses within the same building, the non-residential uses shall
6 occupy the first or bottom floor and the residential uses shall occupy the second or
7 upper floors.

8 **c. Conditional uses.** The Pfox-OL district does not modify the conditional uses of
9 any underlying zoning districts.

10 **d. Prohibited uses.** The following uses are prohibited in the Pfox-OL district
11 regardless of their status in any underlying zoning district:

12 **(1) Manufactured (mobile) homes.** The construction of modular homes is not
13 prohibited.

14 **(2) Manufactured (mobile) home subdivisions and parks.**

15 **e. Non-residential site and building requirements.** The following non-residential
16 site and building requirements apply within the Pfox-OL district

17 **(1) Structure height.** New or redeveloped buildings, or building additions, shall
18 complement the existing pattern of building heights. No structure shall exceed
19 45 feet in height and any lower height required by the underlying zoning district
20 shall govern.

21 **(2) Materials and detailing.** New structures, additions and renovations shall be
22 constructed to be long-lasting and use materials and detailing that maintain the
23 distinct character and harmony of the Brownsville Community Redevelopment
24 District. Vinyl or metal siding is prohibited on the primary facades of buildings
25 adjacent to public rights-of-way. All accessory structures shall use the same
26 materials, color, and/or style of the primary façade if visible from a public way.

27 **(3) Setbacks.** New construction shall be set back a distance similar to that of
28 adjacent buildings unless customer parking is provided adjacent to the street in
29 support of CPTED principles. Exceptions may be granted if the setback is
30 pedestrian oriented and contributes to the quality and character of the
31 streetscape.

32 **(4) Facades.**

33 **a. Front facades.** A front building facade more than 80 feet in width shall be
34 divided into increments by changes in materials, bay windows, wall offsets, or
35 similar methods.

36 **b. Rear façade.** A minimum of 15 feet of a building's rear façade facing a public
37 right of way, parking area, or open space shall consist of transparent
38 materials, not including reflective glass.

- 1 **(5) Natural features.** Natural features shall be protected and integrated into site
2 design and development where possible. The applicant shall demonstrate how
3 the development protects and incorporates existing vegetation.
- 4 **(6) Landscaping.** Water conservation is encouraged through proper landscape
5 plant selection, installation and maintenance practices. Native plant species are
6 required. All non-residential development applications shall include a landscape
7 plan as part of compliance review. The plan shall include the areas of natural
8 vegetation to be protected, location and species of all plants to be installed, and
9 an irrigation plan.
- 10 **(7) Signs.**
- 11 a. The choice of site signage shall be compatible with the intent of the district
12 and shall not have an adverse visual impact on surrounding properties.
- 13 b. Free-standing **on-premises signs** shall be "human scaled" and limited to
14 monument signs. There shall be only one such sign per parcel and it shall
15 not exceed 100 square feet per sign face and 12 feet in height, except in the
16 case of multi-tenant parcels the sign may be up to 300 square feet. The sign
17 face shall have colors, materials and lighting that are compatible with the
18 general pattern existing in the overlay district. Attached signs or shingles may
19 be permitted for individual businesses in a multi-use building. Such signs
20 shall not exceed 20 square feet per sign face.
- 21 c. Signs cannot block or obstruct design details, windows, or cornices of the
22 building upon which they are placed.
- 23 **(8) Lighting.** Lighting in the overlay district should serve to illuminate facades,
24 entrances and signage to provide an adequate level of personal safety while
25 enhancing the aesthetic appeal of the buildings. Building and signage lighting
26 must be indirect, with the light source hidden from direct pedestrian and motorist
27 view.
- 28 **(9) Parking.** Parking in the overlay district must adequately serve the users without
29 detracting from the compact design that makes it a successful commercial
30 center. Off-street parking must be located in the rear. If the lot orientation
31 cannot accommodate adequate rear parking, parking on the side would then be
32 permitted.
- 33 **(10) Buffers and screening of outdoor storage.** All outside storage must be
34 screened from public view. The screening must use the same materials, color,
35 and/or style as the primary building for architectural compatibility with the primary
36 building and the building it is adjacent to. If the outside storage area is separate
37 from the building it serves the following shall apply:
- 38 a. **Type.** Only fences constructed of legitimate fencing materials (may or may
39 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
40 Specifically, garage doors and sheets of roofing material do not qualify for
41 fencing or wall materials.

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

4 **Sec. 3-3.7 Scenic Highway Overlay (SH-OL). [6.07.02.A]**

5 **(a) Purpose.** The purpose of the Scenic Highway Overlay (SH-OL) district is to support
6 the Pensacola Scenic Bluffs Highway Master Plan through specific land use
7 regulations. The regulations are intended to further the objectives of the plan,
8 especially its protection of the unique scenic vista and environmental resources of
9 the U.S. Highway 90 corridor and adjacent Escambia Bay shoreline. Land use
10 controls established by the overlay work to alleviate the harmful effects of erosion
11 and runoff caused by clearing natural vegetation and changing existing contours
12 within the corridor. Additionally, the district is intended to preserve the bluffs,
13 wetland areas and scenic views along the bay and assure continued public access
14 to and enjoyment of those views.

15 **(b) Boundary.** The Scenic Highway Overlay district includes all parcels adjoining the
16 west side of the Pensacola Scenic Bluffs Highway (U.S. Highway 90 or “Scenic
17 Highway”) and all property between the highway and Escambia Bay on the east side
18 of the highway, north from the Pensacola city limit along the highway for
19 approximately five miles to the county line at Escambia River.

20 **(c) Permitted uses.** All of the uses permitted within the underlying zoning districts are
21 permitted, subject to the site and building requirements of the overlay district.

22 **(d) Site and building requirements.**

23 **(1) Structure height.** Structures between Scenic Highway and Escambia Bay shall
24 have a maximum height of 35 feet as measured from the highest adjacent grade.
25 Non-residential uses can exceed the height limit only with conditional use
26 approval by the Board of Adjustment. In addition to the other conditional use
27 criteria, the requested height must be found not to interfere with the scenic
28 attractiveness of the location as viewed from any plausible direction. And, for
29 structures over 35 feet in height, for every two feet in height over 35 feet, there
30 shall be an additional one foot of front and side setback at the ground level.

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

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

36 **(4) Building separation.** The minimum distance between structures shall be 15
37 feet, and there shall be at least 100 feet between single-family dwellings and
38 multi-family dwellings, residential group living, or public lodging.

39 **(5) Multi-use path.** Based on the corridor management plan, a multi-use path on
40 the east side of Scenic Highway is intended to run the full length of the corridor
41 within the right-of-way, but at the maximum distance possible from the roadway

1 pavement. Developers of property within the overlay are encouraged to
2 maximize the innovative integration of a path extension into their development,
3 but outside of the right-of-way on public property or on easements donated by
4 private property owners.

5 **(6) Tree protection.**

6 a. A canopy tree protection zone is hereby established for all land within 20 feet
7 of the right of way of Scenic Highway and Highway 90 from the Pensacola
8 city limit to the Santa Rosa County line. No person or agency shall cut,
9 remove, trim or in any way damage any tree in the canopy tree protection
10 zone without a permit. Except in unique cases, permitted pruning shall not
11 remove more than 30 percent of the existing tree material. Utility companies
12 are not permitted to prune more than 30 percent of the existing tree canopy.

13 b. Heritage Oak trees shall be preserved.

14 c. Clearing of natural vegetation within the corridor shall require a land
15 disturbance permit and is generally prohibited except for the minimum area
16 needed for construction of allowable structures or view enhancement.

17 **(7) Landscaping.** For developments otherwise subject to LDC landscaping
18 requirements, a minimum ten-foot wide landscaped strip shall be required along
19 any Scenic Highway frontage, and shall contain one tree for every 35 linear feet
20 of frontage. The trees shall be of sufficient height at planting such that a six-foot
21 view shed exists at planting. Preservation of existing plant communities within the
22 required landscaped areas can be used to satisfy this requirement.

23 **(8) Orientation of non-residential buildings.** Orientation of non-residential
24 buildings shall be away from residential development within or adjacent to the
25 district. Layout of parking and service areas, access, landscaping, yards, courts,
26 walls, signs, lighting and control of noise and other potentially adverse influences
27 shall be such as to promote protection of such residential development, and will
28 include adequate buffering.

29 **(9) Fences.** No fence within the overlay may be solid. No chain link fence shall be
30 located between Scenic Highway and the principal building. Any other type of
31 fence in this area shall not exceed three feet. Where single story structures are
32 higher than the roadbed, there should be no wall, fence, structure or plant
33 material located between the front building line and the roadbed that will obstruct
34 the view from automobiles on the scenic route.

35 **(10) Structure location.** All structures will be reviewed to assure conformance with
36 the following criteria:

37 a. The location shall afford maximum views of the bay from the street right-of-
38 way.

39 b. The location shall minimize impact on the natural bluff and plant material
40 (other than pruning to enhance views).

41 c. Provide underground utilities.

1 **Sec. 3-3.8 Warrington Overlay (Warr-OL). [C-3(OL)] [6.07.01.A]**

2 **(a) Purpose.** The purpose of the Warrington Overlay (Warr-OL) district is to provide
3 enhanced protection of land uses for all properties within the adopted Warrington
4 Redevelopment Area, especially along those commercial corridors that provide
5 primary access or gateways to the adjoining military installations.

6 **(b) Permitted uses.** Within the Warr-OL district, for any mix of permitted residential
7 and non-residential uses within the same building, the non-residential uses shall
8 occupy the first or bottom floor and the residential uses shall occupy the second or
9 upper floors.

10 **(c) Conditional uses.** The Warr-OL district does not modify the conditional uses of any
11 underlying zoning districts.

12 **(d) Prohibited uses.** The following uses are prohibited in the Warr-OL district
13 regardless of their status in any underlying zoning district:

14 **(1)** Portable food vendors.

15 **(2)** Manufactured (mobile) homes. The construction of modular homes is not
16 prohibited.

17 **(3)** Manufactured (mobile) home subdivisions or parks.

18 **(e) Non-residential site and building requirements.** The site and building
19 requirements of non-residential uses within the Warr-OL are modified as follows:

20 **(1) Structure height.** New buildings, additions and redeveloped buildings shall
21 complement the existing pattern of building heights. No structure shall exceed
22 45 feet in height and any lower height required by the underlying zoning district
23 shall govern.

24 **(2) Setbacks.** New construction must maintain the existing alignment of facades
25 along the street front. Exceptions may be granted if the setback is pedestrian
26 oriented and contributes to the quality and character of the streetscape.

27 **(3) Materials and detailing.** New structures, additions and renovations shall be
28 constructed to be long-lasting and use materials and detailing that maintain the
29 distinct character and harmony of the Warrington Community Redevelopment
30 District. Vinyl or metal siding is prohibited on the primary facades of buildings
31 adjacent to public rights-of-way. All accessory structures shall use the same
32 materials, color, and/or style of the primary façade if visible from a public way.

33 **(4) Facades.**

34 **a. Front façade.** A front building facade more than 80 feet in width shall be
35 divided into increments by changes in materials, bay windows, wall offsets, or
36 similar methods.

37 **b. Rear façades.** A minimum of 15 feet of a building's rear façade facing a
38 public right of way, parking area, or open space shall consist of transparent
39 materials, not including reflective glass.

- 1 **(5) Awnings.** Awnings are encouraged to enhance the character of Warrington
2 while providing sun protection for display windows, shelter for pedestrians, and a
3 sign panel for businesses.
- 4 **(6) Natural features.** Natural features shall be protected and integrated into site
5 design/development where possible. The applicant shall demonstrate how the
6 development protects and incorporates existing vegetation.
- 7 **(7) Landscaping.** Water conservation is encouraged through proper landscape
8 plant selection, installation and maintenance practices. Native plant species are
9 required. All non-residential development applications shall include a landscape
10 plan as part of compliance review. The plan shall include the areas of natural
11 vegetation to be protected, location and species of all plants to be installed, and
12 an irrigation plan.
- 13 **(8) Buffers and screening of outdoor storage.** All outside storage must be
14 screened from public view. The screening must use the same materials, color,
15 and/or style as the primary building for architectural compatibility with the primary
16 building and the building it is adjacent to. If the outside storage area is separate
17 from the building it serves the following shall apply:
- 18 **a. Type.** Only fences constructed of legitimate fencing materials (may or may
19 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
20 Specifically, garage doors and sheets of roofing material do not qualify for
21 fencing or wall materials.
- 22 **b. Screening of outdoor storage.** Opaque fencing shall mean chain link fence
23 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
24 concrete or stucco wall may also be used to screen outdoor storage.
- 25 **(9) Signs.** In addition to the standards of Chapter 5, signage shall be provided
26 according to the following:
- 27 **a.** The choice of building signage shall be compatible with the intent of this
28 district and shall not have an adverse visual impact on surrounding
29 properties.
- 30 **b.** Free-standing on-premises signs shall be "human scaled". There shall be
31 only one such sign per parcel and it shall not exceed 100 square feet per sign
32 face and 12 feet in height; in the case of multi-use parcels, the sign shall not
33 exceed 299 square feet. The sign face shall have colors, materials and
34 lighting that are compatible with the general pattern existing in the Warrington
35 Redevelopment Area Overlay District. Freestanding signs shall be limited to
36 monument signs. Attached signs or shingles may be permitted for individual
37 businesses in a multi-use building. Such signs shall not exceed 20 square
38 feet per sign face.
- 39 **c.** Signs cannot block or obstruct design details, windows, or cornices of the
40 building upon which they are placed.
- 41 **(10) Lighting.** Lighting in the overlay district should serve to illuminate facades
42 entrances and signage to provide an adequate level of personal safety while

1 enhancing the aesthetic appeal of the buildings. Building and signage lighting
2 must be indirect, with the light source(s) hidden from direct pedestrian and
3 motorist view.

4 **(11) Parking.** Parking in the overlay district must adequately serve the users without
5 detracting from the compact design that makes it a successful commercial
6 center. Off-street parking must be located in the rear. If the lot orientation cannot
7 accommodate adequate rear parking, parking on the side will be permitted.

8 **(12) If within HC/LI zoning.** Development within the HC/LI zoning district is subject
9 to the following design standards.

10 **a. Landscaping.** A minimum ten-foot wide landscaped strip is required on all
11 roadway frontages. The strip shall contain one tree and ten shrubs for every
12 35 linear feet of frontage. Preservation of existing plants within the required
13 landscaped areas can be used to satisfy this requirement. Buffers required
14 adjacent to residential districts shall include a minimum of two trees and 15
15 shrubs for every 35 linear feet of required buffer length.

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

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

27 **d. Irrigation system.** An irrigation system shall be installed for all landscaped
28 areas of the site. All systems shall include rain sensors and all system
29 materials used shall be ASTM approved.

30 **e. Existing development.** Any change of use to a HC/LI use within the overlay
31 district must meet the above standards.

32 **f. Rezonings.** Rezoning of Commercial zoned property to a more intense
33 zoning district is prohibited if located on an arterial roadway.

34

1 **Article 4 Perdido Key districts.**

2 **Note: The provisions of this article are the current LDC provisions. Only minor**
3 **changes have been made to adjust formatting and remove or correct invalid**
4 **references. Format is not consistent with other districts and terms used are not**
5 **verified.**

6 **Sec. 3-4.1 Low Density Residential district, Perdido Key (R-1PK).**

7 **(a) Intent and purpose of district.** This district is intended to be a low population
8 density area. The maximum density is two dwelling units per acre. Refer to the
9 Escambia County Comprehensive Plan regarding dwelling and lodging unit caps on
10 Perdido Key. [6.05.06]

11 **(b) Permitted uses.**

- 12 a. Single-family, two-family (duplex), three-family (triplex), and multifamily
13 dwellings.
- 14 b. Boathouses and boat docks as accessory uses, provided the roof of said
15 boathouse does not exceed 20 feet above the elevation 0.0 (MSL) based
16 upon USC&G datum plane.
- 17 c. Places of worship.
- 18 d. Public utility.
- 19 e. Public buildings for general administrative, executive or studio functions, or
20 for general warehousing or maintenance operations.
- 21 f. Marina (private).
- 22 g. Family day care homes and family foster homes.

23 **(c) Conditional uses.**

- 24 a. Golf courses, tennis centers and swimming pools, with customary attendant
25 facilities and accessory buildings.
- 26 b. Country clubs and their customary accessory uses.
- 27 c. Home occupations with employees.
- 28 d. Public utility and service structures.
- 29 e. Public parks and recreation facilities.

30 **(d) Off-street parking requirements.** See Chapter 5.

31 **(e) Site and buildings requirements.**

- 32 a. **Lot coverage.** The pervious area shall be at least 30 percent of the total lot
33 (70 percent maximum impervious cover ratio).
- 34 b. **Lot width.** The minimum lot widths shall be as follows:
 - 35 1. *Single-family detached dwellings.* Forty feet at the front building line and
36 40 feet at the street right-of-way.

- 1 2. *Two-family (duplex) dwellings.* Eighty feet at the front building line and 50
2 feet at the street right-of-way line.
- 3 3. *Multifamily dwellings, townhouses, boarding and lodging houses.* One
4 hundred feet at both the front building line and the street right-of-way line.
- 5 4. *Cul-de-sac lots.* A minimum of 20 feet at the street right-of-way.
- 6 **c. Front yard.** There shall be front yard having a depth of not less than 25 feet.
- 7 **d. Rear yard.** The minimum rear yard shall not be less than ten percent of the
8 depth of the lot but need not exceed 25 feet. On property abutting estuarine,
9 riverine or creek systems, the setback shall be in accordance with the
10 marine/estuarine/riverine setback (MERS) provisions of this Code or 30 feet,
11 whichever is greater.
- 12 **e. Side yard(s).** The minimum side yard on each side shall be ten percent of
13 the lot width, measured at the front building line but need not exceed 15 feet
14 on each side; however, required side yards shall not be less than five feet on
15 each side. On property abutting estuarine, riverine or creek systems, the
16 setback shall be in accordance with the marine/estuarine/riverine setback
17 (MERS) provisions of this Code or 30 feet, whichever is greater.
- 18 **f. Building height.** No building shall exceed 35 feet in height above the
19 habitable first floor. Variances to height through board of adjustment approval
20 or PUD approval are subject to compliance with the MU-PK future land use
21 category height limitations for residential zoning.
- 22 **g. Open space.** There shall be an open space requirement of 35 percent of the
23 total parcel area.

24 **(f) Landscaping.**

- 25 **a.** See Chapter 5.
- 26 **b.** When county landscaping or buffer regulations conflict with requirements of
27 state or federal authorizations, including biological opinions, technical
28 assistance letters or concurrence letters, the conditions in those state or
29 federal documents shall prevail.
- 30 **c.** For developments subject to the landscaping requirements of Chapter 5,
31 standard B-1 of the buffer and roadway setback performance standards shall
32 be required on all roadway frontages. For every additional ten feet in width of
33 the landscape area, the plant material required shall be doubled. Preservation
34 of existing plant communities within the required landscaped areas can be
35 used to satisfy this requirement. Buffers required adjacent to residential
36 districts shall include a minimum of two trees and 15 shrubs for every 35
37 linear feet of required buffer area.
- 38 **d.** Xeriscape principles. It is the proposed intent of this ordinance to encourage
39 water conservation through proper plant selection, installation and
40 maintenance practices. The following xeriscape principles are to be
41 incorporated into all landscape designs:

- 1 1. Proposed plant material shall be tolerant of beach conditions, including
2 salt, wind, low nutrient levels, and drought.
- 3 2. Limit turf to locations where it provides functional benefits.
- 4 3. Provide efficient irrigation systems.
- 5 4. Mulches and organic soil amendments to improve water-holding capacity
6 of soil may only be applied north of Perdido Key Drive.
- 7 e. Irrigation system.
- 8 1. An irrigation system shall be installed for all landscaped areas of the site.
- 9 2. All irrigation materials used shall be ASTM approved.
- 10 3. All irrigation systems shall include rain sensors.

11 **(f) Signs.** See Chapter 5.

12 **(g) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.

13

14 **Sec. 3-4.2 Medium Density Residential district, Perdido Key (R-2PK).**

15 **(a) Intent and purpose of district.** This district is intended to be a medium population
16 density residential area that recognizes the desirability of maintaining open space.
17 The maximum density is 4.5 dwelling units per acre. Refer to the Escambia, County
18 Comprehensive Plan regarding dwelling and lodging unit caps on Perdido Key.
19 **[6.05.08]**

20 **(b) Permitted uses.**

- 21 a. Any use permitted in the R-1PK district.
- 22 b. Kindergartens and child care centers.

23 **(c) Conditional uses.** Any conditional uses allowed in the R-1PK district.

24 **(d) Off-street parking requirements.** See Chapter 5.

25 **(e) Site and building requirements.**

- 26 a. *Lot coverage.* Same as the R-1PK district.
- 27 b. *Lot width.* Same as the R-1PK district.
- 28 c. *Front yard.* Same as the R-1PK district.
- 29 d. *Rear yard.* Same as the R-1PK district.
- 30 e. *Side yard.* Same as the R-1PK district.
- 31 f. *Building height.* No building shall exceed a height of four stories, or two
32 stories less than an adjacent structure, if the adjacent structure is greater than
33 four stories and existed on June 1, 1997. Variances to height through board
34 of adjustment approval or PUD approval are subject to compliance with the
35 MU-PK future land use category height limitations for residential zoning.

1 **g.** *Open space.* Same as the R-1PK district.

2 **(f) Landscaping.**

3 **a.** See Chapter 5.

4 **b.** When county landscaping or buffer regulations conflict with requirements of
5 state or federal authorizations, including biological opinions, technical
6 assistance letters or concurrence letters, the conditions in those state or
7 federal documents shall prevail.

8 **c.** All commercial and multifamily projects shall submit a landscape plan as part
9 of the development review criteria. This plan will include plant species
10 proposed, location of all plant material, including areas proposed for sod,
11 areas of natural vegetation to be protected, and an irrigation plan.

12 **d.** Xeriscape principles. It is the proposed intent of this ordinance to encourage
13 water conservation through proper plant selection, installation and
14 maintenance practices. The following xeriscape principles are to be
15 incorporated into all landscape designs:

16 **1.** Proposed plant material shall be tolerant of beach conditions, including
17 salt, wind, low nutrient levels, and drought.

18 **2.** Limit turf to locations where it provides functional benefits.

19 **3.** Provide efficient irrigation systems.

20 **4.** Mulches and organic soil amendments to improve water-holding capacity
21 of soil may only be applied north of Perdido Key Drive.

22 **e.** For developments subject to the landscaping provisions of Chapter 5,
23 standard B-1 of the buffer and roadway setback performance standards shall
24 be required on all roadway frontages. For every additional ten feet in width of
25 the landscape area, the plant material required shall be doubled.
26 Preservation of existing plant communities within the required landscaped
27 areas can be used to satisfy this requirement. Buffers required adjacent to
28 residential districts shall include a minimum of two trees and 15 shrubs for
29 every 35 linear feet of required buffer area.

30 **f.** Vehicular use areas.

31 **1.** Vehicular use areas, other than public rights-of-way, designed to be used
32 for parking or movement of vehicular traffic, shall be separated by a five-
33 foot landscaped strip for any boundary of the property on which the
34 vehicular use area is located. This landscaped strip shall consist of shrubs
35 or groundcovers with a minimum mature height of 24 inches and a
36 maximum height of 30 inches. Plant material shall be spaced 18 inches to
37 24 inches apart, depending on their mature size.

38 **2.** Interior parking areas shall have one landscape island containing at least
39 one tree and shrubs or groundcovers as per the above specifications, for
40 every eight continuous spaces.

1 **g.** Irrigation system.

2 1. An irrigation system shall be installed for all landscaped areas of the site.

3 2. All irrigation materials used shall be ASTM approved.

4 3. All irrigation systems shall include rain sensors.

5 **(g) Signs.** See Chapter 5.

6 **(h) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.

7
8 **Sec. 3-4.3 High Density Residential district, Perdido Key (R-3PK).**

9 **(a) Intent and purpose of district.** This district is intended to be primarily a high
10 density residential area. Low intensity office use and service facilities are also
11 permitted. The maximum density is 12 dwelling units per acre. Refer to the
12 Escambia, County Comprehensive Plan regarding dwelling and lodging unit caps on
13 Perdido Key. [\[6.05.10\]](#)

14 **(b) Permitted uses.**

15 **a.** Any permitted uses in the R-2PK district.

16 **b.** Professional offices such as those of architects, engineers, lawyers, tax
17 consultants, accountants, and medical and dental offices.

18 **c.** Real estate or insurance offices.

19 **(c) Conditional uses.** Any conditional use allowed in the R-2PK district.

20 **(d) Off-street parking requirements.** See Chapter 5.

21 **(e) Site and building requirements.**

22 **a.** *Lot coverage.* The pervious area shall be at least 30 percent of the total area
23 (a maximum of 70 percent impervious cover ratio).

24 **b.** *Lot width.* Same as the R-1PK district.

25 **c.** *Front yard.* There shall be a front yard having a depth of not less than 20
26 feet.

27 **d.** *Rear yard.* The rear yard shall be not less than ten percent of the depth of
28 the lot but not to exceed 25 feet. On property abutting estuarine, riverine or
29 creek systems, the setback shall be in accordance with the
30 marine/estuarine/riverine setback (MERS) provisions of this Code or 30 feet,
31 whichever is greater.

32 **e.** *Side yard.* The minimum side yard on each side shall be ten percent of the
33 lot width, measured at the front building line but need not exceed 15 feet on
34 each side; however, required side yards shall not be less than five feet on
35 each side. No side yard shall be required in attached townhouse projects
36 except at the ends of such projects where a minimum of ten feet shall be
37 required. On property abutting estuarine, riverine or creek systems, the

1 setback shall be in accordance with the marine/estuarine/riverine setback
2 (MERS) provisions of this Code or 30 feet, whichever is greater.

3 **f. *Building height.*** No building shall exceed a height of eight stories, or two
4 stories less than an adjacent structure, if the adjacent structure is greater than
5 eight stories and existed on June 1, 1997. Variances to height through Board
6 of Adjustment approval or PUD approval are subject to compliance with the
7 MU-PK Comprehensive Plan height limitations for residential zoning.

8 **g. *Open space.*** Same as the R-1PK district.

9 **(f) Landscaping.**

10 **a.** See Chapter 5.

11 **b.** When county landscaping or buffer regulations conflict with requirements of
12 state or federal authorizations, including biological opinions, technical
13 assistance letters or concurrence letters, the conditions in those state or
14 federal documents shall prevail.

15 **c.** All commercial and multifamily projects shall submit a landscape plan as part
16 of the development review criteria. This plan will include plant species
17 proposed, location of all plant material, including areas proposed for sod,
18 areas of natural vegetation to be protected, and an irrigation plan.

19 **d. Xeriscape principles.** It is the proposed intent of this ordinance to encourage
20 water conservation through proper plant selection, installation and
21 maintenance practices. The following xeriscape principles are to be
22 incorporated into all landscape designs:

23 **1.** Proposed plant material shall be tolerant of beach conditions, including
24 salt, wind, low nutrient levels, and drought.

25 **2.** Limit turf to locations where it provides functional benefits.

26 **3.** Provide efficient irrigation systems.

27 **4.** Mulches and organic soil amendments to improve water holding capacity
28 of soil may only be applied north of Perdido Key Drive.

29 **e. Buffers.** For developments subject to the landscape provisions of Chapter 5, a
30 minimum ten-foot wide landscaped strip shall be required on all roadway
31 frontages, and shall contain one tree and ten shrubs for every 35 linear feet of
32 frontage. For every additional ten feet in width of the landscape area, the
33 plant material required shall be doubled. Preservation of existing plant
34 communities within the required landscaped areas can be used to satisfy this
35 requirement. Buffers required adjacent to residential districts shall include a
36 minimum of two trees and 15 shrubs for every 35 linear feet of required buffer
37 area.

38 **f. Vehicular use areas.**

39 **1.** Vehicular use areas, other than public rights-of-way, designed to be used
40 for parking or movement of vehicular traffic, shall be separated by a five-

1 foot landscaped strip for any boundary of the property on which the
2 vehicular use area is located. This landscaped strip shall consist of shrubs
3 or groundcovers with a minimum mature height of 24 inches and a
4 maximum height of 30 inches. Plant material shall be spaced 18 inches to
5 24 inches apart, depending on their mature size.

- 6 2. Interior parking areas shall have one landscape island containing at least
7 one tree and shrubs or groundcovers as per the above specifications, for
8 every eight continuous spaces.

9 **g.** Irrigation system.

- 10 1. An irrigation system shall be installed for all landscaped areas of the site.
11 2. All irrigation materials used shall be ASTM approved.
12 3. All irrigation systems shall include rain sensors.

13 **(g) Signs.** See Chapter 5.

14 **(h) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.
15

16 **Sec. 3-4.4 Commercial district, Perdido Key (C-1PK).**

17 **(a) Intent and purpose of district.** This district is composed of lands and structures
18 used primarily to provide for the retailing of commodities and the furnishing of
19 selected services. The regulations are intended to permit and encourage a full
20 development of essential neighborhood commercial uses, at the same time,
21 however, protecting nearby residential properties from adverse effects of commercial
22 activity. The maximum density is three dwelling units per acre. Refer to the
23 Escambia, County Comprehensive Plan regarding dwelling and lodging unit caps on
24 Perdido Key. [6.05.15]

25 **(b) Permitted uses.**

- 26 **a.** Any use permitted in the R-3PK district.
27 **b.** Any retail business, provided that the products are displayed and sold only
28 inside a building.
29 **c.** Personal service establishments, such as, but not limited to, financial
30 institutions, beauty and barber shops, tailors, shoe repairs, watches and
31 similar services.
32 **d.** Service stations and auto repair shops, provided that such repairs are carried
33 on within the confines of a building. Does not include body repair shops.
34 **e.** Restaurants, including the sale of beer, wines and liquor for on-premise
35 consumption, provided that the boundaries of the building are located in
36 excess of 100 feet from any residential district.
37 **f.** Bars, nightclubs, and package stores, provided that the boundaries of the
38 building are located in excess of 100 feet from the nearest residential district,
39 and are in accordance with Article 4.

- 1 g. Recreational and commercial marinas.
- 2 h. Educational facilities.
- 3 i. Bed and breakfast inns that conform to the residential character of Perdido
- 4 Key in terms of bulk, scale, height, and architectural style, as determined by
- 5 the Planning Official.

6 **(c) Conditional uses.**

- 7 a. Commercial amusement and commercial recreational facilities, including
- 8 miniature golf courses.
- 9 b. Arcade amusement centers and bingo facilities.

10 **(d) Prohibited uses.**

- 11 a. Hotels and motels, excluding bed and breakfast inns.

12 **(e) Off-street parking and loading regulations.** See Chapter 5.

13 **(f) Screening adjacent to residential district.** See Chapter 5.

14 **(g) Site and building requirements.**

- 15 a. *Lot coverage.*
 - 16 1. At least 25 percent of each lot or parcel shall remain pervious (75 percent
 - 17 maximum impervious cover ratio).
 - 18 2. The maximum combined area occupied by all principal and accessory
 - 19 buildings shall not exceed the percentage (%) allowed under the
 - 20 "footprint" regulations for the number of stories proposed.
- 21 b. *Lot width.* The minimum lot width for residential single-family, two-family
- 22 (duplex), three-family (triplex), four-family (quadruplex), and townhouse
- 23 buildings shall be the same as for the R-1PK district. Multifamily dwelling and
- 24 commercial buildings shall have no minimum lot width.
- 25 c. *Yards.* The front yard for residential single-family, two-family (duplex), three-
- 26 family (triplex), four-family (quadruplex), and townhouse buildings, the front
- 27 yard shall be the same as for the R-3PK district. For multifamily dwelling and
- 28 commercial buildings, the front yard shall be at least 15 feet. For both
- 29 residential and commercial projects, there shall be a rear yard of at least 15
- 30 feet. Required side yard setbacks shall not be less than five feet on each
- 31 side, except where a commercial district is contiguous to a residential district,
- 32 there shall be a minimum side yard of ten feet on the side abutting the
- 33 residential district, unless the two districts are separated by a public street,
- 34 body of water, or similar manmade or natural buffer, in which case no side
- 35 yard is required. On property abutting estuarine, riverine or creek systems,
- 36 the setback shall be in accordance with the marine/estuarine/riverine setback
- 37 (MERS) provisions of this Code or 30 feet, whichever is greater.
- 38 d. *Building heights.* No building shall exceed a height of four stories.
- 39 e. *Footprint.*

- 1 **1.** If the lot or parcel is proposed to be improved with, or contains an existing
2 building of two and one-half or more stories, up to and including four
3 stories, the footprint of both proposed and existing buildings shall not
4 exceed 25 percent of lot coverage.
- 5 **2.** The lot or parcel used in computing the area required to satisfy footprint
6 restrictions on buildings two and one-half stories or greater, may not be
7 crossed, intersected or divided by any public road or right-of-way. If a lot
8 or parcel is divided, crossed, intersected or divided by any public road or
9 right-of-way, footprint restrictions shall be applied to each portion of the
10 divided lot or parcel as if the divided lot or parcel were two separate lots or
11 parcels. In the event a public road or right-of-way splits a lot or parcel and
12 creates public access to a waterway, then the lot coverage for both
13 divisions of the lot or parcel shall be used to determine whether footprint
14 restrictions have been satisfied.

15 **(h) Landscaping.**

- 16 **a.** See Chapter 5.
- 17 **b.** When county landscaping or buffer regulations conflict with requirements of
18 state or federal authorizations, including biological opinions, technical
19 assistance letters or concurrence letters, the conditions in those state or
20 federal documents shall prevail.
- 21 **c.** Landscape plan. All commercial and multifamily projects shall submit a
22 landscape plan as part of the development review criteria. This plan will
23 include plant species proposed, location of all plant material, including areas
24 proposed for sod, areas of natural vegetation to be protected, and an
25 irrigation plan.
- 26 **d.** Xeriscape principals. It is the proposed intent of this ordinance to encourage
27 water conservation through proper plant selection, installation and
28 maintenance practices. The following xeriscape principles are to be
29 incorporated into all landscape designs:
 - 30 **1.** Proposed plant material shall be tolerant of beach conditions, including
31 salt, wind, low nutrient levels, and drought.
 - 32 **2.** Limit turf to locations where it provides functional benefits.
 - 33 **3.** Provide efficient irrigation systems.
 - 34 **4.** Mulches and organic soil amendments to improve water-holding capacity
35 of soil may only be applied north of Perdido Key Drive.
- 36 **f.** Buffer. For developments subject to the landscape provisions of Chapter 5, a
37 minimum ten-foot wide landscaped strip shall be required on all roadway
38 frontages, and shall contain one tree and ten shrubs for every 35 linear feet of
39 frontage. For every additional ten feet in width of the landscape area the
40 plant material required shall be doubled. Preservation of existing plant
41 communities within the required landscaped areas can be used to satisfy this

1 requirement. Buffers required adjacent to residential districts shall include a
2 minimum of two trees and 15 shrubs for every 35 linear feet of required buffer
3 area.

4 **g. Vehicular use areas.**

5 1. Vehicular use areas, other than public rights-of-way, designed to be used
6 for parking or movement of vehicular traffic, shall be separated by a five-
7 foot landscaped strip for any boundary of the property on which the
8 vehicular use area is located. This landscaped strip shall consist of shrubs
9 or groundcovers with a minimum mature height of 24 inches and a
10 maximum height of 30 inches. Plant material shall be spaced 18 inches to
11 24 inches apart, depending on their mature size.

12 2. Interior parking areas shall have one landscape island containing at least
13 one tree and shrubs or groundcovers as per the above specifications, for
14 every eight continuous spaces.

15 **h. Irrigation system.**

16 1. An irrigation system shall be installed for all landscaped areas of the site.

17 2. All irrigation materials used shall be ASTM approved.

18 3. All irrigation systems shall include rain sensors.

19 **(h) Signs.** See Chapter 5.

20 **(i) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.

21 **(j) Density transfer.** Densities may not be transferred to parcels south of Perdido Key
22 Drive. Densities may be transferred across public roadways and commercial zoning
23 district lines, identified as areas zoned C-1PK, CCPK, CGPK and PRPK, provided
24 that the proposed development is on contiguous land (exclusive of public roadways),
25 under unified control of an individual, partnership, corporation, or a grouping thereof.
26 Height maximums cannot be so transferred except through the PUD process.

27
28 **Sec. 3-4.5 Commercial Core district, Perdido Key (CCPK).**

29 **(a) Intent and purpose of district.** This district is composed of lands and structures
30 used primarily for intense residential development and retailing of resort-related
31 commodities and services. The regulations are intended to permit and encourage
32 mixed use development, including high density residential, hotels and motels, and
33 commercial uses associated with resort areas. The maximum density is 13 dwelling
34 units per acre. Refer to the Escambia, County Comprehensive Plan and latest
35 amendments regarding dwelling and lodging unit caps on Perdido Key. **[6.05.15.01]**

36 **(b) Permitted uses.**

37 **a.** Any use permitted in the C-1PK district.

38 **b.** Hotels and motels. Maximum density shall be 25 units per acre.

1 c. Commercial amusement and commercial recreational facilities, including
2 miniature golf courses.

3 d. Arcade amusement centers and bingo facilities.

4 **(c) Off-street parking and loading requirements.** See Chapter 5.

5 **(d) Screening adjacent to residential districts.** See Chapter 5.

6 **(e) Site and building requirements.**

7 a. *Lot coverage.* 80 percent maximum impervious cover ratio.)

8 b. *Lot width.* The minimum lot width for residential single-family, two-family
9 (duplex), three-family (triplex), four-family (quadruplex), and townhouse
10 buildings shall be the same as for the R-1PK district. Multifamily dwelling and
11 commercial buildings shall have no minimum lot width.

12 c. *Yards.* The front and yard shall be the same as the R-3PK district. The rear
13 yard shall be the same as the C-1PK district. The side yards shall be the
14 same as the R-3PK district. Required side yard setbacks shall not be less
15 than five feet on each side, except where a commercial district is contiguous
16 to a residential district there shall be a minimum side yard of ten feet on the
17 side abutting the residential district, unless the two districts are separated by
18 a public street, body of water, or similar manmade or natural buffer, in which
19 case no side yard is required. On property abutting estuarine, riverine or
20 creek systems, the setback shall be in accordance with the
21 marine/estuarine/riverine setback (MERS) provisions of this Code or 30 feet,
22 whichever is greater.

23 d. *Building heights.* Building heights shall not exceed 20 stories, with the
24 exception of hotels which shall not exceed 30 stories.

25 **(f) Landscaping.**

26 a. See Chapter 5.

27 b. When county landscaping or buffer regulations conflict with requirements of
28 state or federal authorizations, including biological opinions, technical
29 assistance letters or concurrence letters, the conditions in those state or
30 federal documents shall prevail.

31 c. *Landscape plan.* All commercial and multifamily projects shall submit a
32 landscape plan as part of the development review criteria. This plan will
33 include plant species proposed, location of all plant material, including areas
34 proposed for sod, areas of natural vegetation to be protected, and an
35 irrigation plan.

36 d. *Xeriscape principles.* It is the proposed intent of this ordinance to encourage
37 water conservation through proper plant selection, installation and
38 maintenance practices. The following xeriscape principles are to be
39 incorporated into all landscape designs:

- 1 1. Proposed plant material shall be tolerant of beach conditions, including
2 salt, wind, low nutrient levels, and drought.
- 3 2. Limit turf to locations where it provides functional benefits.
- 4 3. Provide efficient irrigation systems.
- 5 4. Mulches and organic soil amendments to improve water-holding capacity
6 of soil may only be applied north of Perdido Key Drive.
- 7 e. Buffers. For developments subject to ~~section 7.01.00~~ Chapter 5, a minimum
8 ten-foot wide landscaped strip shall be required on all roadway frontages, and
9 shall contain one tree and ten shrubs for every 35 linear feet of frontage. For
10 every additional ten feet in width of the landscape area, the plant material
11 required shall be doubled. Preservation of existing plant communities within
12 the required landscaped areas can be used to satisfy this requirement.
13 Buffers required adjacent to residential districts shall include a minimum of
14 two trees and 15 shrubs for every 35 linear feet of required buffer area.
- 15 f. Vehicular use areas.
 - 16 1. Vehicular use areas, other than public rights-of-way, designed to be used
17 for parking or movement of vehicular traffic, shall be separated by a five-
18 foot landscaped strip for any boundary of the property on which the
19 vehicular use area is located. This landscaped strip shall consist of shrubs
20 or groundcovers with a minimum mature height of 24 inches and a
21 maximum height of 30 inches. Plant material shall be spaced 18 inches to
22 24 inches apart, depending on their mature size.
 - 23 2. Interior parking areas shall have one landscape island containing at least
24 one tree and shrubs or groundcovers as per the above specifications, for
25 every eight continuous spaces.
- 26 g. Irrigation system.
 - 27 1. An irrigation system shall be installed for all landscaped areas of the site.
 - 28 2. All irrigation materials used shall be ASTM approved.
 - 29 3. All irrigation systems shall include rain sensors.

30 **(g) Signs.** See Chapter 5.

31 **(h) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.

32 **(i) Density transfers.** Same as preceding district.

33
34 **Sec. 3-4.6 Commercial Gateway district, Perdido Key (CGPK).**

35 **(c) Intent and purpose of district.** This district is intended to provide gateways
36 (entryways) into Perdido Key, providing an identity for Perdido Key as a visually
37 attractive, family style, resort community. The district is characterized by resort-
38 related commercial uses, including hotels and motels, as well as high density
39 residential development. The maximum density is 12.5 dwelling units per acre. Refer

1 to the Escambia, County Comprehensive Plan regarding dwelling and lodging unit
2 caps on Perdido Key. [6.05.15.02]

3 **(b) Permitted uses.**

- 4 a. Any use permitted in the CCPK district.
5 b. Hotels and motels. Maximum density shall be 25 units per acre.
6 c. Any uses which are similar or compatible to the uses permitted herein that
7 promote the intent and purpose of this district. Determination shall be made
8 by the planning board (LPA).

9 **(c) Off-street parking and loading requirements.** See Chapter 5.

10 **(d) Screening adjacent to residential districts.** See Chapter 5.

11 **(e) Site and building requirements.**

- 12 a. *Lot coverage.* The lot coverage for residential single-family, two-family
13 (duplex), three-family (triplex), four-family (quadruplex), and townhouse
14 buildings shall be the same as for the R-1PK district. At least 15 percent of
15 each lot or parcel shall remain pervious (85 percent maximum impervious
16 cover ratio) for multifamily dwelling and commercial buildings.
- 17 b. *Lot width.* The minimum lot width for residential single-family, two-family
18 (duplex), three-family (triplex), four-family (quadruplex), and townhouse
19 buildings shall be the same as for the R-1PK district. Multifamily dwelling and
20 commercial buildings shall have no minimum lot width.
- 21 c. *Yards.* The front yard shall be the same as the R-3PK district. The rear yard
22 shall be the same as the C-1PK district. Required side yard setbacks shall not
23 be less than five feet on each side, except where a commercial district is
24 contiguous to a residential district, there shall be a minimum side yard of ten
25 feet on the side abutting the residential district, unless the two districts are
26 separated by a public street, body of water, or similar manmade or natural
27 buffer, in which case no side yard is required. On property abutting estuarine,
28 riverine or creek systems, the setback shall be in accordance with the
29 marine/estuarine/riverine setback (MERS) provisions of this Code or 30 feet,
30 whichever is greater.
- 31 d. *Building heights.* No building shall exceed a height of ten stories.
- 32 e. *Footprint.*
- 33 1. If the lot or parcel is proposed to be improved with, or contains an existing
34 building of two and one-half or more stories, but less than five stories, the
35 footprint of both proposed and existing buildings shall not exceed 25
36 percent of lot coverage.
- 37 2. If the lot or parcel is proposed to be improved with, or contains an existing
38 building of five or more stories, but less than seven stories, the footprint of
39 both proposed and existing buildings shall not exceed 23 percent of lot
40 coverage.

- 1 **3.** If the lot or parcel is proposed to be improved with, or contains an existing
2 building of seven or more stories, but less than nine stories, the footprint
3 of both proposed and existing buildings shall not exceed 21 percent of lot
4 coverage.
- 5 **4.** If the lot or parcel is proposed to be improved with, or contains an existing
6 building of nine or more stories, up to and including ten stories, the
7 footprint of both proposed and existing buildings shall not exceed 19
8 percent of lot coverage.
- 9 **5.** The lot or parcel used in computing the area required to satisfy footprint
10 restrictions on buildings two and one-half stories or greater, may not be
11 crossed, intersected or divided by any public road or right-of-way. If a lot
12 or parcel is divided, crossed, intersected or divided by any public road or
13 right-of-way, footprint restrictions shall be applied to each portion of the
14 divided lot or parcel as if the divided lot or parcel were two separate lots or
15 parcels. In the event a public road or right-of-way splits a lot or parcel and
16 creates public access to a waterway, then the lot coverage for both
17 divisions of the lot or parcel shall be used to determine whether footprint
18 restrictions have been satisfied.

19 **(f) Landscaping.**

- 20 **a.** See Chapter 5.
- 21 **b.** When county landscaping or buffer regulations conflict with requirements of
22 state or federal authorizations, including biological opinions, technical
23 assistance letters or concurrence letters, the conditions in those state or
24 federal documents shall prevail.
- 25 **c.** Landscape plan. All commercial and multifamily projects shall submit a
26 landscape plan as part of the development review criteria. This plan will
27 include plant species proposed, location of all plant material, including areas
28 proposed for sod, areas of natural vegetation to be protected, and an
29 irrigation plan.
- 30 **d.** Xeriscape principles. It is the proposed intent of this ordinance to encourage
31 water conservation through proper plant selection, installation and
32 maintenance practices. The following xeriscape principles are to be
33 incorporated into all landscape designs:
 - 34 **1.** Proposed plant material shall be tolerant of beach conditions, including
35 salt, wind, low nutrient levels, and drought.
 - 36 **2.** Limit turf to locations where it provides functional benefits.
 - 37 **3.** Provide efficient irrigation systems.
 - 38 **4.** Mulches and organic soil amendments to improve water-holding capacity
39 of soil may only be applied north of Perdido Key Drive.
- 40 **e.** Buffer. For developments subject to the landscape provisions Chapter 5, a
41 minimum ten-foot wide landscaped strip shall be required on all roadway

1 frontages, and shall contain one tree and ten shrubs for every 35 linear feet of
2 frontage. For every additional ten feet in width of the landscape area, the
3 plant material required shall be doubled. Preservation of existing plant
4 communities within the required landscaped areas can be used to satisfy this
5 requirement. Buffers required adjacent to residential districts shall include a
6 minimum of two trees and 15 shrubs for every 35 linear feet of required buffer
7 area.

8 f. Vehicular use area. Other than public rights-of-way, those vehicular use areas
9 designed to be used for parking or movement of vehicular traffic shall be
10 separated by a five-foot landscaped strip for any boundary of the property on
11 which the vehicular use area is located. This landscaped strip shall consist of
12 shrubs or groundcovers with a minimum mature height of 24 inches and a
13 maximum mature height of 30 inches. Plant material shall be spaced 18
14 inches to 24 inches apart, depending on their mature size.

15 g. Irrigation system.

16 1. An irrigation system shall be installed for all landscaped areas of the site.

17 2. All irrigation materials used shall be ASTM approved.

18 3. All irrigation systems shall include rain sensors.

19 **(g) Signs.** See Chapter 5.

20 **(h) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.

21 **(i) Density transfers.** Same as preceding district.

22
23 **Sec. 3-4.7 Planned Resort district, Perdido Key (PRPK).**

24 **(a) Intent and purpose of district.** This district is intended to be a large-scale planned
25 resort district, allowing for destination-type mixed uses that include residential and
26 hotel development and the supporting recreational and commercial facilities, all
27 developed within a master planned setting that includes extensive open space,
28 adequate internal pedestrian/bicycle circulation, creative design, resort-related
29 amenities, and adequate buffer areas. Parcels in this district shall have a gross site
30 area of no less than ten acres. A master plan submittal of the overall proposed
31 development is required. The maximum area-wide density is five units per acre.
32 Refer to the Escambia, County Comprehensive Plan regarding dwelling and lodging
33 unit caps on Perdido Key. [6.05.15.03]

34 **(b) Density transfers.** Same as preceding district, but includes building allocation,
35 provision of open spaces, and preservation areas which may be permitted among
36 and between the planned resort district, commercial core district, commercial
37 gateway district and the commercial district, provided the proposed development is a
38 master planned development.

39 **(c) Site plan approval.** Requests for site plan approval shall include competent
40 evidence of unified control of the entire area proposed for development.

- 1 a. The development will be in accordance with an overall master site plan of the
2 entire area under unified control;
- 3 b. Development successors in title shall be bound by the approved site plan.
4 Such site plan shall include but not be limited to maximum project density,
5 overall requirements for open spaces and preservation areas, building
6 coverage allocation, and allocation for incidental commercial uses;
- 7 c. Revision to the approved site plan is permitted; however, all portions of the
8 project shall be in strict accord with the revised master site plan.

9 **(d) Permitted uses.**

- 10 a. Any use permitted in the CGPK district.
- 11 b. Hotels and motels. Maximum density shall be 25 units per acre.
- 12 c. Storage areas for personal use only by residents and guests of the planned
13 resort. Such areas shall be screened by opaque fencing and landscape
14 material a minimum of six feet in height.
- 15 d. Zero lot line development. See Chapter 5.

16 **(e) Off-street parking and loading requirements.** See Chapter 5.

17 **(f) Screening adjacent to residential districts.** See Chapter 5.

18 **(g) Site and building requirements.**

- 19 a. *Lot coverage.* The lot coverage for residential single-family, two-family
20 (duplex), three-family (triplex), four-family (quadruplex), and townhouse
21 buildings shall be the same as for the R-1PK district. Maximum area land
22 coverage by all structures shall not exceed 40 percent of the gross site area
23 for multifamily dwelling and commercial buildings.
- 24 b. *Lot width.* The minimum lot width for residential single-family, two-family
25 (duplex), three-family (triplex), four-family (quadruplex), and townhouse
26 buildings shall be the same as for the R-1PK district. Multifamily dwelling and
27 commercial buildings shall have no minimum lot width.
- 28 c. *Yards.* The front yard shall be the same as the R-3PK district. The rear yard
29 shall be the same as the C-1PK district. Required side yards shall not be less
30 than ten feet. All structures shall be located a minimum of 50 feet from any
31 publicly dedicated right-of-way. On property abutting estuarine, riverine or
32 creek systems, the setback shall be in accordance with the
33 marine/estuarine/riverine setback (MERS) provisions of this Code or 30 feet,
34 whichever is greater.
- 35 d. *Building heights.* No building shall exceed a height of ten stories.
- 36 e. *Open space.*
- 37 1. Open space shall not be less than 30 percent of the total site area.
- 38 2. Fifty percent of the front yard shall remain as open space.

1 **f. *Building separation.***

- 2 1. The minimum distance between structures shall be 15 feet, excluding zero
3 lot-line development.
- 4 2. A multifamily structure, including hotels and motels, shall be located at
5 least 100 feet from any area on the site plan designated for single-family
6 dwellings.
- 7 3. For structures over 35 feet in height, for every two feet in height over 35
8 feet, there shall be an additional one foot of setback at the ground level.

- 9 **g. *Sidewalks.*** Sidewalks shall be required and shall provide pedestrian linkages
10 to residential areas, recreational areas, commercial areas, and any locations
11 where there is the potential conflict between pedestrian and vehicular traffic.
12 These conflict areas shall be marked with appropriate pavement markings to
13 clearly indicate pedestrian crossings.

14 **(h) *Landscaping.***

- 15 **a.** See Chapter 5.

- 16 **b.** When county landscaping or buffer regulations conflict with requirements of
17 state or federal authorizations, including biological opinions, technical
18 assistance letters or concurrence letters, the conditions in those state or
19 federal documents shall prevail.

- 20 **c.** Landscape plan. All commercial and multifamily projects shall submit a
21 landscape plan as part of the development review criteria. This plan will
22 include plant species proposed, location of all plant material, including areas
23 proposed for sod, areas of natural vegetation to be protected, and an
24 irrigation plan.

- 25 **d.** Xeriscape principles. It is the proposed intent of this ordinance to encourage
26 water conservation through proper plant selection, installation and
27 maintenance practices. The following xeriscape principles are to be
28 incorporated into all landscape designs:

- 29 1. Proposed plant material shall be tolerant of beach conditions, including
30 salt, wind, low nutrient levels, and drought.
- 31 2. Limit turf to locations where it provides functional benefits.
- 32 3. Provide efficient irrigation systems.
- 33 4. Mulches and organic soil amendments to improve water-holding capacity
34 of soil may only be applied north of Perdido Key Drive.

- 35 **e.** Buffer. For developments subject to the landscape provisions of Chapter 5, a
36 minimum ten-foot wide landscaped strip shall be required on all roadway
37 frontages, and shall contain one tree and ten shrubs for every 35 linear feet of
38 frontage. For every additional ten feet in width of the landscape area, the
39 plant material required shall be doubled. Preservation of existing plant
40 communities within the required landscaped areas can be used to satisfy this

1 requirement. Buffers required adjacent to residential districts shall include a
2 minimum of two trees and 15 shrubs for every 35 linear feet of required buffer
3 area.

4 **f. Vehicular use areas.**

5 1. Vehicular use areas, other than public rights-of-way, designed to be used
6 for parking or movement of vehicular traffic, shall be separated by a five-
7 foot landscaped strip for any boundary of the property on which the
8 vehicular use area is located. This landscaped strip shall consist of
9 shrubs or groundcovers with a minimum mature height of 24 inches and a
10 maximum height of 30 inches. Plant material shall be spaced 18 inches to
11 24 inches apart, depending on their mature size.

12 2. Interior parking areas shall have one landscape island containing at least
13 one tree and shrubs or groundcovers; as per the above specifications, for
14 every eight continuous spaces.

15 **g. Irrigation system.**

16 1. An irrigation system shall be installed for all landscaped areas of the site.

17 2. All irrigation materials used shall be ASTM approved.

18 3. All irrigation systems shall include rain sensors.

19 **h. Protection from adverse effects.** Orientation of commercial buildings shall be
20 away from residential development within or adjacent to the district. Layout of
21 parking and service areas, access, landscaping yards, courts, walls, signs,
22 lighting and control of noise and other potentially adverse influences shall be
23 such as to promote protection of such residential development, and will
24 include adequate buffering.

25 **(i) Signs.** See Chapter 5.

26 **(j) Lighting.** Artificial beachfront lighting shall conform to Chapter 5.

27 **(k) Hotels, motels and timeshares.** Maximum density for hotels, motels, and lodging
28 unit timeshares shall be 25 units per acre.

29
30 **Sec. 3-4.8 Outdoor Recreational district, Perdido Key (S-1PK).**

31 **(a) Intent and purpose of district.** This district is intended to preserve and maintain
32 the land for outdoor recreational uses and open space. [6.05.20]

33 **(b) Permitted uses.**

34 **a.** Golf courses.

35 **b.** Country clubs and their customary accessory uses.

36 **c.** Bird and wildlife sanctuaries.

37 **d.** Parks and greenbelt areas.

1 **(c) Conditional uses.**

2 a. Public utility and service structures.

3 **(d) Lot coverage.** The amount of impervious surface shall not exceed 20 percent of the
4 total area.

5 **(e) Signs.** See Chapter 5.

1 **Article 5 Pensacola Beach districts.**

2 **Note: The provisions of this section are the current LDC provisions. Only minor**
3 **changes have been made to adjust formatting and remove or correct invalid**
4 **references. Format is not consistent with other districts and terms used are not**
5 **verified.**

6 **Sec. 3-5.1 Building heights. [13.15.00]**

7 **(a) Low and medium density districts.** In the following zoning districts the maximum
8 height shall be 35 feet above the bottom of the lowest horizontal structural member
9 of the first habitable floor area; the first habitable floor shall be at or above the
10 minimum elevation established for the applicable flood zone. The overall height of
11 the structure may not exceed 45 feet above the finished ground level grade:

- 12 a. Low density residential.
- 13 b. Medium density residential.
- 14 c. Medium density residential/commercial.
- 15 d. General retail.
- 16 e. Recreation retail.

17 **(b) High density and non-residential districts.** In the following districts, the maximum
18 height shall be 12 habitable stories plus not more than two stories of parking or
19 storage:

- 20 a. High density residential.
- 21 b. High-density residential/commercial.

22 **(c) Commercial Core Area.** The maximum height shall be 18 habitable stories plus not
23 more than two stories for parking or storage, excepting Gulf front property which is
24 not leased to a private party as of June 4, 1998, commonly referred to as "Casino
25 Beach", and the Gulf from leasehold immediately to the east of and adjoining such
26 property, all of which property shall be limited to three stories in height, habitable or
27 otherwise (from the Hampton Inn, incorporating Crab's and westerly to the area
28 immediately east of the Holiday Inn). This area is defined as being from the east line
29 of Blocks C and H First Addition to Villa Sabine (p.b.5, p.75) to Avenida 10 (the
30 commercial core).

31 **(d) Vested properties.** The following properties are deemed vested insofar as the
32 application of the height restrictions imposed by this ordinance:

- 33 a. *Pensacola Beach Land Trust Property (east of Calle Marbella)* - vested for 21
34 stories for each eight towers pursuant to the lease agreement between
35 Pensacola Beach Land Trust Property and the Santa Rosa Island Authority
36 dated June 30, 1997.
- 37 b. *Santa Rosa Towers Condominium (Fort Pickens Road)* - vested 17 stories
38 (16 stories above parking), pursuant to the Final Judgment issued March 13,
39 1997 in Santa Rosa Dunes Association, Inc. And Lamar N. Coxe, Jr. v. Santa

1 Rosa Island Authority; Escambia County, Florida; Gulfview Partnership and
2 Santa Rosa Towers, Ltd. Case No. 96-1231-CA-01.

- 3 c. *Gulfview Partnership parcel adjacent to Santa Rosa Towers* - vested to 17
4 stories (16 stories above parking), pursuant to the 1986 lease agreement
5 between Gulfview Partnership and the Santa Rosa Island Authority and the
6 option agreement between Gulfview Partners and Santa Rosa Towers, Ltd.,
7 dated April 3, 1998.

8 **Sec. 3-5.2 Low density residential (LDR-PB).** Areas delineated as low density
9 residential are restricted to the development of single family detached homes at
10 densities up to and including four units per acre.

11 **(1) Site and building requirements.**

12 TABLE LDR-PB

Minimum Size Lot	Building Setbacks 1, 2	Parking	Special Requirements
Minimum lot size is 10,000 sq. ft.	Front - 30 feet 3, 4 Side - 15 feet* 4, 5 Rear - 20 feet* 3, 6, 7 *See list for existing subdivisions	Minimum 2 spaces off street	Subdivision plat required. Landscaping requirements per Chapter 5

13 **Notes:**

- 14 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
15 allowed.
16 2. Front is defined as side facing main street or access. If water front property, then
17 side facing water is rear.
18 3. If facing County Road 399 setback shall be 50 feet.
19 4. If sound front, building front setback may be reduced to a minimum of 20 feet.
20 5. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
21 may be based on 10 percent of the average of the front and rear lines, but in no case
22 shall be less than 10 feet unless otherwise specified.
23 6. If Gulf front, building line shall be the most restrictive of 50 feet landward of the crest
24 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
25 (CCCL). In Lafitte Cove, as per recorded plat. In Villa Sabine, as per recorded plat.
26 7. If sound front (Villa Primera and Villa Segunda subdivisions) building setback shall
27 be established as 30 feet upland of the mean high water line, for structures deemed in
28 compliance with current flood elevation requirements and whose shoreline has been
29 stabilized. All other structures shall maintain a building setback of 50 feet upland of the
30 vegetation line.
31 8. First floor level of lowest habitable floor must be in compliance with current flood
32 insurance rate map issued by the National Flood Insurance Program, or this chapter,
33 whichever is greater.
34 9. Enclosures below established base flood level must be accomplished through
35 "break-away" wall construction, and such enclosures may not be used for habitable
36 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
37 combination thereof.)
38

39 **Setbacks.** Listed below are required setbacks for the existing single-family detached
40 subdivisions located on Pensacola Beach.

Name of Subdivision	Front	Side	Rear
Deluna Point	plat	plat	plat
LaCaribe	plat	plat	plat
Lafitte Cove	25 feet	10 feet	plat
Lafitte Cove Unit II	40 feet	plat	30 feet
Santa Rosa Villas	25 feet	7.5 feet 5	10 feet 1, 3, 4
Santa Rosa Villas 1st Addition	30 feet 1	15 feet 2	20 feet 3
Santa Rosa Villas 2nd Addition	30 feet	15 feet 2	20 feet 4
Santa Rosa Villas Estates	plat	plat	plat
Seashore Village	plat	plat	plat
Tristan Villas	plat	plat	plat
Villa Primera	30 feet 1	15 feet 2	20 feet 3, 4
Villa Sabine	30 feet	15 feet	Plat 4
Villa Segunda	30 feet 1	15 feet 2	20 feet 3, 4
White Sands Cottages	30 feet	5 feet	20 feet

1

2 **Sec. 3-5.3 Medium density residential (MDR-PB).** Areas delineated as medium
3 density residential are restricted to the development of detached and multiple dwelling
4 units at densities ranging from five units per acre up to and including 15 units per acre.

5 **(1) Permitted uses.** The following types of uses are permitted under MDR-PB:

- 6 a. Duplexes.
- 7 b. Triplexes.
- 8 c. Multiple Dwellings.

9 **(2) Site and building requirements.**

10 TABLE MDR-PB

Minimum Lot Size	Building Setbacks 1, 2	Parking	Special Requirements
5,000 sq. ft. per unit for first 3 units and 3,000 sq. ft. per unit for remaining units built; maximum density 20 units per net acre; maximum 25% for building only	Front 30 feet 2, 3 Side 15 feet 4 Rear 30 feet 5	See Chapter 5	Subdivision plat required. All multiple owner projects to have approved maintenance association. Landscaping requirements per Chapter 5.

11 *Notes:*

- 12 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
- 13 allowed.

- 1 2. Front is defined as side facing main street or access. If water front property, then
2 side facing water is rear.
- 3 3. If facing County Road 399 setback shall be 50 feet.
- 4 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
5 may be based on ten percent of the average of the front and rear lines, but in no case
6 shall be less than ten feet unless otherwise specified.
- 7 5. If gulf front, building line shall be the most restrictive 50 feet landward of the crest of
8 the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
9 (CCCL).
- 10 6. First floor level of lowest habitable floor must be in compliance with current flood
11 hazard map and flood insurance rate map issued by the National Flood Insurance
12 Program, or this chapter, whichever is greater.
- 13 7. Enclosures below established base flood level must be accomplished through
14 "break-away" wall construction, and such enclosures may not be used for habitable
15 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
16 combination thereof.)
- 17 8. If sound front, building setback line shall be 50 feet upland of the vegetation line.

18 **Sec. 3-5.4 Medium density residential/commercial (MDR/C-PB).** Areas delineated
19 as medium density residential/commercial are for mixed uses including medium density
20 residential, motel, hotel and limited accessory retail uses. Densities shall be in the range
21 of five to 15 units per acre for residential use and for a mix of residential and motel/hotel
22 uses. For developments consisting solely of motel/hotel development, where the
23 application of the five to 15 density range will result in a reduction of the existing number
24 of units, or where such density restrictions will impede efficient motel/hotel
25 development, the Santa Rosa Island Authority may, but shall not be obligated to,
26 recommend conditional use approval to the Escambia County Board of Adjustments
27 such that motel/hotel development may be increased up to a maximum of 20 units per
28 acre. This special exception shall not apply to condominium dwellings which are made
29 available for rental use.

30 **(1) Permitted uses.** The following types of uses are permitted under MDR/C-PB:

- 31 a. Duplexes.
- 32 b. Triplexes.
- 33 c. Multiple dwellings. [multi-family?]
- 34 d. Motel and hotels.
- 35 e. Restaurants.
- 36 f. Tourist related retail goods.
- 37 g. Marinas, etc.
- 38 h. Cocktail lounges and package stores.
- 39 i. Miscellaneous convenience goods stores.
- 40 j. Professional offices.
- 41 k. Realty and property rental offices.

1 I. Personal service establishments.

2 (2) Conditional uses. The following types of use are conditional uses under
3 MDR/C-PB:

4 a. Temporary structures.

5 (3) Site and building requirements.

6 TABLE MDR/C-PB

Minimum Lot Size	Building Setbacks	Project Access Points	Special Requirements
For residential, same as MDR-PB	For residential, same as MDR-PB	For residential, same as MDR-PB	For residential, same as MDR-PB
Tourist oriented, service oriented, & local service, commercial uses, & governmental uses.	Front 50 feet 2 Side 50 feet 3 Rear 40 feet 4	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets. 2. Parking in accordance with Chapter 5

7 Notes:

8 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
9 allowed.

10 2. Front is defined as side facing main street or access. If water front property, then
11 side facing water is rear.

12 3. If facing County Road 399 setback shall be 50 feet.

13 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
14 may be based on ten percent of the average of the front and rear lines, but in no case
15 shall be less than ten feet unless otherwise specified.

16 5. If Gulf front, building line shall be the most restrictive of 50 feet landward of the crest
17 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
18 (CCCL).

19 6. First floor level of lowest habitable floor must be in compliance with current flood
20 hazard map and flood insurance rate map issued by the National Flood Insurance
21 Program, or this chapter, whichever is greater.

22 7. Enclosures below established base flood level must be accomplished through
23 "break-away" wall construction, and such enclosures may not be used for habitable
24 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
25 combination thereof).

26 8. If sound front, building setback line shall be 50 feet upland of the vegetation line.

27 **Sec. 3-5.5 High density residential (HDR-PB).** Areas delineated for high density
28 residential shall be developed for multiple dwelling development in the range of 16 to
29 30 units per acre. [13.03.04]

30 (1) Permitted uses. The following types of use are permitted in HDR-PB:

31 a. Multiple dwelling.

1 **(2) Site and building requirements.**

2 TABLE HDR-PB

Minimum Building Setbacks 1, 2, 3	Maximum Coverage*	Parking	Special Requirements 5
Front 60 feet 2 Side 4 Rear 60 feet	3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19% *Net building coverage maximum percent of land built over	If maximum lot coverage is attained there will be a minimum of 1 parking space per unit inside building. See Chapter 5	1. Maximum 30 units per acre 2. Maximum floor area 500 s.f. per unit for 1 bedroom apts. For 2 bedroom a minimum of 850 s.f. per unit 3. All multiple owner projects to have appropriate maintenance associations 4. Landscaping requirements per Chapter 5

3 *Notes:*

- 4 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
 5 allowed.
 6 2. Front is defined as side facing main street or access. If water front property, then
 7 side facing water is rear.
 8 3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest
 9 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
 10 (CCCL). If sound front, building setback shall be established as 50 feet upland of the
 11 vegetation line.
 12 4. Side setbacks to be determined on an individual basis.
 13 5. First floor level of lowest habitable floor must be in compliance with current flood
 14 hazard map and flood insurance rate map issued by the National Flood Insurance
 15 Program, or this chapter, whichever is greater. No floodproofing methods will be allowed
 16 in the Velocity ("V") Zone. All enclosures below base flood level must be of "break-away"
 17 type construction. Such enclosures may not be used for habitable purposes. (Habitable
 18 includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)
 19 6. If sound front, building setback line shall be 50 feet upland of the vegetation line.

20 **Sec. 3-5.6 High density residential/commercial (HDR/C-PB).** Areas delineated as
 21 high density residential/commercial are for mixed uses including high density
 22 residential, hotel and limited accessory retail uses. Densities shall be in the range of
 23 16 to 30 units per acre for residential uses and for a mix of residential and hotel
 24 uses. For development consisting solely of hotel development, where the
 25 application of the 16 to 30 density range will result in a reduction of the existing
 26 number of units, or where such density restrictions will impede efficient hotel
 27 development, the SRIA may, but shall not be obligated to, recommend conditional
 28 use approval to the BOA such that hotel development may be increased up to a
 29 maximum of 50 units per acre. This conditional use shall not apply to condominium
 30 dwellings which are made available for rental use. **[13.03.05]**

31 **(1) Permitted uses.** The following types of use are permitted under HDR/C-PB:

- 32 a. Condominiums.

- 1 **b.** Motels and hotels.
- 2 **c.** Restaurants.
- 3 **d.** Tourist related retail goods.
- 4 **e.** Marinas, etc. [etc.?.]
- 5 **f.** Cocktail lounges and package stores.
- 6 **g.** Miscellaneous convenience goods stores.
- 7 **h.** Professional offices.
- 8 **i.** Realty and property rental offices.
- 9 **j.** Personal service establishments.

10 **(2) Conditional uses.** The following types of use are conditional uses in HDR/C-
11 PB:

- 12 **a.** Temporary structures.

13

1
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(3) Site and building requirements.

TABLE HDR/C-PB

Minimum Building Setbacks 1, 2, 3 Types of Commercial Uses	Maximum Coverage*	Parking Project Access Points	Special Requirements 5
Front 60 feet Side 4 Rear 60 feet	3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19% *Net building coverage maximum percent of land built over	If maximum lot coverage is attained there will be a minimum of 1 parking space per unit inside building. See Chapter 5. Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county.	1. Minimum floor area 500 sq.ft. per unit for 1 bedroom apts. For 2 bedroom a minimum of 850 sq.ft. per unit. 2. All multiple owner projects to have appropriate maintenance associations. 3. Landscaping requirements per Chapter 5
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 4 Rear 40 feet 3		

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Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, the side facing water is rear.
3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
4. Side setbacks to be determined on an individual basis.
5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater. No floodproofing methods will be allowed in the velocity ("V") zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)
6. If sound front, building setback line shall be 50 feet upland of the vegetation line.

Sec. 3-5.7 General retail (GR-PB). Areas delineated as general retail may be developed for uses pertaining to retail sales and services including motels (in accordance with the density provisions of medium density residential/commercial), restaurants, service stations, marinas, cocktail lounges, tourist related retail goods and professional services, sundries, convenience stores, groceries, professional offices, realty offices, personal service establishments, and substantially similar uses as determined by the Santa Rosa Island Authority Board. **[13.03.06]**

(1) Permitted uses. The following types of uses are permitted in GR-PB:

- a. Motels and hotels.
- b. Restaurants, indoor and drive-in.
- c. Grocery stores.
- d. Miscellaneous convenience goods stores.
- e. Professional offices.
- f. Realty and property rental offices.
- g. Personal service establishments.
- h. Convenience goods stores.
- i. Professional offices.
- j. Personal service establishments.
- k. Realty and property rental offices.
- l. Marinas.
- m. Temporary structures.

(2) Site and building requirements.

TABLE GR-PB

Minimum Lot Size	Building Setbacks 1, 2	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses.	Front 50 feet 2 Side 50 feet 4 Rear 40 feet 3	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets. 2. Parking requirements shall be in accordance with Chapter 5

Notes:

- 1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
- 2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
- 3. If facing County Road 399 setback shall be 50 feet.

1 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
2 may be based on ten percent of the average of the front and rear lines, but in no case
3 shall be less than ten feet unless otherwise specified.

4 5. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest
5 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
6 (CCCL).

7 6. First floor level of lowest habitable floor must be in compliance with current flood
8 hazard map and flood insurance rate map issued by the National Flood Insurance
9 Program, or this chapter, whichever is greater.

10 7. Enclosures below established base flood level must be accomplished through
11 "break-away" wall construction, and such enclosures may not be used for habitable
12 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
13 combination thereof.)

14 **Sec. 3-5.8 Recreation retail (Rec/R-PB).** Areas delineated as recreation retail are
15 for retail establishments relating directly to a specific adjacent beach or other
16 recreation area. Permitted uses include sandwich, fast food and other eating
17 establishments, beachwear and tourist related sundry shops, gift shops,
18 amusements and rental of recreation facilities, e.g. surfboards, jet skis, sailboats,
19 and substantially similar uses as determined by the county. [13.03.07]

20 **(1) Permitted uses.** The following types of uses are permitted in Rec/R-PB:

- 21 a. Restaurants, indoor and drive-in.
- 22 b. Convenience goods stores.
- 23 c. Tourist related retail goods.
- 24 d. Tourist related personal and professional services.
- 25 e. Temporary structures.

26 **(2) Site and building requirements.**

27 TABLE REC/R-PB

Minimum Lot Size	Building Setbacks 1, 2	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 3 Rear 40 feet 4	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with Chapter 5.

28 *Notes:*

- 29 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
30 allowed.
- 31 2. Front is defined as side facing main street or access. If water front property, then
32 side facing water is rear.
- 33 3. If facing County Road 399 setback shall be 50 feet.

1 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
2 may be based on ten percent of the average of the front and rear lines, but in no case
3 shall be less than ten feet unless otherwise specified.

4 5. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest
5 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
6 (CCCL).

7 6. First floor level of lowest habitable floor must be in compliance with current flood
8 hazard map and flood insurance rate map issued by the National Flood Insurance
9 Program, or this chapter, whichever is greater.

10 7. Enclosures below established base flood level must be accomplished through
11 "break-away" wall construction, and such enclosures may not be used for habitable
12 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
13 combination thereof.)

14 **Sec. 3-5.9 Commercial hotel (CH-PB).** Areas delineated as commercial hotel sites
15 are intended primarily for hotel development in keeping with the hotel density
16 guidelines established for hotel uses within the high density residential/commercial
17 districts. This district also permits uses permitted in the recreation retail district.

18 [13.03.08]

19 **(1) Permitted uses.** The following types of uses are permitted in CH-PB:

- 20 a. Motels and hotels.
- 21 b. Restaurants.
- 22 c. Tourist related retail goods.
- 23 d. Marinas, etc.
- 24 e. Cocktail lounges and package stores.
- 25 f. Miscellaneous convenience goods stores.
- 26 g. Professional offices.
- 27 h. Realty and property rental offices.
- 28 i. Personal service establishments.
- 29 j. Temporary structures.

30 **(2) Site and building Requirements.**

31 TABLE CH-PB

Types of Commercial Uses	Minimum Building Setbacks ¹	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental	Front 50 feet ² Side 50 feet ⁴ Rear 40 feet ³	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance

uses		county.	with Chapter 5
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Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
4. Side setbacks to be determined on an individual basis.
5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater. No floodproofing methods will be allowed in the velocity ("V") zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)

Sec. 3-5.10 Preservation (PR-PB). Areas delineated as preservation are environmentally sensitive and permanently set aside for the maintenance of all natural features. Such areas shall not be leased and public access may be restricted as deemed necessary by the SRIA Board. [13.03.09.]

(1) Permitted uses. The following types of uses are permitted in PR-PB:

- a. Areas permanently set aside for preservation in natural state.
- b. Areas temporarily set aside for natural revegetation.

Sec. 3-5.11 Conservation/recreation (Con/Rec-PB). Areas delineated as conservation/recreation are those set aside as open space where the need for recreation is balanced with the need for environmental conservation. Important natural site features, including dune formations, wetlands and areas of native vegetation shall not be eliminated or damaged. Depending on the specific characteristics of each site appropriate recreation uses may include, public parking, beach access boardwalks, nature trails, boat launching areas, docking facilities, picnic areas, restrooms, and other such related uses as may be approved by the Santa Rosa Island Authority consistent with legal requirements presently in force. Other uses may be approved by the county subject to appropriate studies which demonstrate that such uses are environmentally sound and in the public interest. Although all gulf front beaches are places in the Conservation/Recreation Category only dune crosswalks and parking nodes shall be approved east of Avenida 10. The Santa Rosa Island Authority Board also retains the authority to establish temporary preservation areas within areas designated for conservation/recreation where such designations are needed to restrict public access and restore native vegetation. [13.03.10]

(1) Permitted uses. The following types of uses are permitted in Con/Rec-PB:

- a. Picnic shelters and related facilities.

- 1 **b.** Service concessions.
- 2 **c.** Public beaches.
- 3 **d.** Public safety facilities.
- 4 **e.** Public rest shelters and restrooms.
- 5 **f.** Open parks and play areas.
- 6 **g.** Public parking areas.
- 7 **h.** Boat launching facilities.
- 8 **i.** Lifeguard facilities.
- 9 **j.** Nature trails.
- 10 **k.** Conservation areas.
- 11 **l.** Walkways to preserve dunes.
- 12 **m.** Small concession limited to food and drinks.

13 **Sec. 3-5.12 Government and civic (G/C-PB).** Areas designated for government and
14 civic uses are intended to accommodate public services and civic facilities including
15 government offices and operations, public utilities, schools, religious institutions,
16 places of worship, community service organizations, and substantially similar uses
17 as determined by the county. **[13.03.11]**

18 **(1) Permitted uses.** The following types of uses are permitted under G/C-PB:

- 19 **a.** Santa Rosa Island Authority uses.
- 20 **b.** Law enforcement uses.
- 21 **c.** Public safety uses.
- 22 **d.** Public utility and service structures.
- 23 **e.** Schools.
- 24 **f.** Places of worship.